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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____


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Zair Gul vs Education

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Muharib *11/7/24*


11/7/24
Incharge Judicial Branch

Item No. II

5. The Additional Secretary presented the agenda that (04) No. regular posts of Superintendent (BS-17) are lying vacant which are required to be filled in by promotion on the basis of seniority-cum-fitness from amongst the Assistants and Senior Scale Stenographers with at least five years service as such.

6. After examining all the relevant record of the Assistants (BS-16)/Senior Scale Stenographers, the forum was informed that the official included in the panel at Sr. No. 4 i.e. Mr. Nusrat Noor has not submitted his PERs. The forum agreed to defer his promotion. After detailed discussion, the committee unanimously recommended the following (03) eligible Assistants (BS-16) to the post of Superintendent (BS-17) in Irrigation Department on regular basis:-

- i. **Mr. Farhad Ali.**
- ii. **Mr. Liaqat Ali.**
- iii. **Mr. Ghulam Farooq.**

Item No. III

7. The Agenda item was ^{deferred} ~~differeed~~ for want of clarification of Establishment Department on the following:-

- i. As per amended service rules of Irrigation Department notified on 25.6.2012, twelve (12) posts of Assistant Engineer (B-17) comes under 12% share quota of Graduate Sub Engineers alongwith passing of departmental grade B and A examination against which Six (06) officer are working on regular basis while Seven (07) officers, included in the panel at Sr. No. 1 to 6 & 9 are working as Assistant Engineer (BS-17) acting charge basis since 2011.
- ii. Before 25.6.2012 the Passing of Grade B&A examination was not mandatory for promotion to the post of Assistant Engineer and the above mentioned seven Graduate Sub Engineers were appointed to the post of Assistant Engineer (BS-17) on acting charge basis in 2011.
- iii. The Departmental B & A Examination is conducted after every two years. The last examination was held in 2020 and the next will be held in 2022. The officers of panel at Sr. No. 1 to 6 & 9 (except S.No.4 "B&A passed) have passed their mandatory Grade B examination and will appear in the A examination in 2022.

Section Officer (Litigation)
Irrigation Department, Peshawar

Attested
F

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN
MUHAMMAD AKBAR KHAN ... MEMBER (E)

Service Appeal No. 503/2017

Date of presentation of Appeal.....08.05.2017
Date of Hearing.....03.05.2024
Date of Decision.....03.05.2024

Ziar Gul Subject Specialist Economics GHSS Abdul Khel District
LakkiMarwat.....(Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary & Secondary Education to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General, Education (Male), G.T Road, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

SCANNED
KPST
Peshawar

ZARTAJ ANWAR,
Advocate

For appellant.

MUHAMMAD JAN,
District Attorney

For respondents

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER (E):-The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;



"On acceptance of this appeal the appellant may kindly be considered for promotion to BPS-19 as fit and eligible for the post and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from dated of promotion

vide order dated 25.04.2014 as his colleague/juniors were promoted to BPS-16 or any other remedy deem proper may also be allowed."

02. Brief facts of the case are that the appellant was serving in the Education Department and was promoted to the post of Subject Specialist on 31.08.2000; that for promotion to BS-18, PER/ACRs were requisitioned; that the appellant allegedly submitted his ACRs from 2000 to 2012; that he was again directed to produce ACRs and explanation in this regard was also called from him; that vide Notification dated 20.08.2015, he was promoted to BPS-18 but the same was allegedly kept hide from the appellant; that for promotion to BPS-19, he was asked for submission of ACRs from 2014 to 2016, and upon his visit, the appellant came to know regarding his promotion Notification dated 20.08.2015 which was received to him on 29.12.2016; that due to the said reason, he was denied his promotion to BS-19 due to non-submission of ACRs; that feeling aggrieved, he filed departmental appeal but in vain, hence this appeal

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant, learned District Attorney for the respondents and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended the appellant has not been treated in accordance with law his rights secured and granted under the

law are badly violated; that at the relevant time the appellant was not timely conveyed his promotion order and the same order was concealed/keep hid from the appellant which is illegal, unlawful, against the law; that the appellant was promoted to the BS-18 vide order dated 25.04.2014 but astonishingly the appellant promotion was withheld for not providing the PERs for the year 2012 which was handed over by the appellant to the concerned DEO as is evident from the office letter dated 28.04.2014; that when the promotion case was under processes the appellant was called to submit the ACRs for the year 2014 to 2016 the appellant inquired of the same from the concerned office regarding his promotion order to BS-18 which was handed over to him on 29.12.2016; that similarly placed employees have been given promotion while the appellant has been denied which is highly discriminatory and also against the law.

05. On the other hand, learned District Attorney contended that the appellant has been treated as per law, rules & prescribed criteria/policy and no rules violated by the respondents; that the appellant has been conveyed through the DEO Lakki Marwat regarding the promotion Notification dated 25.04.2014; that the appellant failed to submit his PERs/ACRs to the DEO Lakki Marwat for onward submission of the same to the competent authority/PSB for the year 2012 despite repeated Notice & reminders; that due to negligent attitude on part of the appellant in submission of his PERs/ACRs he was called in person by the DEO Lakki Marwat for doing the needful as per procedure; that late handing over of his promotion order from BS-17 to BS-18 on the alleged date i.e., 29.12.2016 was mainly based on malafide intentions just avoid his case of being time barred; that the case of the appellant is not at

par with his colleagues, hence has not been considered for the grant of promotion in BPS-16 post in the respondent department.

06. Scrutiny of record reveals that the appellant was posted/serving in a school situated at far flung area of District Lakki Marwat. In the year 2014 the respondent department, after consideration/recommendation of Provincial Selection Board, issued consolidated notification of promotion of 353 officers of Teaching cadre from BS-17 to BS-18 on regular basis vide notification dated 25.04.2014. The name of the appellant appeared at serial No. 233 of the said Notification. The said Notification does not contain any condition for making available any missing ACR/PER in respect of the appellant. However, in the posting proposal the promotion of the appellant was shown as withheld for want of ACR for the year 2012. A copy letter from DEO Lakki Marwat available on record reveals that ACR in respect of the appellant was forwarded to the Director Elementary & Secondary Education (Respondent No. 3) on 28.04.2014. This fact stands admitted in the explanation called from the appellant vide communication from Section Officer (School/Male). The PER for the year 2012 was received in the office of Secretary Elementary & Secondary Education (respondent No. 2) on 22.09.2014. However, the dealing hands in the office of respondent No. 2, instead of notifying the posting/adjustment of the appellant, kept on calling explanation from him for delay in submission of PERs for the year 2012. Posting order of the appellant was ultimately issued by the respondent No. 2 vide Notification dated 20.08.2015. Strangely the same was received by the appellant by hand upon his personal visit to the office of respondent No. 2 on 29.12.2016. These facts, based on documentary evidence on record, reveal no fault, whatsoever, on the

part of the appellant but speaks volume about lethargy and malafide on part of dealing hands who create hurdles rather than facilitating the teacher serving in far flung schools.

07. Foregoing findings in view we allow the appeal in hand. The promotion of the appellant shall be considered to has been actualized with effect from the date of his promotion i.e. 25.04.2014 and he shall stand eligible for all consequential monetary and service benefits including promotion to next high pay scale. Costs shall follow the event. Consign.

08. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 03rd day of May, 2024.*

SCANNED
KPST
Peshawar



(KALIM ARSHAD KHAN)
CHAIRMAN



(MUHAMMAD AKBAR KHAN)
MEMBER (E)

6

ORDER

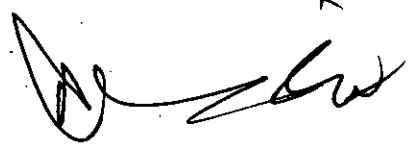
03.05.2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgment of today separately placed on file, we allow the appeal in hand. The promotion of the appellant shall be considered to has been actualized with effect from the date of his promotion i.e. 25.04.2014 and he shall stand eligible for all consequential monetary and service benefits including promotion to next high pay scale. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 03rd day of May, 2024.*

SCANNED
KPST
Peshawar



(KALIM ARSHAD KHAN)
CHAIRMAN



(MUHAMMAD AKBAR KHAN)
MEMBER (E)


kamran


25.03.2024 1. Learned counsel for the applicant present. Mr. Asif Masood Ali Shah learned Assistant Advocate General for respondents present.

2. Instant application is for restoration of service appeal which was dismissed in default on 13.02.2024 while this application has been moved on 27.02.2024. Learned Deputy District Attorney raised no objection upon restoration of instant service appeal. Considering contention of learned counsel for the applicant and in the interest of justice, instant service appeal is restored to its original number on payment of cost Rs. 2000/-. Adjourned. To come up for payment of cost and arguments on 23.04.2024 before D.B. P.P given to the parties.

3. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 25th day of March, 2024.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)

23.04.2024 1. Clerk of counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Former requested for adjournment on the ground that senior learned counsel for the appellant is busy before Worthy Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 03.05.2024 before D.B. P.P given to parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

8

Form A

FORM OF ORDER SHEET

Restoration Application No. 230/2024

for other proceedings with signature of judge

3

The application for restoration of Service Appeal No. 503/2017 submitted today by Mr. Zartaj Anwar Advocate, it is fixed for hearing before Division Bench at Peshawar on 25-3-24. Original file be requisitioned. Parcha Peshi is given to counsel for the applicant.

By the order of Chairman

REGISTRAR

SCANNED
PESHAWAR

03/2024

9

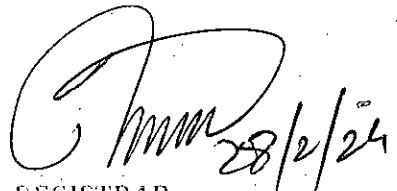
The application for restoration of Service Appeal no: 503//2017 submitted to-day i.e. on 27.02.2024 by Mr. Zartaj Anwar Advocate is incomplete on the following score which is returned to the counsel for the applicant for completion and resubmission within 15 days.

