


FORM OF ORDER SHEET

Court of _____

Appeal No. 1517/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/09/2024	<p>The appeal presented today by Mr. Akhunzada Ahmad Saeed Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:
Service Appeal No. 1517 /2024

Saleh Muhammad.....**Appellant**

V E R S U S

The Director E&SE & other.....**Respondents**

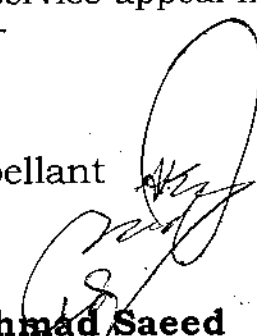
APPLICATION FOR FIXATION OF TITLED
APPEAL BEFORE THE PRINCIPAL SEAT AT
PESHAWAR.

Respectfully Sheweth:

1. That the applicant/appellant has filed the instant service appeal in which no date is fixed so far.
2. That case of the applicant/appellant is urgent in nature and therefore be fixed before the principal seat at Peshawar.
3. That the counsel for the applicant/appellant is doing legal practice at Peshawar as well as the addresses of the main respondents i.e. Director (E&SE) are also at Peshawar and the appellant also wants to pursue his case at the principal seat at Peshawar.
4. That it will be convenient for the counsel as well as for the applicant/appellant to fix the instant service appeal at principal seat at Peshawar.

It is therefore most humbly prayed that on the acceptance of this application, the instant service appeal may kindly be fixed at principal seat at Peshawar

Through
Applicant/Appellant


Akhunzada Ahmad Saeed
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1517/2024

Saleh Muhammad. **APPELLANT**

VERSUS

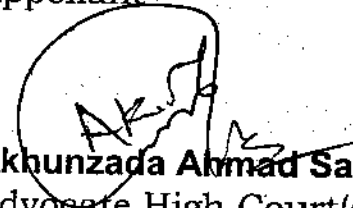
The Director, E&SE, & others. **RESPONDENTS**

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Service Appeal with Affidavit		1-5
2.	Suspension Application alongwith Affidavit		6-7
3.	Addresses of the Parties		8
4.	Copy of the Appointment Order	A	9-
5.	Copy of the Notification dated 01.09.2023	B	10-13
6.	Copies of the Extract from Service Book and Pay Slip	C & D	14-17
7.	Copy of the Notification dated 15.12.2023	E	18-19
8.	Copy of the Departmental Appeal	F	20-21
9.	Wakalatnama		22

Through


Appellant


Akhunzada Ahmad Saeed
Advocate High Court(s)
Office: B-15, Haroon Mansion,
Khyber Bazar, Peshawar
(Cell #: 0333-2902529)

Dated: 10.09.2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1517/2024

Saleh Muhammad S/o Mahmood Jan (SPST)
GPS Loya Shah, District Bajaur.

.....APPELLANT

VERSUS

1. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (Male),
District Bajaur.
3. The District Accounts Officer,
District Bajaur.

.....RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974,
AGAINST THE IMPUGNED NOTIFICATION DATED
15.12.2023, WHEREBY THE PROMOTION ORDER/
NOTIFICATION DATED 11.08.2023 IN RESPECT OF THE
APPELLANT WAS CANCELLED/WITHDRAWN AND
INACTION OF RESPONDENT NO.1, WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT WAS
NOT DECIDED WITHIN STIPULATED PERIOD OF
NINETY (90) DAYS.**

Respectfully Sheweth:

1. That the appellant was initially appointed against the post of Primary School Teacher (PST). (Copy of Appointment Order is attached as annexure **"A"**).
2. That since his initial appointment order, the appellant is serving the department with full commitment, zeal, devotion, punctuality and with the entire satisfaction of his high-ups.
3. That the appellant being eligible in all respect, and that too on the basis of seniority-cum-fitness, the working papers of the appellant were sent to Departmental Promotion Committee to consider him for promotion against the post of SPST (BPS-14), the appellant was duly considered by the Departmental Promotion Committee, recommended the appellant for promotion against the post of SPST (BPS-14) as the appellant was then promoted against the post of SPST (BPS-14) through impugned notification dated 11.08.2023 and the adjustment order against the promoted post of SPST (BPS-14) was then issued on 01.09.2023. (Copy of Notification dated 01.09.2023 is attached as annexure **"B"**).
4. That, thereafter, entries regarding promotion were made in the service book, pay slip of promoted scale was also released in favour of appellant. (Copies of Extract from Service Book and Pay Slip are attached as annexure **"C"** & **"D"** respectively).
5. That the appellant had gained all benefits of promoted scale for a considerable long period, but all

of a sudden the promotion order dated 11.08.2023 was cancelled/withdrawn through impugned notification dated 15.12.2023. (Copy of Notification dated 15.12.2023 is attached as annexure "E").

