

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

Service Appeal No: 09/2024

Naseer Khan, SS (IT) BS-17, GHSS Manga Mardan.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary & othersRespondents

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SAMINA ALTAF
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar

①

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

Service Appeal No: 09/2024

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 124/2

Dated 26/4/24
GHSS Manga

Naseer Khan, SS (IT) BS-17,
Mardan.....Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary
& othersRespondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1 to 4.

Respectfully Sheweth:-

The Respondents No. 1 to 4 submit as under: -

PRELIMINARY OBJECTIONS.

- 1 **That** the Appellant has got no cause of action/locus standi to file in the instant case before this Honorable Tribunal.
- 2 **That** the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 read with Article, 212 of the constitution of Islamic Republic of Pakistan, 1973.
- 3 **That** the Appellant has concealed material facts & record from the ambit of this Honorable Tribunal in the titled case.
- 4 **That** the Appellant has not come to this Honorable Tribunal with clean hands.
- 5 **That** the matter in hand is based on mala fide intentions for gaining illegal service benefits of seniority from the Department against the SS IT (BS-17) post in violation of the Section-4 (2) of the Appointment and Regularization of Services Act, 2017 on age-wise basis .
- 6 **That** the titled case is barred by law and limitation Act 1908.
- 7 **That** the appellant has correctly been placed on seniority list No. 53 instead of 32 in the final Seniority list as stood on 31-12-2021 in accordance with

the provision of Section-8 Civil servants Act 1973 read with of Rules 17 (a) of APT rules 1989 by the Department in view of the Service record of the appellant.

- 8 **That** service appeal No. 2069/2009 case titled Abid Noor VS Director E&SE KP Peshawar is not applicable upon the case of the appellant on the grounds of being at variance in both question of law & facts of the case from the titled appeal.
- 9 **That** the titled case is bad for mis-joinder & non-joinder of the necessary parties to the case.
- 10**That** the appellant is estopped by his own conduct to file the instant case against the Department.
- 11 **That** the matter is not maintainable in its present circumstances and even facts of the case rather the appellant is a habitual litigant against the Department for no good cause of action.
- 12**That** the appellant is not entitled for the grant of seniority at S.No. 32 in the final seniority list stood on 31-12-2021 under section 4(2) of the Act of 2017 on the basis of old age employee in the Respondents Department.

ON FACTS.

- 1. **That** Para-1 pertains to the academic & service record of the appellant regarding his appointment as an IT Teacher in BPS-16 on purely contract basis vide order dated 12-09-2014 through NTS, however, his services were regularized under the Act of 2017 vide order dated 08-03-2019 by the Respondent Department.
- 2. **That** Para-2 is correct to the extent of Date of birth of the appellant as 05-12-1981, however, the Burdon of proof regarding the said date of birth is lies upon the shoulders of the appellant under Article-117 of the Qanoon-e-Shahadat order 1984.
- 3. **That** para-3 is incorrect & denied on the grounds that the final seniority list dated 31-12-2023 of the Respondent Department has properly been communicated to all concerned through available channels including the social media in due process of law, wherein, the appellant has correctly been placed at Seniority list No. 53 instead of 32 in view of the mandatory provision of Sub-Section (2) of Section-4 under the Regularization of Services Act for IT Teachers of 2017 which says that:

Section-4 **Determination of Seniority:** -

- (1) ***The employees whose services are regularized under this Act or in the process of attaining service at the commencement of***

this Act shall rank junior to all employees belonging to the same cadre, who are in service on regular basis on the commencement of this Act, & shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective cadre, irrespective of their actual date of appointment.

- (2) *The seniority inter-se of the employees, whose services are regularized under this Act within the same cadre, shall be determined on the basis of their continuous service in cadre.*

Provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one. (Copy of the seniority list dated 31-12-2021 & Act of 2017 are attached as Annex- A & B.

