

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1586/2019

Date of Institution ... 25.11.2019

Date of Decision ... 18.03.2021

Aurang Zeb Khan S/O Aslam Khan Senior Primary School Teacher  
 (Sr.PST, B-14) GPS No. 1 Taru Jabba Nowshera  
 Resident of V.P.O: Taru Jabba Nowshera ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through worthy Secretary Education,  
 Civil Secretariat Peshawar and six others.  
 ... (Respondents)

Present.

Appellant.	...	In Person
Mr. Noor Zaman Khattak, District Attorney,	...	For respondents.
MR. HAMID FAROOQ DURRANI, MR. SALAH-UD-DIN,	... ...	CHAIRMAN MEMBER(J)

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. Through the appeal in hand, the appellant has prayed for modification of impugned Notification dated 30.07.2019, followed by different corrigenda. The appellant has also sought for an order of promotion as PSHT with effect from 30.07.2019, with all back benefits.

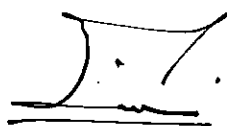
2. The representative of respondents, during the course of arguments, produced copy of Notification No.4639-47/Estab. Pri/Promotion SPST to PSHT/2019, dated 23.09.2020, whereby, the appellant has been promoted to the post of Primary School Head Teacher (PSHT) BPS-15. The appellant is, however, not satisfied with the contents of Notification as far as its



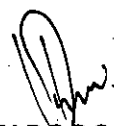
application with immediate effect is concerned. It is, however, conceded that he has not preferred any departmental appeal, as yet, against the said part of Notification due to pendency of instant appeal before this Tribunal.

3. It is evident that the impugned Notification dated 30.07.2019 has been partially superseded through the notification dated 23.09.2020 but the appellant is yet to pursue his remedy, departmental or otherwise, against the part of Notification, he is aggrieved from. In the circumstances, the appeal in hand has become infructuous in view of Notification dated 23.09.2020, while for the rest, the departmental proceedings are yet to be undertaken by him. The continuation of proceedings in the instant appeal, therefore, would be without any benefit to the appellant. The appeal is, therefore, disposed of as having become infructuous. File be consigned to the record room.

4. The appellant shall, however, not be barred to pursue his remedy(ies) if available to him in accordance with law while the disposal of instant appeal shall not be a hurdle there for. Parties are left to bear their own costs.





(SALAH-UD-DIN)  
MEMBER(J)



(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
18.03.2021

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.03.2021	<p><u>Present.</u></p> <p>Appellant ... In person.</p> <p>Mr. Noor Zaman Khattak, District Attorney with ... For respondents. Masood Khan, ADO (Litigation).</p> <p>Vide our detailed judgment; the appeal in hand is disposed of as having become infructuous.</p> <p>The appellant shall, however, not be barred to pursue his remedy(ies) if available to him in accordance with law while the disposal of instant appeal shall not be a hurdle there for.</p> <p>Parties are left to bear their own costs.</p> <p>File be consigned to the record room.</p> <p> (SALAH-UID-DIN) Member(J)</p> <p> CHAIRMAN</p> <p><u>ANNOUNCED</u> 18.03.2021</p>

31.12.2020

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

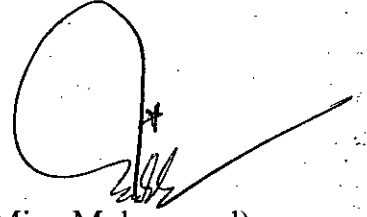
  
Reader

19.08.2020

Appellant in person present. Addl: AG alongwith Mr. Shoaib Akhtar, Litigation Officer for respondents present.

Written reply on behalf of official respondents No. 1 to 3 have already been submitted. None for the private respondents present nor their written reply submitted.

To come up for rejoinder and arguments on 30.10.2020 before D.B.



(Mian Muhammad)  
Member(E)

30.10.2020

Due to public holiday, the matter is adjourned to 31.12.2020 for arguments before the D.B.

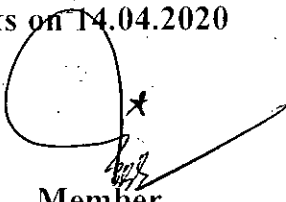


Reader

05.03.2020

Appellant in person present. Addl. AG alongwith Inayatullah, ADEO for respondents No. 1 to 3 present and reply filed. Fresh notices be issued to respondents No. 4 to 7 by way of last chance.

To come up for written reply/comments on 14.04.2020 before S.B.

  
Member

14.04.2020


Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.

  
Reader

09.07.2020

Appellant present in person.

Mr. Muhammad Jan learned Deputy District Attorney for respondents No.1 to 3 present. None present on behalf of private respondents No.4 to 7, therefore they be served ~~notices~~ through all possible means and mode of services for 19.08.2020 before S.B.

  
Member (J)

30.12.2019

Appellant present in person.

Contends that on 30.07.2019 a notification was issued by respondent No. 3 whereby 56 Senior Primary School Teachers (BPS-14) were promoted to the post of Primary School Head Teachers (BPS-15). The last promotee in the notification was at S.No. 1289 of the seniority list while the appellant held position at S.No. 1290 of the list. He referred to the corrigendum dated 31.07.2019 and argued that besides 56 vacant posts noted in the notification dated 30.07.2019 there were at least five more vacancies against which the appellant was entitled to be considered being eligible and in accordance with the seniority list. That, inaction on the part of the respondents drove the appellant to submit departmental appeal which was not responded, hence the present service appeal.

In view of the available record and arguments of appellant, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 10.02.2020 before S.B.

Appellant Deposited  
Security & Process Fee

31/12/19

  
Chairman

10.02.2020

Appellant in person present. Written reply not submitted. Roheen Bibi ADEO (for respondent No.3) present and seeks adjournment. None present on behalf of private respondents. Irfan Ali Assistant representative of respondent No.2 absent. Notice be issued to private respondents No.4 to 7 and official respondents No.1 & 2 for reply. Adjourn. To come up for written reply/comments on 05.03.2020 before S.B.



  
Member

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1586/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/11/2019	<p>The appeal of Mr. Aurang Zeb presented today by him, 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 25/11/19</p>
2-	26/11/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/12/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

P/16



**BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR.**

Service Appeal No. 1586 /2019

Aurang Zeb Khan S/O Aslam Khan Senior Primary School Teacher (Sr.PST,  
B-14) GPS NO. 1 TARU JABBA NOWSHERA R/O V.P.O: TARU JABBA  
NOWSHERA P.CODE 24310 ..... (Appellant).

**VERSUS**

Govt. of Khyber Pukhtunkwa through Worthy Secretary Education and others  
..... (Respondents)

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5	THE CORRIGENDUM DATED 31-07-2019	D	14
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**Aurang Zeb Khan (SPST) (appellant-in- person)**  
Phone No. 0323-9207600

**BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR.**

Service Appeal No. 1586 /2019

**Aurang Zeb Khan S/O Aslam Khan Senior Primary School Teacher**  
(Sr.PST, B-14) GPS NO. 1 TARU JABBA NOWSHERA Resident of  
V.P.O: TARU JABBA NOWSHERA

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 1679

Dated 25/11/2019

..... (Appellant).

