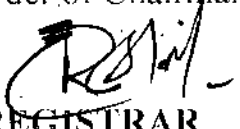


FORM OF ORDER SHEET

Court of _____

Appeal No. 698/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	24/05/2024	<p>The appeal of Mr. Muhammad Zahir resubmitted today by Mr. Yaqub Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 28.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Muhammad Zahir 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- Pages no 5 to 8 & 31 of the appeal are illegible be replaced by legible/better one.

No. 12 /Inst.KPST,

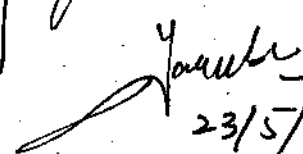
Dt. 10/05 /2024.


10/5/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Yagub Khan Adv.
High Court Mardan.

Sir,

objections removed, completed and re-submitted
Please. Moreover, as per objection no: 3 better copy of order
dated 01/4/2017 extract of order has already attached at
Page 4 of Memo of appeal, hence, no need better copy of
the same please.

Yagub Khan Advocate.

23/5/2024.

Before the K.P.K service tribunal Peshawar

Service Appeal NO 698 /2024

Muhammad Zahirappellant

VERSUS

District Education Officer etcRespondents

APPEAL

INDEX

S.No	Descriptions	Pages		
		Annex	From	to
1	Grounds of appeal		1	3
2	Copy of appointment order	"A"	4	13
3	Copy of seniority list	"B"	14	16
4	Copy of Departmental appeal	"C"	17	19
5	Copy of judgment	"D"	20	31
6	Wakalat Nama		-	32

Dated 02/05/2024

Appellant, Bahar
Muhammad Zahir

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

Before the Service Tribunal KPK Peshawar

Service Appeal NO 693 /2024

Muhammad Zahir son of Shakir Ullah PST Teacher GPS No.1 Topi,
Swabi R/o Vilalge Topi, Tehsil topi, District Swabi.

.....Appellant

VERSUS

1. Director of E & SE, Khyber Pakhtunkhwa, Peshawar
2. District Education Officer Swabi
3. Sadiq Ali son of Farid Khan PST Teacher GPS Qadra Swabi
R/o Village Qadra Kabgani Tehsil and District Swabi
4. Sameen Khan son of Zahir Muhammad GPS Azeem Garhi
Jehangira Swabi R/o Azeem Gari, Jehangira, Tehsil and
Disrcit Swabi

..... Respondents

Appeal 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.

- (2)
3. That, respondent's department has advertized the posts of PST teacher for which appellant was properly applied and qualified the test/ interview for the post of PST teacher.
 4. That appellant was appointed as PST teacher with respondent's department vide order issued by respondent No.2. (Copy of appointment order is attached as Annex; "A").
 5. That, service of appellant is regularized from the date of his 1st 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 (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 section 4 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 ~~25/04/1984~~ 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.

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- B. That, similarly palced officials fled an appeal before the service Tribunal KPK, Peshawar which was allowed vide order/ judgment dated 31/05/2023 and appellat was considered senior on the basis of senior in age. (Copy of judgment is attached as Annex:"D").
- C. That, as per reported judgment of Apex Supreme Court of Pakistan (1996 SCMR P-1185) appellat 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 appellat in age and appointed as PST on the same date of appellat.

It is, therefore, most humbly prayed that on acceptance of this appeal, appellat may please be declared senior than those employees PST teachers who are junior in age than appellat and who are appointed on the same date of appointment of appellat 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 appellat.


Dated 02/08/2024

Appellant, Muhammad Zahir
Muhammad Zahir

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

AFFIDAVIT

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 and belief.

Attested


Deponent Muhammad Zahir

(Better Copy)

Aux A

Extract from Office order of DEO (M) Swabi No 2468G-PST APPT 2017
dated 01-04-2017.

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District : Education office(M) Swabi

Appointment of PST(M)

Consequently upon the recommendation of the Department Selection Committee, appointment of the following candidates are hereby ordered against the post of PST according to the nontransferable schools based policy in BPS-12 (Rs,11140-35140)or Rs.11140 fixed plus usual allowance as admissible under the rule on adhoc basis on contract under the existing policy of the provincial Government in teaching on terms and conditions given below w.e.f the date after their taking over charge:-

S.No	Name	Father Name	Union council	Score	Place of Posting
1	Shah Khalid	Muhammad Said	Adina	11.83	GPS Adina
30	Hazrat Bilal	Sikandar Khan	Gar Meena	88.91	GPS Gar
443	Adnan	Fazal Dad	Topi East	95.24	GPS No.1 Topi
444	Muhammad Zahir	Shakir ullah	Topi East	93.96	GPS No.1 Topi
445	xx	Xx	xx	xx	Xx
446	Muhammad Imran	Fazal Qadeem	Topi East	86.70	GPS No.1 Topi
447	xx	Xx	xx	xx	Xx
509	xx	Xx	xx	xx	Xx

Certified True Copy

Attested by

Yaqoob khan Advocate

Yaqoob

Yaqoob Khan
Advocate
Swabi

DISTRICT EDUCATION OFFICE (MALE) SWABI

(Office phone & Fax No 0935266229, emh_swabi@vofhsa.edu.pk)

APPOINTMENT OF PST (MALE)

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the posts of PST according to the non transferable school based policy in RPS-12 (RS. 11126506-15110) & R2 11110- 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.

