

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR.**

Application No. \_\_\_\_\_ /2023 in Service Appeal No: 99/2023

Muhammad Saleem, Principal (BPS-18), District Nowshera.....Applicant

VERSUS

1. Government of KP through Chief Secretary, Khyber Pakhtunkhwa.
2. The Secretary E&SED, Peshawar, Khyber Pakhtunkhwa.
3. The Director E&SE KP Peshawar.....Respondents.

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03-06-24  
D-B  
Peshawar

  
**SAMINA ALTAF**  
**DIRECTOR**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1 to 3)

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**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
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3. The Director E&SE KP Peshawar.....Respondents.

**REPLY TO THE APPLICATION FOR RETENTION OF LIEN OF THE  
APPLICANT ON BEHALF OF THE RESPONDENTS NO 1 TO 3.**

Respectfully Sheweth:-

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12650

Dated. 09.05.24

The Respondents No. 1 to 3 submit as under:-

1. **Correct**, to the extent of pendency of the tilted appeal on behalf of the applicant under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 before this Honorable Tribunal.
2. **Incorrect**, that as per Notification No. SO(MC)/E&SED/4-10/2022/Extension in lien dated 15-11-2022 with reference to S.No.2, the lien of the applicant against the SDEO(M) BS-17 has been expired on dated 05-05-2023, therefore, the claim of the appellant at this belated stage for the retention of the said lien is in violation of the relevant Rules on the subject matter, hence, cannot be extended/entertained under the norms of natural justice & liable to be dismissed in favor of the Respondents. (*Copy of the cited Notification is Annex-A*).
3. **Incorrect**, the plea of the appellant is illegal as the said lien has already been expired as evident from the Notification dated 15-11-2022. If the plea of the appellant is accepted, this would amount to depriving other officers of the appellant's cadre from their legal rights, accrued to them for promotion to the next higher scale on the expiry of retention of lien in question. Therefore the grant of extension in the already expired lien to the applicant will tantamount to the exceed of jurisdiction which will be ineffective upon the legal & constitutional rights of the Respondents.

Therefore, on the acceptance of this reply, this Honorable Tribunal may kindly be pleased to dismiss the application in hand in favor of the Respondents in the interest of justice please.

Dated: \_\_\_/\_\_\_/2024

  
**SAMINA ALTAF**  
DIRECTOR

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1 to 3)

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA  
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3. The Director E&SE KP Peshawar.....Respondents.

**AFFIDAVIT**

I, Samina Altaf Director E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant rely to the titled application are true & correct to the best of my knowledge & belief. It is further stated on oath that in this appeal the answering Respondents have neither been placed Ex-Partee nor their defense has been struck off/cost.

  
DEPONENT  
**SAMINA ALTAf**  
DIRECTOR

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 1 of 3)

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Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar

PH No. 091-9210437-38, 9210389

Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the Competent authority is pleased to appoint the following candidates against the post of Assistant Distt: officer (Male) in BPS-16 (Rs.6660-170-20160) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms and condition given below with immediate effect.

