

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 144/2016

Date of Institution... 12.02.2016

Date of decision... 01.01.2018

Nisar Ahmad, Senior Clerk office of the DEO (Female) Buner. (Appellant)  
Versus/

1. The Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Peshawar and 2 others. ... (Respondents)

MR. Israr Ahmad,  
Advocate ... For appellant.

Mian Amir Qadar,  
District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. MUHAMMAD HAMID MUGHAL, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also dispose of another connected appeal No. 157/2016 as in both the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellant was initially inducted as Junior Clerk on 28.02.1991 in Revenue Department and then was promoted as Senior Clerk on 31.05.1995. As a consequence of devolution policy in 2001 he became surplus and then adjusted as Senior Clerk in the office of EDO (E&SE) Buner on 31.12.2001. A seniority list was issued in the year 2003 in which the appellant was shown at S.No. 10 and respondent No. 3 was shown at Sr. No. 11. On 12.10.2015 promotion orders were

issued wherein respondent No. 3 who was junior to the appellant was promoted alongwith many other juniors of other Districts. Against this order, the appellant filed a departmental appeal on 21.10.2015 which was rejected on 23.12.2015 . In the meantime a seniority list was also issued on 11.09.2015 against which the appellant filed departmental appeal on 02.12.2015. Both these appeals were decided through a single order dated 23.12.2015. Thereafter, the appellant filed the present service appeals after obtaining the copies of the same, on 22.2.2016. One appeal is against promotion order and the second against seniority list.

### ARGUMENTS

4. The learned counsel for the appellant argued that the appellant was shown senior to respondent No. 3 in the seniority list issued in the year, 2003 and his seniority was disturbed in 2014 without any notice to the appellant. He relied upon two judgments entitled "*Sultan Ahmad Vs. Federation of Pakistan, Ministry of Railways through Chairman, Railways Board, Islamabad and others*" reported as 2001-PLC(C.S)720 and "*Tariq Mansoor Vs. the Member Finance/Additional Finance Secretary, Government of Pakistan, Ministry of Railways, Islamabad and others*" reported as 1993-PLC (C.S) 195.

5. On merits he argued that the appellant was put in surplus pool in the year, 2001 and the departmental appeal of the appellant was decided in accordance with policy of surplus civil servants issued on 08.06.2001. That this policy was amended later on through an amendment in Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. That in accordance with this amendment in sub rule 3 of Rule 17 seniority of the appellant should have been from regular appointment and not from the date of adjustment from surplus pool.

6. On the other hand the learned District Attorney argued that the appellant was rightly placed junior to respondent No. 3 and the department had rightly interpreted policy of 08.06.2001. That the amendment referred to by the learned counsel for the appellant concerned only to merger/restructuring of the department and not the surplus pool.

### CONCLUSION


7. The wordings added in sub rule 3 of Rule 17 speaks of merger/restructuring of the department and not of surplus pool. The matter of surplus pool was inserted in the shape of Section 11-A of the Khyber Pakhtunkhwa Civil Servants Act, 1973. In this Section there is no mention of the seniority inter-se however, if this section is read as whole it even allows the surplus civil servants to be adjusted in lower post if no equivalent post is available. It means that a civil servant cannot claim even his original post as a right and he can be adjusted in a lower post. However, the learned counsel for the appellant submitted that once the appellant was adjusted against post equivalent to the post of his parent department then he was entitled to have been given seniority from the date of his initial appointment and that seniority of 2003 was rightly prepared. This Tribunal without deciding the issue of seniority is of the view that if the appellant was wrongly placed in seniority list of 2003 it was incumbent upon the department to have given him a notice before change in the seniority list on any ground as per the judgments relied upon by the learned counsel for the appellant. This Tribunal has also observed that many other civil servants from S.No. 79 to 100 shall be affected if the present appellant is given seniority over respondent No. 3.

8. This Tribunal therefore, by accepting this appeal remit the appeal back to the authority responsible for making seniority list to give notices to the appellant,

respondent No. 3 and all those from S.No. 79 to 100 of the promotion order dated 12.10.2015 and decide the issue afresh keeping in view all the relevant rules and laws on the subject including limitation within a period of 90 days from the date of receipt of this judgment failing which the appellant shall have the right to revive these appeals by impleading all the above mentioned persons as respondents. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Niaz Muhammad Khan)  
Chairman  
Camp Court, Swat

ANNOUNCED  
01.01.2018

144/2016


01.01.2018

Counsel for the appellant, Mian Amir Qadar, District Attorney for official respondents and private respondent No. 3 in person present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.




Member  
ANNOUNCED  
01.01.2018




Chairman  
Camp court, Swat

08.02.2017

Appellant in person and Mr. Mohsin Ali, ADO alongwith Mr. Muhammad Zubair, Senior Government Pleader for the official respondents present. Appellant requested for adjournment. Adjourned for final hearing to 05.06.2017 before D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

08.06.2017


Since the tour programme for the month of June, 2017 to camp court Swat has been cancelled by the Worthy Chairman, therefore, to come up for the same on 02.10.2017 at camp court, Swat. Notices be issued to the parties for the date fixed accordingly.

  
Registrar

02.10.2017

Counsel for the appellant and Mr. Anwarul Haq, Deputy District Attorney alongwith Syed Mohsin Ali, ADO for the respondents present. None present on behalf of respondent No. 3 proceeded against ex-parte. Counsel for the appellant seeks adjournment. Adjourned. To come up for final hearing on 01.01.2018 before the D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

144/16


13.7.2016

Appellant in person and Mr. Muhammad Saeed, S.S alongwith Mian Amir Qadar, GP for official respondents No. 1 & 2 and private respondent No. 3 in person present. Written reply by official respondents No. 1 & 2 submitted while private respondent No. 3 requested for further adjournment. Last opportunity granted to private respondent No. 3. To come up for written reply/comments on 6.10.2016 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat

06.10.2016

Appellant in person, Mian Amir Qadar, GP for official respondents and private respondent No. 3 in person. Written reply by respondent No. 3 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 08.2.2017 at camp court, Swat.

  
Chairman  
Camp Court, Swat

22.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Junior Clerk in the year 1991 and promoted in the year 1995. That it was in the year 2001 when, on the basis of devolution policy, appellant was sent to surplus pool and therefore adjusted in the office of DEO Buner vide order dated 31.12.2001. That his name was enlisted at S.No.10 of the seniority list while the name of private respondent No.3, Barkat Ali, was enlisted at S.No.11 but vide impugned order dated 12.10.2015, 100 Senior Clerks including private respondent No.3 were promoted while appellant ignored despite of seniority and fitness constraining him to file departmental appeal on 21.10.2015 which was rejected on 23.12.2015 but communicated to appellant on 22.2.2016 and hence the instant service appeal on 12.2.2016.

Appellant Deposited  
Security & Process Fee

That the appellant is entitled to promotion as office Assistant in preference to private respondent No.3 being senior and fit.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31.3.2016 before S.B.

31.03.2016

Appellant in person and M/S Khursheed. Khan, SO, Hameedur Rahman, ADO for official respondents as well as private respondent No. 3 in person present. The appeal pertains to territorial limits of Malakand Division. To come up for written statement at Camp Court, Swat on 05.5.2016 before S.B.

Chairman

Chairman

05.05.2016

Counsel for the appellant and Mr. HJameedur Rahman, ADO alongwith Muhammad Zubair, SGP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 13.07.2016 before S.B at camp Court, Swat.

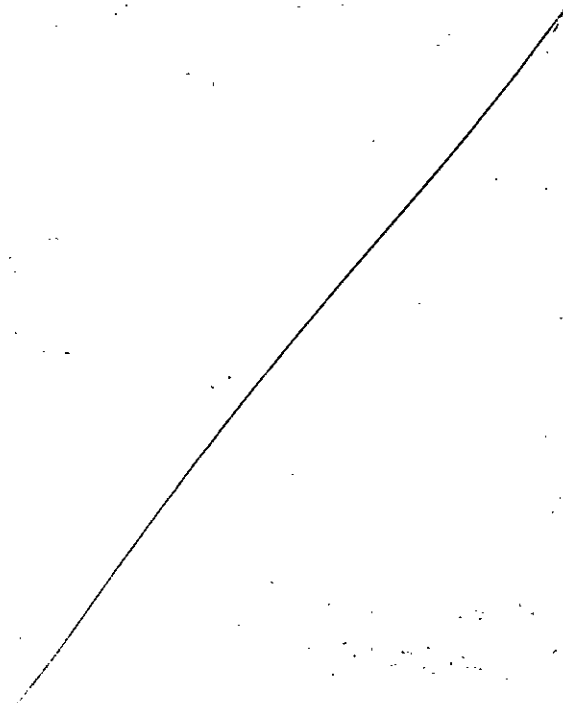
Chairman  
Camp Court, Swat



Form- A  
FORM OF ORDER SHEET

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

Case No. 144/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.02.2016	<p>The appeal of Mr. Nisar Ahmad presented today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p align="right"><i>(Signature)</i> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>22-02-2016</u></p> <p align="right"><i>(Signature)</i> CHAIRMAN</p>
2		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 144 /2016

Nisar Ahmad..... Appellant

Versus


The Govt. of KPK and others.....Respondents

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Through

Appellant

  
Khaled Rahman  
Advocate,  
Supreme Court of Pakistan  
3-D, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0345-9337312

Dated: \_\_\_/02/2016

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 144 /2016

**Nisar Ahmad**

Senior Clerk,

Office of the DEO (Female), Buner .....

**Appellant**

Versus

1. **The Govt. of Khyber Pakhtunkhwa**  
through Secretary  
Elementary & Secondary Education  
Civil Secretariat, Peshawar.

**A.W.F. Province  
Service Tribunal**

Diary No. 99

Dated 12-2-2016

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

3. **Mr. Barkat Ali,**  
Office Assistant,  
RITE (F), Bari Kot at Thana.....

**Respondents**

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 12.10.2015 ISSUED BY RESPONDENT NO.2 WHEREBY RESPONDENT NO.3 JUNIOR TO THE APPELLANT WAS PROMOTED TO THE POST OF ASSISTANT (BPS-16) IGNORING THE APPELLANT AGAINST WHICH APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION ON 21.10.2015 WHICH WAS REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 23.12.2015 AND COMMUNICATED ON 22.01.2016.

**PRAYER:**

*On acceptance of the instant appeal, the impugned original Notification dated 12.10.2015 and the appellate order dated 23.12.2015 issued by Respondent No.2 may graciously be set aside to the extent of promotion of Respondent No.3 and non-promotion of the appellant and Respondents be directed to consider the appellant for promotion to the post of Assistant (BPS-16) w.e.f. 12.10.2015 with all consequential back benefits.*

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant initially joined the service at the office of the Deputy Commissioner, ~~S~~ as Junior Clerk on 28.02.1991 and later on, was promoted to the post of Senior Clerk vide office order dated 31.05.1995 (*Annex:-A*). As per the Seniority List (*Annex:-B*) maintained at the office of the then Deputy Commissioner, Buner, as stood on 31.12.1998, appellant was placed at Serial No.10 of the list *ibid*.
2. That during the process of devolution way back in the year 2001, appellant was rendered surplus and was subsequently adjusted as Senior Clerk in the office of the then Executive District Officer (Education), Buner vide office order dated 31.12.2001 (*Annex:-C*). As per the Seniority List (*Annex:-D*) issued by the then Executive District Officer (S&L), District Buner, corrected upto 31.10.2003, appellant was placed at Serial No.10 while the name of Respondent No.3 is at Serial No.11. It is pertinent to mention here that Respondent No.3 did not raise any objection upon the seniority of the appellant being junior to the appellant and as such the Seniority List *ibid*, attained finality.
3. That the seniority position as aforesaid remained the same in the year 2014 as would be evident from the letter dated 02.04.2014 (*Annex:-E*) issued by Respondent No.2 calling for the ACRs/Non-Involvement Certificates for promotion to the post of Assistant (BPS-16) wherein the name of the appellant is at Serial No.158 while the names of Respondent No.3 is non-existent therein. The particulars of the appellant were forwarded to Respondent No.2 vide letter dated 18.04.2014 (*Annex:-F*), however, promotion could not be effected.
4. That again in the year 2015, the seniority of the appellant remained unchanged as would be evident from the letter dated 11.08.2015 (*Annex:-G*) requisitioning the ACRs and Non-Involvement Certificates wherein the name of the appellant is at Serial No.56 while that of Respondent No.3 is non-existent and the name of another junior to the appellant namely Muhammad Ishaq is at Serial No.92. Respondent No.3 did not challenge the above mentioned position of seniority of the appellant maintained in the year 2014/2015 and thus remained complacent acknowledging the seniority of appellant.

