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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Muhammad Aziz VS Govt of KP

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Total Pages in Part-A	049
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Muharir Compilation

29/5/24

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department: **Communication & Works Department**

1. Nomenclature of the post/Basic Scale — Chief Engineer (BPS-20)
2. Service/Group/Cadre — Engineering (C&W)
3. Sanctioned strength of the Cadre — Total regular posts **10 Nos**
   Annex-I

		Direct	Promotion	Transfer
4. i.	Percentage of share		100%	
ii.	No. of posts allocated to each category	-	10	-
iii.	Present occupancy position 1) Regular 2) Acting charge	-	05 00	-
iv.	No. of vacancies in each category: a. Regular b. Acting charge	-	05 00	-

v. How did the vacancy(ies) under promotion quota accrue and since when

Position of 05 Nos Regular Post

a. Due to New creation **(Annex-II)** ---- 05 Nos

Total: --- **05 Nos**

vi. Recruitment Rules

By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University and have successfully completed Senior Management Course Training **(Annex-III)**.

vii. Required length of service

At least 17 (seventeen) years of service in BPS-17 and above

viii. Whether to be promoted on regular basis or appointed on acting charge basis?

Regular = **05 posts**

ix. Mandatory training, if any — S.M.C

x. Minimum required score on EI. — 70

SECRETARY
C&W

Dated 23 /02/2021

(1)

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. 1127 /ST Dated 8 / 5 /2024

To

Secretary Elementary and Secondary Education Department,
Khyber Pakhtunkhwa Peshawar.

Subject **JUDGMENT IN SERVICE APPEAL NO. 7208/2021 TITLED MHAMMAD ARIF -VERSUS- THE GOVERNMENT OF KHYBER PAKHTUKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR AND OTHERS**

Dear Sir,

I am directed to forward herewith a certified copy of judgment dated 02.05.2024, passed by this Tribunal in the above mentioned service appeal for compliance.

Encl. As above.

(PIR MUHAMMAD KHAN AFRIDI)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.7208/2021 titled "Muhammad Arif Vs. Government of Khyber Pakhtunkhwa"

ORDER

2nd May. 2024 **Kalim Arshad Khan, Chairman**. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. At the very outset, learned counsel for the appellant produced copy of order of the Tribunal passed in similar nature Service Appeal No.231/2022 titled "Rehana Yasmin Vs. Education Department", and requested that the instant appeal might also be disposed of in terms of the said order. The relevant paragraph of the order is as under:

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

3. The contention of learned counsel for the appellant was found correct as both the appeals are similar in nature. Therefore, instant service appeal is disposed of in terms of the mentioned order. Costs shall follow the event. Consign.

4. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 2nd day of May, 2024.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Order Sheet

3rd Jan. 2024

1. Junior to co[illegible]e appellant and Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Former made a request for adjournment as senior counsel for the appellant was not available today. Adjourned but on payment of cost of Rs.5000/- to be paid by the appellant. To come up for arguments on ~~11.01~~ 02.05.2024 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

*Muazem Shah *

SA 7208/2021

07.06.2023 Adnan Khan, nephew of the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Nephew of the appellant requested that as learned counsel for the appellant has now been appointed as Additional Advocate General, therefore, an adjournment may be granted for engagement another counsel. Adjourned. To come up for arguments on 11.09.2023 before the D.B. Parcha Peshi given to the parties.

(FAREEHA PAUL)
Member (E)

(SALAH-UD-DIN)
Member (J)

Fazle Subhan, P.S

11th Sept. 2023 1. Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Former made a request for adjournment. Last chance is given to the appellant to produce counsel and argue the case on the next date, positively, failing which, the case will be decided on the available record. To come up for arguments on 03.01.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

3.11.2022 Appellant alongwith clerk of his counsel present. Mr. Naseer-ud-Din Shah, Assistant alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 29.12.2022 before the D.B.

(Miian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

29/12/22 Due to winter vaction, the case adjourned to 22/3/23 for the same.

Reader.

22.03.2023 Learned counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

S.A No. 7208/2021

27.10.2021 Ms. Rabia Muzafar, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments on 24.02.2022 before the D.B.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

24-2-22 Due to retirement of worthy chairman, the case is adjourned to 1-6-22 for the same.

01.06.2022 Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 11.08.2022 before D.B.

(Fareeha Paul)
Member(E)

(Rozina Rehman)
Member (J)

11-8-2022 Proper DB not available the case is adjourned to 3-11-2022

Reader

Muhammad Arif, 7208/2011

03.09.2021 Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant has challenged and impugned the final seniority list of Senior Instructors, Physical Education (BS-18) (Male) purportedly communicated to the appellant on 19.07.2021. Surprisingly, he stands at serial No. 107 of the said seniority list and his entry of BS-17 (regular) shown in column there-of is 15.06.2009 despite the fact that during pendency of his execution petition No 102/2016, he was regularized from BS-16 to BS-17 vide notification dated 22.03.2017 and as such being senior most he was eligible to have been placed on top of the said seniority list. He preferred departmental appeal on 08.05.2021 which was regretted on 17.07.2021, hence, the instant service appeal filed before the Service Tribunal on 09.08.2021.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee

(Mian Muhammad)
Member(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7208 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2021	The appeal of Mr. Muhammad Arif presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on 24/08/2021. CHAIRMAN
	24.08.2021	Appellant alongwith his counsel Mr. Fazal Shah Mohmand, Advocate, present. Learned counsel for the appellant sought further time for preparation. Adjourned. To come up for preliminary hearing before the S.B on 03.09.2021. (SALAH-UD-DIN) MEMBER (J)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Mulammad Arif v/s Govt & others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: **Fazal Shah Mohmand, (ASC)**	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	×	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	×	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: **FAZAL SHAH MOHMAND ASC**

Signature: _____

Dated: 05-08-2021

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No_____/2021

Muhammad Arif.....**Appellant**

V E R S U S

SCANNED KPST Peshawar

Govt. & Others.....**Respondents**

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4.	Copy of Implementation Petition & Notification dated 22-03-2017	**C & D**	12-14
5.	Copy of seniority List dated 26-06-2019 & Notification dated 05-12-2019	**E**	15-22
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Dated:-05-08-2021

Appellant

Through

FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

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-1-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 7808 /2021

Muhammad Arif, Senior Director Physical Education, Govt. Higher Secondary School, Bamkhel Swabi.....**Appellant**

Khyber Pakhtunkhwa Service Tribunal
Diary No. 7421
Dated 09/08/2021

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary and Secondary Education Department, Peshawar.
2. Director,Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Swabi.....**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE DECISION COMMUNICATED TO THE APPELLANT VIDE LETTER DATED 19-07-2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE FINAL SENIORITY LIST OF SENIOR INSTRUCTORS PHYSICAL EDUCATION (BPS-18) (MALE) ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA DATED 26-06-2019, HAS BEEN REGRETTED.

Filed to-day
Registrar
9/8/2021

PRAYER:-

On acceptance of this appeal the impugned order/decision communicated to the appellant vide Letter dated 19-07-2021 and Final Seniority List of Senior Instructors Physical Education (BPS-18) (Male) Elementary and Secondary Education department Khyber Pakhtunkhwa dated 26-06-2019 with subsequent seniority lists if may kindly be varied/modified/set aside to the extent thereby placing the appellant at Serial No 1 of the Seniority List of Senior Instructors Physical Education (BPS-18) (Male) Elementary and Secondary Education department Khyber Pakhtunkhwa and respondents may please be directed to promote the appellant as Chief Instructor Physical Education (BPS-19) w.e.f. 23-09-2019 i,e from the date his immediate junior has been promoted with allback benefits.

Respectfully Submitted:-

1. That the appellant is highly qualified, who has passed his Master Degree of Health & Physical Education in the year 1996who upon the recommendations of KP Public Service Commission was appointed as

Director Physical Education (DPE) BPS-16 vide Notification dated 13-12-2006. Since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. The appellant was promoted as Director Physical Education (BPS-17) vide Notification dated 15-06-2009 with immediate effect which the appellant challenged by filing Service Appeal No 1776/2009 for modification of Notification dated 15-06-2009 thereby giving it effect, with effect from 13-11-2007 instead of 15-06-2009 which appeal was accepted and the appellant was ordered to be promoted to BPS-17 with effect from 13-11-2007 with all back benefits vide Judgment dated 07-05-2010 and the Judgment of this honorable Tribunal was also maintained by the Apex Court.**(Copy of Master Degree & Judgment dated 07-05-2010 is enclosed as Annexure A & B).**

2. That respondents were not ready to honor the Judgment of this honorable Tribunal where after the appellant was constrained to file Implementation Petition No 102/2016 wherein upon directions of this honorable Tribunal respondents produced Notification dated 22-03-2017 whereby the appellant along with another was promoted to BPS-17 on regular basis w. e. f. 13-11-2007 instead of 15-06-2009, without arrears, which is still pending disposal.The appellant was promoted to BPS-18 on 23-05-2018.**(Copy of Implementation Petition & Notification dated 22-03-2017 is enclosed as Annexure C & D).**

3. That for reasons best known to respondents, the appellant was not given the service benefits including seniority of BPS-17 w. e. f. 13-11-2007 instead of Judgment of this honorable tribunal rather he was deprived of the same, and in the meanwhile after tentative Seniority List, which the appellant objected, Final seniority List of Senior Instructors Physical education dated 26-06-2019was issued wherein the appellant was placed at Serial No 107instead of placing him at Serial No 1 of the same.Even vide Notification dated 05-12-2019, 58 junior Senior Instructors were promoted to BPS-19 on acting charge basis vide Notification dated 05-12-2019 in violation of law and rules on the subject and by now they are going to be promoted on regular basis.**(Copy of seniority List dated 26-06-2019 & Notification dated 05-12-2019 is enclosed as Annexure E).**

4. That the appellant preferred departmental appeal for placing him at the top of said seniority List dated 26-06-2019 with subsequent promotion to BPS-19 as Chief Instructor Physical Education, which was regretted and decision was conveyed to the appellant vide Letter dated 19-07-2019.**(Copy of Departmental Appeal & Letter dated 19-07-2021 is enclosed as Annexure F & G).**

5. That the impugned rejection order communicated to the appellant vide Letter dated 19-07-2021 & Final Seniority List dated 26-06-2019, depriving the appellant of his due seniority is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

A. That the impugned order/letter and seniority list of the respondents is illegal and void ab-initio.

B. That mandatory provisions of law have been violated by the respondents and the appellant is not treated according to law and rules governing the subject.