6. That the aforementioned impugned Notification dated 15.12.2023 was received by the appellant on 06.06.2024, the appellant then submitted a departmental appeal on 13.06.2024, but the same was not decided within stipulated period of ninety days. (Copy of Departmental Appeal is attached as annexure "F").
7. That the appellant, being aggrieved, now prefers this service appeal for the following amongst other grounds:-

GR OUNDS:

- A. That as stated in the body of service appeal, that the impugned notification dated 15.12.2023, whereby the promotion notification dated 11.08.2023 in respect of the appellant was withdrawn in a manner that is arbitrary, unjust and in violation of the principles of natural justice and is liable to be set aside and the promotion notification dated 11.08.2023 is liable to be restored with all back/consequential benefits.
- B. That the respondents have acted beyond their powers in withdrawing the promotion order without any lawful justification.

- C. That once after fulfilling all the codal formalities, the promotion order was issued, entries were made in the service book, pay slip of promoted scale was released, and the appellant then gained all the benefits of promoted scale for a considerable long time, then a vested right was created in his favour which could not be cancelled/withdrawn in an inconsiderate/unusual manner.
- D. That neither any fault or defect of the appellant was pointed out nor any oversight or error on the part of DPC members or its composition or jurisdiction which could result an unceremonious withdrawal of promotion order after considerable period.
- E. That the department is not vested with the authority to withdraw or cancel an order if same has taken effect created certain legal rights in favour of appellant.
- F. That the appellant has been treated against the law and he has also been deprived of equal protection of law.
- G. That any other ground with permission of this Hon'ble Tribunal, will be raised at the time of arguments.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned notification dated 15.12.2023, whereby the promotion order/notification dated 11.08.2023 in respect of the appellant was cancelled/withdrawn,

may please be set aside and consequently the promotion order/notification dated 11.08.2023 may please be restored, with all back/consequential benefits.

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


Appellant

Through


Akhunzada Ahmad Saeed
Advocate High Court(s)

Dated: 10.09.2024

AFFIDAVIT

I, **Saleh Muhammad** S/o Mahmood Jan (SPST), GPS Loya Shah, District Bajaur, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____/2024

In

S.A No. _____/2024

Saleh Muhammad. **APPLICANT/APPELLANT**

VERSUS

The Director, E&SE, & others. **RESPONDENTS**

APPLICATION FOR SUSPENDING THE OPERATION
OF THE IMPUGNED NOTIFICATION DATED
15.12.2023 AS WELL AS RESTRAINING THE
RESPONDENTS TO MAKE ANY RECOVERY/
DEDUCTION FROM THE SALARY OF THE
APPLICANT/ APPELLANT TILL THE FINAL
DISPOSAL OF MAIN SERVICE APPEAL.

Respectfully Sheweth:

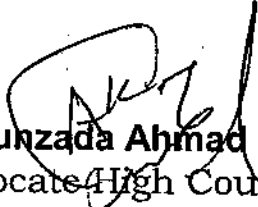
1. That the titled service appeal is being filed before this Hon'ble Tribunal, in which no date of hearing is fixed.
2. That the grounds of main appeal may be considered as integral part of this application.
3. That the balance of convenience also lies in favour of the applicant/appellant.
4. That the applicant/appellant has a good prima facie case and all three ingredients are in favour of the applicant/appellant.

5. That if the operation of the impugned notification dated 15.12.2023 is not suspended as well as the respondents are not restrained to make any recovery/deduction from the salary of applicant/appellant, then the applicant would suffer irreparable loss.

It is, therefore, most humbly prayed that by accepting this application, the operation of the impugned notification dated 15.12.2023 may please be suspended as well as the respondents may please be restrained to make any deduction/recovery from the salary of the applicant/appellant, till the final disposal of the main appeal and status quo may please be maintained.


Applicant/Appellant

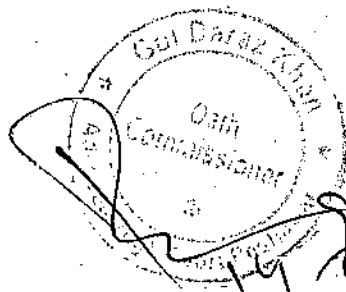
Through


Akhunzada Ahmad Saeed
Advocate High Court(s)

Dated: 10.09.2024

AFFIDAVIT

I, **Saleh Muhammad** S/o Mahmood Jan (SPST), GPS Loya Shah, District Bajaur, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

Saleh Muhammad. **APPELLANT**

VERSUS

The Director, E&SE, & others. **RESPONDENTS**

ADDRESSES OF THE PARTIES

APPELLANT:

Saleh Muhammad S/o Mahmood Jan (SPST)
GPS Loya Shah, District Bajaur.

RESPONDENTS:

1. The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.
2. The District Education Officer (Male),
District Bajaur.
3. The District Accounts Officer,
District Bajaur.