5. That vide impugned Notification dated 12.10.2015 (*Annex:-H*) issued by Respondent No.2 as many as 100 Senior Clerks were promoted to the posts of Assistant (BPS-16) wherein Respondent No.3 junior to the appellant was also promoted while appellant was ignored in violation of the law. Appellant being aggrieved of the promotion Notification *ibid*, preferred a Departmental Representation (*Annex:-I*) on 21.10.2015 but the same was rejected vide impugned appellate order dated 23.12.2015 (*Annex:-J*) communicated on 22.01.2016 through application, hence this appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned Notification/order, which are unjust, unfair and hence not sustainable in the eye of law.
- B. That the seniority of the appellant viz-a-viz Respondent No.3 has been determined ever since his induction in the Education Department in the year 2001 and even the same position was discussed by the august Supreme Court of Pakistan in C.P.Nos. 85 to 86-P/2005 decided on 05.10.2006 (*Annex:-L*). The same remained unchallenged in the year 2014 and 2015 when the particulars of the proposed promotees were requisitioned by Respondent No.2. Respondent No.3 did not challenge the same during the long fifteen years, therefore his promotion through the impugned Notification is illegal and consequently impugned order is also against the law and hence not sustainable.
- C. That depriving a person from promotion amounts to major penalty inas much as the instant opportunity of promotion occurred after long 20 years but the same was also lost due to the unlawful and illegal approach of the Respondents towards the seniority position of the appellant and Respondent No.3 and hence the same has resulted in manifest in justice.
- D. That appellant has been condemned unheard as neither Show Cause Notice was issued to him soliciting the reasons for depriving him from his due right of promotion nor was he afforded an opportunity of personal hearing to explain his position and in either of the cases appellant has been treated against the principle of natural justice and thus the impugned Notification/order are void ab initio and

(5)

Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.  
No. 6679-6736 /A-23/MS/S.Clerk/Promotion/2014.  
Dated Peshawar the 2/4 /2014.

To

1. The Director Curriculum & Teachers Education  
Khyber Pakhtunkhwa Abbottabad.
2. The Director of Education  
(FATA) Peshawar.
3. The Director PITE  
Khyber Pakhtunkhwa Peshawar.
4. ALL the District Officers (Male & Female)  
Concerned.

Annex 'E' (9)

Subject: ACR/Non Involvement Certificate/Promotion of Senior Clerk to the post of Assistant.

Memo:

I am directed to refer to the subject noted above and inform you that the promotion case of Senior Clerks to the post of Assistant is being under process and to request you to submit the ACRs/Non Involvement Certificates (Fresh) of the following officials for the period mentioned against each within a week positively.

Note: - Refusal of those officials who are not willing for promotion must be submitted to this office.

S/NO	Name	Father's Name	Domicile	Present place of posting	Remarks
1	SHABIR AHMAD	BASHIR AHMAD	Mardan	GHSS MAYAR	1987-2013
2	MUHAMMAD FAYZ	Muhammad Shiraz	Mardan	GHS GARHI KAPJRA	1987-2013
3	Amir Muhammad	Ahmad	Swat	GHSS Shamozi	1990-2013
4	Altaf Hussain	Mandayar Mian	Swat	GHSS Fatehpur	1990-2013
5	Muhammad Rashad	Fazal Wahid	Swat	GHS Sijbanr	1990-2013
6	Umar Khitab	Sanobar Mian	Swat	O/O D/E/O(Male) Swat	1990-2013
7	Fazli Mukhtaj	Muhammad Roshan	Charsadda	DEO(M)Charsadda	1990-2013
8	Abdur Rab	Muhammad Akram	Swat	GHS No/1/Mingora	1990-2013
9	Banaras Khan	Muhammad Nazeer	Charsadda	DEO/M/CHARSADDA	1990-2013
10	Nisar Ahmad	Hazrat Bilal	Swat	O/O D/E/O(Male) Swat	1990-2013
11	Farid Khan	Bakht Zamin	Swat	GGHSS Kabal	1991-2013
12	Rahim Bakhsh	Karim Bakhsh	Peshawar	DEO (M) Peshawar	1991-2013
13	Inayatullah Rahman	Fazal Rahman	Swat	GHS Matta	1991-2013
14	Ghulam Muhammad	Gul Sherin	Lakki		1991-2013
15	Shah Rahman	Bahramand	Dir Lower	GHSS Khanpur	1991-2013
16	Rahman Nazir	Zar Gul	Swat	O/O D/E/O(Male) Swat	1991-2013
17	Amir Zada	Tullah	Swat	GHSS Baidara	1991-2013
18	Ali Gohar Khan	Abdur Rehman	Peshawar	GHSS No. 3 Pesh. City	1991-2013

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19	NAWAZ KHAN	FANOOS KHAN	Mardan	GHSS T/BHAI	1991-2013
20	FAZLI QADEEM	FAZLI KARIM	Mardan	GCMHS MARDAN	1991-2013
21	SHEHZAD GUL	AKHTAR GUL	Mardan	GHSS HATHIAN	1991-2013
22	Hazrat Amin	Muhamamd Amin	Swat	GHS Shagai	1991-2013
23	Hamid	Muhammd	Swabi	GHS No/1 Tordher	1991-2013
24	Rahimullah	Ahmad	Swat	S/D/E/O FEMALEE SWAT	1991-2013
25	Khushdil Khan	Khadi Khan	Peshawar	GHSS Sufaid Sang	1991-2013
26	LIAQATA LI	FATEH KHAN	Mardan	GHSS MANGA	1991-2013
27	Amir Badshah	Abdul Ghafar	Dir Lower	GHSS Zaimdara	1991-2013
28	Ghulam Muhammad	Muhammad Faqir	Peshawar	GHSS Sheikhan	1991-2013
29	Fida Hussain	Abdur Rehman	Abbottabad	DEO (M) Office Atd	1991-2013
30	Gul Rehan	Shah Nazar Khan	Swabi	GHS Swabi	1991-2013
31	Shehzad Humayum	Sher Ahmad Saddiqui	Peshawar	GHSS Mussa Zai Pesh	1991-2013
32	Jalaludin	Muhammad Zarin	Swat	GHSS Madyan	1991-2013
33	Farid Ullah Khan	Khandad Khan	Lakki		1991-2013
34	Muhammad Tariq	Muhammad Aslam	Abbottabad	SDEO(M) Office Atd	1991-2013
35	Riaz Ahmad	Suitanat Khan	Swat	O/O D/E/O(Male) Swat	1991-2013
36	Naeem Akhtar	Naat Ullah	Swabi	GGHSS Lahor	1991-2013
37	Sher Bahadur Khan	Mir Zali Khan	Bannu		1991-2013
38	Jahangir Khan	Sher Ali Khan	Lakki		1991-2013
39	Fazli Yazdan	Fazli Maula		GGHSS S.K.F.	1991-2013
40	Muhammad Sarwar	Abdul Qadar	Abbottabad	GHSS Bagnotar	1991-2013
41	Zahid Hussain	Sarfara Khan	Swat	DEO FEMALEE SWAT	1991-2013
42	Abdur Rahim	Agha Khan	Kurram	AEO Khyber Agency	1991-2013
43	Shazad Akhtar	Abdur Rehman	Abbottabad	GHSS Lora	1991-2013
44	Khan Gul	Yaqub Khan	Abbottabad	DEO (M) Office Atd	1991-2013
45	Usman Ghani	Fazal Ghani	Swat	D/E/O(Male) Swat	1991-2013
46	Wali Rehman	Muhammad Yaseen	Bannu		1991-2013
47	Muhammad Rahman	Amir Muqam	Swat	GGHSS Manglor	1991-2013
48	Zar Khitab	Mir Nawas	Swabi	GGHSS Kalu Khan	1991-2013
49	Maqbali Khan	Musali Khan	Peshawar	GTHSS Peshawar	1991-2013
50	Muhammad Zubair	Ghulam Sarwar	Abbottabad	SDEO(F) Office Atd	1991-2013
51	Mumtaz ul Hassan	Abdur Rauf	Charsadda	DE&SE K/ Pakhtunkhwa	1991-2013
52	Muhammad Ajmal	Aabdul Qayoom	Mansehra	SDEO(M)Mansehra	1991-2013
53	Malik Aman	Alla Dad	Mansehra	GHSS Trappi	1991-2013
54	SAWAR KHAN	MOHIB ULLAH	Mardan	GHS GUJRAT	1991-2013
55	Ismail	Asad Khan	Peshawar	GHSS Daag	1991-2013
56	Rais Khan	Hamza Ali Khan	Karak	DEO(F) KK	1991-2013
57	Dar Ali Khan	Gul Sharif	Bannu		1991-2013
58	Muhammad Rafique	Bostan Khan	Abbottabad	GHSS Boi	1991-2013
59	Gul Shahin Shah	Sher Muhammad	Karak	GHSS, Jahangeri	1991-2013
60	Muhammad Anwar	Mian Said Umar	Swat	GHSS Madyan	1991-2013
61	Mohammad Wali	Haib ullah Khan	Chitral	GHSS: Morilasht	1991-2013
62	Muhammad Ishaq	Naik Muhammad	Peshawar	GHSS No/3 Pesh: City	1991-2013
63	Shaukat Ali	Ali Jan	Swabi	DEO (M) Swabi	1991-2013
64	Dil Jan	Zargul Khan	Lakki		1991-2013
65	Lal Azam	Gul Azam	Chitral	O/O DEO (F)	1991-2013
66	Muhd Pervesh	Lachbar	Swat	GHSS Charbagh	1991-2013