1. Memo of application is not on proper format.

No. 433 /S.T.


Dt. 28/2 /2024.

Mr. Zartaj Anwar Adv.
High Court, Peshawar.


28/2/24

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Re Submitted files *Completed*
Please file in their Court


Admitted

ORDER

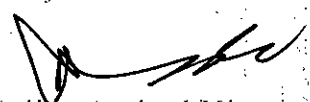
13th Feb. 2024

1. Nobody is present on behalf of appellant. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. This case was called several times but neither the appellant nor his counsel turned up before the Tribunal, till its rising. Therefore, the appeal in hand is dismissed in default. Consign.
3. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 13th day of February, 2024.*



(Salah Ud Din)
Member (J)

Muazzem Shah




(Kalim Arshad Khan)
Chairman


14th Nov, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant is directed to produce seniority list pertaining to the year 2014 on the next date of hearing. Respondents are also directed to produce the entire record of the appellant. Adjourned. To come up for record as well as arguments on 09.01.2024 before D.B. P.P. given to the parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

kamranullah


09.01.2024


Clerk of learned counsel for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

SCANNED
KPST
Peshawar

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 13.02.2024 before the D.B. Parcha Peshi given to the parties.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin


18.09.2023

Clerk of learned counsel for the appellant present.
Mr. Muhammad Yasir, Junior Clerk alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.10.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
PESHAWAR


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


Naeem Amin

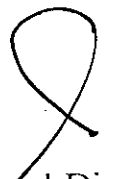
12.10.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he is not feeling well today. Adjourned. To come up for arguments on 14.11.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar.

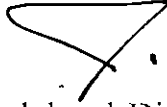

(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin

22nd August, 2023

1. Clerk of learned counsel for the appellant present.
Mr. Muhammad Jan, District Attorney for the respondents present.
2. Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court, Peshawar. The appeal in hand pertains to the year 2017, therefore, learned counsel for the appellant shall positively ensure his presence for addressing of arguments on the next date. Adjourned. To come up for arguments on 18.09.2023, before the D.B. Parcha Peshi given to the parties.



(Salah-ud-Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

22.06.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

Learned Member (Executive) Ms. Fareeha Paul is on leave, therefore, bench is incomplete. To come up for arguments on 20.07.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KFST
Peshawar

Naeem Amin

20.7.23

(Salah-ud-Din)
Member (J)

Due to public holiday on account of 1st Moharram ul Heram To come up for the same on 22-8-23

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN
MUHAMMAD AKBAR KHAN ... MEMBER (E)

Service Appeal No. 503/2017

Date of presentation of Appeal.....08.05.2017
Date of Hearing.....03.05.2024
Date of Decision.....03.05.2024

Ziar Gul Subject Specialist Economics GHSS Abdul Khel District
LakkiMarwat.....(Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Elementary & Secondary Education to Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General, Education (Male), G.T Road, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

ZARTAJ ANWAR,
Advocate

For appellant.

MUHAMMAD JAN,
District Attorney

For respondents

JUDGMENT

MUHAMMAD AKBAR KHAN, MEMBER (E):-The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

"On acceptance of this appeal the appellant may kindly be considered for promotion to BPS-19 as fit and eligible for the post and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from dated of promotion

SCANNED
KPST
Peshawar

vide order dated 25.04.2014 as his colleague/juniors were promoted to BPS-16 or any other remedy deem proper may also be allowed."

02. Brief facts of the case are that the appellant was serving in the Education Department and was promoted to the post of Subject Specialist on 31.08.2000; that for promotion to BS-18, PER/ACRs were requisitioned; that the appellant allegedly submitted his ACRs from 2000 to 2012; that he was again directed to produce ACRs and explanation in this regard was also called from him; that vide Notification dated 20.08.2015, he was promoted to BPS-18 but the same was allegedly kept hide from the appellant; that for promotion to BPS-19, he was asked for submission of ACRs from 2014 to 2016, and upon his visit, the appellant came to know regarding his promotion Notification dated 20.08.2015 which was received to him on 29.12.2016; that due to the said reason, he was denied his promotion to BS-19 due to non-submission of ACRs; that feeling aggrieved, he filed departmental appeal but in vain, hence this appeal

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant, learned District Attorney for official respondents as well as learned counsel for private respondent No. 4 and have gone through the record with their valuable assistance.

04. Learned counsel for the appellant contended the appellant has not been treated in accordance with law his rights secured and granted under the

08th Mar, 2023

1. Learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

2. Learned AAG on behalf of the respondents did not controvert the contention of the learned counsel for petitioner. Instant application is for restoration of Appeal No.5803/2017 dismissed in default on 28.11.2022. Considering the contention and in the interest of justice, instant service appeal is restored to its original number. To come up for arguments 19.04.2023 before D.B. PP given to the parties.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 8th day of March, 2023.*

SCANNED
KPST
Peshawar

(Salah Ud Din)
Member (J)

(Kalim Arshad Khan)
Chairman

19th April, 2023

1. Counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. Advocate General for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Last opportunity granted. To come up for arguments on 22.06.2023 before the D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

16

Form-A
FORM OF ORDER SHEET

Court of _____

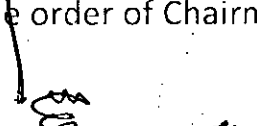
Restoration Application No. 730/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.12.2022	The application for restoration of Appeal No. 5803/2017 submitted today by Mr. Zartaj Anwar Advocate. It is fixed for hearing before Division Bench at Peshawar on <u>8-3-2023</u> Original file be requisitioned. Notices be issued to applicant and his counsel for the date fixed.

Counsel was informed telephonically on 22/12/2022

**SCANNED
KPST
Peshawar**

By the order of Chairman


REGISTRAR

27.10.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 28.11.2022 before the D.B.

SCANNED
K-25
POSTMASTER

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

Matter
16/11/22

28th Nov. 2022 01. Nemo for the appellant. Mr. Muhammad Riaz Khan

Paindakhel, Assistant Advocate General for the respondents present.

02. On the previous date, nobody was present on behalf of the appellant and notice was directed to be issued to appellant and his learned counsel for today. Despite noting the date on the margin of order sheet nobody turned up on behalf of the appellant till rising of the court. The appeal is, therefore, dismissed in default. Consign.

03. *Pronounced in open Court at Peshawar and given under my hand and the seal of the Tribunal on this 28th day of November, 2022.*

(Fareeha Paul)
Member(E)

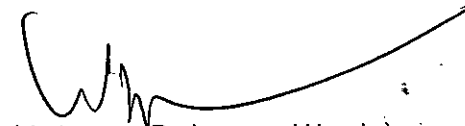
(Kalim Arshad Khan)
Chairman

S. A.No. 503/2017

15.12.2021

Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment for preparation of the brief. Adjourned. To come up for arguments on 17.02.2022 before the D.B.


(Atiq-ur-Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

17-2-22

Due to retirement of the Hon,ble Chairman

The case is adjourned on 9-6-22

Reader

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

30.08.2022

Bench is incomplete, therefore, case is adjourned to 27.10.2022 for the same as before.


Reader

12.02.2020

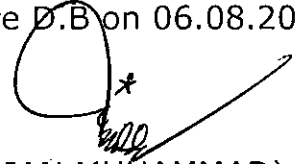
Due to COVID-19, the case is adjourned for the same on 26.05.2021.

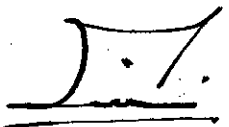

READER

26.05.2021

Mr. Mubarak Zeb junior ^{of learned} counsel for the appellant present. Mr. Hussain Shah, Assistant alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Last opportunity is given. Adjourned. To come up for arguments before D.B on 06.08.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

06.08.2021

Appellant present in person.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

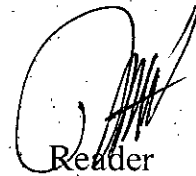
Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 15.12.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 23.06.2020 before D.B


Reader

23.06.2020

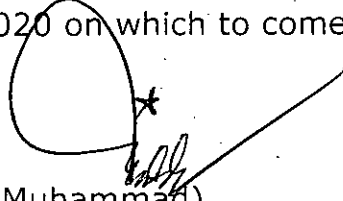
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 21.09.2020 before D.B.


Reader

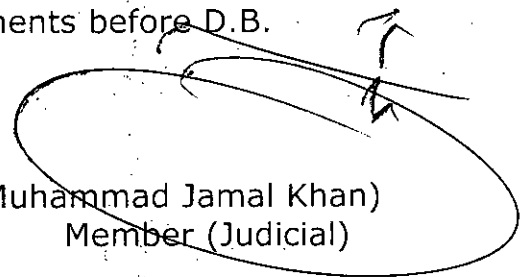
21.09.2020

Appellant has not forth come at the moment i.e 12:03 P.M. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is present.

However, clerk of the counsel is in attendance. It was reported that the son of learned counsel Mr. Zartaj Anwar is suffering from certain disease who has been taken to hospital, therefore, he could not attend the court today. Requested for adjournment. Adjourned to 01.12.2020 on which to come up for arguments before D.B.



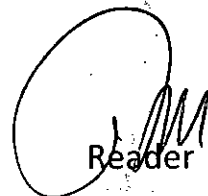
(Mian Muhammad)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

01.12.2020

Due to pandemic of Covid-19, the case is adjourned to 12.02.2021 for the same as before.


Reader

26.09.2019

Clerk of counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court and cannot attend the Tribunal today. Adjourned to 10.12.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.12.2019

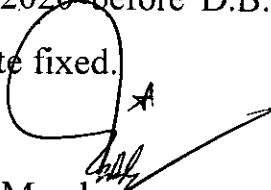
Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn: To come up for further proceedings/arguments on 13.02.2020 before D.B.


