

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**SERVICE APPEAL NO. 818/2016**

Date of institution ... 02.08.2016

Date of judgment ... 22.07.2019

Syed Fazal Abbas Zaidi, Director Physical Education (DPE)  
Govt. Higher Secondary School, Kachi Paind Khan, D.I.Khan.

... (Appellant)

**VERSUS**

1. The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtunkhwa near GHSS No. 1, G.T Road, Peshawar City.
3. The Secretary Finance Department, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
4. The Secretary Establishment, Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
5. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar. ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 ACCORDING TO THE DEPARTMENTAL APPEAL OF THE APPELLANT DATED 08.04.2016 WHICH IS STILL PENDING BEFORE RESPONDENT NO. 1 AND AFTER LAPSE OF STATUTORY PERIOD NO ORDER/COMMUNICATION HAS BEEN MADE ON THE SAME SO FAR.

Syed Younas Jan, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this judgment shall dispose of instant service appeal as well as Service Appeal No. 819/2016 titled "Abdul Sattar Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar and four others", Service Appeal No. 820/2016 titled "Muhammad Sharif Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat,

Peshawar and four others”, Service Appeal No. 821/2016 titled “Mohib Ullah Khan Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar and four others”, Service Appeal No. 822/2016 titled “Muhammad Gul Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar and four others”, Service Appeal No. 823/2016 titled “Hameedullah Khan Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa Civil Secretariat, Peshawar and four others” and Service Appeal No. 1050/2016 titled “Fateh Sher Versus The Secretary, Elementary & Secondary Education, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and four others” as common question of law and facts are involved in all the aforementioned service appeals.

2. Counsel for the appellants and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

3. Brief facts of all the aforementioned service appeals are that the appellants were serving in Education Department as Physical Education Teachers (BPS-14). They were adjusted against the post of Director Physical Education Teachers (BPS-16) with immediate effect by the respondent-department vide order dated 30.08.2000 they were also ~~regularly~~ promoted to the posts of Director Physical Education (BPS-16) on regular basis with immediate effect vide order dated 18.02.2003. Later on, the appellant Syed Fazal Abbas was upgraded from BPS-16 to BPS-17 on regular basis with immediate effect vide order dated 13.10.2010, the appellant Abdul Sattar was upgraded from BPS-16 to BPS-17 on regular basis vide order dated 15.06.2009 with immediate effect, appellants Muhammad Sharif, Mohib Ullah Khan, Muhammad Gul, Hameedullah Khan and Fateh Sher were upgraded from BPS-16 to BPS-17 on regular basis with effect from 13.11.2007 instead of 15.09.2009 vide order dated 29.04.2014 on the basis of judgment of Service

*M. Amin*  
22.7.2019

Tribunal. All the appellants filed departmental appeals in the year 2016 which were not responded hence, the present service appeals.

4. Respondents were summoned who contested all the aforementioned service appeals by filing of written reply/comments.

5. Learned counsel for the appellant contended that the appellants were serving as Physical Education Teacher (PET) in the Education Department. It was further contended that they were adjusted against the posts of Director Physical Education in their own pay and scales vide order dated 30.08.2000. It was further contended that the appellants were regularly promoted to the posts of Director Physical Education (BPS-16) vide order dated 18.02.2003. It was further contended that later on the appellants were upgraded from BPS-16 to BPS-17 on regular basis on the aforesaid dates. It was further contended that the appellants were fully qualified having qualification of M.A/M.SC Degrees in Health and Physical Education before 30.08.2000 and were also posted as Director Physical Education in Higher Secondary School on 30.08.2000 but the respondent-department have adjusted them on the posts of Director Physical Education in their own pay and scales. It was further contended that later on the appellants were regularly promoted to the posts of Director Physical Education (BPS-16) vide order dated 18.02.2003 and thereafter they were upgraded from BPS-16 to BPS-17. It was further contended that since the appellants were eligible and qualified for the posts of Director Physical Education (BPS-17) before 30.08.2000 and also performing duty as Director Physical Education from 30.08.2000 in Higher Secondary School but they were illegally adjusted on the posts of Director Physical Education in their own pay and scales vide order dated 30.08.2000. It was further contended that the respondent-department was bound to regularly promote and upgrade the appellants in BPS-17 on 30.08.2000 instead of adjusting them on the post of Director Physical Education in their own pay and scales as the appellants were highly qualified,

*M. Amin*  
22-7-2019

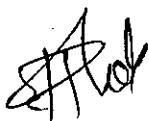
fit, senior and thus were fully eligible and entitled for BPS-17 as personal grade at the time of their first promotion in their own pay and scales. It was further contended that the appellants are very much similar with those who have been granted a similar relief therefore, it was contended that the respondent-department may be directed to award BPS-17 as personal grade to the appellants with all other services benefits from 30.08.2000 i.e from the date of first promotion order of the appellants against the posts of Director Physical Education in higher Secondary Schools till the date of their regular promotion to BPS-17 and prayed for acceptance of all the aforementioned service appeals.

6. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellants were serving as Physical Education Teachers. They were adjusted as Director Physical Education in their own pay and scales vide order dated 30.08.2000. It was further contended that they were regularly promoted to the posts of Director Physical Education (BPS-16) vide order dated 18.02.2003. It was further contended that later on they were upgraded from BPS-16 to BPS-17. It was further contended that the appellants are seeking antedate promotion to BPS-17 from the date of their adjustment vide order dated 30.08.2000. It was further contended that the adjustment of the appellants on the posts of Director Physical Education in their own pay and scales does not create any right of promotion. It was further contended that neither there is any original order nor appellate order therefore, all the aforementioned service appeals are not maintainable under Section-4 of Service Tribunal Act, 1974. It was further contended that the departmental appeals were also filed in the year 2016 after a delay of more than two years therefore, the departmental appeals are also time barred. It was further contended that though the appellants have filed applications for condonation of delay but no cogent reason have been furnished

by the appellants in the condonation of delay applications therefore, prayed for dismissal of all the aforementioned service appeals.

7. Perusal of the record reveals that the appellants were serving as Physical Education Teachers. They were adjusted to the posts of Director Physical Education in their own pay and scales vide order dated 30.08.2000. Later on they were promoted to the posts of Director Physical Education (BPS-16) on regular basis with immediate effect vide order dated 18.03.2003 and thereafter they were upgraded to BPS-17. Though the appellants have claimed that they are entitled for antedate promotion in BPS-17 from the date of their adjustment on the posts of Director Physical Education in their own pay and scales vide order dated 30.08.2000 but it is well settled law that adjustment against the higher posts in their own pay and scale does not create any right for promotion. Furthermore, the appellants were regularly promoted to the posts of Director Physical Education (BPS-16) on 18.02.2003 but they were mum and had not filed any departmental appeal or service appeal and later on when they were upgraded to the posts of BPS-17 then they filed departmental appeals in the year 2016 after delay of more than two years therefore, the departmental appeals of the appellants are also time barred. Though the appellants have filed application for condonation of delay but no cogent reason have been furnished by the appellants in the condonation application which had restrained them from filing departmental appeals therefore, the departmental appeals of the appellants are badly time barred. Hence, without touching the merit, all the aforementioned service appeals are dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
22.07.2019



(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

22.07.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, the departmental appeal of the appellant is badly time barred. Hence, without touching the merit of the case, the present service appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED


22.07.2019


  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

16.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.06.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

12.06.2019

Counsel for the appellant and Mr. Usman Ghani District Attorney for the respondents present.

Learned counsel for the appellant once again requests for adjournment in order to seek further instructions from the appellant.

The record shows that on so many previous occasions adjournment was sought on behalf of the appellant, therefore, instant matter is adjourned to 22.07.2019 for arguments before the D.B but as a last chance.

  
Member


  
Chairman

31.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.

  
READER

18.12.2018 Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 01.02.2019 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

01.02.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.03.2019 before D.B.

  
Member

  
Member

13.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 16.04.2019 before D.B.

  
Member

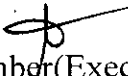
  
Member




28.02.2018


Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Adjourned. To come up for arguments on 03.05.2018 before D.B.

03.05.2018

  
Member (Executive)

  
Member (Judicial)

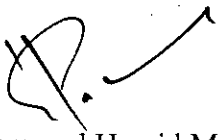
Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 17.07.2018 before D.B

  
Reader

17.07.2018

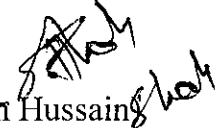
Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.09.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

07.09.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 31.10.2018 before D.B.


  
(Shah Hussain)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

05.06.2017


Clerk of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Due to strike of the bar learned counsel for the appellant is not in attendance. Adjourned. To come up for rejoinder and arguments on 02.10.2017 before D.B.

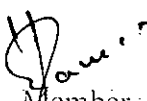
  
(GUL ZIB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

02.10.2017

Learned counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder/arguments on 28.12.2017 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)

28.12.2017

Clerk to counsel for the appellant and Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 28.02.2018 before D.B.

  
Member

818/2016

17.11.2016

Counsel for the appellant and Assistant AG for respondents present. Preliminary arguments heard. According to notification dated 03.06.2003 personal grade BPS-17 were awarded to similarly placed employees. As such the appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, where-after notices be issued to the respondents for written reply/comments for 09.01.2017 before S.B.

Appellant Deposited  
Security Process Fee

  
Chairman

09.01.2017

Counsel for the appellant and Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 13.02.2017 before S.B.

  
Chairman


13.02.2017

Clerk to counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 15.03.2017 before S.B.

  
(AHMAD HASSAN)  
MEMBER

15.03.2017

Counsel for the appellant and Mr. Hameed ur Rehman, AD (Litigation) alongwith Addl. AG for respondents present. Written reply submitted. To come up for rejoinder and arguments on 05.06.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

29.09.2016

Counsel for the appellant present. Through the instant appeal, the appellant has impugned order dated 18.02.2003 vide which the appellant was appointed as DPE (BPS-16) on regular basis. The appellant claimed that he should have been appointed in (BPS-17) as personal. Against the impugned order the appellant filed departmental appeal on 8.04.2016 which was not responded within the statutory period.

Since the matter required further consideration of this Tribunal therefore, pre-admission notice be issued to the learned Additional AG to assist of the court. To come up for further proceedings on 27.10.2016 before S.B

  
Member

27.10.2016




Counsel for the appellant has sent an application for adjournment. Assistant A.G for the respondents present. Adjourned for preliminary hearing to 17.11.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 818/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/08/2016	<p>The appeal of Syed Fazal Abbas Zaidi resubmitted today by Syed Younas Jan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	16-8-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>31-08-2016</u></p> <p style="text-align: right;"> MEMBER</p>
	31.08.2016	<p>None present on behalf of the appellant. The appeal be relisted for preliminary hearing for 29.09.2016 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Syed Fazal Abbas Zaidi DPE GHSS Kachi Paind Khan D.I.Khan received to-day i.e. on 02.08.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- In the memo of appeal places have been left blank which may be filled up.
- 2- Copies of memo of Service appeal and judgment passed on it by this Tribunal mentioned in para-3 of the memo of appeal (Annexure-E) are not attached with the appeal which may be placed on it.

No. 1244 /S.T,

Dt. 4/8 /2016

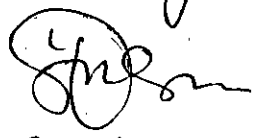
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Younas Jan Adv. Pesh.

Sir,

1) objection NO 1 removed and as the objection NO 2 is concerned in this respect it is submitted that the appeal of the appellant for intedation NO his promotion order dated 13-10-2010 is still pending before this Honourable Tribunal and no order/judgment has been passed on the same so far.

Re-submitted with the above today  
on 11.8.2016.

  
Syed Younas Jan  
Advocate Peshawar

BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 818 / 2016

Syed Fazal Abbas Zaidi ..... APPELLANT

VERSUS

The Secretary Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar and others ..... RESPONDENTS.

I N D E X

S.No.	Description of documents	Annexures	Pages
1.	Grounds of appeal with affidavit		1 - 4
2.	Addresses of the parties		0 - 5
3.	Copy of departmental appeal	'A'	6 - 7
4.	Copy of Certificate	'B'	0 - 8
5.	Copies of promotion orders	'G&D'	9 - 14
6.	Copy of relevant order/Notification	'E'	15 - 17
6A.	<i>copies of orders of other colleagues of the appellant</i>	<i>"F, G &amp; H"</i>	<i>18 - 19A</i>
7.	Application for condonation of delay		<del>20 - 21</del>
8.	Vakalat Nama in original		0 - 20

Appellant

through



( Syed Younas Jan )  
Advocate, Peshawar

PESHAWAR

01 -08-2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 818 / 2016

Syed Fazal Abbas Zaidi, Director Physical Education(DPE)  
Govt.Higher Secondary School, Kachi Paind Khan, Dikhan

..... APPELLANT

VERSUS

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 792

Dated 02-8-2016

1. The Secretary, Elementary & Secondary Education,  
Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. The Director, Elementary & Secondary Education,  
Khyber Pakhtunkhwa near GHSS No.1, G.T.Road,  
Peshawar City.
3. The Secretary Finance Department,  
Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
4. The Secretary Establishment,  
Khyber Pakhtunkhwa Civil Secretariat, Peshawar
- 5: Government of K.PK. through its Chief Secretary,  
Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.

....

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974, ACCORDING TO THE  
DEPARTMENTAL APPEAL OF THE APPELLANT DATED 08-04 2016  
WHICH IS STILL PENDING BEFORE RESPONDENT NO.1 AND AFTER  
LAPSE OF STATUTORY PERIOD NO ORDER/COMMUNICATION HAS BEEN  
MADE ON THE SAME SO FAR. (COPY OF DEPARTMENTAL APPEAL WITH  
POSTAL RECEIPT IS ANNEXURE 'A').

Prayer-in-Appeal

Filed to-day That on acceptance of this appeal, the Department/competent  
Registrar authority may kindly be directed to award BPS-17 as personal  
Registrar 2/8/16 grade to the appellant with all other service benefits from  
and filed. Re-submitted to-day 30-08-2000 i.e. the date of 1st promotion order of the  
Registrar 11/8/16 appellant against the post of B.P.E. in Govt.Higher  
Secondary School to the date of his regular promotion to  
BPS-17.



Respectfully submitted,

The appellant submits as under :-

1. That the qualification of the appellant is M.A/M.Sc. in Health & Physical Education (HPE) who passed the prescribed examination held in August, 1991 and whose result was declared on 15-03-1992. (Copy of the certificate is attached as Annexure 'B').
2. That the appellant was promoted to the post of Director, Physical Education (D.P.E) and was posted/adjusted at Govt. Higher Secondary School, ~~XXXXXX~~ vide order dated 30-08-2000 but in his own pay and scale instead of BPS-17 personal and then was promoted on regular basis vide order dated 18-02-2003 but again in BPS-16 instead of BPS-17 as personal grade. (Copies of both the orders are attached as Annexures 'C' and 'D').
3. That recently the appellant has been promoted to BPS-17 (regular) vide order dated 13/10/2010 which order has been challenged by the appellant before this Hon'ble Tribunal for intedation of his promotion. (Copy of the same is attached as Annexure 'E').
4. That as BPS-17 as personal grade has been awarded to so many other colleagues of the appellant on the basis of their postings in Higher Secondary Schools and possessing M.A/M.Sc. degrees in Health & Physical Education and as on this score the appellant was also entitled for the same relief, therefore, he agitated the matter with the Department through filing a departmental appeal/representation (Annexure 'A' above) before respondent No.1 which is still pending before him and after lapse of statutory period no order/communication has been made on same so far, hence this appeal on the following amongst

other grounds :-

G R O U N D S

- A) That the act and omission of the respondents is illegal, un-constitutional, against facts and material on the record therefore, need the interference of this Hon'ble Tribunal.
- B) That the act and omission of the respondents is not only factually incorrect and legally untenable but also is based malafide intention of the respondents.
- C) That the act and omission of the respondents is not only against the well-established principles of natural justice but also is against the laws/Rules/Policies and Notifications of the Provincial Government in this regard.
- D) That as the status of the Higher Secondary Schools is not more or less from the status of Inter-Colleges so keeping the appellant in his own pay and grade or in BPS-16 is his gross discrimination and is also against the constitutional provision which is neither legal nor justified.
- E) That as the appellant was highly qualified, fit and senior and thus was fully eligible and entitled for BPS-17 as personal grade at the time of his first promotion in his own pay and grade, so keeping him as such or in BPS-16 is illegal, un-constitutional, against facts and material on the record therefore, is not sustainable in the eye of law.
- F) That the appellant is/was a Government/Civil serving and legal/constitutional guarantee is/was available to him to be treated equally and in accordance with law he however, has not been treated as such.
- G) That the case of the appellant is very much similar and identical with those numerous cases in which not only the higher and superior courts and Tribunals have granted a similar  
re

relief to other colleagues of the appellant but this Hon'ble Tribunal as well as the Department itself has also granted a similar relief to so many other colleagues of the appellant and the appellant is also entitled for the same treatment/relief and the refusal of the same to the appellant is again his gross discrimination.

H) That other grounds available in the circumstances of the case may also kindly be allowed to argue at the time of arguments.

It is, therefore, humbly prayed that on acceptance of this appeal, the department/competent authority may kindly be directed to award BPS-17 as personal grade to the appellant with all other service benefits from 30-08-2000 i.e. the date of first promotion order of the appellant against the post of D.P.E. in Higher Secondary School to the date of his regular promotion to BPS-17. Any other remedy/relief available in the circumstances of the case may also kindly be granted to the appellant.

PESHAWAR

01 -08-2016

*SF Abbas*  
Appellant

through

*(Syed Younas Jan)*  
Advocate, Peshawar

AFFIDAVIT

I, S. Fazal Abbas Zaidi, (the appellant) do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*SF Abbas*  
Deponent



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. \_\_\_\_\_ / 2016

Syed Fazal Abbas Zaidi .....APPELLANT

VERSUS

The Secretary, Elementary & Secondary Education, K.P.K.  
and others .....RESPONDENTS.

ADDRESSES OF THE PARTIES

APPELLANT

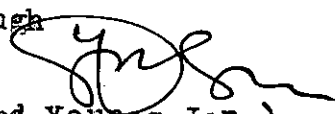
Syed Fazal Abbas Zaidi, Director Physical Education  
(D.P.E) Govt. Higher Secondary School, Kachi Paint Khan,  
Dera Ismail Khan.

RESPONDENTS

1. The Secretary, Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
2. The Director, Elementary & Secondary Education,  
Khyber Pakhtunkhwa, near GHSS No.1 G.T.Road, Peshawar City.
3. The Secretary Finance Department, Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
4. The Secretary Establishment, Khyber Pakhtunkhwa  
Civil Secretariat, Peshawar.
5. The Government of Khyber Pakhtunkhwa through its  
Chief Secretary, Civil Secretariat, Peshawar.

Appellant

through

  
( Syed Younas Jan )  
Advocate, Peshawar

PESHAWAR

01 -08-2016

To

Annex "A"  
6

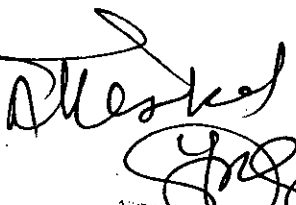
The Worthy Secretary  
Elementary & Secondary Education  
Khyber Pakhtoon Khwa, Peshawar.

Subject :- Departmental Appeal/Representation  
for BPS-17 Personal Grade from the  
date of appointment/promotion to the  
Post of D.P.E. till the date of regularization  
of the appellant in BPS-17

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Respected Sir,

- 1- That the qualifications of the appellant/applicant are M.Sc in Health & Physical Education HPE who passed the prescribed examination in AUG: 1991 and whose result was declared on 15-03-1992
- 2- That the appellant/applicant was appointed/promoted to the post of Director Physical Education (DPE) in the Higher Secondary School vide order dated 30-08-2000 but in his own pay and scale instead of BPS-17 Personal and then was promoted on regular basis vide order <sup>dated</sup> 18-02-2003 but again in BPS-16 instead of BPS-17 Personal.
- 3- That BPS-17 Personal is/was awarded to so many other colleagues of the appellant working in Higher Secondary Schools possessing the MA / MSc Degrees in Health and Physical Education HPE.
- 4- That the appellant was very much fit, qualified, fully eligible and thus was fully entitled for award of BPS-17 as Personal Grade but has illegally, un-constitutionally and malafidely been ignored for the same.

  
SYED YOUNUS JAN  
B.A., B.L.B., B Ed. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

Contd...P-2...

7

- 5- That not only the Departmental, but the Higher/ Superior Courts and Tribunals including the K.P.K Service Tribunal has also awarded the same relief to the other Colleagues of the appellant and the case of the appellant is also at par with the cases of his other colleagues therefore the appellant is also entitled for award of **EPS-17** as Personal Grade on this score also.
- 6- That the appellant agitated the matter with the authority time and again but of no use hence this appeal/representation.

Your goodself is therefore requested to, that **EPS-17** Personal may kindly be awarded to the appellant/ applicant from the date of his appointment/promotion i.e. from 30-08-2000 till the date of award of **EPS-17** on regular basis with all other service benefits.

Appellant/Applicant

*Sf Abbas*

( Syed Fazal Abbas Zaidi )  
Director, Physical Education,  
Govt. Higher Secondary School,  
Kachi Paim Khan, D.I. Khan

Dated 6-04-2016

*Attested*  
*[Signature]*

**SYED YOUSUF JAN**  
B.A.B.B. B Ed. Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

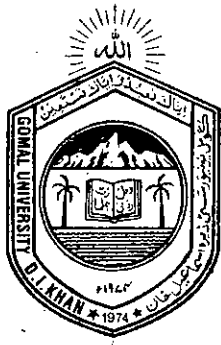
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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



5/10/91  
Annex "B"  
8

(Session 1989-90 )

S. FAZAL ABBAS ZAIDI. SON of S. GHULAM ABBAS KHAN. and

a student of DEPARTMENT OF HEALTH & PHYSICAL EDUCATION

having passed the prescribed examination in AUGUST, 20, 1991,

is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

### MASTER OF SCIENCE

in the SECOND Class

The subject of examination being HEALTH & PHYSICAL EDUCATION.

The Examination was taken as a whole/~~in parts~~

Registered No. 309-PEDU-88

Roll No. 3636

RESULT DECL. ON MARCH 15, 20 1992

Countersigned

[Signature]  
Controller of Examinations

[Signature]  
ATTESTED  
Muhammad Shafiq Khan  
M.Sc. (P.E.), M.A. (Hons.) & Ed.  
Director of Physical Education  
GHSS, Daraban Kalan D.I. Vice-Chancellor

[Signature]  
Attested  
SYED YOUSUF JAGI  
M.A., L.L.B., B.Ed., Certificate Shariat Law  
Advocate High Court Peshawar  
Federal Shariat Court.

OFFICE OF THE DIRECTOR SECONDARY EDUCATION NWFP, PESHAWAR.

NOTIFICATION.

The following qualified SDPE Teachers/Physical Supervisors, in the Education Department in NWFP/FATA due for promotion on seniority Basis are hereby adjusted against the posts of D.P.E.s/A.D.E.O(Phy:) in their own posts and Scale are the exigency of service in the interest of public Service on the terms & conditions in vogue or the ones to be framed in future with immediate effect.

<u>S.No.</u>	<u>NAME &amp; DESIGNATION</u>	<u>WHERE ADJUSTED</u>	<u>REMARKS</u>
1,	Muhammad Akram PET, GHSS, Dara-pezu Lakki Marwat	GHSS, Ustarzai Kohat	Vacant Post
2,	Sher Azam Khan, PET GHS, Gara Baloch Tank	GHSS, Richban Abbottabad	-do-
3,	Siraj-ud-Din PET, GHS, Asala Swat.	GHSS, Khawaza Khela Swat	-do-
4,	Wahid Ullah SET, GHS, Sheikh Uttar Tank.	GHSS, Darosh Chitral	-do-
5,	Ibrahim-ud-Din PET, GHS, Jandari Karak.	GHSS, Iachi Kohat	-do-
6,	Azwar Saeed, PET, GHS, Fazal Shah Metta Khel Bannu.	GHSS, Bareela Hari Pur	-do-
7,	Bahadar Nawaz PET, GHS, Sufaid Dheri Peshawar.	GHSS, No.2. Peshawar Cantt:	-do-
8,	Falak Naz PET, GHS, Ind Khawar Mardan	GHSS, Manga Dargai Charsadda	-do-
9,	Noor-ud-Din Physical Supervisor S.W.A.	GHSS, Khair Abad Nowshera	-do-
10,	Deedar Khan PET, _____ GHSS, Chamkani Peshawar.	GHSS, Chamkani Peshawar	-do-
11,	Daud Khan PET, GHS, Nar Muhammad Lakki Marwat	GHSS, Madyan Swat	-do-
12,	Muhammad Jalal PET, GHS, Chori Wala Bannu.	GHSS, Kakki Bannu	-do-
13,	Abdul Sattar PET, _____ GHSS, Gul Imam Tank.	GHSS, Gul Imam Tank	-do-
14,	Jamal Abdul Nasar PET, GHSS, Bannu.	GHSS, Totakan Malakand Agency	-do-
15,	Muhammad Faisal Physical Supervisor Orkzai Agency	GHSS, Bari Kot Swat	-do-
16,	Muhammad Naeem, PET GHS, Labour Colony Mardan	GHSS, Gari Kapura Mardan	-do-
17,	Shoukat Hayat PET, GHS, No.1. Saha Kot MKD	GHSS, Kot Malakand Agency	-do-
18,	Bashir Ahmad PET, GHS, Pahar Khel Lakki Marwat	GHSS, Dousara Charsadda	-do-
19,	Ali Bad Shah PET, GHS, Parchai Kohat	GHSS, Gumbat Kohat	-do-
20,	Sajid Firdus PET, GHS, Jangi A-Abad.	GHSS, Bignotar A-Abad	-do-
21,	Muhammad Shamal PET, GHSS, Dara-Pezu Lakki Marwat.	G.E.C.(M) A-Abad	-do-
22,	Aqal Daraz PET, EE GHS, Shah Salim Kohat	GHSS, Tough Bala Kohat	-do-
23,	Aziz Ullah PET, GHS, No.1. Pahar Pur D.I.Khan.	GHSS, Kat Garh D.I.Khan	-do-



4,	Abdul Maheed Physical Supervisor Khyber Agency.	G.E.C. (M) Peshawar	Vacant Post
25,	Mohib Ullah PET, GHS, Nurar Bannu.	GHSS, Nizam Pur Nowshera	-do-
26,	Muhammad Saced Shah PET, GHS, Paras Mansehera.	ADEO(Phy:) O/O DEO(M/S) Mansehera	-do-
27,	S.Bakht Shah PET, GHS, Mansabdar Swabi	GHSS, Zaida Swabi	-do-
28,	Hamid Ullah Khan PET, GHS, Kotla Lodhian D.I.Khan	GHSS, Muryali D.I.Khan	-do-
29,	Nuhammad Israr PET, GHS, Alo Kili Mardan	GHSS, Dakki Charsadda	-do-
30,	Shams-ur-Rehman PET, GHSS, Sher Pur Manshera	GHSS, Sher Pur Mansehera	-do-
31,	Muhammad Farooq PET, GHS, Landi-Wah Lakki Marwat	GHSS, Adzai Peshawar	-do-
32,	Nameem Khan PET, GHS, Bannu.	Govt: Elementary College H/Pur	-do-
33,	Shah Mehmood PET GHS, Ghori Wala Bannu.	GHSS, Urmur Payan Peshawar	-do-
34,	Tali Zar PET, GHSS, Kot Long Mardan	GHSS, Kot Long Mardan	-do-
35,	Rais Khan PET, GHS, Landi Khan Khel Lakki Marwat.	GHSS, Kheshgai Payan NSR	-do-
36,	Inayat Khan PET, GHS, No.1. Rajjar Chd:	GHSS, Umar-zai Charsadda	-do-
37,	Saidar Khan PET, GHS, Kharghali Khyber Agency.	GHSS, Palai Malakand Agency	-do-
38,	Ihtisham-ud-Din PET, GHS, Ghundi Kili Karak	GHSS, Billi Tang Kohat	-do-
39,	Abdullah Shah PET, GHS, No1. Tank	GHSS, Akbar Pura Nowshera	-do-
40,	Gul Bad Shah PET, GHSS, No.4, Peshawar City	GHSS, Hazar Khani Peshawar	-do-
41,	Muhammad Nawaz PET, GHS, Ranwal Tank.	GHSS, Samar Bagh Dir	-do-
42,	Rukh Niaz PET, GHS, Wanda Urangzeb Lakki Marwat	GHSS, Khan Pur A-Abad	-do-
43,	Abdul Ghaffar PET, GHS, Lalozai Bannu.	GHSS, Lal Qila Dir	-do-
44,	Mumtaz Khan PET, GHS, Abdul Lakki Marwat:	GHSS, Dhodial Mansehera	-do-
45,	Muhammad Safdar PET, GHSS, Karak.	GHSS, Doaba Kohat	-do-
46,	Safdar Jan PET, G.T.H.S Peshawar City.	GHSS, No.1. Peshawar City	-do-
47,	Fazal-e-Rabi PET GEC(M) Swabi	G.E.C.(M) Swabi	-do-
48,	Khaki Rehman Ic/DPE GEC(M) Mirali NWA	GEC(M) Mirali NWA	-do-
49,	Muhammad Ismail Physical Supervisor Muhmand Agency.	GHSS, Utmanzai Chd:	-do-
50,	Roshan Akbar PET, GHS, Dagai Swabi	GHSS, Gandaf Swabi	-do-
51,	Habib Ullah PET, GHS, Sawal Dher Mardan	A.D.E.O(Phy:) O/O DEO(M/S) Charsadda	-do-
52,	Lal Mar. Jan PET, GHS, Shaidan Banda Karak.	GHSS, Shabqadar Fort Chd:	-do-

Attested  
 SYED YOUSUF KHAN  
 B.A.L.B. & Ed. Council Peshawar  
 Advocate High Court Peshawar  
 Federal Shariat Court.

53,	Khawazalat Khan PET, GHS, Surgha SWA.	GHSS, Ziarat Talash Dir	Vacant Post
54,	Ahmad Nawaaz PET, GHS, Shabaz Ahmad Khel Bannu.	GHSS, Darband Mansehera	-do-
55,	Zarbahisht Khan PET GHS, No.1. Buner. (Peshawar)	GHSS, Nawagai Buner	-do-
56,	S.Ibad Ur Rehman PET, GHS, K Lakkari Muhmand Agency.	GHSS, Osh Dir	-do-
57,	Kiramata Ullah PET, GHSS, T.Nasrati Karak.	GHSS, Bogara Karak.	-do-
58,	Salar Khan PET, GHS, Gujrat Mardan	GHSS, Risal Pur NSR	-do-
59,	Rashi Din PET GHS, Paloski Karak.	GHSS, Warana Karak	-do-
60,	S.Fazal Abbas Zaidi PET, GHS, Kachi Pind Khan D.I.Khan	GHSS, Khan Pur Dir	-do-
61,	Falak Naz PET, GHS, Dheri Saidan Bannu.	G.E.C.(Tahan) Malakand Agency	-do-
62,	Fazal Wahid PET, GHS, Chakdara Dir.	GHSS, Bat Khola Malakand Agency	-do-
63,	Mushtaq Khan PET, GHS, Mandan Bannu.	GHSS, Mathra Peshawar	-do-
64,	Arbab Fawad Khalil PET GHSS, Pir Pai NSR	GHSS, Pir Pai NSR	-do-
65,	Habib Ullah PET, GHSS, No1. Bannu.	G.E.C.(M) Dir	-do-
66,	Mujeeb Ur Rehman PET, GHS, Ghundi Shamshaki Karak	GHSS, Shakar Dara Kohat	-do-
67,	Muhammad Javed PET GHSS, Nawan Sher A-Abad.	ADEO(Phy:) O/O DEO (M/S) Abbottabad	-do-
68,	Jehan Alam PET, GHS, Topi Buner.	GHSS, Mingora Swat	-do-
69,	Abdul Qadeer Khan PET, GMS, Daiyal D.I.Khan	GHSS, Dhakki D.I.Khan	-do-
70,	Chamni Khan PET, GMS, Khan Pur Mardan.	GHSS, Kab Gand Swabi	-do-
71,	Amjad Khan PET, GMS, Ziarat Kili Chd:	GHSS, Sher Pao Chd:	-do-
72,	Nekhat Ullah PET, Ic/DPE GEC(M) Kotka Habib Ullah FR Bannu.	GEC(M) Kotka Habib Ullah FR Bannu.	-do-
73,	Farid Zaman CT GHS, Multani Bannu.	G.E.C (M) Mathra Peshawar	-do-
74,	Muhammad Usman PET, GHSS, No.3. D.I.Khan	GHSS, Darlhan Kalan D.I.Khan	-do-
75,	Waris Khan PTC GPS, Sher Zaman Dalo Khel Lakki Marwat	GHSS, Munda Dir	-do-
76,	Muhammad Nawaz PET, GHS, Nawan Kili Swabi.	GHSS, Shabaz Garhi Mardan	-do-
77,	Ihsan Ullah PET, GHS, Bidara Swat.	GHSS, Fatch Pur Swat	-do-
78,	Ashraf Ali PET, GHS, Ismaial Khel Bannu.	GHSS, Biroate A-Abad	-do-
79,	Zahoor Zaman PTC, GPS, Emal Khel Bannu.	GHSS, Kalam Swat	-do-
80,	Tawab Ali Shah PET GHS, Mana Khel Banochi Bannu.	GHSS, Tarbela Town Ship Mardan	-do-
81,	Fatch Sher PET, GMS, Wanda Baloch D.I.Khan.	GHSS, Kabal Swat	-do-

Attested  
BYED  
A.B.L.B. & Ed.  
Advocate High Court Peshawar  
Federal Shariat Court.

Sl. No.	Name	Post	Remarks
82	Muhammad Sharif PET, GHS, Rothera D.I.Khan.	GHSS, Kot Najeeb Ullah Hari Pur	Vacant
83	Said Khan PET, GHS, Toran (NAU) Tanik.	GHSS, Lora A-Abad	-do-
84	Q. Ikram Ullah PET, GHS, Bazar Ahmad Bannu.	GHSS, Bagh Maidan Dir	-do-
85	Ghulam Hussain PET, GHS, Rustam Mardan.	GHSS, Totalai Buner	-do-
86	Ghulam Nabi PET, GHSS, Gujar Ghari Mardan	GHSS, Pir Saddi Mardan	-do-
87	Muhammad Gul PET, GHSS, No.2. D.I.Khan.	GHSS, No2, D.I.Khan	-do-
88	Rais Ullah PTC, GPS, Sikotri Jabbar Bannu.	GHSS, Charbagh Swat	-do-
89	Nasir Khan PET, GHS, Bahadari D.I.Khan	GEC(M) Mansehera	-do-
90	Zahoor Ahmad PET, GHS, Spin Khak NSR.	GHSS, Jalozai Nowshera	-do-
91	Muhammad Haroon PET, GHSS, Ismaila Swabi	GHSS, Ismaila Swabi	-do-
92	Muhammad Iqbal PET, GHS, Zangi Khel Lakki Marwat.	GHSS, Natiagali A-Abad.	-do-
93	Farman Ullah PET, <del>Kotka</del> GHS, Kotka Saadat Khan Bannu.	GHSS, Nawan Sher A-Abad	-do-
94	Ikram Ullah PET, GMS, Kachozai Bannu.	GHSS, Siri Kot Hari Pur	-do-

Notes:-

- 1, Charge report should be submitted to all concerned.
- 2, The promotion of the above candidates is subject to the approval of the Departmental Selection Committee.

(S.ABU SAEED BACHA)  
Director Secondary Education  
NWFP, Peshawar.

Endst: No. 9189-9439 /

Dated. 30-08- /2000.

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

- 1, Director Bureau of Curr: Dev: & Edu: Extension Services NWFP, Abbottabad.
- 2, Director of Education, PATA NWFP, Peshawar
- 3, Director Primary Education NWFP, Peshawar.
- 4, Accountant General NWFP, Peshawar.
- 5, All District Education Officers concerned Secondary and Primary Male in NWFP.
- 6, Agency Education Officers concerned.
- 7, All District Account Officers concerned in NWFP.
- 8, All the Principals /Head Masters concerned in NWFP.
- 9, P/S to Secretary to Govt: of NWFP, Education Department.
- 10, P-A to Director Secondary Education NWFP, Peshawar.

Deputy Director  
for/ Director Secondary Education  
NWFP, Peshawar.

Jan. Sher  
30082000

Attested  
BYED QADUNUS JAN  
B.A.L.B. 3 Ed. Certificate Shamsi Law  
Advocate High Court Peshawar  
Federal Shariat Court.

30/8/2000

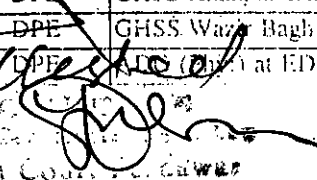
# DIRECTORATE OF SCHOOLS AND LITERACY N.W.F.P. PESHAWAR.

Annex "D" (13)

## OFFICE ORDER.

Consequent upon the approval by the Departmental Selection Committee Schools & Literacy NWFP in its meeting held on 26-12-2002. The following CT/PET/PTC, etc are hereby promoted to the posts of DPE/ADO (Physical) B-16 on regular basis in the interest of public service with immediate effect.

S.#	Name & Designation	Promoted as	Place of posting	Remarks
1	Mr. Sher Azam Khan PET	DPE	GEC, Ghori Wala Bannu	Against the post already occupied by him
2	Mr. Siraj-ud-Din PET	DPE	GHSS, Khowaza Khela Swat	Against the post already occupied by him
3	Muht Ibrahim-ud- Din PET	DPE	GHSS, Lachi Kohat	Against the post already occupied by him
4	Mr. Bahadar Nawaz PET	DPE	GHSS No.2 Pesh:Cannt:	Against the post already occupied by him
5	M. Falak Naz PET	DPE	GHSS Manga Dargai Charsadda	Against the post already occupied by him
6	Mr. Deedar Khan PET	DPE	GHSS Chankani Peshawar	Against the post already occupied by him
7	Mr. Muhammad Jalal PET	DPE	GHSS Kakki Bannu	Against the post already occupied by him
8	Mr. Abdus Sattar PET	DPE	GHSS Gul Imam Tank	Against the post already occupied by him
9	Mr. Jamal Abdul Nasir PET	DPE	GHSS Totakan Mkd Agy:	Against the post already occupied by him
10	Muht Faisal Phy: Supervisor	DPE	GHSS Daag Peshawar	Against the post already occupied by him
11	Mr. Muhammad Naeem PET	DPE	GHSS Ghahri Kapura MDN	Against the post already occupied by him
12	Mr. Saukat Hayat PET	DPE	GHSS Kot Malakand Agy:	Against the post already occupied by him
13	Mr. Bashir Ahmad PET	DPE	GHSS Dosehra Charsadda	Against the post already occupied by him
14	Mr. Shamal Khan PET	DPE	GHSS Dara Pezu Lak. i	Against the post already occupied by him
15	Mr. Aqal Daraz PET	DPE	GHSS Tough Bala Kohat	Against the post already occupied by him
16	Mr. Azizullah Khan PET	DPE	GHSS Kotgarh D I Khan	Against the post already occupied by him
17	Abdul Majeed Phy: Supervisor	DPE	GEC (M) Peshawar	Against the post already occupied by him
18	Mr. Muhibullah PET	DPE	GHSS Nizampur NSR	Against the post already occupied by him
19	Mr. M. Saeed Shah PET	DPE	GHSS Kawai Manshra	Against the post already occupied by him
20	Mr. S. Bakht Shah PET	DPE	GHSS Zaida Sawabi	Against the post already occupied by him
21	Mr. Hameedullah Khan PET	DPE	GHSS Dakki D. I. Khan	Against the post already occupied by him
22	Mr. Muhammad Israr PET	DPE	GHSS Bughdad Mardan	Against the post already occupied by him
23	Mr. Naeem Khan PET	DPE	Phy: Edu: Collage Karak	Against the post already occupied by him
24	Mr. Shah Mehmood PET	DPE	GHSS Urmar Payan Pesh:	Against the post already occupied by him
25	Mr. Tali Zar Khan PET	DPE	GHSS Katlang Mardan	Against the post already occupied by him
26	Mr. Rais Khan PET	DPE	GHSS Khesgai NSR	Against the post already occupied by him
27	Mr. Inayat Khan PET	DPE	GHSS Umar Zai Chd:	Against the post already occupied by him
28	Mr. Sardar Khan PET	DPE	GHSS Mayar Mardan	Against the post already occupied by him
29	Mr. Ihtishamud Din PET	DPE	GHSS Biltang Kohat	Against the post already occupied by him
30	Mr. Abdullah Shah PET	DPE	ADO (Phy:) at EDO (S&L) Tank	Against the post already occupied by him
31	Mr. Rukh Niaz PET	DPE	GHSS Khanis Pui Abbottabad	Against the post already occupied by him
32	Mr. Abdul Ghaffar PET	DPE	GHSS Lal Qilla Dir	Against the post already occupied by him
33	Mr. Gul Badshah PET	DPE	GHSS Hazar Khwani Pesh:	Against the post already occupied by him
34	Mr. Muhammad Safdar PET	DPE	GHSS Doaba Kohat	Against the post already occupied by him
35	Mr. Safdar Jan PET	DPE	GHSS No.1 Peshawar city	Against the post already occupied by him
36	M. Fazli Rabbi PET	DPE	GHSS Totalai Buner	Against the post already occupied by him
37	Mr. Khaki Rehman PET	DPE	GEC (M) Mir Ali NWA	Against the post already occupied by him
38	Mr. Roshan Akber PET	DPE	GHSS Gandaf Swabi	Against the post already occupied by him
39	Mr. Habibullah PET	DPE	ADO(Phy) at EDO(S&L) Charsadda	Against the post already occupied by him
40	Mr. Lal Marjan PET	DPE	GHSS Shahqadar For. lid:	Against the post already occupied by him
41	Mr. Ahmad Nawaz PET	DPE	ADO(Phy:) at EDO(S&L) Battagram	Against the post already occupied by him
42	Mr. Zar Bahisht Khan PET	DPE	ADO (Phy:) at EDO(S&L) Buner	Against the post already occupied by him
43	Mr. Kiramatullah PET	DPE	GHSS Bogara Karak	Against the post already occupied by him
44	Mr. Salar Khan PET	DPE	GHSS Baghicha Dhari Mardan	Against the post already occupied by him
45	Mr. Rashi Din PET	DPE	GHSS Warana Karak	Against the post already occupied by him
46	S. Fazal Abbas Zaidi PET	DPE	GHSS Ulmanzai Charsadda	Against the post already occupied by him
47	Mr. Falak Naz PET	DPE	GHSS Adezai Peshawar	Against the post already occupied by him
48	Mr. Fazli Wahid PET	DPE	GHSS Khanpur Dir	Against the post already occupied by him
49	Mr. Mushtaq Khan PET	DPE	GHSS Waza Bagh Peshawar	Against the post already occupied by him
50	Mr. Arbab Fawad Khalil PET	DPE	ADO (Phy:) at EDO(S&L)NSR	Against the post already occupied by him

  
 Advocate High Court Peshawar  
 Federal Shariat Court.

(14)

51	Mr. Habibullah PET	DPE	GEC (M) Dir	Against the post already occupied by him
52	Mr. Mujcebur Rehman PET	DPE	GHSS Shakar Dara Kohat	Against the post already occupied by him
53	Mr. Jehan Alam PET	DPE	ADO (Phy:) at EDO(S&L) Shangla	Against the post already occupied by him
54	Mr. Abdul Qadeer Khan PET	DPE	GHSS, Parova D.I.Khan	Against the post already occupied by him
55	Mr. Chamni Khan PET	DPE	GHSS, Takkar GHSS Mardan	Against the post already occupied by him
56	Mr. Amjad Khan PET	DPE	GHSS Sherpao Charsadda	Against the post already occupied by him
57	Mr. Nikhat ullah PET	DPE	GEC (M) Kotka Habibullah FR Banna	Against the post already occupied by him
58	Mr. Farid Zaman C.T.	DPE	Phy:Edu:Collage Karak	Against the post already occupied by him
59	Mr. Ikramullah PET	DPE	GHSS Sirkot Haripur	Against the post already occupied by him
60	Mr. Muhammad Usman PET	DPE	GHSS Muryali D.I.Khan	Against the post already occupied by him
61	Mr. Waris Khan P.T.C.	DPE	GHSS Munda Dir Lower	Against the post already occupied by him
62	Mr. Muhammad Nawaz PET	DPE	GHSS Shabaz Gijari Mardan	Against the post already occupied by him
63	Mr. Ihsan Ullah PET	DPE	GHSS Fatehpur Swat	Against the post already occupied by him
64	Mr. Ashraf Ali Khan PET	DPE	GHSS Ustarzai Kohat	Against the post already occupied by him
65	Mr. Zahoor Zaman P.T.C.	DPE	GHSS Kalam Swat	Against the post already occupied by him
66	Mr. Fateh Sher PET	DPE	GHSS Kabal Swat	Against the post already occupied by him
67	Mr. Muhammad Sharif PET	DPE	GHSS Kot Najibullah H/Pur	Against the post already occupied by him
68	Mr. Said Khan PET	DPE	GHSS Lora Abbottabad	Against the post already occupied by him
69	Mr. Ghulam Hussain PET	DPE	GEC(M) Mardan	Against the post already occupied by him
70	Mr. Ghulam Nabi PET	DPE	GHSS Takh Bhai Mardan	Against the post already occupied by him
71	Mr. Muhammad Gul PET	DPE	GHSS No.2 D.I.Khan	Against the post already occupied by him
72	Mr. Raeesullah P.T.C.	DPE	GHSS Charbagh Swat	Against the post already occupied by him
73	Mr. Nasir Khan PET	DPE	ADO (Phy:) at EDO (S&L)Hangu	Against the post already occupied by him
74	Mr. Zahoor Ahmad PET	DPE	GHSS Jallozai Nowshera	Against the post already occupied by him
75	Mr. Muhammad Haroon PET	DPE	GHSS Ismaila Swabi	Against the post already occupied by him
76	Mr. Muhammad Iqbal PET	DPE	GHSS Turbela T. Ship H/Pur	Against the post already occupied by him
77	Mr. Farmanullah PET	DPE	GHSS Pir Pai Nowshera	Against the post already occupied by him

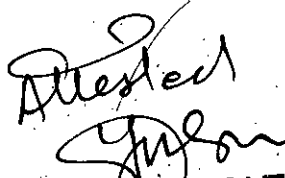
- Note:-
1. Charge report should be submitted to all concerned.
  2. No TA/DA etc. are allowed.

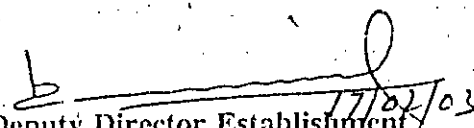
(HAFIZ BAHADAR KHAN)  
Director Schools & Literacy  
NWFP Peshawar

Endst No. 3542-3628 1A-14/Promo:/DPE B-16. Dated Peshawar the 18/2 /2003

Copy of the above is forwarded for information & necessary action to the:-

1. Director of Education (FATA) NWFP Peshawar.
2. Director Bureau and Teacher Education NWFP Abbottabad.
3. Accountant General NWFP Peshawar.
4. Executive District Officers (Schools & Literacy) in NWFP.
5. District/Agency Accounts Officers in NWFP.
6. Principal GEC (M) concerned.
7. Principal Govt. College of Physical Education Karak.
8. Principal GHSS concerned.
9. PS to Minister for Education NWFP Peshawar.
10. PS to Secretary Schools & Literacy Department Govt. of NWFP Peshawar.
11. DPE/ADO Physical concerned.
12. PA to Director Schools & Literacy NWFP Peshawar.

Attested  
  
**SYED YOUNIS JAN**  
M.A.B.L.B. B Ed. Certificate Shari'at Law  
Advocate High Court Peshawar  
Federal Shariat Court.

  
Deputy Director Establishment  
Directorate Schools & Literacy  
NWFP Peshawar

~~Annex~~ "E" 21  
 (15)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION  
 DEPARTMENT  
 Dated Peshawar the 13-10-2010

**NOTIFICATION**

NO.SO(PE)2-6/E&SE/DPCMEETING/10: Consequent upon the recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following nine (9) Male & four (4) Female DPEs (BS-16) to the upgraded post of DPE (BS-17) on regular basis with immediate effect:

MALE DPEs

S.No.	Name & Designation of Officers	Proposed Place of Posting	Remarks
1.	Akbar Ali Khan DPE/ADO (Sports) in Office of EDO (E&SE) Kohat	GHSS Panian Haripur	Against vacant post of DPE
2.	<del>Abdul Ghaffar</del> DPE GHSS Akbarpura Nowshera	GHSS Akbarpura Nowshera	Against DPE post already occupied by him
3.	Fazal Abbas DPE GHSS Garhi Habibullah Mansehra	GHSS Garhi Habibullah Mansehra	-do-
4.	Muhammad Rasool DPE GHSS Shahbaz Kheir Lakki Marwat	GHSS Shahbaz Kheir Lakki	-do-
5.	Qadar Khan DPE GHSS Chagnar Mati Peshawar	GHSS Chagnar Mati Peshawar	-do-
6.	<del>Fida Muhammad</del> DPE GHSS Manga Mardan	GHSS Manga Mardan	-do-
7.	Mamrez Khan DPE ADO (Sports) in the Office of EDO (E&SE) Karak	GHSS Nanaqi Peshawar	Against vacant post of DPE
8.	Racesullah DPE GHSS Hakim Hayat Sannu	GHSS Hakim Hayat Sannu	Against DPE post already occupied by him
9.	Zamarud Siah DPE GHSS Choraki Kohat	GHSS Choraki Kohat	-do-

FEMALE DPEs

S.No.	Name & Designation of Officers	Proposed Place of Posting	Remarks
1.	Mst Misbah Seema DPE GHSS Parova Dikhan	GHSS Parova Dikhan	Against DPE post already occupied by her
2.	Mst. Ghazala Naeem DPE GHSS Lachi Kohat	GHSS Lachi Kohat	-do-
3.	Mst. Baseerat Afzal DPE GHSS Hanchand Charsadda	GHSS Hanchand Charsadda	-do-
4.	Mst Raheela Bano DPE GHSS No.5 Qasaban Dikhan	GHSS No.5 Qasaban Dikhan	-do-

2 On their promotion the officers will be on probation for a period of one (1) year in terms of section 6(2) of NWFP Civil Servant Act 1973 read with Rule 10(1) of the NWFP Civil Servant (Appointment, Promotion and Transfer) Rules

*Attested*  
 YOUSUF  
 B.A.B.L.B. & E.J. - certified by  
 Advocate High Court Peshawar  
 Federal Shariat Court.

16

12

SECRETARY TO GOVT OF KHYBER  
PAKHTUNKHWA  
ELEMENTARY & SECONDARY  
EDUCATION DEPARTMENT

Endst; of even no. & date:

Copy is forwarded to:-

- 1) Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation), Establishment Department, Govt of Khyber Pakhtunkhwa Peshawar.
- 3) Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
- 4) Secretary to Chief Minister Khyber Pakhtunkhwa.
- 5) PS to Chief Secretary Khyber Pakhtunkhwa.
- 6) All Directors in Elementary & Secondary Education Department Khyber Pakhtunkhwa.
- 7) Executive District Officers Elementary & Secondary Education concerned.
- 8) The Accountant General Khyber Pakhtunkhwa.
- 9) All District Accounts Officers / Agency Accounts Officers concerned
- 10) PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
- 11) PS to Secretary / Special Secretary / Additional Secretary E&S Edu: Deptt Govt of Khyber Pakhtunkhwa.
- 12) PA to Deputy Secretary (Admn) Elementary & Secondary Edu: Department Govt of Khyber Pakhtunkhwa.
- 13) Officers concerned
- 14) Master file

(ARIF JAMIL)  
SECTION OFFICER (PRIMARY)

SYED YOUSAF JAFAR  
B.A., LL.B., B.E.J. Certificate holder and  
Advocate High Court Peshawar  
Federal Shariat Court.

①

Annex "F"

18

TO BE SUBSTITUTED BEARING THE SAME NO. & DATE

GOVERNMENT OF NWFP  
SCHOOLS & LITERACY DEPTT:  
No. SO (B& A)/2-1/2003/DPEs.  
Dated Peshawar, the 03.06.2003.

NOTIFICATION:

An order to implement the judgement of Supreme Court of Pakistan vide dated 12.03.2003 the Government of NWFP is pleased to award BPS-17 as personal to the following officers of Schools & Literacy Department from the date of regular appointment or acquiring Master Degrees which ever is relevant.

Sr.No.	Name & Designation	Date of Acquiring Master Degrees.	Date of appointment.
1.	Gul Aslam DPE GHSS Khairabad Nowshera.	21.10.1986.	10.02.1991.
2.	Gul Said khan DPE GHSS Tckhal Peshawar.	02.12.1993.	22.10.1990.
3.	Misal Khan A.D.O. (Physical) O/O EDO (S&L) Peshawar.	30.05.1988.	-do-
4.	Anwar Zad DPE GHSS S.K. Bala Bannu.	31.12.1989.	-do-
5.	Sheraz khan ADO (Physical) O/O EDO (S/L) Timergara (Dir Lower).	31.12.1989.	-do-
6.	Janoosh Khan DPE GHSS Bidar Swat.	13.12.1992.	-do-
7.	Muhammad Bashir DPE GHSS Dhodial Mansehra).	17.09.1995.	-do-

SECRETARY TO GOVT:OF NWFP  
SCHOOLS & LITERACY DEPTT:

Endst. No. FD (PRC) /B-81/2003, Dated Peshawar, the 3/6/2003.  
Copy of the above is forwarded for information & necessary action to:-

- 1) The Accountant General NWFP, Peshawar.
- 2) The District Account Officer Nowshera.
- 3) The District Accounts Officer Bannu.
- 4) The District Accounts Officer (Dir Lower).
- 5) The District Accounts Officer (Mansehra).
- 6) The District Accounts Officer (swat).

(SYED BAQAR SHAH)  
SECTION OFFICER (SR-1)

Endst. O: even Number & date.

- Copy of the above is forwarded to:-
- 1) The Director of Schools & Literacy NWFP, Peshawar.
  - 2) The Section officer (SR-1) Finance Deptt: w/r to his letter No. FD (PRC)/B-81/2003, dated 21.05.2003.
  - 3) The Executive District Officer (School & Literacy) Bannu.
  - 4) The Executive District Officer (School & Literacy) Nowshera.
  - 5) The Executive District Officer (School & Literacy) Dir Lower.
  - 6) The Executive District Officer (School & Literacy) Swat.
  - 7) The Executive District Officer (School & Literacy) Mansehra.
  - 8) The Executive District Officer (School & Literacy) Peshawar.

(MANZOOR HUSSAIN)  
SECTION OFFICER (B&A)

Attested  
*[Signature]*

The old date as 13-12-94  
have been replaced as 17-9-92  
in the collection of SO (B&A) S & L D.



GOVERNMENT OF NWFP  
EDUCATION DEPARTMENT.

Dated Peshawar, the 07-05-2001.

Annex "H"  
19A

NOTIFICATION.

NO. SO(E-III)2-1/DPEs. The Competent authority is pleased to accord sanction to the award of BPS-7 to Mohammad Hashim Khan Director Physical Education, (BPS-16) Government Higher Secondary School No.1, Peshawar Cantt: with effect from 10 February, 1991 on the basis of Master Degree in Physical Education, possessing at the time of his appointment in 1991 i.e prior to the date of issuance of Notification No. FD(SR-1) 6-36/93, dated 3<sup>rd</sup> August 1993, where by the benefit of grant of B-17 to DPE, on the basis of Master Degree in Physical Education was withdrawn.

SECRETARY TO GOVT. OF NWFP,  
EDUCATION DEPARTMENT

Dated Peshawar 7/5/2001

Endst. No. FD(SR-1)6-36/2000/Vol-II

Copy forwarded to the Accountant General, NWFP, Peshawar

SECTION OFFICER (SR-1)  
FINANCE DEPARTMENT  
7/5/2001

Endst. No. & date even.

Copy forwarded for information and necessary action to:-

1. The Director Education (Secondary), NWFP, Peshawar.
2. The Section Officer (SR-1), Govt. of NWFP, Finance Department, Peshawar w/r to his letter No. FD (SR-1) 6-36/2000/Vol-II, Dated 12-03-2001.
3. The Section Officer (Schools), Govt. of NWFP, Edu: Deptt: Peshawar.
4. The District Education Officer (Male) Secondary, Peshawar.
5. Principal GHSS, No.1, Peshawar Cantt:
6. The Officer concerned.

Manzoor Hussain  
(MANZOOK HUSSAIN)  
SECTION OFFICER(E-III)

Attested  
BYED YOUNUS  
B.A.L.S. B Ed, Certificate Sharia Law  
Advocate High Court Peshawar  
Federal Shariat Court.

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BEFORE THE KHYBER PAKHUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ / 2016

Syed Fazal Abbas Zaidi ..... APPELLANT

VERSUS

The Secretary E&SE, K.P.K etc ..... RESPONDENTS.

APPLICATION FOR CONDONATION OF DELAY (IF ANY).

Respectfully submitted:

The applicant/appellant submits as under:-

That firstly the act and omission of the respondents /department is illegal, unconstititutional and void and secondly as financial matter is involved in the matter and the cause of action is the running cause of action, therefore, no limitation runs against the appellant/applicant, but even if this Honourable Tribunal considers the departmental appeal time barred then this application for dondonation of delay if any on the following amongst other grounds:-

GROUNDS:

1. That in the matter in hand the cause of action is continuous cause of action and the impugned act and omission of the respondents come in the purview of the definition of continous wrong, therefore, in the matter the cause of action starts on first date and ends on the last date of every months/every year, therefore, no question of delay arises in the matter.
2. That the law requires that the matters should/must be decided on merits rather than on technical grounds including the limitation.

3. That the appellant/applicant has got a very good case in his favour therefore, technicalities including the point of limitation (The delay if any) are ignorable.
4. That the appeal of the appellant before this Honourable Tribunal is well within time and strictly in accordance with law contained in Section 4 of the NWFP now Khyber Pakhtunkhwa Service Tribunal Act 1974;
5. That if the delay if any is not condoned the applicant/appellant will suffer an irreparable loss to his seniority, promotion and all other service benefits.
6. That the delay if any has been caused by the delaying tactics of respondents/department and the appellant cannot be held responsible for the same. Specially in the presence of the principles of legitimate expectancy.
7. That in so many similar and identical cases this Honourable Tribunal has ignored the point of limitation and in so many cases has condoned the delay, therefore, in this case also the same point is ignorable/condonable.

It is, therefore, respectfully prayed that on acceptance of this application in the best interest of justice the delay if any in filing departmental appeal may kindly be condoned/ignored and the appeal of the appellant/applicant may kindly be decided on merits. Any other remedy/relief available in the circumstances of the case may also kindly be granted to the applicant/appellant.

Dated 1/8/2016

Applicant/Appellant

Through

( Syed Younus Jan )

Advocate Peshawar High Court  
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ / 2016

Syed Fazal Abbas Zaidi ..... APPELLANT

VERSUS

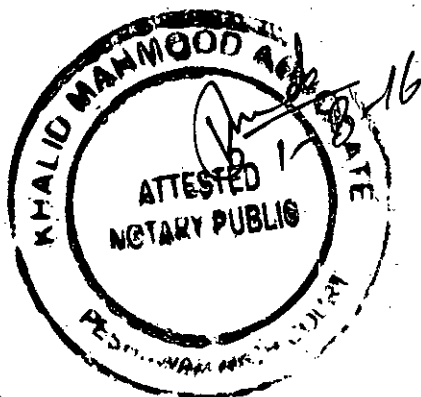
The Secretary E&SE K.P.K. and others .....RESPONDENTS.

AFFIDAVIT.

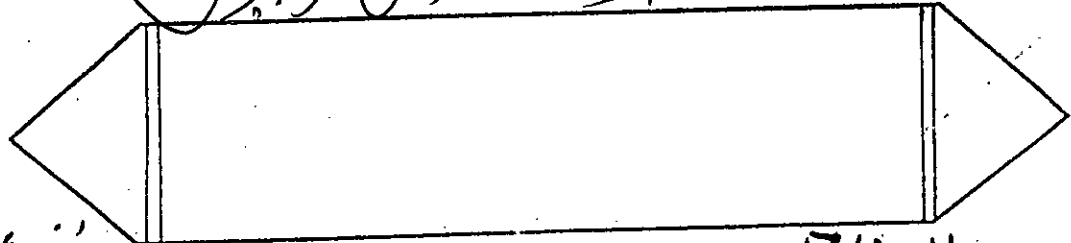
I, Syed Fazal Abbas (appellant) to hereby solemnly affirm and declare on Oath that the contents of the attach application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal

Dated 01/8 /2016

Deponent Syed Fazal Abbas



# بعد الت حیدر خونی اسروس کیسوں کے



2 مجانب سید فضل عباس ایسڈ میں  
برنام سیکرٹری KPK E&SE  
ایسڈ میں

موزخہ 29/7/2016  
مقدمہ سروس ایسڈ میں  
دعویٰ سروس ایسڈ میں  
جرم 2016

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کپل کارروائی متعلقہ  
آن مقام کے لیے سروس ایسڈ میں  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالث ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساخ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترقوم 29  
ماہ جولائی 2016

سید فضل عباس ایسڈ میں  
ایسڈ میں

بمقام سروس کیسوں کے KPK کے لئے منظور ہے۔  
Attested & Accepted

SYED YOUNUS JA  
A.L.L.B. (B.S), Certificate Bar & Law  
Advocate High Court Peshawar  
Federal Shariat Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 818 / 2016

Syed Fazal Abbas Zaidi (5 others) .....Appellants

Versus

The Secretary E&SE K.P.K. and others .....Respondents.

APPLICATION FOR SHORT ADJOURNMENT.

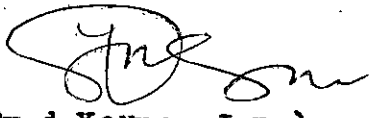
Respectfully submitted;

1. That the above mentioned appeals are fixed for hearing for tomorrow on 27-10-2016.
2. That in the above mentioned appeals the undersigned Syed Younas Jan, Advocate is a counsel for the appellants.
3. That the undersigned/Advocate (counsel for the appellants) will busy in an urgent piece of work in Islamabad due to which he will unable to attend this Hon'ble Tribunal in the above mentioned appeals on the date fixed i.e. 27-10-2016.

It is, therefore, prayed that the above mentioned appeals may kindly be adjourned to some other date as convenient to this Hon'ble Tribunal.

PESHAWAR

26-10-2016

  
( Syed Younas Jan )  
Advocate, Peshawar  
Counsel for the appellants  
Cell No. 0301-8826010

63

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No: 818/2016

**Syed Fazal Abbas Zaidi, DPE GHSS Kachi Paind Khan District D I Khan... Appellant.**

**VERSUS**

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

**JOINT PARAWISE COMMENTS FOR & ON BEHALF OF RESPONDENTS No: 1-5.**

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.
- 4 That the instant service appeal is based on mala-fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That this Honorable Tribunal has got no jurisdiction to adjudicate upon the present appeal.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.
- 11 That the Appellant has not <sup>been</sup> awarded BPS-17 (Personal) & was promoted from PET to the DPE Post vide Notification dated 30/8/2000, which has not been challenged by the appellant.
- 12 That as per Finance Department Notification dated 03/8/1993, the appellant is not entitled for the grant of back benefits against the said Post.
- 13 That as per Govt: of Khyber Pakhtunkhwa, Pay Revised Rules, 1978, BPS-17 (Personal) was awarded to those DPEs working in BPS-16 along with Master Degree in the relevant subject.

**ON FACTS**

- 1 That Para-1, needs no comments being pertains to the service record of the appellant.

- 2 That Para-2 is incorrect. The appellant has been promoted against the DPE Post from PET vide Notification dated 30/8/2000, in his own pay & scale with immediate effect & later on he has been promoted against the said Post on regular basis vide Notification dated 18/2/2003 in BPS-16(Regular). (Copies of the same are Annexures-A&B).
- 3 That Para-3, is correct. However the appellant did not challenged any of the promotion order for anti dation.
- 4 That Para-4 is incorrect & denied on the grounds that the appellant has acquired his M. Sc Degree in HPE from Gomal University D I Khan on 15/3/1992 & was adjusted against the DPE Post from PET vide Notification dated 30/8/2000 on the basis of his qualification of SDPE with immediate effect. Upon the approval of the DPC Meeting held on 18/2/2003, the appellant was promoted to the DPE Post in BPS-16 on Regular basis with immediate effect. The appellant was further promoted against the DPE in BPS-17 (Regular) Post vide Notification dated 19/5/2009 with immediate effect. It is further submitted that in view of the Pay Revised Rules, 1978 of the Provincial Govt: , BPS-17 was awarded those DPEs who were already working in BPS-16 having M. Sc Degree in the relevant subject. However, vide Notification dated 03/8/1993 amendments in the said rules were made by declaring junior DPEs in BPS-16 & Senior DPEs in BPS-17(Personal). Furthermore, the appellant has failed to challenged any of the orders mentioned in the foregoing Paras, nor any Departmental Appeal is available on record so the present appeal is liable to be dismissed on this score on the following grounds inter alia :-

#### GROUNDS

- A Incorrect & not admitted. The act of the Respondent Department in view of the above made submissions in the foregoing Paras of the present reply is within legal sphere & is liable to be maintained.
- B Incorrect & not admitted. The statement f the appellant is against the law, rules & circumstance of the case. Hence deserves to be dismissed.
- C Incorrect & not admitted. Detailed reply of this ground has already been given in the foregoing Paras. Hence needs no further comments.
- D Incorrect & not admitted. The Respondents have acted as per law, rules & policy in the instant case in terms of the above mentioned Notifications, hence deserves to be maintained in the interest of justice.
- E Incorrect & not admitted. The statement f the appellant is against the law, rules & circumstance of the case. Hence deserves to be rejected.
- F Incorrect & denied on the grounds that the appellant has been found in-eligible in view of the above cited rulings. Hence this Para is also liable to be rejected.
- G Incorrect & denied. Each & every case has its own parameter & the case of the appellant is totally different from those who have been treated as per law, rules & Policy in view of the above made rulings & Notifications.
- H Legal. However, the Respondents further seek leave of this Honorable Tribunal to submit additional grounds & case law /record at the time of arguments.



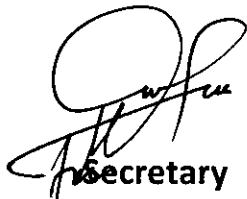
In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favour of the Respondent Department.

Dated 02/01/2017.



**Secretary**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondents No:1&5)



**Secretary**

Establishment Department  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No:4)



06/1/2017

**Director**

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



**Secretary**

(Finance) Department Khyber  
Pakhtunkhwa, Peshawar  
(Respondent No: 3)

**AFFIDAVIT**

I Hameed Ur Rehman Asstt: Director (Litigation-II) E&SE Department 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.



Deponent

MINISTRY OF SCHOOLS AND LITERACY N.W.F.P. PESHAWAR.

ORDER.

Annex "A" (13)

Consequent upon the approval by the Departmental Selection Committee Schools Peshawar NWFP in its meeting held on 26-12-2002. The following CT/PET/PTC, etc are hereby appointed to the posts of DPE/ADC (Physical) B-16 on regular basis in the interest of public service with immediate effect.

Name & Designation	Promoted as	Place of posting	Remarks
Mr. Saeed Azam Khan PET	DPE	GEC, Ghoru Wala Banna	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS, Khawaza Khela Swat	Against the post already occupied by him
M. Iqbal Ibrahim-ud-Din PET	DPE	GHSS, Lachi Kohat	Against the post already occupied by him
Mr. B. Maqar Nawaz PET	DPE	GHSS No. 2 Pesh/Cannat	Against the post already occupied by him
Mr. Shakir Naz PET	DPE	GHSS Mangla Dargai Charsadda	Against the post already occupied by him
Mr. Deedar Khan PET	DPE	GHSS Chankani Peshawar	Against the post already occupied by him
Mr. Mohammad Jalal PET	DPE	GHSS Kakki Barani	Against the post already occupied by him
Mr. Abdul Sattar PET	DPE	GHSS Gulistan Tank	Against the post already occupied by him
Mr. Jamal Abdul Nasir PET	DPE	GHSS Totkan Mkd Agy.	Against the post already occupied by him
Mr. Farid Phys. Supervisor	DPE	GHSS Daag Peshawar	Against the post already occupied by him
Mr. Muhammad Naasim PET	DPE	GHSS Ghaher Kapura MDN	Against the post already occupied by him
Mr. Hayat PET	DPE	GHSS Khor Malakand Agy.	Against the post already occupied by him
Mr. Ahmad PET	DPE	GHSS Doshara Char. da	Against the post already occupied by him
Mr. Kamal Khan PET	DPE	GHSS Dara Pesh Lak	Against the post already occupied by him
Mr. Daraz PET	DPE	GHSS Baghi Bala Kohat	Against the post already occupied by him
Mr. Farid Khan PET	DPE	GHSS Kargah D. Khan	Against the post already occupied by him
Mr. Ajeed Phys. Supervisor	DPE	GEC (M) Peshawar	Against the post already occupied by him
Mr. Iqbal PET	DPE	GHSS Karampur NSR	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Kawan Manselra	Against the post already occupied by him
Mr. B. Khat Shah PET	DPE	GHSS Zaid Sawabi	Against the post already occupied by him
Mr. Saif-ud-Din Khan PET	DPE	GHSS Dalal D.L. Khan	Against the post already occupied by him
Mr. Muhammad Israr PET	DPE	GHSS Baghlan Mardan	Against the post already occupied by him
Mr. Farid Khan PET	DPE	Phys. Edu. College Karak	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Umar Poyan Pesh.	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Kailang Mardan	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Karampur NSR	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Umar Zai Chd.	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Nayar Mardan	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Rihang Kohat	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	ADC (Physical) FDO (S&L) Tank	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Khami D. Abbottabad	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Lal Gola Pesh	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Hazar Khan Pesh.	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Dargah Kohat	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS No. 1 Peshawar city	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Tordar Banna	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GEC (M) NWFP	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Gurdar Swabi	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	ADC (Physical) FDO (S&L) Charsadda	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Sahibzad Kot. Id.	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	ADC (Physical) FDO (S&L) Bagram	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	ADC (Physical) FDO (S&L) Pesh.	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Buzara Karak	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Baghlan D. Mardan	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Warana Karak	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Dargah Charsadda	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Azeza Peshawar	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Khami D.	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	GHSS Wazir Dargah Peshawar	Against the post already occupied by him
Mr. Saif-ud-Din PET	DPE	ADC (Physical) FDO (S&L) NSR	Against the post already occupied by him

Signature and stamp of the official.

51	Mr. Habibullah PET	DPE	GEC (M) Gu	Against the post already occupied by him
52	Mr. Mujeebur Rehman PET	DPE	GHSS Shakar Dara Kohat	Against the post already occupied by him
53	Mr. Jehan Akbar PET	DPE	ADO (Phys) at EDO (S&L) Shangla	Against the post already occupied by him
54	Mr. Abdul Qadeer Khan PET	DPE	GHSS, Parova D.I Khan	Against the post already occupied by him
55	Mr. Chamni Khan PET	DPE	GHSS, Takkai GHSS Mardan	Against the post already occupied by him
56	Mr. Amjad Khan PET	DPE	GHSS Sherpan Charsadla	Against the post already occupied by him
57	Mr. Nikhat ullah PET	DPE	GEC (M) Kara Habibullah Fk Bone	Against the post already occupied by him
58	Mr. Farid Zaman C.T.	DPE	Phy:Edu:Collage Karak	Against the post already occupied by him
59	Mr. Ikramullah PET	DPE	GHSS Sirkot Haripur	Against the post already occupied by him
60	Mr. Muhammad Usman PET	DPE	GHSS Muryali D.I.Khan	Against the post already occupied by him
61	Mr. Waris Khan P.T.C.	DPE	GHSS Munda Dir Lower	Against the post already occupied by him
62	Mr. Muhammad Nawaz PET	DPE	GHSS Shabuz Gpni Mardan	Against the post already occupied by him
63	Mr. Ihsan Ullah PET	DPE	GHSS Fatehpur Swat	Against the post already occupied by him
64	Mr. Ashraf Ali Khan PET	DPE	GHSS Uskizai Kohat	Against the post already occupied by him
65	Mr. Zahoor Zaman P.T.C.	DPE	GHSS Kalam Swat	Against the post already occupied by him
66	Mr. Fateh Sher PET	DPE	GHSS Kabal Swat	Against the post already occupied by him
67	Mr. Muhammad Sharif PET	DPE	GHSS Kot Najibullah H/Pur	Against the post already occupied by him
68	Mr. Saïd Khan PET	DPE	GHSS Lora Abbottabad	Against the post already occupied by him
69	Mr. Ghulam Hussain PET	DPE	GEC(M) Mardan	Against the post already occupied by him
70	Mr. Ghulam Nabi PET	DPE	GHSS Takkai Bhai Mardan	Against the post already occupied by him
71	Mr. Muhammad Gul PET	DPE	GHSS No.2 D.I.Khan	Against the post already occupied by him
72	Mr. Raeesullah P.T.C.	DPE	GHSS Charbagh Swat	Against the post already occupied by him
73	Mr. Nasir Khan PET	DPE	ADO (Phys) at EDO (S&L) Hangu	Against the post already occupied by him
74	Mr. Zahoor Ahmad PET	DPE	GHSS Jallozai Nowshera	Against the post already occupied by him
75	Mr. Muhammad Haroon PET	DPE	GHSS Ismailia Swabi	Against the post already occupied by him
76	Mr. Muhammad Iqbal PET	DPE	GHSS Turbela T. Shup H/Pur	Against the post already occupied by him
77	Mr. Farmanullah PET	DPE	GHSS Pir Bai Nowshera	Against the post already occupied by him

- Note: -
1. Charge report should be submitted to all concerned.
  2. No TA/DA etc. are allowed.

(HAFIZ BAHADAR KHAN)  
Director Schools & Literacy  
NWFP Peshawar

Endst No. 3542-3628 1A-14/Promo/DPE B-16.

Dated Peshawar the 18/2

Copy of the above is forwarded for information & necessary action to the:-

1. Director of Education (FATA) NWFP Peshawar.
2. Director Bureau and Teacher Education NWFP Abbottabad.
3. Accountant General NWFP Peshawar.
4. Executive District Officers (Schools & Literacy) in NWFP
5. District/Agency Accounts Officers in NWFP
6. Principal GEC (M) concerned.
7. Principal Govt. College of Physical Education Karak.
8. Principal GHSS concerned.
9. PS to Minister for Education NWFP Peshawar.
10. PS to Secretary Schools & Literacy Department Govt. of NWFP Peshawar.
11. DPE/ADO Physical concerned.
12. PA to Director Schools & Literacy NWFP Peshawar.

Attested  
[Signature]

BY AD V. S. J. AN  
S.A.L.L.S. P.E.D. & T.E.D.  
Adv. Secy. to the Minister  
Federal Govt. of NWFP

[Signature]  
Deputy Director Establishments  
Directorate Schools & Literacy  
NWFP Peshawar

## OFFICE OF THE DIRECTOR SECONDARY EDUCATION NWFP, PESHAWAR.

## NOTIFICATION

The following qualified SDPE Teachers/Physical Supervisors, serving in the Education Department in NWFP/FATA due for promotion on seniority Basis are hereby adjusted against the posts of D.P.E.s/A.D.E.O.(Phy:) in their own pay and Scale are the exigency of service in the interest of public Service on the terms & conditions in vogue or the ones to be framed in future with immediate effect.

S.No.	NAME & DESIGNATION	WHERE ADJUSTED	REMARKS
1.	Muhammad Akram PET, GHSS, Dara-Pozu Lakki Marwat	GHSS, Ustarzai Kohat	Vacant Post
2.	Sher Azam Khan, PET GHS, Gara Baloch Tank	GHSS, Richban Abbottabad	-do-
3.	Siraj-ud-Din PET, GHS, Assala Swat.	GHSS, Khawaza Khela Swat	-do-
4.	Mahid Ullah SET, GHS, Sheikh Uttar Tank.	GHSS, Darosh Chitral	-do-
5.	Ibrahim-ul-Din PET, GHS, Jandari Karak.	GHSS, Bachi Kohat	-do-
6.	Anwar Saad, PET, GHS, Faisal Shah Motta Khel Bannu.	GHSS, Bareela Hari Pur	-do-
7.	Bahador Nawas PET, GHS, Sufaid Dheri Peshawar.	GHSS, No.2. Peshawar Cantt:	-do-
8.	Tajid Naz PET, GHS, Mir Khawar Mardan	GHSS, Manga Dargai Charsadda	-do-
9.	Noor-ud-Din Physical Supervisor G.S.A.	GHSS, Khair Abad Nowshera	-do-
10.	Doctor Khan PET, GHSS, Charvandi Peshawar.	GHSS, Chamkani Peshawar	-do-
11.	Daud Khan PET, GHS, Har Muhammad Lakki Marwat	GHSS, Madyan Swat	-do-
12.	Muhammad Jalal PET, GHS, Ghori Wala, Bannu.	GHSS, Kakki Bannu	-do-
13.	Abdul Sattar PET, GHS, Gul Imam Tank.	GHSS, Gul Imam Tank	-do-
14.	Jamal Abdul Nasser PET, GHSS, Bannu.	GHSS, Totakan Malakand Agency	-do-
15.	Muhammad Faisal Physical Supervisor Ortizad Agency	GHSS, Bari Kot Swat	-do-
16.	Muhammad Naeem, PET GHS, Labour Colony Mardan	GHSS, Gori Kapura Mardan	-do-
17.	Shahbaz Mayat PET, GHS, No.1. Siba Kot MKD	GHSS, Kot Malakand Agency	-do-
18.	Bashir Ahmad PET, GHS, Pahar Khel Lakki Marwat	GHSS, Dousara Charsadda	-do-
19.	Ali Bad Shah PET, GHS, Parohal Kohat	GHSS, Gumbat Kohat	-do-
20.	Sajid Firdus PET, GHS, Wangi A-Abad.	GHSS, Bignotar A-Abad	-do-
21.	Muhammad Shanail PET, GHSS, Dara-Pozu Lakki Marwat.	G.E.C.(M) A-Abad	-do-
22.	Aqal Daras PET, EE GHS, Shah Salim Kohat	GHSS, Tough Bala Kohat	-do-
23.	Aziz Ullah PET, GHS, No.1. Pahar Pur D.I.Khan.	GHSS, Kat Garh D.I.Khan	-do-

BYRD YOUNG JIN  
W.A.L.L.S. B.H. Advocate High Court Peshawar  
Federal Shariat Court.





ADVOCATE HIGH COURT KARACHI  
 SYED AYOUB ALI  
 30/8/20

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Ten Shun

Deputy Director  
 For/ Director Secondary Education  
 NWFP, Peshawar.

1. Director Bureau of Girls' Dept. & Edu: Extension Services NWFP, Abbottabad.
2. Director of Education, NWFP, Peshawar.
3. Director Primary Education NWFP, Peshawar.
4. Accountant General NWFP, Peshawar.
5. All District Education Officers concerned Secondary and Primary N/WFP.
6. Agency Education Officers concerned.
7. All District Account Officers concerned in NWFP.
8. All the Principals / Head Masters concerned in NWFP.
9. S/S to Secretary to Govt: of NWFP, Education Department.
10. S-4 to Director Secondary Education NWFP, Peshawar.

Copy forwarded for information and action to the:-  
 Dated, 30-08-2000. / 9189-9439 / 2000.

Director Secondary Education  
 (S. AYOUB ALI BACHA)  
 NWFP, Peshawar.

1. Change report should be submitted to all concerned.  
 2. The promotion of the above candidates is subject to the approval of the Departmental Promotion Committee.

Page No.	Name	Designation
82	Muhammad Sharif PEE	GHS, Kot Najeeb Ullah Harti Pura
83	GHS, Kot D.I. Khan	
84	Said Khan PEE	GHS, Joran (NW) Basic
85	GHS, Bazar Ahmad Bannu	
86	Ghulam Hussain PEE	GHS, Rustam Mardun
87	Ghulam Nabi PEE	GHS, Rustam Mardun
88	GHS, Gujjar Ghori Mardun	
89	Muhammad Gul PEE	GHS, Gujjar Ghori Mardun
90	GHS, No. 2, D.I. Khan	
91	Kate Allah PEE	GHS, Sirkoti Jabbar Bannu
92	Muhammad Iqbal PEE	GHS, Sirkoti Jabbar Bannu
93	Muhammad Farooq PEE	GHS, Sirkoti Jabbar Bannu
94	GHS, Sirkoti Jabbar Bannu	
95	GHS, Sirkoti Jabbar Bannu	
96	GHS, Sirkoti Jabbar Bannu	
97	GHS, Sirkoti Jabbar Bannu	
98	GHS, Sirkoti Jabbar Bannu	
99	GHS, Sirkoti Jabbar Bannu	
100	GHS, Sirkoti Jabbar Bannu	

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