C. That subsequent to the Judgment of this honorable tribunal dated 07-05-2010 passed in Service Appeal No 1776/2009, the appellant is entitled to promotion w. e. f. 13-11-2007 which fact has also been admitted by respondents vide Notification dated 22-03-2017 which they have produced before this honorable tribunal after compliance report was called from them by this honorable tribunal in Implementation Petition which is still pending, however even then the appellant is kept deprived of its benefits for reasons best known to them which is also clear from the Judgment dated 24-02-2009 passed in Service Appeal No 1035/2008. **(Copy of Judgment dated 24-02-2009 passed in Service Appeal No 1035/2008 is enclosed as Annexure H).**

D. That even if the Notification dated 22-03-2017 is implemented and acted upon, the appellant would be placed at the top of Seniority List, as according to the said Notification, the appellant is promoted to BPS-17 on regular basis w. e. f. 13-11-2007, while the impugned Seniority List would show that there is none who has been promoted to BPS-17 in 2007 rather the most seniors are promoted to BPS-17 in the year 2009, thus too the appellant is entitled to be placed at the top of Seniority List entitling him for promotion from which he has been kept deprived.

E. That the respondents are misinterpreting the Notification dated 22-03-2017, as on one hand they say that the appellant has been promoted to BPS-17 from 2007 while on other hand they are not placing him at his due place in the Seniority List which speaks of anything but not fair and bonafide.

F. That the rules regarding seniority are also very much clear according to which seniority is reckoned from the date of regular appointment/promotion, on this score too, the appellant is kept deprived of his due seniority with subsequent promotion.

G. That the impugned order/decision is also not speaking one, as per Section 24-A (2) General Clauses Act 1897, thus to the same is liable to set at naught.

H. That the appellant is subjected to loss in terms of seniority, promotion etc, and causing heavy financial loss to him for no legal reason.

I. That the impugned order and seniority is in total disregard of the law and rules on the subject which matter has time and again been elaborated by this honorable tribunal in its order sheets during hearing of implementation petition.**(Copies of Order sheets are enclosed as Annexure I)**

J. That valuable rights had accrued in favor of the appellant from which he could not be deprived and more particularly at the whims of someone.

K. That the appellant has been deprived of his due seniority without any omission and commission on his part.

L. That the law as well as rules is very much clear on the point and respondents have violated the law and principles of natural justice for reasons best known to them.

M. That the appellant has about sixteen years of service with unblemished service record.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-05-08-2021 **Appellant**

Through

FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

CERTIFICATE

Certified that as per instructions of my client, no Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this Honorable Tribunal.

ADVOCATE

AFFIDAVIT

I, Muhammad Arif, Senior Director Physical Education, Govt. Higher Secondary School, Bamkhel Swabi, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

ATTESTED NOTARY PUBLIC Peshawar MALIK KHAN MOHMAND ADVOCATE
5/8/21

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No_____/2021

Muhammad Arif.....**Appellant**

V E R S U S

Govt. & Others.....**Respondents**

Application for restraining respondents from holding the meeting of Provincial Selection Board to the extent of promotion of Senior Instructors Physical Education (BPS-18) to the post of Chief Instructors Physical Education (BPS-19), till the final disposal of instant appeal.

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.

2. That the applicant/appellant is the most senior while he is malafidely kept deprived of seniority and respondents are going to promote those who are juniors to the appellant for reasons other than fair and bonafide.

3. That the applicant has got a good prima facie case and is sanguine of its success.

4. That the balance of convenience lies in his favor and if the respondents are not restrained from make promotions, the applicant would suffer an irreparable loss.

It is therefore prayed that on acceptance of this application, respondents may kindly be restrained from holding the meeting of Provincial Selection Board to the extent of promotion of Senior Instructors Physical Education (BPS-18) to the post of Chief Instructors Physical Education (BPS-19), till the final disposal of instant appeal.

Dated:-05-08-2021 **Appellant**

Through

FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

WALI KHAN MOHMAND ADVOCATE
ATTESTED
NOTARY PUBLIC
Peshawar High Court

AFFIDAVIT

I, Muhammad Arif, Senior Director Physical Education, Govt. Higher Secondary School, BamkhelSwabi, do hereby solemnly affirm and declare on oath that the contents of this **Application**are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

Serial No. 000023
S

Roll No. 21/1996

UNIVERSITY OF SINDH

Assistant Controller of Examinations
University of Sind

MASTER OF HEALTH & PHYSICAL EDUCATION

1996

This is certify, that MUHAMMAD ARIF S/o ABDUL HAKIM YOUSUFZAI

..... having been examined in 1996,

was found qualified for the Degree of Master of Health & Physical Education (M.H.P.Ed).

Class Second

Date of declaration of result 26-5-1997.

Controller of Examinations, University of Sindh, Jamshoro Sindh (Pakistan).

Registrar, University of Sindh.

Vice-Chancellor, University of Sindh.

Dated 9th December 1997

ATTESTED

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"B"

-7-

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No 1776/2009

Muhammad Arif DPE Govt Higher Secondary School Bankhel, District Swabi.

(Appellant)

VERSUS

1. Govt of NWFP through Secretary Elementary and Secondary) Education NWFP Peshawar.
2. Secretary Finance, NWFP Peshawar.
3. Accountant General NWFP Peshawar.

(Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act 1974 against the Notification No. SO (PE) 2-6/E&SE/DPCMEETING/LIB/09 DATED 15.6.2009 whereby the appellant has been promoted from BPS-16 to BPS-17 as DPE with immediate effect, the departmental appeal dated 04.7.2009 for the ante-dation of the promotion w.e.f 13.11.2007 was not responded despite the lapse of 90 days.

Filed to-day
Registrar 27/10/09

Prayer in Appeal:

On acceptance of this appeal the Notification dated 15.6.2009 may please be varied / modified and the same be given effect from 13.11.2007 with all consequential benefits.

Respectfully Submitted:

1. That the appellant was serving as DPE (BPS-16) in the respondent department, he has at his credit the M.Sc in HPE

ATTESTED

EXAMINER
Service Tribunal
Peshawar

ATTESTED

Counsel for the appellant and Zahid Karim AGP for the respondents present. Arguments heard and record perused. Vide our detailed judgment of today in Appeal No. 1712/2009, this appeal is accepted. No order as to costs. File be consigned to the record.

ANNOUNCED.
7.5.2010.

Member. Member.

ATTESTED

BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR

Appeal No. 1712/2009

Date of institution - 09.10.2009
Date of decision - 07.05.2010

Murad Ali DPE Government Secondary School Thandkoi District Swabi
.....(Appellant)

VERSUS

1. Government of NWFP through Secretary Elementary and Secondary) Education NWRP Peshawar.
2. Secretary Finance, NWFP Peshawar.
3. Accountant General NWFP Peshawar..... (Respondents)

Appeal under Section 4 of the NWFP Service TribunalS Act 1974 against the Notification No. SO (PE) 2-6/E&SE/DPC/lib/DPEs (BPS-16) to BPS 17) whereby the appellant has been promoted from BPS 16 to BPS 17 as DPE with immediate effect, the Departmental appeal dated 13.6.2009 for the inte-dation of the promotion w.e.f 13.11.2007 was not responded despite the lapse of 90 days.

Mr. Ijaz Anwar, Advocate ..... For Appellant
Mr. Zahid Karim A.G.P ..... For Respondents

MR.ABDUL JALIL ..... MEMBER
SYED MANZOOR ALI SHAH ..... MEMBER

ATTESTED
Examiner
NWFP Service Tribunal
Peshawar

JUDGMENT

ABDUL JALIL, MEMBER: This appeal has been filed by the appellant against Notification No. SO (PE) 2-6/E&SE/DPC/lib/DPEs BPS-16 to BPS 17 whereby he has been promoted from BPS 16 to BPS 17 as DPE with immediate effect and his Departmental appeal dated 13.6.2009 for the ante-dation of the promotion w.e.f 13.11.2007 was not responded despite the lapse of 90 days. He has prayed that the notification dated 19.5.2009 may be varied/modified and the same be given effect from 13.11.2007 with all consequential benefits.

2. Brief facts of the case are that the appellant was serving as DPE (BPS 16) in the respondent department. He has at his credit the M.Sc in HPE. The Government of NWFP has vide circular letter dated 1.10.2007 decided to allow BPS 17 TO those DPE (BPS 16) who have at ~~his~~ their credit ~~M.Sc in HPE~~. A proper notification to this effect was

ATTESTED

issued vide letter dated 13.11.2007. Accordingly the appellant was allowed BPS-17 in accordance with the above noted notifications. The pay of the appellant was also fixed in BPS 17 and he continued to receive the salary of the upgraded post. In the mean time the case of the appellant for promotion was also referred to DPC and accordingly on the recommendation of the DPC he was promoted as DPE (BPS 17) vide notification dated 19.5.2009 but with immediate effect. The appellant submitted his departmental appeal dated 13.6.2009. However, it was not replied despite the lapse of 90 days. Hence, this appeal.