4. **That** Para-4 is incorrect as the appellant has correctly been placed at S.No. 53 instead of 32 in the tentative seniority list dated 31-12-2021 of the SST (IT) in BPS-16 notified by the Department in view of the Rules *ibid*, where against no Departmental Appeal has been filed by the appellant, hence, got final & notified on dated 31-12-2021 for the perusal & information of all concerned including the appellant.
5. **That** Para-5 is correct to the extent of the final seniority list dated 31-12-2021 of the SST (IT) BPS16, wherein, the appellant has been placed at S.No. 56 as per his service record in the Department.
6. **That** Para-6 is incorrect as the appellant is not an aggrieved person within the meaning of Section-4 of Khyber Pakhtunkhwa Service Tribunal Act-1974 read with Article 212 of the constitution of Islamic Republic of Pakistan 1973 furthermore, the appellant has got no cause of action to file instant appeal nor his filed any Departmental appeal against the final seniority list dated 31-12-2021 to the appellate authority till date.
7. **That** Para-7 is incorrect & not admitted as the act of the Department with regard to the final seniority list dated 31-12-2021 of the SST (IT) BPS-16, wherein, the appellant has been placed at S.No. 53 as per his service record in the Department is within legal parameter.
8. **That** Para-8 is also incorrect & denied on the grounds that he has correctly been placed at seniority No. 53 in the final seniority list dated 31-12-2021 of the SST (IT) in BPS-16, therefore, the appeal in hand is liable to be dismissed on the following grounds *inter alia*: -

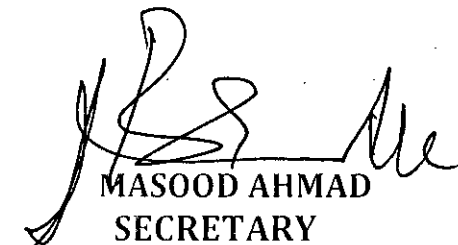
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GROUNDS: -

- A. **Incorrect & not admitted.** The stand of the appellant is illegal and liable to be rejected as the act of the Respondent Department with regard to the final seniority list dated 31-12-2021 of the SST IT in (BS-16) TC is legally competent & liable to be maintained.
- B. **Incorrect & not admitted.** The plea of the appellant is against the facts & relevant citation of Law & Rules on the titled appeal, wherein, the appellant has been treated as per law & policy by the Department under the provision of Article 04 & 25 of the constitution of 1973.
- C. **Incorrect & not admitted.** The statement of the appellant is misconceiving and even against the facts as agitated in the foregoing paras of the reply on behalf of the Respondents.
- D. **Incorrect & not admitted.** The stance of the appellant is illegal & liable to be rejected in favor of the Department in view of the above made submissions by the replying Respondents in the titled appeal before this Honorable Tribunal.
- E. **Incorrect & not admitted.** The impugned Seniority list of the dated 31-12-2021 is in accordance with the mandatory provision of Section-4 of the Act of 2017 read with Section-8 of Civil Servants Act 1973 as well as with Rule 17 (a) of the APT Rules 1989, whereby, the appellant has been placed at his correct Seniority No. of 53 in the said seniority list. Therefore, the claim of the appellant is liable to be rejected with the prayer that the Respondents seek permission to raise additional grounds, record & case law at the time of arguments.

Therefore, in view of the above made submissions, the appeal in hand may kindly be dismissed in favor of the Department in the interest of justice.

Dated. ___/___/2024.


MASOOD AHMAD
SECRETARY

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


SAMINA ALTAF
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)

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**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
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AFFIDAVIT

I Samina Altaf, Director E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant para wise Comments are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Parte nor their defense has been struck off/cost.

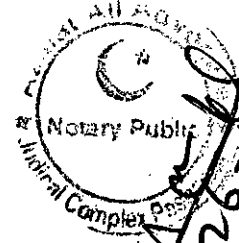
Samina Altaf
Deponent

SAMINA ALTAF

E&SE Department Khyber Pakhtunkhwa, Peshawar.

