FORM OF ORDER SHEET

Court of_____

Appeal No. _____ 810/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2024	The appeal of Mr. Safeer 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.

By the order of Chairman

REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: _Safeer Gul_ Vs _Education Deptt._

S#	CONTENTS	YES	NO
1.	This appeal has been presented by: **Mahmood Jan**	✓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. 810 /2024

SAFEER GUL   **VS**   **EDUCATION DEPTT:**

INDEX

APPELLANT

THROUGH:
MAHMOOD JAN
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _8/0_ /2024

Mr. Safeer Gul, PST (BPS-12),
GPS Civil Quarters, 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 PROVISO 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.

Filed to day

Registrar

11/6/24

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.

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.**

GROUNDS:

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

SAFEER GUL

THROUGH:
MAHMOOD 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

SAFEER 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
Advocate
High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. _____/2024

SAFEER 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: _mah_

MAHMOOD JAN
ADVOCATE

District Education Officer (Male) Peshawar

PH No. 091-9331337, 9331336
Fax 091-9331337
E-mail *emispeshawar@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

75	Deh Bahadur	SAHIBZADA MOHAMMAD NADEEM	17301-0977881-9	109.36	GPS Garhi Atta Muhammad	AGAINST VACANT POST
76	Deh Bahadur	INAMULLAH	17301-4760630-7	94.46	GPS Gulshan Rehman Colony	AGAINST VACANT POST
77	Deh Bahadur	HASSAN KHAN	17301-1549927-9	89.72	GPS Gulshan Rehman Colony	AGAINST VACANT POST
78	Deh Bahadur	ASIL KHAN	17301-6008130-3	85.48	GPS Gulshan Rehman Colony	AGAINST VACANT POST
79	Deh Bahadur	MUHAMMAD IMTIAZ ALI	17301-0610889-3	85.42	GPS Gulshan Rehman Colony	AGAINST VACANT POST
80	Deh Bahadur	MUHAMMAD AAKIF ULLAH	17301-1294358-5	82.55	GPS Ghari Durrani	AGAINST VACANT POST
81	Deh Bahadur	TAIMUR KHAN	17301-8869549-3	80.82	GPS Gulshan Rehman Colony	AGAINST VACANT POST
82	Deh Bahadur	IHSAN ULLAH	17301-7922149-9	78.4	GPS Gulshan Rehman Colony	AGAINST VACANT POST
83	Deh Bahadur	SAFIR GUL	17301-1966230-1	76.1	GPS No.1 Deh Bahadur	AGAINST VACANT POST
84	Deh Bahadur	HUMAYUN KHAN	17301-1412875-7	74.4	GPS Garhi Atta Muhammad	AGAINST VACANT POST
85	GARHI SHER DAD	SYED MUHAMMAD MUSTAFA	17301-7824609-3	133.75	GPS Garhi Sherdad 1	AGAINST VACANT POST
86	GARHI SHER DAD	MUHAMMAD SULEMAN	17301-4136502-9	124.99	GPS Garhi Sherdad 2	AGAINST VACANT POST
87	GARHI SHER DAD	SHAKIL AHMAD	17301-2240763-7	122.5	GPS Garhi Sherdad 2	AGAINST VACANT POST
88	GARHI SHER DAD	MUHAMMAD ARSHAD KHAH	17301-1533858-7	112.8	GPS Yarghaji	AGAINST VACANT POST
89	Gul Bela	KHALID KHAN	17301-5159014-1	120.63	GPS Gul Bela	AGAINST VACANT POST
90	Gul Bela	ASAD JAN	17301-8832240-9	113.41	GPS Gulbela	AGAINST VACANT POST
91	Gul Bela	AFTAB ULLAH	17301-9802663-1	110.95	GPS Gulbela	AGAINST VACANT POST
92	Gul Bela	MUHAMMAD RASAN	17301-1506924-1	110.17	GPS Naguman	AGAINST VACANT POST
93	Gul Bela	WIQAS HUSSAIN	17301-6549764-3	100.75	GPS Naguman	AGAINST VACANT POST
94	Gul Bela	NAVEED KHAN	17301-4375948-5	98.4	GPS Naguman	AGAINST VACANT POST
95	Gul Bela	ASHFAQ AHMAD	17301-5081136-9	97.54	GPS Saeed Abad	AGAINST VACANT POST
96	Gul Bela	SAFI ULLAH	17301-0624620-3	96.89	GPS Gulbela	AGAINST VACANT POST
97	Gunj	IRFAN SIDDIQUI	17301-9153647-1	139.33	GPS Gunj Mandi	AGAINST VACANT POST
98	Haryana Payan	MUHAMMAD IBRAR	17301-1176783-5	121.97	GPS Haryana Payan	AGAINST VACANT POST
99	Haryana Payan	MUHAMMAD FAROOQ	17301-3374470-5	119.12	GPS Haryana Payan	AGAINST VACANT POST
100	Haryana Payan	MUZZAMIL KHAN	17301-4023602-9	116.94	GPS Haryana Payan	AGAINST VACANT POST

