


FORM OF ORDER SHEET

Court of _____

Appeal No. 450/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/03/2024	<p>The appeal of Mr. Shahzad resubmitted today by the clerk of counsel. It is fixed for preliminary hearing before touring Single Bench at Swat on 09.05.2024. Parcha Peshi given to the clerk of counsel.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Shahzad received today i.e on 21.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page no. 26 & 39 of the appeal are illegible which may be replaced by legible/better one.
- 2- Memorandum of appeal is not signed by the appellant.

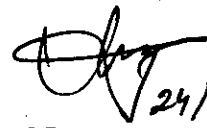
No. 644 /S.T.

Dt. 21-03/2024.


21/3/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Abdul Nasir Adv.
High Court Swat.

R/Sir,
All the objections have been removed, hence, re-submitted, please.


24/3/2024
Abdul Nasir
Advocate High Court


BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Service Appeal # 450 of 2024
Shahzad, Senior Clerk V E R S U S **The Director**
etc

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Appellant through Counsel


ABDUL NASIR
Advocate High Court
Cell No. 0344 455 7383
grapixworld@yahoo.com

CHAMBER: Continental Plaza, Makanbagh, Mingora, Swat.

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL**

Service Appeal # 450 of 2024

Shahzad, Senior Clerk (BPS-14) office of the District Education Officer (M) Swat.

(Appellant)

V E R S U S

- 1) The Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 2) District Education Officer (M) Swat.
- 3) Liaqat Ali, Senior Clerk, office of the DEO (M) Swat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AGAINST THE ORDER NO. 5629 DATED 16.01.2024 PASSED BY RESPONDENT NO. 1, RECEIVED THROUGH LETTER NO. 7011-12 DATED 24.02.2024 OF RESPONDENT NO. 2, WHEREBY THE APPEAL OF APPELLANT FOR PROMOTION W.E.F 15.02.2021 WITH ALL BACK BENEFITS AND RECTIFICATION OF SENIORITY THEREFROM HAS BEEN REJECTED WHEREBY THE PROMOTION ORDER NO. 5283-86 DATED 13.09.2023 WAS MAINTAINED.

Respectfully Sheweth:

Brief facts leading to the present appeal are as under:

- 1. That initially the appellant was appointed as Junior Clerk (BPS-5) in the office of respondent No. 2 vide order No. 8593-608 dated 24-06-1997.

(Annexure A)

2. That till 2011 the appellant remained at serial No. 90 of the seniority list of Junior Clerks, above the respondent No. 3 who was figured at serial No. 92. **(Annexure B)**
3. That vide order of respondent No. 2 bearing endst. No. 1191-45 dated 27.07.2006, the appellant was adjusted as Computer Operator **(Annexure C)** and was later posted as Computer Operator vide order No. 6001-4 dated 31.01.2013 **(Annexure C1)**.
4. That the *ibid* order was cancelled/withdrawn vide order No. 11192-98 dated 12.06.2013 by the respondent No. 2. **(Annexure D)**
5. That this cancellation was impugned by the appellant through an appeal before the respondent No. 1. (Memo of appeal is **Annexure E**)
6. That thereafter the appellant knocked the door of this learned tribunal and vide judgment dated 04.03.2015, this learned tribunal while dismissing the appeal(s) in *limine* kept the appellant at liberty for his due right including right of promotion, financial benefits and recovery of the stated overpayment. (Judgment dated 04.03.2015 of this tribunal is **Annexure F**)
7. That in the light of above, the appellant filed an appeal before the respondent No. 1 for redressal of his grievances. (Copy of reconsideration appeal is **Annexure G**)

8. That the respondent No. 1, sought comments from respondent No. 2, which he submitted. (Comments are **Annexure H**)
9. That after receiving the comments, the respondent No. 1 has dismissed the appeal vide order dated 23.12.2016 with the directions to appellant that "They shall continue against their substantial post as junior clerk as usual". Copy of order dated 23.12.2016 is **Annexure I**)
10. That once again this order was impugned by the appellant before this right honourable tribunal vide appeal No. 6 of 2017. Memo of appeal is **Annexure J**)
11. That this learned tribunal vide judgment dated 04.03.2020 dismissed the appeal of appellant and maintained the orders of respondent No. 1 and 2. (Copy of judgment dated 04.03.2020 is **Annexure K**)
12. That the above judgment was assailed by the appellant before the Apex Court, however, during pendency of the CPLA, upon the directions of respondent No. 1, an Inquiry Committee was constituted for the purpose that what would be the future of appellant when his appointment as Computer Operator was cancelled and maintained upto the Service Tribunal.

13. That the Inquiry Committee consisted of Director (F&A) and Assistant Director (LIT) recommended the following to the respondent No. 1:

1. *The case of the applicants is subjudice/under trial in the august Supreme Court of Pakistan so the mentioned recommendation may be implemented after the outcome of the CPLA filed by the applicants.*
2. *Their names should be included in the seniority list of J/C from the 1st appointment.*
3. *They may be promoted in their own cadre.*
4. *They may be promoted in their own cadre to the posts as their other colleagues/person got promotion.*

Inquiry report a/w with letter is **Annexure L**)

14. That in the light of above recommendation, the appellant does not press his CPLA before the Apex Court and as such withdrawn the same with protective order of the payment(s) received during the tenure of Computer Operator vide order dated 27.04.2023. (Copy of order dated 27.04.2023 of the Supreme Court is **Annexure M**)

15. That all of a sudden, the respondent No. 1 failed to implement the recommendations of the Inquiry Committee and passed impugned promotion order dated 13.09.2023 with immediate effect instead of 15.02.2021 whereupon the colleagues/respondent No. 3 has been promoted. (Impugned promotion Order dated 13.09.2023 is **Annexure N**)

16. That being aggrieved, the appellant impugned the above promotion order vide appeal dated 04.10.2023 before the respondent No. 1. (Memo of appeal is **Annexure O**)
17. That the *ibid* appeal has been rejected by the respondent No. 1 vide order dated 16.01.2024, communicated to the appellant through respondent No. 2 vide letter dated 24.02.2024. (**Annexure P**)
18. That feeling aggrieved from the impugned herein orders, the appellant having no other adequate remedy available except to approach this august Court for just, efficacious and effective relief, hence the instant appeal *inter alia* on the following amongst other grounds:

GROUND:

- i) That when the appellant's order as computer operator was withdrawn then the status of appellant as junior clerk has automatically been restored. This fact has also been admitted by the Inquiry Committee, but the respondent No. 1 and 2 has illegally denied to promote the appellant from 15.02.2021 with all back benefits and his due seniority. Reliance is placed on "**Kalim Arshad Khan vs Peshawar High Court through Registrar**" reported as **2022 PLC CS 398 Peshawar**. (Current pay slips of appellant, current Final Seniority List and promotion order dated 15.02.2021 are **Annexure Q**)

- ii) That the appellant has rightly served the department for the period from 24.06.1997 till date and his other colleagues are by now on senior posts, thus, the appellant is lawfully entitled for the promotion from 15.02.2021 with all back benefits and his due seniority on the basis of golden principles of *locus poenitentiae* and *Rule of Consistency*.

- iii) That the respondents 1 & 2 are duty bound to act in accordance with law and recommendations of the Inquiry Committee rather they are acting in arbitrary and *malafide* manner and are reluctant to promote the appellant from 15.02.2021 with all back benefits and his due seniority.

- iv) That the impugned orders through which the lawful promotion of the appellant was denied, are against the spirits of merits and such orders of the respondent No. 1 and 2 are equal to defeating struggles for the elimination of poverty and wide class distinction in society, therefore, on this core too the said orders of respondent No. 1 and 2 are liable to be modified, hence, such action of the respondent No. 1 is nothing but the clourful exercise of powers and therefore needs correction. Moreso, it is crystal clear from the perusal of inquiry report that the appellant was recommended for promotion from the day when his colleagues were promoted i.e from 15.02.2021 with all back benefits and his due seniority. So, while brushing aside the recommendations of

inquiry committee, the respondent No. 1 has landed into the field of errors.

- v) That despite his own letter/order No. 927 dated 23.08.2022, the respondent No. 1 is not complying with the recommendations of the Inquiry Committee which is against the law and norms of justice therefore, untenable. Even otherwise, the appellant is entitled to his due seniority and promotion i.e from 15.02.2021 with all back benefits.
- vi) That if the Courts of law countenanced and approved such naked exercise of authority, it would make a mockery of law and travesty of justice. Besides, it would not give a message of hope to the honest and the scrupulous and might tend to undermine their confidence, which is not in the interest of anybody in the long run. The employees are not to be made rolling stones.
- vii) That the orders impugned herein of respondents are against the endeavours of State machinery for establishing the State's writ of equality enshrined and safeguarded by the constitution and other rules applied thereto, therefore, liable to be declared null and void.
- viii) That the impugned herein orders are the result of political pressure and elite class interference, but the respondents in violation of the law, turned down the recommendations of Inquiry Committee, therefore, such order is totally against the natural

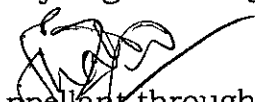
justice and the respondents have done a great miscarriage of justice by siding the favoritism and nepotism, therefore, it is necessary for this hon'ble Court to declare the said orders null and void and promoted the appellant from 15.02.2021 with all back benefits and seniority.

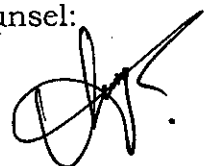
- ix) That further grounds would be advanced during the course of arguments with prior permission of this Hon'ble Court.

PRAYER:

It is, therefore, very humbly prayed that on acceptance of this Service Appeal; by setting aside the impugned orders:

- a) The appellant may kindly be promoted w.e.f 15.02.2021 with all back benefits as his other batchmate/colleague(s) were promoted.
- b) The name of the appellant may kindly be mentioned at serial No. 972 in the final seniority list, just above respondent No. 3 as the appellant is senior to him.
- c) Any other remedy which your honour may deem fit and appropriate and has not been specifically prayed for, may also very graciously be granted/ordered, please.


Appellant through
counsel:


ABDUL NASIR
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Service Appeal # _____ of 2024

Shahzad, Senior Clerk (BPS-14) office of the District
Education Officer (M) Swat.

(Appellant)

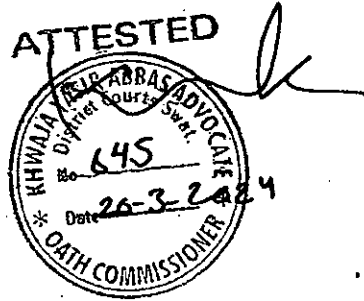
V E R S U S

- 1) The Director Elementary & Secondary Education
Khyber Pakhtunkhwa at Peshawar.
- 2) District Education Officer (M) Swat.
- 3) Liaqat Ali, Senior Clerk, office of the DEO (M) Swat.

(Respondents)

AFFIDAVIT

I, Shahzad, (appellant) do hereby affirm that the contents of the instant service appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



Deponent,

Shahzad

(11)

Advocate A²

OFFICE OF THE DISTRICT EDUCATION OFFICER (I) SWAT SAIDU SHARIF.

NOTIFICATION.

Consequent upon their Selection by the Departmental Selection committee, the District Education Officer (I) Secy: Swat Saidu Sharif has been pleased to appoint the following Junior Clerks at the schools noted against their names in BPS No. 5. (Rs. 1400-66-2390) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name of the candidate and parentage	D/o Birth.	No. of Marks MERE Obta:	School	Remarks.
1.	Suhail Khan S/o Haji Nawab	1.9.74(1)41	72	GHS. Barikot	Vice Tahrim Shah he has not qual:merit.
2.	Shahzad S/o Fazal Manan	13.2.79(2)001	63	GHS. Fatoran	Vice Akbar Hussain he has not qual merit.
3.	Rahman Ali S/o Mohd. Umar	15.7.76(3)012	61	GHS. Shawar	Vice Shah Hussain he has not qual:merit.
4.	Liqat Ali S/o Mohammad Perviz	1.3.76(4)219	59	GHS. Asala	Vice Javeed Akhtar he has not qual:merit.
5.	Sardar Ali S/o Amir Mahmood	1.3.72(5)217	56	GHS. Gurnai	Vice Kamran he has not qual:merit.
<u>SHANGLA HARD AREA.</u>					
6.	Noor Alam S/o Said Malok	1.5.70(1)043	60	GHS. Dandai	Vice Shakirollah he has not qual:merit.
7.	Shubhanullah S/o Abdul Sattar	16.10.74(2)016	60	GHS. Kassa-lilowai	Vice Sherwali he has not qual:merit.

TERMS AND CONDITIONS.

1. They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of the Govt: Servant to which they belong.
2. Their Services will be liable to termination on one month notice from either side. In case of resignation without notice one month pay will be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this Notification.
4. Their interics seniority will be determined in accordance with the merit of Departmental Selection committee.
5. Charge report should be submitted to all concerned.
6. They shall be on probation for a period of two years and will have to pass Departmental Exam; In case a candidate fails to qualify the departmental Exam: he will be given one more chance. If he fails again then his services will be terminated. On arrival/availability of trained teachers the services of un-trained teachers occupies the post will be terminated.
7. Their original Certificates/ degrees should be checked and verified from the concerned university/BISE/RDE and Islamic Madrasahs concerned before handing over charge.
8. Service Books of the Junior clerks must be prepared complete in all respects before handing over charge.
9. The declaration of assets should be obtained from them immediately and placed on record.
10. They are required to produce Health and Age certificate from Medical authority concerned before taking over charge.

Next Page No.2.)

Alto
Assistant District Officer (I)
Elementary & Secondary Edu.
Swat.

Attest
Advocate

Charge should not be given to the over age candidate. His case for age relaxation be sent to the concerned quarters.
Efforts for transfer before the completion of tenure will disqualify him from the Service.

No. TA/DA is allowed.

An undertaking shall be obtained from Master and Degree holder J/C that they will service the department for at least 5-years, unless he is selected by the public Service commission for any post.
5. In case of person appointed as an untrained teacher he will have to pass the requisit training examination within a period of 4-years failing which his services will be terminated.

NOTE.

Complete information of each category (Separately) in consolidated lists on the prescribed proforma (attached) along with charge reports be submitted by the lower offices to the Director of Education Secy: Educa; Divisional Director/DEO's(M) within a week positively.

DISTRICT EDUCATION OFFICER(M)
SECY: SWAT SAIDU SHARIF.
24-6-97

Edst: No. 8593-608 /A-12/J.C dated at Saidu Sharif, the 24-06- /97

Copy forwarded for information to the:-

1. Director Secondary Education Schools N.W.F.P. Peshawar.
2. Director of Education Schools Secy: Education Malakand Division Swat at Gulkada.
3. District Account's Office Swat at Saidu Sharif.
4. Principals/Headmaster Concerned.
5. P/S to Secretary to Govt: of N.W.F.P. Education Deptt: Peshawar.
6. Officials concerned.