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67	Mohammad Kamil	Kamal Khan	Swabi	DEO (M) Swabi	1991-2013
68	Muhammad Nawaz	Atta Muhammad	Mansehra	SDEO(M)Mansehra	1991-2013
69	Muhammad Pervez	Rehmatullah	Mansehra	GHSS Dalola	1991-2013
70	S.Ishaq Hussain	Noor Hussain	Kurram	GHS Arkhyo Killi Kurram	1991-2013
71	Ghulam Sabir	Yar Muhammad	Peshawar	EDO (E&SE) Pesh:	1991-2013
72	Muhammad Shair	Azimullah Khan	Dir Lower	DEO(M) Dir Lower	1992-2013
73	Muhammad Razaq	Fazal Hadi	Karak	SDEO (M) T/Nasrati	1992-2013
74	Ghulam Qadir	Muhammad Saddiq	Kohat	DEO(M) Kohat	1992-2013
75	Abdur Rahim	Abdul Jalil	Swabi	DEO (F) Swabi	1992-2013
76	Shams ud Din	Gul Baig	Chitral	O/O DEO (F)	1992-2013
77	Muhammad Mubarik	Abdul Kareem	Mansehra	GGHSS Perhinna	1992-2013
78	Iqbal Khan	Yaqoot Khan	Peshawar	GGCHSS Pesh:	1992-2013
79	Muhammad Mehfooz	Muhammad Yaqoob	H/Pur	GGHSS Khanpur Haripur.	1992-2013
80	Siyar Ahmad	Fazal Rahim	Swabi	GHS Thandkoi	1992-2013
81	Sarfraz Khan	Shah Zaman Khan	Swat	GHSS Mingora	1992-2013
82	Fateh Muhd Khan	Tawas Khan	Swat	O/O D/E/O(Male) Swat	1992-2013
83	Hussan Jan	Ahmad Jan	FR Bannu	AEO Kurram Agency	1992-2013
84	MUHAMMAD IBRAHIM	SHER AZAM KHAN	MALAKAND	Malakand	1992-2013
85	Fayyaz Khan	Badi uz Zaman	Bannu		1992-2013
86	Muhammad Hanif	Gul Manan	Karak	GGHSS. Chokara	1992-2013
87	Muhamamd Dar Ali Shah	Farman Ali Shah	Bannu		1992-2013
88	Abdul Rasheed.	Said Khan	Mansehra	GHSS Baffa	1992-2013
89	Bahadar Zaib	Alam Zaib	Dir Lower	SDEO(F) Timergara	1992-2013
90	Muhammad Anwar	Muhammad Sarwar	Bannu		1992-2013
91	S.Naseem Hussain	S.Iltaf Hussain	Mansehra	GHS Oghi	1992-2013
92	LAL SAID	GULBAR SHAH	Mardan	DY: D/O/ (M) MARDAN	1993-2013
93	UMAR ZEB	SHER AEZAL	Buner	GHSS GADAEZI	1993-2013
94	Mughal Baz	Sher Muhammad	DIK	GHSS Rehmani Khail	1993-2013
95	Sabir Sultan.	Kaloo Khan	Mansehra	GGHSS L/Nawab	1993-2013
96	S.Imdad Hussain	S.Yousaf Shah	Mansehra	DEO(M)Mansehra	1993-2013
97	Mohammad Mahroof	Rasool Khan	Haripur	GHSS Srikot Haripur	1993-2013
98	Muhammad Zaman	Haji Ahmed.	Abbottabad	GGHS Havelian	1993-2013
99	JEHAN AKBAR	GHULAM AKBAR	Mardan	GHSS NO/4 MARDAN	1993-2013
100	Perveez Anjum	James Mesih	Peshawar	GHSS No/1 Pesh:City	1993-2013
101	Muhammad Parvez	Ali Akbar	Abbottabad	GHSS Richh Bhen	1993-2013
102	Muhammad Asif	Bara Khan	Mansehra	DEO(M)Mansehra	1993-2013
103	GUL FARAZ	ALIF KHAN	Mardan	GHSS GUJAR GARHI	1993-2013
104	Zahid Ullah	Zarullah	Swabi	SDEO (M) Lahor	1993-2013
105	Muhammad Khalid	Haji Ahmed	Abbottabad	DEO (M) Office Atd	1993-2013
106	Aman Ullah	Jan Muhammad	D/I/K	G/G/H/S/S BILOT SHARIF	1993-2013
107	TAIF KHAN	SULIMAN SHAH	Shangla	DEO(M) SHANGLA	1993-2013
108	Abdul Hadi	Sheli Shah	Chitral	O/O SDEO (M) Chitral	1993-2013
109	Muhammad Nawaz	Kala Khan	Abbottabad	SDEO(F) Office Atd	1993-2013
110	Abdur Rehman	Sher Zaman	Abbottabad	DEO (M) Office Atd	1993-2013
111	MUHAMMAD ZAHOOR	M. KAPOOR KHAN	Mardan	GHSS NO/1 MARDAN	1993-2013
112	Aurang Zeb	Muhammad Imran	Mansehra	GGHSS Baffa	1993-2013
113	Shoukat Ali	Muhammad Farid	Mansehra	DEO(M)Mansehra	1993-2013

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114	Sardar Hayat	Abdul Ghafar	Chitral	O/O DEO (F)	1993-2013
115	Mohammad Arif	Sardar Khan	Haripur	O/O DEO (Male) Haripur	1993-2013
116	Imtiaz Ahmad	Ghulam Akbar	Swabi	DEO (F) Swabi	1993-2013
117	HALEEM DAD	ALLAH DAD	Buner	GHS TOTALAI	1993-2013
118	Amin Khan	Dilpazir	Swat	GHSS Mingora	1993-2013
119	Zakiuddin	Muhiuddin	Swabi	GHS Lahor	1994-2013
120	Muhammad Younis	Sohbat Khan	Peshawar	GHSS Urmar Payan	1994-2013
121	Nihar Muhammad	Noorul Basar	Charsadda	DDO(F)Tangi	1994-2013
122	Qazi Sirajul Haq	Qazi Azizul Haq	Charsadda	EDO(E&SE)Charsadda	1994-2013
123	Fazale Rehman	Abdul Manan	Peshawar	GGHSS Lady Griffith	1994-2013
124	Iqbal Hussain Shah	S.Sadam Hussain	Bannu		1994-2013
125	Siyar Muhammad	Sherin Muhammad	Charsadda	GHSS Tarnab	1995-2013
126	MUHAMMAD KHLID	FATEH MUHAMMAD	Shangla	GHS BUTYAL	1995-2013
127	SHER AZAM	AMIR KHAN	MALAKAND	Malakand	1995-2013
128	Muhammad Israr	Ghulam Qadar	Dir Lower	GHSS Mian Brongola	1995-2013
129	Ibadur Rahman	Khair Muhammad	Dir Lower	DEO(M) Dir Lower	1995-2013
130	Waqif Khan	Fateh Gul	Dir Lower	DEO(M) Dir Lower	1995-2013
131	Abdul Ghani	Haleem Gul	Kohat	GGHSS Shakardarra	1995-2013
132	Muhammad Zaman	Amir Zaman	Swat	O/O S/D/E/O(Male) Swat	1995-2013
133	Safdar Ali	Nawab Din	Swabi	GCMGHS Swabi	1995-2013
134	Manzoor Hussain	Sain Muhammad	Mansehra	DEO(M)Mansehra	1995-2013
135	Muhammad Tariq	Gul Akbar Khan	Peshawar	GCMHS Peshawar City	1995-2013
136	NOOR UL QAMAR	SAID QAMAR	Mardan	GGHSS TORU	1995-2013
137	Sherzali Khan	Zardad Khan	Bannu		1995-2013
138	Chan Bakhsh	Molla Bakhsh	H/Pur	GGHSS No/2 Haripur	1995-2013
139	Jandool Khan	Ajab Khan	Kohat	DEO(M) Kohat	1995-2013
140	MEHBOOB SHAH	MEHMOOD SHAH	Mardan	GHSS HATHIAN	1995-2013
141	Said Afzal	Muhammad Azam	Peshawar	GHSS No/1 Pesh:City	1995-2013
142	Muhammad Bashir	Ahmad Noor	DIK	GHSS NO.2 DIKhan	1995-2013
143	Mashal Khan	Gul Nawaz	Lakki		1995-2013
144	Bakht Amin	Amir Zarin	Swat	GHSS Charbagh	1995-2013
145	Shahi Mulk	Shamezai	Swat	O/O EDO(E&S) Edu:Swat	1995-2013
146	Khurshid Ahmad	Hafizur Rahman	Charsadda	GHSS Hasan Zai	1995-2013
147	Muhammad Rafique	Muhammad Hussain	Abbottabad	GGHS No/1 A/Abad	1995-2013
148	Sandal Khan	Mehmood Jan	Peshawar	DDO(M) Pesh:	1995-2013
149	Abdul Salam	Abdul Aziz	D/I/K	SDEO (F) D/I/KHAN	1995-2013
150	Noor Faraz Khan	Gul Faraz Khan	Charsadda	GGHSS Sher Pao	1995-2013
151	Gul Zeb Khan	Sher Afzal Khan	Abbottabad	GGHSS Hajia Gali	1995-2013
152	HAZRAT ALI	KHAN WALI	Mardan	GHSS NO/1 MARDAN	1995-2013
153	Shujah Gul Khan	Qazi Qalandar Khan	Abbottabad	GHSS Nawansher	1995-2013
154	Nizakat Ali Shah	Gulab Shah	Peshawar	EDO (E&SE) Pesh:	1995-2013
155	BASHIR AHMED	HIKMAT KHAN	MALAKAND	Malakand	1995-2013
156	Habibullah	Inayatullah	Peshawar	DDO(F) Peshawar.	1995-2013
157	UBAID UR RAHMAN	Hidayat Ur Rahman	Buner	O/O DEO	1995-2013
158	NISAR AHMAD	DIYAR SHAH	Buner	O/O DEO	1995-2013
159	Mahboob Ahmad	Ghulam Haidar	Dir Lower	GGHSS Chakdara	1995-2013
160	Abdul Wakil	Abdur Rouf	Dir Lower	GHSS Ziarat (T)	1995-2013
161	Azizur Rahman	Noor Ahmad Shah	Dir Lower	SDEO(M) Timergara	1995-2013

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162	MUSLIM KHAN	MEHRABAN SHAH	Mardan	EDO E&SE MARDAN	1995-2013
163	Abdul Wahab	Sultani Room	Swat	SDEO (F) Swat	1995-2013
164	Lal Shahid Khan	Gul Shah Dauran	Karak	DEO(F)KK	1995-2013
165	Ghulam Saqlain Shah	Ghulam Hussain Shah	DIK	EDO (E&SE)DIK	1995-2013
166	FAQIR HUSAIN	TAJ MUHAMMAD	Mardan	GHSS SHAHDAND BABA	1995-2013
167	Muhammad Raziq	Gulab Khan	Nowshera	GHSS, Akbar Pura	1995-2013
168	Murad Ali	Raibat Khan	Karak	SDEO(F)KK	1995-2013
169	ABDUS SALAM	HAKIM KHAN	MALAKAND	Malakand	1995-2013
170	S.Abdul Qayum Shah	S.Afnan Shah	Lakki	DEO (M) Lakki	1995-2013
171	Abdul Rafee	Muhammad Mushtaq	DIK	GHSS No.3 DIKhan	1995-2013
172	Mian Sher Shah	Muhammad Amir Mian	Nowshera	GHSS, Ziarat Kaka Sahib	1995-2013
173	SAEED SHAH	ZAMIN SHAH	Mardan	GHSS KOHI BARMOL	1995-2013
174	Tariq Saleem	Muhammad Usman	Charsadda	GHSS Dosehra	1995-2013
175	Shah Jehan	Khalil Khan	Peshawar	GHS Badaber	1995-2013

13

Assistant Director (Admn)  
 Directorate Elementary & Secy Education  
 Khyber Pakhtunkhwa Peshawar

Endst: No. \_\_\_\_\_/

Copy forwarded to the: -

1. PS to Secretary to Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
2. Deputy Director Estab local Directorate for similar action.
3. PA to Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: Director Establishment L/Directorate.

Assistant Director (Admn)  
 Directorate Elementary & Secy Education  
 Khyber Pakhtunkhwa Peshawar.

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OFFICE OF THE DISTRICT EDUCATION OFFICER(M)BUNER.

(6) Annex "F"  
14

No. 1123 / Dated the 18/4 /2014

To  
The Director  
Elementary & Secondary  
Education Khyber Pakhtun Khwa  
Peshawar.

SUBJECT:- ACR/NON-INVOLVEMENT CERTIFICATE/PROMOTION OF SENIOR CLERK TO THE POST OF ASSISTANT.

Memorandum.

Reference your letter No.6679-67/A-23/MS/S.Clerk/Promotion/2014 dated Peshawar the 2/4/2014 on the subject noted above.

ACR/Non Involvement Certificate in respect of the following officials as asked

In the above referred memo: are hereby submitted for further necessary action please.

