

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.407/2017

E.P No.45/2023

Mr. Saleem khan District Mohmand

Versus

Secretary Elementary and secondary Education Khyber Pakhtunkhwa & others.

INDEX

S.No	Description of the Documents	Annexure	Page
1	Implementation report		1
2	Affidavit	2
3	Authority Letter	3
4	DSC MinutesA.....	4-5
5	Statement of the appellant	6

[Signature]
Deponent
11-03-2024

11-03-2024
S-B
Peshawar

(9)

BEFORE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.407/2017
E.P No.45/2023
Mr. Saleem khan District Mohmand

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 11633
Dated 06-03-2024

Versus


Secretary Elementary and secondary Education Khyber Pakhtunkhwa & others.

Implementation report on behalf of respondents No.1

Respectfully Sheweth.

1. The Honorable Service Tribunal on order sheet dated 22.2.2024 is given last chance to implement the order of the Tribunal within 15 days. For implementation of the order of the Honorable Tribunal the promotion case placed before the DPC on dated 1.3.2024. The DPC consider the appellant for promotion with relevant rules and law for promotion to the post of junior clerk.
Copy of the minuetts is attached. (annex. A).

Respondent .1


3-3-2024
District Education officers (M)
District Mohmand

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.407/2017
E.P No.45/2023
Mr. Saleem khan District Mohmnad

.....Appellant

Versus

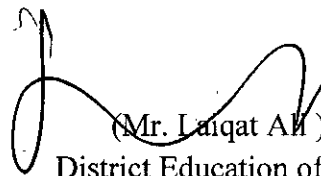
Director Elementary and Secondary Education Khyber Pakhtunkhwa & others.

.....Respondents

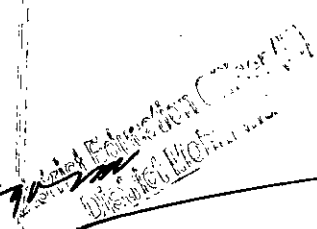
AFFIDAVIT

I laiqat Ali District Education officer Mohmand do hereby declare and affirm on oath that above comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon, rabble Tribunal.

It is further stated on oath that in this appeal/E.P the answering/implementation of the respondents have neither been placed ex-parte nor their defense is struck off.


(Mr. Laiqat Ali)

District Education officer (M)
District Mohmand

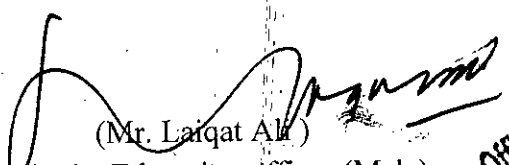

District Education Officer
District Mohmand

DISTRICT EDUCATION OFFICE DISTRICT MOHMAND

AUTHORITY LETTER

I District Education officer (Male) District Mohmand do hereby authorize Mr. Noor Bad shah Assistant (litigation) of this District Education office Mohmand to attend the Khyber Pakhtunkhwa Service Tribunal in connection with filing of implementation report in service Appeal No 407/2017 -E.P No.45/2023 Titled Saleem khan VS Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department.

Dated.



(Mr. Laiqat Ali)
District Education officer (Male)
District Mohmand

District Education Officer
District Mohmand



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT MOHMAND

Email: deomohmand@gmail.com



MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE HELD AT DIRECTORATE OF E&SE KHYBER PAKHTUNKHWA PESHAWAR ON 1/3/2024 AT 10:00 am

In compliance of the honourable Khyber Pakhtunkhwa Service Tribunal Peshawar order sheet dated 22/2/2024, the subject Meeting of Departmental Promotion Committee was held on 1/3/2024 at 10:00 a.m. under the chairmanship of District Education Officer (M) District Mohmand.

The following officers/officials attended the meeting.

