


FORM OF ORDER SHEET

Court of _____

Appeal No. 680/2024

S.No. 1	Date of order proceedings 2	Order or other proceedings with signature of judge 3
1-	20/05/2024	<p>The appeal of Mst. Rehana Yasmeen presented today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 22.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. ⁶⁸⁰ /2024

Rehana Yasmeem


versus

Director & Others

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Through Appellant


Saadullah Khan Marwat
Advocate.
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
0311-9266609

Dated: 20-05-2024

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 680 / 2024

Rehana Yasmeen W/O Fazle Akbar,
Senior Instructor, Physical Education,
GGHSS, Wadpaga, Peshawar Appellant

VERSUS

1. Director, Elementary and
Secondary Education, KP,
Peshawar.
2. Secretary, Government of KP,
Elementary & Secondary
Education Department,
Peshawar.
3. Mst. Raheela Bano, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School No. 05 Qasaban
D. I. Khan. (S. No. 10)
4. Mst. Abida Parveen, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School No. 02 Manshera. (13)
5. Mst. Rubina Shaheen, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School No. 02 Bannu. (14)
6. Mst. Parveen Akhtar, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Akora Khatta,
Nowshera. (S. No. 16).
7. Mst. Sughra Afandi, Senior Instructor,
Physical Education, Regional Professional
Development Centre Charsadda. (S. No. 18)

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8. Mst. Yahya Begium, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Comprehensive at
Dabgari, Peshawar. (S. No. 19)
9. Mst. Mufeeda Begium, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Shahbaz Ghari Kohat. (22)
10. Mst. Samina Akhtar, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Lady Griffith Peshawar. (23)
11. Mst. Ghazala Naeem, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Regional Professional
Development Centre Kohat. (S. No. 27)
12. Mst. Sabahat Begium, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Takht Bhai Mardan. (28)
13. Mst. Baserat Afzal, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Regional Professional
Development Centre Malakand. (S. No. 29)
14. Mst. Saima Gul, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Regional Professional
Development Centre Swat. (S. No. 34)
15. Mst. Tasleem Kausar, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Skhakot Malakand. (35)
16. Mst. Maryum Rasool, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Regional Professional
Development Centre Abbotabad. (39)

17. Mst. Shaheen Ali, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Daggai Swabi. (40)
18. Mst. Mussaraj Iqbal, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Esak Chuntra Karak. (41)
19. Mst. Sardar Bibi, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Chukara Karak. (42)
20. Mst. Sadia Hazrat, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Koper Malakand. (45)
21. Mst. Shahidá Begium, Senior Instructor,
Physical Education, Govt. Girls Higher
Secondary School Esak Chuntra Karak
(S. No. 46) Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST REVISED FINAL SENIORITY LIST OF
SENIOR INSTRUCTORS PHYSICAL EDUCATION B-
18 (F) ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT KP PESHAWAR NO. 2015-16 / AD
DATED 03-01-2024 OF R. NO. 01 WHEREBY
APPELLANT WAS PLACED AT S. NO. 47 INSTEAD
OF S. NO. 21 AND THAT R. NO. 02 FAILED TO
HONOR REPRESENTATION OF APPELLANT DATED
01-02-2024 IN STATUTORY PERIOD OF 90 DAYS:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That on 17-11-1994, appellant was appointed as Physical Education Teacher (Female) B-09 and was promoted to the post of Director Physical Education B-16 on 12-12-2006. On 13-11-2007, she was further promoted to the said post of DPE, B-17.

2. That the department did stage whole drama in Notification dated 13-11-2007 and this Notification created disturbance inter-se the employees and made dispute amongst them by giving seniority to juniors, leaving aside seniors. This Notification shall not be acted in every grade / scale between the employees of the department. (Copy as annex "A")
3. That appellant filed appeal before the hon'ble Service Tribunal for correction of Seniority List which was accepted with direction to respondents to place her on proper place but instead, the Impugned seniority list stood on 02-03-2021 was not corrected and she was placed again at improper position and only date of promotion was changed from 2009 to 2007. (Copies as annex "B" & "C")
4. That appellant was awarded B-18 on 23-05-2018 and in the impugned seniority list, she was placed at S. No. 47, while respondents who were promoted later on were placed senior to appellant i.e. on different later dates as is evident from the same.
5. That on 03-01-2024, only covering letter was issued with reference to seniority list dated 02-03-2021 and no fresh seniority list was issued by showing the incumbents at proper position / date wise position by showing appellant in the covering letter with effect from 13-11-2007 instead of 19-05-2009. (Copy as annex "D")
6. That on 01-02-2024, appellant submit representation before R. No. 02 for correction of the impugned seniority list and to place every one on proper position but without any response till date. (Copy as annex "E")

Hence, this appeal, Inter alia on the following grounds:-

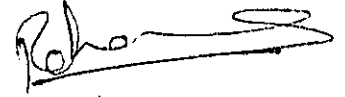
GROUNDS

- a. That as and when respondents were given seniority with effect from the year 2007 instead of 2009, then it was the legal duty of the respondents to issue fresh seniority list by placing appellant over and above the competing respondents.
- b. That the impugned seniority list is in total disregard of law and seniority rules, so is liable to struck down and to correct the same.