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 Gout.*

(q)

12. *Their services shall be terminated at any time, in case thier 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 thier 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 qulifications 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 8ᵗʰ 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,-

      (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 [or till 30th 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;

---

[1] Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

(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 [1][:]

[2][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.

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[1] Replaced vide Khyber Pakhtunkhwa Act No. II of 2019.
[2] 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	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	CT	B.Ed	Others	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
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	Takht Abad	GPS New Garhi Bakhshi Pul	Salman Khan	Aman Ullah	Pesh	12	SSC	FA	BA	Arts	2nd	M.Sc	Econo mics		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	FSc	B.Sc	Bio/Chem	1st	MSc	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	Islamiyat		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 Sulimankhel	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

	19	18	17	16	15	14	13	12	11	10	9	8
	19	18	17	16	15	14	13	12	11	10	9	8
	Hazar khwani	B/Ber	D-Zai	D-Zai	Cantt	Mathra	City	H-Abad	Urmar	Mathra	C/Pura	C/Pura
	Gps no.4 Hazar Khwani	GPS Muhammad Ali kallay	GPS Khazana Sugar Mill	GPS Haryana Payan	GPS No.2 Nouthia Qadeem	GPS Kala Kas	GPS GUNJ MANDI	Govt Primary School Regi	GPS No5 Urmar Miana	GPS Patwar Bala	GPS Kukar	GPS Mian Gujar No.1
	Ali Afzal	Farhad Ali	Muhammad Khan	Himayat khan	Sajjad Ahmad	Muhammad Ajmal Khan	Ajmal Shah	Naveed Gul	Muhammad Ibraheem	Wasi Ullah	Muhammad Imran	Muhammad Shahab
	Sher Afzal	Ayub khan	Yousaf Khan	Bakhtiar khan	Sher Afzal	Sher Afzal	Faqir Shah	Gharib ullah	Khalil ur Rehman	Ihsan Ullah	Muhammad Khan	Zakir Ullah
	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh	Pesh
	12	12	12	12	12	12	12	12	12	12	12	12
	SSC	SSC	SSc	SSC	sSC	SSC	SSC	ssc	SSC	SSC	SSC	SSC
	FA	F.Sc	FSc	D.com	F.Sc	F.Sc	FA	F.A	F.Sc	FA	D.Com	F.Sc
	BA	B.SC	B.A	BBA Hons	B.Sc	BSc	BA	B.A	B.a	BA	BBA (Hono	BA
	Arts	Chem, Bio,	Arts		Maths,Physics	Maths/Stats/Comp Sc	Economics statistics	Arts	Arts	Arts		Arts
	2nd	2nd	2nd	1st	2nd	2nd	1ST	1ST	2nd	1st	1st	2nd
	MA	M.sc			M.Sc	MSc	Msc	M.A	0	MA	MBA/MS	MA
	URDU				Maths	Cs/ Econo mics	Statisti cs/Econo mics	Econo mics	Library Science	0	Political Sc	0	IR
	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C	P.T.C
	C.T		x		C.T	x	x	x	X	x	x	0
	B.Ed	B.Ed	x		B.Ed	B.Ed	x	....	X	B.Ed	B.Ed	B.Ed
	MEd		x		M.Ed	x	....	....	X	x	x	M.Ed
	04/03/1986	28/02/1989	12/08/1990	15/06/1991	03/05/1991	15/05/1982	18/05/1984	03/03/1983	05/08/1985	18/04/1982	04/06/1988	04/09/1986
	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016	21/09/2016
	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018	12/03/2018
	22/09/2016	22/09/2016	22/09/2016	22/09/2016	22/09/2016	22/09/2016	23/09/2016	24/09/2016	15/10/2016	22/09/2016	22/09/2016	22/09/2016
	28/02/2012	24/06/2013	24/06/2013	28/02/2012	24/06/2013	14/03/2009	24/06/2013	17/09/2010	28/02/2012	14/03/2009	14/03/2009	28/02/2012
	22/09/2016	22/09/2016	22/09/2016	22/09/2016	22/09/2016	22/09/2016	23/09/2016	24/09/2016	15/10/2016	22/09/2016	22/09/2016	22/09/2016
	125.51	125.9	126.35	126.39	126.83	127.44	127.86	128.07	131.81	132.1	133.71	134.02
	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014	2014