S No.	Name	Father's Name	Union Council	Score	Place of Posting
1	SHAH KHAI ID	Muhammad Sadiq	Adina	111.93	GPS Adina Khurd
2	NASIR KHAN	Muhammad Asad	Adina	111.79	GPS Adina Khurd
3	KAZIM ALI	Wahid Muhammad	Adina	106.75	GPS No.2 Adina
4	TANVIR AHMAD	Hussain Ullah	Adina	105.75	GPS Adina Khurd
5	SHAKIR ULLAH	Jahan Zeb	Anbar	120.51	GPS Sheikh Dhera
6	MUHAMMAD AWAIS KHAN	Muhammad Ali	Anbar	118.94	GPS No.1 Anbar
7	AKHTAR ALI	Sajid Ullah	Anbar	117.78	GPS No.2 Anbar
8	AAMIR ULAL	Saleem	Anbar	112.54	GPS Zakarya Khurd
9	WAHID KHAN	Fazal Dad	Anbar	111.04	GPS No.1 Sahal
10	AARSH SHAHZAD	Adnan Sheer	Anbar	109.76	GPS No.2 Jangl Dher
11	SAIF ULLAH	Bakht Muhammad	Anbar	108.49	GPS No.2 Jangl Dher
12	BAHAR ALI	Sajid Ullah	Anbar	105.77	GPS No.2 Anbar
13	ASGHAR ALI	Muhammad Ullah	Anbar	105.73	GPS No.1 Anbar
14	KHALID ANWAR	Gulbasi Khan	Anbar	104.53	GPS No.1 Haryan
15	NOUMAN	Muhammad Qureshi	Anbar	104.4	GPS No.2 Anbar
16	ADNAN KHAN	Bakht Ullah	Asota	127.61	GPS Rafiq Abad
17	BASHIR AHMAD	Said Haidar	Asota	113.54	GPS Charib Abad Asota
18	MUHAMMAD HASIR	Sajid Gul	Asota	112.64	GPS Asota Sharif
19	HQOR RAHMAN	Ullah Muhammad	Asota	110.54	GPS Gango Dher
20	ABDUL JALIL	Shahid Ullah	Asota	108.12	GPS No.2 Spin Kani
21	ABID ALI	Muhammad Ali	Asota	106.32	GPS Khalil
22	AYAZ ALI KHAN	Muhammad Ali	Asota	103.77	GPS Khalil
23	IMAD UD DIN	Muhammad Ali	Asota	101.65	GPS Khalil
24	ARIF MUHAMMAD	Muhammad Ali	Asota	101.76	GPS No.2 Spin Kani
25	SAJID ALI	Muhammad Ali	Asota	98.48	GPS No.2 Spin Kani
26	KHAIR UL ABRAR	Muhammad Ali	Asota	97.66	GPS Rafiq Abad
27	HAROON UR RAHMAN	Muhammad Ali	Asota	94.89	GPS Israr Abad
28	NABAH HAYAT	Muhammad Ali	Bachal	134.69	GPS Bachal Dagal
29	SHAFIQUL MAHAJIB	Muhammad Ali	Bachal	123.88	GPS Shumlo Dhand
30	WACAR AHMAD	Muhammad Ali	Bachal	129.32	GPS Gujrano Kili
31	KIFAYAT ULLAH	Muhammad Ali	Bachal	124.32	GPS Gujrano Kili
32	MUHAMMAD SAJID	Muhammad Ali	Bachal	121.75	GPS Saprona
33	FAWAD ALI	Muhammad Ali	Bachal	120.79	GPS Sikandan
34	AMAN ULLAH	Muhammad Ali	Bachal	120.50	GPS Gujrano Kili
35	SAJED ALI	Muhammad Ali	Bachal	115.27	GPS Sikandan
36	MUHAMMAD EJAZ ALI KHAN	Muhammad Ali	Bachal	113.46	GPS Shumlo Dhand
37	DAULAT KHAN	Muhammad Ali	Bachal	109.88	GPS Mughal Kot
38	INAMULLAH	Israr Khan	Bachal	109.55	GPS Mughal Kot
39	MUHAMMAD ZAHIR	Muhammad Ali	Bachal	106.33	GPS Mughal Kot