Member


Member

13.02.2020


Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney present. Adjourned To come up for arguments on 30.03.2020 before D.B. Appellant be put to notice for the date fixed.



Member


Member

08.02.2019

Clerk to counsel for the appellant present. Mr. Muhammad Riaz, Asst: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 25.04.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

25.04.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 12.07.2019 arguments before D.B.



(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

12.07.2019

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 26.09.2019 before D.B.



Member


Member

16.07.2018

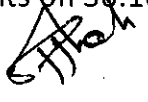
Appellant in person present. Mr. Muhammad Jan, DDA for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 07.09.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

07.09.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 30.10.2018 before D.B.


(Shah Hussain)
Member


(Muhammad Amin Khan Kundi)
Member


30.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 17.12.2018.


Reader

17.12.2018

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant requested for adjournment as counsel for the appellant is not in attendance. Adjourned. To come for arguments on 08.02.2019 before D.B

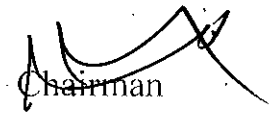

(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

27.12.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Counsel for the appellant submitted rejoinder. Counsel for the appellant seeks adjournment. Adjourned. To come for arguments on 28.02.2018 before the D.B.


Member


Chairman

28.02.2018

Counsel for the appellant present. Mr. Ziaullah, DDA for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 02.05.2018 before the D.B.


Member (Executive)


Member (Judicial)

02.05.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore, the case is adjourned. To come up for the same on 16.07.2018


READER

04. 20.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 24.08.2017 before S.B.

(Muhammad Hamid Mughal)
Member

24/8/2017

Clerk of counsel for the appellant and Mr. Kabirullah, Khattak, Assistant AG for the respondents present. Written reply not submitted and Assistant AAG requested for time. Adjourned. To come up for written reply/comments on 4/10/2017 before SB.

(GUL ZEB KHAN)
MEMBER

04.10.2017

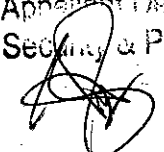
Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hameed-ur-Rehman, AD (litigation) for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 27.12.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

07.06.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant initially joined the Education Department in 1984 and was promoted as S.S on 31.08.2000. Vide notification dated 25.04.2014 the appellant was promoted to BPS.18 but promotion order was withheld due to non availability of ACR for the year 2012. The appellant provided the ACR to the respondents vide letter dated 28.04.2014. Thereafter vide notification dated 20.08.2015 he was promoted to BPS-18 but copy of the same was not communicated to him. The same was received by him on 29.12.2016. He preferred departmental appeal on 09.01.2017 which was not responded within the stipulated period, hence the instant service appeal. Non communication of promotion order by the respondents is not only against the rules/procedure but also speaks of their malafide and malice against the appellant.

Points urged need consideration. Admit. Subject to deposit security and process fee within 10 days, there-after notices be issued to the respondents for written reply/comments for 20.07.2017 before S.B.

Appellant Deposited
Security & Process Fee





(AHMAD HASSAN)
Member

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Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 503/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/05/2017	<p>The appeal of Mr. Zair Gul resubmitted today by Mr. Zar Taj Anwal Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">  REGISTRAR 23/5/17 </p>
2	25-5-2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07-06-2017</u></p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Zair Gul Subject Specialist Economics GHSS Abdul Khel Lakki Marwat received today on 08.05.2017 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Copy of reply to the Explanation mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 127 /S.T,

DL 9/5 /2017

Zair Gul

Mr. Zair Gul Adv. Pesh.

[Signature]
 REGISTRAR - 9/5/17.
 SERVICE TRIBUNAL
 KHYBER PAKHTUNKHWA
 PESHAWAR.

Sir
 Re Submitted after complian
 Please. With the Great
[Signature]
 Advocate

29

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. 503 /2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel District
Lakki Marwat.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

(Respondents)

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S.No	Description of Documents	Annexure	Page No
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2	Addresses of Parties		6
3	Affidavit		7
4	copy of promotion Notification	'A'	8-11
5	copy of Letter No 1699	'B'	12
6	Letter for Explanation	'C'	13-15
7	copy of promotion Notification Dated 20-08-2015	'D'	16
8	Copy of submission of ACRs	'E'	17
9	Departmental Appeal	'F'	18
10	Copy of order dated 16-01- 2017	'G'	19
11	Vakalatnama		20

S. Gul
Appellant

Through

Zartaj Anwar
ZARTAJ ANWAR
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 476

Dated 08/5/2017

Appeal No. 503 /2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel District
Lakki Marwat.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary Elementary and Secondary Education to Govt of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Director General, Education (Male), G.T road, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 where by the promotion order to BPS 18 was not issued within time to the Appellant and office order dated 20-08-2015 was not conveyed to the appellant in time and handed over on 29-12-2016 and now the respondents are processing the cases of promotion to BPS 19 but quite illegally superseding the Appellant for promotion to BPS 19, against which the departmental appeal dated 09-01 - 2017 has not been responded so far.

Prayer in Appeal:

On acceptance of this appeal the appellant may kindly be considered for promotion to BPS 19 as fit and eligible for the post and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from dated of promotion vide order dated 25-04-2014 as his colleague / juniors were promoted to BPS 18.

OR

Any other remedy deem proper may also be allowed.

RESPECTFULLY SUBMITTED:

1. That the appellant was initially appointed in the Education Department on 08-11-1984 and was promoted to subject specialist on 31-08-2000.

Filed to-day

Registrar
8/5/17

Re-submitted to -day
and filed.

Registrar
23/5/17

2. That the Govt of Khyber Pakhtunkhwa announced four step Promotion vide notification no SO(S/ME&SED/7-34.2012.
3. That the respondents called PER / ACR from all the Subject Specialist to further promotion. The being fit and eligible also submitted his PER/ ACR from 31-08-2000 to year 2012 in the concerned DEO office.
4. That the appellant was promoted to BS 18 vide notification no SO(S/M)E&SED/1-3/2013/Promotion BS 17 to BS 18 Dated 25-04-2014 but astonishingly the appellant promotion was with held for not providing the PERs for the year 2012.(copy attached as annexure A)
5. That the appellant was informed that the PER/ACR are not available in the concerned EDO office therefore the appellant again submitted the same from the year 1999 to 2011 and on 28-04-2014. (copy attached as annexure B)
6. That the appellant filed the PER with the respondents vide letter no 1669 dated 28-04-2014 and was told that the matter will be put up in the meeting and the appellant time and again inquired from the concerned office about the order of promotion.
7. That the respondents vide notification no SO(S/M)E&SED/1-3/2013/Promotion BS 17 to BS 18 dated 13-03-2015 without any reason Explanation was called from the appellant for not submitting the PERs for the year 2012 which was duly complied and all the required ACR/PERs were duly submitted in the concerned DEO office.(copy of Explanations are attached as annexure C)
8. That the appellant was promoted to BS 18 vide notification no SO(S/M)E&SED/1-3/2013/Promotion BS 17 to BS 18 dated 20-08-2015 by the respondents but was not communicated and concealed/keep hide from the appellant

and the same was received by the appellant on 29-12-2016.
(copy attached as annexure D)

9. That when the cases for promotion to BPS 19 were processed and the appellant was called to submit the ACRs/PER of year 2014/15/16 which the appellant did but the appellant took him to the surprise and inquired of the same from the concerned office regarding his promotion order to BPS 18, which was handed over to him and received under protest from the office of SO Schools and request to take legal action against the concerned SO for such a delay of illegal detaining the same or kept hiding the promotion notification from the appellant and lastly handed over on 29-12-2016. copy attached as annexure E)
10. That the appellant submitted his Departmental Appeal to the appellate authority on 09-01-2017, which was forwarded to high ups vide letter no 198 dated 16-01-2017 which was never responded to appellant till date . (Copy of the Departmental Appeal and order are attached as Annexure 'F & G').
11. That not communicating the promotion order dated 20-08-2015 and concealed/keep hide from the appellant is illegal, unlawful, against the law and not considering the appellant for promotion to BPS 19 as being fit and eligible for the post approaches this Hon;able Tribunal inter alia on the following grounds:

GROUND OF PETITION:

- A. That the appellant has not been treated in accordance with law his rights secured and granted under the law are badly violated.

- B. That at the relevant time the appellant was not timely conveyed his promotion order and the same order was concealed/keep hide from the appellant which is illegal, unlawful, against the law.
- C. That the appellant was amongst the senior subject specialist and was fit and eligible for promotion firstly to BPS 18 and then along with others similarly placed colleagues to BPS 19, more over the similarly the subject specialist teacher appointed/Promoted with the appellant on the same dates were taking the benefits of PBS 18 since vide promotion order dated 25-04-2014 till dated and also declared fit for the next promotion BPS 19 as their promotion case is under process.
- D. That the appellant was promoted to BS 18 vide notification no SO(S/M)E&SED/1-3/2013/Promotion BS 17 to BS 18 Dated 25-04-2014 but astonishingly the appellant promotion was with held for not providing the PERs for the year 2012, which was duly handed over by the Appellant to the concerned DEO, which is also evident from the record vide office letter no 1669 dated 28.4.2014.
- E. That the appellant time and again filed the PERs/ACR with the respondents vide letter no 1669 dated 28-04-2014 and was told that the matter will be put up in the meeting, the appellant inquired from the concerned office about the order of promotion which was not conveyed to the appellant without any reason.
- F. That when the cases for promotion to BPS 19 were processed and the appellant was called to submit the ACRs/PER of year 2014/15/16 the appellant took him to the surprise and inquired of the same from the concerned

office regarding his promotion order to BPS 18, which was handed over to him and received under protest from the office of SO Schools and request to take legal action against the concerned SO for such a delay of illegal detaining the same or kept hiding the promotion notification from the appellant and lastly handed over on 29-12-2016.