- c. That in the impugned seniority list, extra ordinary relief / favor was extended to competing respondents to give them promotion to the next higher grade, being most junior, leaving aside the eligible and qualified candidates by not placing appellant at proper position / place.
- d. That the department is going to make promotion at the impugned disputed seniority list and if promotion was made, then vested rights of promotion of appellant shall infringe and she will not see promotion in future as prior to the same, earlier promotion was also made on the disputed seniority list. It is against the judgment of the apex court.
- e. That the department did stage whole drama in Notification dated 13-11-2007 and this Notification created disturbance inter-se the employees and made dispute amongst them by giving seniority to juniors, leaving aside seniors. This Notification shall not be acted in every grade / scale between the employees of the department.
- f. That for the first time, Rules were framed in the year 2012 and thereafter, slight amendment was made therein in the year 2018 which thrashed out Notification dated 13-11-2007 regarding word **Intact**. So word Intact shall not be used time and again for defeating cause of eligible employees like appellant.
- g. That the impugned seniority list is against the law and seniority rules, so is based on discrimination, favoritism and malafide which requires for correction interference of the hon'ble Tribunal in the matter.

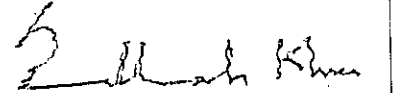
It is, therefore, most humbly prayed that on acceptance of appeal, the impugned seniority list dated 03-01-2024 stood on 02-03-2021 of R. No. 01 be set aside and appellant be placed at S. No. 21 instead of 47 over and above the contesting respondents, with further direction to the respondents to issue fresh seniority list as per law / seniority rules by placing all at proper position, with such other relief as may be deemed proper and just the circumstances of the case.

It is further requested that much water has been flown beneath the bridge by changing grade / scale, so Notification dated 13-11-2007 be treated of no legal effect.

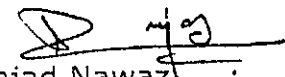


Appellant

Through


Saadullah Khan Marwat


Arbab Saiful Kamal


Amjad Nawaz

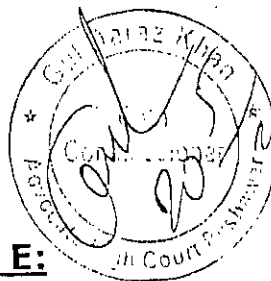
Advocates

Dated: 20-05-2024

AFFIDAVIT

I, Rehana Yasmeen W/O Fazle Akbar, Senior Instructor, Physical Education, GGHSS Wadpaga, Peshawar (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief


DEPONENT



CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.


ADVOCATE

A

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3-11-07

GOVERNMENT OF N.W.F.P.
SCHOOLS & LITERACY DEPARTMENT
Dated, Peshawar the 13-11-2007.

NOTIFICATION.

No. SOG/S&L/1-69/06/Vol-1/DPE/LIB: Sanction of the competent authority is hereby accorded to the upgradation of the posts of Librarians and Directors Physical Education (D.P.Es) from BS-16 to BS-17 (Regular) for the existing Incumbents who hold Master Degree in the relevant subject Schools & Literacy Department NWFP with immediate effect as per following details:-

1. Promotion against the upgraded posts (from BS-16 to BS-17) shall be made in the prescribed manner, and in accordance with the service rules to be framed as per relevant provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 read with the NWFP, Civil Servants Act, 1973.
2. The Librarians and D.P.Es who hold the diploma in the relevant subject will stay in BS-16 till such time, they acquire Master Degree in the respective subject. On acquiring Master Degree in the relevant subject, their posts will be upgraded on case to case basis from BS-16 to BS-17 (Regular) and promotion (from BS-16 to BS-17) would be given as per laid down procedure and in accordance with the service rules to be framed. However their existing seniority will remain intact.
3. All the vacant posts of Librarians and D.P.Es in Schools & Literacy department in BS-16 are hereby upgraded to BS-17 appointments against which would be made from amongst the persons who hold Master Degree in the relevant subject, in the prescribed manner.
4. In future Librarians and D.P.Es will initially be recruited on the basis of Master Degree in the relevant subject in BS-17 (Regular).
5. Henceforth no appointment of Librarians and D.P.Es in BS-16 shall be made on the basis of diploma, being declared as "Denying Cadre".

Sd/-

SECRETARY TO GOVERNMENT OF NWFP
SCHOOLS & LITERACY DEPARTMENT.

Endst: No. FD(SOSR-II) 10-7/03/VOL-III Dated, Peshawar the, 13/11/2007.
Copy forwarded for information and necessary action to:-

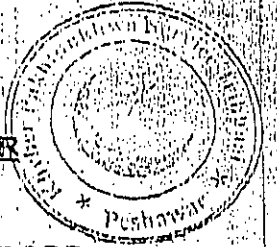
1. The Accountant General, NWFP, Peshawar.
2. All Districts Accounts Officers in NWFP.
3. All Agency Accounts Officers in NWFP.

Endst: No. & Date Even.

Copy forwarded to:-

1. Secretary to Government of NWFP, Establishment Department.
2. Secretary to Government of NWFP, Finance Department.
3. P.S to Chief Minister NWFP, Peshawar.
4. P.S to Chief Secretary NWFP, Peshawar.
5. Director Schools & Literacy, NWFP, Peshawar.
6. Director. Curri: & Teachers Edu: NWFP, Mandian Abbottabad..
7. Director of Education FATA NWFP, Peshawar.
8. P.S to Minister of Education, NWFP, Peshawar.
9. P.S to Secretary Schools & Literacy NWFP, Peshawar.
10. Office File.