3. Arguments heard and record perused.

4. The learned counsel for the appellant argued that the appellant has not been treated in accordance with law, his rights secured and guaranteed under the Constitution 1973 were badly violated. The notification impugned is in violation of the original notification dated 13.11.2007, hence, liable for modification/variation. The appellant was holding the post carrying BPS 17 w.e.f 13.11.2007. He is also in receipt of the salary of the said scale and was entitled to promotion with effect from the date he was holding that post. The case of the appellant was covered under the original notification dated 13.11.2007. The post carrying BPS 17 was available since the notification dated 13.11.2007 and the appellant was holding that post since then, hence he is entitled to his promotion from 13.11.2007.

5. The A.G.P argued that being an administrative matter, Respondent No.3 has no concern with it and he has unnecessarily been made party. In the Notification dated 13.11.2007 the posts were up-graded and the DPC recommended suitable persons in its meeting held in 2009 for promotion against up-graded posts.

6. This Tribunal and the August Supreme Court of Pakistan have already decided numerous cases of subject specialists and have ordered ante-dation of their promotion.

7. In view of the decisions of this Tribunal in Appeal No 1035 of 2008 and 517/2008, this appeal is also accepted with the same directions to the official respondents as already given in that judgments.

ATTESTED

Chairman
NWFP Service Tribunal
Peshawar

ATTESTED

22 (1) "C" -12-

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.

Implementation Petition No 102 /2016

Service Appeal No 1776/2009

Muhammad Arif Director Physical Education, Govt. Higher Secondary School Bamkhel Swabi. .....Applicant/Appellant.

VERSUS

1. Secretary, Elementary and Secondary Education Govt. of KPK Peshawar.
2. Secretary Finance, Govt. of KPK Peshawar.
3. Accountant General, KPK Peshawar. .....Respondents

PETITION FOR THE IMPLEMENTATION OF ORDER/JUDGMENT DATED 07-05-2010 PASSEDBY THIS HONORABLE TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.

Respectfully Submitted:-

1. That the applicant/appellant earlier filed Service Appeal No 1776/2009 for his ante-dated promotion w.e.f. 13-11-2007 which was accepted vide Order and Judgment dated 07-05-2010. **(Copy of the Order and Judgment is enclosed as Annexure A).**

2. That the applicant/appellant time and again approached respondents for the implementation of the Order and Judgment dated 07-05-2010 of this honorable Tribunal thereby giving him ante-dated promotion from BPS-16 to BPS-17 w.e.f. 13-11-2007 instead of 15-06-2009 but of no avail.

ATTESTED

3. That the applicant/appellant was told by the respondents that Civil Appeals have been filed in the like cases before the apex Court and the Judgment of this honorable Tribunal would be implemented if the Appeals before the apex Court are dismissed, which were finally dismissed vide order dated 09-01-2013. **(Copy of the Order is enclosed as Annexure B).**

4. That thereafter the applicant/appellant approached time and again for the implementation of the Order and Judgment dated 07-05-2010 but of no use and finally he submitted application in March 2014, which was duly forwarded through proper channel but even then no action has been taken so far. **(Copy of the covering letter dated 18-03-2014 is enclosed as Annexure C).**

5. That the respondents have are not ready to implement the Order and Judgment of this honorable Tribunal dated 07-05-2010 for no legal and valid reasons, this act of the respondents is unlawful, unconstitutional and goes against the Orders and Judgment dated 07-05-2010of this honorable Tribunal.

It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Order and Judgment of this honorable Tribunal dated 07-05-2010 passed in Service Appeal No 1776/2009.

Dated:-30-12-2014

Applicant/Petitioner

Through

Fazal Shah Mohmand

Advocate Peshawar.

ATTESTED

24 "D" 10.K

-14-

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTME
Dated Peshawar the 22-03-2017

NOTIFICATION.

NO.SO(PE)9-10/DPE/Ghulam Nabi. In pursuance of the judgement of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 07/05/2010 rendered in appeal No. 1776/2009 titled Muhammad Arif DPE and appeal No. 1775/2009 titled Kamran Ali DPE Vs Govt. of Khyber Pakhtunkhwa, the competent authority is pleased to promote the following Directors Physical Education (DPEs) BS-16 To BS-17 on regular basis w.e.f: 13-11-2007 instead of 15-06-2009, without arrears, as notified vide this department Notification No. SO(PE)/2-6/E&SE/DPC/DPEs dated 15-06-2009:-

S. No.	Name & Designation	Date of acquiring Master Degree in Physical Education
1	Muhmmad Arif DPE, GHSS Bamkhel, Swabi	26-05-1997
2	Kamran Ali DPE, GHSS Nagrai, Buner	08-04-2008

SECRETARY

Endst: of even number & date:
Copy forwarded to the:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
4. The Accountant General, Khyber Pakhtunkhwa.
5. PSO to Chief Secretary Khyber Pakhtunkhwa.
6. Director, Elementary & Secondary Education, Peshawar.
7. District Education Officers aconcerned.
8. District Accounts Officers concerned.
9. Secretary Public Service Commission Khyber Pakhtunkhwa, Peshawar.
10. PS to Secretary, E&SE Department Govt. of Khyber Pakhtunkhwa.
11. PA to Deputy Secretary (A/B.) Khyber Pakhtunkhwa.
12. DPE concerned.

ATTESTED

(NAIK MUHMMAD)
SECTION OFFICER (PRIMARY)

"E" 25

-15-

GOVERNMENT OF KHYBER PAKHTUNK
ELEMENTARY & SECONDARY EDUCA
DEPARTMENT

Dated Peshawar the Jul

NOTIFICATION

NO.SO(SM)E&SED/2-2/2019/Final Seniority list of SIPE. (BS-18): In exercise of the po under Sub-Section (1) of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khybe Act No.XVIII of 1973), the Final Seniority List of Senior Instructor Physical Education (BS-18) o Secondary Education Khyber Pakhtunkhwa as it stood on 26-06-2019 is hereby notified for inf concerned.

Encl: As Above:

Chief Secretary
Khyber Pakhtunkhwa

Endst: of even No. & Date:

Copy forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with t circulate the final seniority list to all concerned.
2. Director, Curriculum & Teachers Education Khyber Pakhtunkhwa, Abbottabad.
3. Director, Education (Merged area) Khyber Pakhtunkhwa, Peshawar.
4. Director, PITE Khyber Pakhtunkhwa, Peshawar.
5. All District Education Officers (Male) in Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Incharge EMIS E&SE Department.
8. Office order file.

30/07/2

(SHAHID RAFIQ)
SECTION OFFICER (SCHOOL

ATTES

FINAL SENIORITY LIST OF SENIOR INSTRUCTOR PHYSICAL EDUCATION BS-18 (MALE) ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA STOOD ON 26/06/2019

S.No	Name of Officer with Academic Qualification	Date of Birth	Domicile	D.O Ist entry into Govt.service	D.O Appointment/ Promotion as DPE BS-16	Regular Apptt.Promotion to the present post				Place of posting
						Date of Award of BS-17(Regular)	Date of Award of BS-18 (Regular)	BPS	Method of recruitment	
1	2	3	4	5	6	7	8	9	10	11
1	Talat Mahmood M.Sc (H.P.E)	30/04/1960	Bannu	14/05/1987	14/05/1987	19/05/2009	23/05/2018	18	By Promotion	Instructor, GHSS No.4. Peshawar City
2	Hazrat Ali, M.Sc (H.P.E)	04/08/1960	FR Bannu	02/06/1981	20/10/1990	19/05/2009	23/05/2018	18	By Promotion	GCPE Karak
3	Shamsul Islam M.Sc (H.P.E)	24/04/1960	FR Bannu	05/10/1980	20/10/1990	19/05/2009	23/05/2018	18	By Promotion	GCPE Karak
4	Tajamul Zaman M.Sc (H.P.E)	20/12/1962	DIKhan	01/10/1990	01/10/1990	19/05/2009	23/05/2018	18	By Promotion	GHSS No.4 D.I.Khan
5	Khalid Tanveer M.Sc (H.P.E)	12/03/1960	DIKhan	22/07/1978	20/10/1990	19/05/2009	23/05/2018	18	By Promotion	GHSS Kot Jai D.I Khan
6	Muhammad Hashim M.Sc (H.P.E)	01/09/1962	Lakki	01/02/1986	10/02/1991	15/06/2009	23/05/2018	18	By Promotion	GHSS No. 3 Peshawar City
7	Gul Aslam Khan M.Sc (H.P.E)	29/03/1962	Lakki	27/10/1987	10/02/1991	19/05/2009	23/05/2018	18	By Promotion	GHSS Aba Khel Lakki
8	Said Nawaz M.Sc (H.P.E)	02/01/1962	Karak	15/12/1980	10/02/1991	19/05/2009	23/05/2018	18	By Promotion	GHSS Tough Bala Kohat
9	Abdul Sarwar M.Sc (H.P.E)	11/01/1962	Bannu	23/09/1985	10/02/1991	19/05/2009	23/05/2018	18	By Promotion	GHSS Lalozai Bannu
10	Sami Ullah M.Sc (H.P.E)	29/08/1969	Lakki	06/11/1996	06/11/1996	19/05/2009	23/05/2018	18	By Promotion	Director Sports DCTE Abbottabad
11	Fazli Baqi M.Sc (H.P.E)	06/04/1966	Dir Lower	15/04/1990	06/11/1996	19/05/2009	23/05/2018	18	By Promotion	GHSS Khall Dir Lower
12	Iftikhar Ahmad M.Sc (H.P.E)	04/04/1965	Mardan	20/08/1984	01/04/1997	19/05/2009	23/05/2018	18	By Promotion	Director (PE&S) E&SE Khyber Pakhtunkhwa
13	Muhammad Ali M.Sc (H.P.E)	30/05/1976	M.Agency	18/04/2000	18/04/2000	19/05/2009	23/05/2018	18	By Promotion	GHSS Hathian Mardan
14	Ali Badshah M.Sc (H.P.E)	15/01/1960	Karak	29/09/1985	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Jehangari Karak
15	Muhammad Saeed Shah M.Sc (H.P.E)	06/10/1961	Mansehra	26/10/1980	18/02/2003	15/06/2009	23/05/2018	18	By Promotion	GHSS Kawai Mansehra
16	Said Bakht Shah M.Sc (H.P.E)	16/03/1961	Swabi	27/10/1980	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Mansabdar Swabi
17	Hameedullah Khan M.Sc (H.P.E)	01/11/1962	DIKhan	22/09/1982	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Kat Gar D.I.Khan
18	Muhammad Israr M.Sc (H.P.E)	12/12/1961	Mardan	08/11/1985	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Manga Mardan
19	Muhammad Naeem Khan M.Sc (H.P.E)	10.01.1964	Lakki	11/08/1986	18/02/2003	16/05/2013	25/01/2019	18	By Promotion	GHSS Tajazai Lakki
20	Ihtisham Ud Din M.Sc (H.P.E)	24/03/1962	Karak	08/02/1983	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Bogara Karak
21	Abdullah Shah M.Sc (H.P.E)	22/02/1960	Tank	13/03/1983	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Kech D.I Khan
22	Rukh Niaz M.Sc (H.P.E)	08/02/1965	Lakki	05/12/1988	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Nawansher Abbottabad
23	Gul Badshah M.Sc (H.P.E)	20/11/1963	Lakki	10/12/1988	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GTHSS Gul Bahar Peshawar
24	Habib Ullah M.Sc (H.P.E)	18/02/1962	Mardan	15/10/1981	18/02/2003	15/06/2009	23/05/2018	18	By Promotion	GHSS Dargai Charsadda
25	Lal Marjan M.Sc (H.P.E)	16/03/1964	Karak	16/10/1984	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Shahidan Banda Karak
26	Ahmad Nawaz M.Sc (H.P.E)	01/08/1965	Bannu	15/10/1989	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GCPE Karak