Through


Appellant


Akhunzada Ahmad Saeed
Advocate High Court(s)

Dated: 10.09.2024





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Ammed A

**District Education Officer
Bajaur at Khar**

APPOINTMENT ORDER

Consequent upon the judgment of the Peshawar high court dated 18/02/2019 in WP NO.4194 P/2017 and WP NO.2626 P/2018, the following petitioners are hereby appointed in BPS-12@ (13320-960-42120) plus usual allowances as admissible under the rules in the schools mentioned against their names and their seniority shall be allowed along with their other batch mates. It is however, clarified that the petitioners shall only be entitled to seniority with no arrears of salaries in the interest of public service.

S.NO	NAME	F/NAME	SCHOOLS	REMARKS
1	Muhammad Ismail	Akhtar Munir	GPS Kohi NO.1 Salarzai	Against Vacant PST Post.
2	Saleh Muhammad	Mahmood Jan	GPS Damano Salarzai	Against Vacant PST Post.

Terms and Conditions

1. The appointment of the candidate is being made purely on temporary basis and is liable to termination at any time without assigning any reason.
2. Subject to the condition final judgment in CPLA by Supreme Court of Pakistan with surety bond on judicial stamp paper to the effect that in case decision in CPLA turns out in favor of department the amount/salaries paid to them shall be recovered.
3. He will not be entitled to get pension/gratuity benefits however CP fund will be deducted as per rules as a case of fresh candidate.
4. Charge report should be submitted to all concerned in duplicate.
5. Health and age certificate should be produced to this office obtained from the Agency Surgeon Bajaur.
6. He should not be handed over charge of the post if he is below 18 years or above 45 years of age.
7. If he failed to report of his arrival within 15 days, his appointment order will be automatically considered as cancelled.
8. All academic / professional documents / domiciles /CNICs will be verified from the concerned boards/ universities / authorities and if found bogus / fake at any stage, their services will be considered as terminated from the date of appointment against the said post.

**(Khaista Rehman)
District Education officer
Bajaur**

Endst No; 7373-77 Dated 29-05 /2019.

Copy of the above is forwarded to the;

1. Director of Education E&SE Peshawar.
2. District Accounts officer Bajaur.
3. ADEO concerned
4. Accountant of the local office.
5. Candidate concerned.

**District Education officer
Bajaur**

(10)

Annex B



District Education Office Male District Bajaur

E-Mail aeobajaur@gmail.com Ph. No. 0942-220395

ADJUSTMENT OF SPST MALE BPS-14

Consequent upon the Promotion Notification issued vide this Office Endst:

No. 19935-41 dated 11-08-2023 the following male SPST BPS-14 are hereby adjusted at the Schools noted against their names with immediate effect in the best interest of public service.

S#	Name of Official	Present Place of Posting	CNIC#	School Name Where Adjusted	Remarks
1.	Habib Ullah	GPS Sahib Abad	2110323036641	GPS Sahib Abad	Already occupied
2.	Sher Ali Khan	GPS Inam Khwaro Chinagai	2110421662921	GPS Inam Khwaro Chinagai	Already occupied
3.	Ihsanullah	GPS Barsafaray	2110224732351	GPS Barsafaray	Already occupied
4.	Amir Zaman Khan	GPS Loi Killi	2110640266611	GPS Letai	AVP
5.	Fazal Amin	GPS Barsadin Sro Wano	2110604459989	GPS Barsadin Sro Wano	Already occupied
6.	Sher Wali Khan	GPS Momin Khan kalay Batmalai	2110690282077	GPS Momin Khan kalay Batmalai	Already occupied
7.	Wali Rahman	GPS Kassai	2110623166471	GPS Kassai	Already occupied
8.	Hazrat Hassan	GPS Marchai	2110209144413	GPS Marchai	Already occupied
9.	Muhammad Salim	GPS Kaga No.4	2110421659543	GPS Kaga No.4	Already occupied
10.	Fazal Wahab	GPS Bandarai	2110421629135	GPS Bandarai	Already occupied
11.	Muhammad Riaz	GPS Ilmano Killi	211067856019	GPS Ilmano Killi	Already occupied
12.	Khan Zarin	GPS Loi Baba	2110395517899	GPS Sara Maina	Already occupied
13.	Badshah Noor	GPS Kohi Barang	2110209165781	GPS Kohi Barang	Already occupied
14.	Noor Badshah	GPS Tarr Barang	2110209127991	GPS Tarr Barang	Already occupied
15.	Taj Muhammad Said	GPS Shukar Targhaw	2110609147047	GPS Shukar Targhaw	Already occupied
16.	Karim Ullah	GPS Kabalo Sar	2110249634503	GPS Kabalo Sar	Already occupied
17.	Awal Din	GPS Rabat Dehrai	2110242598971	GPS Rabat Dehrai	Already occupied
18.	Amanullah	GPS Raghagan	2110388095557	GPS Raghagan	Already occupied
19.	Rahat Shah	GPS Walai Arang	2110737216615	GPS Walai Arang	Already occupied
20.	Jamal ud Din	GPS Karkanai Charmang	21105542666871	GPS Karkanai Charmang	Already occupied
21.	Miraj Khan	GPS Ranai	2110695046267	GPS Ranai	Already occupied

