


FORM OF ORDER SHEET

Court of _____


12(2) CPC Petition No. 804 /2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 29/07/2024 | <p>The Petition U/S 12(2) CPC in appeal no. 7208/2021 submitted by Mr. Sami Ullah and others through Mr. Adnan Aman Khan Advocate. It is fixed for hearing before Division Bench at Peshawar on 31.07.2024. Original file be requisitioned. Parcha Peshi given to the counsel for the petitioners.</p> <p>By the order of Chairman  REGISTRAR</p> |

Respected Madam,

It is submitted that the present joint petition was returned to counsel for the petitioner for removing the deficiencies (Flag-A). Today i.e. 29.07.2024 the learned counsel re-filed the Petition without removing the objections.

The petition is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.


OFFICE ASSISTANT
29/7

Hon'ble Member-J

office objection No 2 is sustain
~~and applicant is directed to~~
~~provide address of privat~~

Be fixed be D.B. R.

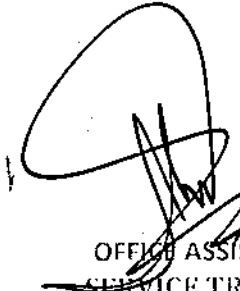
29/7/24.

The 32(2) CPC Petition in appeal no. 7208/2021 submitted to-day by Mr. Adnan Aman Khan Advocate, is incomplete on the following score which is returned to her for completion and resubmission within 15 days.

- 1- Addresses of the petitioners are incomplete be completed according to rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Page nos. 19 to 23 & 69 of the petition are illegible be replaced by legible/better one.

No. 476 /Inst./2024/KPST,

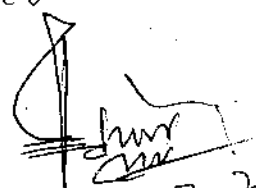
Dt. 29/7 /2024.


OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Adnan Aman Khan Advocate
High Court Peshawar.

Respected Sir,

The objections raised by your good self are gone through by the undersigned -
The address of Petitioners have duly been mentioned in the end & there is no need to mention their independent address
Furthermore the pages mentioned. at serial no 19 to 23 is very much legible & a person with normal eye sight can easily read it. -
lastly the better copy of page 69 has been provided, duly available, so the instant petition being of urgent nature be fixed before D.B of this Hon'ble Tribunal


29-7-2024

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR**

12(2) Petition No. 804 /2024
In
Service Appeal No. 7208/2021


Samiullah and others **Applicants**

V E R S U S

Govt. of KPK and others **Respondents**

I N D E X

| S.No | Description of Documents | Annex | Pages |
|-------------|--|--------------|--------------|
| 1. | Memo of Petition 12(2) along with affidavit | * | 1-11 |
| 2. | Application for suspension along with affidavit | * | 12-13 |
| 3. | Copy of interse seniority recommended by Public Service Commission | A | 14-15 |
| 4. | Copy of Notification dated 13/11/2007 | B | 16 |
| 5. | Copy of Notification dated 15/06/2009 | C | 17-18 |
| 6. | Copy of the judgment | D | 19-22 |
| 7. | Copy of Summary NOTE | E | 23-26 |
| 8. | Copy of the Notification | F | 27-32 |
| 9. | Copy of the seniority list | G | 33-37 |
| 10. | Copies of the order even dated 12/07/2023 | H/H-1 | 38-56 |
| 11. | Copies of judgments | I to K | 57-67 |
| 12. | Copies of relent documents | * | 68-70 |
| 13. | Wakalatnama | * | 71-72 |

Petitioners
Through **Adnan Aman** 
Advocate, High Court,
Peshawar
Cell# 0321-9853530

Date: 27/07/2024

①

BEFORE THE WORTHY SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

12(2) Petition No. 804 /2024

In

Service Appeal No. 7208/2021

1. Sami Ullah, Director Physical Education and Sports (BS-19)
2. Fazal Baki, CIPE (BS-19)
3. Iftikhar Ahmad, Director Physical Education and Sports (BS-19)
4. Muhammad Ali, CIPE (BS-19)
5. Rukh Niaz CIPE (BS-19)
6. Ahmad Nawaz CIPE (BS-19)
7. Amjad Khan CIPE (BS-19)
8. Nikat Ullah CIPE (BS-19)
9. Farid Zaman CIPE (BS-19)
10. Ikram Ullah CIPE (BS-19)
11. Muhammad Usman CIPE (BS-19)
12. Waris Khan CIPE (BS-19)
13. Ashraf Ali CIPE (BS-19)
14. Muhammad Shairf CIPE (BS-19)
15. Said Khan CIPE (BS-19)
16. Ghulam Nabi (BS-19)
17. Muhammad Gul (BS-19)
18. Zahoor Ahmad (BS-19)
19. Muhammad Haroon (BS-19)
20. Muhammad Iqbal (BS-19)

21. Farman Ullah (BS-19)
22. Saif Ur Rehman (BS-19)
23. Abdul Mateen (BS-19)
24. Attaullah CIPE (BS-19)
25. Saddiq Ur Rehman CIPE (BS-19)
26. Shahid Ur Rehman CIPE (BS-19)
27. Abdul Nazar CIPE (BS-19)
28. Qayyum Nawaz CIPE (BS-19)
29. Muhammad Alam CIPE (BS-19)
30. Abdul Rauf CIPE (BS-19)
31. Muhammad Khalid CIPE (BS-19)
32. Noor Muhammad CIPE (BS-19)
33. Fakhar Zaman Shah CIPE (BS-19)
34. Wali Rehman CIPE (BS-19)
35. Murad Ali CIPE (BS-19)
36. Muhammad Ghani CIPE (BS-19)
37. Kamran Ali CIPE (BS-19)
38. Sabir Ali CIPE (BS-19)
39. Mushtaq Zada CIPE (BS-19)
40. Muhammad Iqbal CIPE (BS-19)
41. Arshad Hussain CIPE (BS-19)
42. Nowsher Zaman CIPE (BS-19)
43. Raeesullah SIPE (BS-18)
44. Qadar Khan SIPE (BS-18)
45. Faizullah SIPE (BS-18)
46. Zamrud Shah SIPE (BS-18)
47. Fida Muhammad SIPE (BS-18)
48. Fariq Gul SIPE (BS-18)

49. Shoukat Ur Rehman SIPE (BS-18)
50. Dil Faraz SIPE (BS-18)
51. Taimur Riaz SIPE (BS-18)
52. Muhammad Kalim SIPE (BS-18)
53. Muhammad Sadar Luqman SIPE (BS-18)
54. Naik Zada SIPE (BS-18)
55. Kalim Ullah SIPE (BS-18)
56. Taj Wali Shah SIPE (BS-18)
57. Yousaf Khan SIPE (BS-18)
58. Shafiullah SIPE (BS-18)
59. Alam Zar SIPE (BS-18)
60. Muhammad Kaleem Khan SIPE (BS-18)
61. Mahboob Ali SIPE (BS-18)
62. Muhammad Ishaq SIPE (BS-18)
63. Taj Wali Khan SIPE (BS-18)
64. Jamshaid Ali Khan SIPE (BS-18)
65. Muhammad Ashfaq SIPE (BS-18)
66. Badshah islam SIPE (BS-18)
67. Ayaz Ali SIPE (BS-18)
68. Khalid SIPE (BS-18)
69. Muhammad Sabir SIPE (BS-18)
70. Abdul Hameed SIPE (BS-18)

All officers of Health and Physical Education
Khyber Pakhtunkhwa, Peshawar.....**Petitioners**

V E R S U S

1. The Government of Khyber Pakhtunkhwa through
Secretary Elementary and Secondary Education
Department, Peshawar

2. The Director Elementary and Secondary Education
Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male) Swabi
4. Muhammad Arif, Director Physical Education,
Govt. Higher Secondary School Bamkhel, Swabi

.....**Respondents**

**PETITION UNDER SECTION 12(2) CPC
1908 AGAINST THE IMPUGNED
ORDER/JUDGMENT DATED 02/05/2024
PASSED IN SERVICE APPEAL NO.
7208/2021, BEING OBTAINED BY
RESPONDENT NO.4 ON FRAUD,
MISREPRESENTATION AND
CONCEALMENT OF FACTS.**

Prayer in Petition:

By accepting this petition, the judgment/
order dated 02/05/2024 passed by this Hon'ble
Tribunal may please be set aside and consequently
the appeal bearing No. 7208/2021 may please be
restored to its original number and the petitioners
be impleaded as necessary party therein and
thereafter the same be decided on merits.

Respectfully Sheweth:

1. That all the petitioners before this Hon'ble
Tribunal are serving SIPE & CIPE (BSP-18 &

5

BPS-19) of Elementary & Secondary Education Department in different capacities, throughout the province.

2. That thirty one individuals including respondent No.4 were initially recommended as Directors Physical Education (DPE) (BPS-16) through Public Service Commission in the year 2006 wherein the respondent No.4 was placed at serial No.27 of the of the interse seniority as recommended by Public Service Commission. **(Copy of interse seniority recommended by Public Service Commission is attached as Annexure-A).**
3. That thereafter the Govt. of KP (then NWFP) was pleased to accord sanction for upgradation of the posts of Librarians and Director Physical Education from BPS-16 to BPS-17 who have Master's degree in the relevant-subject with immediate effect. It is worth to mention here that it has clearly been mentioned in the aforesaid notification that those incumbents who hold diploma will stay in BPS-16 till the acquiring of Masters Degree in relevant subject however their existing seniority will remain intact. **(Copy of Notification dated 13/11/2007 is attached as annexure-B).**

4. That another meeting of Departmental Promotion Committee was held on 29.05.2009 wherein respondent No.4 was considered suitable for promotion in BPS-17 and in this respect, notification was issued on 15.06.2009. **(Copy of Notification dated 15/06/2009 is attached as Annexure-C).**

5. That thereafter colleagues of petitioners namely Ghulam Nabi and (thirteen) 13 others preferred their respective service appeals, before this Hon'ble Tribunal praying therein that their upgradation be made effective from 13.11.2007 instead of 19.05.2009 and this Hon'ble Tribunal was pleased to allow their appeals vide judgment dated 04.03.2010. **(Copy of the judgment is attached as Annexure-D)**

It merits to mention here that only promotion alongwith back benefits was granted to the appellants (Ghulam Nabi etc) whereas their seniority stood intact as it was on 13.11.2007.

6. That on the basis of the aforesaid judgment dated 04.03.2010 passed by this worthy Tribunal, a NOTE was prepared for the worthy Chief Secretary, that the judgment of Ghulam Nabi case, be implemented in light of principles

7

laid down by the apex court reported as 1996 SCMR 1185 and resultantly all the DPE's were promoted /upgraded to BPS-17 w.e.f 13.11.2007, having Master's degree in the relevant subject, irrespective of the fact that whether they have litigated or not. **(Copy of Summary NOTE is attached as Annexure-E).**

7. That the aforesaid NOTE was approved by the worthy Chief Secretary & resultantly notification dated 29.04.2014 was issued whereby eighty four (84) males and 32 female DPE's were promoted to BPS-16 to BPS-17 w.e.f 13.11.2017 and their seniority remained intact as stood on 13.11.2007. **(Copy of the Notification is attached as Annexure-F).**

It merits to mention here that after the afore-stated development, a well-reasoned and proper seniority list was notified which is still intact and hold the field, wherein the respondent No.1 is at serial No.107 of the combined seniority list. **(Copy of the seniority list is attached as Annexure-G).**

8. That in the earlier round of litigation, Respondent No.4 was pressing hard for seniority on the basis of a judgment dated 07/05/2010 (wherein too the present petitioners were not

arrayed as party) which judgment was clarified by this Hon'ble Tribunal in a 12(2) Petition and Execution Petition vide judgment dated 12/07/2023. **(Copies of the order even dated 12/07/2023 are attached as Annexure-"H & H/1")**

- 9. That the respondent No.4 once again preferred second appeal No. 7208/2021 wherein too, he did not array the petitioners as party and succeeded to get an order dated 02/05/2024.

It merits to mention here that the order impugned herein was obtained on strength of another order passed by this Hon'ble Tribunal dated 27/07/2023 while order was subsequently clarified by this Tribunal vide judgment dated 07/11/2023. **(Copies of judgments are attached as Annexure- "I, J & K" respectively)**

- 10. That petitioner's being aggrieved of the impugned judgment dated 02/05/2024 ate constrained to move this Hon'ble Court for the following amongst other grounds:

GROUND S:

- A. That as stated in the body of petition that the petitioners were not arrayed as party in the

service appeal despite the fact that the respondent No.4 is claiming his seniority above them and is such valuable rights of the petitioners are involved, therefore this Hon'ble Tribunal needs to restore the original appeal, by impleading the petitioners as respondents and thereafter decide the same on its own merits.

B. That a plain reading of the notification dated 13.11.2007, would reveals that it has categorically been mentioned therein that the then existing seniority, at the time of upgradation would remain intact and thus keeping in view the aforesaid directions, the respondent No.4 has rightly been placed at serial No.107 of the final seniority list but respondent No.1 under the garb of the impugned judgment is pressing hard to became senior most, even from those officers whose date of appointment is much, much earlier than respondent No.4.

C. That the respondent No.4 is pressing hard for his seniority despite the fact that this Hon'ble Tribunal has numerously held that the seniority could only be determined in the light of Rule 17 of APT Rules 1989 and mere incorporation of date of promotion in no case would entitled the respondent No.4 for grant of seniority.

- D. That the respondent No.4 has made active concealment of fact/clarification made by this Hon'ble Tribunal in judgment dated 07/11/2023 as this Hon'ble Tribunal was not appraised with the order/ judgment ibid and thus this Hon'ble Court needs to interfere to meet the ends of justice.
- E. That even otherwise in identical cases, already decided by this Hon'ble Tribunal, only the case of promotion and grant of arrears has been implemented, hence the issue of seniority is as same as it stood on the date of Notification dated 13.11.2007, therefore a different yardstick cannot be applied to the case of respondent No.4.
- F. That the petitioners have been treated against the law and have also been deprived of equal protection of law.

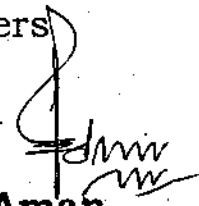
For the aforesaid reasons, it is, therefore, humbly prayed that by accepting this petition, the judgment/ order dated 02/05/2024 passed by this Hon'ble Tribunal may please be set aside and consequently the appeal bearing No. 7208/2021 may please be restored to its original number and the petitioners be impleaded as necessary party

therein and thereafter the same be decided on merits.

Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioners.

Petitioners

Through



Adnan Aman

Advocate, High Court,
Peshawar

Date: 27/07/2024

AFFIDAVIT

I, , do hereby solemnly affirm and declare on oath that the contents of accompanying **Petition Under Section 12(2)** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.



DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CM No. _____/2024
IN
12(2) Petition No. _____/2024
In
Service Appeal No. 7208/2021

Samiullah and others **Applicants**

VERSUS

Govt. of KPK and others **Respondents**

APPLICATION FOR SUSPENSION OF IMPUGNED JUDGMENT AND ORDER DATED 02/05/2024 PASSED BY THIS HON'BLE TRIBUNAL IN SERVICE APPEAL NO. 7208/2021, TILL THE FINAL DISPOSAL OF THE MAIN APPEAL

Respectfully Sheweth:

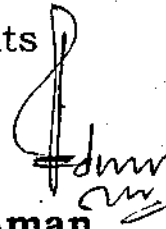
1. That the captioned petition 12(2) is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the grounds of petition 12(2) may be read as integral part of this application.
3. That on the face of it, the applicants have got strong arguable case and are sanguine about its success.

- 4. That the balance of convenience also lies in favour of applicants for grant of interim relief.
- 5. That the impugned judgment and order dated 02/05/2024 is not suspended, than applicants would sustain irreparable loss, which is not redeemable in terms of money.

It is, therefore, most humbly prayed that on acceptance of this application, the impugned judgment/order dated 02/05/2024 may kindly be suspended, till the final decision of the petition 12(2).

Applicants

Through



Adnan Aman
Advocate, High Court,
Peshawar

Date: 27/07/2024

AFFIDAVIT

I, , do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.



DEPONENT

Inter-Se-Merit List of Male DPE Advertisement No.03/2005

| Merit No. | Total Marks | Interview Marks | D.O.B | Name/ Father's Name | District/zone |
|-----------|-------------|-----------------|----------|---------------------------------------|---------------------|
| 1 | 64 | 48 | 03.01.70 | Fida Muhammad S/O Said Qamar | Swabi/02 |
| 2 | 64 | 45 | 27.05.75 | Muhammad Naeem Khan S/O Said Muhammad | D.I/03 |
| 3 | 62 | 45 | 10.08.69 | Faiz Gul S/O Umar Muhammad | D.I/03 |
| 4 | 62 | 45 | 09.04.70 | Muhammad Ayaz S/O Sarfaraz | D.I.Khan/04 |
| 5 | 62 | 45 | 05.07.73 | Wajid Ali S/O Abdul Hamid | Marskand/03 |
| 6 | 60 | 42 | 12.02.74 | Shaukat Ur Rehman S/O Fazal Ur Rehman | D.I.Khan/04 |
| 7 | 60 | 42 | 25.01.51 | Taj Ali Khan S/O Mir Qasim Khan | F.R.Bannu/01 |
| 8 | 60 | 39 | 02.03.83 | Dil Faraz Khan S/O Mir Payan Khan | Bannu/04 |
| 9 | 59 | 39 | 24.05.74 | Taimur Riaz S/O Muhammad Riaz | Absarabad/03 |
| 10 | 59 | 39 | 04.05.75 | Muhammad Kaleem S/O Muhammad Kamran | Marskand/03 |
| 11 | 59 | 38 | 25.08.82 | Muhammad Sajjad Luqman S/O Masam Khan | D.I.Khan/04 |
| 12 | 58 | 45 | 14.12.65 | Naik Zada S/O Umar Zada | Swat/03 |
| 13 | 55 | 42 | 01.02.69 | Kaleem Ullah Khan S/O Haji Shera Jan | Hangou/04 |
| 14 | 55 | 42 | 14.04.70 | Taj Wali Shah S/O Fazal Raza | Swabi/02 |
| 15 | 55 | 42 | 15.10.72 | Yaqub Khan S/O Hasim Khan | Lakki Marwat/04 |
| 16 | 55 | 42 | 12.12.72 | Arshad Hussain S/O Noor Ul Haq | Noushera/02 |
| 17 | 55 | 39 | 15.05.76 | Shafiq Ullah S/O Muhammad Azim Khan | Lakki Marwat/04 |
| 18 | 55 | 39 | 01.03.79 | Alamdar Khan S/O Rais Khan | F.R.Bannu/01 |
| 19 | 57 | 42 | 10.02.76 | Muhammad Kaleem S/O Haji Janat Khan | S.W.Agency/01 |
| 20 | 57 | 39 | 04.01.74 | Mahboob Ali S/O Fazal Mahboob | Swat/03 |
| 21 | 57 | 39 | 29.08.75 | Muhammad Ishaq S/O Abdur Ghaffar | Lakki Marwat/04 |
| 22 | 56 | 42 | 10.05.75 | Taj Wali Khan S/O Mir Alam Khan | Mardan Agency/01 |
| 23 | 56 | 39 | 01.02.68 | Arshad Hussain S/O Fazil Hussain | Noushera/02 |
| 24 | 56 | 39 | 02.02.77 | Jamshaid Ali S/O Santar Ali Khan | Bannu/04 |
| 25 | 56 | 39 | 28.03.79 | Muhammad Ashfaq S/O Jan Bahadar | F.R.Kohat/01 |

Annexure

"A"

14

ATTESTED

| | | | | | |
|----|----|----|----------|------------------------------------|-------------------|
| 25 | 56 | 36 | 01.03.68 | Bad Shah Aslam S/O Kabal Khan | Dir/03 |
| 27 | 55 | 39 | 15.03.67 | Muhammad Arif S/O Abdul Hakeem | Swabi/02 |
| 28 | 55 | 39 | 18.02.76 | Ayaz Ali S/O Ali Akbar | Swabi/02 |
| 29 | 55 | 39 | 03.03.79 | Khalid S/O Dilwar Khan | Mohmand Agency/01 |
| 30 | 54 | 39 | 24.12.69 | Muhammad Sabir S/O Muhammad Yousaf | Abbottabad/05 |
| 31 | 54 | 36 | 01.01.79 | Abdul Homeed S/O Muhammad Sarwar | Haripur/05 |

15

~~ATTESTED~~

GOVERNMENT OF N.W.F.P.
SCHOOLS & LITERACY DEPARTMENT
Dated, Peshawar the 13/11/2007.

Annexure
"B"

NOTIFICATION.

No. SOG/S&L/1-69/06/Vol-1/DPE/LIB: Sanction of the competent authority is hereby accorded to the upgradation of the posts of Librarians and Directors Physical Education (D.P.Es) from BS-16 to BS-17 (Regular) for the existing incumbents who hold Master Degree in the relevant subject in the Schools & Literacy Department NWFP with immediate effect as per following details:-

- 1) Promotion against the upgraded posts (from BS-16 to BS-17) shall be made in the prescribed manner and in accordance with the service rules to be framed as per relevant provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 read with the NWFP Civil Servants Act, 1973.
- 2) The Librarians and D.P.Es who hold the diploma in the relevant subject will stay in BS-16 till such time, they acquire Master degree in the respective subject. On acquiring Master Degree in the relevant subject, their posts will be upgraded on case to case basis from BS-16 to BS-17 (Regular) and promotion (from BS-16 to BS-17) would be given as per laid down procedure and in accordance with the service rules to be framed. However their existing seniority will remain intact.
- 3) All the vacant posts of Librarians and D.P.Es in Schools & literacy department in BS-16 are hereby upgraded to BS-17, appointments against which would be made from amongst the persons who hold Master degree in the relevant subject, in the prescribed manner.
- 4) In future Librarians and D.P.Es will initially be recruited on the basis of Master degree in the relevant subject in BS-17 (Regular).
- 5) Henceforth no appointment of Librarians and D.P.Es in BS-16 shall be made on the basis of diploma, being declared as "Dying Cadre".

Sd/-
SECRETARY TO GOVERNMENT OF NWFP
SCHOOLS & LITERACY DEPARTMENT.

SD (SOSR-II) 10-7/03/VOL-III Dated, Peshawar the, 13/11/2007

For information and necessary action to :-

- 1) The Accountant General, NWFP, Peshawar
- 2) All District Accounts Officers in NWFP.
- 3) All Agency Accounts Officers in NWFP.

(MUNAWAR KHAN)
SECTION OFFICER (SR-11)
FINANCE DEPARTMENT
GOVERNMENT OF NWFP.

ATTESTED

(P.T.O.)

16



(1) *Zaman*
GOVERNMENT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

17
Annexure
"C"

Dated Peshawar the 15-6-2009.

NOTIFICATION

NO.SO(PE)2-6/E&SE/DPCMEETING/LIB/09: Consequent upon recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following Twenty Three (23 Male) & Thirteen (13 Female) DPEs from BS-16 to BS-17 according to their seniority on regular basis with immediate effect:-

MALE DPEs

| S.No | Name & Designation of Officers | Place of Posting | Remarks |
|------|---|---------------------------------|-------------------------|
| 1. | Mr. Abdul Hameed ADO's (sports) O/O EDO E&SE Lakki | GHSS Langarial Abbottabad. | Against Vacant Post |
| 2. | Mr. Amanullah Khan DPE GHSS Tajawal Lakki | GHSS Tajawal Lakki | Already occupied by him |
| 3. | O.S. Mohibullah Shah DPE GHSS Karak | GHSS Karak | -do- |
| 4. | Muhammed Aslam DPE GHSS Abdul Khel Lakki | GHSS Abdul Khel Lakki | -do- |
| 5. | Mr. Sardar Ali DPE GHSS Ghani Dehr Malakand Dargai | GHSS Ghani Dehr Malakand Dargai | -do- |
| 6. | Muhammad Hashim DPE GHSS No. 3 Peshawar City | GHSS No.3 Peshawar City | -do- |
| 7. | Muhammed Saeed ADO (Sports) EDO E&SE Swabi | GHSS Rihich Bhan Abbottabad | Against Vacant Post |
| 8. | Muhammed Ibrahim ud Din DPE GOPE (M) Karak | GHSS Boi Abbottabad | -do- |
| 9. | Mr. Deedar Khan DPE GHSS Chamkani Peshawar | GHSS Chamkani Peshawar | Already occupied by him |
| 10. | Mr. Abdul Sattar DPE GHSS, Gul Inam Tank | GHSS Gul Inam Tank | -do- |
| 11. | Muhammed Saeed Shah DPE GHSS Kawi Mansehra | GHSS Kawi Mansehra | -do- |
| 12. | Mr. Khaki Rehman DPE GEC (M) Mir Ali NWA | GEC (M) Mir Ali NWA | -do- |
| 13. | Mr. Habib Ullah DPE GHSS Dargai Charsanda | GHSS Dargai Charsanda | -do- |
| 14. | Mr. Habibullah DPE GHSS Mamash Khel Bannu | GHSS Mamash Khel Bannu | -do- |
| 15. | Mr. Zahoor Ahmed DPE GHSS Manki Sharif Nowshera | GHSS Manki Sharif Nowshera | -do- |
| 16. | Mr. Lal Bacha DPE GHSS Mansabdar Swabi | GHSS Mansabdar Swabi | -do- |
| 17. | Abdur Rauf DPE GHSS Wadpaga Peshawar | GHSS Wadpaga Peshawar | -do- |
| 18. | Mr. Fakhr Zaman Shah DPE, GHSS Dhand Saghri, Kohat | GHSS Dhand Saghri, Kohat | -do- |
| 19. | Mr. Waqar-Rehman DPE, GOPE Karak | GOPE Karak | -do- |
| 20. | Mr. Kamran Ali DPE GHSS, Nagri Bunair | GHSS Nagri Bunair | Already occupied by him |
| 21. | Mr. Muhammad Iqbal, DPE GHSS Tehkal Baja Pesh. | GHSS Tehkal Baja Pesh. | -do- |
| 22. | Muhammed Arif DPE GHSS Bam Khel Swabi | GHSS Bam Khel Swabi | -do- |
| 23. | Mr. Zari Ali Khan DPE GHSS Umar payan Peshawar | GHSS Umar payan Peshawar | -do- |

(P.T.O.)
APPROVED

FEMALE DPEs

| S.No | Name & Designation of Officers | Place of Posting | Remarks |
|------|---|---------------------------------|-------------------------|
| 1. | Mst. Samina Habib DPE RITE(F) Kohat. | RITE(F) Kohat. | Already occupied by her |
| 2. | Mst. Gul Nisar DPE GGHSS Comp: Abbottabad. | GGHSS Comp: Abbottabad. | -do- |
| 3. | Mst. Abida Parveen DPE GGHSS Malakpura Abbottabad | GGHSS Malakpura Abbottabad | -do- |
| 4. | Mst. Robina Shaheen DPE GGHSS S.K.Bala Bannu. | GGHSS S.K.Bala Bannu. | -do- |
| 5. | Mst. Sugna Afandi DPE GGHSS Gujrat Mardan. | GGHSS Gujrat Mardan. | -do- |
| 6. | Mst. Sajida Begum DPE GGHSS Takhtbhai Mardan | GGHSS Takhtbhai Mardan | -do- |
| 7. | Mst. Saima Gul DPE GGHSS Topi Swabi | GGHSS Topi Swabi | -do- |
| 8. | Mst. Sadia Hazrat DPE GGHSS Koper Malakand | GGHSS Koper Malakand | -do- |
| 9. | Mst. Salra Illaf DPE GGHSS Abbottabad | GGHSS Abbottabad | -do- |
| 10. | Mst. Dil Aroz DPE GGHSS Utmanzai Charsadda | GGHSS Utmanzai Charsadda | -do- |
| 11. | Mst. Robina Shaheen DPE GGHSS Kadang Mardan. | GGHSS.Katang Mardan. | -do- |
| 12. | Mst. Riffat Shaheen DPE GGHSS Garhi Habibullah Mansehra | GGHSS Garhi Habibullah Mansehra | -do- |
| 13. | Mst. Anifa Saleem DPE GGHSS Khatrazad Nowshera | GGHSS Khairabad Nowshera | -do- |

**SECRETARY TO GOVT OF NWFP
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Encl: of even no. & date:

Copy is forwarded to:-

- 1) Secretary to Govt of NWFP, Establishment Department, Peshawar.
- 2) Special Secretary (Regulation), Establishment Department, Govt of NWFP Peshawar.
- 3) Secretary to Govt. of NWFP, Finance Department, Peshawar.
- 4) Director (E&SS) NWFP Peshawar.
- 5) Executive District Officer (E & S) concerned.
- 6) The Accountant General NWFP.
- 7) District Accounts Officer concerned.
- 8) Deputy Database Administrator (EMIS) Elementary & Secondary Education Peshawar.
- 9) PA to Secretary Elementary & Secondary Edu: Department
- 10) Officer concerned
- 11) Master file

NOTED

(ARIF JAMIL)
SECTION OFFICER
(PRIMARY)

Before the N.W.F.P. Service Tribunal, Peshawar

Service Appeal No. 1667 / 2009.

N.W.F.P. Service Tribunal
Peshawar
Date: 29-9-09

Ghulam Nabi D.P.E., Government Higher
Secondary School Gujan Gurdas Mardan.

.....(Appellant)

Annexure
"D"

VERSUS

The Secretary, Elementary & Secondary Education Deptt., Govt. of
N.W.F.P., Peshawar.(Respondents)

19

Appeal under Section 4 of the N.W.F.P. Service Tribunal Act, 1974 to the effect that Notification No,SO(PE)2-6/E&SE/DPC/Lib/DPEs (Bs-16 to BS-17) 09 dated 19/05/2009 to the extent of allowing upgradation from B-16 to B-17 to the DPEs including Appellant with immediate effect i.e. 19/05/2009 instead of 13/11/2007 is illegal, void and against the principles of natural justice.

11-10-09
10-10-09
29/9/09
N.W.F.P. Service Tribunal
Peshawar

Principal
Principal
Mardan

Sir,

1. That the appellant reported as D.P.E. (BS-16) in the Education Department, Government of N.W.F.P. and holds Master Degree in the same subject.

ATTESTED

[Signature]

1
Date of Order
of proceedings

2
Date of Order
of proceeding

3
Order or other Proceedings with Signature of Judge or
Magistrate and that of parties or counsel, where necessary.

Appcal No. 1667/2009

(Ghulam Nabi vs Secretary I&S Education Deptt)

04.03.2010

Appellant with counsel and Mr. Zahid Karim, ACP
alongwith Khurshid Khan, S.O for respondent present.
Arguments heard and record perused.

Since this appeal and the below listed appeals pertain
to the same question of upgradation from B-16 to B-17 to the
Directors Physical Education (D.P.Es) with effect from
13.11.2007, instead of 19.5.2009, vide Impugned Notification
dated 19.5.2009, this single order is also directed to dispose
of the following appeals:-

S.No. Appeal No. Name of appellant

1. 1668/2009 Sarwar Shah
2. 1669/2009 Muhammiad Naem.
3. 1670/2009 Sardar Khan
4. 1671/2009 Sabir Ali
5. 1672/2009 Muhammad Israr.
6. 1673/2009 Sher Kamal
7. 1674/2009 Salar Khan
8. 1675/2009 Muhammad Nawaz
9. 1676/2009 Mst. Azra Naz
10. 1677/2009 Mst. Damish Begum.
11. 1678/2009 Mst. Sheruz Taj
12. 1679/2009 Muhammad Ali
13. 1680/2009 Channi Khan

The appellants, who are serving in the Education
Department as Directors Physical Education (DPEs) in BPS
to acquire holding Master Degrees, and have therefore on

Attested
Principal
G.H.S.E. Wazir, Wazir

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the basis of higher qualification, claimed eligibility to the grant of upgradation from BPS-16 to BPS-17 on the basis of Notification of the Provincial Government dated 13.11.2007; but they have been allowed upgradation w.e.f 19.5.2009 vide Notification of the even date; hence this appeal, inter-alia, on the grounds that the impugned order is in violation of the original Notification; and that the appellants fulfilled all the requisite terms and conditions for the grant of the benefit prayed for from 13.11.2007.

The respondents resisted the appeal, but admitted in their written reply/comments that the posts of DPEs and Librarians were upgraded from B-16 to B-17 vide Notification dated 13.11.2007. The respondents, however, contested the plea of the appellants with regard to upgradation from the date of Notification on the ground that extending the benefit to the appellants required framing of rules and recommendation of their upgradation by the Departmental Promotion Committee. As such, the appellants were allowed the benefit after fulfillment of all the codal formalities w.e.f. 19.5.2009.

Notwithstanding the plea of the respondents with regard to fulfillment of the codal formalities, the Notification with regard to upgradation of the post of DPE dated 13/11/2007 is clear to the effect that the upgradation will be effective from that date i.e. 13.11.2007. On the basis of this legal position, this Tribunal dealt with the issue and decided in principle, in the case of Senior English Teachers (Appeal No.266/09) titled "Haroon-ur-Rashid vs Secretary (I&S) Education Department and another" that the upgradation of

(21)

Attested
Principal

ATTESTED

the respective posts and appointment of the appellants to the post shall be declared effective from the date from which it was intended to be effective by the original Notification of the Authority. The Tribunal, however, held, vide its above referred decision dated 3.7.2009, that as the upgradation and posting shall be one time only and shall be personal to the appellants and their similarly placed colleagues, as per the contents of the Notification quoted above.

In the light of the above explained legal position and decision of this Tribunal, referred to above, this appeal and all the afore-mentioned connected appeals are accepted to the extent that upgradation of the posts of DPEs be made effective from 13.11.2007 in accordance with the Notification of the even date as well as in accordance with the subsequent Notifications, if any, applicable to the case of the appellants. No order as to costs.

Sd/-
Principal
O.S. Strategy, Madras

ANNOUNCED
04.03.2010

MEMBER

CHAIRMAN

4-23-10
10-23-10
13-5-10
13-5-10

RECEIVED
13-5-10
13-5-10

Attested
Principal

ATTEST



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTE FOR CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Annexure

Subject: IMPLEMENTATION OF JUDGMENT DATED 4-3-2010 PASSED BY KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 359/05 GHULAM NABI DPE AND OTHERS VERSUS GOVERNMENT.

The Elementary and Secondary Education Department notified promotion of One Hundred and Fifteen (115) Male and Thirty Eight (38) Female Director Physical Education (DPEs) from BS-17 to BS-17 on regular basis with immediate effect vide Notification Dated 19-5-2009 (Flag-A). Few of the said DPEs including Ghulam Nabi and other 13 colleagues (total 14) filed appeals No.1667/2009 upto 1680 Versus Secretary E&SE Department in the Khyber Pakhtunkhwa Service Tribunal. The Service Tribunal accepted the appeal on 4-3-2010 to the extent that upgradation/promotion of the DPEs be made effective from 13-11-2007 (Flag-B), in light of the prevalent rules notified on 13-11-2007 (Flag-C) instead of with immediate effect.

The Law Department vide letter No. JULD/1-9(29)/E&SED/2010/8071-74 Dated 23-1-2010 (Flag-D) intimated that it is not a fit case for filing CPLA in the Supreme Court of Pakistan. Law Department further added in letter No. OP.15(24)/LD/2011/4638 Dated 24-3-2011 (Flag-E) that in related Akhtar Niazi case (1996 SCMR 1185), 2005 SCMR 499 & subsequent case 2009 SCMR Page 1, the august Supreme Court of Pakistan has consistently held that if the Service Tribunal or Supreme Court decides a point of law relating to the terms and conditions of service of civil servants, which covers not only the case of civil servant who litigated but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demands that the benefit of said decision of court be extended to other civil servants who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum.

Law Department is of the view that the rule of good governance demands that Promotion/Upgradation may be allowed to all the DPEs from BS-16 to BS-17 with effect from 13-11-2007 having Master degree in relevant subject prior to 13-11-2007 irrespective of the fact that whether they have litigated or not on the point in issue.

The Finance Department has requested this Department to take necessary action in the matter after obtaining approval from the competent authority in light of the Service Tribunal judgement which has become a fait accompli as per notification dated 13-11-2007 and Law Department's advice dated 24-3-2011 (Flag-F).

This Department sent a Draft Notification to Finance Department for vetting (Flag-G). The Finance Department advised this Department to move note for the approval of competent authority (Flag-H).

ATTACHED

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"E"

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In view of the above this Department proposes to Promote/Upgrade all the DPEs from BS-16 to BS-17 with effect from 13-11-2007 having Master degree in relevant subject prior to 13-11-2007; irrespective of the fact that whether they have litigated or not.

The Chief Secretary Khyber Pakhtunkhwa is requested to approve the proposal contained in Para-5/N above.

9/3/2014

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ll examine

Sury Estal

12/3
Chief Secretary
Govt. of Khyber Pakhtunkhwa

9. Note has been examined and observed that both Law and Finance Departments advised the Elementary & Secondary Education Department to implement the judgment of the Service Tribunal with approval of the competent authority. As the case involves upgradation and huge financial implications, Finance Department may add views before placing the case for approval of the Chief Secretary.

(Signature)
(Sikander Qayyum)
Secretary Establishment
March 17, 2014

Chief Secretary, Khyber Pakhtunkhwa.

Views pl.

Secy Finance

Mohes

22/3.

Chief Secretary
Govt of Khyber Pakhtunkhwa

ATTESTED

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(2)

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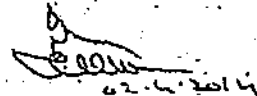
(Signature)

Subject: IMPLEMENTATION OF JUDGEMENT DATED 04.03.2010. PASSED BY KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO.959/05 GHULAM NABI DPE AND OTHERS VERSUS GOVERNMENT

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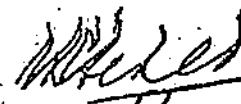
11. The judgments quoted by the Administrative Department are judgments in persona and not judgments in rem. Therefore, Finance Department does not support the proposal of Elementary & Secondary Education Department contained in para-06 of the note.


Syed Said Badshah Bukhari
Finance Secretary

Chief Secretary

12. Para 6 approved

Self case


6/4
Chief Secretary
Govt of Khyber Pakhtunkhwa

11/4/2014

S. Secy

~~DS A~~
~~DS I~~
7
Sec (PE)
P. 4 draft out for action
please
105/04
DSB

REGISTERED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Dated Peshawar the 29-04-2014.

ADDE
A.D.C. Sports

8/2/2014

ADCS
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NOTIFICATION.

NO.SO(PE)9-10/DPE/Ghulam Nabi. In pursuance of the judgement of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 4-3-2010 in appeal No. 1667/2009 (Ghulam Nabi) 1668/2009 (Sarwar Shah), 1669/2009 (Muhammad Naeem), 1670/2009 (Sardar Khan), 1671/2009 (Sabir Ali), 1672/2009 (Muhammad Israr), 1673/2009 (Sher Kamal), 1674/2009 (Salar Khan), 1675/2009 (Muhammad Nawaz), 1676/2009 (Azra Naz), 1677/2009 (Danish Begum), 1678/2009 (Sheraz Taj), 1679/2009 (Muhammad Ali) and 1680/2009 (Chamni Khan), the competent authority is pleased to promote the following Directors Physical Education (DPEs) BS-16 To BS-17 on regular basis wef; 13-11-2007 instead of 19-5-2009 as notified vide this department No. SC(PE)/2-6/E&SE/DPC/DPEs dated 19-5-2009:-

| S. No. | Name & Designation | Date of acquiring Master Degree in Physical Education |
|--------|--------------------|---|
| 1 | Ghulam Nabi DPE | 20-11-1995 |
| 2 | Sarwar Shah DPE | 30-5-2005 |
| 3 | Muhammad Naeem DPE | 24-8-1993 |
| 4 | Sardar Khan DPE | 7-1-1993 |
| 5 | Sabir Ali DPE | 21-12-2002 |
| 6 | Muhammad Israr DPE | 30-5-2005 |
| 7 | Sher Kamal DPE | 30-5-2005 |
| 8 | Salar Khan DPE | 23-10-1994 |
| 9 | Muhammad Nawaz DPE | 19-9-2006 |
| 10 | Azra Naz DPE | 30-5-2005 |
| 11 | Danish Begum DPE | 23-6-2007 |
| 12 | Sheraz Taj DPE | 1-12-2007 |
| 13 | Muhammad Ali DPE | 30-5-2005 |
| 14 | Chamni Khan DPE | 30-5-2005 |

2. The competent authority has further been pleased to promote the following DPEs who acquired prescribed qualification on or before 13-11-2007 but they did not challenge this department notification of even No. dated 19-5-2009:

Annexure
"F"

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| S. No. | Name & Designation | Date of acquiring Master Degree in Physical Education |
|--------|--------------------------|---|
| 1 | Mr. Bahadur Sher DPE | 5-3-1983 |
| 2 | Mr. Asmatullah DPE | 21-10-1986 |
| 3 | Mr. Talat Mahmood DPE | 1-9-1991 |
| 4 | Mr. Hazrat Ali DPE | 31-12-1989 |
| 5 | Mr. Shamsul Islam DPE | 30-5-1988 |
| 6 | Mr. Tajamul Zaman DPE | 31-12-1989 |
| 7 | Mr. Anwar Zad Khan DPE | 31-12-1989 |
| 8 | Mr. Khalid Tanveer DPE | 30-5-1988 |
| 9 | Mr. Misal Khan DPE | 30-5-1988 |
| 10 | Mr. Hussain Wali DPE | 30-5-1988 |
| 11 | Mr. Islam Rosh DPE | 30-5-2005 |
| 12 | Mr. Gul Aslam DPE | 16-6-1985 |
| 13 | Mr. Saïd Nawaz DPE | 21-10-1986 |
| 14 | Mr. Abdul Sarwar DPE | 3-11-1990 |
| 15 | Mr. Samiullah DPE | 9-4-1986 |
| 16 | Mr. Fazle Baqi DPE | 20-5-1996 |
| 17 | Mr. Ifikhar Ahmad DPE | 2-8-1994 |
| 18 | Mr. Ali Badshah DPE | 4-8-1985 |
| 19 | Mr. Azizullah DPE | 30-5-1988 |
| 20 | Mr. Mohibbullah Khan DPE | 26-12-1988 |
| 21 | Mr. Saïd Bakht Shah DPE | 6-5-2006 |
| 22 | Mr. Hamidullah DPE | 26-12-1988 |
| 23 | Mr. Shah Mahmood DPE | 3-11-1990 |
| 24 | Mr. Ihtashamud Din DPE | 30-5-2005 |
| 25 | Mr. Abdullah Shah DPE | 4-11-1991 |
| 26 | Mr. Rukh Niaz DPE | 31-12-1989 |
| 27 | Mr. Gul Badshah DPE | 30-4-1995 |

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ADMITTED

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| 28 | Mr. Safdar Jan DPE | 3-11-1990 |
| 29 | Mr. Lal Mar Jan DPE | 23-8-1992 |
| 30 | Mr. Ahmad Nawaz DPE | 24-8-1993 |
| 31 | Mr. S. Ibadur Rahman DPE | 7-1-1993 |
| 32 | Mr. Kiramatullah DPE | 12-4-1994 |
| 33 | Mr. Mushlaq Khan DPE | 15-3-1992 |
| 34 | Mr. Mujeebur Rahman DPE | 20-11-1995 |
| 35 | Mr. Abdul Qadir Khan DPE | 24-8-1993 |
| 36 | Mr. Amjad Khan DPE | 30-5-2005 |
| 37 | Mr. Nikhatullah Khan DPE | 16-12-2008 |
| 38 | Mr. Farid Zaman DPE | 24-8-1993 |
| 39 | Mr. Ikramullah DPE | 23-10-1994 |
| 40 | Mr. Muhammad Usman DPE | 6-7-1995 |
| 41 | Mr. Waris Khan DPE | 24-8-1993 |
| 42 | Mr. Ashraf Ali DPE | 12-8-1997 |
| 43 | Mr. Fateh Sher DPE | 17-7-1996 |
| 44 | Mr. Muhammad Sharif DPE | 20-11-1995 |
| 45 | Mr. Said Khan DPE | 23-10-1994 |
| 46 | Mr. Muhammad Gul DPE | 20-11-1995 |
| 47 | Mr. Nasir Khan DPE | 30-4-1995 |
| 48 | Mr. Muhammad Haroon DPE | 18-11-1996 |
| 49 | Mr. Muhammad Iqbal Khan DPE | 7-10-1998 |
| 50 | Mr. Farmanullah DPE | 1-12-1996 |
| 51 | Mr. Hamza Ali Khan DPE | 3-11-1990 |
| 52 | Mr. Abdul Maleen Khan DPE | 25-11-1995 |
| 53 | Mr. Attaullah Khan DPE | 15-3-1992 |
| 54 | Mr. Sadiqur Rahman DPE | 19-6-1995 |
| 55 | Mr. Wali Dad Khan DPE | 2-8-1994 |
| 56 | Mr. Saifuddin Rahman DPE | 19-6-1995 |

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ATTESTED

| | | |
|----|--------------------------------|------------|
| 57 | Mr. Hakim Said DPE | 17-7-1996 |
| 58 | Mr. Qaiser Khan DPE | 17-7-1997 |
| 59 | Mr. Hukam Zad DPE | 17-7-1999 |
| 60 | Mr. Muhammad Alam DPE | 23-6-2007 |
| 61 | Mr. Muhammad Shahidullah DPE | 20-6-1995 |
| 62 | Mr. Muhammad Khalil DPE | 12-11-1997 |
| 63 | Mr. Noor Muhammad Shah DPE | 29-5-1998 |
| 64 | Mr. Murad Ali DPE | 17-7-1999 |
| 65 | Mr. Muhammad Ghani DPE | 24-8-1993 |
| 66 | Mr. Hazrat Ali DPE | 02-09-1999 |
| 67 | Mr. Arshad Hussain DPE | 2-8-1994 |
| 68 | Mr. Nowsher Zaman DPE | 23-2-1999 |
| 69 | Mr. Muhammad Kaleem DPE | 05-2-2008 |
| 70 | Mr. Kaleemullah Khan DPE | 6-5-2006 |
| 71 | Mr. Wajid Ali DPE | 30-5-2005 |
| 72 | Mr. Fariq Gul DPE | 16-6-1999 |
| 73 | Mr. Muhammad Ayaz DPE | 17-6-1998 |
| 74 | Mr. Taimur Rizaz DPE | 12-12-2001 |
| 75 | Mr. Naik Zada DPE | 6-5-2006 |
| 76 | Mr. Yousaf Khan DPE | 18-11-1996 |
| 77 | Mr. Muhammad Ashfaq | 27-8-2007 |
| 78 | Mr. Mahboob Ali DPE | 6-5-2006 |
| 79 | Mr. Shaukatur Rahman DPE | 17-6-1998 |
| 80 | Mr. Dil Faraz Khan DPE | 6-5-2006 |
| 81 | Mr. Muhammad Kaleem DPE | 12-12-2001 |
| 82 | Mr. Alamzar Khan DPE | 30-5-2005 |
| 83 | Mr. Muhammad Ishaq DPE | 1-6-2004 |
| 84 | Mr. Muhammad Safdar Luqman DPE | 30-5-2005 |

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02

Female

| | | |
|-----|-----------------------------|------------|
| 1. | Mst. Naghma Akbar DPE | 6-6-1984 |
| 2. | Mst. Mussarat Parveen DPE | 6-6-1984 |
| 3. | Mst. Dilshad Begum DPE | 3-11-1990 |
| 4. | Mst. Shaheen Anwar DPE | 15-3-1992 |
| 5. | Mst. Rehana Parveen DPE | 3-11-1990 |
| 6. | Mst. Shahida Begum DPE | 20-11-1995 |
| 7. | Mst. Shabnam Jadoon DPE | 1-12-1994 |
| 8. | Mst. Tamseela Naz DPE | 15-3-1992 |
| 9. | Mst. Noreen Anwar DPE | 24-8-1993 |
| 10. | Mst. Shehnaz Begum DPE | 24-8-1993 |
| 11. | Mst. Rafia Khattak DPE | 17-6-1998 |
| 12. | Mst. Hamida Begum DPE | 24-8-1993 |
| 13. | Mst. Nabeela Tabbasum DPE | 16-9-1998 |
| 14. | Mst. Saeeda Begum DPE | 30-6-2005 |
| 15. | Mst. Shabnum Raza Malik DPE | 1-6-2004 |
| 16. | Mst. Nigar Akhtar DPE | 9-9-2005 |
| 17. | Mst. Rehana Khatoon DPE | 31-12-1989 |
| 18. | Mst. Naheed Gohar DPE | 21-12-2002 |
| 19. | Mst. Asma Qureshi DPE | 6-5-2006 |
| 20. | Mst. Munaza Jabeen DPE | 6-5-2006 |
| 21. | Mst. Adeeba Naheed DPE | 6-5-2006 |
| 22. | Mst. Sajida Sofi DPE | 19-9-2006 |
| 23. | Mst. Rahila Gul DPE | 30-5-2005 |
| 24. | Mst. Shahana DPE | 6-6-2006 |
| 25. | Mst. Mariam Mustafa DPE | 1-8-2002 |
| 26. | Mst. Saima Andaleep DPE | 30-5-2005 |
| 27. | Mst. Imtiaz Tabbasum DPE | 8-5-2006 |
| 28. | Mst. Fakhra Anjum DPE | 12-12-2001 |

31

ATTENDED

| | | |
|-----|-------------------------|----------|
| 29. | Mst. Nighat Seema DPE | 1-6-2004 |
| 30. | Mst. Afsheen Murtaz DPE | 6-6-2008 |
| 31. | Mst. Rehana Yasmin DPE | 6-5-2008 |
| 32. | Mst. Hassan Basri DPE | 6-5-2008 |

SECRETARY

Endst. No. SO(PE)9-10/DPE/Ghulam Nabi.

Dated Pesh: the, 29-04-2014

Copy forwarded to:-

1. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. Special Secretary (Regulation), Establishment Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department w/r to his. letter No. SO(FR)/FD/10-22/9-10/ DATED 12-7-2012.
4. Secretary to Chief Minister Khyber Pakhtunkhwa.
5. PS to Chief Secretary Khyber Pakhtunkhwa.
6. All Directors in Elementary & Secondary Education Department. *E&SE, KP, Peshawar*
7. Director Education FATA Warsak Road Peshawar.
8. All Commissioners/Deputy Commissioners in Khyber Pakhtunkhwa.
9. All District Education Officers (M/F) Elementary & Secondary Education in Khyber Pakhtunkhwa.
10. All Agency Education Officers in FATA.
11. Director Information Khyber Pakhtunkhwa Peshawar with the request to give wide publicity through media.
12. Secretary Public Service Commission Khyber Pakhtunkhwa, Peshawar.
13. PS to Minister E&SE Department.
14. PS to Secretary / Special Secretary / Additional Secretary E&SE Department Gov. of Khyber Pakhtunkhwa.
15. PA to Deputy Secretary (Admn.) Khyber Pakhtunkhwa.
16. Officers concerned.

Zamin Khan Momand
 (ZAMIN KHAN MOMAND)
 SECTION OFFICER (PRIMARY)

M. G. 2014



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annexure
"G"

Dated Peshawar the July 30, 2019

33

NOTIFICATION

NO.SO(SME&SED/2-2/2019/Final Seniority list of SIPE: (BS-18): In exercise of the powers conferred under Sub-Section (1) of Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Final Seniority List of Senior Instructor Physical Education (BS-18) of Elementary & Secondary Education Khyber Pakhtunkhwa as it stood on 26-06-2019 is hereby notified for information of all concerned.

Encl: As Above:

Chief Secretary
Khyber Pakhtunkhwa

Endst: of even No. & Date:

Copy forwarded to the:

1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar with the request to circulate the final seniority list to all concerned.
2. Director, Curriculum & Teachers Education Khyber Pakhtunkhwa, Abbottabad.
3. Director, Education (Merged area) Khyber Pakhtunkhwa, Peshawar.
4. Director, PITE Khyber Pakhtunkhwa, Peshawar.
5. All District Education Officers (Male) in Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. Incharge EMIS E&SE Department.
8. Office order file.

30/07/2019
(SHAHD RAFIQ)
SECTION OFFICER (SCHOOLS/MALE)



**FINAL SENIORITY LIST OF SENIOR INSTRUCTOR PHYSICAL EDUCATION BS-18 (MALE) ELEMENTARY AND SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA STOOD ON 26/06/2019**

34

| S.No | Name of Officer with Academic Qualification | Date of Birth | Domicile | D.O 1st entry into Govt. service | D.O Appointment/Promotion as DPE BS-16 | Regular Apptt. Promotion to the present post | | | Method of recruitment | Place of posting |
|------|---|---------------|-----------|----------------------------------|--|--|----------------------------------|------|-----------------------|---|
| | | | | | | Date of Award of BS-17 (Regular) | Date of Award of BS-18 (Regular) | BPS. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1 | Talat Mahmood M.Sc (H.P.E) | 30/04/1960 | Bannu | 14/05/1987 | 14/05/1987 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | Instructor, GHSS No.4. Peshawar City |
| 2 | Hazrat Ali, M.Sc (H.P.E) | 04/08/1960 | FR Bannu | 02/06/1981 | 20/10/1990 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GCPE Karak |
| 3 | Shamsul Islam M.Sc (H.P.E) | 24/04/1960 | FR Bannu | 05/10/1980 | 20/10/1990 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GCPE Karak |
| 4 | Tajamul Zaman M.Sc (H.P.E) | 20/12/1962 | DIKhan | 01/10/1990 | 01/10/1990 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS No.4 D.I.Khan |
| 5 | Khalid Tanveer M.Sc (H.P.E) | 12/03/1960 | DIKhan | 22/07/1978 | 20/10/1990 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kot Jai D.I Khan |
| 6 | Muhammad Hashim M.Sc (H.P.E) | 01/09/1962 | Lakki | 01/02/1986 | 10/02/1991 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS No. 3 Peshawar City |
| 7 | Gul Aslam Khan M.Sc (H.P.E) | 29/03/1962 | Lakki | 27/10/1987 | 10/02/1991 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Aba Khel Lakki |
| 8 | Said Nawaz M.Sc (H.P.E) | 02/01/1962 | Karak | 15/12/1980 | 10/02/1991 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Tough Bala Kohat |
| 9 | Abdul Sarwar M.Sc (H.P.E) | 11/01/1962 | Bannu | 23/09/1985 | 10/02/1991 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Lalozi Bannu |
| 10 | Sami Ullah M.Sc (H.P.E) | 29/08/1969 | Lakki | 06/11/1996 | 06/11/1996 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | Director Sports DCTE Abbottabad |
| 11 | Fazli Baqi M.Sc (H.P.E) | 06/04/1966 | Dir Lower | 15/04/1990 | 06/11/1996 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Khall Dir Lower |
| 12 | Iftikhar Ahmad M.Sc (H.P.E) | 04/04/1965 | Mardan | 20/08/1984 | 01/04/1997 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | Director (PE&S) E&SE Khyber Pakhtunkhwa |
| 13 | Muhammad Ali M.Sc (H.P.E) | 30/05/1976 | M.Agency | 18/04/2000 | 18/04/2000 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Hathian Mardan |
| 14 | Ali Badshah M.Sc (H.P.E) | 15/01/1960 | Karak | 29/09/1985 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Jehangari Karak |
| 15 | Muhammad Saeed Shah M.Sc (H.P.E) | 05/10/1961 | Mansehra | 26/10/1980 | 18/02/2003 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kawai Mansehra |
| 16 | Said Bakht Shah M.Sc (H.P.E) | 16/03/1961 | Swabi | 27/10/1980 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Mansabdar Swabi |
| 17 | Hameedullah Khan M.Sc (H.P.E) | 01/11/1962 | DIKhan | 22/09/1982 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kat Gar D.I.Khan |
| 18 | Muhammad Israr M.Sc (H.P.E) | 12/12/1961 | Mardan | 08/11/1985 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Manga Mardan |
| 19 | Muhammad Naeem Khan M.Sc (H.P.E) | 10.01.1964 | Lakki | 11/08/1986 | 18/02/2003 | 16/05/2013 | 25/01/2019 | 18 | By Promotion | GHSS Tajzai Lakki |
| 20 | Ihtisham Ud Din M.Sc (H.P.E) | 24/03/1962 | Karak | 08/02/1983 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Bogara Karak |
| 21 | Abdullah Shah M.Sc (H.P.E) | 22/02/1960 | Tank | 13/03/1983 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kech D.I Khan |
| 22 | Rukh Niaz M.Sc (H.P.E) | 08/02/1965 | Lakki | 05/12/1988 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Nawansher Abbottabad |
| 23 | Gul Badshah M.Sc (H.P.E) | 20/11/1963 | Lakki | 10/12/1988 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Gul Bahar Peshawar |
| 24 | Habib Ullah M.Sc (H.P.E) | 18/02/1962 | Mardan | 15/10/1981 | 18/02/2003 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS Dargai Charsadda |
| 25 | Lal Marjan M.Sc (H.P.E) | 16/03/1964 | Karak | 16/10/1984 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Shahidan Banda Karak |
| 26 | Ahmad Nawaz M.Sc (H.P.E) | 01/08/1965 | Bannu | 15/10/1989 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GCPE Karak |

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| | | | | | | | | | | |
|----|------------------------------------|------------|-----------|------------|------------|------------|------------|----|--------------|---------------------------------|
| 27 | Fazal Abbas Zaidi M.Sc (H.P.E) | 25/11/1959 | DIKhan | 08/11/1980 | 18/02/2003 | 13/10/2010 | 23/05/2018 | 18 | By Promotion | GHSS Kachi Paind Khan D.I Khan |
| 28 | Faiak Naz M.Sc (H.P.E) | 02.04.1963 | Lakki | 08/11/1980 | 18/02/2003 | 24/10/2013 | 25/01/2019 | 18 | By Promotion | GHSS Adezai Peshawar |
| 29 | Habibullah M.Sc (H.P.E) | 19/12/1963 | Bannu | 14/11/1990 | 18/02/2003 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GGHSS Mani Khel Jani Khel Bannu |
| 30 | Mujeeb-ur-Rehman M.Sc (H.P.E) | 01/01/1964 | Karak | 15/11/1990 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Karak |
| 31 | Jeihan Alam M.Sc (H.P.E) | 10/05/1961 | Bunir | 15/11/1990 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Battara Bunir |
| 32 | Abdul Qadeer Khan M.Sc (H.P.E) | 23/03/1961 | DIKhan | 18/11/1982 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Yarak D.I.Khan |
| 33 | Chamni Khan M.Sc (H.P.E) | 01/05/1964 | Mardan | 20/11/1982 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Takkar Mardan |
| 34 | Amjad Khan M.Sc (H.P.E) | 06/11/1968 | Charsadda | 07/12/1986 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Sherpaw Charsadda |
| 35 | Nikhatullah M.Sc (H.P.E) | 01/02/1967 | FR Bannu | 03/05/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Warana Karak |
| 36 | Farid Zaman M.Sc (H.P.E) | 10/05/1966 | Bannu | 25/05/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Mamesh Khel Bannu |
| 37 | Ikramullah M.Sc (H.P.E) | 25/06/1964 | Lakki | 12/09/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Comprehensive Bannu |
| 38 | Muhammad Usman M.Sc (H.P.E) | 01/04/1968 | DIKhan | 14/10/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS No. 2, D.I.Khan |
| 39 | Waris Khan M.Sc (H.P.E) | 09/04/1967 | Lakki | 07/01/1988 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Masha Mansoor Lakki |
| 40 | Ashraf Ali M.Sc (H.P.E) | 11/02/1966 | Bannu | 26/01/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Nurur Bannu |
| 41 | Fateh Sher M.Sc (H.P.E) | 06/09/1962 | DIKhan | 06/10/1988 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | Shorkot D.I Khan |
| 42 | Muhammad Sharif M.Sc (H.P.E) | 01/01/1966 | DIKhan | 01/04/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Mandra Kalan D.I.Khan |
| 43 | Said Khan M.Sc (H.P.E) | 15/02/1968 | Tank | 10/09/1987 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Lar D.I Khan |
| 44 | Ghulam Nabi M.Sc (H.P.E) | 05/02/1965 | Mardan | 28/03/1988 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Gujar Garhi Mardan |
| 45 | Muhammad Gul M.Sc (H.P.E) | 10/10/1968 | DI Khan | 08/12/1990 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Muryali D.I.Khan |
| 46 | Raees Ullah M.Sc (H.P.E) | 10/10/1968 | Bannu | 22/04/1992 | 18/02/2003 | 13/10/2010 | 23/05/2018 | 18 | By Promotion | GHSS Hakim Haved Bannu |
| 47 | Zahoor Ahmad M.Sc (H.P.E) | 10/06/1966 | Nowshera | 02/04/1985 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Manki Sharif Nowshera |
| 48 | Muhammad Haroon M.Sc (H.P.E) | 17/03/1967 | Swabi | 20/04/1985 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Ismaila Swabi |
| 49 | Muhammad Iqbal M.Sc (H.P.E) | 05/10/1970 | Lakki | 18/02/1993 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Bagra Haripur |
| 50 | Farman Ullah M.Sc (H.P.E) | 01/03/1968 | Bannu | 18/02/1993 | 18/02/2003 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | BISE Malakand |
| 51 | Hamzi Ali M.Sc (H.P.E) | 17/02/1960 | FR Bannu | 13/09/1986 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | Shakar Dara Kohat |
| 52 | Qazi Ikram Ulah M.Sc (H.P.E) | 01/02/1969 | Bannu | 13/10/1987 | 06/06/2005 | 12/11/2010 | 23/05/2018 | 18 | By Promotion | GHSS Salema Sikandar Khel Bannu |
| 53 | Siaf-ur-Rehman M.Sc (H.P.E) | 15/07/1967 | DIKhan | 13/03/1990 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Draban Kalan DI Khan |
| 54 | Abdul Mateen M.Sc (H.P.E) | 01/03/1967 | DIKhan | 20/02/1993 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | RITE Male DI Khan |
| 55 | Ejaz Ali MSC (H.P.E) | 02.08.1972 | Swabi | 24/04/1993 | 06/06/2005 | 24/10/2013 | 25/01/2019 | 18 | By Promotion | GHSS Dobian Swabi. |
| 56 | Abdul Hadi M.Sc (H.P.E) | 15/01/1963 | Swabi | 30/10/1986 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS PanjPir Swabi |
| 57 | Muhammad Khurshid Ali M.Sc (H.P.E) | 15/01/1965 | Shangla | 20/04/1993 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Charbagh Swat |
| 58 | Atta Ullah Khan M.Sc (H.P.E) | 20/09/1964 | Bannu | 30/05/1993 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Domel Bannu |
| 59 | Saddiq-ur-Rehman M.Sc (H.P.E) | 16/03/1969 | Karak | 20/09/1987 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Dabli Lawaghar Karak |

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-36-


| | | | | | | | | | | |
|----|------------------------------------|------------|-----------|------------|------------|------------|------------|----|--------------|--------------------------------|
| 60 | Shahid ur Rehman M.Sc (H.P.E) | 20/03/1969 | Karak | 03/12/1989 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GCPE, Karak |
| 61 | Abdul Nazar M.Sc (H.P.E) | 13/04/1965 | Bunir | 01/03/1984 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Gagra Buner |
| 62 | Hakim Said M.Sc (H.P.E) | 16/04/1965 | Swabi | 26/03/1990 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Ayub Khan Kill Swabi |
| 63 | Qaisar Khan M.Sc (H.P.E) | 08/01/1964 | Swabi | 24/04/1988 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Dingi Haripur |
| 64 | Qayyum Nawaz M.Sc (H.P.E) | 15/04/1969 | Lakki | 17/05/1992 | 06/06/2005 | 06/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS, Abdul Khel Lakki |
| 65 | HuKam Zad M.Sc (H.P.E) | 15/12/1962 | Bannu | 14/11/1987 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Shahbaz Khel Lakki |
| 66 | Muhammad Alam M.Sc (H.P.E) | 14/03/1965 | Nowshera | 17/09/1986 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS, Jaloza Nowshera |
| 67 | Abdur Rauf M.Sc (H.P.E) | 03/02/1966 | Karak | 17/09/1986 | 06/06/2005 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS, Hazarkhwani Peshawar |
| 68 | Muhammad Shahid Ullah M.Sc (H.P.E) | 10/01/1964 | Karak | 18/10/1986 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Mingora Swat |
| 69 | Muhammad Khalil M.Sc (H.P.E) | 20/12/1966 | Karak | 22/10/1989 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Chanda Khurum Karak |
| 70 | Noor Muhammad Shah M.Sc (H.P.E) | 22/04/1968 | Karak | 04/12/1989 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Bilitang Kohat |
| 71 | Qadar Khan M.Sc (H.P.E) | 18/12/1966 | Karak | 09/10/1990 | 06/06/2005 | 13/10/2010 | 23/05/2018 | 18 | By Promotion | GHSS Nodiah Payan Peshawar |
| 72 | Fakhr Zaman Shah M.Sc (H.P.E) | 20/09/1966 | Karak | 29/01/1991 | 06/06/2005 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS Shah Salim Karak. |
| 73 | Wali-ur-Rehman M.Sc (H.P.E) | 01/03/1970 | Karak | 01/09/1992 | 06/06/2005 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GCPE Karak |
| 74 | Murad Ali M.Sc (H.P.E) | 30/03/1967 | Swabi | 01/04/1993 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS, Tandkahi Swabi |
| 75 | Muhammad Ghani M.Sc (H.P.E) | 05/10/1965 | FR Bannu | 01/09/1994 | 06/06/2005 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | RITE (M) Bannu |
| 76 | Faizullah Khan M.Sc (H.P.E) | 20.10.1967 | Bannu | 01/09/1994 | 12/12/2006 | 24/10/2013 | 25/01/2019 | 18 | By Promotion | GCPE Karak |
| 77 | Kamran Ali M.Sc (H.P.E) | 20/01/1967 | Swabi | 26/10/1994 | 12/12/2006 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS Sikandari Swabi |
| 78 | Sabir Ali M.Sc (H.P.E) | 30/04/1966 | Swabi | 30/11/1994 | 12/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Bicket Gunj Mardan |
| 79 | Mushtaq Zada, M.Sc (H.P.E) | 09/02/1968 | Buner | 13/11/1994 | 12/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS, Nawagai, Bunair |
| 80 | Aminullah, M.Sc (H.P.E) | 20/01/1968 | Karak | 16/11/1994 | 12/12/2006 | 12/11/2010 | 23/05/2018 | 18 | By Promotion | GHSS Kandu Khel Karak |
| 81 | Hazrat Ali, M.Sc (H.P.E) | 05/01/1969 | Karak | 17/11/1994 | 12/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS GCPE Karak |
| 82 | Muhammad Iqbal, M.Sc (H.P.E) | 01/05/1968 | Karak | 30/11/1994 | 12/12/2006 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS Tehkal Bala Peshawar |
| 83 | Zamrud Shah, M.Sc (H.P.E) | 01/05/1966 | Karak | 12/01/1994 | 12/12/2006 | 13/10/2010 | 23/05/2018 | 18 | By Promotion | GHSS Nari Panos Karak |
| 84 | Arshad Hussain, M.Sc (H.P.E) | 01/02/1968 | Nowshera | 31/01/1995 | 12/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Dak Ismail Khel Nowshera |
| 85 | Nowsher Zaman, M.Sc (H.P.E) | 01/02/1966 | Bannu | 19/02/1990 | 12/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Mani Khel Jani Khel Bannu |
| 86 | Fida Muhammad, M.Sc (H.P.E) | 03/01/1970 | Swabi | 30/11/1989 | 13/12/2006 | 13/10/2010 | 23/05/2018 | 18 | By Promotion | GHSS Shahbaz Garhi Mardan |
| 87 | Fariq Gul, M.Sc (H.P.E) | 10/08/1969 | Dir Lower | 03/03/1988 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Samar Bagh Dir Lower |
| 88 | Wajid Ali, M.Sc (H.P.E) | 08/07/1973 | Malakand | 01/03/1998 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Takht Bhai Mardan |
| 89 | Shoukat-ur-Rehman M.Sc (H.P.E) | 15/02/1974 | DIKhan | 05/04/1999 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS No. 3 DI Khan |
| 90 | Dil Faraz Khan, M.Sc (H.P.E) | 02/03/1983 | Bannu | 13/12/2006 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Ismail Khel Bannu |
| 91 | Taimur Riaz, M.Sc (H.P.E) | 24/08/1974 | A-Abad | 16/09/1996 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Sarai Saleh Haripur |
| 92 | Muhammad Kalim, M.Sc (H.P.E) | 04/06/1975 | Malakand | 23/07/2002 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Dheri Jula Gram Malakand |

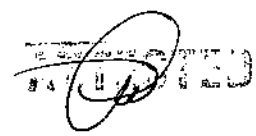


| | | | | | | | | | | |
|-----|--------------------------------------|------------|------------|------------|------------|------------|------------|----|--------------|------------------------------|
| 93 | Muhammad Safdar Luqman, M.Sc (H.P.E) | 25/08/1982 | DIKhan | 13/12/2006 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Ramak DI Khan |
| 94 | Naik Zada, M.Sc (H.P.E) | 14/12/1965 | Swat | 21/10/1986 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kabal Swat |
| 95 | Kaleem Ullah Khan M.Sc (H.P.E) | 01/02/1969 | Hangu | 12/10/1995 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Muhammad Zai Kohat |
| 96 | Taj Wali Shah M.Sc (H.P.E) | 14/04/1970 | Swabi | 19/12/1989 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Jehangari Swabi |
| 97 | Yousaf Khan, M.Sc (H.P.E) | 18/10/1972 | Lakki | 21/02/1998 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Machen Khel No. 3 Lakki |
| 98 | Shafi ullah, M.Sc (H.P.E) | 15/05/1976 | Lakki | 05/04/1999 | 13/12/2006 | 12/11/2010 | 23/05/2018 | 18 | By Promotion | GHSS Kot Kashmir Lakki |
| 99 | Alam Zar Khan, M.Sc (H.P.E) | 01/03/1979 | FR Bannu | 13/12/2006 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GCPE Karak |
| 100 | Muhammad Kaleem M.Sc (H.P.E) | 10/02/1976 | SWA | 01/09/1999 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS No.1 Cantt; Peshawar |
| 101 | Mahboob Ali M.Sc (H.P.E) | 04/01/1974 | Swat | 25/03/1996 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Bari Kot Swat |
| 102 | Muhammad Ishaq, M.Sc (H.P.E) | 29/08/1976 | Lakki | 13/12/2006 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Sarai Naurang Lakki |
| 103 | Taj Wali Khan M.Sc (H.P.E) | 10/05/1975 | Charsadda | 17/03/2007 | 17/03/2007 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Muhammad Nari Charsadda |
| 104 | Jamshid Ali Khan, M.Sc (H.P.E) | 01/02/1977 | Bannu | 01/05/1999 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Bangi Khan Bannu |
| 105 | Muhammad Ashfaq, M.Sc (H.P.E) | 28/03/1979 | FR Kohat | 01/09/1999 | 13/12/2006 | 19/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS No.1 Kohat |
| 106 | Badshah Islam, M.Sc (H.P.E) | 01/03/1968 | Dir Upper | 04/05/1990 | 13/12/2006 | 27/05/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kulandi DIR Upper |
| 107 | Muhammad Arif M.Sc (H.P.E) | 15/03/1967 | Swabi | 08/03/1990 | 13/12/2006 | 15/06/2009 | 23/05/2018 | 18 | By Promotion | GHSS Kalu Khan Swabi |
| 108 | Ayaz Ali, M.Sc (H.P.E) | 18/02/1976 | Swabi | 25/11/2002 | 13/12/2006 | 19/05/2009 | 25/01/2019 | 18 | By Promotion | GHSS Baghicha Dheri Mardan |
| 109 | Khalid M.Sc (H.P.E) | 03/03/1979 | Charsadda | 17/03/2007 | 17/03/2007 | 19/05/2009 | 25/01/2019 | 18 | By Promotion | GHSS Dhakki Charsadda |
| 110 | Muhammad Sabir M.Sc (H.P.E) | 24/12/1969 | Abbottabad | 21/04/1993 | 13/12/2006 | 24/10/2013 | 25/01/2019 | 18 | By Promotion | GHSS Herno Abbottabad |
| 111 | Abdul Hameed, M.Sc (H.P.E) | 01/01/1979 | Haripur | 01/09/2004 | 13/12/2006 | 19/05/2009 | 25/01/2019 | 18 | By Promotion | GHSS Kot Najibullah Haripur |

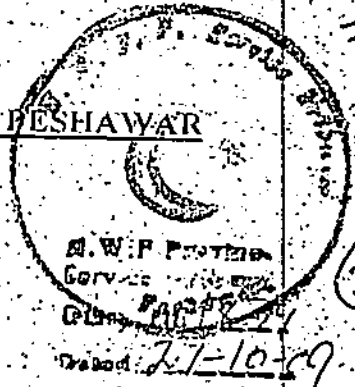
It is certified: -

- 1 That the Seniority list is widely circulated.
- 2 That the Seniority list is undisputed/uncontroversial.
- 3 That there is no litigation pending/involved.


 ASSISTANT DIRECTOR
 Elementary & Secondary Education
 Khyber Pakhtunkhwa Peshawar



BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR



No. 1776/2009

Muhammad Arif DPE Govt Higher Secondary School Bankhel, District Swabi.

(Appellant)

Annexure

"4"

VERSUS

1. Govt of NWFP through Secretary, Elementary and Secondary Education NWFP Peshawar.
2. Secretary Finance, NWFP Peshawar.
3. Accountant General NWFP Peshawar.

(Respondents)

38

Appeal under Section 4 of the NWFP Service Tribunal Act 1974 against the Notification No. SO (IE) 2-6/E&SE/DPCMEETING/LIB/09 DATED 15.6.2009 whereby the appellant has been promoted from BPS-16 to BPS-17 as DPE with immediate effect, the departmental appeal dated 04.7.2009 for the ante-dation of the promotion w.e.f 13.11.2007 was not responded despite the lapse of 90 days.

Filed to Registrar 27/10/09

Prayer in Appeal:

On acceptance of this appeal the Notification dated 15.6.2009 may please be varied / modified and the same be given effect from 13.11.2007 with all consequential benefits.

Respectfully Submitted:

1. That the appellant was serving as DPE (BPS-16) in the respondent department, he has at his credit the M. Sc in

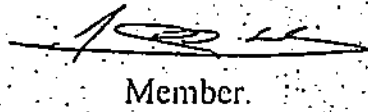
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NWFP Service Tribunal Peshawar

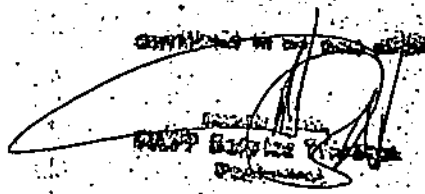
7.5.2010

Counsel for the appellant and Zahid Karim AGP for the respondents present. Arguments heard and record perused. Vide our detailed judgment of today in Appeal No. 1712/2009, this appeal is accepted. No order as to costs. File be consigned to the record.

ANNOUNCED
7.5.2010.


Member.


Member.



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ANNOUNCED

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BEFORE THE K.P.K SERVICE TRIBUNAL PESHAWAR

Appeal No. 1712/2009

Date of institution - 09.10.2009

Date of decision - 07.05.2010

Murad Ali DPE Government Secondary School Thandkoi District Swabi
.....(Appellant)

VERSUS

1. Government of NWFP through Secretary (Elementary and Secondary) Education NWRP Peshawar.
2. Secretary Finance, NWFP Peshawar.
3. Accountant General NWFP Peshawar..... (Respondents)

Appeal under Section 4 of the NWFP Service Tribunal Act 1974 against the Notification No. SO (PE) 2-6/E&SE/DPC/lib/DPEs (BPS-16) to BPS 17 whereby the appellant has been promoted from BPS 16 to BPS 17 as DPE with immediate effect, the Departmental appeal dated 13.6.2009 for the ante-dation of the promotion w.e.f 13.11.2007 was not responded despite the lapse of 90 days.

Mr. Ijaz Anwar, Advocate For Appellant
Mr. Zahid Karim A.G.P For Respondents

MR.ABDUL JALIL MEMBER
SYED MANZOOR ALI SHAH MEMBER

JUDGMENT

ABDUL JALIL, MEMBER: This appeal has been filed by the appellant against

Notification No. SO (PE) 2-6/E&SE/DPC/lib/DPEs BPS-16 to BPS 17 whereby he has been promoted from BPS 16 to BPS 17 as DPE with immediate effect and his Departmental appeal dated 13.6.2009 for the ante-dation of the promotion w.e.f 13.11.2007 was not responded despite the lapse of 90 days. He has prayed that the notification dated 19.5.2009 may be varied/modified and the same be given effect from 13.11.2007 with all consequential benefits.

2. Brief facts of the case are that the appellant was serving as DPE (BPS 16) in the respondent department. He has at his credit the M.Sc in HPE. The Government of NWFP has vide circular letter dated 1.10.2007 decided to allow BPS 17 TO those DPE (BPS 16) who have at his credit M.Sc in HPE. A proper notification to this effect was

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EXAMINER
NWFP Service Tribunal
Peshawar

(7)

(33) -41-

issued vide letter dated 13.11.2007. Accordingly the appellant was allowed BPS-17 in accordance with the above noted notifications. The pay of the appellant was also fixed in BPS 17 and he continued to receive the salary of the upgraded post. In the mean time the case of the appellant for promotion was also referred to DPC and accordingly on the recommendation of the DPC he was promoted as DPE (BPS 17) vide notification dated 19.5.2009 but with immediate effect. The appellant submitted his departmental appeal dated 13.6.2009, However, it was not replied despite the lapse of 90 days. Hence, this appeal.

3. Arguments heard and record perused.

4. The learned counsel for the appellant argued that the appellant has not been treated in accordance with law, his rights secured and guaranteed under the Constitution 1973 were badly violated. The notification impugned is in violation of the original notification dated 13.11.2007, hence, liable for modification/variation. The appellant was holding the post carrying BPS 17 w.e.f 13.11.2007. He is also in receipt of the salary of the said scale ^{and} was entitled to promotion with effect from the date he was holding that post. The case of the appellant was covered under the original notification dated 13.11.2007. The post carrying BPS 17 was available since the notification dated 13.11.2007 and the appellant was holding that post since then, hence he is entitled to his promotion from 13.11.2007.

5. The A.G.P argued that being an administrative matter, Respondent No.3 has no concern with it and he has unnecessarily ^{been} made party. In the Notification dated 13.11.2007 the posts were up-graded and the DPC recommended suitable persons in its meeting held in 2009 for promotion against up-graded posts.

6. This Tribunal and the August Supreme Court of Pakistan have already decided numerous cases of subject specialists and have ordered ante-dation of their promotion.

7. In view of the decisions of this Tribunal in Appeal No. 1035 of 2008 and 517/2008, this appeal is also accepted with the same directions to the official respondents as already given in that judgments.

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N.W.F.P. Service Tribunal
Peshawar

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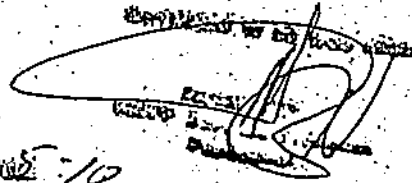
8. This judgment will also dispose of the other connected appeals bearing No. 1713/2009, 1714/2009, 1715/2009, 1775/2009 and 1776/2009 involving common question of law, in the same manner.

No order as to costs. File be consigned to the record.

ANNOUNCED.
7.5.2010.


(SYED MANZOOR ALI SHAH)
MEMBER.


(ABDUL JALIL)
MEMBER.



17/05/10
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9-6-10
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ATTESTED

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Annexure "H"

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

C.M. 12 (2) CPD No. 329/2022
Petitioner - App. [Name]

1. Mr. [Name], Director Physical Education & Sports, DOTE, At [Location] BS-19.
2. Mr. [Name], [Title], [Location] BS-19, GHSS No.3, Peshawar.
3. Fazl Bano, [Title], GHSS [Location], Lower BS-19.
4. Abdul Razaq, S.P.E. BS-18, GHSS No.2, Peshawar City.
5. Mr. [Name], [Title], [Location], Peshawar.
6. Mr. [Name], [Title], [Location] BS-19, GHSS [Location], Peshawar.
7. Ghader Khan, [Title], [Location], GHSS [Location] Peshawar.
8. Farid Zaman, [Title] BS-19, GHSS No.2, Peshawar Cantt.
9. Saifullah Khan, [Title] BS-19, GHSS [Location] Peshawar.
10. M. [Name] Khan, S.P.E. [Location], GHSS Wazirabad, Peshawar.

[Signatures]

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44-

69. Mohd S.P.E. 85-18, Govt Drukk Cheroadda
.....Petitioners

vs

1. Muhammad S.P.E, Govt. Higher Secondary School Swat
 2. The Govt. of Khyber Pakhtunkhwa Secretary Elementary & Secondary Education, Peshawar
 3. The Secretary Finance Govt. of Khyber Pakhtunkhwa, Peshawar
 4. The Inspector General, Khyber Pakhtunkhwa Peshawar
-Respondents

**PETITION U/S (2) CPC 1908 AGAINST
THE IMPUGNED JUDGMENT AND ORDER
DATED 07.05.2010, BEING OBTAINED ON
FRAUD AND MIS-REPRESENTATION**

Prayer

By acceding this petition, the impugned judgment and order dated 07.05.2010 passed in Service Appeal No.1776/2009 may please be set aside and consequently the service appeal No.1776/2009 be restored to its original number, by impleading the petitioners, being necessary party, as respondents.




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Respectfully Sheweth:

1. That all the petitioners before this Hon'ble Tribunal are serving SIPE & CIPE (BSP-19 & BPS-18) of Elementary & Secondary Education Department in different capacities throughout the province.
2. That thirty one individuals (in which thirty are petitioners before this Hon'ble Court) including respondent No.1 were initially recommended as Directors Physical Education (DPE) (BPS-16) through Public Service Commission in the year 2006 wherein the respondent No.1 was placed at serial No.27 of the of the interse seniority as recommended by Public Service Commission. (Copy of interse seniority recommended by Public Service Commission is attached as Annexure "A").
3. That thereafter the Govt. of KP (then NWFP) was pleased to accord sanction for upgradation of the posts of Librarians and Director Physical Education from BPS-16 to BPS-17 who have Master's degree in the relevant subject with

ATTSTED

ATTSTED

ENGINEER
Myra Paktak
Service Tribunal


(2)

- 416 -

immediate effect. It is worth to mention here that it has clearly been mentioned in the aforesaid notification that those incumbents who hold diploma will stay in BPS-16 till the acquiring of Masters Degree in relevant subject however their existing seniority will remain intact. (Copy of Notification dated 13.11.2007 is attached as annexure "B").

4. That on 16.02.2009 and 03.04.2009, some necessary amendments were made w.r.t the qualification and appointment of Officers of Physical Education. (Copies of Notification dated 16.02.2009 and 03.04.2009 are attached as annexure "C & C/1" respectively)
5. That after the aforesaid developments, 1st meeting of Departmental Promotion Committee was held on 11.04.2009 and on the basis of the aforesaid DPC, promotion notification was issued on 19.05.2009 wherein respondent No.1 was deferred for his promotion. (Copy of Notification dated 11.04.2009 is attached as Annexure "D").

ATTACHED

ATTESTED

OFFICE
of the Director
Physical Education
Peshawar

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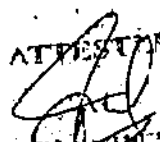
- 47 -

6A

6. That another meeting of Departmental Promotion Committee was held on 29.05.2009 wherein respondent No.1 was considered suitable for promotion in BPS-17 and in this respect, notification was issued on 15.06.2009. (Copies of minutes of DPC and Notification as annexure "E & E/1" respectively).
7. That thereafter colleagues of petitioners namely Ghulam Nabi and (thirteen) 13 others preferred their respective service appeals, before this Hon'ble Tribunal praying therein that their upgradation be made effective from 13.11.2007 instead of 19.05.2009 and this Hon'ble Tribunal was pleased to allow their appeals vide judgment dated 04.03.2010. (Copy of the judgment is as annexure "F")

It merits to mention here that only promotion alongwith back benefits was granted to the appellants (Ghulam Nabi etc) whereas their seniority stood intact as it was on 13.11.2007.

ATTSTED

ATTESTED

Member, Tribunal
13/03/2010

(48)

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8. That on the basis of the aforesaid judgment dated 04.03.2010 passed by this worthy Tribunal, a NOTE was prepared for the worthy Chief Secretary, that the judgment of Ghulam Nabi case, be implemented in light of principles laid down by the apex court reported as 1996 SCMR 1185 and resultantly all the DPE's were promoted /upgraded to BPS-17 w.e.f 13.11.2007, having Master's degree in the relevant subject, irrespective of the fact that whether they have litigated or not. (Copy of Summary NOTE is as annexure "G").


9. That the aforesaid NOTE was approved by the worthy Chief Secretary & resultantly notification dated 29.04.2014 was issued whereby eighty four (84) males and 32 female DPE's were promoted to BPS-16 to BPS-17 w.e.f 13.11.2017 and their seniority remained intact as stood on 13.11.2007. (Copy of the Notification is attached as annexure "H").

[Handwritten signature]
Secretary
Public Service Commission
Islamabad

[Handwritten signature]
ATTSTED

It is worth to mention here that after the afore-stated development, a well-reasoned and proper seniority list was notified which is still intact and hold the field, wherein the respondent No.1 is at serial No.107 of the combined seniority list. (Copy of the seniority list is attached as annexure "I").

- 10. That the petitioner's got the knowledge of the impugned judgment dated 07.05.2010 after the respondents department, conducted a fact finding inquiry and submitted its detail report on 15.12.2021, regarding the implementation of impugned judgment. (Copy of the Inquiry report is attached as Annexure "J").
- 11. That petitioner's being aggrieved of the impugned judgment dated 07.05.2010 are constrained to move this Hon'ble Court for the following amongst other grounds: (Copy of the impugned judgment is attached as Annexure "K")

ATTESTED

 PETITIONER
 Keshav Prakash
 Service Tribunal
 Bangalore


 ATTESTED

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GROUNDS:

- A. That as stated in the body of petition that the petitioners were not arrayed as party in the service appeal despite the fact that the respondent No.1 is claiming his seniority above them and as such valuable rights of the petitioners are involved, therefore this Hon'ble Tribunal needs to restore the original appeal, by impleading the petitioners as respondents and thereafter decide the same on its own merits.
- B. That a plain reading of the notification dated 13.11.2007 (Annexure-B) would reveals that it has categorically been mentioned therein that the then existing seniority, at the time of upgradation would remain intact and thus keeping in view the aforesaid directions, the respondent No.1 has rightly been placed at serial No.107 of the final seniority list but respondent No.1 under the garb of the impugned judgment is pressing hard to become senior most, even from those officers whose date of appointment is much, much earlier than respondent No.1.

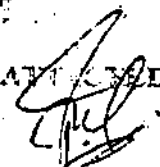

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 ATTESTED

43

- 51 -

- C. That more so the respondents department, have conducted a fact finding inquiry regarding the seniority case of respondent No.1. the inquiry was conducted by two senior most officers of the Education Department, wherein they too, have recommended that per the notification dated 13.11.2007, the case of promotion of respondent No.1 alongwith back benefits be implemented w.e.f 13.11.2007, however while deciding the issue of seniority the education department, shall keep into consideration, the then seniority of the DPE's at the time of Notification dated 13.11.2007.
- D. That even otherwise in identical cases, already decided by this Hon'ble Tribunal, only the case of promotion and grant of arrears has been implemented, hence the issue of seniority is as same as it stood on the date of Notification dated 13.11.2007, therefore a different yardstick cannot be applied to the case of respondent No.1.
- E. That the petitioners have been treated against the law and have also been deprived of equal protection of law.


 MEMBER
 Member (Labour) &
 Service Tribunal
 Patna


 MEMBER

52-

It is therefore most humbly prayed that by accepting this petition, the impugned judgment and order dated 07.05.2010 passed in Service Appeal No.1776/2019 may please be set aside and consequently, the service appeal No.1776/20098 be restored to its original number, by impleading the petitioners being necessary party, as respondents

Petitioners
Through

Nasir Naeem Umarchail

Adnan Aman
Advocates High Court (s)

Dated 01.06.2022

to the President
of the Court
for the
High Court
at
Islamabad
Dated

19/-
70/-
8/-
78/-

24/08/2023

24/08/2023

LISTED

محمد علی شاہ (سید) کی طرف سے

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08.06.2023

Clerk of learned counsel for the petitioner present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.




Clerk of learned counsel for the petitioner requested for adjournment on the ground that learned counsel for the petitioner is not available today due to strike of lawyers. Adjourned. To come up for arguments on 12.07.2023 before the D.B. Parcha Peshi given to the parties.

RECEIVED
DISTRICT ATTORNEY
PESHAWAR

Nasim Amin


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

Execution Petition No.102/2016

ORDER
12th July, 2023

1. Learned counsel for the petitioner and Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.
2. At the very outset, learned counsel for the petitioner submitted that although, the judgment of the Tribunal, passed in Appeal No.1776/2009, was otherwise implemented but to the extent of fixation of seniority and grant of arrears were yet to be made. The learned counsel was confronted with the terms of judgment dated 07.05.2010; whereby, the appeal of the petitioner was also accepted, which was decided in view of the judgments dated 24.02.2009 in


District Attorney
Peshawar


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Appeal No.1035/2008 and dated 23.02.2008 passed in Appeal No.517/2008, wherein, appellants were held entitled to the antedation of regular promotion/posting from a certain date and were also held entitled to all back benefits on the strength of modified order with their further entitlement to all back benefits and recovery of pay and arrears etc. subject to the relevant rules regarding recovery of arrears and financial benefits, to which, learned counsel submitted that back benefits including determination of seniority and recovery of financial benefits were yet to be given in case of the petitioner. The learned counsel was asked as to whether he was placed junior to his batch-mates or juniors to him with whom he was earlier placed above in order of merit and initially appointed, he submitted that his seniority was not so disturbed. The learned counsel was, however, not clear as to what was the stance of the petitioner regarding seniority. As regards the recovery of any arrears etc., the learned counsel was asked as how much arrears and for what period those arrears were granted to the petitioner in the judgment sought to be implemented, learned counsel was not sure certain nor the petitioner himself. However, he said that he would be satisfied if a direction was given to the petitioner and the respondents to sit together and to calculate the arrears/financial benefits, which, if any, were granted to the petitioner in the judgment passed on 07.05.2010 in his appeal. Order accordingly. Consign.

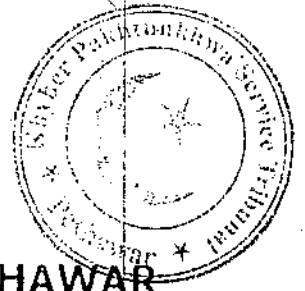
3. Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 12th day of July, 2023.

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KPST
Peshawar

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Khan
Service Tribunal
Peshawar


(Kalim Arshad Khan)
Chairman

57



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 7208 /2021

Muhammad Arif, Senior Director Physical Education, Govt. Higher Secondary School, Bamkhel Swabi.....Appellant

V E R S U S

1. Govt. of Khyber Pakhtunkhwa, through Secretary, Elementary and Secondary Education Department, Peshawar.
2. Director, Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Swabi.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE DECISION COMMUNICATED TO THE APPELLANT VIDE LETTER DATED 19-07-2021 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE FINAL SENIORITY LIST OF SENIOR INSTRUCTORS PHYSICAL EDUCATION (BPS-18) (MALE) ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KHYBER PAKHTUNKHWA DATED 26-06-2019, HAS BEEN REGRETTEED.

PRAYER:-

On acceptance of this appeal the impugned order/decision communicated to the appellant vide Letter dated 19-07-2021 and Final Seniority List of Senior Instructors Physical Education (BPS-18) (Male) Elementary and Secondary Education department Khyber Pakhtunkhwa dated 26-06-2019 with subsequent seniority lists if may kindly be varied/modified/set aside to the extent thereby placing the appellant at Serial No 1 of the Seniority List of Senior Instructors Physical Education (BPS-18) (Male) Elementary and Secondary Education department Khyber Pakhtunkhwa and respondents may please be directed to promote the appellant as Chief Instructor Physical Education (BPS-19) w. e. f. 23-09-2019 i,e from the date his immediate junior has been promoted with all back benefits.

Respectfully Submitted:-

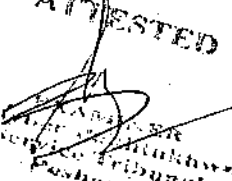
1. That the appellant is highly qualified, who has passed his Master Degree of Health & Physical Education in the year 1996 who upon the recommendations of KP Public Service Commission was appointed as

REGRETTEED
 [Signature]
 Service Tribunal
 Peshawar

DL

Director Physical Education (DPE) BPS-16 vide Notification dated 13-12-2006. Since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his superiors. The appellant was promoted as Director Physical Education (BPS-17) vide Notification dated 15-06-2009 with immediate effect which the appellant challenged by filing Service Appeal No 1776/2009 for modification of Notification dated 15-06-2009 thereby giving it effect, with effect from 13-11-2007 instead of 15-06-2009 which appeal was accepted and the appellant was ordered to be promoted to BPS-17 with effect from 13-11-2007 with all back benefits vide Judgment dated 07-05-2010 and the Judgment of this honorable Tribunal was also maintained by the Apex Court. **(Copy of Master Degree & Judgment dated 07-05-2010 is enclosed as Annexure A & B).**

- 2. That respondents were not ready to honor the Judgment of this honorable Tribunal where after the appellant was constrained to file Implementation Petition No 102/2016 wherein upon directions of this honorable Tribunal respondents produced Notification dated 22-03-2017 whereby the appellant along with another was promoted to BPS-17 on regular basis w. e. f. 13-11-2007 instead of 15-06-2009, without arrears, which is still pending disposal. The appellant was promoted to BPS-18 on 23-05-2018. **(Copy of Implementation Petition & Notification dated 22-03-2017 is enclosed as Annexure C & D).**
- 3. That for reasons best known to respondents, the appellant was not given the service benefits including seniority of BPS-17 w. e. f. 13-11-2007 instead of Judgment of this honorable tribunal rather he was deprived of the same, and in the meanwhile after tentative Seniority List, which the appellant objected, Final seniority List of Senior Instructors Physical education dated 26-06-2019 was issued wherein the appellant was placed at Serial No 107 instead of placing him at Serial No 1 of the same. Even vide Notification dated 05-12-2019, 58 junior Senior Instructors were promoted to BPS-19 on acting charge basis vide Notification dated 05-12-2019 in violation of law and rules on the subject and by now they are going to be promoted on regular basis. **(Copy of seniority List dated 26-06-2019 & Notification dated 05-12-2019 is enclosed as Annexure E).**
- 4. That the appellant preferred departmental appeal for placing him at the top of said seniority List dated 26-06-2019 with subsequent promotion to BPS-19 as Chief Instructor Physical Education, which was regretted and decision was conveyed to the appellant vide Letter dated 19-07-2019. **(Copy of Departmental Appeal & Letter dated 19-07-2021 is enclosed as Annexure F & G).**

ATTESTED

 Officer
 Service Tribunal
 Peshawar

5. That the impugned rejection order communicated to the appellant vide Letter dated 19-07-2021 & Final Seniority List dated 26-06-2019, depriving the appellant of his due seniority is against the law, facts and principles of justice on grounds inter-alia as follows:-

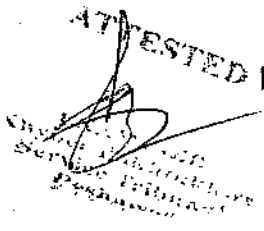
-59-

-B-

GROUNDS:-

- A. That the impugned order/letter and seniority list of the respondents is illegal and void ab-initio.
- B. That mandatory provisions of law have been violated by the respondents and the appellant is not treated according to law and rules governing the subject.
- C. That subsequent to the Judgment of this honorable tribunal dated 07-05-2010 passed in Service Appeal No 1776/2009, the appellant is entitled to promotion w. e. f. 13-11-2007 which fact has also been admitted by respondents vide Notification dated 22-03-2017 which they have produced before this honorable tribunal after compliance report was called from them by this honorable tribunal in Implementation Petition which is still pending, however even then the appellant is kept deprived of its benefits for reasons best known to them which is also clear from the Judgment dated 24-02-2009 passed in Service Appeal No 1035/2008. **(Copy of Judgment dated 24-02-2009 passed in Service Appeal No 1035/2008 is enclosed as Annexure H).**
- D. That even if the Notification dated 22-03-2017 is implemented and acted upon, the appellant would be placed at the top of Seniority List, as according to the said Notification, the appellant is promoted to BPS-17 on regular basis w. e. f. 13-11-2007, while the impugned Seniority List would show that there is none who has been promoted to BPS-17 in 2007 rather the most seniors are promoted to BPS-17 in the year 2009, thus too the appellant is entitled to be placed at the top of Seniority List entitling him for promotion from which he has been kept deprived.
- E. That the respondents are misinterpreting the Notification dated 22-03-2017, as on one hand they say that the appellant has been promoted to BPS-17 from 2007 while on other hand they are not placing him at his due place in the Seniority List which speaks of anything but not fair and bonafide.
- F. That the rules regarding seniority are also very much clear according to which seniority is reckoned from the date of regular appointment/promotion, on this score too, the appellant is kept deprived of his due seniority with subsequent promotion.
- G. That the impugned order/decision is also not speaking one, as per Section 24-A (2) General Clauses Act 1897, thus to the same is liable to set at naught.
- H. That the appellant is subjected to loss in terms of seniority, promotion etc, and causing heavy financial loss to him for no legal reason.

ATTESTED



Secretary, Tribunal

-60-

-4-

- I. That the impugned order and seniority is in total disregard of the law and rules on the subject which matter has time and again been elaborated by this honorable tribunal in its order sheets during hearing of implementation petition. (Copies of Order sheets are enclosed as Annexure I)
- J. That valuable rights had accrued in favor of the appellant from which he could not be deprived and more particularly at the whims of someone.
- K. That the appellant has been deprived of his due seniority without any omission and commission on his part.
- L. That the law as well as rules is very much clear on the point and respondents have violated the law and principles of natural justice for reasons best known to them.
- M. That the appellant has about sixteen years of service with unblemished service record.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-05-08-2021

M. Arif
Appellant

Through

Fazal Shah Mohmand
FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

CERTIFICATE

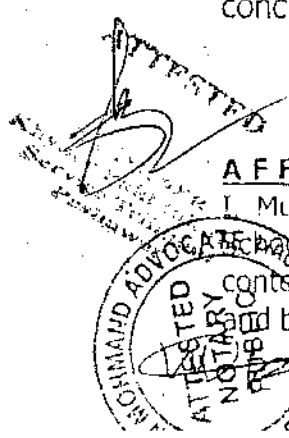
Certified that as per instructions of my client, no Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this Honorable Tribunal.

[Signature]
ADVOCATE

AFFIDAVIT

I, Muhammad Arif, Senior Director Physical Education, Govt. Higher Secondary School, Bamkhel Swabi, do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

[Signature]
DEPONENT



- 61 -



Service Appeal No.7208/2021 titled "Muhammad Arif Vs. Government of Khyber Pakhtunkhwa"

ORDER
May, 2024

Kalim Arshad Khan, Chairman, Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

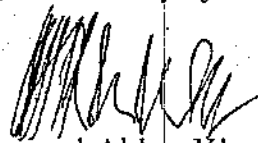
Annexure
"I"

2. At the very outset, learned counsel for the appellant produced copy of order of the Tribunal passed in similar nature Service Appeal No.231/2022 titled "Rehana Yasmin Vs. Education Department", and requested that the instant appeal might also be disposed of in terms of the said order. The relevant paragraph of the order is as under:


"At the very outset learned counsel for the appellant produced copy of notification dated 29.04.2014 and contended that vide this notification the promotion of the appellant and others, mentioned in the notification from the post of Director Physical Education (DPE) (BPS-16 to BPS-17) on regular basis was given effect from 13.11.2007 instead of 19.05.2009. Learned counsel for the appellant submitted that in the impugned seniority list of 02.03.2021 the date of promotion of the appellant was still written as 19.05.2009 instead of 13.11.2007 and submitted that the appeal might be disposed of with the direction to the official respondents to incorporate the date of promotion of the appellant from BPS-16 to BPS-17 as 13.11.2007 in the impugned seniority list. The learned Additional Advocate General when confronted with the situation submitted that the department ought to have mentioned the correct date of promotion in the notification. The appeal is thus disposed of in the above terms. Costs to follow the event. Consign."

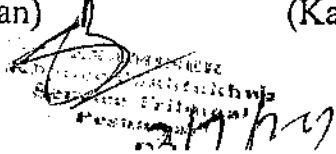
3. The contention of learned counsel for the appellant was found correct as both the appeals are similar in nature. Therefore, instant service appeal is disposed of in terms of the mentioned order. Costs shall follow the event. Consign.

4. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 2nd day of May, 2024.


(Muhammad Akbar Khan)
Member (E)

ATTESTED


(Kalim Arshad Khan)
Chairman





Service Appeal No. 231/2022
Titled "Rehana Yasmeen-vs-Director Elementary and Secondary Education,
Khyber Pakhtunkhwa, Peshawar."

ORDER
27th July, 2023

KALIM ARSHAD KHAN, CHAIRMAN: Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondents present.

02. At the very outset learned counsel for the appellant produced copy of notification dated 29.04.2014 and contended that vide this notification the promotion of the appellant and others, mentioned in the notification from the post of Director Physical Education (DPE) (BPS-16 to BPS-17) on regular basis was given effect from 13.11.2007 instead of 19.05.2009.

Learned counsel for the appellant submitted that in the impugned seniority list of 02.03.2021 the date of promotion of the appellant was still written as 19.05.2009 instead of 13.11.2007 and submitted that the appeal might be disposed of with the direction to the official respondents to incorporate the date of promotion of the appellant from BPS-16 to BPS-17 as 13.11.2007 in the impugned seniority list. The learned Additional Advocate General when confronted with the situation submitted that the department ought to have mentioned the correct date of promotion in the notification. The appeal is thus disposed of in the above terms. Costs to follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 27th day of July, 2023.*

(Fareeha Puda)
Member(Executive)

(Kalim Arshad Khan)
Chairman

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTEST
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Page 1

Adnan Shah

-62-
Annexure
" "

J



3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

12 (2) Application No. 638/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER (E)

1. Mst. Parveen Akhtar, SIPE, GGHSS Akora Khattak
 2. Mst. Yahya Begum, SIPE, GGHSS PirPai, Nowshera.
 3. Mst. Maryam Rasool, SIPE, GGHSS Kala But Township Haripur.
 4. Mst. Mussaraj Iqbal, SIPE GGHSS Esak Chuntra Karak
 5. Mst. Shahida Begum, SIPE GGHSS Esak Chuntra Karak.
- (Petitioners)

VERSUS

1. Rehana Yasmeeen W/O Fazal Akbar, SIPE, GGHSS Wadpaga Peshawar.
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Civil Secretariat, Peshawar.

.... (Respondents)

Mr. Adnan Aman
Advocate

... For Petitioners

Mr. Arbab Saiful Kamal
Advocate

... For Respondent No. 1

Mr. Muhammad Jan
District Attorney

... For Respondent No. 2&3

Date of Institution.....14.09.2023

Date of Hearing.....07.11.2023

Date of Decision.....07.11.2023

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant petition under section 12(2) CPC 1908 against the impugned order/judgment dated 27.07.2023 passed in Service Appeal No.231/2022 being obtained

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-63-

Annexure
"K"

on fraud, misrepresentation and concealment of facts with the prayer that on accepting the petition, the impugned order may please be set aside and consequently the service appeal may please be restored to its original number and thereafter the same be decide on its own merits, after affording an opportunity of hearing to the petitioner.

2. Perusal of record reveals that respondent No. 1 filed service appeal No. 231/2022, challenging seniority list issued on 02.03.2021 with the prayer to place her senior to private respondent on the ground that on 13.11.2007 Secretary Education Government of Khyber Pakhtunkhwa Schools and Literacy Department issue notification and accorded up-gradation to the post of Libertarian and Director Physical Education from BS-16 to BS-17 regular of existing incumbents who hold Master Degree in the relevant subject. Her existing seniority position will remain intact. Appellant contended that she was awarded degree M.Sc on 06.05.2006 with BS-17 and she was senior but in the seniority list was placed at her due position/place, therefore, she filed departmental representation, which was not decided. In short appellant requested for her placement at due place and position in the seniority list. It was on 27.07.2023 learned counsel for the appellant produced copy of notification dated 29.04.2014 and contended that vide this notification promotion of the appellant and others mentioned in the notification from the post of Director Physical Education BS-16 to BS-17 on regular basis was given effect from 13.11.2007 instead of 19.05.2009 and requested for incorporation of date of promotion as

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-64-

13.11.2007 instead of 19.05.2009 in the seniority list. Direction was issued to respondent to mention correct date of promotion in the notification and appeal was disposed of.

3. Petitioner filed instant application under section 12(2) CPC by challenging order passed by this Tribunal in service appeal No. 231/22 on 27.7.2023 on the ground of its obtaining on the basis of fraud, misrepresentation and concealment of facts. Perusal of order dated 27.07.2023 passed by this Tribunal reveals that vide it respondents are directed to incorporate the date of promotion of the appellant from BPS-16 to BPS-17 as 13.11.2007 in the impugned seniority list. Petitioners were properly served in appeal No. 231/2022 and also appeared before the Tribunal on 07.03.2023 and seek time for submission of written reply, that's why case was adjourned to 27.07.2023 for submission of written reply of private respondent. But on 27.04.2023 they absented themselves so tribunal proceeded against them ex-parte vide order dated 27.04.2023. When petitioner had knowledge of the matter as they themselves opted not to appear before this Tribunal then in such a situation now they cannot challenged order of this Tribunal on the basis of not providing of opportunity of hearing.

4. In our humble view, no fraud or misrepresentation had been committed by the respondent at the time of obtaining impugned order dated 27.07.2023. They simply requested for incorporation of the date of promotion to BPS-17 from BPS-16 in the seniority list which have nothing to do with determination of seniority and has to be dealt with


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65-

in accordance with Rule 17 of (Appointment, Promotion and Transfer) Rules 1989. Mere mentioning of date of promotion in the seniority list in no case, means that respondent will be senior to petitioner until and unless placed senior at due place and position. As mentioning date of promotion in the seniority list have no concerned with actual seniority, therefore in our humble view petitioner rights are not affected from impugned order dated 27.07.2023. Moreover, all the three essential ingredients for filing application under section 12(2) CPC are missing in the instant case. Therefore, application in hand is no merit in it.

5. As a sequel to above discussion, we dismissed the instant application being devoid of merits. Costs shall follow the event. Consign.

6. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 7th day of November, 2023.*


(MUHAMMAD AKBAR KHAN)
Member (E)



(RASHIDA BANO)
Member (J)

ORDER

7th Nov, 2023 1. Learned counsel for the petitioner present. Mr. Muhammad Jan learned District Attorney alongwith Dr. Hayat Khan, A.D for the official respondents present. Learned counsel for private respondent present.

2. Vide our detailed judgement of today placed on file, we dismissed the instant 12(2) application being devoid of merits. Costs shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 7th day of November, 2023.*


(Muhammad Akbar Khan)
Member (E)

(RashidaBano)
Member (J)

Kaleemullah

67



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9223533 Email: gschoolmale@gmail.com

68-

No.SO (S/M) E&SED/11-1/M. Arif/2024
Dated: Peshawar 27th May, 2024

To

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

Subject: - APPLICATION FOR CORRECTION OF SENIORITY LIST.

I am directed to refer to the subject noted above and to enclose herewith a copy of application dated 13.05.2024 received from Muhammad Arif SIPE BS-18 GHSS Kalo for necessary action as per law and submit views/comment to this Department, please.

Encl: as above.

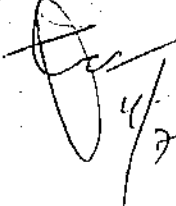

(AHMAD HUSSAIN)
SECTION OFFICER (SCHOOLS/MALE)

Encl. As above

Copy of the above is forwarded to:-

1. PS to Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
2. Master File.


(AHMAD HUSSAIN)
SECTION OFFICER (SCHOOLS/MALE)

ADDE(PES)

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AD(SPE)P
4/7/24

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شعبہ رجسٹریشن و ایڈمنسٹریشن

26/06/2019 کی تاریخ میں رجسٹریشن نمبر 26/06/2019 اور 02/05/2024 کی تاریخ میں رجسٹریشن نمبر 02/05/2024

1. ایک رجسٹریشن نمبر 26/06/2019 کی تاریخ میں رجسٹریشن نمبر 26/06/2019 اور 02/05/2024 کی تاریخ میں رجسٹریشن نمبر 02/05/2024
2. ایک رجسٹریشن نمبر 13/11/2007 کی تاریخ میں رجسٹریشن نمبر 13/11/2007 اور 15/06/2009 کی تاریخ میں رجسٹریشن نمبر 15/06/2009
3. ایک رجسٹریشن نمبر 13/11/2007 کی تاریخ میں رجسٹریشن نمبر 13/11/2007 اور 13/11/2007 کی تاریخ میں رجسٹریشن نمبر 13/11/2007
4. ایک رجسٹریشن نمبر 26/06/2019 کی تاریخ میں رجسٹریشن نمبر 26/06/2019 اور 26/06/2019 کی تاریخ میں رجسٹریشن نمبر 26/06/2019

7208/21 کی تاریخ میں رجسٹریشن نمبر 7208/21 اور 23/1/22 کی تاریخ میں رجسٹریشن نمبر 23/1/22
SIPE BS 18 کی تاریخ میں رجسٹریشن نمبر 26-06-2019 اور 23/1/22 کی تاریخ میں رجسٹریشن نمبر 23/1/22
SIPE BS-18 کی تاریخ میں رجسٹریشن نمبر 26-06-2019 اور 23/1/22 کی تاریخ میں رجسٹریشن نمبر 23/1/22
13/05/2024 کی تاریخ میں رجسٹریشن نمبر 13/05/2024 اور 13/05/2024 کی تاریخ میں رجسٹریشن نمبر 13/05/2024

AS&S/sets) state
Please kindly examine the case and process on file for doing the needful as per rules and policy to right of court system.
The ownership of
Seniority comes under
the domain of SO(S/M). JS (L-1)
SO (L-1)

Forward to Director
for ma as per law
and submit.
Need/cant pl.
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Respectfully Submitted;
1. That the appellant is highly qual...

محفوظ خطاب سیکرٹری اینڈ سیکرٹری ایجوکیشن خیبر پختونخواہ پشاور

مضمون: درخواست محمد درستی سیناری BS-18 SIPE جاری کردہ 26/06/2019 کو الہ
فیصلہ سروس ٹریبونل خیبر پختونخواہ اپیل 208/21 فیصلہ حوزہ 02/05/2019

جناب عالی!

گزارش محفوظ الور درج ذیل ہے۔

(1) یہ کہ سائل آپ کے زیر سایہ بحضور مسٹر انسٹرکٹر فزیکل ایجوکیشن BS-18
سی ایچ ایس ایس کالون (مواج) میں اپنی فرائض سرانجام دے رہا ہے۔
(2) یہ کہ سائل کو BS-18 SIPE کی فائل سیناری میں 13/11/2007 کی جاتے
15/06/2009 سے سیناری دی گئی ہے سہ ماہی نمبر 107۔

(3) یہ کہ سائل کی سروس اپیل 208/21 کو سروس ٹریبونل نے حوزہ 02/05/2019 کو منظور
کیا ہے۔ جس میں واقع طور پر سائل کو 13/11/2007 سے سیناری دی گئی ہے۔

(4) یہ کہ SIPE کی 26/06/2019 کو جاری کردہ سیناری پر سائل سے پوچھو کہ BS-19
ہیف انسٹرکٹر میں درخواستیں دیئے گئے ہیں۔

لہذا آپ صاحبان کی خدمت میں عرض ہے کہ سائل کو 26/06/2019 کو SIPE
کی جاری کردہ سیناری میں سروس ٹریبونل فیصلہ 208/21 کی روشنی میں
درست سیناری تجویز دینے کے احکامات صادر فرمائے۔ سائل صاحبان
دعا گو رہے گا۔

منسلک شدہ

(1) سروس ٹریبونل فیصلہ 208/21

(1) شناختی کارڈ فوٹو کاپی

(2) 23/22 نم (2) کا فیصلہ

(3) 23/22 فیصلہ

5 2019-06-26 سیناری BS-18 SIPE

العارضہ

محمد عارف SIPE BS-18 کالون مواج
فون 107

WAKALATNAMA
(Power Of Attorney)

Before the KP Service Tribunal Peshawar

(71)

Sami Ullah & others

(Plaintiff)

VERSUS

Govt, of KP etc

(Defendant)

I/we, the undersigned in the above noted 12(2) Petition, do hereby appoint **Mr. Nasir Naeem Umarchaili and Mr. Adnan Aman, Advocates High Court(s)**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my /our counsel in the above noted case and with the authority to engage/ appoint any other Advocate/Counsel on my/our behalf in my/our case and that my/our counsel will not appear whenever a strike call is made by the PBA, PHCBA, KP Bar Council, Pakistan Bar Council or by any other representative body of the lawyers' community. Furthermore, my/our counsel shall not be liable for any acts on my/our behalf, if I/we have furnished an incorrect information or mis-statement and that my/our counsel shall not be liable for any disciplinary action in case of his default in the aforesaid delegated authority.

Attested & Accepted By:

Signature of Executants

Nasir Naeem Umarchaili

Adnan Aman

Advocate High Court(s), Peshawar
B-15, Haroon Mansion, Khyber Bazar,
Peshawar Office: 091-2551553
Cell: 0321-9853530

1- Samiullah, Director Physical Education & Sports BS-19

2- Fazal Bari, CIPE BS-19

3- Giftikhar Ahmad, Director Physical Education & Sports BS-19

WAKALATNAMA
(Power Of Attorney)

-72-

Before the KP Service Tribunal Peshawar

Sami Ullah & others

(Plaintiff)

VERSUS

Govts of KP etc

(Defendant)

I/we, the undersigned in the above noted 12(2) petition, do hereby appoint **Mr. Nasir Naeem Umarchaili and Mr. Adnan Aman, Advocates High Court(s)**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my /our counsel in the above noted case and with the authority to engage/ appoint any other Advocate/Counsel on my/our behalf in my/our case and that my/our counsel will not appear whenever a strike call is made by the PBA, PHCBA, KP Bar Council, Pakistan Bar Council or by any other representative body of the lawyers' community. Furthermore, my/our counsel shall not be liable for any acts on my/our behalf, if I/we have furnished an incorrect information or mis-statement and that my/our counsel shall not be liable for any disciplinary action in case of his default in the aforesaid delegated authority.

Attested & Accepted By.

Signature of Executants

Nasir Naeem Umarchaili

56. Tajwals shah SIPE B-18

57. Yousaf Khan SIPE B-18

Adnan Aman

Advocate High Court(s), Peshawar
B-15, Haroon Mansion, Khyber Bazar,
Peshawar Office: 091-2551553
Cell: 0321-9853530

58. Shafi ullah SIPE B-18

59. Alam Zair SIPE B-18

60. M. Kaleem Khan SIPE B-18

61. Mahamud