


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 802/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2024	<p>The appeal of Mr. Babu Gul presented today by Mr. Mahmood Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**CHECK LIST**

Case Title: Babu Gal Vs Education Deptt.

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

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

Name:- **MAHMOOD JAN**  
Advocate

Signature:-

Dated:



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

APPEAL NO. 802 /2024

**BABU GUL**

**VS**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

*Mah*  
**MAHMOOD JAN**  
**ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

APPEAL NO. 802 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 13449

Dated 11-06-2024

Mr. Babu Gul, PST (BPS-12),  
GPS Bagh-e-Irum, Peshawar.....APPELLANT

**VERSUS**

- 1- The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), District Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST DATED 01.08.2023 ISSUED BY THE RESPONDENT NO.2 IN RESPECT OF PRIMARY SCHOOL TEACHERS (BPS-12) OF DISTRICT PESHAWAR WHICH IS VIOLATIVE OF THE PROVISIO TO SECTION-4(2) OF THE APPOINTMENT AND REGULARIZATION ACT, 2017 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this service appeal the impugned seniority list dated 01/08/2023 may very kindly be declared as illegal, unlawful and ineffective upon the rights of appellant and the respondents may please be directed to prepare/issue a fresh seniority list as per Proviso to Section-4(2) of the Appointment and Regularization Act, 2017. Any other relief which this august court deems appropriate may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

*Brief facts of the present appeal are as under:-*

- 1- That the appellant was appointed as Primary School Teacher (BPS-12) on 21.09.2016 through NTS. That right from the date of initial appointment the appellant is performing his duty at the concerned station quite efficiently and upto the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure.....A.

Filed to day  
Registrar  
11/6/24

2- That under the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017 the services of the appellant have been regularized. Copy of the Act is attached as annexure.....**B.**

3- That the criteria for determination of seniority inter-se of the employees regularized under the Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education Department (Appointment and Regularization of Services) Act, 2017 has been provided in Sub Section 2 of Section-4 of the said act, which is reproduced as below:-

“Determination of seniority-----

(1).....

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

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

4- That the respondent department issued the impugned seniority list dated 01.08.2023 on merit wise instead of age wise which is clear violation of the act *ibid*. Copy of the impugned seniority list is attached as annexure.....**C.**

5- That the appellant feeling aggrieved from the impugned seniority list preferred departmental appeal before the appellate authority but no reply has been received so far from the quarter concerned. Hence the appellant having no other remedy but to file the instant service appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure.....**D.**

**GROUND:**

A- That the impugned seniority list dated 01.08.2023 issued by the respondent No.2 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be struck down.

B- That the appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

C- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned seniority list dated 01.08.2023 on merit wise instead of age wise.

D- That as per Proviso of Section-4(2) of the appointment and regularization act, 2017 the respondent No.2 is duty bound to issue/circulate the seniority list of PSTs on age wise instead of merit wise.

E- That the respondents failed to apply their independent minds in Proviso to Section-4(2) of the appointment and regularization act, 2017, which provides that if the date of appointment of two or more employees is the same, the employee older in age shall rank senior to the younger one but inspite of that the respondent department on the basis of malafide intention issued the seniority list dated 01.08.2023 on merit wise which illegal and unlawful.

F- That the issue of seniority raised in the instant service appeal has already been decided by this august Tribunal in appeal No. 887/2020 title Jan Baz Khan Vs Education Department vide judgment dated 31.05.2023, therefore, the appeal in hand is liable to be decided on the same analogy.

G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

  
BABU GUL

THROUGH:   
MEHMOOD JAN  
ADVOCATE

**CERTIFICATE:**

It is certified that no other earlier appeal was filed between the parties.

  
DEPONENT

**LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973.
- 2- SERVICES LAWS BOOKS.
- 3- ANY OTHER CASE LAW AS PER NEED.

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

APPEAL NO. \_\_\_\_\_/2024

**BABU GUL**

**VS**

**EDUCATION DEPTT:**

**AFFIDAVIT**

I **Mahmood Jan**, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare 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.



*Mahmood Jan*  
**MAHMOOD JAN**  
Advocate  
High Court, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

APPEAL NO. \_\_\_\_\_/2024

BABU GUL

V/S

EDUCATION DEPTT:

**APPLICATION FOR RESTRAINING THE RESPONDENTS**  
**FROM MAKING PROMOTIONS ON THE BASIS OF**  
**DISPUTED SENIORITY LIST TILL THE FINAL DISPOSAL**  
**OF THE ABOVE MENTIONED APPEAL**

**R/SHEWETH:**

- 1- That the above mentioned service appeal along with this application has been filed by the appellant before this august Service Tribunal in which no date is fixed so far.
- 2- That appellant filed the above mentioned appeal against the impugned seniority list dated 01.08.2023 whereby the same has been issued on merit wise in violation of Sub Section-2 of Section-4 of the appointment and regularization Act, 2017.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the impugned seniority list dated 01.08.2023 had been issued by the respondents in utter disregard of law and prevailing Rules.

