# FORM OF ORDER SHEET

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

# Appeal No. 695/2024

.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2 .	3
1	24/05/2024	The appeal of Mr. Ghulam Akbar resubmitted
		today by Mr. Yaqub Khan Advocate. It is fixed for
		preliminary hearing before Single Bench at Peshawar or
	· · ·	28.05.2024. Parcha Peshi given to the counsel for the
		appellant .
	•	By the order of Chairman
		Mal-
		REGISTRAR
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The appeal of Mr. Ghulam Akbar received today i.e on 09.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck
  - out from the list of respondent.
- 2- Sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that the civil servant, to whom the relief claimed may affect, shall also be shown as party/parties.
- 3- Annexure-A & Page no.30 of the appeal are illegible be replaced by legible/better one.

/Inst.KPST, Dt. 10/05 /2024.

= 10/5/24 REGISTRAR

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Yaqub Khan Adv. High Court Mardan.

Siz, objections removed, completed and re-submitted please. Jagubu 23/5/2024

# Before the K.P.K service tribunal Peshawar

Service Appeal NO /2024

Ghulam Akbar

.....appellant

VERSUS

District Education Officer etc ......Respondents

## APPEAL

#### INDEX

S.No	Descriptions		-	Pages
		Annex	From	to
1	Grounds of appeal		1	3
2	Copy of appointment order	"A"	4	10
3	Copy of seniority list	"B"	11	15
.4	Copy of Departmental appeal	"C"	16	18
5	Copy of judgment	"D"	19	30
6	Wakalat Nama		<u> </u>	31

Dated 02/05/2024

FARbox Appellant,\_

Ghulam Akbar

т. Э

Trough counsel V Yaqoob Khan advocate High Court at Distt courts Mardan.

#### Before the Service Tribunal KPK Peshawar

/2024 Service Appeal NO

Ghulam Akbar S/o Amir Sultan PST Teacher GPS Pat Baba, Katlang District Mardan R/o Vilalge Patbaba, Khatlang District Mardan

#### VERSUS

- 1. Director of E & SE, Khyber Pakhtunkhwa, Peshawar
- 2. District Education Officer Mardan
- 3. Muhammad Aseem son of Said Ghafoor PST Teacher GPS
- Gujarat, Mardan R/o Village Gujarat, Tehsil and District Mardan

 Fida Muhammad S/o Amir Zaman PST Teacher Arabi Banda Mardan R/o Village Arabi Banda, Tehsil Takht Bhai, District
 Mardan.

..... Respondents 🝾

Appéal Under Section 4 of KPK Service Tribunal Act 1974 for grant of Seniority of appellant on the basis of age wise to kept Senior from those PST teachers who are junior in age from appellant as per Seniority List of PST's teachers on the basis of judgment of this Hon'able court dated 31/05/2023.

#### Prayer;

On acceptance of this appeal, appellant may please be kept senior to those PST's teachers who are less in age from appellant on the basis of order/judgment dated 31/05/2023.

**Respectfully Sheweth;** 

#### Appellant humbly submits as under

1. That, appellant is posted as PST Teacher with respondent department and performed his duty regularly.

2. That, appellant was passed test/interview and qualified for the

post of PST.

3. That, repondent's teacher in which i the territew t

partment has advertized the posts of PST ellant was properly applied and qualified the post  $PS\Gamma$  teacher.

2

- 4. The appellant is appoind is PST teacher with resondent's departent vide relation is a graded by respondent No.2. (Copy of app., utment orde, is a grached as Annex; "A").
- 5. That, service of ap llant is regularized from the date of his 1<sup>st</sup> appointment.
- 6. That, the seniori list of the a pellant as well as other PST teachers was drain on the basis of the score obtained by them in the test condulled by National Testing Service (NTS) while as per law, the seniority of appellant is of the view that seniority inter se was required to have been fixed age wise in view clause 8 of Terms and conditions of Regularization Order as well as sub section 2 of section4 of KPK Employees of E & SE department. (Appointment and regularization of service Act 2017) hence, appellant is entitled for seniority on the basis of age wise seniority. (Copy of seniority list is attached as Annex;"B").
- 7. That, the date of birth of appellant is **G\$104**/19**%?** while other employees PST teachers are junior in age from appellant therefore, appellant may please be kept senior than other PST who are junior in age from appellant and appointed on the same date of appellant.
- 8. That, appellant is serving with respondent department as a regular employee from initial appointment and appellant is entitled for seniority from the date of initial appointment on the basis of regular employee and also appellant is senior in age from the private respondents therefore, appellant is senior from private respondents.
- 9. That, appellant preferred a Department appeal/ representation before the respondent NO.1 (Director of E & Se) Peshawar dated 19/01/2024 through post office but in vain, hence, filed the instant Service Appeal before this Hon'able Tribunal. (Copy of Departmental appeal is hereby attached as Annex: "C").
- 10. That appellant is entitled seniority senior to those PST teachers who were appointed on the same date of appellant of appointment order but, junior in age from appellant on the following grounds:

#### GROUNDS

A. That appellant is senior in age from private respondents, therefore, appellant is entitled senior than private respondents in the seniority list of PST teachers maintained by respondents.

C. That, as per reported judgment of Apex Supreme Court of Pakistan (1996 SCMR P-1185) appellant is entitled for the same relief which is granted to appellants in case appeal No. 2069/2019 titled <u>"Abid Noor Vs Director E & SE KPK Peshawar & others"</u> in which, appellants were declared senior those in which those officials who are junior than appellant in age and appointed as PST on the same date of appellant.

t is, therefore, most humbly prayed that on acceptance of this appeal, appellant may please be declared senior than those employees PST teachers who are junior in age than appellant and who are appointed on the same date of appointment of appellant on the basis of judgment of this Hon'able Tribunal dated 31/05/2023. Any other remedy according to law may also be graciously awarded to the appellant.

Dated 02/08/2024

Athas

Appellant,\_\_\_\_\_ Ghulam Akbar

alkhar

Lawly.

