

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M No _____ /2024

in

Service Appeal No 1464 /2022

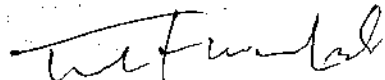
M. Faizal Abbasi

~~Irshad Hussain~~ versus Secty to Govt of KP (E & S) Edu Deptt & others

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Dated: / /2024


Appellant,

Through


Muhammad Ayub Khan Shinwari

LL.B; LL.M

ADVOCATE

Supreme Court of Pakistan

CHAMBER

7-A, Haroon Mansion,

Khyber Bazar, Peshawar

Cell: (Clerk) 03219068514

Email: mak_shinwari@yahoo.com

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M No _____/2024

in

Service Appeal No _____/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15553

Dated 09-09-2024

M Faisal Abbasi S/o M Shamaraiz Abbasi,
Subject Specialist (Economics),
GHSS, Ziarat Masoom, Abbottabad

.....Appellant

Versus

1. Chief Secretary to Govt of Khyber Pakhtunkhwa, Peshawar
2. Secretary to Govt of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar

.....Respondents

Application for filling additional documents

Respectfully Sheweth,

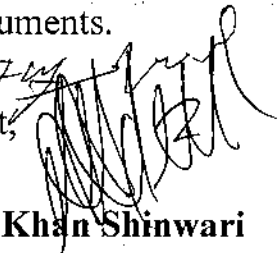
The appellant submits as follows:

1. That the title Service Appeal is pending adjudication before this Honorable Tribunal at Abbottabad and is fixed for hearing today i.e., 09-09-2024.
2. That the appellant seeks permission of this Honorable Tribunal to file additional documents i.e., the termination order dated 02-03-2020, reinstatement order dated 12-01-2022 and Promotion order of Irshad Hussain from BPS-17 to BPS-18 in pursuance of the judgment and order dated 07-09-2021 in Service Appeal No 8484/2020, which are just and necessary for adjudication of the title Service Appeal.

It is, therefore, prayed that on acceptance of the instant application the appellant may kindly be allowed to file additional documents.

Through

Appellant,


M Ayub Khan Shinwari
Advocate Supreme Court

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IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M No _____/2024

in

Service Appeal No _____/2022

M Faisal Abbasi versus Secty to Govt of KP (E & S) Edu Deptt & others

Affidavit

I, M Faisal Abbasi S/o M Shamaraiz Abbasi, Subject Specialist (Economics), GHSS, Ziarat Masoom, Abbottabad do hereby solemnly affirm and declare on oath that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing is concealed from this Honorable Tribunal.



M Faisal Abbasi
Deponent

09/09/2024

Approved 3

Registered / Overleaf



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the March 02, 2020

NOTIFICATION

NO.SO(SMVE&SED/4-24/2016/Irshad Hussain:-

WHEREAS Mr. Irshad Hussain S/o Ashiq Hussain residents of District Kurram Agency was appointed as Subject Specialist Statistics (Male) BS-17 vide this Department Notification No.SO(S)3-2/2006/SS(Male) dated 19-10-2007 on the recommendation of Khyber Pakhtunkhwa Public Service Commission.

2. AND WHEREAS after completion of codal formalities this Department had issued appointment orders of Mr. Irshad Hussain S/O Ashiq Hussain, subject to the condition that appointee shall have to acquire the additional qualification of B.Ed. or M.Ed etc, as specified, within three years from the date of appointment, failing which his services shall be terminated irrespective of any other provisions of the rules for the time being in force.

3. AND WHEREAS Mr. Irshad Hussain acquired B.ED degree after 5 year 4 months and 4 days on 22-12-2012 instead of three years.

4. AND WHEREAS he applied for inclusion of his name in the seniority list of BS-17 w.e.f 22-12-2012 but his application could not be entertained being not covered under the rules.

5. AND WHEREAS Mr. Irshad Hussain S/O Ashiq Hussain, filed W.P No. 530/2018 before the Peshawar High Court against the Govt. of Khyber Pakhtunkhwa for inclusion his name in the seniority list of subject specialists BS-17.

6. AND WHEREAS the Peshawar High Court vide order dated 18-01-2019 in W.P No.5378-P/2018 directed the respondents that the petitioner should be treated lawfully & sympathically.

7. AND WHEREAS the order of Peshawar High Court dated 18-01-2019 was received to this Department and the same was forwarded to the competent authority i.e. Chief Secretary, Khyber Pakhtunkhwa for further orders in this regard as per rules.