It is, therefore, most humbly prayed that on acceptance of this application the respondents may please be restrained from making promotions on the basis of the disputed seniority list i.e. 01.08.2023 till the disposal of the above mentioned service appeal.

APPLICANT

THROUGH:   
MAHMOOD JAN  
ADVOCATE



AG

## District Education Officer (Male) Peshawar

PH No. 091-9331337, 9331336

Fax 091-9331337

E-mail [emispushawar@gmail.com](mailto:emispushawar@gmail.com)



### APPOINTMENT.

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates is hereby ordered against the post of Primary School Teacher (PST) 2015 School based in BPS-12 (Rs.11140-800-35140) @ Rs. 11140/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with effect from the date of their taking over charge.

S#	Union Council Name	Name of Candidate	CNIC#	Total Score	Name of School	Remarks
1	Achini Bala	MUHAMMAD RAWAIL	17301-1267880-3	110.15	GPS Sangu Landi Bala	AGAINST VACANT POST
2	Akhunabad	TARIQ ALI	17301-8252562-7	116.6	GPS Haider Colony	AGAINST VACANT POST
3	Akhunabad	MUHAMMAD RIAZ	17301-8625231-1	112.71	GPS Akhoon Abad	AGAINST VACANT POST
4	Akhunabad	UMAR HAYAT	17301-3211081-7	100.51	GPS Akhoon Abad	AGAINST VACANT POST
5	Akhunabad	MUHAMMAD TAHIR	17301-1268983-9	97.12	GPS Akhoon Abad	AGAINST VACANT POST
6	Akhunabad	NASIR GUL	17103-0350180-9	90.09	GPS Haider Colony	AGAINST VACANT POST
7	Akhunabad	ABU BAKAR SIDDIQUE	17301-9396426-7	81.19	GPS Beri Bagh	AGAINST VACANT POST
8	Akhunabad	HASSAN ZAIB	17301-1602739-7	72.9	GPS Akhoon Abad	AGAINST VACANT POST
9	Akhunabad	ZUBAIR GUL	17101-0111368-3	69.27	GPS Haider Colony	AGAINST VACANT POST
10	Akhunabad	MUHAMMAD ISHAQ	17301-2011563-9	61.26	GPS Beri Bagh	AGAINST VACANT POST
11	Asia	SHAKEEL AHMAD	17301-2334603-5	93.61	GPS No.2 Asia Park	AGAINST VACANT POST
12	Asia	NADEEM BAIG	17301-3103612-5	86.29	GPS Jogan Shah	AGAINST VACANT POST
13	Asia	RIZWAN ULLAH	17301-3994302-7	63.47	GPS Asia Gate	AGAINST VACANT POST
14	Asia	SALMAN NAWAZ	17301-0186293-9	60.08	GPS Asia Gate	AGAINST VACANT POST
15	Aza Khel	AMIN ULLAH	17301-1085294-7	119.58	GPS Aza Khel No.1	AGAINST VACANT POST
16	Aza Khel	KHAIR ULLAH	17301-6372223-1	115.63	GPS No.2 Azakhel	AGAINST VACANT POST
17	Aza Khel	ABDUL ALI KHAN	17301-2761848-5	98.11	GPS Khandad Killi	AGAINST VACANT POST
18	Aza Khel	MUHAMMAD RAFIQUE	17301-7564675-3	94.45	GPS Sher Mir Killi	AGAINST VACANT POST
19	Aza Khel	SHABEER AHMAD	17301-8260045-5	83.45	GPS Tela Band No.1	AGAINST VACANT POST
20	Badaber Horizai	ISRAR UD DIN	17301-4724341-3	102.76	GPS MERA MAMA KHEL	AGAINST VACANT POST
21	Badaber Horizai	MUHAMMAD SAEED SHAH	17301-4478641-5	93.75	GPS GHARI HASHIM	AGAINST VACANT POST

ATTESTED  
 By: [Signature]