A 9



BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 231 / 2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 24
Dated 10-01-2022

Rehana Yasmeen, W/O Fazle Akbar,
Senior Instructor, Physical Education,
GGHSS Wadpaga, Peshawar

Appellant

VERSUS

1. Director, Elementary and Secondary Education, KP, Peshawar.
2. Secretary, Government of KP, Elementary & Secondary Education Department, Peshawar.
3. Mst. Misbah Seema, Senior Instructor, Physical Education, Govt. Girls Higher Secondary School Munawar Shah No. 06. D. I. Khan (S. No. 09)
4. Mst. Rahila Bano, Senior Instructor, Physical Education, GGHSS, No. 05 Qasaban D. I. Khan. (S. No. 10)
5. Mst. Abida Parveen, Senior Instructor, Physical Education, GGHSS, Mallkpora, Abotabad. (S. No. 13)
6. Mst. Robina Shaheen, Senior Instructor, Physical Education, GGHSS, Sikandar Khel Bala Bannu. (S. No. 14)
7. Mst. Parveen Akhtar, Senior Instructor, Physical Education, Govt. Girls Higher

Registrar
10/01/2022

ATTESTED

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Registrar

ATTESTER
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- 8. Mst. Sughra Afandi, Senior Instructor,
Physical Education, GGHSS, Rüstam
Khel Mardán. (S. No. 18) *2007*
- 9. Mst. Yahya Beglum, Senior Instructor,
Physical Education, GGHSS Pir Pjal
Nowshara. (S. No. 19) *2007*
- 10. Mst. Mufeeda Beglum, Senior Instructor,
Physical Education, GGHSS, Shehbaz
Ghara, Mardán. (S. No. 22) *2013*
- 11. Mst. Samina Akhtar, Senior Instructor,
Physical Education, GGHSS, Comprehensive
Peshawar City. (S. No. 23) *2017*
- 12. Mst. Ghazala Naeem, Senior Instructor,
Physical Education, GGHSS, Behzad
Chakarkot Kohat. (S. No. 27) *2010*
- 13. Mst. Sujhat Begum, Senior Instructor,
Physical Education, GGHSS, Takhtbhal
Mardán. (S. No. 28) *2009*
- 14. Mst. Basreet Afzal, Senior Instructor,
Physical Education, GGHSS, Hathlan
Mardán (S. No. 29) *2010*
- 15. Mst. Salma Gul, Senior Instructor,
Physical Education, GGHSS, Sherazi
No. 08 D. I. Khan. (S. No. 34) *2009*
- 16. Mst. Tasleem Kausar, Senior Instructor,
Physical Education GGHSS, Skhakot
Malakand (S. No. 35) *2013*
- 17. Mst. Maryum Rasool, Senior Instructor,
Physical Education GGHSS, Kalabut
Township-II Haripur (S. No. 39) *2011*
- 18. Mst. Shaheen All, Senior Instructor,
Physical Education GGHSS, Chah
2011

ATTESTED

Attest

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- 19. Mst. Mussarj Iqbal, Senior Instructor,
Physical Education GGHSS,
Esak Chuntra Karak (S. No. 41) *2013*
- 20. Mst. Sardar Bibi, Senior Instructor,
Physical Education, GGHSS, No. 01
Karak. (S. No. 42) *2013*
- 21. Mst. Sadia Hazrat, Senior Instructor,
Physical Education, GGHSS, Kopar
Malakand (S. No. 45) *2013*
- 22. Mst. Shahida Beglum, Senior Instructor,
Physical Education, GGHSS, Esak Chuntra,
Karak (S. No. 46) Respondents *2013*

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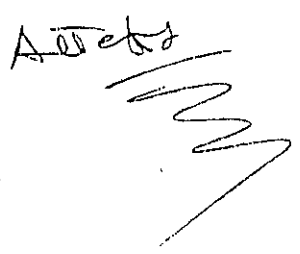
APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST FINAL SENIORITY LIST OF SENIOR
INSTRUCTORS PHYSICAL EDUCATION
ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT KP PESHAWAR DATED 02-03-2021
OF R. NO. 01 WHEREBY JUNIOR TO APPELLANT
WERE SHOWN SENIOR WITHOUT ANY REASON
AND JUSTIFICATION:

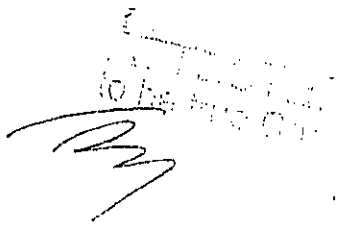
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Respectfully Sheweth:

1. That on 17-11-1994, appellant was appointed as Physical Education Teacher (Female) (PET) on the recommendation of Departmental Selection Committee with some terms and conditions contained therein and her name was figured at S. No. 16 of the order. Ibid. (Copy as annex "A").

2. That on 06-05-2006, appellant was awarded degree of Master of Science obtained from Gomal University, D. I. Khan. (Copy as annex

Attorneys


20/11/2021


3. That on 12-12-2006 on the recommendation of Departmental Promotion Committee, appellant was promoted to the post of Director Physical Education B-16 on regular basis and her name was figured at S. No. 23. (Copy as annex "C")
4. That on 13-11-2007, Secretary Education, Govt. of KP, Schools and Literacy Department issued Notification accorded up-gradation to the post of Librarians and Director Physical Education from B-16 to B-17 regular of the existing incumbents who hold Master Degree in the relevant subject. Her existing seniority position will remain intact.

Here it would be not out of place to mention that appellant was awarded degree of M. Sc on 06-05-2006 with B-17. (Copy as annex "D")

5. That on 31-03-2009, Director Education issued Final Seniority List wherein name of appellant was placed at S. No. 69. (Copy as annex "E")
6. That prior to the aforesaid exercise, up-gradation, promotion, seniority list, etc, no proper rules were in field, yet on 16-05-2009, for the first time service structure was given to the employees of the department.
7. That on 01-01-2017, subsequent seniority list was circulated wherein appellant name was figured at S. No. 57. This seniority list was also not prepared properly and per the mandate of law. Seniors were not assigned proper place in seniority list. (Copy as annex "F")
8. That on 10-02-2017 representation was submitted to the authority for correction of the aforesaid seniority list but in vain. (Copy as annex "G")
9. That on 23-05-2018, the competent authority issued Notification for promotion of 60 female Instructors Physical Education B-17 to the post of Senior Instructor Physical Education B-18 in the department. The name of appellant was figured at S. No. 53. (Copy as annex "H")