<u>S.No.</u>	<u>Name &amp; Designation</u>	<u>Station</u>	<u>Seniority list No.</u>
1.	Mr.Umar Zeb S/Clerk	GHSS Gadezai Buner.	93
2.	Mr.Ubaidur Rahman S/Clerk	DEO(M)Buner.	157
3.	Mr.Nisar Ahmad S/Clerk	DEO(M)Buner.	158

*[Signature]*  
DISTRICT EDUCATION OFFICER  
MALE BUNER  
*[Signature]* 18/4/14

*[Signature]*

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Annex "G"

15

Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.  
No. 1871-74/A-23/MS/S.Clerk/Promotion/2015.  
Dated Peshawar the 11/8/2015.

To

1. The Director Curriculum & Teachers Education  
Khyber Pakhtunkhwa Abbottabad.
2. The Director of Education  
(FATA) Peshawar.
3. The Director PITE  
Khyber Pakhtunkhwa Peshawar.
4. The District Officers (Male & Female)  
concerned.

Subject: ACR/Non Involvement Certificate/Promotion of Senior Clerk to the post of Assistant.

Memo:

I am directed to refer to the subject noted above and inform you that the promotion case of Senior Clerks to the post of Assistant is being under process and to request you to submit the ACRs/Non Involvement Certificates (Fresh) of the following officials for the period mentioned against each before 18.8.2015 through special messenger positively.

- Notes: -
1. Refusal of those officials who are not willing for promotion must be submitted to this office.
  2. Official who have submitted their ACR up to 2013, they should submit ACR for the year 2014 alongwith fresh Non Involvement Certificate.

S.No	Name	Father's Name	Domicile	Address	ACR for the period
1	SHABIR AHMAD	BASHIR AHMAD	Mardan	GHSS MAYAR	ACR for 5 years/NIC
2	MUHAMMAD FAYZ	Muhammad Shiraz	Mardan	GHS GARHI KAPURA	
3	Fazli Mukhtaj	Muhammad Roshan	Charsadda	DEO(M)Charsadda	Fresh NIC
4	Farid Khan	Bakht Zamin	Swat	GGHSS Kabal	ACR for 5 years/NIC
5	Ghulam Muhammad	Muhammad Faqir	Peshawar	GHSS Sheikhan	ACR for 5 years/NIC
6	Khalid Tanveer	Allah Bakhsh	DIK	GGHSS: Panila D.I.Khan.	ACR for 5 years/NIC
7	Riaz Ahmad	Sultanat Khan	Swat	O/O D/E/O(Male) Swat	ACR for 5 years/NIC
8	Muhammad Rahman	Amir Muqam	Swat	GGHSS Manglor	ACR for 5 years/NIC
9	Dil Jan	Zargui Khan	Lakki		ACR for 5 years/NIC

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10	Muhammad Pervez	Rehmatullah	Mansehra	GHSS Dalola	ACR for 5 years/NIC
11	S.Ishaq Hussain	Noor Hussain	Kurram	GHS Arkhyo Killi Kurram Agency	ACR for 5 years/NIC
12	Hussan Jan	Ahmad Jan	FR Bannu	AEO Kurram Agency	ACR for 5 years/NIC
13	Iqbal Khan	Yaqoot Khan	Peshawar	GGCHSS Pesh:	ACR for 5 years/NIC
14	Muhammad Mehfooz	Muhammad Yaqoob	H/Pur	GGHSS Khanpur Haripur.	ACR for 5 years/NIC
15	Fayyaz Khan	Badi uz Zaman	Bannu		ACR for 5 years/NIC
16	Sarfraz Khan	Shah Zaman Khan	Swat	GHSS Mingora.	ACR for 5 years/NIC
17	Mohammad Mahroof	Rasool Khan	Haripur	GHSS Srikot Haripur	ACR for 5 years/NIC
18	Muhammad Zaman	Haji Ahmed	Abbottabad	GGHS Havelian	ACR for 5 years/NIC
19	JEHAN AKBAR	GHULAM AKBAR	Mardan	GHSS NO/4 MARDAN	ACR for 5 years/NIC
20	UMAR ZEB	SHER AFZAL	Buner	GHSS GADAEZI	ACR for 5 years/NIC
21	LAL SAID	GULBAR SHAH	Mardan	SDEO (M) Mardan	ACR for 5 years/NIC
22	Mohammad Arif	Sardar Khan	Haripur	O/O DEO (Male) Haripur	ACR for 5 years/NIC
23	Zahid Abdullah	Zainul Abideen	Mansehra	SDEO (M) Haripur.	ACR for 5 years/NIC
24	HALEEM DAD	ALLAH DAD	Buner	GHS TOTALAI	ACR for 5 years/NIC
25	Abdur Rehman	Sher Zaman	Abbottabad	DEO (M) Office Atd	ACR for 5 years/NIC
26	MUHAMMAD ZAHOOR	M. KAPOOR KHAN	Mardan	GHSS NO/1 MARDAN	ACR for 5 years/NIC
27	Muhammad Parvez	Ali Akbar	Abbottabad	GHSS Richh Bhen	ACR for 5 years/NIC
28	Amin Khan	Dilpazir	Swat	GHSS Mingora	ACR for 5 years/NIC
29	GUL FARAZ	ALIF KHAN	Mardan	GHSS Bughdada	ACR for 5 years/NIC
30	Nihar Muhammad	Noorul Basar	Charsadda	DDO(F)Tangi	ACR for 5 years/NIC
31	Qazi Sirajul Haq	Qazi Azizul Haq	Charsadda	EDO(E&SE)Chars adda	ACR for 5 years/NIC
32	Mohammad Ayub	Abdul Ghaffar	Haripur	GGHSS: Panian Haripur.	ACR for 5 years/NIC
33	Muhammad Nawaz	Kala Khan	Abbottabad	SDEO(F).Office Atd	ACR for 5 years/NIC
34	Fazale Rehman	Abdul Manan	Peshawar	GGHSS Lady Griffith	ACR for 5 years/NIC
35	Shahi Mulk	Shamezai	Swat	O/O EDO(E&S) Edu:Swat	ACR for 5 years/NIC
36	Muhammad Bashir	Ahmad Noor	DIK	GHSS NO.2 DIKhan	ACR for 5 years/NIC
37	Mashal Khan	Gul Nawaz	Lakki		ACR for 5 years/NIC
38	Muhammad Rafique	Muhammad Hussain	Abbottabad	GGHS No/1 A/Abad	ACR for 5 years/NIC
39	SHER AZAM	AMIR KHAN	MALAKAND	Malakand	ACR for 5 years/NIC
40	Sandal Khan	Mehmood Jan	Peshawar	DDO(M) Pesh:	ACR for 5 years/NIC
41	Abdul Salam	Abdul Aziz	D/I/K	SDEO (F) D/I/KHAN	ACR for 5 years/NIC
42	Sherzali Khan	Zardad Khan	Bannu		ACR for 5 years/NIC
43	Noor Faraz Khan	Gul Faraz Khan	Charsadda	GGHSS Sher Pao	ACR for 5 years/NIC
44	Gul Zeb Khan	Sher Afzal Khan	Abbottabad	GGHSS Hajia Gali	ACR for 5 years/NIC

*Signature*  
10/8/15

16

46	HAZRAT ALI Shujah Gul Khan	HAZHAN Qazi Qalandar Khan	Mardan Abbottehad	DEO (F) FATA GHSS HAWANSHAH	ACR for 5 years/NIC
47	Habibullah	Inayatullah	Peshawar	DDO(F) Peshawar	ACR for 5 years/NIC
48	MEHBOOB SHAH	MEHMOOD SHAH	Mardan	GHSS HAATHIAN	ACR for 5 years/NIC
49	Safdar Ali	Nawab Din	Swabi	GCMGHS Swabi	ACR for 5 years/NIC
50	Chan Bakhsh	Molla Bakhsh	H/Pur	GGHSS No/2 Haripur	ACR for 5 years/NIC
51	NOOR UL QAMAR	SAID QAMAR	Mardan	GGHSS TORU	ACR for 5 years/NIC
52	Shah Jehan	Khalil Khan	Peshawar	GHS Badaber	ACR for 5 years/NIC
53	Jandool Khan	Ajab Khan	Kohat	DEO(M) Kohat	ACR for 5 years/NIC
54	Said Afzal	Muhammad Azam	Peshawar	GHSS No/1 Peshawar City	ACR for 5 years/NIC
55	Ubaudur Rehman	Hidayat ur Rahman	Buner	O/O DEO	ACR for 5 years/NIC
56	Nisar Ahmad	Diyar Shah	Buner	O/O DEO	ACR for 5 years/NIC
57	FAQIR HUSAIN	TAJ MUHAMMAD	Mardan	GHSS SHAHDAND BABA	ACR for 5 years/NIC
58	Saeed Shah	Zamin Shah	Mardan	GHSS KOHI BARMOL	ACR for 5 years/NIC
59	S.Qasim Shah	Akbar Shah	Charsadda	GGHSS Matta Palangzai chd	ACR for 5 years/NIC
60	Abdul Rafee	Muhammad Mushtaq	DIK	GHSS No.3 DIKhan	ACR for 5 years/NIC
61	MUSLIM KHAN	MEHRABAN SHAH	Mardan	DEO (M) Mardan	ACR for 5 years/NIC
62	Muhammad Bashir	Ghulam Hassan	Abbottabad	GHS No/ 2 A/Abad	ACR for 5 years/NIC
63	Sarmast Khan	Hazrat Mir	Peshawar	GHSS No.4 Peshawar City	ACR for 5 years/NIC
64	S.Abdul Qayum Shah	S.Afnan Shah	Lakki	DEO (M) Lakki	ACR for 5 years/NIC
65	Zafrullah Khan	Saeedullah	Charsadda	DEO/M/CHARSA DDA	ACR for 5 years/NIC
66	Muhammad Toqeer Khan	Dost Muhammad Khan	Abbottabad	GGCHSS A/Abad	ACR for 5 years/NIC
67	Muhammad Raziq	Gulab Khan	Nowshera	GHSS, Akbar Pura	ACR for 5 years/NIC
68	Abdul Wakil	Abdur Rouf	Dir Lower	GHSS Ziarat (T)	ACR for 5 years/NIC
69	Abdul Wahab	Sultani Room	Swat	O/O S/D/E/O FEMALEE SWAT	ACR for 5 years/NIC
70	Mian Sher Shah	Muhammad Amir Mian	Nowshera	GHSS, Ziarat Kaka Sahib	ACR for 5 years/NIC
71	Aslam Khan	Mira Khan	Peshawar	EDO (E&SE) Pesh:	ACR for 5 years/NIC
72	Tariq Saleem	Muhammad Usman	Charsadda	GHSS Dosehra	ACR for 5 years/NIC
73	Shafi Ullah	Sher Gul	Nowshera	GGHSS.Taru	ACR for 5 years/NIC
74	Riaz Ahmad	Wazir Zada	Swat	DEO(F) Dir Lower	ACR for 5 years/NIC
75	Muhammad Zaheer	Mir Afzal	Mansehra	GHSS:Behali Mansehra.	ACR for 5 years/NIC
76	SUHAIL SAQIB	MINHAJUD DIN	MALAKAND	Malakand	ACR for 5 years/NIC
77	Shamshad Muhammad	Zar Muhammad	Nowshera	GHSS, Jallozai	ACR for 5 years/NIC
78	Muhammad Amin	Ghulam Sadiq	Charsadda	GHS No/1 Charsadda	ACR for 5 years/NIC
79	Mohammad Ibrahim	Wali Muhammad	Swat	GGHSS Odigram	ACR for 5 years/NIC
80	RAJ MUHAMMAD	GUL DAD SHAH	Mardan	GHS LUND KHWAR	ACR for 5 years/NIC

