

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	INSTITUTION	ORIGINAL INSTITUTION	DECISION	PAGES
7486/2021				106

HAYIDULLAH VS GOVERNMENT OF KP

Sr.No.	No of Pages	Documents	Page No
Part-A			
1	1 - 7	Judgment	7
2	8 - 16	Order sheets	9
3	17 - 57	Check list Memo of Appeal and Ground of Appeal	41
4	58 - 58	Wakalat name	1
5	59 - 88	Witnesses	30
6	89 - 89	Challan	1
7	90 - 106	Reply of Respondent 2-4	17
8	-		
9	-		
10	-		
11	-		
12	-		
Part-B			
1	-		
2	-		
3	-		

Total Pages in Part-A	106
Total Pages in Part-B	0

Muharrir Compilation

12/07/24

Incharge J.A.

15/7/24

- 4- یہ کہ من مسماة جاویدہ کے خلاف یکطرفہ کارروائی منسوخ کرنا قرین انصاف ہے۔
- 5- یہ کہ من مسماة جاویدہ بذات ہی یا بزریہ مختار یا وکیل آئیندہ ہر تاریخ پیشی پر عدالت حضور پیش ہوتی رہی گئی۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا من مسماة
جاویدہ کے خلاف یکطرفہ کارروائی منسوخ کرنے
کا حکم صادر فرمائے جائے۔

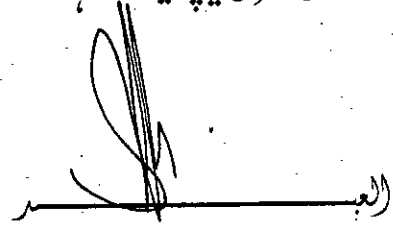


عریضہ


مسماة جاویدہ بزریہ وکیل

بیان حلفی

حلفاً بیان کیا جاتا ہے کہ جملہ مراتب
درخواست ہذا تا حد علم و یقین میرے
درست و صحیح ہے۔ اور عدالت حضور
سے کوئی امر مخفی یا پوشیدہ نہ ہے۔



مسماة جاویدہ بزریہ وکیل


Muhammad Ilyas
ADVOCATE
OATH COMMISSIONER
District Courts Swat.
No. 101 Date 10-6-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 7486/2021

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER(E)

Hamidullah S/O Sher Wali Khan R/O Tehsil & District Chitral, presently working as SDM in BPS- 16 at GMS Moughlasht, District Chitral:

.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary, Elementary & Secondary Education Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa Peshawar.
4. District Education Officer, Chitral Lower.
5. Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.

.....(Respondents)

S. Ghufanullah Shah,
Advocate

... For appellant

Mr. Muhammad Jan,
District Attorney

... For respondents

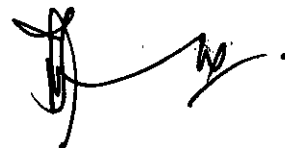
Date of Institution..... 25.08.2021
Date of Hearing..... 30.05.2024
Date of Decision..... 30.05.2024

SCANNED
KPST
Peshawar

CONOLIDATED JUDGEMENT

FAREEHA PAUL, MEMBER (E): Through this single judgment, we intend to dispose of instant service appeal as well as the following connected service appeals as in all the appeals, common questions of law and facts are involved:-

1. Service Appeal No. 7485/2021, Muhammad Ali,
2. Service Appeal No. 7487/2021 Noor ud Din,



3. Service Appeal No. 7488/2021 Muhammad Jehangir Khan,
4. Service Appeal No. 7489/2021, Nabi ud Din and
5. Service Appeal No. 7490/2021, Ramzan Shah

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

2. The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer as follows:-

“On acceptance of the subject appeal respondents may kindly be directed to count service of the appellant as Drawing Master from first day of his appointment i.e. 18.08.1989, instead of date of acquiring training i.e. 25.05.1996, for all service purposes including seniority and promotion; resultantly to modify/correct the impugned seniority list dated 20.03.2016 with effect to promote the appellant as Secondary School Teacher (PS- 16) against the specified quota on his term, with all subsequent benefits. Any other relief which deems just and proper may also be granted to the appellant keeping in view facts and circumstances of the case.”

3. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Drawing Master BPS- 09 on 18.09.1989. At the time of his appointment, he was untrained because at the relevant time it was in practice to appoint teachers on general education degrees/certificate and later on to train them. The appellant was trained on 25.05.1996. Vide notification of Finance Department dated 30.03.2009, all the annual increments were granted to the appellant, hence treated as trained teacher from day of his first



appointment. Although the appellant was upgraded in the same cadre of post (DM) and was working in BPS² 16 (Senior Drawing Master) but was never promoted to the next cadre throughout his career due to variation in government policies from time to time. According to applicable policy/notification issued by the Elementary & Secondary Education, Government of Khyber Pakhtunkhwa, dated 24.07.2014, 04% posts of Senior English Teachers (BPS- 16) were to be filled on the basis of seniority-cum-fitness from amongst the Senior Drawing Masters with at least five years service and having qualification of at least second class Bachelor degree in the relevant subject alongwith B.Ed. Appellant, being qualified according to the subject notification, was to be appointed as Senior English Teacher (BPS- 16) against 04% reserved quota having Bachelor Degree alongwith the required B.Ed/M.Ed training, being senior on the basis of his first day of appointment as D.M. Respondents prepared the seniority list whereby the service of the appellant was counted from the date of acquiring training, instead of his first appointment, and incumbents juniors to him were recommended for promotion to Senior English Teacher (BPS- 16). He approached the respondents through different applications/representation to count his service from the date of his first appointment and to recommend for promotion to the subject post but in vain. The appellant challenged the impugned seniority criteria before the Hon'ble Peshawar High Court in Writ Petition No. 3310-P/20-17, wherein he was directed to approach the Service Tribunal; hence the instant service appeal.

4. Respondents were put on notice. Official respondents submitted written reply/comments on the appeal. Private respondents No. 7 to 12 were not



present despite proper notice, hence they were proceeded against ex-parte vide order dated 15.12.2022. We heard the learned counsel for the appellant as well as the learned District Attorney for the respondents and perused the case file with connected documents in detail.

5. Learned counsel for the appellant, after presenting the case in detail, argued that the impugned seniority list and criteria for determination of seniority by respondents was against rule 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Appellant was appointed as untrained Drawing Master in the year 1989 and there was no distinction between trained and untrained teachers, but in the impugned seniority list, untrained service was not counted towards seniority, which was illegal and void. He requested that the appeal might be accepted as prayed for.

6. Learned District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was appointed as untrained D.M and got trained after 06 years and 08 months which caused him junior from subsequent appointees/private respondents. As per notification dated 30.09.2009, benefit of only annual increments was allowed to untrained teachers from the date of their regular appointment, however seniority was not granted from that date. He requested that the appeal might be dismissed.

7. Perusal of record shows that the appellant was appointed as Drawing Master in 1989. His appointment was on fixed pay and purely on temporary basis. The learned counsel for the appellant stated that he was an untrained teacher and got the required training in the year 1996. The final seniority list of Drawing Masters as on 20.03.2016 annexed with the service appeal shows the



appellant at serial no. 34. When asked, the learned counsel for the appellant confirmed that all the details mentioned against the name of the appellant were correct, with the only apprehension that the date of appointment to present post in column no. 13 was actually the date on which he acquired the required training. The appointment order dated 18.09.1989 read with the seniority list as on 20.03.2016 made it clear that the appellant entered into government service on 18.09.1989 as an untrained Drawing Master on fixed pay which could not be considered as a regular appointment. However, when he got the required training, his services were regularized from 25.05.1996 and his name was placed at the appropriate position in the seniority list, based on the date of acquiring the training. Before that, his appointment could not be termed as regular as a regular appointment meant an appointment of a duly qualified person in the prescribed manner in accordance with the law and rules, and such standard was lacking in case of the appellant when he first entered into government service in 1989. It was only after acquiring the required qualification that he was given his due position in the seniority list. Section 8(4) of the Khyber Pakhtunkhwa Civil Servants Act 1973 was relevant to be quoted here which laid down the principle of determining the seniority of a civil servant as follows:-

"8-(4)- Seniority in a post, service, or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post."


8. In view of the above discussion, it can safely be concluded that the appellant was appointed as regular Drawing Master with effect from the date of

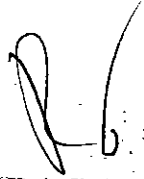


acquiring the required qualification for that post on 25.05.1996 and was rightly placed in the seniority list based on that date. As far as his promotion is concerned, as stated by the respondent department in their reply, he would be promoted on his own turn in the light of rules and policy of the government.

9. The appeal in hand and all the connected service appeals are dismissed, being devoid of merit. Cost shall follow the event. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 30th day of May, 2024.*


(FARZEHA PAUL)
Member (I)


(RASHIDA BANO)
Member(J)

FazleSubhan P.S


SA 7486/2021

30th May, 2024 01. Syed Ghufanullah Shah, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, the service appeal is dismissed, being devoid of merit. Costs shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 30th day of May,*

2024.
SCANNED
KPST
Peshawar


(FARZEHA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

Fazal Subhan PS

06.11.2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 15.02.2024 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

15.02.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Rahmat Ali, ADEO for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 30.05.2024 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

(Rashida Bano)
Member (J)

SCANNED
K-101
Peshawar

*KaleemUllah

SCANNED
K-101
Peshawar

kaleemullah

9

01.06.2023

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

Learned counsel for the appellant requested for adjournment in
order to prepare the brief. Adjourned. To come up for preliminary
hearing on 12.07.2023 before S.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

Kamranullah

(Muhammad Akbar Khan)
Member (E)

12.07.2023

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

Reply/comments on behalf of official respondents have
already been submitted. Preliminary arguments heard.

The appeal is admitted for regular hearing subject to all just
and legal objections by the other side. Appellant is directed to
deposit security fee within 07 days. To come up for arguments on
06.11.2023 before D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)


SCANNED
KPST
Peshawar

Kamranullah

09.03.2023

10
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Waheed Ullah, Assistant for respondent No. 6 present.


Reply/comments on behalf of respondents No. 1 to 4 have already been submitted. Reply/comments on behalf of respondents No. 6 are still awaited. Representative of respondent No. 6 requested for time to submit reply/comments. Last opportunity is extended subjected subject to cost of Rs. 1000/-. To come up for reply/comments of respondent No. 6 as well as preliminary hearing on 13.04.2023 before S.B. P.P given to the parties.


(Muhammad Akbar Khan)
Member (E)

13th April, 2023

1. Clerk of counsel for the appellant present. Mr. Fazal Shah Mohamand Addl. Advocate General alongwith Waheed Ullah Assistant for the respondents present.

2. Written reply on behalf of respondents No. 1 to 4 have already been submitted while representative of respondent No. 6 relying on the reply of respondents No. 1 to 4. To come up for preliminary hearing on 01.06.2023 before the S.B. P.P given to the parties.


(Kalim Arshad Khan)
Chairman

Adnan Shah, PA

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

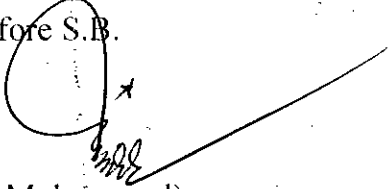
24.01.2023

N

Clerk of learned counsel for the appellant present.
Muhammad Naseer Ud Din Shah learned Assistant
Advocate General alongwith Miftah Ud Din, DEO
(Upper Chitral) and Atiq Ur Rehman, Assistant for
official respondents present.

Written reply on behalf of official respondents
No.1 to 4 submitted which is placed on file. Respondent
No. 5 submitted an application for deletion of his name
from the panel of respondents having no concern with
the appellant ~~who~~ belongs to other district. Respondent
No. 5 is deleted from the panel of respondents. Office is
directed to make entry in the memo of appeal as well as
at the relevant register. Representative of respondent No.
6 sought time for submission of comments. Another Last
chance is given. To come up for written
reply/preliminary hearing on 09.03.2023 before S.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)

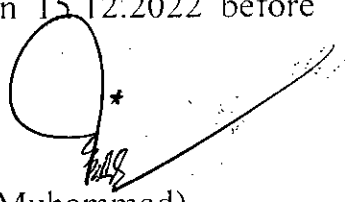
19

16.11.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Murad Ali Shah, ADO for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments as well as preliminary hearing on 15.12.2022 before S.B.

SCANNED
AT
POST
PESHAWAR

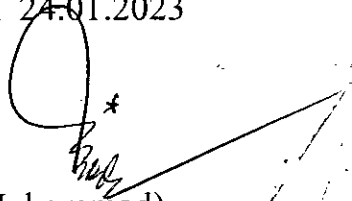

(Mian Muhammad)
Member (E)

15.12.2022

Clerk of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Mehmood Ghaznavi, DEO for official respondents No. 1 to 6 present. None present on behalf of private respondents No. 7 to 12 despite proper notice, hence proceeded ex-party.

Reply/comments on behalf of official respondents No. 1 to 6 not submitted. Representative of the respondents stated at the Bar that reply/comments on behalf of official respondents are under process and will be submitted on the next date. Another opportunity is granted to official respondents to submit reply/comments on the next date positively, failing which, their right for submission of reply/comments shall stand as struck off. Adjourned. To come up for reply/comments on 24.01.2023 before S.B.

SCANNED
AT
POST
PESHAWAR


(Mian Muhammad)
Member (E)

21.07.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

It is evident from the previous order sheet dated 16.05.2022 that the respondents department had been given last chance for submission of reply/comments. Despite last chance, the respondent department could not submit the requisite reply/comments today. Learned Additional Advocate General appeared on behalf of the respondents at fault and requested for yet another chance enabling him to contact and consult the respondents to submit reply/comments. The request is acceded to but as last chance whereafter coercive measures ^{shall} invariably be initiated against the respondents at fault. Adjourned. To come up for reply/comments as well as preliminary hearing on 10.10.2022 before S.B.