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424	ZAHID MUHAMMAD	Inayat Ull Din	Tarakal	116.41	GPS Tarakal
425	QAMAR ZEB	Sarraj Khan	Tarakal	111.88	GPS Shahaada Qadeem
426	TOWQEER KHAN	Moshir Khan	Tarakal	109.48	GPS Tarakal
427	JEHAD ALI	Aurang Zaid Khan	Tarakal	104.57	GPS Dheri Yeh Hussain
428	ZIA UL HAQ	Anur Kamal	Tarakal	101	GPS Show Wand
429	HASAR ALI	Shameen Khan	Tarakal	100.9	GPS Saheeds Dadeem
430	HASIR AHMAD	Fazil Yalqa	Thand Kol	125.99	GPS No.7 Thand Kol
431	ASIF HAIDER	Ghulam Haidar	Thand Kol	123.31	GPS Doodher
432	MAAZ UR REHMAN	Shams ur Rehman	Thand Kol	111.82	GPS Doodher
433	ARSHAD ALI	Muhammad Shah	Thand Kol	108.27	GPS No.1 Thand Kol
434	MUHAMMAD AKKAE	Gonar Ah	Thand Kol	108.17	GPS No.1 Kaddi
435	AZIZ UR RAHMAN	Qadir Ullah	Thand Kol	104.30	GPS No.2 Kaddi
436	MUHAMMAD KHAN	Safar Ali Khan	Thand Kol	104.55	GPS No.1 Thand Kol
437	ZAMIR ALI	Abdullah Khan	Thand Kol	102.4	GPS Doodher
438	NARIN BAHADAR	Muhammad Bonadar	Thand Kol	99.03	GPS No.2 Kaddi
439	UZA	Rahmat Ullah	Topi East	116.67	GPS No.1 Topi
440	UZA	Haid Ullah Khan	Topi East	100.09	GPS No.1 Topi
441	UZA	Yaqoob Khan	Topi East	98.80	GPS No.2 Topi
442	UZA	Muhammad Shah	Topi East	96.38	GPS No.1 Topi
443	UZA	Fazil Dad	Topi East	95.24	GPS No.1 Topi
444	UZA	Shah Wali	Topi East	93.95	GPS No.1 Topi
445	UZA	Muhammad Gul	Topi East	93.58	GPS No.4 Topi
446	UZA	Fazil Dad	Topi East	86.70	GPS No.1 Topi
447	UZA	Muhammad Gul	Topi East	83.50	GPS No.6 Topi
448	UZA	Fazil Dad	Topi East	80.85	GPS No.6 Topi
449	UZA	Muhammad Gul	Topi West	117.66	GPS No.4 Topi
450	UZA	Muhammad Khan	Topi West	117.23	GPS Maitoona Topi
451	UZA	Muhammad Khan	Topi West	112.19	GPS Maitoona Topi
452	UZA	Muhammad Khan	Topi West	111.93	GPS Maitoona Topi
453	MUHAMMAD WALI	Muhammad Khan	Topi West	105.82	GPS Maitoona Topi
454	AKSHAD ALI	Muhammad Khan	Topi West	100.45	GPS Maitoona Topi
455	ASIM ALI KHAN	Muhammad Khan	Turdher	121.48	GPS Wilayat Khel Turdher
456	WASEEM SABIR	Muhammad Khan	Turdher	113.63	GPS No.1 Marani Changan
457	SAJID ALI	Muhammad Khan	Turlandi	133.15	GPS No.1 Turlandi
458	HAZRAT BILAL	Muhammad Khan	Turlandi	124.66	GPS Kato Dher
459	SAJJAD ALI	Muhammad Khan	Turlandi	113.72	GPS No.4 Turlandi
460	AMIR KHUSRO	Shah Rehman	Turlandi	107.67	GPS Pir Muhammad Kothey
461	NAVEED ANHAR	Muhammad Khan	Turlandi	106.27	GPS Pir Muhammad Kothey
462	YANHA KHAN	Muhammad Khan	Turlandi	104.87	GPS Rashakai
463	ZAWAR HUSSAIN	Wahid Zaman	Turlandi	103.15	GPS Rashakai
464	SALEH MUHAMMAD	Rahim Janai	Turlandi	107.61	GPS Rameel Kothey
465	MUJEEB ULLAH	Hidayat Ullah	Turlandi	101.82	GPS Rashakai
466	SHATAH KHAN	Muhammad Yaqoob	Yaqoobi	139.90	GPS No.2 Yaqoobi
467	WAQAR ALI	Muhammad Khan	Yaqoobi	130.66	GPS No.1 Yaqoobi
468	SYED YASIR SHEHZAD	Muhammad Shah	Yaqoobi	127.3	GPS Miskhan Abad Yaqoobi
469	MUHAMMAD SABIR KHAN	Sadi Khan	Yaqoobi	121.61	GPS Jaganath
470	MUHAMMAD BILAL	Qasim Khan	Yaqoobi	120.58	GPS Jamineel Abad Yaqoobi
471	RASHID ALI	Aziz ur Rehman	Yaqoobi	119.47	GPS Zuzu
472	HANID AYAZ	Wahid Muhammad	Yaqoobi	117.15	GPS No.2 Bakayana Yaqoobi
473	ZAMAN KHAN	Muhammad Shah	Yaqoobi	116.52	GPS Geedar Banda
474	HASIR ALI KHAN	Muhammad Younis	Yaqoobi	116.29	GPS Kato Dheri
475	SUFAID AHMAD	Inaam Gul	Yaqoobi	113.92	GPS Shaded Kili

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476	SULAIMAN	Khan Shah	Yaqoobi	111.06	GPS Mathra Yaqoobi
477	SYED SHAH HASSAN	Hidayat Hussain	Yaqoobi	110.79	GPS Shahdad Khilji
478	SADARAT KHAN	Tajul Din	Yaqoobi	110.6	GPS No.2 Seraf Yaqoobi
479	ROOH UL AMIN	Hassan Khan	Yaqoobi	109.3	GPS Qasim Yaqoobi
480	MUKHTIAR ALI	Fazal Hussain	Yaqoobi	108.72	GPS Harif Khan KHR
481	HARDOON UR RASHID	Saad Usan Khan	Yaqoobi	106.4	GPS No.2 Seraf Yaqoobi
482	RAHAT ALI	Qasim Gul	Yaqoobi	105.28	GPS Qasim Yaqoobi
483	SHEER MUHAMMAD	Abdul Qadeer	Yaqoobi	104.66	GPS Bai Banda
484	MUHAMMAD AYAZ	Alam Sher	Yaqoobi	104.35	GPS Rasheed Abad
485	MOHAMMAD IBRAHIM	Lal Muhammad	Yaqoobi	102.01	GPS Gadar Banda
486	ANWAR ALI	Muhammad Wahab	Yaqoobi	100.71	GPS Gadar Banda
487	MUHAMMAD HAROON UR RASHEED	Fida Mahomedad	Yaqoobi	100.8	GPS No.1 Bakayana Yaqoobi
488	SHAUKAT ALI	Liaqat Ghani	Yar Hussain East	110.79	GPS No.1 Yar Hussain
489	MUHAMMAD AYAZ	Fazal Qadir	Yar Hussain East	110.14	GPS Karim Pura
490	MAGSOOL SHAH	Sayon Ghaffar Siah	Yar Hussain West	137.8	GPS Hussain Abad Yar Hussain
491	YASIN	Abdul Razzaq	Yar Hussain West	111.05	GPS Hussain Abad Yar Hussain
492	ASAD ALI	Aslam Khan	Yar Hussain West	110.58	GPS Zareen Abad
493	SAJID ALI	Shah Gul	Yar Hussain West	109.63	GPS Awan Abad
494	SHAH MUHAMMAD	Sajid Muhammad	Yar Hussain West	107.58	GPS Awan Abad
495	YASIN	Ali Sher	Yar Hussain West	105.66	GPS No.1 Yar Hussain
496	YASIN	Muhammad Ghani	Yar Hussain West	105.10	GPS Gul Abad
497	TARIQ KHAN	Fazal Ghani	Yar Hussain West	104.02	GPS No.2 Yar Hussain
498	MUHAMMAD ISMA	Ali Muhammad	Yar Hussain West	103.42	GPS Khurd Yar Hussain
499	NIKAL SHAMAD	Siddiq Khan	Yar Hussain West	103.13	GPS No.1 Yar Hussain
500	AYUB ALI	Muhammad Sadiq	Yar Hussain West	102.93	GPS No.2 Yar Hussain
501	ABDUL LATIF	Muhammad Noval	Yar Hussain West	101.03	GPS No.2 Yar Hussain
502	ASIF ALI	Jay Fur Khan	Yar Hussain West	100.21	GPS Gul Abad
503	KASHIF ALI	Zaman Ghani	Yar Hussain West	91.19	GPS Zlam Yar Hussain
504	ASNEAQ ALI	Saru Wali	Zaroobi	131.28	GPS No.1 Zaida
505	HUSSAIN MUHAMMAD KHAN	Gul Muhammad Khan	Zaroobi	118.08	GPS No.1 Zaroobi
506	JIBRAN SAIED	Abdus Saied	Zaroobi	111.09	GPS No.2 Zaroobi
507	MUHAMMAD SAQIB	Khan Muhammad Qasim	Zaroobi	106.73	GPS No.2 Zaroobi
508	FAKIR AD ALMI	Umair Khattun	Zaroobi	101.4	GPS No.1 Zaroobi
509	SAJJAD AUGHAR	Shah Aghar	Zaroobi	100.83	GPS No.1 Zaroobi