- G. That since similarly placed employees has been given promotion while the appellant has been denied the same which is highly discriminatory and also against the law.
- H. That the appellant seeks the permission of this Honourable tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that On acceptance of this appeal the appellant may kindly be considered for promotion to BPS 19 as fit and eligible for the post and if any delay that on the part of respondents, the appellant may also awarded all the arrears and back benefits as from dated of promotion vide order dated 25-04-2014 as his colleague / juniors were promoted to BPS 18

OR

Any other remedy deem proper may also be allowed/granted.

[Signature]
Appellant

Through

[Signature]
ZARTAJ ANWAR

&

[Signature]
MUBARAK ZEB
Advocates, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Appeal No. _____/2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel District
Lakki Marwat.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others.

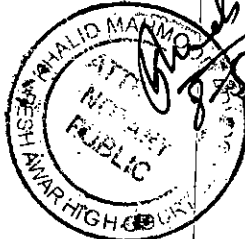
(Respondents)

AFFIDAVIT

I, Zair Gul Subject Specialist Economics GHSS Abdul
Khel District Lakki Marwat, do hereby solemnly affirm and
declare that the contents of the above appeal are true and
correct to the best of my knowledge and belief and that nothing
has been kept back or concealed from this Honourable Court.

[Signature]
Deponent

Identified by:
[Signature]
ZARTAJ ANWAR,
Advocate, Peshawar.





(36)
(8)

Amnab "A"

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

Dated Peshawar the April 25, 2014

NOTIFICATION

NO.SO(S/M) E&SED/1-3/2013/Promotion BS-17 to BS-18: The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promot/appoint the following (353) Officers of Teaching Cadre of Elementary & Secondary Education Department from BS-17 to BS-18 on regular basis with immediate effect as under except Sr. No. 67 & 99.

Sr.#	Name	Sr.#	Name	Sr.#	Name
1	Mr. Umar Muhammad	2	Mr. Mubarak Shah	3	Mr. Saeed-ur-Rahman
4	Mr. Muhammad Zaman	5	Mr. Umar Nawaz Khan	6	Mr. Ihsan-ud-Din
7	Syed Shoukat Shah	8	Mr. Sultan Syed	9	Mr. Younas Ali
10	Mr. Muhammad Farooq	11	Mr. Gul Faroosh Khan	12	Mr. Sheraz Ahmad
13	Mr. Muhammad Parsa	14	Mr. Muhammad Nawaz	15	Mr. Rayat Khan
16	Mr. Fakhri Alam.	17	Mr. Niaz Ahmad.	18	Mr. Wilayat Khan
19	Mr. Ishtiaq Ahmad	20	Mr. Mansoor Ahmad	21	Mr. Muhammad Shoaib Khan
22	Mr. Naveed Ahmad	23	Mr. Abdul Qadir	24	Mr. Khalid Mahmood
25	Mr. Abid Ullah Shah	26	Mr. Gul Hussain Shah	27	Mr. Muhammad Rahman
28	Mr. Farzand Ali Shah	29	Mr. Inayat-ur-Rehman	30	Mr. Muhammad Mehdi Shah
31	Mr. Zia Ullah	32	Mr. Muhammad Tariq Bhatti.	33	Mr. Sultan Muhammad
34	Mr. Hakim Ullah	35	Mr. Fida Muhammad	36	Mr. Arif Iqbal
37	Muhammad Zaheer	38	Mr. Mumtaz Saddiqi	39	Mr. Muhammad Sajjad
40	Mr. Muhammad Tahir	41	Mr. Abdul Nasir Khan	42	Mr. Muhammad Abid Jan
43	Mr. Zahid Amin	44	Mr. Fida Muhammad	45	Mr. Wasi Ullah
46	Mr. Hamd Ullah Jan	47	Mr. Azhar Hussain Shah.	48	Mr. Muhammad Arif.
49	Mr. Ihsan Ahmad	50	Mr. Muhammad Yousaf	51	Mr. Gul Nawaz Khan
52	Mr. Nigar Ahmad	53	Mr. Basharat Khan	54	Basharat Ahmad
55	Mr. Tahir Zaman	56	Mr. Arshad Mehmood	57	Mr. Muhammad Khalil
58	Mr. Sadar Shaheed	59	Mr. Eid Ullah	60	Mr. Rabib Khan.

[Handwritten signature]

[Handwritten signature]
25/04/14

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Sr.#	Name	Sr.#	Name	Sr.#	Name
151	Mr. Hamid Hussain	152	Mr. Taseer Jan	153	Mr. Muzammil Shah
154	Mr. Latif ur Rehman	155	Mr. Akbar Jan	156	Mr. Muhammad Humayun
157	Mr. Fazalur Rehman	158	Mr. Younas Ali	159	Mr. Badish Khan
160	Mr. Mir Alam Khan	161	Mr. Feroz Khan	162	Mr. Rab Nawaz
163	Mr. Jalaludin	164	Mr. Safdar Ali	165	Mr. Rooh Ullah
166	Mr. Wasiq Saeed	167	Mr. Muhammad Riaz	168	Mr. Muhammad Saleem
169	Mr. Muhammad Daud Shah.	170	Mr. Abdullah Jan	171	Mr. Islam Khan
172	Mr. Gulzar Ali	173	Mr. Ikram Ullah	174	Mr. Sawar Jan
175	Mr. Gul Roshan Din	176	Mr. Fazal Shah	177	Mr. Muhammad Pervez
178	Mr. Abdul Hameed	179	Mr. Muhammad Rehman	180	Mr. Umer Jan
181	Mr. Habibur Rehman	182	Mr. Iqbal Muhammad	183	Mr. Shahid Hayat
184	Mr. Muhammad Rauf	185	Mr. Saif Ullah	186	Mr. Ajmal Khan
187	Mr. Juma Gul Shah	188	Mr. Shaukat Ali	189	Mr. Muhammad Sadat Khan
190	Mr. Feroz Shah	191	Mr. Gul Zaman	192	Mr. Shujat Ali Khan
193	Mr. Falak Naz	194	S. Hidayat Ali Shah	195	Mr. Gul Baz Khan
196	Mr. Farid Ullah Khan	197	Mr. Muhammad Aziz Ullah	198	Mr. Najeeb Ullah
199	Mr. Muhammad Younis Khan	200	Mr. Sarfaraz Khan	201	Mr. Raham Zada
202	Mr. Kaleem Ullah	203	Mr. Noor Khan	204	Mr. Shairoz Khan
205	Mr. Muhammad Iqbal	206	Mr. Ghafoor-ur-Rehman	207	Mr. Zahid Ullah
208	Mr. Haroon Rashid	209	Mr. Anwar Jan	210	Mr. Muhammad Zia
211	Mr. Muhammad Ashraf	212	Mr. Sana Ullah	213	Mr. Hamid Ullah
214	Mr. Muhammad Rashad	215	Mr. Gulzar Khan	216	Mr. Nisar Muhammad
217	Mr. Abdul Samad	218	Mr. Kaleem Ullah	219	Mr. Altaf Hussain Shah
220	Mr. Muhammad Saleem	221	Mr. Saifullah	222	Mr. Aqal Mond
223	Mr. Jehanzeb	224	Mr. Hameed Ullah	225	Mr. Riaz Ali
226	Mr. Zahid Ullah Shah	227	Mr. Shah Imtiaz	228	Mr. Ayub Khan
229	Mr. Muhammad Kamal	230	Mr. Faizullah	231	Mr. Aleem Shah
232	Mr. Bashir Ahmad	233	Mr. Zair Gul	234	Mr. Pinda Khan
235	Mr. Ishaq Hussain	236	Mr. Muhammad Yousaf	237	Mr. Farid Ullah Khan
238	Mr. Fazle Subhan	239	Mr. Aminul Haq	240	Mr. Ajmir Khan



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#	Name of Officer with Designation	Proposed Place of Posting	Remarks.
226	Zahid Ullah Shah , SS(Eco) GHSS No.1 Kohat	SS(Eco) B-18 GHSS No.1 Kohat	Already occupied by him
227	Shah Imtiaz , SS(Bio) GHSS Lalozi Bannu	Principal B-18 GHS Kach Kot Asad Khan Bannu	Against Vacant Post
228	Ayub Khan , SS(Eco) GHSS Shamozi Swat	SS(Eco) GHSS B-18 Shamozi Swat	Already occupied by him
229	Muhammad Kamal , SS(Eco) GHSS Nizampur Nowshera	V/P B-18 GHSS Nizampur Nowshera	Against Vacant Post
230	Faizullah , SS(Maths) GHSS Hazar Khawani Peshawar	Principal B-18 GHS Pir Sabaq Nowshera	Against Vacant Post
231	Aleem Shah , SS(Bio) GHSS Shamozi Swat	SS(Bio) B-18 GHSS Shamozi Swat	Already occupied by him
232	Bashir Ahmad , SS(English) GHSS Sarai Naurang Lakki Marwat	SS(English) B-18 GHSS Sarai Naurang Lakki Marwat	Already occupied by him
233	Zair Gul , SS(Eco) GHSS Abdul Khel Lakki Marwat	Promotion with held subject to provisions of PERs for the years 2012	Vice Serial No.399
234	Painda Khan , SS(Eco) GHSS Dhaki D.I.Khan	SS(Eco) B-18 GHSS Dhaki D.I.Khan	Already occupied by him
235	Ishaq Hussain , SS(PS) GHSS FATA		Services placed at the disposal of ACS FATA for further posting
236	Muhammad Yousaf , SS(Stat) GHSS Pir Sadi Mardan	SS(Stat) B-18 GHSS Hathian Mardan	Vice Serial No.245
237	Faridullah Khan , SS(Bio)Tajazai Lakki Marwat	SS(Bio)B-18 GHSS Tajazai Lakki	Already occupied by him
238	Fazle Subhan , SS(PS) GHSS Dheri Jalogram Malakand	SS(PS) B-18 GHSS Dheri Jalogram Malakand	Already occupied by him
239	Aminul Haq , SS(Eco) GHSS Dheri Jalogram Malakand	SS(Eco) B-18 GHSS Dheri Jalogram Malakand	Already occupied by him
240	Ajmir Khan, SS(Physics) GHSS Utmanzai Charsadda	SS(Physics) B-18 GHSS Utmanzai Charsadda	Already occupied by him
241	Gul Diat Khan , SS(Stat) GHSS Shah Salim Karak	SS(Stat) B-18 GHSS Jandarai Karak	Against Vacant Post
242	Sher Afzullah , SS(Eco) GHSS Nurar Bannu	SS(Eco) B-18 GHSS Nurar Bannu	Already occupied by him

25/04/19

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4. No TA/DA will be allowed to the oppiontees for joining their duty.