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81	Mumtaz Ahmad	Haji Muhmood Khan	DIK	GHSS Abdul Khail	ACR for 5 years/NIC
82	Abdul Manah	Mohammad Hassan	Chitral	GHSS: Shahgram	ACR for 5 years/NIC
83	Ihsanul Haq	Fazal Haq	Charsadda	GHSS Umar Zai	ACR for 5 years/NIC
84	Muhammad Khalid	Haji Ahmed	Abbottabad	DEO (M) A/Abad	ACR for 5 years/NIC
85	Muhammad Yousaf	Ali Zaman	Abbottabad	GHS No/3 A/Abad	ACR for 5 years/NIC
86	Mukhtaj Nabi	Nasir Khan	Swabi	SDEO (F) Topi	ACR for 5 years/NIC
87	Muhammad Azam Khan	Muhammad Habib	Kohat	GGHSS Jungle Khel Kohat	ACR for 5 years/NIC
88	Muhammad Khalid	Haseem Khan	H/Pur	GGHSS Sirikote Haripur/	ACR for 5 years/NIC
89	Zamurd Khan	Amir Khan	Abbottabad	DEO (M) Office Atd	ACR for 5 years/NIC
90	Abdul Hameed	Mohammad Hanif	H/Pur	SDEO (F) H/Pur	ACR for 5 years/NIC
91	Zahid Ali	Gul Muhammad	Charsadda	DEO/M/CHARSA DDA	ACR for 5 years/NIC
92	Muhammad Ishaque	Muhammad Iqbal	Swat	GCMHS Wadudia	ACR for 5 years/NIC
93	Mohammad Shabir Ali	Attiquir Rehman	Swabi	SDEO(M) Swabi	ACR for 5 years/NIC
94	NIQAB AHMAD	ABDUL SALAM	Mardan	GGHSS T BHAJ	ACR for 5 years/NIC
95	Khan Faraz	Muhammad Rahman		GHSS Hasan Zai	ACR for 5 years/NIC
96	Jan Muhammad	Wazir Muhammad	Charsadda	SDEO (M) NSR	ACR for 5 years/NIC
97	Shah Alam Khan	Baitullah Jan	Lakki		ACR for 5 years/NIC
98	Sirajul Haq	Rahmanuddin	Dir Lower	GHSS Lal Qila	ACR for 5 years/NIC
99	Sher Alam	Muhammad Afzal		GHSS Sher Pao	ACR for 5 years/NIC
100	Muhammad Nazir	Muhammad Rafique	Abbottabad	GGHSS Malikpura	ACR for 5 years/NIC
101	Abdul Hamid Khan	Ghulam Yahya	Abbottabad	GHS No/1 Havelian	ACR for 5 years/NIC
102	Tariq Javed	Jehandad Khan	Abbottabad	GHSS Khanispor	ACR for 5 years/NIC
103	Sajid Ullah	Mir Badshah	Peshawar	GHSS No/1 Peshawar City	ACR for 5 years/NIC
104	Rab Nawaz Khan	Aqleem Khan	Bannu	Bannu	ACR for 5 years/NIC

10/5/15  
Assistant Director (Admn)

Directorate Elementary & Secy Education  
Khyber Pakhtunkhwa Peshawar

Endst: No. \_\_\_\_\_ /

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1. PA to Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admn)

Directorate Elementary & Secy Education  
Khyber Pakhtunkhwa Peshawar.

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION K.P.PESHAWAR.

(17)

NOTIFICATION.

Consequent upon the approval of the Departmental Promotion Committee (DPC) in its meeting held on 12.10.2015, the following Senior Clerks B-14 working in and under the Elementary & Secondary Education Department Khyber Pakhtunkhwa/ FATA/DC/TE/PITE are hereby promoted/adjusted as Assistant B-16 on regular basis in the interest of public service with immediate effect.

Annex "H"

S.#	Name	Present Address	Posted as Assistant at	Remarks
1	SHABIR AHMAD	GHSS Mayar Mardan	DEO (M) Dir (Upper)	Against V/post
2	Fazli Mukhtaj	GHSS Sherpao	RITE (F) Charsadda	Against V/post
3	Ghulam Muhammad	GHSS Sheikhan Peshawar	GGHSS Kalanga Khyber Agency	Against V/post
4	Khalid Tanveer	GGHSS Paniala D.I.Khan	DEO (M) DIKhan	Against V/post
5	Riaz Ahmad	DEO (M) Swat	DEO (M) Dir Upper	Against V/post
6	Dil Jan	GHSS Dara Pezu Lakki	DEO (F) Lakki	Against V/post
7	Bahadar Zaib	SDEO (M) Timergara Dir (L)	DEO (M) Dir Lower	Against V/post
8	Muhammad Mehfooz	GGHSS Khanpur Haripur	DEO (F) Haripur	Against V/post
9	Fayyaz Khan	GHSS Sahbaz Azmat Khel Bannu	DEO (F) Bannu	Against V/post
10	Siyar Ahmad	DEO(M) Swabi	DEO (M) Swabi	Against V/post
11	Mohammad Mahroof	GHSS Sirikoat Haripur	DEO (M) Haripur	Against V/post
12	Muhammad Zaman	GGHSS Havalian Abbottabad	DEO (F) Battagram	Against V/post
13	JEHAN AKBAR	GHSS Mardan	DEO (F) Buner	Against V/post
14	UMAR ZEB	GHSS Dadazai Buner	DEO (F) Buner	Against V/post
15	S.Naseem Hussain	GGHSS Muradpur Mansehra	DEO (M) Torghar	Against V/post
16	Perveez Anjum	DTC/GHSS No.1 Peshawar City	Directorate E&SE K.P Peshawar	Against V/post
17	LAL SAID	SDEO (M) Mardan	SDEO (M) Buner	Against V/post
18	Muhammad Dar Ali Shah	DEO (F) Bannu	DEO (M) Bannu	Against V/post
19	Mohammad Arif	DEO (M) Haripur	DEO (M) Haripur	Against V/post
20	Zahid Abdullah	GCGHSS Abbottabad	DEO (M) Torghar	Against V/post
21	Muhammad Khalid	GHSS Kairi Raiki Abbottabad	Assistant, DEO (M) Battagram	Against V/post
22	Abdur Rehman	DEO (M) Abbottabad	DEO (F) Battagram	Against V/post
23	MUHAMMAD ZAHOOR	GSAHSS No. 1 Mardan	SDEO (F) Dir Upper	Against V/post
24	Muhammad Asif	DEO (F) Mansehra	DEO (F) Battagram	Against V/post

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25	Shoukat Ali	GHSS No. 1 Mansehra	DEO (M) Mansehra	Already occupied
26	Muhammad Parvez	GHSS Richbhen Abbottabad	DEO (M) Torghar	Against V/post
27	Aman Ullah	GGHSS Bilot Sherif D.I.Khan	RITE (M) DIKhan	Against V/post
28	GUL FARAZ	GHSS Baghdada Mardan	DEO (M) Buner	Against V/post
29	Nihar Muhammad	GGHSS Sherpao Charsadda	SDEO (F) Wari Dir Upper	Against V/post
30	Qazi Sirajul Haq	GGHSS Utmanzai Charsaadda	SDEO (M) Kohat	Against V/post
31	Mughal Baz	DEO (F) D.I.Khan	DEO (F) DIKhan	Against V/post
32	Zahid Ullah	SDEO (M) Lahore Swabi	SDEO (M) Lahor Swabi	Already occupied
33	Imtiaz Ahmad	DEO (M) Swabi	DEO (M) Dir Upper	Against V/post
34	Aurang Zeb	GHSS Baffa Mansehra	DEO (F) Kohistan	Against V/post
35	Mohammad Ayub	GGHSS Pania Haripur	DEO (F) Haripur	Against V/post
36	Mr. Sartaj Khan	GHSS No.1 Peshawar City	DEO (F) Kohat	Against V/post
37	Abdul Hadi	SDEO (M) Chatral	SDEO (F) Chitral	Against V/post
38	Muhammad Nawaz	GCMHS Abbottabad	DEO (M) Battagram	Against V/post
39	Sardar Hayat	DEO (F) Chitral	DEO (F) Chitral	Against V/post
40	Fazale Rehman	GGHSS Lady Grifith Peshawar	Directorate of Edu (FATA) Peshawar	Against V/post
41	Siyar Muhammad	GHSS No. 01 Charsadda	DEO (F) Dir Upper.	Against V/post
42	Muhammad Younis	GHSS Urmar Peshawar	Directorate of Edu (FATA) Peshawar	Against V/post
43	Shahi Mulk	DEO (M) Swat	DEO (M) Shangla	Against V/post
44	Muhammad Israr	GHSS Main Brangola Dir (L)	SDEO (F) Samarbagh Dir Lower	Against V/post
45	Muhammad Bashir	SDEO (F) D.I.Khan	SDEO (M) Kulachi	Against V/post
46	Mashal Khan	DEO (M) Lakki	DEO (M) Lakki	Against V/post
47	Khurshid Ahmad	GHSS Tangi Charsadda	DEO (F) Kohat	Against V/post
48	Ibadur Rahman	DEO (F) Dir (L)	DEO (F) Dir Lower	Against V/post
49	Manzoor Hussain	GGHSS Thakhti Khurd Mansehra	SDEO (M) Battagram	Against V/post
50	Muhammad Rafique	DCTE Abbottabad	Services placed at the disposal of Director C&TE K.P. Abbottabad.	
51	SHER AZAM	SDEO (F) Batkhela MKD	DEO (F) Malakand	Against V/post
52	Sandal Khan	DEO (M) Peshawar	SDEO (M) Peshawar	Already occupied
53	Abdul Salam	GHSS No. 2 D.I.Khan	DEO (F) DIKhan	Against V/post
54	Sherzali Khan	DEO (F) Bannu	DEO (F) Bannu	Against V/post
55	Noor Faraz Khan	SDEO (F) Tangi Charsadda	DEO (F) Kohat	Against V/post
56	Gul Zeb Khan	GHSS Hejia Gali Abbottabad	SDEO (F) Battagram	Against V/post
57	BASHIR AHMED	GGHS Koper Malakand	SDEO (M) Batkhela Malakand	Against V/post
58	HAZRAT ALI	DEO (F) Mardan	DEO (M) Bunir.	Against V/post

