

FORM OF ORDER SHEET

Appellate No. 339/2024

Number of orders in proceedings	Number of other proceedings with signature of judge
2	3

02/03, 2024

The appeal of Mr. Noor ud Din resubmitted today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 04.03.2024. Pareha Peshi is given to counsel for the appellant.

By the order of Chairman


REGISTRAR

BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR

S.A No _____ 2024

Noor Uddin

Versus

DEO(F) Dirr Upper and others

APPLICATION FOR DELETION OF RESPONDENT NO.1
FROM THE PENAL OF RESPONDENCE.

Respectfully Sheweth:

1. That the above titled service appeal is pending / adjudication before this Hon'ble Tribunal in which no date of hearing is yet been fixed.
2. That at the time of submitting the instant service appeal the respondent No.1 is became a party which may be liable for deletion.
3. That there is no legal bar for the acceptance of the instant application.

It is therefore, most humbly prayed that the respondent No.1 may kindly be deleted from the penal of respondents.

Dated: 27.02.2024

Appellant

Through


Kabir Ullah Khattak

**Advocate, High Court
Peshawar**

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In S.A # 339 2024.

Noor Uddin

Versus

Education Department

**APPLICATION FOR FAXATION THE ABOVE TITLED
SERVICE APPEAL BEFORE THE PRINCIPAL BENCH
PESHAWAR INSTEAD OF CAMP COURT SWAT BENCH.**

Respectfully Sheweth,

1. That the captioned service appeal is pending adjudication before this Hon'ble Tribunal in which no date is yet been fixed.
2. That the council of the appellant are practice in lawyer at district Peshawar.
3. That there is no legal bar for acceptance the instant application.

It is, therefore, humbly prayed that on acceptance of the instant application, the instant service appeal may kindly be fixed for herein before the principal seat Peshawar instead of camp court Swat.

Dated: 22-02-2024

Petitioner

Through


Kabir Ullah Khatak
Advocate High Court,
Peshawar

The appeal of Mr. Noor Din received today i.e on 22.02.2024 is incomplete on the following case which is returned to the counsel for the appellant for completion and resubmission within a week.

- 1. According to sub-rule 4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 is unnecessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.
- 2. Affidavit is not attested by the Oath Commissioner.
- 3. As respondent 1 appeal having no date be dated.
- 4. Documents attached with the appeal is not in sequence.
- 5. In the heading of appeal the name of appellant is shown as Noor Din while the documents attached with the appeal show the name of the appellant as Noor-ud-Din the same be rectified.

No. 414 / S.T.

23/2



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

all objection has been removed.



Re-submitted:-

27/2/24.

objection No 1 has been removed

Reason of objection No 3 has been mentioned in para 6 Not mentioned any word Research Date of departed appeal



1-3-24

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 339 /2024

^{vd}
Noor Din S/o Nadir Khan R/o Chukyatan Govt. Girl High
School Jabbar (Female) District Dir Upper

VERSUS

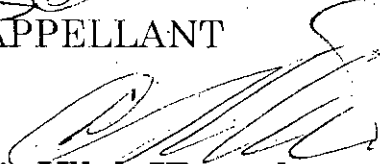
The Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar & others

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APPELLANT

Through


Kabir Ullah Khattak
Advocate, High Court
Peshawar.

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 339 /2024

Noor Ud Din S/o Nadir Khan R/o Chukyatan
Govt. Girl High School Jabbar (Female) District
Dir Upper.

Appellant

VERSUS

1. The District Education Officer (Female) Dir Upper.
2. Atta Ullah S/o Suliman posted at Govt. Girls High School Jabar District Dir Upper.
3. Azmat Ullah S/o Inayat Ullah posted Govt. Girsl High School Darora District Dir Upper.
4. Bacha Rehman S/o Habib Ur Rehman posted Govt. Girls High School Jan Batti District Dir Upper.

Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT 1974 AGAINST THE PROMOTION
ORDER DATED 06.12.2019 & 02.01.2020
WHERE BY THE APPELLANT HAS NOT
BEEN PROMOTED TO THE POST OF
JUNIOR CLERK BEING SENIOR TO
RESPONDENT NO.2 TO 4 AGAINST
WHICH THE APPELLANT FILED
DEPARTMENTAL APPEAL WHICH HAS

(2)

NOT BEEN DECIDED WITHIN
STATUTORY PERIOD.