- | | |
|--|--------------------|
| 1. Liaqat Ali DEO (M) Mohmand | Chairman |
| 2. Zia Ullah Assistant Director Directorate of E&SE KP Peshawar. | Member |
| 3. Muhammad Aftab DDEO (M) Mohmand. | Member |
| 4. Noor Badshah LR Litigation DEO (M) Mohmand. | Member |
| 5. Aziz ur Rahman S/Clerk & DA DEO (M) Mohmand. | Facilitator/Member |

➤ **CRITERIA FOR PROMOTION FROM CLASS IVs TO JUNIOR CLERK BS-11** As per Service Rules notified vide Govt. of Khyber Pakhtunkhwa Elementary & Secondary Department No SO(PE)/4-10/SSRC/Ministerial Staff/2013 dated 28/1/2013 reproduced as "(a) **Thirty three percent by promotion on the basis of seniority cum-fitness, from amongst the Daftaries, G/Operators, Qasids & Naib Qasids including other other equivalent posts in the attached department /offices/institutions with at least Two (02) years' service as such and having qualification mentioned in column No 3 i.e. (i) For Junior clerk /Assistant Store Keeper having at least Second Division in Secondary School Certificate or equivalent qualification from a recognized Board and a speed of twenty five words per minute in typing**"

➤ **PROCEEDINGS OF THE MEETING:** The meeting was started with recitation of verses from the Holy Quran. The Chair welcomed all the participants. Mr. Aziz Ur Rehman (DA) placed the case of Mr Saleem Khan Lab Attendant and briefed the forum about the judgement dated 18/10/2022 in S/Appeal No 407/2017 E.P No 45/2023 which is reproduced as "*At the very outset, learned counsel for the appellant stated at the bar that the appellant would be satisfied if direction is issued to the respondents to consider him in accordance with relevant rules & law for promotion to the post of Junior clerk in the upcoming meeting of DPC. Respondents shall consider the appellant for promotion to the concerned post in the forthcoming meeting of DPC in accordance with relevant rules & law.*" He briefed the forum that as per order sheets of the honourable Tribunal dated 27/4/2023 & 23/5/2023 & 16/6/2023 in which the respondents were directed **to finalize the seniority list** come up with further progress including working paper for meeting of DPC and its minutes. So in compliance of the Honourable Service Tribunal judgement dated 18/10/2022, his case was already discussed in the DPC meetings held on 26/7/2023 & 16/11/2023 & the DPC unanimously rejected his plea that he did not fall in the promotion zone as his seniority No was 148 in the Seniority List as stood on 27/4/2023 & the same was submitted to the honourable Tribunal on the dates of hearing. He further briefed the forum that the case was heard in the Tribunal on 27/11/2023 & the order Sheet reproduced as "**Representative of the respondents produced copy of minutes of DPC held on 16.11.2023 according to which the petitioner did not fulfil the criteria for promotion to the post of J/C.**" He also briefed the forum that in pursuance of the rule 8 (5) of the Civil Servants Act, 1973 & Directorate of E&SE Khyber Pakhtunkhwa letter No 8971-73 dated 21/12/2023, seniority list of all Class IVs was updated & circulated vide DEO (M) Mohmand office No 11307-42 dated 31/1/2024 in which the seniority No of the appellant is 144 now. He added that the appellant wants promotion on old seniority list of only 18 Male/Female Schools class IV before bifurcation of DEO (previous AEO) offices into Male/Female as his contention is that the then AEO promoted some class IVs out of turn while this office made a new seniority list of 428 Male Schools class IV as stood on 27/4/2023. The dealing clerk also informed the forum that letter was written to the appellant on dated 26/2/2024 regarding provision of all the relevant documents in original along with his service book which was registered on his home address vide P.O Ghallanai Registry No 1243 dated 28/2/2024 and also handed over the copy of the same to him on 28/2/2024 for provision of his documents and service book. The appellant promised that he will provide his documents on 29/2/2024 but in vain. He further briefed the forum that the appellant not only refused to take the mandatory Typing test but also refused to hand over his documents to the then committee of 2013 chaired by Mr. Sardar Hussain, presently serving as Principal GHS Ekka Ghund who handed over an attested document to this office on 29/2/2024 reflecting his refusal of provision of his documents, CNIC, Service book & refusal to take typing test. (Attached)