(11)

22.	Muhammad Younas	GPS Kamar	2110474437331	GPS Kamar	Already occupied
23.	Sadiq Ullah	GPS Bargatkai Mamund	2110427093301	GPS Mukha No.2	AVP
24.	Sanallah	GPS Malangai	2110435937457	GPS Malangai	AVP
25.	Ihsanullah	GPS Shah Dand	2110696750793	GPS Shah Dand	Already occupied
26.	Muhammad Wahab	GPS Tang Khatta	2110638208335	GPS Tang Khatta	Already occupied
27.	Abdul Ghani	GPS Kamangara Charmang	2110508358219	GPS Saida Shah Charmang	AVP
28.	Zahid Khan	GPS Tarano	2110625155655	GPS Tarano	Already occupied
29.	Muhammad Ismail	GPS Shahzada Tangi	2110657850433	GPS Shahzada Tangi	Already occupied
30.	Jamal Ud Din	GPS Moredara	2110238199663	GPS Moredara	Already occupied
31.	Rahmanud Din	GPS Shinger Gul	2110634888593	GPS Salih Muhammad Odigram	AVP
32.	Fazal Manan	GPS Ghakhai No.1 Salarzai	2110638256011	GPS Safaray Salarzai	AVP
33.	Sartaj Khan	GPS Ghozano Shah	2110334820973	GPS Ghozano Shah	Already occupied
34.	Dawood Khan	GPS Kama Dara	2110249191787	GPS Kama Dara	Already occupied
35.	Muhammad Siyab	GPS Andarai	1540295525259	GPS Seya	w.e.f Abdul Qayum retirement
36.	Sarfaz Khan	GPS Civil Colony Nawgai	1710265799641	GPS Civil Colony Nawgai	Already occupied
37.	Inayat ur Rahman	GMHSS Khar	2110679695153	GMHSS Khar	Already occupied
38.	Mustaqeem Khan	GPS Khan Salay Barang	1540196405839	GPS Khan Salay Barang	Already occupied
39.	Zahidullah	GPS Sharif Khana No.1	2110564304641	GPS Sharif Khana No.1	Already occupied
40.	Fazal Subhan	GPS Babara No.1	2110534313795	GPS Babara No.1	Already occupied
41.	Abdur Rahman	GPS Bara Nawagai	2110598996615	GPS Bara Nawagai	Already occupied
42.	Muhammad Ilyas	GPS Khair Abad Nawagai	2110571574801	GPS Khair Abad Nawagai	Already occupied
43.	Abdul Shakoor	GPS Gedar Shai	2110613591941	GPS Bagandil	AVP
44.	Hawaldar	GPS Asghar Charmang	2110588775667	GPS Asghar Charmang	Already occupied
45.	Gul Qadem	GPS Salih Muhammad killi	2110672907387	GPS Shinger Gul	AVP
46.	Abdur Rauf	GMPS Mala Said	2110640032141	GMPS Mala Said	Already occupied
47.	Matiullah	GPS Bara Dara	2110662692891	GPS Bara Dara	Already occupied
48.	Abdul Hadi	GPS Muslim Bagh	2110660525401	GPS Muslim Bagh	Already occupied
49.	Bahadar Sher	GPS Dag Qila Ali jan	2110287784389	GPS Dag Qila Ali jan	Already occupied
50.	Fariq Ahmad	GPS Malkana Salarzai	2110306169335	GPS Malkana Salarzai	Already occupied
51.	Zafar Khan	GPS Kabalo Sar	2110256825749	GPS Sari Begham	AVP
52.	Saleh Muhammad	GPS Loya Shah	2110375783673	GPS Loya Shah	Already occupied
53.	Shahid	GPS Chargo Salarzai	2110623784949	GPS Pashat	AVP
54.	Kirammat Khan	GPS Sharbatai	1540206878289	GPS Sharbatai	Already occupied