DISTRICT EDUCATION OFFICER(M)
SECY: SWAT SAIDU SHARIF.
24-6-97

A B³

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY AND SECONDARY EDUCATION SWAT AT GULKADA.
 SENIORITY LIST OF JUNIOR CLERK IN ELEMENTARY AND SECONDARY EDUCATION SWAT UP TO 31/08/2011

S.NO	NAME	FATHER NAME	POST	DOMCILE	D/O BIRTH	D/O IST APPTT: IN EDUCATION DEPTT:	D/O OF TAKING OVER CHARGE IN THE PRESENT POST	D/O AWARD SELECTIO GRADE	Present School/Offcie
1	Yousaf Shah	Midrarul Haq	J/Clerk	Swat	10/02/1956	21/10/1981	21/10/1981 ✓	01/11/1988	GHS Qambar
2	Abdul Wakil	Abdul Matin	J/Clerk	Swat	20/03/1963	25/08/1986	25/08/1986 ✓	01/10/1993	GHS Tall
3	Umar Rashid	Fazal Wahid	J/Clerk	Swat	01/01/1961	23/09/1986	23/09/1986 ✓	31/05/1994	GHS Chupril
4	Ali Akbar	Ghulam Habib	J/Clerk	Swat	20/04/1962	01/11/1986	01/11/1986	01/10/1994	GHS Chamtalai
5	Fazal Wahab	Said Karim	J/Clerk	Swat	06/02/1965	03/11/1986	03/11/1986	01/10/1994	GHS Kass Shingarai
6	Shah Afzal	Abdul Manan	J/Clerk	Swat	25/01/1966	22/11/1986	22/11/1986	24/05/1995	GHSS Kabal
7	Nisar Ahmad	Ghulam Mehmood	J/Clerk	Swat	01/01/1963	30/11/1986	30/11/1986	25/05/1995	GHSS Shamoza
8	Abdul Salam	Abdul Manan	J/Clerk	Swat	03/05/1960	01/01/1987	01/01/1987	01/07/1996	GHS Dardyal
9	Sher Ahmad	Qasim Jan	J/Clerk	Swat	15/11/1959	12/02/1987	12/02/1987	10/01/1996	GHS Kanju
10	Zahir Shah ✓	Rahmani Gul	J/Clerk	Swat	04/04/1963	30/04/1987	30/04/1987	07/01/1997	GGHS Panr ✓
11	Nisarud Din	Sharfuddin	J/Clerk	Swat	25/12/1959	20/09/1987	20/09/1987	01/06/2001	GHS Sakhra
12	Bakht Rawan ✓	Bakht Baidar	J/Clerk	Swat	03/03/1962	24/10/1987	24/10/1987	01/06/2001	GGHS Zara Khela ✓
13	Hafizur Rahman ✓	Muambar Khan	J/Clerk	Swat	01/01/1957	01/03/1988	01/03/1988	01/06/2001	O/O D.D.O(M) Pry Swat ✓
14	Jehangir ✓	Siahosh Khan	J/Clerk	Swat	01/10/1964	01/03/1988	01/03/1988	01/06/2001	GHS Tindodag
15	Riaz Ahmad ✓	Reekhmeen	J/Clerk	Swat	11/09/1965	01/03/1988	01/03/1988	01/06/2001	O/O E.D.O(E&S) Swat ✓
16	Fazal Rahman ✓	Muhyud Din	J/Clerk	Swat	02/07/1961	01/09/1988	01/09/1988	01/06/2001	GGHS Matta ✓
17	Jan Muhammad ✓	Amir Muhammad	J/Clerk	Swat	01/01/1970	06/09/1988	06/09/1988	01/06/2001	GGHS Khawaza Khela ✓
18	Muhammad Quraish	Muhammad Darawish	J/Clerk	Swat	01/04/1966	15/10/1988	15/10/1988	01/06/2001	GHS Khazana
19	Rauf Ahmad	Muhammad Khan	J/Clerk	Swat	03/03/1971	20/09/1989	20/09/1989	01/06/2001	O/O DDO.(M) Swat
20	Jan Muhammad ✓	Bahram Khan	J/Clerk	Swat	03/03/1967	02/10/1989	02/10/1989	01/06/2001	GGHS Manglor ✓
21	Muhamamd Jamal ✓	Abdul Jalal	J/Clerk	Swat	02/02/1964	03/10/1989	03/10/1989	01/06/2001	GHS Ningolai
22	Muhammad Sheraz ✓	Mehronish Khan	J/Clerk	Swat	01/04/1969	04/10/1989	04/10/1989	01/06/2001	O/O DDO.(M) Swat ✓
23	Zoor Muhammad Khan	Azim Khan	J/Clerk	Swat	06/03/1966	05/11/1989	05/11/1989	01/06/2001	GHSS Balogram
24	Mian Gul Rahman ✓	Itbar Shah	J/Clerk	Swat	19/06/1955	18/11/1989	18/11/1989	01/06/2001	GGHS S/Sharif ✓

Attested
 Advocate

25	Muhammad Isa	Abdul Aziz	J/Clerk	Swat	01/10/1964	04/12/1989	04/12/1989	01/06/2001	GHSS Kabal
26	Muhammad	Akbar Khan	J/Clerk	Swat	01/04/1969	04/12/1989	04/12/1989	01/06/2001	GHS Chitor
27	Fazal Ahad	Abdul Kamal	J/Clerk	Swat	10/04/1969	04/12/1989	04/12/1989	01/06/2001	O/O E.D.O.(E&S) Swat
28	Ihsanullah Khan	Gul Zarin Jan	J/Clerk	Swat	01/05/1970	05/12/1989	05/12/1989	01/06/2001	GGHS Kalay Kalay
29	Barkat Ali	Usman Ali	J/Clerk	Swat	01/04/1968	07/12/1989	07/12/1989	01/06/2001	GHS Amankot
30	Muhammad Afzal	Umaer Khan	J/Clerk	Swat	15/03/1962	09/12/1989	09/12/1989	01/06/2001	GHSS Charbagh
31	Muhammad Farooq	Mumtaz Ali	J/Clerk	Swat	15/01/1965	11/12/1989	11/12/1989	01/06/2001	GHSS Baidara
32	Dawa Khan	Amir Jalal	J/Clerk	Swat	10/06/1972	11/12/1989	11/12/1989	.0	GHS Parrai
33	Fazal Rahman	Wafa Muhammad	J/Clerk	Swat	01/01/1967	04/03/1990	04/03/1990	.0	GHS Gulibagh
34	Habibullah	Fazal Rahman	J/Clerk	Swat	08/11/1970	02/05/1990	02/05/1990	.0	GHS Shalhand
35	Sardar Khan	Mian Sher	J/Clerk	Swat	04/01/1965	05/05/1990	05/05/1990	.0	GHS Bahrain
36	Bakht Sher Ali Khan	Mian Muner	J/Clerk	Swat	01/06/1966	05/05/1990	05/05/1990	.0	O/O E.D.O.(E&S) Swat
37	Hiader Ali	Zoor Talab Khan	J/Clerk	Swat	02/03/1968	05/05/1990	05/05/1990	.0	O/O E.D.O.(E&S) Swat
38	Nadar Khan	Fazal Rahim	J/Clerk	Swat	03/05/1969	05/05/1990	05/05/1990	.0	GHS Deolai
39	Ahmad Ghani	Dawood Khan	J/Clerk	Swat	15/02/1970	05/05/1990	05/05/1990	.0	GHS Dherai
40	Shorab Khan	Muhammad Karam	J/Clerk	Swat	01/04/1970	05/05/1990	05/05/1990	.0	O/O E.D.O.(E&S) Swat
41	Iftikharud Din	Muhammad Shah Khan	J/Clerk	Swat	01/04/1971	05/05/1990	05/05/1990	.0	GGHS Totano Bandai
42	Zahir Shah	Jamshid Khan	J/Clerk	Swat	01/01/1968	06/05/1990	06/05/1990	.0	GHS Labat
43	Muhammad Shuaib	Shah Tullah Khan	J/Clerk	Swat	01/01/1966	06/05/1990	08/05/1990	.0	GHS Shawar
44	Abdullah	Abdul Halim	J/Clerk	Swat	01/01/1963	09/05/1990	09/05/1990	.0	GHS Shalpin
45	Ali Rahiman	Saifur	J/Clerk	Swat	10/04/1969	10/05/1990	10/05/1990	.0	O/O E.D.O.(E&S) Swat
46	Pir Muhammad Khan	Amir Salam Khan	J/Clerk	Swat	08/04/1971	12/05/1990	12/05/1990	.0	GHS Kokarai
47	Syed Ahmad Rashid	Syed Abdur Rashid	J/Clerk	Swat	10/04/1969	15/05/1990	15/05/1990	.0	GHS Manai
48	Tahsinullah	Gul Sher	J/Clerk	Swat	01/04/1960	01/06/1990	01/06/1990	.0	GHS Kedam
49	Saleem Shah	Shahbud Din	J/Clerk	Swat	14/08/1965	01/06/1990	01/06/1990	.0	GGHS Barikot
50	Amjad Ali	Purdil Khan	J/Clerk	Swat	01/04/1969	09/07/1990	09/07/1990	.0	O/O E.D.O.(E&S) Swat
51	Muhammad Khitab	Sanobar Mian	J/Clerk	Swat	01/03/1967	29/07/1990	29/07/1990	.0	GHSS Kishwar
52	Muhammad Salim Naz	Muhammad Dilbar	J/Clerk	Swat	16/04/1968	21/08/1990	21/08/1990	.0	GGHS No.2.S/Sharif
53	Sham Sher Ali	Abdul Maula	J/Clerk	Swat	01/04/1967	02/09/1990	02/09/1990	.0	GHS Odigram

Attorney
Advocate

54	Shaukat Ali ✓ X ✓	Fazli Karim Jan	J/Clerk	Swat	02/02/1973	08/12/1990	08/12/1990	.0	GGHS No.1.Mingora ✓
55	Fazal Ali ✓	Sher Zada Khan	J/Clerk	Swat	13/06/1965	13/01/1991	13/01/1991	.0	GHS Aboha ✓
56	Muhammad Rahim	Shah Rawan	J/Clerk	Swat	04/05/1964	15/01/1991	15/01/1991	.0	GHSS Mankyal
57	Fazal Rabi ✓ X ✓	Abdul Hakeem	J/Clerk	Swat	13/02/1966	15/01/1991	15/01/1991	.0	GGHS Fazal Abad Kanju ✓
58	Mian Hussain	Mian Aziz Jan	J/Clerk	Swat	02/02/1966	16/01/1991	16/01/1991	.0	GHS Bandai
59	Ismail	Amir Ghazi	J/Clerk	Swat	13/06/1972	16/01/1991	16/01/1991	.0	GHSS Fatehpur
60	Aftab Ahmad Khan	Sultanat Khan	J/Clerk	Swat	01/03/1972	17/01/1991	17/01/1991	.0	GHSS Mingora
61	Nisar Ahmad	Qasim Jan	J/Clerk	Swat	02/04/1968	23/01/1991	23/01/1991	.0	GHS Kanju
62	Muhammad Naeem	Muhammad Ishaq	J/Clerk	Swat	04/02/1970	23/01/1991	23/01/1991	.0	GHS Sersenai
63	Bakht Ali	Amir Zarin	J/Clerk	Swat	11/11/1967	27/01/1991	27/01/1991	.0	GHSS Khawaza Khela
64	Mayan Khan	Izat Mand	J/Clerk	Swat	15/01/1969	01/02/1991	01/02/1991	.0	GHS Durush Khela
65	Jamalud Din	Abdur Rahman	J/Clerk	Swat	15/02/1971	19/05/1991	19/05/1991	.0	GHSS Kabal
66	Rahmatullah	Abdur Rashid	J/Clerk	Swat	19/04/1963	27/05/1991	27/05/1991	.0	GHS Manyar
67	Rashid Iqbal	Muhammad Junaid	J/Clerk	Swat	11/07/1971	27/05/1991	27/05/1991	.0	GHS Topsisin
68	Muhammad Rahman ✓ X	Saifur Rahman	J/Clerk	Swat	10/03/1967	28/05/1991	28/05/1991	.0	GGHS No.2.Mingora ✓
69	Said Ghani	Said Faqir	J/Clerk	Swat	13/04/1969	28/05/1991	28/05/1991	.0	O/O E.D.O(E&S) Swat
70	Tariq Ali	Bakht Rawan	J/Clerk	Swat	02/04/1971	28/05/1991	28/05/1991	01/07/2001	O/O D.D.O(M) Pry Swat
71	Muhammad Nisar Khan	Abdul Matin Khan	J/Clerk	Swat	15/01/1957	05/09/1991	05/09/1991	.0	GHS Beha
72	Bahri Rahmat ✓ X	Jehangir Khan	J/Clerk	Swat	14/04/1973	09/05/1992	09/05/1992	.0	GGHS Odigram ✓
73	Ali Khan	Sultan Mahmood	J/Clerk	Swat	01/02/1971	13/05/1992	13/05/1992	.0	GHS Jambil
74	Arif Jan ✓ X	Sher Bahadar Khan	J/Clerk	Swat	07/05/1964	16/05/1992	16/05/1992	.0	GHS Chail
75	Anwarul Haq ✓ X	Muhammad Sakir	J/Clerk	Swat	01/04/1967	25/08/1992	25/08/1992	.0	GGHS Charbagh
76	Muhammad Rasool Khan	Umara Khan	J/Clerk	Swat	01/01/1969	07/10/1992	07/10/1992	.0	O/O D.D.O(M) Pry Swat
77	Fazal Wadood	Abdul Wadood	J/Clerk	Swat	11/05/1969	01/11/1992	01/11/1992	.0	GHS No.4.Mingora
78	Faisal Rasool ✓ X	Ghulam Rasool	J/Clerk	Swat	01/04/1972	01/08/1993	01/08/1993	.0	GGHS Kokrai ✓
79	Khurshid Ali ✓ X	Younas Khan	J/Clerk	Swat	01/04/1970	20/12/1994	20/12/1994	.0	GGHS Gwelerai ✓
80	Abdul Khaliq	Abdul Sadiq	J/Clerk	Swat	11/03/1971	01/04/1995	01/04/1995	.0	O/O E.D.O(E&S) Swat
81	Muhammad Rashad	Muhammad Sher Ali	J/Clerk	Swat	01/01/1973	16/05/1995	16/05/1995	.0	GHS Fatehpur ✓
82	Khurshid Ali	Mian Ghafoor Khan	J/Clerk	Swat	05/02/1968	22/05/1995	22/05/1995	.0	GHS Gwelerai ✓