**VERSUS**

1. Govt. of Khyber Pukhtunkhwa through worthy Secretary Education, Civil Secretariat Peshawar.
2. Worthy Director of elementary & secondary education Khyber Pukhtunkhwa Peshawar.
3. Worthy District Education Officer (Male) Nowshera.
4. Mr. Muhammad Ikram Primary School Head Teacher (PSHT, B-15) GPS No.6 Dak Ismail Khel Nowshera.
5. Mr. Abdul Wahab Primary School Head Teacher (PSHT, B-15) GPS Khair Abad Nowshera.
6. Mr. Nowsher Muhammad Primary School Head Teacher (PSHT, B-15) GPS No.2 Spin Kana Kurd Nowshera.
7. Mr. Muhammad Ismail Primary School Head Teacher (PSHT, B-15) GPS Jahangira Road Nowshera

..... (Respondents).

**Filed to-day**

**Registrar**

25/11/19

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APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, against the Notification of promotion Dated 30-07-2019 issued by Respondent No.3 whereby the appellant has not been promoted as PSHT, B-15.

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**PRAYER:**

*"On acceptance of this service appeal the respondent department/ Respondent No.3 may kindly be directed to modify the Impugned Notification and all corrigenda to the Impugned-Notification, considering the appellant's promotion due and may also be directed to promote appellant as PSHT, B-15 w.e.f.30-07-2019 with all back benefits.*

***Any other relief(s) which this Hon'ble Service Tribunal  
deems fit and proper in the circumstances of the case may also  
be granted to the appellant"***

Respectfully Sheweth:

The appellant submits as under:-

1. That the appellant is working as (Sr.PST, B-14) at Govt: Primary School No.1 TaruJabba Nowshera since 25-11-1995. (CNIC, Service certificate, and pay roll are annexed hereto marked "A1 TO A3").
2. That being qualified , eligible and on the basis of seniority-cum- fitness , the appellant's promotion file from Sr.PST, B-14 to PHST, B-15 was sent to the worthy D.E.O (M) Nowshera (**Respondent 3**) vide Letter No. 224-26 Dated 01-07-2019 ASDEO (M) CIRCLE PABBI NOWSHERA. (Letter is annexed hereto marked "B").
3. That in the month of July 2019, a meeting of Departmental Promotion Committee (**DPC**) was held, making working paper and recommendations for promotion from Sr.PST, B-14 to PSHT, B-15.
4. That consequent upon the recommendations of **DPC** the worthy D.E.O (M) Nowshera (**Respondent No.3**) issued a notification to promotions vide Endst No.11016-26 dated 30-07-2019 (here referred as **Impugned Notification**) from Sr.PSTs, B-14 to PHSTs, B-15 (Total 56(fifty six) Sr.PSTs, B-14 to PHSTs, B-15 were promoted). (A copy of impugned notification is annexed hereto marked "**C**"i.ii.iii.iv).
5. That the appellant seniority **No.1290** was not promoted from Sr.PST, B-14 To PHST, B-15 whereby all Sr.PSTs, B-14 up to seniority **No.1289** have been awarded promotions as PSHT, B-15 vide **Impugned Notification**.
6. That having put in about 24 years of service to the utmost satisfaction of superiors, the appellant is entitled to be promoted as PSHT, B-15. The appellant received three times best teacher award.
7. That more than 56(fifty six) posts of PSHTs, B-15(one Primary School-one PSHT, B-15 post) were lying vacant in primary schools (male) of district Nowshera. The posts of PSHTs, B-15 are filled 100 % by promotion subject to the availability of posts and no other policy for recruitment does exist in this connection.
8. That on the following day of the **Impugned Notification**, the worthy D.E.O (M) Nowshera (**Respondent No.3**) issued a corrigendum (here referred as **the corrigendum Dated 31-07-2019**) to the **Impugned Notification** vide Endst No.240-46 dated 31-07-2019 which also affected the

entitlement/consideration for promotion of the appellant.  
(A copy of this corrigendum is annexed hereto marked "D").

9. The appellant filed departmental appeal/review in the office the worthy D.E.O (M) Nowshera (**Respondent No.3**) vide diary No.2537 Dated 02-08-2019 and additional materials were clubbed vide diary No.2647 Dated 19-08-2019 to this appeal, but no heed was paid to the departmental appeal. This departmental appeal was not decided till the expiry of the statutory period of 90 days. (Copies of departmental appeals are annexed hereto marked "E"i.ii).

**Feeling aggrieved** and finding no other remedy, the appellant has been constrained to approach this Hon'ble service tribunal for redress of his grievance, respectfully maintaining that he may kindly be considered for promotion due to the post of PSHT, B-15 in view of the available posts and refusals came therein from the promotees of **Impugned Notification**.

### *Grounds:*

- a. **The respondent No.4/promotee** at serial No.1 in **Impugned Notification** was first promoted as PSHT, B-15 GPS Tarkhel Payan vide office order No.7726-30 Dated 31-12-2013 who declined this promotion and also declined promotion for second time in 2018.

(A copy of first promotion order of respondent No.4 is annexed hereto Marked "F")

- b. **The respondent No.5/promotee** at serial No.2 in **Impugned Notification** was first promoted as PSHT, B-15 GPS Nizampur vide office order No.3641-46 Dated 27-07-2015 who remained as PSHT, B-15 till 03-09-2015, he declined this promotion so he was required by law to wait for next Four years.

(A copy of respondent No. 5's promotion order is annexed here to marked "G"i,ii)

The above (a) and (b) grounds are crystal clear violation of **rule 7 Sub rule 5** inserted by Notification (No. SOR-VI (E&AD) 1-3/2009/Vol-VIII, dated 22-10-2011).

**THE KHYBER PAKHTUNKHWA**

**CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.**

( Copy of Notification dated 22-10-2011 is annexed as "H")

The worthy D.E.O (M) Nowshera (**Respondent No.3**) should have read these Rules. *Else departure from the rules* will invalidate the thing done in the manner other than prescribed by rules. Reliance is placed on this

4

Point of law: 2001 PLC (C.S) 771 & PLD 1971 SC 61.

- C. The corrigendum Dated 31-07-2019 shows that a post of PSHT, B-15 was lying vacant at GPS No.2 Spin Kana Khurd, to which **The respondent No.6/promotee** at serial No.54 of **Impugned Notification** was adjusted vide the corrigendum Dated 31-07-2019.

No one was promoted as PSHT, B-15 at this school vide **Impugned Notification**, meaning that it was lying vacant at time of **Impugned Notification**. The appellant seniority No.1290 being qualified, eligible and on the basis of Seniority-cum-Fitness was entitled to be promoted as PSHT, B-15 at this vacant post. The posts at **GPS Shabara** and **GPS Shaikhan** are still lying vacant in circle Jalozai adjacent to appellant's circle Pabbi.

- d. The corrigendum Dated 31-07-2019 shows that a post of PSHT, B-15 at GPS Jehangira Road was likely to be vacant in Future on Dated 02-09-2019, to which the **respondent No.7/promotee** at serial No.10 in **impugned Notification** was adjusted vide the corrigendum Dated 31-07-2019, to assign a charge to the respondent No.7 on a post which was likely to be vacant for about one month after **The corrigendum Dated 31-07-2019** was unwarranted, inexpressive, whimsical and preposterous (contrary to reason).