SCANNED
KPST
Peshawar

(Mian Muhammad)
Member (E)

10.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Due to lack of funds notices were not issue to respondents for written reply. Learned counsel for the appellant is directed to provide Tickets & Envelopes to issue fresh notices to respondents for submission of written reply/comments for the date fixed. To come up for written reply/preliminary hearing on 16.11.2022 before S.B.

All the respondents
be put on notice

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)

14
02.02.2022 Junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG for respondents present. Preliminary arguments could not be heard due to learned Member (Executive) Mian Muhammad is on leave. To come up for preliminary hearing on 05.04.2022 before S.B.


Reader

05.04.2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General seeks time to furnish reply/comments. Request is accepted. To come up for written reply/comments as well as preliminary hearing on 16.05.2022 before S.B.


Chairman

16.05.2022 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

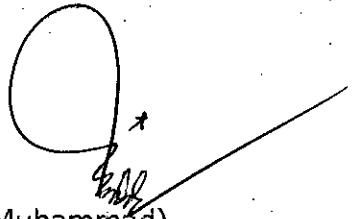
Learned AAG seeks time to furnish written reply/comments. Last opportunity is granted. To come up for written reply/comments as well as preliminary hearing on 21.07.2022 before S.B.


(Mian Muhammad)
Member (E)

30.11.2021

15
Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant is aggrieved of the impugned act of the respondents for not considering the service of appellant as qualified Drawing Master from the date of his first entry into service i.e 14.11.1994. Based thereon the impugned seniority list dated 20.03.2016 was issued w.e.f the promotion of appellant as SST (BS-16). He submitted departmental appeal on 14.07.2017. However, without waiting for order on his departmental appeal, the appellant approach^{ed} the Peshawar High Court in writ petition which was disposed of on the basis of jurisdiction, on 19.05.2021 where-after the appellant filed the instant service appeal in the Service Tribunal on 25.08.2021. As the question of limitation arises i.e whether limitation is to be counted from the date of submission of his departmental appeal or from the date of choosing the wrong forum in writ petition which stands disposed of on 19.05.2021? It would, therefore, be appropriate to issue a pre-admission notice to the official respondents to submit their reply/parawise comments and assist the Tribunal. Adjourned. To come up for preliminary hearing on 02.02.2022 before S.B.


(Mian Muhammad)
Member(E)

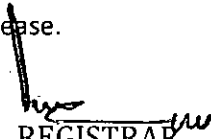

16

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7486 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	30/09/2021	<p>The appeal of Mr. Hamidullah resubmitted today by Syed Ghufuranullah Shah 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.</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>30/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

Respectfully

17


Objection at serial no 2 has properly been removed, therefore, requested to place before the Hon'ble Tribunal.


Advocate

Reference to your reply submitted in response to our observations, it is reiterated that the objections/observations raised by this office at serial no. 2 has not been removed and still stand. Therefore appeal in hand is returned for removing the above mentioned observation and resubmission within 15 days.

No. 1734 /S.T,

Dt. 02/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Syed Ghufan Ullah ASC.

Respected Sir,

That on page 22 of the subject appeal, the covering letter about the representation of the appellant is available, which has been submitted before Peshawar High Court Peshawar in L.P No. 3310/2017. Furthermore, the subject appeal is being submitted upon the divanation of Peshawar High Court Peshawar dated 19-05-2021, therefore, the subject objections may kindly be removed and the appeal be placed before the Hon'ble Tribunal.

Advocate


Respected Sir,

To remove the objection, we need further time -

15 days time further extended.

Advocate

16/09/21



16/09/2021

The appeal of Mr. Hamid Ullah, SDM , GHSS Moughlasht, District Chitral presented today i.e. on 25.08.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of promotion order mentioned in Annexure C of the memo of appeal is incomplete which may be completed.
- 2- Original application/representation to competent authority mentioned in Annexure F may also be submitted with the appeal.
- 3- Certificate be given to the effect that appellatant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 1691 /S.T,

Dt. 26/08 /2021.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Ghufuran Ullah Shah ASC.

Respect Sirs,

① Objection 1 is concerned, it is stated that the said document is a better copy, which was earlier annexed with the writ petition, it has not available, hence will be provided at the time of arguments with the prior permission of this Hon'ble Tribunal.

② Objection 2 is concerned, it is stated that it is already annexed at page 23 of the service appeal, hence may kindly be placed before the Tribunal.

③ Objection 3 has properly been removed.

Advocate



20

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: سرفراز اللہ شاہ البرکتی vs کورٹ سٹریٹ انجینئرنگ

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>سرفراز اللہ شاہ البرکتی</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	✗
26.	Whether copies of comments/reply/rejoinder submitted? on		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: سرفراز اللہ شاہ البرکتی

Signature: [Signature]

Dated: 24/08/21

21

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 7486 2021

SCANNED
KPST
Peshawar

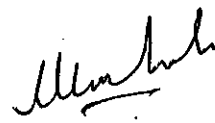
HAMID ULLAH

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR AND
OTHERS

INDEX

S.No	Description of Documents	Annexure	Page No.
1.	Memo of appeal		1-5
2.	Affidavit		6
3.	Addresses of parties		7-8
4.	Copy of Appointment Letter	"A"	9
5.	Copy of Notification dated 30-03-2009	"B"	10
6.	Copy of Up-gradation Order	"C"	11-12
7.	Copy of Notification dated 24-07-2014	"D"	13-18
8.	Copy of impugned Seniority List	"E"	19-21
9.	Copy of applications/representations	"F"	22-23
10.	Copy of writ petition along with Order/Judgment dated 19-05-2021	"G"	24-32
11.	Wakalat Nama		33


Appellant

Through


Syed Ghufuran-Ullah Shah
(Advocate Supreme Court of Pakistan)

&

Changez Khan
(Advocate Peshawar)

Office Address: 22-A Nasir Mension, Railway road Peshawar.

Cell # 0334-9185580/03339351777

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa Service Tribunal

Diary No. 7481

Service Appeal No: 7486 2021

Dated 25/08/2021

HAMID ULLAH S/O SHER WALI KHAN R/O TEHSIL & DISTRICT CHITRAL PRESENTLY WORKING AS SDM IN BPS-16 AT GMS MOUGHLASHT DISTRICT CHITRAL.

.....Appellant

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR.
2. SECRETARY ELEMENTARY AND SECONDARY EDUCATION GOVERNMENT OF K.P.K AT CIVIL SECRETARIAT PESHAWAR.
3. DIRECTOR ELEMENTARY & SECONDARY EDUCATION KHYBER PUKHTUNKHUWA PESHAWAR.
4. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL LOWER.
5. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL UPPER.
6. SECRETARY FINANCE GOVERNMENT OF K.P.K AT CIVIL SECRETARIAT PESHAWAR.
7. SHUJA UD DIN S/O M. ZAFAR KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS HONE DISTRICT CHITRAL, LOWER.
8. MUHAMMAD GHAZI KHAN S/O SHREEN KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS BIRGA NISAR, DISTRICT CHITRAL, LOWER.
9. SHAH RIZA KHAN S/O KAHN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS HARCHIN DISTRICT CHITRAL, UPPER.
10. NOOR MUHAMMAD S/O GHULAM RASOOL R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS KUSHUM DISTRICT CHITRAL, UPPER.
11. HUSSAIN ULLAH KHAN S/O HAMID ULLAH KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS URSOON DISTRICT CHITRAL, LOWER.
12. FAIROOZ KHAN S/O PURDUM KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS MROI DISTRICT CHITRAL, LOWER.

.....Respondents

Filed to day 25/8/21 Registrar Deleted 24/11/23

Ex Pnty vide order sheet dated 15/12/21

Re-submitted to day 30/9/21 Registrar

APPEAL U/S 4 OF KPK, SERVICE TRIBUNAL ACT 1974 IN COMPLIANCE OF ORDER AND JUDGEMENT OF PESHAWAR HIGH COURT PASSED IN W.P NO.3110-P/2017 AGAINST THE IMPUNGNEED ACT AND OMISSION OF RESPONDENTS NOT TO CONSIDER THE SERVICE OF APPELLANT AS QUALIFIED DRAWING MASTER (DM) FROM THE DAY OF HIS FIRST

APPOINTMENT i.e. 18-09-1989 AND TO EXCLUDE HIS UNTRAINED SERVICE OF (06 YEARS & 08 MONTHS) IN THE IMPUNGED SENIORITY LIST DATED 20-03-2016 ; WITH EFFECT TO PROMOTE HIM AS SECONDARY SCHOOL TEACHERS (BPS-16) AGAINST THE 04 % RESERVED QUOTA UNDER NOTIFICATION No. SO (PE)4-5/SSRC/TEACHING CADRE DATED 24TH JULY,2014..

PRAYERS:

ON ACCEPTANCE OF THE SUBJECT APPEAL RESPONDENTS MAY KINDLY BE DIRECTED TO COUNT SERVICE OF THE APPELLANT AS DRAWING MASTER FROM FIRST DAY OF HIS APPOINTMENT i.e. 18-09-1989 INSTEAD OF DATE OF ACQUIRING TRAINING i.e 25-05-1996 FOR ALL SERVICE PURPOSES INCLUDING SENIORITY AND PROMOTION RESULTANTLY TO MODIFY / CORRECT THE IMPUNGNE SENIORITY LIST DATED 20-03-2016 WITH EFFECT TO PROMOTE THE APPELLANT AS SECONDARY SCHOOL TEACHER (BPS -16) AGAINST THE SPECIFIED QUOTA ON HIS TERM WITH ALL SUBSEQUENT BENEFITS . ANY OTHER RELIEF WHICH DEEMS JUST AND PROPER MAY ALSO BE GRANTED TO THE APPELLANT KEEPING IN VIEW FACTS AND CIRCUMSTANCE OF THE CASE.

Respectfully Sheweth:

Brief facts and grounds giving rise to the instant Service Appeal are as under;

1. That Appellant was firstly appointed as Drawing Master BPS-09 on 18-09-1989. (Copy of appointment letter is Annexure "A")
2. That at the time of his appointment, the appellant was un trained because at the relevant time it was in practice to appoint teachers on general educational degrees/certificates and later on to train them in their terms in accordance with the capacity of the concerned Training Schools resultantly, the appellant was trained by Respondents department on 25-05-1996 on his term after about (06 Years an 08 months). It is pertinent to mention here that presently KP Government has also adopted the training procedure like practiced in the relevant time when appellant was appointed.
3. That vide Notification of Finance Department bearing No. FD (PRC) 5-2/2002 dated 30-03-2009; all the annual increments were granted to the appellant; hence treated as trained Teachers from day of his first appointments.

(Copy of Notification dated 30-03-2009 is annexed as Annexure "B")


4. That although, the appellant was upgraded in the same cadre of post (DM) and are presently working at BPS-16 (Senior Drawing Master) but have never been promoted to next cadre throughout his career of long service due to variation in Government policies from time to time. (Copy of up gradation Order is annexed as annexure "C")
5. That according to applicable Policy / Notification issued by Elementary and Secondary Education Government of K.P.K dated 24th July, 2014; 04% posts of Senior English Teachers (BPS-16) are to be filled on the basis of Seniority Cum fitness amongst the Senior Drawing Masters with at least five years service and having qualification of at least second class Bachelor degree in the relevant subject along with B.Ed. (Copy of Notification dated 24-07-2014 is annexure "D")
6. That the Appellant being qualified according to the subject notification is duly qualified to be appointed as Senior English Teacher (BPS-16) against the 04 % reserved quota having Bachelor Degree along with the required B.Ed /M.Ed training beside being seniors on the basis of their first day of appointment as DM.
7. That for the afore mentioned purpose Respondents have prepared the impugned seniority list whereby the service of the appellant has been counted from the date of acquiring training instead of his first appointment and incumbents juniors to the appellant have been recommended for promotion to Senior English Teacher (BPS-16). (Copy of impugned Seniority List is annexure "E")
8. That the appellant properly approached Respondents through different applications/representation to count their service from date of his first appointment and to recommend for promotion to the subject posts but in vain. (Copies of applications are annexed as Annexure "F")
9. That appellant challenged the impugned Seniority criteria before the Peshawar High Court Peshawar in W.P No.3310-P/2017 ,wherein the appellant has been directed to approach this Honorable Tribunal; hence the subject Service appeal amongst the following grounds inter alia; (Copy of Writ Petition along with order & judgment is annexure "G")

GROUNDS:

- a. That the impugned Seniority list and criteria for determination of seniority by respondents; is against Rule, 17 of the Civil Servants (Appointment, Promotion and Transfer) Rules 1989.
- b. That admittedly the appellant is serving with respondent department as Drawing Master (DM) from the day of his first appointment and there is no distinction between trained and untrained teachers with effect to consider and count his tenure of service for further promotion, therefore act of respondents to exclude the untrained tenure of service of appellant is in effective upon his entitled rights in performance of Government Service.
- c. That it is also admitted fact that through Notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2009 issued by Government of KPK Finance Department all the annual increments were granted to the appellant ; hence treated as trained Teacher from day of his first appointment.
- d. That Supreme Court of Pakistan in some connected Civil Appeals No.398 to 405-L/2010 (Abdul Hameed and others VS Special Secretary Education, Government of Punjab and others) vide order/judgment dated 09-03-2016 has held that no distinction can be drawn between the un trained and trained teachers with effect to ancillary privileges of the service.
- e. That admittedly the requirements of notification against the reserved quota never distinguish between trained and untrained DMS with effect to determine qualification about appointment as SET through promotion, therefore the impugned Seniority List with effect to exempt the untrained services of the appellant is illegal and void.
- f. That respondents violated Article, 4 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Rights of Individual to be dealt with in accordance with the Law" because in order to ensure merit in promotion of Civil Servant it is mandatory for respondents to comply with the applicable Law in fair, equal and lawful manner as well as prohibitory for them to act in a manner which is not admissible in law/rules; hence their such act and omission is un warranted under the Constitution.