SNO	Name	Father name	Domicile	Name & address	Services placed at the disposal of EDO (BSSS) for further posting
1	Abdul Wahed	Abdul Qadir	Abbottabad	Vill: Akhora PO Qalandarabad, Tehsil & Distt: Abbottabad	Abbottabad
2	Chanzab	Zardad Khan	Abbottabad	Vill: Islam kot PO APS Abbottabad Tehsil & Distt: Abbottabad	Abbottabad
3	Ishtiaq Ahmed Khan	Muhammad Akram Khan	Abbottabad	Vill: Dhodial Nawan Shehr distt: Abbottabad	Abbottabad
4	Muhammad Asif Khan	Muhammad Akram Khan	Abbottabad	H.# TC 1864 Vill: Dhodial PO Nawan Shehr Abbottabad	Abbottabad
5	Muhammad Tawmir	Faqir Muhammad	Abbottabad	St. No-10 Bilal Town Kakul Road A.Abad.C/o Sajid kariana Store Bilal Town	Abbottabad
6	Munib ur Rehman	Abdul Ghafar	Abbottabad	Vill: & P/O Via Lora Murree, Sub Office Ghanbir Distt: Abbottabad P.Code 22370	Abbottabad
7	Irshad Ali	Ali Afsar	Abbottabad	Vill: Jansu Mohallah Duony P/O Kala Baph Tehsil & Distt: Abbottabad	Abbottabad
8	Muhammad Rehman	Zia-ul-Haq Muhammad	Abbottabad	College of Army education upper tanu murree (Punjab Province)	Abbottabad
9	Sharafat Khan	Aslam Khan	Abbottabad	Vill: & P/O Narrian Sar Bhana Distt: Abbottabad	Abbottabad
10	Syed Mahmood ul Hassan	Syed Sarwar Shah	Abbottabad	Near Govt. Girls Degree College Havelian, Distt: & Tehsil Abbottabad	Abbottabad
11	Wasim Fazal	Fazal ur Rehman	Abbottabad	House # K419/2 Kurj & Adcem Abbottabad	Abbottabad
12	Zaffar Khan	Munwar Khan	Abbottabad	C/O Muhammad Mumtaz Khan. H.# 51/3 MES Colony Jinnah road Cantt Bazar Abbottabad	Abbottabad
13	Rub Nawaz	Gul Ead Khan	Abbottabad	H.# L.M. 876, Lower Malik Pura, Qazi Mohallah Chitta Pul Abbottabad	Abbottabad
14	Muhammad Ishfaq Khan	Muhammad Hussain Khan	Abbottabad	H.No 786/A Moh: Qilla Near Labh pati Chowk Nawan Sher Abbottabad	Abbottabad
15	Ashraf Ali	Abdullah Khan	FR Bannu	Vill: Painsa Khal PO Domel Dist: Bannu C/O Amir Nawaz S/Keepor Domel	Bannu
16	Muhammad Alam Din	Muhammad Iqbal Din	FR Bannu	Vill: Landi Jalandar PO Azim Killa Tehsil & Distt: Bannu	Bannu
17	Muhammad Irshad	Niaz Farid	FR Bannu	Vill. Aimal Kala P/O Azim Kala Tehsil & Distt: Bannu	Bannu
18	Muhammad Tariq	Noor Ali Khan	Bannu	Vill: Mula Khel P/O Sikander Khel Bala Surani Bannu	Bannu
19	Waheed Ullah Shah	Mazhar Ali Shah	Bannu	H.# 391/c Mohallah Bhatia Bannu city	Bannu

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*[Signature]*

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**BETTER COPY 7**

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

**NOTIFICATION**

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the competent authority is pleased to appoint the following candidates against the post of Assistant Distt: Officer (Male) in BPS-16 (Rs.6660-470-20160) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Management Cadre on the terms & condition given below with immediate effect.

S. N O	Name	Father's Name	Domicile	Address	Services placed at the disposal of EDO (E&SD) for further posting
1.	Abdul wadood	Abdul Qadir	Abbottabad		Abbottabad
2.	Khanzeb	Zardad Khan	Abbottabad		Abbottabad
3.	Ishtiaq Ahmad Khan	Muhammad Akram	Abbottabad		Abbottabad
4.	Muhammad Asif Khan	Muhammad Akram Khan	Abbottabad		Abbottabad
5.	Muhammad Tanvir	Faqir Muhammad	Abbottabad		Abbottabad
6.	Munib Ur Rehman	Abdul Ghafoor	Abbottabad		Abbottabad
7.	Arshad Ali	Ali Afsar	Abbottabad		Abbottabad
8.	Shafiq ur Rehman	Zia ul Haq	Abbottabad		Abbottabad
9.	Sharafat Khan	Muhammad Aslam Khan	Abbottabad		Abbottabad
10.	Syed Mahmood ul Hassan	Syed Sarwar Shah	Abbottabad		Abbottabad
11.	Waseem Fazal	Fazlur Rehman	Abbottabad		Abbottabad
12.	Zaffar Khan	Munawar Khan	Abbottabad		Abbottabad
13.	Rab Nawaz Khan	Gul Dad Khan	Abbottabad		Abbottabad
14.	Muhammad Ishfaq Khan	Muhammad Hussain Khan	Abbottabad		Abbottabad
15.	Ashraf Ali	Abdullah Khan	FR Bannu		Bannu
16.	Muhammad Alam Din	Muhammad Iqbal Din	FR Bannu		Bannu
17.	Muhammad Irshad	Niaz Farid	FR Bannu		Bannu
18.	Muhammad Tariq	Noor Ali Khan	Bannu		Bannu
19.	Waheed Ullah Shali	Mazhar Ali Shah	Bannu		Bannu