Trough counsel Yaqoob Khan advocate High Court at Distt: courts Mardan.

# AFFIDA VIT

I, do hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my knowledge



Deponent



#### OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN. 09379230151

ux 1

#### APPOINTMENT,

In continuation of the appointment order of PSTs No. 3134/4/V:I/Appbintment/PST(NTS) dated 7/04/2017, appointment of the following candidates is hereby ordered against the vacant posts of PST, School based, in BPS-12 (Rs.11140-800-35140) @ Rs. 11140/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge:

ir	School Name	RollNo	Name	NIC	Totai Marks	Date of Birth	υc	TEHSIL	REMARKS
	cins Chairtínor	4535001798	JAWAD HUSSAIN	1 <b>6101-</b> 6703911-1	133.15	1993-4-3	DHERI LIKPANI	XATLANG	CGPA to percentage conversion certificate provided.
	GPS i nor Libertur	4532001765	GHULAM AKBAR	16102- 2303892-9	110:78	1979-1-1	QASMI	KATLANG	Provided NOC from Inspector General of Police Islamabad.
<u>.</u>	u na ingina na ingina Ngina na ingina na ing Ngina na ingina na ing	7733001259	MOJEES ALAM	16102- 851 <b>1527</b> -9	120.05	1991-5-10	i ALALA	ГАКНТ ВНАГ	Cleared from (TS)
	tällä Konda I Ohor	7833001330	SHAHID KHAN	16102- 5487587-3	126.98	1989-2-26	MADAY BABA	такнт ВНАГ	Domicile and ID Caro with change in name provided
-	) GPS Stand Theres	4532001569	FAZAL AMIN	16102- 9844622-7	104.28	1992-2-10	PARKHO	TAKHT BHAI	After consideration of refusal.
•	s" i <sup>th</sup> Al satrai	4532002036	FAZAL SUBHAN	16102- 4042577-7	119.7	1991-3-22	РАТ ВАНА	ТАКНТ ОНАІ	After consideration of refusal.

#### TERMS & CONDITIONS

- 1. No TA/DA etc.is allowed.
- 2. Charge reports should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary & contract basis initially for one year from the date of issuance.
- 4. They should not be handed over charge if he exceeds 35 years or below 18 years of age.
- 5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO Office, anyone found producing bogus Certificate will be reported to the law enforcing agencies for further action.
- Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government:
- 7. Pay will not be drawn until and unless a certificate regarding verification of their documents is issued by this office.

#### Page 1 of 2

- 3. They should join their post within 10 days of the issuance of this notification. In case of failure to join the post within stipulated period, their appointment will stand expired automatically and no subsequent appeal etc shall be entertained.
- 9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge to the DDO Concerned.
- 10. Before handing over charge, they will have to sign an agreement with the Department; otherwise this order will not be valid.
- 11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- E2. Their services shall be terminated at any time, in case their performance is found unsatisfactory during contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 13. Their appointment is made on School based, they will have to serve at the place of posting, and their service is not transferable to any other station.
- 14. Before handing over charge, once again their document may be checked by the DDO concerned, if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.
- 15. In case of miscalculation of their marks affecting merit at any stage will be rectified accordingly which may affect the place of posting and appointment resultantly.
- 16. Copy of professional standards, core competencies and job description issued vide Govt: of Khyber Pakhtunkhwa E&SED Notification, No. SO(PE)4-3/PST/2014 dated 17-09-2014 is attached with the appointment order.

ZIA UD DIN District Education Officer (M) Mardan

-7-+2017

Dated 197-

Endst:No <u>> (U I / </u>/V:I/Appointment/PST(NTS) Copy forwarded for information and necessary action to the

- Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 2. District Comptroller of Accounts, Mardan.
- 3. Principal/ Headmaster or Concerned Schools.
- 4. PS to the Secretary to Govt, Khyber Pakhtunkhwa E&SE Department.
- AP EMIS local office.

**Candidates** Concerned

Budget & Accounts Officer Local Office.

District Education Officer (M) Mardan

Page 2 of 2

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14	Son/Daughter of AMIN GULEAN
	and a Student of MALARAND FUBLIC SCH. CL. DARGAT MALAKAND ASENCY
	has passed the Secondary School Certificate Examination of the
f all	Board of Intermediate and Secondary Education, Saidu Sharif, Swat
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	obtained 6.28 Marks out of 850 and has been placed in
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3 The entries in this page should be renewed or re-attested at least every five year the signature to lines 9 and 10 should be dated. -Thulam Akbar. Name: an Race: -Katlana azagram > 0eh **Residence:**\_\_\_\_\_ 5 x < tam Father's name and residence: mine Date of birth by Christian era as nearly as can be ascertained: Exact height by measurement: 4 Personal marks for identification: А mole on neck Left hand thumb and finger impression of (Non-Gazetted) officer: **Little Finger Ring Finger** Middle Finger Fore Finger Thumb por Signature of Government Servant: 4.1 Signature and designation of the Head of the Office, or other Attesting. Officer.

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MARDAN	
Final Tentative seniority List of Male PSTs/SPSTs/PSHTs District Mardan 2022	