- f. The corrigendum Dated 31-07-2019 sounds absolutely meaningless and is affecting public interest at one place for another, needs to be interpreted and corrected by this Hon'ble Service Tribunal.

- g. The denial of promotion to the appellant in view of the above facts, availability of posts and on the basis of Seniority-cum-Fitness is arbitrary, discriminatory, mala fide and such is without lawful authority.

- h. The respondents No.4 to No.7 are made respondents because their names, posts, service interests are pleaded in this service appeal, so as to meet the natural justice under legal maxim

**"Audi alteram partem" let the other side be heard as well.**

- i. The authority was required by law to act in accordance with the well-established principle of equity, fairness and justice. Their reluctance to do so justified interference by this Hon'ble Service Tribunal.
- j. Appellant seeks permission to take several other grounds and to present other documents at the time of arguments.

*In view of the above*, it is humbly prayed, that *this* service appeal may kindly be accepted, directing the respondent department/**Respondent No.3** to modify the **Impugned Notification** and all corrigenda to the **Impugned Notification**, considering the appellant's promotion due and may also be directed to promote appellant as PSHT ,B-15 *w.e.f.* **30-07-2019** with all back benefits.

Any other relief(s) which this Hon'ble Service Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.



**Aurang Zeb Khan (Sr.PST)**

**Appellant-in-Person.**

**INTERIM RELIEF:**

As an interim relief the respondent department may be restrained from taking any adverse action against appellant, and may also be restrained, not to hold fresh **DPC** for the posts of **PSHT, B-15** till disposal of this service appeal.



**Aurang Zeb Khan (Sr.PST)**

**Appellant-in-Person.**

**Dist. Govt. NWFP-Provincial  
District Accounts Office Nowshera  
Monthly Salary Statement (September-2019)**

*Aiii*



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**Personal Information of Mr AURANZ ZEB d/w/s of ASLAM KHAN**

Personnel Number: 00140964 CNIC: 1720122483369 NTN:  
Date of Birth: 12.04.1971 Entry into Govt. Service: 01.01.2001 Length of Service: 18 Years 09 Months 001 Days

**Employment Category: Active Temporary**

Designation: SENIOR PRIMARY SCHOOL TEA 80719383-DISTRICT GOVERNMENT KHYBE  
DDO Code: NR6344-Tehsil Pabbi Nowshera  
Payroll Section: 001 GPF Section: 001 Cash Center: 5  
GPF A/C No: EDUNR003437 Interest Applied: Yes **GPF Balance:** 335,006.00  
Vendor Number: -

**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	37,410.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	857.00	2199	Adhoc Relief Allow @10%	575.00
2211	Adhoc Relief All 2016 10%	2,938.00	2224	Adhoc Relief All 2017 10%	3,741.00
2247	Adhoc Relief All 2018 10%	3,741.00	2264	Adhoc Relief All 2019 10%	3,741.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-280.00	3990	Emp.Edu. Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	70,000.00	-1,944.00	29,176.00

**Deductions - Income Tax**

Payable: 5,315.35 Recovered till SEP-2019: 670.00 Exempted: 2126.07 Recoverable: 2,519.28

**Gross Pay (Rs.): 59,573.00 Deductions: (Rs.): -6,169.00 Net Pay: (Rs.): 53,404.00**

Payee Name: AURANZ ZEB  
Account Number: PLS000000028793  
Bank Details: NATIONAL BANK OF PAKISTAN, 230824 TARU JABA TARU JABA, PESHAWAR

*Attested by  
Appellant*

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: NSR

City: NOWSHERA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

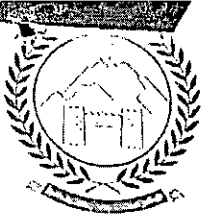
Temp. Address:

City:

Email: tarukhel@gmail.com

# Annexure B

9



**OFFICE OF THE  
ASSISTANT SUB-DIVISIONAL EDUCATION OFFICER (M)  
CIRCLE PABBI NOWSHERA**  
No. 224-26 Dated 01/07/2019.



TO

SDEO (M) Pabbi (NSR)

**SUBJECT: REMOVAL OF DEFICIENCY IN THE DOCUMENTS (SPST TO PSHT PROMOTION)**

R/Sir,

Reference to your good office letter No 1788-90 dated 12-06-2019 following is the detail list of deficiencies completed/removed against each in the column No 9. The list is submitted for further considerations and necessary action please.

S No	Seniority No	Name	Designation	School Name	Promotion From	Promotion To	Deficiency	Removal of Deficiency
1	1014	Ismail Khan	SPST	GPS No 1 Taru Jabba	SPST	PSHT	SPST Order & SSC, BA Original Degree/Certificate	OK Original Degree/Certificates may be checked by Est. Prry
2	1039	Aurang Zeb	SPST	GPS No 1 Ali Baig	SPST	PSHT	SPST Order	OK
3	1049	Javed Khan	SPST	GPS No 1 Taru Jabba	SPST	PSHT	SPST Order & SPST Entry in Service Book	OK
4	1057	Zafar Ali	SPST	GPS Chowki Gul Badshah	SPST	PSHT	CNIC Copy & ACR's not Signed by SDEO	OK
5	1062	Fazali Malik	SPST	GPS Garhi Abdul Jabbar	SPST	PSHT	ACR's are not signed by SDEO	OK
6	1067	Arif Ali	SPST	GPS Khan Sher Garhi	SPST	PSHT	BA 3 <sup>rd</sup> Division	BA 3 <sup>rd</sup> Division
7	1093	Aurang Zeb Khan	SPST	GPS No 1 Taru Jabba	SPST	PSHT	SPST Order & BA Degree required	OK
8	1652/ 1539	Muhammad Iqbal	SPST	GPS Garhi Momin	SPST	PSHT	BA 3 <sup>rd</sup> Division (SSC, HSSC & BA Original Documents)	OK Original Degree/Certificates may be Checked by Est. Prry
9	1610	Farukh Sair	SPST	GPS Ajab Bagh	SPST	PSHT	SPST Order & ACR's not signed by SDEO	OK ACR's already submitted but SDEO' Sign ?
10	1648	Mian Muhammad Arif	SPST	GPS Khan Sher Garhi	SPST	PSHT	FA Original Certificate	OK
11	1652	Muhammad Naeem	SPST	GPS Khan Sher Gurhi	SPST	PSHT	BA 3 <sup>rd</sup> Division	BA 3 <sup>rd</sup> Division
12	1724	Naveed Farooq	SPST	GPS Amankot	SPST	PSHT	BA 3 <sup>rd</sup> Division, SPST Order	OK
13	1725	Mukarram Khan	SPST	GPS Zakhi Quoristan	SPST	PSHT	BA 3 <sup>rd</sup> Division	OK
14	1319	Muhammad Ayaz	SPST	GPS No 3 Akbar Pura	SPST	PSHT	File Submitted today	OK
15	1270	Ihtiram Ud Din	SPST	GPS No 2 Chowki Drab	SPST	PSHT	File Submitted today	OK
16	1262	Muhammad Rafiq	SPST	GPS No 1 Khudrezai	SPST	PSHT	File Submitted today	OK

attested by  
*(Signature)*  
Appellant

*(Signature)*  
(YOUSAF SHAH)