PRAYER:-

ON ACCEPTANCE OF THIS APPEAL
THE IMPUGNED PROMOTION ORDER
DATED 06.12.2019 & 02.01.2020 MAY
KINDLY BE SET ASIDE AND THE
APPELLANT MAY KINDLY BE
PROMOTED TO THE POST OF JUNIOR
CLERK ACCORDING TO TENTATIVE
MERIT LIST BEING SENIOR TO THE
PRIVATE RESPONDENT NO. 3 TO 5
WITH ALL BACK BENEFITS.

Respectfully Sheweth,

1. That the Appellant is appointed as a Naib Qasid on 19.06.2006 and after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against him. (Copy of appointment order is attached as annexure "A").
2. That the appellant currently working at GGHS Chukyatan having qualification SSC with DIT Diploma.
3. That the tentative merit list was issued by the respondent department, whereby

①

BEFORE THE HONBLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A. No. _____ 12024

Noor Din S/o Nadir Khan R/o Chukyatan Govt. Girl High
School Jabbar (Female) District Dir Upper

VERSUS

The Director Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar & others

AFFIDAVIT

I, Noor Din S/o Nadir Khan R/o Chukyatan Govt.
Girl High School Jabbar (Female) District Dir
Upper, do hereby solemnly affirm and declare that all
the contents of the instant appeal are true and correct
to the best of my knowledge and belief and nothing has
been concealed or withheld from this Honble Court.


DEPONENT

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

Noor Ud Din

VERSUS

The District Education Officer (F) Dir Upper & others

ADDRESSES OF PARTIES

PETITIONER.


Noor Ud Din S/o Nadir Khan R/o Chukyatan
Govt. Girl High School Jabbar (Female) District
Dir Upper.

ADDRESSES OF RESPONDENTS

1. The District Education Officer (Female) Dir Upper.
2. Atta Ullah S/o Suliman posted at Govt. Girls High School Jabar District Dir Upper.
3. Azmat Ullah S/o Inayat Ullah posted Govt. Girsl High School Darora District Dir Upper.
4. Bacha Rehman S/o Habib Ur Rehman posted Govt. Girls High School Jan Batti District Dir Upper.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

(4)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

vd
Noor Din S/o Nadir Khan R/o Chukyatan Govt. Girl
High School Jabbar (Female) District Dir Upper

VERSUS

The Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar & others

APPLICATION FOR CONDONATION OF DELAY (if any)

Respectfully Sheweth,

Petitioner submits as under:

That the above mentioned appeal is filing
before this Hon'ble Tribunal in which no date
is fixed for hearing so far.

Grounds:

- A. That the appellant submitted W.P No.424-M/20 and 425-M/20 before the Peshawar High Court Mingora Bench challenging the said promotion order which has been disposed of on 20.12.2022 for lack of jurisdiction.
- B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

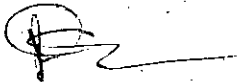
10

c. That the dispute of the appellant is promotion / seniority and also recurring cause of action against which no limitation can run.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

APPELLANT

Through


Roeeda Khan
Advocate, High Court
Peshawar.

OF THE EXECUTIVE DISTRICT OFFICER S&I DISTRICT DIR UPPER.

107-72-188922

A-1
Amir

OFFICE ORDER.

Consequent upon their selection by the Departmental Selection Committee, the following Class-IV servants are hereby appointed against vacant posts on fixed pay Rs. 3500/- per month on contract basis for a period of (3) three years in the Schools as detailed against each, subject to the following terms and conditions in the interest of public service with immediate effect