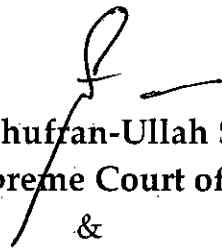
- g. That according to Article, 25 of the Constitution of Republic of Pakistan, 1973 all citizens are equal before Law and are entitled to equal protection of Law but the respondents violated this Article of the Constitution, because admittedly the appellant is senior in service as compared to incumbents recommended for promotion.
- h. That act of respondents with effect to avoid applicable law on the subject and their omission to accept applications for correction of the same is in clear cut violation of Article, 27 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Safe Guard against discrimination in services".
- i. That any other grounds will be furnished at the time of final arguments with the prior permission of this Honorable Tribunal.

Therefore, it is, most humbly prayed that the instant service appeal be accepted as prayed for.




Appellant

Through



Syed Ghuffan-Ullah Shah
(Advocate Supreme Court of Pakistan)

&



Changez Khan
(Advocate Peshawar)

5A 27

CERTIFICATE

It is certified that no other Service Appeal on the same subject has been filed before this Honorable court.

Counsel

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: _____ 2021

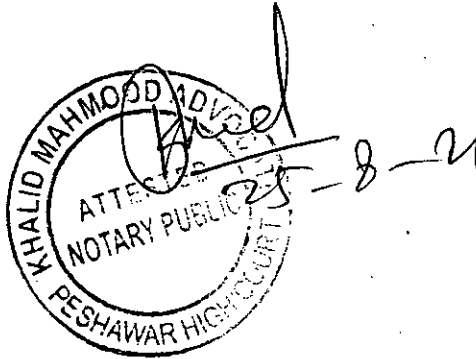
HAMID ULLAH

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR AND
OTHERS

AFFIDAVIT

I, Hamid Ullah S/O Sher Wali Khan R/O Tehsil & District Chitral Presently Working As DM In BPS-16 At GMS Moughlasht District Chitral do hereby solemnly verify on Oath that all the contents of the subject appeal are true and correct to the best of my knowledge and belief.



Hamid Ullah
DEPONENT.

10

10

10

10

10

10

10

10

10

10

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: _____ 2021

HAMID ULLAH

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR AND
OTHERS

ADDRESSES OF PARTIES


APPELLANT;

HAMID ULLAH S/O SHER WALI KHAN R/O TEHSIL & DISTRICT CHITRAL
PRESENTLY WORKING AS DM IN BPS-16 AT GMS MOUGHLASHT DISTRICT
CHITRAL


RESPONDENTS;

1. GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH
CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR.
2. SECRETARY ELEMENTARY AND SECONDARY EDUCATION
GOVERNMENT OF K.P.K AT CIVIL SECRETARIAT PESHAWAR.
3. DIRECTOR ELEMENTARY & SECONDARY EDUCATION KHYBER
PUKHTUNKHUWA PESHAWAR.
4. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL LOWER.
5. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL UPPER.
6. SECRETARY FINANCE GOVERNMENT OF K.P.K AT CIVIL
SECRETARIAT PESHAWAR.
7. SHUJA UD DIN S/O M. ZAFAR KHAN R/O CHITRAL PRESENTLY
POSTED AS DM IN BPS-16 AT GHS HONE DISTRICT CHITRAL, LOWER.
8. MUHAMMAD GHAZI KHAN S/O SHREEN KHAN R/O CHITRAL
PRESENTLY POSTED AS DM IN BPS-16 AT GHS BIRGA NISAR,
DISTRICT CHITRAL, LOWER.
9. SHAH RIZA KHAN S/O KAHN R/O CHITRAL PRESENTLY POSTED AS
DM IN BPS-16 AT GHS HARCHIN DISTRICT CHITRAL, UPPER.
10. NOOR MUHAMMAD S/O GHULAM RASOOL R/O CHITRAL
PRESENTLY POSTED AS DM IN BPS-16 AT GHS KUSHUM DISTRICT
CHITRAL, UPPER.

11. HUSSAIN ULLAH KHAN S/O HAMID ULLAH KHAN R/O CHITRAL PRESENTLY POSTED AS DM IN BPS-16 AT GHS URSOON DISTRICT CHITRAL, LOWER.
12. FAIROOZ KHAN S/O PURDUM KHAN R/O CHITRAL PRESENTLY POSTED AS DM IN BPS-16 AT GHS MROI DISTRICT CHITRAL, LOWER.


Appellant

Through


Syed Ghufuran Ullah Shah
(Advocate Supreme Court of Pakistan)

&


Changez Khan
(Advocate Peshawar)

APPOINTMENT.

31 (9) Annea A

Mr. ~~Fahidullah, F.A. Mat with Drawing~~ S/O ~~Dr. Sher Hajar~~ resident of Village ~~Kivloer~~ District ~~Chitral~~ is hereby temporarily appointed against ~~Vacant P.O.~~ Post at ~~G.H.S. Mastuj Chitral~~ in BPS No. ~~9~~ @ Rs. ~~830/-~~ P.M. ~~fixed~~ plus usual allowances as due and admissible to him/her under the rules with effect from the date of his/her taking over charge in the interest of public service subject to the following terms & conditions:-

TERMS & CONDITIONS:-

- 1- No T.A./D.A. is allowed.
- 2- Charge reports should be submitted to all concerned.
- 3- The appointment is made on purely temporarily basis and liable to termination at any time with-out notice and assigning any reason. In case of resignation he will to submit one month's prior notice to the Department or forfeit one month's pay in lieu thereof if to the Govt.
- 4- The Candidate shall produce his/her health and age certificates from the Civil surgeon concerned in case he/she is not already in service.
- 5- The Heads of the Institutions are required to check the original academic professional Certificates of the Candidate before handing over charge to him/her.
- 6- In Case the Candidate failed to take over charge within 15 days of the issue of this order, his/her appointment shall stand automatically cancelled.
- 7- The Candidate shall not be handed over charge if his/her age exceed 28 years or below 18 years

(Shaidu Mohammed)
DIRECTOR OF EDUCATION,
MALAKAND DIVISION
AT GUL KADA SWAT.

Endst: No. 22590/94

Dated 18/8 /1989.

Copy forwarded to :-

- 1- The Distt: Education Officer ~~Chief Minister, P.F.P. w/r to his order dated 12/~~ ~~Chitral.~~ ~~on the orig: application.~~
- 2- The S.D.E.O. ~~Chitral.~~
- 3- The Headmaster/Headmistress. ~~G.H.S. Mastuj Chitral.~~
- 4- The Candidate concerned.

for/

DIRECTOR OF EDUCATION,
MALAKAND DIVISION
AT GUL KADA SWAT.

Taj Mohammed/

Shaidu
Akbar Khan
Headmaster
G.H.S. Kesu Chitral

Attested
[Signature]

KAMPAN



Annex 'B' 32 Annex B (10)

(10)

GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT
(REGULATION WING)

NO.FD (PRC) 5-2/2002
Dated Peshawar the: 30-03-2009

To:

The Secretary to Govt. of NWFP,
Elementary & Secondary Education,
Peshawar.

Subject:

GRANT OF ANNUAL INCREMENT / RUNNING
PAY TO UNTRAINED TEACHERS IN THE LIGHT
OF SUPREME COURT JUDGEMENT.

Dear Sir,

I am directed to refer to your letter NO.SO (B&A) 1-16/08/
Advance Increment dated February 27, 2009 on the subject noted above and
to state that the Provincial Government is pleased to allow the benefit of
annual increments to the untrained teachers from the date of their regular
appointment.

No arrears shall however, be admissible / payable prior to the
date of issuance of this circular.

(ABDUL JABBAR)
SECTION OFFICER (SR-1)

Encls: of even No & date.

Copy for information & necessary action to the:

1. Accountant General NWFP.
2. All District Coordination Officers.
3. All District / Agency Accounts Officers NWFP / FATA.

Attested
J.S.

SECTION OFFICER (SR-1)

33

11

Annex
"C"
Better Copy

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR**

Ph No. 091-9210389, 9210938
9210437, 9210957, 9210468
Fax 091-9210936, 0800-33857
Email: rafiq-kk851@yahoo.com

NOTIFICATION

Consequent upon the recommendations of the Department Promotion committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No.SO(B&A)/1-18/E&SE/2012 dated 11.07.2012 and Finance Department endorsement No.SO(FR)/FD/10-22(E)/2010 dated 16.07.2012, the following Male DMs B-15 are hereby promoted to the post of Senior DM BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the provincial Government, on the terms and condition given below with immediate effect and further they will be posted in the Government Higher Secondary/ Higher Secondary/ High Schools by the district education Officers concerned against the newly upgraded Senior DM BPS-16 posts:-

Total No. of DM (M) posts duly verified by the DAO	109
1/3 SHARE OF Senior DM Posts	36
Share of promotion 100%	36
Promoted to the post of Senior DM B-16	36

S.#	Name	Place of posting	Date of Birth	Remarks
1.	Mashkoo Hussain	GHS Balach	11.12.1959	Services placed at the disposal of DEO (M) Chitral for further posting
2.	Rahman Wali shah	GMS Kalkatak	04.01.1968	-do-
3.	Sahib Ud Din	GMS Miryarm	15.04.60	-do-
4.	Sardar Hussain	GHS Chumorkhan	12.07.1964	-do-
5.	Rahmat Ullah	GMS Seenlusht	15.02.64	-do-
6.	Sardar Azam Khan	GMS Washich	20.02.63	-do-
7.	Aziz Ud Din	GMS Orghuch	12.01.1956	-do-
8.	Aziz Ur Rahman	GMS Parkusap	06.05.1961	-do-
9.	Mohammad Ayub Khan	GMS Riri Owir	15.01.67	-do-
10.	Siraj Ud Din	GMS Jinirale Kuh	26.02.62	-do-
11.	Mohammad Sami Ul Haq	GHS Kosht	08.06.1965	-do-
12.	Israr Nabi	GHS Parabeg	01.07.1965	-do-
13.	Amin Ullah Khan	CGMHS (B) CHt	01.03.1967	-do-
14.	Sahib Rahim	GHS Broze	12.07.1965	-do-
15.	Mohammad Afzal	GMS Kari	18.02.65	-do-
16.	Shafur Rahman	GMS T/ Paveen	03.03.1969	-do-
17.	Barkat Shah	GMS Shuno	02.04.1970	-do-
18.	Fairooz Khan	GHS Mroi	20.06.65	-do-
19.	Hussain Ullah Khan	GMS Ursoon	01.10.1967	-do-
20.	Mohammad Ghafoor	GHS Mashu	03.10.1965	-do-
21.	Farhat Ullah	GMS Lone	03.01.1969	-do-

Attested
S. R.

34

12

Better Copy

36.	Qurban Wli BPS-15	GHS Booni	GMS Lona	V No.35
37.	Haibullah BPS-16	GHS Workup	Retained	-
38.	Noor Mohammad BPS-16	GHS Khushum	Retained	-
39.	Mohd; Ghazi Khan GBPS-16	GMS Sortaspoor	GHS Koghuzi	V No.40
40.	Saeedullah BPS-15	GHS Koghuzi	GMS Sarlaspoor	V No.39
41.	Fida Mohammad BPS-16	GHS Mada (not visible)	Retained	-
42.	Shujaud Din BPS-16	GHS Hone	Retained	-
43.	Mohd Assadullah BPS-16	GMS Birir	GHS Hone	V No.44
44.	Afzal Shah BPS-15	GHS Hone	GMS Birir	V No.43
45.	Hamidullah BPS-16	GHS Barumowir	Retained	-
46.	Ghulam Sarwar BPS-16	GMS M/ Ayun	GHS Ayun	V No.47
47.	Sanaullah BPS-15	GMS Ayun	GMS Maideh Ayun	V No.46
48.	Iqbal Afzal BPS-16	GMS Parwak	GMS Muzhgolo	V No.49
49.	Saiful Karim BPS-15	GHS Muzhgole	GMS Pawak	V No.48
50.	Syed Sardar Ali Shah B-16	GMS Zhupo	GHS Broop	V No.51
51.	Mohammad Aman BPS-15	GHS Broop	GMS Zhugo	V No.50
52.	Sardar Hussain BPDS-16	GHS Chumrukong	Retained	-
53.	Zakir BPS-10	GHS Gohkir	Retained	-
54.	Sher Zam Shah BPS-10	GHS Reshun	Retained	-
55.	Nazir Ahmad Khan BPS-16	GHS Chumkon	Retained	-

TERMS AND CONDITIONS:

1. They would be on probation for a period of one year extendable for another one year.
2. They will governed by such rules and regulations as may be issued form time to time by the Government.
3. This services can be terminated at any time, in case his performance is not found satisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed form time to time.
4. Change report should be submitted to all concerned.
5. Their inter-se seniority on lower post will remain intact.
6. No TA/ DA is allowed for joining his duty.
7. They will give an undertaking to the recorded in their service book to the effect that if any over payment is made to him in light this order will be recorded and if he is wrongly prompted, he will be reversed.

Sd/
Siraj Mohammad
District Education Officer
(Male) Chitral

Endst No.11052-82/EB(M_/T-5/Trf/DM dated Chitral the 28.02.2013

Copy forwarded for information and necessary action to the:-

1. PA to Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer Chitral
3. Principals / H/Ms concerned/ Teachers concerned

Sd/
DY/ DEO (M) Chitral

dm
Attested
g

13

Annex D

Annex - D

Annexure - "A"

P-48-51



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&I.D/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&I/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
-1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

(1) *[Signature]*
Attested
[Signature]

ATC
[Signature]

33

36

Z J (14)

(18)

1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years.	<p>recruitment; and (b) fifty percent by initial recruitment.</p> <p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>
----	--------------------------------------	---	--------------	--

P-48-51

Attested
[Signature]

ATE
[Signature]

15

8

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on-need-basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or MA Education or equivalent qualifications from a recognized University.</p>	21 to 35 years	<p>1. Seventy Five per cent-by promotion, on the basis of seniority-cum-fitness, from the district-concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;)</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

P-48-51

37

(3)

ATC

Attested

16



38

			<p>Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:</p>
--	--	--	--

P-48-51

(4)

Attested

ATC

10 (17)

6

39

				<p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five year's service as such and having qualification mentioned in column No. 3;</p> <p>(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16); with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable candidate is available from amongst</p>
--	--	--	--	---

P-48-51

(5)

Attested
S/S

ATC
S/S

18

~~18~~

40

				<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty five percent by initial recruitment.</p> <p>Note:</p> <p>i. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>ii. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
--	--	--	--	---

P-48-51

(6)

Mr. Ahsan Ali
SST

ATC
SST

(19)

W

(23)

Annex E

Roll No. 609

FINAL SENIORITY LIST OF DM (M) IN ELEMENTARY & SECONDARY EDUCATION CHITRAL CORRECTED UPTO 20.03.2016.

