
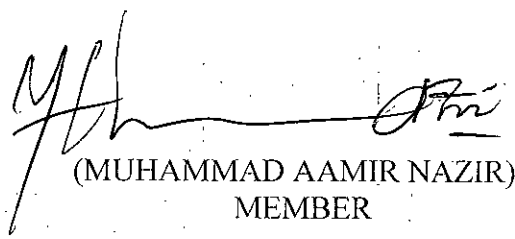


S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	09.12.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 1273/2013</p> <p>Sultan Room-vs- The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AAMIR NAZIR, MEMBER:</u></p> <p>Counsel for the appellant and Additional AG for the respondents present.</p> <p>2. In the instant appeal issue of up-gradation is involved and according to the judgment of august Supreme Court of Pakistan dated 17.02.2016 delivered in Civil Appeal No. 101 & 102-P of 2011 the service Tribunals have no jurisdiction to entertain any appeal involving the issue of up-gradation as it does not part of terms and conditions of service of the Civil servants.</p> <p>3. In view of the above the appeal was not found maintainable by this Tribunal for want of jurisdiction. The same is therefore dismissed. The appellant may seek his remedy before any other appropriate forum if so advised. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  (ASHFAQUE TAJ) MEMBER </div> <div style="text-align: center;">  (MUHAMMAD AAMIR NAZIR) MEMBER </div> </div> <p><u>ANNOUNCED</u> 09.12.2016</p>

17.08.2016

Mr. Sarfaraz Ahmed, Proxy on behalf of counsel for the appellant and Additional AG for respondents present. Mr. Sarfaraz Ahmed proxy on behalf of counsel for the appellant requested for adjournment as counsel for the appellant is not available today before the Tribunal. Adjourned for arguments to 9-12-16 before D/B.

Member

Member

21-12-16

[Handwritten mark]

[Handwritten mark]

01.04.2015

Counsel for the appellant and Addl: A.G for respondents present. Rejoinder not submitted. Requested for adjournment. The appeal is assigned to D.B for rejoinder and final hearing for 14.10.2015.



31-12-15


Chairman

14.10.2015

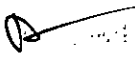
None for the appellant present. Mr. Muhammad Jan, GP for respondents present. To come up for rejoinder and arguments on 12-4-16.


Member


Member

12.04.2016

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 17.08.2016.


Member


Member

20.1.2015

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to 1-4-15.

Reader

1-4-15

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to _____.

Reader

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to _____.

Reader

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to _____.

Reader

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to _____.

M

Reader

M-8-51

M-2-5

M

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to _____.

Reader

M-8-51

Vide order sheet dated 19.2.2014 in connected Service Appeal No. 1266/2013, this appeal is adjourned to _____.

Reader

Appeal No. 1273/2013.

Mr. Sultan Raza

07.01.2014

Counsel for the appellant present. Preliminary arguments

heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that similar nature of appeal No. 1323/2013, titled Mr. Muhammad Pervez vs. Education Department, Peshawar has already been admitted and pending before the learned Bench-II for regular hearing. He prayed that the same may also be admitted for regular hearing and club with the said appeal. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 19.02.2014 before the learned Bench-II.


Member

19.2.2014

vide order sheet dated 19.2.2014 in connected appeal No. 1266/2013, this appeal is adjourned to 7.5.2014.

READER 

7-5-14

Vide order sheet dated 19.2.2014 in connected appeal No. 1266/2013, this appeal is adjourned to 12-8-14

READER 

12-8-14

Vide order sheet dated 19.2.2014 in connected appeal No. 1266/2013, this appeal is adjourned to 6-11-14

READER 

6-11-14

Vide order sheet dated 19.2.2014 in connected appeal No. 1266/2013, this appeal is adjourned to 20-1-15

READER 

28.11.2013

No one is present on behalf of the appellant. To come up for

preliminary hearing on 07.01.2014.

Member

19.02.2014 before the learned Bench-II.

be issued to the respondents for admission of citation...

security amount and process the within 10 days. If the...

to all level of officers. The appeal is directed...

need consideration. The appeal is directed...

regular hearing and also with the...

regular hearing. The appeal is directed...

Member

19.02.2014 before the learned Bench-II.

be issued to the respondents for admission of citation...

security amount and process the within 10 days. If the...