Terms & Conditions

1. This is not allowed to any one.
2. Change reports are to be submitted to all concerned.
3. Appointments are to be on temporary & contract basis, initially for one year and thereafter on contract basis.
4. Employees are to be recruited on contract basis if they exceed 35 years or below. Employees are to be recruited on contract basis if they exceed 35 years or below. Employees are to be recruited on contract basis if they exceed 35 years or below.
5. Appointments are to be on contract basis that the certificates/documents to be submitted to the concerned authorities by the DDO (concerned). If any employee is found to be ineligible, the certificate will be reported to the law officer for necessary action.
6. All employees are to be terminated on one month's prior 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 to the effect by DDOs (concerned) is issued and his/her certificates are verified.

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8. They should join their posts within 15 days of the issuance of this notification. In case of failure to join their posts within 15 days of the issuance of this notification their appointments will expire 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.
10. They will be governed by such rules and regulations as may be issued from time to time by the Government.
11. Their services shall be terminated at any time in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
12. Their appointments are made on school based. They will have to serve at the place of posting and their services are not transferable to any other station.
13. Before handing over charge once again their documents may be checked if they have not the required relevant qualifications they may not be handed over charge.
14. If any wrong position holder candidate (having low score) wrong Unit/ Council/ was appointed erroneously, his appointment shall be cancelled any time in the best interest of the entitled right position holder candidate.
15. The wrong name of the candidates at S.No. 01, 14, 09, 79, 82, 83, 136, 148, 187, 200, 224, 226, 230, 237, 245, 254, 279, 331, 341, 362, 365, 367, 428, 473, 474, 467, 512 and 507 has been relaxed by the competent authority.

Jehan Muhammad
 District Education Officer,
 (Male) Swabi

Order No. 34/Swabi/2017 Dated Swabi the 01/11/2017

1. For information and action to the:-
2. District Education Officer, Swabi
3. District Education Officer, Topi
4. District Education Officer, Kallar
5. District Education Officer, Kallar
6. District Education Officer, Kallar
7. District Education Officer, Kallar
8. District Education Officer, Kallar
9. District Education Officer, Kallar
10. District Education Officer, Kallar

Jehan Muhammad
 District Education Officer,
 (Male) Swabi

S.No. 150197

Roll No. 51234



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 2001-ANNUAL
(Science Group)


This is to Certify that Muhammad Zahir Son / Daughter of Shakir Ullah
and a student of Awan Public School Topi Swabi has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2001 as a Regular
candidate. He / She obtained 470 Marks out of 850 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | 6. Physics | 8. Biology |

He / She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form January 25, 1984


Asst. Secretary


Secretary

This certificate is issued without alteration or erasure

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**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN**

Sr No: 396



Notification.

Under the provision of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), Services of the following Primary School Teachers appointed on adhoc basis on Contract, are hereby regularized in BPS-12, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment on the PST post :-