Q

Attested
Associate

83	Rahmatullah	Muambar	J/Clerk	Swat	16/04/1974	29/05/1995	29/05/1995	.0	GHS Bama Khela
84	Ishangir Khan	Awal Khan	J/Clerk	Swat	02/04/1972	28/06/1995	28/06/1995	.0	GHS Swegalai
85	Said Karim	Said Rahim	J/Clerk	Swat	01/06/1977	24/09/1995	24/09/1995	.0	GHS Ahingaro Dherai
86	Kamran Khan	Pir Gul Khan	J/Clerk	Swat	04/03/1972	01/04/1996	01/04/1996	.0	GHS Gurnai
87	Sher Bahadar ✓X	Sher zada	J/Clerk	Swat	01/05/1968	01/05/1996	01/05/1996	.0	GGHS Bara Durush Khela
88	Saeedullah Khan ✓X	Sarbaz Khan	J/Clerk	Swat	13/03/1970	27/08/1996	27/08/1996	.0	GHS Koza D/Khela
89	Sher Malook	Khaishta Mand	J/Clerk	Swat	01/01/1975	18/09/1996	18/09/1996	.0	GHSS Fatehpur ✓X
90	Shahzad ✓X	Fazli Manan	J/Clerk	Swat	13/02/1979	25/06/1997	25/06/1997	.0	O/O E.D.O.(E&S) Swat ✓
91	Rahman Ali	Muhammad Umar	J/Clerk	Swat	15/07/1976	01/07/1997	01/07/1997	.0	GHS Nazar Abad
92	Liaqat Ali ✓X	Muhammad Pervez	J/Clerk	Swat	01/03/1976	11/07/1997	11/07/1997	.0	O/O E.D.O.(E&S) Swat ✓
93	Abdul Latif ✓X	Abdul Ghaffar	J/Clerk	Swat	29/08/1973	30/08/1997	30/08/1997	.0	GHS Ismapur ✓X
94	Abdul Khaliq	Abdul Malik	J/Clerk	Swat	13/03/1979	24/01/1998	24/01/1998	.0	GHS Utror
95	Ghulam Ahad ✓X	Shah Nabaz	J/Clerk	Swat	12/05/1971	25/01/1998	25/01/1998	.0	GGHS Shah Dara Mingora ✓
96	Farman Ali	Siraj	J/Clerk	Swat	10/04/1973	25/01/1998	25/01/1998	.0	GHSS Barikot
97	Fazal Mabood ✓X	Ainullah	J/Clerk	Swat	19/04/1975	10/02/1998	10/02/1998	.0	GGHS Bahrain ✓
98	Amanullah ✓X	Masood	J/Clerk	Swat	01/06/1966	05/04/1999	05/04/1999	.0	GHS No.3.Mingora
99	Attaur Rahman	Shamsur Rahman	J/Clerk	Swat	04/04/1977	05/04/1999	05/04/1999	.0	GHS Nawakalay Mingora
100	Arshad Iqbal ✓X	Amir Zaman	J/Clerk	Swat	02/09/1977	06/04/1999	06/04/1999	.0	GGHS Aboha ✓
101	Akbar Hussain	Umara Khan	J/Clerk	Swat	03/05/1961	14/05/1999	14/05/1999	.0	GHS Barawal
102	Sardar Ali	Zoor Talab Khan	J/Clerk	Swat	10/05/1990	16/10/2009	16/10/2009	.0	GHS Miandam
103	Saeed Iqbal	Shamsul Iqbal	J/Clerk	Swat		16/10/2009	16/10/2009	.0	GHS Ghalegay
104	Said Hujaj ✓X	Umar Khitab	J/Clerk	Swat	01/03/1984	08/04/2010	08/04/2010	.0	GHS Nawakalay ✓
105	Muhammad Fahim Khan	Sarzameen Khan	J/Clerk	Swat	15/03/1984	08/04/2010	08/04/2010	.0	GHS Asala

x

$$\begin{array}{r} 105 \\ + 2 \\ \hline 107 \\ \hline 35 \\ \hline \end{array}$$
 (73)

(34) female
 2

Attested
 Advocate

(31)
 District Officer (M)
 Elementary & Secondary
 Education, Swat

OFFICE OF THE:-

EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY SWAT.

16

ADJUSTMENT.

Signature

M/S Liaqat Ali and Shahzad Junior Clerks of this Office who are
Declared surplus in the wake of devolution are hereby adjusted against the
newly created posts of Computer Operators w.e.f. 01-07-2006 till further orders.

Sd/-
(SHER AFZAL KHAN)
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY SWAT.

Endst: No. 1191-451

Dated: 27/7 /2006.

Copy of the above is forwarded to:

01. The District Accounts Officer, Swat.
02. The B & AO Local Office.
03. PA to EDO (S&L) Swat.
- 04-05. Official concerned.

Attested
[Signature]
Advocate

[Signature]
EXECUTIVE DISTRICT OFFICER,
SCHOOLS & LITERACY SWAT

Attested

[Signature]
1-11-19
Assistant District Officer
Elementary Education
Swat

Handwritten initials "C1" with a signature above it.

Handwritten number "17" inside a circle.

DISTRICT EDUCATION OFFICER (MALE) SWAT AT GULKADA



OFFICE ORDER.

The following officials being qualified as Computer Operator are hereby posted as Computer Operators with immediate effect ~~and~~ in the interest of public service.

1. Mr. Shahzad
2. Mr Amjad Ali.

Necessary entries to this effect should be made in their Service Books and other relevant service record..

(GUL ZAMAN KHAN)
District Education Officer (Male),
Swat at Gulkada.

Endst: No. 5001-4 /ESTT/CO

Dated 31-1 /2013.

Copy of the above is forwarded for information to the:-

1. District Account Officer Swat at Saidu Sahrif.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
3. Director EMIS Cell Khyber Pukhtonkhwa Peshawar.
4. Official Concerned.

[Signature]
District Education Officer (Male),
Swat at Gulkada.

[Signature]
[Signature]
1-11-19
Assistant District Officer (Ped)
Elementary & Secondary Edu.
Swat.

Attested

[Signature]
Admin. file

Handwritten initials

(18)

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE SWAT
AT GULKADA.

OFFICE ORDER:-

It is hereby notified that the adjustment/promotion order of Mr, Said Ghani, Abdul Khaliq, Amjad Ali and Shahzad Junior clerk B-7 against the posts of Key Punch/Computer Operators BPS-12 in the Office of the District Education Offices swat, made as a result of stop gape arrangement, is hereby cancelled in the interest of public service. All kinds of extra and over Financial Advantage received by the above mentioned officials on the same posts w.e.f their adjustment order be deemed as nullity, which be recovered from the concerned officials if any.

(GUL ZAMAN KHAN)
DISTRICT EDUCATION OFFICER
MALE SWAT.

Endst; No. 1192-98 Dated, Gulkada,
the 12-6- /2013.

Copy forwarded for information and necessary action to the:-

1. Secretary E&SE Govt: of Khyber Pakhtunkhwa at Peshawar.
2. Director E&SE Govt: of Khyber Pakhtunkhwa at Peshawar.
3. District Accounts Officer Swat at Saidu Sharif.
4. Deputy District Education Officer Male Local Office.
5. Deputy District Education Officer Female/Incharge DEO(F) Swat.
6. Officials concerned.
7. PA to DEO (M) Local Office.

Handwritten signature
DISTRICT EDUCATION OFFICER
MALE SWAT.

Attested
Handwritten signature
Advocate
ET - DEO swat.

is a major penalty and which cannot be awarded in such a superficial manner and ignoring all the legal formalities mandatory. Moreover it is worth mentioning here that the copy of the order impugned provided to the appellants seems to be maneuvered with, as some comments written on the order impugned seems to have been hidden and the original of the same has never been shown to the appellants till date, which shows the mala fide intentions of the authority, and which makes it necessary that the original be perused as what sort of comment have been kept hidden.

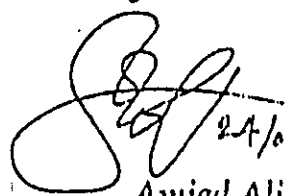
That there has no inquiry of any sort has ever been conducted neither the appellants have been given any chance of defence, which the law never approves of.

That the appellants have not conducted any act of commission or omission which may constitute any offence under any law. Moreover the appellants are still serving as KPOs and drawing their salaries from the same head as well with the approval of the competent authority.

It is, therefore, very humbly prayed that on acceptance of this appeal the order impugned may very kindly be set aside and the appellants let to continue their duties as KPOs without any break or illegal interference.

Attested

Advocate


24/02-14
Amjad Ali

Yours Obediently

Said Ghani
C.O.

A. Kholani

Abdul Kholani 24/2/14

OF THE DISTRICT EDUCATION OFFICER MALE SWAT.

Date Gulkada the 11/24 /2014.

21

1. Mr, Said Ghani Local Office.
2. Mr, Abdul Khaliq Local Office.
3. Mr, Shahzad. Local Office.

Subject:-

NOTICE.

Memo:-

It is stated for your kind information that you were adjusted as computer operators by Mr. Gul Zaman Khan, the then DEO Male Swat without observing codal formalities and subsequently, he cancelled the same order vide No.11192-98 dated 12.6.2013 with the directions to recover the overpayment made to you during the period. It is further reflected that you are still drawing your salaries on the posts of computer operators irregularly which led the Govt treasury towards a heavy loss.

You are directed to provide your individual comments in written form alongwith proofs and other allied materials if any in defence of your current service position to the undersigned within 5 (Five) days of the receipt of this notice, otherwise you shall be reversed to your Original Junior clerk posts with recovery and other Departmental proceedings.

DISTRICT EDUCATION OFFICER
MALE SWAT.

Endst:No. _____

Copy forwarded for Information to the:-

1. Director Elementary and Secondary Education KPK at Peshawar.
2. District Accounts Office swat at Saidu Sharif.
3. Deputy District Education Officer Local Office.
3. Budget & Accounts Officer Local Office.
4. PA to DEO Local Office.

DISTRICT EDUCATION OFFICER
MALE SWAT.

Attested
Advocate

S.No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3 Annexure F

22

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT SWAT

Appeal No. 808/2014

(Shehzad-vs-Govt. of KPK through Secretary Education etc.)

04.03.2015

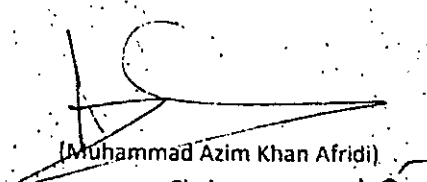
JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN: Appellant with counsel and Mr. Muhammad Saeed, Subject Specialist alongwith Mian Amir Qadir, G.P for respondents present. Preliminary arguments heard and record perused.

Vide my detailed judgment/order of today in connected appeal No. 806/2014 titled 'Said Ghani-vs-Govt. of KPK through Secretary Education and others', there is no substance in the appeal as such the same is dismissed in limine.

Before parting with this judgment, it is observed that the appellant shall not be considered debarred on the strength of the judgment of this Tribunal from applying to the competent authority for consideration of his due rights including right to promotion, financial benefits and recovery of the stated overpayments, if so advised.

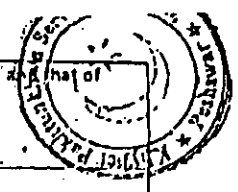
ANNOUNCED
04.03.2015


(Muhammad Azim Khan Afridi)
Chairman
04.03.15

Attested

Advocate

No. of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signatures of Judge or Magistrate and that of parties where necessary.
1	2	3



Handwritten marks including a checkmark, a circled '22A', and a signature 'F'.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
COMP. COURT SWAT**
Appeal No. 806/2014
(Said Ghan vs Govt of KP through Secretary Education etc.)

09.03.2015

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN: Appellant with counsel and Mr. Muhammad Saad, Subject Specialist alongwith Mian Amir Qadir, G.P for respondents present.

This order is aimed at disposal of Instant appeal No. 806 of 2014 as well as Appeals No. 807, 808 and 809 of 2014 as all the appeals are identical in nature and revolve against the same controversy.

Amended appeals in all the afore-stated service appeals have been submitted. Preliminary arguments heard and record perused.

Brief facts of the afore-stated appeals are that the appellants were initially appointed as Junlor Clerks and being computer literate directed to work as Assistant Programmer/KPOs and were later on adjusted in BPS-12 in the office of the District Education Officer, Swat. Vide Impugned order dated 12.6.2013 the appellants were relieved of the posts against which they were adjusted and were directed to work on the posts against which they were appointed. It was also directed that all kinds of extra and over financial advantages received by the appellants be recovered from them. Against the said order departmental appeals were preferred on 24.2.2014 which were not responded and hence the service appeals on 9.6.2014.

ATTESTED
Signature of the Chairman
Kyber Pakhtunkhwa Service Tribunal
Peshawar

Attested
Signature
Advocate

Attested

(51)

23

Perusal of record would suggest that none of the appellants were promoted in the prescribed manners against the posts of KPOs. It was admitted that the cases of the appellants were neither processed by the selection authority including the Departmental Selection Committee nor were so promoted and mere allowed/directed to work against the said posts which directions cannot be considered as promotions of the appellants against the said posts. Learned counsel for the appellants also failed to show that such posts were meant for promotion and that the appellants were eligible to be considered for promotion against the said posts and were so considered by the competent authority.

In view of the above, there is no substance in the appeals as such the same are dismissed in limine.

Before parting with this judgment, it is observed that the appellants shall not be considered debarred on the strength of the judgment of this Tribunal from applying to the competent authority for consideration of their due rights including right to promotion, financial benefits and recovery of the stated overpayments, if so advised.

Sri. Mahalingam Aggarwal
Chairman

Prop. Const. Sec.

ANNOUNCED
04.03.2015

Attested
[Signature]
Advocate

Certified to be true copy
E. K. ANAND
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Decision on Application: 11-3-2015
N
6
3
11-3-2015
Date: 11-3-2015

To

Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Handwritten notes:
DPO (M)
Swat
For detail
Comments
27/9/17

A
24

Subject: - RECONSIDERATION APPEAL.

Sir

Most respectfully, we the appellants submit the following few lines for your kind and sympathetic consideration in the light of the judgment of the Khyber Pakhtunkhwa Service Tribunal dated 11/03/2015 which states that " Before parting with the judgment it is observed that the appellants shall not be considered debarred on the strength of this Tribunal from applying to the competent authority for consideration of their due rights including right to promotion, financial benefits and recovery of the stated overpayment if so advised." Copy of the judgment is attached as (Annexure A).