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55.	Ajmir	GPS Loi Killi Salarzai	2110680878517	GPS Loi Killi Salarzai	Already occupied
56.	Laiq zada	GPS Bar Sapari	2110246889217	GPS Seri Sar	Already occupied
57.	Abdul Wahab	GPS Pajigarm Bar Trass	2110691104725	GPS Pajigarm Bar Trass	Already occupied
58.	Abdul Wahid	GPS Gulo Shah	2110673829653	GPS Gulo Shah	Already occupied
59.	Shahfiur Rahman	GPS Rasha Derai	2110677955069	GPS Rasha Derai	Already occupied
60.	Abdur Rahman	GPS Mana Barang	2110222492271	GPS Mana Barang	Already occupied
61.	Muhammad Tayyeb	GMHSS Khar	2110670589521	GMHSS Khar	Already occupied
62.	Umar Badshah	GPS Jan Khan Dehrai	2110358957653	GPS Arkanai	Already occupied
63.	Habib ur Rahman	GPS Soordagai	2110622575199	GPS Malkana Batwar	Already occupied
64.	Amir Khisro	GPS Takht	2110209186387	GPS Takht	Already occupied
65.	Muhammad Naeem	GPS Dandokai Ghar Shamoza	2110271805903	GPS Dandokai Ghar Shamoza	Already occupied
66.	Imran Khan	GPS Nazakai	2110607877351	GPS Nazakai	Already occupied
67.	Alam Shah	GMHSS Khar	2110690594703	GMHSS Khar	Already occupied
68.	Nasar Khan	GPS Kohi sar Barang	2110243172875	GPS Kohi sar Barang	Already occupied
69.	Umar zada	GPS Nakhtar Bar Sapari	1540221854171	GPS Nakhtar Bar Sapari	Already occupied
70.	Ghulam Ishaq	GPS Dara Banda	2110691720967	GPS Dara Banda	Already occupied
71.	Muhammad Riaz	GPS Baro No.2	2110462040967	GPS Baro No.2	Already occupied
72.	Burhanduddin	GPS Khuna	2110674341363	GPS Khuna	Already occupied
73.	Taj Gul	GPS Safaray Asilo Targhaw	2110201034121	GPS Safaray Asilo Targhaw	Already occupied
74.	Rahman Shah	GPS Nazar Mena Barang	2110275406385	GPS Nazar Mena Barang	Already occupied
75.	Shaukat Khan	GPS Barsadin Sro Wano	2110641511131	GPS Jabrara	AVP
76.	Bashir Ullah	GPS Markhanai Mandal	2110618574565	GPS Markhanai Mandal	Already occupied
77.	Muhammad Khan	GPS Mozamin Khan kalay	2110393232443	GPS Mozamin Khan kalay	Already occupied
78.	Badshah Sherin	GPS Mian Khan Dara	1540188475797	GPS Mian Khan Dara	Already occupied
79.	Iazaz ullah	GPS Balam Khar No.2	2110646032095	GPS Balam Khar No.2	Already occupied
80.	Zahid Hussain	GPS Kandro Barthrus	2110705935239	GPS Kandro Barthrus	Already occupied
81.	Sher Nawab	GPS Sango Dehrai	2110641268979	GPS Sango Dehrai	Already occupied
82.	Shafiqullah	GPS Nimaki	1540157284459	GPS Nimaki	Already occupied
83.	Gul Ahmad Khan	GPS Kohi sar Barang	2110292240943	GPS Kohi sar Barang	Already occupied
84.	Farman ullah	GPS Qambar	1540112437071	GPS Qambar	Already occupied
85.	Amjad Ali	GPS Sar Mina Asil Targhaw	2110264217091	GPS Sar Mina Asil Targhaw	Already occupied
86.	Nawar Khan	GPS Saduzai Chamarkand	1620208340451	GPS Saduzai Chamarkand	Already occupied
87.	Ghufran Khan	GPS Changaro	2110677319541	GPS Changaro	Already occupied

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88.	Syed Kamal Badshah	GPS Gardai	2110314807063	GPS Gardai	Already occupied
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CONSEQUENTIAL

S#	Name of Official	Present Place of Posting	CNIC#	School Name Where Adjusted	Remarks
1.	Muhammad Azam PST	GPS Sari Begham	2110207330019	GPS Andarai	AVP
2.	Atta Ullah PST	GPS Rag	2110297185457	GPS Barsafaray	AVP
3.	Inayat Khan PST	GPS Kama Dara		GPS Wara Ghakhunko	AVP
4.	Tahir Shah PST	GPS Bararo	1540244992535	GPS Solai Barang	AVP
5.	Sartaj Khan PST	GPS Barani Kandaro		GPS Chillargam	AVP
6.	Muhammad Idrees PST	GPS Letai	2110379433369	GPS Chargo	AVP
7.	Aman Ullah PST	GPS Kohi		GPS Shah Dand	Till the arrival of Ihsan Ullah SPST
8.	Abdullah PST	GPS Malkana Batwar	2110688051441	GPS Lakyan	AVP
9.	Masihullah PST	GPS Jararai		GPS Ilmano	AVP
10.	Farman Ullah PST	GPS Lara Dagai		GPS Damano	AVP
11.	Said Hakim PST BS-13	GPS Dandokai		GPS Barsadin	AVP
12.	Hidayat Ullah PST	GPS Arkanai		GPS Jan Khan Dehrai	AVP

Note:

- 1- No TA/DA is allowed for joining duty.
- 2- Charge report should be submitted to all concerned.
- 3- Terms and conditions will remain same issued in District Education Office Male Elementary & Secondary Education Bajaur Notification No. 19935-41 dated 11-08-2023.

