


FORM OF ORDER SHEET

Court of _____

Appeal No. 816/2024

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. Ayaz Khan 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: Ayaz Khan 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. 816 /2024

AYAZ KHAN

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Affidavit + Stay application	4- 5.
3	Appointment order	A	6- 9.
4	Act	B	10- 12.
5	Seniority list	C	13- 17.
6	Departmental appeal	D	18.
7	Wakalat nama	19.

APPELLANT

THROUGH:


MAHMOOD JAN
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 816 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13414

Dated 11-06-2024

Mr. Ayaz Khan, PST (BPS-12),
GPS Khari Qilla, 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

12 Azu
AYAZ KHAN

THROUGH: *Mah*
MEHMOOD JAN
ADVOCATE

CERTIFICATE:

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

Mah
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


AYAZ KHAN

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

AYAZ KHAN

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

A (6)

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

ATTESTED

7

373	Tehkal Bala	SHAFI ULLAH	17301-8653125-1	105.97	GPS NO.1 TEHKAL BALA	AGAINST VACANT POST
374	Tehkal Payan-I	MUHAMMAD SABIR	17301-3103487-3	89.63	GPS NO.2 TEHKAL PAYAN	AGAINST VACANT POST
375	Tehkal Payan-I	MAJID MEHMOOD	17301-5281197-5	88.32	GPS NO.2 TEHKAL PAYAN	AGAINST VACANT POST
376	Tehkal Payan-I	WAQAS ULLAH	17301-4404236-9	76.64	GPS NO.2 TEHKAL PAYAN	AGAINST VACANT POST
377	Tehkal Payan-I	MUHAMMAD SAJID	17301-9203088-5	65.69	GPS IRRIGATION COLONY	AGAINST VACANT POST
378	Tehkal Payan-II	AMJAD SHAH	17301-2828483-9	91.26	GPS No.2 TEHKAL BALA	AGAINST VACANT POST
379	University Town	FAISAL UD DIN	17301-0205343-7	107.39	GPS AGRICULTURE COLONY	AGAINST VACANT POST
380	Urmal Bala	KHIAL ZAMAN	17301-9172104-3	124.22	GPS G. NOOR KHAN	AGAINST VACANT POST
381	Urmal Bala	MUHAMMAD ASIF	17301-9234644-1	115.19	GPS GARHI FAIZULLAH NO.2	AGAINST VACANT POST
382	Urmal Bala	SADIQ BADSHAH	17301-0314548-7	112.72	GPS GARHI CHANDAN PAYAN	AGAINST VACANT POST
383	Urmal Bala	AYAZ KHAN	17301-5587525-5	110.48	GPS GARHI FAIZULLAH NO.2	AGAINST VACANT POST
384	Urmal Bala	ZAKIR AFZAL	17301-1746791-9	110.17	GPS GARHI CHANDAN PAYAN	AGAINST VACANT POST
385	Urmal Bala	SHAKEEL UR REHMAN	17301-4778503-9	109.72	GPS GARHI CHANDAN PAYAN	AGAINST VACANT POST
386	Urmal Bala	WAHID GUL	17301-6549643-3	106.16	GPS GARHI TARKANAN	AGAINST VACANT POST
387	Urmal Bala	AKMAL SHER	17301-5524917-7	104.87	GPS GARHI TARKANAN	AGAINST VACANT POST
388	Urmal Bala	SAJID ULLAH	17301-2972367-1	101.98	GPS GARHI TARKANAN URMAR BALA	AGAINST VACANT POST
389	Urmal Bala	RAHMAT ULLAH	17301-2825412-9	101.54	GPS URMAR BALA NO.1	AGAINST VACANT POST
390	Urmal Bala	SHAH JEHAN	17301-8134469-3	101.31	GPS URMAR BALA NO.1	AGAINST VACANT POST
391	Urmal Bala	SAID HABIB	17301-5780801-9	101.16	GPS URMAR BALA NO.1	AGAINST VACANT POST
392	Urmal Bala	ALI SHAH	17301-7955639-5	99.84	GPS URMAR BALA NO.1	AGAINST VACANT POST
393	Urmer Miana	JAMIL HUSSAIN	17301-3474283-9	113.01	GPS MERA URMAR PAYAN NO.1	AGAINST VACANT POST
394	Urmer Payan	SAFI ULLAH	17301-8894432-9	126.27	GPS URMAR PAYAN NO.1	AGAINST VACANT POST
395	Wazir Bagh	DANYAL NIAZ	17301-8707230-1	114.99	GPS KHALID TOWN	AGAINST VACANT POST
396	Wazir Bagh	SAMI UD DIN	17301-0980635-5	114.27	GPS ZAHID ABAD	AGAINST VACANT POST
397	Wazir Bagh	SHOKAT ALI	17301-4928209-3	91.67	GPS ZAHID ABAD	AGAINST VACANT POST

ATTACHED

8

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.