No	Name	Father's Name	School/Office	Name of Post	Remarks
1	Noor-ud-Din	Nadar Khan	GGMS Jahar	N/O	Against vacant post
2	Muhammad Karim	Nadar Khan	--do--	Sweeper	---do---
3	Hidayatullah	Anwar Khan	GMS Barkand	N/O	---do---
4	Anjani Ali Shah	Bacha Muhammad	GMS Chapper	N/O	---do---
5	Abideen Khan	Jehan Zeb Khan	GGHS Samkot	L/Attendant	---do---
6	Amjad Ali	Jehan Zeb Khan	---do---	C/W	---do---
7	Mahreen Bibi	Ghulam Muhammad	GGHS Gandigar	L/Attendant	---do---
8	Ghulam Durrani	Ghulam Muhammad	---do---	C/W	---do---
9	Attanullah	Muhabat Khan	GMS Hayyat (S)	N/O	---do---
10	Said Hayat	Bakhtiar Khan	---do---	C/W	---do---
11	Hazrat Shafiq	Jani Muhammad	GMS Roglano	N/O	---do---
12	Umar Hakim	Jani Muhammad	---do---	Sweeper	---do---
13	Ahmad Noor	Yaqoob	GHS Miana Doag	Sweeper	---do---
14	Pir Muhammad Khan	Mir Azam	---do---	N/O	---do---
15	Jehan Zeba Bibi	W/O Sherin Zada	GMS Sundul	Sweeper	---do---
16	Muhammad Zeb	Aslam Khan	EDO Office	Sweeper	---do---
17	Zinnur Rahman	Habibur Rahman	GHS Rehankor	L/Attendant	---do---
18	Imroz Ahmad	Habibur Rahman	CCMIS Dir	L/Attendant	---do---
19	Rahman Hussain Khan	Wali Muhammad	EDO Office	Sweeper	---do---
20	Nizam-ud-Din	Fazal Hayat	GHS Ganori	Chowkidar	---do---
21	Ibrahim	Muzafar Khan	GHSS B/Bandi	L/Attendant	---do---
22	Saryard Khan	Muhammad Ali	GMS Katigan	N/O	---do---
23	Muhammad Ilyas Khan	Ihsanul Haq	GHS Akhagram	Sweeper	---do---
24	Sarfraz Khan	Shamshad Khan	GHSS Gandigar	N/O	---do---
25	Habibullah	Mian Fazal Ahmad	---do---	C/W	---do---
26	Muhammad Anwar Subhan	Molvi Muhammad Jani	---do---	L/Attendant	---do---
27	Asad Jan	Khaista Pacha	GGHSS B/Bandi	N/O	---do---
28	Naveer Akhtar	Khaista Pacha	---do---	L/Attendant	---do---
29	Anwar Sadat	Khaista Pacha	---do---	C/W	---do---
30	Zahida	Wife Of Muhammad Tahir	GGMS Doag (P)	C/W	---do---
31	Shajouid Din	Muhammad Tahir	GGMS Doag (P)	N/O	---do---
32	Sher Zada	Abdul Hassan	GHS Genshal	C/W	---do---

	Muhammad Zahir	Gulam Rahman	GHS Ganshal	L/Attendant	--do--
34-	Khurshid Ali	Sherin Zada	GGMS Sundal	N/Q	--do--

TERMS AND CONDITIONS

- 01- The appointments are made on contract and purely temporary basis and liable to termination any time without giving any notice or showing reason.
- 02- The posts are on contract basis initially for the period of three years.
- 03- Contract period may be renewed only with those who have good service record/performance.
- 04- They are entitled to receive pay @ Rs 3500/- PM fixed.
- 05- The appointments have been made that the candidate are domiciled of the District Dir Upper.
- 06- An agreement will be made between the Govt./department and employees on proper Proforma. No charge will be given before signing of the above mentioned agreement.
- 07- The Contract is awarded on school to school basis and cannot be transferred to others.
- 08- They are directed to produce their Health and Age certificate from the concerned Medical Superintendent.
- 09- Charge reports should be submitted to all concerned.
- 10- Their age should be between 18 to 45 Years.
- 11- They are directed to take over charge within 15 days falling which their appointments will be automatically ceased from the date of issue of this letter.
- 12- The appointments have been made purely on merit basis fulfilling all codal formalities as per rules. No claim for donation of land or other have to be claimed by the employee in the court as a right in future.

(HAJI ABDUR RAHMAN)
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY UPPER DIR.