Appointment 2017

Sr	Roll No	Name	Permanent Address with CNIC No	Total Marks Out of 200	School where posted	Appointment order No and dated	Extension order No and dated if any
1	4531001636	Hassat Bilal	R/O Surkh dehri Mardan	118.15	GPS Pirkhet Saldabad	3134/G dated 7/04/2017	---
2	4532001869	AJMAL KHAN	r/o Dalasa Gujrat	129.63	GPS Dalasa	3134/G dated 07-04-2017	---
3	4531001087	Ubbaid ur Rehman	VPO Gaddar Gujrat	130.79	GMPS Esa Khan Killi	3134/G dated 07-04-2017	---
4	4532001965	Kazim Ali	VPO KHAIRABAD GUJRAT	116.22	GPS CHARGULLI	3134/G dated 07/04/2017	---
5	4532001768	Muhammad Qaseem	R/O chargulli GUJRAT	123.1	GPS MIRA KHAN	3134/G dated 07/04/2017	---
6	4531001750	Abdul Awal	R/O chargulli GUJRAT	103.91	GPS PESHKAND	3134/G dated 07/04/2017	---
7	4535002215	Attaullah	R/O Surkh dehri Mardan	109.3	GPS CHARGULLI	3134/G dated 07/04/2017	---
8	4517002857	Sikandar Khan	R/O Surkh dehri Mardan	109.61	GPS Chargul	3134/G dated 07/04/2017	---
9	4517000472	Syed Irfanullah Jan	VPO Gaddar Gujrat	108.23	GPS Qazi Abad	3134/G dated 07-04-2017	---
10	4531001475	ISHFAL ALI	VPO Fatima GUJRAT	111.61	GPS Gaddar 2	3134/G dated 07-04-2017	---
11	4531001392	ANWAR ZEB	VPO Fatima GUJRAT	115.63	GPS Hamza Khan	3134/G Dated 07-04-2017	---
12	4535001823	MUHAMMAD KAMRAN	VPO Gaddar Gujrat	114.85	GPS Hamza Khan	3134/G Dated 07-04-2017	---
13	4532001956	Tanzeel Ur Rehman	VPO Bakhshali MARDAN	119.4	GPS Shazada koroona	3134/G dated 07-04-2017	---
14	4532001727	Muhammad Jehan Zeb	VPO Bakhshali MARDAN	119.08	GPS Zubair Dheri	3134/G dated 07-04-2017	---
15	4535001613	Syed Khalid Shah	VPO Bakhshali MARDAN	135.71	GPS Zubair Dheri	3134/G dated 07-04-2017	---
16	4517000400	Abdul Ahn	VPO Gujrat MARDAN	110.66	GPS Gujrat	3134/G dated 07-04-2017	---
17	4532001330	Qasir Ali	VPO Gujrat MARDAN	113.67	GPS Gujrat	3134/G dated 07-04-2017	---
18	4531001394	Bilque Ansan	VPO Gujrat MARDAN	101.88	GPS Gujrat	3134/G dated 07-04-2017	---
19	4535001772	Amir Seeyab Youlaf	VPO Gujrat MARDAN	100.27	GPS Jungara	3134/G dated 07-04-2017	---

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377	4532001591	Farhan Ali	VILL SHERO MASHAL KHAN	106.26	GPS AWAL DAD	3134.G 7.4.17	...
378	4531000955	Amjad Ali	VILL SHERO DHERI KATLANG	91.94	GPS CHEEL DHERI	8388.G 7.4.17	...
379	4531001097	Junaid Khan	VILL BABOZAI KATLANG	109.5	GPS NO 2 BABOZAI	3134.G 7.4.17	...
380	4531001351	Muhammad Qasim	VILL GULAB BANDA KATTI GARHI	116.62	GPS CHAMAN ABAD	3134.G 7.4.17	...
381	4532001388	Shakeel Akhter	VILL MANKI KHEL QASAMI	108.8	GPS GHAZI BABA	3134.G 7.4.17	...
382	4532001575	Inzlam ul haq	VILL ZARIF KHAN KATLANG	93.75	GPS KOTKI	5699.G 13.6.17	...
383	4531001714	NASIR ALI	VILL MASHAL KHAN KATLANG	110.34	GPS MASHAL KHAN	3134.G 7.4.17	...
384	4532001429	IBAD KHAN	VILL JANGA ALO KATLANG	116.35	GPS ALO JANGA	3134.G 7.4.17	...
385	4532001832	TAUSIF KHAN	VILL QASAMI KATLANG	117.63	GPS QASAMI	3134.G 7.4.17	...
386	453200163	MUHAMMAD NASEER KHAN	VILL ALO KATLANG	130.45	GPS ALO	3134.G 7.4.17	...
387	4531001819	ULTAIR	VILL JAMAL GARHI KATLANG	129.47	GPS JHANGRIZ KILLI	3134.G 7.4.17	...
388	4535001985	FATEH KHAN	VILL BADAR BANDA KATLANG	110.81	GPS MATA KHAS	6842.G 16.8.17	...
389	6017000232	MUKHTIAR	VILL KRAM PUR KATLANG	115.16	GPS YOUNAS TANGI	3134.G 7.4.17	...
390	4533001582	USMAN ALI BABAR	VILL AMIN ABAD SHAKAR TANGI	112.46	GPS TUHA BAZ	3134.G 7.4.17	...
391	4531001453	IMRAN	VILL SHERO KATTI GARHI	110.41	GPS MAIN GANO KAILLI	3134.G 7.4.17	...
392	4532001397	SHABIR AHMAD	VILL CHEEL LUND HAWAR	112.54	GPS HAMISH GUL KILLI	3134.G 7.4.17	...
393	4535001758	JAWAD HUSSANI	VILL CHARCHUR KATLANG	132.15	GPS CHARCHUR	3134.G 7.4.17	...
394	4533001558	ARIF KHAN	VILL MUTTI PAYA KATLANG	93.79	GPS CHARCHUR	7397.G 7.4.17	...
395	4533001759	SHAMSUL HAQ	VILL KANDAW QASAMI	115.38	GPS FAQIR KOORONA	3134.G 7.4.17	...
396	4532001765	GHULAM AKBAR	VILL TAZA GRAM KATLANG	110.78	GPS BAD BABA	3769.G 19.4.17	...
397	4533001248	IRFAN ULLAH	VILL KHAN BADAR KOORONA LUND KHWAR	108.15	GPS FAQIR KOORONA	4660.G 12.5.17	...
398	7231001045	QARIB ULLAH	VILL MIAN KHAN KATLANG	108.28	GPS NO 2 KOHI BARMOL	4660.G 12.5.17	...
399	4533001486	MUHAMMAD ASHFAQ	VILL MUTTI BANDA KATLANG	94.55	GPS MUTTI PAYA	7397.G 7.4.17	...
400	4532001242	AMIN KHAN	VILL CHAPAL ABAD KATLANG	112.33	GPS KHAN ZAMIR BANDA	3134.G 7.4.17	...
401	4517000516	AZIZUL WAHAB	VILL BABOZAI KATLANG	104.37	GPS MAIN GAN BABOZO	1047.G 27.11.17	...
402	4532001293	FAIZULLAH	VILL DHERI LIKPANI KATLANG	93.88	GPS KOTKI	3134.G 7.4.17	...
403	4532002198	FARMAN ALI	VILL LIKPANI KATLANG	90.79	GPS CHANONA	7397.G 7.4.17	...
404	4532001466	FARHAD ALI	VILL LIKPANI KATLANG	94.98	GPS NO 2 DHERI	3134.G 7.4.17	...
405	4531000945	Irshad Ahmad	HERAWAND RUSTAM	106.89	GPS Herawand	10471/G 27-11- 2017	...
406	4535001731	Syed Ali Yahya	HERAWAND RUSTAM	115.63	GPS Herawand	6842/G 16/8/2017	...
407	4533001444	Jehan Zed Suhail	HAJI ABAD RUSTAM	110.45	GPS Haji Abad	3134/G 7/4/2017	...
408	4531001552	Mazhar Ali	PAINDKO KOTAY RUSTAM	112.6	GPS PaIndokotay	3134/G 7/4/2017	...
409	4535001462	Bahar Ali	QALAM JAN RUSTAM	116.79	GPS Qalam Jan	7397/G 30-8- 2017	...
410	4517000547	Murad Ali	QALAM JAN RUSTAM	111.57	GPS Qalam Jan	3134/G 7/4/2017	...
411	4532001661	Muhammad Haveed	FALSAL ABAD RUSTAM	120.58	GPS Falsal Abad	3134/G 7/4/2017	...