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19

59	Waqif Khan	DEO (M) Dir Lower	DEO (M) Dir Lower	Against V/post
60	Bakht Amin	GHSS Charbagh Swat	DEO (M) Shangla	Against V/post
61	Shujah Gul Khan	GHSS Nawanshehr Abbottabad	DEO (F) Torghar	Against V/post
62	Nizakat Ali Shah	DTE	DE&SE K.P. Peshawar	Already occupied
63	Habibullah	GHSS Garri Sherdad Peshawar	Directorate of Edu (FATA) Peshawar	Against V/post
64	Muhammad Zaman	GHSS No.1 Mingawara Swat	DEO (F) Shangla.	Against V/post
65	MEHBOOB SHAH	GHSS hathian Mardan	RITE (F) Rehanpur Dir L	Against V/post
66	Chan Bakhsh	GHSS Sector No.2 Kala Batt Haripur	SDEO (M) Haripur.	Against V/post
67	Muhammad Tariq	DE&SE	DE&SE K.P. Peshawar	Already occupied
68	Abdul Ghani	GGHSS Sakar Dera Kohat	GCHSS Kohat	Against V/post
69	Jandool Khan	DEO (M) Kohat	DEO (M) Kohat.	Against V/post
70	Ubaidur Rehman	SDEO (M) Buner	SDEO (F) Bunir	Against V/post
71	FAQIR HUSAIN	GHSS No. 4 Mardan	DEO (F) Bunir	Against V/post
72	Saeed Shah	GSMSSHSS Kohi Barmal Mardan	DEO (M) Dir Upper	Against V/post
73	Murad Ali	SDEO (F) Karak	SDEO (F) Karak	Against V/post
74	S.Qasim Shah	GGHSS Matta Palang Zai Charsadda	DEO (M) Hangu	Against V/post
75	Abdul Rafee	GHSS No. 3 D.I.Khan	SDEO (M) Kulachi	Against V/post
76	Muhammad Bashir	SDEO (M) Abbottabad	DEO (M) Kohistan	Against V/post
77	Sarmast Khan	GHSS No. 4 Peshawar city	DEO (M) Kohat	Against V/post
78	Barkat Ali	DEO (M) Swat	RITE (F) Barikot at Thana.	Against V/post
79	S.Abdul Qayum Shah	GSBAKHSS Saray Norang Lakki	SDEO (M) Lakki	Against V/post
80	Zafrullah Khan	SDEO (F) Tangi Charsadda	SDEO (M) Lachi Kohat	Against V/post
81	Lal Shahid Khan	DEO (F) Karak	DEO (F) Karak	Against V/post
82	Abdus Salam	DEO (M) MKD	DEO (M) MKD	Against V/post
83	Muhammad Toqeer Khan	GGCHSS Abbottabad	DEO (M) Battagram	Against V/post
84	Muhammad Raziq	SDEO (M) Nowshera	SDEO (M) Nowshera	Against V/post
85	Abdul Wakil	GHSS Z/Talash Dir (L)	SDEO (M) Samarbagh	Against V/post
86	Mahboob Ahmad	GHSS Kotigram	SDEO (M) Timargara	Against V/post
87	Azizur Rahman	SDEO (M) Dir (L)	DEO (M) Dir Lower	Against V/post
88	Ghulam Saqlain Shah	DEO (M) D.I.Khan	DEO (F) DIKhan	Against V/post
89	Aslam Khan	DEO (F) Peshawar	DEO (F) Peshawar	Already occupied
90	Tariq Saleem	GHSS Dosehra Charsadda	DEO (F) Hangu	Against V/post
91	Shafi Ullah	GGHSS Taru Nowshera	DEO (M) Nowshera.	Against V/post
92	Abdullah Jan	DEO (F) Nowshera	RITE (F) Kohat	Against V/post
93	Nooraz Khan	DEO (M) Bannu	SDEO (M) Bannu	Against V/post
94	Riaz Ahmad	DEO (F) Dir L	DEO (F) Dir Lower	Against V/post

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95	Muhammad Aqil	GGCMS Timergara Dir L	DEO (F) Dir Lower	Against V/post
96	Rahim Dil Khan	DEO (F) Bannu	RITE (M) Bannu	Against V/post
97	SUHAIL SAQIB	SDEO (M) Dargai MKD	DEO (F) Malakand	Against V/post
98	Shamshad Muhammad	GHSS Jolazai Nowshera	SDEO (F) Kohat	Against V/post
99	RAJ MUHAMMAD	GHS Lund Khwar Mardan	DEO (F) Hangu	Against V/post
100	SHAKEEL Muhammad	DEO (M) Mardan	DEO (M) Mardan	Already occupied

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Note:

1. Charge report should be submitted to all concerned.
2. They all shall remain on probation for one year extendable for further next year.

(Muhammad Rafiq Khattak)

DIRECTOR

Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 2055-2200/A-23/MS/Promotion/Asstt/2015. Dated Peshawar the 12/10/2015.

Copy of the above is forwarded to the: -

1. PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. PS to Secretary Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Education Khyber Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.
7. District Education Officer concerned.
8. District Accounts Officers concerned.
9. Agency Accounts Officers concerned.
10. Agency Education Officers concerned.
11. SDEOs concerned.
12. Principals concerned.
13. Officials concerned.
14. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
15. PA to Additional Directors (Estt:) & (Dev) Local Office.
16. Master File.

*[Signature]*  
Assistant Director (Admn)

Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

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خدمت چار ڈائریکٹر صوبائی ایجنسی انڈسٹریل پروجیکشن

Annex "I"

درخواست ہمراہ عفا فیملی ترقی برائے اسٹٹ

صوبہ عالمگیا

خود نامہ ڈرائیو کے نام میں نامیاری کے لئے رہنا

درخواست جمع منقولہ کا غذات جمع رقم نمبر 9665 صوفی 23/6

کو دفتر ہذا میں جمع کیا گیا اور 31 سے 2014 کے سال کا

نمبر 1871-76/234 صوفی 2015 سیریل نمبر 56

میرا نام موجود ہے۔ پر موشن اور 2055-2055 صوفی 12/10/2015

سیریل نمبر 75 کے لئے فلائس کو موشن میں لیا وہ مجموعے میں ہے

جمع 1/6/1995 کو دفتر ڈی سی کو نمبر میں سیریل نمبر کے ساتھ لیا گیا

1/1/2002 کو ایکٹ میں رہا جس کا لیا گیا اس وقت کے مجموعے

Est. Code-2011 میں ہے صفحہ 24 پر حوالہ دینے سے صاف ظاہر ہے

1/6/1995 سے دفتر ہذا میں ہے۔ نتائج کا غذات موجود ہے

گھنٹہ اسٹیڈی ہے کہ یہ صوبائی حوالہ کو موشن میں لیا جائے۔

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رہا، لہذا  
رہا، لہذا  
نیا اور لہذا  
21/10/2015  
DECI (B) Bureau

99

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.

Notification.

Annex J

In pursuance of Government of Khyber Pakhtunkhwa Surplus Pool Policy read with rule 6 (b) reflected in Esta Code (Revised Edition) 2011 (Page # 102) and consequent upon refolding of facts come forth during the scrutiny of appeals dated 21-10-2015 & 02-12-2015 lodged by Mr. Nisar Ahmad, Senior Clerk at DEO (Female) Buner, the inter-se-seniority in respect Mr. Ubaid-ur-Rehman S/O Hidayat-ur-Rehman Senior Clerk at SDEO (Male) Buner adjusted in E&SE Department from other department in the wake of Devolution of Powers Plan-2001 is hereby re-determined according to the principle as prescribed in the surplus pool policy referred to above.

Subsequent to above, the seniority No. in respect Mr. Ubaid-ur-Rehman S/O Hidayat-ur-Rehman Senior Clerk at SDEO (Male) Buner in the final seniority list of Senior Clerk corrected up to 28/05/2015 issued under Endst: No. 2340-48 dated 11-09-2015 may be read as "167-A" instead of "85" in the said final seniority list of Senior Clerk.

In consequential to above, the promotion order in respect Mr. Ubaid-ur-Rehman Senior Clerk at SDEO (Male) Buner to the post of Assistant at SDEO (Female) office Buner falling at S.No. 70 of this office Notification issued under Endst: No. 2055-2200/A-23/MS/Promotion/Asstt. dated 12-10-2015 is hereby WITH DRAWN. He is adjusted back against his original post of Senior Clerk at SDEO (Male) Buner. He will be promoted to the post of Assistant on his turn on the basis of inter-se-seniority of the surplus pool employees.

The seniority appeal lodged by Mr. Nisar Ahmad, Senior Clerk at DEO (Female) Buner (surplus pool employee) referred to above is also disposed off in line with the above mentioned surplus pool policy.

- Note:-
1. Charge reports should be submitted to all concerned.
  2. Necessary correction/entry to this effect should be made in the relevant record.

(Director)  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 3085-89 A-23/MS/Appeal/Sen:List/2015

Dated Peshawar the 23/12/2015

Copy of the above is forwarded for information and n/action to the:-

1. District Education Officers (M&F) Buner.
2. District Accounts Officer Buner.
3. SDEOs (M&F) Buner.
4. Mr. Ubaid-ur-Rehman Senior Clerk at SDEO (Male) Buner for compliance.
5. Mr. Nisar Ahmad, Senior Clerk at DEO (Female) Buner w/r to his appeals cited above.

Assistant Director (Admn)  
Directorate/E&SE KP, Peshawar.

Suptd Ss. Mel.

Pl. examine and act accordingly.

03-01-16.

Assistant District Officer  
(M) Ele & Sec Education  
Distt: Buner

خدمت چتر ڈسٹرکٹ ایجوکیشن افسر، نزد کاروانہ محلہ، جوبہ

درخواست میرا و عقیل لعل

مندان  
Anner K

ضلع عالی

جو بابت لڑائی میں نے فاضل سٹارٹ لیسٹ  
کی درستگی کی ہے اور قریب بحیثیت اسٹنٹ ہو کر کے خلع  
اپنی ڈائریکٹریٹ اور ایجوکیشن افسر کی سہ ماہی سے  
واحد کیا گیا تھا اس کے لیے صورت مندرجہ کر کے حکم لعل  
کی پاسی ہے، دست میں جو اصل میرا و عقیل لعل  
تصدیق شدہ لعل باضابطہ طور پر جاری کر  
کے حکم صادر فرمادیں۔ تو دعا گو رہیں گا۔

العارض

اب باجوہ مندان

M. M. M.

20/11/16

20/11/2015

نثار محمد سید

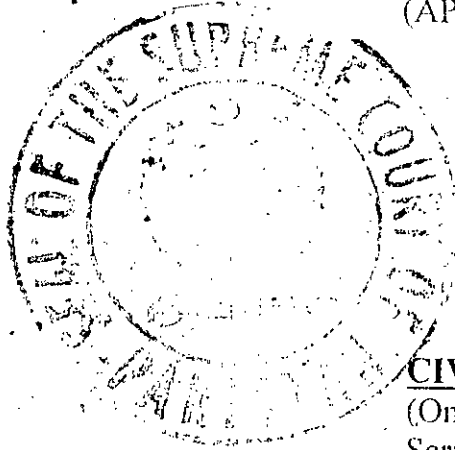
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میل جوبہ

20/11/2015

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

Annex 1

24



PRESENT

MR. JUSTICE SARDAR MUHAMMAD RAZA KHAN  
MR. JUSTICE NASIR-UL-MULK

CIVIL PETITION NOS. 85-P & 86-P OF 2005

(On appeal from the judgment of the NWFP  
Service Tribunal, Peshawar, dated 6.1.2005  
passed in Service Appeal Nos.524 & 525 of  
2004)

Ubaid-ur-Rehman

Petitioner in C.P.No.85-P/05)

Nisar Ahmed

Petitioner in C.P.No.86-P/05)

Versus

Government of NWFP through  
Chief Secretary NWFP Peshawar etc.

Respondents in both cases.

For the Petitioners:

Mr. Attiq-ur-Rehman Qazi, ASC  
Mr. Mir Adam Khan, AOR

Respondents:

N. R.

Date of hearing:

5.10.2006

JUDGMENT

NASIR-UL-MULK, J.- The petitioners in both these petitions

for leave to appeal were serving as senior clerks on regular basis in the office of the Deputy Commissioner, District Buner, when upon the introduction of the devolution plan, the office of the Deputy Commissioner was abolished and its staff, including the petitioners, were brought into the surplus pool of District Buner. In accordance with the policy of the Provincial Government dated 13.8.2001, the petitioners were adjusted as senior clerks in the Education Department of District Buner by the office order dated 31.12.2001, while some other clerks of the office of the Deputy

ATTESTED

*[Signature]*  
Supreme Court of Pakistan

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Commissioner Buner, respondent Nos.4 to 7 herein, were by subsequent office order of 15.1.2002 adjusted from the District Surplus Pool in the office of District Coordination Officer, Buner (DCO). This later group of clerks was subsequently promoted as Assistants in the office of the District Coordination Officer, Buner, by order dated 22.12.2003. After making unsuccessful departmental appeal against the said promotion, the petitioners filed appeals before the NWFP Service Tribunal for setting aside the said promotion with the prayer that the petitioners be ordered to be adjusted against the vacant posts of senior clerk in the office of the District Officer Revenue & Estates, Buner. The Tribunal dismissed the appeals on 6.1.2005 on the ground that the petitioners having been permanently adjusted in the Education Department could not now claim adjustment in another department. These petitions for leave are now directed against the judgment of the Tribunal.