Table (rotated on page; columns represent serial numbers 438–449, transcribed here as rows):

S.No	Location	School	Name	Father Name	Domicile	Class	Matric	Inter	Degree	Subject	Division	Master	Master Subject	Prof. Certificates	D.O.B	Date	Date	Date	Date	Date	Marks %	Year
449	Cantt	GPS No.3 Nothia Qadeem	Muhammad Taimoor	Javed Khan	Pesh	12	SSC	FA	BA	Islamic studies	1st			PTC	04/01/1995	21/09/2016	22/09/2016	22/09/2016	01/12/2015	22/09/2016	74.1	2015
448	Hazar khwani	Gps No.3 Hazarkhwani	Said Amin	muhammad Amin	Pesh	12	SSC	F.Sc	B.Sc	Science	1st	M.Sc	Botony	PTC; 0; B.Ed; M.ed	28/09/1994	21-09-2016	12/03/2018	22-09-2016	06/07/2005	22/09/2016	74.14	2015
447	Hazar khwani	gps ghari atta muhammad	Humayun	Ayub khan	Pesh	12	SSC	FA	B.A	Arts	3rd	MA	Islamiyat	PTC; 0; 0	03/01/1983	21-09-2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	74.4	2015
446	Mattani	GPS Mattani No.3	Kamran	Khitab Gul	Pesh	12	SSC	FA	BA	Arts	2nd	MA		PTC	1/7/1986	9/21/2016	3/12/2018	9/22/2016	3/14/2007	9/22/2016	74.78	2015
445	H-Abad	GPS No 2 Pawaka	zahid khan	janas khan	Pesh	12	SSC	F.Sc	B.A	MathsA, MathsB	2nd	M.A	Islamiyat	....	08/05/1993	22-09-2016	12/03/2018	22-09-2016	14-07-2015	22/09/2016	75.78	2015
444	Mattani	GPS Darwazgai	Sharafat Shah		Pesh	12	SSC	DAE	BA	Arts	2nd			PTC		9/21/2016	3/12/2018	9/22/2016	6/24/2013	9/22/2016	75.83	2015
443	Takht Abad	GPS Khadra Khel	Sharafat Ullah	Asad Ullah	Pesh	12	SSC	D.Com	BA	Arts	2nd	M.A		PTC; X; B.Ed; X	16/04/1984	23/09/2016	12/03/2018	23/09/2016	17/09/2010	23/09/2016	75.83	2015
442	Cantt	GPS No. 1 Deh Bahadar	Safir Gul	Kabir Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Islamiyat	PTC	06/08/1981	22/09/2016	03/12/2018	22/09/2016	27/02/1998	22/09/2016	76.10	2015
441	Hazar khwani	GPS GARHI BANAT	Abdul Samad	Channi Khan	Pesh	12	SSC	F A	B. A	Arts	2nd	M. A	Islamya	PTC; 0; B. Ed; Hifz Qur'an	15/02/1987	22/09/2016	02/03/2018	22/09/2016	24/06/2013	22/09/2016	76.3	2015
440	H-Abad	GPS#2Tehkal Payan pesh	Waqas Ullah	Javed Hussain	Pesh	12	SSC	F.SC	B.SC	MATHS, Physics	1st	Msc	Physics	PTC; C.T; 0	06/04/1995	21/09/2016	12/03/2018	sep 22, 206	20/1/2015	22/09/2016	76.64	2015
439	H-Abad	GPS pawaka No 2	M. Haris	jan Muhammad	Pesh	12	SSC	F.SC	B.SC	MathsA, Phy.comp	1st	MCS in Progress		PTC;	29/09/1995	22-09-2016	12/03/2018	22-09-2016		22/09/2016	76.87	2015
438	Takht Abad	GPS M/F Jaba Jheel	Muhammad Aqib	Abdul Jalil	Pesh	12	SSC	FA	B.A	Arts	2nd	MA	Islmiya	PTC; X; X; X	05/04/1991	22/09/2016	12/03/2018	22/09/2016	17/09/2010	22/09/2016	76.94	2015