Vertical stamp:
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

In this connection the appellants request as under:-

1. That the first appointment of the appellants were made on the post of Junior Clerks who were finally posted in the Office of the then Executive District Officer E & SE Swat and were assigned the job of EMIS and other computer related program.
2. That the appellants possessing the relevant and prescribed Professional qualification such B.S (computer Science) and Information technology (DIT) for the post of Key Punch Operator. Entries of the professional and Academic Qualification are appearing on the 2nd page of the service books of the appellants attached as (Annexure B).
3. That the then Executive District Officer E& SE keeping in view Academic, qualification, experience and fitness for the post, posted the appellant as KPO/Data Entry Operators in the EMIS cell of the Education Department vide Order No:344-48 dated 18/7/2001 . Copy the Order is attached as (Annexure C).
4. That in compliance of the order referred to Paragraph above the appellant submitted charge report duly signed by the then Executive District Officer E & SE Swat and copy of the same was sent to all concerned. Copy of the charge report is attached as (Annexure D).
5. That in the year 2007 I was assigned the task of Assistant Programmer in EMIS section of the local Office vide Order No: 2176-79 dated 13/2/2007. Copy of the order is attached as (Annexure E).
6. That vide order No: 3923-28 dated 1/12/2008 copy attached as (Annexure F), the appellants were allowed computer allowance at the rate of Rs: 750/- as allowed to all the KPOs of the province under the Rules by the Government of Khyber Pakhtunkhwa.
7. That on the eve of bifurcation of Male and Female Offices in the year 2013 we were acknowledged as regular KPOs and posted accordingly in the Office of the District Education

Attested
[Signature]
Advocate



Officer M & F) vide order signed by both the District Education officer M & F copy attached as (Annexure G).

8. That the District Education Officer Male Swat vide Order copy attached as Annexure H posted the appellants as regular computer operators in BPS-12 with proper direction that entries to that effect shall be made in our service books.
9. That directed above entry had been made in the service books of the appellants concerned in the relevant page of the service books. Copy of the service books attached vide Para 2 above.
10. That the names of the appellants have been included as Regular Computer Operators in the provincial seniority list of the KPOs of Khyber Pakhtunkhwa at S.No. 4, 23 and 45. The inclusion of names of the appellants in the Provincial seniority list proves that the E & SE Department Khyber Pakhtunkhwa have acknowledged the appellants as regular KPOs at provincial level. Copy of the Provincial list is attached as (Annexure I).
11. That all of a sudden and without any prior notice the posting order as computer Operator of the appellants was withdrawn vide Order No: 11192-98 dated 12/6/2013 on a flimsy ground that codal formalities were not observed and the appellants were asked vide notice No 3575-77 dated 11/2/2014 to recover the over payment made to the appellants during the period. In this connection it is stated that non-observance of codal formalities was the fault of the appointing authority and as such the appellants may not be scapegoated for the fault of others. Copy of the notice is attached as (Annexure J).
12. That the appellants suspended the impugned order in Peshawar High Court Mingora Bench vide order sheet dated 14/2/2014 copy attached as (Annexure K). It merits mention that the appellants also filed appeal in the Khyber Pakhtunkhwa Service Tribunal which was unfortunately decided against the appellants vide judgment dated 11/03/2015 referred to Annexure A. In the said judgment passed by the Khyber Pakhtunkhwa Service Tribunal the appellants were given the right of appeal to the Department. Hence this appeal is submitted. In addition to above the appellants however filed an appeal in the Supreme Court of Pakistan against the judgment of the service Tribunal which is still under process in the Apex Court.
13. That one of the Computer Operator named Mr. Abdul Khaliq was proved guilty in a corruption case was reverted to the post of Junior Clerk by the Director E & SE Khyber Pakhtunkhwa order issued under Endorsement No.5013-16 dated 29/10/2015. The last paragraph of the order passed by the Director E&SE is explicit on the subject matter, which read as "Now therefore on consideration of the appeal and in exercise of the powers conferred upon the Appellant Authority under section 17 read with sub Rule(2) (b) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Disciplinary) Rules 2011, the order of Major penalty of dismissal from service in r/o Mr. Abdul Khaliq Ex KPO DEO(M) Swat bearing endorsement No, 5313-20 dated 20.6.2015 is set aside and he is reverted to lower scale of BPS-11 as Junior Clerk and re-instated in service on Junior Clerk post at any (Mate) high School of District Swat and the intervening period may be

Attested

Advocate

26

treated as EOL without pay." Thus it is proved that the Director Elementary & Secondary Education have acknowledged the appellants as KPO. Copy of the order passed by the Director is attached as (Annexure L).

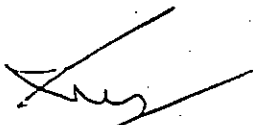
14. That the posts of the Computer Operators in Khyber Pakhtunkhwa were upgraded from BPS-12 to BPS-16 vide order of the Government of Khyber Pakhtunkhwa Finance Department Notification No: KC/FD/SO(FR)/7-3/2015-16 dated 29/7/2016 copy attached as (Annexure M) and consequently DEO (M&F) signed and countersigned the papers of the Appellants such as Charge report, Last Pay certificate, Specimen signatures, non-allotment of accommodation certificate, undertaking and service books for onward submission to the Comptroller of Accounts Saidu Sharif. The papers referred to above are attached as (Annexure N, O, P, Q, & R).
15. Amongst the appellants, Said Ghani is due for promotion on the basis of seniority cum fitness as his name is appearing at S.No:4 of the Provincial seniority and has submitted his ACRs and other related papers to the Provincial Director E&SE Peshawar.

In view of the facts explained above it is requested that being an appellate authority the appeal may very kindly be considered sympathetically and the poor appellants may be reinstated in service and the appellants will withdraw the appeal from the apex court and will pray for your long life and prosperous life. The gracious step on your part will save the Department and the poor appellants from unnecessary, expensive and lengthy litigation.


Needless to mention that the appellants had by dint of our strenuous efforts have placed District Swat Education Office both Male and Female on the top in the entire province in EMIS and other computer related program. We therefore expect reward in return for our sincere efforts. Moreover in case fresh KPSs are inducted the Education Department District Swat will come to a standstill position.

Thanks in anticipation.

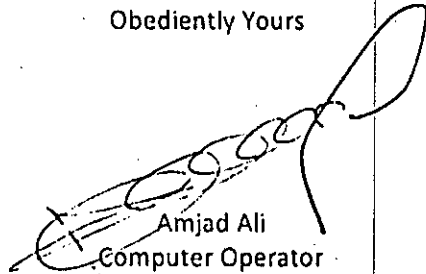
Obediently Yours


Said Ghani
Computer Operator
O/O the DEO(M) Swat.

Obediently Yours


Shahzad
Computer Operator
O/O DEO(M) Swat.

Obediently Yours


Amjad Ali
Computer Operator
O/O DEO(F) Swat.

Attested

Advocate

11792

Detail Comments Page No.1

Dated 28/9/2016

Am-ht

From

The District Education Officer,
(Male & Female) Swat.

To

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

Subject:- DETAIL COMMENTS.

Memo:-

Please refer to your remarks on the original appeal of the following appellants where in you have asked for detail comments from the undersigned on the subject cited above.

S.NO	NAME OF THE APPELLANT	DESIGNATION	PRESENT PLACE OF POSTING
1.	Mr. Said Ghani	Computer Operator	DEO(M) Swat.
2.	Mr. Shahzad	Computer Operator	DEO(M) Swat
3.	Mr. Amjad Ali	Computer Operator	DEO(F) Swat

Para wise comments are as under:-

1. Admitted. The appellants being well conversant and qualified were assigned the job at EMIS cell and other computer related program.
2. True. Page 2 of the service book is explicit on the subject matter. Necessary entries of the academic and Professional qualification have been made in their service books.
3. True. The then District Education Officer appointed/posted the above mentioned appellants as KPOs vide Order No: 6001-4/Estt/Co dated 31/1/2013 and Order No.6098-6102 dated 2/2/2013.
4. Admitted. In compliance of the posting order the appellants submitted charge report to all concerned.
5. True. They were assigned the task of the EMIS and other computer related program being well conversant and experienced officials.
6. Being working as Computer Operators they were allowed computer allowance as due and admissible to them under the Rules.
7. Admitted. On the eve of bifurcation as DEO (M & F) they were acknowledged as Computer Operators and both the Male and Female were signatory to the bifurcation list.

Attested
[Signature]
Advocate

8.9 Admitted. The appellants were allowed B-12 under proper direction that entries to that effect shall be made in their service books and other allied documents.

10. True. The names of the appellants were placed in the Provincial list of KPOs at S.No 4, 23 and 45.

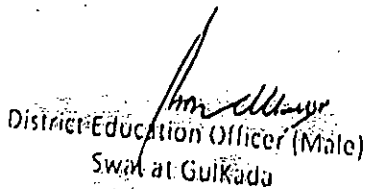
11. The posting/Appointment order as KPO of the appellants was withdrawn on the grounds that codal formalities for such appointment were not observed. The grounds prescribed for such withdrawal is very poor as observance of the codal formalities were to be completed and finalized by the appointing authority i.e. DEO (Male) Swat and not by the appellants. The appellants were however qualified and well conversant with their job and fulfillment of the formalities was not their responsibility. Hence the reason/ground prescribed for withdrawal does not seem sound and genuine.

12. True. The appellant file writ petition in the Peshawar High Court and got the Impugned order suspended.

13. True. One Mr. Abdul Khaliq who was also appointed as KPO along with the appellants was found involved in a corruption case was dismissed by the DEO (M) Swat and finally reverted as Junior Clerk. The reversion of Mr. Abdul Khaliq from the post of KPO to the post of Junior Clerk by the Directorate proved that they have been acknowledged as KPOs.

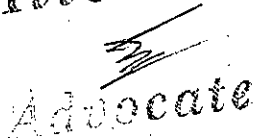
14. True. On the eve of up gradation of the posts of KPOs to B-16, the Charge reports and other allied documents of the appellants were signed.

In view of the circumstances above it is recommended that the appeal may be accepted/ considered and they may be reinstated as Computer Operator as the appellants possessing the relevant academic and professional qualification and their termination from such post will create a great set back and the EMIS and other computer related program will come to a standstill position.


District Education Officer (Male)
Swat at Guikadu


District Education Officer (Female)
Swat at Saidu Sharif

Attested


Advocate

SERVICE DIVISION

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

NOTIFICATION

1. WHEREAS, the appellants M/S. Said Ghani, Shahzad and Amjad Ali were initially appointed as Junior Clerks in the Elementary & Secondary Education Department by the then District Education Officer (M) Swat/Divisional Director of Education Malakand Division at Swat.
2. AND WHEREAS, the said Junior Clerks(Appellants) were subsequently posted/adjusted against the post of Computer Operators by the then EDO E&SE / DEO(M) Swat vide office orders No. 3680-85 dated 17-09-2009 and No. 6001-4 dated 31-01-2013 & No. 6098-6102 dated 02-02-2013.
3. AND WHEREAS, later on their posting/adjustment order against the post of computer operators was cancelled by the concerned DEO vide office order No. 11192-98 dated 12-06-2013.
4. AND WHEREAS, the said mentioned computer operators/appellants filed a service appeal No. 809/2014 in the Khyber Pakhtunkhwa, Service Tribunal Peshawar, Camp Court Swat for the redressal of their grievances.
5. AND WHEREAS, the Honorable Judge Khyber Pakhtunkhwa, Service Tribunal Peshawar, Camp Court Swat vide his judgment dated 04-03-2015 directed the appellants to approach to the competent authority for consideration of their due rights etc...
6. AND WHEREAS, consequently the appellant concerned approached to the Director E&SE (Appellate) authority through the DEO (Male/Female) Swat vide letter No. 11792 dated 28-09-2016 requesting for reinstatement against the post of computer operators.
7. AND WHEREAS, the appellate authority in pursuance of Section 17 read with sub rule (1) & (2) of the E&S Rules-2011 called for the comments from the concerned DEO's for consideration of the appeal.
8. AND WHEREAS, the DEO concerned provided the requisite record/comments accordingly vide his letter No. 11792 dated 28.9.2016 & 11793 dated 29.9.2016.
9. AND WHEREAS, having gone through the comments/report and record so provided by the DEO's (Male & Female) Swat in support to the appeal of the aggrieved appellants it was revealed that the posting/adjustment of M/S. Mr. Said Ghani, Shahzad and Amjad Ali (Appellants) against the post of Computer Operators was not found in-line with the prescribed services rules notified by the E&SE Department dated 28-01-2013.
10. NOW, THEREFORE, in exercise of the powers conferred under Section-17 rule (2), (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, the Director E&SE/appellate authority upheld the order of DEO (M) Swat issued vide No. 11192-98 dated 12-06-2013 and reject the appeal lodged by M/S Mr. Said Ghani, Shahzad and Amjad Ali Junior Clerks working against Computer Operator posts at office of the DEO (M) Swat (appellants). They should continue against their substantial post as Junior Clerks as usual.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Encls: No. 1390-95 /F.No. /A-23/MS/E/swat/ Dated Peshawar the 23/1/2016.

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

- 1- District Education Officer (Male) Swat w/r to his letter No. 11793 dated 28.9.2016.
- 2- District Education Officer (Female) Swat w/r to her letter No. 11793 dated 28.9.2016.
- 3- District Accounts Officer Swat.
- 4- Appellants concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.

Assistant Director (Admin)
E&SE, Khyber Pakhtunkhwa, Peshawar

Attested
Advocate

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6 of 2017

Shehzad Key Punch Operator at District Education Office
(Male), Saidu Sharif, District Swat.

Diary No. 02

Dated 02-01-2017

...Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. The Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) at Gulkada, District Swat.
4. The District Accounts Officer District Swat at Saidu Sharif, District Swat.

...Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER OF THE RESPONDENT NO. 2
BEARING NO. 1390-95/FNO/A-
23/MS/SWAT DATED 23-12-2016
WHEREBY THE DEPARTMENTAL
APPEAL OF THE APPELLANT ALONG
WITH OTHERS WAS REJECTED,
WHICH ORDER IS AGAINST THE LAW,
FACTS AND IS NOT SUSTAINABLE IN
LAW.

Filed to-day
Registrar

2/1/17

ATTESTED
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR

Attested
Advocate

06/17

13.01.2017

Shehzad vs Govt of K.P.



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Counsel for the appellant and Addl. AG present.