CHIEF SECRETARY

Endst: of even No. & Date

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Additional Accountant General Pakistan Revenue Sub Office, Peshawar.
3. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. Director, Curriculum & Teacher Education, Abbottabad.
6. Director, Provincial Institute of Teacher Education, Peshawar.
7. Director, Education FATA, FATA Secretariat Warsak Road, Peshawar.
8. Manager Printing Press Khyber Pakhtunkhwa, Peshawar.
9. District Accounts Officers concerned.
10. District Education Officers concerned.
11. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
12. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
13. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
14. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
15. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
16. PA to Additional Secretary E&SED, Khyber Pakhtunkhwa.
17. Incharge EMISE E&SE Department.
18. Notification can be downloaded from our website: www.kpese.gov.pk
19. Office order file.


25/04/19

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)


25/04/19



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OFFICE OF THE DISTRICT EDUCATION OFFICER (M) LAKKI MARWAT

No. 1669

Dated 28.4.2014



12

ANNEX B⁴

The Director,
(E&S) Education Deptt;
Khyber Pakhtunkhwa Peshawar

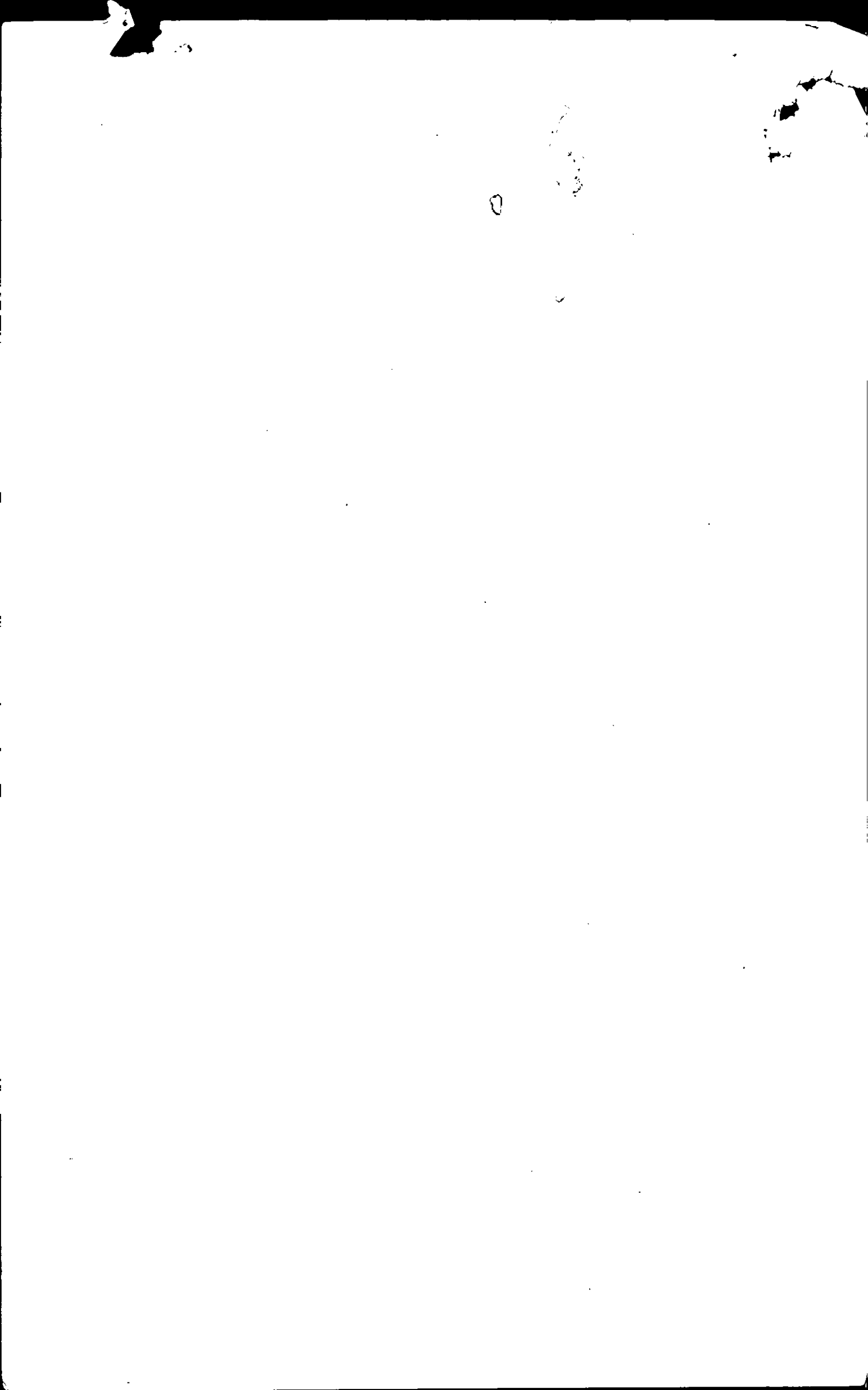
Subject: ACR's

Memo;

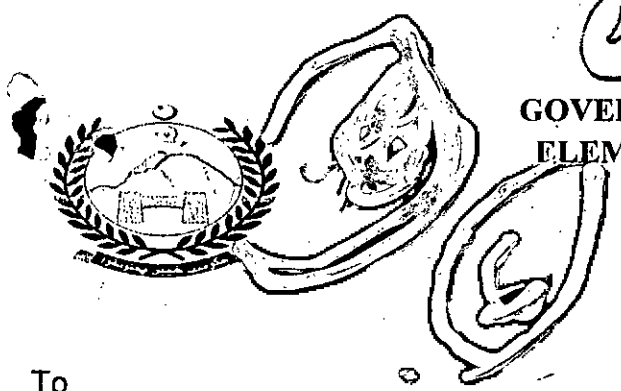
Enclosed please find herewith ACR's of Mr. Zari Gul S/o Rahim Gul SS
(Economics) GISS Abdul Khel Lakki Marwat (03 Copies) for further necessary action please.

District Education Officer (M)
Lakki Marwat

28/04/2014



41 13 ANNEX G 9



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO(S/M)E&SED/1-3/2013/Promotion BS-17 to 18.
Dated Peshawar the October 27, 2014

To

Mr. Zair Gul,
Subject Specialist BS-17 Economics,
GHSS Abdul Khel District Lakki Marwat.

Dispatches
Elementary & Secondary Edu: Dep
Govt of Khyber Pakhtunkhwa
Civil Secretariat Peshawar

Subject: - EXPLANATION.

I am directed to state that your promotion to BS-18 was with-held due to non provision of PER's for the year 2012. You were required to submit PERs for the year 2012 by the end of January 2013. But you failed to submit the same till Provincial Selection Board meeting on 01-07-2014. Even then PSB cleared your promotion subject to provision of the same. But you submitted it at the end of 22 September, 2014. This reflects laxity and carelessness on your part and renders you liable to disciplinary action.

2. You are hereby called to explain your position with regard to the above inefficiency as to why disciplinary action should not be initiated against you under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

3. Your reply should reach this Department within 07 days, positively.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

2nd-Reminder/Most Immediate

42

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT



14

No.SO(S/M)E&SED/1-3/2013/Promotion BS-17 to 18.
Dated Peshawar the March 13, 2015

To

Mr. Zair Gul,
Subject Specialist BS-17 Economics,
GHSS Abdul Khel District Lakki Marwat.

Subject: - EXPLANATION.

I am directed to refer to this department letter of even number dated 27-10-2014, followed by 1st reminder dated 04-02-2015 on the subject noted above and to state that your promotion to BS-18 was with-held due to non provision of PER's for the year 2012. You were required to submit PERs for the year 2012 by the end of January 2013 is still awaited due to which your explanation was called. Your reply to the explanation may be furnished within three days positively.

(MUJEEB UR-REHMAN)

SECTION OFFICER (SCHOOLS/MALE)

3rd -Reminder/Most Immediate

43

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

158

No. SO(S/M)E&SED/1-3/2013/Promotion BS-17 to 18.
Dated Peshawar the March 18, 2015



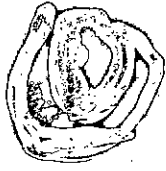
To

✓
Mr. Zair Gul,
Subject Specialist BS-17 Economics,
GHSS Abdul Khel District Lakki Marwat.

Subject: - **EXPLANATION.**

I am directed to refer to this department letter of even number dated 27-10-2014, 1st reminder dated 04-02-2015, and followed by 2nd reminder on 13-03-2015 on the subject noted above and to state that your promotion to BS-18 was with-held due to non provision of PER's for the year 2012. You were required to submit PERs for the year 2012 by the end of January 2013. This is still awaited due to which your explanation was called. Your reply to the explanation may be furnished within three days positively as stipulated period has already expired.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)



44

16

ANNEX: "D"

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the August 20, 2015

NOTIFICATION

NO.SO(S/M)/E&SED/1-3/2013/Promotion BS-17 to BS-18:

Consequent upon the provision of PERs for the year 2012 as per decision of PSB meeting dated 07-01-2014 and in continuation of this department notification of even number dated 25-04-2014 Mr. Zair Gul, Subject Specialist Economics BS-17 GHSS Abdulkhel District Lakki Marwat upon his promotion to BS-18 is hereby posted as Subject Specialist Economics BS-18 GHSS Daraban Kalan District D.I.Khan.