No 1226-34 IF-21/EDO/ADO (P)/I Dated Dir the 19/10/2016.

Copy of the above is forwarded to the:-

- 01- Director of Schools & Literacy NWFP Peshawar.
- 02- Zilla Nazim Dir Upper.
- District Coordination Officer Dir Upper.
- District Accounts Officer Dir Upper.
- Deputy District Officer Male Wari.
- District officer male Dir.
- District Officer Female Wari.
- District Officer Female Dir.
- For necessary action.

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY UPPER DIR

(BETTER COPY OF PAGE NO. 10)

S#	Name	Father's Name	School / Office	Name of Posts	Remarks
1.	Noor ud Din	Nadar Khan	GGMS Office	N/Q	---do--
2.	Muhammad Karim	Nadar Khan	--do--	Sweeper	---do--
3.	Hidayatullah	Anwar Khan	GMS Barkand	N/Q	---do--
4.	Amjad Ali Shah	Bacha Muhammad	GMS Chapper	N/Q	---do--
5.	Abideen Khan	Jehanzeb Khan	GGHS Chapper	L/Attendant	---do--
6.	Amjad Ali	Jehanzeb Khan	GGHS Samkot	C/W	---do--
7.	Shaheen Bibi	Ghulam Muhammad	--do--	L/Attendant	---do--
8.	Ghulam Din	Ghulam Muhammad	GMS Gandigar	C/W	---do--
9.	Attaullah	Mahabat Khan	--do--	N/Q	---do--
10.	Said Hayat	Bakhtiar Khan	GMS Haygai S	C/W	---do--
11.	Hazrat Shafiq	Jan Muhammad	--do--	N/Q	---do--
12.	Umar Hakim	Jan Muhammad	GMS Roghano	Sweeper	---do--
13.	Ahmad Noor	Yaqoob	--do--	Sweeper	---do--
14.	Pir M. Khan	Mir Azam	GHS Miana Dag	N/Q	---do--
15.	Jehanzeba Bibi	W/o Sherin Zada	--do--	Sweeper	---do--
16.	Muhammad Zeb	Aslam Khan	GMS Sundai	Sweeper	---do--
17.	Zia ur Rehman	Habib Ur Rehman	EDO Office	L/Attendant	---do--
18.	Imran Ahmad	Habib Ur Rehman	GHS Rehankot	L/Attendant	---do--
19.	Rahman Hussain Khan	Wali Muhammad	GGMJS Dir	Sweeper	---do--
20.	Nizam Ud Din	Fazal Hayat	EDO Office	Chowkidar	---do--
21.	Ibrahim	Muzafar Khan	GHS Ganori	L/Attendant	---do--
22.	Sergand Khan	Muhammad Ali	GHSS B/Bandi	N/Q	---do--
23.	M. Ilyas Khan	Ihsan ud Haq	GMS Katigam	Sweeper	---do--
24.	Sarfaraz Khan	Shamshad Khan	GHSS Gandigar	N/Q	---do--
25.	Habibi Ullah	Mian Fazal Ahmad	--do--	C/W	---do--
26.	M. Anwar Subhan	Molvi M. Jan	--do--	L/Attendant	---do--
27.	Asad Jan	Khaista Pacha	GGHSS B/Bandi	N/Q	---do--
28.	Naeer Akhtar	Khaista Pacha	--do--	L/Attendant	---do--
29.	Anwar Sadat	Khaista Pacha	--do--	C/W	---do--
30.	Zahida	W/o M. Tahir	GGMS Daag (P)	C/W	---do--
31.	Shaja ud Din	Muhammad Tahir	GGMS Daag (P)	N/Q	---do--
32.	Sher Zada	Abdul Hassan	GHS Ganshal	C/W	---do--

33	Muhammad Zahir	Ghulam Rahman	GHS Ganshal	L/Attendant	---do---
34	Khurshid Ali	Sherin Zada	GGMS Sundal	N/Q	---do---

TERMS & CONDITIONS:

1. The appointments are made on contract and purely temporary basis and liable to termination any time without giving any notice or showing reasons.
2. The posts are on contract basis initially for the period of three years.
3. Contract period may be renewed only with those who have good service record / performance.
4. They are entitled to receive pay @ Rs. 3500/- PM fixed.
5. The appointments have been made that the candidate are domiciled of the District Dir Upper.
6. An agreement will be made between the Govt. department and employees on proper proforma No charge will be given before signing of the above mentioned agreement.
7. The contract is awarded on school to school basis and cannot be transferred to others.
8. They are directed to produce their health and age certificate from the concerned medical superintendent.
9. Charge reports should be submitted to all concerned.
10. Their age should be between 18 to 45 years.
11. They are directed to take over charge with in 15 days falling which their appointments will be automatically ceased from the date of issue of his letter.
12. The appointments have been made purely on merit basis fulfilling all codal formalities as per rules. No claim for donation of land or other have to be claimed by the employee in the court as a right in future.

**(HAJI ABDUR RAHMAN)
EXECUTIVE DISTRICT OFFICER
SCHOOL & LITERACY UPPER DIR**

No: 1326-34/F-21/EDO/ADO (p), dated Dir the 19/09/2006.

Copy of the above is forwarded to the;

1. Director Schools & Literacy NWFP, Peshawar.
2. Zilla Nazim Dir Upper
3. District Coordination Officer, Dir Upper
4. District Accounts Officer Dir Upper.
5. Deputy District Officer, Male Wari.
6. Deputy District Officer, Female Dir.
7. Deputy District Officer, Male Dir.

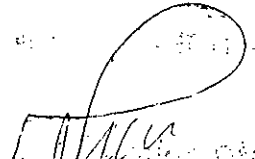
**EXECUTIVE DISTRICT OFFICER
SCHOOL & LITERACY UPPER DIR**

1 B² (15)

Office of the District Education Officer Female Dir Upper

Tentative merit list of class iv promotion to junior clerk

S.No	Name	FatherName	D.O.B.	Destimatioo	School	DateorAcet:	Qualification
01	Khaista Muhammad	Said Muhammad	22/05/1987	NQ	GGH Schukyatan	01/12/2003	SSC
02	Alam Zaib	Zarawar Khan	05/06/1972	NQ	GGH Schapar	29/03/2005	SSC
03	Khurshaid Ali	Sherin Zada	20/10/1986	NQ	GGH Sundal	04/01/2006	FA
04	Shrja Uddin	Muhammad Tahir	04/05/1988	NQ	GGMS Dog Payen	19/09/2006	SSC
05	Noor Uddin	Nadar Khan	02/03/1972	NQ	GGH Jabar	19/09/2006	SSC
06	Noor Zada	Umar Zada	07/01/1980	NQ	GGH Darora	06/05/2007	SSC
07	Azmat Ullah	Lnayat Ullah	04/02/1985	NQ	SDEO Female Dir	03/11/2007	BA
08	Atta Ullah	Suliman	01/01/1992	NQ	DEO Female Dir U	30/07/2010	SSC
09	Rahim Ullah	Badshah Rawan	04/05/1983	NQ	GGMS Katan Payen	19/11/2012	FSC
10	Hamid Gull	Mehmood Khan	02/02/1983	NQ	GGH Swari Bala	14/04/2014	BA
11	Farman Ullah	Ayoub Khan	03/04/1995	NQ	GGH Panakot	12/01/2015	BA
12	Gohar Rallillan	Lnayatur Rahman	04/10/1997	NQ	GGH Shaikot	12/02/2015	FA
13	Azmat Khan	Dowlat Khan	03/03/1993	Daftari	DEO Office Female Dir U	30/06/2015	BA/DIT
14	Shafi Ullah	Pass Muhammad Khan	23/02/1992	NQ	GGMS Badalai	25/05/2016	SSC


 District Education Officer
 DEO Female Dir (U)
 (Formal) Upper Dir



(16)

(198)

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE DIR UPPER



PH No. 0944-681900

E-mail deofdirupper@gmail.com

OFFICE ORDER

Consequent upon, their selection by the Departmental Selection Committee, the undersigned has been pleased to promote the following in service Class IV (Naib Qasid) as Junior Clerks on regular basis in Elementary & Secondary Education (Female) Department Dir Upper in BPS-11 (12570-880-38970) plus usual allowances as admissible under the rules subject to the existing terms and conditions.