A

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26-4-2024

ANNEXURE "F"

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR

FINAL SENIORITY LIST OF SST IT BPS-16 IN ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA AS STOOD ON 31/12/2021

S.No	CNIC	Name	FatherName	Qualification	Domicile	B.Ed Declar ation	School/Institute/Office	DateOfBirth	Merit Score	Date of Entry into Edu:Deptt	Date of Apptt as SST (IT)	Remarks
1	21201-8885744-9	Muhammad Ilyas	Ezat Khan	MCS, MS (Comp) B.Ed	KHYBER	2020	GHS Kohi Sher Haider Khyber	11/04/1981		14/06/2005	14/06/2005	Differed in previous DPC
2		Nisar Khan	Ismail Khan	M.Sc	KHYBER		GHS Pindi Lalma	20/11/1983		14/06/2005	14/06/2005	Differed in previous DPC
3	12201-1880433-7	Sami Ullah	Moin Khan	B.Sc B.Ed	SOUTH WAZIRISTAN	2015	GHS Spinkal	31/03/1983		14/06/2005	14/06/2005	Differed in previous DPC
4	16102-7937471-5	Sagheer Ahmad	Akram Khan	M.Sc CS, B.Ed	KHYBER	2020	GHS Shagal	04/03/1982		04/09/2008	04/09/2008	Differed in previous DPC
5	21303-0830595-9	Iqar Hussain	Munir Hussain	M.Sc (Comp) B.Ed	Kurram	2013	GHS Israr Shaheed Kurram	05/04/1985		14/10/2006	14/10/2006	Differed in previous DPC
6	11101-8235769-3	Abid Nawaz	Rahim Nawaz	B.Sc B.Ed	BANNU	2013	GHS Shaheer s/w	12/10/1986		09/02/2008	09/02/2008	Differed in previous DPC
7	21103-8831093-9	PARVEZ KHAN	SHARIF KHAN	B.SC B.Ed	BAJAUR	2017	GHS INAYAT KILLI BAJAUR	15/11/1981		09/02/2008	09/02/2008	Differed in previous DPC
8	21506-4367367-5	Bashir Ahmad	Muhammad Yasin	B.Sc	NORTH WAZIRISTAN		GHS Miranshah	03/01/1987		09/02/2008	09/02/2008	Differed in previous DPC
9		Fayaz Ahmad	Muhammad Yaqoob Khan	B.Sc	Mohmand		GHS Danish Koot	16/04/1989		09/02/2008	09/02/2008	Differed in previous DPC
10	15601-1417186-7	HALIMUR RASHID	MUHAMMAD AFSAR KHAN	MSCIT BED	SWAT	2012	GHS SJBAN	10/01/1978		26/06/2006	01/07/2009	Differed in previous DPC
11	16202-0898172-9	Sohail Irfan	Muhammad Ayub	BCS	Swabi		GHS Gandaf	24/08/1973		01/07/2007	01/07/2007	Differed in previous DPC
12	17102-0537988-3	Mehroz Khan	Shamroz Khan	M.SC Maths, M.Ed	Mohmand	2012	GHS Gulabad Tangi charsadda	14/03/1985		13/09/2011	13/09/2011	Differed in previous DPC
13	21303-5586985-9	Syed Rafiq Hussain	Syed Mushtaq Hussain	M.Sc (Comp), B.Ed	Kurram	2015	GHS Zaran Kurram	01/04/1989		01/03/2012	01/03/2012	Differed in previous DPC
14	21303-8825621-9	Asad Ali	Sardar Hussain	M.Sc (Comp), B.Ed	Kurram	2015	GHS Kirman	06/02/1989		27/03/2012	27/03/2012	Differed in previous DPC