2. No TA/DA is allowed.

SECRETARY

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar in reference to his letter No. 2197 dated 12-03-2015.
3. District Accounts Office, D.I.Khan/Lakki Marwat.
4. District Education Officer (M), D.I.Khan/Lakki Marwat.
5. PS to Minister E&SE, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Incharge EMISE E&SE Department.
8. Officer concerned.
9. Office order file.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

Received from the office of the writing
secy, E&SED, Peshawar through SO,
Mujeeb-ur-Rehman today, 29-12-16 by
hand. such dirty role is played by
the said SO for ulterior motive. Action
against him is required under the law.

29/12/2016

45 17

ANNEX E

PRINCIPAL
GHSS ABDUL KHEL
LAKKI MARWAT

NO 21 / Dated 09/3/2017

TO

The District Education Officer
(Male) Lakki Marwat

Subject:- SUBMISSION OF A.C.R. FORMS.

Memo:-

Enclosed please find herewith the ACR Forms for the years 2014-2015-2016 in respect of Zeri Gul S.S Economics GHSS Abdul Khel Lakki Marwat for necessary action please.

Answered
PRINCIPAL
GHSS ABDUL KHEL
LAKKI MARWAT.

Received Three years
ACRs 2014, 2015, 2016.
dt 9/3/2017.

~~09/3/17~~

46

18

ANNEX F

گھنڈر صاحب سیکرٹری ایجوکیشن ڈسٹرکٹ لاکھی پورہ لو سائٹل ڈسٹرکٹ ایجوکیشن ایئرڈ
ذات عالی



Subject:- Renewal / Revised order...

گزارش ہے کہ مذکورہ ترقی (Promotion) کا آرڈر

20-08-2015 کو صادر فرمایا گیا تھا۔ (درج ذیل آئی جان

سین بدلتی کی وجہ سے یہ آرڈر 29-12-2016 کو منظور

ہوا۔ جسکی وجہ سے مجھے یہ تہہ لفظ سے پہلے کا نوٹس ہے

اسلئے آپ صاحبان میری فرمائیں یہ آرڈر کی Renewal

کے احکامات صادر فرمادیں۔

عین نواری کی

المحورہ 09-01-2017

ذات عالی
Semi-Sub
ڈپٹی سیکرٹری ایجوکیشن ڈسٹرکٹ لاکھی پورہ
سول سب ڈویژن

No 04

dated 9/01/2017

Forwarded to DEO (Lauki) made for action.

Amrookh
PRINCIPAL
G.H.S.S Abdul Khel
Distt: Lauki Marwat

AEF
Farsla.

18/1/17

173
20/12/17



(47) (19)
OFFICE OF THE DISTRICT EDUCATION OFFICER

(MALE) LAKKI MARWAT

Phone No: 0969-709234, Fax No: 0969-538291

AMIN G

No. 198
To,

Dated: 16/01/2017

(25)

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

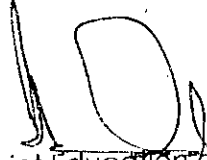
Subject: **APPEAL FOR PROMOTION TO BPS-18 SSS.**

Memo:-

Reference your office No.9092-96/A-220/ACR/Vol-IV dated.30-08-2016, regarding submission of PERs for promotion to B-19 SL:#285, of the below named officer, in this connection this office letter No.6557 dated. 23-09-2016, in which he is directed to submit the PERs w.e.f. 2014 to 2015.

It has been pointed out through the application of Mr, Zari Gul SS (Economics) GHSS, Abdul Khel Lakki Marwat, which is self explanatory, and promotion order of BPS-18 in GHSS, Draban Kalan D.I.Khan vide Notification No.SO (S/M)/E&SED/1-3/2013 promotion BPS-17 to 18 dated. 20-08-2015,(Photo Copy enclosed).

Hence, it is therefore requested that his appeal may please be forwarded to the highups.


District Education officer
(Male) Lakki Marwat



48

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 503/2017

Zair Gul SS (Economics) GHSS Abdul Khel, District Lakki Marwat.Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondents

JOINT PARAWISE COMMENTS FOR& ON BEHALF OF RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.
- 11 That the Appellant is not entitled for the grant of promotion in BPS-18 against the Principal Post.
- 12 That the appellant is not entitled for the grant of back benefits from the date of the issuance of the impugned Notification dated 25/4/2014.

ON FACTS

- 1 That Para-1 needs no comments being pertains to the service record of the appellant in the Respondent Department regarding his initial appointment & promotion against the SS(Economics) in BPS-17.
- 2 That Para-2 is correct. Hence needs no comments.
- 3 That Para-3 pertains to the correspondence between the Appellant & Respondent No: 3 regarding submission of PERs & ACR from the year 31/8/2000 to the year 2012. Hence needs no further comments.

- 4 That Para-4 is correct to the extent the vide Notification No: SO(S/M) E&SE, Department /1-3/promotion BPS-17 to 18 dated 25/4/2014, the appellant was considered for the grant of promotion from BPS-17 to 18 against the SS Post. But his promotion Notification was withheld for the reason of no submission of PERs/ACRs by the appellant to the competent authority for processing his case before the PSB. But in spite of that the appellant did not bother to submit the required PERs/ACRs for the grant of promotion against the SS Post in BPS-18.
- 5 That Para-5 is correct to the extent that PERs/ACRs wef 1999 to the year 2011 have not been submitted by the appellant. Hence the DEO Lakki Marwat vide his letter directed to submit the said PERs/ACRs for processing of the case of the appellant for promotion.
- 6 That Para-6 is incorrect & misleading on the ground that the appellant has not submitted the required PERs/ACRs to the DEO Lakki Marwat. Hence he has been intimated vide letter No: 1689 dated 28/4/2014 for the submission of the said PERs/ACRs to the competent authority for the reasons better known to the appellant.
- 7 That Para-7 is correct to the extent the Respondent No: 2 has called explanation from the appellant on charges of willful delay & even no submission of the required PERs/ACRs, for the year 2012 vide Notification No: SO(S/M) E&SED /1-3/2013/Promotion BPS-17 to 18 dated 13/3/2015, whereas, rest of the Para is denied.(Copy of the said letter is Annexure-A).
- 8 That Para-8 is correct that the appellant has been promoted against the SS in (Economics) Post in BPS-18 vide Notification No: SO(S/M) E&SED /1-3/2013/ Promotion from BPS-17 to 18 dated 25/4/2014, & a copy of the same Notification has been endorsed to the appellant, hence the plea of the appellant non supply/ endorsement is baseless & malafide intention just to avoid his case for dismissal on time of limitation by this Tribunal.(Copy of the said Notification as Annexure-B).
- 9 That Para-9 is also incorrect & denied. The Notification 20/8/2015 has been endorsed to the appellant in due procedure by the Department. Therefore, the plea regarding lat supply of the copy of the said Notification of promotion in BPS-18 to the appellant is baseless.
- 10 That Par-10 is incorrect & misleading. No Departmental Appeal has been submitted by the appellant neither any such record is available in offices of the Respondents.
- 11 That Para-11 is also incorrect & denied. The impugned Notification dated 20/8/2015 has properly been endorsed & communicated to the appellant soon after his issuance by the competent authority in due course of Law & procedure.

Hence, the case of the appellant has become badly time barred & is liable to be dismissed on point of law of limitation on the following grounds inter alia:-

ON GROUNDS

- A Incorrect & denied. The appellant has been treated as per law, rules & prescribed criteria/policy having no question of rules violation by the Respondent.
- B Incorrect & misleading. The appellant has been conveyed through the DEO Lakki regarding the promotion Notification dated 25/4/2014.
- C Incorrect & not admitted. The statement of the appellant regarding is fitness & eligibility for promotion against BPS-19 is misleading on the grounds that he has been made unfit for the grant of promotion in BPS-19 by the PSB on grounds of no-submission of PERs/ACRs to the DEO Lakki for onward submission to the quarter concerned.


- D Incorrect & denied. Detailed reply of this ground has already been given in the foregoing paras. Hence, need no further comments.
 - E Incorrect & misleading. The appellant has failed to submit his PERs/ACRs to the DEO Lakki for onward submission of the same to the competent authority/PSB for the year 20012 despite repeated Notices & reminders.
 - F Incorrect & not admitted on the grounds that due to the negligent attitude and stance toward no submission of PERs/ACRs by the appellant. Hence, he has been called in person by the DEO Lakki for doing the needful as per procedure.
- Whereas, rest of the para regarding late handing over of his promotion order from B-17 to 18 on the alleged date i.e 29/12/2016 is mainly based on mala-fide intentions just avoid his case of being time barred/ dismissed by this Tribunal on the factor of law of limitation as against the factual position that the case of the appellant is badly time barred.
- G Incorrect & misleading. The case of the appellant is not at par with his colleagues, hence has not been considered for the grant promotion in BPS-19 Post in the Respondent Department.
 - H Legal. However, the Respondents further seek leave of this Tribunal to submit additional grounds of case law/record at the time of arguments on main appeal on the date fixed before this Bench.

In view of the above made submissions, it is most humbly Prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department.

Dated ___/___/2017


Secretary

E&SE Department Khyber
Pakhtunkhwa, Peshawar
(Respondents No: 1& 2)


15/8/17
KMD

Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)

AFFADIVIT

I, Hameed ur Rehman, Asstt: Director (Lit: II) Directorate of E&SE Department Khyber Pakhtunkhwa, Peshawar is hereby solemnly affirm & declare on oath that the contents of the instant Joint Parawise Comments are true & correct to the best of my knowledge.