(Shireen Zada)
District Education Officer
Bajaur
Dated 01/10/2023

Endst: No. 20845-57
Copy forwarded to the :-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Bajaur.
3. DMO (EMA) Bajaur.
4. SDEOs Nawagai/Khar concerned.
5. Accountant of the local office.
6. HRMIS
7. Official Concerned.

District Education Officer
Bajaur

(14)

Annex C

Note: The entries on this page should be renewed or re-attested as least every five years in the signature to lines 11 and 12 should be dated

1. Name SALEH DUEHAMMAD

2. NIC No. 21103-7578367-3

3. Race Yellow 4. District of Domicile Bejau

5. Residence Sarakat Teh Salazaris No 11


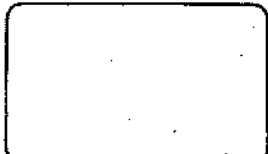



6. Father name and residence MAHMUD JAN

7. Date of Birth by Christian era as nearly as can be ascertained: 11-01-1988 11th January NH Eighty Eight

8. Exact height by measurement: 5.5"

9. Personal Marks for Identification:

10. Left Hand Thumb and Finger Impression of (Non Gazetted Officer)

Little Finger	Ring Finger	Middle Finger
		
Fore Finger	Thumb	
		

11. Signature of Government Servant: 

12. Signature & Designation of the Head of the Office, or other attesting officer. 
District Education Officer

1	2	3	4	5	6	7	8
Name of Post	Secretariat Whether Substantive or officiating and whether permanent or temporary	if (i) existing since (ii) substantiated appointment, or (iii) whether service counts for pension under art 37(1) CSR	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant
ST post at 225 Durrani, Salimgarh			BPS-12 (13320-860-42120)				
			Rs. 13320/- pm			30 ⁵ / ₂₀₁₈	
			Rs. 14280/- pm			1 ¹² / ₂₀₁₈	
			Rs. 15240/-			1 ¹² / ₂₀₂₀	
			Rs. 16200/-			1 ¹² / ₂₀₂₁	
			B-12 (19720-1430-8260) Rs. 24060/-			1 ⁷ / ₂₀₂₂	
			B. 25490/-			1 ¹² / ₂₀₂₂	
SPST GPS Lai Shah B/Tress			B. 26920/-			01 ¹² / ₂₀₂₃	
			Revised Entry on A/L of Promotion to SPST BPS-14 w.e.f 11-08-2023				
			Pay in BPS-12 on 10-8-2023			Rs. 25490/-	
			Pay Fixed in B-14 on 11-8-2023			Rs. 26010/-	
			+ PMI			1740/-	
			BPS-14 (22530-1740-74730) Rs. 27780/-			11 ⁰⁸ / ₂₀₂₃	
			Saleh Muhammad				

CHARGE REPORT

Recd 1/09
2023

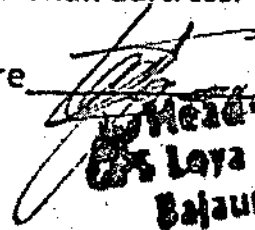
Consequent upon the Promotion Order issued by District Education Officer (Male) Bajaur vide Notification/Endst No. ~~BPS-14~~ 19935-41 Dated. 11-08-2023 & A/d Endst No. 2084
Mr. SALEH MUHAMMAD, S/O MAHMOOD JAN. has been promoted as SPST BPS -14 at GPS loya Shah Bartress Salarzai Bajaur. The official has been given the charge of his post today on 1-09-2023 to start his duty with immediate effect in the best interest of public service.

CHARGE HANDED OVER

Head Teacher TASIR JAN.

GPS loya Shah Bartress.

Signature


Head Master
GPS Loya Shah Bartress
Bajaur Agency

CHARGE TAKEN OVER

SALEH MUHAMMAD

As SPST GPS loya Shah Bartress

Signature



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Annex D

Dist. Govt. KP-Provincial
District Accounts Office Bajaur at Khar
Monthly Salary Statement (July-2024)



Personal Information of Mr SALEH MOHAMMAD d/w/s of MAHMOOD JAN

Personnel Number: 00927266 CNIC: 2110375783673 NTN:
Date of Birth: 11.01.1988 Entry into Govt. Service: 30.05.2019 Length of Service: 05 Years 02 Months 003 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80925840-DISTRICT GOVERNMENT KHYBE

DDO Code: BJ6013-DEO Primary Education Bajaur

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: GPF Interest Free **GPF Balance:** 163,967.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 4