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regular hearing and also with the...



regular hearing. The appeal is directed...

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1273/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/09/2013	<p>The appeal of Mr. Sultan Room resubmitted today by Mr. Abdul Ghaffar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	3-9-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-11-2013</u></p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Sultan Room PST GPS Tashna Mal Dir Upper received today i.e. on 01/08/2013 is incomplete on the following scores which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 2- Annexure-A of the appeal is incomplete which may be completed.
- 3- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 4- Heading of the appeal is incomplete which may be completed.

No. 1116 /S.T,

Dt. 1/8 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Ghaffar Khan Adv. Pesh.


Respected Sir,
① In reply to the initial objection, it may be stated that recruitment rules have been challenged in the instant rules which are construed by superior courts as a final order directly amenable before this Hon'able Tribunal and ~~now~~ departmental appeal is needed to be filed against them. Reference may be made to 1994 SCMR 1033 para 8 at page 1032 says:

"8." In the second appeal (civil appeal no 141/1992), the tribunal was in the error in holding that the policy letter of 10-2-1980 did not amount to an order or a departmental order or a final order. All such orders if they effect the terms & conditions of the service of the employee would qualify as departmental order *en facie* issued by the authority within the department empowered to do so. Hence such order would be amenable to appellate jurisdiction of the service Tribunal"

Reliance may be had on I.A. Sherwani Reported in 1991 SCMR 1041.

② ^{to} Only relevant portion of notification has been annexed as annexure "A". While full copies ~~with~~ of notifications with better copies have already been annexed with connected appeals No. 1054 to 1063/13, which parts of all these appeals are the same & this appeal may kindly be clubbed with them.
Graciously the appeal may be put for hearing before a bench for further proceeding.

dt. 30-8-013


Abdul Ghaffar Khan Advocate.
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1273 of 2013.

Sultan Room PST. Appellant

Versus

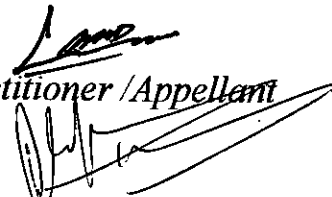
Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of appeal		1-5
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3.	Addresses of the parties		7
4.	Application for temporary injunction		8-9
5.	Affidavit		10
6.	Application for condonation of delay		11-12
7.	Copy of Notification dated 13/11/2012	"A"	13-17
8.	Wakalat Nama		18

Dated 06/07/2013

Through


Petitioner / Appellant

Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.

Cell # 0300-5956376

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1273 of 2013

~~SECRET~~
~~1273~~
~~1-8-13~~

Sultan Room Son of Aziz ul Haq PST GPS Nashna Mal Dir
Upper R/o Batal P.O Osherai Dir Upper.

..... Appellant

VERSUS

- 1) Govt of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Peshawar.
- 2) Director, Elementary & Secondary Education, Peshawar.
- 3) Secretary, Finance Department, Govt of Khyber Pakhtunkhwa Peshawar.

..... Respondents

APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED NOTIFICATION DATED 13/11/2012
OF THE RESPONDENT NO.1

Prayer:

On acceptance of this appeal the Respondents may graciously be directed to amend the impugned Rule to the extent of giving the experience /length of service of the appellant a considerable place and allowing him promotion. It is further prayed that respondents may be directed to grant enhancement to the appellant to BPS-15 without tying up his length of service with any academic qualification beyond Secondary School Certificate.

Respectfully Sheweth:

Co-submitted to ~~1/8/13~~
and filed.

- 1) That the appellant is working in the education department since his appointment against the posts of PTC Teacher (BPS-7), which has now been re-designed as primary school Teachers (PST).