8. NOW THEREFORE, the competent authority i.e. Chief Secretary, Khyber Pakhtunkhwa is pleased to terminate Mr. Irshad Hussain S/o Ashiq Hussain with immediate effect under Rule-10 (3) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 provides that "a candidate for initial appointment to a post must possess the education qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post.

SECRETARY

ATTESTED

Signature



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the January 12, 2022

NOTIFICATION

NO.SO(SM)E&SED/4-24/2016/Irshad Hussain: WHEREAS Mr. Irshad Hussain S/O Ashiq Hussain resident of District Kurram was appointed as Subject Specialist Statistics (Male) BS-17 vide this Department Notification No.SO(S)3-2/2006/SS(Male) dated 19-10-2007 on the recommendation of Khyber Pakhtunkhwa Public Service Commission.

2. AND WHEREAS after completion of codal formalities, this Department issued appointment order of Mr. Irshad Hussain S/O Ashiq Hussain, subject to the condition that appointee shall have to acquire the additional qualification of B.Ed. or M.Ed. etc, as specified, within three years from the date of appointment, failing which his services shall be terminated irrespective of any other provisions of the rules for the time being in force.

3. AND WHEREAS Mr. Irshad Hussain acquired B.ED degree after Five years 04 Months and four days on 22-12-2012 instead of three years.

4. AND WHEREAS he applied for inclusion of his name in the seniority list of BS-17 w.e.f 22-12-2012 but his application could not be entertained being not covered under the rules.

5. AND WHEREAS the Competent Authority /Chief Secretary, Khyber Pakhtunkhwa imposed major penalty "*Termination from service*" upon Mr. Irshad Hussain S/o Ashiq Hussain Ex-subject Specialist BS-17) GHSS Shalozan District Kurram vide Notification of even number dated 02.03.2020 with immediate effect under Rule-10 (3) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

6. AND WHEREAS Mr. Irshad Hussain S/O Ashiq Hussain, filed Service Appeal No. 8484/2020 before Khyber Pakhtunkhwa Service Tribunal against the said notification.

7. AND WHEREAS the Khyber Pakhtunkhwa Service Tribunal delivered its judgment dated 07.09.2021 in service appeal No. 8484/2020 ordered that "*appellant stands reinstated into service from the date of impugned order i.e 2nd March 2020 with all back benefits*".

8. AND WHEREAS the scrutiny committee of Law Department in its meeting held on 13.10.2021 declared the subject case unfit for filing appeal/CPLA against the said judgment in the Supreme Court of Pakistan.

9. NOW THEREFORE, in exercise of the powers conferred under section-4 (1) (b) of the Khyber Pakhtunkhwa Govt. Servants (Appointment, Promotion & Transfer) Rules 1989, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to reinstate Mr. Irshad Hussain, Ex-subject Specialist (BS-17) Govt. Shaheed Nadeem Hussain Higher Secondary School Shalozan District Kurram into services w.e.f 02.03.2020 with all back benefits.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

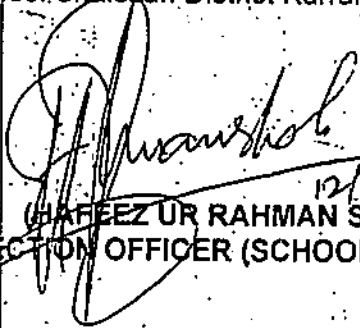
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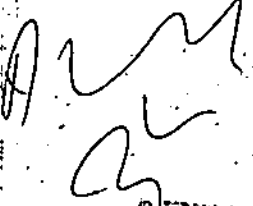
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Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Registrar Khyber Pakhtunkhwa Service Tribunal w.r.to his judgment quoted above.
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officers (Male) Kurram.
5. District Account Officer Kurram.
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. Section Officer (Lit-II) E&SE Department w.r.to his letter No. SO (Lit-II)/E&SED/1-3/SA#8484/2020/Irshad Hussain dated 09.11.2021.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
9. PA to Deputy Secretary (Legal) E&SE Department.
10. Mr. Irshad Hussain, Subject Specialist (Statistics), BS-17 Govt. Shaheed Nadeem Hussain Higher Secondary School, Shalozan District Kurram.
11. Office order file.


12/11/2022
(HAFEEZ UR RAHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)


ATTEST:



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223433 Email: sschoolmale@gmail.com

Peshawar: Dated 13th December, 2022.