Wage type		Amount	Wage type		Amount
0001	Basic Pay	29,490.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1528	Unattractive Area Allow	1,700.00	2316	Teaching Allowance 2021	3,036.00
2341	Dispr. Red All 15% 2022KP	2,430.00	2347	Adhoc Rel Ai 15% 22(PS17)	2,430.00
2378	Adhoc Relief All 2023 35%	9,713.00	2393	Adhoc Relief All 2024 25%	7,372.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3534	R. Ben & Death Comp Fresh	-600.00	3609	Income Tax	-520.00
3990	Emp.Edu. Fund KPK	-135.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 8,309.03 Recovered till JUL-2024: 520.00 Exempted: 2076.51 Recoverable: 5,712.52

Gross Pay (Rs.): 63,848.00 Deductions: (Rs.): -6,355.00 Net Pay: (Rs.): 57,493.00

Payee Name: SALEH MOHAMMAD

Account Number: 7901782703

Bank Details: HABIB BANK LIMITED, 220386 KHAR, BAJAUR AGENCY. KHAR, BAJAUR AGENCY., BAJAUR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: DEO BAJAUR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: smsaliksagar@gmail.com

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Annex E



District Education Office Male District Bajaur

E-Mail: deobajaur@gmail.com Ph. No. 0942-220395

NOTIFICATION:

Consequent upon the decision taken in a meeting with Finance Department NMDs-II held on 12-12-2023, 56 Nos of position IDs of SPST have been downgraded from BPS-14 to BPS-12. Therefore the Promotion Order issued vide this Office Order Endst No. 19935-41 dated 11-08-2023 in respect of the following SPSTs is hereby cancelled/withdrawn from the date of issuance in the best interest of Public Service.

S#	S.L No.	Name of Official	Place of Posting	Remarks
1.	79	Dawood Khan	GPS Kama Dara	Due to less sanction post
2.	80	Muhammad Siyab	GPS Kambela	Due to less sanction post
3.	81	Sarfaz Khan	GPS Civil Colony Nawgai	Due to less sanction post
4.	82	Inayat ur Rahman	GMHSS Khar	Due to less sanction post
5.	83	Mustaqeem Khan	GPS Khan Salay Barang	Due to less sanction post
6.	84	Zahidullah	GPS Sharif Khana No.1.	Due to less sanction post
7.	85	Fazal Subhan	GPS Babara No.1	Due to less sanction post
8.	86	Abdur Rahman	GPS Bara Nawagai	Due to less sanction post
9.	87	Muhammad Ilyas	GPS Khair Abad Nawagai	Due to less sanction post
10.	88	Abdul Shakoor	GPS Cedar Shai	Due to less sanction post
11.	89	Hawaladar	GPS Asghar Charmang	Due to less sanction post
12.	90	Gul Qadem	GPS Salih Muhammad killi	Due to less sanction post
13.	91	Abdur Rauf	GMPS Mala Said	Due to less sanction post
14.	92	Matiullah	GPS Bara Dara	Due to less sanction post
15.	94	Abdul Hadi	GPS Muslim Bagh	Due to less sanction post
16.	95	Bahadar Sher	GPS Dag Qila Ali jan	Due to less sanction post
17.	96	Tariq Ahmad	GPS Malkana Salarzai	Due to less sanction post
18.	97	Zafar Khan	GPS Kahalo Sar	Due to less sanction post
19.	99	Saleh Muhammad	GPS Loya Shah	Due to less sanction post
20.	100	Shahid	GPS Chargo Salarzai	Due to less sanction post
21.	101	Kiramat Khan	GPS Sharbatai	Due to less sanction post
22.	102	Ajmir	GPS Loi Killi Salarzai	Due to less sanction post
23.	103	Laiq zada	GPS Bar Sapari	Due to less sanction post
24.	104	Abdul Wahab	GPS Pajigarm B/Trass	Due to less sanction post
25.	105	Abdul Wahid	GPS Gulo Shah	Due to less sanction post
26.	106	Shahfiur Rahman	GPS Rasha Derai	Due to less sanction post
27.	107	Abdur Rahman	GPS Mana Barang	Due to less sanction post
28.	109	Muhammad Tayyeb	GMHSS Khar	Due to less sanction post
29.	110	Umar Badshah	GPS Jan Khan Dehrai	Due to less sanction post
30.	111	Habib ur Rahman	GPS Soordagai	Due to less sanction post