S.No.	Name	Father Name	No. of Merit	Schools where posted / adjusted
1	Atta Ullah	Sullman	33% Quota	GGHS Jabbar
2	Azmat Ullah	Inayat Ullah	33% Quota	GGHS Darora

TERMS CONDITIONS.

1. The promotees will be on probation for a period of one year in terms of rule 15(1989) of Khyber Pakhtunkhwa civil servants (Appointment, promotion and transfer) rules.
2. The promotees will be governed by such rules and regulation/policies as prescribed by the government time to time.
3. The promotees will be received all benefits of (BPS-11) under the rules.
4. The promotees should take the charge of their new post within a week time positively.
5. Charge report should be submitted to all concerned.
6. No TA/DA is allowed.

(HABIBA BIBI)
DISTRICT EDUCATION OFFICER,
(FEMALE) DIR UPPER.

No. 4494-98 /F.No.07 /DEO (F)/ADO (S) Estab:

Dated 08/12/2019.

Copy forwarded for information to:-

1. The Director Elementary & Secondary Education Government of Khyber Pakhtunkhwa Peshawar.
2. The District Accounts Officer Dir Upper.
3. The Deputy District Education Officer Female Dir Upper.
4. The Head Mistress GGHS Jabbar.
5. The Head Mistress GGHS Darora.
6. The promotees / officials concerned.

(Signature)
DISTRICT EDUCATION OFFICER,
(FEMALE) DIR UPPER.

11 D^y (17)

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE DIR UPPER.

P.H 0944 881900 FAX 0944880411 EMAIL: dmisdriupper@gmail.com.

OFFICE ORDER

Consequent upon, his selection by the Departmental Selection Committee, the undersigned has been pleased to promote the following in service candidate as **Junior Clerks** on regular basis in Elementary & Secondary Education (Female) Department Dir Upper in **BPS-11 (12570-880-38970)** plus usual allowances as admissible under the rules subject to the existing terms and conditions.

S.No.	Name	F/Name	No. of Merit	Schools where posted / adjusted
1	Badshah Rahman	Habibur Rahman	33% Quota	GGHS Janbhatti

TERMS CONDITIONS.

- 1- The promote will be on probation for a period of one year in terms of rule 15(1989) of Khyber Pakhtunkhwa civil servants (Appointment, promotion and transfer) rules.
- 2- The promote will be governed by such rules and regulation/policies as prescribed by the government time to time.
- 3- The promote will be received all benefits of (BPS-11) under the rules.
- 4- The promote should take the charge of their new post within a week time positively.
- 5- Charge report should be submitted to all concerned.
- 6- No TA/DA is allowed.

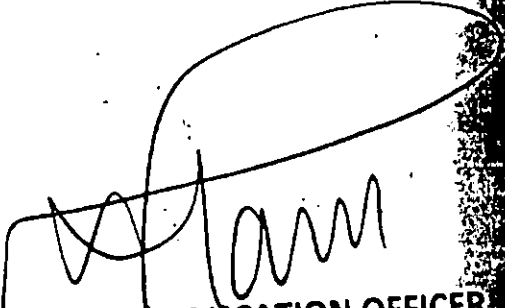
(HABIBA BIBI)
DISTRICT EDUCATION OFFICER,
(FEMALE) DIR UPPER.

No. 97-102 /F.No.07 /DEO (F)/ADO (S) Estab:

Dated 02/01/2020.

Copy forwarded for information to:-

7. The Director Elementary & Secondary Education Government of Khyber Pakhtunkhwa Peshawar.
8. The District Accounts Officer Dir Upper.
9. The Deputy District Education Officer Female Dir Upper.
10. The Head Mistress GGHS Jabbar.
11. The Head Mistress GGHS Darora.
12. The promotees / officials concerned.


DISTRICT EDUCATION OFFICER,
(FEMALE) DIR UPPER.

1

(E) (8) (11)

JUDGMENT SHEET

**PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)**



1. W.P. No. 424-M/2020
With Interim Relief

&

2. W.P. No. 425-M/2020
With Interim Relief

JUDGMENT

Dates of hearing: 20.12.2022

Petitioners: - (Khaista Muhammad & another) by Mr. Liaqat Ali, Advocate.