S.No	Seniority No.	Name	Father's Name	BPS	Acad.	Subject	Profess.	Division	D/o Birth	Domicile	Date of 1 st Entry into Govt. Service	D/o Appointment to the present Post	Place of Posting
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	1	Mashkoo Hussain	Mohammad Hussain	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	15.11.59	Chitral	10.15.81	31.03.83	GHSS;
2.	2	Hussain Ahmad	Abdul Jalil	15	SSC	2 ND Div.	DM	2 ND Div.	15.09.56	Chitral	22.09.81	16.02.84	GHS Tar
3.	3	Rahman Wali Shah	Sultan Wali Shah	16	BA	2 ND Div.	DM	2 ND Div.	01.04.62	Chitral	24.09.81	16.02.84	GHS Drosh
4.	4	Sahib Ud Din	Sher Ajab	16	BA	3 rd Div.	DM	2 ND Div.	15.04.60	Chitral	08.10.84	20.01.85	GHS Istaru
5.	5	Akhtar Hussain	M. Hussain	15	SSC	2 ND Div.	DM	2 ND Div.	20.11.62	Chitral	09.10.84	20.01.85	GMS Khuzh
6.	6	Sardar Hussain	Gul Hazar Baig	16	MA	Islamiat	DM/B.Ed	2 ND Div.	07.12.64	Chitral	09.10.84	20.01.85	GHS Ursoon
7.	7	Rahmat Ullah	Bulan Khan	16	BA	2 ND Div.	DM	2 ND Div.	15.02.64	Chitral	10.10.84	20.01.85	GHS Arkari
8.	8	Sardar Azam Khan	Sahib Ullah	16	MA	Sociology	DM	2 ND Div.	20.02.63	Chitral	01.08.85	01.08.85	GHS Shahgram
9.	9	Aziz Ud Din	Shams Ud Din	16	BA	2 ND Div.	DM	2 ND Div.	01.12.56	Chitral	01.10.86	01.10.86	GHS Kessu
10.	10	Aziz Ur Rahman	Fath Ur Rahman	16	MA	Urdu	DM/B.Ed	2 ND Div.	05.06.61	Chitral	01.10.86	01.10.86	GHS Broze
11.	11	Siraj Ud Din	Ghazi Ud Din	16	BA	2 ND Div.	DM	2 ND Div.	26.02.62	Chitral	01.06.83	17.01.90	GHS Sweer
12.	12	Mohammad Sami Ul Haq	Fazli Ilahi	16	BA	2 ND Div.	DM	2 ND Div.	06.08.65	Chitral	13.07.85	14.11.90	GHS Kosht
13.	13	Israr Nabi	Amir Wali Khan	16	BA	2 ND Div.	DM	2 ND Div.	07.01.65	Chitral	16.09.85	14.11.90	GHS Parabeg
14.	14	Amin Ullah Khan	Adalat Khan	16	MA	Urdu	DM	2 ND Div.	03.01.67	Chitral	15.12.90	15.12.90	GCMHS.(B) Cht.
15.	15	Sahib Rahim	Rahmat Karim	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	07.13.65	Chitral	20.12.90	20.12.90	GHS Burnburate
16.	16	Mohammad Afzal	Saadat Ud Din	16	BA	2 ND Div.	DM	2 ND Div.	18.02.65	Chitral	21.04.87	22.10.91	GHS Kari
17.	17	Shafur Rahman	Masar Khan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	02.03.69	Chitral	24.04.92	24.04.92	GHS Lonkoh
18.	18	Rahmat Ul Faiz	Rehman Khan	16	FA	2 ND Div.	DM	2 ND Div.	02.12.66	Chitral	12.05.92	12.05.92	GHS Kalkatgak
19.	19	Barkat Shah	Bulbul Shah	16	MA	Urdu	DM	2 ND Div.	04.02.70	Chitral	01.05.92	22.11.92	GHS Warijun
20.	20	Fairooz Khan	Purdum Khan	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	20.06.65	Chitral	11.04.93	11.04.93	GHS Mroi
21.	21	Hussain Ullah Khan	Hamid Ullah Khan	16	BA	2 ND Div.	DM	2 ND Div.	10.01.637	Chitral	18.04.93	18.04.93	GHS Ursoon
22.	22	Mohammad Ghafoor	Mohammad Nazir	16	MA	Urdu	DM/B.Ed	2 ND Div.	10.03.65	Chitral	25.04.87	25.12.93	GHS Mastuj
23.	23	Farhat Ullah	Habib Ullah	16	BA	2 ND Div.	DM	2 ND Div.	01.03.69	Chitral	15.08.87	25.12.93	GHS Booni
24.	24	Habib Ullah Khan	Mehrabi Khan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	02.02.70	Chitral	21.11.88	25.12.93	GHS Werkup
25.	25	Noor Mohammad	Ghulam Rasool	16	MA	Islamiat	DM/B.Ed	2 ND Div.	01.02.63	Chitral	28.09.89	25.12.93	GHS Kushum
26.	26	Shah Riza Khan	Kahn	16	BA	2 ND Div.	DM	2 ND Div.	02.02.71	Chitral	30.09.89	25.12.93	GHS Harchin
27.	27	Mohammad Ghazi Khan	Shereen Khjan	16	BNA	2 ND Div.	DM	2 ND Div.	01.05.67	Chitral	11.04.93	29.05.94	GHS Birga Nisar
28.	28	Fida Mohammad	Dost Mohammad	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	01.12.66	Chitral	01.06.87	09.01.95	GHS Hone
29.	29	Shuja Ud Din	M. Zafar Khan	16	BA	2 ND Div.	DM	2 ND Div.	05.01.65	Chitral	25.09.89	09.01.95	GHS Hone
30.	30	Mohammad Asad Ullah	Hazrat Ullah Khan	16	BA	2 ND Div.	DM/B.Ed	2 ND Div.	08.04.65	Chitral	01.10.89	09.01.95	GHS Boomi
31.	31	Mohammad Ayub Khan	Pahlawan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	15.01.67	Chitral	01.01.88	25.05.96	GHS Baranis
32.	32	Mir Anwar Hussain	Sher Haqan	16	BA	2 ND Div.	DM	2 ND Div.	01.05.67	Chitral	16.05.589	25.05.96	GHS Domil
33.	33	Mohammad Qayum Shah	Yatim Shah	16	BA	2 ND Div.	DM	2 ND Div.	02.01.60	Chitral	20.09.89	25.05.96	GHS Barumowir
34.	34	Hamid Ullah	Sher Ajam Khan	16	MA	Islamiat	DM/B.Ed	2 ND Div.	14.03.69	Chitral	23.09.89	25.05.96	GHS Ayun
35.	35	Ghulam Sarwar	Mohammad Yousaf	16	BA	2 ND Div.	DM	2 ND Div.	02.02.58	Chitral	05.12.89	25.05.96	GHS Sonooghur
36.	36	Iqbal Afzal	Sarfaraz Ul Amin	16	MA	Islamiat	DM/B.Ed	1 ST Div.	18.04.68	Chitral	10.12.89	25.05.96	GHS

Attested
Sd/-

20

21

Order Copy

37.	37.	Zakir	Sher Wali Khan	16	MA	Islamiat	DM/B.Ed	1 st Div.	12.02.68	Chitral	23.12.89	25.05.96	GHS Gohkir
38.	38	Sher Azam Shah	Namakin	16	MA	Islamiat		2 nd Div.	06.01.65	Chitral	01.04.90	25.05.96	GHS Reshun
39.	39	Syed Sardar Ali Shah	Farman Shah	16	MA	1 st Divn.	DM/B.Ed	2 nd Div.	01.04.68	Chitral	21.05.92	25.05.96	GHS Mastuj
40.	40	Nazir Ahmad Khan	Jano Mir	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	15.02.71	Chitral	09.04.96	25.05.96	GHS Chumurkone
41.	41	Zakir Ud Din	M. Sardar Ali Khan	16	BA	2 nd Divn.	DM	2 nd Div.	20.02.68	Chitral	01.10.89	30.08.96	GHS Chuinj
42.	42	Duradona Baig	Khush Baig	16	BA	2 nd Divn.	DM	2 nd Div.	27.06.58	Chitral	15.05.83	13.05.97	GHS Muzhgole
43.	43	Qurban Wali Khan	Rahmat Wali Khan	16	BA	2 nd Divn.	DM	2 nd Div.	01.02.60	Chitral	15.04.87	13.05.97	GHS Reshun
44.	44	Salah Ud Din	Wali Khan	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	22.03.55	Chitral	22.04.87	13.05.97	GHSKuju
45.	45	Mahboob Ul Haq	Maula Nigah	16	MA	Islamiat	DM/B.Ed	2 nd Div.	19.04.75	Chitral	01.07.97	01.07.97	GHS Zongroangram
46.	46	Saif Ullah	Amitr Ullah	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	18.01.75	Chitral	11.07.97	11.07.97	GHS Garum Chashma
47.	47	Javeed Iqbal	Saif Ullah Khan	16	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	01.02.75	Chitral	16.08.97	16.08.97	GHS Khorkashandeh
48.	48	Allah Ud Din	Najmud Din	16	MA	Islamiat	DM/B.Ed	2nd Div.	01.02.75	Chitral	16.08.97	16.08.97	GHS Khorkashandeh
49.	49	Mir Ajab Khan	Noor Aziz Khan	15	BA	2 nd Divn.	DM	2 nd Div.	02.02.60	Chitral	23.09.87	27.02.98	GHS Muldeb Ayam
50.	50	Shah Zaman Khan	Mohd Taib Khan	15	BA	3 rd Divn.	DM	2 nd Div.	01.01.58	Chitral	30.08.89	27.02.98	GHS Shunu
51.	51	Vazl Ur Rahman	Abdul Ghani	15	BA	2 nd Divn.	DM	2 nd Div.	20.11.63	Chitral	10.12.89	27.02.98	GHS Awi
52.	52	Mir Ajam Khan	Misal Arab	15	MA	Islamiat	DM/B.Ed	2 nd Div.	12.07.68	Chitral	19.11.94	27.02.98	GHS Sh/Owir
53.	53	Saif Ullah Jan	Wazir Arab	15	BA	2 nd Divn.	DM	2 nd Div.	12.03.73	Chitral	01.01.98	27.02.98	GHS Lasht Kosht
54.	54	Siddiq Ur Rahman	Rahmat Nigah	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	07.11.76	Chitral	20.01.98	27.02.98	GHS Rach
55.	55	Syed Mehmood Ul Hassan	M. Saeed Ullah	15	BA	1 st Divn.	DM/B.Ed	1 st Div.	15.10.73	Chitral	01.03.98	01.03.98	GHS Nishkoh
56.	56	Ghulam Anbia	Abdul Hakim	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	05.02.76	Chitral	01.03.98	01.03.98	GHS Tar
57.	57	Manzoor Ahmad	Amir Mohammad	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	01.04.78	Chitral	05.04.99	01.03.98	GHS Miragram No.1
58.	58	Syed Shahab Ud Din	Sher Amir Khan	15	BA	2 nd Divn.	DM	1 st Div.	10.04.67	Chitral	08.04.99	01.03.98	GHS G/Choshma
59.	59	Aziz Ud Din	Takbir Khan	15	MA	Islamiat	DM/B.Ed	2 nd Div.	10.04.67	Chitral	10.12.94	05.04.99	GHS Susoom
60.	60	Ramazan Shah	Gul Hussan Shah	15	MA	T.Edu.	DM	2 nd Div.	06.11.73	Chitral	14.11.94	08.04.99	GHS Nagar
61.	61	Mohammad Jahangir Khan	Jamoldar Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	05.03.66	Chitral	19.11.94	11.05.99	GHS Breshgram
62.	62	Nabi Ud Din	Haji Mir	15	MA	Islamiat	DM/B.Ed	1 st Div.	01.01.71	Chitral	20.11.94	11.05.99	GHS Bomborate
63.	63	Saeed Ullah	Ghazi Muhammad	15	BA	2 nd Divn.	DM	2 nd Div.	01.04.69	Chitral	21.11.94	11.05.99	GHS Morilash
64.	64	Noor Ud Din	Zerbali Khan	15	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	10.01.72	Chitral	24.11.94	11.05.99	GHS Koghuzi
65.	65	Shakir Ahmad	Sher Wali Khan	15	BA	2 nd Divn.	DM	2 nd Div.	01.03.76	Chitral	24.11.94	11.05.99	GHS Mogh
66.	66	Iqrar Ud Din	Abdul Qadir	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.02.69	Chitral	24.11.94	11.05.99	GHS Ujno
67.	67	Mohammad Ali	Rahim Baig	15	BA	2 nd Divn.	DM	2 nd Div.	22.02.72	Chitral	26.11.94	11.05.99	GHS Breshgrm
68.	68	Saif Ul Karim	S. Rahmat Ali Shah	15	BA	2 nd Divn.	DM	2 nd Div.	06.04.73	Chitral	10.04.96	11.05.99	GHS Parwak
69.	69	Mohammad Ilyas	Gul Mohd Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	15.04.70	Chitral	09.04.99	11.05.99	GHS Melp
70.	70	Shuja Ud Din	Mirza Khan	15	MSC	P/Std	DM/B.Ed	1 st Div.	12.04.75	Chitral	10.04.99	11.05.99	GHS Hart
71.	71	Hamid Ullah	Ghulam Sarwar	15	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	13.02.76	Chitral	02.03.98	11.05.99	GHS Drosh
72.	72	Abu Baker Ahmad	Mehboob Ilahi	15	MA	Islamiat	DM/B.Ed	2 nd Div.	12.05.77	Chitral	24.09.95	31.03.02	GHS Orghuch
73.	73	Mohammad Hassan Khan	Mohd Rahim Khan	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.04.71	Chitral	03.09.02	03.09.02	GHS Khot
74.	74	Abdul Basit	Rahmat Kabir	15	BA	2 nd Divn.	DM	2 nd Div.	01.03.72	Chitral	03.09.02	03.09.02	GHS Beori
75.	75	Sana Ullah Khan	Atta Ullah	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.01.74	Chitral	11.09.02	03.09.02	GHS Rumboor
76.	76	Rahmat Ullah	Rahmat Qadir Khan	15	MA	Islamiat	DM	2 nd Div.	03.02.75	Chitral	12.09.02	11.0.02	GHS Golain
77.	77	Fokhr Ud Din	Afsar Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Div.	15.01.75	Chitral	12.09.02	12.09.02	GHS Lone
78.	78	Tika Khan	Jano Yar Khan	15	BA	2 nd Divn.	DM/B.Ed	2 nd Div.	03.02.75	Chitral	12.09.02	12.09.02	GHS Shishi
79.	79	Mehmood Ali	Zarin Khan	15	BA	2 nd Divn.	DM	2 nd Div.	18.03.75	Chitral	12.09.02	12.09.02	GHS Shoghore
80.	80	Inayat Ullah	Sher Azam Khan	15	MA	Islamiat	DM/B.Ed	2 nd Div.	01.02.77	Chitral	12.09.02	12.09.02	GHS Muzhgole