SST (IT) Male Seniority 2022

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S.No	CNIC	Name	FatherName	Qualification	Domicile	B.Ed. Declaration	School/Institute/Office	DateOfBirth	Merit Score	Date of Entry Into Edu:Deptt	Date of Apptt as SST (IT)	Remarks
15	11101-7304357-1	ANWARULLAH	HAR DIL KHAN	MSC (CS) B.ED	BANNU	2008	GOVT SHAHEED ABDUL AZAM AFRIDI HIGHER SECONDARY SCHOOL JAMRUD KHYBER	09/09/1985		14/01/2011	20/10/2014	PSC KPK
16	15307-4938316-9	MUHAMMAD ILYAS	AMIR BAHADAR	MS(CS) B.ED M.ED	DJR LOWER	2011	ASDEO KITYARI CHAKDARA DIVISION	02/12/1984		20/10/2014	20/10/2014	PSC KPK
17	22201-6290349-9	SYED UMER KHAN	S/O AMANULLAH	MCS B.ED	BANNU	2006	GHSS NAJIR BODIN KHEL BANNU	01/05/1982		20/10/2014	20/10/2014	PSC KPK
18	12101-0938869-1	ATTA UR REHMAN	GUL MUHAMMAD	MCS M.ED	DI KHAN	2004	GHSS DARABAN KALAN	05/02/1983		17/05/2014	20/10/2014	PSC KPK
19	13503-2341663-3	ZAHEER AHMED	MUHAMMAD ARIF	MCS / BED	MANSEHRA	2012	GHS NO.2 MANSEHRA	18/01/1980		20/10/2014	23/12/2014	PSC KPK
20	21507-8619162-3	KHALIL UR REHMAN KHAN	QANDAHAR	MCS B.ED M.ED	NORTH WAZIRISTAN	2007	GHS RAZMAK CAMP NWTD	05/04/1984		19/11/2014	19/11/2014	PSC KPK
21	18102-8393729-3	Farman Ali	Habib Ur Rehman	MS CS B.Ed	MARDAN	2011	Govt : Shaheed Muhammad Ali High School Toru	24/04/1986		20/10/2014	20/10/2014	PSC KPK
22	13101-5564010-5	IFTIKHAR AHMAD	S/O MUHAMMAD ASLAM	MSc(CS) MED	ABBOTTABAD	2011	GHS NO.3 ABBOTTABAD	02/03/1978		20/10/2014	20/10/2014	PSC KPK
23	17101-0269442-7	MIAN NAVEED ULLAH JAN	MIAN FAZLI GHANI	M.SC CS B.ED	CHARSADDA	2009	GHS Ibrahim Zai Charsadda	12/04/1983		20/10/2014	20/10/2014	PSC KPK
24	12201-4664615-9	MUHAMMAD JAMSHID	S/O MATI UD DIN	MCS B.ED M.ED	SOUTH WAZIRISTAN	2011	GHS SARAFOGHA SOUTH WAZIRISTAN	12/04/1987		19/11/2014	19/11/2014	PSC KPK
25	21107-7988265-5	ZAHID ULLAH	GUL BADSHAH	MSC(CS) B.ED M.ED	BAJAUR	2011	GHS GHAZI BABA	08/05/1988		20/10/2014	20/10/2014	PSC KPK
26	15602-0457599-9	NASR ULLAH KHAN	MOMIN KHAN	MSc(CS) MED	SWAT	2008	GHS Nawakaly Mingora Swat	04/04/1983		20/10/2014	20/10/2014	PSC KPK
27	13302-9319165-9	AMIR JAVED S/O	MUHAMMAD JAVED	MS COMP SC./MED	HARIPUR	2011	GHS KANGRA COLONY HARIPUR	09/09/1984		02/10/2012	20/10/2014	PSC KPK
28	11201-9926331-9	FARHAT ULLAH KHAN	ASMATULLAH	MSC CS B.EB	LAKKI MARWAT	2012	GHS AHMAED KHEL	15/05/1988		20/10/2014	20/10/2014	PSC KPK
29	21201-7280026-5	WAJID KHAN	AKRAM KHAN	MS/M.PHIL (CS) M.ED	KHYBER	2011	GHSS Splndand Bara Khyber	30/11/1987		11/07/2009	20/10/2014	PSC KPK