Respondents (Govt. of KPK & others) by Mr. Alam Khan (Adenzai), Asst. A.G.

MUHAMMAD IJAZ KHAN, J.- Through this single judgment, we intend to decide the instant writ petition No. 424-M of 2020 titled "Khaista Muhammad v/s Govt. of KPK & others" as well as connected writ petition No. 425-M of 2020 titled "Noor-ud-Din v/s Govt. of KPK & others" as common questions of law and facts are involved in both these connected petitions.

2. Precisely the facts of the case are that the petitioners of both these connected petitions are Naib Qasid/Class-IV employees of the respondents who were respectively appointed in the year 2004 and 2006. It is the

Nawab (D.B) Hon'ble Mr. Justice Muhammad Naeem Anwar
Hon'ble Mr. Justice Muhammad Ijaz Khan

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ATTESTED
Examiner
Peshawar High Court, Mingora Bench

case of petitioners that the respondent No. 4 has promoted the private respondents No. 5 & 6 from the post of Class-IV to the Junior Clerk though they were at serial No. 7 & 8 of the seniority list whereas the petitioners were at serial No. 1 & 5 respectively of the seniority list, therefore, with such background of the case they have approached to this Court for the grant of desired relief through the instant petitions.

3. When this case was taken up for hearing, respondents were put on notice and they were directed to file their para-wise comments which they have accordingly submitted where respondent No. 4 has neither admitted the stance of the petitioners for their promotion to the next higher grade i.e. junior clerk nor endorsed the promotion of the private respondents.

4. Arguments of learned counsel for the petitioners as well as learned Asstt. A.G for the official respondents were heard in considerable detail and the record perused with their able assistance.

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5. At the very outset it was noted that since the petitioners were civil servants and the grievance of the petitioners relates to their terms and conditions of service i.e. their promotion from the post of Class-IV to Junior Clerk, therefore, in view of Article 212 (2) of The Constitution of Pakistan 1973 this Court lacks the jurisdiction. It is relevant to mention here that the petitioners have not annexed any documents that their working paper were ever sent to the Departmental Promotion Committee and thus when they have not been considered or found un-fit for promotion then they could not maintain any proceedings either before the Service Tribunal or before this Court. It is also relevant to mention here that whenever a case of civil servant is considered by the Departmental Promotion Committee and he is found ineligible for promotion then remedy with the civil servant is to approach the Service Tribunal, however, if the civil servant is considered for promotion and he is found as unfit for promotion then in such eventuality this Court would have the jurisdiction, but in the case in hand the petitioners have neither been declared as ineligible for promotion nor they have been declared as unfit

2-03

for promotion, therefore, their very writ petitions are not maintainable.

6. It is also relevant to mention here that though the petitioners have challenged the order of appointment of private respondents No. 5 & 6 dated 06.12.2019, but the said order has neither been appended by the petitioners with their writ petitions nor the same has been provided by the official respondents with their comments, therefore, the whole case is standing in vacuum. It was during the course of arguments when the private respondents who were present in Court were asked as to whether they are having an order of their promotion which they produced which shows that they have been promoted three years back i.e. 06.12.2019, therefore, in view of the above this Court cannot issue the desired writ.


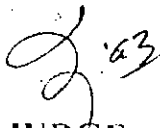
7. It is also relevant to mention here that in the comments filed by the respondent No. 4 it has been specifically stated that they have not promoted any Class-IV employees and the earlier promotion made of the private respondents No. 5 & 6 were stated to be made by the Ex. District Education Officer but even for that the respondent No. 4 has not been taken on board.

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8. In view of the above discussion, both these connected petitions being bereft of any merits, are hereby dismissed.

ANNOUNCED
Dt: 20.12.2022


JUDGE

JUDGE

Office
09/02/2023

S.No. 5
Name of Applicant Abdusattar
Date of Presentation of Appl. 6-1-23
Date of Completion of Copies 24-2-23
No of Copies 6
Urgent Fee _____
Fee Charged 24/-
Date of Delivery of Copies 24/2/23

Certified to be true Copy


EXAMINER
Peshawar High Court Bench
Mingora/Dar-ul-Qaza, Swat.