[illegible]	[illegible] Zahid M.Sc (H.P.E)	25/11/1959	DIKhan	08/11/1980	18/02/2003	13/10/2010	23/05/2018	18	By Promotion	GHSS Kachi Paind Khan D.I Khan
[illegible]	[illegible] Nur M.Sc (H.P.E)	02.04.1963	Lakki	08/11/1980	18/02/2003	24/10/2013	25/01/2019	18	By Promotion	GHSS Adezai Peshawar
[illegible]	Habibullah M.Sc (H.P.E)	19/12/1963	Bannu	14/11/1990	18/02/2003	15/06/2009	23/05/2018	18	By Promotion	GGHSS Mani Khel Jani Khel Bannu
[illegible]	Mujeeb ur-Rahman M.Sc (H.P.E)	01/01/1964	Karak	15/11/1990	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Karak
[illegible]	Jahan Alam M.Sc (H.P.E)	10/05/1961	Bunir	15/11/1990	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Battara Bunir
[illegible]	Wahid Haidear Khan M.Sc (H.P.E)	23/03/1961	DIKhan	18/11/1982	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Yarak D.I.Khan
[illegible]	[illegible] Khan M.Sc (H.P.E)	01/05/1964	Mardan	20/11/1982	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Takkar Mardan
[illegible]	Rafiad Khan M.Sc (H.P.E)	06/11/1968	Charsadda	07/12/1986	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Sherpaw Charsadda
[illegible]	Hikmatullah M.Sc (H.P.E)	01/02/1967	FR Bannu	03/05/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Warana Karak
[illegible]	Fazal Zaman M.Sc (H.P.E)	10/05/1966	Bannu	25/05/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Mamesh Khel Bannu
[illegible]	Inamullah M.Sc (H.P.E)	25/06/1964	Lakki	12/09/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Comprehensive Bannu
[illegible]	Muhammad Usman M.Sc (H.P.E)	01/04/1968	DIKhan	14/10/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS No. 2, D.I.Khan
[illegible]	Waris Khan M.Sc (H.P.E)	09/04/1967	Lakki	07/01/1988	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Masha Mansoor Lakki
[illegible]	Ashraf Ali M.Sc (H.P.E)	11/02/1966	Bannu	26/01/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Nurar Bannu
[illegible]	Fateh Sher M.Sc (H.P.E)	06/09/1962	DIKhan	06/10/1988	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	Shorkot D.I Khan
[illegible]	Muhammad Sharif M.Sc (H.P.E)	01/01/1966	DIKhan	01/04/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Mandra Kalan D.I.Khan
[illegible]	Sajid Khan M.Sc (H.P.E)	15/02/1968	Tank	10/09/1987	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Lar D.I Khan
[illegible]	Ghulam Nabi M.Sc (H.P.E)	05/02/1965	Mardan	28/03/1988	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Gujar Garhi Mardan
[illegible]	Muhammad Gul M.Sc (H.P.E)	10/10/1968	DI Khan	08/12/1990	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Muryali D.I.Khan
[illegible]	Raees Ullah M.Sc (H.P.E)	10/10/1968	Bannu	22/04/1992	18/02/2003	13/10/2010	23/05/2018	18	By Promotion	GHSS Hakim Haved Bannu
47	Zahoor Ahmad M.Sc (H.P.E)	10/06/1966	Nowshera	02/04/1985	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Manki Sharif Nowshera
48	Muhammad Haroon M.Sc (H.P.E)	17/03/1967	Swabi	20/04/1985	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Ismaila Swabi
49	Muhammad Iqbal M.Sc (H.P.E)	05/10/1970	Lakki	18/02/1993	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	GHSS Bagra Haripur
50	Farman Ullah M.Sc (H.P.E)	01/03/1968	Bannu	18/02/1993	18/02/2003	19/05/2009	23/05/2018	18	By Promotion	BISE Malakand
51	Hamzi Ali M.Sc (H.P.E)	17/02/1960	FR Bannu	13/09/1986	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	Shakar Dara Kohat
52	Qazi Ikram Ulah M.Sc (H.P.E)	01/02/1969	Bannu	13/10/1987	06/06/2005	12/11/2010	23/05/2018	18	By Promotion	GHSS Salema Sikandar Khel Bannu
53	Saif-ur-Rehman M.Sc (H.P.E)	15/07/1967	DIKhan	13/03/1990	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Draban Kalan DI Khan
54	Abdul Mateen M.Sc (H.P.E)	01/03/1967	DIKhan	20/02/1993	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	RITE Male DI Khan
55	Ejaz Ali MSC (H.P.E)	02.08.1972	Swabi	24/04/1993	06/06/2005	24/10/2013	25/01/2019	18	By Promotion	GHSS Dobian Swabi.
56	Abdul Hadi M.Sc (H.P.E)	15/01/1963	Swabi	30/10/1986	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Panj Pir Swabi
57	Muhammad Khurshid Ali M.Sc (H.P.E)	15/01/1965	Shangla	20/04/1993	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Charbagh Swat
58	Atta Ullah Khan M.Sc (H.P.E)	20/09/1964	Bannu	30/05/1993	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Domel Bannu
59	Saddiq-ur-Rehman M.Sc (H.P.E)	16/03/1969	Karak	20/09/1987	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Dabli Lawaghar Karak

ATTESTED

27

	Shahid ur Rehman M.Sc (H.P.E)	20/03/1969	Karak	03/12/1989	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GCPE, Karak
	Abdul Nazar M.Sc (H.P.E)	13/04/1965	Bunir	01/03/1984	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Gegra Buner
	Hakim Said M.Sc (H.P.E)	16/04/1965	Swabi	26/03/1990	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Ayub Khan Kili Swabi
	Qaisar Khan M.Sc (H.P.E)	08/01/1964	Swabi	24/04/1988	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Dingi Haripur
	Qayyum Nawaz M.Sc (H.P.E)	15/04/1969	Lakki	17/05/1992	06/06/2005	06/06/2009	23/05/2018	18	By Promotion	GHSS, Abdul Khel Lakki
	Hukam Zad M.Sc (H.P.E)	15/12/1962	Bannu	14/11/1987	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Shahbaz Khel Lakki
	Muhammad Alam M.Sc (H.P.E)	14/03/1965	Nowshera	17/09/1986	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS, Jalozai Nowshera
	Abdur Rauf M.Sc (H.P.E)	03/02/1966	Karak	17/09/1986	06/06/2005	15/06/2009	23/05/2018	18	By Promotion	GHSS, Hazarkhwani Peshawar
	Muhammad Shahid Ullah M.Sc (H.P.E)	10/01/1964	Karak	18/10/1986	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Mingora Swat
	Muhammad Khalil M.Sc (H.P.E)	20/12/1966	Karak	22/10/1989	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Chanda Khurum Karak
	Noor Muhammad Shah M.Sc (H.P.E)	22/04/1968	Karak	04/12/1989	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS Bilitang Kohat
	Haider Khan M.Sc (H.P.E)	18/12/1966	Karak	09/10/1990	06/06/2005	13/10/2010	23/05/2018	18	By Promotion	GHSS Nodiah Payan Peshawar
	Fakhir Zaman Shah M.Sc (H.P.E)	20/09/1966	Karak	29/01/1991	06/06/2005	15/06/2009	23/05/2018	18	By Promotion	GHSS Shah Salim Karak
	Wali ur Rehman M.Sc (H.P.E)	01/03/1970	Karak	01/09/1992	06/06/2005	15/06/2009	23/05/2018	18	By Promotion	GCPE Karak
	Murad Ali M.Sc (H.P.E)	30/03/1967	Swabi	01/04/1993	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	GHSS, Tandkohi Swabi
	Muhammad Ghani M.Sc (H.P.E)	05/10/1965	FR Bannu	01/09/1994	06/06/2005	19/05/2009	23/05/2018	18	By Promotion	RITE (M) Bannu
	Fatehullah Khan M.Sc (H.P.E)	20.10.1967	Bannu	01/09/1994	12/12/2006	24/10/2013	25/01/2019	18	By Promotion	GCPE Karak
	Humran Ali M.Sc(H.P.E)	20/01/1967	Swabi	26/10/1994	12/12/2006	15/06/2009	23/05/2018	18	By Promotion	GHSS Sikandari Swabi
	Sabir Ali M.Sc (H.P.E)	30/04/1966	Swabi	30/11/1994	12/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Bicket Gunj Mardan
	Mushtaq Zada, M.Sc (H.P.E)	09/02/1968	Buner	13/11/1994	12/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS, Nawagai, Bunair
	Amin ullah, M.Sc (H.P.E)	20/01/1968	Karak	16/11/1994	12/12/2006	12/11/2010	23/05/2018	18	By Promotion	GHSS Kandu Khel Karak
	Hazrat Ali, M.Sc (H.P.E)	05/01/1969	Karak	17/11/1994	12/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS GCPE Karak
	Muhammad Iqbal, M.Sc (H.P.E)	01/05/1968	Karak	30/11/1994	12/12/2006	15/06/2009	23/05/2018	18	By Promotion	GHSS Tehkal Bala Peshawar
	Fazal ud Shah, M.Sc(H.P.E)	01/05/1966	Karak	12/01/1994	12/12/2006	13/10/2010	23/05/2018	18	By Promotion	GHSS Nari Panos Karak
	Arshad Hussain, M.Sc (H.P.E)	01/02/1968	Nowshera	31/01/1995	12/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Dak Ismail Khel Nowshera
	Nawsher Zaman, M.Sc (H.P.E)	01/02/1966	Bannu	19/02/1990	12/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Mani Khel Jani Khel Bannu
	Sawa Muhammad, M.Sc (H.P.E)	03/01/1970	Swabi	30/11/1989	13/12/2006	13/10/2010	23/05/2018	18	By Promotion	GHSS Shahbaz Garhi Mardan
	Faiq Gul, M.Sc (H.P.E)	10/08/1969	Dir Lower	03/03/1988	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Samar Bagh Dir Lower
	Waqar Ali, M.Sc (H.P.E)	08/07/1973	Malakand	01/03/1998	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Takht Bhai Mardan
	Habib ur Rehman M.Sc (H.P.E)	15/02/1974	DIKhan	05/04/1999	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS No. 3 DI Khan
	Gul Faraz Khan, M.Sc (H.P.E)	02/03/1983	Bannu	13/12/2006	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Ismail Khel Bannu
	Tahir Ilah, M.Sc (H.P.E)	24/08/1974	A-Abad	16/09/1996	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Sarai Saleh Haripur
	Muhammad Salim, M.Sc (H.P.E)	04/06/1975	Malakand	23/07/2002	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Dheri Jula Gram Malakand