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10. That on 31-12-2018, Tentative Seniority List of B-18 female Senior Instructor Physical Education was circulated wherein the name of appellant was figured at S. No. 54. Being senior, proper place was not assigned to her. (Copy as annex "I")

11. That on 02-03-2021, Final Seniority List of Senior Instructors Physical Education B-18 (F) with covering letter dated 26-10-2021 was circulated wherein the name of appellant was placed at S. No. 47 instead of proper place. The said list was shown as draft seniority list and the department is going to make promotion over this list. (Copy as annex "J")

12. That on receipt of the said seniority list, appellant submitted representation on 29-10-2021 before authority which met dead response till date. (Copy as annex "K")

Hence, this appeal, Inter alia on the following grounds:-

GROUNDS

a. That appellant was initially appointed on 20-11-1994 as PET and was promoted to the post of DPE on 12-12-2006. She was further promoted to the Senior Instructor B-18 on 23-05-2018. Similarly contesting respondents was initially appointed on 15-11-1984 and promoted to the post of DPE on 18-02-2003 B-16, while she was awarded B-17 on 14-10-2013 and B-18 on 18-04-2019. Same is the position of other respondents but instead contesting respondents were shown senior to appellant for no legal reason.

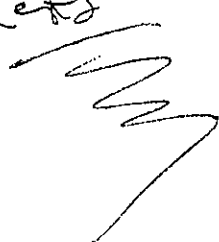
b. That on 06-05-2006, result of appellant was declared by admitting her two degree of Master of Science and thereafter on 13-11-2007, she was upgraded to B-17 from B-16 on regular basis and was then entitled to seniority.


As against contesting respondents admitted to the degree of M. Sc and upgraded to the post of B-17 on regular basis.

ATTESTED



c. That as and when seniority list was issued by the respondents, the


Attest



ATTESTED
to be true


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- d. That every seniority list as per the judgments of the apex court gives fresh cause of action to an aggrieved person to assall the same for her vested right.
- e. That as and when appellant filed representation for correction of the seniority list of B-18, Deputy Director (F & A) Elementary & Secondary Education KP, Peshawar forwarded the same to R. No. 02 on 06-12-2021 to look into the matter and to promote seniors amongst all the eligible candidates to B-19, meaning thereby that the former seniority lists were not prepared as per the mandate of law and seniority rules.
- f. That in preparing the seniority lists; seniority rules were not taken into task and juniors were placed seniors only and only on the pretext that the seniority positions of all candidates would remain intact. With due respect it is not the law to destroy legal right of a servant, but seniority shall follow seniority rules and not Notification dated 13-11-2007.
- g. That the Impugned seniority list dated 02-03-2021 is not based on law and seniority rules but is based on favoritism, discrimination and malafide by placing seniors, juniors and their future rights were infringed for no legal reason and justification.
- h. That in numerous letters, respondents showed reservation over the seniority lists, meaning thereby that the same were not based on legal footing.
- i. That though the seniority lists were circulated time and again by the respondents but no merit position was assigned to the contesting respondents viz-a-viz appellant.
- j. That for the first time service structure was given in the year 2009 to the employees of the department and if such is the position then the former exercise was of no avail to contesting respondents but was a futile exercise. All such actions were not based on law but were based on favoritism, discrimination and malafide.

APPELLANT

AD-18


AD-18
to be tried


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It is, therefore, most humbly prayed that on acceptance of appeal, the Impugned seniority list dated 02-03-2021 of R. No. 01 be set aside by placing appellant senior to contesting respondents, etc, with such other relief as may be deemed proper and just the circumstances of the case.

Rehana

Appellant

Through

Arbab Salful Kamal

Arbab Salful Kamal

Arbab Nawaz

Advocates

Dated: 10-01-2022

AFFIDAVIT

I, Rehana Yasmeen W/O Fazle-e-Akbar, Senior Instructor, Physical Education, GGHSS Wadpaga, Peshawar (Appellant), do hereby solemnly affirm and declare that contents of Service Appeal are true and correct to the best of my knowledge and belief

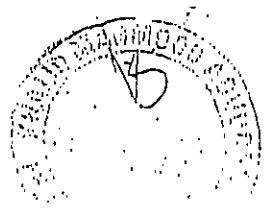
Rehana
DEPONENT

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

Arbab Nawaz
ADVOCATE

Certified to be true copy
Arbab Nawaz



ATTACHED
to be filed

Arbab Nawaz

Arbab Nawaz

C 16



Service Appeal No. 231/2022
Titled "Rehana Yasmeen-vs-Director, Elementary and Secondary Education,
Khyber Pakhtunkhwa, Peshawar."

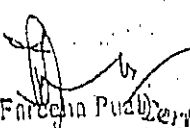
ORDER
27th July, 2023

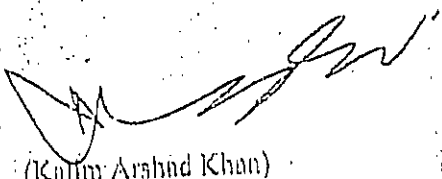
KALIM ARSHAD KHAN, CHAIRMAN: Learned counsel for the
appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General
for official respondents present.

02. At the very outset learned counsel for the appellant produced copy of
notification dated 29.04.2014 and contended that vide this notification the
promotion of the appellant and others, mentioned in the notification from
the post of Director Physical Education (DPE) (BPS-16 to BPS-17) on
regular basis was given effect from 13.11.2007 instead of 19.05.2009.
Learned counsel for the appellant submitted that in the impugned seniority
list of 02.03.2021 the date of promotion of the appellant was still written as
19.05.2009 instead of 13.11.2007 and submitted that the appeal might be
disposed of with the direction to the official respondents to incorporate the
date of promotion of the appellant from BPS-16 to BPS-17 as 13.11.2007 in
the impugned seniority list. The learned Additional Advocate General when
confronted with the situation submitted that the department ought to have
mentioned the correct date of promotion in the notification. The appeal is
thus disposed of in the above terms. Costs to follow the event. Consign.

