

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT SWAT**

Service Appeal No. 891/2019

Date of Institution ... 08.07.2019

Date of Decision ... 09.12.2021

Mr. Shamshi Khan, S.A.T (BPS-16) GHS Matiltan (Kalam), District Swat.  
... (Appellant)

**VERSUS**

The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar and thirty  
four others. ... (Respondents)

\_\_\_\_\_  
Noor Muhammad Khattak & Syed Abdul Haq  
Advocates ... For Appellant

Muhammad Rasheed,  
Deputy District Attorney ... For official respondents No. 1 to 3

**ROZINA REHMAN** ... **MEMBER (JUDICIAL)**  
**ATIQ-UR-REHMAN WAZIR** ... **MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the

case are that the appellant was appointed as Arabic Teacher (BPS-9) vide order dated 29-03-1988 and in due course was granted BPS-14 vide order dated 02-03-1998. As per seniority list dated 31-07-2012, the appellant was at serial No 51 of the seniority list, but the appellant case for promotion to the post of Senior Arabic Teacher (BPS-16) was deferred and promoted private respondents vide order dated 27-02-2013. Feeling aggrieved, the appellant filed departmental appeal followed by service appeal No. 1079/2013, which was dismissed vide judgment dated 07-11-2016, thereafter, the appellant filed CPLA in the august Supreme Court of Pakistan, but the same was withdrawn by the appellant vide judgment

dated 24-01-2018. The appellant filed another departmental appeal followed by another Service Appeal No. 609/2018, but in the meanwhile the appellant was promoted to the post of Senior Arabic Teacher (BPS-16) vide order dated 28-02-2019, hence such appeal was withdrawn vide order dated 08-03-2019 to file a fresh appeal. Vide instant service appeal, the appellant has made impugned his promotion order dated 28-02-2019 with prayers that the impugned order dated 28-02-2019 may be modified/rectified to the extent the appellant may be allowed promotion to the post of senior Arabic teacher with effect from 27-02-2013, the date, when his other colleagues were promoted and case of the appellant was deferred.

02. Learned counsel for the appellant has contended that the impugned order is against law, facts and norms of natural justice, hence not tenable in the eye of law and is liable to be modified; that the appellant has not been treated in accordance with law, as such the respondents violated Article-4 and 25 of the Constitution; that junior colleagues of the appellant (private respondents) were promoted on 27-02-2013, therefore, the appellant is also held entitled to said promotion; that the treatment meted out to the appellant is based on nepotism and favoritism, therefore not tenable in the eye of law; that the impugned order has been issued in arbitrary manner with malafide, therefore, not tenable and liable to be modified; that as per law, the appellant is entitled to seniority and other benefits from the date, when private respondents were promoted on 27-02-2013.

03. Learned counsel for official respondents No. 1 to 3 has contended that name of the appellant was included in the seniority list and he was duly considered for promotion, but his case for promotion was deferred due to non-recognition/non-equivalence of his certificate (sanad) by Higher Education Commission and junior to the appellant were promoted vide order dated 27-02-2013; that it is correct that the appellant obtained sanad of Shahadatul Alamia from government

Darul uloom Charbagh in May, 2014, but the impugned order of promotion was issued on 27-02-2013; that the appellant was promoted to the post of Senior Arabic Teacher vide order dated 28-02-2019 with immediate effect on the basis of Shahadatul Alamia acquired in May, 2014; that the previous Service Appeal No. 1079/2013 of the appellant was dismissed vide judgment dated 07-11-2016; that CPLA filed by the appellant was also dismissed by august Supreme Court of Pakistan vide judgment dated 24-01-2018 in CP No. 66/2017, hence the issue has been settled by this tribunal as well as the supreme court of Pakistan, which does not warrant any interference.

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


05. Record reveals that case of the appellant for promotion to the post of Senior Arabic Teacher was deferred due to the reason that he did not possess the required qualifications for promotion to next grade. We have observed that the appellant at the time of his initial appointment on 29-03-1988 as Arabic Teacher was duly equipped with the requisite qualification. In 2012 amendments were brought in service rules vide notification dated 13-11-2012 and according to serial No. 10 of the said appendix to notification, qualification for promotion to the post of Senior Arabic Teacher was to possess SSC second class certificate from recognized board with Shahadatul Alamia from recognized Tanzimul Wafaql Madaris or Darul Uloom Saido Sharif swat, Darul Uloom Char bagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other government run Darul Uloom as notified by government from time to time or second class master degree in Arabic from a recognized university. It is noteworthy that the appellant also possessed the same qualification but the sanad so obtained was not from the Madaris as mentioned in the notification. The appellant obtained equivalence certificate from Dar Ul Uloom Char Bagh Swat in May 2014, according to which the qualification already possessed by the appellant were declared equivalent to


Shahadatul Alamia and on the basis of such qualification, granted certificate of Shahadatul Alamia by Darul Uloom Char Bagh Swat to the appellant and on the basis of such equivalence, the appellant was promoted to the post of Senior Arabic Teacher vide order dated 28-02-2019. The appellant is seeking relief to the extent that since he was deferred for want of qualification and now promoted him on the basis of equivalence certificate, which shows that the qualification, which the appellant possessed, were already equal to the one mentioned in service rules, but promotion of the appellant was delayed for no good reason.

06. We have observed that the appellant was already possessing the required qualification, which however was authenticated by Darul Uloom Char Bagh in May, 2014 and which means that case of the appellant for promotion to next grade was wrongly deferred for longer time and the appellant was kept deprived of his due right of promotion, which however was not warranted.

07. In view of the foregoing discussion, the instant appeal is accepted and the impugned order dated 28-02-2019 is modified to the extent that the appellant stands promoted to the post of senior Arabic teacher (BPS-16) with effect from 27-02-2013, the date when private respondents were promoted with all back benefit including seniority. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
09.12.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
CAMP COURT SWAT


  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)  
CAMP COURT SWAT


ORDER  
09.12.2021

Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for official respondents No. 1 to 3 present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and the impugned order dated 28-02-2019 is modified to the extent that the appellant stands promoted to the post of Senior Arabic Teacher (BPS-16) with effect from 27-02-2013, the date when private respondents were promoted with all back benefit including seniority. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
09.12.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
CAMP COURT SWAT

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)  
CAMP COURT SWAT

07/04/2021

Due to COVID-19, the case is adjourned to

09/06/2021 for the same.

09/06/21

Due to non availability of the bench  
the case is adjourned to 08/12/21.

  
READER


  
Reader


08.12.2021

Appellant with counsel present.

Mr. Muhammad Rasheed, Deputy District Attorney for  
respondents present.

Arguments heard. To come up for order on 09.12.2021  
before D.B at Camp Court, Swat.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, Swat

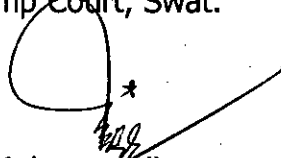
  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

01.03.2021

Appellant with counsel present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Hussain Ali Litigation Officer for respondents present.

Partial arguments heard. For the just decision of case, certain record is required to be produced by the appellant, therefore, directions were issued to the appellant to produce order in respect of his promotion, his appointment order and a certificate from the concerned authority as to whether Certificate of Sanad-ul-Firagh is equivalent to Shahadatul Alamia. To come up for production of all relevant documents and further arguments on the point, on 07.04.2021 before D.B at Camp Court, Swat.



(Mian Muhammad)  
Member (E)  
Camp Court, Swat

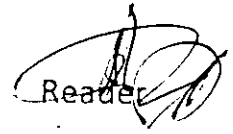


(Rozina Rehman)  
Member (J)  
Camp Court, Swat

4-1 .2020

Due to COVID19, the case is adjourned to

1/03/2020 for the same as before.

Reader 

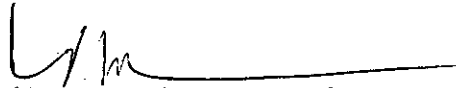


02.11.2020

Appellant in person present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 04.01.2021 for arguments, before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member(E)  
Camp Court, Swat



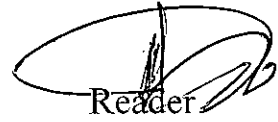
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.



Reader

08.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 09.09.2020, at camp court Swat.




Reader


09.09.2020 Appellant in person present.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Hussain Ali Litigation Officer for respondents present.

Former requests for adjournment as his counsel is busy before Peshawar High Court; granted. To come up for arguments on 02.11.2020 before D.B at Camp Court, Swat.




(Attiq ur Rehman)  
Member (E)  
Camp Court, Swat




(Rozina Rehman)  
Member (J)  
Camp Court, Swat

07.01.2020

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Hussain Ali, Litigation Officer for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 04.02.2020 for rejoinder, if any, and arguments before D.B at Camp Court Swat.

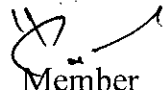
  
(Hussain Shah)  
Member  
Camp Court Swat

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

04.02.2020

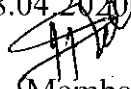
Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Hussain Ali Litigation Officer for the respondents present. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 04.03.2020 before D.B at Camp Court Swat.


  
Member

  
Member  
at Camp Court Swat

04.03.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Hussain Ali Litigation Officer for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on on 08.04.2020 before D.B.

  
Member

  
Member  
Camp Court Swat

*Due to corona virouse today to  
Camp court swat has been cancelled.  
To come of for the same on 03.06.2020  
PR Reeb*

14.10.2019

Junior to counsel for the appellant present. Addl. AG alongwith Hussain Ali, Litigation Officer for respondents No. 1 & 2 present and requests for adjournment. Nemo for private respondents.

Fresh notices be issued to private respondents No. 3 to 35. To come up for written reply/comments of all the respondents on 14.11.2019 before S.B.

  
Chairman

14.11.2019

Counsel for the appellant and Addl. AG alongwith Hussain Ali, Litigation Officer for the respondents present.

The representative of respondents has furnished parawise comments on behalf of the respondents, which are placed on record. An application for transfer of the appeal in hand to Camp Court, Swat has also been submitted by the representative of respondent No. 3.

The memorandum of appeal shows that not only the appellant but also all the private respondents as well as the official respondent No. 3 are stationed at Swat. The application is, therefore, allowed and the appeal is transferred to Camp Court Swat.

On the last date the private respondents No. 3 to 35 were required to be issued fresh notices for submission of reply/comments. The record shows that they have been sent notices accordingly through registered post. Despite, none of the private respondents is in attendance today. They are, therefore, placed ex-parte.

To come up for arguments before the D.B at camp court Swat on 07.01.2020. The appellant may submit rejoinder, within one month, if so desired.

Chairman 

19.08.2019

Counsel for the appellant present.

Contends that initially the grievance of appellant was in terms that he was not promoted as Senior Arabic Teacher (BPS-16) alongwith his colleagues as well as juniors in the year 2013. The reason for non-promotion was disclosed by the respondents was that Sanad of appellant obtained from Ittehad Ul Madaris, Mardan was not recognized for the purpose. The claim of appellant was that he was also a holder of Sanad Shahadat Ul Alamia from Dar Ul Uloom Charbagh, Swat. A service appeal was ultimately preferred and during its pendency notification dated 28.02.2019 was issued which indicated that the appellant was promoted as Senior Arabic Teacher BPS-16 but with immediate effect. Appeal No. 609/2018 was, therefore, withdrawn by the appellant on 08.03.2019 with permission to file fresh one. Essentially, the prayer involved in the present appeal is for retrospective effect of notification dated 28.02.2019. It is also the contention of learned counsel that at the relevant time the appellant had already completed the requisite courses of Shahadatul Alamia, therefore, he was entitled for promotion since the year 2013.

In view of the available record and arguments of learned counsel instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 14.10.2019 before S.B.

Appellant Deposited  
Security & Process Fee

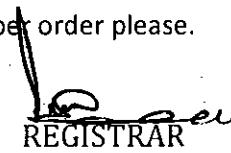
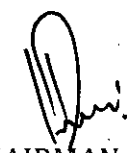
28/8/19

Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 891/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/07/2019	<p>The appeal of Mr. Shamshi Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 8/7/19</p>
2-	09/07/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/08/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

1-29

2/12/19

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

**APPEAL NO.** 891 /2019

**SHAMSHI KHAN**

**VS**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,**  
**ADVOCATE**

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**APPEAL NO. 891 /2019**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 938

Dated 08/07/2019

Mr. Shamshi Khan , S.A.T (BPS-16),  
GHS Matiltan (Kalam), District Swat ..... **APPELLANT**

**VERSUS**

- 1- The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), Swat at Gul Kada.
- 4- Mr. Muhammad Ishaq, SAT, GMS Jehanabad, District Swat.
- 5- Mr. Hussain Ahmad, SAT, GHS No.4, Mingora District Swat.
- 6- Mr. Aziz Ahmad, SAT, GHS Torogay, District Swat.
- 7- Mr. Abdul Wadood, SAT (BPS-16), GHCMS Wadudia, Swat.
- 8- Mr. Abdul Hassan, SAT (BPS-16), GHS Shagai, District Swat.
- 9- Mr. Muhammad Naeem, SAT (BPS-16), GHS Gwalarai, Swat.
- 10- Mr. Muhammad Yousaf, SAT, GHS GMS Kabalkoo, Swat.
- 11- Mr. Shah Hussain, SAT, GHS Kanju, Swat.
- 12- Mr. Siraj Ul Haq, SAT, GMS Dero, Swat.
- 13- Mr. Ihtesham Ul Haq, SAT, GHS Kanju, Swat.
- 14- Mr. Lutfullah, SAT, GHS Qambar, District Swat.
- 15- Mr. Fazal Khaliq, SAT, GHS Tindo dag, District Swat.
- 16- Mr. Nawab Ali Khan, SAT, GHS Bandai, District Swat.
- 17- Mr. Abdur Razaq, SAT, GHS Nawikalay (M), District Swat.
- 18- Mr. Miftahud Din, SAT, GHSS Fatehpur, Swat.
- 19- Mr. Said Muhammad, SAT, GHSS Baidara, Swat.
- 20- Mr. Farooq Shah, SAT, GHS Parri, District Swat.
- 21- Mr. Fazli Azim, SAT, GHS Rahatkot, District Swat.
- 22- Mr. Khurshid Ali, SAT, GHS Deolai, District Swat.
- 23- Mr. Fazal Raziq, SAT, GHS Sirsinai, District Swat.
- 24- Mr. Amir Zada, SAT, GHS Laikot, District Swat.
- 25- Mr. Abdul Qayum, SAT, GHS Labat, District Swat.
- 26- Mr. Ghulam Muhammad, SAT, GHSS Kalam, District Swat.
- 27- Mr. Murad Khan, SAT, GMS Jalband, District Swat.
- 28- Mr. Rohul Amin, SAT, GHSS Shamozai, District Swat.
- 29- Mr. Inam Ur Rehman, SAT, GHS Shamozai, District Swat.
- 30- Mr. Muhammad Ishaq, SAT, GHS Tall, District Swat.
- 31- Mr. Fazal Hadi, SAT, GHS Barawal, District Swat.
- 32- Mr. Fazal Rabi, SAT, GHS Shalpin, District Swat.
- 33- Mr. Muhammad Salahud Din, SAT, GHS Kokarai, District Swat.
- 34- Mr. Muhammad Ghani, SAT, GHSS Kishwara, District Swat.
- 35- Mr. Watan Karam, SAT, GMS Damana, District Swat.

