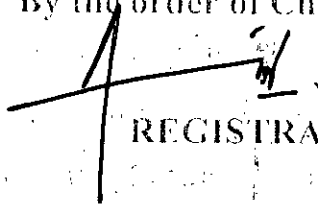


FORM OF ORDER SHEET

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

Appeal No. 392/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/03/2024	<p>The appeal of Mr. Khaista Muhammad resubmitted today by Mr. Kabir Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.03.2024. Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

Respected Sir,

It is submitted that the present appeal was received on 22.02.2024, which was returned to the counsel for the appellant for removing objections (Flag-A). Today i.e. 27.02.2024 the learned counsel re-filed the appeal without removing the objections No. 1 & 3(Flag-B).

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

  
REGISTRAR


Worthy Chairman

The appeal of Mr. Khaista Muhammad received today i.e on 22.02.2024, is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 is un-necessary/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- Departmental appeal having no date be dated.
- 4- Wakalat nama is printed on rough paper which is not acceptable.

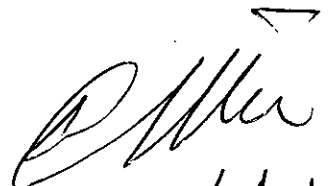
No. 413 /S.T,

DI. 23/2 /2024.

  
23/2/24  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Kabir Ullah Khattak Adv.  
High Court Peshawar.

in presence of objection no 1  
it is stated the Appellant submitted  
Deptt Annex to Respondent No 1 which is  
necessary party  
objection 2 3 and 4 has been removed.

  
27/2/24

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

In S.A # \_\_\_\_\_ 2024.

Khaista Muhammad

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

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 392 /2024

Khaista Muhammad

**VERSUS**

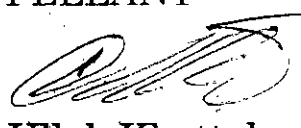
The Director Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar & others

**INDEX**

S#	Description of Documents	Annexure	Pages
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8.	Copy of departmental appeal and further proceeding order	"E & F"	19-20
9.	Wakalatnama		21

  
APPELLANT

Through

  
**Kabir Ullah Khattak**  
Advocate, High Court  
Peshawar.

①

**BEFORE THE HONBLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 392 /2024

Khaista Muhammad S/o Said Muhammad R/o  
Naib Qasid Govt Girl High School Jabbar  
(Female) District Dir Upper.

Appellant

***VERSUS***

1. The Director Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (Female), Dir  
Upper
3. Atta Ullah S/o Suliman posted at Govt. Girls High  
School Jabar District Dir Upper.
4. Azmat Ullah S/o Inayat Ullah posted Govt. Girls  
High School Darora District Dir Upper
5. 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**  
**WHEREBY THE APPELLANT HAS NOT**  
**BEEN PROMOTED TO THE POST OF**  
**JUNIOR CLERK BEING SENIOR TO**  
**RESPONDENT NO.3 TO 5 AGAINST**  
**WHICH THE APPELLANT FILED**  
**DEPARTMENTAL APPEAL WHICH HAS**

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 12.11.2003 and after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against him.
2. That the appellant currently working at GGHS Jabbar (Female) having qualification SSC with DIT Diploma.
3. That the tentative merit list was issued by the respondent department, whereby appellant has shown at S.No.1 and private respondent No.3 is cited at S.No.8 while

respondent No.4 Azmat Ullah at S.No.7 and respondent No.5 has not been shown in the tentative merit list district officer (female) Dir lower. (Copy of tentative merit list is attached as annexure "A").

4. That the respondent department issued the promotion order of respondent No.3, 4 dated 06.12.2019 and the promotion order dated 02.01.2020 of respondent No.5 where by the private respondent has been promoted from the post of Class-IV/ N.Qasid to Junior Clerk. (Copy of impugned promotion orders are attached as annexure "B & C").
5. 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. (Copy of judgment on 20.12.2022 is attached annexure "D").
6. That the appellant submitted departmental appeal against the promotion orders which has been forwarded for further proceeding but no response of departmental appeal has been given by the respondent department



yet. (Copy of departmental appeal and further proceeding order are attached as annexure "E & F").

7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

- A. That the Respondents have not treated the Appellant in accordance with law and Rules on the subject and acted in violation of Article 4 and 25 of the constitution of Islamic Republic of Pakistan, 1973 and unlawfully the Appellant which is unjust, unfair hence not sustainable in the eyes of law.
- B. That the appellant has not been treated in accordance with law & rules and hence his rights secured and granted under the constitution of Islamic Republic of Pakistan 1973 were badly violated.
- C. That the action and inaction of respondent is against the law, rules and policy which is

not sustainable and liable to be struck down.

D. That the promotion of private respondents were not according to law and rules hence liable to be set aside.

E. That according to the tentative merit list of clause -IV promotion to junior clerk was prepared in the office of DEO (Female) Dir Upper the appellant in the tentative merit list as shown at S.No.1, while private respondent No.3 at S.No.8, respondent No.4 at S.No.7, while the name of the respondent No.5 has not been mentioned in the tentative merit list but department illegally without any legal justification the promotion order has been passed which is against the law and rules and may be liable for set aside.

F. That the respondent department without seniority list, proper Departmental Promotion Committee passed the promotion order of the private respondents which is against the law and rules and promotion order may kindly be struck down.

G. That any other ground not raised here may graciously be allowed to be raised at the time of full arguments on the instant service appeal.

*It is therefore, most humbly prayed that 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.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant.*

  
APPELLANT

Through

  
Kabir Ullah Khattak

&

Roeeda Khan  
Advocates, High Court  
Peshawar.

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A.No. \_\_\_\_\_/2024

Khaista Muhammad

***VERSUS***

The Director Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar & others

**AFFIDAVIT**

I, Khaista Muhammad S/o Said Muhammad R/o  
Naib Qasid 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 Hon'ble Court.

  
DEPONENT

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_ /2024

Khaista Muhammad

***VERSUS***

The Director Elementary & Secondary Education Khyber  
Pakhtunkhwa Peshawar & others

**ADDRESSES OF PARTIES**

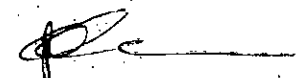
***PETITIONER.***

Khaista Muhammad S/o Said Muhammad R/o  
Naib Qasid Govt Girl High School Jabbar  
(Female) District Dir Upper.

**ADDRESSES OF RESPONDENTS**

1. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. The District Education Officer (Female), Dir Upper
3. Atta Ullah S/o Suliman posted at Govt. Girls High School Jabar District Dir Upper.
4. Azmat Ullah S/o Inayat Ullah posted Govt. Girls High School Darora District Dir Upper
5. Bacha Rehman S/o Habur Rehman posted Govt. Girls High School Jan Batti District Dir Upper.

APPELLANT 

Through 

**Roeda Khan**  
Advocate, High Court  
Peshawar.

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2024

Khaista Muhammad

***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:***

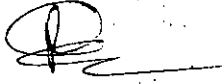
- A. That the appellant submitted W.P No.424-M/20 and 425-M/20 before the Peshawar High Court Mingora Bench challenging the said promotion order which has been disposed of on 20.12.2022 for lack of jurisdiction.
- B. That there are number of precedents of the Supreme Court of Pakistan which provides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

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

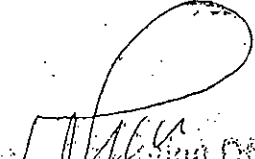
Through

  
Roeda Khan  
Advocate, High Court  
Peshawar.

Office of the District Education Officer Female Dir Upper

Tentative merit list of class iv promotion to junior clerk

S.No	Name	Father Name	D.O.B	Designation	School	Date of Aect:	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	Shtja 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 Katun 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 Raillan	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  
 (Female) Upper Dir





11B" (12)

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



PH No. 0944-881900

E-mail: [deofdirupper@gmail.com](mailto: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 06 / 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.

100 (13)

**OFFICE OF THE DISTRICT EDUCATION OFFICER, FEMALE DIR UPPER.**  
P.H 0944 881900 FAX 0944880411 EMAIL, dmisdtrupper@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.

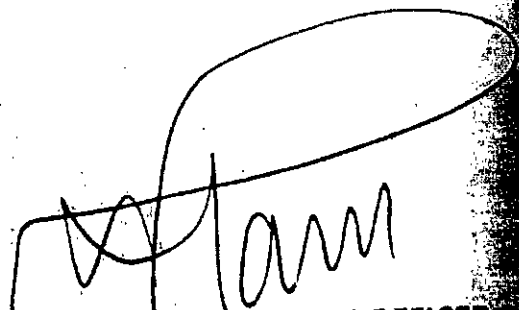
(HABIBA BIBI)  
DISTRICT EDUCATION OFFICER,  
(FEMALE) DIR UPPER.

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.

D (14)

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. Alcm Khan (Adenzai), Astt: 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

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

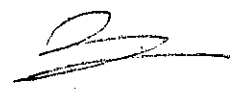
(15)

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 Astt: A.G for the official respondents were heard in considerable detail and the record perused with their able assistance.

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

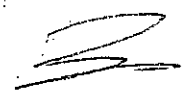


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5. At the very outset it was noted that since the petitioners were civil servants and the grievance of the petitioners relates to their terms and conditions of service i.e. their promotion from the post of Class-IV to Junior Clerk, therefore, in view 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



(17)

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.

L-23

18

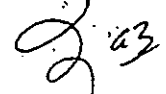
8. In view of the above discussion, both these connected petitions being bereft of any merits, are hereby dismissed.

18

ANNOUNCED  
Di: 20.12.2022



JUDGE



JUDGE

Office  
09/02/2023



خدمت ضابط ڈسٹرکٹ کورٹ سڈرٹی ایجوکیشن - جسپر بھٹون ڈوڑہ ایجنسی

سائل فائتم محمد ثابت قاسم ۹۹۴۵ - چکمان تحصیل میر - ضلع ڈیر بالا

رہنما سب سے پرویشن - جنیت جوئیہ کلاں

ضابط عالی - ڈوڑہ کورٹ سڈرٹی

- ۱۔ سائل چکمان تحصیل میر - ضلع ڈیر بالا کا اصل پانچواں - اور پانچواں تعلیم حاصل کیا
- ۲۔ سائل عمر ۳۰ سال سے ۹۹۴۵ چکمان میں جنیت نائب قاسم ڈوڑہ
- ۳۔ فوراً بحال ایمانورٹی سرانجام دیتا رہتا ہے - ضابط عالی جوئیہ کلاں کے پرویشن
- ۴۔ غیر قانونی طور پر قیام ہے - یہاں تک کہ پرویشن ڈیر بالا کو پرویشن دینے
- ۵۔ رفرسٹا دیا ہے - میں تا حال کوئی کارروائی نہیں ہو سکی ہے - ضابط عالی
- ۶۔ سائل پرویشن کا قیام ہے - سائل کے پرویشن قانون ہے - اور ڈیر
- ۷۔ جوئیہ کلاں کے پرویشن غیر قانونی ہے - میں سائل کو قانونی پرویشن
- ۸۔ سائل پرویشن کا قیام ہے - نوڈل آفیسر ہے - یہ میر پرویشن کے
- ۹۔ منظور کی گئی ہے - سائل کی پرویشن اور فوراً ایمانورٹی سرانجام
- ۱۰۔ دیتا رہتا ہے - اور انہیں دینے میں اپنی کی کوئی جھال ایمانورٹی سرانجام
- ۱۱۔ دیتا رہتا ہے - نیز رفرسٹا میں ہر کارروائی - منظور فرمائی جائے
- ۱۲۔ سائل کا حق ضلع نہ ہو سکتا ہے - انہیں -

کلاں

سائل فائتم محمد و سید محمد چکمان تحصیل میر ضلع ڈیر بالا  
5-28302-191-15701

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"F" (20)

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (FEMALE)**  
Dir Upper (Phone # 0944-881900) E-mail: deofdirupper@gmail.com

No. 42643 / 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.

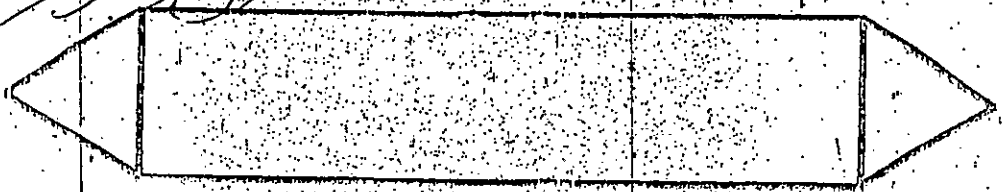
Memo: Reference to the subject cited above. The view / comments regarding the class iv promotion are as under :-

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 Daffaries, 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 to the tentative seniority list and the appellants are at S.No. 86 and 95 in over all 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 18<sup>th</sup> 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 FAF, 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.

بعد الت جہاب سرورس سرورس سرورس سرورس سرورس



مورخہ

مقدمہ

دعویٰ

جرم

۲۰۰۰ء 2 منجانب

بنام گورنمنٹ

سرورس سرورس

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی وجوہات دہی وکل کاروائی متعلقہ  
 آن مقام میں  
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔  
 ذکیل صاحب کو راضی نامہ کرنے کی تقرر ثالث و فیصلہ پر خلاف دینے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
 مقدمہ مذکور کے کس 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 مذکور با اختیارات حاصل ہوں گے  
 اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے  
 سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔  
 کہ بیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سدر ہے۔

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۲۰۰۰ء

ماہ

المرقوم

واہ العبد

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