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н	AMIN ULLAH	SEFAT KHAN	15	F 4	c†	Mardan	01/08/1962	69/10/1983	01/11/1903	GPS Mele Masjid	Sher Gath	01/11/1903				,
12	PANMAN ULLAN	INAZAAT CALAH	15	FA	PTC, CT	Mardan	D#/03/1963	09/10/1913	01/11/19#1	GPS Farman 131ah Koroona(LK)	tund Chawar	01/31/3943				
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34	авоця вандах	RAHRATULLAN		150	PTC	Mardan	[4/0]/[96]	09/10/1963	01/13/19#1	GP5 Zoor Abail Bustam	Pustam	01/11/1983				
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		ZAUL UL-ABIDIN			PIC	Mardan	13/06/1965	03/10/1964	15/01/1785	GPS Samarganu	Gujtat	15/01/1945				
- <del>[</del> -	(RVEZ AIRAN)	HALEEM SHAH	15		CI, PIC	Martlari		01/10/1944	15/01/1985	GPS Shula Abad (LF)	Land Channer	15/03/19#5				
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<b>+</b> "				- 200 - 203				4/7/2017	4/1/2017	GPS Alabar shan toll	Sharpi Nesi			[	2/34/201	Section 6 Para (LA 2) Reputation Act. 2018
1794	ARBAS KHAN	GHAMH GUL	- 12	Malba	B Ed, ADE	MANDAN	03/03/1936	1	<u> </u>	· · ·	Shargi Holi	1/12/2015	syrdu, Isl st	Jrd	3/16/2019	Section 6 Para (1 & 3)
1795		AATI UDBIH	- <u></u>	MA	214	MAILDAN	05/03/1991	4/7/3017	4/1/2011	GPS Sher Put	Mardan Xhas		· · ·		2/16/3018	Aminularitation Act. 2018 Seccilion 6 Para (1 & 2)
7796	AKHTAR HUSSAIN	GOHAR 288	11	BA	PTC	MARDAN	14/04/1911	4/7/2017	4/7/2011	GPS No 2 Vardan FHAS	<b>↓</b>		<u>.</u> Urdu, 14	Ind	3/36/2018	Section 6 Para (1 6 1)
1797	FAISAL KHAN	MUSA KHAN	11	ВА	219	MARDAN	08/10/1993	4/2/1012	4/)/201)	GPS TAUS BANDA	Sharni Hoti		· · · _ · _ · _ ·	and	2/16/2018	Andruitarization Act. 2018 Section 6 Para (1 & 2)
2751	AZMAT INAN	HAZRAT KHAN	11	BA	PTC	MARDAN	17/01/1981	A/7/2017	4/1/2017	GPS akbar Abad	Mardan Khen		Pachto, NI	·	2/15/2018	Bestaelarization Act. 2013 Section 6 Para (1 & 2)
1791	IAVEO KHAN	MIRZA ALI KHAN	u l	м	PIC	MAIDAN	04/10/19#1	4/7/1017	4/1/2017	GPS NCI I forsigh Mardan	Mardan Khas	9/20/200)	LJrdy, 1sl	Ind		Bedasjartzation Act. 2018 Section 6 Para (1 5-2)
2900	MUHAMMAD ABBAS ALAM	SHAMS UL WAHAB	u	DCam	a	MARDAN	11/04/1996	4/7/1017	4/7/3017	GPS Zaman Abad	Mardan Khas	1/6/3009	вва	151	3/16/2018	Regularitation Act. 2018 Section 6 Para (1 % 3)
7801	BRAR ALI	FARMAN ALI	17	RA .	FIL	MARDAN	05/04/1946	4/7/2017	4/7/2012	GPS Labrast calony	Mardan Khae	9/17/2010	1J/du, 14	2nd	2/16/2018	Section & Para (1.4.2)
	ARDUL SABOOR	SHAUD AHMAD	11	LSe	ADE	MANDAN	21/01/1295	4/7/2017	4/1/2017	GP3 Nyhad Colony	Merdan Thas	3/31/2016	scolo, (du	111	2/16/3014	Resultatization Act 2018 Section 6 Para (1 & 3)
	ARDUL ADZ	LAL BADSHAH	117	DAt	PIC	MARDAN	31/05/3940	A/1/2037	4/7/3017	GEPS Bohram Khan Kilk	Sharqi Hoti			ļ	3/16/3018	Result flation Act. 2018 Section 6 Para (1 A 2)
	· · · · · ·	MUKHTIAR HASSAN	11		ADI	MANDAN	C6/01/1995	4/7/2017	4/7/2017	GPS Akbar khan kati	Sharal Hati			ļ	2/16/2018	Annulatestion Act. 2018
<u> </u>		MUNAMMAD	11	MBA	PTC	МАЯЙАЛІ	37/04/1981	07/04/2017	07/04/2017	GP5 No 1 Brket gun)	Mardan Khan				1/16/2010	Section 6 Para (1 & 3) 
	агта ця ванный	······································	11	MRA	P1C	MARDAN	04/07/1910	4/10/2017	4/10/2017	GP5 No 2 Kahi Barmol	Bals >+	7/11/2016	8DA	10	2/16/2018	Section 6 Para (1 & 2) Regularisation Act, 2013
2806	ITTROAD ALL KITAN	NUA ALI CHAN		M Sc	 PR	MARDAN	20/01/19/4	4/10/2017	4/10/2017	GPS NO 184111 Banda	Mardan Khas	1/14/2015	Mains, Phy	14t	2/1 COLA	Section 6 Para (1.4.3) Regularization Act. 2018
)80) 		MURITAN MAA		L <sup>1</sup> huì M 5c			05/04/1990	4/10/3017	A/10/2017	GPS Rarin XIM	kund Whawar	1/6/2016	Maihs, Phy	2=d	1/16/3018	Section & Para (1 & 2) Regularitation Act, 2019
1808	MUHAMMAD BIAJ		12	[Phvi BS	PIC 27, 8 64	marilan	<b>├</b> ────	4/19/101/	4/19/3017	GMP5 CHATRAL KILLI	Fairm Bhai	9/17/2010	85 505-0	Lut	2/16/2018	Section & Pere (1.8.2) Regularization Act. 2011
3809	FAZAL SUBHAN	FAZAL MAHAN	0	ticeia).	PTC	MARDAN	101/00/101			G45 BAD BA#A	alaal	4/4/2009	Eng. Isl	bot	3/16/2018	Section & Para (1 & 3) Regularization Act, 201
2010	GIULAM AKBAR	AMIN SULTAN	11	MA	PYZ.	- MARDAN	01/01/1970	A/19/301/	4/19/3017		Lund Khawat		Zaky, Chem	L Ind	2/16/2019	Section 6 Para (1 % 2)
2#11	FALAL ANNIN	миналимар алин	13	<b>•</b> • •	214	Mardan	10/02/1792	4/19/2012	4/19/2017	GPS Sharif Abad	Mardan Chas			<u>+</u>	2/16/2017	Regularization Art, 201 Section & Para (1 & 2)
7432	SAMI ULLAH	SHER MOHAMALAD	11	MA	PIC	МАНСАМ ————————————————————————————————————	14/01/1985	5/12/2012	5/12/2017	GPS Maho Dheri		1/9/2006	Pashto, Isl	brd	3/15/2013	Regularisation Act. 2013 Section & Para (1 & 3)
2813	SHENZAD DIAN	FENOZ KIAN	11	MA	PrC	MARDAN	04/04/1988	5/12/2017	\$/12/2017	GPS Fagliban Baghdada	Gurat		Pasito, IN	Jed	1/16/2018	Regularization Act. 7633 Section 6 Para (1 & J)
20114	MUDASSIA HAR	5HER NA81	11	ма	PIC	Mardan	D4/04/1913	\$/13/3017	9/11/2017	Cit's Jamal Abod	Gund Khawer	5/10/2007	┦	·	2/16/2010	<u>Pagularitation Act, 2012</u> Section & Pare (1 & J)
2915	ASHFAQ CHAN	NIT ALAM	l li	150	PTC	Mardan	15/02/1997	5/12/2017	5/12/2017	GP\$ No 7 Shergarh	Sher Garb	1/6/1016	Maths, Phy	1st		Swetton & Para (1 & 7)
74 18	HAZAAT SIDORI		μ	MA	D Pod, M Ed	Mardab	12/01/1990	5/12/2017	\$71273012	GPS Baldu ell'	Tabbar	9/17/2010	Nge30, 117	2rd	1/11/1018	Accularization Act. 2011 Section & Para (1 & 2)
JN 17	MUMANIMAD I SHAH	SULTAN MUHAMMAD	11	Mathal	916	MARCAN	20/02/1987	5/12/2012	5/12/2017	GPS КНАН GADIAI	Takni Uhei	7/14/2015	Maths, Comp	1.11	2/16/1018	Actuaritation Act. 2017 Section 6 Para (1 & 2)
2618	GARIB WILLAH	MASSAN QADIA	112	V SK	M FH	MAR DA N	16/06/1587	4/12/2012	spini	GPS NO J KOPH PAPAROL	(taizai	1/6/2016	Mains, Shai	Let	1/16/3018	Hestilarisation Act. 2013 Section & Para (1 & 2)
2019	FALEIM ULLAN	MATEUR PAHMAN	u	MA	PTC	MANDAN	10/01/1989	4/12/2012	5/12/2017	GPS Ghar b Abad	Mardan Phas	1/14/2009	Prof Sr., 141	2nd	1/16/2018	Regularitustion Ast 2014 Section 6 Pere (1 & 2)
<u> </u>	NIAZ AL)	7.XZAL MANAN	11	VIA	PTC	Marden	OR/C5/1387	\$1.2/2017	5/12/2017	GPS Ghano Dhad	Lund Chavear	4/4/2009	Polise, H	Jed	3/16/2014	. Ensulerization Act. 221
	MUHAMMAD SOMAIL	FAZAL NAWAS		MA, 0 1	PIC	малбан	17/04/1947	1012/2017	101/1017	GPS RHAND YO D	Shahbaa Gerhi			I	1/14/1018	Action & Pars (1 & 2) Resultarization Act. 2011
2827		FAZLE MAULA	11		PTC	Wardan	30/03/1988	1/12/3417	5/12/2017	GPS Mad End	Lund Ahowar	1/14/2019	Wraw, Hil	204	2/14/2014	Section & Para (1 & 2) Regularization Act. 2011
		MULALAM OTAN	1.2	8.4	110	MANDAN	06/05/1544	6/13/2017	6/11/2612	GPS FIDA MUHAMMAD 1117	Carbing	6/34/3013	Science, Inf	544	2716/2018	Section & Pare (1.8.2) Regularization Act. (21)
243)	WASE KHAN	· · · · · · · · · · · · · · · · · · ·	12	BA	PIC	Mardan	09/07/1587	6/13/2017	6/15/2017	GPS Saidan Dhuri Kata Rhat	Kata Khat	70-115	taicia, Ini	Ind	2/16/2014	Section & Pare (1.4.2) 
	1HAH 218	MAMOOA KHAN	<u> </u>		#1C	MARGAN	10/01/1994	4/17/007	4/13/2017	025 KOTO	Kallorg	1/6/2016	Polse, HPI	and	2/16/2018	+Becthon 4 Para    A J) Nanufariration Act. 2011
	MUNAM UL HAG	DAH JUL HARI		Luc	#1C		15/01/1991	4/21/3017	4/23/2017	GPS Jume than kalley	Shar Garh	1/12/2015	Malte, Comp	Ind	3/14/2014	Section & Pres (1 & J)
	FAR2JAN LILLAN	SHER WURAMMAD	12	13400		Marilan	03/01/1992	4/33/2617	6/21/1017	GPS CHANI SHIERH BILLI	Gujeat	\$713/2015	Soria, isl	ànd	2/16/2018	Regularization Art. 2011 Section & Para (1 & 2) Regularization Act. 2011
		KHAN MUHAKANAD	<u>u</u>		214	Merdan	+ ·	+	6/11/2017	GPS Khan Mian Kilâ Madan	Gujeet	9/20/7/07	Ang tal	and	2/16/2018	Remitarization Act, 201 Section 6 Para (1 & 2) Regularization Act, 201
2828	NIAZ ALI SHAA	SYED JASHKOR SHAH	12	<b></b>	PTC	MARDAN	12/09/1981	6/31/3017		GPS No 1 Chireghthn 111h	Tabbar	4/14/2011	Pai Sc. 11	) and	2/16/2018	5ection 6 Para () & 2)
2429	монаммар и прная	Аквая кнач	12	MA_	PTC	Mardan	01/01/19#3	6/23/2017	. 6/23/2017		Falleng	1/6/2016	·	7~4	2/16/2018	Remainstration Act. 201. Section & Para (1.4.2)
2910	ALAAAGIN ALI	NAWAR (PAN	1.2	МА	PTC.	маяран	03/02/1943	6/33/2017	4/21/2017	GPS MUSA KHAT	· · · · · · ·	I	Pashto, Isl	2nd	2/16/2018	Beaularization Act. 2011 Section 6 Para (1 & 2)
2631	ABOUL GHAFAA	миначимар имал	11	M7	PTC	марран	01/04/1564	6/21/1017	6/21/2017	GPS Khen Wien S III Meden	Gujraf			bet	3/16/2013	Section 6 Pare (1 & 2)
2633	ABOUA AASHEED	GUL MUHAMMAD	11	84	PTC	MARDAN	¢a/07/1993	4/23/2017	6/23/2017	GPS II han Miun Hilli Madan	Gu,ral		Pol, %, 11	1		Registeriyation Act. 2011