en

5555

Albered
PC



81.	81	Farid Ud Din	Munir Ud Din	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	01.03.78	Chitral	12.09.02	12.09.02	GMS Warimoon
82.	82	Sadr Ud Din	Mir Sawat Khan	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	04.04.78	Chitral	12.09.02	12.09.02	GMS Joghoo
83.	83	Ashraf Nabi Shah	Adina Shah	15	BA	2 nd Divn.	DM	1 st Divn.	01.08.89	Chitral	12.09.02	12.09.02	GMS Terich (p)
84.	84	Bashir Ullah	Rahmat Wali	15	MA	Islamiat	DM/B.Ed	1 st Divn.	12.10.81	Chitral	12.09.02	12.09.02	GMS Khot (p)
85.	85	Kai Khisrow	Ahmad Khisrow	15	MA	Islamiat	DM/B.Ed	1 st Divn.	25.02.82	Chitral	12.09.02	12.09.02	GMS Riri
86.	86	Haji Akbar	Syed Jalal	15	BA	2 nd Divn.	DM	2 nd Divn.	01.01.66	Chitral	28.09.86	17.09.02	GMS Prayit
87.	87	Syed Nayab Shah	Shyed Musanif Shah	15	BA	2 nd Divn.	DM	2 nd Divn.	10.10.79	Chitral	19.09.02	19.09.02	GMS Chuinj
88.	88	Mohammad Aman	Zar Aman	15	MA	Islamiat	DM/B.Ed	2 nd Divn.	20.04.66	Chitral	21.03.96	05.05.03	GMS Zhupo
89.	89	Afzal Shah	Mohd Karim Shah	15	BA	2 nd Divn.	DM	2 nd Divn.	12.02.72	Chitral	22.03.04	22.03.04	GMS Birir
90.	90	Taj Mohammad Khan	Mas Khan	15	BA	2 nd Divn.	DM/B.Ed	2 nd Divn.	12.12.78	Chitral	22.03.04	22.03.04	GHS Chumporkhon
91.	91	Nasir Ud Din	Dinar Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	04.03.72	Chitral	01.04.04	01.04.04	GMS Kosht Bala
92.	92	Muslih Ud Din	Sharif Ud Din	15	BA	2 nd Divn.	DM/B.Ed	2 nd Divn.	02.01.73	Chitral	01.04.04	01.04.04	GMS jinjirate
93.	93	Abdul Khaliq	Abdul Murad Khan	15	MA	2 nd Divn.	DM	2 nd Divn.	01.02.76	Chitral	01.04.04	01.04.04	GHS Bang
94.	94	Sardar Ullah Khan	Mudawar Shah	15	MA	Urdu.	DM/B.Ed	1 st Divn.	30.03.81	Chitral	01.04.04	01.04.04	GMS Baleem
95.	95	Mohammad Murad	Bacha Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	22.02.81	Chitral	22.07.06	22.07.06	GHS herchin
96.	96	Farooq Ahmad	Muntazim	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	01.02.73	Chitral	24.07.06	24.07.06	GHS Ashirate
97.	97	Mohammad Yousaf	Mohammad Hanif	15	BA	2 nd Divn.	DM	2 nd Divn.	01.01.75	Chitral	24.07.06	24.07.06	GHSMadak
98.	98	Anwar Ahmad	Hussain Ahmad	15	BA	2 nd Divn.	DM	2 nd Divn.	14.01.75	Chitral	24.07.06	24.07.06	GHS Krinj
99.	99	Aziz Ullah	Saeed Ullah	15	BA	2 nd Divn.	DM	2 nd Divn.	15.05.75	Chitral	24.07.06	24.07.06	GMS Terich P
100.	100	Jamil Ahmad	Sher Wali Khan	15	MA	Islamiat	DM/B.Ed	2 nd Divn.	15.10.81	Chitral	24.07.06	24.07.06	GMS Sor Rech
101.	101	Sajid Ullah	Mehmood Shah	15	BA	2 nd Divn.	DM/B.Ed	1 st Divn.	06.03.82	Chitral	24.07.06	24.07.06	GMS Saht
102.	102	Mohd Nazir Khan	Qadir Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	01.01.79	Chitral	12.10.06	12.10.06	GMS Kalkatak
103.	103	Azhar Ullah	Shoukat Ali Khan	15	BA	2 nd Divn.	DM	2 nd Divn.	15.04.87	Chitral	25.02.09	25.02.09	GMS Dizg
104.	104	Sardar Mohd Rashid	Sheikh Ul Islam	15	BA	1 st Divn.	DM	2 nd Divn.	15.12.79	Chitral	02.03.09	02.03.09	GMS Jinjirate
105.	105	Muhib Ullah	Abdul Qayum	15						Chitral	07.06.14	07.06.14	GMS Parsan
106.	106	Burhan Ud Din	Farid Khan	15						Chitral	07.06.14	07.06.14	GMS Arandu
107.	107	Abdur Rashed	Abdur Rashid.	15						Chitral	07.06.14	07.06.14	GMS L/ Yarkhoon

CERTIFICATE

Certified that this Seniority list is final/ undisputed, non subjudious and all the DM (M) teachers working district Chitral are included in this final seniority list.

Sd/-
District Education Officer (Male)
Chitral

Attested
Sd/-

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
CHITRAL

NO. 2088 /EB(M)/P-2/Promotion Secy:

DATED 21 / 7 /2017.

To,

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

Subject: APPLICATION FOR SENIORITY W.E.F 1ST APPOINTMENT AS
UNTRAINED DRAWING MASTER.

Memo:

Enclosed herewith kindly find original application & other relevant documents in respect of the Drawing Masters claiming seniority against D.M posts from the date of initial appointment as untrained instead of passing professional examination, for your kind consideration.

Encl:

original application.
Punjab Govt Notification dated 10-07-2017.
Judgment of Supreme Court of Pakistan dated 01-03-2017.
Judgment of Supreme Court of Pakistan dated 09-03-2016.
Copy of ESTA CODE page No.5.
Finance Deptt: Notification dated 30-03-2009.

District Education Officer (Male)
Chitral

Endst: No. _____ /EB(M)/P-2/Promn: Secy: Dated ____ / ____ /2017.

Copy forwarded to all the applicants w/r to their joint application dated 18-07-2017, for information, please.

District Education Officer (Male)
Chitral

Attended
4/5

محرمت جناب ڈائریکٹر ایجوکیشن اینڈ سائنس ایجوکیشن ایجوکیشن

ADDO (Est)

جناب عالی! جناب ڈی ای او پبلک سیکولر اسکول
مفتون، درخواست برادر مینیجمنٹ لسٹ قرار کرنے بظاہر
18/07/2017

- 1- یہ کہ سائنس کئی سال قبل حکم تعلیم کی جانب سے بحیثیت ڈرائنگ مائٹ
تعمیرات ہو کر ضلع جہاں کے مختلف سکولوں میں اپنے خدمات انجام دے
آئے ہیں۔ اور اب بھی اپنے اپنے سکولوں میں فرائض انجام دے رہے ہیں۔
- 2- یہ کہ سائنس کئی سال پہلے تقرری ان ٹرینڈ بنیاد پر آئی تھی جو کہ
سپریم کورٹ آف پاکستان کے فیصلے مور 01-03-17 کی روشنی میں ان ٹرینڈ
اساتذہ کو مینیجمنٹ بظاہر ابتدائی تقرری دینے کا حکم دیا گیا ہے۔ حکم
فیصلے سپریم کورٹ آف پاکستان درخواست ہذا کے ساتھ لف ہے۔
- 3- یہ کہ سائنس ESTA CODE خیر، مختصراً کے ذیلی دفعہ (3) 8 کی رو سے
سیناری کے قدر اراں ہیں۔
- 4- یہ کہ حال ہی میں DEO جہاں انیس میں مینیجمنٹ لسٹ بنانے وقت
سائنس کی پہلی تقرری تاریخ ادرسن کو نظر انداز کر کے سائنس سے کئی جو تیرا
کر مینیجمنٹ لسٹ میں آئے کوئی گئی ہے۔ اور سائنس کو محرم رکھا گیا ہے
اندرین حالت استدعا ہے کہ جناب والا ہر پائی کر کے سپریم آف پاکستان
کے فیصلے کی روشنی میں سائنس کی مینیجمنٹ لسٹ کی تصحیح کرنے کا حکم صادر
فرمایا جائے۔ اور سائنس کو SST پوسٹ پر مردوشن سرانے کی منظوری
دی جائے۔

العارض ندریاں

- 1- خدایوب SDM ہائی سکول ہونی
- 2- حمید رضا SDM ہائی سکول کینو
- 3- شیر اعظم خان SDM ہائی سکول ریشہ
- 4- ذاکر SDM ہائی سکول بکری
- 5- قربان دلی SDM ہائی سکول چروان
- 6- ذاکر الہی SDM ہائی سکول ہرم اور دیگر

Attested

(04)

W6 Annex "G"



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. _____/2017

1. Muhammad Ayub Khan S/O Pahlawan Khan
2. Hamid ullah S/O Sheir Ajam Khan
3. Zakir S/O Sher Wali Khan
4. Sheir Azam Shah S/O Namkeen
5. Qurban Wali S/O Rahmat Wali Khan , All through Petitioner No.1 Resident of Green Lasht,P.O Rashun ,Tehsil Mastuj District Chitral.

.....Petitioners

VERSUS

1. Secretary Elementary and Secondary Education Government of K.P.K at Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Old City College near Peshawar City No.2 School, Firdaws GT Road Peshawar.
3. District Education Officer Chitral
4. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

.....Respondents

WRIT PETITION UNDER ARTICLE, 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.

PRAYER:

On acceptance of the instant Writ Petition, Respondents may very graciously be directed to consider the Petitioners as qualified Drawing Masters (DMs) from the day of their first appointment with effect to appoint them as Secondary School Teachers (BPS-16) through promotion against the 04 % reserved quota hence ; all act and omission of Respondents to exclude their untrained tenure of Service for the same ; be declare as void *ab initio*, illegal, unlawful, without lawful authority and justification; hence ineffective upon the legal/ fundamental/constitutionally protected rights of the

May
ATTESTED
EXAMINER
Peshawar High Court

(25) 47

petitioners. Any such relief which this honorable court deems proper and just be granted to the petitioners against the respondents keeping in view the circumstances of the case.

Respectfully Sheweth:

Brief facts and grounds giving rise to the instant writ petition are as under;

1. That the names and addresses of the parties have correctly been given in the head note of the instant writ petition, which are sufficient for the purpose of effecting their proper services and citation etc.
2. That Petitioner No.1 was firstly appointed as Drawing Master BPS-09 on 01-01-1988 , Petitioner No.2 on 23-09-1989 ,Petitioner No.3 on 23-12-1989 ,Petitioner No.4 on 01-04-1990 and Petitioner No.5 on 15-04 1987 respectively.
(Copies of appointment letters are annexed as Annexure "A")
3. That at the time of their first appointments the Petitioners were un trained and later on they were trained in their terms by Respondent department in different dates i.e. Petitioners No.1 to 4 on 25-05-1996 and Petitioner No.5 on 13-05-1997 respectively.
4. That through Notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2009; issued by Respondent No.4 all the annual increments were granted to the petitioners; hence treated as trained Teachers from day of their first appointments.
(Copy of Notification dated 30-09-2009 is annexed as Annexure "B")
5. That although the petitioners were upgraded in the same cadre of post (DMs) and are presently working at BPS-16 (Senior Drawing Masters) but have never been promoted to next cadre throughout their career of long service due to variation in Government policies from time to time.
(Copy of Promotion Order is annexed as annexure "C")
6. That according to applicable Policy / Notification issued by Elementary and Secondary Education Government of K.P.K dated 24th July, 2014; 04 % posts of Senior English Teachers (BPS-16) are to be filled on the basis of Seniority Cum fitness amongst the Senior Drawing Masters with at least five years service and having qualification of at least second class Bachlor decree in the relevant subject along with B.Ed.
(Copy of Notification dated 24-07-2014 is annexure "D")
7. That the petitioners being qualified according to the subject notification are duly qualified to be appointed as Senior English Teachers (BPS-16) against the 04 % reserved quota having Bachelors Decrees along with the required B.Ed /M.Ed training beside being seniors on the basis of their first day of appointment as DMs.