2. Mr. Attiq-ur-Rehman Qazi, learned ASC appeared for the petitioners. The only argument advanced by him is based on the violation of Para-5(c)(iv) of the adjustment policy of the Provincial Government dated 8.6.2001, that the very adjustment of the petitioners as senior clerks in the Education Department was in violation of the said para which bars adjustment to a post liable to be filled up by promotion. He, therefore, contended that the petitioners could not be adjusted as senior clerks in the Education Department, as the said posts were liable to be filled by promotion. When confronted as to why the petitioners had not questioned the adjustment itself, which was made way back in the year 2001, the learned counsel argued that since the adjustment was void abinitio, the same could be set aside without the constraints of limitation.

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3. In the appeals before the Service Tribunal, the petitioners have neither explicitly nor implicitly questioned their adjustment in the Education Department that was made way back on 31.12.2001. In their appeals, filed on 13.7.2004, they had only assailed the promotion of respondent Nos.4-7 on the ground that in their original department of the Deputy Commissioner, the said respondents were juniors to the petitioners. The petitioners could have succeeded only if their adjustment in the Education Department could be reversed. That process is not reversible as the petitioners have been permanently adjusted in the Department and from the order of Senior Member, Board of Revenue dated 6.5.2004, before whom the petitioners had first agitated their case, the names of the petitioners have even now been included in the seniority list of the Education Department and have been placed at serial Nos. 9 and 10 thereof. That the petitioners did not raise any objection to their inclusion of their names in the said seniority list when the same was circulated. The petitioners, therefore, cannot press into service para-5(c)(iv) as not only that they have impliedly agreed to and acquiesced in their adjustment in the Education Department but had also not challenged the same either before the Board of Revenue or before the Service Tribunal. In any case, even if the petitioners' plea regarding wrong adjustment in the Education Department on the posts of senior clerks is accepted, the only consequence that would flow therefrom would be their reversal to the surplus pool but no direction can be given that they be adjusted in the office of the District Coordination Officer or further that they may be promoted to the post of assistants instead of respondent Nos.4 to 7.

4. Examining the case from any angle, we are of the considered view that the Service Tribunal had rightly dismissed the petitioners' appeals.

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Consequently, both these petitions are dismissed and leave declined.

Sd/ Sarda M. Raza Khan  
Sd/ Navu-ul-Mulk

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Peshawar  
October 5, 2006  
Shirazi/\*

*[Handwritten signature]*  
11/10/06

NOT APPROVED FOR REPORTING

*[Handwritten signature]*  
14/10/06  
Supreme Court of Pakistan  
Peshawar

Case No.	1164 of 06
Date of Presentation	
Date of Application	5-10-06
By	1200
	12
	16
	2-44
	1-2-44
	1-6-10-06
	500
Received by	M. Adnan Khan, M.A.

Attested to be True Copy

WAKALAT NAMA

IN THE COURT OF

C.P.K Service Tribunal

Mrs. Ahmed

Appellant(s)/Petitioner(s)

The Govt of

VERSUS

K.P.C etc

Respondent(s)

I/We \_\_\_\_\_ do hereby appoint  
**Mr. Khaled Rehman, Advocate Supreme Court of Pakistan** in the above  
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

Khaled Rehman,  
Advocate,  
Supreme Court of Pakistan

3-D, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458

Mr. Israr Ahmad  
Advocate High Court

Ms. 220

Signature of Executants

Service Appeal No: 144/2016.

**Nisar Ahmad Senior Clerk Office of the DEO(F) Bunir.**

.....Appellant.

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others.**

.....Respondents

**JOINT PARAWISE COMMENTS FOR&ON BEHALF OF RESPONDENTS No:1-2.**

Respectfully Sheweth :-

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action locus / standi .
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant Service Appeal.
- 4 That the appellant has not come to this Honorable Tribunal with clean hands.
- 5 That the Appellant is not entitled for the relief he has sought from this Honorable Tribunal .
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the instant appeal is based on malafide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 8 That the Appellant has been treated as per law, rules & up-gradation policy.
- 9 That the Appeal is not maintainable in its present form.
- 10 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the Appellant is not competent to file the instant appeal against the respondents.
- 12 That the Notification dated 12/09/2015 & appellate order dated 23/12/2015 are legally competent & is liable to be maintained.
- 13 That rules-8(1) of Civil Servants Act 1973 & seniority rules, 1993 are not applicable upon the case of the appellant.

**ON FACTS**

- 1 That Para-I, is correct to the extent that initially the appellant was appointed against the Junior Clerk post vide order dated 28/2/1991, and promoted to the post of Senior Clerk on 31/8/1995. But later on due to introduction of Devolution of powers plan year 2001, vide which the scheme of District Governments has been introduced, the appellant was declared, as surplus and his status against the post he held was re-determined in

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accordance to the principles as prescribed in the surplus pool policy read with rules-6 (b) of Esta Code (Revised Edition) 2011(page-102). Therefore, the appeal for the grant of seniority & promotion against the Assistant(PBS-16) post of the appellant has been rejected by the Respondent No: 2 vide Notification No: 2085-89 dated 23/12/2015(Copy of the said Notification are Annexures-A&B).

- 2 That Para-2 is incorrect & denied. The statement of the appellant is misleading and against the factual position as stated in Para-I of the instant reply. Therefore, the plea of the appellant is liable to be dismissed of being baseless & unlawful.
- 3 That Para-3 is correct to the extent that the DEO (Female) Bunir, has submitted the required data / information to the Respondent No: 2 but it does not means that the appellant has accrued vested right for promotion against the Office Assistant (BPS16) post, being an employee of surplus pool. Hence, rejected for the grant of promotion of being the Junior most in the said cadre by the Respondent No: 2 vide the impugned Notification dated 23/10/2015(Copy of the same is already attached).
- 4 That Para-4 is incorrect & denied. The plea of the appellant is not well grounded as evident from Paras 1& 2 of the impugned Notification dated 23/10/2015, issued by the Respondent No: 2, wherein the Departmental Appeal of the appellant has been rejected of being not eligible & entitled for the grant of seniority & on the basis of the same, the promotion against the Office Assistant (BPS-16) post of being the Surplus Pool employee of the office of the Deputy Commissioner, Bunir & the junior most in his cadre. There fore, his wrong seniority alongwith Mr. Ubaidur Rehman S/Clerk office of the SDEO(F) Bunir has been re-determined in accordance with the Principle of Surplus Pool policy . Therefore, the seniority pertaining to the Senior Clerk issued vide Notification dated 12/10/2015, has been withdrawn to the extent of the appellant & the above said official & both have been adjusted back against their original posts of Senior Clerk in their respective status with the conditions that they will be promoted against the Office Assistant (BPS-16) post on their respective turns & on the basis of inter, seniority of the Surplus Pool employees in the Respondent Department.
- 5 That Para-5 is incorrect & misleading. Detailed reply of this Para has already been given in Para-4. Hence needs no further comments. Hence the Respondents further submit on the following grounds inter alia: -

**ON GROUNDS.**

- A Incorrect & denied. The appellant has been treated as per Law, Rule & Surplus Pool Policy in the instant case having no question of violation of the provision of Article-4 of 1973 Constitution of Pakistan.
- B Incorrect & denied. Detailed reply of the ground has been given in the foregoing Paras. Hence needs no further comments.
- C Incorrect & denied. The appellant is the junior most employee of the Respondent Department & has been adjusted from the Surplus Pool of the being an Ex-employee of the Deputy Commissioner Bunir. Hence has been treated in accordance with the Surplus Pool Policy in the instant case by the Respondent No: 2 in the interest of justice.
- D Incorrect & denied. The impugned seniority list & Notification are within the legal sphere & are liable to be maintained in favour of the Respondent in the interest of justice.

Legal. However, the Respondents seek leave of this Honorable Tribunal to submit additional grounds & case law at the time of arguments.

**In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.**

*9/11/16*  
**Secretary** 21/6/2016

E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondent No:1)

*19/6/2016*  
**Director**

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

**AFFIDAVIT**

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

*[Signature]*  
Deponent

(A)

(22)

(6)

Annex JA

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

Notification.

In pursuance of Government of Khyber Pakhtunkhwa Surplus Pool Policy read with rule 6 (b) reflected in Esta Code (Revised Edition) 2011 (Page # 102) and consequent upon refolding of facts come forth during the scrutiny of appeals dated 21-10-2015 & 02-12-2015 lodged by Mr. Nisar Ahmad, Senior Clerk at DEO (Female) Buner, the inter-se-seniority in respect Mr. Ubaid-ur-Rehman S/O Hidayat-ur-Rehman Senior Clerk at SDEO (Male) Buner adjusted in E&SE Department from other department in the wake of Devolution of Powers Plan-2001 is hereby re-determined according to the principle as prescribed in the surplus pool policy referred to above.

Subsequent to above, the seniority No. in respect Mr. Ubaid-ur-Rehman S/O Hidayat-ur-Rehman Senior Clerk at SDEO (Male) Buner in the final seniority list of Senior Clerk corrected up to 28/05/2015 issued under Endst: No. 2340-48 dated 11-09-2015 may be read as "167-A" instead of "85" in the said final seniority list of Senior Clerk.

In consequential to above, the promotion order in respect Mr. Ubaid-ur-Rehman Senior Clerk at SDEO (Male) Buner to the post of Assistant at SDEO (Female) office Buner falling at S.No. 70 of this office Notification issued under Endst: No. 2055-2200/A-23/MS/Promotion/Asstt: dated 12-10-2015 is hereby WITH DRAWN. He is adjusted back against his original post of Senior Clerk at SDEO (Male) Buner. He will be promoted to the post of Assistant on his turn on the basis of inter-se-seniority of the surplus pool employees.

The seniority appeal lodged by Mr. Nisar Ahmad, Senior Clerk at DEO (Female) Buner (surplus pool employee) referred to above is also disposed off in line with the above mentioned surplus pool policy.

- Note:-
1. Charge reports should be submitted to all concerned.
  2. Necessary correction/entry to this effect should be made in the relevant record.

(Director)  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Date: Peshawar the 22/12/2015

3085-29  
Endst: No. A-23/MS/Appeal/Sen:List/2015

Copy of the above is forwarded for information and n/action to the:-

1. District Education Officers (M&F) Buner.
2. District Accounts Officer Buner.
3. SDEOs (M&F) Buner.
4. Mr. Ubaid-ur-Rehman Senior Clerk at SDEO (Male) Buner for compliance.
5. Mr. Nisar Ahmad, Senior Clerk at DEO (Female) Buner w/r to his appeals cited above.

Assistant Director (Admn)  
Directorate/E&SE KP, Peshawar.

D:\My Documents\Letter 2015 Ministerial Staff Letters\Ministerial Staff Letters.docx

Suptd Sts. Incl.

Pl. examine and act accordingly.

(Signature)

03-01-16.

Assistant District Officer  
(M) Ele & Sec Education  
Distt: Buner

J

DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION K.P.PESHAWAR.

11 (17)

PROMOTION

Annex B

Consequent upon the approval of the Departmental Promotion Committee (DPC) in its meeting held on 12.10.2015, the following Senior Clerks B-14 working in and under the Elementary & Secondary Education Department Khyber Pakhtunkhwa/FATA/DCTE/PITE are hereby promoted/adjusted as Assistant B-16 on regular basis in the interest of public service with immediate effect.

S.#	Name	Present Address	Posted as Assistant at	Remarks
1	SHABIR AHMAD	GHSS Mayar Mardan	DEO (M) Dir (Upper)	Against V/post
2	Fazli Mukhtaj	GHSS Sherpao	RITE (F) Charsadda	Against V/post
3	Ghulam Muhammad	GHSS Sheikhan Peshawar	GGHSS Kalanga Khyber Agency	Against V/post
4	Khalid Tanveer	GGHSS Paniala D.I.Khan	DEO (M) DIKhan	Against V/post
5	Riaz Ahmad	DEO (M) Swat	DEO (M) Dir Upper	Against V/post
6	Dil Jan	GHSS Dara Pezu Lakki	DEO (F) Lakki	Against V/post
7	Bahadar Zaib	SDEO (M) Timergara Dir (L)	DEO (M) Dir Lower	Against V/post
8	Muhammad Mehfooz	GGHSS Khanpur Haripur	DEO (F) Haripur	Against V/post
9	Fayyaz Khan	GHSS Sahbaz Azmat Khel Bannu	DEO (F) Bannu	Against V/post
10	Siyar Ahmad	DEO(M) Swabi	DEO (M) Swabi	Against V/post
11	Mohammad Mahroof	GHSS Sirikoat Haripur	DEO (M) Haripur	Against V/post
12	Muhammad Zaman	GGHSS Havalian Abbottabad	DEO (F) Battagram	Against V/post
13	JEHAN AKBAR	GHSS Mardan	DEO (F) Buner	Against V/post
14	UMAR ZEB	GHSS Dadazai Buner	DEO (F) Buner	Against V/post
15	S.Naseem Hussain	GGHSS Muradpur Mansehra	DEO (M) Torghar	Against V/post
16	Perveez Anjum	DTC/GHSS No.1 Peshawar City	Directorate E&SE K.P Peshawar	Against V/post
17	LAL SAID	SDEO (M) Mardan	SDEO (M) Buner	Against V/post
18	Muhammad Dar Ali Shah	DEO (F) Bannu	DEO (M) Bannu	Against V/post
19	Mohammad Arif	DEO (M) Haripur	DEO (M) Haripur	Against V/post
20	Zahid Abdullah	GCGHSS Abbottabad	DEO (M) Torghar	Against V/post
21	Muhammad Khalid	GHSS Kairi Raiki Abbottabad	Assistant, DEO (M) Battagram	Against V/post
22	Abdur Rehman	DEO (M) Abbottabad	DEO (F) Battagram	Against V/post
23	MUHAMMAD ZAHOOR	GSAHSS No. 1 Mardan	SDEO (F) Dir Upper	Against V/post
24	Muhammad Asif	DEO (F) Mansehra	DEO (F) Battagram	Against V/post

*[Handwritten Signature]*

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	Shoukat Ali	GHSS No. 1 Mansehra	DEO (M) Mansehra	Already occupied
	Muhammad Parvez	GHSS Richbhen Abbottabad	DEO (M) Torghar	Against V/post
27	Aman Ullah	GGHSS Bilot Sherif D.I.Khan	RITE (M) DIKhan	Against V/post
28	GUL FARAZ	GHSS Baghdada, Mardan	DEO (M) Buner	Against V/post
29	Nihar Muhammad	GGHSS Sherpao Charsadda	SDEO (F) Wari Dir Upper	Against V/post
30	Qazi Sirajul Haq	GGHSS Utmanzai Charsaadda	SDEO (M) Kohat	Against V/post
31	Mughal Baz	DEO (F) D.I.Khan	DEO (F) DIKhan	Against V/post
32	Zahid Ullah	SDEO (M) Lahore Swabi	SDEO (M) Lahor Swabi	Already occupied
33	Imtiaz Ahmad	DEO (M) Swabi	DEO (M) Dir Upper	Against V/post
34	Aurang Zeb	GHSS Baffa Mansehra	DEO (F) Kohistan	Against V/post
35	Mohammad Ayub	GGHSS Pania Haripur	DEO (F) Haripur	Against V/post
36	Mr. Sartaj Khan	GHSS No.1 Peshawar City	DEO (F) Kohat	Against V/post
37	Abdul Hadi	SDEO (M) Chatral	SDEO (F) Chitral	Against V/post
38	Muhammad Nawaz	GCMHS Abbottabad	DEO (M) Battagram	Against V/post
39	Sardar Hayat	DEO (F) Chitral	DEO (F) Chitral	Against V/post
40	Fazale Rehman	GGHSS Lady Grifith Peshawar	Directorate of Edu (FATA) Peshawar	Against V/post
41	Siyar Muhammad	GHSS No. 01 Charsadda	DEO (F) Dir Upper.	Against V/post
42	Muhammad Younis	GHSS Urmar Peshawar.	Directorate of Edu (FATA) Peshawar	Against V/post
43	Shahi Mulk	DEO (M) Swat	DEO (M) Shangla	Against V/post
44	Muhammad Israr	GHSS Main Brangola Dir (L)	SDEO (F) Samarbagh Dir Lower	Against V/post
45	Muhammad Bashir	SDEO (F) D.I.Khan	SDEO (M) Kulachi	Against V/post
46	Mashal Khan	DEO (M) Lakki	DEO (M) Lakki	Against V/post
47	Khurshid Ahmad	GHSS Tangi Charsadda	DEO (F) Kohat	Against V/post
48	Ibadur Rahman	DEO (F) Dir (L)	DEO (F) Dir Lower	Against V/post
49	Manzoor Hussain	GGHSS Thakhti Khurd Mansehra	SDEO (M) Battagram	Against V/post
50	Muhammad Rafique	DCTE Abbottabad	Services placed at the disposal of Director C&TE K.P. Abbottabad.	
51	SHER AZAM	SDEO (F) Batkhela MKD	DEO (F) Malakand	Against V/post
52	Sandal Khan	DEO (M) Peshawar	SDEO (M) Peshawar	Already occupied
53	Abdul Salam	GHSS No. 2 D.I.Khan	DEO (F) DIKhan	Against V/post
54	Sherzali Khan	DEO (F) Bannu	DEO (F) Bannu	Against V/post
55	Noor Faraz Khan	SDEO (F) Tangi Charsadda	DEO (F) Kohat	Against V/post
56	Gul Zeb Khan	GHSS Hejia Gali Abbottabad	SDEO (F) Battagram	Against V/post
57	BASHIR AHMED	GGHS Koper Malakand	SDEO (M) Batkhela Malakand	Against V/post
58	HAZRAT ALI	DEO (F) Mardan	DEO (M) Bunir.	Against V/post

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	Waqif Khan	DEO (M) Dir Lower	DEO (M) Dir Lower	Against V/post
	Bakht Amin	GHSS Charbagh Swat	DEO (M) Shangla	Against V/post
	Shujah Gul Khan	GHSS Nawanshehr Abbottabad	DEO (F) Torghar	Against V/post
62	Nizakat Ali Shah	DTE	DE&SE K.P. Peshawar	Already occupied
63	Habibullah	GHSS Garri Sherdad Peshawar	Directorate of Edu (FATA) Peshawar	Against V/post
64	Muhammad Zaman	GHSS No.1 Mingawara Swat	DEO (F) Shangla.	Against V/post
65	MEHBOOB SHAH	GHSS hathian Mardan	RITE (F) Rehanpur Dir L	Against V/post
66	Chan Bakhsh	GHSS Sector No.2 Kala Batt Haripur	SDEO (M) Haripur.	Against V/post
67	Muhammad Tariq	DE&SE	DE&SE K.P. Peshawar	Already occupied
68	Abdul Ghani	GGHSS Sakar Dera Kohat	GCHSS Kohat	Against V/post
69	Jandool Khan	DEO (M) Kohat	DEO (M) Kohat.	Against V/post
70	Ubaidur Rehman	SDEO (M) Bunir	SDEO (F) Bunir	Against V/post
71	FAQIR HUSAIN	GHSS No. 4 Mardan	DEO (F) Bunir	Against V/post
72	Saeed Shah	GSMSSHSS Kohi Barmal Mardan	DEO (M) Dir Upper	Against V/post
73	Murad Ali	SDEO (F) Karak	SDEO (F) Karak	Against V/post
74	S.Qasim Shah	GGHSS Matta Palang Zai Charsadda	DEO (M) Hangu	Against V/post
75	Abdul Rafee	GHSS No. 3 D.I.Khan	SDEO (M) Kulachi	Against V/post
76	Muhammad Bashir	SDEO (M) Abbottabad	DEO (M) Kohistan	Against V/post
77	Sarmast Khan	GHSS No. 4 Peshawar city	DEO (M) Kohat	Against V/post
78	Barkat Ali	DEO (M) Swat	RITE (F) Barikot at Thana.	Against V/post
79	S.Abdul Qayum Shah	GSBAKHSS Saray Norang Lakki	SDEO (M) Lakki *	Against V/post
80	Zafrullah Khan	SDEO (F) Tangi Charsadda	SDEO (M) Lachi Kohat	Against V/post
81	Lal Shahid Khan	DEO (F) Karak	DEO (F) Karak	Against V/post
82	Abdus Salam	DEO (M) MKD	DEO (M) MKD	Against V/post
83	Muhammad Toqeer Khan	GGCHSS Abbottabad	DEO (M) Battagram	Against V/post
84	Muhammad Raziq	SDEO (M) Nowshera	SDEO (M) Nowshera	Against V/post
85	Abdul Wakil	GHSS Z/Talash Dir (L)	SDEO (M) Samarbagh	Against V/post
86	Mahboob Ahmad	GHSS Kotigram	SDEO (M) Timargara	Against V/post
87	Azizur Rahman	SDEO (M) Dir (L)	DEO (M) Dir Lower	Against V/post
88	Ghulam Saqlain Shah	DEO (M) D.I.Khan	DEO (F) DIKhan	Against V/post
89	Aslam Khan	DEO (F) Peshawar	DEO (F) Peshawar	Already occupied
90	Tariq Saleem	GHSS Dosehra Charsadda	DEO (F) Hangu	Against V/post
91	Shafi Ullah	GGHSS Taru Nowshera	DEO (M) Nowshera.	Against V/post
92	Abdullah Jan	DEO (F) Nowshera	RITE (F) Kohat	Against V/post
93	Nooraz Khan	DEO (M) Bannu	SDEO (M) Bannu	Against V/post
94	Riaz Ahmad	DEO (F) Dir L	DEO (F) Dir Lower	Against V/post

*[Handwritten Signature]*

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	Muhammad Aqil	GGCMS Timergara, Dir. L	DEO (F) Dir Lower	Against V/post
	Rahim Dil Khan	DEO (F) Bannu	RITE (M) Bannu	Against V/post
7	SUHAIL SAQIB	SDEO (M) Dargai MKD	DEO (F) Malakand	Against V/post
93	Shamshad Muhammad	GHSS Jolazai Nowshera	SDEO (F) Kohat	Against V/post
99	RAJ MUHAMMAD	GHS Lund Khwar Mardan	DEO (F) Hangu	Against V/post
100	SHAKEEL Muhammad	DEO (M) Mardan	DEO (M) Mardan	Already occupied

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Note:

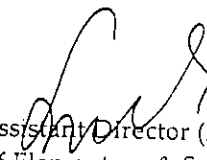
1. Charge report should be submitted to all concerned.
2. They all shall remain on probation for one year extendable for further next year.

(Muhammad Rafiq Khattak)  
DIRECTOR  
Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 2055-2200/A-23/MS/Promotion/Asstt/2015. Dated Peshawar the 12/10/2015.

Copy of the above is forwarded to the:-

1. PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. PS to Secretary Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Education Khyber Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.
7. District Education Officer concerned.
8. District Accounts Officers concerned.
9. Agency Accounts Officers concerned.
10. Agency Education Officers concerned.
11. SDEOs concerned.
12. Principals concerned.
13. Officials concerned.
14. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
15. PA to Additional Directors (Estt.) & (Dev) Local Office.
16. Master File.

  
Assistant Director (Admn)  
Directorate of Elementary & Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Attested to be  
True Copy

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 50 /ST

Dated 10/01/2018


To

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

Subject: **JUDGEMENT/ORDER IN APPEAL NO. 144/16 MR.NISAR AHMAD AND 01 OTHER.**

I am directed to forward herewith a certified copy of Judgment/Order dated 01/01/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