Assistant Sub Divisional Education Officer  
(Male) Circle Pabbi (NSR)

Copy to the:-

1. District Education Officer, (Male) Nowshera
2. Office Copy

*(Signature)*  
01/07/2019  
Assistant Sub Divisional Education Officer  
(Male) Circle Pabbi (NSR)

*(Signature)*  
01/07/2019

*(Signature)*



# Annexure 'C'

Page 1 of 4

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Endst No: 11016-26 /Etab. Pri/Promotion SPST to PSHT/2019 Dated:- 30/07/2019



## District Education Office (Male) Nowshera

PHNo. 0923-9220228

Fax No. 0923-9220228

E-mail deomalensr@gmail.com

### Notification:

Consequent upon the recommendations of the Departmental Promotion Committee Meeting and in the pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Notification No SO (B&A)/1-18/E&SE/2012 Dated 11-07-2012 and Finance Department Endorsement No. SO(FR)/FD/10-22(E)/2010 Dated 16-07-2012, the following Senior Primary School Teachers (SPST) B-14 are hereby promoted to the post of Primary School Head Teachers (PSHT) B-15 ~~(Rs. 1620-330-5620)~~ plus usual allowances as admissible under the rules and the existing policy of the Provincial Government in the Teaching Cadre on regular basis on the terms and conditions given below with immediate effect and posted against vacant posts of PSHT's (B-15) in best interest of public service.

S.NO	SEN: NO.	NAME	FATHER NAME	SCHOOL NAME	POSTED AT
1.	664	MUHAMMAD IKRAM	YAR MUHAMMAD	GPS NO.6 DAK ISMAIL KHEL	GPS NO.6 DAK ISMAIL KHEL
2.	702	ABDUL WAHAB	TAWAB KHAN	GPS ROKHAN ABAD K.BALA	GPS KHAIRABAD
3.	710	SHAFI UDDIN	KARIM UDDIN	GPS HAMZA RASHAKA NO:2	GPS HAWA:
4.	1030	MUHAMMAD AAMIR	MUHAMMAD SALEH	GPS GANDHERI PAYAN	GPS PALOSAI PAYAN
5.	1037	SYED MUBASHIR HUSSAIN SHAH	SYED IJAZ ALI SHAH	GPS SYED AKBAR KORONA	GPS LABI KHEL
6.	1049	FAWAD ALI SHAH	FAZILAT SHAH	GPS ASC COLONY	GPS NO.2 GARU
7.	1055	SAID FAQIR	MUKARAM KHAN	GPS NANDRAK	GPS NANDRAK
8.	1064	JEHANZAIB	SALAH UDDIN	GPS ABA KHEL WALLI	GPS TARKHEL BALA
9.	1066	BISMILLAH SHAH	SAID SAIED SHAH	GPS AZAKHEL PAYAN	GPS ASHA KHEL
10.	1070	MUHAMMAD ISMAIL	ABDUR RAZIQ	GPS SAIES MANDI	GPS MARIHATI BANDA
11.	1072	SARDAR NABI	WALI MUHAMMAD	GPS MUJAZAM KORONA	GPS NO.1 MIAN ESSA
12.	1073	ASHRAF ALI	SABZ ALI	GPS RISALPUR NO:2	GPS TOOTKI
13.	1079	SAID REHMAN	M.SAID	GPA NO.2 NSR KALAN	GPS PINDORI
14.	1088	MOSAM KHAN	GUL MIN KHAN	GPS NO.2 KAH1	GPS NO.2 KAH1

attested  
in  
presence of  
(Appellant)  
M. E. O. (M)  
Nowshera

Endst No: 11016-26 /Estab. Pri/Promotion SPST to PSHT/2019 Dated:- 30/07/2019

15.	1091	JAVED AKHTAR	UMAR SHAH	GPS NO.1 KAHI	GPS NO.1 KAHI
16.	1093	HAFIKHAR AHMAD	UMER KHITAB	GPS ISORI PAYAN	GPS UMAREY KALLAY
17.	1095	SHAMSUL ZAMAN	SHAMSUR REHMAN	GPS MERA AKORA	GPS NO.1 MASEM KHEL
18.	1102	FARUKH SAIR	ABDUL MANAN	AJAB BAGH GPS	GPS NO.1 SPINKHAK
19.	1112	ALAM ZAIB	FAZLI NABI	GPS KABUL RIVER	GPS HASSAN DARA
20.	1143	M. IJAMAUN KHAN	QAZI IKRAM UDDIN	GPS NO.6 RAIL WAY STATION	GPS NO.3 ZIARAT KAKA SAHIB
21.	1145	S.TAHIR ALI SHAH	S.AJAMGIR SHAH	GPS 5 NSR KALAN	GPS TAJ ABAD
22.	1146	AMINUR RAHMAN	KHAN ZADA	GPS BARIKABAD	GPS SHAHEEN ABAD
23.	1148	MUHAMMAD IQBAL	FAZLI RAZAQ	GPS GARHI MOMIN AKABARPURA	GPS NO.1 INZARI
24.	1159	KHALID KHAN	BAHADUR KHAN	GPS SPIN KANI	GPS SPIN KANI
25.	1167	MIAN MUHAMMAD ARIF	MIAN MUHAMMAD IKRAM	KHAN SHER GARHI GPS	GPS REHMAN ABAD
26.	1172	ZAKIR JAN	MUSHTAQ MUHAMMAD	GPS NASEER ABAD	GPS GHANDAB
27.	1174	WALI UR RAHMAN	QUAISAR KHAN	GPS NO.2 RISALPUR	GPS MALI KHEL PAYAN
28.	1181	MUHAMMAD NAEEM	WILAYAT KHAN	KHAN SHER GARHI GPS	GPS MACHI
29.	1184	GHULAM FAROOQ	ABDUL FAROOQ	GPS SHEEN BAGH	GPS SHUWANGI
30.	1186	YASIN KHAN	SAMIN KHAN	GPS SAHIB ULLAH KOROONA	GPS USMAN ABAD
31.	1189	NAVEED FAROOQ	ALLAH BAKHISH	AMANKOT GPS	GPS ASO KHEL
32.	1191	MUKARAM KHAN	UMAR GUL	GPS ZAKHI QABRISTAN	GPS NO.5 DAK ISMAIL KHEL
33.	1195	IZHAR KHAN	SARAF GUL	GPS SHEEN BAGH	GPS NARAI
✓ 34.	1196	M. ISMAIL KHAN	M. IBRAHIM	GPS NO.1 TARU JABBA	GPS SHAH KOT BALA
35.	1197	MUHTAJ MUHAMMAD	SIRTAJ MUHAMMAD	GPS SHEEN BAGH	GPS NO.2 PITAWO PAYAN
36.	1207	SAHEB-E- HAQ	HISAN UL HAQ	GPS WAZIR GARI	GPS KOTLI KALAN
37.	1208	MUHAMMAD NAEEM	MUHAMMAD ZAFAR	GPS NO.1 BARA BANDA	GPS SARWAR ABAD