..... **RESPONDENTS**

Filed to-day  
Registrar  
8/7/19



**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28.02.2019 WHEREBY THE APPELLANT HAS BEEN PROMOTED TO THE POST OF SENIOR ARABIC TEACHER (BS-16) WITH IMMEDIATE EFFECT RATHER THAN WITH RETROSPECTIVE EFFECT I.E. W.E.F. 27.2.2013 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STIPULATED PERIOD OF NINETY DAYS**

**PRAYER:**

**That on acceptance of this appeal the impugned order dated 28.2.2019 may very kindly be modified/rectified to the extent that the appellant may be allowed promotion to the post of Senior Arabic Teacher (BPS-16) w.e.f 27.02.2013 i.e. from the date when private respondents were promoted with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHEWETH:**

**ON FACTS:**

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

- 1- That appellant was initially appointed as Arabic Teacher vide order dated 29.03.1988. Copy of the appointment order is attached as **annexure .....** **A.**
- 2- That at the time of appointment the appellant was equipped with the requisite qualification acquired from recognized institutes. That after appointment the appellant started his duty quite efficiently and up to the entire satisfaction of his superiors. Copies of the Educational testimonials are attached as annexure .....
- 3- That during service the appellant was allowed/granted BPS-14 by the respondents vide order dated 2.3.1998. That as per seniority list issued by the Elementary and Secondary Education Department, District Swat circulated on 31.07.2012 the appellant was placed at serial No.51. Copies of the order and seniority list are attached as **annexure .....** **C and D.**

- 4- That appellant was quite hop full for his promotion to the post of SAT (BPS-16) but astonishingly the petitioner was differed by the respondents without any reason and clear justification and promoted the private respondents vide order dated 27.2.2013. Copy of the promotion order is attached as annexure ..... **E.**
- 5- That feeling aggrieved from the promotion order dated 27.02.2013 the appellant preferred departmental appeal followed by service appeal No.1079/2013 but the same was dismissed vide judgment dated 7.11.2016 on the reason that appellant has got religious Sanad from Ittehad Ul Madaris, Mardan which is not a recognized institute in the prevailing Rules of the respondent Department. That where after the appellant filed CPLA before the august Supreme Court of Pakistan but the same was withdrawn by the appellant vide judgment dated 24.1.2018. Copies of the letter and judgments are attached as annexure ..... **F, G and H.**
- 6- That the appellant filed another Departmental appeal before respondent No.3 on the basis of Sanad of Shahadat Ul Alamia (**already attached**) acquired from Government recognized Institute i.e. Dar Ul Uloom Charbagh, District Swat with first Division in Metric. Copies of the Departmental appeal and notifications are attached as annexure ..... **I & J.**
- 7- That where after the appellant another service appeal before this august Tribunal and during the pendency of the said service appeal the appellant has been promoted to the post of S.A.T (BPS-16) vide order dated 28.02.2019 with immediate effect, whereas, the promotion of the appellant was due from 27.02.2013 i.e. from the date when other colleagues (private respondents) of the appellant were promoted. That after issuance of the said order the appellant withdrawn the said service appeal. Copies of the promotion order dated 28.02.2019 and withdrawal order are attached as **annexure** ..... **K & L.**
- 8- That feeling aggrieved from the order dated 28.02.2019 the appellant preferred departmental appeal on 11.03.2019 but no response has been received till the expiry of the stipulated period of ninety days. Copy of the departmental appeal is attached as **annexure** ..... **M.**
- 9- That appellant having no other adequate remedy prefer the instant appeal on the following grounds amongst the others.

**GROUND:**

- A-** That the impugned order dated 28-02-2019 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified.
- B-** That the Appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That junior colleagues (Private respondents) of the appellant were promoted on 27-02-2013, therefore the appellant is also entitled from the said date but the respondents discriminated the appellant and thus violated Article 25 of the Constitution of Islamic republic of Pakistan, 1973.
- D-** That the treatment meted out to the appellant is based on nepotism and favoritism, therefore not tenable in the eye of natural justice.
- E-** That the impugned order dated 28-02-2019 has been issued in arbitrary and malafide manner, therefore not tenable and liable to be modified.
- F-** That as per Rules and regulations the appellant is entitled for the seniority and other benefits from the date when private respondents were promoted i.e. w.e.f 27-02-2013.
- G-** That Appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 08-07-2019

**APPELLANT**

  
**SHAMSHI KHAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**&**

**SHAHZULLAH YOUSAFZAI  
ADVOCATES**

۴۔ یہ کہ من سائل کو سال 2018ء میں ایک دفعہ پھر AT سے SAT کو حکمانہ DPC جناب DEO صاحب سوات کے دفتر سے سیناریٹی لسٹ پر پہلے نمبر پر رکھا گیا۔ آنحضرت سے حکمانہ آرڈر بمورخہ 22.02.2019، آرڈر نمبر 80-4675 جاری ہوا اور DEO صاحب سوات کے دفتر سے مورخہ 28.02.2019 کو حکم نامہ جاری ہوا۔ مذکورہ حکم میں من سائل کو دور دراز ضلع سوات کے آخری حصہ بمقام پارٹنری ہائی سکول میں SAT کو ترقی دی گئی جس پر من سائل نے DEO سوات کو درخواست دی جو کہ منظور ہو کر من سائل GHSS فتح پور کو تبدیلی کا حکم جاری کیا۔ یہ امر مد نظر ہے کہ GHSS فتح پور تقریباً 100 کلومیٹر دور واقع ہے۔ (نقل حکم لف ہے)۔

۵۔ یہ کہ اب من سائل معروض ہوں کہ 27.02.2019 کو جناب DEO صاحب سوات کے دفتر سے من سائل کو AT سے SAT کو ترقی دیکر ہائی سکول پارٹنری سوات کو جو حکم جاری ہوا تھا اس کے مطابق من سائل کی سیناریٹی بمطابق پروموشن آرڈر مورخہ 27.02.2013 غلام محمد اور نادر خان مذکورہ سے کافی جو نیئر ثابت ہوا، جو کہ سراسر نا انصافی ہے۔ دوسری بات یہ کہ من سائل نے 31 سال ملازمت کی۔ اب من سائل ضعیف العمر ہوں۔ غلام محمد اور نادر خان مذکورہ کو گھروں میں wrong posting پر من سائل کی حق تلفی کی گئی ہے۔ اور مورخہ 27.02.2013 میں من سائل کو ہائی سکول مٹلتان پر AT سے SAT کو approval دیکر بحال رکھا جائے۔ بصورت متبادل غلام محمد SAT کو ہائیر سیکنڈری کالام سے ہائیر سیکنڈری سکول فتح پور کو اور من سائل کو ہائیر سیکنڈری سکول فتح پور سے ہائیر سیکنڈری سکول کالام کو بمعہ جملہ حقوق سمیت سیناریٹی کو 27.02.2013 سے بحال رکھنے کا حکم صادر فرمایا جائے۔

لہذا بمطوری اپیل ہذا، من سائل کو ہائیر سیکنڈری سکول فتح پور سے ہائیر سیکنڈری سکول کالام کو بمعہ جملہ حقوق سمیت سیناریٹی کو 27.02.2013 سے بحال رکھنے کا حکم صادر فرمایا جائے۔ نیز دیگر دادرسی جو قرین انصاف ہو، بھی بحق من سائل مرحمت فرمائی جائے۔

حرف

شمشی خان ولد گل دیدار

سکنہ مٹلتان، ڈاکخانہ کالام، تحصیل بجرین ضلع سوات۔

شناختی کارڈ نمبر: 15602-0462649-3

موبائل نمبر: 0348 9603805

مورخہ 11.03.2019

ATTESTED

OFFICE OF THE DIRECTOR OF EDUCATION (S) MALAKAND DIVISION SAIDU SHARIF.

APPOINTMENT.

Mr. Shamshi Khan (Honours in arabic) S/O Gul Dider resident of Village Matiltan District Swat is hereby temporarily appointed against vacant A.T. post at GHS. Baz Dara (Mikd: Agency) in BPS-No. 9 @ Rs. 830-82/P.M. plus usual allowances as admissible to him under the rules with effect from the date of his taking over charge in the interest of public service subject to the following terms & conditions:-

TERMS & CONDITIONS:-

- 1- No T.A./D.A. is allowed.
- 2- Charge reports should be submitted to all concerned.
- 3- The appointment is made purely on temporary basis and subject to termination at any time without notice & assigning any reason. In case of resignation, he shall have to submit one month's prior notice to the Deptt: or forfeit one month's pay in lieu thereof to the Government.
- 4- He should produce his health & age certificates from the Civil surgeon concerned.
- 5- The Head of the Institution is required to check his academic/professional certificates before handing over charge to the Candidate concerned.
- 6- He should not be handed over charge if his age exceeds 33 year or below 19 years.
- 7- If the Candidate failed to take over charge within 15 days of the Issue of this order, his appointment shall stand automatically cancelled.

(H. Abdur Rasid Khan)  
DIRECTOR OF EDUCATION,  
MALAKAND DIVISION  
SAIDU SHARIF, SWAT.

Endst: No. 3753-55 / A- V.P.P.

Dated 27/9 / 1988.

Copy forwarded to :-

- 1- Distt: Edu: Officer (M) Malakand Agency etc.
- 2- M/Teacher, GHS. Bazdara (Mikd: Agency) is required to send the professional/academic certificates to the concern Institution for verification.
- 3- Candidate concerned.

for/

*M.A.*  
D.O.  
DIRECTOR OF EDUCATION,  
MALAKAND DIVISION,  
SAIDU SHARIF, SWAT.

ATTESTED

\*Taj Mohammad/\*

BETTER COPY - (5)

**OFFICE OF THE DIRECTOR OF EDUCATION (S) MALAKAND**  
**DIVISION EDUCATION SHARIF**

**APPOINTMENT:**

Mr. Shamshi Khan (Honour in Arabic) S/O Gul Didar resident of Village Matiltan District Swat is hereby temporarily appointed against vacant A.T post at GHS Baz Dara (Malakand Agency) in BPS-9 Rs. 833-88/P.M. plus usual allowances as admissible to him under the rules with effect from the date of his taking over charge in the interest of public service subject to the following terms & conditions:-

**TERMS & CONDITIONS:-**

- 1- No T.A/DA is allowed.
- 2- Charge report should be submitted to all concerned.
- 3- The appointment is made purely on temporary basis and subject to termination at any time without notice & assigning any reason. In case of resignation he shall have to submit one month prior notice to the Department forfeit one month's pay in lieu thereof to the Government.
- 4- He should produce his health & age certificates from the Civil surgeon concerned.
- 5- The Head of the Institution is required to check his academic/professional certificate before handing over charge to the Candidate concerned.
- 6- He should not be handed over charge if his age exceed 33 year or below 19 years.
- 7- If the candidate failed to take over charge within 15 days of the issue of this order, his appointment shall stand automatically cancelled.

ATTESTED



(H. Abdur Rashid Khan)  
Director of Education  
Malakand Division  
Saidu Sharif, Swat

Endst: No. 3753-55/A-3/A.T

Dated 27/2/1999.

S. No. 0455911

Roll No. -20976

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 1984 (ANNUAL)

THIS IS TO CERTIFY THAT Shamsha Khan

Son/Daughter of Gul Didar

and a student of Govt : High School, Fatehpur, Swat.

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Peshawar held in April 1984 as a *Regular candidate*. He/She obtained 412 Marks out of 850

and has been placed in Grade  D  Representing Fair

The Candidate passed in the following subjects:

- |            |                 |                 |                     |
|------------|-----------------|-----------------|---------------------|
| 1. English | 3. Islamiyat    | 5. Pak Studies. | 7. Gen Mathematics. |
| 2. Urdu    | 4. Gen Science. | 6. Isl Studies. | 8. Pashto.          |

He/She has been awarded Grade  C  on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Second March  
one thousand nine hundred and Sixty Eight. (1968-3-2)

Asstt. Secretary

9th August 1984

ATTESTED

Secretary

This certificate is issued without alteration or erasure.