Learned counsel for the appellant argued that the appellant was serving as Computer Operator in the establishment of respondents when vide impugned order dated 12.06.2013 his services as Computer Operator were terminated and all kinds of extra and financial advantages received by the appellant were ordered to be recovered where-against appellant preferred service appeal No. 808/2014 which was dismissed by this Tribunal in limine vide order dated 04.03.2015 with the observation that the appellant is not to be considered debarred from applying to the competent authority for consideration and his rights including right to promotion, financial benefits and against the recovery of above stated over payment. That the application of the appellant was dismissed by the appellate authority vide impugned order dated 23.12.2016 and hence the instant service appeal on 02.01.2017..

That the appellant was appointed in the prescribed manner as Computer Operator and that his name was also reflecting in the final seniority list of the Computer Operators and as such the impugned order is against facts and law and liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days notices be issued to the respondents. To come up for written reply/comments on 09.03.2017 at camp court Swat as the same pertains to territorial limits of Malakand Division. Till further orders recovery shall not be made from the appellant..

S.H.
Chairman

Certified to be true copy
 CHAIRMAN
 Khayber Pakhtunkhwa
 Service Tribunal
 Peshawar

Attested
 Advocate

AKW

32

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p align="center">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL At Camp Court, Swat. Service Appeal No. 05/2017</p> <p>Date of Institution 02.01.2017 Date of Decision 04.03.2020</p> <p>Amjad Ali: Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. The District Education Officer (Male) at Gulkada, District Swat. District Accounts Officer District Swat at Saidu Sharif, District Swat. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal _____ Member(J) Mr. Hussain Shah _____ Member(E)</p> <p align="center">JUDGMENT</p> <p>MUHAMMAD HAMID MUGHAL, MEMBER: - Appellant</p> <p>with counsel present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. This common judgment in the above captioned 'service appeal shall also dispose of service appeal bearing No.01/2017</p>		

04.03.2020

4.3.2020

ATTESTED

[Signature]

Service Appeal No. 05/2017

Attested

[Signature]

Advocate

filed by Said Ghani and service appeal bearing No.06/2017 filed by Shehzad, being identical in nature having arisen from the similar facts and circumstances.

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3. The present service appeals are for setting aside the order dated 12.06.2013 whereby the adjustment/promotion order of the appellants against the post of Key Punch/Computer Operator, made as a result of staff gap arrangement, was cancelled. The appellants have also assailed the order of the appellate authority dated 23.12.2016 whereby departmental appeal of the appellants for their reinstatement against the post of Computer Operator was rejected.

4. Learned counsel for the appellants argued that the appellants were initially appointed as Junior Clerks; that the respondent No.2 asked respondent No.3 to nominate clerks for training in computer operation; that the appellants were as such nominated and adjusted as Computer Operator in the year 2001; that the appellants were placed in the seniority list of Computer Operators; that vide order dated 12.06.2013, the adjustment order of the appellants against the post of Computer Operator was cancelled and feeling aggrieved, the appellants filed Service Appeals before this Tribunal; that this Tribunal while parting with the judgment dated 04.03.2015 passed in the said service appeals, observed that the appellants may approach the competent authority for consideration of their due rights including right to promotion, financial benefits etc.; that consequently the appellants filed departmental appeal

3.10.20



Attested

Advocate

however the same was rejected vide impugned order dated 23.12.2016 hence the present service appeal. Further argued that the impugned orders are not sustainable in the eyes of law; that bringing the name of the appellants on the seniority list of Computer Operators confirms the status of appellant as Computer Operator; that in case there was any irregularity in the adjustment of the appellants as Computer Operator; this lapse shall be considered on the part of competent authority and shall not be attributed to the employees. In support of his arguments learned counsel for the appellants referred to the judgment reported in 2018 SCMR page 349.

5. As against that learned District Attorney argued that the appellants have not come to this Tribunal with clean hands; that the appellants were appointed against the post of Junior Clerks and their claim to be adjusted against the post of Computer Operator on regular basis is baseless and without any lawful backing; that the appellants had earlier challenged the impugned order dated 12.06.2013 before Service Tribunal in service appeals which service appeals were dismissed by this Tribunal in limine vide common judgment dated 04.03.2015. Further argued that since the matter in issue has already been decided, therefore, the present service appeals are not maintainable being barred under Rule-23 of Khyber Pakhtunkhwa Service Tribunal Rules, 1974.

6. Arguments heard. File Perused.

7. It is not disputed that the appellants earlier challenged the

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4.3.2020

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[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Attested

[Signature]
 Advocate

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impugned order dated 12.06.2013 before this Tribunal in service appeals and this Tribunal vide common judgment dated 04.03.2015 passed in Service Appeals No: 806/2014, 807/2014, 808/2014 and 809/2014 dismissed the same. Findings in the said common judgment are reproduced as under:

"Perusal of record would suggest that none of the appellants were promoted in the prescribed manners against the posts of KPOs. It was admitted that the cases of the appellants were neither processed by the selection authority including Departmental Selection Committee nor were so promoted and mere allowed/directed to work against the said posts which directions cannot be considered as promotions of the appellants against the said posts. Learned counsel for the appellants also failed to show that such posts were meant for promotion and that the appellants were eligible to be considered for promotion against the said posts and were so considered by the competent authority.

In view of the above, there is no substance in the appeals as such the same are dismissed in limine.

Before parting with this judgment, it is observed that the appellants shall not be considered debarred on the strength of the judgment of this Tribunal from applying to the competent authority for consideration of their

Ra
4.3.2010

ATTESTED

[Signature]
Secretary
Punjab

Attested
[Signature]
Advocate

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due rights including right to promotion, financial benefits and recovery of the stated overpayments, if so advised."

8. Consequent upon the common judgment/order dated 04.03.2015 of this Tribunal, the appellants again submitted departmental appeal (reconsideration appeal), which departmental appeal was rejected vide impugned order dated 23.12.2016 on the ground that posting/adjustment of the appellants against the post of Computer Operator was not found in line with the prescribed service rules and therefore the appellants should continue against their substantial post as Junior Clerk as usual.

9. This Tribunal is of the considered view that the matter in issue in the present service appeals has already been decided vide common judgment dated 04.03.2015 of this Tribunal passed in service appeals No. 806/2014, 807/2014, 808/2014 and 809/2014. Above mentioned service appeals were dismissed by this Tribunal on the basis of findings that none of the appellants was promoted in the prescribed manner against the posts of KPOs and that their cases were not processed by the selection authority/departmental selection committee nor were so promoted and mere permission/direction to work against the post of KPO cannot be considered as promotions of the appellants against the said posts and that learned counsel for the appellants failed to show that such posts were meant for promotion and that the appellants were eligible to be considered for promotion against the said posts and

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Advocate

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were so considered by the competent authority.

10. The observation in the last para of the common judgment dated 04.03.2015 cannot be stretched for the grant of right of appointment or promotion against the post of KPO/Computer Operator.

11. As a sequel to above the captioned service appeal and the connected service appeals as mentioned in Para-02 of this judgment, are dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(Signature)
(Hussain Shah)
Member

(Signature)
(Muhammad Hamid Mughal)
Member
Camp Court, Swat.

ANNOUNCED
04.03.2020

(Stamps and signatures)

Date of ... 18-5-2020
Number of ... 2/100
... 2600
... 4-
... 20-00
... 18-5-2020
... 18-5-2020

Attested

(Signature)
Advocate

Annexure "2"

38

**OFFICE OF THE DEPUTY DIRECTOR (F&A), DIRECTORATE OF
E&SE, PESHAWAR**

Subject INQUIRY REGARDING APPEAL RECEIVED FROM AMJAD ALI & OTHERS WORKING AS
COMPUTER OPERATOR IN DEO (F) SWAT

Background of the case:-

An appeal received by worthy Director E&SE, Peshawar from Mr. Amjad Ali Mr. Shahzad Khan and Mr. Said Ghani who are working against the post of computer operators in DEO (M/F) Swat.

According to them, they were initially appointed as junior clerks, later on the Executive District Education Officer Swat posted/adjusted them against the post of computer operator/Data Entry Operator BPS-12.

Amjad Ali was adjusted / posted as KPO on 17-9-2009, Said Ghani was adjusted/posted KPO on 18-7-2011 while Shahzad was adjusted/ posted 27-7-2006.

They also stated in their appeal that they have prescribed qualification of computer operator, also got training & seminar regarding Computer operator in 2013, sudden & without any notice, the Executive District Education Officer cancelled our office order of computer operator with the remarks that it was just for stop gap arrangement.

The applicant requesting for re-instatement against the post of computer operator.

The worthy Director, constituted an inquiry of the following officers to investigate the facts.

1. Mr. Adalat Khan, Dy: Director (F&A) Local Directorate as a Chairman.
2. Mr. Gulzar Muhammad, Assistant Director (Lit) Local Directorate as a member

Fact & Finding.

Mr. Adalat Khan, Dy: Director (F&A) Local Directorate alongwith Mr. Gulzar Muhammad, Assistant Director (Lit), Local Directorate visited the DEO(M&F) Swat offices & checked the whole records/orders & documents.

Attested

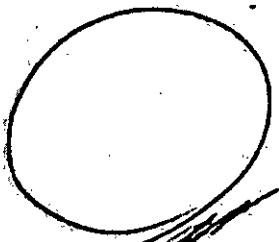
[Signature]
Advocate

We found that the applicants are basically appointed as Junior Clerks & posted against the post of computer operator/Data Entry Operator by the concerned Executive District Education Officer, which is wrong & against the law/rules & policy, because cadre of post cannot be changed.

There is no such rules to change the cadre of an employee on district level on need basis for some time. They can work on said posts but cannot be merged in it.

Recommendations


1. The case of the applicants is subjudice / under trail in the August Supreme Court of Pakistan so the mentioned recommendation may be implemented after the outcome of the CPLA filed by the applicants.
2. Their names should be included in the seniority list of J/Clerk from the 1st appointment.
3. They may be promoted in their own cadre.
4. They may be promoted in their own cadre to the posts as their other colleagues/person got promotion.



Gulzar Muhammad
Assistant Director Lit
Local Directorate

Attested

Advocate


Adul Khan
Deputy Directorate (F&A)
Local Directorate



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 927 /F.No.A-23/MS/Appeal /Amjid Ali /Comp/Oper & others Swat
Dated Peshawar the 23/08/2022.

Phone: 091-9225344

Email: ddadm.e.se@gmail.com

40
21

To

The District Education Officer
(Female) Swat

Amjad Ali
DEO 23/MS/Appeal

6/9/22

Subject:-

MERCY PETITION REGARDING RE-INSTANTMENT AS COPUTER
OPERETOR BPS-16

Memo:-

I am directed to refer to the subject cited above and to state that an inquiry has been conducted by this Directorate in the light of appeal in r/o Mr. Amjid Ali, Mr. Shahzad Khan and Mr. Said Ghani working against the post of Computer Operators at DEO (Male/Female) Swat.

I am further directed to ask you that the recommendation of the inquiry officer will be implemented after the outcome of CPLA Please.

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

Endst: No. _____

Copy to the:-

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Applicant concerned.
3. Master File.

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

Attested
Advocate

M

54/23

(41)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE AMIN-UD-DIN KHAN
MR. JUSTICE JAMAL KHAN MANDOKHAIL

C.Ps. No.2185, 2186 & 2245 OF 2020
(Against the judgments dated 04.03.2020
passed by KPK Service Tribunal in Service
Appeal No.01, 05 & 06 of 2017)

Said Ghani

(C.P. No.2185 of 2020)

Shehzad

(C.P. No.2186 of 2020)

Amjad Ali

(C.P. No.2245 of 2020)

....Petitioners

Versus

**The Government of Khyber Pakhtunkhwa
through Secretary Elementary & Secodary
Education, Khyber Pakhtunkhwa, Peshawar
and others**

....Respondents

For the petitioners:

Mr. Amjad Ali (Mardan), ASC.

For the respondents:

Sardar Ali Raza, Addl. A.G. KPK.
Fazal Rehman, DEO (M) Swat.
Muhammad Jamil, AAO District Swat.

Date of Hearing:

27.04.2023

ORDER

IJAZ UL AHSAN, J:- After arguing the case at some length, learned counsel for the petitioners does not press this petition. He, however, submits that the department is recovering the benefits which were lawfully given to the petitioners while they were performing functions as Key Punch Operators/Computer Operators. He further submits that on being sent to their respective posts they are entitled to promotion in accordance with law by following the relevant departmental rules. Learned Additional A.G. submits that the promotions in accordance with law and departmental rules will be considered by the competent authority and such process will be completed within three months. As far as recovery of all dues are

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

Attested

Advocate

concerned, on the principle of locus poenitentiae, in view of the fact that petitioners have already received benefits and such benefits were granted to them by the Government itself without any fault or effort on the part of the respondents to obtain such benefits unlawfully, we are inclined to agree with the argument of learned counsel for the petitioners that such benefits cannot at this stage be recovered from the petitioners. Subject to the above observations, these petitions are disposed of as not pressed.

(S)
42

Sd/-J
Sd/-J Certified to be True Copy
Sd/-J

Senior Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad, the
27th April, 2023
(Umair)

2941/2023

CR No: _____ Civil/Criminal

Date of Presentation: 27-4-2023

No of Words: 6w

No of Folios: 1

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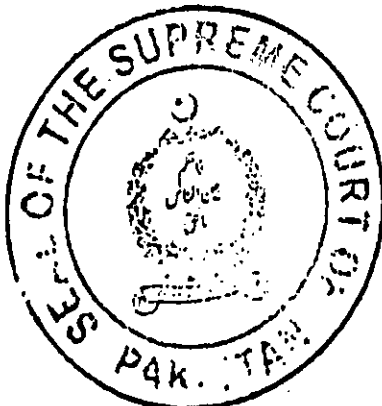
Court Fee Stamps: 0-12

Date of Completion of Copy: 27/4/23

Date of Delivery of Copy: _____

Compared by/Prepared by: 27/4/23

Received by: _____



Attested
[Signature]
Advocate



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
Phone: 091-9225344 Email: ddadm.esce@gmail.com

Annexure N^o (43)

NOTIFICATION.

Consequent upon the recommendation of the Departmental Promotion Committee (DPC) in its meeting held on 18-08-2023 and in the light of the judgment of August Supreme Court C.P No. 2185, 2186 dated 2245 of 2020 dated 27-04-2023, the following Junior Clerks (BS-11) working in and under the Directorate of EBSE Khyber Pakhtunkhwa Peshawar are hereby promoted to the posts of Senior Clerk (BS-14) on regular basis and posted/adjusted against the vacant post of Senior Clerk (BS-14) in the offices/institutions as noted against each in the interest of public service with effect from the charge assumption of the newly promotes.