Page 29 of 31
Appeal

03. Pronounced in open court in Peshawar and given under our
hands and seal of the Tribunal on this 27th day of July, 2023.

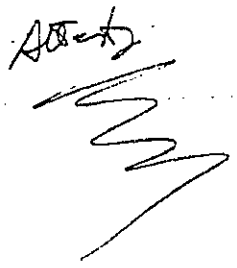

(Farzana Pua)
Member (Executive)


(Kalim Arshad Khan)
Chairman

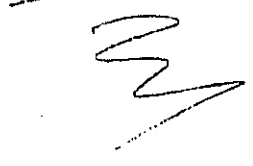
Page 1

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EXACT COPY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



ATTEST
to be true





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

No. 2-05-161 (AD/Lit-II)

Dated Peshawar the 31/1/2024

To

The Worthy Secretary,
E&SE Department Khyber Pakhtunkhwa Peshawar.

Attention:

The Section Officer (Litigation-II),
E&SE Department Khyber Pakhtunkhwa Peshawar.

Subject:-

IMPLEMENTATION OF THE ORDER DATED 27-07-2023 PASSED BY THE
HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR IN SERVICE APPEAL NO. 231/2022 TITLED "REHANA YASMEEN
VS DIRECTOR E&SE & OTHERS.

Memo:

I am directed & to refer to the subject as cited above & to state that the subject case has been disposed of vide order dated 27-07-2023 by the Honorable Khyber Pakhtunkhwa Service Tribunal, wherein, it has been held that the date of promotion of the appellant in the impugned seniority list dated 02-03-2021 may be mentioned as 13-11-2007 instead of 19-05-2009 in pursuance of the promotion Notification dated 29-04-2014, whereafter, the matter was referred to the Law Department which was made unfit for filing CPLA before the apex Court. However, as per advice of the Law Department an application under Section 12(2) of CPC-1908 was filed against the order ibid which was also dismissed vide order sheet dated 07-11-2023 by the Honorable Tribunal.

It is further added that a meeting under the chairmanship of Additional, Secretary (General) E&SE Department was held on dated 28-12-2023 for implementation of the judgement ibid, wherein, the chair has directed this Directorate that other similarly placed IPEs (Female) may also be treated equally with the petitioners and may not be discriminated, meaning thereby, all those IPEs (Female), whose promotion have been anti-dated vide Notification dated 29-04-2014 w.e.f. 13-11-2007 instead of 19-05-2009 along with the petitioners, their date of promotion in impugned seniority list dated 02-03-2021 may be written as 13-11-2007 instead of 19-05-2009 on the analogy of petitioners in the light of Notification dated 29-04-2014.

Therefore, pursuant to the decisions taken in the afore-noted meeting with regard to the implementation of the order dated 27-07-2023 of the Honorable Service Tribunal, Peshawar in the titled case, the date of promotion of all the concerned IPEs (Female) has been modified in the impugned seniority list dated 02-03-2021 (DFA enclosed) and is hereby forwarded for approval of the competent authority, so as to be submitted to the Honorable Service Tribunal in the pending Execution Petition, please.

[Signature]
Assistant Director (Litigation-II)

Dated Peshawar the: 31/1/2024

Endst. No: _____ / File No. (AD)/(Lit-II)

Copy forwarded for information to the:-

1. Learned Registrar Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.
2. Additional Secretary (G) E&SE Department Khyber Pakhtunkhwa Peshawar.
3. Additional Director (PE&S) E&SE Khyber Pakhtunkhwa Peshawar.
4. Deputy Director (Legal) E&SE Khyber Pakhtunkhwa.
5. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
6. Master file.

Assistant Director (Litigation-II)

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REGULATED FINAL SENIORITY LIST OF SENIOR INSTRUCTORS PHYSICAL EDUCATION BS-18 (FEMALE) ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA AS STOOD 02-03-2021