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	AD HASEEB	STED MUHAWAND ATUR	=	ĝ s	ě	MAADAN	30/04/15 <sup>-04</sup>	1/201/10/1	100760/14	GP3 143 DE M	Rustam		AS CHem	74		Decarad Son
Ţ			<del>د</del>	7	PTC 5 Ed	MAIDAN	61/01/1092	1 ( 01/10/01	1100/110/05	GPS CHAIL BANDA	Gujrat		¢			Cerceased Som
1.			+		_											Decaded 30h
2	1989 BURHAN AU	лц ахрая	ະ	7 K		MANDAH	15/03/1497 54/05/2031	1 C02/20/00	64/05/7021	GPS Brithtiar Rill	, 1117			]		
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зI	1991 ADWAR ALAM	A UNA ALASA	Σ	5		NANDAH	H-61/11/60	11/07/1011	11/07/2021	GPS Astrot ud die Mix	Sher Gurh					Design Arrand? Such
31	1992 ASMO AU	WHOBAR ANNA	5	CO2 \$1	, <u> </u>	MARDAN	17/04/1998	1101/1011	11/02//2011	GPS ha   Menge	Niardan Khas					Cleck and Sch
γĺ	1991 DAIW XHAN	WAFIL XHAN	-	ş	e co 🖓	1000000000 1000 AW S /10000 AW 2000	1/161/10/90	16/06/30.31	14/08/2011	675 YUNT	Kallang	ļ.,				Priter Dittrict Transfer
γÌ	1914 MUHAMMAD FAISAL MAUMAN	HAUWAN GUL	5	t Carn	ž	MARDAN	154(11/80 1001/104/11/821	04/11/3031	1101/11/40	GPS larnea Tashe Bhai	Tabhr Bhai					Deceased Son
ſ	Note: Regularization Act. 2011, Section & Esciently Pere [1] "They shall rank junior to an civil seriants belonging to the series errors of codre, as the reterment of this feat, as the reterment of this feat.	Carolan & Icanladty   Pars  1) "											times of the la	ct, and sh	hali aha junkar ita	, who are in territe on regular basis on the commencement of the det, and shall also justar to such other periods. If any,