S.No	Name	Father Name	Present Station	Proposed Station	Remarks
1	Amjad Ali	Purdil Khan	DEO (F) Swat	GGHSS Zara khela Swat	AVP
2	Said Ghani	Saud Faqir	DEO (M) Swat	GHSS Shagai Swat	AVP
3	Shehzad	Fazli Manan	DEO (M) Swat.	DEO (M) Swat	AVP

Note:-

1. Charge report should be submitted to all concerned.
2. All the DEOs (M/F) Concerned are directed to handover charge to newly promotees S/Clerks in station mentioned against each, if the said post is filled by your office, the same may be vacated for newly promoted persons.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

5283-86

Endst: No. F.No./Promtion of J/C to SC/Swat

Dated Peshawar the 23/9/2023

Copy forwarded to the: -

1. Registrar Supreme Court of Pakistan, Constitution Avenue G-5/2 Islamabad
2. District Education Officers (M/F) Concerned
3. District Account Officer Concerned
4. Principal/Headmistress Concerned.
5. Officials concerned.
6. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. Master File

Attested

Assistant Director (ADMN)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE) SWAT

(44)

NO. 9271

Dated: 4/10 /2023

To

The Director
Elementary & Secondary Education
Khyber Pakhtun Khwa Peshawar

Subject: - **APPEAL FOR MODIFICATION IN PROMOTION ORDER
ISSUED VIDE NO.5283-86/F.NO. PROMOTION OF J/C TO S/C
DATED; 13-09-2023, WITH BACK BENEFITS.**

Memo:-

I have the honor to enclose herewith original appeals in respect of the following officials. The contents of the appeal are self-explanatory, for your kind perusal and favorable consideration please.

01. Said Ghani Senior Clerk
02. Shahzad Senior Clerk

DISTRICT EDUCATION OFFICER
(MALE) SWAT

Attested
Advocate

To,

The Director
Elementary & Secondary Education
Khyber Pakhtun Khwa Peshawar.

45

Through Proper Channel

Subject APPEAL FOR MODIFICATION/REVIEW IN PROMOTION ORDER ISSUED VIDE NO.5283-86
F.No/ PROMOTION OF J/CLERK TO S/CLERK DATED: 13-09-2023 TO THE EXTENT THAT:

- i. The Appellant may be promoted w.e.f retrospective date (15-2-2021) as other colleagues were promoted with all Consequential back benefits (Promotion order attached as Annexure-H)
- ii. The name of the appellant may be put in seniority list of Senior Clerks at S.No.971 before S.No.972 as both, the appellant and S.No.972 were appointed on the same date i.e 24-06-1997.

Respected Sir,

Facts:

- 01 That the appellant was appointed as Junior Clerk In Elementary & Secondary Education Department vide order No.8593-608 dated: 24-06-1997. (Copy attached as Annexure-A)
- 02 That the appellant was working under the control of the high-ups' with great zeal and zest till 30-01-2013 and thereafter the appellant was posted to the post of Computer Operator BPS 12 Vide DEO (M) office order No. 6001-4 dated 31-01-2013. (Copy attached as Annexure-B)
- 03 That the said promotion order was withdrawn by DEO (M) Swat vide office order No. 1192-9 dated; 12-06-2013. (Copy attached as Annexure C)
- 04 That the present appellant challenged the above withdrawn order dated 12-06-2013 before the Honorable Khyber Pakhtun Khwa Service Tribunal.
- 05 That the Honorable Service Tribunal dismissed the service appeal of the appellant vide Judgment dated 04-03-2020.
- 06 That the appellant filed CPLA/CP_NO.2186 of 2020 before the apex Court against the order dated; 04-03-2020 of the KP Service Tribunal.
- 07 That during the pendency of CPLA, the appellant filed appeal and the worthy Director E&S Education Khyber Pakhtunkhwa constituted an Inquiry committee. The Inquiry committee submitted their recommendations as under:- (Copy attached as Annexure-D)
 - I. *"The Case of the applicants is subjudice/under trail in the August Supreme Court of Pakistan so the mentioned recommendation may be implemented after the outcome of the CPLA filed by the applicants.*
 - II. *Their names should be included in the seniority list of Junlor Clerks from the 1st appointment.*
 - III. *They may be promoted in their own cadre.*
 - IV. *They may be promoted in their own cadre to the posts as their others colleague/Person got promotion."*
- 08 That the worthy Director E &S Education Khyber Pakhtunkhwa vide letter No.927 dated 23-08-2022, agreed that the Recommendation of the Inquiry committee will be implemented after the outcome of CPLA. (Copy attached as Annexure-E).
- 09 That the worthy apex court vide Judgment dated 27-04-2023 disposed of the CPLA with the direction that the petitioners are entitled to promotion in accordance with the Law on being sent to their respective posts within 03 months and further directed that no recovery should be made from them.

Attested

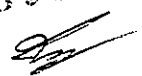
Advocate


- (46) (43)
- 10 . That now your good self-office has issued promotion order/impugned order of the appellants to the post of senior clerks vide order No. NO.5283-86 / F.No/PROMOTION OF J/C TO S/C DATED; 13-09-2023 w.e.f date of taking over charge on new post/Senior Clerk. (Annexure-F)
- 11 That the order issued by the Department has been obeyed and the appellant has taken charge of the post of Senior Clerk accordingly.
- 12 It is Pertinent to mention that the appellant has received salary in B-12 (as computer Operator) w.e.f 31-01-2013 to 30-06-2016, and has not received the salary of B-16 of Computer Operator w.e.f 01-07-2016 when the post of computer operator was up-graded to B-16 for which the appellant was entitled. (Pay slip attached as Annex-G)
- 13 That the above impugned order is illegal, against the spirit of the Judgment of the Honorable Supreme Court and is liable to be modified to the extent that the appellant may be given seniority as per other colleagues w.e.f retrospective date and he may be put in seniority list as per 1st appointment order with all consequential back benefits inter alia following ground.

Ground.

- A. That the impugned order dated 13-09-2023 is liable to be modified as per recommendations of the inquiry committee and within the meaning of the Supreme Court Judgment.
- B. That the appellant had challenged the withdrawal of posting order from J/C to Computer Operator before the Service Tribunal and Supreme Court and both the honorable Courts did not accept the plea of the appellant, hence it clearly means that the original appointment order as J/Clerk is intact and the appellant is entitled to the benefits i.e. Seniority as per their other colleagues.
- C. That the promotion order/impugned order is against the spirit of natural justice as other colleagues of the same batch of appellant have been promoted to the post of Senior Clerk few years ago, therefore the present appellant is also entitled to be promoted from the date when their other colleagues were promoted i.e retrospective date (15-02-2021) (Annexure-H at S.No.382)

It is, therefore very humbly requested that the impugned promotion order dated 13-09-2023 of the appellant may be modified and the appellant may be awarded promotion w.e.f the date (15-2-2021) when the other colleagues of appellant's same batch were promoted (Annexure-H at S.No.382 promotion order) and it is further prayed that the appellant may be awarded seniority as per the other colleagues of the same batch i.e from retrospective dates (Annex-I at S.No.971 Seniority list of S/Clerks) with all consequential back benefits as the appellant is entitled please.

Attested

 Advocate

Appellant

 (SHAHZAD)
 Senior Clerk O/O DEO (M) swat
 Cell No.03339491933



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.
No. 5629 /F.No./A-23/MS/Appeal/Amjad Ali & other C/Operator Swat
Dated Peshawar the 16 /01 /2024
Phone: 091-9225344
Email: ddadmn.esce@gmail.com

To

District Education officer
(Male) Swat

Subject: APPEAL FOR SENIORITY FROM THE DATED AS OTHER COLLEAGUES
OF THE SAME BATCH WITH BACK BENEFITS.

Memo:

I am directed to the subject cited above and to enclose herewith with a copy of letter No SO (P-M)E&SED/2-6/DPC Meeting/Mr.Said Ghani & others/Senior Clerk/Swat/2023 dated 27-12-2023 alongwith its enclosures in respect of Mr. Said Ghani S/Clerk office of DEO (M) Swat received from Section Officer (P-Male) Govt. of Khyber Pakhtunkhwa E&SED Peshawar and to state that his appeal has been examined/analyzed by this office and once again rejected by the appellate authority, hence inform the concerned S/clerk accordingly. H.W.A.

(Signature)
Assistant Director (Admn)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. _____
Copy forwarded to the: -

1. Section Officer (P-Male) Govt. of Khyber Pakhtunkhwa E&SED Peshawar w/r to his letter No. SO (P-M)E&SED/2-6/DPC Meeting/Mr.Said Ghani & others/Senior Clerk/Swat/2023 dated 27-12-2023
2. Mr. Said Ghani S/Clerk office of DEO (M) Swat
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Master File.

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

D:\Admn\Irshad Ali\MS\Appeal Rejected\said ghani appeal rejected 2024.doc

Attested
(Signature)
Advocate

4318
23/12/24



DISTRICT EDUCATION OFFICER (MALE)

Swat (Cell # 0946 9240209-228)

No. 7011-15 / Dated 24/2 / 2024

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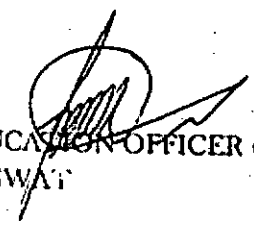
To:

1. Mr. Shalizad S/Clerk local office.
2. Mr. Said Ghani S/Clerk local office.

Subject: APPEAL FOR SENIORITY FROM THE DATE AS OTHER COLLEAGUES OF THE SAME BATCH WITH BACK BENEFITS.

Memo:


With reference letter of the Director E&S Education Khyber Pakhtunkhwa vide letter No.5629/F.No./A-23/MS/Appeal/Amjad Ali & other C/Operators Swat dated 16-01-2024 regarding the above subject, your appeal has been rejected by the appellate authority, as per attached letter for your information accordingly.



DISTRICT EDUCATION OFFICER (M)
SWAT

Encls: No. _____

Copy of the above is forwarded to:

1. The Director E&S Education Khyber Pakhtunkhwa w/r to his letter No. & date cited above.


DISTRICT EDUCATION OFFICER (M)
SWAT

Attested

Advocate



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

NOTIFICATION

Final Seniority List of Senior Clerk (B-14) working in and under Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Newly Merged Tribal Districts (NMTD) as stood on 31/12/2022 is hereby approved and notified.

The above Seniority list can be seen/checked on the official website of E&SE Department Khyber Pakhtunkhwa given below: -

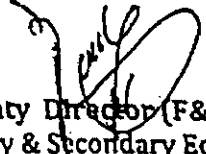
www.kpese.gov.pk


DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No. 2086-2150 / A-23/MS/S: List/ Senior Clerk /2022-23. Dated 24/05 2023
Copy of the above is hereby forwarded to the:-

1. All the District Education Officers in Khyber Pakhtunkhwa including Newly Merged Districts
2. PA to Director Elementary & Secondary Education K-Pakhtunkhwa Local Directorate.
3. Master File


Deputy Director (F&A)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Attested

Advocate

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9/1/2022
9/1/2022
S. I. Khan

Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar									
Final Seniority List of Senior Clerks BPS-14 under Directorate E&SE, NMD, DCTE, DPD, Khyber Pakhtunkhwa corrected upto 31-12-2022									
S.N.	Name	Father's Name	Desig	Domicile	Date of Birth	Date of 1st applt as	D.P. Prom: as S/Clerk	Present place of posting	Remarks
1	Amin Khan	Dilpazir	S/Clerk	Swat	27/10/1964	07/12/1982	31/05/1994	GHSS Mingora	
2	Zia ud Din	Abdul Rasheed	S/Clerk	Mansehra	03/08/1965	25/04/1985	27/12/1997	GHSS Jabbari	
3	Muhammad Yousaf	Juma Khan	S/Clerk	Charsadda	25/04/1964	03/10/1985	31/05/2005	DEO (F) Charsadda.	
4	Ismail Khan	Muhammad Gul	S/Clerk	FATA	14/01/1965	11/03/1986	30/08/2008	D.E (FATA) Peshawar	
5	Inayatullah	Khamash Gul	S/Clerk	FATA	15/12/1965	02/09/1986	30/08/2008	D.E (FATA) Peshawar	
6	Niaz Ahmad	Aurang Zeb	S/Clerk	Nowshera	01/12/1966	07/03/1988	30/03/2009	GGHSS, Shaidu	
7	Sadiq Shah	Mir Akbar Shah	S/Clerk	Mardan	15/04/1965	01/03/1988	23/06/2009	GHSS PALO DHERI	
8	Adalat Khan	Nasr Ullah Khan	S/Clerk	Nowshera	11/04/1970	25/10/1989	24/10/2009	GHSS, Risal Pur	
9	Rooh ullah	Saif ullah	S/Clerk	Peshawar	05/09/1967	16/12/1986	22/12/2009	GGHSS Chumkani	
10	Sardar Hussain	Rahim Shah	S/Clerk		10/03/1967	30/10/1989	07/05/2010	GGHSS RUTSAM	
11	Badal Khan	Haji Mushtari	S/Clerk	Kohistan	05/01/1977	10/01/1996	05/07/2010	GGHS Bataira	
12	Fida Muhammad	Khanwali Dad	S/Clerk	F.R Barnu	19/03/1968	01/07/1986	13/01/2012	FATA	
13	Mehar Rahim	Abdur Rahim	S/Clerk	Peshawar	06/04/1967	11/05/1987	13/01/2012	FATA	
14	Mukhtiar Muhammad	Zareen Muhammad	S/Clerk	Swabi	15/02/1967	05/12/1988	29/02/2012	GHS Dagai	
15	Muhammad Daud	Abdur Rauf	S/Clerk		02/03/1967	11/05/1987	22/03/2012	GHSS Dargai	
16	Amjad Ahmad	Rohh ul Qadoos	S/Clerk	Swabi	20/04/1964	18/11/1989	01/09/2012	GGHS Kalabat	
17	Kifayat ullah	Ahmed Khan	S/Clerk	DIK	01/11/1967	25/10/1989	27/12/2012	GHSS No 1 Paharpur	
18	Shah Nawaz	Rab Nawaz	S/Clerk	DIK	20/02/1969	19/01/1991	31/12/2012	GHSS Lar D.I.Khan	
19	Khalil Ahmad	Taj Nawab	S/Clerk	Shangla	01/04/1975	23/11/1994	31/12/2012	GGHSS LILOWNAI	
20	Iftikhar Muhammad	Saqib Shah	S/Clerk	Mardan	06/04/1967	01/10/1989	15/01/2013	GHS Baghicha Dheri	
21	Munir Ullah	Murshad Alam	S/Clerk	Battagram	14/02/1968	12/04/1986	28/05/2014	SDEO (A) Battagram.	
22	Muhammad Naseer	Muhammad Firdous	S/Clerk	Abbottabad	05/03/1964	27/02/1987	28/05/2014	GHSS Lora Abbottabad	
23	Inam Ullah	Muhammad Nawaz Khan	S/Clerk	Dir Lower	01/04/1967		20/05/2016	GHSS: Rabat Dir Lower	