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Name	Father name	Domicile	Name & address	Services placed at the disposal of EDO (E&SE) for further posting	
102	Muhammad Ajmal	Faisal ud Din	Manshra	GISS Shergarhi Tehsil Oghi distt: Manshra	Manshra
103	Muhammad Ishfaq	Muhammad Ayub	Manshra	Vill: & P/O Shinkari, Muhallah Parj. Ghole Distt: Tehsil Manshra	Manshra
104	Nadeem	Abdul Qayyum	Manshra	Moh: Malval Vill: & P/O Dhodial Distt: & Tehsil Manshra	Manshra
105	Nawaz Ahmad	Muhammad Farid Khan	Manshra	C/O Usman P/O Pakh wal Chowk Dab No.2 Manshra Distt: Manshra	Manshra
106	Rais ur Rehman	Noor ur Rehman	Manshra	Vill: Shami Bala P/O Dhodial Tehsil & Distt: Manshra	Manshra
107	Rafa Bahu Jehangir	Raja Sultan Muharik	Manshra	Vill: & P/O Bahali, Tehsil & Distt: Manshra Via Qulan Dur Abdul	Manshra
108	Sarfraz Khan	Shahabudd Din	Manshra	C/O Usman General Store Near Shell Filling Station Mohallah Dab-2 Manshra	Manshra
109	Shafiqur Rehman	Abdur Rehman	Manshra	Vill: Mohar khurd P/O Iassan nawab Tehsil & Distt: Manshra	Manshra
110	Syed Anwar Shah	Syed Mardan Shah	Manshra	Al Quran children Academy. Mohallah Upper jabri Near GPO Tehsil & Distt, Manshra	Manshra
111	Amir Badshah	Fanash Gul	Mardan	Muhil Road Moh: Daggur PO Par Hoti District Mardan	Mardan
112	Iftikhar Ali Khan	Zarif Khan	Mardan	Moh: Rawani VPO Takkar Tehsil Takht Bhai Distt: Mardan	Mardan
113	Khalid Khan	Khan Bahadar	Mardan	VPO Madey Baba, tehsil Takht Bhai, Distt: Mardan	Mardan
114	Muhammad Anwar	Harrat Umar	Mardan	Distt: Mardan Tehsil T/Bhai VPO Pirsaddi Bar Kanday	Mardan
115	Muhammad Saadiq	Muhammad Kainat	Mardan	Vill: & P/O Dhori Likpani Tehsil & Distt: Mardan	Mardan
116	Mukhtiar Khan	Ismail Khan	Mardan	Afzal Kutab Khana & General Store Madina Market P/O Tehsil Takat Bhai Distt: Mardan	Mardan
117	Rohullah Jan	Misbahud Din	Mardan	Vill: Ghraibabad Nisatta Road Near The Fazle Haq Collgee Mardan	Mardan
118	Sultan Muhammad	Ali Akbar	Mardan	Sartaj Iron Mrehat Arif Market B-24 Charsadda road Mardan	Mardan
119	Syed Ikram	Syed Mutamed Khan	Mardan	Fhamad Medicose Malakand road Takhat Bhai Tehsil & P/O Takhat bhai Distt: Mardan Afzal Imam Colony	Mardan
120	Wazir Zada	Sahib Zada	Mardan	Vill: Pati Khud P/O & Tehsil Takht Bhai Distt: Mardan	Mardan
121	Abdul Khaliq	Sultan Mahmood	Mardan	C/O NADRA Kiosk Centre, Lund Khawar Mardan	Mardan
122	Zahir Qamar	Shamsul Qamar	Peshawar	Mohallah Sadozai Vill: P/O Hazr Khwani, Peshawar	Mardan
123	Imtiaz Khan	Taj Bareaen	Nowshera	Moh: Adda VPO Akbar Pura District & Tehsil Nowshera	Nowshera
124	Muhammad Aftab	Masal Khan	Nowshera	Vill: Zakhi Kuhna PO akbar Pura Distt: Nowshera	Nowshera
125	Muhammad Hayat Khan	Masal Khan	Nowshera	Vill: Zakhi Kuhna P/O Akbar Pura Distt: Nowshera	Nowshera
126	Muhammad Irfan	Mian Fazale Dayan	Nowshera	Vill: & P/O Taru Jabba & Distt: Nowshera	Nowshera
127	Muhammad Saleem	Abdul Haleem	Nowshera	Vill: Kurvi, P/O Taru Jabba Tehsil Pabbi, Distt: Nowshera	Nowshera
128	Muhammad Sohail Khan	Mir Jaffar Khan	Nowshera	Distt: Nowshera Vill: & P/O Khesqi Bala Mohela Durrani	Nowshera