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S.No	CNIC	Name	FatherName	Qualification	Domicile	B.Ed Declaration	School/Institute/Office	DateOfBirth	Merit Score	Date of Entry into Edu. Deptt	Date of Appt as SST (IT)	Remarks
30	11101-1459694-7	ZAHIDULLAH KHAN	MUHAMMAD NOOR ALI KHAN	MSCS BED	BANNU	2002	GHSS COMPREHENSIVE BANNU	14/12/1977		16/04/2005	11/12/2015	
31	16102-1411686-5	MAJID ALI	SARFARAZ	MSCS BED	MARDAN	2013	GHS NASEER KILLI	15/03/1983	98.00	12/09/2014	12/09/2014	
32	11101-9104233-7	GUL-NAWAR KHAN	RAZA KHAN	MSIT BED	BANNU	2014	GHS NO.1 BANNU CITY	15/02/1983	95.00	12/09/2014	12/09/2014	
33	15602-0490712-3	BAKHT AZAM	ALI AKBAR	MPhil(CS) BED	SWAT	2013	GHS NO.1 MINGORA	20/04/1980	91.00	12/09/2014	12/09/2014	
34	12101-0897784-1	KIFAYATULLAH	INAYATULLAH	BSIT B.ED	DI Khan	2013	GCMHS NO.1 DI KHAN	05/02/1983	91.00	12/09/2014	12/09/2014	
35	11101-4109215-5	JAMSHED AHMAD	SYED GHULAM	MSCS BED	BANNU	2013	GHS AZIM KILLA	01/04/1988	90.00	12/09/2014	12/09/2014	
36	11101-7278905-7	MUHAMMAD MUNEEB	MUHAMMAD HAYAT KHAN	BCS(HON) BED	BANNU	2010	GHS NO.2 BANNU CITY	04/04/1987	90.00	12/09/2014	12/09/2014	
37	13503-4825758-7	MUHAMMAD JUNAID IQBAL	MUHAMMAD IQBAL	MSCS BED	MANSEHRA	2013	GCMs MANSEHRA	03/03/1985	89.00	12/09/2014	12/09/2014	
38	17103-0345196-9	MUHAMMAD IRFAN	MUHAMMAD JAVID KHAN	MS(TELECOM & NET) MED	CHARSADDA	2012	GSSDHS SHABQADAR	03/02/1988	88.00	12/09/2014	12/09/2014	
39	13504-4494818-9	SARFRAZ AHMAD	FAQIR MUHAMMAD	BCS HON/BED	MANSEHRA	2013	GHS Kollika	02/10/1983	87.00	30/07/2011	12/09/2014	
40	15505-5310232-7	FAYAZ ALI	MARAJ KHAN	MSCS BED	SHANGLA	2012	GHS DHERAI PURAN	20/05/1984	87.00	12/09/2014	12/09/2014	
41	15306-8701618-1	AMIN UR RAHMAN	TAJ MUHAMMAD	M.Phil (Comp-Sc) M.Ed B.Ed	DIR LOWER	2013	GGHS Rabat Lower Dir	08/03/1985	87.00	12/09/2014	12/09/2014	
42	13503-3539674-9	ZAKIR KHAN	MUHAMMAD YOUSAF	MS COMP SC / MED	MANSEHRA	2017	GHS SHAMDARA OGH MANSEHRA	03/09/1987	87.00	12/09/2014	12/09/2014	
43	16101-1205103-7	ABDUL MANAN	GHULAM RAHIM	BSIT BED	MARDAN	2013	GHS BADAR BANDA	01/04/1981	86.00	12/09/2014	12/09/2014	
44	15401-7657332-5	WAQAS UL ISLAM	FARMAN ALI SHAH	BSIT BED	MALAKAND	2013	GSASHS NO.1 THANA MALAKAND	20/05/1989	86.00	12/09/2014	12/09/2014	
45	12201-1881795-7	MUHAMMAD SHAHID KAMAL	UMAR HAYAT	MCS MED	TANK	2009	GSSCMHS NO.1 TANK	11/04/1982	85.00	12/09/2014	12/09/2014	

