

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.7400/2021

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MRS. RASHIDA BANO ... MEMBER(J)

Mr. Inam Gul S/O Hamish Gul Tehsil Katlang District Mardan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director, Elementary & Secondary Education Department, Peshawar.
3. District Education Officer (Male) Mardan.

... (Respondents)

L. Nawab Ali Noor
Advocate

... For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney

... For respondents

Date of Institution.....02.09.2021

Date of Hearing.....11.07.2024

Date of Decision.....11.07.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal, this Hon’ble court may graciously be pleased to direct the respondents to consider the untrained period of service of appellant which is from 10.12.1987 to 01.04.1992 for promotion.”



2. Brief facts of the case are that the appellant was appointed as untrained Primary School Teacher BPS-7 vide order dated 10.12.1987. He acquired the Primary Teaching Certificate and was awarded graded pay on 02.04.1992. He was also awarded increment for his untrained period from the date of his first appointment. When respondents issued seniority list, they had not counted his untrained service period for seniority and consequently for promotion. Feeling aggrieved, he filed departmental appeal on 07.05.2021, which was not responded, hence the present service appeal.
3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.
4. We have heard learned counsel for the appellants and learned District Attorney for the respondents.
5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).
6. Appellant through instant appeal seeks direction to the respondent department to consider the his untrained period of service as PTC from 10.12.1987 to 01.04.1992 for the purpose of his consideration for promotion and seniority. Appellant was appointed on 10.12.1997 as untrained Primary School Teacher who acquired primary teaching certificate on 01.04.1992 and was declared as regular employee of the department, whereafter he was




promoted to the post of SPST on 12.02.2013 and then to the PSHT on 11.11.2014.

7. It is pertinent to mentioned here that appellant availed the up-gradation from BPS-9 to BPS-12 on 01.10.2007 and actualized his promotion to the post of SPST and PSHT and kept mum till filing of departmental appeal on 07.05.2021 and awaken after a deep slumber of more than a decay.

8. For what has been discussed above, it is held that departmental appeal filed by the appellant is barred by time, therefore, the instant service appeal is dismissed. Costs shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 11th day of July, 2024.*


(KALIM ARSHAD KHAN)
CHAIRMAN


(RASHIDA BANO)
Member (J)

ORDER

11.07.2024 1. Learned counsel for the appellant present. Mr. Asif Masood

Ali Shah learned District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, it is held that departmental appeal filed by the appellant is barred by time, therefore, the instant service appeal is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 11th day of July, 2024.*



(KALIM ARSHAD KHAN)
CHAIRMAN



(RASHIDA BANO)
Member (J)