(7)

s. No 9018307

Roll No. 362



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION**



Peshawar N.W.F.P. Pakistan  
Honours Examination  
SESSION 1987

THIS IS TO CERTIFY THAT Shamsh: Khan

Son of Gul Didar

and a resident of Swat District

has passed the HONOURS in Arabic

Examination of the Board of Intermediate & Secondary Education, Peshawar

held in July, 1987 in the Second Division

Registered No. 276-B/AR-87

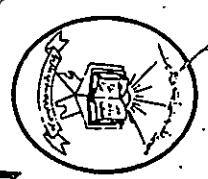
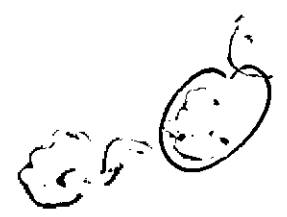
**ATTESTED**

Asstt. Secretary

Secretary

*This certificate is issued without alteration or erasure.*





وزارت اعلیٰ تعلیم و تربیت، پنجاب  
**شہادۃ العالمیہ**  
 سوات جارجیا سوات جارجیا

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

الحمد لله الذي نور قلبنا بكتابه المبین. والصلوة والسلام على رسوله محمد خاتم النبیین. وعلى آله ورضعته اجمعین.

وبعد فنشهد ان الاخ محمد خان بن سلطان كلال سوات

المولود عام 1968 م - 1389 هـ قلائم الدراسة النهائية في دارالعلوم الاسلامیة الحکومیة الواقعة فی سیدو شریف من سوات

ونجح فی الامتحان النهائي المستعمل فی 1435 هـ بتقدير جید جیرا وقد حصل علی 426 درجات من

مجموع 400 درجات بمعدل 71 % وبذلك استحق الشهادة العالمية.

ونحن اذ نمنحه الشهادة نوصیه ان یبقى الله وان ینزل جهده فی سبیل نشر العلوم الاسلامیة وخدمة الاسلام والمسلمین.

توقيع المدير امناءات المدرستین

مؤتمرسigned توقيع صدر الیوم سوات

رقم السلسلة 70/514 رقم المدرسة 130

رقم الجورنل 130 تاریخ الاصدار 20/01/14

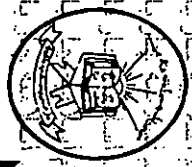
Dist. Edu Officer (M) District Swat

Handwritten notes and stamps in the left margin, including a date stamp '20/01/14' and other illegible text.

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Handwritten mark in a circle at the top right corner.

Handwritten mark 'A' at the top right corner.



# شهادة الدراسة الثانوية العامة بالتفصيل

الحمد لله الذي نور قلوبنا بما  
اراد الله الا ان نؤمن بالآيات  
التي نزلت علينا من ربنا  
العليم  
ويعلم اننا قد حضرنا في  
الامتحان المذكور في  
الوقت والمكان المذكورين  
والتزمنا بالانظمة والتعليمات  
التي وضعتها الوزارة  
والتفاهة التي نزلت علينا  
من ربنا العزيز  
والتفاهة التي نزلت علينا  
من ربنا العزيز  
والتفاهة التي نزلت علينا  
من ربنا العزيز

Countersigned

Distt. Edu Officer (M)  
District Swat

Handwritten signature and stamp of the District Education Officer.

Handwritten signature and stamp of the District Education Officer.

ATTESTED  
رقم الطورس 130-ع  
تاريخ الاصدار 20/04/2014

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رقم الشهادة: ١٥



في عداد اللام ومن الاسلام بالهوى في مردان

الرحمد لله رب العالمين والصلوة والسلام على خاتم الانبياء والمرسلين وعلى اله وصحبه اجمعين أما بعد فان رئاسة ووزارة الادرار والوحيه  
 بيا كستان تشترط بان الشيخ مولانا شمشي خان - هكاه بيد اب - من مضافات - سولات  
 المرور في عام - - - - - قد اتت الادراسة النهاية في جامعة مفتح القرائك لاسوات) - ونجح في امتحانها النهاية المنفقه تحت  
 اشرف اتحاد المدرسين العربيه في شعبان ١٤١٩ هـ - وبناء على ذلك استحق الشهادة العمليه و رئيس  
 الاتحاد اذ يمنحه صله والشهادة بفرصه بتقوى الله تعالى - ويسأل الله عز وجل ان يسلك به سبيل العلماء العاملين -  
 توقيع مدير الجامعة

توقيع رئيس المدرسين

توقيع الامين العام

توقيع رئيس الاتحاد

رقم التسجيل: ٧١٢  
 رقم المجلس: ٢٣٨٩  
 الدرجات: ٣٣٥/٧١٠٠  
 محل الاصدار: المكتب الرشدي مردان  
 التاريخ: ٧٧/١٩٩٦

ABDUL WAHAB

S.C.T-BRS-16 (Gazetted)  
G.H.S. Matillan, K. Islam, Swel



BETTER COPY - 11

DEPUTY DIRECTOR ELEMENTARY EDUCATION  
P&D DIVISION AT GUL KADA, SWAT

**OFFICE ORDER:**

Consequent upon passing of Shahdatul Alamia in r/o Molvi Shamshi Khan AT GHS Matiltan Kalam Swat is hereby allowed in BPS-11 w.e.f. 1.3.96 according to the Notification No.FD (FRC)-1-1/89 dated 27.08.91.

MUHAMMAD ZAFIR KHAN  
DIVL: DIRECTOR

Endst: No. 2668-70/

Dated: 2/3/1998

ATTESTED



C- (11)

(11)

No. 743998  
HEAD MASTER, GOVT. HIGH SCHOOL, MATILAN, DIST. SWAT.  
HEAD MASTER, GOVT. HIGH SCHOOL, MATILAN, DIST. SWAT.

Consent upon request of Ashadul Khan in s/o Solvi, Changan Khan, C. Battalion and am post is hereby allowed in BHO:HO:74 with effect from 1.1.55, according to the notification G.O. WD(IRC)4-1/55 Dated, 5.7.55.

Necessary entry of this effect should be made in his S/Bo

HEAD MASTER, GOVT. HIGH SCHOOL, MATILAN, DIST. SWAT.  
HEAD MASTER, GOVT. HIGH SCHOOL, MATILAN, DIST. SWAT.

266(R-70)

Dated, 2/3/1955

Copy to:-

- 1. The District Commissioner, Peshawar.
- 2. The District Commissioner, Swat.
- 3. The District Commissioner, Peshawar.

HEAD MASTER, GOVT. HIGH SCHOOL, MATILAN, DIST. SWAT.

Attested

HEAD MASTER,  
G.O. MATILAN,  
DIST. SWAT.

Attested  
Head Master,  
Govt. High School,  
Matilan, Distt: Swat.

Attested

Attested

Attested

No.



D-12

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION, SWAT AT GULKADA.

TENTATIVE SENIORITY LIST OF AT DISTRICT SWAT CORRECTED UP TO 31/07/2012.

AT Com.

Sr No	Name with academic and professional Qualification	Father's Name	Academic Qualification	Professional Qualification	Date of birth	Domile	D/O of 1st Appt in Education Dept	D/O of appt on the present post	Date of taking over charge in this District	Place of posting	Remarks
3	4	5	6	7	8	9	10	11	12		
3	Mian Noor Bache	Said Bacha	MA Arabic	B.Ed/Shahdadi Alamia	01-12-52	SWAT	01-01-82	26-10-82	01-01-82	GHS No. 4 Mingora	
2	2 Samiul Haq	Ghulam Ahmad	MA Arabic	Shahdadi Alamia	03-01-57	SWAT	27-07-82	27-10-83	27-07-82	GHS Khwazakhela	
3	7 Sher Zaman	Mohammad Gulab	SSC	Shahdadi Alamia	09-10-53	SWAT	01-10-80	01-11-83	01-10-80	GHS Islampur	✓
4	5 Abdul Malik	Yar Muhammad Khar	SSC	Shahdadi Alamia	07-02-59	SWAT	27-07-82	01-11-83	27-07-82	GHS Jambil	
5	6 Muhammad Tahir	Abdul Karim	SSC	Shahdadi Alamia	04-09-51	SWAT	05-07-79	01-11-83	05-07-79	GHS Chuprial	✓
6	9 Gul Bacha	Fazal Rahman	SSC	Shahdadi Alamia	31-12-54	SWAT	15-12-83	15-12-83	15-12-83	GHSS Kalam	
7	10 Abdul Qanar	Muhammad Zaman	SSC	Shahdadi Alamia	25-2-55	SWAT	29-02-84	29-02-84	29-02-84	GHS Painsday	✓
8	11 Wazir Muhammad	Abdul Majid	SSC	Shahdadi Alamia	04-10-56	SWAT	04-10-82	11-11-84	04-10-82	GHS Nawagai	
9	12 Azizullah	Munammad Sherin	SSC	Shahdadi Alamia	01-04-62	SWAT	14-11-84	14-11-84	14-11-84	GHS Sakran	✓
10	13 Fazzal Mabood	Shafullah	SSC	Shahdadi Alamia	01-04-59	SWAT	03-03-83	15-11-84	03-03-83	GHS Gulibagh	
11	14 Irfanud Din	Ghani Gul	SSC	Shahdadi Alamia	01-02-50	SWAT	26-10-74	24-11-84	28-10-74	GHS Labet	✓
12	15 Abdur Aziz	Muhammad Qasim	SSC	Shahdadi Alamia	23-03-56	SWAT	25-03-84	18-12-84	25-03-84	GHS Beha	
13	16 Abdur Rahim	Babc Jan	SSC	Shahdadi Alamia	21-01-58	SWAT	10-01-85	10-01-85	10-01-85	GHS Durishkhela	
14	17 Abdus Saboor	Ghulam Ahmad	SSC	Shahdadi Alamia	01-01-53	SWAT	17-03-79	23-01-85	17-03-79	GHS Shalpin	✓
15	16 Ibrahim	Muhammad Israil	BA	Shahdadi Alamia	01-01-58	SWAT	31-01-85	31-01-85	31-01-85	GHS No-3 Mingora	
16	19 Ghulamullah Shah	Said Jilani	MA	Shahdadi Alamia	01-01-51	SWAT	11-03-85	11-03-85	11-03-85	GHS No.1 Mingora	
17	21 Q.M. Mubarik	Arifullah	SSC	Shahdadi Alamia	20-05-55	SWAT	16-05-85	16-05-85	16-05-85	GMS Damana	
18	22 Irfanud Din	D.M. Khan	MA/ARBI	Shahdadi Alamia	30-08-63	SWAT	18-05-85	04-07-85	18-05-85	GHS No.3 Mingora	
19	23 Mian Hussain Shah	Muhammad G Hussain	SSC	Shahdadi Alamia	04-07-58	SWAT	04-07-85	04-07-85	04-07-85	GMS Peochar	
20	24 Muhammad Ali	S.Alam Khan	SSC	Shahdadi Alamia	11-02-64	SWAT	19-08-85	19-08-85	19-08-85	GMS Dabergay	✓
21	27 Muhammad Nabi	Abdul Manan	SSC	Shahdadi Alamia	18-09-60	SWAT	01-10-85	01-10-85	01-10-85	GMS Dabergay	
22	26 Abdur Raziq	Talimand	SSC/MA	Shahdadi Alamia	20-05-63	SWAT	11-03-85	01-10-85	11-03-85	GMS Manpetai	✓
23	29 Inayatullah	Abdur Rasool	BA	Shahdadi Alamia	16-06-56	SWAT	12-04-75	26-10-85	12-04-75	GHS Shahdherai	
24	31 Bahramand	Hazrat Umar	MA/ARBI	Shahdadi Alamia	21-04-64	SWAT	06-11-85	06-11-85	06-11-85	GHS Bahrain	
25	32 Bache Gul	FAzal Hanan	SSC	Shahdadi Alamia	21-11-55	SWAT	12-11-85	12-11-85	12-11-85	GMS Galoch	
26	33 Taqwemul Haq	Hazrat Bilal	SSC	Shahdadi Alamia	06-03-56	SWAT	17-01-85	17-01-85	17-01-85	GHS Manglor	
27	34 Muhammad Hifal	Hazrat Bilal	SSC	Shahdadi Alamia	07-01-56	SWAT	07-01-85	01-01-86	07-01-85	GMS Gary	
28	36 Abdul Wahab	Abdul Akram	SSC	Shahdadi Alamia	05-03-56	SWAT	23-02-85	23-02-85	23-02-85	GMS Talang	
29	37 Abdur Rahman	Muhammad Israil	SSC	Shahdadi Alamia	05-02-57	SWAT	15-03-86	15-03-86	15-03-86	GHS Derai	
30	38 Abdul Ahd	Muhammad Ali	SSC	Shahdadi Alamia	01-01-55	SWAT	19-03-86	19-03-86	19-03-86	GHS Khwazakhela	
31	40 Muhammad Sherin	Fazal Mughammad	SSC	Shahdadi Alamia	27-11-57	SWAT	01-11-86	23-11-86	01-11-86	GHS Mingora	
32	39 Muhammad Saleh	Sham Haidar	SSC	Shahdadi Alamia	01-01-59	SWAT	16-01-85	23-11-86	16-01-85	GHS Swagafai	
33	41 Habib Ahmad	Ghazi Gul	SSC	Shahdadi Alamia	04-02-67	SWAT	23-11-86	23-11-86	23-11-86	GHS Topsin	
34	43 Rafiq Ahmad	Noor Huda	MA/ARBI	Shahdadi Alamia	02-05-61	SWAT	26-11-86	26-11-86	26-11-86	GHS Totano Bandai	