Attested
Advocate

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S.N	Name	Father's Name	Desig	Domicile	Date of Birth	Date of 1st appnt as	D/O Prom: as S/Clerk	Present place of posting	Remarks
96	Sohrab Khan	Muhammad Karam	S/Clerk	Swat	01/04/1970	05/05/1990	20/05/2016	DEO (M) Swat.	
97	Iftikhar Ud Din	Muhammad Shah Khan	S/Clerk	Swat	01/04/1971	05/05/1990	20/05/2016	GGHSS: Charbagh Swat.	
98	Muhammad Shuaib	Shah Tullah Khan	S/Clerk	Swat	01/01/1966	06/05/1990	20/05/2016	GHSS: Lahat Swat.	
99	Zahir Shah	Jamshid Khan	S/Clerk	Swat	01/01/1968	06/05/1990	20/05/2016	GHSS: Sijbarn Swat	
100	Subhani Shah	Rohani Shah	S/Clerk	Karak	22/08/1971	09/05/1990	20/05/2016	GHSS: Bahadar Khel Karak	
101	Ali Rahman	Saifur	S/Clerk	Swat	10/04/1969	10/05/1990	20/05/2016	DEO (F) Swat.	
102	Pir Muhammad Khan	Amir Salam Khan	S/Clerk	Swat	08/04/1971	12/05/1990	20/05/2016	GHSS: Kokarai Swat.	
103	Syed Ahmad Rashid	Syed Abdur Rashid	S/Clerk	Swat	10/04/1969	15/05/1990	20/05/2016	GHSS: Charbagh Swat.	
104	Muhammad Khalid Hussain	Gul Muhammad Shah	S/Clerk	Mansehra	12/04/1966	16/05/1990	20/05/2016	SDEO (M) Mansehra.	
105	Nasir Pasha	Muhammad Suliman	S/Clerk	Mansehra	14/03/1970	16/05/1990	20/05/2016	GGHSS: Lassa Nawab Mansehra.	
106	Noor ul Amin	Ali Haider	S/Clerk	Swabi	08/02/1966	31/05/1990	20/05/2016	GHSS: Ayub Khan Killi Mardan	
107	Salceem shah	Shahab Ud Din	S/Clerk	Swat	14/08/1965	01/06/1990	20/05/2016	GHSS: Kishora Swat.	
108	Abdul Hamid Khan	Wali Dad Khan	S/Clerk	Abbottabad	10/02/1970	01/06/1990	20/05/2016	GHSS: Harno Aziz Abad Abbottabad.	
109	Ashfaq Ahmad	Abdur Rehman	S/Clerk	Haripur.	04/04/1972	03/06/1990	20/05/2016	GHSS: No.2 Haripur	
110	Muhammad Tahir	M Abdur Rehman	S/Clerk	Mansehra	19/04/1968	06/06/1990	20/05/2016	GGHSS: Thathi Khurd Mansehra.	
111	Sajjad Ahmad	Gharib Ullah	S/Clerk	Charsada	02/10/1969	13/06/1990	20/05/2016	GGHSS: Badrashi NSR:	
112	Muhammad Kamran	Muhammad Suleman	S/Clerk	Haripur.	16/02/1970	18/06/1990	20/05/2016	GHSS: Jatti Pind Haripur	
113	Riasat Hussain Shah	Gul Hussain Shah	S/Clerk	Mansehra	12/05/1971	01/07/1990	20/05/2016	GHSS: Kaghan Mans:	
114	Ghulam Qadir	Fazal Qadir	S/Clerk	Swabi	06/09/1969	30/07/1990	08/11/2016	RITE (F) Swabi	

Attested
(Signature)
Advocate

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S.N	Name	Father's Name	Desig	Domicile	Date of Birth	Date of 1st apptt as	D/O Prom: as S/Clerk	Present place of posting	Remarks
278	Fazal Rahman	Dawood Khan	S/Clerk	Swabi	01/01/1970	09/05/1991	30/05/2017	GGHS Tordher	
279	Azmat Ali Shah	Zain Ul Abideen	S/Clerk	Karak	16/11/1967	11/05/1991	30/05/2017	SDEO(F) T/Nasrai	
280	Asmat Ullah	Muhammad Raees	S/Clerk	Karak	10/02/1970	11/05/1991	30/05/2017	SDEO(F) Karak	
281	Zainul Wahab	Said Wahab	S/Clerk	Swabi	02/01/1965	07/05/1991	30/05/2017	GGHSS Parmali (Swabi)	
282	Muhammad Ijaz	Malik Aman	S/Clerk	Manshra	02/02/1971	12/05/1991	30/05/2017	GHSS Perhinna	
283	Said Muhammad	Sher Muhammad	S/Clerk	Nowshera	10/03/1970	15/05/1991	30/05/2017	GHS. Jabba Khushk	
284	Ghulam Sarwar	Karim Jan	S/Clerk	Nowshera	16/08/1967	16/05/1991	30/05/2017	GGHS Chowki Mamrez	
285	Zakir Hussain	Gulzar Khan	S/Clerk	Swabi	01/04/1970	16/05/1991	30/05/2017	GGHS Yaqoobi	
286	Musafar Khan	Abdur Rauf	S/Clerk	Nowshera	01/05/1970	16/05/1991	30/05/2017	SDEO (M) NSR	
287	Alif Zada	Amir Zada	S/Clerk	Nowshera	19/07/1970	16/05/1991	30/05/2017	DEO (M) NSR	
288	Ayub Ur Rehman	Shaisat Khan	S/Clerk				30/05/2017	Disposal of DEO (M) Karak	
289	Abdul Khaleem	Shahib Khan	S/Clerk	Karak	03/03/1966	18/05/1991	30/05/2017	Karak	
290	Jamal Ud Din	Abdur Rahman	S/Clerk	Swat	15/02/1971	19/05/1991	30/05/2017	GGHSS KABAL	
291	Fazli Raziq	Fazli Khaliq	S/Clerk	Swabi	28/12/1967	24/11/1987	30/05/2017	GHS Panj Pir	
292	Shujaud Din	Saraf ud Din	S/Clerk	Charsadda	15/02/1969	20/05/1991	30/05/2017	GHS	
293	Abdul Aziz	Abdul Hameed	S/Clerk	Nowshera	07/10/1972	21/05/1991	30/05/2017	DEO(F)NSR	
294	Rahmatullah	Abdur Rashid	S/Clerk	Swat	19/04/1963	27/05/1991	30/05/2017	GHS Manyar	
295	Mir Bashar	Deedar Gul	S/Clerk	Nowshera	03/03/1971	28/05/1991	30/05/2017	GGHS.Nowshera Cantt:	
296	Tariq Ali	Bakht Rawan	S/Clerk	Swat	02/04/1971	28/05/1991	30/05/2017	SDEO(Male) swat	
297	Nadir Khan	Azim Gul	S/Clerk	Nowshera	21/09/1969	20/05/1991	30/05/2017	GHS: Dagi Banda NSR:	
298	Iftikhar Muhammad	Gul Muhammad	S/Clerk	Mardan	15/02/1969	29/05/1991	30/05/2017	GGHS Par Houi	
299	Muhammad Saeed	Abdul Malik	S/Clerk	Mardan	12/03/1969	29/05/1991	30/05/2017	GHS Kaskoorona	
300	Muhammad Karim Khan	Fateh Khan	S/Clerk	Pesh	10/12/1967	30/05/1991	30/05/2017	GGHSS Badabher	
301	Amir Ali	Umar Wahid	S/Clerk	Mardan	12/01/1968	30/05/1991	30/05/2017	GHS Sher Garh	
302	Iqrar Ahmad	Ali Jan	S/Clerk	Swabi	10/03/1968	01/06/1991	30/05/2017	GGHS Marghuz	
303	Abdul Khaliq	Sain Muhammad	S/Clerk	Mansetra	01/05/1969	01/06/1991	30/05/2017	GGHS Ater Shisha	

Attested

 Advocate

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S.N	Name	Father's Name	Desig	Domicile	Date of Birth	Date of 1st apptt as	D/O Promt: as S/Clerk	Present place of posting	Remarks
955	Asghar Jan	Habibullah	S/Clerk	Charsadda	17/05/1972	23/06/1997	15/02/2021	GGHSS harchan	
956	Mazullah Khan	Hidayatullah	S/Clerk	Charsadda	05/10/1972	23/06/1997	15/02/2021	DEO (M) Dir Lower	
957	ILYAS KHAN	ABDUL MALIK	S/Clerk	Pesh	01/10/1966	24/06/1997	15/02/2021	GGHSS Begum Shahbuddin Pesh:	
958	Ajmal Khan	Safdar Gul	S/Clerk	Charsadda	01/10/1972	24/06/1997	15/02/2021	RITE Male Mardan.	
959	Majid Khan	Zaman Gul	S/Clerk	Mardan	29/04/1973	24/06/1997	15/02/2021	GHSS Fatima Mardan	
960	Mukhtiar Ahmad	Ghafoor Khan	S/Clerk	Mardan	02/01/1974	24/06/1997	15/02/2021	GHSS Kata Khat Mardan	
961	Sajid Nawaz	Muhammad Nawaz	S/Clerk	D/WK	10/03/1974	24/06/1997	04/01/1900	GGHSS Behari Colony DIKhan	
962	Hayat Muhammad	Zarghun Shah	S/Clerk	Mardan	01/04/1974	24/06/1997	15/02/2021	GHS Takhibhai Mardan	
963	Zar Wali Shah	Shamsu Panah	S/Clerk	Chitral	05/01/1975	24/06/1997	15/02/2021		
964	Nader Shah	Noor Shah	S/Clerk	Charsadda	15/01/1975	24/06/1997	15/02/2021	GGHSS Kotkay Paykhel Dir Lower	
965	Farid Khan	Muhammad Hasan	S/Clerk	Charsadda	01/04/1976	24/06/1997	15/02/2021	DEO (F) Charsadda	
966	Muhammad Naeem	Zainul Abideen	S/Clerk	Charsadda	15/05/1977	24/06/1997	15/02/2021	GHSS Luqman Banda Dir Lower	
967	Waheedur Rahman	Fazli Rahman	S/Clerk	Charsadda	07/08/1977	24/06/1997	15/02/2021	DEO Female Charsadda	
968	Muhammad Abid Riaz	Niaz Ahmed	S/Clerk	D/WK	01/09/1977	24/06/1997	15/02/2021	GGHSS No.2 DI Khan	
969	Akbar Muhammad	Ali Gul	S/Clerk	Dir Lower	15/02/1978	24/06/1997	15/02/2021	GHSS Rabat Dir Lower	
970	Muhammad Farooq	Sahib Jan	S/Clerk	D/WK	13/04/1978	24/06/1997	15/02/2021	GHSS Paind Khan DI Khan	
971	Hakeem Khan	Nasir Khan	S/Clerk	Charsadda	22/04/1970	23/06/1997	15/02/2021	SDEO Male Shabqadar Charsadda	
972	Liaqat Ali	Muhammad Pervaiz	S/Clerk	Swat	01/03/1976	24/06/1997	15/02/2021		
973	Shahid Khan	Fazal Subhan	S/Clerk	Dir Lower	20/01/1971	25/06/1997	15/02/2021	SDEO (M) Timargara Dir Lower	
974	Allaud Din	Muhiud Din	S/Clerk	Dir Lower	25/01/1974	25/06/1997	15/02/2021	GGHSS Rabat Dir Lower	
975	Javed Akhtar	Muhammad Kamal	S/Clerk	Karak	10/03/1974	25/06/1997	15/02/2021	SDEO (F) Karak	
976	Ansar Nazir Khan	Nazir Ahmad	S/Clerk	D/WK	04/01/1975	25/06/1997	15/02/2021	GHSS Daraban DIKhan	

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Attested
Advocate

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S.N	Name	Father's Name	Desig	Domicile	Date of Birth	Date of 1st apptt as	D/O Prom: as S/Clerk	Present place of posting	Remarks
1535	Safirullah Khan	Muhammad Aslam Khan	S/Clerk	Bannu	04/04/1978	14/09/2007	11/1/2022	Bannu	
1536	Munirullah Khan	Shams ul Islam	S/Clerk	Bannu	01/12/1979	14/09/2007	11/1/2022	Bannu	
1537	Rifat Ullah	Sher Afzal Khan	S/Clerk	Bannu	07/04/1980	14/09/2007	11/1/2022	Bannu	
1538	Farid ullah Shah	Ghazi Rehman	S/Clerk	Bannu	01/10/1981	14/09/2007	11/1/2022	Bannu	
1539	Naimat Ullah	Hamid Ullah	S/Clerk	Bannu	14/03/1982	14/09/2007	11/1/2022	Bannu	
1540	Hamyoon Khan	Dil Nawaz	S/Clerk	Bannu	05/11/1983	14/09/2007	11/1/2022	Bannu	
1541	Sadullah Khan	Dil Anwar Khan	S/Clerk	Bannu	14/04/1984	14/09/2007	11/1/2022	Bannu	
1542	Muhammad fardouse	Asmat Ali	S/Clerk	Bannu	04/09/1985	14/09/2007	11/1/2022	GGHS No.4 Bannu city	
1543	Shah Mehmood Khan	Inayat Ur Rehman	S/Clerk	Bannu	16/02/1987	14/09/2007	11/1/2022	Bannu	
1544	Abid Ullah Khan	Abdul Gafoor Khan	S/Clerk	Bannu	18/04/1987	14/09/2007	11/1/2022	Bannu	
1545	Safirullah Khan	M Islam khan	S/Clerk	Bannu	25/03/1988	14/09/2007	11/1/2022	GGHS Mandozai Bannu	
1546	Wasim Ullah	Sharif Ullah	S/Clerk	Bannu		14/09/2007	11/1/2022	Bannu	

Deputy Director (F&A)
 Directorate E&SE K.P Peshawar

Attested
 Advocate

Dist. Govt. KP-Provincial
District Accounts Office,SWAT
Monthly Salary Statement (September-2023)

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Personal Information of Mr SHAHZAD d/w/s of FAZLI MANAN:

Personnel Number: 00068335 CNIC: 1560203067671 NTN: 0
 Date of Birth: 13.02.1979 Entry into Govt. Service: 25.06.1997 Length of Service: 26 Years 03 Months 007 Days