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231	Masho Gaggar	SHUKRIA KHAN	17301-5547341-7	90.81	GPS MUHAMMAD ALI KILLI	AGAINST VACANT POST
232	Masho Gaggar	ASAD ULLAH	17301-3803173-9	88.06	GPS BALARZAI NO.1	AGAINST VACANT POST
233	Masho Gaggar	ZIKRIYA KHAN	17301-4270409-1	86.11	GPS QAZI ABAD	AGAINST VACANT POST
234	Masho Gaggar	MOHSIN KHAN	17301-8325421-5	84.75	GPS HAJI KHEL LALMA	AGAINST VACANT POST
235	Masho Gaggar	MALIK NOOR	17301-7015936-9	82.7	GPS QAZI ABAD	AGAINST VACANT POST
236	Mathra	MUHAMMAD SHAHSAWAR	17301-8054100-5	128.64	GPS PATWAR PAYAN	AGAINST VACANT POST
237	Mathra	MUHAMMAD JAMIL	17301-1558879-7	123.45	GPS GHALJI KANDAR KHEL	AGAINST VACANT POST
238	Mathra	TASBEEH UR REHMAN	17301-2463261-7	121.73	GPS GARHI FAZLI HAQ	AGAINST VACANT POST
239	Mathra	SAFDAR HAYAT KHAN	17301-4978645-9	116.24	GPS PIR BALA	AGAINST VACANT POST
240	Mathra	MUHAMMAD ARIF KHAN	17301-5058690-7	113.21	GPS PIR BALA	AGAINST VACANT POST
241	Mathra	MUHAMMAD FAIZAN	17301-7115035-7	113.11	GPS YARI KOROONA	AGAINST VACANT POST
242	Mattani	WAJID KHAN	17301-2602379-3	109.61	GPS JANI GARHI	AGAINST VACANT POST
243	Mattani	MUHAMMAD NAVEED	17301-9155548-3	97.99	GPS MATTANI NO.2	AGAINST VACANT POST
244	Mattani	SAMIIN UL HAQ	17301-4341098-5	95.58	GPS JANI GARHI	AGAINST VACANT POST
245	Mattani	ALI BACHA	17301-8049707-3	92.36	GPS JANI GARHI	AGAINST VACANT POST
246	Mattani	TAHIR ALI	17301-7770299-3	90.48	GPS MATTANI NO.3	AGAINST VACANT POST
247	Mattani	JAVED IQBAL	17301-9283846-7	90.14	GPS MATTANI NO.3	AGAINST VACANT POST
248	Mattani	YOUNAS KHAN	17301-6821651-3	88.82	GPS MATTANI NO.3	AGAINST VACANT POST
249	Mattani	BABUGUL ✓	17301-6070538-9	87.8	GPS MATTANI NO.3	AGAINST VACANT POST
250	Mattani	QADAR MUHAMMAD	17301-3622456-3	84.4	GPS MERA MATTANI	AGAINST VACANT POST
251	Mattani	FAZLI KHALIQ	17301-4122824-3	81.01	GPS SRA KHAWRA	AGAINST VACANT POST
252	Mattani	RIZWAN ULLAH	17301-3700294-1	80.16	GPS SRA KHAWRA	AGAINST VACANT POST
253	Mattani	NIJAZ AKBAR	17301-1295519-5	80.02	GPS SRA KHAWRA	AGAINST VACANT POST
254	Mattani	IKRAM ULLAH	17301-1952888-7	79.47	GPS JANI GARHI	AGAINST VACANT POST
255	Mattani	SHARAFAT SHAH	17301-1798830-9	75.83	GPS JANI GARHI	AGAINST VACANT POST
256	Mattani	KAMRAN	17301-9687073-3	74.78	GPS MATTANI NO.3	AGAINST VACANT POST
257	Mera Kachori	MUHAMMAD WASEEM	17301-7887727-7	126	GPS QADEEM KALAY	AGAINST VACANT POST

ATTACHED

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Disable Qouta

S#	Name	CNIC	Total Score	Name of school	Remarks
1.	SAJEED KHAN	17301-5273135-5	94.26	GPS NO.1 MERA BALARZAI	AGAINST VACANT POST
2.	NISHAD WALI KHAN	17301-1340736-1	92.34	GPS NO.3 MARYAMZAI	AGAINST VACANT POST
3.	IMTIAZ KHAN	17301-7288099-3	90.54	GPS KOCHIAN GULBELA	AGAINST VACANT POST
4.	MUHAMMAD IDREES	17301-6987802-1	88.18	GPS ZIARAT KOROONA	AGAINST VACANT POST
5.	SHARIF HUSSAIN	17301-5678693-9	87.45	GPS GARHI SHAHEEDAN	AGAINST VACANT POST
6.	SHAFAT ULLAH	17301-2013179-5	86.32	GPS ANEEZAI MASHO KHEL	AGAINST VACANT POST
7.	ZULFIQAR	17301-2590526-9	83.18	GPS KHAZANA PAYAN	AGAINST VACANT POST
8.	MUHAMMAD ABRAR	17301-8011636-1	82.97	GPS SHIEKH ABAD	AGAINST VACANT POST
9.	INAM ULLAH	17301-0703944-9	81.88	GPS NO.2 MUSAZAI	AGAINST VACANT POST
10.	FAZAL NABI	17301-3114979-7	80.42	GPS NO.1 FATU ABDUR RAHIMA	AGAINST VACANT POST

Minority Qouta

S#	Name of Candidate	CNIC#	Total Score	Name of School	Remarks
1	TAHIR ISHAQ	17301-4079710-1	48.54	GPS LAHORI GATE	AGAINST VACANT POST
2	ARTHUR GEORGE	17301-1486174-5	48.31	GPS NO.2 ASIA PARK	AGAINST VACANT POST

TERMS & CONDITIONS

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Their appointment is purely on temporary & contract basis initially for one year.
4. Their appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the SDEO (concerned). Candidate found producing fake/bogus/forged Certificates/Degrees will be reported to the law enforcing agencies for further action.
5. Pay will not be drawn until and unless a certificate to the effect by SDEO Male Peshawar is issued those thier certificates/Degrees, after comparing with the merit list, are verified.
6. Pay release order will be issued by this office after verification of all documents by the SDEO Male Peshawar.
7. Thier services are liable to termination on one month notice from either side. In case of resignation without notice thier one-month pay/allowances shall be forfeited to the Government.
8. They should join thier posts within one month 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 shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge they will sign an agreement with the department, otherwise this order will not be valid.
11. They will be governed by such rules and regulations as may be issued from time to time by the Govt.