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S.No	CNIC	Name	FatherName	Qualification	Domicile	B.Ed Declaration	School/Institute/Office	DateOfBirth	Merit Score	Date of Entry into Edu:Deptt	Date of Apptt as SST (IT)	Remarks
46	13503-1698127-1	UMAIR AWAN	WALI DAQ	MS COMP SC/BED	MANSEHRA	2014	GHS BAJNA MANSEHRA	30/01/1988	85.00	12/09/2014	12/09/2014	
47	15307-8872268-7	QAISAR KHAN	NAWAB KHAN	BSCS MSTN. B.Ed/M.Ed	DIR LOWER	2016	GHSS CHAKDARA	01/02/1986	85.00	17/11/2014	17/11/2014	
48	17201-9346841-1	IMRAN PERVEZ	PERVEZ AHMAD KHAN	MSC COMP SC,B.Ed/M.Ed	NOWSHERA	2014	GHSS NO.2 NOWSHERA CANTT	21/04/1986	85.00	12/09/2014	12/09/2014	
49	15702-5904046-1	KHUSH DIL	ASFANDYAR	MPIL (CS) BED	DIR UPPER	2012	GHS GHANDIGAR	01/05/1986	85.00	12/09/2014	12/09/2014	
50	15101-0788182-5	ASHFAQ UR RAHMAN	SHARIF UR RAHMAN	MSC COMP SC/BED	BUNER	2014	GHS KARAPA BUNER	01/04/1988	85.00	12/09/2014	12/09/2014	
51	17101-5704611-5	FAIZ ULLAH	GUL ZARIF	MSC(ELEC. & ELECTRONICS ENG) BED	CHARSADDA	2013	GHS NO.1 RAJJAR	20/04/1988	85.00	12/09/2014	12/09/2014	
52	17301-2329206-7	NASEER MUHAMMAD	AHMAD GUL	MSC COMP SC/BED	PESHAWAR	2011	GHS GULSHAN REHMAN COLONY PESH	06/03/1989	85.00	12/09/2014	12/09/2014	
53	16101-5858369-1	NASEER KHAN	MISRI KHAN	MCS BED	MARDAN	2013	GCMHS NO.3	25/05/1980	84.00	12/09/2014	12/09/2014	
54	17301-1991193-1	ZEESHAN SOHAIL	MUKHTAR AHMED SOHAIL	MSC CS B.ED M.ED	PESHAWAR	2012	GHS LANDI ARBAB	03/02/1986	84.00	12/09/2014	12/09/2014	
55	13202-5026731-9	SAIF ULLAH	AMIR MUHAMMAD KHAN	BS(CS) B.ED M.ed	BATTAGRAM	2013	GHS DAGAL BATTAGRAM	11/04/1987	84.00	12/09/2014	12/09/2014	
56	16101-5831929-9	MUHAMMAD SIDDIQ	SARDAR MUHAMMAD	MCS BED	MARDAN	2011	GHS GUMBAT	12/04/1983	83.00	12/09/2014	12/09/2014	
57	16201-5314575-7	SAJID AMIN	IQRAR UD DIN	MCS COMP SC/BED	SWABI	2011	GHS LAHOR SHARQI SWABI	24/09/1985	83.00	12/09/2014	12/09/2014	
58	13503-8885530-5	MAJID KHAN	MUHAMMAD AJMAIL	MCS MED	MANSEHRA	2017	GHS SHOHAL MAZULLAH MANSEHRA	25/03/1989	82.00	17/11/2014	17/11/2014	
59	13503-5902512-7	MAJID KHAN	BEHRAM KHAN	BSc(CS)/BED	MANSEHRA	2011	GHS BAIDRA MANSEHRA	13/02/1983	81.00	17/11/2014	17/11/2014	
60	17201-8166639-7	FAROOQ AHMAD	GULNAR DIN	MBA BS COMP SC/BED	NOWSHERA	2016	GHS MISRI BANDA NOWSHERA	01/01/1983	81.00	12/09/2014	12/09/2014	
61	14202-2631801-1	NISAR AHMED	MOMEEN KHAN	MSC MED	KARAK	2011	GHS AHMAD BANDA KARAK	15/02/1985	81.00	17/11/2014	17/11/2014	

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SST (IT) Male Seniority 2022