S.No	Name of Officer with Academic Qualification	District	Date of Birth	D/O 1st Entry Into Govt Service	D/O Appnt as DFE BS-16 (Regular)	D/O Award of BS-17 (Regular)	Regular Appnt/Promotion to the present post			Place of Posting
							D/O Award of BS-18 (Regular)	BS-18	Method of recruitment	
1	MST. SAFINA BABAR MSC (HPE)	NOWSHERA	06.01.1962	26.08.1990	26.08.1990	19.05.2009	23.05.2018	18	By promotion	GGHSS University-Town Peshawar
2	MST. SHAHEEN ANWAR MSC (HPE)	ABBOTTABAD	03.06.1953	24.07.1991	24.07.1991	13.11.2007	23.05.2018	18	By promotion	GGHSS Abbottabad
3	MST. REHANA PARVEEN MSC (HPE)	D.I. KHAN	10.02.1963	24.07.1991	24.07.1991	13.11.2007	23.05.2018	18	By promotion	GGHSS Prova DI Khan
4	MST. SHAHIDA BEGUM MSC (HPE)	NOWSHERA	01.09.1967	07.01.1990	16.05.1997	13.11.2007	23.05.2018	18	By promotion	GGHSS Nowshera Kalan.
5	MST. SHAHNAM JADOON MSC (HPE)	ABBOTTABAD	05.04.1968	16.05.1997	16.05.1997	13.11.2007	23.05.2018	18	By promotion	GGHSS Dherntour Abbottabad
6	MST. TAMSILLA NAZ MSC (HPE)	D.I. KHAN	31.08.1967	06.03.1990	16.05.1997	13.11.2007	23.05.2018	18	By promotion	R.I.T.E (F) D.I. Khan
7	MST. NAJREEN ANWAR MSC (HPE)	KOHAT	03.03.1968	16.05.1997	16.05.1997	13.11.2007	23.05.2018	18	By promotion	RITE (F) Peshawar.
8	MST. SAEEDA BEGUM MSC (HPE)	PESHAWAR	01.01.1964	13.03.1986	18.02.2003	13.10.2010	23.05.2018	18	By promotion	GGHSS Chah Sa'id Mumawar Shah No. 6 DI Khan
9	MST. MISBAH SEEMA MSC (HPE)	D.I. KHAN	14.03.1964	11.02.1992	18.02.2003	13.10.2010	23.05.2018	18	By promotion	GGHSS No.5 Qasaban DI Khan
10	MST. RAHILA BANO MSC (HPE)	D.I. KHAN	24.03.1966	31.05.1992	18.02.2003	13.10.2010	23.05.2018	18	By promotion	GGHSS Mathra Peshawar
11	MST. RAFIA KHATTAK MSC (HPE)	KARAK	09.09.1967	16.11.1994	18.02.2003	13.11.2007	23.05.2018	18	By promotion	GGHSS No. 9 Dln Pur D.I. Khan
12	MST. HAMIDA BAGEM MSC (HPE)	D.I. KHAN	01.01.1967	11.01.1996	18.02.2003	13.11.2007	23.05.2018	18	By promotion	GGHSS Malakpura Abbottabad
13	MST. ABIDA PARVEEN MSC (HPE)	ABBOTTABAD	20.10.1966	01.10.1992	18.02.2003	15.06.2009	23.05.2018	18	By promotion	GGHSS Sikandar Khel Bala Bannu.
14	MST. ROBINA SHAHEEN MSC (HPE)	BANNU	02.01.1972	01.11.1992	18.02.2003	15.06.2009	23.05.2018	18	By promotion	GGHSS No.2 Peshawar Cantt.
15	MST. NABILA TABASUM MSC (HPE)	D.I. KHAN	25.04.1970	25.06.1997	18.02.2003	13.11.2007	23.05.2018	18	By promotion	GGHSS Akora Khattak NSR
16	MST. PARVEEN AKHTAR MSC (HPE)	MARDAN	15.11.1966	13.11.1984	18.02.2003	24.10.2013	18.04.2019	18	By promotion	GGHSS Shah Dhand Mardan
17	MST. DANISH BEGUM MSC (HPE)	MARDAN	14.04.1969	28.02.1995	18.02.2003	13.11.2007	23.05.2018	18	By promotion	GGHSS Rustum Khel Mardan.
18	MST. SUGHRA AFANDI MSC (HPE)	MARDAN	01.05.1970	10.10.1995	18.02.2003	15.06.2009	23.05.2018	18	By promotion	GGHSS Nowshera Cantt
19	MST. YAHYA BEGUM MSC (HPE)	KARAK	08.06.1973	03.10.1995	06.06.2005	24.10.2013	18.04.2019	18	By promotion	GGHSS Peshawar City
20	MST. NIGAR AKHTAR MSC (HPE)	MARDAN	03.04.1976	30.08.1995	06.06.2005	13.11.2007	23.05.2018	18	By promotion	GGHSS Jangal Khel Kohat
21	MST. NAHEED GOLAR MSC (HPE)	MANSEHRA	04.03.1969	17.03.1993	06.06.2005	13.11.2007	23.05.2018	18	By promotion	GGHSS; Shahbaz Garh Mardan
22	MST. MUFEEDA BEGUM MSC (HPE)	SWAB	31.08.1971	11.12.1990	06.06.2005	16.05.2013	05.11.2018	18	By promotion	GGHSS Pir Pai Nowshera
23	MST. SAMINA AKHTAR MSC (HPE)	KARAK	15.03.1974	23.05.1992	06.06.2005	24.10.2013	18.04.2019	18	By promotion	GGHSS Lady Griffith Peshawar
24	MST. ASMA QUARSHI MSC (HPE)	PESHAWAR	06.06.1976	20.01.1995	06.06.2005	13.11.2007	23.05.2018	18	By promotion	GGHSS Tarnab Peshawar
25	MST. MUNAZA JABEEN MSC (HPE)	PESHAWAR	10.10.1975	23.11.1995	06.06.2005	13.11.2007	23.05.2018	18	By promotion	GGHSS Toru Mardan
26	MST. AZRA NAZ MSC (HPE)	MARDAN	01.02.1970	08.03.1998	06.06.2005	13.11.2007	23.05.2018	18	By promotion	GGHSS Behzadi Chakrabort Kohat
27	MST. GHAZALA NAEEM MSC (HPE)	KOHAT	15.02.1968	01.01.1988	06.06.2005	13.10.2010	23.05.2018	18	By promotion	GGHSS Takhibhai Mardan
28	MST. SUJHAT BEGUM MSC (HPE)	MARDAN	05.09.1972	30.09.1996	06.06.2005	15.06.2009	23.05.2018	18	By promotion	GGHSS Hathian Mardan.
29	MST. BASREET AFZAL MSC (HPE)	MARDAN	20.02.1984	27.05.2006	27.05.2006	13.10.2010	23.05.2018	18	By promotion	GGHSS Koti Sadat Bannu
30	MST. ROHILA GUL MSC (HPE)	BANNU	12.10.1980	27.05.2006	27.05.2006	13.11.2007	23.05.2018	18	By promotion	