ATTENDED


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12. Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
13. Their appointment is made on School based, they will have to serve at the place of posting, and their services are not transferable to any other station.
14. Before handing over charge once again their documents may be checked if they have not the required qualifications they may not be handed over charge.

(Roz Wali Khan Khattak)  
District Education Officer  
Male Peshawar

Endst: No. 9364-764 Dated Peshawar the 21/9 /2016.

- Copy forwarded for information and necessary action to the: -
1. Accountant General Khyber Pakhtunkhwa Peshawar.
  2. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
  3. Deputy Commissioner Peshawar.
  4. PS to District Nazim Peshawar
  5. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
  6. PA to District Education Officer Male Peshawar
  7. Sub Divisional Education Officer (Male) Peshawar
  8. Head Teacher Concerned
  9. Official Concerned.
  10. M/File

  
Deputy District Education Officer  
Male Peshawar

  
ATTESTED

**THE KHYBER PAKHTUNKHWA EMPLOYEES OF THE ELEMENTARY AND  
SECONDARY EDUCATION DEPARTMENT (APPOINTMENT AND  
REGULARIZATION OF SERVICES) ACT, 2017.**

**(KHYBER PAKHTUNKHWA ACT NO. I OF 2018)**

*(First published after having received the assent of the Governor of  
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa,  
(Extraordinary), dated the 8<sup>th</sup> January, 2018 ).*

**AN  
ACT**

*to provide for the appointment and regularization of the services of certain employees  
appointed on adhoc or contract basis or appointed in certain projects in the Elementary  
and Secondary Education Department in  
the Province of the Khyber Pakhtunkhwa.*

**WHEREAS** it is expedient to provide for the appointment and regularization of the services of certain employees appointed on adhoc or contract basis or appointed in certain projects in the Elementary and Secondary Education Department in the Province of the Khyber Pakhtunkhwa, in the public interest;

It is hereby enacted as follows:

**1. Short title, application and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017.

(2) It shall apply to all the employees in the Elementary and Secondary Education Department, as defined in clause (c) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once and it shall be deemed to have taken effect from the date of the initial appointment of the employees as referred to in clause (c) of sub-clause (1) of section 2 of this Act.

**2. Definitions.**—(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means appointment of a duly qualified person for a specific period made otherwise than in accordance with the prescribed method of recruitment;
- (c) "employees" mean duly qualified persons,-

**ATTESTED**

- (i) who are appointed as teachers on adhoc or contract basis by the Government after 2013 through National Testing Service but does not include the teachers engaged on work charge basis or who are paid out of contingencies;
  - (ii) who are appointed in the projects on contract basis in accordance with the project policy; and
  - (iii) who are appointed as Junior Clerk in the Elementary and Secondary Education Department by Government after 2013 through National Testing Service;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- (f) "project" means,-
- (i) IT/Computer Teachers in Computer Labs Projects in Khyber Pakhtunkhwa (Phase-II);
  - (ii) establishment of five hundreds (500) IT Labs in Government High and Secondary Schools in Khyber Pakhtunkhwa; and
  - (iii) establishment of five hundreds (500) IT Labs in Government High Schools in Khyber Pakhtunkhwa (Phase-III); and
- (g) "teacher" means a teacher of primary, middle, secondary or higher secondary school.

(2) The expressions "adhoc appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. **Regularization of services of employees.**—(1) Notwithstanding anything contained in any other law or rules, the employees, who hold posts till the commencement of this Act<sup>1</sup> [or till 30<sup>th</sup> June 2017, in respect of the project as mentioned in sub-clause (i) of clause (f) of sub-section (1) of section 2 of this Act, as the case may be], shall be deemed to have been validly appointed on regular basis from the day of the **initial appointment**; provided that-

- (i) they possess the same qualification and experience required for a regular post;

<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

**ATTESTED**  
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(ii) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act<sup>1</sup>[:]

<sup>2</sup>[Provided that expiry of the project as mentioned in sub-clause (i) of clause (f) of sub-section (1) of section 2 of this Act, shall not be deemed a ground for non-appointment of an employee on regular basis under this Act; and]

(iii) the service promotion quota of all service cadres shall not be affected.

(2) The services of the employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

**4. Determination of seniority.**---(1) The employees whose service are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all other employees belonging to the same Cadre, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the Cadre, irrespective of their actual date of appointment.

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

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

**5. Overriding effect.**--- Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

**ATTESTED**  
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<sup>1</sup> Replaced vide Khyber Pakhtunkhwa Act No. II of 2019.