ATTACHED

9

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

ATTACHED

B-10

**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,-

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 Act¹ [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.

ATTESTED

12

- (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.

ATTESTED

¹ Replaced vide Khyber Pakhtunkhwa Act No. II of 2019.

² Inserted vide Khyber Pakhtunkhwa Act No. II of 2019.

13

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							Prof. 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
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	Talkht 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	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	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 Sultankhel	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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14

8	8	C/Pura	GPS Mian Gujjar No.1	Muhammad Shahab	Zakir Ullah	Pesh	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	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	Wasil Ullah	Ihsan Ullah	Pesh	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 Nos Umar Malana	Muhammad Ibraheem	Khail ur Rehman	Pesh	12	SSC	F.Sc	B.a	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	ssc	F.A	B.A	Arts	1ST	MA	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 GUN MANDI	Ajmal Shah	Faqir Shah	Pesh	12	SSC	FA	BA	Economic statistics	1ST	Msc	Economic	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 Kale Kas	Muhammad Ajmal Khan	Sher Afzal	Pesh	12	SSC	F.Sc	B.Sc	Maths/Sci/ab/Comp Sc	2nd	MSc	STATISTICS/Econo	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	Cannt	GPS No.2 Nourtha Gadeem	Sajjad Ahmad	Sher Afzal	Pesh	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	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	SSC	F.Sc	B.A	Arts	2nd			P.T.C	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 kaly.	Farhad Ali	Ayub Khan	Pesh	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	All Afzal	Sher Afzal	Pesh	12	SSC	FA	BA	Arts	2nd	MA	URDU	P.T.C	C.T	B.Ed	MEd	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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(15)

174	174	B/Rer	GPS No1 Masho gagar	Azmat Khan	zabita khan	Pesh	12	12	SSC	FA	BA	ARTS	2nd	M.A				07/04/1987	21.09.2016	12/03/2018	22.09.2016	14.03.2009	22/09/2016	112.45	2015
175	175	Cannt	GPS No.3 Bazid khel	Salim Khan	Aleem Khan	Peshawar	12	12	SSC	FSc	BA	ARTS	2nd	M.Sc	Economics			04/04/1989	21/09/2016	12/03/2018	24/09/2016	24/06/2013	24/09/2016	112.05	2015
176	176	City	GPS No.1 Dinbahar	Salim Khalid	Muhammad Akram	Pesh	12	12	SSC	FA	BA	arts	2nd	MA	o			01/03/1977	01/11/2016	12/03/2018	01/11/2016	14/3/2009	01/11/2016	111.98	2015
177	177	D-Zai	GPS Nahaqi no1	Yasir Jan	Janab Muhammad	Pesh	12	12	SSC	F.A	B.A	ARTS	2nd	MA	Political science			12/03/1989	22/09/2016	12/03/2018	22/09/2016	11/07/2014	22/09/2016	111.95	2015
178	178	Hazar khwani	Gps Sulimankhel	Naveed Iqbal	Zafar Ali	Pesh	12	12	SSC	F.Sc	B.Sc	Bio/Chem	2nd	M.Sc	Geography			03/03/1986	21-9-2016	12/03/2018	22-09-2016	12/01/2015	22/09/2016	111.81	2015
179	179	City	GPS Mohalla Islamabad	WAQAS ALI	ABDUL RAUF	Pesh	12	12	SSC	FSC	BA	Arts	2ND	MA	INTERNATIONAL RELATI			25/08/1984	21/09/2016	12/03/2018	23/09/2016	23/12/2011	23/09/2016	111.58	2015
180	180	Takht Abad	GPS Takht Abad No 2	Habib Rahim	Said Rahim	Pesh	12	12	SSC	FSC	BA	Arts	2nd	M.A	Islamiat			18/04/1987	22/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	111.1	2015
181	181	Takht Abad	GPS Khadra Khel	Muhammad Arshad	Mahtad Ullah	Pesh	12	12	SSC	FSC	BA	Arts	2nd	M.A	English			05/01/1979	21/09/2016	21/09/2016	21/09/2016	14/03/2009	22/09/2016	111.03	2015
182	182	D-Zai	GPS Gul Bela	Aftab Ullah	Janas Khan	Pesh	12	12	SSC	F.Sc	B.Sc	Botny, zoigy Chmstry	2nd	o	o			08/02/1993	22/9/2016	12/03/2018	22/09/2016	26/6/2013	22/09/2016	110.95	2015
183	183	Takht Abad	GPS Choli Bela	Sulaiman Khan	Abdul Rahim	Pesh	12	12	SSC	D.Com	B.Sc	maths-phy	2nd	M.Com				05/07/1989	22/09/2016	12/03/2018	22/09/2016	17/09/2010	22/09/2016	110.84	2015
184	184	Urmur	GPS Khari Kala	Ayaz Khan	Ziladar Khan	Pesh	12	12	SSC	F.Sc	B.A	Arts	2nd	M.A	Islamist			04/01/1980	22/09/2016	12/03/2018	22/09/2016	14/03/2009	22/09/2016	110.48	2015
185	185	D-Zai	GPS Sewan	muhammad Sulaman	Sher Rahman	Pesh	12	12	SSC	F.Sc	B.Sc	Physsics/Maths	1st	MSc	Mathe matics			03/05/1993	23/09/2016	12/03/2018	23/09/2016	28/02/2012	23/09/2016	110.3	2015

