

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal # 231/2024

Mr. Liaqat Ali.....Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others.....Respondents.

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Deponent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

In Service Appeal No. 231/2024

Mr. Liaqat AliAppellant.

VERSUS

Secretary E&SE Department KPK PeshawarRespondent.

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01.

Respectfully Sheweth,

Preliminary Objections:

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 13931

Dated 03-07-24

1. The appellant is not an aggrieved person nor has any locus standi to file the present appeal. The applicant through the instant service appeal claiming back benefits (annual increments and seniority) from 15.05.2020 at that time when he was not Civil Servant or even in Service, as he was appointed vide Notification No.SO(SM)E&SED/3-2/2017/Recruitment of SS (Islamiyat) BS-17 dated 31.07.2023 (**Annex-A**) in compliance to High Court Judgment dated 08.03.2022 rendered in W.P No.1489 which he accepted and assumed charge against the ibid Notification, hence become infructuous.
2. That the appellant has concealed material facts from this Tribunal.
3. That the appellant estopped by his own conduct to file the present appeal.
4. That the present appeal is against the prevailing law and rules.
5. That the appellant is not entitled for any relief, he has sought from this Honorable Tribunal.
6. That the present appeal is liable to be dismissed being devoid of any merits.
7. That the present appeal is barred by law and hence not maintainable.

On Facts

1. Pertains to record, hence needs no comments.
2. Pertains to record, hence needs no comments.
3. Pertains to record and also this para has no concern with the answering respondent.
4. Pertains to record.
5. Incorrect, the respondent has obeyed the order of this Honorable Peshawar High Court Peshawar and appointed the applicant on the basis of recommendations of Khyber Pakhtunkhwa Public Service Commission vide Notification bearing No.SO(SM)E&SED/3-2/2017/Recruitment of SS (Islamiyat) BS-17 dated 31.07.2023. As the applicant was appointed on 31.07.2023, therefore his claim for seniority/back benefits w.e.f from 15.05.2020 is illegal, unlawful and against the prevailing law/rules and policy. As per Civil Servant Act, 1973 and APT Rules, 1989 the Seniority of Civil Servant is reckoned from the date of Regular Appointment to that post.

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal # 231/2024

Mr. Liaqat Ali Appellant

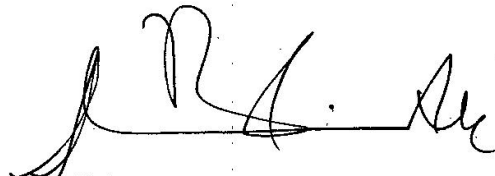
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... Respondents

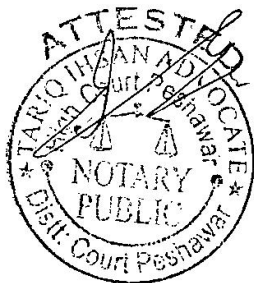
AFFIDAVIT

I, **Abdul Akram**, Additional Secretary (General), Elementary & Secondary Education, Department do hereby solemnly affirm and declare that the contents of the accompanying application for salary release are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

It is further, stated on oath that in this appeal the answering Respondent have neither been placed ex-parte nor has their defense been struck off.



**Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01)**



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

AUTHORITY LETTER

It is certified that **Mr. Sajid Ullah, Section Officer (Litigation-II)** Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar is hereby authorized to submit application for Salary Release on behalf of Secretary Elementary & Secondary Education Department Peshawar in **Service Appeal # 231/2024 Case Titled Mr. Liaqat Ali vs Government of Khyber Pakhtunkhwa** through Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar.

A handwritten signature in black ink, appearing to read 'Masood Ahmad'.