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ATTESTED

[illegible]	Muhammad Sahibzada Luqman, M.Sc (H.P.E)	25/08/1982	DIKhan	13/12/2006	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Ramak DI Khan
[illegible]	Fiaz Zafar, M.Sc (H.P.E)	14/12/1965	Swat	21/10/1986	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Kabal Swat
[illegible]	Kaleem Ullah Khan M.Sc (H.P.E)	01/02/1969	Hangu	12/10/1995	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Muhammad Zai Kohat
[illegible]	Taj Wali shah M.Sc (H.P.E)	14/04/1970	Swabi	19/12/1989	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Jehangari Swabi
97	Yousaf Khan, M.Sc (H.P.E)	18/10/1972	Lakki	21/02/1998	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Machen Khel No. 3 Lakki
[illegible]	Khalil ullah, M.Sc (H.P.E)	15/05/1976	Lakki	05/04/1999	13/12/2006	12/11/2010	23/05/2018	18	By Promotion	GHSS Kot Kashmir Lakki
[illegible]	Alam Zar Khan, M.Sc (H.P.E)	01/03/1979	FR Bannu	13/12/2006	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GCPE Karak
100	Muhammad Kaleem M.Sc (H.P.E)	10/02/1976	SWA	01/09/1999	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS No.1 Cantt; Peshawar
101	Mehboob Ali, M.Sc (H.P.E)	04/01/1974	Swat	25/03/1996	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Bari Kot Swat
102	Muhammad Ishaq, M.Sc (H.P.E)	29/08/1976	Lakki	13/12/2006	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Sarai Naurang Lakki
103	Taj Wali Khan M.Sc (H.P.E)	10/05/1975	Charsadda	17/03/2007	17/03/2007	19/05/2009	23/05/2018	18	By Promotion	GHSS Muhammad Nari Charsadda
104	Jamshid Ali Khan, M.Sc (H.P.E)	01/02/1977	Bannu	01/05/1999	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS Bangi Khan Bannu
105	Muhammad Ashfaq, M.Sc (H.P.E)	28/03/1979	FR Kohat	01/09/1999	13/12/2006	19/05/2009	23/05/2018	18	By Promotion	GHSS No.1 Kohat
106	Badshah Islam, M.Sc (H.P.E)	01/03/1968	Dir Upper	04/05/1990	13/12/2006	27/05/2009	23/05/2018	18	By Promotion	GHSS Kulandi DIR Upper
107	Muhammad Arif M.Sc (H.P.E)	15/03/1967	Swabi	08/03/1990	13/12/2006	15/06/2009	23/05/2018	18	By Promotion	GHSS Kalu Khan Swabi
108	Ayaz Ali, M.Sc (H.P.E)	18/02/1976	Swabi	25/11/2002	13/12/2006	19/05/2009	25/01/2019	18	By Promotion	GHSS Baghicha Dheri Mardan
109	Khalid M.Sc (H.P.E)	03/03/1979	Charsadda	17/03/2007	17/03/2007	19/05/2009	25/01/2019	18	By Promotion	GHSS Dhakki Charsadda
110	Muhammad Sabir M.Sc (H.P.E)	24/12/1969	Abbottabad	21/04/1993	13/12/2006	24/10/2013	25/01/2019	18	By Promotion	GHSS Herno Abbottabad
111	Abdul Hameed, M.Sc (H.P.E)	01/01/1979	Haripur	01/09/2004	13/12/2006	19/05/2009	25/01/2019	18	By Promotion	GHSS Kot Najibullah Haripur

It is certified: -

1. That the Seniority list is widely circualted.
2. That the Seniority list is undisputed/uncontroversial.
3. That there is no litigation pending/involved.

ASSISTANT DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

ATTESTED

29

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the December 05, 2019

NOTIFICATION

NO.SO(G-V)E&SE/3-2/2019/Promotion SIPE (BS-18) to CIPE (BS-19): Consequent upon recommendation of the Provincial Selection Board, in its meeting held on 23.09.2019, the Competent Authority is pleased to appoint the following fifty eight (58) officers of Teaching Cadre of Elementary & Secondary Education Department from Senior Instructor Physical Education (BS-18) to the post of Chief Instructor Physical Education (BS-19), on acting charge basis, with immediate effect:

Sl.	Name of officer	Present place of posting
1.	Mr. Talat Mahmood	GHSS No.4, Peshawar City
2.	Mr. Hazrat Ali	GCPE Karak
3.	Mr. Shamsul Islam	GCPE Karak
4.	Mr. Tajamul Zaman	GHSS No.4 D.I. Khan
5.	Mr. Khalid Tanveer	GHSS Kotjai D.I. Khan
6.	Mr. Muhammad Hashim	GHSS No.5 Peshawar City
7.	Mr. Gul Aslam Khan	GHSS Aba Khel Lakki Marwat
8.	Mr. Said Nawaz	GHSS Togh Bala Kohat
9.	Mr. Abdul Sarwar	GHSS Ismail Khel Bannu
10.	Mr. Sami Ullah	Director (PE&S) DCTE Abbottabad
11.	Mr. Fazli Baqi	GHSS Khall Dir Lower
12.	Mr. Iftikhar Ahmad	Director (PE&S) Directorate of E&SE
13.	Mr. Muhammad Ali	GHSS Hathian Mardan
14.	Mr. Ali Badshah	GHSS Jehangari Karak
15.	Mr. Muhammad Saeed Shah	GHSS Kawai Mansehra
16.	Mr. Said Bakht Shah	GHSS Mansabdar Swabi
17.	Mr. Haneedullah Khan	GHSS Kat Gar D.I. Khan
18.	Mr. Muhammad Israr	GHSS Wanga Mardan
19.	Mr. Ihtisham Ud Din	GHSS Bogara Karak
20.	Mr. Abdullah Shah	GHSS Kech D.I. Khan
21.	Mr. Rukh Niaz	GHSS Nawanshar Abbottabad
22.	Mr. Gul Badshah	GHSS Gul Bahar Peshawar
23.	Mr. Habib Ullah	GHSS Dargai Charsadda
24.	Mr. Lal Marjan	GHSS Shahidan Banda Karak
25.	Mr. Ahmad Nawaz	GCPE Karak
26.	Mr. Habibullah	GGHSS Miali Khel Jani Khel Bannu
27.	Mr. Mujeeb-Ur-Rehman	GHSS Karak
28.	Mr. Jehan Alam	GHSS Battara Buner
29.	Mr. Abdul Qadeer Khan	GHSS Yarik D.I. Khan
30.	Mr. Chamni Khan	GHSS Takkar Mardan
31.	Mr. Amjad Khan	GHSS Sherpao Charsadda
32.	Mr. Nishatullah	GHSS Warana Karak

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BETTER COPY OF THE PAGE NO.20

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

NOTIFICATION

NO.SO(SM)E & SED/3-/2019/Promotion of SIPE (BPS-18) To CIPE (BS-19): Consequent upon recommendation of the Provincial Selection Board, in its meeting held on 23.09.2019, the Competent Authority is pleased to appoint the following fifty eight (58) officers of Teaching Cadre of Elementary & Secondary Education department from Senior Instructor Physical education (BS-18) to the post of Chief Instructor Physical Education (BS-19) on acting charge basis with immediate effect:

S#	Name of officer	Present place of posting
1.	Mr. Talaat Mahmood	GHSS No.4 Peshawar City
2.	Mr. Hazrat Ali	GCPE Karak
3.	Mr. Shamsul Islam	GCPE Karak
4.	Mr. Tajamul Zaman	GHSS No. 4 D.I Khan
5.	Mr. Khalid Tanveer	GHSS Kotjai D.I.Khan
6.	Mr. Muhammad Hashim	GHSS No. 3 Peshawar city
7.	Mr. Gul Islam Khan	GHSS Aba Khel Lakki Marwat
8.	Mr. Said Nawaz	GHSS Togh Bala Kohat
9.	Mr. Abdul Sarwar	GHSS Ismail Khel bannu
10.	Mr. Sami Ullah	Director (PE & S) DCTT: Abbottabad
11.	Mr. Fazli Baqi	GHSS Khall Dir lower
12.	Mr. Iftikhar Ahmed	Director (PE & S) Directorate of E & SE:
13.	Mr. Muhammad Ali	GHSS Hathian Mardan
14.	Mr. Ali Badshah	GHSS Jehangiri Karak
15.	Mr. Muhammad Saeed Shah	GHSS Kawai Mansehra
16.	Mr. Said Bakht Shah	GHSS Mansabdar Swabi
17.	Mr. Hameed Ullah Khan	GHSS Kat Gar D.I Khan
18.	Mr. Muhammad Israr	GHSS Manga Mardan
19.	Mr.Ihtisham Ud Din	GHSS Bogara Karak
20.	Mr. Abdullah Shah	GHSS Kech D.I Khan
21.	Mr. Rukh Naz	GHSS Nawansher Abbottabad
22.	Mr. Gul Badshah	GTHSS Gul Bahar Peshawar
23.	Mr. Habib Ullah	GHSS Dargai Charsadda
24.	Mr. Lal Marjan	GHSS Shahidan Banda Karak
25.	Mr. Ahmed Nawaz	GCPE Karak
26.	Mr. Habib Ullah	GGHSS Mani Khel Jani Khel Bannu
27.	Mr. Mujeeb Ur Rehman	GHSS Karak
28.	Mr. Jehan Alam	GHSS Battara Buner
29.	Mr. Abdul Qadeer Khan	GHSS Yarik D.I Khan
30.	Mr. Chamni Khan	GHSS Takkar Mardan
31.	Mr. Amjad Khan	GHSS Sherpao Charsadda
32.	Mr.Nihatullah	GHSS Warana Karak

ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

33.	Mr. Farid Zaman	GHSS Mamash Khel Bannu
34.	Mr. Ikramullah	GHSS Comprehensive Bannu
35.	Mr. Muhammad Usman	GHSS No.2, D.I. Khan
36.	Mr. Waris Khan	GHSS Masha Mansoor Lakki Marwat
37.	Mr. Ashraf Ali	GHSS Nurar Bannu
38.	Mr. Fateh Sher	GHSS Shorkot D.I. Khan
39.	Mr. Muhammad Sharif	GHSS Mandra Kalan D.I. Khan
40.	Mr. Said Khan	GHSS Lar D.I. Khan
41.	Mr. Ghulam Nabi	GHSS Gujar Garhi Mardan
42.	Mr. Muhammad Gul	GHSS Moryali D.I. Khan
43.	Mr. Zahoor Ahmad	GHSS Manki Sharif Nowshera
44.	Mr. Muhammad Haroon	GHSS Ismaila Swabi
45.	Mr. Muhammad Iqbal	GHSS Bagra Haripur
46.	Mr. Farman Ullah	BISE Malakand
47.	Mr. Hamza Ali	GHSS Shakar Dara Kohat
48.	Mr. Siat-Ur-Rehman	GHSS Daraban Kalan D.I. Khan
49.	Mr. Abdul Mateen	RITE (Male) D.I. Khan
50.	Mr. Abdul Hadi	GHSS Panj Pir Swabi
51.	Mr. Muhammad Khurshid Ali	GHSS Charbagh Swat
52.	Mr. Atta Ullah Khan	GHSS Domel Bannu
53.	Mr. Saddiq-Ur-Rehman	GHSS Dabli Lawaghar Karak
54.	Mr. Shahid Ur Rehman	GCPE, Karak
55.	Mr. Abdul Nazar	GHSS Gagra Buner
56.	Mr. Hakim Said	GHSS Ayub Khan Killi Swabi
57.	Mr. Qaisar Khan	GHSS Dingi Haripur
58.	Mr. Qayyum Nawaz	GHSS Abdul Khel Lakki Marwat

2. In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with rule-15(1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rules, 1989 the above officers on their promotion shall be on probation for a period of one year extendable for another year.

3. They are posted/adjusted on the posts/stations as noted against each:

Sl#	Name, designation & present place of posting	Posted as	Remarks
1.	Mr. Talat Mahmood SIPE (BS-18) working as CIPE (BS-19) GHSS No.3, Peshawar City in OPS	CIPE (BS-19) GHSS No.3 Peshawar City	Already occupied
2.	Mr. Hazrat Ali SIPE (BS-18) working as CIPE (BS-19) GCPE Karak in OPS	CIPE (BS-19) GCPE Karak	Already occupied
3.	Mr. Shamsul Islam SIPE (BS-18) working as CIPE (BS-19) GCPE Karak in OPS	CIPE (BS-19) GCPE Karak	Already occupied

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

33.	Mr. Farid Zaman	GHSS Mamash Khel Bannu
34.	Mr. Ikramullah	GHSS Comprehensive Bannu
35.	Mr. Muhammad Usman	GHSS No. 2 D.I Khan
36.	Mr. Wark Khan	GHSS Masha Mansoor Lakki Marwat
37.	Mr. Ashraf Ali	GHSS Nurar Bannu
38.	Mr. Fateh Sher	GHSS Shorkot D.I Khan
39.	Mr. Muhammad Shan	GHSS Mandra Kalan D.I Khan
40.	Mr. Said Khan	GHSS Lar D.I Khan
41.	Mr. Ghulam Nabi	GHSS Gujar Garhi Mardan
42.	Mr. Muhammad Gul	GHSS Muryali D.I Khan
43.	Mr. Zahoor Ahmed	GHSS Manki sharif Nowshera
44.	Mr. Muhammad Haroon	GHSS Ismaila Swabi
45.	Mr. Muhammad Iqbal	GHSS Bagra Haripur
46.	Mr. Farman Ullah	GHSS BISE Malakand
47.	Mr. Hamza Ali	GHSS Shakardara Kohat
48.	Mr. Sial Ur Rehman	GHSS Daraban Kalan D.I Khan
49.	Mr. Abdul Mateen	RITE (Male) D.I Khan
50.	Mr. Abdul Hadi	GHSS Panj Pir Swabi
51.	Mr. Muhammad Khurshid Ali	GHSS Char Bagh Swat
52.	Mr. Atta Ur Rehman	GHSS Domel Bannu
53.	Mr. Saddiq Ur Rehman	GHSS Dabil Lawaghar Karak
54.	Mr. Shahid Ur Rehman	GCPE Karak
55.	Mr.Abdul Nazar	GHSS Gagra Buner
56.	Mr. Hakim Said	GHSS Ayub Khan Killi Swabi
57.	Mr.Qaisar Khan	GHSS Dingi Haripur
58.	Mr. Qayyum Nawaz	GHSS Abdul Khel Lakki Marwat

In terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rule 15(1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rules, 1989 the above officers on their promotion shall be on probation for a period of one year extendable for another year.

3. They are posted/adjusted on the posts stations as noted against each:

S#	Name, designation & present place of posting	Posted as	Remarks
1.	Mr. Talat Mahmood SIPE (BS-18) working as CIPE (BS-19) GHSS No,4 Peshawar City in OPS	CIPE (BS-19) GHSS No. 4 Peshawar City	Already occupied
2.	Mr. Hazrat Ali SIPE (BS-18) working as CIPE (BS-19) GCPE Karak in OPS	CIPE (BS-19)GCPE Karak	Already occupied
3.	Mr.Shamsul Islam, SIPE (BS-18) working as CIPE (BS-19) GCPE Karak in OPS	CIPE (BS-19) GCPE Karak	Already occupied

ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst. of even No. & Date

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa Peshawar.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. Director, DCTE Abbottabad Khyber Pakhtunkhwa.
6. Director, PITE Peshawar.
7. District Education Officers (Male), Concerned.
8. District Accounts Officers, Concerned.
9. PS to Advisor to CM for E&SE Department.
10. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
11. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
12. PA to Additional Secretary (Estab) E&SE Department.
13. PA to Deputy Secretary (Admn) E&SE Department.
14. Director, EMIS E&SE Department.
15. Officers concerned.
16. Master file.

05.12.19

(SHAHID RAFIQ)
SECTION OFFICER (SCHOOLS MALE)

ATTESTED

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa
4. Directeor, E&SE Khyber Pakhtunkhwa Peshawar.
5. Director, DCTE Abbotabad Khyber Pakhtunkhwa.
6. Director, PITE Peshawar.
7. District Education Officer (Male) Concerned.
8. District Accounts Officers, Concerned.
9. PS to Advisor to Cm for E&SE Department.
10. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
11. PS to Special Secretary E&SE Department Khyber Pakhtunkhwa.
12. PA to Additional Secretary (Estab) E&SE Department.
13. Director, EMIS E&SE Department.
14. Officers concerned.
15. Master File.

Sd
(SHAHID RAFIQ)
(SECTION OFFICER SCHOOLS MALE)

ATTESTED

36

"F"

-23-

بحضور جناب سیکرٹری صاحب ایلیمنٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا

Please look into matter & take appropriate action as per rules.