attested by *M. Ijaz*  
Appellant *D.E. OTM*  
Nowshera

Endst No: 11016-26 /Estab. Pri/Promotion SPST to PSHT/2019 Dated:- 30/07/2019

38.	1213	IKHTIAR MUHAMMAD	DOST MUHAMMAD	GPS WAZIR GARI	GPS CHAPRI
39.	1217	RIAZ MUHAMMAD	SAID MUHAMMAD	GPS MERA MISRI BANDA	GPS ISLAMABAD
40.	1229	AURANG ZAIB	ALI AKBAR	GPS NO.1 ALI BAIG	GPS AFRIDO GARHI
41.	1236	WAHEEDULLAH KHAN	SAID HASAN KHAN	GPS NO.1 JABBA KHUSK	GPS NO.1 JABBA TAR
42.	1237	WAZIR BAD SHAH	BAGHI GUL	GPS SAFDER KHAN KORONA	GPS AMAN PURA
✓43.	1239	JAVED KHAN	RAZA KHAN	TARU JABBA GPS NO.1	GPS SARWAR KHEL
44.	1241	ADIL ALI	TURAB ALI	GPS MANDORI	GPS TARKHEL PAYAN
45.	1246	CHAN BADSHAH	LAL BADSHAH	GPS SOHBAT KORONA	GPS MAROOBA
46.	1250	ZAFAR ALI	DAFADAR KHAN	CHOKI GUL BAD SHAH GPS	GPS NO.2 SHAHKOT PAYAN
47.	1256	FAZAL MAALIK	MUHAMMAD AMIR KHAN	GPS JABBAR GARI	GPS NO.1 PITAWO PAYAN
48.	1260	ZAHID IQBAL	TOOR ZALI	GPS NO1 SPIN KHAK	GPS QAMAR MELA
49.	1262	MUHAMMAD RAFIQ	FAQIR MUHAMMAD	KHUDREZAI GPS NO.1	GPS TANGA PIRAN
50.	1263	MUHAMMAD RAEES	MUHAMMAD SIDDIQ	GPS NO1 SHEKHAN	GPS PIRAN PAYAN
51.	1264	ARIF ALI	GUL ISLAM	PABBI GPS No.1	GPS PIRAN BALA
52.	1270	HITIRAMU-DIN	MUZAFAR DIN	CHOKI DRUB GPS NO.2	GPS NO.1 JAROOBA
53.	1277	SAID ALI SHAH	NADIR SHAH	GPS NO.2 TANGI KHATTAK	GPS RAJ ABAD
54.	1284	NOWSHER MUHAMMAD	ABDUS SUBHAN	GPS 4 MANKI	GPS LASHORA
55.	1285	AYAZ AALAM	MUHAMMAD AALAM	GPS WAZIR GARI	GPS CHERAT CANTT
56.	1289	AFTAB KAUSAR	ABDUSSAMAD	GPS WAZIR GARI	GPS NIZAMPUR

**TERMS AND CONDITIONS:**

1. They would be on probation for the 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. They will be demoted at any time, in case of their performance was found unsatisfactory during probation period. In case of misconduct they will be proceeded under the rules framed from time to time.
4. The Sub-Divisional Education Officer concerned should check their original documents (Academics & Professional) before handing over charge.

D:\Circle\PSHT Promotion\Order PSHT-2019.docx

attested by  
*[Signature]*  
 (Appellant)

*[Signature]*  
 District Education Officer  
 E & S (Male) Nowshera

Endst No: 11016-26 /Estab. Pri/Promotion SPST to PSHT/2019 Dated:- 30/07/2019

5. The Sub. Divisional Education Officer concerned is required to submit their necessary documents for verification to the District Education Officer (Male), Nowshera along with original payee receipts.
6. The Sub. Divisional Education Officers (M) should not release the pay in BPS-15 until and unless their necessary documents are verified from the Universities / Boards concerned. During verification process, if any Degree /Certificate found fake/ bogus, their promotion shall stand cancelled.
7. The District Education Officer (Male) Nowshera will issue Clearance Certificate after the verification process.
8. Charge report should be submitted to all concerned.
9. Their inter-sc- seniority on lower post will remain intact.
10. He should join his post within 15 days of the issuance of this notification. In case of failure to join the post within 15 days of the issuance of this notification, his appointment shall expire automatically and no subsequent appeal etc. shall entertained
11. No TA/DA is allowed for joining their duties.
12. They will give an undertaking to be recorded in their Service Books to the effect that if any over payment is made to him/ them in the light of this order will be recovered and if he/they are wrongly promoted, he/they shall be reversed.

(Attaullah Khan)  
District Education Officer (M)  
Nowshera

Endst No: 11016-26 /Estab. Pri/Promotion SPST to PSHT/2019 Dated:- 30/07/2019

Copy for information and necessary action to:

1. PS to the Secretary E&S Education Khyber Pakhtunkhwa Peshawar.
2. Director E&S Education Khyber Pakhtunkhwa Peshawar.
3. Nazim District Government Nowshera.
4. Deputy Commissioner Nowshera.
5. District Monitoring Officer (IMU) Nowshera.
6. Senior District Account Officer Nowshera.
7. Sub Divisional Education Officer (M) Nowshera/Jehangira/Pabbi.
8. ASDEO (M) Circle concerned.
9. Officials concerned.
10. D-EMIS Local Office.
11. M/File.

attested by  
[Signature]  
(Appellant)

District Education Officer (M)

D.E.O (M)  
Nowshera  
[Signature]

# Annexure D

14



## OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

### CORRIGENDUM;

Notification issued vide this office Endst No. 11016-26/Estab: Pri/Promotion SPST to PSHT/2019 Dated Nowshera the: 30/07/2019, please read column No. 05 instead of column No.04 against their names in the below table.

S.No	Name	Father Name	Instead of	READ AS
1.	ZAHID IQBAL	TOOR ZALI	GPS QAMAR MELA	GPS NO.1 SPIN KHAK
2.	FARUK H SAIR	ABDUL MANAN	GPS NO.1 SPINKHAK	GPS JAMMU
3.	NOWSHER MUHAMMAD	ABDUS SUBHAN	GPS LASHORA	GPS NO.2 SPIN KANA KHURD
4.	AMINUR RAHMAN	KHAN ZADA	GPS SHAHEEN ABAD	GPS MARIYATI BANDA
5.	MUHAMMAD ISMAIL	ABDUR RAZIQ	GPS MARIYATI BANDA	GPS JEHANGIRA ROAD

- Note:
1. Terms and Conditions are remained intact.
  2. Their seniority will be consider from the date of Notification to Promotion.
  3. S.No. 5 will take charge w.e.f 02-09-2019.