ATTESTED

*[Handwritten Signature]*

*Mentul Ahmad, Nazirul Hameed, P.A., S. Khan, 16.3.86 sent 28.12.89 28/11/89 29/10/89 GMS Chafala*

13

Sr.No	Sub	Name with academic and professional Qualification	Father's Name	Academic Qualification	Professional Qualification	Date of birth	Domicile	E/O of Ist Appt in Education Dept.	D/O of appt. on the present post	Date of taking over charge in this District	Place of posting	Remarks
35	44	Ahmad Hussain	Ghazi Gul	SSC	Shahdatul Alamia	02-01-62	SWAT	27-11-86	27-11-86	27-11-86	GHS Khazana	
36	45	Abdur Rahman	Per Said	SSC	Shahdatul Alamia	01-12-64	SWAT	27-11-86	27-11-86	27-11-86	GHS Amenkot	
37	46	Azizur Rahim	Sher Dil	SSC	Shahdatul Alamia	17-05-58	SWAT	29-11-86	29-11-86	29-11-86	GHS Chamtalai	
38	48	Abdul Mubin	Abdul Jalli	SSC	Shahdatul Alamia	03-05-61	SWAT	01-12-86	01-12-86	01-12-86	GHS Baidara	
39	52	Muhammad Gasim	Abdur Rahman	MA/ARBI	Shahdatul Alamia	03-09-56	SWAT	01-09-84	11-12-86	01-09-84	GMS Toha	
40	53	Sher Bahadar	Qasim Jan	SSC	Shahdatul Alamia	08-02-56	SWAT	15-12-86	15-12-86	15-12-86	GMS Lakhari	
41	54	Muhammad Karim	Muhammad Rahim	MA	Shahdatul Alamia	15-04-63	SWAT	18-02-87	18-02-87	18-02-87	GHS Sigram	
42	55	Muhsin Ali	Manjawan	SSC	Shahdatul Alamia	28-03-56	SWAT	28-03-87	28-03-87	28-03-87	GHS Dakorak	
43	57	Muhammad Naeem	Hazrat Umar	SSC	Shahdatul Alamia	18-06-60	SWAT	04-11-86	01-08-87	04-11-86	GHS Gwalera	
44	58	Zainul Abid Din	Sherdad Khan	SSC	Shahdatul Alamia	01-07-59	SWAT	26-09-87	26-09-87	26-09-87	GMS Bahram	
45	59	Merza Ghailb	Muhammad Zarin	MA/ARBI	Shahdatul Alamia	01-01-67	SWAT	29-09-87	27-09-87	29-09-87	GHS Utror	
46	60	Muhammad Ishaq	Abdul Haleem	SSC	Shahdatul Alamia	04-04-64	SWAT	29-10-87	29-10-87	29-10-87	GMS Ser	
47	61	Sultan Mohammad	Alimand	MA	E.Ed/Shahdatul Alamia	12-04-66	SWAT	29-10-87	29-10-87	29-10-87	GHSS Charbagh	
48	62	Bashir Ahmad	Abdul Matin	SSC	Shahdatul Alamia	03-02-61	SWAT	16-11-87	16-11-87	16-11-87	GHS Nazar Abad	
49	63	Said Jawhar	Said Jamil Samad	SSC/MA	Shahdatul Alamia	12-05-65	SWAT	26-01-88	28-01-88	26-01-88	GMS Paqra	
50	64	Inayatullah Rahman	Muhammad Bashir	SSC	Shahdatul Alamia	02-04-65	SWAT	03-03-88	03-03-88	03-03-88	GMS Aligrama	
51	65	Shamshi Khan	Gul Dilan	SSC	Shahdatul Alamia	02-03-68	SWAT	01-04-88	01-04-88	01-04-88	GHS Matiltan	
52	66	Muhammad Din	Muhammad Faqir	MA/ARBI	Shahdatul Alamia	25-12-63	SWAT	10-04-88	10-04-88	10-04-88	GMS Ayeen	
53	67	Hussain Ahmad	Muhammad Shuaib	MA/BED	BED/Shahdatul Alamia	01-04-70	SWAT	22-11-88	22-11-88	22-11-88	GMS Sangota	
54	68	Muzaid Din	Abdul Jallil	SSC	Shahdatul Alamia	28-08-59	SWAT	01-09-89	01-09-89	01-09-89	GMS Dagay	
55	69	Fazal Hakim	Husnul Maab	MA/ARBI	Shahdatul Alamia	12-04-68	SWAT	24-09-89	24-09-89	24-09-89	GMS Panr	
56	70	Samiul Haq	Gul Nabi	SSC	Shahdatul Alamia	13-03-64	SWAT	01-10-89	01-10-89	01-10-89	GMS Mahak	
57	71	Rahman Ali	Aminullah	SSC	Shahdatul Alamia	01-05-65	SWAT	01-10-89	01-10-89	01-10-89	GMS Jehan Abad	
58	72	Abdur Rahman	Ahmad Shafi	MA/ARBI	E.Ed/Shahdatul Alamia	03-04-69	SWAT	20-01-90	20-01-90	20-01-90	GMS Charbagh	
59	73	Shahzada	Syed Jailani	FA	Shahdatul Alamia	2.04.1967	SWAT	18-02-90	18-02-90	18-02-90	GHSS Barikot	
60	74	Noorul Wahid	Fazal Wahid	MA	Shahdatul Alamia	05-04-71	SWAT	04-03-90	04-03-90	04-03-90	GHS Kishawra	
61	75	Hafizur Rahman	Salfur Rahman	SSC	Shahdatul Alamia	04-02-59	SWAT	05-03-90	05-03-90	05-03-90	GHS Miandam	
62	76	Aziz Ahmad	Arfanud Din	SSC	Shahdatul Alamia	13-06-64	SWAT	05-03-90	05-03-90	05-03-90	GMS Torogay	
63	77	Midrarullah	Ahmad Nawab	SSC/MA	Shahdatul Alamia	01-03-69	SWAT	05-03-90	05-03-90	05-03-90	GHS Daroyal	
64	78	Ahmad Hussain	Gul Bar	SSC/MA	Shahdatul Alamia	24-06-69	SWAT	11-04-90	11-04-90	11-04-90	GHS Shalhand	
65	1	Abdul Hassan	Sakhi Muhammad	SSC	Shahdatul Alamia	15-03-53	SWAT	26-06-82	01-08-90	26-06-82	GHS Shagai	
66	79	Muhammad Naeem	Muhammad Akber	SSC	Shahdatul Alamia	07-06-68	SWAT	01-08-90	01-08-90	01-08-90	GHS Kabalkoo	
67	80	Shah Hussain	Muhammad Amin	MA Arbic	Shahdatul Alamia	10-04-68	SWAT	06-08-90	06-08-90	06-08-90	GMS Dharc	
68	81	Abdur Rahim	Israail	SSC	Shahdatul Alamia	13-03-71	SWAT	24-09-92	24-09-90	24-09-92	GMS Shakerdara	
69	82	Rafiqullah	Abdullah	SSC	Shahdatul Alamia	18-01-56	SWAT	16-01-82	01-05-91	16-01-82	GMS bashigram	
70	83	Muhammad Karim	Muhammad Rahim	SSC	Shahdatul Alamia	15-04-63	SWAT	18-02-87	18-02-87	18-02-87	GMS Samakhel	
71	84	Bakht Ambar	Muhammad Afzal	SSC	Shahdatul Alamia	27-09-63	SWAT	11-05-92	11-05-92	11-05-92	GHS Gurnai	
72	86	Fazal Maula	Ahmad G	MA/ARBI	Shahdatul Alamia	13-11-52	SWAT	03-03-82	12-05-92	03-03-82	GHS Tindodag	
73	87	Ihtishamul Haq	Gul Rahman	SSC	Shahdatul Alamia	09-01-53	SWAT	12-05-92	12-05-92	12-05-92	GHS Kanju	

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*[Signature]*

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Sr. No.	Sub	Name with academic and professional Qualification	Father's Name	Academic Qualification	Professional Qualification	Date of birth	Domicile	D/O of 1st Appt in Education Destt	D/O of appt. on the present post	Date of taking over charge in this District	Place of posting	Remarks
74	85	Abdullah	Talimand	SSC/MA	Shahdatul Alamia	11-11-60	SWAT	29-12-81	12-05-92	29-12-81	GMS Chemgarai	Perma
75	86	Latifullah	Abdur Raof	MA/ARBI	Shahdatul Alamia	01-09-61	SWAT	12-05-92	12-05-92	12-05-92	GHS Qambar	
76	88	Shah Wali	Ajab Khan	EA	Shahdatul Alamia	10-01-68	SWAT	12-05-92	12-05-92	12-05-92	GMS Meragai	
77	90	Abdullah Jan	Amir Rahman	SSC	Shahdatul Alamia	02-04-67	SWAT	15-01-91	13-05-92	15-01-91	GMS Sapar Bandai	Madguzel
78	91	Muhammad Yousaf H.	Musa Khan	SSC	Shahdatul Alamia	30-12-63	SWAT	16-05-92	16-05-92	16-05-92	GHS Matta	
79	92	Fazal Khaliq	Muhammad Shakirul Islama	SSC	Shahdatul Alamia	05-01-58	SWAT	23-05-92	23-05-92	23-05-92	GMS Ramit	
80	93	Nawab Ali Khan	Sardar Khan	SSC	Shahdatul Alamia	10-03-63	SWAT	24-05-92	24-05-92	24-05-92	GHS Bandai	
81	94	Abdur Razaq	Abdul Qadoos	MA	Shahdatul Alamia	01-04-66	SWAT	08-08-84	01-06-92	08-08-84		
82	95	Saeedullah	A. Zahir Shah	SSC	Shahdatul Alamia	21-02-72	SWAT	27-06-92	27-06-92	27-06-92	GMS Goda	
83	96	Mirahud Din	Qarib Ahmad	SSC	Shahdatul Alamia	06-02-59	SWAT	01-01-86	01-10-92	01-01-86	GHSS Fathepur	
85	98	Farooq Shah	Mian Said Jalal	MA/BED	BED/Shahdatul Alamia	01-03-66	SWAT	11-04-93	11-04-93	11-04-93	GMS Sambat	
88	99	Matiullah	Shebar Khan	SSC/MA/Arabic	Shahdatul Alamia	02-03-69	SWAT	12-05-92	12-04-93	12-05-92	GMS Ghakhe Banda	Daceklog
89	100	Khurshid Ali	Shah Jehan	MA Arabic	Shahdatul Alamia/BED	14-02-67	SWAT	17-04-93	17-04-93	17-04-93	GMS Sar Banda	
88	101	FAZLI AZIM	Abdul Ghani M. A.	SSC	Shahdatul Alamia	04-05-64	SWAT	26-07-83	29-04-93	26-07-83	GMS Deolai	
89	49	Abdur Rauf	Manjawan	SSC	Shahdatul Alamia	24-01-67	SWAT	29-04-83	29-04-93	29-04-83	GMS Lakoo	GHS - SHIN
90	102	Fazal Raziq	Fazal Ahad	SSC	Shahdatul Alamia	21-01-55	SWAT	13-03-84	01-12-86	13-03-84	GHS Darmai	Transfer from oth.
91	103	Abdul Shakoor	Ghulam Ahad	SSC	Shahdatul Alamia	20-04-69	SWAT	01-11-94	01-11-94	01-11-94	GHS Sar Banda	Sirsinae SWAT
92	104	Riaz Ahmad Khan	Aman Khan	SSC	Shahdatul Alamia	01-12-53	SWAT	23-11-82	14-11-94	23-11-82	GHS Chikolai	
93	105	Amir Zade	Zarin	SSC	Shahdatul Alamia	02-04-69	SWAT	14-11-94	14-11-94	14-11-94	GMS Torwal	
94	106	Habibullah	Khaista Muhammad	SSC	Shahdatul Alamia	05-03-70	SWAT	14-11-94	14-11-94	14-11-94	GHS Laikot	
95	108	Muhammad Ghani	Gul Zarin	SSC	Shahdatul Alamia	06-04-70	SWAT	14-11-94	14-11-94	14-11-94	GMS Darolai	
96	109	Abdul Qayoom	Abdul Khaliq	SSC	Shahdatul Alamia	12.05.197	SWAT	14-11-94	14-11-94	14-11-94	GMS Bishbanr	
97	110	Muhammad Yousef	Musa Khan	SSC/MA/Arabic	Shahdatul Alamia	10-05-68	SWAT	15-11-94	15-11-94	15-11-94	GHS Shawar	
98	111	Abdul Wadood	Abdul Haq	SSC	Shahdatul Alamia	05-05-70	SWAT	15-11-94	15-11-94	15-11-94	GMS Jalband	
99	107	Inamur Rahman	HAMIDUR RAHMAN	SSC	Shahdatul Alamia	01-03-72	SWAT	15-11-94	15-11-94	15-11-94	GHS Wedudia Saidu	
100	114	Rohul Amin	MUHAMMAD	MA/ARBI	Shahdatul Alamia	01-04-69	SWAT	17-11-94	17-11-94	17-11-94	GHS Shamozi	
101	112	Muhammad Zahid	Gulil Sadbar	MA/ISLAMAT	Shahdatul Alamia	18-04-69	SWAT	10-05-92	17-11-94	14-05-92	GHSS Shamozi	
102	113	Rahmat Ali	Sarfraz Khan	SSC	Shahdatul Alamia	05-04-59	SWAT	22-11-94	22-11-94	22-11-94	GHS Kidam	
103	115	Muhammad Ishaq	Mian Gul Zada	SSC	Shahdatul Alamia	01-02-70	SWAT	23-11-94	23-11-94	23-11-94	GHS Jano	
104	116	Fazal Hadi	Painda Gul	SSC	Shahdatul Alamia	10-02-60	SWAT	16-05-92	02-12-94	16-05-92	GMS Tall	
105	117	Fazal Rabi	Ajmai Khan	BA	Shahdatul Alamia/BED	18-12-71	SWAT	18-12-94	18-12-94	18-12-94	GMS Areen	
106	119	Muhammad Sathud Din	Muhammad Roshan	MA/ARBI	Shahdatul Alamia	03-08-66	SWAT	20-12-94	20-12-94	20-12-94	GMS Chanchary	
107	121	Hanifur Rahman	Muhammad Khan	MA Arabic	Shahdatul Alamia	05-03-70	SWAT	17-01-95	17-01-95	17-01-95	GHS Kokarai	
108	122	Iqbal Rashid	Rahim Dad	MA Arabic	Shahdatul Alamia	03-05-70	SWAT	20-05-95	20-05-95	20-05-95	GHS A/Dherai	
109	123	Bakhti Rawan	Shah Izat Khan	SSC	Shahdatul Alamia	10-01-67	SWAT	21-05-96	21-05-96	21-05-96	GHS Ghalegay	
110	124	Nadar Khan	Hafizullah	SSC	Shahdatul Alamia	05-05-65	SWAT	07-03-96	07-03-96	07-03-96	GMS Ashoran	
111	125	Shawkat Ali	Ajab Khan	MA/ISLAMAT	Shahdatul Alamia	11-03-71	SWAT	16-03-96	16-03-96	16-03-96	GMS Bafar	
112	126	Muhammad Israil	Abdur Raziq	SSC	Shahdatul Alamia	08-03-69	SWAT	01-05-96	01-04-96	01-05-96	GMS Khankhi Bandai	
113		Abdullah Haq	Shahdatul Alamia	MA	B.Ed/Shahdatul Alamia	30-05-73	SWAT	25-06-97	25-06-97	25-06-97	GMS Guligram	