~~SECRET~~
~~1/9/13~~

- (2)
- 2) That stated post was later on upgraded and by now the post of PST is BPS-12, as such all the PST have now been rendering services in BPS-12.
 - 3) That being the senior most teacher and having served for decades on the same post and having no future prospect for the enhancement of their scales, the teacher association struggle for a long time for providing a service structure that may accommodate the senior teachers in higher pay scale, either through promotion or up-gradation or through some time scale.
 - 4) That on pressing the demand vigorously and with untiring zeal by the Senior Teachers, the respondents notified the Rules for the recruitment and promotion of the teachers vide notification dated November 13, 2012 (Annexure "A"), wherein PST (BPS-12) appears at S.No.21 with the required qualification and method of recruitment in the corresponding columns.
 - 5) That at S.No. 19 of the rules (ibid) is the post of Primary School Head Teacher (PSHT) PBS-15, which is liable to be filled "by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teachers".
 - 6) That in the given scenario, the Senior Teachers, including the appellant having been placed no where and they are left hire and dry, without any chance of promotion or enhancement of pay scale. On the contrary, their juniors who are equipped with an intermediate certificate would be able to obtain (BPS-15) and become the bosses of their own seniors.

7) That feeling aggrieved of the said rules the Appellant now assails the same through the instant appeal on the following amongst other grounds:

Grounds:

- A) That at the time of induction of the Appellant PTC the requisite qualification was only Secondary School Certificate (SSC) and no other academic qualification or, for that matter, any training was required as a condition precedent for appointment against this post. Therefore, the additional qualification of Primary School Teacher Certificate or Diploma in Education, introduced later on, cannot be given retrospective effect and super-imposed on the appellant.
- B) That apart from the academic or other qualification(s) required for the post of PTC or PST at different times, the teachers working on these posts, who were equipped with the requisite qualification of their times, cannot be treated differently for any purpose. The Appellant being SSC with required length of service has to be treated on equal footing with any PST having Intermediate, PSTC or Diploma in Education on his credit but appointed recently.
- C) That the rich experience of the appellant as PST cannot be ignored and it requires to be considered on the time tested analogy of **OLD IS GOLD.**
- D) That the rule of promotion against the post of Primary School Head Teacher (PSHT) is defective yet on another score, as the appellant and similar other Senior Teachers have been afforded no opportunity of further enhancement by way of promotion or otherwise in their service career.

E) That the appellant has been discriminated as similarly placed teachers in other provinces have been allowed time scale upto BPS-15. For instance the provinces of Balochistan and Sindh and the Govt of AJK have adopted a uniform policy by granting a time scale to the stated post on the following count:

BPS-7 to BPS-10	After 09 years
BPS-10 to BPS-11	After 14 years
BPS-11 to BPS-14	After 21 years
BPS-14 to BPS-15	After 25 years

F) That the impugned rules are not sustainable for yet another defect. All the rules on the subject of promotion in almost all departments give a good margin to experience /length of service but this criterion is lacking in the impugned provisions.

G) That in the matter of up-gradation of the same post of PST from BPS-9 to BPS-12 only length of Service of 10 years was required as requisite qualification and no other conditions were attached thereto.

H) That the Appellant have not been treated in accordance with law, as against the provisions contained in **Article 4 of the Constitution.**

I) That the appellant seeks leave to urge additional grounds, after the stance of the respondents become known to him.


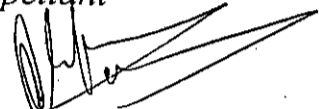
Prayer

In view of the above said facts, it is, therefore, prayed that on acceptance of this appeal the respondents may graciously be directed to amend the impugned rules to the extent of giving the experience/length of service of the appellant a considerable place and allowing him promotion. It is, further, prayed that respondents may be directed to grant enhancement to the Appellant to BPS-15 without tying up his length of service with any academic qualification beyond Secondary School Certificate.

Any other remedy to which the appellant is found fit in law, justice and equity may also be granted.

Dated 06/07/2013

Through


Appellant

Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2013.

Sultan Room PST *Appellanti*

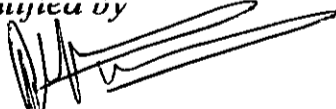
Versus

Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. *Respondentis*

Affidavit

I, Sultan Room Son of Aziz ul Haq PST GPS Tashna Mal, Dir
Upper. R/o Batal P.O Oshera Dir Upper do hereby solemnly
affirm and declare on oath that the contents of this appeal /
application are true and correct to the best of my knowledge
and belief and nothing has been concealed from this Hon'ble
Court.


DEPONENT

Identified by

Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.



30 JUL 2013

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2013.

Sultan Room PST. Appellant

Versus

Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. Respondents

ADDRESSES OF THE PARTIES.