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--(ZUL/SQAR UL MULX) DISTRICT EDUCATION ÖFFICER (MAEL) MARDAN

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Endst:No. J Sinlority List PSTs Dated Mardan the. 2022

Copy forwarded for information and necessary action to the :-

Cirector Elementary and Secondary Education: thyber pathlocidhus Pethiet —

Deputy Commissioner Mardan

All 1520, in Mardan Birth it a remarks to get it noted from the concerned and submit screed if any arthin

stipulated partod of the receipt of this Sminning list to this office for correction

All Juschers concerned

DISTRICT LOUCATION OFFICIA [MALE] MARDAN

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Before the Director of E & SE KPK, Peshawar

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Ghulam Akbag S/o Amis Sultan PST teached GPS Put Baba Katlang Distt: Mardan R/o vill Put Baba Katlang Mardan Affellant.

### v/s ·

District Education Officer (M). Mardan...Respondent

Departmental Appeal / Representation for grant of seniority on the basis age senior/ higher from other employees appointed on the same date of appellant.

#### Respected Sir,

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# Appellant Humbly submits as under

- I. That appellant is posted as PST Teacher with respondent deportment and performed his duty regularly.
- 2. That, appellant was passed test/ interview and qualified for the post of PST.
- 3. That respondent department has advertized the posts of PST teacher for which appellant was properly and qualified the test/interview for the posts of PST teacher.
- That appellant was appointed as PST teacher vide order dated. (Copy is attached).
- 5. That service of appellant is regularized from the date of appointment.

6. That the seniority list of the appellant as well as other PST teachers was drawn on the basis of the score obtained by them in the test conducted by national testing service (NTXS) while as per law the

seniority of appellant is of the view that seniority inter se was required to have been fixed age wise in view clause 8 of terms and conditions of regularization order as well as sub section 2 of section 4 of KPK employees of E & SE department. (appointment and regularization of svc Act 2017, hence, appellant is entitled for seniority on the basis of agewise seniority. (Copy of seniority list is attached).

- 7. That the date of birth of appellant is 1/1/79 wile other employees PST teachers are junior in age from appellant, therefore, appellant may please be kept senior than other PST who are junior in age from appellant and appointed on the same date of appellant.
- 8. That appellant is serving with respondent department as a regular employee from initial appointment and appellant is entitled for seniority from the date of initial appointment on the basis of regular employee and also appellant is senior in age from the private respondents therefore, appellant is senior from private respondents.
- 9. That appellant is senior in age than private respondent and entitled senior than private Lin the Summitty eat of PST respondents on the following grounds.

#### **GROUNDS:**

- A. That, appellant is senior in age from private respondents, therefore, appellant is entitled senior than private respondents in the seniority list of PST teachers maintained by respondents.
- B. That similarly placed official filed an appeal before the service Tribunal KPK Peshawar which was allowed vide order/judgment dated 31/05/2023 and appellant wasgconsidered senior on the basis of senior in age. (Copy of judgment is attached).