Deponent



Annexure (B) (51)

12
Annexure "A"

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

Dated Peshawar the April 25, 2014

NOTIFICATION

NO.SO(S/M) E&SED/1-3/2013/Promotion BS-17 to BS-18: The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote/appoint the following (353) Officers of Teaching Cadre of Elementary & Secondary Education Department from BS-17 to BS-18 on regular basis with immediate effect as under except Sr. No. 67 & 99.

Sr.#	Name	Sr.#	Name	Sr.#	Name
1	Mr. Umar Muhammad	2	Mr. Mubarak Shah	3	Mr. Saeed-ur-Rahman
4	Mr. Muhammad Zaman	5	Mr. Umar Nawaz Khan	6	Mr. Ihsan-ud-Din
7	Syed Shoukat Shah	8	Mr. Sultan Syed	9	Mr. Younas Ali
10	Mr. Muhammad Farooq	11	Mr. Gul Farooq Khan	12	Mr. Sheraz Ahmad
13	Mr. Muhammad Parsa	14	Mr. Muhammad Nawaz	15	Mr. Rayat Khan
16	Mr. Fakhri Alam.	17	Mr. Niaz Ahmad.	18	Mr. Wilayat Khan
19	Mr. Ishtiaq Ahmad	20	Mr. Mansoor Ahmad	21	Mr. Muhammad Shoaib Khan
22	Mr. Naveed Ahmad	23	Mr. Abdul Qadir	24	Mr. Khalid Mahmood
25	Mr. Abid Ullah Shah	26	Mr. Gul Hussain Shah	27	Mr. Muhammad Rahman
28	Mr. Farzand Ali Shah	29	Mr. Inayat-ur-Rehman	30	Mr. Muhammad Melidi Shah
31	Mr. Zia Ullah	32	Mr. Muhammad Tariq Bhatti.	33	Mr. Sultan Muhammad
34	Mr. Hakim Ullah	35	Mr. Fida Muhammad	36	Mr. Arif Iqbal
37	Muhammad Zaheer	38	Mr. Mumtaz Saddiqi	39	Mr. Muhammad Sajjad
40	Mr. Muhammad Tahir	41	Mr. Abdul Nasir Khan	42	Mr. Muhammad Abid Jan
43	Mr. Zahid Amin	44	Mr. Fida Muhammad	45	Mr. Wasi Ullah
46	Mr. Hamd Ullah Jan	47	Mr. Azhar Hussain Shah.	48	Mr. Muhammad Arif.
49	Mr. Ihsan Ahmad	50	Mr. Muhammad Yousaf	51	Mr. Gul Nawaz Khan
52	Mr. Nigar Ahmad	53	Mr. Basharat Khan	54	Basharat Ahmad
55	Mr. Tahir Zaman	56	Mr. Arshad Mehmood	57	Mr. Muhammad Khalil
58	Mr. Sadar Shaheed	59	Mr. Eid Ullah	60	Mr. Rabib Khan.

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Sr.#	Name	Sr.#	Name	Sr.#	Name
151	Mr. Hamid Hussain	152	Mr. Taseer Jan	153	Mr. Muzammil Shah
154	Mr. Latif ur Rehman	155	Mr. Akbar Jan	156	Mr. Muhammad Humayun
157	Mr. Fazalur Rehman	158	Mr. Younas Ali	159	Mr. Badish Khan
160	Mr. Mir Alam Khan	161	Mr. Feroz Khan	162	Mr. Rab Nawaz
163	Mr. Jalaludin	164	Mr. Safdar Ali	165	Mr. Rooh Ullah
166	Mr. Wasiq Saeed	167	Mr. Muhammad Riaz	168	Mr. Muhammad Saleem
169	Mr. Muhammad Daud Shah	170	Mr. Abdullah Jan	171	Mr. Islam Khan
172	Mr. Gulzar Ali	173	Mr. Ikram Ullah	174	Mr. Sawar Jan
175	Mr. Gul Roshan Din	176	Mr. Fazal Shah	177	Mr. Muhammad Pervez
178	Mr. Abdul Hameed	179	Mr. Muhammad Rehman	180	Mr. Umer Jan
181	Mr. Habibur Rehman	182	Mr. Iqbal Muhammad	183	Mr. Shahid Hayat
184	Mr. Muhammad Rauf	185	Mr. Saif Ullah	186	Mr. Ajmal Khan
187	Mr. Juma Gul Shah	188	Mr. Shaukat Ali	189	Mr. Muhammad Sadat Khan
190	Mr. Feroz Shah	191	Mr. Gul Zaman	192	Mr. Shujat Ali Khan
193	Mr. Falak Naz	194	S. Hidayat Ali Shah	195	Mr. Gul Baz Khan
196	Mr. Farid Ullah Khan	197	Mr. Muhammad Aziz Ullah	198	Mr. Najeeb Ullah
199	Mr. Muhammad Younis Khan	200	Mr. Sarfaraz Khan	201	Mr. Raham Zada
202	Mr. Kaleem Ullah	203	Mr. Noor Khan	204	Mr. Shairoz Khan
205	Mr. Muhammad Iqbal	206	Mr. Ghafoor-ur-Rehman	207	Mr. Zahid Ullah
208	Mr. Haroon Rashid	209	Mr. Anwar Jan	210	Mr. Muhammad Zia
211	Mr. Muhammad Ashraf	212	Mr. Sana Ullah	213	Mr. Hamid Ullah
214	Mr. Muhammad Rashad	215	Mr. Gulzar Khan	216	Mr. Nisar Muhammad
217	Mr. Abdul Samad	218	Mr. Kaleem Ullah	219	Mr. Altaf Hussain Shah
220	Mr. Muhammad Saleem	221	Mr. Saifullah	222	Mr. Aqal Mond
223	Mr. Jehanzeb	224	Mr. Hameed Ullah	225	Mr. Riaz Ali
226	Mr. Zahid Ullah Shah	227	Mr. Shah Imtiaz	228	Mr. Ayub Khan
229	Mr. Muhammad Kamal	230	Mr. Faizullah	231	Mr. Aleem Shah
232	Mr. Bashir Ahmad	233	Mr. Zair Gul	234	Mr. Pinda Khan
235	Mr. Ishaq Hussain	236	Mr. Muhammad Yousaf	237	Mr. Farid Ullah Khan
238	Mr. Fazle Subhan	239	Mr. Aminul Haq	240	Mr. Ajmir Khan

[Handwritten signature]
25/04/14

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S#	Name of Officer with Designation	Proposed Place of Posting	Remarks.
226	Zahid Ullah Shah , SS(Eco) GHSS No.1 Kohat	SS(Eco) B-18 GHSS No.1 Kohat	Already occupied by him
227	Shah Imtiaz , SS(Bio) GHSS Lalozaai Bannu	Principal B-18 GHS Kach Kot Asad Khan Bannu	Against Vacant Post
228	Ayub Khan , SS(Eco) GHSS Shamozaai Swat	SS(Eco) GHSS B-18 Shamozaai Swat	Already occupied by him
229	Muhammad Kamal , SS(Eco) GHSS Nizampur Nowshera	V/P B-18 GHSS Nizampur Nowshera	Against Vacant Post
230	Faizullah , SS(Maths) GHSS Hazar Khawani Peshawar	Principal B-18 GHS Pir Sabaq Nowshera	Against Vacant Post
231	Aleem Shah , SS(Bio) GHSS Shamozaai Swat	SS(Bio) B-18 GHSS Shamozaai Swat	Already occupied by him
232	Bashir Ahmad , SS(English) GHSS Sarai Naurang Lakki Marwat	SS(English) B-18 GHSS Sarai Naurang Lakki Marwat	Already occupied by him
233	Zair Gul , SS(Eco) GHSS Abdul Khel Lakki Marwat	Promotion with held subject to provisions of PERs for the years 2012	Vice Serial No.399
234	Painda Khan , SS(Eco) GHSS Dhaki D.I.Khan	SS(Eco) B-18 GHSS Dhaki D.I.Khan	Already occupied by him
235	Ishaq Hussain , SS(PS) GHSS FATA		Services placed at the disposal of ACS FATA for further posting
236	Muhammad Yousaf , SS(Stat) GHSS Pir Sadi Mardan	SS(Stat) B-18 GHSS Hathian Mardan	Vice Serial No.245
237	Faridullah Khan , SS(Bio)Tajazai Lakki Marwat	SS(Bio)B-18 GHSS Tajazai Lakki	Already occupied by him
238	Fazle Subhan , SS(PS) GHSS Dheri Jalogram Malakand	SS(PS) B-18 GHSS Dheri Jalogram Malakand	Already occupied by him
239	Aminul Haq , SS(Eco) GHSS Dheri Jalogram Malakand	SS(Eco) B-18 GHSS Dheri Jalogram Malakand	Already occupied by him
240	Ajmir Khan, SS(Physics) GHSS Utmanzai Charsadda	SS(Physics) B-18 GHSS Utmanzai Charsadda	Already occupied by him
241	Gul Diat Khan , SS(Stat) GHSS Shah Salim Karak	SS(Stat) B-18 GHSS Jandarai Karak	Against Vacant Post
242	Sher Afzullah , SS(Eco) GHSS Nurar Bannu	SS(Eco) B-18 GHSS Nurar Bannu	Already occupied by him


25/04/19

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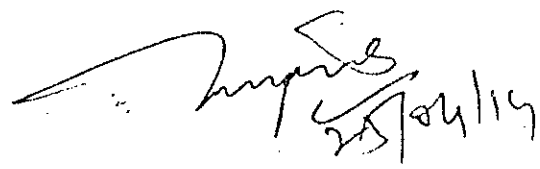
4. No TA/DA will be allowed to the oppiontees for joining their duty.