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16

366	366	Takht Abad	GPS Pajaggi	Muhammad Siddiq Khan	Janas Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Islamic study	PTC	X	X	X	04/02/1981	22/09/2016	12/03/2018	22/09/2016	28/02/2012	22/09/2016	89.08	2015
367	367	Takht Abad	GPS Pajaggi	Shahir Khan	Bashir Khan	Pesh	12	SSC	FSC	BA	Arts	2nd	MA	Islamic study	PTC	X	X	X	02/01/1982	22/09/2016	12/03/2018	22/09/2016	17/09/2010	22/09/2016	88.96	2015
368	368	CANTT	GPS NOTHIA JADEED	Hasbun Ullah	Adam Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Islamic study	PTC	CT	B. Ed	M. Ed	10/04/1983	21/09/2016	21/09/2016	22/09/2016	14/03/2009	22/09/2016	88.95	2015
369	369	C/Pura	GPS Chamkani No.1	Irfikhar	Fazal-Rahim	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Islamic study	PTC	0	0	0	15/01/1984	22/9/2016	03/12/2018	22/9/2016	10/9/2007	22/09/2016	88.94	2015
370	370	Mattani	GPS No.3 Matani	Younas Khan	Shams Ur Rehman	Pesh	12	SSC	FA	BA	Arts	2nd	MA		PTC				3/15/1989	9/21/2016	3/12/2018	9/22/2016	9/17/2010	9/22/2016	88.82	2015
371	371	CANTT	GPS NOTHIA JADEED	Fazal Hussain	Guliam Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	P. Science	PTC		B. Ed		13/03/1980	21/09/2016	21/09/2016	22/09/2016	24/06/2013	22/09/2016	88.73	2015
372	372	Cantt	GPS NO.1 Pk. P. Surzai payan	Abdur Rehman	Ranzan Khan	Pesh	12	SSC	FA	BA	Arts	2nd	MA	Theology	PTC	Nill	Nill	Nill	03/06/1987	22/09/2016	12/03/2018	22/09/2016	14.07.2015	22/09/2016	88.7	2015
373	373	Hazar khwani	Gps No.1 Surzai payan	Muhammad Faisal	Hakeem Khan	Pesh	12	SSC	F.A	0	0	0	0	0	PTC	0	0	0	03/02/1996	21/09/2016	03/12/2018	22/09/2016	12/01/2015	22/09/2016	88.56	2015
374	374	H-Abad	GPS#2 tehal payan pesh.	Majid Mehmood	Sikandar Mehmood	Pesh	12	SSC	F.SC	B.SC	maths, physics	2nd	M.SC	mathematics	PTC	B.ED			20/01/1991	21/09/2016	12/03/2018	22/09/2016	07/07/1905	22/09/2016	88.32	2015
375	375	B/Ber	GPS No1 Badaber	M. Azharuddin	Minhaj	Psh	12	SSC	FA	BA	Arts	2nd	M.A		PTC	B.ed	M.ED		20/04/1986	21/09/2016	12/03/2018	22/09/2016	24.06.2013	22/09/2016	88.17	2015
376	376	H-Abad	Gpsno.1 dudaid dhari	Fazle Azeem	Naveed Gul	Pesh	12	SSC	F.Sc						PTC				02/08/1996	21/9/2016	12/03/2018	23/9/2016	01/12/2015	23/09/2016	88.14	2015
377	377	B/Ber	GPS No1 Balarzai	Aadullah	Aam Khan	Pesh	12	SSC	FA	B.COM	Commerce	1st			PTC				20/03/1991	21.09.2016	12/03/2018	22.9.2016	06.12.2013	22/09/2016	88.06	2015