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**BETTER COPY 8**

S.NO	Name	Father's Name	Domicile	Address	Services placed at the disposal of EDO (E&SD) for further posting
102.	Muhammad Ajmal	Jamal Ud Din	Mansehra		Mansehra
103.	Muhammad Ishtiaq	Muhammad Ayub	Mansehra		Mansehra
104.	Nadeem	Abdul Qayyum	Mansehra		Mansehra
105.	Naveed Ahmad	Muhammad Farid Khan	Mansehra		Mansehra
106.	Rais ur Rehman	Noor ur Rehman	Mansehra		Mansehra
107.	Raja Babu Jehangir	Raja Sultan Mulsrik	Mansehra		Mansehra
108.	Sarfaz Khan	Sahabuddin	Mansehra		Mansehra
109.	Safiq ur rehman	Abdur rehman	Mansehra		Mansehra
110.	Syed Anwar Shah	Syed Mardan Shah	Mansehra		Mansehra
111.	Amir Badshah	Tamash Gul	Mardan		Mardan
112.	Iftikhar Ali Khan	Zarif Khan	Mardan		Mardan
113.	Khalid Khan	Khan Bahadar	Mardan		Mardan
114.	Muhammad Anwar	Hazrat Umar	Mardan		Mardan
115.	Muhammad Sadiq	Muhammad Kamal	Mardan		Mardan
116.	Mukhtiar Khan	Ismail Khan	Mardan		Mardan
117.	Rohullah Khan	Misbahud Din	Mardan		Mardan
118.	Sultan Muhammad	Ali Akbar	Mardan		Mardan
119.	Syed Ikram	Syed Mutamed Khan	Mardan		Mardan
120.	Wazir Zada	Sahib Zada	Mardan		Mardan
121.	Abdul Khaliq	Sultan Mahmud	Mardan		Mardan
122.	Zahir Qamar	Shamsul Qamar	Mardan		Mardan
123.	Imtiaz Khan	Taj Boreen	Nowshera		Nowshera
124.	Muhammad Aftab	Masal Khan	Nowshera		Nowshera
125.	Muhammad Hayat Khan	Masal Khan	Nowshera		Nowshera
126.	Muhammad Irfan	Mian Fazale Dayan	Nowshera		Nowshera
127.	Muhammad Saleem	Abdul Hakeem	Nowshera	Vill: Kurvi.P/O Taru Jabba Tehsil Pabbi, Distt: Nowshera	Nowshera
128.	Muhammad Sohail	Mir Jaffar Khan	Nowshera		Nowshera