446	4531001006	Manzoor Khan	HASSAN ABAD RUSTAM	93.96	GPS Hasan Abad	7397/G 30-3-2017	***
447	4531001837	Jehad Ali	SRA QABROONA RUSTAM	107	GPS Sra Qabroona	3134/G 7/4/2017	***
448	4533001660	Sajjad Ahmad	SHAHEEDAN RUSTAM	115.67	GPS Shaheedan	3134/G 7/4/2017	***
449	4535001764	Rehman Sald	BARINGAN RUSTAM	124.15	GPS Baringan	3134/G 7/4/2017	***
450	4535001817	Hameedullah	BADAM RUSTAM	100.4	GPS Badam	3134/G 7/4/2017	***
451	4531000876	Iftikhar All	FIRSAI RUSTAM	97.01	GPS Pirsai	3134/G 7/4/2017	***
452	4535002153	Sheheryar Husain	LANDI RUSTAM	110.54	GPS Landi	3134/G 7/4/2017	***
453	4517000523	Afghan All	KALO DHERI RUSTAM	115.46	GPS Kalo Dheray	3134/G 7/4/2017	***
454	4531000958	Nabdur Rehman	MIRZAKI RUSTAM	96.45	GPS Mir Zaki	3134/G 7/4/2017	***
455	4535002064	Muhammad Razaq	SHARMAKHAN RUSTAM	104.2	GPS Sharmakhan	3134/G 7/4/2017	***
456	4531000920	Sharif Khan	BAIROCH RUSTAM	108.92	GPS Bairoch	3134/G 7/4/2017	***
457	4513703351	Kamran	GUJAR ABAD RUSTAM	114.22	GPS Gujar Abad	3134/G 7/4/2017	***
458	4535001719	Tariq Sald	SHER ABAD RUSTAM	102.1	GPS Sher Abad	3134/G 7/4/2017	***

TERMS & CONDITIONS

1. The regularization will not be in favor of those, who have not taken over charge or has remained absent from duty or resign from service and also not for those who are under disciplinary proceedings.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018) shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2018 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

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4. The seniority Inters of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

(I AZ ALI KHAN)
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Ends No. 2451/K : Dated. 20 / 03 / 2018

Copy forwarded for information to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. S to Secretary E&SE Khyber Pakhtunkhwa Peshawar.
3. Director E&SE Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officer Mardan.
5. SDEO(M) MARDAN/TAKHAI/KAT 3
6. Official Concerned.

D. DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Final Seniority List of PST BPS-12 (2023)

Sl. No.	Name of Teacher	Father Name	Score	Name of School	BPS	Name of UIC	Acad.	Subjects B.Sc/M.A.	Prof.	Date Birth	Date Entry to Govt	Date TMC Applied PST post	Date Posting PTC exam	Date TMC Applied PNT post	Column of Seniority
696	Iqbal Said	Zar Sheel	89.53	GPS Gokher Abdul Narary	12	Narary	MA	Islamiat	PTC	01-01-1991	01-04-2017	01-04-2017	11-01-2015	01-04-2017	01-04-2017
697	Basim Ali	Mu Akbar	88.87	GPS Narary	12	Narary	MA	ISLAMIYAT	PTC	15-02-1990	01-04-2017	01-04-2017	05-01-2016	01-04-2017	01-04-2017
698	Rashid Ali	Qamar Ali	88.84	GPS No 1 Musa Banda	12	Gar Minars	DA	PASITTO	PTC	04-02-1978	12-03-2017	12-03-2017	24-06-2013	17-03-2017	12-03-2017
699	Usama Subhan	Subhanullah	88.77	GPS No 1 Musa	12	Muzin	BA/MA	English		01-02-1992	01-04-2017	01-04-2017	12-01-2015	01-04-2017	01-04-2017
700	Asim Nawaz Khan	Shah Nawaz	88.61	GPS Shauddan Musa	12	Malu	BA	Pasiba	PTC	21-01-1981	20-03-2017	20-03-2017	24-06-2013	20-03-2017	20-03-2017
701	Usman Khan	Shir Khan	88.41	GPS Inayat Abdul Fikar	12	Ashur	MA	ISLAMIYAT	PTC	21-02-1996	10-04-2017	10-04-2017	20-01-2015	10-04-2017	10-04-2017
702	Saleem Taj	Gubaz Taj	87.72	GPS No 2 Pakaso	12	Narary	MA	ISLAMIYAT	PTC/Ed	20-12-1993	28-01-2017	20-03-2017	04-04-2009	20-03-2017	20-03-2017
703	Saman Khan	Zar Muhammad	87.20	GPS Asim Garbi Jhangra	12	Labarra	MA	ISLAMIYAT	PTC	01-01-1993	20-03-2017	20-03-2017	26-01-2016	26-03-2017	26-03-2017
704	Sahaj Ali	Fareed Khan	87.09	GPS Qadir Banda (G)	12	Kahgan	MA	Islamiat	PTC	20-02-1997	01-04-2017	01-04-2017		01-04-2017	01-04-2017
705	Muhammad Imran	Qazi Fazal Qudus	86.70	GPS No 1 Topi	12	Topi East	DA	PASITTO	PTC	05-01-1977	02-04-2014	01-04-2017	20-09-2007	01-04-2017	01-04-2017
706	Shabbir Ahmad	Nisar Muhammad	86.43	GPS Dara Khol Karho	12	Karho	DA	PASITTO	PTC/DM	04-04-1984	01-04-2016	01-04-2017	06-01-2016	01-04-2017	01-04-2017
707	Muhammad Amir	Ghazal Khan	84.87	GPS No 1 Sher Darra	12	Parnah	DA	ENG URDU ISLAMIYAT	PTC	13-01-1993	01-04-2017	01-04-2017	24-06-2013	01-04-2017	01-04-2017
708	Asim Muhammad	Yar Muhammad	84.70	GPS No 1 Gul Durr Tahad (G)	12	Kahgan	MA	Urdu	PTC/CT/Ed/Mod	11-01-1991	01-04-2017	01-04-2017		01-04-2017	01-04-2017
709	Hafiz ur Rehman	Fazal e Dyan	83.35	GPS No 2 Karho	12	Karho	DA	PASITTO	PTC	21-02-1991	01-04-2017	01-04-2017	12-01-2015	01-04-2017	01-04-2017
710	Muhammad Shahid Ali	Nisar Ahmad	81.30	GPS No 6 Topi	12	Topi East	BS	Camp Sc+ Phys+Maths	PTC	28-10-1996	01-04-2017	01-04-2017	12-01-2015	01-04-2017	01-04-2017
711	Zar Dikh Taj	Gubaz Muhammad	81.16	GPS Gokher Abdul Narary	12	Narary	MA	ISLAMIYAT	PTC	10-10-1991	24-05-2017	24-06-2017	24-06-2017	24-06-2017	24-06-2017
712	Basim Iqbal	Muhammad Ishaq Becho	81.00	GPS Yusaf	12	Gar Minars	DA	Urdu	PTC	21-04-1994	01-04-2017	01-04-2017	16-06-2013	01-04-2017	01-04-2017
713	Saeed Rahman	Ahmad Ali	81.25	GPS Basak Banda (G)	12	Kahgan	MA	Islamiat	PTC/Ed	20-01-1999	01-04-2017	01-04-2017	28-02-2017	01-04-2017	01-04-2017
714	Khadi Imran	Nisar Muhammad	81.17	GPS Labarra Chan	12	Mandi Paryan	DA/MA	Islamiat	PTC/Ed	01-01-1992	01-04-2017	01-04-2017	24-06-2013	01-04-2017	01-04-2017
715	Muhammad Shahid	Asim Nawaz Khan	81.12	GPS No 1 Karho	12	Karho	BS	Phys+Maths	PTC	01-02-1987	01-10-2015	01-04-2017		01-04-2017	01-04-2017
716	Shakeel Ahmad Khan	Shir Rehman	80.18	GPS No 4 Topi	12	Topi East	DA	Camp Sc+Stat	PTC/CT/Ed	07-11-1990	01-04-2017	01-04-2017	11-01-2015	01-04-2017	01-04-2017
717	Zahra Amin	Ishaq Gul	80.81	GPS Kala Ghund	12	Narary Paryan	DA	Urdu	PTC	01-04-1987	01-04-2017	01-04-2017	20-03-2007	01-04-2017	01-04-2017
718	Abdul Subhan	Muhamm Daud Khan	79.42	GPS Basak (G)	12	Kahgan	FA	PTC		10-09-1981	01-04-2017	01-04-2017	04-03-2009	01-04-2017	01-04-2017
719	Muhammad Rashed	Muhammad Jamal	76.11	GPS Sambar Guss (G)	12	Kahgan	FA	PTC		19-04-1989	01-04-2017	01-04-2017	02-01-2015	01-04-2017	01-04-2017
720	Muhammad Taber	Muham Farid		GPS Asim Uda (G)	12	Gani Chars	BS	Phys+Maths	PTC/Ed	01-01-1991	22-11-2017	22-11-2017		22-11-2017	22-11-2017
721	Hazrat Dikh	Fazir Taj		GPS No 1 Dagai	12	Dagai	DA/CT/Urdu/MA	MA	PTC/CT/Ed	01-01-1992	27-01-2017	27-01-2017	10-01-2017	27-01-2017	27-01-2017
722	Uzama Karim	Fazir Karim		GPS No 1 Manik	12	Manik	BS	PHY+MATHS	PTC	02-04-1997	27-01-2017	27-01-2017	01-12-2015	27-01-2017	27-01-2017
723	Hana Muhammad	Wazir Muhammad		GPS No 2 Bam Khol	12	Bam Khol	MA	ADE		10-04-1993	01-03-2017	01-01-2017		01-03-2017	01-03-2017
724	Muhammad Iqbal	Iqbal		GPS Dargah (G)	12	Gani Chars	MA	Islamiat	PTC	17-04-1991	17-03-2017	17-03-2017		17-03-2017	17-03-2017
725	Gubaz Hayat Khan	Muhammad Hayat		GPS KSK	12	KSK	BS	COMP/PFP	PTC/CT	02-01-1991	20-04-2017	20-04-2017	10-06-2014	20-04-2017	20-04-2017
726	Fareed Ahmad	Fazir Hassan		GPS No 1 Fardhar	12	Nisar Changin	BS	MAXI+COMP	PTC	15-03-1991	01-06-2017	01-04-2017		01-06-2017	01-06-2017
727	Shahid Zafar	Nazar ul Hayat		GPS Mohab Banda	12	Dagai	BA	ENG URDU ISLAMIYAT	PTC	01-04-1991	01-06-2017	01-04-2017	10-01-2017	01-06-2017	01-04-2017
728	Liqaj Khan	Fahim Khan		GPS Spara Pam (G)	12	Gani Chars	DA	Urdu+Islamiat	PTC	13-04-1990	18-09-2017	18-09-2017		18-09-2017	18-09-2017
729	Abdul Lateef	Amanat Khan		GPS No 1 Seem Khan	12	Sachri Manars	BA/MA	Urdu	PTC/CT	01-01-1988	01-03-2017	01-03-2017	13-01-2016	01-03-2017	01-01-2019
730	Mr. Sheraz Ali	Matehir Shah		GPS Chachyons Khol	12	MA	MA	Eng	B.Ed/ADL/MA/Ed	01-01-1991	01-01-2019	01-01-2019		01-01-2019	01-01-2019
731	Asim Nohal	Asim ur Rehman		GPS-02 Swabi	12	Swabi	BA/MA	Urdu+Islamiat	PTC/CT/Ed/MA/Ed	01-03-1993	01-01-2019	01-01-2019	20-01-2017	01-01-2019	01-01-2019
732	Muhammad Salim	Salim Bhan		GPS-02 Nisani Changan	12	Ispahar	MA	Islamiat	PTC	01-04-1991	06-02-2019	06-02-2019	02-05-2017	06-02-2019	06-02-2019
733	Inayat ul Rehman	Abdur Rashid		GPS Wilyad Khol Fardhar	12	Fardhar	BA	Urdu+Islamiat	DP/Ed	21-04-1972	27-06-2019	27-06-2019		27-06-2019	27-06-2019
734	Fazir Aziz	Abdul Aziz		GPS No 01 Manik	12	Manik	MA	ISLAMIYAT	PTC	10-04-1994	04-03-2017	01-01-2019	24-06-2013	21-03-2021	21-03-2019