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C. That, as per reported judgment of Apex Supreme Court of Pakistan (1996 SCMR 1185) appellant is entitled for the same relief which is granted to appellants in case appeal No. 2069/2019 titled Abid Noor Vs Director E & SE kpk Peshawar & others, in which, appellants were declared senior those in which those officials who are junior than appellant in age-and appointed as PST on the same dak of appellant.

> It is, therefore, humbly requested that on acceptance of this appeal, appellant may please be declared senior than those employees who are junior in age than appellant and who are appointed on the same date of appointment of appellant. Any other relief deemed fit may also be graciously awarded.

Dated 19/01/2024

Chulamottebar

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Ghulam AKbaz PST Jeach GPS Putbaba Katlang Mag Through Jagub

Your's obediently,

Yaqoob Khan advocate High courts at Distt: courts Mardan.

# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESH

Service Appeal No. 2069/2019 Date of Institution ... 23.12.2019 31.05.2023 Date of Decision...

Abid Noor S/O Noor Nawaz Khan, R/O Kotka Mir Alam P/O Torka Surani Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Lalozai Bannu.

#### <u>versus</u>

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 55 others.

(Respondents)

#### Service Appeal No. 2070/2019 Date of Institution ... 23.12.2019 31.05.2023 Date of Decision...

Afsar Ali Khan S/O Haider Ali, R/O Kotka Gharib Abad P/O Bazar Ahmad Khan Bannu, Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, ... (Appellant) No. 1 Bazar Ahmad Khan Bannu.

#### <u>VERSUS</u>

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 65 others.

(Respondents)

Service Appeal No. 2071/2019 Date of Institution .... 23.12.2019 Date of Decision... 31,05,2023

Shah Da Ullah Khan S/O Khubaz Khan, R/O Kotka Dilasa Khan near PS Mandan P/O Bada Mir Abbas Khan Mandan Bannu Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Bada Mir Abbas Bannu.

.=(Appellant)

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 61 others. 30

(Respondents)

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Service Appeal No. 2072/2019 Date of Institution ... 23.12.2019 Date of Decision... 31.05,2023

Muhammad Ahsan Ali Shah S/O Ghaffar Ali Shah, R/O Piran Tughal Khel P/O Syed Tughal Khel Tehsil & District Bannu, Primary School Teacher

(BPS-12) GPS, Masta Mir Tughal Khel.

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 53 others.

(Respondents)

.. (Appellant)

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#### Service Appeal No. 2073/2019 Date of Institution ... 23.12.2019 Date of Decision... 31.05.2023

Imtiaz Khan S/O Muhammad Noor, R/O Kaski Akhondan Mandew Kandidak Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Mandew Kandidak Bannu. ... (Appellant)

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 108 others.

(Respondents)

Service Appeal No. 2074/2019 Date of Institution ... 23.12.2019 Date of Decision... 31.05.2023

Abdul Matin S/O Ghazi Marjan, R/O Kotka Sarwar Garhi Mir Alam Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Sher Daraz Madan ... (Appellant)

#### <u>VERSUS</u>

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 66 others.

(Respondents)

Service Appeal No. 2075/2019 Date of Institution ... 23.12.2019 Date of Decision ... 31.05.2023

Syed Abad Mir Shah S/O Muhammad Mir Shah, R/O Village Manja Khel P/O Taji Kala Tehsil & District Bannu, GPS Kot Azad Mughal Khel, Bannu.

... (Appellant)

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 39 others.

(Respondents)

Service Appeal No. 2076/2019 Date of Institution ... 23.12.2019 Date of Decision... 31.05.2023

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Noor Muhammad Khan S/O Ali Bahadar Khan, R/O Kotka Mir Alam P/O Torka Surani Khyber Pakhtunkhwa Bannu, Primary School Teacher (BS-12) ... (Appellant) GPS, Torka Surani Bannu.

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 41 others.

(Respondents)

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#### Service Appeal No. 2077/2019 Date of Institution ... 23.12.2019 31.05.2023 Date of Decision...

4

Khanzada Khan S/O Mehmood Khan, R/O Sardi Khel Gul Badin Kandi Dak P.O Meryan Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, ... (Appellant) Shah Azim Landi Dak Bannu.

#### VER<u>SUS</u>

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 130 others. (Respondents)

Service Appeal No. 2078/2019 Date of Institution... 23.12.2019 Date of Decision... 31.05.2023

Naseem Ullah S/O Rooh ul Amin Khan, R/O Khwaja Mad Mandan Tehsil & District Bannu, Primary School Teacher (BS-12) GPS, Akhundan Khwajamad ... (Appellant) Manda Bannu.

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Near GHSS No. 1 Firdos, Peshawar and 126 others.

(Respondents)

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#### Service Appeal No. 2079/2019 Date of Institution ... 23.12.2019 Date of Decision... 31.05.2023

Shahid Ullah Khan S/O Umar Nawaz Khan, R/O Malik Chowk PO Fathima Khel District Bannu, Primary School Teacher (BS-12) GPS, Kot Adil Bannu. ... (Appellant)

#### VERSUS

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, TESTED Near GHSS No. 1 Firdos, Peshawar and 278 others. (Respondents)

MR. INAYAT ULLAH KHAN, Advocate

MR. ASIF MASOOD ALI SHAH, Deputy District Attorney

MR. MUHAMMAD AKBAR KHAN

For appellants.

For official respondents.

MR. SALAH-UD-DIN

MEMBER (JUDICIAL) MEMBER (EXECUTIVE)

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#### JUDGMENT:

SALAH-UD-DIN, MEMBER .- Through this single judgment we intend to dispose of the above titled Service Appeals as common questions of law and facts are involved in all the appeals.