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

Office of the District Education Officer (Male) Peshawar

Final Seniority List of PST 2014 & 2015

S.No	Seniority No	Circle	School Name	Teacher Name	Father Name	Domicile	BPS	Academic Qualification										DOB	App; in Educa; Depart	D/O Regular Apptt.	DATE OF T/O/C/ ON PRESENT POST/ Peshawar	D/O/Passing PTC	DATE OF Consideration	Score	Remarks	
								SSC	F.A/F.Sc	B.A/B.Sc/ B.Com	Subjects in B.A/B.Sc	BA Division	M.A/M.Sc	Subject in M.A/M.Sc	Other	PTC	C.T									B.Ed
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	
1	1	Tekht Abad	GPS New Garhi Bakhshi Pul	Salman Khan	Aman Ullah	Pesh	12	SSC	FA	BA	Arts	2nd	M.Sc	Economics	PTC		B.Ed		4/1/1989	4/1/1989	3/12/2018	9/1/2014	6/24/2013	9/1/2014	99.1	2014
2	2	C/Pura	GPS Pakha Ghulam No.1	Irfan Yousaf	Muhammad Yousaf	Pesh	12	SSC	F.A	BA	Arts	2ND	0	0	0	0	0	D.A.E	25/03/1987	01/09/2014	03/12/2018	09/01/2014	31/12/2010	01/09/2014	66.42	2014
3	3	City	GPS Gulbahar 2	Muhammad Arshad Khan	Haji Khan Muhammad	Pesh	12	SSC	FA	BA	Arts	1st			PTC	CT	Nil	Nil	16/04/1983	01/09/2014	11/03/2018	01/09/2014	31/12/2010	01/09/2014	62.78	2014
4	4	D-Zai	GPS Tauda No 2	Muhammad Ibrahim	Mulvi Shakir Ur Rahman	Pesh	12	SSC	F.Sc	B.Sc	Bio/Chem	1st	M.Sc	Botny	PTC		B.Ed		15/09/1988	07/10/2015	07/10/2015	07/10/2015	24/06/2013	07/10/2015	Court Case	2014
5	5	B/ber	GPS No.3 Telaband	Jan Nisar	Hashim Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Islamiat	PTC		B.Ed		27/10/1988	22/02/2016	01/06/2020	07/03/2016	28/02/2012	07/03/2016	Court	2014
6	6	Hazar Khwani	GPS Sullmankhel	Ramdad khan	Imdad khan	Pesh	12	SSC	F.Sc	B.Sc	Maths, Physics	2nd	M.Sc	Maths	P.T.C	0	0	BED	06/07/1989	21/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	141.42	2014
7	7	B/ber	GPS Daray Khan Korona	Fawadullah	Fida Muhammad	Pesh	12	SSC	DAE	BA	Arts	2nd	M.A	Islamiat	P.T.C	X	X	X	10/09/1989	21/09/2016	12/03/2018	08/10/2016	28/02/2012	08/10/2016	134.59	2014

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8	8	C/Pura	GPS Mian Gujar No.1	Muhammad Shahab	Zakir Ullah	Pesh	12	12	SSC	F.Sc	BA	Arts	2nd	MA	IR	P.T.C	0	B.Ed	M.Ed	04/09/1986	21/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	134.02	2014
9	9	C/Pura	GPS Kukar	Muhammad Imran	Muhammad Khan	Pesh	12	12	SSC	D.Com	BBA (Hons)		1st	MBA/MS	0	P.T.C	x	B.Ed	x	04/06/1988	21/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	133.71	2014
10	10	Mathra	GPS Patwar Bala	Wasi Ullah	Ihsan Ullah	Pesh	12	12	SSC	FA	BA	Arts	1st	MA	Political Sc	P.T.C	x	B.Ed	x	18/04/1982	21/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	132.1	2014
11	11	Urmar	GPS No5 Urmar Miana	Muhammad Ibraheem	Khalil ur Rehman	Pesh	12	12	SSC	F.Sc	Ba	Arts	2nd	0	0	P.T.C	x	x	x	05/08/1985	21/09/2016	12/03/2018	15/10/2016	28/02/2012	15/10/2016	131.81	2014
12	12	H-Abad	Govt Primary School Regl	Naveed Gul	Gharib ullah	Pesh	12	12	ssc	F.A	B.A	Arts	1ST	M.A	Library Science	P.T.C	...	...	...	03/03/1983	21/09/2016	12/03/2018	24/09/2016	17/09/2010	24/09/2016	128.07	2014
13	13	City	GPS GUNJ MANDI	Ajmal Shah	Faqir Shah	Pesh	12	12	SSC	FA	BA	Economics, statistics	1ST	Msc	Economics	P.T.C	x	x	x	18/05/1984	21/09/2016	12/03/2018	23/09/2016	24/06/2013	23/09/2016	127.86	2014
14	14	Mathra	GPS Kala Kas	Muhammad Ajmal Khan	Sher Afzal	Pesh	12	12	SSC	F.Sc	BSc	Maths/Stats/Comp Sc	2nd	MSc	Statistics/Economics	P.T.C	x	B.Ed	M.Ed	15/05/1982	21/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	127.44	2014
15	15	Cantt	GPS No.2 Nouthla Qadeem	Sajjad Ahmad	Sher Afzal	Pesh	12	12	SSC	F.Sc	B.Sc	Maths, Physics	2nd	M.Sc	Maths	P.T.C	C.T	B.Ed		03/05/1991	21/09/2016	12/03/2018	22/09/2016	24/06/2013	22/09/2016	126.83	2014
16	16	D-Zai	GPS Haryana Payan	Himayat khan	Bakhtiar khan	Pesh	12	12	SSC	D.com	BBA Hons		1st			P.T.C				15/06/1991	21/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	126.39	2014
17	17	D-Zai	GPS Khazana Sugar Mill	Muhammad Khan	Yousaf Khan	Pesh	12	12	SSC	F.Sc	B.A	Arts	2nd			P.T.C	x	x	x	12/08/1990	21/09/2016	12/03/2018	22/09/2016	24/06/2013	22/09/2016	126.35	2014
18	18	B/ber	GPS Muhammad Ali kailay	Farhad Ali	Ayub khan	Pesh	12	12	SSC	F.Sc	B.Sc	Chem, Bio	2nd	M.Sc		P.T.C		B.Ed		28/02/1989	21/09/2016	12/03/2018	22/09/2016	24/06/2013	22/09/2016	125.9	2014
19	19	Hazar Khwani	Gps no.4 Hazar Khwani	Ali Afzal	Sher Afzal	Pesh	12	12	SSC	FA	BA	Arts	2nd	MA	URDU	P.T.C	C.T	B.Ed	M.Ed	04/03/1986	21/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	125.61	2014