۴۴
لجورد فائز ڈسٹرک ایجوکیشن افسر صاحب (سی میل) ریمبالا
درخواست نمبر (DEPARTMENTAL APPEAL)

صا - عالی

سائل ذیل عرض گزار ہے

یہ سائل عمر ریمبالا کا متعلق ہے۔ اس کا محمد ایجوکیشن آفیسر
شہر ٹوٹیا (۱۵) سال سے انسانی اعانتاری سے ڈیوٹی انجام دیا ہے
یہ سائل حال ورنہ نہ لڑھائی سکوں بھر میں ہوتا ہے۔
یہ محمد عیاد اور دیگر فیلوں میں ہم دوش سنیا دی جا رہا ہے اور بارہ
یہ سائل سے جو دیگر افراد و عییم قانونی پرویشن ہو رہا ہے
ان کے عییم قانونی پرویشن تشریح سے سائل کا حق تلف ہو رہا ہے
یہ سائل کا پرویشن مکمل قانونی ہے۔

یہ سائل کا پرویشن نہ ہو سکتا تو سائل نے قسماً

قانونی چارہ جوگی کا حق محفوظ رکھا ہے۔

لہذا استدعا ہے سائل کا جلد از جلد پرویشن

معاذ

الوفا
سائل نواز الدین ولد ناز خان سن ۲۰۱۰ ریمبالا
03005452498
راولپنڈی

"G" (24)

(K)

**OFFICE OF THE
DISTRICT EDUCATION OFFICER (FEMALE)**

Dir Upper (Phone # 0944-881900) E-mail: deofdirupper@p-waill.com

No. 42-643 /Dated 21/06/2023.

To:


The Section Officer (Secret),
E&SE Khyber Pakhtunkhwa Peshawar.

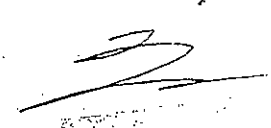
Subject:- Departmental appeal / presentation against the illegal unlawful tentative seniority List of class-iv employees issued by office of the district education officer female Dir upper and promoted the junior and the appellant being eligible in each & every aspect the appellant was ignored.

Memo: Reference to the subject cited above. The view / comments regarding the class iv promotion are as under :-

1. The departmental appeal is incorrect and time barred.
2. The enclosed tentative seniority list of Class IV is incorrect.
3. The Class IV is entitled to the promotion when the competent authority approved the final seniority list. The promotion of all Class IV under the rules and regulations, is 40 % promotion on the basis of seniority-cum-fitness from amongst Dafteres, General Operators, Qasids and Naib Qasids etc with 2 years services as such having SSC qualification. The under signed has not promoted any Class IV employees during her service period. Ex DEO (F) Mst: Habiba Bibi promoted 3 Class IV to Junior clerks during her service period.
4. According the tentative seniority list and the appellants are at S.No. 86 and 95 in overall tentative seniority list other class IV employees who are SSC qualified are senior than the both appellants. (photo Copy of tentative seniority list attached).
5. The appellants have already been filed Writ Petitions vide No. 424 & 425 -M/2020 (Khaista Muhammad & Nooruddin) to the Honourable High Courts at Darulqaza Swat. The case was decided / dismissed on 20.12.2022. (Photo copy of the judgments is attached).
6. Due to the Notification No. SEO.IV (E&AD)/1-35/2014 dated Peshawar the 18th July 2019; the appellants are not entitled for promotion due to the less qualification/ Because the Rules quoted in the mentioned notification, required qualification for junior clerk is FA/F.SC. (Photo Copy of Notification attached).

In view of the above comments may graciously be set aside in favor of the Govt. please


DISTRICT EDUCATION OFFICER
(FEMALE) E&SE UPPER DIR.


ATTN:
TO THE



۲۰۲۶ء منجانب المدعی
لورالینہ نام کو

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

نہیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔

کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

۲۰۲۶ء

ماہ

المرقوم

بہا العبد

مدگ

العبد

A copy
By