Employment Category: Active Permanent

Designation: ~~COMPUTER OPERATOR~~ 80004927-DISTRICT GOVERNMENT KHYBE
 DDO Code: SW6349-District Education Officer (Male) Swat
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: EDUSW015354 GPF Interest applied **GPF Balance:** 704,556.00 (provisional)
 Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 12 Pay Stage: 19

Wage type		Amount	Wage type		Amount
0001	Basic Pay	46,940.00	1001	House Rent Allowance 45%	2,940.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1500	Computer Allowance	750.00	1911	Compen Allow 20% (1-15)	1,000.00
2148	15% Adhoc Relief All-2013	625.00	2199	Adhoc Relief Allow @10%	421.00
2315	Special Allowance 2021	3,500.00	2341	Dispr. Red All 15% 2022KP	4,590.00
2347	Adhoc Rel Al 15% 22(PS17)	4,590.00	2378	Adhoc Relief All 2023 35%	16,429.00

Deductions - General

Wage type		Amount	Wage type		Amount
3012	GPF Subscription	-3,300.00	3501	Benevolent Fund	-1,200.00
3534	R. Ben & Death Comp Fresh	-600.00	3609	Income Tax	-904.00
3990	Emp.Edu. Fund KPK	-135.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6501	HBA Loan Principal Instal	124,800.00	-1,040.00	21,840.00

Deductions - Income Tax

Payable: 10,842.33 Recovered till SEP-2023: 2,712.00 Exempted: 0.63- Recoverable: 8,130.96

Gross Pay (Rs.): 86,141.00 Deductions: (Rs.): -7,179.00 Net Pay: (Rs.): 78,962.00

Payee Name: SHAHZAD
 Account Number: 9234-2
 Bank Details: NATIONAL BANK OF PAKISTAN, 231330 N.B.P. SAIDU SHARIF SWAT N.B.P. SAIDU SHARIF SWAT, SWAT

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: SAPAL BANDAI SWAT
 City: SWAT Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address:
 City: Email: shahzadkhanpo@gmail.com

Attested

Advocate

Dist. Govt. NWFP-Provincial
District Accounts Office SWAT
Monthly Salary Statement (February-2024)

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Personal Information of Mr. SHAHZAD d/w/s of FAZLI MANAN

Personnel Number: 00068335 CNIC: 1560203067671
 Date of Birth: 13.02.1979 Entry into Govt. Service: 25.06.1997

NTN: 0
 Length of Service: 26 Years 08 Months 006 Days

Employment Category: Active Permanent

Designation: SENIOR CLERK 80004927-DISTRICT GOVERNMENT KHYBE

DDO Code: SW6349-District Education Officer (Male) Swat

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: EDUSW015354 Interest Applied: Yes **GPF Balance: 728,376.00**

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 16

Wage type		Amount	Wage type		Amount
0001	Basic Pay	50,370.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Compen Allow 20% (1-15)	1,000.00	2148	15% Adhoc Relief All-2013	625.00
2199	Adhoc Relief Allow @10%	421.00	2315	Special Allowance 2021	3,500.00
2339	Wethear Allowance	9,200.00	2341	Dispr. Red All 15% 2022KP	4,526.00
2341	Adhoc Rel Al 15% 22(PS17)	4,526.00	2378	Adhoc Relief All 2023 35%	16,429.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3534	R. Ben & Death Comp Fresh	-600.00	3609	Income Tax	-1,209.00
3990	Emp.Edu. Fund KPK	-135.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6501	HBA Loan Principal Instal	124,800.00	-1,040.00	16,640.00

Deductions - Income Tax

Payable: 12,610.73 Recovered till February-2024: 7,777.00 Exempted: 0.43- Recoverable: 4,834.16

Gross Pay (Rs.): 98,274.00 Deductions: (Rs.): -8,084.00 Net Pay: (Rs.): 90,190.00

Payee Name: SHAHZAD

Account Number: 9234-2

Bank Details: NATIONAL BANK OF PAKISTAN, 231330 N.B.P. SAIDU SHARIF SWAT N.B.P. SAIDU SHARIF SWAT, SWAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: SAPAL BANDAI SWAT

City: SWAT Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email:

Attested

Advocate



Phone: 091-9225344

Email: ddadmin.esef@gmail.com

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NOTIFICATION

Consequent upon the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 17-09-2020, the following Junior Clerks (B-11) working in and under the Directorate of E&SE/ DC&TE/ PITE/ NMTD are hereby promoted to the post of Senior Clerk (B-14) on regular basis and posted/ adjusted /shuffled against vacant post of Senior Clerk (B-14) in the Offices/Institutions as noted against each in the interest of public service with effect from the charge assumption of the newly promoted Assistants.

Ser No	Name	Father's Name	Present station	Proposed	Remarks
1.	M/Zul Zareen	Muhammad Miskeen	GHS Kantiali Abbottabad	DCTE Abbottabad	A.V.P
2.	Abdul Jameel	Abdul Bari	GHSS Olandar Shangla	DEO Female Shangla	A.V.P
3.	Abdullah Khan	Muhammad Shah	SDEO (F) Takhti Nasrati Karak	SDEO (F) Takhti Nasrati Karak	A.V.P
4.	Alamzeb	Subhanuddin	GHS Azam Warsak SWTD	Service placed at the disposal of DEO SWTD for further adjustment.	
5.	Irshad Ahmed	Mufariq Shah	GGHS Gulbahar Peshawar	GGHS Gulbahar Peshawar	A.V.P
6.	Matiullah	Habibullah	GHS Khecha sub Div Jandola Tank	DEO Female Tank	A.V.P
7.	Shah Nawaz Khan	Haji Danish	GGHSS Civil Colony Peshawar	Directorate NMD Peshawar	A.V.P
8.	Miranshah	Muhibullah	GHS Pir Tangi Sub Div: Jandela Tank	DEO Female Tank	A.V.P
9.	Muhammad Ismail	Muhammad Qahar	GHSS Shapur Shangla	GHSS Shapur Shangla	A.V.P
10.	Mumtaz Ali	Shamsul Qamar	GHS Asota Sharif Swabi	DEO (F) Swabi	A.V.P
11.	Amir Ullah Khan	Muhammad Zar Ali Khan	GHS Sedghi Many Khan SDW Bannu	GHSS Domel Bannu	A.V.P
12.	Sher Ali Khan	Gulab Shah	GGHS Thrai Dir Lower	SDEO Female Samar Bagh Dir Lower	A.V.P
13.	Sharifullah	Sher Ghazi Khan	GHS Shagram Chitral Upper	GHSS Shagram Chitral Upper	A.V.P
14.	Rahmat Illahi	Zindagani	GGHS Mustuj Chitral Upper	Service placed at the disposal of DEO (F) Upper chitral for further adjustment	A.V.P
15.	Hassan Gul	Zarin Gul	GHSS Mali Khel Bala Nowshera	GHSS Mali Khel Bala Nowshera	A.V.P
16.	Nour Zali Khan	Nour Ali Khan	GGHS Bazar Ahmad		

Attested


379.	Muhammad Abid Riaz	Niaz Ahmed	GGHSS No.2 DI Khan	GGHSS No.2 DI Khan	Vice S.No.450
380.	Akbar Muhammad	Ali Gul	GGHSS Shamshi Khan Dir Lower	GHSS Rabat Dir Lower	A.V.P
381.	Muhammad Farooq	Sahib Jan	GHS Gara hayat DI Khan	GHSS Paind Khan DI Khan	A.V.P
382.	Hakeem Khan	Nasir Khan	GGHS Mandani Charsadda	SDEO Male Shabqadar Charsadda	A.V.P
383.	Liaqat Ali	Muhammad Pervaz	DEO Male Swat	Service placed at the disposal of DEO (M) Swat for further adjustment	
384.	Shahid Khan	Fazal Subhan	GHS Lal Qila Dir Lower	SDEO (M) Timargara Dir Lower	A.V.P
385.	Allaud Din	Muhiud Din	GGHS Khazana Dir Lower	GGHSS Rabat Dir Lower	A.V.P
386.	Javed Akhtar	Muhammad Kamal	GHS T/Nasrati Karak	SDEO (F) Karak	A.V.P
387.	Ansar Nazir Khan	Nazir Ahmad	GGHS Ratta Kulachi DI Khan	GHSS Daraban DI Khan	A.V.P
388.	Muhibullah	Ibadullah	GGHS: Roshan Chitral Upper	GHSS Berarai Dir Upper	
389.	Saeed Akhtar	Haji Habib Ur Rehman	O/O SDEO (Female) Haripur	DEO Female Haripur	A.V.P
390.	Anwar Saeed	M/Saeed	DEO Female Peshawar	DEO Male Peshawar	A.V.P
391.	Muhammad Shahid	Ghulam Rabbani	GGHS Civil Quarters Peshawar	DEO (M) Nowshera	A.V.P
392.	Rafiq Ahmed	Mustaqeem Khan	GHS Agra Malakand	GHSS Total Malakand	A.V.P
393.	Sabir Hussain	Khair Mohammad	GCMHS Mardan	GCMHS Mardan	A.V.P
394.	Abdul Waheed	Azizur Rehman	SDEO Male Mansehra Mansehra	Service placed at the disposal of DEO (F) Mansehra for further adjustment	A.V.P
395.	Abdul Samad Khan	Jan Dada Khan	GGHS Moldeh Chitral Lower	DEO Male Chitral upper	A.V.P
396.	Inayat Ur Rahman	Khalil Ur Rahman	GGHS Shah Mansoor Swabi	GHSS Manerai Payan Swabi	A.V.P
397.	Tahmeed Jan	Riazat Khan	DEO(M) Charsadda	DEO (M) Charsadda	A.V.P
398.	Ayaz Mehmood	All Asghar	GHS Gandian Mansehra	DEO (F) Mansehra	A.V.P
399.	Mohammad Azad Khan	Malik Safdar Khan	GHS Laban Bandi Haripur	GHSS Nara Amazal Haripur	A.V.P
400.	Sher Wali Khan	Mujeeb Khan	GHS Dodher Swabi	GHSS Kalabat Swabi	A.V.P
401.	Sadiq Ali	Mufarish Shah	GGHS Adina Swabi	GGHSS Ismaila Swabi	A.V.P

Attested

481	Parveen Khan J/Clerk	GGHS Salomo Kass Jamrud	GGHS Jamrud	A.V.P
482	Muhammad Inam J/Clerk	GHS Ghalecho Drakal	GGHS Ghalecho Drakal	A.V.P
483	Muhammad Rizwan J/Clerk	GGHS Umar Mirana Peshawar	GGHS Begum Shahzudin Peshawar	A.V.P
484	Arshad Iqbal J/Clerk	GHS Teri Karak	SOEO Male B.D.Shah Karak	V.S.No 463
485	Abbas Khan Junior Clerk	(Working Against S/Clerk Post) GHS Ghazir Abad	SOEO Female Mardan	A.V.P
486	Muhammad Tufail Khan J/Clerk	GHS Mera Umar Payan Peshawar	Directorate of ESSE KPK	A.V.P
487	Muhammad Abbas J/Clerk	GHS Manghand Swabi	GGHS Kalo Khan Swabi	A.V.P
488	Waseem Khan Junior Clerk	GHSS Ahmad Khel Peshawar	GGHS Bannat Dabgal Peshawar	V.S.No.465
489	Sharif Ullah Senior Clerk	GHSS Darrosh Lower Chitral	GGHS Shiqotat Lower Chitral	A.V.P
490	Awaiz Waheed Junior Clerk	GHS Khair gali Abbottabad	GGHS Uper Kial Abbottabad	A.V.P
491	Latifullah S/C	GGHSS Larana Peshawar	Directorate of ESSE KPK	Against vacant post of KPO
492	Muhammad Saifdar KPO	Directorate NWED	DEO Khyber	Against vacant post of KPO
493	Syed Mahmood Senior Clerk	RTE Male Mardan	GHS Nawab Sher Abbottabad	A.V.P
494	Said Saifdar S/Clerk	GHSS Khojaki Karak	GHS Warana Karak	A.V.P
495	Muhammad Usman J/Clerk	GHS Charsadda Khass	GGCMHS Charsadda	A.V.P
496	Jaw Bakht Saif S/Clerk	GGHSS Tamergarah Dir Lower	Services placed at the disposal of DEO Female Dir Lower for further adjustment.	
497	Faisal Saif Hayat J/C	GGCMHS Fedkal Bala	SOEO (F) Town-III Peshawar	Against Account Assistant Post
498	S Muhammad Hassan J/C	DEO Male Mangla	GHS Ludhi Khel Mangla	A.V.P

Notes:-

1. Change report should be submitted to all concerned.
2. All the DEO (M & F) concerned are directed to handover charge to the newly promotee S/Clerks in the station mentioned against each if the said post is filled by your office the same may be vacated for the newly promotee persons.

Attested

 Advocate

931290-931370

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Index No _____ / A-23/MS/Promotion IC to SC/ 2020. Dated Peshawar the 15/02/2021

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

1. Account General, Khyber Pakhtunkhwa Peshawar.
2. Director Curriculum & Teaching Education, Khyber Pakhtunkhwa, Abbottabad.
3. Additional Director of Education (Newly Merged Tribal Districts) Peshawar.
4. Director PITE Khyber Pakhtunkhwa, Peshawar.
5. District Education Officers (Male & Female) concerned.
6. District Account Officers concerned.
7. Principals/ Headmasters/Headmistresses concerned.
8. Sub-Division Education Officers (Male & Female) concerned.
9. Officials concerned.
10. RA to Director ESSE Khyber Pakhtunkhwa, Peshawar.
11. Master file.

[Handwritten Signature]
 Assistant Director (Admin)
 ESSE Khyber Pakhtunkhwa, Peshawar
 15/2/2021

Attested
[Handwritten Signature]
 Advocate

[Faint handwritten notes and stamps]

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

WAKALAT NAMA

Service Appeal No : _____ of 2024

Titled: **Shahzad VERSUS The Director And others**

I, do hereby appoint ABDUL NASIR ADVOCATE HIGH COURT, in the above mentioned case, to do all or any of the following acts, deeds and things:

- 1) To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2) To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4) To do any act necessary or ancillary to the above acts, deed and things.
- 5) To appoint any other counsel to do any/all of the acts, deeds and things.
- 6) I/we, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non-appearance, any adverse judgment/order/decreed is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this *Wakalatnama* hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this



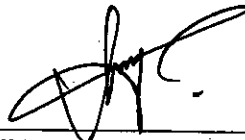
Signature of Executant

Shahzad Senior Clerk (BPS-14)

CNIC NO: 15602-0306767-1

Mobile No: 03339491933

**ATTESTED AND
ACCEPTED BY:**



ABDUL NASIR

Advocate, High Court

0344 455 7383, grapixworld@yahoo.com