(Attaullah Khan)

District Education-Officer (M)  
Nowshera

Endst No. 240-46 /Estab: Pri/Promotion PST to SPS/2019 Dated Nowshera the: 31/07/2019  
Copy forwarded for information and necessary action to the: -

1. PS to the Secretary E&S Education Khyber Pakhtunkhwa Peshawar
1. Director E&S Education Khyber Pakhtunkhwa Peshawar
2. Nazim District Government Nowshera.
3. Deputy Commissioner Nowshera.
4. District Monitoring Officer (DMO) Nowshera.
5. Senior District Account Officer Nowshera.
6. Sub Divisional Education Officer (M) Nowshera/Jehangira/Pabbi.
7. ASDEO (M) Circle concerned.
8. Officials concerned.
9. D-EM&S Local Office.
10. M/File.

attested by  
*[Signature]*  
C Appellant

*[Signature]*  
District Education Officer (M)  
Nowshera

حکومت جناب ڈی ای او (میل) ضلع نوشہرہ

ADO Estab. (P)

اسیل کنڈہ کی طرف سے PSHI پروموشن آرڈر نمبر 11016-26 مورخہ 30-7-19

نوٹیفیکیشن نمبر - SOR (E & AD) 2009-3-1/111 Vol: VIII

اپیل کنندہ کی طرف سے  
attested  
by  
Munir  
Appellant

جناب عالی! موربانہ لکھنا کہ اسیل کنڈہ کو ملنے والی صورتوں میں بطور SPST کام کر رہا ہے۔ اسیل کنڈہ آپ صاحبان کی توجہ PSHI پروموشن آرڈر نمبر 11016-26 مورخہ 30-7-19 اور رولز باڈ کی طرف دینا چاہتا ہے۔

اس سلسلے میں چند گزارشات درج ذیل ہیں۔ اسے کہ پروموشن آرڈر باڈ میں سیریل نمبر 1، 2، 3 کی سناریاں نمبر 661، 702، 710 بالترتیب ہیں جو کہ ایسا سناریاں اس سے پہلے پروموشن آرڈر نمبر 944-10184 مورخہ 20-8-2018 میں نہیں ملے۔

اس آرڈر کے مطابق سیریل نمبر 65 سناریاں 1028 آخری سیریل نمبر کی پروموشن آرڈر مورخہ 20 اگست 2018 کو سوبھان سے لے کر اس لیے اس لیے آپ صاحبان سے ضرور اس بارے میں جاننا کہ اولتر کو ملنے والی صورتوں میں آپ صاحبان اسیل کنڈہ کے بارے میں پتہ چلنے پر فوراً نوٹیفیکیشن دینا چاہتا ہے۔ اسیل کنڈہ صاحبان کے بارے میں

02-8-2019

Dairy No. 2537 dt 2-8-2019  
OIO The DEO (M) NSF

آپ کا تابع ومان سردار اورنگ علی خان SPST  
1290  
GPS NO I Tarni Jabbā NSR  
0323-9207600  
0342-9819701  
17201-2248336-9

# Annexure Eii 16

*A.D.E. Oppry*  
*Consider on merit*  
*if eligible.*  
*19/8/19*

To

The DEO (M) Nowshera. (Competent authority)

Subject: additional material club with appeal vide diary no 2537 DT: 02-08-2019.

Dear Sir,

With profound reverence, it is besought that the appellant is working as SPST at GPS No 1 TaruJabba. The appellant bears Seniority no 1290 who has not been promoted as PSHT. Therefore, the appellant wants to draw your attention for consideration on the following grounds:

- 1) That the appellant Seniority no 1290 is the senior most waiting for promotion where all SPSTs up to seniority no 1289 have been awarded promotions so far.
- 2) That the promotion of serial no 1, seniority no 664 named Muhammad Ikram and serial no 2, seniority no 702 named Abdul Wahab vide notification Endstno 11016-26 DT: 30/07/2019 should have been read in light of notification vide no SOR-VI (E&AD) 1-3/2009/VOL-VIII which badly affected the seniority/consideration for promotion of the appellant.
- 3) That the corrigendum vide Endstno 240-46 dt: 31/07/2019 to the notification vide Endst no 11016-26 dt: 30/07/2019 also badly affected the seniority/consideration for promotion of the appellant where at serial no 5 a post of PSHT is likely to be vacant w.e.f 02-09-2019. A post of PSHT at serial no 3 was also vacant according to this corrigendum. Therefore, it is humbly requested that the appellant should have been considered for promotion at such position.
- 4) That a post of PSHT at GPS GarhiMomin is likely to be vacant w.e.f 01/09/2019 where Mr. Mhammad Hussain PSHT is going to be retired. So, kindly the appellant may please be considered for promotion as the appellant is the senior most waiting for promotion.
- 5) That if some posts of PSHTs are still lying vacant. So, kindly the appellant may please be considered for promotion as the appellant is the senior most waiting for promotion.

It is, therefore, respectfully prayed that the appellant may please be considered for promotion as PSHT and May also please be awarded seniority from date of notification vide Endst no 11016-26 DT: 30-07-2019. Necessary documents are attached with.

DATED: 15/08//2019.

YOURS OBEDIENTLY,

Aurangzeb Khan SPST GPS No1 TaruJabba (NSR) CNIC# 17201-2248336-9  
(Appellant) 03239207600-03361933977

Dairy No 2647 dt 19-08-2019  
OIO The DEO (M) NSR

attested by  
*[Signature]*  
(Appellant)



# Annexure E

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA  
(Office Phone#0923-9220228, Fax#0923-9220228)

2013 17  
III

## OFFICE ORDER

In pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No-SO (B&A)/1-18/E&SE/2012 Dated 11-07-2012 and Finance Department Endorsement No. SO(FR)/FD/10-22(E)/2010 Dated 16-07-2012 the following Male Senior Primary School Teachers-SPSTs B-14 who have already promoted to the post of HPST B-15 (Rs 8500-700-29500) vide this office No. 1817-22 dated 28-12-2013 plus usual allowances as admissible under the rules on regular bases are hereby adjusted as PSHT (Primary school head teacher) in Male Primary schools of the District Nowshera against vacant posts Purely on merit bases and as per policy of the (E&S) Education department with immediate effect in the best interest of public service.

S.No	Name	Present school	Where posted
1	Ambar Shah	GPS Banda sheikh Ismail	GPS Wazir kili
2	Zafar Khan	GPS Wazir Ghari	GPS Tota
3	Shakirullah	GPS Ihsanullah korbana	GPS Ouch Khwar
4	Muradullah	GPS Naseer Abad	GPS Tarkhel bala
5	Ghaffar Ali	GPS Amankot	GPS Raja Abad
6	Ihsan Ullah	GPS Wazir Gari	GPS NO1 Kahl
7	Murad Ali	GPS Banda Chel	GPS Parrata
8	Mahtab Ahmad	GPS Palosi Payan	GPS No2 Inzari
9	Ghani Ullah	GPS Duran Abad	GPS Toha
10	Imtiaz Khan	GPS Bahadar khel Korona	GPS Johangri
11	Riaz Muhammad	GPS no1 Shaikhan	GPS Sara Toha
12	Ravdar Ali	GPS Rokhan Abad	GPS Ghahidab
13	Muhammad Ikram	GPS no6 DIK	GPS Tarkhel Payan
14	Amjid Khan	GMPS Rashaka no1	GPS Qamar Mila
15	Habib Shah	GPS.no2 Dakbesod	GPS Tangi Piran

alleged Applicant

### TERMS AND CONDITIONS:

- They are directed to take over the charge of their posts immediately submitting charge reports to the office of the SDEO (Male) with a copy to the office of undersigned.
- No refusal will be accepted in this regard and if someone does not obey the order departmental action will be taken by the department.