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Name	Father name	Domicile	Name & address	Services placed at the disposal of BDO (R&S) for further posting
157 Hafiz Fazl-e-Akbar	Gohar	Swabi	VPO Shewa, Tehsil & Distt: Swabi, Moh: Firdaus Abad	Swabi
158 Attaullah Shah	Ubaid Shah	Swabi	VPO Ulla (Gadoon) Tehsil Topi, Distt: Swabi	Swabi
159 Farmanullah	Afsar Khan	Swabi	GHIS Jalsai, Distt: Swabi	Swabi
160 Muhammad Naeem	Husnul Maab	Swat	vill. Gogdara Moh: Rahmat Abad P.O Tariq Abad Tehsil & Distt: Swat	Swat
161 Muhammad Saeed	Muhammad Shafiq	Swat	Moh: Rehman Abad, Vill: Qambar PO Rahim Abad, Tehsil Babuzai distt: Swat	Swat
162 Malik Khan	Shahzad Khan	SWA	C/O Ali Zaman ghalla Mandi Opp: Super Masood Coach Service Wazirabad Tehsil & Distt: Tank	Tank
163 Sahbat Ullah	Rehmatullah	SWA	H # 44 St-3 Phase-4 Hayatabad Peshawar	Tank
164 Iran Gul	Naseer Khan	Tank	VPO Tajori (Gul Imam) Tehsil & Distt: Tank	Tank
165 Habib Ullah	Muhammad Aslam	Tank	VPO Tajori, Tehsil & Distt: Tank	Tank
166 Abdul Hafeez	Abdul Rashid	D.I. Khan	H.# 587-1-A, Tabakhil Street, D.I.Khan	D.I. Khan
167 Asmatullah	Atta Ullah	D.I. Khan	Thoya Fazal PO Kachi Painda Khan Tehsil & Distt: D.I.Khan	D.I. Khan
168 Khalid Naeem	Malik Muhammad Amir	D.I. Khan	VPO Jatta Tehsil Parova, Distt: D.I.Khan	D.I. Khan
169 Mahmood Iqbal	Khairati Khan	D.I. Khan	H.# C/72 Moh: Moavia Nagar Pahar Pur distt: D.I.Khan	D.I. Khan
170 Muhammad Noor Sultan	Dilawar Khan	D.I. Khan	Chah Malik Wala Near Govt: Degree Collage Tehsil pahar pur Distt: D.I. Khan	D.I. Khan
171 Muhammad Saleem	Ghulam Sarwar	D.I. Khan	H/No. 1316/A Mohallah Hafiz Jamal Dera Ismail Khan	D.I. Khan
172 Muhammad Zarif	Nawaz Ali	D.I. Khan	Mohallah Moavia Nagar Vill & Tehsil Pahar pur Distt: D.I. Khan	D.I. Khan
173 Sikandar Irfan	Fazlullah Khan	D.I. Khan	Hashim Town near Baran Abad Khickh yousaf roud D.I Khan	D.I. Khan
174 Zamir Ahmad Khan	Ahmad Nawab Khan	D.I. Khan	Usman-e- Ghani Town Inside Eid-Gah (Kajan) D.I Khan	D.I. Khan

ATTESTED

**Terms and conditions:-**

1. Their services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. They will however be entitled to Contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt.
2. In case, he is already in Govt: service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selection by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to his under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to his under new appointment.



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**BETTER COPY 9**

S.NO	Name	Father's Name	Domicile	Address	Services placed at the disposal of EDO (E&SD) for further posting
157.	Hafiz Fazle Akbar	Gohar	Swabi		Swabi
158.	Attaullah Shah	Ubaidullah Shah	Swabi		Swabi
159.	Farmanullah	Afsar Khan	Swabi		Swabi
160.	Muhammad Naeem	Usnul Maab	Swat		Swat
161.	Muhammad Saeed	Muhammad Shafiq	Swat		Swat
162.	Malik Khan	SHahzad Khan	SWA		SWA
163.	Rahat Ullah	Rèhmat ullah	SWA		SWA
164.	Iran Gul	Naseer Khan	Tank		Tank
165.	Habib Ullah	Muhammad Aslam	Tank		Tank
166.	Abdul Hafeez	Abdur Rasheed	D.I.Khan		D.I.Khan
167.	Asmat Ullah	Atta Ullah	D.I.Khan		D.I.Khan
168.	Khalid Naeem	Malik Muhammad Amir	D.I.Khan		D.I.Khan
169.	Mahmood Iqbal	Khairati Khan	D.I.Khan		D.I.Khan
170.	Muhammad Noor Sultan	Dilawar Khan	D.I.Khan		D.I.Khan
171.	Muhammad Saleem	Ghulam Sarwar	D.I.Khan		D.I.Khan
172.	Muhammad Zarif	Nawaz Ali	D.I.Khan		D.I.Khan
173.	Sikandar Irfan	Faizullah Khan	D.I.Khan		D.I.Khan
174.	Zamir Ahmad Khan	Ahmad Nawab Khan	D.I.Khan		D.I.Khan

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3. Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
  4. They should join their posts within 30 days of the issuance of this notification. In case of failure to join their posts within one month of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
  5. They would be on probation for a period of one year extendable for another one year.
  6. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
  7. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded against under the NWFP Removal from service (Special powers) Ordinance, 2000 and the rules framed from time to time.
  8. Charge report should be submitted to all concerned.
  9. The EDOs concerned would furnish a certificate to the effect that the candidate have joined the post or otherwise after one month of the issue of their posting orders.
  10. Their seniority will be maintained as determined by the Khyber Pakhtunkhwa Public Service Commission.
  11. No TA/DA will be allowed to the appointees for joining their duties.