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No	CNIC	Name	FatherName	Qualification	Domicile	B.Ed Declaration	School/Institute/Office	Date of Birth	Merit Score	Date of Entry Into Edu:Deptt	Date of Appt as SST (IT)	Remarks
62	16101-7024394-9	IRFAN AHMAD	ANWAR KHAN	MSCS BED	MARDAN	2016	GHS Rustam	22/07/1988	81.00	12/09/2014	12/09/2014	
63	14203-2052798-3	TAHIR SALEEM	AWAL MUHAMMAD	M.Sc IT MS Electronic Eng., B.Ed, M.Ed	KARAK	2019	GHS Takht Nasrati Karak	02/08/1983	80.00	17/11/2014	17/11/2014	
64	16202-8302001-9	MEHBOOB AHMAD	HAFIZ UR REHMAN	MSC COMP SC, B.Ed	SWABI	2015	GHS SHAHMANSCOR SWABI	05/12/1981	79.00	12/09/2014	12/09/2014	
65	17102-7975287-1	QAISAR SHAH	ZAMARUD SHAH	MSc(CS) BED	CHARSADDA	2016	GHSS BATTAGRAM	02/03/1985	79.00	12/09/2014	12/09/2014	
66	15101-0134774-7	FAZLI RABI	FAZAL RAZIQ	MS CS, M.Ed	BUNER	2016	GHS DAGAI	20/03/1988	79.00	12/09/2014	12/09/2014	
67	13101-5957063-9	FAISAL REHMAN	MIANDAD	BS (TELECOM & NET) MED	ABBOTTABAD	2016	GHS NO.1 HAVELIAN	19/11/1988	79.00	12/09/2014	12/09/2014	
68	16201-0721748-1	HAMID BACHA	MIAN JAMEE UDDIN	BS(IT) Hons / BED	SWABI	2014	GHS LAHOR SWABI	02/02/1983	78.00	12/09/2014	12/09/2014	
69	13302-4860203-5	MUHAMMAD ZAHEER BABAR	MUHAMMAD YOUSAF	BS COMP SC/BED	HARIPUR	2015	GHS CENTRAL JAIL HARIPUR	08/01/1989	78.00	12/09/2014	12/09/2014	
70	17101-9647608-7	ADNAN KHAN	MUHAMMAD IBRAHIM	BSCS B.Ed	CHARSADDA	2016	GHS KATOZAI	01/03/1988	77.00	16/02/2015	16/02/2015	
71	17301-2043251-5	YASIN SHAH	HUSSAIN SHAH	MSC/BED	PESHAWAR	2012	GSM DAUD HIGH SCHOOL MATHRA	06/02/1981	76.00	08/12/2014	08/12/2014	
72	12101-0854407-7	MUHAMMAD AMIR SHAH	GHULAM AKBAR SHAH	BS(SYSTEM ENGIN EERING) B.ED	DERA ISMAIL KHAN	2017	GHS BILOT SHARIF DI KHAN	07/08/1986	76.00	17/11/2014	17/11/2014	
73	15602-0252416-3	NAMAT ULLAH	SAEED ULLAH	BS TELECOMMUNICATION	KOHISTAN		GHS PATTAN KOHISTAN LOWER	18/04/1988	74.00	17/11/2014	17/11/2014	
74	14101-0771854-9	QUDRAT REHMAN	GULABAT KHAN	BS I TECH. B.Ed, M.Ed	HANGU	2010	GCMHS NO.1 HANGU	01/11/1982	89.00	16/12/2016	16/12/2016	
75	17201-6325734-9	MIAN KHURAM SHAHZAD	MIAN MUHAMMAD HUSSAIN	MS IT	NOWSHERA		GHS ALI BAIG NOWSHERA	09/11/1983	87.20	16/12/2016	16/12/2016	
76	17101-0339835-5	RAFI ALAM	BAKHT BAZ	MSc(CS)	CHARSADDA		GHS BABRA	04/03/1982	87.10	16/12/2016	16/12/2016	

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ANNEXURE

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THE KHYBER PAKHTUNKHWA EMPLOYEES OF THE ELEMENTARY & SECONDARY EDUCATION DEPARTMENT (APPOINTMENT AND REGULARIZATION OF SERVICES) ACT, 2017.

(KHYBER PAKHTUNKHWA ACT NO. I OF 2018)

CONTENTS

PREAMBLE

SECTIONS

1. Short title, application, extent and commencement.
2. Definitions.
3. Regularization of services of employees.
4. Determination of seniority.
5. Overriding effect.