Appellant


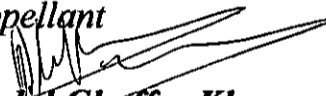
Sultan Room Son of Aziz ul Haq PST GPS Tashna Mal,
Dir Upper. R/o Baial P.O Osherai Dir Upper.

Respondents

1. Govt of Khyber Pakhtunkhwa, through Secretary
Elementary & Secondary Education, Peshawar.
2. Director, Elementary & Secondary Education,
Peshawar.
3. Secretary, Finance Department, Govt of Khyber
Pakhtunkhwa Peshawar.

Dated 19/05/2013

Through


Appellant

Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2013.

Sultan Room PST. Appellant

Versus

Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. Respondents

APPLICATION FOR TEMPORARY INJUNCTION
TO THE EFFECT THAT RESPONDENTS MAY
KINDLY BE RESTRAINED FROM TAKING ANY
ACTION FOR THE PROMOTION OF PSTS TO BPS
- 14 /15 AS ACCORDING TO THE PROCEDURE
MENTIONED IN THE IMPUGNED RULES /
NOTIFICATION.

Respectfully Sheweth:

- 1) That the Petitioner/Appellant has filed the above titled service appeal before the this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
- 2) That respondents vide notification dated 13/11/2012 with regard to the fresh education policy has given a new method of promotion which is bound to violate the promotion right of thousands of teachers including the Appellant.
- 3) That the Petitioner/Appellant has prima facie case and is very hopeful for the ultimate success of his appeal.
- 4) That all the three ingredients i.e. prima facie case, balance of convenience and irreparable loss as per spirit

of the rule for granting injunction are present in the said appeal.

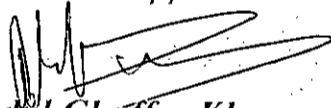
- 5) That in case the injunction as prayed for above is denied, the Petitioner /Appellant will suffer irreparable loss as the impugned vacancies will be fill up and there would be no chance for appellant's promotion. Therefore, it is in the interest of justice to stay further proceedings on the impugned notification till the final decision of the instant appeal.
- 6) That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

It is, therefore, humbly prayed that in the light of the above said submissions this Hon'ble Tribunal may please be kind enough to restrain the concerned respondents from taking any action towards promoting the PST's teachers on the basis of the noted notification.

Dated 06/07/2013

Through


Petitioner /Appellant


Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2013.

Sultan Room PST Appellant

Versus

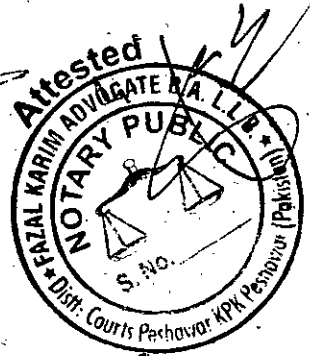
Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. Respondent

Affidavit

I, Sultan Room Son of Aziz ul Haq PST GPS Tashna Mal, Dir
Upper. R/o Batal P.O Oshera Dir Upper do hereby solemnly
affirm and declare on oath that the contents of this appeal /
application are true and correct to the best of my knowledge
and belief and nothing has been concealed from this Hon'ble
Court.

[Signature]
DEPONENT

Identified by
[Signature]
Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.



30 JUL 2013

(17)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2013.

Sultan Room PST Appellant

Versus

Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. Respondents

APPLICATION FOR CONDONATION
OF DELAY IF ANY.

Respectfully Sheweth:


- 1) That the Petitioner/Appellant have filed the above captioned appeal in which no date is yet fixed for hearing, before this Hon'ble Tribunal,
- 2) That the contents of the instant appeal which may kindly be read as an integral part of this petition.
- 3) That the petitioner/appellant before filing departmental appeal was repeatedly assured to help him by the respondents and the Appellant visiting the offices of respondents time and again and at last on 07/06/2013 the Petitioner/Appellant were handed over general reply / rejection order on the above mentioned date which reply was earlier given to the Petitioner/Appellant of other cases / appeals.