(MUHAMMAD UZAIR ALI)  
District Education Officer (Male)  
Nowshera

Endst No 772630 Dated Nowshera the 31/12/2013

Copy for information:

- PS to the secretary E&S Education Khyber Pakhtunkhwa Peshawar
- Director of E&S Education Khyber Pakhtunkhwa Peshawar
- Senior District Account Officer Nowshera
- Sub Divisional Education Officer (M) Nowshera
- Officials concerned

31/12/13  
District Education Officer (Male)  
Nowshera





**Annexure H**  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 22<sup>nd</sup> October, 2011

20

**NOTIFICATION.**

**No.SOR-VI (E&AD)1-3/2009/Vol-VIII:** - In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), read with this Department's Notification No.SOR-I(S&GAD)1-206/74/Vol:V, dated 18<sup>th</sup> April 1989, the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendments shall be made, namely:

**AMENDMENTS**

1. In Rule-7, after sub-rule (4), the following new sub-rule shall be added, namely:

"(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following the order:

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion."

2. In rule 9, sub-rule (2) shall be deleted.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER  
PAKHTUNKHWA

**Endst: No. and dated even.**

Copy forwarded to:-

1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa, Planning & Development Department.
2. Additional Chief Secretary (FATA), FATA Secretariat Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
9. The Director General, Provincial Disaster Management Authority.
10. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
11. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
12. Private Secretary to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
13. Private Secretary to Secretary Establishment Department.
14. Private Secretary to Secretary Administration Department.
15. The Incharge Resource Centre, Estt:&Admn: Department.
16. The Manger, Government Printing and Stationary Department for Publication in the official Gazette and supply of 20-copies thereof at an early date.

*alleged  
Chief  
(Appellant)*

(ASHEAQ KHAN)  
SECTION OFFICER (REG: VI)

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR.

Service Appeal No. \_\_\_\_\_/2019

Aurang Zeb Khan S/O Aslam Khan Senior Primary School Teacher  
(Sr.PST, B-14) GPS NO. 1 TARU JABBA NOWSHERA R/O V.P.O: TARU  
JABBA NOWSHERA..... (Appellant)


VERSUS

Govt. of Khyber Pukhtunkwa through worthy Secretary Education  
and others

..... (Respondents)

CERTIFICATE

Certified that no such like service appeal has earlier been  
filed on the subject before this *Hon'ble Service Tribunal*.

  
Aurang Zeb Khan (SPST)  
Appellant-in-Person.

Books for reference:

- 1) CONSTITUTION OF PAKISTAN, 1973.
- 2) SERVICE LAWS IN PAKISTAN.
- 3) CASE LAWS AS PER NEED.

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR.

Service Appeal No. \_\_\_\_\_/2019

Aurang Zeb Khan S/O Aslam Khan Senior Primary School Teacher  
(Sr. PST, B-14) GPS NO. 1 TARU JABBA NOWSHERA R/O V.P.O: TARU  
JABBA NOWSHERA..... (Appellant)

VERSUS

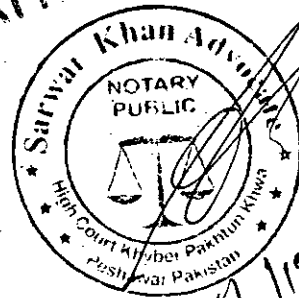
Govt. of Khyber Pukhtunkwa through worthy Secretary Education  
and others

..... (Respondents)

AFFIDAVIT

I, Mr. Aurang Zeb Khan (SPST) S/O Aslam Khan R/O Taru Jabba ,  
Tehsil Pabbi, District Nowshera, do hereby solemnly affirm and  
declare that the contents of this Service Appeal are true and  
correct to the best of knowledge and belief.

ATTESTED



*[Signature]*

Deponent.

Aurang Zeb Khan  
17201-2248336-9  
(0323-9207600)

# Annexure liii

23

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR.

Service Appeal No. \_\_\_\_\_/2019

## ADDRESSES OF THE PARTIES

### **APPELLANT**

\* Aurang Zeb Khan S/O Aslam Khan (Sr.PST, B-14)

GPS NO. 1 TARU JABBA NOWSHERA R/O

V.P.O: TARU JABBA NOWSHERA P.CODE 24310

### **RESPONDENTS**

1. Govt. of Khyber Pukhtunkhwa through Secretary Education, Civil Secretariat Peshawar.
2. Director of elementary & secondary education Khyber Pukhtunkhwa Peshawar.
3. District Education Officer (Male) Nowshera at Nowshera Cantt.
4. Mr. Muhammad Ikram (PSHT, B-15) GPS No.6 Dak Ismail Khel Nowshera.
5. Mr. Abdul Wahab (PSHT, B-15) GPS Khair Abad Nowshera.
6. Mr. Nowsher Muhammad (PSHT, B-15) GPS No.2 Spin Kana Kurd Nowshera.
7. Mr. Muhammad Ismail (PSHT, B-15) GPS Jahangira Road Nowshera

  
Aurang Zeb Khan (SPST)

Appellant-in-Person.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Appeal No 1586/2019

Aurangzeb.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa..... Respondents

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4		-----	

Deponent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No 1586/2019

**Aurangzeb.....Appellant**

**VERSUS**

**Govt. of Khyber Pakhtunkhwa..... Respondents**

**Respectively Sheweth**

**Written comments/reply on behalf of respondents.**

**Preliminary Objections**

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this Honorable Service tribunal.
6. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
7. That the instant appeal is not maintainable in its present form.

**Factual Objection**

1. Pertain to the appellant record.
2. Pertain to the appellant record.
3. Pertain to the appellant record.
4. Pertain to the appellant record.
5. Pertain to the appellant record.
6. Incorrect. As admitted by the appellant he was at S. No. 1290 of the seniority list and PST/SPST Teachers upto S. No. 1289 were promoted to PSHT BPS-15 on the basis of seniority-cum-fitness.
7. Incorrect. There were 56 posts of PSHT BPS-15 and 56 Primary teacher on the basis of seniority-cum-fitness were promoted, no junior to the appellant was promoted. At present the appellant is S. No. 1 of the SPST list and shell be considered for promotion in the next DPC.
8. Incorrect. The corrigendum dated 31-07-2019 not affected the entitlement of the appellant.
9. No comments.

Grounds:

- A. Incorrect. The respondent No. 4 was promoted according to law, rules and policy.
- B. Incorrect. The respondent No. 5 was promoted after four years as per rules.
- C. Incorrect. The Nos of students were less than 50 at GPS No. 2 Spin Kana Khurd which was under consideration for merging as per govt. policy at the time of DPC and consequently was merged in GPS No 1 Spin Kana Khurd vide order dated: 11-12-2019.
- D. Incorrect: At the time of DPC the said post was not vacant.
- F. Incorrect: As explained the above paras.
- G. Incorrect: As explained the above paras.
- H. Incorrect: As explained the above paras.
- I. Incorrect: As explained the above paras.
- J. The respondents may also be permitted to advance other arguments at the time of hearing.