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*[Signature]*



A.T.E - 20

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT AT GULKADA

OFFICE ORDER

Consequent upon the recommendation of the Departmental promotion committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. 5054-60 dated 21-2-2013 file No.1 promotion Senior PET B-16 the following AT teachers are hereby promoted to the post of Senior AT teachers BPS-16 @ (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in the teaching cadre on the terms and condition given below with immediate effect and further posted in the schools noted against each:-

S.No.	Name	Posted to BPS	Present School	Place of posting	Remarks
1	Nairmatullah	16	GHS chitawar	GHS chitawar	in the same school BPS-16
2	Mian Noor Badshah	16	GHS No. 4 Mingora	GHS No. 4 Mingora	in the same school BPS-16
3	Sher Zaman	16	GHS Islampur	GHS Islampur	in the same school BPS-16
4	Samiul Haq	16	GHS Khwazakhela	GHS Khwazakhela	in the same school BPS-16
5	Azizullah	16	GHS Sherpalam	GHS Sherpalam	in the same school BPS-16
6	Ghulamullah Shah	16	GHS No.1 Mingora	GHS No.1 Mingora	in the same school BPS-16
7	Irfanud Din	16	GHSS Kabal	GHSS Kabal	in the same school BPS-16
8	Muhammad Ali	16	GHS Manglor	GHS Manglor	in the same school BPS-16
9	Fazal Bari	16	GHS Nawaykalay Barikot	GHS Nawaykalay Barikot	in the same school BPS-16
10	Bahramand	16	GHS Bahrain	GHS Bahrain	in the same school BPS-16
11	Abdur Rahman	16	GHS Derai	GHS Derai	in the same school BPS-16
12	Abdul Ahad	16	GHS Khwazakhela	GHS Khwazakhela	in the same school BPS-16
13	Inayatullah	16	GHS Shahdherai	GHS Shahdherai	in the same school BPS-16
14	Muhammad Saleh	16	GHS Swegalai	GHS Swegalai	in the same school BPS-16
15	Rafiq Ahamd	16	GHS Totano Bandai	GHS Totano Bandai	in the same school BPS-16
16	Muhammad Qasim	16	GMS Ganajir	GHS Toha	Vice Norul Wahid
17	Norul Wahid	15	GHS Toha	GMS Ganajir	Vice Muhammad Qasim
18	Merza Ghalib	16	GHS Aboha	GHS Aboha	in the same school BPS-16
19	Sultan Mohammad	16	GHSS Charbagh	GHSS Charbagh	in the same school BPS-16
20	Bashir Ahmad	16	GHS Bamakhela	GHS Bamakhela	in the same school BPS-16
21	Said Jawhar	16	GHS Asala	GHS Asala	in the same school BPS-16
22	Inayatpur Rahman	16	GMS Aligrama	GHS Dardyal	A.V.Post BPS-16
23	Hanifur Rahman	15	GHS Ahingarodherai	GMS Panr	Vice Mr.Fazal Hakim
24	Fazal Hakim	16	GMS Panr	GHS Ahingarodherai	Vice Hanifur Rahman
25	Samiul Haq	16	GHS Janoo	GHS Janoo	in the same school BPS-16
26	Rahmat Ali	16	GMS Jehan Abad	GHS Seer	Vice Mohammad Ihsaq
27	Mohammad Ihsaq	15	GHS Seer	GMS Jehanabad	Vice Mr.Rahmat Ali
28	Abdur Rahman	16	GMS Charbagh	GHS GULIBAGH	Vice Mr.Fazal Mabood
29	Fazal Mabood	15	GHS Gulibagh	GMS Charbagh	Vice Mr.Abdur Rahman
30	Hussain Ahmad	16	GHS No.4 Mingora	GHS No.4 Mingora	in the same school BPS-16
31	Aziz Ahmad	16	GHS Torogay	GHS Torogay	in the same school BPS-16

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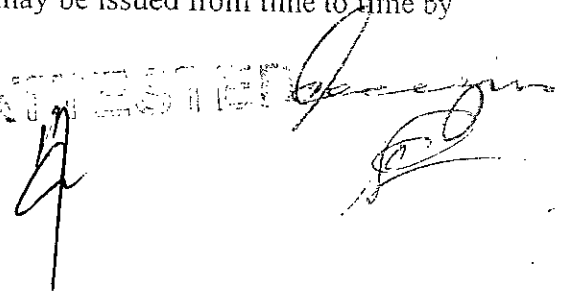
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	Midrarullah	16	GMS DEOLAI	GHCMS Wadudia	vice Abdul Wadood
33	Abdul Wadood	15	GHCMS Wadudia	GMS Aligrama	Vice Anayatur Rahman
34	Ibrahim	16	GHS No-3 Mingora	GHS No-3 Mingora	in the same school BPS-16
35	Ahmad Hussain	16	GHS Kotlai	GHS Kotlai	in the same school BPS-16
36	Abdul Hassan	16	GHS Shagai	GHS Shagai	in the same school BPS-16
37	Muhammad Naeem	16	GMS Kabalkoo	GHS Gwalerai	Vice Mohammad Yousaf
38	Mohammad Yousaf	15	GHS Gwalerai	GMS Kabalkoo	Vice Muhammad Naeem
39	Shah Hussain	16	GMS Dhero	GHS Kanju	Vice Mr.Sirajul Haq
40	Sirajul Haq	15	GHS Kanju	GMS Dero	Vice Mr.Shah Hussain
41	Ihtishamul Haq	16	GHS Kanju	GHS Kanju	Retired
42	Lutfullah	16	GHS Qambar	GHS Qambar	in the same school BPS-16
43	Muhammad Yousaf Haqqani	16	GHS Matta	GHS Matta	in the same school BPS-16
44	Fazal Khaliq	16	GHS Tindodag	GHS Tindodag	in the same school BPS-16
45	Nawab Ali Khan	16	GHS Bandai	GHS Bandai	in the same school BPS-16
46	Abdur Razaq	16	GHS Nawikalay(M)	GHS Nawikalay(M)	in the same school BPS-16
47	Miftahud Din	16	GHSS Fathepur	GHSS Fathepur	in the same school BPS-16
48	Said Muhammad	16	GMS Sambat	GHSS Baidara	Vice Abul Mobin
49	Abdul Mobin	15	GHSS Baidara	GMS Sambat	Vice Said Mohammad
50	Farooq Shah	16	GMS Dadahara	GHS Parrai	A.V.Post BPS-16
51	Mateeullah	16	GHS Sinpora	GHS Sinpora	in the same school BPS-16
52	FAZLI AZIM	16	GMS Shin	GHS Rahatkot	A.V.Post
53	Khurshid Ali	16	GHS Deolai	GHS Deolai	in the same school BPS-16
54	Fazal Raziq	16	GHS Sirsina	GHS Sirsina	in the same school BPS-16
55	Amir Zada	16	GHS Laikot	GHS Laikot	in the same school BPS-16
56	Abdul Qayoom	16	GHS Labat	GHS Labat	in the same school BPS-16
57	Ghulam Muhammad	16	GMS Jalband	GHSS KALAM	Vice Murad
58	Murad Khan	15	GHSS Kalam	GMS Jalband	Vice Ghulam Mohammad
59	Rohul Amin	16	GHSS Shamozi	GHSS Shamozi	in the same school BPS-16
60	Inamur Rahman	16	GHS Shamozi	GHS Shamozi	in the same school BPS-16
61	Muhammad Ishaq	16	GHS Tall	GHS Tall	in the same school BPS-16
62	Fazal Hadi	16	GMS Areen	GHS Barawal	A.V.Post BPS-16
63	Fazal Rabi	16	GHS Shaipin	GHS Shaipin	in the same school BPS-16
64	Muhammad Salahud Din	16	GHS Kokarai	GHS Kokarai	in the same school BPS-16
65	Muhammad Ghani	16	GMS Bishbanr	GHSS Kishwara	A.V.Post
66	Watan Karam	15	GHS Qandil	GMS Damana	A.V.post
67	Ahmad Hussain	16	GHS Khazana	GHS Khazana	in the same school BPS-16

Terms and conditions:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.

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3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-Se-Seniority on lower post will remain intact.
6. NO TA/DA is allowed for joining his duty.
7. They will give an under taking to this effect to be recorded in their service books.

(GUL ZAMAN KHAN)  
DISTRICT EDUCATION OFFICER(M)  
SWAT AT GULKADA

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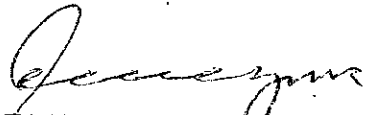
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Dated 27/2/2013

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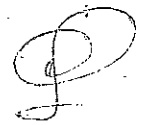
- 1) The District Account Officer Swat.
- 2) The Dy: District Education Officer (M) Swat.
- 3) PA to the Director E&S Education Khyber Pakhtunkhwa at Peshawar w/r to his No& Dated cited above.
- 4) All concerned Principal/Head Masters.
- 5) All official concerned
- 6) M/File
- 7) PA to DEO(M) local office.

M.Abdul Khaliq/KPO\*\*

  
DISTRICT EDUCATION OFFICER(M)  
SWAT AT GULKADA

ATTESTED





F-23



OFFICE OF THE DISTRICT EDUCATION OFFICER SWAT AT GUL KADA

No. 7652

Dated 04/13/2013

To

The Director,  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Subject: APPEAL IN R/O SHAMSHI KHAN AT

Memo:

The original application in respect of Mr. Shamshi Khan AT GHS: Matiltan duly recommended by the Hon: Minister for Education KPK along with all sanads is sent here with, with the request that the name of the above teacher was included in the seniority list of AT and placed at S. No. 51 but when the approval of AT received from your good self his name was not found in the said approval. The teacher concerned is eligible for the up gradation to BPS: 16. It is requested that necessary sanction/ approval to the up gradation of BPS: 16 in respect of above named teacher may be accorded please.

ATTESTED

DISTRICT EDUCATION OFFICER (MALE)  
SWAT AT GUL KADA

*[Handwritten signature]*

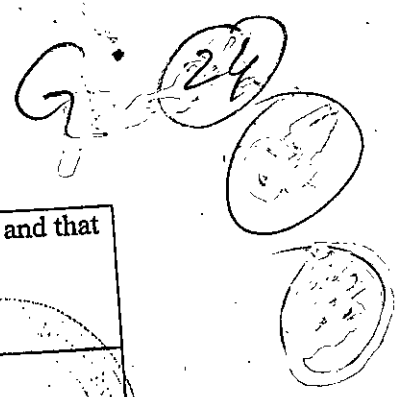
Attested  
Head Master,  
Govt: High School  
Matiltan, Distt: Swat

*[Handwritten signature]*

DFA/documents

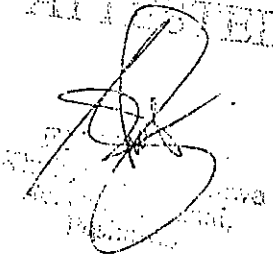
Dy. No. 1882  
29/3/0/13

*[Handwritten notes: DFO Swat, Look into this matter and do the necessary, 27/5/13]*

G. 24  


No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	07.11.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Appeal No. 1079/2013</p> <p style="text-align: center;">Shamshi Khan Versus Secretary (E&amp;SE), Khyber Pakhtunkhwa, Peshawar and two others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p style="text-align: center;">Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Mr. Shamshi Khan Arabic Teacher, GHS Matiltal hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 27.02.2013 vide which the appellant was declined promotion and where-against his departmental appeal dated 01.03.2013 was not responded constraining him to prefer service appeal on 21.06.2013.</p> <p>3. Brief facts of the case of the appellant are that he was appointed as Arabic Teacher vide order dated 29.03.1988. That the appellant was awarded up-gradation to BPS-14 vide order dated 02.03.1998 and then to BPS-15 vide order dated 11.07.2012. That the appellant was placed at serial No. 51 of the seniority list dated 31.07.2012. Vide order dated 27.02.2013 Arabic Teachers including juniors to appellant were promoted to BPS-16 while the appellant ignored despite having higher qualification and more than 25 years service at his credit constraining</p>

ATTESTED



ATTESTED



him to prefer departmental appeal which was not responded and therefore the instant service appeal on 21.06.2013.