Minister For Elementary & Secondary Education Khyber Pakhtunkhwa

مضمون:۔ درخواست بمراد تصحیح سنیارٹی اور پروموشن چیف انسٹرکٹر فیزیکل ایجوکیشن (CIPE)

Implementation petition 19 BS نمبر 102/2016 ارڈر شیٹ مورخہ 15/07/2019, 28/08/2019, 07/07/2020, 01/09/2020 اور 05/10/2020 اور آپ صاحبان کا نوٹیفیکیشن مورخہ 22/03/2017.

جناب عالی!

گزارش بحضور انور درجہ ذیل ہے۔

1۔ یہ کہ سائل کے سروس اپیل 1776/ 2009 اور Implementation اپیل نمبر 102/2016 پر آپ صاحبان نے نوٹیفیکیشن مورخہ 22/03/2017 کو جاری کیا ہے۔ جس کے مطابق سائل کو مورخہ 13/11/2007 سے ریگولر 17 BS دیا گیا ہے۔

2۔ یہ کہ سنیارٹی لسٹ سنیئر انسٹرکٹر فزیکل ایجوکیشن (SIPE) 18 BS مورخہ 26/06/2009 کو Approved ہوا ہے۔ جس میں سائل کو اب تک 13/11/2007 کی بجائے 15/06/2009 لکھا ہے اور سیریل نمبر 1 کی بجائے 107 لکھا ہے۔ جس پر سروس ٹریبونل خیبر پختون خواہ نے وقتاً فوقتاً احکامات صادر کئے ہیں۔

3۔ یہ کہ سنیئر انسٹرکٹر فزیکل ایجوکیشن (SIPE) 18 BS پر مورخہ 05/12/2019 کو 19 BS میں بطور چیف انسٹرکٹر فیزیکل ایجوکیشن (CIPE) پروموشن بھی ہوا ہے۔ جبکہ ترقی پانے والے تمام چیف انسٹرکٹر فیزیکل ایجوکیشن (CIPE) 19 BS سائل سے جونیئر ہیں کیونکہ 26/06/2019 سے 18 BS کی Approved سنیارٹی سنیئر انسٹرکٹر فیزیکل ایجوکیشن (SIPE) میں ان سب نے 17 BS مورخہ 2009 سے لیا ہے۔ جبکہ سائل کا 13/11/2007 سے ریگولر 17 BS ہے۔

لہٰذا آپ صاحبان کی خدمت میں عرض ہے کہ آپ صاحبان کے نوٹیفیکیشن مورخہ 22/03/2017 اور Implementation اپیل نمبر 102/2016 ارڈر شیٹ مورخہ 15/07/2019, 28/08/2019, 07/07/2020, 01/09/2020 اور 05/10/2020 کے مطابق سائل کی سنیارٹی کی درستگی کے احکامات صادر فرمادیں اور مورخہ 5/12/2019 سے چیف انسٹرکٹر فیزیکل ایجوکیشن (CIPE) 19 BS کو پروموشن دینے کے احکامات بھی صادر فرمادیں بڑی مہربانی ہوگی۔

العارض

محمد عارف سنیئر انسٹرکٹر فیزیکل ایجوکیشن (SIPE) 18BS

گورنمنٹ ہائیر سیکنڈری سکول کالوخان ضلع صوابی

0342-0890134

مورخہ:۔ 18/05/2021

درخواست ہذا کے ساتھ منسلک کاغذات

۱۔ شناختی کارڈ کاپی

۲۔ نوٹیفیکیشن مورخہ 22-03-17

۳۔ سنیارٹی لسٹ 18 BS

۴۔ پروموشن ارڈر 19 BS

۵۔ ارڈر شیٹ سروس ٹریبونل خیبر پختون خوا

ATTESTED

"G"

GOVERNMENT OF KHYBER PAKHTUNKHWA

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No 091-9223533

No.SO (SM)E&SED/2-2/2021/S.List of SIPE (BS-18)
Dated Peshawar the July 19, 2021

To

Mr. Muhammad Arif,
Senior Instructor Physical Education (BS-18),
GHSS Kalo Khan Swabi.

Subject: - **APPLICATION REGARDING CURRENT AND PROMOTION CIPE (BS-18) IN IMPLEMENTATION PETITION NO. 102/2016 ORDER SHEET DATED 15.07.2019, 28.08.2019, 07.07.2020, 01.09.2020 AND 05.10.2020 AND NOTIFICATION DATED 22.03.2017**

I am directed to refer your appeal dated 18.05.2021 on the subject noted above and to state that as per the inter-se-ment list of the DPE bearing advertisement No. 03/2005, your name has already been placed in due place alongwith your counter parts in the seniority list of Male SIPE (BS-18). Hence your appeal be considered as regretted.

19/7

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the -

1. Director E&SE Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 5530 dated 28.06.2021
2. Section Officer (Lit-II) E&SE Department.
3. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

19/7

SECTION OFFICER (SCHOOLS MALE)

ATTESTED

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"H" -25-

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1035/2008

Date of institution ... 23.7.2008
Date of decision ... 24.2.2009

Mst.Dilshad Begum, Subject Specialist (Chemistry),
Govt.Girls Higher Secondary School Kakki,
District Bannu. .. (Appellant)

VERSUS

1. The Govt. of NWFP through Chief Secretary, Peshawar.
2. The Secretary to Govt. of NWFP,
   Elementary & Secondary Education, Peshawar.
3. The Secretary to Govt. of NWFP Finance Department, Peshawar.
4. The Director, Elementary & Secondary Education,
   NWFP, Peshawar. ... (Respondents)

Service Appeal U/S 4 of the NWFP Service Tribunals Act, 1974 against Notification bearing Endst: No.SO(S)1-4/2003 Promotion Subject Specialist dated 27.5.2003 issued by respondent No.2 to the extent of its effectiveness from 27.5.2003 instead of the correct date of 31.8.2000 when the appellant took over the charge as S.S (BPS-17) and the departmental appeal dated 15.4.2008 of the appellant to respondent No.1 remained un-actioned as yet despite the lapse of 90 days meaning thereby that the same has been declined.

Mr.Naqibullah Khan Khattak,
Advocate. ... For appellant
Mr.Zahid Karim Khalil,
Addl: Govt.Pleader. For respondents

Mr.Justice(R)Salim Khan, Chairman
Mr.Bismillah Shah. Member

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JUDGMENT

JUSTICE(R)SALIM KHAN, CHAIRMAN:- Appeal No. 1035 of 2008 by Dilshad Begum, Appeal No. 1036 of 2008 by Saeeda Khatoon and Appeal No.1037 of 2008 by Ambreen Raza are similar with each other in law.

2. The appellants were adjusted as Subject Specialists on 31.8.2000. They were regularized as such Subject Specialists on 27.5.2003. Many other Subject Specialists filed departmental appeals and Service Appeals for ante-dating their posting as Subject Specialists. Such appeals (Service Appeal No. 439 of 2006 and

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Service Appeal No. 244 of 2007) were decided by this Tribunal. The August Supreme Court of Pakistan declared judgments dated 21.6.2006 and dated 27.6.2006 for their regularization w.e.f 31.8.2000. The departmental appeals dated 15.4.2008 of the present appellants were not decided, hence the present appeals.

3. The respondents contended that the present appeals were time-barred, and the regularization of the appellants was made with the concurrence of the Departmental Promotion Committee from the date of approval, after completion of the required procedure and codal formalities. They further contended that each and every case had its own nature, grounds and law points. The Finance Department contended that the claim of the appellants for regularization from the date of acting charge appointment was baseless.

4. We heard the arguments of the learned counsel for the appellants and of the A.G.P. We also perused the record.

5. The learned counsel for the appellants relied on 2009 SCMR 1 and contended that the August Supreme Court of Pakistan has declared vide judgment reported as 1996 SCMR 1185 that if a Tribunal or the August Supreme Court of Pakistan decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum. It was also mentioned that this view was reiterated in the case reported as 2005 SCMR 499 and was upheld in the light of Article 25 of the Constitution of the Islamic Republic of Pakistan, on the ground that all citizens are equal before law and are entitled to equal protection of law.

6. The learned counsel for the appellants also relied on PLD 2003 SC 724 and many other cases mentioned therein, 2004 PLC (C.S) 1014, 1998 PLC (C.S) 980

2006 SCMR 1938 and 2005 SCMR 499. He contended that the August Supreme Court of Pakistan had declared that a judgment in rem may be defined as the judgment of a Court of competent jurisdiction determining the status of a person or thing, or the disposition of a thing (as distinct from the particular interest in it of a party to the litigation). Apart from the application of the term to persons, it must affect the res in the way of condemnation, forfeiture, declaration of status or title, or order for sale or transfer. It was also held that a legal determination is binding not only on the parties but on all the persons.

7. The A.G.P contended that the appeals of the present appellants were time-barred, and the appellants had not agitated their rights at the proper time.

8. It has to be clarified that, when once a Court of competent jurisdiction declares a right in favour of one (or more than one) member of a class of persons, that right automatically accrues to all the similarly placed members of that class, without any reference to the fact that whether they litigated or not. Such a right does not lapse under any principle or rule regarding bar of limitation or laches. Such a right becomes a recurring liability of the persons or Authorities, who may be responsible for its implementation. Any of the similarly placed persons may demand such a right at any time and shall remain entitled to receive the right like the other similarly placed persons who had litigated or had been given such right, though subject to the relevant rules regarding the actual recovery of arrears of financial benefits.

9. In view of the above, we have found that the appellants are the persons similarly placed with the persons who had already litigated, and decisions were granted by this Tribunal and by the August Supreme Court of Pakistan in their favour. The appellants are entitled to the same rights. We prefer to decide the present cases on merits and condone the delay caused in the present cases, keeping in view the vested rights of the appellants. It was the recurring liability of the

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official respondents to correct the record and to provide the rights to the appellants. The failure of the official respondents in providing the rights to the appellants, which have already been supported by the Courts of competent jurisdiction, does not prevent the appellants from demanding their vested rights at any time.