438	438	Takht Abad	GPS M/F Jaba Jheel	Muhammad Aqib	Abdul Jalil	Pesh	12	SSC	FA	B.A	Arts	2nd	MA	Islmiyat	PTC	x	x	x	05/04/1991	22/09/2016	12/03/2018	22/09/2016	17/09/2010	22/09/2016	76.94	2015
439	439	H-Abad	GPS pawaka No 2	M. Haris	jan Muhammad	Pesh	12	ssc	F.SC	B.SC	MathsA,Phy,comp	1st	MCS in Progress	....	PTC	:	:	:	29/09/1995	22-09-2016	12/03/2018	22-09-2016		22/09/2016	76.87	2015
440	440	H-Abad	GPS#2Tehkai Payan pesh	Waqas Ullah	Javed Hussain	Pesh	12	ssc	F.SC	B.SC	MATHS,Physics	1st	Msc	Physics	PTC	CT	:	:	06/04/1995	21/09/2016	12/03/2018	sep 22, 206	20/1/2015	22/09/2016	76.64	2015
441	441	Hazar khwani	GPS GARHI BANAT	Abdul Samad	Chamni Khan	Pesh	12	SSC	FA	B.A	Arts	2nd	M.A	Islamyat	PTC	0	B.Ed	Hifz Qur'an	15/02/1987	22/09/2016	02/03/2018	22/09/2016	24/06/2013	22/09/2016	76.3	2015
442	442	Cantt	GPS No. 1 Deh Bahadar	Safir Gul	kabir Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Islamiyat	PTC				06/08/1981	22/09/2016	03/12/2018	22/09/2016	27/02/1998	22/09/2016	76.10	2015
443	443	Takht Abad	GPS Khadra Khel	Sharafat Ullah	Asad Ullah	Pesh	12	SSC	D.Com	BA	Arts	2nd	M.A		PTC	x	B.Ed	x	16/04/1984	23/09/2016	12/03/2018	23/09/2016	17/09/2010	23/09/2016	75.83	2015
444	444	Mattani	GPS Darwazgai	Sharafat Shah		Pesh	12	SSC	DAE	BA	Arts	2nd			PTC					9/21/2016	3/12/2018	9/22/2016	6/24/2013	9/22/2016	75.83	2015
445	445	H-Abad	GPS No 2 Pawaka	zahid khan	janas khan	Pesh	12	ssc	F.Sc	B.A	MathsA,MathsB	2nd	M.A	Islamiyat	PTC	:	:	:	08/05/1993	22-09-2016	12/03/2018	22-09-2016	14-07-2015	22/09/2016	75.78	2015
446	446	Mattani	GPS Mattani No.3	Kamran	Khitab Gul	Pesh	12	SSC	FA	BA	Arts	2nd	MA		PTC				1/7/1986	9/21/2016	3/12/2018	9/22/2016	3/14/2007	9/22/2016	74.78	2015
447	447	Hazar khwani	gps ghari atta muhammad	Humayun	Ayub khan	Pesh	12	SSC	FA	B.A	Arts	3rd	MA	Islamiyat	PTC	0	0		03/01/1983	21-09-2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	74.4	2015
448	448	Hazar khwani	Gps No.3 Hazarkhwani	Said Amin	muhammad Amin	Pesh	12	SSC	F.Sc	B.Sc	Science	1st	M.Sc	Botony	PTC	0	B.Ed	M.ed	28/09/1994	21-09-2016	12/03/2018	22-09-2016	06/07/2005	22/09/2016	74.14	2015
449	449	Cantt	GPS No.3 Nothia Qadeem	Muhammad Taimoor	Javed Khan	Pesh	12	SSC	FA	BA	Islamic studies	1st			PTC				04/01/1995	21/09/2016	22/09/2016	22/09/2016	01/12/2015	22/09/2016	74.1	2015