NO.SO(SM)E&SED/3-1/2022/Promotion BS-17 to BS-18:- The Competent Authority on the recommendations of the Provincial Selection Board in its meeting held on 18-11-2022 is pleased to promote the following Head Masters/Subject Specialists (BS-17) to Principals/V.Principals/Senior Subject Specialists (BS-18) Teaching Cadre (Male) on regular basis, with immediate effect:-

S.No	Name of Officer	S.No	Name of Officer	S.No	Name of Officer
1.	Irshad Hussain	32	Gul Dayub Khan	63	Qadeer ullah
2.	Dr. Muhammad Amin	33	Haziq ur Rehman	64	M.Aziz Ud Din Khan
3.	Dr. Muhammad Shakeel	34	Ahmad Ghazi ud Din	65	Shalil Nawaz
4.	Adalat Khan	35	Siraj Khan	66	Muhammad Tariq
5.	Akhtar Zaman	36	Wahid Jan	67	Afsar Khan
6.	Hashmat Ali	37	Syed Attaullah Jan	68	Hafiz Mohammad Ali
7.	Akbar Jan	38	Hastam Khan	69	Syed Adhan Ahmad
8.	Qaisar Shah	39	Shoaib Gul	70	Muhammad Nasim
9.	Muhammad Tayyab	40	Zarif Shad	71	Haji Rehman
10.	Inam Ullah	41	Ghani Khan	72	M. Altaf Khan
11.	Imran Hameed	42	Malik Muhammad Kalim Zeb	73	Tariq Ur Rehman
12.	Shah Nawaz Khan	43	Muhammad Athar	74	haider Ali Khan
13.	Muhammad Kashif Khan	44	Amjad Hussain	75	Muhammad Zahoor
14.	Muhammad Ishaq	45	Zubair Ali Khan	76	S.Misbah Ur Rehman
15.	Hashmat Ullah Khan	46	Tahir Ullah Jan	77	Muhammad Daud
16.	Saeed Ahmad	47	Asad Ali	78	Naseer Ullah
17.	Tariq Ali	48	Muhammad Sajjad	79	Liaqath Ali
18.	Anwar Khan	49	Shafi Ullah	80	Khan Zeb
19.	Shan Ullah Khan	50	Attaullah	81	Israr Ahmad
20.	Muhammad Riaz	51	Abdul Jalal	82	Muhammad Farooq
21.	Farid Ullah	52	Itaf Hussain	83	Israr Zamin Shah
22.	Farmanullah	53	Muhammad Saeed	84	Imran Khan
23.	Ibad Ullah	54	Muhammad Asif	85	Ghulam Dastagir
24.	Azam Jan	55	Muhammad Sajid	86	Zia ul Islam
25.	Muhammad Nasim	56	Muhammad Ayaz	87	Muhammad Arshad Iqbal
26.	Muhammad Zubair Khan	57	Muhammad Ismail	88	Muhammad Shakoor
27.	Muhammad Akhtar Khan	58	Abdul Waheed	89	Umar Farooq
28.	Zafar Iqbal	59	Abdul Basit Siddiqui	90	Farooq Zamir
29.	Ahsan Ullah S/O Attaullah	60	Sultan-ud-Din	91	Hidayat Hussain
30.	Muhammad Nauman Shabbir	61	Mian Abdul Malik	92	Murad Khan
31.	Nadeem Akbar	62	Muhammad Nasir Khan	93	Akbar Hussain