(Syeda Sarwat Jehan)  
Director  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

ATTESTED

Endst: No. 584-830/ File No.1/ADO(M)/M.C Dated Peshawar the 05/05/2011.

Copy forwarded for information and necessary action to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director of Education (FATA) Warsak Road Peshawar.
3. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
4. All Executive District Officers (E&SE) in Khyber Pakhtunkhwa with the instructions to adjust the already working ADOs against the available vacancies of the Teaching Cadre.
5. Agency Education Officers concerned.
6. District Accounts Officers / Agency Account Officers concerned.
7. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
8. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
9. All officers concerned.

Dy: Director (E&SE)  
Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar.

5/5/2011

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-1-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 99/2022**

Page No. 2611  
Dated 30/12/22

Mr. Muhammad Saleem, Principal (BPS-18),  
GHSS Kurvi, District Nowshera.

..... APPELLANT

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar
- 2- The Secretary Elementary and Secondary Education, Peshawar, Khyber Pakhtunkhwa.
- 3- The Director Elementary and Secondary Education, Peshawar, Khyber Pakhtunkhwa.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENT BY NOT ADJUSTING/POSTING THE APPELLANT AGAINST THE POST OF DEPUTY DISTRICT EDUCATION OFFICER/DEPUTY DIRECTOR (BPS-18) IN MANAGEMENT CADRE AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**ATTESTED**

**PRAYER:**

That on acceptance of this appeal the inaction of the respondents by not adjusting/posting the appellant against the post of Deputy District Education Officer/Deputy Director (BPS-18) may very kindly be declared as illegal and against the prevailing Rules & Policy and the respondents may kindly be directed to adjust/post the appellant against the post of Deputy District Education Officer/Deputy Director (BPS-18) upon termination of his lien in the management cadre. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SWETH:**

**ON FACTS:**

1. That the appellant was initially appointed as PTC (BPS-9) on 07.12.1992 and was promoted to the post of CT (BPS-15) on 10.12.1999, serving the department quite efficiently.

1. That management cadre was introduced in the Elementary and Secondary Education in 2009, advertising different posts whereby the appellant also applied for the said posts and was selected as Assistant District Officer (BPS-16) on the recommendations of the Khyber Pakhtunkhwa Public Service Commission vide notification dated 05.05.2011 and worked as ASDEO circle Pabbi, ADEO Establishment and ADEO P&D at the office of the DEO (Male) Nowshera till 29<sup>th</sup> October, 2018. Copy of Notification dated 05.05.2011 is attached as Annexure ..... **A.**
2. That the appellant was subsequently promoted to the post of Sub Divisional Education Officer/ Assistant Director (BPS-17) on regular basis vide Notification dated 26.09.2018 and posted as SDEO (BPS-17) at Pabbi Nowshera vide order dated 29.10.2018. Copies of the Notifications are attached as Annexure..... **B & C.**
3. That on 09-02-2018, the Khyber Pakhtunkhwa Public Service Commission advertised 204 posts of Principal/Vice Principal BS-18 vide advertisement No.03/2018, in different Schools of Khyber Pakhtunkhwa and the appellant also applied for the same through proper channel. After completion of the process by the Khyber Pakhtunkhwa Public Service Commission, the appellant was selected and recommended to the E&SE department for further posting. Copy of the recommendations is attached as Annexure..... **D.**
4. That later on the appellant was appointed as principal (BPS-18) on the recommendations of the Khyber Pakhtunkhwa Public Service Commission vide Notification dated 05.05.2020 but was posted against the wrong post of SS Statistic (BPS-18) whereafter the appellant preferred an appeal before department against his wrong posting and was subsequently

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*[Signature]*

notification dated 27.05.2021. Copies of Notifications are attached as Annexure..... **E & F.**

5. That consequent upon the appointment of appellant as Principal (BPS-18), he was relieved by the department with retention of lien against the post of SDEO (BPS-17) for initial period of two years vide Notification dated 04-03-2021. Copy of the Notification is attached as annexure ..... **G.**

6. That the appellant requested for extension of one year in his lien vide Letter dated 21-03-2022. Copy of the Letter dated 21-03-2022 is attached as annexure ..... **H.**

