

5 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT, ABBOTTABAD

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
MUHAMMAD AKBAR KHAN ... MEMBER(Executive)

Service Appeal No. 1553/2019

Date of presentation of Appeal.....15.11.2019

Date of Hearing.....29.05.2024

Date of Decision.....29.05.2024

Sher Bano Daughter of Faridoon Khan, Primary School Teacher (PST) posted at Government Girls Primary School Bhroog, Tehsil & District Mansehra.....(*Appellant*)

Versus

1. **Director** Secretary, Elementary & Secondary Education, Peshawar.
2. **District Education Officer** (Female) Mansehra....(*Respondents*)

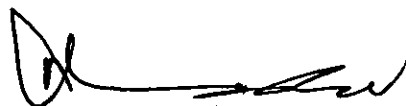
Present:

Mr. Malik Ashfaq Ahmad Jillani, Advocate.....For the appellant
Mr. Asif Masood Ali Shah, Deputy District Attorney...For respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST NON-INCLUSION OF THE NAME OF THE APPELLANT IN THE PROMOTION ORDER NO.2121-27 DATED 27.07.2015 ISSUED ON 27.05.2019.

JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the case are that appellant was serving as Primary School Teacher; that she was promoted from BPS-07 to BPS-12; that for further promotion, she submitted documents in the office of respondent No.2. that vide impugned order dated 27.07.2015 issued on 27.05.2019 appellant's name was not included in the promotion list; that feeling aggrieved, she filed departmental appeal on 16.07.2019, which was not responded, hence, the instant service appeal.



2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).

5. Claim of the appellant is that she had enhanced her educational qualification, whereas, the respondents were not promoting the appellant on the ground that she had passed only the Secondary School Certificate Examination. The claim of the appellant that she had properly brought in the notice of the respondents that her educational qualification was F.A, which fact was also incorporated in the PER, copy of which is annexed with the appeal but on the other side, the respondents have not advanced anything which could tell us that the improved educational qualification was not brought in their notice.

6. Therefore, we dispose of the appeal leaving the appellant at liberty to make another application, and in case the appellant was otherwise found fit eligible under the relevant rules, she

Service Appeal No.1553.2019 titled "Sher Bano -vs- Director Elementary & Secondary Education Peshawar and others" declared on 29.05.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

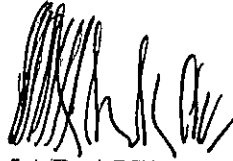
may be considered for promotion. Costs shall follow the event.

Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 29th day of May, 2023.*



KALIM ARSHAD KHAN
Chairman
Camp Court, Abbottabad



MUHAMMAD AKBAR KHAN
Member (Executive)
Camp Court, Abbottabad


Mutazem Shah

S.A No.1553/2019

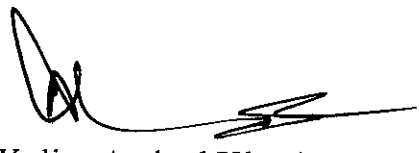
ORDER

29th May. 2024

1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Vide our detailed judgment of today placed on file, we dispose of the appeal leaving the appellant at liberty to make another application, and in case the appellant was otherwise found fit eligible under the relevant rules, she may be considered for promotion. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 29th day of May, 2024.*



(Muhammad Akbar Khan)
Member (E)
Camp Court, Abbottabad




(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad


Mutazem Shah

Due to cancellation of tour case is
adjourn to 25-4-2024.

&

- 25th Apr. 2024
1. Learned counsel for the appellant and Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Miss. Arfa Syed, Deputy DEO for the respondents present.
 2. Copy of the requisitioned documents produced by the representative of the respondents, which is placed on file. A copy of the same was also handed over to the learned counsel for appellant, who requested for adjournment. Adjourned. To come up for arguments on 29.05.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.


(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad


(Kalim Arshad Khan)
Chairman
Camp Court, A/Abad

*Mutazem Shah *

SCANNED
KPST
Peshawar