**Additional Secretary (General)
E&SE Department
(Masood Ahmad)
SECRETARY E&SED
(Respondent No. 01)**



(S) (Annex - A)
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533. Email: sschoolmale@gmail.com

Dated Peshawar the 31.07.2023

NOTIFICATION

NO.SO(SM)E&SED/3-2/2017/Recruitment of SS (ISLAMIYAT)-BS-17: Consequent upon the recommendation of Khyber Pakhtunkhwa Public Service Commission vide letter No. PSC/SR-III/028256 dated 03.06.2022 and No. PSC/SR-III/033607 dated 28.07.2022 and pursuance of Peshawar High Court Judgment dated 08.03.2022 in writ petition No. 1489-P/2020 and order dated 27.07.2023 of Peshawar High Court in COC No. 154-P/2023, the Competent Authority/Chief Secretary Khyber Pakhtunkhwa is pleased to appoint the following officers as Subject Specialist Islamiyat (BS-17) on regular basis under the existing policy of the Provincial Government.

S. No	Name with Father's Name	District/zone
01	Mr. Inam Ullah S/o Miraj Nabi	Battagram/3
02	Mr. Liaqat Ali S/o Habib Ul Haq	Buner/3

Terms and Conditions:

1. They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made thereunder.
2. Their pay shall be released subject to verification of his academic documents/testimonials from the concerned Board/University by the District Education Officer (Male) concerned.
3. Their services shall be considered regular and they shall be eligible for pension/deduction of CP Fund in terms of the Khyber Pakhtunkhwa Civil Servants Act, 1973 as amended in 2022.
4. Their services are liable to termination on one-month notice from either side. In case of resignation without notice, their one-month's pay/allowances shall be forfeited to the Government.
5. They shall be on probation for initial period of one year extendable for further one year as per rules.
6. They shall be governed by such rules & regulations as may be issued from time to time by the Government.
7. Their services can be terminated at any time, in case his performance was found unsatisfactory during probationary period.
8. No TA/DA shall be allowed to the appointee for joining duty.
9. Posting/Transfer Notification will be issued later on.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date :-

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director (Recruitment) Khyber Pakhtunkhwa Public Service Commission Peshawar.
4. District Education Officer (Male) concerned.
5. District Accounts Officer concerned.
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. PS to Advisor to CM for E&SE Department, Khyber Pakhtunkhwa.
8. Director EMIS, E&SE Department for uploading at the official website.
9. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
10. Officers concerned.
11. Office order file.

Abdul Haq

(ABDUL HAQ)

SECTION OFFICER (SCHOOLS MALE)

Section Officer (Schools Male)
Elementary & Secondary Edu. Deptt.
Govt. of Khyber Pakhtunkhwa

(6)

(Annex - B)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223633 Email: eschoolmale@gmail.com

Dated Peshawar the 31.07.2023

NOTIFICATION

NO.SO(SM)E&SED/3-2/2017/Recruitment of SS (ISLAMIYAT) BS-17: Consequent upon the withdrawal of recommendation by Khyber Pakhtunkhwa Public Service Commission vide letter No. PSC/SR-III/028256 dated 03.06.2022 and No. PSC/SR-III/033607 dated 28.07.2022 and pursuance of Peshawar High Court Judgment dated 08.03.2022 in writ petition No. 1489-P/2020 and order dated 27.07.2023 of Peshawar High Court in COC No.154-P/2023, the Competent Authority/Chief Secretary Khyber Pakhtunkhwa is pleased to withdraw the Notification No. SO (SM)E&SED/3-2/2017/Recruitment of 730 SS (Islamiyat) dated 15.05.2020 regarding appointment order of the following Subject Specialists Islamiyat (BS-17) appearing at Sr. No. 23 and 29 with immediate effect.

S. No	Name with Father's Name	District/zone
01	Muhammad Umar S/o Qalandar Khan	Dir Upper/3
02	Mr. Asif Ali Shah S/o Fazle Qawi Bacha	Swabi/2

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date :-

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10. Officers concerned.
11. Office order file.

(ABDUL HAQ)
SECTION OFFICER (SCHOOLS MALE)

AH

Secretary to Government
Elementary & Secondary Education Deptt
Govt. of Khyber Pakhtunkhwa