450	450	City	GPS AKHOON ABAD	HASSAN ZAIB	JEHAN ZEB KHAN	Pesh	12	SSC	FSC	BSC	Bio Chemistry	1ST	Nill	Nill	PTC	Nill	Nill	Nill	06/08/1997	21/09/2016	12/03/2018	22/09/2016	20/01/2015	22/09/2016	72.9	2015
451	451	Takht Abad	GPS New Garhi Bakhshi Pul	Asad Ullah	Naeem Ullah	Pesh	12	SSC	FSC	BA	Arts	1st	x		PTC	x	x	x	01/07/1994	22/09/2016	12/03/2018	22/09/2016	12/01/2015	22/09/2016	72.02	2015
452	452	Hazar khwani	gps ghari muhammad gul	Ejaz Ahmad	Afsar Khan	Pesh	12	SSC	F.Sc	B.A	Arts	1st	0	0	PTC	0	0		02/06/1987	21-9-2016	12/03/2018	22-09-2016	14-03-2009	22/09/2016	71.99	2015
453	453	Hazar khwani	Gps No.3 Hazarkhwani	Saml ullah	Ihsan ullah	Pesh	12	SSC	FA	B.A	Arts	2nd	M.A	Urdu	PTC	CT	0		21/11/1986	21-09-2016	12/03/2018	22-09-2016	14-07-2015	22/09/2016	71.73	2015
454	454	City	GPS Haider colony	Zubair Gul	Akhtar.gul	Pesh	12	SSC	FSC	BA	Political science	2ND	MA	Islamiyat	PTC	NIL	NIL	NIL	14/04/1993	21/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	69.27	2015
455	455	Mathra	GPS Babu Garhi	Liaqat Khan	Mahabat Khan	Pesh	12	SSC	FA	BA	Urdu/Islamic Edu	2nd	x	x	PTC	x	x	x	22/03/1986	22/09/2016	12/03/2018	22.09.2016	20/09/2007	22/09/2016	68.64	2015
456	456	Cantt.	GPS Irrigation	Muhammad Sajid	Gul Wali Khan	Peshawar	12	SSC	F.A	B.A	Arts	2nd			PTC			D.PED	05/01/1992	21/09/2016	22/09/2016	22/09/2016	24/06/2013	22/09/2016	65.69	2015
457	457	C/Pura	GPS Pakha Ghulam No.1	Bilal Mujtaba	Ghulam Murtaza	Pesh	12	SSC	F.A	B.A	ART	2nd			PTC				05/01/1994	22/9/2016	03/12/2018	22/9/2016	24/6/2013	22/09/2016	65.69	2015
458	458	City	GPS ASIA GATE	Rizwan Ullah	Mir Muhammad Younas	Pesh	12	SSC	FA	BA	Arts	2nd			PTC				26/03/1988	23/09/2016	12/03/2018	23/09/2016	24/06/2013	23/09/2016	63.47	2015
459	459	City	GPS beri begh peshawar	Muhammad ishaq	Haji mira jan	Pesh	12	SSC	FA	BA	ARTS	1ST	Nill	Nill	PTC	Nill	Nill	Nill	01/04/1984	21/09/2016	12/03/2018	22/09/2016	29/02/2012	22/09/2016	61.26	2015
460	460	City	GPS JOGAN SHAH	Salman nawaz	Nawaz khan	Pesh	12	SSC	DAE	BA	Hummanity	1ST	MA	Education	PTC	No	Nil	Nil	06/01/1992	22/09/2016	12/03/2018	22/9/2016	12/01/2015	22/09/2016	60.08	2015
461	461	Mathra	GPS Mera Shahi Bala 1	Wahid Ali	Adul Sadiq Khan	Pesh	12	SSC	FA	BA	ARTS	2nd	MA	Islamiyat	x	PTC	x	B.Ed	x	01/07/1983	22/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	51.32	2015

To

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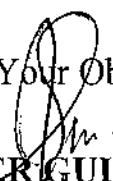Khyber Pakhtunkhwa, Peshawar.

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

SAFEER GUL, PST (BPS-12),
GPS Civil Quarters, Peshawar

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

_____ OF 2024

Safeer Gul   (APPELLANT)
_____ (PLAINTIFF)
                                    (PETITIONER)

VERSUS

Education Deptt: (RESPONDENT)
_____ (DEFENDANT)

I/We _Safeer Gul_ _____

Do hereby appoint and constitute **Mehmood 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
                                   MEHMOOD JAN
                                     ADVOCATE

OFFICE:
Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0341-7524145