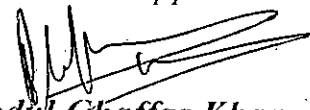
- 4) That the petitioner /appellant's valuable rights are involved in the captioned appeal, therefore, the petitioner may not be knocked out merely on the basis of technicalities including limitation. Reference is made to the judgments reported in **PLD 2003 SC 724 = 2003 PLC (CS) 796.**
- 5) That even otherwise the impugned order passed by the respondent No.1 against the appellant is void *abi-initio* and it is an established principle of law that no limitation runs against the void order,

In view of foregoing circumstances, it is respectfully prayed that the instant petition may graciously be accepted and the delay, if any, in filing of the above departmental appeal may kindly be condoned in the interest of justice and the appeal be decided on merits and technicalities may kindly be avoided. Any other relief which this Hon'ble Tribunal deemed fit and proper may kindly be granted in the interest of justice.

Dated 06/07/2013

Through


Petitioner /Appellant


Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ of 2013.

Sultan Room PST Appellant

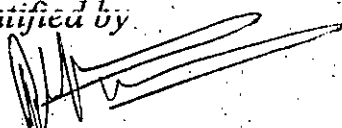
Versus

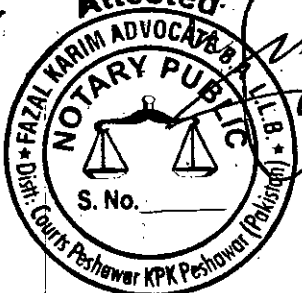
Govt of Khyber Pakhtunkhwa, through Secretary Elementary &
Secondary Education, Peshawar. Respondent

Affidavit

I, Sultan Room Son of Aziz ul Haq PST GPS Tashna Mal, Dir
Upper. R/o Batal P.O Oshera Dir Upper do hereby solemnly
affirm and declare on oath that the contents of this appeal /
application are true and correct to the best of my knowledge
and belief and nothing has been concealed from this Hon'ble
Court.


DEPONENT

Identified by

Abdul Ghaffar Khan
Advocate, High Court,
Peshawar.

Attested

S. No. _____

30 JUL 2013

Anx. A. No

Better Copy

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

13/11/2012

11

10 نومبر 2012ء کو جاری کیے گئے ہیں۔ اساتذہ کیلئے سٹیٹسٹکس سے متعلق
NOTIFICATION
10 نومبر 2012ء کو جاری کیے گئے ہیں۔ اساتذہ کو متعلق سے متعلق
Peshawar, dated the November 13, 2012.

SD/PE/4.5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Sl. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (ESSE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

Attended
U. A. Khan

مزوری صبر صبر کرتے ہیں کیونکہ 15 نومبر کو اساتذہ کیلئے 11 اور 15 نومبر کو سٹیٹسٹکس سے متعلق
30 نومبر کو جاری کیے گئے ہیں اساتذہ کیلئے سٹیٹسٹکس سے متعلق

(5)

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Amended
A
A

NOTIFICATION

Peshawar, dated the November 13, 2012.

Subject: SSC/IC/Meeting/2012/Teaching Cadre: In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the Appendix and the Academic Director.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Encl: Two, please see above
Copy forwarded to:

1. The Secy to Govt. of Khyber Pakhtunkhwa, Establishment Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
4. The Secy. to Khyber Pakhtunkhwa Public Service Commission Peshawar
5. The Government General, Khyber Pakhtunkhwa Peshawar
6. The Honble. Member Khyber Pakhtunkhwa Peshawar
7. The Director, Education (PWT) Peshawar

APTA
مقامی ایگزیکٹو آفیسر
گورنمنٹ جنرل ناٹو
پشاور

APTA
APTA
APTA

<p>18. Physical Education Teacher (BPS-15)</p>	<p>18 to 35 years.</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers with at least ten years service in having qualification prescribed for initial recruitment of Primary School Teacher.</p>	<p>19. Primary School Head Teacher (PSTT) (BPS-15)</p>
<p>18. Physical Education Teacher (BPS-15)</p> <p>Bachelor's Degree from a recognized University with one year Junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.</p> <p>(a) Eighty per cent by initial recruitment; and twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion on the basis of seniority-cum-fitness from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Note: In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>	<p>18 to 35 years.</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service in having qualification prescribed for initial recruitment of Primary School Teacher.</p> <p>By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers.</p>	<p>20. Senior Primary School Teacher (BPS-14)</p>

Atkars

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			with at least five years service as such ; having qualification prescribed for in recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12)	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years. By initial recruitment on merit at Union Cou level, provided that if no suitable candidate within the Union Council is available, then fr the adjacent Union Councils on merit.
22.	Qari (BPS-12)	Intermediate with Hiz-e-Quran and Qari Sanad from a recognized Institution.	18 to 35 years. By initial recruitment.