Mej
ATTESTED
EXAMINER
Peshawar High Court

- (06) 18
8. That for the afore mentioned purpose Respondents have prepared the impugned seniority list whereby the service of the petitioners have been counted from the date of acquiring training instead of their first appointment and incumbents juniors to the petitioners have been recommended for promotion to Senior English Teacher (BPS-16).

(Copy of impugned Seniority List is annexure "E")

9. That the Petitioners properly approached Respondents through different applications/representation to count their service from date of their first appointment and to recommend their promotion for the subject posts but in vain. (Copies of applications are annexed as Annexure "F")

10. That being aggrieved from the impugned act and omission of Respondents and having no efficacious remedy the petitioners approach this honourable court inter alia;

GROUNDS:

- A. That admittedly the petitioners are Drawing Masters (DMs) from the day of their first appointment and there is no distinction between trained and un trained teachers with effect to consider and count their tenure of service for further promotion, therefore act of respondents to exclude the untrained tenure of service of Petitioners by respondents is in effective upon the fundamental rights of the Petitioners.
- B. That it is also admitted that through Notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2009 issued by Respondent No.4 all the annual increments were granted to the petitioners; hence treated as trained Teachers from day of their first appointments.
- C. That recently Supreme Court of Pakistan in some connected Civil Appeals No.398 to 405-L/2010 (Abdul Hameed and others VS Speacial Secretary Education, Government of Punjab and others) vide order/judgment dated 09-03-2016 has held that no distinction can be drawn between the un trained and trained teachers with effect to ancillary privileges of the service.
- D. That admittedly the requirement of Notification against the reserved quota never distinguish between trained and untrained DMS with effect to determine qualification about appointment as SET through promotion, therefore the impugned Seniority List with effect to exempt the untrained services of Petitioners is illegal and void.

M. A. J.
ATTESTED
EXAMINER
Peshawar High Court

207

119

- E. That respondents violated Article, 4 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Rights of Individual to be dealt with in accordance with the Law" because in order to ensure merit in promotion of Civil Servant it is mandatory for respondents to comply with the applicable Law in fair, equal and lawful manner as well as prohibitory for them to act in a manner which is not admissible in law/rules; hence their such act and omission is unwarranted under the Constitution.
- F. That according to Article, 25 of the Constitution of Republic of Pakistan, 1973 all citizens are equal before Law and are entitled to equal protection of Law but the respondents violated this Article of the Constitution, because admittedly the Petitioners are seniors in service as compared to incumbents recommended for promotion.
- G. That act of respondents with effect to avoid applicable law on the subject and their omission to accept applications for correction of the same is in clear cut violation of Article, 27 of the Constitution of Islamic Republic of Pakistan, 1973 with its heading "Safe Guard against discrimination in services".
- H. That in this very case any order or act relating to initiation of proceedings or decision taken by Respondents is contrary to law and illegal therefore all subsequent proceedings and actions taken thereon would have no basis and would fall.
- I. That the matter in the instant petition relates to enquire functionaries of the Government; with effect to secure the constitutionally guaranteed rights of the petitioner therefore, this honourable court has ample jurisdiction to exercise its writ jurisdiction under Article, 199 of the Constitution of Pakistan, 1973.
- J. That otherwise too, there is no other immediate and alternate remedy to protect prerogative rights of Petitioner and that's too; when law is clear on the subject. Furthermore, mental torture, financial and professional loss of the Petitioner in the like circumstances demand for natural justice under the prerogative writ of this honourable court to ensure protection of all fundamental rights of Petitioners effected by mal practice and act of inducement of respondent through order, instruction and directives under the four wheel of Article, 199 in both in its original and inherited jurisdiction.
- K. That as per section 4(b)(i) of K.P.K Service Tribunal Act, 1974, no appeal shall lie to a Tribunal against an order or decision of a Departmental Authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a high post or grade.
- L. That the petitioner seeks leave of this honourable court to argue/raise additional grounds at the time of arguments.

INTERIM RELIEF;

May
ATTESTED
EXAMINER
Peshawar High Court

28

50

All the three ingredients like prima facie case, balance of convenience and irreparable loss are in favour of the petitioners against the respondents, therefore by way of Interim Relief; Respondent No.2 &3 may very graciously be directed not to issue appointments/ promotions orders of Senior English Teachers (BPS-16) against the 04 Percent quota for DMs/ SDMs to the extent of District of the Petitioners till final disposal of the instant writ Petition.

It is, therefore, most humbly prayed that the instant Writ Petition be accepted as prayed on the heading.

Petitioner

Through,

Syed Ghufraan ullah Shah
Advocate, 22-A Nasir
Mansion, Peshawar

CERTIFICATE:

It is certified that no other writ petition on the same subject has been filed before this honourable court.

LIST OF BOOKS;

- 1- Constitution of Islamic Republic of Pakistan, 1973.
- 2- General Clause, Act.
- 3- Rules of Business, 1985.
- 4- Any other Book according to need.

Counsel

Counsel

[Handwritten Signature]
CERTIFIED TO BE TRUE COPY
 EXAMINER
 Peshawar High Court, Peshawar
 Authorised Under Article 87 of
 The Constitution of Pakistan 1973
 30 JUN 2021

51 28 A



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.M No. 204 P/2017

In

W.P No. 3310/2017

Muhammad Ayub Khan and others

VERSUS

**Secretary Elementary and Secondary Education Government of
K.P.K and others**

**AN APPLICATION WITH EFFECT TO IMPLEAD THE
PETITIONERS IN THE PENAL OF PETITIONERS.**

Respectfully Sheweth,

1. That the subject Writ Petition along with Interim Relief is pending for adjudication before this Honorable Court and is fixed for 25-10-2017.
2. That through the subject writ Petitions petitioners seek regularization of their un trained Services as Drawing Masters with effect to appoint them as SST (BPS-16) through promotion on seniority basis.
3. That the following incumbents are also Drawing Masters at Education Department and their grievances are similar and same to the Petitioners in pending W.P No. 3310/2017;
 - i. Nabi uddin S/O Haji Mir R/O P/O kuju Tehsil & District Chitral presently working as DM in BPS-16 at GHSS Mori Lasht District Chitral.

FILED TODAY
Deputy Registrar

21 OCT 2017 ATTESTED

EXAMINER
Peshawar High Court

52

(28)-B



- ii. Ramzan Shah S/O Gul Hassan Shah R/O Lasht P/O Chitral, Seen, Tehsil & District Chitral presently working as DM in BPS-16 at GMS Seen Lasht District Chitral.
- iii. Jahangir Khan S/O Jamaldar Khan R/O Seen Tehsil & District Chitral presently working as DM in BPS-16 at GMS Seen Lasht District Chitral.
- iv. Saeed Ullah S/O Ghazi Muhammad R/O Barghuzi P/O Koghuzi Tehsil & District Chitral presently working as DM in BPS-16 at GHS Koghuzi District Chitral.
- v. Noor ud Din S/O Zerbali Khan R/O P/O kuju Tehsil & District Chitral presently working as DM in BPS-16 at GHS Kuju District Chitral.
- vi. Muhammad Ali S/O Rahim Baig R/O P/O Shoghor Seewakht Tehsil & District Chitral presently working as DM in BPS-16 at GMS Mough Lasht District Chitral.

(Copies of Service certificates are Annexure "A")

4. That the Petitioners are also same and similar in context of the dispute between the parties.
5. That the grievances of the present petitioners are also similar to the petitioners in original writ petition No. 3310/2017.
6. That the main writ petition is already under adjudication and no final order has been passed.
7. That it is in the interest of administration of justice to deal the entire case in equal footing as well as necessary to avoid conflicting judgment on single issue, therefore; there is nothing repugnant to the rules and procedures to accept the subject application.

FILED TODAY
Deputy Registrar
21 OCT 2017
ATTESTED
EXAMINER
Peshawar High Court

53

(28) - C



8. That it is also in the interest of the parties to proceed the case in collective manner.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the Petitioners may kindly be add and consider as petitioners No. 6 to 11.

Petitioners

Through

Syed Ghufan Ullah Shah
Advocate, Peshawar

MAILED TO BE TRUE COPY
Deputy Registrar
Peshawar High Court, Peshawar
Authorized Under Article 87 of
the Constitution of Pakistan Order 1973
15 SEP 2021

FILED TODAY
Deputy Registrar
21 OCT 2017

54

29

1



Judgment Sheet
**PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.**

W.P.No.3310-P/2017

**Muhammad Ayub Khan and others
Versus
Secretary Elementary & Secondary Education
Govt: of KPK and others.**

Date of hearing 19.05.2021

**Petitioner by: Mr. Yasir Saleem, advocate (added
petitioners)**

Respondent (s) by: Umar Farooq, AAG

JUDGEMENT

IJAZ ANWAR. J:- The instant writ petition has
been filed under Article 199 of the Constitution of
Islamic Republic of Pakistan, 1973 with the
following prayer:-

**“On acceptance of this writ
petition, respondents may
very graciously be directed to
consider the petitioners as
qualified Drawing Masters
(DMs) from the day of their
first appointment with effect
to appoint them as Secondary
School Teachers (BPS-16)
through promotion against
the 04 % reserved quota
hence all act and omission of
Respondents to exclude their
untrained tenure of service**

ATTESTED
EXAMINER
Peshawar High Court

55

30

2

for the same be declared as void ab initio, illegal, unlawful, without lawful authority and justification, hence ineffective upon the legal/fundamental/constitutionally protected rights of the petitioners.

Any such relief which this honorable court deems proper and just be granted to the petitioners against the respondents keeping in view the circumstances of the case.”

2. In essence, petitioners claim promotion against the 4 % reserved quota to the post of Secondary School Teacher (BPS-16) on the ground that if their service as untrained teachers is considered, they will become eligible for promotion.

3. Comments were called from the respondents which were accordingly submitted wherein they have opposed issuance of the desired writ.

4. At the very outset, learned counsel representing the added petitioners was confronted


ATTESTED
EXAMINER
Peshawar High Court

SB

31

3

with the question of jurisdiction as the matter pertains to the terms and conditions of service. Learned counsel for petitioners stated that petitioners are discriminated and that since it is question of promotion, as such is outside the scope of Service Tribunal.

5. The explanation given for invoking the jurisdiction of this court is not satisfactory nor legally tenable. Promotion is the foremost term and condition of service and it can only be agitated before the Service Tribunal duly constituted under the Service Tribunal Act, 1974. The jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 besides availability of alternate remedy to the petitioners.

6. In view of the above, since this Court has got no jurisdiction to entertain this petition, it is therefore, dismissed allowing the


ATTESTED
EXAMINER
Peshawar High Court

57

30

petitioners to avail their remedy before the Tribunal established under the law, if they are so advised.

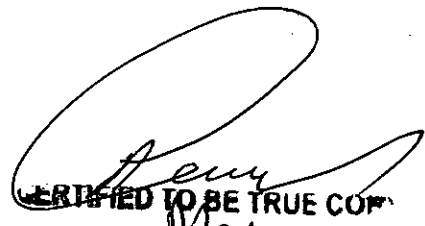

JUDGE

**Announced on;
Dated. 19.05.2021.**


JUDGE

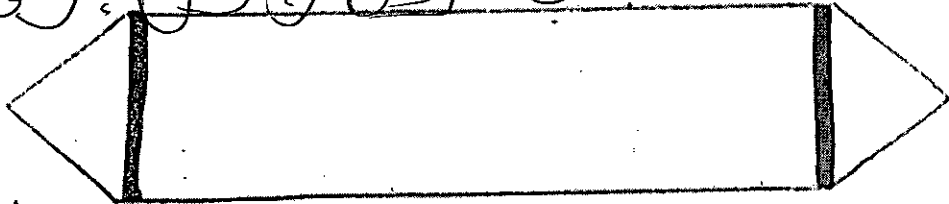
D.B. Hon'ble Mr. Justice Lal Jan Khattak and Hon'ble Mr. Justice Ijaz Anwar

"Amir"


CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 67 of
The Qanun-e-Shahadat Order, 1988.
30 JUN 2021

No. 35866
Date of Presentation of Application 20/5/21
No of Pages 3
Copying fee _____
Total 26
Date of Preparation of Copy 30/6/21
Date of Delivery of Copy 02/8/21
Received By [Signature]

بعدالت برہاں سرروس میں سولہ ٹیکسٹائل انڈسٹریز اور



2021ء میں منتخب ایبلٹ
مکیر اللہ بنام گورنمنٹ ٹیکسٹائل انڈسٹریز

موزونہ
مقدمہ
دعویٰ
سرروس ایبلٹ
جیم

SA 7486/21
باعث تخریب آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی دکل کارروائی متعلقہ
آن مقام لیٹور کے لیے سرخوشان انشا شاہ و دیگر جوان، سسر ایبلٹ
تقرر کر کے اترار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو مرضی نامہ کرنے و تقررات و فیصلے پر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیسار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیلئے یا ایبل کی برآمدگی اور منسوخ
نیز دائر کرنے ایبل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا مختار قانونی کماپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو یہی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشینانے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
ملکوز کریں۔ لہذا دکالت نامہ لکھ دیا کہ مندر ہے۔

ایبلٹ
شہزاد

مکیر اللہ

الرقوم 04 ماہ 08 2021

العاب

مقام لیٹور کے لیے منظور ہے
شہزاد

89

prov

Treasury / Sub-Treasury
Chalan of Cash paid into the Peshawar

State Bank of Pakistan

CHALAN No. Peshawar

To be filled in by the remitter				To be filled in by the Departmental officer of the Treasury	
By whom tendered	Name or Designation and address of the person on whose behalf money is paid.	Full particulars of the remittances and of authority (if any)	Amount	Gr-11215 Head of Account 350/100	Order to the Bank*

Name Security fee (Refundable) Date

CHAIRMAN Rs-100/- One hundred only
Khan Bahadur Khwaja appeal No. 7486/21
Service Tribunal, Hamidullah
Peshawar
 Signature Total (Rs)

Correct
 Received and grant
 receipts.
 Signature and full
 designation of the
 officer ordering the
 money to be paid in

333

(a) (in words) Rupees One hundred only

*To be used only in the
 case of remittances to
 Bank through an officer
 of the Government.