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21	MST. SAIMA ANDALEEB MSC (HPE)	HARIPUR	05.04.1980	01.09.2004	27.05.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Kot Najibullah Haripur
22	MST. SHAHANA MSC (HPE)	BANNU	05.05.1983	27.05.2006	27.05.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Domel Bannu
23	MST. IMTAZ-TABASSUM MSC (HPE)	PESHAWAR	15.12.1978	14.01.1998	27.05.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Jogiwara Peshawar
24	MST. SAIMA GUL MSC (HPE)	DI KHAN	28.04.1979	27.05.2006	27.05.2006	15.06.2009	23.05.2018	18	By promotion	GGHSS Sherazi No. 8 DI Khan
25	MST. TASLEEM KAUSAR MSC (HPE)	MALAKAND	12.10.1974	27.05.2006	27.05.2006	16.05.2013	05.11.2018	18	By promotion	GGHSS Sakhakot Malakand
35	MST. MIARYAM MUSTAFA MSC (HPE)	ABBOTTABAD	27.11.1978	27.05.2006	27.05.2006	13.11.2007	23.05.2018	18	By promotion	RITE (Female) Abbottabad
36	MST. FAKHAR-E-ANJUM MSC (HPE)	MARDAN	13.04.1977	01.12.1999	12.12.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Sawaf Dher Mardan
37	MST. NIGHAT SEEMA MSC (HPE)	NOWSHERA	05.11.1970	13.03.1993	12.12.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Kalabat Township No.2 Haripur
38	MST. MARYAM RASOOL MSC (HPE)	HARIPUR	07.01.1970	01.09.1993	12.12.2006	24.10.2013	18.04.2019	18	By promotion	GGHSS Shewa Swabi
39	MST. SHAHEEN ALI MSC (HPE)	SWABI	12.12.1975	04.01.2004	12.12.2006	24.10.2013	18.04.2019	18	By promotion	GGHSS Esak Chuntra Karak
40	MST. MUSSARU IQBAL MSC (HPE)	KARAK	08.01.1970	13.11.1990	12.12.2006	24.10.2013	18.04.2019	18	By promotion	GGHSS No.1 Karak
41	MST. SARDAR BIBI MSC (HPE)	KARAK	30.05.1970	12.01.1994	12.12.2006	25.10.2011	23.05.2018	18	By promotion	GGHSS Gujrat Mardan.
42	MST. SHEHAZ TAJ MSC (HPE)	MARDAN	09.11.1976	08.01.1996	12.12.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Khyber Colony Peshawar
43	MST. AFSHEEN MUMTAZ MSC (HPE)	PESHAWAR	23.12.1974	20.11.1994	12.12.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Kopar Malakand
44	MST. SADIA HAZRAT MSC (HPE)	MALAKAND	05.03.1983	02.12.2004	12.12.2006	15.06.2009	23.05.2018	18	By promotion	GGHSS Esak Chuntra Karak
45	MST. SHAHIDA BEGUM MSC (HPE)	KARAK	15.12.1976	17.05.1993	12.12.2006	24.10.2013	18.04.2019	18	By promotion	GGHSS Wadpaga Peshawar
46	MST. RAHANA YASMEEN MSC (HPE)	PESHAWAR	30.04.1971	17.11.1994	12.12.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Landi Arbab Peshawar.
47	MST. HUSSAN BASRI MSC (HPE)	PESHAWAR	02.03.1972	10.07.1997	12.12.2006	13.11.2007	23.05.2018	18	By promotion	GGHSS Kakul Abbottabad
48	MST. SAJRA ILTAF MSC (HPE)	ABBOTTABAD	01.01.1981	26.06.2005	12.12.2006	15.06.2009	05.11.2018	18	By promotion	GGHSS Larana Peshawar
49	MST. NAZMA SHAHEEN MSC (HPE)	PESHAWAR	30.05.1977	01.10.1996	12.12.2006	16.05.2013	23.05.2018	18	By promotion	GGHSS Rashakai Nowshera
50	MST. ROBINA SHAHEEN MSC (HPE)	MARDAN	24.01.1965	04.02.2005	10.02.2009	15.06.2009	23.05.2018	18	By promotion	GGHSS Baffa Manshira
51	MST. RIFFAT SHAHEEN MSC (HPE)	MANSEHRA	01.03.1967	19.02.2004	10.02.2009	15.06.2009	23.05.2018	18	By promotion	GGHSS Nishinr Abad Peshawar
52	MST. ARIFA SALEEM MSC (HPE)	PESHAWAR	01.09.1972	20.10.1995	10.02.2009	15.06.2009	23.05.2018	18	By promotion	

Assistant Director (Sports)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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Secretary of
E&S Edu;
Distry No. 1118

Dated 01-02-24

To,

Secretary, Govt. of KP,
Elementary and Secondary
Education Department,
Peshawar.

Subject:

**APPEAL AGAINST REVISED FINAL SENIORITY LIST OF
SENIOR INSTRUCTORS PHYSICAL EDUCATION B-18
(FEMALE) ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT NO. 2015-16 / AD LIT-II DATED 03-01-2024
STOOD ON 02-03-2021 OF ASSISTANT DIRECTOR (LIT-II)
WHEREBY APPELLANTS WERE PLACED AT S. NO. 44, 47, 48
AND 53 INSTEAD OF AT S. NO. 20 (AFSHEEN MUMTAZ), 21
(REHANA YASMEEN), 22 (HUSSAN BASRI) AND 28 (ARIFA
SALEEM) OR AS THE CASE MAY BE:**

Respectfully Sheweth,

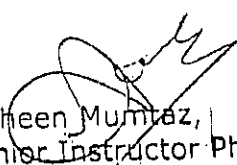
1. That appellants were initially appointed as a Physical Education Teacher on 17-11-1994, 17-11-1994, 10-07-1997 and 20-10-1993 respectively and were promoted to B-16 on 12-12-2006 (03 numbers) and 10-02-2009 respectively.
2. That on 13-11-2007, appellants were promoted to the post of DPE B-17 and 15-06-2009 respectively.
3. That appellants filed appeals before the hon'ble Service Tribunal which were accepted with direction to place them on proper places but instead the impugned seniority list stood on 02-03-2021 were placed again at their improper position and only date of promotion was changed from 2009 to 2007. (Copies Attached)
4. That appellants were awarded B-18 on 23-05-2018 and in the impugned seniority list appellants were placed at S. No. 44, 47, 48 and 53, while others who were promoted on different dates were placed senior to appellants i.e. 2009; 2013, 2011 etc. as is evident from the impugned seniority list. (Copy Attached)
5. That the Impugned seniority list is of the year 2021 only covering letter was issued on 03-01-2024 showing appellants in the covering letter with effect from 13-11-2007 instead of 19-05-2009.