2. Brief facts of Service Appeal No. 2069/2019 to Service Appeals No. 2074/2019 as well as Service Appeals No. 2077/2019 and 2078/2019 are that the appellants as well as private respondents therein were appointed as PSTs on contract basis vide Notification bearing endorsement No. 8313-8514/PST/adhoc/ dated: Bannu the 23.07.2014 DEO/(M). During course of their service, Khyber Pakhtunkhwa Employees of Elementary and (Appointment and Department Secondary Éducation Regularization of Services) Act, 2017 was promulgated and in light of the same, their services were regularized vide Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018 with effect from the date of their initial appointment. The seniority list of the appellants as well as private respondents of the said appeals was drawn on the basis of the score obtained by them in the test conducted by National Testing Service (NTS).

appellants are of the view that their seniority inter-se was required to have been fixed age-wise in view of Clause-8 of terms and conditions of the regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department Services) Act. of Regularization and (Appointment 2017, therefore, they filed objection on the seniority list on 17.08.2019, however the same was not responded. The appellants there-after submitted departmental appeal on 26.08.2019 but the same was also not responded, constraining them to file appeals before this, Tribunal for redressal of their grievance.

Precise facts of Service Appeals No. 2075/2019 and 3. 2076/2019 are that the appellants as well as private respondents therein were appointed as PSTs on contract basis vide Notification bearing endorsement No. 1922-28/AE-1-Male/PST/Adhoc/Appu: Bannu the 28.03.2016. During course of their Dated service, Khyber Pakhtunkhwa Employees of Elementary and Department (Appointment and Education Secondary Regularization of Services) Act, 2017 was promulgated and in light of the same, their services were regularized vide Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018 with effect from the date of their initial appointment. The seniority list of the appellants as well as private respondents of the said appeals was drawn on the basis of the score obtained by them in the test conducted by National Testing Service (NTS). The  $\frac{47}{2}$ 

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appellants are of the view that their seniority inter-se was required to have been fixed age-wise in view of Clause-8 of terms and conditions of the regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017, therefore, they filed objection on the seniority list on 17.08.2019, however the same was not responded. The appellants there-after submitted departmental appeal on 26.08.2019 but the same was also not responded, constraining them to file appeals before this Tribunal for redressal of their grievance.

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4. Brief facts of Service Appeal No. 2079/2019 are that the appellant as well as private respondents therein were appointed as PSTs on contract basis vide Notification bearing endorsement No. 4672-5990/AE-I-Male/PST/Adhoc/Apptt: Dated Bannu the 06.052017. During course of his service, Khyber Pakhtunkhwa Employees of Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 was promulgated and in light of the same, his services were regularized vide Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018 with effect from the date of his initial appointment. The seniority list of the appellant as well as private respondents was drawn on the basis of the score obtained by them in the test conducted by National Testing Service (NTS). The appellant is of the view that his seniority inter-se was required to

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have been fixed age-wise in view of Clause-8 of terms and conditions of the regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017, therefore, he filed objection on the seniority list on 17.08.2019, however the same was not responded. The appellant there-after submitted departmental appeal on 26.08.2019 but the same was also not responded, constraining him to file appeal before this Tribunal for redressal of his grievance.

5. On admission of the appeals for regular hearing, notices were issued to the respondents. Official respondents No. 1 & 2 contested the appeals by way of filing of reply, wherein they refuted the assertion raised by the appellants in their appeals.

6. Learned counsel for the appellants has addressed his arguments supporting the grounds agitated by the appellants in their service appeals. On the other hand, learned Deputy District Attorney for official respondents has controverted the arguments of learned counsel for the appellants and have supported the comments submitted by the official respondents.

7. Arguments have already been heard and record perused.

8. A perusal of the record would show that the appellants as well as private respondents in Service Appeals No. 2069/2019 to 2074/2019 as well as Service Appeals No. 2077/2019 and ATTESTED

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2078/2019 were appointed as PSTs (BPS-12) on contract basis vide Notification bearing endorsement No. 8313-8514 PST/adhoc/ dated: Bannu the 23.07.2014 DEO/(M), while appellants as well as private respondents in Service Appeals No. 2075/2019 and 2076/2019 were appointed as PSTs on contract basis vide 1922-28/AE-Ibearing endorsement No. Notification Male/PST/Adhoc/Apptt: Dated Bannu the 28.03.2016, whereas the appellant and private respondents in Service Appeal No. 2079/2019 were appointed as PSTs on contract basis vide 4672-5990/AE-1-Notification bearing endorsement No. Male/PST/Adhoc/Apptt: Dated Bannu the 06.05.2017. During the course of their service, Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 was enacted and vide Notification bearing Endorsement No. 2344-3253/AE/Estab dated 07.04.2018, their services were regularized with effect from the date of their initial appointments. Clause-8 of Terms and Conditions as mentioned in the afore-mentioned regularization Notification dated 07.04.2018 is regarding determination of seniority, which is reproduced as below:-

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"Their Seniority shall be determined on the basis of their continuous service in cadre, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one, "(Emphasis provided)

9. Moreover, the criteria for determination of seniority inter-segment

of the employees regularized under Khyber Pakhtunkhwa

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Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 has been provided in Sub-Section 2 of Section-4 of the said Act, which is reproduced as below:-

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

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

Provided that if the date of continuous service in the case of two or more employees is the same, the employee older in age shall rank senior to the vounger one." (Emphasis supplied.)

10. It is also worth mentioning that according to Section-5 of the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017, the provisions of the said act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency with the said Act shall cease to have effect.

11. In view of Clause-8 of regularization Notification bearing Endorsement No. No. 2344-3253/AE/Estab dated 07.04:2018 as ATTESTED well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa

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Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017, the seniority inter-se of the regularized PSTs was to be determined on the basis of their continuous service in cadre provided that if the date of continuous service in the case of two or more employees was the same, the employee older in age shall rank senior to the younger one. While going the impugned seniority list attached by the appellants with their appeals, the inter-se seniority of the PSTs regularized through Notification dated 07.04.2018 has been determined on the basis of score obtained by them in written test conducted through NTS, which was not a correct criteria for determining their inter-se seniority. The NTS score was relevant for appointment and not for determining seniority inter-se of the regularized PSTs.