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378	378	C/Pura	GPS Fatu abdur rahima No.1	Sajjad Ali	Fazal Muhammad	Pesh	12	12	SSC	FA	BA	ARTS	2nd	MA	Islamia		PTC	0	B.ED	0	20/03/1989	22/9/2016	03/12/2018	22/9/2016		22/09/2016	88	2015
379	379	City	Gps No 1 Dln Bahar	Kalim Ullah	Abid Jan	Pesh	12	12	SSC	FA	BA	Arts	1ST	Msc	Pakista n Study		PTC	Nil	Nil	Nil	10/10/1994	23/09/2016	12/03/2018	23/09/2016	17/03/2015	23/09/2016	88	2015
380	380	Mathra	GPS Garhi Fazil Haq	Sadam Hussain	Nadir Khan	Pesh	12	12	SSC	F.Sc	BSc	Arts	2nd	MA	Islamiy at	X	PTC	CT	B.ED	X	25/08/1993	22/09/2016	12/03/2018	22.9.2016	30/11/2014	22/09/2016	87.93	2015
381	381	Cannt	GPS Marozai No1	Khalid Imran	Gul Imran	Pesh	12	12	SSC	F.A	BA	Arts	2nd	MA	Islamiy at		PTC		B.ED	M.ED	15/01/1986	21/09/2016	03/12/2018	22/09/2016	28/02/2012	22/09/2016	87.84	2015
382	382	Matiani	GPS Bagh Arham	Babu Gul	Khail Gul	Pesh	12	12	SSC	FA	BA	Arts	2nd	M.Sc	Pak Studies		PTC		B.ED		10/10/1986	9/21/2016	3/12/2018	9/22/2016	9/17/2010	9/22/2016	87.8	2015
383	383	Cannt	GPS SWATI GATE	Naveed Khan	Abdul Ghafoor	Pesh	12	12	SSC	FA	BA	Arts	3rd	MA	Islamiya t		PTC	CT			04/01/1987	21/09/2016	03/12/2018	23/09/2016	28/02/2012	23/09/2016	87.69	2015
384	384	C/Pura	GPS Fatu abdur rahima No.1	Mohammad Asif	Itebar Khan	Pesh	12	12	SSC	FA	BA	Arts	2nd	MA			PTC		0	0	02/04/1992	22/9/2016	03/12/2018	22/9/2016	26/6/2013	22/09/2016	87.5	2015
385	385	H-Abad	Gpsno.1 dufaid dheri	Noor Ullah	Shakir ullah	Pesh	12	12	ssc	FA	BA	Arts	2nd				PTC				18/09/1988	21/9/2016	12/03/2018	23/9/2016	17/9/2010	23/09/2016	87.47	2015
386	386	City	Government Primary School Latifabad	Aadil Jan	Farid Gul	Pesh	12	12	SSC	FA	BA	Arts	3RD	MA	Islamia		PTC	Nil	B.ED	Nil	16/07/1988	21/09/2016	12/03/2018	22/09/2016	17/09/2010	22/09/2016	87.21	2015
387	387	Takht Abad	GPS Pajaggi	Fazal Haq	Nawab Sher	Pesh	12	12	SSC	FSC	BSC		2nd	MSC	Econo mics		PTC	X	X	X	18/02/1986	22/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	87.19	2015
388	388	Takht Abad	GPS Khadra Khei	Muhammad Sadiq Afridi	Ghazi Khan	Pesh	12	12	SSC	FA	BA	Arts	2nd	M.A	Islamic study		PTC	X	X	X	13/08/1980	23/09/2016	12/03/2018	23/09/2016	17/09/2010	23/09/2016	86.91	2015
389	389	Hazar Khvani	Gps gharib abad phandu	M Yousaf	naik Muhammad	Pesh	12	12	SSC	F.A	0	0	0	0	0	0	PTC	0	0		15/01/1982	21-09-2016	12/03/2018	22-09-2016	01/12/2015	22/09/2016	86.71	2015