Mr. Noor Badshah, the Legal Representative Litigation of DEO (M) Mohmand briefed the forum that Mr. Saleem Khan, the appellant had filed Service Appeal in the Khyber Pakhtunkhwa Service Tribunal vide **Diary No 417 dated 25/4/2017** inspite of the fact that he was ineligible for promotion from class IV to J/C as per the said service rules as the appellant, Mr. Saleem Khan Lab Attendant has got **325 out of 850** in his matric from BISE

Handwritten signature and date: 20/3/2024

Peshawar in 3rd Division under Roll No 68642 in the Session 1996 which was also commented in the Respondents Para wise reply No 3 of the facts submitted to the honourable Khyber Pakhtunkhwa Service Tribunal. He further stated that the honourable Chairman Service Tribunal Khyber Pakhtunkhwa directed verbally on 22 & 23 Feb, 2024 that his case be considered as per old seniority list of just 18 officials (combine Male/Female) & last chance is given to DEO (M) Mohmand to implement the order of the Tribunal within 15 days & to come up on 11/3/2024.

➤ **DECISION OF THE COMMITTEE:** After threadbare discussion & examining the instant case, the committee unanimously decided that Mr. Saleem Khan, the appellant filed his service appeal in the Khyber Pakhtunkhwa Service Tribunal vide Diary No 417 dated 25/4/2017 for promotion from class IV to Junior clerk in spite of the fact that he was not eligible for promotion from Class IV to Junior clerk as he had got 325/850 marks in the Matric from BISE Peshawar in 3rd Division, as per notification vide Govt. of Khyber Pakhtunkhwa Elementary & Secondary Department No. SO (PE)/4-10/SSRC/Ministerial Staff/2013 dated 28/1/2013. So his appeal is regretted as he had no locus standi and the LR Litigation DEO (M) Mohmand should communicated the minutes of the meeting to the honourable Khyber Pakhtunkhwa Service Tribunal accordingly.

The meeting ended with a vote of thanks from the chair.

S.No	Name & Designation	Signature
1	Liaqat Ali DEO (M) Mohmand	
2	Zia Ullah Assistant Director Directorate of E&SE KP Peshawar	
3	Muhammad Aftab DDEO (M) Mohmand	
4	Noor Badshah LR Litigation DEO (M) Mohmand	
5	Aziz Ur Rehman S/clerk & DA DEO (M) Mohmand	



**OFFICE OF
THE DISTRICT EDUCATION OFFICER (M)
DISTRICT MOHMAND**



DEOMALEMOMMAND

DEOMALEMOMMAND

DEO_MOHMAND

DEOMOHMAND@GMAIL.COM

+92-924-290180

NO:

DATE:

Endst: No. 11748-54

Dated 01/03/2024

Copy forwarded to the:

1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. PS to Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. District Account Officer Mohmand.
5. All Committee Members.
6. I/C HM GHS Musa Kor to communicate to Mr. Saleem Lab Attendant under intimation to this office.
7. Master File.

*Alfred
S.S. 2024*

District Education Officer
(Male) Mohmand
1/3/2024

مقامی تعلیمی افسر کی طرف سے 2013ء کے حوالہ سے

2013

کو اسکیم خان AHA/دہلی تعلیمی افسر کی طرف سے

نوٹس دیا گیا ہے۔ لیکن اسکیم خان

نوٹس دینے سے انکاری ہے اور کہتا ہے

کہ وہ جسے عدالت کہہ رہا ہے۔ اس میں شک

لگتا ہے اس لیے اسکیم خان نے اسکیم خان

کو Request کر لیا۔ لیکن وہ نوٹس دیا

دینے سے انکاری ہے جس سے اسکیم خان

کو شک ہے اور اسے نوٹس دینے سے

انکاری ہے۔

مقامی تعلیمی افسر

31/1/13
Aftab Khan

- (1)
- (2)
- (3)

Attached
Assistant Agency Education
Officer Mohmand Agency

تعلیمی افسر کی طرف سے
2013

Principal
GHS Ekka Ghund
Distt: Mohmand

Attached
5/3/13