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**THE KHYBER PAKHTUNKHWA EMPLOYEES OF THE ELEMENTARY AND
SECONDARY EDUCATION DEPARTMENT (APPOINTMENT AND
REGULARIZATION OF SERVICES) ACT, 2017.**

(KHYBER PAKHTUNKHWA ACT NO. I OF 2018)

*(First published after having received the assent of the Governor of
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa,
(Extraordinary), dated the 8th January, 2018).*

**AN
ACT**

*to provide for the appointment and regularization of the services of certain employees
appointed on adhoc or contract basis or appointed in certain projects in the Elementary
and Secondary Education Department in
the Province of the Khyber Pakhtunkhwa.*

WHEREAS it is expedient to provide for the appointment and regularization of the services
of certain employees appointed on adhoc or contract basis or appointed in certain projects in
the Elementary and Secondary Education Department in the Province of the Khyber
Pakhtunkhwa, in the public interest;

It is hereby enacted as follows:

1. Short title, application and commencement.—(1) This Act may be called the Khyber
Pakhtunkhwa Employees of the Elementary and Secondary Education Department
(Appointment and Regularization of Services) Act, 2017.

(2) It shall apply to all the employees in the Elementary and Secondary Education
Department, as defined in clause (c) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once and it shall be deemed to have taken effect
from the date of the initial appointment of the employees as referred to in clause (c) of sub-
clause (1) of section 2 of this Act.

2. Definitions.—(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service
Commission;
- (b) "contract appointment" means appointment of a duly qualified person
for a specific period made otherwise than in accordance with the
prescribed method of recruitment;
- (c) "employees" mean duly qualified persons,-

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- (i) who are appointed as teachers on adhoc or contract basis by the Government after 2013 through National Testing Service but does not include the teachers engaged on work charge basis or who are paid out of contingencies;
- (ii) who are appointed in the projects on contract basis in accordance with the project policy; and
- (iii) who are appointed as Junior Clerk in the Elementary and Secondary Education Department by Government after 2013 through National Testing Service;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- (f) "project" means,-
 - (i) IT/Computer Teachers in Computer Labs Projects in Khyber Pakhtunkhwa (Phase-II);
 - (ii) establishment of five hundreds (500) IT Labs in Government High and Secondary Schools in Khyber Pakhtunkhwa; and
 - (iii) establishment of five hundreds (500) IT Labs in Government High Schools in Khyber Pakhtunkhwa (Phase-III); and
- (g) "teacher" means a teacher of primary, middle, secondary or higher secondary school.

(2) The expressions "adhoc appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of services of employees.**—(1) Notwithstanding anything contained in any other law or rules, the employees, who hold posts till the commencement of this Act¹ [or till 30th June 2017, in respect of the project as mentioned in sub-clause (i) of clause (f) of sub-section (1) of section 2 of this Act, as the case may be], shall be deemed to have been validly appointed on regular basis from the day of the initial appointment; provided that—

- (i) they possess the same qualification and experience required for a regular post;

¹ Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

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- (ii) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act¹[:]

²[Provided that expiry of the project as mentioned in sub-clause (i) of clause (f) of sub-section (1) of section 2 of this Act, shall not be deemed a ground for non-appointment of an employee on regular basis under this Act; and]

- (iii) the service promotion quota of all service cadres shall not be affected.

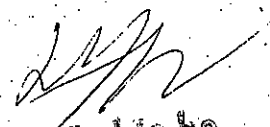
(2) The services of the employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

4. **Determination of seniority.**—(1) The employees whose service are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all other employees belonging to the same Cadre, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the Cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of those employees, whose services are regularized under this Act within the Cadre, shall be determined on the basis of their continuous service in Cadre:

Provided that if the date of continuous service in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

5. **Overriding effect.**— Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.


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¹ Replaced vide Khyber Pakhtunkhwa Act No. II of 2019.

² Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

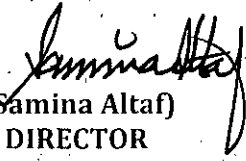
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**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of Joint Parawise Comments in Service Appeal No. 7,8,9,10 & 97/2024 case titled Mehboob Khan District Swabi Vs Government of Khyber Pakhtunkhwa & others, hence, an authority letter is hereby issued in favor of the above-named officer.


(Samina Altaf)
DIRECTOR

E&SE Department Khyber
Pakhtunkhwa, Peshawar