12. In view of the above discussion, it is directed that the inter-se seniority of those PSTs, who were regularized through Notification bearing Endorsement No. 2344-3253/AE-I/Estab dated 07.04.2018, shall be determined on the basis of Clause-8 of terms and conditions of regularization Notification dated 07.04.2018 as well as Sub-Section-2 of Section-4 of Khyber Pakhtunkhwa Employees of the Elementary and Secondary-Education Department (Appointment and Regularization of Services) Act, 2017 by placing the names of the appellants at correct seniority positions with all consequential benefits. The

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11 appeals are allowed in the said terms. Parties are left to bear their own costs. File be consigned to the record room. ANNOUNCED 31.05.2023. (Salah-Ud-Din) Member (Judicial) (Muhammad Akbar Khan) Member (Executive) 01-6-21 \*Nacum Amin\* Date of Presentation of Application .... Cortified to by mre enpy Number of Worfd Copying Fee おじょり Khyp Urgout -Total-Pacha Name of Christ Date of Complexit Date of Delivery of Copy 檀 CamScanner 天禄. 

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#### Report

#### "Correction in Seniority List [CT]

The committee constituted on the subject titled above vide DEO (M) Swabi list No14178 dated / 12/2022 worked on the case the finding of which are hereby given as below.

1. In the Light of Civil servants Act, 1973 khyber Pakhtun Khwa Act No.XVIII of 1973, an act to regulate the appointment of persons to, and the terms & conditions of of service of persons in, the service of the KPK, (Gazette of KPK, extra ordinary page No.287 N-287 V, 12<sup>th</sup> November ,1973) KPK civil servants Appointment, promotion and Transfer ) rules, 1989 formated under the above act read with KPK (Appointment, deputation, posting & transfer of teachers, lecturers, instructors & Doctors ) regulatory Act, 2011.

All appointments and its terms of conditions are made under the above stated Acts and rules.

2. Seniority on appointment is determined under 17-(a) of APT Rules 1989, which is reproduced as under.

"In the case of persons appointed banitial recruitment, in accordance with the order of merit assigned by the commission [ OR as the case may be, the departmental selection committee.] provided that persons selected in a later selection;

As per Rule 4 of the ibid, " provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall treated senior".

**3.** Both the incumbents were selected and appointed in the same batch, Mare fact that one of them the seniority position of the one who assumed the duties later. The same is reported in 2009 SCMR 82.

4. Candidate had no vested right to claim to be governed by in any particular set of rules. Law makers, were fully competent to make rules, alter qualification or criteria for a particular post, no one could make a grievance about the condition and qualification provided by the competent authority, policy making, was the prerogative of the govt. high Court, in exercise of constitutional jurisdiction, could not make or alter policy of Govt. it Policy is not supported by any law or rules its right to prescribe any criteria permissible under the law. The same is reported in 2017 PLC (CS) 2020.

5. Any action taken or order make adversely affecting interest of civil servant not before the court as a party would not be effective against him. Supreme court judgment was thus, not binding against those civil servants who were not impleaded as respondents. Same is reported in 1993 PLC (CS) 14.

6. Notification or Govt Policy could not take effect retrospectively. Same is reported in 2007 PLC (CS) 229. Any executive order were not impleaded as respondents. Same is reported on 1993 PLC (CS) 14.

7. Appellants and a number of respondents being necessary parties in appeals having not been impleaded as such, any action taken/ or order made in their absence which adversely affected their interest could not at all affect their and they would not be bound thereby – such persons, held, could take up the matter of their seniority before departmental an only and get it determined a fresh.

8. Limitations would run even against a void order and an a aggrieved party must approach the competent forum for redressal of his grievance within the period of limitation provided by law, same is reported in 2023 SCMR 866.

The 1<sup>st</sup> seniority of the complainant teachers was determined in the year 2018, which was updated from time to time till 2023. The committee analyzed this seniority in depth, keeping in view the established laws, rules and policy.

The committee finds it clear that the seniority of the complainant teachers along with their colleagues who have not been made party, is accurate, lawful and in accordance with law, rules and policy.

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3) ت 100روسیے 22681 ار ایسوسی ایشن مردان بعدالت جنا ايلا نهط بعلام إنه ىڭ تىخ ىرآ ئىگە مقدمه مندرجه عنوان بالامين ابني طرف سے داسطے بيروني وجواب دہی کا روائی متعلقة آن مقام ليس ور كيك لعقو من (بارد كلك كوليل مقرر کر کے افرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا ، نیز وکیل صاحب کو راضی نامه کرنے دتفرر ثالث و فیصلہ برجلف دینے جواب دعویٰ اقبال ذعویٰ اور درخواست از ہرقتم کی تصدیق مر زر پردستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کیطرفہ یا اپیل کی برآمدگی اور مبنسوخی، نیز دائر کرنے اپنیل نگرانی دنظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جز وی کاروائی کے داسطےاور دکیل یا مختار قانونی کواپنے ہمراہ پااپنے لچائے تقرر کا اختیار ہوگا اور صاحبہ مقرر شده کود بی جمله مذکوره بالااختیارات حاصل ہوں گےاورال کا ساختہ برداختہ منظور وقبول ہوگا۔ دوران مقدمہ جوٹزاچہ وہرجاندالتوائے مقدمہ کے سبب سے ہوگا اکسے سخق دکیل صاحب ہوئےگے۔ ا نیز بقایاد خرچہ کی وصول کا بھی اختیار ہوگا۔ اگر کسی تاریخ بیشی پروکیل موصوف دورہ پر ہویا مقام سے باہر ہویا بیار ہو یا کوئی ضروری کام ہوتو دکیل صاحب پابندینہ ہوں گے کہ پیروی مذکورہ کر ہیں، لہذا دکالت نامہ ککھ دیا تا کہ سندر ہے المثناور الرقوم والمح 7/5/2 مقام Attested & Accepted ت نامەكى نو نوكايى نا قابل قبول

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