10. We, therefore, accept all the three(3) appeals with costs in favour of the appellants. We also direct the official respondents to issue corrigendum order to ante-date the regular promotion/posting of the appellants to the posts of Subject Specialists with effect from 31.8.2000, (after confirmation that each of the appellants had taken over the charge of their respective posts on officiating/acting charge basis on 31.8.2000 or any subsequent date as a result of the order dated 31.8.2000). The appellants shall be entitled to the ante-dation of their regular promotion/posting as aforesaid, shall be entitled to all back benefits on the strength of the modified order, and shall also be entitled to the recovery of arrears of pay and allowances etc., though subject to the relevant rules regarding recovery of arrears of financial benefits.

11. Before parting with this judgment, we advise the official respondents to check the cases of all other remaining similarly placed persons and to grant them the benefits of the judgments mentioned above, and of this judgment, without compelling them to enter into litigation with the official respondents. The office is directed to send the copies of this judgment to the concerned respondents for perusal and compliance.

ANNOUNCED
24.02.2009

SD/-
(BISMILLAH SHAH)
MEMBER

SD/-
(JUSTICE(R)SALIM KHAN)
CHAIRMAN

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Khyber Pakhtunkhwa Service Tribunal, Peshawar

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Approved for reporting.

24/2/09

17.05.2019 Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the petitioner submitted counter affidavit/replication on behalf of the petitioner. The same is placed on record. Learned counsel for the petitioner also requested for adjournment. Adjourned to 15.07.2019 for further proceedings before S.B.

(Muhammad Amin Khan Kundi)
Member

15.07.2019 Counsel for the petitioner and Mr. Muhammad Jan, DDA alongwith Zakiullah, Senior Auditor ofc the respondents present.

Learned counsel for the petitioner referred to the memorandum of Appeal No. 1776/2009 and also judgment passed in Appeal No. 1712/2009 and contended that by virtue of latter the appeal of petitioner was allowed which was, in essence, for modification of notification dated 15.06.2009 to have effect from 13.11.2007.

Learned Deputy District Attorney on the other hand referred to notification dated 22.03.2017 and stated that while issuing the notification the respondents had already complied with the judgment under implementation and had substituted the date of promotion of appellant in BPS-17 on regular basis w.e.f. 13.11.2007 instead of 15.06.2009.

It is correct that the notification dated 22.03.2017 provided for the promotion of petitioner w.e.f. 13.11.2007 but without arrears. Reading the contents of notification in juxtaposition to the prayer of appeal by the petitioner it becomes clear that notification is not in compliance with the judgment under implementation in letter and spirit. The appeal of petitioner was allowed, alongwith some other

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similar appeals, which entailed that the prayer in appeal was to be regarded and implemented as a whole and not in piecemeal. It is categorically noted in the same that the requisite notification/alteration in the date of regular promotion of petitioner be given effect from 13.11.2007 with all consequential benefits. Needless to note that the benefits accrued include the payment of salary, placing the name of petitioner in the relevant seniority list accordingly and other service benefits in accordance with law.

The respondents are, therefore, required to make the payment of arrears of salary/pay and allowance for the period between 13.11.2007 and 15.06.2009 to be calculated in the light of superior Basic Pay Scale awarded to the petitioner from the effective date. Other service benefits shall also be duly extended to the petitioner. To come up for further proceedings on 03.09.2019 before S.B.

Chairman

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 16-7-19
Number of Words 1200
Copying Fee 16-00
Urgent
Total 16-00
Name of Copyist
Date of Completion of Copy 17-7-19
Date of Delivery of Copy 17-7-19

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EP 102/2016

28.08.2019

Petitioner alongwith counsel and Mr. Usman Ghani District Attorney alongwith Fazle Subhan, Section Officer for the respondents present.

The representative of respondents has produced copies of certain documents which include a letter dated 25.07.2019 addressed to the Secretary to Government of Khyber Pakhtunkhwa (E&SE) Department, Peshawar with the subject "Request for correction in the seniority list of SIPE BS-18." It is, inter-alia, noted in the letter that in pursuance to judgment dated 07.05.2010, rendered in appeal No. 1776/2009, the Admin Department vide Notification No. SO(PE)9-10/DPE/Ghulam Nabi dated 22.3.2017, allowed upgradation to petitioner and Kamran Ali DPE w.e.f. 13.11.2017 instead of 16.05.2009 without arrears.

The documents submitted today also include copy of seniority list of Senior Instructors Physical Education BS-18 (Male) Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar as it stood on 26.06.2019. Contrary to the above referred contents of letter dated 25.07.2019 the date of award of BS-17 (regular) has been noted as 15.06.2009 against the name of petitioner which is reflected at S.No. 107 in the seniority list. As a matter of fact, the official at S.No. 1 of the list has date of award of BS-17 as 19.05.2009, much later to that of petitioner in view of judgment under implementation as well as letter dated 25.07.2019.

It is evident from the submitted documents that to the extent of the position of petitioner the seniority list dated 26.06.2019 requires modification/alteration in order to provide a proper place to him by reckoning the date of award of BS-17 as 13.11.2007 instead of 15.06.2009. The respondents are, therefore, required to bring about necessary correction in the seniority list and allocate due position to the petitioner within shortest possible time. The petitioner shall also be extended all due service benefits entailing the resettlement of the seniority list. To come up for further proceedings on 25.09.2019 before S.B.

Date of Delivery of Copy 29-8-19

Certified to be true copy

Peshawar

ATTESTED

Chairman

27.08.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Zafrullah, Assistant for the respondents present.

Representative of the respondents states that in the light of order dated 15.07.2019 the case of amendment in the seniority list has already been set in motion on 25.07.2019. He, however, is not in the knowledge of the outcome as instant matter was posted for hearing on 03.09.2019 and was accelerated for hearing today.

The acceleration of date of hearing was required in view of the fact that PSB meeting for promotion to the post of Chief Instructor BPS-19 is to be held on 29.08.2019 and as per the petitioner his name would be placed in the highest serial numbers in the seniority list if the same is amended in accordance with the judgment under implementation. The representative is, therefore, required to produce the outcome of the case of petitioner processed on 25.07.2019.

Adjourned to 28.08.2019 before S.B.

Chairman

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Khyber Pakhtunkhwa Service Tribunal, Peshawar

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SCANNED
KPST
Peshawar

بعدالت سروس ٹریبونل پشاور

S.A 1202/21

محمد عارف

سال 2021ء منجانب

محمد عارف بنام اوگنڈ وغیرہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام پشاور کیلئے فضل شاہ مہمند ASG + والعہ مظفر الدین ایڈوکیٹ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق
زر ایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم 05 ماہ اگست سال 2021ء

العبد ـــــــــ گواہ العبد ـــــــــ

بمقام پشاور کے لئے منظور ہے

Attested & Accepted
(Adv)

محمد عارف

Accepted
(Adv)

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SCANNED
KPST
Peshawar

3/11/23

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

PROFORMA FOR EARLY HEARING

Khyber Pakhtunkhwa Service Tribunal
Diary No. 8852
Dated 3-11-2023

Form "A"

To be filled by the Counsel/Applicant

Case No.	Service Appeal No.7208/2021					
Case Title	Muhammad Arif Vs. Govt. of Khyber Pakhtunkhwa etc.					
Date of Institution	2021					
Bench	**SB**	✓	**DB**			
Case Status	**Fresh**		**Pending**	✓		
Stage	**Notice**	**Reply** ✓	**Argument**			
Urgency to be clearly stated	That the matter pertains to seniority and promotion of the applicant as he has been deprived of his seniority and promotion in violation of law as well as judgment of this Hon'ble Tribunal. The respondents are now going to promote those, who are juniors to the applicant and the date fixed i.e. 03.01.2024 is too far, which needs to be accelerated to an early date. Therefore, it is just, fair as well as in larger interest of justice that the titled appeal be fixed and heard at the earliest.					
Nature of the relief sought	Promotion matter					
Next date of hearing	03.01.2024					
Alleged Target Date	As soon as possible					
Counsel for	**Petitioner**	✓	**Respondent**		**In Person**	

NFA
7/11/2023

Signature of Counsel/Party

SB

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

PROFORMA FOR EARLY HEARING

Form "B"

Inst#

Early Hearing _____-P/20____

In Service Appeal No.7208/2021

Muhammad Arif Vs. Govt. of Khyber Pakhtunkhwa etc.

Presented by **Fazal Shah Mohmand ASC** on behalf of **Applicant/Appellant**. Entered in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	
Reason(s) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Reader/ Assistant Registrar Branch	

ASSISTANT REGISTRAR

REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re:

Service Appeal No.7208/2021

Muhammad Arif, Senior Director, Physical Education, Govt. Higher Secondary School, Bamkhel, Swabi.

.....**APPLICANT/APPELLANT**

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Swabi. . .**RESPONDENTS**

APPLICATION FOR EARLY HEARING AND FIXATION OF THE ABOVE TITLED CASE.

Respectfully Sheweth:

1. That the above noted appeal is pending before this Hon'ble Tribunal, which is now fixed for 03.01.2024.
2. That the matter pertains to seniority and promotion of the applicant as he has been deprived of his seniority and promotion in violation of law as well as judgment of this Hon'ble Tribunal.
3. That the respondents are now going to promote those, who are juniors to the applicant and the date fixed i.e. 03.01.2024 is too far, which needs to be accelerated to an early date.

4. That it is just, fair as well as in larger interest of justice that the titled appeal be fixed and heard at the earliest.

It is, therefore, prayed that on acceptance of this application, the titled appeal may kindly be fixed and heard at earliest, so as to secure the ends of justice.

Applicant/Appellant

Through

Fazal Shah Mohmand
Advocate Supreme Court

Dated: 03.11.2023

AFFIDAVIT

It is stated on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT

ATTESTED
Gul Daraz Khan
Oath Commissioner
Advocate High Court Peshawar
03/11/2023