CHIEF SECRETARY

Endst: of even No. & Date

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Additional Accountant General Pakistan Revenue Sub Office, Peshawar.
3. PSO to Chief Minister Khyber Pakhtunkhwa, Peshawar.
4. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
5. Director, Curriculum & Teacher Education, Abbottabad.
6. Director, Provincial Institute of Teacher Education, Peshawar.
7. Director, Education FATA, FATA Secretariat Warsak Road, Peshawar.
8. Manager Printing Press Khyber Pakhtunkhwa, Peshawar.
9. District Accounts Officers concerned.
10. District Education Officers concerned.
11. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
12. PS to Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Peshawar.
13. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
14. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
15. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa.
16. PA to Additional Secretary E&SED, Khyber Pakhtunkhwa.
17. Incharge EMISE E&SE Department.
18. Notification can be downloaded from our website: www.kpese.gov.pk
19. Office order file.



(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)



2nd Reminder/Most Immediate



55
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

14
No. SO(S/M)E&SED/1-3/2013/Promotion BS-17 to 18.
Dated Peshawar the March 13, 2015


4

To

Mr. Zair Gul,
Subject Specialist BS-17 Economics,
GHSS Abdul Khel District Lakki Marwat.

Subject: - EXPLANATION.

I am directed to refer to this department letter of even number dated 27-10-2014, followed by 1st reminder dated 04-02-2015 on the subject noted above and to state that your promotion to BS-18 was with-held due to non provision of PER's for the year 2012. You were required to submit PERs for the year 2012 by the end of January 2013 is still awaited due to which your explanation was called. Your reply to the explanation may be furnished within three days positively.


(MUJEEB UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

3rd -Reminder/Most Immediate



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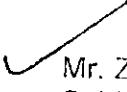
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

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No.SO(S/M)E&SED/1-3/2013/Promotion BS-17 to 18.
Dated Peshawar the March 18, 2015

A/2

To



Mr. Zair Gul,
Subject Specialist BS-17 Economics,
GHSS Abdul Khel District Lakki Marwat.

Subject: - EXPLANATION.

I am directed to refer to this department letter of even number dated 27-10-2014, 1st reminder dated 04-02-2015, and followed by 2nd reminder on 13-03-2015 on the subject note above and to state that your promotion to BS-18 was with-held due to non provision of PER's for the year 2012. You were required to submit PERs for the year 2012 by the end of January 2013 is still awaited due to which your explanation was called. Your reply to the explanation may be furnished within three days positively as stipulated period has already expired.

(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

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**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 503/2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel District
Lakki Marwat.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Civil Secretariat Peshawar and others. (Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Preliminary Objections:

1. Contents incorrect and misleading, because the appellant remained in the employment of the Education Department. During the disputed period, hence he has got necessary cause of action and locus standi.
2. Contents incorrect and misleading, Appeal is well within time and is maintainable under the Rules.
3. Contents incorrect and misleading, all facts necessary for disposal of the appeal are brought before this Honourable Tribunal and nothing has been concealed.
4. Contents incorrect and false. The appeal being filed in accordance with the prescribed rules / procedure hence maintainable in present form.
5. Contents incorrect and false. The appellant has come to the tribunal with clean hands.
6. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed Rules and procedure, hence maintainable in its present form.
7. Contents incorrect and misleading, the appellant has not been treated in accordance with law his rights secured and granted under the law are badly violated.
8. Contents incorrect and false. The appeal being filed in accordance with the prescribed rules / procedure hence maintainable in present form.

9. Contents incorrect and false. All necessary parties are arrayed as parties in the instant appeal.
10. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed Rules and procedure, hence the present Appeal is well within time.
11. Contents incorrect and misleading, the appellant is amongst the senior subject specialist and being fit and eligible for promotion for the said post.
12. Contents incorrect and misleading, the appellant is lawfully entitled for the grant of all the arrears and back benefits as from dated of promotion vide order dated 25-04-2014 as his colleague / juniors were promoted to BPS 18.

ON FACTS:

1. Contents needs no comments, however, contents of Para 1 of the appeal is true and correct.
2. Contents needs no comments, hence however, contents of Para 2 of the appeal is true and correct.
3. Contents needs no comments, hence however, contents of Para 3 of the appeal is true and correct.
4. Contents of Para 4 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, More over the promotion notification was illegally withheld as the appellant time and again provided all the relevant PERs/ ACRs to the concerned authorities which is evident from the record.
5. Contents of Para 5 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, More over the appellant has duly submitted the relevant record PERs/ ACRs to the concerned officials.
6. Contents of Para 6 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, More over the appellant filed the PER with the respondents vide letter no 1669 dated 28-04-2014 and was told that the matter will be put up in the meeting and the appellant time and again inquired from the concerned office about the order of promotion.
7. Contents of Para 7 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, More over the respondents has illegally issued explanation from the

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appellant as the appellant has duly submitted PERs/ ACRs on 28.04.2014.

8. Contents of Para 8 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, the respondents have not been supplied the Notification on time and the appellant received the said Notification under protest.
9. Contents of Para 9 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, detailed reply has been given in the para 8.
10. Contents of Para 10 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, the appellant filed Departmental Appeal to the appellate authority on 09-01-2017, which was forwarded to high ups vide letter no 198 dated 16-01-2017 which was never responded to appellant till date, which is evident from the Departmental Appeal duly annexed with the appeal.
11. Contents of Para 11 of the Appeal are correct, the reply submitted to the Para is incorrect & misleading, detailed reply has been given above.

Grounds of appeal:

Grounds (A) to (H) taken in the Memo of this Appeal are legal and will be substantiated at the time of hearing of this Appeal.

It is, therefore, prayed that on acceptance of this *Service Appeal*, may please be accepted as prayed for.

Appellant

Through



ZARTAJANWAR
Advocate Peshawr

IN THE PESHAWAR HIGH COURT PESHAWAR

Appeal No. 503/2017

Zair Gul Subject Specialist Economics GHSS Abdul Khel
District Lakki Marwat.

(Appellant)

VERSUS

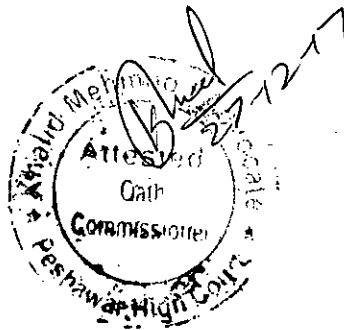
Govt of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa, Civil Secretariat Peshawar and others.

(Respondents)

Affidavit

I, do hereby solemnly affirm and declare that the contents of the *above Rejoinder* are true and correct and that nothing has been kept back or concealed from this Honourable Court.

Zair Gul
Deponent



(61)

SCANNED
KF
Pesh.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. no. 730/2022

C.M. No. _____/2022

In

Service Appeal No.5803/2017

Zair Gul.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & othersRespondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of Order dated 28.11.2022		4

Sau. Zul.
Appellant

Through

Zartaj Anwar

Zartaj Anwar

Advocate

Supreme Court of Pakistan

Cell no.0331-9399185

Dated 13.12.2022

(62) !

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Restoration Appli. No. 730/2022

C.M. No. _____/2022

Khyber Pakhtunkhwa
Service Tribunal

In

Diary No. 2297

Service Appeal No.5803/2017

Dated 14-12-2022

Zair Gul.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa & othersRespondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED SERVICE APPEAL,
DISMISSED IN DEFAULT VIDE ORDER
DATED 28.11.2022.**

Respectfully Sheweth:-

The petitioner submits as under:-

1. That the above titled service Appeal was pending before this Hon'ble Tribunal which was dismissed for non-prosecution vide order dated 28.11.2022.
2. That the absence of the counsel for the appellant is neither intentional nor deliberate but due to rush of work the learned counsel for the appellant was busy before the Peshawar High Court Peshawar due to therefore that reason the counsel for appellant was unable to appear before this Hon'ble Tribunal on the date fixed..

3. That law requires that case should be decided on merits rather than on technicality.
4. That valuable rights of the appellant are involved in the present case and there is no legal bar while accepting this application.

It is, therefore most humbly prayed that on acceptance of this application the service appeal may kindly be restored and be decided on merit in the best interest of justice.

Saur Gul
Appellant

Through

Zartaj Anwar

Zartaj Anwar
Advocate
Supreme Court of Pakistan
Cell no.0331-9399185

Dated 13.12.2022

(4) 3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2022

In

Service Appeal No.5803/2017

Zair Gul.....**Appellant**

V E R S U S

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

AFFIDAVIT

I, Zair Gul, Subject Specialist Economic GHSS Abdul
Khel District Lakki, Marwat, do hereby solemnly affirm and
declare that the contents of the accompanying
Application are true and correct to the best of my
knowledge and belief and nothing has been concealed
from this Hon'ble Court.



Zair Gul
DEPONENT

(65)
Restoration Application No 230/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

RA
C.M. No. 230 /2024
In
Service Appeal No.503/2017

SCANNED
KPST
Peshawar

Zair Gul.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & othersRespondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Copy of Order dated 13.02.2024		3-4

Through Appellant



Zartaj Anwar
Advocate
Supreme Court of Pakistan
Cell-no.0331-9399185

Dated 27.02.2024

(66) 1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

RA
S.M. No. 230 /2024
In
Service Appeal No.503/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11392

Dated 07-02-2024

Zair Gul.....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa & othersRespondents

**APPLICATION FOR RESTORATION OF
THE CAPTIONED SERVICE APPEAL,
DISMISSED IN DEFAULT VIDE ORDER
DATED 13.02.2024.**

Respectfully Sheweth:-

The petitioner submits as under:-

1. That the above titled service Appeal was pending before this Hon'ble Tribunal which was dismissed for non-prosecution vide order dated 13.02.2024.
2. That the absence of the counsel for the appellant is neither intentional nor deliberate but due to rush of work the learned counsel for the appellant was busy before the Peshawar High Court Peshawar due to therefore that reason the counsel for appellant was unable to appear before this Hon'ble Tribunal on the date fixed..