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342	342	Mattani	GPS Sabir Koroona	Muhammad Kamran	Din Muhammad	Pesh	12	12	SSC	FA	BA	Arts	2nd	MA	Pashto		PTC				10/12/1991	9/21/2016	3/12/2018	9/22/2016	2/28/2012	9/22/2016	90.8	2015
343	343	Takht Abad	GPS M/F Jaba Jheel	Samin Jan	Muhammad Irshad Khan	Pesh	12	12	SSC	D.Com	B.Com	Accounting	2nd	M.Com	Comres		PTC	ADE	X	X	12/05/1985	22/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	90.73	2015
344	344			Sami Ullah	Deedar Ali	Pesh	12	12	SSC	FA	BA	Arts	2nd	MA	Pashto		PTC				4/1/1984	9/21/2016	3/12/2018	9/22/2016	9/17/2010	9/22/2016	90.69	2015
345	345	Hazar khwani	Gps No.3 Hazarkhwani	Abdur Rehman	Tahmas Khan	Pesh	12	12	SSC	F.Sc	B.A	Arts	2nd	D	D		PTC	CT	B.Ed		03/02/1991	21/09/2016	12/03/2018	22-09-2016	22-09-2016	22/09/2016	90.6	2015
346	346	D-Zai	GPS Tauda 1	Abid Gul	Wahid Gul	Pesh	12	12	SSC	F.Sc	B.Sc	Phy/mathes	3rd	MA	Islamiat						30/03/1989	22/09/2016	12/03/2018	22/09/2016	24/06/2013	22/09/2016	90.55	2015
347	347	D-Zai	GPS Garhi kareem dad	Imtiaz Khan	Muhabat Khan Afridi	Pesh	12	12	SSC	FA	BA	Arts	2nd	MA	Islamiat		PTC				25/12/1987	23/09/2016	12/03/2018	23/09/2016	17/09/2010	23/09/2016	90.54	2015
348	348	Hazar khwani	Gps Kandi Busat khel	Zain ul Abideen	Farhad Khan.	Pesh	12	12	SSC	DAE	BA	Arts	2nd	MA	Islamiat		PTC	D	D		15/04/1982	21-09-2016	12/03/2018	22/09/2016	07/04/2013	22/09/2016	90.39	2015
349	349	Cannt	GPS Irrigation	Muhammad zahid	Fazel Raziq	Pesh	12	12	SSC	F.Sc	B.COM	Commerce	2nd	MPA	Financ e	DPED		DIE	B.ed	M.Ed	3/11/1991	11/1/2017	3/12/2018	2/1/2018	10/31/2012	2/1/2018	90.2	2015
350	350	D-Zai	GPS Tauda 1	Saeed Akhtar	Safdar Khan	Pesh	12	12	SSC	F.A	B.A	Arts		MA	Poshto						27/10/1980	22/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	90.15	2015
351	351	Takht Abad	GPS M/F Jaba Jheel	Muhammad Amir	Muhammad Iqbal	Pesh	12	12	SSC	FA	B.A	Arts	2nd	M.A	Islamiat		PTC	X	X	X	18/12/1991	22/09/2016	12/03/2018	22/09/2016	24/06/2013	22/09/2016	90.15	2015
352	352	Mattani	GPS No.3 Mattani	Javed Iqbal	Mir Aslam	Pesh	12	12	SSC	F.Sc	B.Sc			M.Sc			PTC				1/1/1989	9/21/2016	3/12/2018	9/22/2016	1/12/2015	9/22/2016	90.14	2015
353	353	City	GpS Haider colony peshawar	Nasir gul	Akhtar gul	Pesh	12	12	SSC	F.Sc	BA	Arts	2ND	MA	Islamiy at		PTC	NIL	NIL	No	04/05/1991	21/10/2016	12/03/2018	22/09/2016	24/06/2013	22/09/2016	90.1	2015