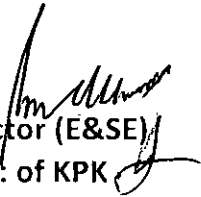
It is therefore, requested before your honor that the present Appeal is illegal, against facts and without force, may kindly be dismissed with cost.

Respondent No.1



Secretary (E&SE)  
Govt: of KPK

Respondent No. 2



Director (E&SE)  
Govt. of KPK

Respondent No.3



District Education Officer (AY)  
Nowshera

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Appeal No 1586/2019

Aurangzeb.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa..... Respondents

**AFFIDAVIT**

I Sajjad Akhtar Iqbal District Education Officer (M/F) Nowshera do solemnly affirmed and declare on oath that the contents of Par wise comments/ reply on behalf of respondents are true and correct to the best of my knowledge and that nothing has been concealed from this Honourable Tribunal.

Deponent





04

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

**NOTIFICATION**

Consequent upon the recommendation of SDEO(M) Nowshera vide letter No. 2951-54 Dated: 03/12/2019, the competent authority is pleased to merge the following Schools, with immediate effect in the best interest of public service.

S.No	EMIS Code	School Name	Level	New Name	Remarks
1.	20308	GPS No.1 Spin Kana Khurd	Primary	GPS No.1 Spin Kana Khurd	Merged with each other, being of the same level. GPS No.1 & No.2 Spin Kana Khurd was functioning in the same building.
	20025	GPS No.2 Spin Kana Khurd	Primary		

The adjustment of working staff of the obsolete school is as under.

S.No	Name of School	Name of Official	Designation	Adjusted at
1.	GPS No. 2 Spin Kana Khurd	Shamsul Wahab	PSHT	GPS No.2 Bagh Ban Pura
2.		Asif Ahmad	PST	GPS Shahab Khel
3.		Abdul Basit	Chowkidar	GPS No.1 ZKKS

(Attaullah Khan)  
District Education Officer (Male)  
Nowshera

Endstt: No. 5457-62 /DEO (M) NSR/Estab: Pry/Merging Dated: 11 /12/2019

Copy of the above is forwarded for information to the:-

1. Director E & SE Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner Nowshera.
3. District Monitoring Officer Nowshera.
4. SDEO (M) Nowshera
5. ASDEO (M) Circle Nowshera Cantt.
6. Officials Concerned.
7. Office Copy.

District Education Officer (Male),  
Nowshera



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

OFFICE ORDER:

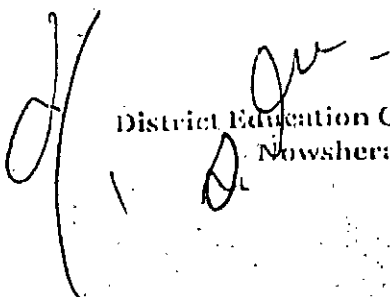
Corrigendum order issued vide this office Endst: Endst No. 240-46/Estab: Pri/Promotion PST to SPST/2019 Dated Nowshera the : 31/07/2019, the placement of serial No.5 is hereby cancelled and the official Mr. Muhammad Ismail PSHT is re-adjusted at GPS Aman Pura in the best interest of public service.

Note: Terms and Conditions are remained intact.

(Attaullah Khan)  
District Education Officer (M)  
Nowshera

Endst No. 955-69 /Estab: Pri/Promotion SPST to PSHT/2019 Dated Nowshera the 29/09/2019  
Copy forwarded for information and necessary action to the: -

1. PS to the Secretary E&S Education Khyber Pakhtunkhwa Peshawar
11. Director E&S Education Khyber Pakhtunkhwa Peshawar
12. Nazim District Government Nowshera.
13. Deputy Commissioner Nowshera.
14. District Monitoring Officer (IMU) Nowshera.
15. Senior District Account Officer Nowshera.
16. Sub Divisional Education Officer (M) Jehangira.
17. ASDEO (M) Circle concerned.
18. Officials concerned.
19. D-EMIS Local Office.
20. M/File.

  
District Education Officer (M)  
Nowshera

(6)



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

**CORRIGENDUM;**

Notification issued vide this office Endst No. 11016-26/Estab: Pri/Promotion SPST to PSIT/2019 Dated Nowshera the: 30/07/2019, please read column No. 05 instead of column No.04 against their names in the below table.

S.No	Name	Father Name	Instead of	READ AS
1.	ZAHID IQBAL.	TOOR ZALI	GPS QAMAR MELA	GPS NO.1 SPIN KHAJAK
2.	FARUKH SAIR	ABDUL MANAN	GPS NO.1 SPINKHAJAK	GPS JAMMU
3.	NOWSHER MUHAMMAD	ABDUS SUBHAN	GPS LASHORA	GPS NO.2 SPIN KANA KHURD
4.	AMINUR RAHMAN	KHAN ZADA	GPS SHAHEEN ABAD	GPS MARHATI BANDA
5.	MUHAMMAD ISMAIL	ABDUR RAZIQ	GPS MARHATI BANDA	GPS JEHANGIRA ROAD

- Note:
1. Terms and Conditions are remained intact.
  2. Their seniority will be consider from the date of Notification to Promotion.
  3. S.No. 5 will take charge w.e.f 02-09-2019.

(Attaullah Khan)  
District Education Officer (M)  
Nowshera

Endst No. 240-46 /Estab: Pri/Promotion PST to SPST/2019 Dated Nowshera the: 30/07/2019  
Copy forwarded for information and necessary action to the: -

1. PS to the Secretary E&S Education Khyber Pakhtunkhwa Peshawar
1. Director E&S Education Khyber Pakhtunkhwa Peshawar
2. Nazim District Government Nowshera.
3. Deputy Commissioner Nowshera.
4. District Monitoring Officer (IMU) Nowshera.
5. Senior District Account Officer Nowshera.
6. Sub Divisional Education Officer (M) Nowshera/Jehangira/Pabbi.
7. ASDEO (M) Circle concerned.
8. Officials concerned.
9. D-EMIS Local Office.
10. M/File.

*[Handwritten Signature]*  
District Education Officer (M)  
District Education Officer  
Male Nowshera  
- 31/7/19

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1661-64 /ST

Dated 15/07/2020

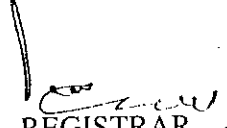
To

1. Mr. Muhammad Ikram, PSHT, GPS No. 6 Dak Ismail Khel,  
Government of Khyber Pakhtunkhwa,  
Nowshetra.
2. Mr. Abdul Wahab, PSHT GPS Khair Abad,  
Government of Khyber Pakhtunkhwa,  
Nowshetra.
3. Mr. Noshir Muhammad, PSHT GPS No. 2 Spin Kana Kurd,  
Government of Khyber Pakhtunkhwa,  
Nowshetra.
4. Mr. Muhammad Ismail PSHT GPS Jehangira Road,  
Government of Khyber Pakhtunkhwa,  
Nowshetra.

SUBJECT: - ORDER IN APPEAL NO. 1586/2019, AURANGZEB KHAN.

I am directed to forward herewith a certified copy of order dated 09.07.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.