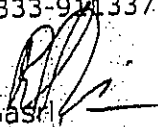
6. That it was incumbent upon the authority to issue fresh seniority list giving them year 2022 or 2023 and not to give year 2021.
7. That the impugned seniority list is in total disregard of law and seniority list so is liable to struck down and to correct the same.
8. That in the impugned seniority list extra ordinary relief favor was extended to favorites leaving aside the eligible candidates by not placing them on proper positions.
9. That the department is going to make promotion at the Impugned disputed seniority list and if promotion was made, then vested rights of promotion of appellants shall infringe and they will not see promotion in future as prior to the same, earlier promotion was also made on the disputed seniority list.
10. That the impugned seniority list is against the law and is based on favoritism and malafide.

It is, therefore, most humbly requested that the appeal be accepted as prayed for in the heading and fresh seniority list of the year 2022 / 2023 be issued by placing appellants at proper positions as per year wise promotion to the dates mentioned against their names.

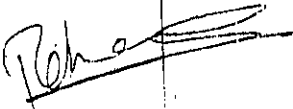
Note:- It is to bring into your kind notice that for making promotion to BPS-19, PSB has been scheduled probably for 15-02-2024 and if such illegal promotion was made, then the purpose of the appeal would defeat and would become infructuous. The same shall be stayed till the decision of the appeal.

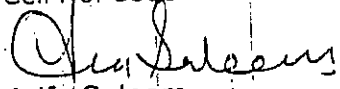
Applicants


Afsheen Mumtaz,
Senior Instructor Physical Education
GGHSS Khyber Colony, Peshawar
Cell No. 0333-9113375


Hussan Basir
Senior Instructor Physical Education
GGHSS Landi Arbab, Peshawar
Cell No. 0322-9175076

Dated 01-02-2024


Rehana Yasmeen
Senior Instructor Physical Education
GGHSS Wadpaga, Peshawar
Cell No. 0333-5541599


Arifa Saleem
Senior Instructor Physical Education
GGHSS Nishter Abad, Peshawar
Cell No. 0310-9941877

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Misc. A. No. /2024

IN

S. A. No. /2024

Rehana Yasmeen

versus

Director & Others

**APPLICATION FOR DIRECTION TO
RESPONDENTS TO NOT FILL UP THE
DISPUTED POSTS OF CHIEF INSTRUCTOR
PHYSICAL EDUCATION B-19 TILL THE
FINAL DISPOSAL OF THE CASE:****Respectfully Sheweth,**

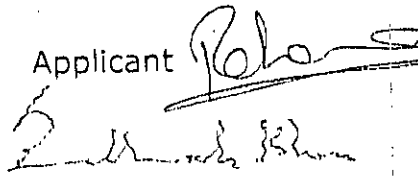
1. That applicant filed the subject appeal before this hon'ble Tribunal today for correction of seniority position.
2. That respondents are going to make promotion to the post of Chief Instructors Physical Education B-19 as per letter dated 14-05-2024 and if such promotion was made without Issuing Final Seniority List amongst the employees then the purpose of the appeal would become in-fructuous and rights of the applicant shall defeat. (Copy Attached)

It is, therefore, most humbly requested that the application be accepted as prayed for.

Date: 20-05-2024

Through

Applicant


Saadullah Khan Marwat
Advocate

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Misc. A. No. /2024

IN

S. A. No. /2024

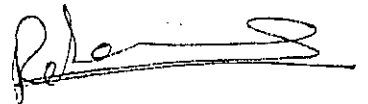
Rehana Yasmeen

versus

Director & Others

AFFIDAVIT

I, Rehana Yasmeen, Applicant, do hereby solemnly affirm and declare that contents of **Application** are true and correct to the best of my knowledge and belief.



DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block - A, Opposite MP's House, (W) Secretariat Peshawar
Distt. Muzaffargarh, (W) Peshawar, PAKISTAN

NO. SY/S/1/2024-11-1-Gen. M/Sec. Seniority Iss. 2024
Dated Peshawar 14th May, 2024



To

The Director
E&S E Kyber Pakhtunkhwa
Peshawar

**SUBMISSION OF UPDATED SENIORITY LIST OF ALL CADRES OF
BPS-17 & ABOVE TO TEACHING LIBRARIAN BE ON STANDARD
FORMAT FOR THE CURRENT FINANCIAL YEAR.**

I am directed to refer to the subject noted above and to enclose herewith a copy of
Standard format model seniority list shared by Establishment Department for preparing Seniority
List of all head cadres of BPS-17 above accordingly and submission in this Department within
15 days positively for further necessary action, please.

Yours faithfully,

[Signature]
CHIEF (HUSAIN)
SECTION OFFICER (SCHOOL/SALARY)

[Signature]
CHIEF (HUSAIN)
SECTION OFFICER (SCHOOL/SALARY)

For the Director, E&S E, Department of Education, Peshawar
In the presence of the undersigned
14/05/2024