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354	354	D-Zai	GPS Khazana payan	Suleman khan	Lawangeen khan	Pesh	12	SSC	F.Sc	B.Sc	Bio/Chem	1st	MSC	HPE						20/02/1997	22/09/2016	12/03/2018	22/09/2016	12/01/2015	22/09/2016	89.89	2015	
355	355	Mathra	GPS Darmangi	Raza Ullah	Adam Khan	Pesh	12	SSC	F.Sc	BA	Arts	2nd	M.A	Islamiyat	X	PTC	CT	BED	MED	11/03/1987	22/09/2016	12/03/2018	22.09.2016	22/07/2010	22/09/2016	89.88	2015	
356	356	Cannt	GPS Gulshan Rehman colony	Hassan khan	Ulas khan	Peshawar	12	SSC	FA	B.A	Arts	2nd	M.A	Urdu		PTC		B.ED		02/02/1980	22/09/2016	12-03-2018	22-09-2016	28-02-2012	22/09/2016	89.72	2015	
357	357	Hazar khwani	Gps Gharib abad phandu	Waheed ullah	M Bahar khan	Pesh	12	SSC	F.Sc	B.SC	maths-phy	2nd	O	O		PTC	O	O		14/04/1991	21-09-2016	12/03/2018	22-09-2016	17-09-2010	22/09/2016	89.68	2015	
358	358	H-Abad	GPS#2 Tehkal payan pesh	MUHAMMAD SABIR	Gull wali khan	Pesh	12	ssc	F.A	B.A	Arts	2nd			PTC					02/02/1994	21/9/2016	12/03/2018	22/9/2016	24/6/2013	22/09/2016	89.63	2015	
359	359	Cannt	GPS SWATI GATE	Sadif Ullah Jan	Arif Ullah Jan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Pashto		PTC	CT	B.ED		07/04/1978	19/10/2016	03/12/2018	28/10/2016	30/7/2007	28/10/2016	89.59	2015	
360	360	Mattani	GPS No.3 Mattani	Siraj Gul	Jalal Gul	Pesh	12	SSC	DAE	BA	Arts	2nd				PTC						2/28/2017	3/12/2018	3/1/2017	1/12/2015	3/1/2017	89.57	2015
361	361	Takht Abad	GPS Pajaggi	Shahid Hussain	Aurang zeb	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Pashto		PTC	X	X	X	18/02/1981	22/09/2016	12/03/2018	22/09/2016	20/09/2007	22/09/2016	89.51	2015	
362	362	H-Abad	Gps No 1 Sarband	Imran khan	IkramUllah	Pesh	12	ssc	F.A	B.S.C		2nd	M.A	Islamit	PTC	C.T				01/01/1989	21/09/2016	12/03/2018	22/09/2016	04/07/1905	22/09/2016	89.46	2015	
363	363	Hazar khwani	Gps Kandi Busat khel	Abdul Qadeer	Abdul Kabeer	Pesh	12	SSC	F.A	BA	ART	O	M.A	islamiat		PTC	O	O		05/02/1992	21-9-2016	12/03/2018	22-09-2016	01/12/2015	22/09/2016	89.46	2015	
364	364	Hazar khwani	Gps gharib abad phandu	Muhammad Haroon	Tor Gul	Pesh	12	SSC	FA	BA	Arts	2nd	M.A	O		PTC	O	O		07/01/1991	21-09-2016	12/03/2018	22-09-2016	24-06-2013	22/09/2016	89.43	2015	
365	365	Mathra	GPS Garhi Fazli Haq	Qaiser Wisal	Farman Ullah	Pesh	12	SSC	FA	BA	Arts	3rd	MA	Islamiyat	X	PTC	X	X	X	20/05/1988	22/09/2016	12/03/2018	22.09.2016	01/12/2015	22/09/2016	89.26	2015	

ALIGNED

To

The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.

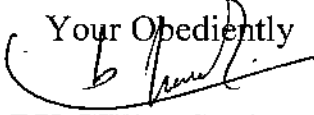
Subject:- **DEPARTMENTAL APPEAL AGAINST THE .IMPUGNED  
SENIORITY LIST ISSUED BY DEO (MALE) DATED  
01.08.2023**

Respected Sir,

It is humbly requested that the District Education Officer (Male) Primary Peshawar issued Seniority list of PSTs BPS-12 on 1/08/2023 on the basis of NTS Marks rather than age wise which is the clear violation of Section-4 Sub Section-2 of Appointment & Regularization Act, 2017, therefore, your good self is humbly requested that the same may kindly be declare as illegal and the concerned office May kindly be Directed to prepare the Seniority list on the basis of age wise for the teacher appointed on the Same date.

Dated: 25.09.2023.

Your Obediently

  
BABU GUL, PST (BPS-12),  
GPS Bagh-e-Irum, Peshawar

  
**ATTESTED**

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

\_\_\_\_\_ OF 2024

Babu Gul

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Babu Gul

Do hereby appoint and constitute **MAHMOOD JAN, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_ / \_\_\_\_\_ /2024

  
\_\_\_\_\_  
CLIENT

  
ACCEPTED  
MAHMOOD JAN  
ADVOCATE

OFFICE:

Room No.6-E, 5<sup>th</sup> Floor,  
Rahim Medical Centre, G.T Road,  
Hashtnagri, Peshawar.