(A) (B) (C)
 (D) (E) (F)
 (G) (H) (I)
 (J) (K) (L)



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Particulars

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks =
Dist. School from a recognized Institution	Marks obtained X 20 / total marks =
HSSC	Marks obtained X 20 / total marks =
B.A/B.Sc	Marks obtained X 20 / total marks =
M.A/M.Sc/M.Ed/M.A.Ed	Marks obtained X 15 / total marks =
M.Phil/Ph.D	Marks = 05

Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)

Category of Qualification	Total Marks 100 For Humanities Group or Intermediate/Graduation Level	For Candidates of Science group
SSC	Marks obtained X 20 / total marks =	5 Extra marks for P.N.S. 5 Extra marks for B.Sc total 5 Extra marks for M.Sc. will be added to the total score obtained by a candidate during his selection.
HSSC	Marks obtained X 20 / total marks =	
B.A/B.Sc	Marks obtained X 20 / total marks =	
CT Certificate/Diploma in Education	Marks obtained X 20 / total marks =	
M.A/M.Sc/M.Ed/M.A.Ed	Marks obtained X 15 / total marks =	
M.Phil/Ph.D	Marks = 05	

Affected
By

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Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks =	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 10 / total marks =	
B.V.BSc	Marks obtained X 25 / total marks =	
PST Certificate/ Diploma in Education/ADE	Marks obtained X 20 / total marks =	
MA/MSc/M.Ed / MA Edn	Marks obtained X 20 / total marks =	
MPhil/PhD	Marks = 05	

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will not the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders
3. In case a document/s is/are found fake/ forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law
4. Dera Asma from recognized Tazemot-ul-Wafaqul Madaris, Darul Uloom Sadiq Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Miral, Darul Uloom Darash Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be accepted for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be

Attest
By

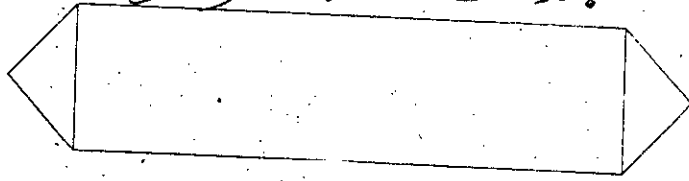
Attest
By
(Signature)

- 9
- The Director Curriculum & Teachers Education Abbottabad.
The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
11. The Deputy Director Database (EMIS) E&SE Department.
12. All District Coordination Officers in Khyber Pakhtunkhwa.
13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
15. All Agency Education Officers FATA.
16. P.S to Governor, Khyber Pakhtunkhwa.
17. P.S to Chief Minister, Khyber Pakhtunkhwa.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
20. PS to Secretary E&SE Department.
21. Master File.
- 10

[Signature]
Section Officer (Primary)

Affected
By
Affected
By
(A.S.U.)

بعد الت سر سسر شربونل صبر و خوال



اسلام آباد
2013ء پنجاب (ساکل / کٹ) (1000)
سلطان اوج بنام حکومت KPK و سسر

Service Appeal

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کیسٹ اور کیسٹ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
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 پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ 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 لکھد یا کہ سندر ہے۔

2013

30 ماہ جولائی

المرقوم

العہد گاہ العہد

کے لئے منظور ہے۔

سٹاؤر

مقام

Qualifications, teaching skills during his 32 years service, being connected, attached with teaching profession.

Incorrect & not admitted. The appellant has not been discriminated. The policies in other Provinces are not applicable in the Province of Khyber Pakhtunkhwa.

Incorrect & not admitted. The statement of the appellant in this Part is baseless, misleading one without any support of cogent reason.

This Part is related to the Govt. Policy in vogue which is in accordance with law & rules on the subject & framed by the competent authority. Hence needs no comment.

Incorrect. The appellant has been treated in accordance with law & constitution of Pakistan.

The respondents also seek the permission of this Hon'ble Court to address more grounds & proofs at the time of arguments.

In view of the above submission, it is requested that this Hon'ble Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

Secretary
Elementary & Secondary Education
Department Government of Khyber
Pakhtunkhwa