

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHUNKHWA PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

S.A No. 768/24

Diary No. 14474

Sher Ghulam

Dated 24/7/24

Appellant

**VERSUS**

Education Department

..... Respondents

**APPLICATION FOR FILING ADDITIONAL  
DOCUMENTS.**

**Respectfully Sheweth:**

1. That the titled Service Appeal is pending adjudication before this Honorable Tribunal.
2. That service appeal No. 768/24 has already been fixed on dated 25.07.2024.
3. That the additional documents are submitted with the application.
4. That the additional documents are very much necessary for the adjudication of the instant appeal.
5. That the law favours adjudication on merits. fixed

*It is, therefore, respectfully prayed that on acceptance of this application, the documents may kindly be placed on file, and be considered as integral part and parcel of the main file No. 768/24, in the best interest of justice.*

**Appellant**

Sher Ghulam

Through

Mahmood Jan  
Advocate High Court  
Peshawar





**GOVERNMENT OF KHYBER PAKHTUNKHWA**

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

CIVIL SECRETARIAT PESHAWAR

(Phone No.091-9223587)

No. SO(Primary-M)E&SED/4-7/Seniority of PSTs under Act, 2017/Court Case/2024

Peshawar Dated 26<sup>th</sup> June, 2024

To,

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

**Subject: GUIDANCE REGARDING EXTENTION OF BENEFITS (SENIORTIY ON AGE-WISE) TO ALL SIMILARLY PLACED PSTs (BPS-12) THROUGHOUT KHYBER PAKHTUNKHWA ON THE ANALOGY OF JUDGEMENT DATED 31-05-2023 OF THE HONORABLE SERVICE TRIBUNAL, PESHAWAR IN SERVICE APPEALS NO. 2069/2019 TO 2079/2019.**

I am directed to refer to your letter No. 3656(AD Lit-II) dated 09-01-2024 on the subject noted above and to enclose herewith a copy of letter No. ALO(OP)/LD/15-2/2023/KC/7405-7408 dated 20-05-2024 received from Law Department Khyber Pakhtunkhwa which is self-explanatory for further necessary action, please.

Encl: AA

(REHMAN GUL)  
SECTION OFFICER (PRIMARY MALE)

Endst: of even No. & Date:

Copy forwarded to the:

1. Assistant Law Officer (Opinion) Law Department Khyber Pakhtunkhwa w/r to his letter cited above.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

ATTACHED

R1 26/06/24



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT

NO. ALO(OP)/LD/15-2/2023/KC 7405-7408  
DATED: PESH: THE 20<sup>TH</sup> MAY, 2024

To / The Secretary,  
Government of Khyber Pakhtunkhwa,  
Elementary & Secondary Education Department.

Attention: Section Officer (Primary Male)

Subject: - GUIDANCE REGARDING EXTENTION OF BENEFITS (SENIORITY ON AGE-WISE) TO ALL SIMILARLY PLACED PSTs (BPS-12) THROUGHOUT KHYBER PAKHTUNKWA ON THE ANALOGY OF JUDGMENT DATED 31-05-2023 OF THE HONORABLE SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 2069/2019 TO 2079/2019.

Dear Sir,

I am directed to refer your Department's letter No. SO(Primary Male)-E&SED/4-7/Seniority of PSTs Under Act, 2017/Court Case/2024, dated, 17.04.2024 on the subject noted above and to state that the Scrutiny Committee of Law Department opined in its meeting held on 06-09-2023 that in terms of section 4(2) of Khyber Pakhtunkhwa Employees of Elementary & Secondary Education Department (Appointment, Regularization) Act, 2017, which stipulate, determination of seniority on the basis of age. The Scrutiny Committee further held that the said section of law outlines the method for determining seniority of the employees, whose services were regularized within a specific cadre under the Act ibid. Moreover, seniority is determined based on their continuous service within the cadre and if two or more employees have the same date of continuous service the employee older in age is to be considered senior to the younger one. Furthermore, the Act ibid has overriding effect on Rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 which is not attracted to the seniority inter se of the employees, regularized under the Act ibid.

2. Hence, keeping in view the above, Law Department further holds that leaving aside the judgment of Service Tribunal dated 31-05-2023 in Service Appeal No. 2069/2019 to 2079/2019, benefit of section 4(2) of the Act ibid may be extended to all the employees regularized under the said Act after advice of the Scrutiny Committee dated 06-09-2023 ibid, please.

1954  
Date: 21/5/2024

Yours Faithfully,

SAYED SAQLAIN HAIDER  
Assistant Law Officer (Opinion)

Endst: of even No. & date.

Copy is forwarded for information to the:-

1. PS to Minister for Law Department.
2. PS to Secretary, Law Department.
2. Master File.

AMFED

SAYED SAQLAIN HAIDER  
Assistant Law Officer (Opinion)