4. Learned counsel for the appellant has argued that the appellant was not promoted vide impugned order of promotions despite the fact that he was eligible to promotion on the basis of seniority-cum-fitness. That the method of recruitment, qualification and other conditions specified in the appendix to notification dated 13.11.2012 were not applicable to the case of the appellant as the said rules cannot be given retrospectivity.

5. In support of his stance learned counsel for the appellant placed reliance on case laws reported as 2012 PLC (C.S) 1285 (Supreme Court of Pakistan), 2010 PLC (C.S) 1075 (Supreme Court of Pakistan) and 2012 PLC (C.S) 1330 (Federal Service Tribunal).

6. Learned Senior Government Pleader has argued that according to the said rules the appellant was not eligible for promotion on the crucial date. That the said method of recruitment etc. were laid down in the appendix to notification with effect from 13.11.2012 while the promotion orders were made on 27.02.2013 and as such the question of retrospective application of the said method would not arise.

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

8. According to serial No. 2 of the appendix to notification dated 13.11.2012 the Senior Arabic Teacher (BPS-16) is to be appointed through promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.

ATTESTED





According to serial No. 10 of the said appendix to notification dated 13.11.2012 Arabic Teacher (BPS-15) is to possess SSC second class certificate from recognized board with Shahdatul Alamia from recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other government run Darul Uloom as notified by the government from time to time or second class Master's Degree in Arabic from a recognized university. The appellant is not having such qualification to his credit. He has based his claim on a religious Sanad Ittehad-ul-Madaras Par Hoti Mardan which is not mentioned in the said appendix to the said notification dated 13.11.2012. Since the promotions were made after the notification of the said rules dated 13.11.2012 as such the said rules were given no retrospective effect against the appellant.

9. For the above mentioned reasons we find no force in the present appeal. The same is therefore dismissed, leaving the parties to bear their own costs. File be consigned to the record room.

Announced  
07.11.2016

*Judge* - M. Azim Khan Afzidi  
Chief Court  
Swat

Certified to be true copy  
[Signature]  
[Stamp]

*Judge* - Abdul Latif  
Number

Date of filing ..... 17-11-16  
 Number of pages ..... 1600  
 Copy fee ..... 10/-  
 Stamp fee ..... 2/-  
 Total ..... 12/-  
 [Signature]  
 Date of receipt ..... 17-11-16  
 Date of return ..... 17-11-16

**ATTESTED**  
[Signature]

- 1 -

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

C.P.L.A. No. \_\_\_\_\_/2011

Shamshi Khan A.T. (BPS-15) Teacher G.H.S. Matiltan, District Swat.

-----Petitioner

**VERSUS**

1. The Secretary of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary & Secondary Education Department KPK Peshawar.
3. The District Education Officer (M) District Swat.

----- Respondents.

**Civil Petition for Leave to Appeal under Article 212(3) of the constitution of Islamic republic of Pakistan 1973 against the Judgment and Order of Khyber Pakhtunkhwa Service Tribunal Camp Court Swat dated 07-11-2016 passed in Service Appeal No.1079/2013.**

Respectfully Sheweth;

**A- The points of law and grounds are as under:-**

- I- Whether the Petitioner was obtained a certificate of Shahadul Alamia from a well recognized Madrassa, and as such the Petitioner cannot be deprived from his due right of promotion to the post of S.A.T (BPS-16)?
- II- ~~whether on the said~~ Sanad the Petitioner was appointed as Arabic Teacher and later on promoted to BPS-14?
- III- Whether at this stage the Respondents have no legal justification to deprive the Petitioner from promotion to the post of SAI (BPS-16)?

**ATTESTED**

[Signature]



- 28
- IV- Whether according to Appointment Rules 1989 the post of SAT (BPS-16) is purely non selection post for which seniority-cum-fitness is the criteria and as such the Petitioner is being senior most employee of the Respondent Department is fully eligible for promotion to the post of SAT (BPS-16)?
- V- Whether under the one-third formula the Petitioner is entitled to the post of SAT (BPS-16) having at serial No.51 of the seniority list in District Swat?
- VI- Whether the Petitioner has got more than 25 years service, who was illegally ignored from the promotion of SAT (BPS-16) which is not tenable under the law and prevailing Rules?
- VII- Whether the junior officers than the Petitioner were promoted to SAT (BPS-16), while the Petitioner was ignored?
- VIII- Whether Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973 was violated by the Respondents?
- IX- Whether the Hon'ble Service Tribunal has wrongly and illegally relied on the serial No.2 and 10 of the appendix to Notification dated 13.11.2012, <sup>WHICH</sup> are not applicable to the case of Petitioner and having no retrospective effect are in violation of the Rules and fundamental Law?
- X- Whether the Petitioner qualified certificate of Sanadul Faragh in 1986 from Charbagh Madrassa which is equal to M.A. and the Provincial Government vide Notification dated 3.4.2012 recognized Charbagh Madrissa and thus the Petitioner was issued a certificate of Shahadul-<sup>Ula</sup> M.A. in the year 2014 and thus the Petitioner was duly qualified for the post of BPS-16?
- XI- Whether Mst. Bakh Pari was appointed on the Certificate of Itihad-ul-Madaris who was promoted to BPS-16?
- XII- Whether the Hon'ble Supreme Court have treated it as Master-degree and similarly Service Tribunal Khyber Pakhtunkhwa have accepted the Appeal on the basis of this Certificate?
- XIII- Whether the Petitioner has obtained M.A. qualification from two Madaris and if the Certificate of Mardan is not valid, the Certificate of Charbagh which is recognized is valid?

ATTESTED



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B. The facts of the case are as under:

1. That Shamsi Khan Petitioner was appointed as Arabic Teacher vide order dated 29.03.1988 who was given up-gradation to BPS-14 vide order dated 2.3.1998 and then to BPS-15 vide order dated 11.07.2012.
2. That the Petitioner was placed at Serial No.51 of the seniority list dated 31.07.2012.
3. That Arabic Teachers including juniors to the Petitioner were promoted to BPS-16, while the Petitioner was ignored despite having higher qualification and more than 25 years service at his credit constraining him to prefer Departmental Appeal which was not responded and thus the Petitioner filed Service Appeal No.1079/2013 before the Khyber Pakhtunkhwa Service Tribunal, which was dismissed vide impugned judgment and order dated 07.11.2016 on the ground that the Petitioner have no qualification to his credit in accordance with Serial No.2 and 10 of the appendix to the Notification dated 13.11.2012.
4. That the Petitioner being aggrieved from the impugned judgment and order dated 07.11.2016 passed by Khyber Pakhtunkhwa Service Tribunal Camp Court Swat passed in Appeal No.1079/2013, is filing this Petition for Leave to Appeal on the Law points and Grounds mentioned in part "A" above.

It is, therefore, respectfully prayed that leave to appeal may please be granted.

Drawn and filed by

Mir Adam Khan

AOR for Petitioner

Certified that no such petition has earlier been filed by the petitioners against the impugned judgment.

Mr. Fazal Shah Mahmand ASC will argue and appear in the case.

ATTESTED

Dated: 05-01-2017



Mir Adam Khan, AOR

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

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**Present:**

Mr. Justice Guizar Ahmed  
Mr. Justice Mushir Alam

**Civil Petition No.66 of 2017**

{Against the judgment dated 07.11.2016, passed by the  
Khyber Pakhtunkhwa Service Tribunal Camp Court Swat in  
Appeal No.1079 of 2013}

Shamshi Khan A.T. (BPS-15) Teacher GHS  
Matiltan, District Swat.

**Petitioner (s)**

**VERSUS**

The Secretary (E&SE) Department, KPK and  
others.

**Respondent(s)**

For the Petitioner (s) : Mr. Fazal Shah Mohmand, ASC  
Mir Adam Khan, AOR (Absent)

For the Respondent (s) : N.R.

Date of Hearing : 24.01.2018

**ORDER**

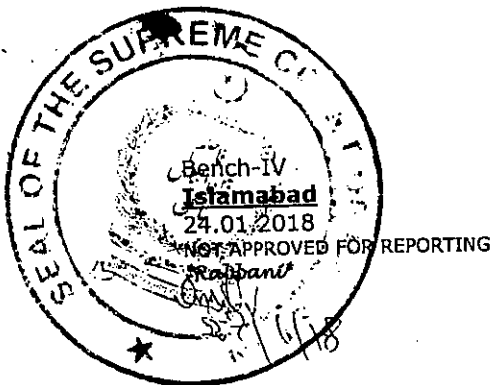
**Gulzar Ahmed, J:-** Learned ASC for the petitioner after  
arguing the matter at some length does not press this petition and  
states that petitioner is going to avail another remedy.

2. The petition is dismissed as not pressed.

Sd/-,J  
Sd/-,J

ATTESTED

Certified to be True Copy



7/2/18  
Court Associate  
Supreme Court of Pakistan  
Islamabad

Case No: 3056/18 Civil/Criminal  
Date of Filing: 06-02-18  
No of Words: 300  
No of Pages: 3  
Registration Fee Paid: 5-00  
Copy Fee in: 1-80  
Court Fee Stamps: 6-80  
Date of Completion of Copy: 7/2/18  
Date of delivery of Copy: 8/2/18  
Compared by/Prepared by: [Signature]  
Received by: [Signature]

بکھور جناب DEO (Male) صاحب سوات بمقام گلگدہ سید و شریف،  
ضلع سوات

محکمہ ہمدردانہ اپیل برائے BPS-16 کو ترقی دیا جائے۔

جناب عالی!

ذیل عرض ہے۔

۱۔ یہ کہ مولوی شمش خان ولد گلگدہ سید ارکنہ مٹلان، تحصیل کالام کا مستقل اور پیدائشی  
باشندہ ہے۔

۲۔ یہ کہ بندہ گورنمنٹ ہائی سکول مٹلان میں بحیثیت عربی ٹیچر اپنے فرائض منصبی  
27/02/1988 سے سرانجام دیتا رہا ہے۔

۳۔ یہ کہ سائل کا پہلا آرڈر مذکورہ تاریخ پر کوالیفیکیشن کی بنیاد مولوی فاضل میٹرک اور  
گورنمنٹ دارالعلوم اسلامیہ چارباغ کی اسناد کی بنیاد پر کیا گیا تھا۔

ATTESTED



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۴۔ یہ کہ 2013ء میں Seniority کے بنیاد پر ضلع سطح پر AT اساتذہ کو

16 سکیل میں ترقی دیا گیا اور سائل Seniority List کے سیرکل نمبر 51 پر

تھا اور سائل کو نظر انداز کر کے کافی سائل سے جو نیئر افراد کو ترقی دیا گیا۔

۵۔ یہ کہ نوٹیفیکیشن کی بنیاد پر پانچ سال سروس اور سیکنڈ ڈویژن میں میٹرک اور

گورنمنٹ دارالعلوم اسلامیہ چارباغ سے سند الفراع یعنی شہادت العالمیہ

پروموشن کے لئے شرط لگائی گئی تھی اور ان تمام کو ایفیکیشن کے بنیاد پر سائل

اُترتا ہے۔ لیکن سائل کو اُس کے جائز اور قانونی BPS-16 کی پروموشن سے

ابھی تک محروم رکھا گیا ہے جو کہ نا انصافی ہے۔

۶۔ یہ کہ نوٹیفیکیشن میں دوسری شرط دن تھرڈ پروموشن موجود تھی اور پانچ سال سروس

مقرر کیا گیا تھا۔ لیکن سائل کی دورانہ ملازمت تقریباً تیس سال ہو گئی۔ جو ابھی

تک اپنے سیناریٹی کے حق سے محروم رکھا گیا ہے۔

۷۔ یہ کہ گورنمنٹ دارالاسلامیہ چارباغ اور سید و شریف 1945ء سے محکمہ ایجوکیشن

کے ساتھ AT اور TT پوسٹس کے لئے منظور شدہ چلے آئے ہیں۔ اور 2012ء

میں KPK کے صوبائی گورنمنٹ نے ان دو دارالعلوم اور دو چترال والے

دارالعلوم By name محکمہ ایجوکیشن کے ساتھ Notified کر کے اُن کے

ATTESTED



اسناد کو وفاق المدارس کے شہادت العالمیہ کے برابر تصور کر کے قرار دیا گیا ہے۔

اور نوٹیفیکیشن جاری کیا گیا ہے۔ (نقل لف ہے)۔

۸۔ یہ کہ سائل معروض ہے کہ تاریخ حق سے یعنی 2013ء کی پرموشن کی تاریخ سے

سائل کو Seniority کا حق بمعہ دیگر مراعات سمیت دینے کا حکم صادر فرمایا

جائے تو سائل تاحیات دُعا گورہیگا۔

نقط  
عریضہ:

سائل مولوی شمش خان AT گورنمنٹ ہائی سکول ملتان

نوٹ:- تمام نقولات سندت اور آرڈر وغیرہ درخواست ہذا کے ساتھ لف ہیں۔

ATTESTED

## تاسیس

- (1) نام: "وحدت المدارس العربیہ الحکومیہ پاکستان"
- (2) اس میں چار مدارس شامل ہوں گے۔
  - ۱- گورنمنٹ دارالعلوم اسلامیہ سید و شریف سوات
  - ۲- گورنمنٹ دارالعلوم اسلامیہ چارباغ سوات
  - ۳- گورنمنٹ دارالعلوم عربیہ اسلامیہ چترال
  - ۴- گورنمنٹ دارالعلوم ربانیہ دروش چترال
- (3) اس کا صدر دفتر گورنمنٹ دارالعلوم سید و شریف میں ہوگا۔
- (4) اس کا شورٹی کے کل آٹھ ارکان ہوں گے۔ ہر ایک مدرسے سے دو ارکان ضروری ہوں گے۔ اگر مسئلہ بہت ضروری ہو تو اس کیلئے چاروں مدارس کے تمام اساتذہ شورٹی کے ممبران ہوں گے۔
- (5) مجلس عاملہ پانچ افراد پر مشتمل ہوگی۔ صدر، نائب صدر، ناظم عمومی، نائب ناظم، ناظم مالیات۔
- (6) **صدر:** مولانا عبدالقادر صاحب (صدر گورنمنٹ دارالعلوم اسلامیہ سید و شریف سوات)
- نائب صدر:** مولانا مسعود احمد صاحب (صدر گورنمنٹ دارالعلوم اسلامیہ چارباغ سوات)
- ناظم عمومی:** مفتی سردار صاحب (گورنمنٹ دارالعلوم اسلامیہ سید و شریف سوات)
- نائب ناظم:** مولانا حفیظ الرحمان صاحب (مدرس گورنمنٹ دارالعلوم عربیہ اسلامیہ چترال)
- ناظم مالیات:** مولانا عبدالہادی صاحب (مدرس گورنمنٹ دارالعلوم اسلامیہ سید و شریف سوات)
- (7) **چار مدارج:** ثانویہ عامہ، ثانویہ خاصہ، عالیہ اور عالیہ میں امتحان کا انتظام وحدت (بورڈ) لے گا۔
- (8) سال میں دو دفعہ شورٹی کا اجلاس لازمی ہوگا اور تمام ارکان لازماً شرکت کریں گے۔ اس کے علاوہ صدر صاحب حسب ایجنڈا اجلاس بلا سکیں گے۔
- (9) مالی اخراجات میں چاروں مدارس مساوی حیثیت سے خرچہ برداشت کریں گے۔  
طلبہ سے فی الوقت ثانویہ عامہ کیلئے = 200 روپے، ثانویہ خاصہ = 300 روپے، عالیہ = 400 روپے، عالیہ = 500 روپے  
فی فارم۔
- (10) چاروں مدارس کے تمام درجات کے سندات وحدت (بورڈ) جاری کرے گا جس پر بورڈ کے صدر، ناظم عمومی اور متعلقہ مدرسے کے دو عہدیدار دستخط کریں گے۔

ATTESTED

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### امتحانات کے چند قواعد و ضوابط

- 1: وحدت میں شامل تمام مدارس کے طلبہ سے امتحان وحدت (بورڈ) لے گا۔
  - 2: ہر بالا درجے کے امتحان کے لیے تخطائی درجے کا مستند تصدیق نامہ (سرٹیفکیٹ) ضرور ہوگا۔
  - 3: دوسرے منظور شدہ مدارس کے سندھات پر یا اس کے مساوی عام سکولوں یا بورڈ کے سرٹیفکیٹ پر امتحان میں شرکت کی اجازت دی جائے گی۔
  - 4: ثانویہ عامہ کی امتحان میں شرکت کے لیے متوسطہ یا سرکاری غیر سرکاری منظور شدہ سکول کے ٹڈل پاس سرٹیفکیٹ لازمی ہوگا۔
  - 5: ثانویہ خاصہ کی امتحان میں شرکت کے لیے ثانویہ عامہ + میٹرک منظور شدہ بورڈ سے ضرور ہوگا۔
  - 6: ہر تخطائی و فوقانی درجے کے امتحانات کے درمیان دو سال کا وقفہ (گیپ) ضروری ہوگا۔ آخری دو سال عالمیہ سال اول اور عالمیہ سال ثانی کے نام سے وفاق المدارس کے نصاب کے مطابق شمار کیا جائے گا۔
  - 7: عالمیہ سال اول کا امتحان بھی بورڈ لے گا جو کہ یونیورسٹی لیول کے ایم۔ اے پر پولیس کے برابر ہوگا اور اسے شہادۃ العالمیہ (سند الفراغ) کہا جائے گا جبکہ دوسرا سال ایم۔ اے فائنل کے طور پر شہادۃ العالمیہ (سند الفاضل) کے نام سے موسوم ہوگا اور اس کا امتحان بھی مدارس کا بورڈ (وحدت المدارس) لے گا۔
  - 8: اس بورڈ (وحدت المدارس) کے امتحانات کے لیے سلیبس نصاب (کورس) وہی ہوگا جو وفاق المدارس العربیہ پاکستان کا ہے۔ امتحانی قواعد بھی اس کے ہوں گے جب تک وحدت بورڈ کے شوری اپنے قواعد منظور نہیں کرتا۔
  - 9: امتحانات کی فیسوں میں حالات کے مطابق وقتاً فوقتاً اضافہ کیا جائے گا۔
- آج بتاریخ 30 اپریل 2007ء گورنمنٹ دارالعلوم اسلامیہ سید و شریف میں چار حکومتی دارالعلوموں کے سربراہان / نمائندوں کا اجلاس ہوا جس میں متفقہ طور سے اوپر دیے گئے 11 نکاتی دستور کے تحت ان چاروں دینی مدارس کا ایک اتحادی بورڈ قائم کیا گیا۔ جو ان مدارس میں نصاب امتحانات میں یکجہتی اور ترقی کے لیے کوشش کرے گا اور ایک ہی سند جاری کرے گا۔ اور اس کی متفقہ طور پر منظوری دی گئی۔ مدرسین نے بھی شرکت کی اور منظوری دی۔

**نوٹ:** امتحانات کے اوقات کے تعین کے لیے بوقت ضرورت بعد میں اجلاس بلا یا جائے گا۔

صدر مجلس القادریہ  
وحدت المدارس العربیہ کے۔ پی۔ کے۔  
پاکستان

برائے توثیق محمد اور  
دستخط سید سراج حسین

صدر مدرسہ  
گورنمنٹ دارالعلوم اسلامیہ  
سید و شریف سوات پاکستان

30-10-2007

ATTESTED

*(Signature)*



امری  
پاکستان



# بورڈ وحدت المدارس العربیہ الحکومیہ میں شامل چار 04

گورنمنٹ مدارس کی اجمالی معلوماتی تقریب

1	اسماء مدارس	گورنمنٹ دارالعلوم اسلامیہ	گورنمنٹ دارالعلوم اسلامیہ	گورنمنٹ دارالعلوم اسلامیہ	گورنمنٹ دارالعلوم اسلامیہ	
2	حیثیت	سرکاری ادارہ	سرکاری ادارہ	سرکاری ادارہ	سرکاری ادارہ	
3	تاریخ آغاز قیام	1945ء	1945ء	1952ء	1952ء	
4	کل رقبہ ادارہ	آباد: 7299 فٹ غیر آباد: 33660 فٹ کل رقبہ: 41959	آباد: 3883 غیر آباد: 40066 کل رقبہ: 43949			
5	عمارت	کمرہ عدد: 14 کتب خانہ: 1 عدد حال: 1 عدد کل تعداد: 16	دس کمرے (10) عدد زیر تعمیر: 3 عدد کل تعداد: 13	سجدہ حال: 1 عدد کمرہ: 9 عدد کل تعداد: 10	فونل کمرہ: 12 کتب خانہ: 1 کل تعداد: 13	
6	تعداد (ملازمین)	اساتذہ: 12 درجہ چہارم: 3 فونل تعداد: 15	اساتذہ: 9 درجہ چہارم: 4 کل تعداد: 13	اساتذہ: 11	اساتذہ: 13	
7	تعداد انضواء	1862	420	700	350	
8	تعداد زیر تعلیم طلبہ موجودہ	267	225	103	170	
9	نصاب	چار مدارسوں میں اعدادیہ سے لیکر دورہ حدیث تک تمام درجات پڑھائے جاتے ہیں۔ اور نصاب عین وفاق المدارس کے مطابق ہے۔				
10	طریقہ امتحان	ہر ایک مدرسہ میں سال میں دو مرتبہ ایک ششماہی اور دوسرا سالانہ امتحان لیا جاتا ہے۔				
11	سند کی حیثیت	سندات مدارس ہذا: سرورس روز کے مطابق AT.TT تقرری کیلئے باقاعدہ منظور تھے۔ جس کی کاپی منسلک ہے۔ کاپی نمبر 1: 895F70-2 کاپی نمبر 2: 9965-2796 05-08-1984 16-12-1971- کاپی نمبر 3: 10805-70/A 258 کاپی نمبر 4: 15-07-1973				
12	صدر معلم کاتام	مولانا عبدالقادر صاحب،	مولانا مسعود احمد صاحب،	مولانا رشید احمد صاحب،	مولانا عبدالستین صاحب،	

منجانب: مولانا عبدالقادر  
صدر: وحدت المدارس العربیہ الحکومیہ  
صوبہ سرحد

مولانا عبدالقادر صاحب  
گورنمنٹ دارالعلوم اسلامیہ  
سیدو شریف سوات پاکستان  
26-5-77

صدر (معلم کاتام)  
گورنمنٹ دارالعلوم اسلامیہ  
سیدو شریف سوات پاکستان  
27-5-77

ATTESTED

تقابلی نقشہ نصاب تعلیم گورنمنٹ مدارس واقع سوات و چترال اور وفاق المدارس کا وضع کردہ نقشہ نصاب تعلیم

نصاب تعلیم وفاق المدارس ملتان پاکستان												
نمبر	متوسطہ	ثانویہ عامہ	ثانویہ خاصہ	عالیہ	عالیہ	عالیہ	ثانویہ عامہ	ثانویہ خاصہ	عالیہ	عالیہ	عالیہ	نمبر
شمار				سال اول	سال دوم	سال دوم	سال اول	سال دوم	سال اول	سال دوم	سال دوم	شمار
1	قرآن مجید، حدراز پارہ ۲۱ تا آخر (ناظرہ)	ترجمہ و تفسیر، پارہ عم، حفظ و مشق پارہ ربع ثالث، فوائد کیہ	ترجمہ و تفسیر، پارہ عم، حفظ و مشق پارہ ربع ثالث، فوائد کیہ	تفسیر و اصول، الفوز الکبیر، جلالین شریف	اصول تفسیر و حدیث، التبیان فی علوم القرآن، شرح نخب الفکر	اصول تفسیر و حدیث، سنن ابن ماجہ	ترجمہ و تفسیر، پارہ عم، حفظ و مشق پارہ ربع ثالث، فوائد کیہ	ترجمہ و تفسیر، پارہ عم، حفظ و مشق پارہ ربع ثالث، فوائد کیہ	تفسیر و اصول، الفوز الکبیر، جلالین شریف	اصول تفسیر و حدیث، سنن ابن ماجہ	اصول تفسیر و حدیث، سنن ابن ماجہ	1
2	فقہ و سیرت، بہشتی گوہر، سیرت رسول	حدیث لغت عربیہ و انشاء، زاد الطالبین کامل، القراءۃ الراشدہ جز اول	حدیث لغت عربیہ و انشاء، زاد الطالبین کامل، القراءۃ الراشدہ جز اول	حدیث، اصول و حدیث و فرائض، مسند امام اعظم ۲- خیر الاصول ۳- سراجی	تفسیر، بیضاوی (ربع پارہ اول) مسلم	حدیث صحیح مسلم	حدیث لغت عربیہ و انشاء، زاد الطالبین کامل، القراءۃ الراشدہ جز اول	حدیث لغت عربیہ و انشاء، زاد الطالبین کامل، القراءۃ الراشدہ جز اول	حدیث، اصول و حدیث و فرائض، مسند امام اعظم ۲- خیر الاصول ۳- سراجی	تفسیر، بیضاوی (ربع پارہ اول) مسلم	حدیث صحیح مسلم	2

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GOVERNMENT OF KHYBER  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 03 -04-2012

NO.SO(PE)5-12/SSRC/Darul Uloom/2012. In pursuance of the provisions contained in sub-Rule (2) of Rule-3 of Khyber Pakhtunkhwa Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 the Elementary & Secondary Education Department in consultation with the Establishment and Administration Department and the Finance Department hereby directs that in this Department's Notification No. SO(PE)4-5/SSRCVOL.III, dated 18-1-2011, the following further amendments shall be made, namely:-

AMENDMENTS

In this Appendix, against serial No. 2 and 3, in column No.3, after the words "Tanzim-Ul-Wafaq-Ul-Madaris", the words "or Darul-Uloom Saidu Sharif Swat, Darul-Uloom Charbagh Swat, Darul-Uloom Chitral, Darul-Uloom Darosh Chitral and any other Government run Darul-Uloom, as notified by the Government from time to time" shall be inserted respectively.