Mohammad Zahid s/o Shakirullah PST teacher
GPS No: 1 Topi Swabi R/o vill: Topi Teh: Topi Distt: Swabi
Appellant

v/s

District Education Officer (M). Swabi 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,

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 respondent department has advertized the posts of PST teacher for which appellant was properly ^{applied} and qualified the test/interview for the posts of PST teacher.
4. That appellant was appointed as PST teacher vide order dated. (Copy is attached).
5. That service of appellant is regularized from the ^{1st} 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 (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 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 25-1-84 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 is senior in age than private respondent and entitled senior than private respondents *in the seniority list of PST* on the following grounds.

GROUND:

- 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 was considered senior on the basis of senior in age. (Copy of judgment is attached).

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 date 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

Your's obediently, *M. Zahid*

*Mohammed Zahid PST Teacher
GPS - Topi No 1 Swabi*

Through

Yaqub

Yaqoob Khan advocate High courts at
Distt: courts Mardan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.



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

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. ... (Appellant)

VERSUS

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
Date of Decision... 31.05.2023

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,
No. 1 Bazar Ahmad Khan Bannu. ... (Appellant)

VERSUS

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. ... (Respondents)

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...

ATTESTED

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

... (Appellant)

VERSUS

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

... (Respondents)

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
Bannu.

... (Appellant)

VERSUS

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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Service Tribunal
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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)
GPS, Torka Surani Bannu. ... (Appellant)

VERSUS

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

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

Khazada 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,
Shah Azim Landi Dak Bannu. ... (Appellant)

VERSUS

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, Akhundani Khwajamad
Manda Bannu. ... (Appellant)

VERSUS

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

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, Kol Adil Bannu.
... (Appellant)

VERSUS

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

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Service Appeal
Bannu

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MR. INAYAT ULLAH KHAN,
Advocate

--- For appellants.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

--- For official respondents.

MR. SALAH-UD-DIN
MR. MUHAMMAD AKBAR KHAN

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

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 Secondary Education Department (Appointment and 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

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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.

3. Precise facts of Service Appeals No. 2075/2019 and 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/Apptt: Dated Bannu the 28.03.2016. During course of their 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, 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

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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.

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-1-Male/PST/Adhoc/Apptt: Dated Bannu the 06.05.2017. 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-1/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



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 Notification bearing endorsement No. 1922-28/AE-1-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 Notification bearing endorsement No. 4672-5990/AE-1-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:-

"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-~~SETTLED~~ of the employees regularized under Khyber Pakhtunkhwa

Khyber Pakhtunkhwa
Service Regulation
Department

(28)

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

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


ATTESTED


Secretary
Khyber Pakhtunkhwa
Services Department

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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)

Naeem Amin

Certified to be true copy

Date of Presentation of Application 01-6-23
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 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

(Better Copy)

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, 12th November .1973) KPK civil servants Appointment, promotion and Transfer) rules, 1989 formated under the aböve 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 1st 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.

Attested
Javed

22681

قیمت 100 روپے



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ڈسٹرکٹ بار ایسوسی ایشن مردان

بعدالت جناب سکریٹری جنرل لیتاؤ

مخاطب	مخاطب
محمد طاہر	مخاطب
بنام	مخاطب
ڈسٹرکٹ بار ایسوسی ایشن	مخاطب
باعت تحریر آنکہ	مخاطب

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام لیتاؤ کے لئے لیتاؤ خان اور لیتاؤ کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زر پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ برداختہ منظور و قبول ہوگا۔
 دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہوں گے۔

نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کسی تاریخ پیشی پر وکیل موصوف دورہ پر ہو یا مقام سے باہر ہو یا بیمار ہو
 یا کوئی ضروری کام ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

لیتاؤ

7/5/24

مقام

کے لئے منظور ہے۔

Attested & Accepted

دستخط وکیل موصوف

منظور تصدیق شدہ

اوست اس وکالت نامہ کی ذرا کاپی ناقابل قبول ہوگی۔