Received Date

Treasury Officer

Treasurer

PROVINCIAL
Accountant
Account-1
 Particulars 9 30 2022 Amount
60 Rs. Paise.
SIKANDAR, 11 094
Head of Account
at Treasury Office Peshawar

JAMD. 112011
Inputter

Coin

Notes (with details)

Cheques (with details)

Total:

NWFPA&T 199

Received Cash (Rupees One Hundred Only)
 CHAIRMAN
 Khan Bahadur Khwaja
 Service Tribunal
 Peshawar
 STATE BANK OF PAKISTAN (S.B.P.) (BANK), PESHAWAR
 ORIGINAL

90

BE BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO.7486 2021.

Mr . HAMIDULLAH S/O WALI KHAN R/O TEHSIL & DISTRICT CHITRAL PRESENTLY WORKING AS SDM IN BPS-16 AT GMS MOUGH LASHT DISTRICT CHITRAL LOWER.

.....APPELLANT.

VERSUS

1. GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR.

Index:

S.No	Description	Annexure	Page
1	Reply		1-3
2	Affidavit		4
3	Finance Notification	"A"	5
4	Policy	"B"	6-10
5	Appointment, Promotion and Tansfer rules 1989	B-1	11-12
6	Appointment, Promotion and Tansfer rules 1989	"C"	

91

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO.7486 2021.

Mr . HAMIDULLAH S/O WALI KHAN R/O TEHSIL & DISTRICT CHITRAL PRESENTLY
WORKING AS SDM IN BPS-16 AT GMS MOUGH LASHT DISTRICT CHITRAL LOWER.

.....APPELLANT.

V E R S U S

1. GOVERNMENT OF KHYBER PAKHTUNKHWA (KPK) THROUGH CHIEF SECRETARY AT CIVIL SECRETARIAT PESHAWAR.
2. SECRETARY ELEMENTARY AND SECONDARY EDUCATION GOVERNMENT OF KHYBER PAKHTUNKHWA CIVIL SECRETARIAT PESHAWAR.
3. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA PESHAWAR.
4. DISTRICT EDUCATION OFFICER DISTRICT CHITRAL LOWER.
5. DISTRICT EDUCATION OFFICER DISTRICT UPPER CHITRAL UPPER.
6. SECRETARY FINANCE GOVERNMENT OF KHYBER PAKHTUNKHWA AT CIVIL SECRETARIAT PESHAWAR.
7. MUHAMMAD GHAZI KHAN S/O M. ZAFAR KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS HONE DISTRICT CHITRAL LOWER.
8. MUHAMMAD GHAZI KHAN S/O SHEREEN KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS BIRGA NISSAR DISTRICT CHITRAL LOWER.
9. SHAH RIZA KHAN S/O KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS HERCHIN DISTRICT CHITRAL UPPER.
10. NOOR MUHAMMAD S/O GHULAM RASOOL R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS KUSHUM CHITRAL UPPER.
11. HUSSAIN ULLAH KHAN S/O HAMIDULLAH KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS URSOON DISTRICT CHITRAL LOWER,
12. FAIROOZ KHAN S/O PURDUM KHAN R/O CHITRAL PRESENTLY POSTED AS SDM IN BPS-16 AT GHS MROI DISTRICT CHITRAL LOWER.

..... **RESPONDENTS**

Para wise comments/reply on behalf of the respondents No. 2,3&4

Respectfully sheweeth

Preliminary objections:

The respondents submit as under:

1. The appellant has got no cause of action.
2. That there is no locus standi to file this instant appeal.
3. That the appellant has been stopped by his own conduct to file the appeal.
4. That the instant appeal is not maintainable in eyes of law, hence liable to be dismissed.
5. That the appellant concealed the material facts and kept this honorable Tribunal in dark.
8. That the instant appeal based on malafide intentions, hence liable to be dismissed.
9. The instant appeal is badly time barred.

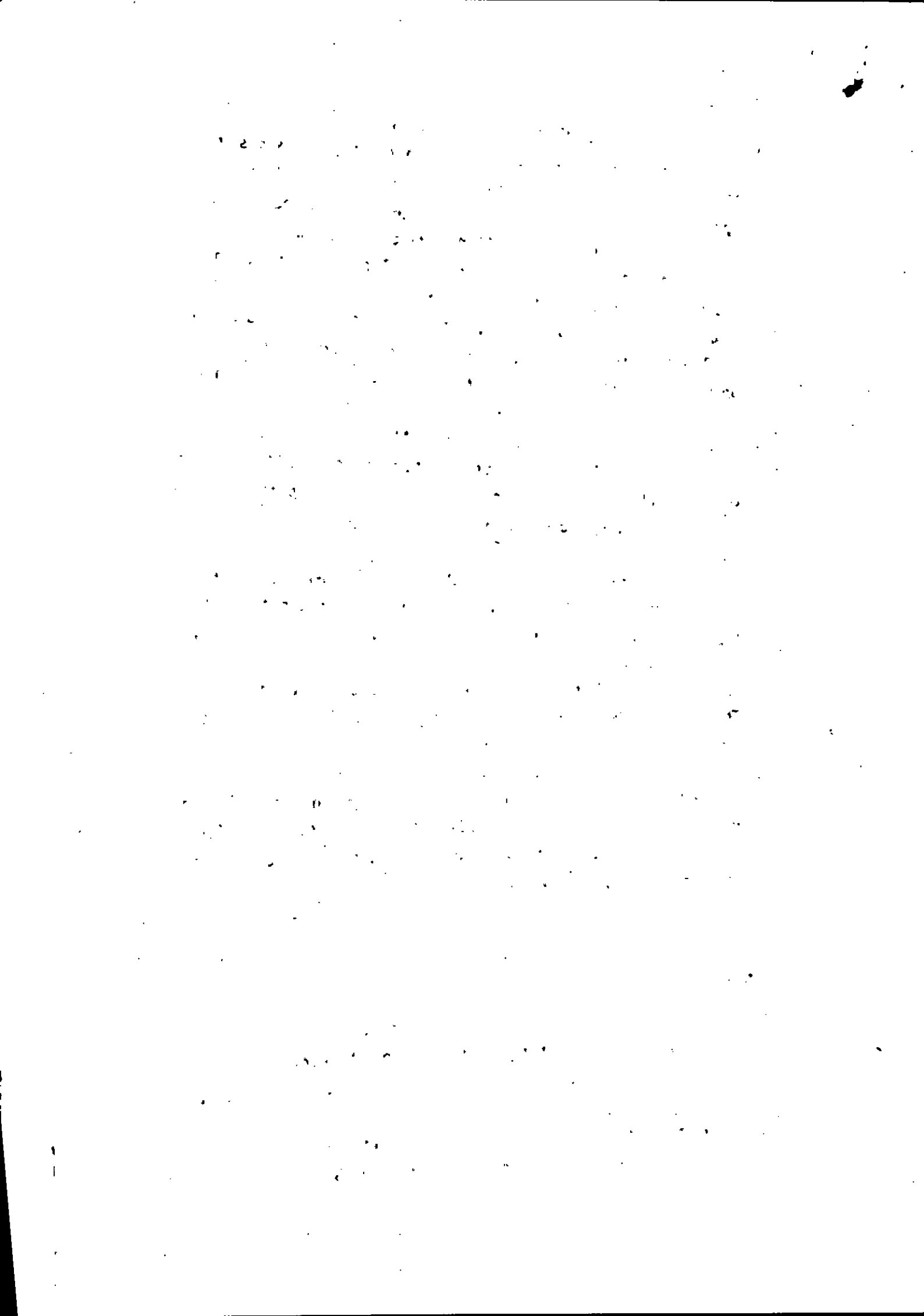
ON FACTS.

1. Correct, appointed on fixed pay/contract basis.
2. Incorrect, that the appointment on Fixed pay/contract basis was practiced.
There was no restriction to get training. Whoever desired after
appointment to get training was being allowed but the appellant got
trained after lapse of 06 year 08 Months which caused him junior from
subsequent appointees/private respondents. The current induction
program has no relevance to previous one.
3. Incorrect, that as per notification vide No. FD/(PRC)5-2/2002 dated 30-09-
2009, wherein the benefit of only annual increment was allowed to
untrained teachers from the date of their regular appointment. Seniority
was not granted to them (annexed as annexure "A").
4. Correct, that the promotion from DM to SDM has been carried out as per
prevalent rules and policy and promotion to next cadre (SST B-16) is also
continue and the appellant will also be promoted to next post in his turn
under 4% promotion policy. Policy has never been violated.
5. Needs no comments.
6. Incorrect, that the promotion from S DM B-16 to SST B-16 of required
degree holders under 4% reserved quota has been carried out w.e.f their
regular appointment instead of Ist: appointment as per rule and policy
(annexed as annexure "B").
7. Incorrect, that the seniority list is prepared yearly as per rule and policy.
The same had also been prepared as per rule and policy wef their regular
appointment.
8. Correct, that the appellants submitted application regarding reckoning their
service from date of ist: appointment but the competent authority always
regards rule and policy. In this regard the then DEO(M) Chitral has followed
prevalent rule and policy thus the appellants could not be recommended
for promotion as per rules ad policy.
9. Pertains to record.

Harami Subedi

Grounds

- a. Incorrect, that the seniority List made by respondents is not against
Rule,17 of the Civil Servants (Appointment, Promotion and Transfer) Rules
1989. The aforementioned rule has been strictly followed (annexed as
annexure "B-1).
- b. Incorrect, that there is crystal clear difference between trained and
untrained periods as mentioned in above annexure B.



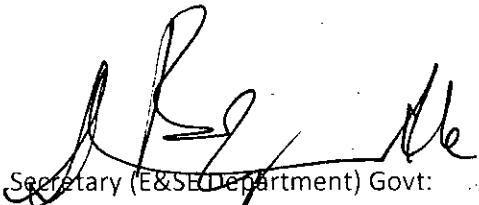
- c. That the Petitioner is trying to mislead the Honorable Service Tribunal. The respondents, Departmental notification bearing No. FD (PRC) 5-2/2002 dated 30-03-2000, has granted only annual increment from initial appointment to them in light of August, Supreme Court of Pakistan, which the petitioner has availed and respondent Department granted the petitioner the annual increment on the running pay. The Supreme Court did not allow arrear and seniority.
- d. The judgement of the August Supreme Court of Pakistan does not relate to the instant appeal. In the said Judgment only ancillary privileges have been allowed.
- e. Incorrect, Promotion to the senior Posts, on the basis of seniority cum-fitness is being made among the senior and fit teachers, policy (**annexed as annexure "C"**).
- f. Incorrect, the petitioner has been treated as per law/rules and policy. The constitutional rights or Laws has not been violated by the respondents.
- g. Incorrect, that respondents are binding to law and exercised their executive and managerial power within law. The respondents did not violate any constitutional rights of the petitioner.
- h. Incorrect, and has been denied. The constitutional rights of the petitioner has not been violated by the respondents.
- i. Rules/policy, Notification and Act has been annexed. Further argument will be delivered before Honorable Tribunal.

Therefore, it is humbly prayed that the current service appeal be dismissed with cost.

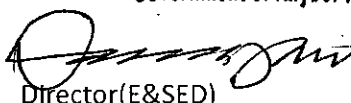
Respondents 2-3 & 4.

Through AG.


Respondent No.2



 Secretary (E&SE Department) Govt:
 of Khyber Pakhtunkhwa Peshawar
 SECRETARY
 Elementary & Secondary Edu: Deptt:
 Government of Khyber Pakhtunkhwa

Respondent No.3

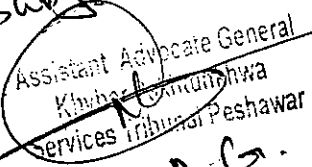

 Director(E&SED)
 Khyber Pakhtunkhwa Peshawar

Respondent No.4


 District Education Officer
 (M) Chitral Lower
 District Education Officer
 (Male) Lower Chitral

Submitted for vetting please.


vetted as per connected case subject to correction


 Assistant Advocate General
 Khyber Pakhtunkhwa
 Services Tribunal Peshawar
 A.A.G.
 14/12/22

Affidavit

I, Mehmood Ghaznavi DEO (Male) District Chitral Lower do hereby solemnly affirm and state on oath that the whole contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Service Tribunal.

Identified by
A.G Khyber Pakhtunkhwa Peshawar

Deponent

Mahmood Ghaznavi
District Education Officer
(M) Lower Chitral





GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT
(REGULATION WING)

NO. FD (PRC) 5-2/2002
Dated Peshawar the: 30-03-2009

To: The Secretary to Govt. of NWFP,
Elementary & Secondary Education,
Peshawar.

Subject: GRANT OF ANNUAL INCREMENT / RUNNING
PAY TO UNTRAINED TEACHERS IN THE LIGHT
OF SUPREME COURT JUDGEMENT.

Dear Sir,

I am directed to refer to your letter NO. SO (B&A) 1-16/08/
Advance Increment dated February 27, 2009 on the subject noted above and
to state that the Provincial Government is pleased to allow the benefit of
annual increments to the untrained teachers from the date of their regular
appointment.

No arrears shall however, be admissible / payable prior to the
date of issuance of this circular.

(ABDUL JABBAR)
SECTION OFFICER (SR-1)

Enlist: of even No & date.

Copy for information & necessary action to the:

1. Accountant General NWFP.
2. All District Coordination Officers.
3. All District / Agency Accounts Officers NWFP / FATA.

SECTION OFFICER (SR-1)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

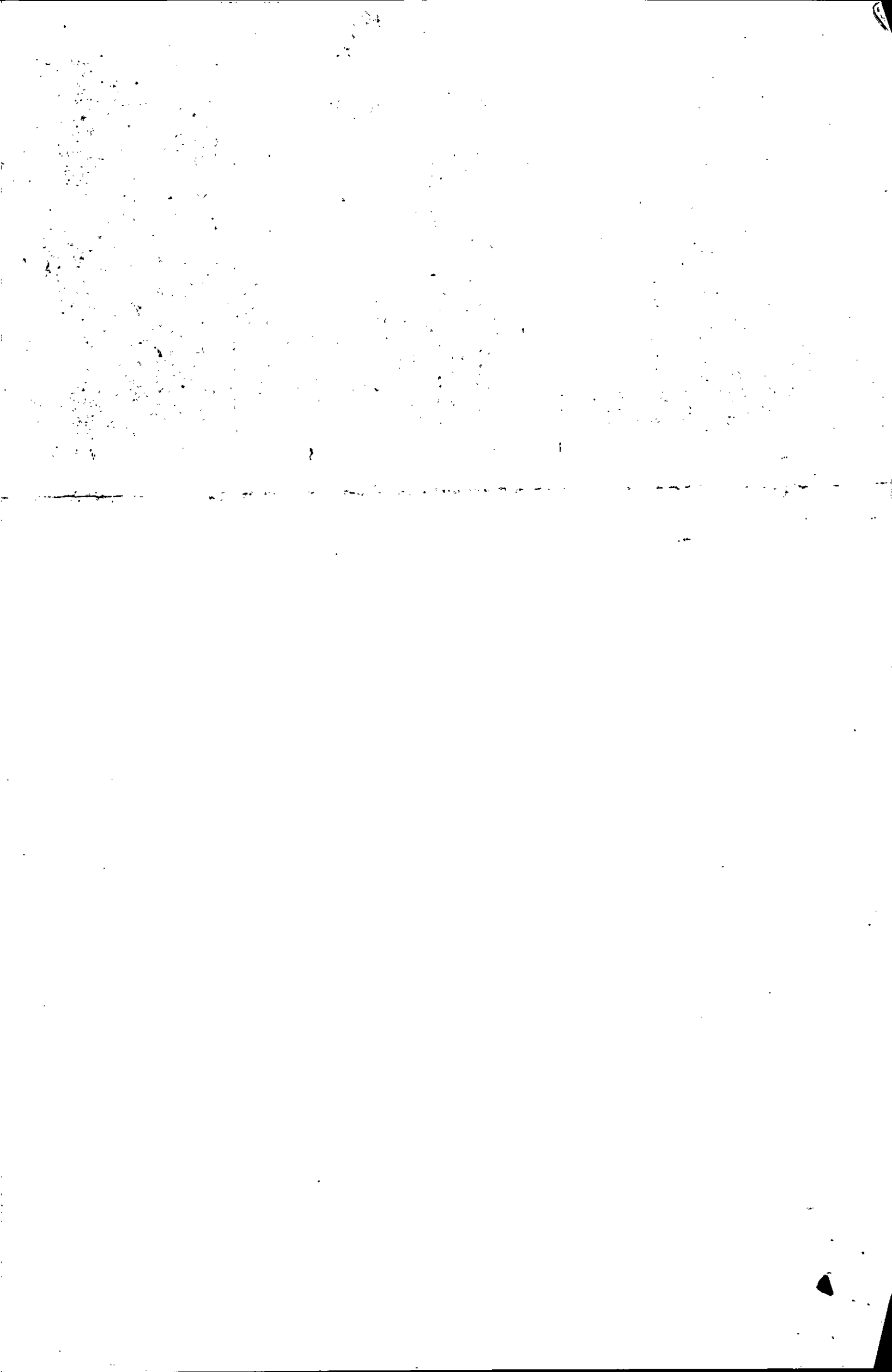
1	2	3	4	5
1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. <i>Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial</i>



97

(29)

				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3: Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3; Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment"; and



98
(290)

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
"1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="text-align: center;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

99

(288)

Suitable amongst

		CT to SST 4 1/2%		
		PST-12 to SST 2 1/2%		
		PST-14		

Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;

(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;

(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:

Provided that if no suitable candidate is available from amongst

100

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

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file


(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

(7)

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.7486 OF 2021

1. Hamid Ullah S/O Sher Wali Khan R/O Tehsil & District Chitral
 presently working as SDM in BPS-16 at GMS Moughlasht District
 Chitral. (Appellant)

Versus

1. Government of KPK through Chief Secretary Khyber Pakhtunkhwa
 Peshawar. And others

(Respondents)

Index:

S.No	Description	Page
1	Application for deletion of name of Responent No.5	1-2
2	Affidavit	3
3	Annexure "A" (letter to Registrar KP Service Tribunal dated 11-11-2022)	4

District Education Officer Male
 Chitral Upper
 Respondent No. 5

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No.7486 OF 2021

1. Hamid Ullah S/O Sher Wali Khan R/O Tehsil & District Chitral
presently working as SDM in BPS-16 at GMS Moughlasht District
Chitral. (Appellant)

Versus

1. Government of KPK through Chief Secretary Khyber Pakhtunkhwa
Peshawar. And others

(Respondents)

Subject: Application for Deletion of the name of the District
Education Officer Male Chitral Upper (Respondent No.5)
from the respondents list.

Respectfully sheweth:

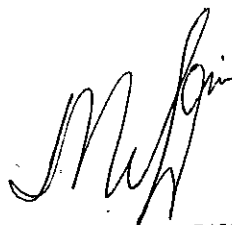
1. That the titled above service appeal bearing No.7486/2021, is pending before this Honorable Tribunal, in which next date of hearing is fixed on ~~22~~01-2023.
2. That the appellant, has made the respondent No.5 i.e. District Education Officer Male Upper Chitral in the official respondents List, from which reply has been asked by this Honorable Tribunal.
3. That the appellant belong to district lower chitral and his seniority is maintained by the office of the DEO (M) Lower Chitral (Respondent No.4).and will also be promoted to next cadre in his own district. Thus, the appellant having no concern with the

103

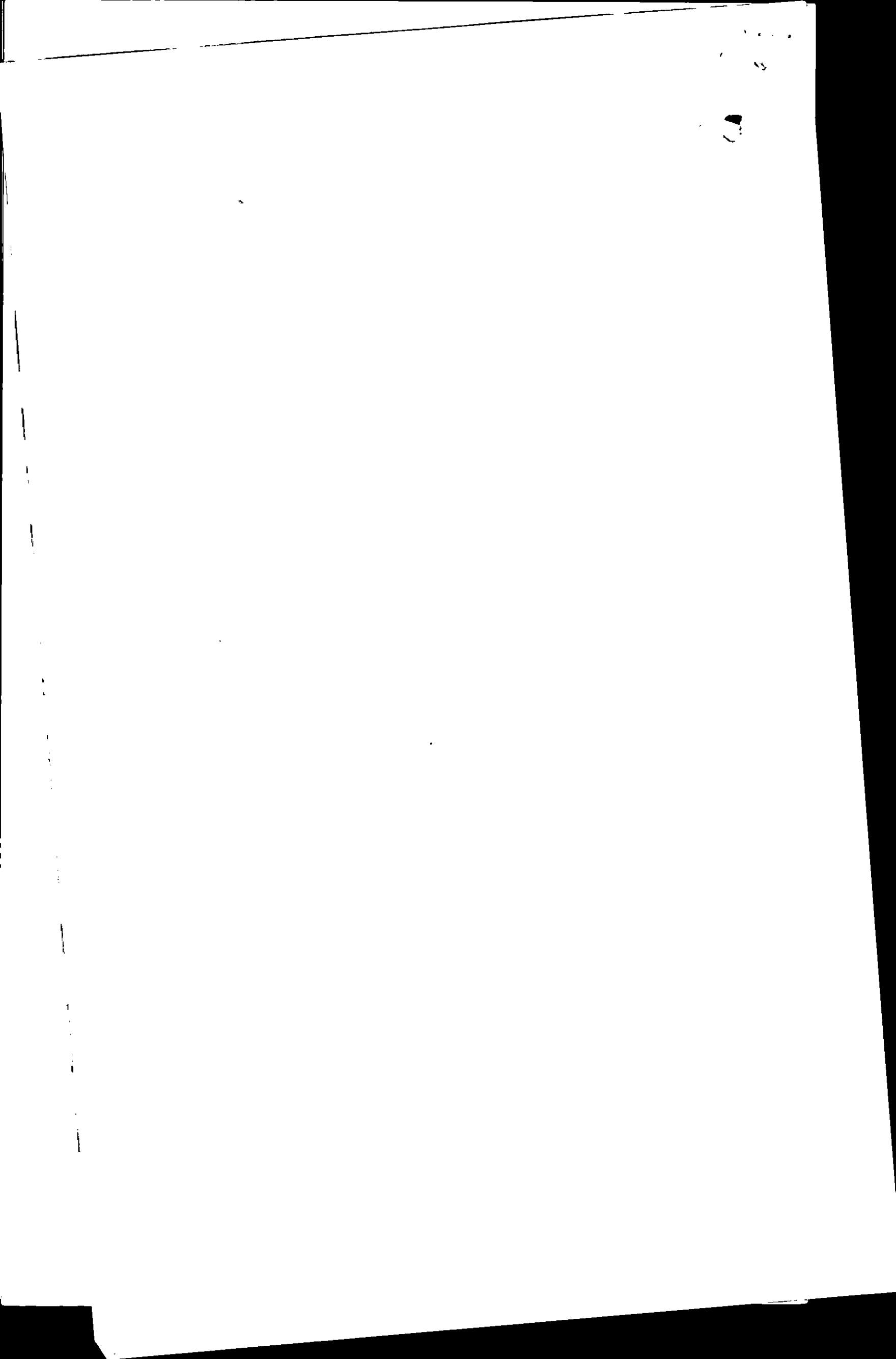
2

Office of the DEO (M) Upper Chitral (Respondent No.5), neither he is entitled for promotion in the office of the DEO (M) Upper Chitral nor have rights to include the office of the DEO (M) Upper Chitral (Respondent No.5) or any teacher of the office of the respondent No.5 in the instant service appeal. In this regard a letter was also forwarded to the Worthy Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar, for deleting the name and number of the Respondent No, 5, from the respondent list in the instant service appeal. **(Copy of Letter bearing No.8586/Litigation dated Booni the 11-11-2022 is attached as "A")**

It is, therefore, humbly prayed that on acceptance of the above submission, the instant application of the Respondents No.5 may kindly be accepted and the name of the Respondent No.5 may kindly be deleted from the Respondent List Please.



District Education Officer Male
Upper Chitral
Respondent No. 5



104

3

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No.7486 OF 2021

1. Hamid Ullah S/O Sher Wali Khan R/O Tehsil & District Chitral
presently working as SDM in BPS-16 at GMS Moughlasht District
Chitral. (Appellant)

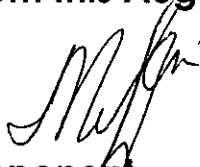
Versus

1. Government of KPK through Chief Secretary Khyber
Pakhtunkhwa Peshawar. And others

(Respondents)

Affidavit

I, Meffah Ud Din, DEO (M) Upper Chitral do
hereby solemnly affirm and state on oath that the whole contents of
this reply are true and correct to the best of my knowledge and
belief and nothing has been concealed from this August court.



Deponent
Meffah Ud Din



105 (4)
DISTRICT EDUCATION OFFICE (M) UPPER CHITRAL

Phone: 0943-470252

Email address: deomchitralupper@gmail.com

No. 2526 /Litigation

Dated Booni the 11/11/2022



To,

The Registrar
Khyber Pakhtunkhwa
Service Tribunal Peshawar.

Subject:

**APPEAL OF HAMID ULLAH S/O SHER WALI KHAN R/O TEHSIL &
DISTRICT CHITRAL PRESENTLY WORKING AS SDM IN BPS-16 AT GMS
MOUGHLASHT DISTRICT LOWER CHITRAL.**

Memo:

With reference to the subject cited above it is hereby requested to the honorable court, that the appeal No. 7486/2021 titled Hamid Ullah V/S Secretary Education and others, the petition belongs to district Lower Chitral. The petitioner is presently working under the supervision of DEO (Male) Lower Chitral.

It is, therefore, requested to exonerate Respondent No.5 (DEO (Male) Upper Chitral) from this petition.

District Education Officer
(M) Upper Chitral

Encls No. _____ /Litigation

Dated Booni the ___/___/2022

Copy forwarded for information to:

01. Director, Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
02. PS to Secretary Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
03. Office file.

C.T.C

-sd-

District Education Officer
(M) Upper Chitral

2

(3) In case no specific order of extension of probation period under sub-rule (2), is issued, on the expiry of one year within two months, the probation shall stand automatically terminated.

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period. *Rule 15 Substituted vide No.SQ(Policies) E & AD/1-3/2017 dated 07-12-2017

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

PART-VI

SENIORITY

17. **Seniority :-**(1) The seniority inter se of civil servants (appointed to a service, cadre or post) shall be determined:-

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or as the case may be, the Departmental Selection Committee;} provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation. I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in promotion of his seniority in the higher post.

Explanation. II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted, the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation. III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre: provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

(3)* In the event of merger/restructuring of the Departments, Attached Departments or Subordinate offices, the inter-se- seniority of the civil servants affected by the merger/ restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

*Sub-Rule (3) of Rule 17 added vide No.SOR(E&A)/4-1/80(Vol:IV) Dated 28-5-2002

** (4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

** Sub-Rule (3) of Rule 17 added vide No.SOR(E&A)/1-3/2008 Dated 19-11-2009

*[The Secretary Establishment has been authorized to approve the issuance of the seniority lists of the members of service, cadre or posts for which the Chief Secretary KP is the appointing authority.] *No. SO(P) E&D/1-16/2011 Dated 7-12-2017

18. **General Rules:-** In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. **Repeal:-** The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.