7. That the appellant possess the qualification and experience required for the post of Deputy District Education Officer/Deputy Director BPS-18 and has also undergone some of the training sessions as required in the service rules for the post of Deputy District Education Officer/Deputy Director (BPS-18) (Management Cadre). Copies of the training Certificates are attached as Annexure ..... **I, I1-3.**

8. That the appellant preferred departmental appeal to the appellate authority, vide Directorate of E&SE Diary No.378 dated 15-09-2022 for his adjustment/posting against the post of Deputy District Education Officer/Deputy Director BPS-18 in the Management Cadre but to no avail. Copy of the Departmental Appeal is attached as annexure ..... **J.**

9. That the appellant feeling aggrieved and having no other remedy filed the instant service appeal on following grounds inter alia.

**GROUND:**

A- That the inaction of the respondents by not adjusting/posting the appellant against the post of Deputy District Education Officer/Deputy Director BPS-18 (MC) is against the law, facts and norms of natural justice.

B- That the appellant has not been treated by the respondent department in accordance with law and rules on the subject

**ATTESTED**



noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

- C- That as per the service rules notified on 03.07.2018, the appellant possesses the requisite qualification and rich experience having served on managerial posts in the management cadre of Elementary & Secondary Education hence is eligible for adjustment/Posting against the post of Deputy District Education Officer/Deputy Director (BPS-18). In addition to that, the appellant still retains lien and is on the strength of the Management Cadre of Elementary & Secondary Education. Copy of the Service Rules (MC) dated 03-07-2018 is attached as Annexure..... K.
- D- That it is worth mentioning that the required qualification and selection criteria for both the posts of Deputy District Education Officer/Deputy Director BS-18 (MC) and Principal BS-18 (TC) are the same and both are managerial posts. Copies of the Service Rules (Teaching Cadre) are attached as Annexure..... L.
- E- That Many posts of Deputy District Education Officer/Deputy Director BS-18 are lying vacant and Principals/Teaching cadre officers of BS-18 have already been posted and working against them. Copies of some of the orders of Principals/Officers BS-18 (TC) posted against Deputy District Education Officer/Deputy Director BS-18 (MC) are attached as Annexure..... M
- F- That it is pertinent to mention here that a similar nature service appeal number 1444/2019, titled **Mohib ur Rehman Versus Govt. Of Khyber Pakhtunkhwa** was accepted vide Judgment dated 03.09.2021 and the appellant is also entitled for adjustment/posting in light of principle of parity. Copy of the Judgment of KP Service Tribunal is attached as Annexure..... N.
- G- That the respondent Department acted in arbitrary and malafide manner by not adjusting/posting the appellant against the post of Deputy District Education Officer/Deputy Director (BPS-18).
- H- That the appellant has been discriminated by the respondent Department on the subject noted above and as such the respondent violated the principle of natural justice.

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- I- That by not adjusting/posting the appellant against the post of Deputy District Education Officer /Deputy Director (BPS-18), the respondents violated section-24A of the General Clauses Act, 1897.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 28-12-22

*[Signature]*  
**APPELLANT**  
**MUHAMMAD SALEEM**

**THROUGH:**

*[Signature]*  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

*[Signature]*  
**WALEED ADNAN**

*[Signature]*  
**UMAR FAROOQ MOMAND**

*[Signature]*  
**MUHAMMAD AYUB**

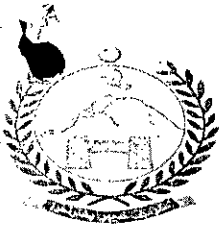
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**& KHANZAD GUL**  
**ADVOCATES**

**ATTESTED**  
*[Signature]*

**AFFIDAVIT**

I Mr. Muhammad Saleem, Principal GHSS Kurvi, Nowshera, do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*[Signature]*  
**Deponent**




**DIRECTORATE ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

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**AUTHORITY LETTER**

I, Samina Altaf, Director (E&SE) Khyber Pakhtunkhwa Peshawar do hereby authorized Mr. Muhammad Rizwan, Assistant Director Litigation-II of this Directorate for submission of CM Application in Service Appeal No. 99/2023 case titled Muhammad Saleem Principal District Nowshera Vs Government of Khyber Pakhtunkhwa & others, hence, an authority letter is hereby issued in favor of the above-named officer.

  
(Samina Altaf)  
**DIRECTOR**  
E&SE Department Khyber  
Pakhtunkhwa, Peshawar