SECRETARY

Copy forwarded to:-

1. Additional Chief Secretary, FATA Warsak Road Peshawar.
2. All Administrative Secretaries Govt. of Khyber Pakhtunkhwa.
3. Secretary to Governor, Khyber Pakhtunkhwa.
4. Accountant General, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
6. Director Elementary & Secondary Education Khyber Pakhtunkhwa.
7. Director Curriculum & Teachers Education Abbottabad.
8. Director PITE Peshawar.
9. Director Education FATA Warsak Road Peshawar.
10. All District Coordination Officers in Khyber Pakhtunkhwa.
11. All Executive District Officers in Khyber Pakhtunkhwa.
12. All Agency Education Officers in FATA.
13. Director Information Khyber Pakhtunkhwa Peshawar with the request to give wide publicity through electronic & press media.
14. The Manager Govt. Printing Press Peshawar for publication in the next issue of Govt. Gazette.
15. Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
16. Chief Planning Officer Elementary & Secondary Education Department.
17. Senior Planning Officer Elementary & Secondary Education Department.
18. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
19. PS to Minister for Elementary & Secondary Education Khyber Pakhtunkhwa.
20. PS to Secretary / Special Secretary / Additional Secretary E&SE Department.
21. PA to Deputy Secretary (Admn) E&SE Department.
22. All Section Officers/Planning Officers / Statistical Officers, E&SE Department.
23. Deputy Director Database Administrator (EMIS) E&SE Department.

(MOHAMMAD AYUB KHAN)

SECTION OFFICER (PRIMARY)

ATTESTED

K - 39

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SWAT AT GULKADA**  
Cell # 0946 9240209-228

**NOTIFICATION**

Consequent upon the notification issued by the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his office Endst No 4675-80/File No.1/ Promotion Senior Arabic teacher BPS(16)2019 dated Peshawar 22/02/2019. The following Senior AT (Whose services were placed at the disposal of the DEO(M) Swat for further adjustment ) are hereby adjusted against the posts in the schools noted against each in the interest of public service on regular basis under the existing policy of the provincial Govt; on the terms & conditions given in the aforementioned notification of the Director (E&SED) Khyber Pakhtunkhwa with immediate effect.

S.No	S.No	Name	Present School	School where promoted/posted	Remarks
1	27	Shamshi Khan	GHS:Matiltan	GHS Parrai	A.V.Post
2	35	Noorul Wahid	GMS:Ganjir	GHS Aboha	A.V.Post
3	66	Mohammad Zahid	GHSS:Sakhra	GHS Bandai	A.V.Post
4	94	Serajul Haq	GMS Dero Kabal	GHS Qalagay	A.V.Post
5	97	Samillah Jan	GMS Marghuzar	GHSS Chitor	A.V.Post
6	98	Mohammad Tayab	GHS Gura	GHS Sinpora	A.V.Post

**CONSEQUENT ADJUSTMENT.**

S.No	Name & Designation	Present School	Name of school were consequently adjusted	Remarks
1	Salcemullah AT	GMS Gabral	GMS Dedawar	Consequent adjustment
2	Nasar Khan AT	GMS Paridisha	GMS Marghuzar	-do-

**TERMS AND CONDITION.**

- 1) They would be on probation for a period of one year extendable for another one year.
- 2) They will be governed by such rules and regulations as may be issued from time to time by the government.
- 3) Their services can be terminated at any time in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed time to time.
- 4) Charge report should be submitted to all concerned in duplicate.
- 5) Their inter-Se- Seniority on the lower post will remain intact.
- 6) No TA DA is allowed for joining his duty.
- 7) They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light this order will be covered and if he is wrongly promoted he will be reversed..

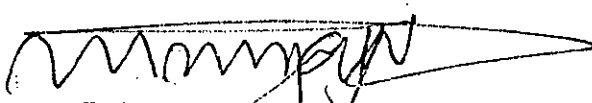
(NAWAB ALI)  
DISTRICT EDUCATION OFFICER  
SWAT AT GUL KADA

Endst No: 13354-57 /SAT/Promotion

dated: 28/2 2019

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

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Comptroller of Accounts Swat.
3. The Principal/ Headmaster concerned.
4. The candidate concerned.
5. PA to D E O local office.

  
DISTRICT EDUCATION OFFICER  
(MALE) SWAT AT GUL KADA

**ATTESTED**  


L-40  
①

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

Service Appeal No 609 /2018

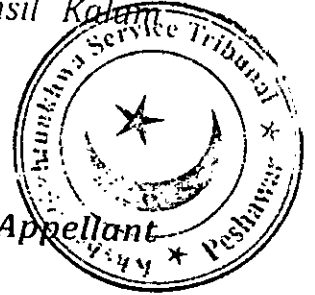
Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 656

Dated 04-5-2018

Shamshi Khan A.T (BPS-15) Teacher G.H.S Matiltan, Tehsil Kalam

District Swat.



**VERSUS**

1. The secretary of (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
2. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (M) District Swat.

.....Respondents

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT**

**1974 READ WITH ANY OTHER RELEVANT PROVISIONS**

**AGAINST THE IMPUGNED ORDER DATED: 21/02/2013**

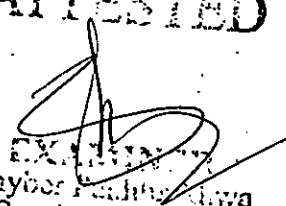
**WHEREAS THE APPELLANT HAS BEEN IGNORED FROM**

**PROMOTION TO THE POST OF SENIOR ARABIC TEACHER**

**(BPS-16) PASSED BY RESPONDENT NO.3.**

**PRAYER:**

**ATTESTED**

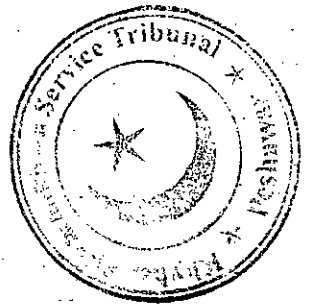
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Filed to-day  
Registrar  
9/5/18

609/2018

08.03.2019

41



Counsel for the appellant present.

Learned counsel for the appellant stated that the appellant has been promoted and he is under instructions to withdraw instant appeal with permission to file a fresh one in case any portion of grievance of appellant remained un-redressed through the promotion order.

Dismissed as withdrawn. File be consigned to the record room.

Chairman  
Camp Court, Swat

ANNOUNCED  
08.03.2019

Certified to be true copy

Seal of the Service Tribunal, Peshawar.

Date of Presentation of Application: 26-6-19  
 Number of Words: 800  
 Copying Fee: 6.00  
 Urgent: 2.00  
 Total: 8.00  
 Name of Copyist: [Signature]  
 Date of Completion of Copy: 26-6-19  
 Date of Delivery of Copy: 26-6-19



**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Shamsli Khan

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Shamsli Khan

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

Dated. \_\_\_/\_\_\_/2019



CLIENT

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**MIR ZAMAN SAFI  
ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Mobile No.0345-9383141



BEFORE THE HON'BLE KHYBER PAKHTUN KHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal NO. 891/2019

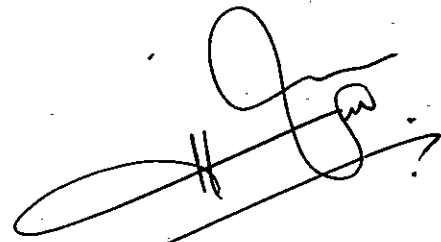
Mr. Shamshi Khan SAT Government High School Matiltan, Distt, Swat.

Subject: - Application For The Transfer Of The titled case  
to the Camp Court Swat.

It is submitted that the appellant is a bona-fide resident of District Swat whereas the titled case has been fixed for hearing today in Peshawar.

It is therefore, requested that the titled case may kindly be transferred/shifted to the Camp Court Swat in the interest of Justice please.

Dated: 14/11/2019



DEO (M) Swat

Through

Hussain Ali Representative

**BEFORE THE KHYBER PAKTUN KHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 891/2019

Mr. Shamshi Khan S.AT Government High School Matiltan (Kalam), District Swat.

.....Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
3. District Education officer (Male) Swat.

..... Respondents.

**Parawise Comments on Behalf of the Respondents 1 to 3:**

**Respectfully shewith**

**Preliminary objections**

1. That the appellant is not an aggrieved person within the meaning of section 4 of the service tribunal Act, 1974.
2. That the appellant has no cause of action / locus standi.
3. That the appellant has not come to this honorable court with clean hands.
4. That the appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the appellant has filled this instant Service Appeal on malafide motives.
8. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
9. That the appellant has estopped by his own conduct.
10. That the appellant has concealed the material facts from this honorable tribunal.

**FACTS**

1. That the Para No.1 is correct.
2. That the Para No.2 is irrelevant to the present issue.
3. That the Para No.3 is correct.
4. That the Para No.3 is incorrect and not admitted. The name of the appellant was included in the seniority list but due to Non-

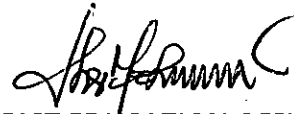
4. That the Para No.3 is incorrect and not admitted. The name of the appellant was included in the seniority list but due to Non-equivalence/unrecognized of his certificate (sanad) by HEC, the appellant was not promoted to the post of senior AT (BPS-16) in the notification of 27/02/2013.
5. That the Para No.3 is correct.
6. That the Para No.3 is correct to the extent of the Shahadatul Aalamia from Government Darul Uloom Charbagh. However, it is worth to mention here that the promotion order issued on 27-02-2013 from which the appellant felt aggrieved while the said Sanad has been got by the appellant in May 2014. It is also a question mark that how he got the regular admission in Shahadatul Aalamia while he was in service. On the other hand the appellant has also not got NOC from competent authority for the admission in the Shahadatul Aalamia in Government Darul Uloom Charbagh. **(Shahadatul Aalamia as Annexure A)**
7. That the para No.7 is correct to the extent of the promotion of the appellant vide order dated 28-02-2019 with immediate effect, the rest is incorrect and not admitted. The appellant is not entitled to be promoted from back date i.e 27-02-2013. The previous service appeal of the appellant was dismissed by this honorable tribunal vide judgment dated 07-11-2016 in Service Appeal No. 1079/2013 whereas the CPLA filed by the appellant has also been dismissed by the august Supreme Court of Pakistan vide order dated 24-01-2018 in CP No. 66/2017. Hence this issue has been settled by this Honorable Court as well as the Apex Court. The appellant has been promoted to the post of S.AT (BPS-16) vide order dated 28-02-2019 rightly with immediate effect after the supreme Court judgment and on the basis of Sahadatul Aalamia acquired in May 2014.
8. The detail reply of this para has been given in Para No. 7 above.
9. That the instant service appeal of the appellant is bereft of any merit; hence liable to be dismissed inter alia following grounds.

#### **GROUNDS**

- A. That the Para No. A is incorrect and no admitted. The appellant was not eligible for promotion in the year 2013 while the matter was subjudice before this Honorable tribunal and then the august Supreme Court till 24-01-2018. Hence promotion order dated 28-02-2019 is not against the law, facts, rules and norms.
- B. That the Para No. B is incorrect and not admitted. The respondent department cannot even think of the violation any Article of the Constitution.

- C. That the detail reply of this Para has already been given in Para No.7 of the facts above.
- D. That the Para No. D is the repetition of the above Paras.
- E. That the Para No. E is incorrect and not admitted. The impugned order is not arbitrary and malafide.
- F. That the Para No. F is repetition of above paras.
- G. That the respondents also seek permission to advance further grounds at the time of arguments.

It is, therefore, very humbly prayed that the instant service appeal of the appellant may be dismissed with cost in favor of the respondents.



DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA

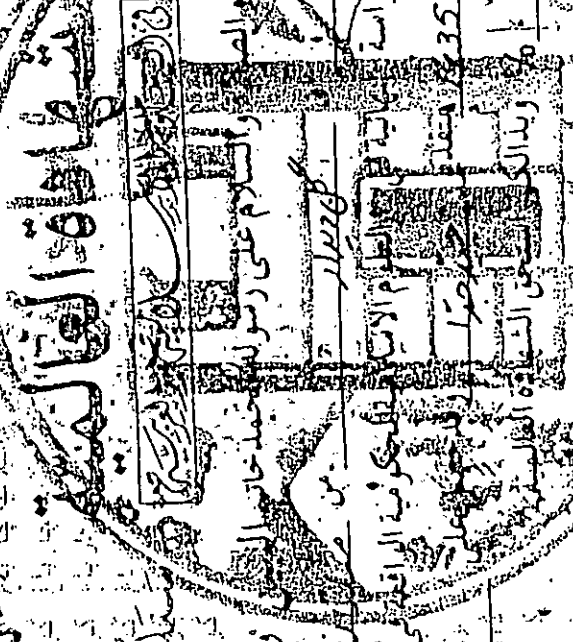
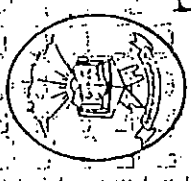


DIRECTOR,  
ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA



SECRETARY,  
ELEMENTARY AND SECONDARY  
EDUCATION PESHAWAR

دارالعلوم  
الاسلام  
بشهادة العالمية



الحمد لله الذي نور قلبنا ب  
وربط شفتيه لسان الاج  
المولود عام 1968 هـ  
ونجح في الامتحان النهائي الم  
مجموع ٦٠٠ درجات بمعدل

ونحن اذ ننصحه الشهادة نوصيه ان يتقن اللغة  
رقم السلسلة 70/014 - قسم المديرية  
رقم الجلوس 130-C  
تاريخ الاعدار ٢٠١٤ هـ

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بفتح صدر الملك  
بفتح صدر الملك  
بفتح صدر الملك

Countersigned  
Dist. Edu Officer (M)  
District Swat

گورنمنٹ ڈسٹرکٹ اسلام آباد  
چارباغ سوات

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**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 66 /ST

Dated: 12/01 2021

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

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


To

The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Swat.

Subject: JUDGMENT IN APPEAL NO. 891/2019, MR. SHAMSHI KHAN.

I am directed to forward herewith a certified copy of Judgement dated  
09.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR