

Sr. No	Date of order/ proceeding s	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	12.04.2019	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b>  <b>Service Appeal No. 64/2013</b></p> <p>Date of Institution ..... 19.12.2012  Date of Decision ..... 12.04.2019</p> <p>Mr. Hussain Ahmad, AT, GHS Kalabat, Swabi.</p> <p align="right"><b>Appellant</b></p> <p align="center"><b>Versus</b></p> <ol style="list-style-type: none"> <li>The Secretary Education (E&amp;SE) Khyber Pakhtunkhwa Peshawar.</li> <li>The Director Education (E&amp;SE) Khyber Pakhtunkhwa, Peshawar.</li> <li>The EDO (E&amp;SE) Swabi.</li> <li>The D.C Swabi.</li> <li>The Secretary Finance Department, Khyber Pakhtunkhwa Peshawar.</li> </ol> <p align="right"><b>Respondents</b></p> <p><b>Mr. Muhammad Hamid Mughal</b>-----<b>Member(J)</b>  <b>Mr. Hussain Shah</b> -----<b>Member(J)</b></p> <p align="center"><b><u>JUDGMENT</u></b>  <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present.</p> <ol style="list-style-type: none"> <li>The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 27.11.2012 whereby the departmental appeal filed by the appellant for the grant of BPS-14 was regretted.</li> <li>Learned counsel for the appellant argued that the appellant</li> </ol>

12-4-2019

was appointed as Arabic Teacher in BPS-09 on regular basis vide order dated 05.04.1999; that the appellant was having qualification of Shahadat-ul-Alamiya which is equivalent to M.A in Arabic/Islamic Studies as per University Grand Commission, Equivalency Certificate; that the Finance Department issued Notification dated 07.08.1991 wherein it was clearly stated that all the present and future Arabic Teachers who possess the qualification of Trained Fazil with B.A/B.Sc (2<sup>nd</sup> Division) and Five (05) years teaching experience or M.A Arabic or equivalent qualification shall be placed in BPS-14. Next contended that refusal of the respondent department to grant BPS-14 to the appellant as per Finance Department's Notification is against law, facts and norms of justice; that many other teachers with qualification Shahadat-ul-Alamiya have been granted BPS-14, hence the appellant was met out with discriminatory treatment; that this Tribunal has already decided similar Service Appeals vide common judgment dated 24.06.2011 passed in Service Appeal No.1156/2010 filed by Mazhar Hussain (A.T); that being similarly placed person, the appellant also deserves the same relief granted to his other colleagues.

4. As against that learned Additional Advocate General argued that the appellant has already been granted BPS-16; that once the appellant has availed advance increments on higher education, then he is not entitled to claim higher grade on the basis of same qualification; that claiming of two benefits from one and the same qualification is not tenable under the law.

12-4-2019

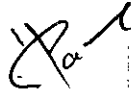
5. Arguments heard. File perused.

6. Perusal of order dated 02.03.2013 available on file, would show that the appellant has already been granted BPS-16.

7. In case, the appellant claims BPS-14, from the date of his initial appointment on the basis of his qualification of Shahadat-ul-Alamiya, then he has to pay back the entire amount received by him in the shape of advance increments on the basis of his qualification of Shahadat-ul-Alamiya.

8. Copy of common judgment dated 24.06.2011 passed in Service Appeal No.1156/2010 of Mazhar Hussain (A.T) is available on file. This Tribunal is constrained to decide the present service appeal in terms of the said common judgment dated 24.06.2011 passed in Service Appeal No.1156/2010. Consequently the impugned order is set aside and the case of the appellant is remanded back to the respondent department to consider the appellant's claim properly in the light of relief granted to similarly placed colleagues of the appellant. The present service appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

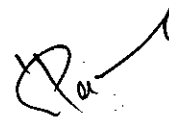
ANNOUNCED  
12.04.2019

12.04.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. The present service appeal is disposed of in terms of separate judgment passed in the present service appeal, placed on file. Parties are left to bear their own costs. File be consigned to the record room.



(Hassain Shah)  
Member




(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
12.04.2019

04.01.2019


Clerk to counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Fazal Khaliq, ADO for respondents present. Some points need further clarification, therefore the same be fixed for re-arguments on 01.2.2019 before D.B.


  
Member

  
Member

01.02.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Fazal Khaliq ADO present. Arguments heard. To come up for order on 15.02.2019 before D.B.


  
Member

  
Member

15.02.2019


To come up before proper bench on 06.03.2019.

Member

  
Member

06.03.2019


Member (Executive) who heard the arguments is indisposed. Adjourn. To come up on 08.04.2019 before D.B.

  
Member

  
Member

08.04.2019

Mr. Kabir Ullah Khattak learned Additional Advocate General present. Some points need consideration. Adjourn. To come up for order on 12.04.2019 before D.B.


  
Member

  
Member

Service Appeal No. 64/2013

07.09.2018

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Fazle Khaliq, ADEO for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 30.10.2018 before D.B.

  
(Shah Hussain)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

30.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 07.12.2018.

  
Reader

07.12.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 14.12.2018.


  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

01.03.2018

Junior counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 02.05.2018 before D.B

  
(Gul Zeb Aman)  
Member

  
(Muhammad Hamid Mughal)  
Member

02.05.2018


Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come up for the same on 16.07.2018

  
READER

16.07.2018


Appellant in person present. Mr. Shahi Mulk, DDEO alongwith Mr. Muhammad Jan, DDA. for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 07.09.2018 before D.B.

  
(Ahamd Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

25.09.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Fazal Khaliq, ADO for respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 07.11.2017 before D.B.

  
Chairman

07.11.2017

Appellant alongwith junior counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Fazle Khaliq, ADO for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the worthy Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 02.01.2018 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

02.01.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Fazle Khaliq, ADO for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 01.03.2018 before D.B.

  
(Ahmad Hassan)  
Member(E)

  
(M. Amin Khan Kundi)  
Member (J)



21.11.2016

Counsel for the appellant, Addl:AG alongwith Mr. Fazal Khaliq, ADO and Mr. Hameed-Ur-Rehman, AD(Lit) for respondents present. Learned counsel for the appellant submitted before the court that as per judgment of this Tribunal in service appeal No: 1156/10 titled Mazhar Hussain, AT, GHS, Utla, Gadoon, Swabi-vs-Secretary, Govt: of Khyber Pakhtunkhwa, Education(E&SE) Department Peshawar similar relief has already been granted. Learned AAG requested for adjournment to go through the relevant record. Request accepted. To come up for record and arguments on 24.02.2017.



(ABDUL LATIF)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

24.02.2017


Counsel for the appellant and Mr. Fazal Khaliq, ADO alongwith Assistant AG for respondents present. Arguments could not be heard ~~due to~~<sup>as</sup> learned Member (Judicial) is on leave. To come up for arguments on 05.06.2017 before D.B.



(AHMAD HASSAN)  
MEMBER

05.06.2017

Clerk of the counsel for appellant present. Mr. Shah Mulk, Deputy Director alongwith Mr. Muhammad Jan, Deputy District Attorney 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 arguments on 25.09.2017 before D.B.



(GUL ZEB KHAN)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

26.10.2015

Counsel for the appellant and Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I Khan. Therefore, the case is adjourned to 4/4/16 for arguments



Member

04.04.2016

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted, copy whereof handed over to learned Addl: AG. The learned Member (Executive) is on leave therefore, Bench is incomplete. To come up for arguments on 21.7.16 before D.B.



Member

21.07.2016

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 21.11.2016.



Member



Member

15.1.2015

Appellant in person and Mr. Muhammad Jan, GP with Khalid Mateen, ADO for the respondents No. 1 to 3 present, who already filed written reply. Appellant requested for time to submit application for correction of address of respondent No. 4. Fresh notice be issued to respondent No. 5. To come up for written reply of respondents No. 4 & 5 on 17.2.2015.



MEMBER

17.2.2015

Counsel for the appellant and M/S Khursheed Khan, SO and Mr. Mosam Khan, AD for respondents No. 1 & 2 with Mr. Muhammad Jan, GP for the respondents present. The learned GP requested for time to contact respondents No. 4 & 5 to submit their written reply. To come up for written reply of respondents No. 4 & 5 on 15.4.2015.



MEMBER

15.04.2015

Counsel for the appellant, M/S Khurshid Khan, SO for respondent No. 1, Javed Ahmed, Supdt. for respondent No. 2 and Khalid Mateen, ADO for respondents No. 3 & 4 alongwith Addl: A.G for respondents present. Written reply also submitted on behalf of respondent No. 4. Respondents No. 1 to 3 have already submitted written reply. None present for respondent No. 5. Proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 26.10.2015.



Chairman

64/13

31.3.2014

Counsel for the appellant and Ziaullah, GP present and requested for time to contact the respondents. To come up for written reply on 3.6.2014.

MEMBER

MEMBER

03.6.2014

Counsel for the appellant and AAG with Abdul Mateen, ADO for the respondents present and requested for further time. To come up for written reply on 18.8.2014.

MEMBER

MEMBER

18.08.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Khalid Mateen, ADO for respondents No. 1 to 3 present and reply filed. Counsel for the appellant requested for time to submit application for correction of address of respondent No.4 due to change set up. None is available on behalf of respondent No. 5. Fresh notice be issued to him. To come up for written reply of respondents No. 4 & 5 on 12.11.2014.

MEMBER

12.11.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khalid Mateen, ADO for official respondents No. 1 to 3 present. None is available on behalf of respondents No. 4 & 5. The Tribunal is incomplete. To come up for the same on 15.1.2015.

READER

2.7.2013

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The Tribunal is incomplete, therefore, case to come up for the same on 8.10.2013.

  
READER

8.10.2013.

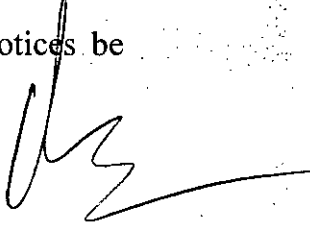
Counsel for the appellant and Mr. Muhammad Jan, GP with Khursheed Khan, SO and Mosam Khan, Supdt. for the respondents present and requested for further time. To come up for written reply positively on 23.12.2013.

  
MEMBER

  
MEMBER

23.12.2013.

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO, Mosam Khan, AD for respondents No. 1 and 2 and Muhammad Irshad, Supdt. for respondent No. 5 present and requested for further time. None is available on behalf of respondents No. 3 and 4. Fresh notices be issued to them. To come up for written reply on 10.2.2014.

  
MEMBER

MEMBER

10.2.2014

Counsel for the appellant and Mr. Khursheed Khan, SO for respondent No.1, Mosam Khan, AD for respondent No. 2, Khalid Mateen, ADO for respondents No. 3 & 4 and Muhammad Irshad, Supdt. for respondent No. 5 with AAG present. Respondents need further time. To come up for written reply positively on 31.3.2014.

  
MEMBER

  
MEMBER

Appeal No. 64/2013  
Mr. Hussain Ahmad

3. 20.2.2013

Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law/rules. The appellant is well qualified as Shahadatul Alamia which is equal to M.A in Arabic/Islamic Studies as per University Grant Commission equivalency Certificate. The appellant is entitled to BPS-14. He further contended that similar appeal No. 1156/2010 by Mazhar Hussain, has already been decided by this Tribunal vide its judgment dated 24.6.2011. The appellant preferred a departmental appeal on but the same was rejected on 27.11.2012. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 2.5.2013 for submission of written reply.

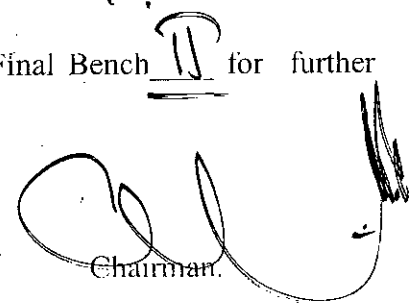
*Appellant deposited  
Process fee & Security  
Rs. 22072 Bank Receipt  
attached with file.*

*and correct designations & address of  
the parties.*

  
Member.

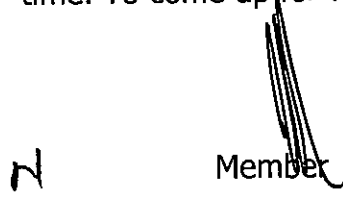
4. 20.2.2013

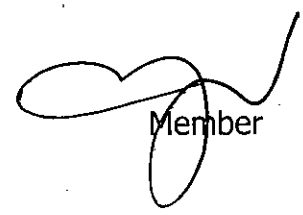
This case be put before the Final Bench II for further proceedings.

  
Chairman.

02.05.2013

Counsel for the appellant, Khurhsid Khan, SO for respondent No.1, Mashal Khan, LO for respondent No.2 and Miss. Nadia, for respondents No.3 and 4 SDEO with Mr. Muhammad, GP for the respondents present and requested for time. To come up for written reply on 2.07.2013.



  
Member

  
Member

Form - A  
FORM OF ORDER SHEET

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

Case No. 64/2013


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/01/2013	<p>The appeal of Mr. Hussain Ahmad resubmitted today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-1-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-2-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Hussain Ahmad received today i.e. on 19/12/2012 is incomplete on the wing scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

- 1- Annexures-C, G, H and I of the appeal are illegible which may be replaced by legible one.
- 2- Departmental appeal having no date be dated.

No. 1485 /S.T,

Dt. 20/12 /2012.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR.MUHAMMAD AISF YOUSAFZAI ADV. PESH.

Sir,

1. Removed.
2. Date is not yet known, the same will be confirmed at the time of hearing from appellant.

Re-submitted.



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

APPEAL NO. 69 /2013

M. Hussain Ahmad,                      V/S                      Education Department.

.....  
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S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	---	01-03
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3.	Copy of Degree	B	6
4.	Copy of Equivalency Certificate	C	7
5.	Copy of Notification (7.8.1991)	D	8-9
6.	Copy of Appeal	E	10
7.	Copy of Rejection Order	F	11
8.	Copy of Service Book	G	12-14
9.	Copy of Service Book	H	15-17
10.	Copy of judgment	I	18-20
11.	Vakalat nama	---	21

*Seven spare copies.*

APPELLANT  
Hussain Ahmad

THROUGH:



M. ASIF YOUSAFZAI  
ADVOCATE, PESHAWAR.

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

APPEAL NO. 64 /2012

Mr. Hussain Ahmad, AT,  
GHS, Kalabat, Swabi

E.W.F. Peshawar  
No. 1403  
Date 19-12-2012

**APPELLANT**

VERSUS

1. The Secretary Education (E&SE) KPK, Peshawar.
2. The Director Education E&SE) PK, Peshawar.
3. The EDO E&SE, Swabi
4. The DCO, Swabi - D.C. Swabi Rai
5. The Secretary, Finance Department, KPK, Civil Secretariat, Peshawar.

**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 27.11.2012 WHEREBY THE APPEAL OF THE APPELLANT FOR GRANTING BPS-14 ON MA QUALIFICATION AS PER FINANCE DEPARTMENT'S NOTIFICATION DATED 7.8.1991 HAS BEEN REJECTED FOR NO GOOD GROUNDS.**

**PRAYER:**

*That on acceptance of this appeal, the impugned order dated 27.11.2012 may be set aside to the extent of the appellant and the respondents may be directed to grant BPS-14 as per Finance Department's Notification dated 7.8.1991 and thereafter fix the pay of the appellant accordingly Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.*

**RESPECTFULLY SHEWETH:**

1. That the appellant was appointed as A.T. in BPS-9 on regular basis vide order 5.4.1999 and the

re-submitted to  
and filed.

19/12/12

appellant has more than 13 years service at his credit with good record and result. Copy of Order is attached as Annexure-A.

2. That the appellant was having the qualification of Shahadat-ul-Allamia which is equivalent to M.A in Arabic/Islamic Studies as per University Grant Commission Equivalency Certificate. Copies of Degrees and Equivalency Certificate are attached as Annexure-B and C.
3. That at the time of appointment, the appellant pay and scale was not fixed as per Finance Department's Notification dated 7.8.1991 and as such the appellant has continuously been suffering from monetary loss.
4. That the Finance Department had issued Notification on 7.8.1991 in which it is clearly stated that all the present and future AT who possesses the qualification and trained FAZAL with B.A, B.Sc (2<sup>nd</sup> Division) and 5 years teaching experience or M.A. Arabic or equivalent the qualification shall be placed in BPS-14 with 1/3 of Selection Grade in BPS-15. The respondents department has never extended the benefits of such notification to the appellant. Copy of Notification is attached as Annexure-D.
5. That as the appellant come to know about the discrepancies and wrong fixation of pay and scale, the appellant filed appeal for his claim and the same was rejected on flimsy ground on 27.11.2012. Copies of Appeal and Rejection Order are attached as Annexure-E and F.
6. That now the appellant comes to this august Tribunal on the following grounds amongst the others:

**GROUND:**

- A) That not granting BPS-14 to the appellant as per Finance Department's Notification and not fixing of pay and scale, is against the law, facts and norms of justice.
- B) That the appellant has been discriminated because many other AT teacher with the qualification of shahadtul Alamia have been given BPS-14 while

the same benefits have been refused to the appellant by the respondent. For proof photo copies of Service Book of 2 AT teachers are attached as Annexure-G and H respectively.

- C) That the appellant has not been treated according to law and rules, Moreover, the appellant qualification is equivalent to MA as per University Grant Commission Equivalency Certificate. Therefore, the appellant's claim is genuine and he is fully entitled to BPS-14 from the date of appointment as per Finance Department Notification dated 7.8.1991.
- D) That the appellant has been kept deprive from his legal rights of having BPS-14 illegally and arbitrarily.
- E) That this august Tribunal has already decided the similar appeal "titled as Mazhar Hussain, AT Versus Educaton Department" bearing No.1156/2010, decided on 24.6.2011. Thus the appellant is also entitled to the same relief under the principle of consistency. Copy of judgment is attached as Annexure - I
- F) That being similar placed person and in the light of Supreme Court's Judgment reported as 2009 SCMR, Page-1 the appellant is also deserved to be granted the same relief as granted to his other colleagues.
- G) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for

APPELLANT *H.A.A.*  
Hussain Ahmad

THROUGH:

*M. Asif Yousafzai*  
M. ASIF YOUSAFZAI  
ADVOCATE, PESHAWAR.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SECONDARY SWABI.

APPOINTMENT ORDER

Consequent upon their selection by the departmental selection committee, the District Education Officer (Male) Secondary Swabi has been pleased to appoint the following trained AT (Male) at the schools noted against their names in EPS-9 (Rs. 1605-97-3060) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms & conditions given below:-

S.No.	Name/Father's Name	Qualifications	Address	Score	School	Remarks
1.	Abdur Rehman S/O Abdullah Khan TT	BA/AT	GMS Manera <i>Manera</i>	49.19	GMS. Kaddi.	AVP
2.	Shafiqur Rehman S/O Shamsur Rehman PTC	BA/AT	Asota	48.47	GMS Y/Hussain	-do-
3.	Miraj Muhammad S/O Raham Dad Khan	MA/AT	Adina	48.38	GMS. Jamal Dad	-do-
4.	Jamilur Rahman S/O Shamsur Rahman TT.	BA/AT	GMS. Lahor	46.40	GMS. Marghuz.	-do-
5.	Wafadar S/O Lal Badshah TT	MA/AT	GMS. Lahor	45.33	GMS. Hund	-do-
6.	Hussain Ahmad S/O Fazal Muhammad	FA/AT	Kalabat	44.89	GMS. Sandowa	-do-
7.	Bahadur Sher S/O Adam Khan	BA/AT	Mazar Banda	44.64	GMS. Sard Chino	AVP.
8.	Habibur Rehman S/O Allah Dad.	FA/AT	Seri Utmanzi	43.94	GMS S.Koi Bala	AVP
9.	Noorul Amin S/O Abdul Malik	FA/AT	Zaida	42.31	GMS Dodher	-do-
10.	Mazhar Hussain S/O Maha Tahir	FA/AT	Utla (G)	41.89	GMS Shalmari	-do-
11.	Abdur Rehman S/O Shafiqullah	FA/AT	Palodand	40.88	GMS Takail	-do-
12.	Abdus Salam S/O Maha Rasen TT.	FA/AT	GMS Seenkhal.	40.87	GMS Seenkhal.	-do-
13.	Maha Arif S/O Abdus Subhan	MA/AT	Katagram.	40.51	GMS Kot Gabi	-do-
14.	Fazli Maseen S/O Fazli Mubood Qari	FA/AT	GMS P. Pir	39.97	GMS P. Pir	-do-
15.	Maha Fazil S/O Maha Amin	FA/AT	Adina	39.36	GMS Rankhail	-do-
16.	Faridullah S/O Shafiqullah TT	MA/AT	GMS Alladher	38.62	GMS Lalo Dhori	AVP
17.	Ilyas Khan S/O Maha Ibrahim TT	MA/AT	GMS Zarobi	38.38	GMS Kolagar	AVP
18.	Noorul Haq S/O Karim Shah TT	MA/AT	GMS Sikandari	38.27	GMS Iyran	-do-
19.	Asfandiyar S/O Nasir Khan	FA/AT	Salim Khan	37.35	GMS Anbar	-do-
20.	Shamsut Tabrez S/O Q. Saif Mase	FA/AT	Qadra	35.79	GMS Qadra	-do-

**ATTESTED**

Cont next p-2

*Handwritten signature/initials*

5

TERM AND CONDITIONS.

1. They will be governed by such rules and regulations as may be prescribed by the Govt; from time to time from the category of the Govt: Servants to which they belong.
2. Their service will be liable to termination at any time without assigning any reason and notice. In case of resignation one month pay will be forfeited in lieu thereof.
3. They should join the post within fifteen days of the issue of this notification.
4. Their seniority will be determined in accordance with the merit of departmental selection committee.
5. Charge reports should be submitted to all concerned and also to the District Education Officer Male Secondary Swabi within fifteen days, otherwise the post will be considered as vacant.
6. Their original Degrees/Certificates should be checked and verified from the concerned University/BISE/RDE/and Religious Madrassas concerned before handing over charge.
7. Service books of the teachers/officers must be prepared complete in all respects before handing over charge.
8. The declaration of assets should be obtained from them and placed on record.
9. They are required to produce Health and Age certificate from the Medical Superintendent before taking over charge.
10. Charge should not be given to the overage candidates.
11. Efforts for transfer before the completion of the tenure will disqualify him from the service.
12. No TA/DA is allowed.
13. An undertaking shall be obtained from the Master and degree holders CT/DM/PET/AT/TT/Qaries/JC/L.Asstt:etc: that they will serve the department for at least five years unless he is selected by the public service commission.
14. In case of surplus, the candidates of lower merit will be terminated.
15. If their documents/testimonials are found fake, their services shall be terminated without any notice at any stage.

(SHER ZADA KHAN)  
DISTRICT EDUCATION OFFICER,  
(MALE) SECONDARY SWABI.

Endst; No. 133-176 / Dated Swabi the 5/4/1999.

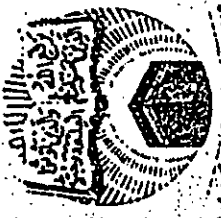
Copy forwarded to the :-

1. Principals/Headmaster concerned.
2. District Account Officer, Swabi.
3. Director of Education Secy; Schools NwFP Peshawar, for information please.
4. Candidates concerned.
5. Superintendent; Local office.
6. ADEO (Insp) Local office / Cashier Middle schools Local office.
7. Concerned DAs.
8. P. Files.

F. Wahab/  
A. Ghayas Supdt;  
S. Quresh; M. Anwar.

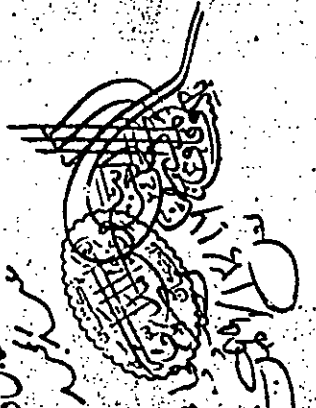
ATTESTED

[Signature]  
DISTRICT EDUCATION OFFICER,  
(MALE) SECONDARY SWABI.



وزارت تعلیم و تربیت  
حکومت پنجاب

بسم اللہ الرحمن الرحیم  
الحمد لله رب العالمین والصلوة والسلام علی خاتم الانبیاء والمرسلین، وعلی الہ وصحبہ اجمعین۔ انا بعد، فان رثاسۃ  
ذی القربى العزیز، بباکستان شہد بان الشیخ ... حسین احمد ... بن ... فضل محمد ... من ... صلیب ...

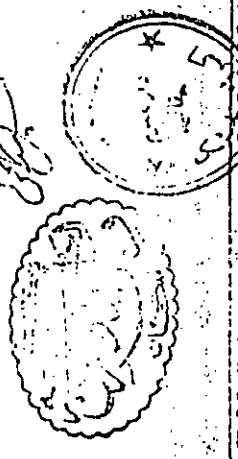


معہ دارالمعلم حلقہ

المولود فی عام ... ۱۹۹۲ء/۱۹۹۲ء۔۔۔ قد اتقوا الذی ادرسه النہائیہ فی، الاموال وحقانیہ اکوڈہ ذکرت فوشہوم) ونجح فی امتحانہا النہائی النعمد  
تحت إشراف وفاق المدارس العربیہ فی شعبہ اند ۱۹۹۷ء بتقدیر جیسد جدیدا۔ وبناء علی ذلک استحق الشهادة العمالمیة  
ورئیس الیوفاق اذ یمنحہ ہذہ الشہادۃ یوصیہ بتقوی اللہ تعالیٰ۔ ویسال اللہ عزوجل ان یشاک بہ سبیل العلماء العاملمین۔

تم اشہیل: ۲۹۰۳۲  
تم باہری: ۲۵۰  
الربوات: ۳۹۲/۶۰۰  
محل البصر: المکتب الذہبی ملتان  
التاریخ: ۱۹۹۶/۱۲/۱۵

فقیع ربیر الزاد  
فقیع الامین الحق  
فقیع نبیر اللہ لکھنؤ  
کوزا عزیز  
KHSAN QADIR (SETY)  
Govt. High School  
Gole (جمشید پور)





# University Grants Commission

Telephone  
856071/81

C  
7

Sector H-9, Islamabad (Pakistan). Cables: Unigrant

No. 10 - 1 / Ad / 90 / 17

Dated: 22.7.1990.

SUBJECT: EQUIVALENCE OF DEBNI SANAD WITH UNIVERSITY DEGREE.

Dear Sir,

Reference your letter dated 22.7.90. I am to inform you that sanad "Shahadat-ul-Almiyya fil-Uloomil Arabiyya wal-Islamiyya" awarded by Darul-Uloom Deoband is recognized equivalent to M.A. in Arabic/Islamic studies for the purpose of teaching Arabic/Islamic studies in colleges/Universities and for pursuing higher studies in Arabic/Islamic studies.

For employment in fields other than teaching, however, such Sanad holders would be required to qualify in two additional subjects other than Arabic and Islamic studies, at the B.A. level from a University. They would also have to qualify in the recently introduced subjects Pakistan Studies and Islamic Studies compulsory at the B.A. level.

*Attested*  
*Chas*

Mohammad Idrees Naji  
Lecturer,  
F. C. College (Men)  
5-1014, Islamabad.

Yours sincerely,

*Rasheed Majeed*  
(RASHEED MAJEED)  
Research Officer

ATTESTED

*A*

ATTESTED

*X*



BETTER COPY

ANNEXURE-C (Page-7)

University Grants Commission

No.10-1/Acctt/90/17

Dated 22.7.1990

Subject: EQUIVALENCE OF DEENY ASNAD WITH UNIVERSITY  
DEGREE

Dear Sir,

Reference your letter dated 28.7.1990, I am to inform you that sand "Shahadat-ul-Alamiya and Uloom-i-Arabia" awarded by Wafaq ul Madaris equivalent to M.A in Arabic/Islamic studies for the purpose of teaching Arabic/Islamic studies in colleges/university and for pursuing higher studies in Arabic/Islamic studies.

For employment in fields either than teaching, however, such Sanad holders would be required to qualify in two additional subjects other than Arabic and Islamic studies at the B.A. level from a university. They would also have to qualify in the recently introduced subjects Pakistan Studies and Islamic Studies compulsory at the B.A. level.

Yours Sincerely

( Rashid Mateen)  
Research Officer

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
FINANCE DEPARTMENT.

NOTIFICATION

Peshawar, dated the 7th August, 1991.

No. FD(PCR)1-1/89 - In exercise of all the powers enabling him in this behalf the Governor of the North-West Frontier Province is pleased to order the following scales of pay/benefit to various categories of Teachers with effect from 1-7-1991.

Sl. No. Name of the Post.

Benefits extended

1. 2.

3.

1. Primary School Teachers (PTC/J.V)

All the present and future primary school teachers who hold the qualification of F.A/F.Sc. (2nd Division) plus existing prescribed professional training shall be placed in BPS-9 with 1/3rd in selection grade BPS-10.

All other teachers who do not possess higher qualification shall continue getting existing pay scale with selection grade accordingly.

However, the higher scales/grades allowed to these teachers will be personal to them and the inter-seniority will remain intact.

2. Elementary school Teachers (E.S.T./S.V/P.E.T/ Drawing Masters/PTI.

All the present and future elementary school teachers who possess the qualification of B.A/B.Sc (2nd Division) plus existing prescribed professional training shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.

All other teachers who do not possess higher qualifications shall continue getting existing pay scales with Selection Grade accordingly.

However, the higher scales/grade allowed to these teachers will be personal to them and the inter-seniority will remain intact.

3. Arabic Teachers

All the present and future Arabic Teachers who possess the qualification of Trained Fazil with B.A/B.Sc. (2nd Division) and five years teaching experience or M.A. Arabic or equivalent qualifications shall be placed in BPS-14 with 1/3rd in Selection Grade BPS-15.

ATTESTED

ATTESTED

Sl. No. Name of the Post.

-2-

Benefits extended.

1. \_\_\_\_\_  
2. \_\_\_\_\_

All other teachers who do not possess higher qualification shall continue getting existing pay scale with Selection Grade accordingly.

However, the higher scale/grade allowed to these teachers will be personal to them and the inter-seniority will remain intact.

4. Secondary School Teachers.

All the present and future Secondary School Teachers with prescribed qualification under the Rules shall be placed in BPS-16 with 1/3rd in Selection Grade BPS-17.

The advance increments sanctioned by Finance Department vide Para 9 of its letter No. FD (SR-I)1-67/82 dated 24-8-1983 will not be admissible on acquiring /possessing qualifications for which higher pay scales are being sanctioned through this notification.

SECRETARY TO GOVERNMENT OF  
North West Frontier Province,  
Finance Department.

Dated Peshawar, the, 7th August, 1991.

Endst. No. FD(PRC)1-1/89.

A copy is forwarded to the Accountant General, NWFP, Peshawar for information and necessary action.

(GHULAM DASTGIR AKHTAR)  
Deputy Secretary (Regulation)  
Finance Department.

Dated Peshawar, the 7th August, 1991.

Endst. No. FD(PRC)1-1/89.

A copy is forwarded to:-

1. All Administrative Secretaries to Govt. of NWFP.
2. All Commissioners of Division, N.W.F.P.
3. All Heads of Attached Departments NWFP
4. The Secretary to Governor, NWFP
5. The Registrar, Peshawar High Court, Peshawar.
6. The Secretary Public Service Commission, NWFP.
7. The Registrar Service Tribunal, NWFP.
8. All Dy. Commissioners/Political Agents/District and Session Judges in NWFP.

(GHULAM DASTGIR AKHTAR)  
Deputy Secretary (Regulation)  
Finance Department.

9

Endst.No.FD(PRC)1-1/89 Dated Peshawar, the 7th August, 1991.

Copy forwarded for information to:-

1. The Secretary to Government of Punjab, Finance Department, Lahore.
2. The Secretary to Government of Sindh Finance Deptt, Karachi.
3. The Secretary to Government of Baluchistan, Finance Department, Quetta.

*(Signature)*

(GHULAM D. STGIR AKHTAR)  
Deputy Secretary (Regulation)  
Finance Department.

Endst.No.FD(PRC)/1-1/89. Dated Peshawar, the 7th August, 1991.

Copy forwarded for information to:-

1. All District/Agency Accounts Officers in NWFP.
2. The Treasury Officer, Peshawar.
3. The Private Secretary to Finance Minister, NWFP.
4. The Private Secretary to Finance Secretary, NWFP.
5. PAs to Additional Secretaries/Deputy Secretaries in Finance Department.
6. All Section Officers/Budget Officers in Finance Department.

*(Signature)*  
(ABDUR RASHID)  
Section Officer (PRC)  
Finance Department.

macpool/

ATTESTED

*(Signature)*

ATTESTED

*(Signature)*

E  
= 10

To

The District Coordination Officer  
Swabi.

Subject: DEPARTMENTAL APPEAL TO THE GRANT OF BPS-14 ON ACQUIRING THE QUALIFICATION OF F.A WITH SANAD SHAHADAT-UL-AALAMIA FROM THE DATE OF 1<sup>ST</sup> APPOINTMENT I.E 6/4/1999.

R/Sir,

With passive submission it is besought that I was appointed against AT post and took over charge on 6/4/1999. I have passed F.A with Shahadat-ul-Aalamia before appointment. The basic qualification for AT teachers for the grant of BPS-14 before 1/7/2005 according to the Finance Department Notification issued on 7/8/1991 was Matric and Shahadat-ul-Aalamia and even those who were non matric have placed BPS-14 and precedents to this effect are present on the record of E.D.O E&S Education Swabi.

I have also submitted my application for the grant of Higher Scale from the date of 1<sup>st</sup> appointment but my case was deferred in the DPC meeting with observation that my name was not included in the judgment issued by the KPK Service Tribunal Peshawar. Numerous judgments have been issued by the same court and the relief are BPS-14 has been extended to uncountable persons and I was deprived which is injustice and against the natural laws.

It is requested that my case for the grant of BPS-14 may please be considered and decision of the DPC may please be suspended to pursue the notification of the Finance Department KPK dated 7/8/1991.

Yours Obediently

*Ahmad*

Hussain Ahmad AT  
GHS Kalabat (Swabi)

**ATTESTED**

*[Signature]*

F (11)

OFFICE OF THE  
DISTRICT COORDINATION OFFICER  
SWABI

No. 1221 /DCO(S)/EA/E&SE

Dated. 27 /11/2012

To

Mr. Hussain Ahmad AT,  
GIS Kalabat Swabi.

Subject:

DEPARTMENTAL APPEAL TO THE GRANT OF BPS-14 FROM  
THE DATE OF 1<sup>ST</sup> APPOINTMENT.


Memo:

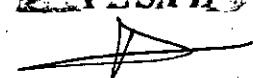
Reference your appeal received through EDO (E&SE) Swabi vide No. 4582 dated 08.08.2012, which was sent back to EDO (E&SE) Swabi to furnish brief history of the case and also clarify that the applicant is eligible for the grant of BPS-14 or not under the rules/policy.

As per report of EDO (E&SE) Swabi, the Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department No. SO(P)/E&SE/Adv.Inc/7-2/2009 dated 13.05.2009, BPS-14 will be awarded to those AT teachers who possess the qualification of trained Fazil with BA/BSc (2<sup>nd</sup> Division) and Five (05) years teaching experience or MA Arabic. But 04 teachers filed an appeal in the court of law for the grant of BPS-14 from the date of their 1<sup>st</sup> appointment. The court accepted their appeal and allowed them BPS-14 from the date of their 1<sup>st</sup> appointment, and your name was not included in the Court decision.

According to the above Notification you are not entitled for BPS-14, because you do not possess the qualification of trained Fazil with BA/BSc (2<sup>nd</sup> Division) and Five (05) years teaching experience or MA Arabic.

In light of the above the competent authority hereby regretted your appeal.

  
District Coordination Officer,  
Swabi.

**TESTED**  


(For use in Police Department only).

12

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back \_\_\_\_\_

1. Passed BSC Exam 1983 (A) Under Roll No. 4763 B. Sc. 2nd Division BISE Peshawar Sec 581 marks out of 850 57% 1st. Result declared on 10-8-83. Passed Honours Exams (A) (B) (C) under Roll No. 371 from Peshawar (BISE) Sec 581 1989 (A) in 1st. Div. marks 267/600 (1st 1989)

Qualification: \_\_\_\_\_ Date: \_\_\_\_\_ Dist. Education Officer (M) Secondary, Puner. Qualification: \_\_\_\_\_ Date: \_\_\_\_\_ Dist. Education Officer (M) Secondary, Puner.

2. English: Passed Int. Intermediate Exam (1989) under Roll No. 37514 from BISE Peshawar marks out of 1100. B. L. or B. A. Pleadership examination Training School Final examination Other qualifications...

3. Drill instructing: Passed Shahadatul Uloom? from wife of Mr. M. M. Khan Multan. Roll No. 88 on 25-3-90 marks obtained 308/600. Passed

Dist. Education Officer (M) Secondary, Puner.

ATTESTED [Signature]

ATTESTED [Signature]

REGISTERED

*[Handwritten signature]*

*[Handwritten signature]*  
Number 5

Dist. Education Officer (AB)  
Secondary, Dhanu

*[Handwritten signature]*  
Mullur

*[Handwritten signature]*

Director of the  
Department of the  
Director of the

Department of the

Thumb

Fore Finger

Ring Finger

Director of the  
Department of the

Director of the  
Department of the

*[Handwritten signature]*

Director of the  
Department of the

*[Handwritten signature]*  
S-6

(61-4-1967)

Director of the  
Department of the

*[Handwritten signature]*  
Director of the  
Department of the

Race

*[Handwritten signature]*

*[Handwritten signature]*

Name

*[Handwritten signature]*  
Director of the  
Department of the

(13)

*[Handwritten signature]*

Date  
12/1/52  
Dhanu  
Dhanu



Signature and designation of the head of the office or office of the government	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or certifying Officer	Nature and duration of leave taken	Allocation of period of leave in average pay up to the month for which leave salary is payable to another Government	Signature of the head of the office or certifying officer	Reference to the order of appointment
D.E.O. (M) Secy. Buner	13-11-77	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	20-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]
D.E.O. (M) Secy. Buner	31-11-75	Promoted to D.O. (M)	[Signature]	[Blank]	[Blank]	[Blank]	[Blank]

Approved by st. secret A.T  
 District Officer Buner vide  
 D.O. (M) Secy. Buner Office  
 No. 4473-75 dated 17/5/77

Distt. Education Officer (M)  
 Secondary Buner

Approved by st. secret A.T  
 District Officer Buner vide  
 D.O. (M) Secy. Buner Office  
 No. 4473-75 dated 17/5/77

Distt. Education Officer (M)  
 Secondary Buner

Madayim Khan  
 Distt. Education Officer (M)  
 Secondary Buner

Transferred to C.H.S.  
 Chharghashki vide D.O. (M)  
 Secy. Buner Order No. 1665-75 dt. 31/3/2001

Madayim Khan  
 Distt. Education Officer (M)  
 Secondary Buner

[Signature]

ATTESTED

[Signature]

H 815

Passed 5th level A-Grade Ed also in Arabia  
Wal Island

Examination from the faculty Madras  
i.e. 1985 Result was secured on 1405 4/10/85

Not by certificate of Arabian from Madras  
Sub. to National Education Officer  
- (State) Madras

Verification Roll No. dated  
1985

received back

Test thumb impression

Qualification	Date	Qualifications	Date
English		First Arts	
Pashta		B. L. or B. A.	
Urdu		Pleadership examination	
Plan-drawing		Training School Final examination	
Finger print		Other qualifications	
Drill instructing			
Court duties			
Reserve duties			

86  
55-1

ATTESTED

[Signature]

ATTESTED  
[Signature]

16

Name: *Mohammad (Munim)*

Age: *17*

3. Residence: *Village: Salim Khan P.O. Salim Khan Dist. ...*

4. Father's name and residence: *Mohammad*

5. Date of birth by Christian era: *(15-10-1953)*

*15th October N.H. 4 ...*

6. Exact height by measurement: *5' 4"*

7. Personal marks for identification: *A mole on right side of the face.*

8. Left hand thumb and index impressions of (non-gazetted) officer

Little Finger

Middle Finger

Thumb

Signature of Government

Signature and designation of Head of the Office (for the Officer)

*Ram ...*  
Sub-Deputy ...  
(S.A. ...)

**ATTESTED**

*[Signature]*

of the office or of the institution in 1 to 6

Date of termination of appointment in 1 to 6

Reason for termination of appointment in 1 to 6

Signature of the holder of the office or other authority in 1 to 6

Name of the holder of the office or other authority in 1 to 6

A statement of period of leave in 1 to 6

Signature of the holder of the office or other authority in 1 to 6

Reference to any order of appointment in 1 to 6

Name of the holder of the office or other authority in 1 to 6	Date of termination of appointment in 1 to 6	Reason for termination of appointment in 1 to 6	Signature of the holder of the office or other authority in 1 to 6
<i>[Handwritten Name]</i>	30/11/91	<i>[Handwritten Reason]</i>	<i>[Handwritten Signature]</i>
<i>[Handwritten Name]</i>	31/5/92	<i>[Handwritten Reason]</i>	<i>[Handwritten Signature]</i>
<i>[Handwritten Name]</i>	31/5/93	<i>[Handwritten Reason]</i>	<i>[Handwritten Signature]</i>
<i>[Handwritten Name]</i>	30/11/93	<i>[Handwritten Reason]</i>	<i>[Handwritten Signature]</i>
<i>[Handwritten Name]</i>	31/5/94	<i>[Handwritten Reason]</i>	<i>[Handwritten Signature]</i>
<i>[Handwritten Name]</i>	15/11/95	<i>[Handwritten Reason]</i>	<i>[Handwritten Signature]</i>

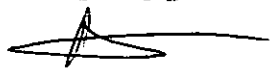
Process in BPS-14 on account of having the higher qualification of *[Handwritten]* which is equivalent to *[Handwritten]* in the Finance Department *[Handwritten]* No. 10(PRC)1-1/1991 dated 27th August 1991 and 1-7-1991

*[Handwritten Signature]*  
*[Handwritten Title]*

Awarded grade *[Handwritten]* in BPS 14 (11.6.29-1995) and the cluster of appointment in 12-1 side part of *[Handwritten]* No. 10(PRC)1-1/1991 dated 27-8-1991

*[Handwritten Signature]*  
*[Handwritten Title]*

ATTESSED



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



Appeal No.1156/2010

Date of Institution: 11.5.2010  
Date of Decision: 24.06.2011

Mr. Mazhar Hussain, AT,  
GHS, Utla, Gadoon, Swabi.....(Appellant.)

**VERSUS**

1. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE), Department, Peshawar.
2. The Director of Education (E&SE), KPK, Peshawar.
3. The E.D.O. (E&SE), Swabi.
4. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.....(Respondents).

**Appeal Under Section-4 of the KPK Service Tribunals Act 1974 against the Order dated 21.4.2010 whereby the Appeal of the Appellant for Granting BPS-14 on MA Qualification as per Finance Department Notification dated 7.8.1991 has been rejected for no good grounds.**

**ATTESTED**  
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Mr. Muhammad Asif Yousafzai, Advocate ..... For Appellant  
Mr. Tahir Iqbal, -A.G.P. .... For Respondents.

SYED MANZOOR ALI SHAH ..... MEMBER  
MR. KHALID HUSSAIN ..... MEMBER

**JUDGMENT**

**SYED MANZOOR ALI SHAH**, MEMBER: - This appeal was filed by the appellant against the order dated 21.4.2010 whereby the appellant was

denied BPS-14 on higher qualification in the light of Finance Department's Notification dated 7.8.1991.

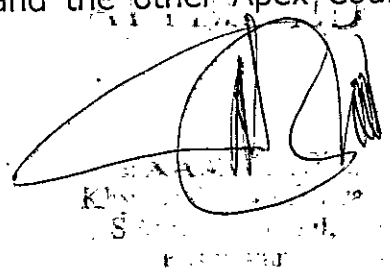
2. Arguments heard and record perused.

3. Brief facts of the case are that the appellant was appointed as Arabic Teacher in BPS-9 by the competent authority vide order dated 5.4.1999. The appellant was having qualification of Shahadat-ul-Alamia which is as per University Grants Commission equivalency certificate, is equivalent to M.A. Arabic. The appellant's pay was not properly fixed in proper grade/scale as per Finance Department's Notification dated 7.8.1991. The appellant filed Departmental Appeal which was rejected on 21.10.2010.

4. The Counsel for the appellant contended that the appellant was having "Shahadat-ul-Alamia" qualification at the time of appointment which according to the University Grant Commission equivalency certificate is equivalent to M.A. in Islamic Studies/Arabic. The Finance Department also issued Notification on 7.8.1991 in which all the present and future Arabic Teachers who have qualification of trained "Fazal" with B.A., B.Sc with second division and 5 years teaching experience or M.A. Arabic or equivalent qualification shall be placed in BPS-14 with 1/3<sup>rd</sup> in selection grade to BPS-15. The learned Counsel for the appellant contended that the appellant pay & scale was not properly fixed at the time of appointment and the appellant has been discriminated because there are many Arabic Teachers who have been granted BPS-14 as per Finance Department Notification on the qualification of M.A. "Shahadat-ul-Alamia" at the time of appointment. The learned Counsel for the appellant referred to the copies of Service Book of two Arabic Teachers namely M/S Fazal Azeem and Muhammad Ibrahim, Arabic Teachers, who have been granted BPS-14 at the time of appointment on the qualification of "Shahadat-ul-Alamia" as per Finance Department's Notification dated 7.8.1991. The learned Counsel for the appellant also contended that there is no condition of professional qualification in the Notification of Finance Department dated. 7.8.1991.

5. The learned A.A.G argued that the appellant has rightly been denied BPS-14 because the qualification of the appellant "Shahadat-ul-Alamia" was considered as professional qualification at the time of appointment and the appeal of the appellant is time barred.

6. The Tribunal observed that the appellant was having "Shadat-ul-Alamia" qualification which is equivalent to M.A Arabic/Islamic Study as per equivalency certificate of University Grants Commission. There is no condition of requisite qualification in the Finance Department's Notification dated 7.8.1991. The appellant has been discriminated, keeping in view the grant of BPS-14 to other Arabic Teachers namely M/S Fazal Azeem and Muhammad Ibrahim. As far as the question of limitation is concerned, this Tribunal and the other Apex Courts have time and again held that the

A handwritten signature in black ink is written over a circular official stamp. The stamp contains some illegible text and a central emblem. Below the signature, there are some faint, partially legible words, possibly "K.A.A." and "S...".

matter pertaining to pay, pension, increments and allowances do not attract limitation factors being recurring cause of action.

7. Therefore, the impugned order dated 21.4.2010 is set aside and the case is remanded back to the respondent department to consider the appellant's claim properly in the light of already granted BPS-14 to other Arabic Teachers namely M/S Fazal Azeem and Muhammad Ibrahim by treating the appellant at par with others. This Judgment will also dispose of Appeal No., 1157/2010, 1158/2010 & 1200/2010 filed by Asfandyar, Abdur Rehman and Habibur Rehman, Arabic Teachers. Parties left to bear their own cost and file be consigned to record.

sd/- *Syed Manzoor Ali Ghali*  
Member  
sd/- *Khalid Hussain*  
Member

ANNOUNCED  
24.06.2011.

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Receipt of Application 2-1-2013  
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Date of Completion of Copy 2-1-2013  
Date of Delivery of Copy 2-1-2013

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18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No.1156/2010

Date of Institution: 11.5.2010

Date of Decision: 24.06.2011

Mr. Mazhar Hussain, AT,  
GHS, Utla, Gadoon, Swabi.....(Appellant.)

VERSUS

1. The Secretary, Government of Khyber Pakhtunkhwa, Education (E&SE), Department, Peshawar.
2. The Director of Education (E&SE), KPK, Peshawar.
3. The E.D.O. (E&SE), Swabi.
4. The Secretary, Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.....(Respondents).

Appeal Under Section-4 of the KPK Service Tribunals Act 1974 against the Order dated 21.4.2010 whereby the Appeal of the Appellant for Granting BPS-14 on MA Qualification as per Finance Department Notification dated 7.8.1991 has been rejected for no good grounds.

Mr. Muhammad Asif Yousafzai, Advocate ..... For Appellant  
Mr. Tahir Iqbal, A.G.P. .... For Respondents.

SYED MANZOOR ALI SHAH ..... MEMBER  
MR. KHALID HUSSAIN ..... MEMBER

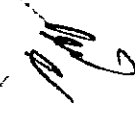
JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER: - This appeal was filed by the appellant against the order dated 21.4.2010 whereby the appellant was

ATTESTED



ATTESTED





denied BPS-14 on higher qualification in the light of Finance Department's Notification dated 7.8.1991.

2. Arguments heard and record perused.

3. Brief facts of the case are that the appellant was appointed as Arabic Teacher in BPS-9 by the competent authority vide order dated 5.4.1999. The appellant was having qualification of Shahadat-ul-Alamia which is as per University Grants Commission equivalency certificate, is equivalent to M.A. Arabic. The appellant's pay was not properly fixed in proper grade/scale as per Finance Department's Notification dated 7.8.1991. The appellant filed Departmental Appeal which was rejected on 21.10.2010.

4. The Counsel for the appellant contended that the appellant was having "Shahadat-ul-Alamia" qualification at the time of appointment which according to the University Grant Commission equivalency certificate is equivalent to M.A. in Islamic Studies/Arabic. The Finance Department also issued Notification on 7.8.1991 in which all the present and future Arabic Teachers who have qualification of trained "Fazal" with B.A., B.Sc with second division and 5 years teaching experience or M.A. Arabic or equivalent qualification shall be placed in BPS-14 with 1/3<sup>rd</sup> in selection grade to BPS-15. The learned Counsel for the appellant contended that the appellant pay & scale was not properly fixed at the time of appointment and the appellant has been discriminated because there are many Arabic Teachers who have been granted BPS-14 as per Finance Department Notification on the qualification of M.A. "Shahadat-ul-Alamia" at the time of appointment. The learned Counsel for the appellant referred to the copies of Service Book of two Arabic Teachers namely M/S Fazal Azeem and Muhammad Ibrahim, Arabic Teachers, who have been granted BPS-14 at the time of appointment on the qualification of "Shahadat-ul-Alamia" as per Finance Department's Notification dated 7.8.1991. The learned Counsel for the appellant also contended that there is no condition of professional qualification in the Notification of Finance Department dated. 7.8.1991.

5. The learned A.A.G argued that the appellant has rightly been denied BPS-14 because the qualification of the appellant "Shahadat-ul-Alamia" was considered as professional qualification at the time of appointment and the appeal of the appellant is time barred.

6. The Tribunal observed that the appellant was having "Shadat-ul-Alamia" qualification which is equivalent to M.A Arabic/Islamic Study as per equivalency certificate of University Grants Commission. There is no condition of requisite qualification in the Finance Department's Notification dated 7.8.1991. The appellant has been discriminated, keeping in view the grant of BPS-14 to other Arabic Teachers namely M/S Fazal Azeem and Muhammad Ibrahim. As far as the question of limitation is concerned, this Tribunal and the other Apex Courts have time and again held that the

ATTESTED

*[Signature]*  
EXAMINER  
A. A. Bokhanchwa  
Finance Tribunal,  
Peshawar

*[Signature]*

matter pertaining to pay, pension, increments and allowances do not attract limitation factors being recurring cause of action.

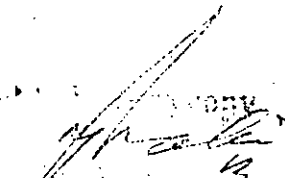
7. Therefore, the impugned order dated 21.4.2010 is set aside and the case is remanded back to the respondent department to consider the appellant's claim properly in the light of already granted BPS-14 to other Arabic Teachers namely M/S Fazal Azeem and Muhammad Ibrahim by bringing the appellant at par with others. This Judgment will also dispose of Appeal No., 1157/2010, 1158/2010 & 1200/2010 filed by Asfandyar, Abdur Rehman and Habibur Rehman, Arabic Teachers. Parties left to bear their own cost and file be consigned to record.

ANNOUNCED  
24.06.2011.

  
(KHAID HUSSAIN)  
MEMBER

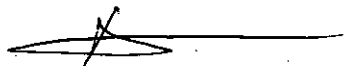
  
(SYED MANZOOR ALI SHAH)  
MEMBER

Certified

  
Khaid Hussain  
Secretary

Date of Presentation of Application	18-8-2011
Number of Words	1500
Stamp Fee	10-00
Pages	2-00
Cost	17-00
Name of Copy	4
Date of Copy	18-8-2011
Date of Delivery of Copy	18-8-2011

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# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF

Service Tribunal Peshawar

Hussain Ahmed

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Dept;

(Respondent)  
(Defendant)

I/We Hussain Ahmed (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

H.A. Ahmed  
( CLIENT )

ACCEPTED

M. Asif Yousafzai  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

**BEFORE THE N.W.F.P SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 64/13.

Mr Hussain Ahmad, AT

-----Appellant

**VERSUS**

Secretary to the Govt. of Khyber Pakhtunkhwa Education Department,  
Peshawar and others..... Respondents.

**REPLY ON BEHALF OF THE RESPONDENTS NO.1,2,3&**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS**

1. That, the appellant has no locus standi or cause of action to file the instant appeal.
2. That, the instant appeal is badly time barred.
3. That, the appellant has filed the instant appeal just to pressurize respondents.
4. That the appeal is bad for misjoinder and nonjoinder of the necessary party.
5. That the appellant has not come to the court with clean hands.
6. That the appellant concealed material facts from Honourable Tribunal.
7. That appellant is estopped by his own conduct.
8. The rule of 3 (2) of NWFP Civil Servant (Appointment Promotion & Transfer) rules 1989, authorized department to lay down method of appointment qualification and other conditions applicable to post in consultation with S & GAD and Finance Department.

**ON FACTS**

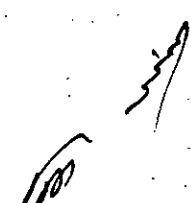
1. This Para of the appeal is related to the service record of the appellant, hence needs no comments.
2. This Para of the appeal is related to the service and Educational record of the appellant.
3. That the appellant was entitled to BPS-09, which has been granted to the appellant and accordingly his pay was fixed. It is pertinent to mentioned here that the appellant has already been granted BPS: 16.
4. That the appellant claim two benefits from the same and one qualification (i-e: Academic and Professional), which is not tenable in law.
5. The Provincial Govt: on 15/5/2012 has pleased to promulgate an Act, through Provincial Assembly in the name of "The Khyber Pakhtunkhwa Cessation of payment of Arrears of Advance Increments on higher qualification Act; 2012" where by payment of Arrears of Advance Increments on higher qualification have been ceased.
6. That, the appellant has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed on the following ground.

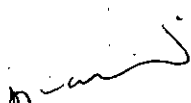
**GROUND OF APPEAL**

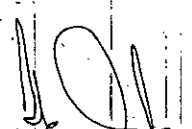
- A. Contents incorrect. That the appellant was entitled to BPS-09, which has been granted to the appellant and accordingly his pay was fixed.
- B. That as per, The Khyber Pakhtunkhwa Cessation of payment of Arrears of Advance Increments on higher qualification Act; 2012" where by payment of Arrears on higher qualification have been ceased.

- C. Denied and not admitted. The department has not bulldozed any vested right of the appellant.
- D. In fact the appellant was treated in accordance with law, rules and policy and appellant has been granted BPS: 16.
- E. The Provincial Govt: on 15/5/2012 has pleased to promulgate an Act, through Provincial Assembly in the name of "The Khyber Pakhtunkhwa Cessation of payment of Arrears of Advance Increments on higher qualification Act; 2012" where by payment of Arrears of Advance Increments on higher qualification have been ceased.
- F. That in the light of said Act; 2012, the appellant is not entitled for payment of Arrears on higher qualification.
- G. That the respondents also seek the permission of Honorable court to advance further grounds points at the time of arguments.

In wake of the above submissions. It is requested that this Honourble Court may very graciously be pleased to dismiss the instant appeal with cost in favour of the respondent departments.

  
 DIRECTOR  
 (ELE. & SEC) EDUCATION  
 GOVT. K.P.K PESHAWAR

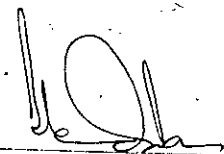
  
 SECRETARY  
 (ELE. & SEC) EDUCATION  
 GOVT. K.P.K PESHAWAR

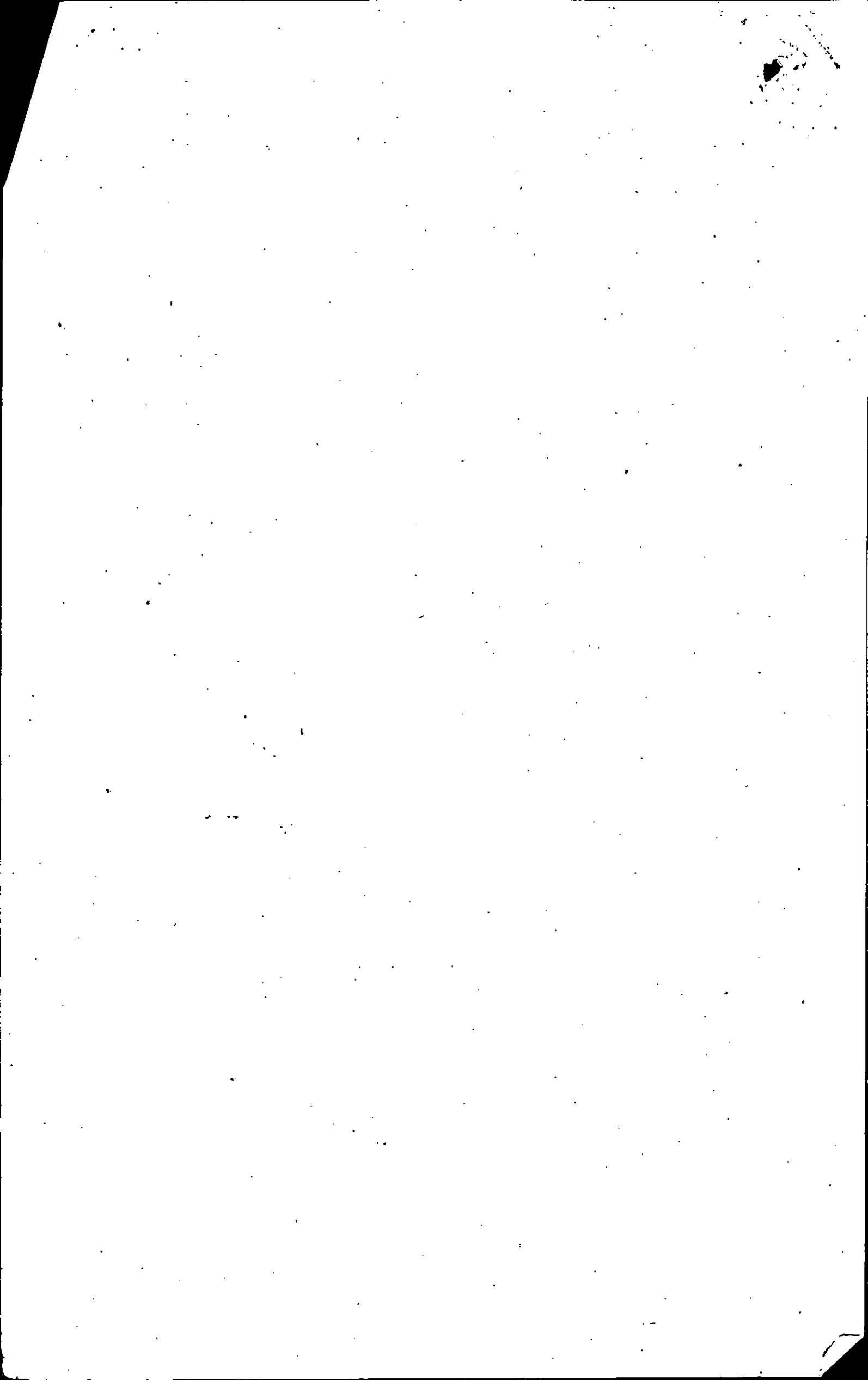
  
 District Education Officer  
 (Ele. & Sec) Education Swabi

  
 District Education Officer  
 (Ele. & Sec) Education Swabi

AFFIDAVIT

We do hereby solemnly affirm declare that the content of the accompanying Para-wise comments submitted by respondents are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

  
 District Education Officer  
 (Ele. & Sec) Education Swabi



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

Service Appeal No. 63/2013

Hussain Ahmad

VS

Education Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-8) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Admitted correct by the respondent as the service record of the appellant is in the custody of concerned department.
- 2 Admitted correct by the respondent as the service record of the appellant is in the custody of concerned department.
- 3 Incorrect. While para 3 of the appeal is correct.
- 4 Incorrect. The appellant is legally entitled to benefits of BPS-14 on the basis of notification dated 7.8.1991 and cannot be deprived from his legal right.
- 5 Not replied according to para 5 of the appeal, moreover para 5 of the appeal is correct.

- 6 Incorrect. The appellant has good cause of action to file the instant appeal and is liable to be accepted on the following ground

**GROUND:**

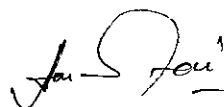
- A) Incorrect. While para A of the appeal is correct.
- B) Incorrect. The KPK Cessation of payment of Arrears of Advance Increments on higher qualification Act was promulgated in 2012, while the Finance Department had issued notification regarding granting BPS-14 on higher qualification (Shahadtul Alamia) in 1991, meaning by, that the Act 2012 was promulgated after the appointment of the appellant and many other AT teachers with qualification of Shahadtul Alamia have been given BPS-14, therefore the appellant is also entitled on the basis of notification dated 7.8.1991.
- C) Incorrect. The department has deprived the appellant from his legal right of BPS-14 from the date of appointment as per Finance Department notification dated 7.8.1991.
- D) Incorrect. The appellant was not treated in accordance with law rules and policy and his deprived from his legal right of BPS-14 from the date of appointment as per Finance Department notification dated 7.8.1991.
- E) Not replied according to para E of the appeal. Moreover para E of the appeal is correct.
- F) Incorrect. As per Finance Department notification dated 7.8.1991 the appellant is entitled to BPS-14 from date of appointment and payment of arrears on higher qualification.
- G) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.



APPELLANT  
Hussain Ahmad

Through:




( M. ASIF YOUSAFZAI )

& 

(TAIMUR ALI KHAN)  
ADVOCATES, PESHAWAR.


**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT

**ATTESTED**

  
15-04-2015  
Mian Sibghat Ullah Shah  
Advocate  
OATH COMMISSIONER  
High Court Peshawar



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 891 /ST

Dated 7 - 5 - / 2019


To

The District Education Officer,  
Government of Khyber Pakhtunkhwa,  
Swabi.

Subject: - JUDGMENT IN APPEAL NO. 64/2013, MR. HUSSAIN AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 12.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.