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94	Syed Shah Hassan	136	Muhammad Ramzan	178	Mukammil Shah
95	Shabir Muhammad	137	Johar Ali	179	Azir Ur Rehman
96	Shakeeb Ahmad	138	Riaz Muhammad	180	Dr. Mohammad Sibtain
97	Shah Hassan	139	Inayat ur Rehman	181	Khalil Ullah
98	Asif Ali	140	Fazli Manan	182	Akhtar Nawaz Khan
99	Abdul Majeed S/O Shadi Khan	141	Siraj ud Din	183	Muhammad Imran
100	Riaz Iqbal	142	Muhammad Basharat	184	Karim Ullah Khan
101	Ashfaq Ahmad	143	Bakht Zamin Shah	185	Arif Hameed
102	Syed Muhammad Aamir	144	Sajid Ali	186	Ali Jawhar
103	Khaminat Shah	145	Qamar Zaman	187	Mirzali Khan
104	Sher Ayaz Khan s/o Akbar Razi	146	Zaheer ul Haq	188	Muhammad Younas Khan
105	Wajid Ali	147	Fazal ur Rahman	189	Inamullah
106	Sajid Ghaffar	148	Muhammad Ismail	190	Aziz Ullah
107	Dr. Fazli Rabbi	149	Abid Ullah	191	Damsaz Khan
108	Amjad Ali	150	Afrasiyab	192	Muhtad Ullah
109	Ali Muhammad	151	Mazhar Elahi	193	Javed Musa
110	Ghahid Ur Rahman	152	Muhammad Tariq Ullah	194	Saeed Ahmad
111	Amjad Khan	153	Rukhsar Ali Khan	195	Misbahud Din
112	Amir Zeb	154	Inam Ullah	196	Akbar Hussain
113	Zamrad Khan	155	Muhammad Zubair Khan	197	Asfandyar Khan
114	Nasib Khan	156	Hakim Ullah	198	Akhya Jan
115	Muhtamim Shah	157	Shal Muhammad	199	Gohar Ali
116	Gohar Zaman	158	Ilyas Ahmad	200	Muhammad Ashraf
117	Wali Dad Khan	159	Haji Muhammad	201	Imran Khan
118	Iqbal Sher	160	Mukhtar Ahmad	202	Shahriyar
119	Amir Hamza	161	Muhammad Salim	203	Fazal Malik
120	Muhammad Rizwan	162	Ikram ul Haq	204	Hafeez Ullah
121	Mehmood ur Rahman	163	Israrullah Khan	205	Innayat Ullah
122	Tariq Ahmad	164	Muhammad Waseem	206	Asad Ullah
123	Saif Ur Rahman	165	Mushtaq Ali	207	S.Saeed Ud Din
124	Muhammad Ilyas	166	Tariq Habib	208	Tanveer Hussain
125	Shamshad Khan	167	Sajjad Ahmad	209	Ehsan Ahmad Danish
126	Mian Ijaz Mustafa	168	Anwarullah	210	Muhammad Asif
127	Muhammad Hanif	169	Mussrat Naeem	211	Ghulam Wazir
128	Faiz ur Rehman	170	Jamalud Din	212	Gul Shah
129	Sami ur Rehman	171	Fazle-Maula	213	Muhammad Ayub Khan
130	Ghandal Khan	172	Qabil Shah	214	Sajjad Ahmad
131	Ghulam Sarwar	173	Muhammad Azam	215	Javed Khan
132	Muhammad Islam	174	Muhammad Imran Khan	216	Siraj Uddin
133	Abdur Rashid	175	Sadidiq Ur Rehman	217	Salman
134	Tayab Nawaz	176	Fahim Nawaz	218	Sajjad Khan
135	Iftikhar Ahmad	177	Manzoor Hussain	219	Zia Ur Rehman

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220	Muhammad Rafiq	235	Hidayyat Ullah	250	Yasir Ali Khan
221	Sher Bahadar Khan	236	Muhammad Rafi	251	Muhammad Suleman
222	Irshad Ahmad	237	Muhammd Gul	252	Fazal Subhan
223	Muhammad Zahir	238	Samiul Wahab	253	Sharif Khan
224	Isa Khan	239	Atif Malik	254	Zahoor Ullah
225	Atta Ullah	240	Muhammad Nadeem Danish	255	Javed Khan
226	Ifikhar Ahmad	241	Sher Ali Khan	256	Arshad Ali
227	Fazli Rabbi	242	Ahmad Ali Shah	257	Khalid Mahmood
228	Ashfaq Ali	243	Sultan Yousaf	258	M. Anwar Khan
229	Qazi Sajid Rashid	244	Zia Ur Rehman	259	Muhammad Aslam
230	Hussan Farosh	245	Masood Nabi	260	Zahoor ul Islam
231	Alamzeb	246	Rizwan ullah	261	Atta ur Rehman Amjid
232	Muhammad Riaz	247	Hafiz Kaleem Ullah Jan	262	Arif Shah
233	Abdur Rashid	248	Saleem Ullah Khan	263	Sarbiland Khan
234	Haq Nawaz	249	Munsif Khan	264	Muhammad Javed

2. The officers on promotion will remain on probation for a period of one year, in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another one year with specific orders of Appointing Authority within two months of the expiry of first year of probation period as provided in Rule-15 (2) of Rules ibid.

3. The posting/transfer Notification in respect of the above officers will be issued later on.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA

E&SE DEPARTMENT

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male), Concerned.
4. District Accounts Officer, Concerned.
5. PS to Minister E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PA to Additional Secretary (Estab) E&SE Department.
8. Director, EMIS E&SE Department.
9. Officers concerned.
10. Office Order file.

ATTESTED (NASEER ABBAS KHALIL)
SECTION OFFICER (SCHOOLS MALE)

Naseer
13-12-22

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