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17

378	378	C/Pura	GPS Fatu abdur rahima No.1	Sajjad Ali	Fazal Muhammad	Pesh	12	12	SSC	FA	BA	ARTS	2nd	MA	Islamia t		PTC	0	BED	0	20/03/1989	22/9/2016	03/12/2018	22/9/2016		22/09/2016	88	2015
379	379	City	Gps No 1 Din 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 Fazli Haq	Sadam Hussain	Nadir Khan	Pesh	12	12	SSC	F.Sc	BSc	Arts	2nd	MA	Islamiy at	X	PTC	CT	BED	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	B.A	Arts	2nd	M.A	Islamiy at		PTC		BED	MED	15/01/1986	21/09/2016	03/12/2018	22/09/2016	28/02/2012	22/09/2016	87.84	2015
382	382	Mattani	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	Islamya 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 t		PTC	Nil	BED	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 Khel	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

UNTESTED

محترم جناب ڈائریکٹر ایجوکیشن ڈیپارٹمنٹ، ریگولیشنز، ایجوکیشن کونسل

(18) D-

عنوان: فلکس نہ اپیل بر خلاف سینارٹی لیسٹ جاری شدہ
بھونہ 01-08-2023

جناب عالی! یہ کہ سائل حسب ذیل عرض گزار ہے

کہ سائل بھونہ 2016-09-21 کو حکم تعلیم میں بطوری ایس ٹی (BPS-12) عالی
طور پر تعینات ہوا اور بعد از تعیناتی سائل نے تباہ شدہ طور پر اپنی ڈپوٹی کا
آغاز کیا اور تاحال انتہائی خوش اسلوبی کے ساتھ اپنے فرائض سر انجام دے رہا
ہوں۔

یہ کہ دوران ملازمت حکومت نے ریگولیشنز ایکٹ 2017 کے تحت حکم
تعلیم کے تمام عارضی اساتذہ کو مستقل کیا اور بعد از مستقلی حکم تعلیم نے عارضی
سینارٹی لیسٹ عمر کے لحاظ سے جاری کیا جو کہ ریگولیشنز ایکٹ 2017 کے
دفعہ (2) 4 کے مطابق تھا لیکن بعد از ان حکم نے سینارٹی لیسٹ مذکورہ میرٹ
کے بنیاد پر جاری کیا جس کے خلاف میں نے بمعہ دیگر اساتذہ اعتراضات
جمع کیے لیکن اسکے باوجود حکم نے فائنل سینارٹی لیسٹ میرٹ ہی بنیاد پر
جاری کیا جو کہ خلاف قانون ہے۔

لہذا استدعا ہے کہ مذکورہ سینارٹی لیسٹ دفعہ (2) 4 آف ریگولیشنز
ایکٹ 2017 عمر کے لحاظ سے جاری کرنے کے احکامات صادر فرمائے
جائے۔

الرقم 02
22/08/2024

آریز خان بی ایس ٹی
جی پی ایس خاری قلعہ پشاور

REGISTERED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2024

Ayaz Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt:

(RESPONDENT)
(DEFENDANT)

I/We Ayaz Khan

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

12/2/24
CLIENT

M. J.
ACCEPTED

MEHMOOD JAN
ADVOCATE

OFFICE:

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