112	Amir Khistro	GPS Takht	Due to less sanction post
113	Muhammad Naeem	GPS Dandokai G/Shamozai	Due to less sanction post
114	Inuran Khan	GPS Nazakai	Due to less sanction post
115	Alam Shah	GMHSS Khar	Due to less sanction post
116	Nasar Khan	GPS Kohi sar Barang	Due to less sanction post
117	Umar zuda	GPS Nakhtar Bar Sapari	Due to less sanction post
118	Ghulam Ishaq	GPS Dara Banda	Due to less sanction post
119	Muhammad Riaz	GPS Baro No.2	Due to less sanction post
120	Burhanduddin	GPS Khuna	Due to less sanction post
121	Faj Gul	GPS Asilo Targhaw	Due to less sanction post
122	Rahman Shah	GPS Nazar Mena Barang	Due to less sanction post
123	Shaukat Khan	GPS Barsadin Sro Wano	Due to less sanction post
124	Bashir Ullah	GPS Markhanai Mandal	Due to less sanction post
125	Muhammad Khan	GPS Mozamin Khan kalay	Due to less sanction post
126	Badshah Sherin	GPS Mian Khan Dara	Due to less sanction post
127	Jazaz ullah	GPS Balam Khar No.2	Due to less sanction post
128	Zahid Hussain	GPS Kandro	Due to less sanction post
129	Sher Nawab	GPS Sango Dehrai	Due to less sanction post
130	Shafiullah	GPS Nimaki	Due to less sanction post
131	Gul Ahmad Khan	GPS Kohi sar Barang	Due to less sanction post
133	Farman ullah	GPS Qambar	Due to less sanction post
134	Amjad Ali	GPS Sar Mina Asil Targhaw	Due to less sanction post
135	Nawar Khan	GPS Saduzai Chamarkand	Due to less sanction post
136	Ghufran Khan	GPS Changaro	Due to less sanction post
137	Syed Kamal Badshah	GPS Gardai	Due to less sanction post
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(Shireen Zada)
District Education Officer
Bajaur

Dated 15/1/2023

Endst: No. 754-60
Copy forwarded to the: -

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Bajaur.
3. DMO (EMA) Bajaur.
4. SDEO Khar/SDEO Nawagai with direction to make necessary entries in their service books and recovery from the concerned.
5. Accountant of the local office.
6. HRMIS
7. Official Concerned.


District Education Officer
Bajaur

12-15-3033 is attached as annexure 2D.
 The affidavit on 08-08-3034 (Copy of the notification dated
 notification dated 12-15-3033 and the same was communicated to
 dated 11-08-3033 was cancelled) regarding promotion of
 candidates for the post of a teacher in the promotion order
 that the affidavit was dated on receipt of promotion order for a
 candidate as annexure 2H & 2C respectively.
 Copy of affidavit (Copy of service book and last 21st and
 service book and last 21st of promotion order was also referred in
 that 'miscellaneous' entries regarding promotion were made in the

2D
 (Copy of the notification dated 01-08-3033 is attached as annexure
 promotion order of 2B2L (B2-14) was also dated on 01-08-3033
 notification dated 11-08-3033 and the affidavit dated against the
 that the promotion order the date of 2B2L (B2-14) is hereby
 for promotion against the date of 2B2L (B2-14) as the affidavit
 Departmental Promotion Committee recommended the affidavit
 that considered by the Departmental Promotion Committee the
 for promotion against the date of 2B2L (B2-14) the affidavit was
 that sent to Departmental Promotion Committee to consider the
 part of service book and the working papers of the affidavit
 that the affidavit dated against in all respects and that too in the
 satisfaction of the rules.
 compliance, that promotion is hereby and with the entire
 that the affidavit was issued the department of B2L with the
 promotion order dated (B2L)
 that the affidavit was issued against the date of
 the affidavit was issued against as under:-

Respectfully,

DECLARATION
 I hereby declare that the above
 promotion order is correct and true
 and no objection is raised
 against the same.

Subject:

Director, Government, Bangalore.
 Director & Accounts Department,
 The Director.

For Director, Government
 Director of Education
 Date: 12/15/3033
 Place: Bangalore

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Handwritten signature

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Annex F

NMDS-II held on 12.12.2022 at the

Diary No. 1609
Dated 13-6-24
Directorate of Education
Merged Areas KPK Peshawar

To

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

Subject:

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 15.12.2023 WHEREBY THE PROMOTION ORDER / NOTIFICATION DATED 11.08.2023 IN RESPECT OF THE APPELLANT WAS CANCELLED / WITHDRAWN.

Respected Sir,

The appellant most humbly submits as under:-

1. That the appellant was initially appointed against the post of Primary School Teacher (PST).
2. That the appellant has served the department as PST with full commitment, zeal, devotion, punctuality and with the entire satisfaction of his high-ups.
3. That the appellant being eligible in all respect, and that too on the basis of seniority-cum-fitness, the working papers of the appellant were sent to Departmental Promotion Committee to consider him for promotion against the post of SPST (BPS-14), the appellant was duly considered by the Departmental Promotion Committee, the Departmental Promotion Committee recommended the appellant for promotion against the post of SPST (BPS-14) as the appellant was then promoted against the post of SPST (BPS-14) through notification dated 11.08.2023 and the adjustment order against the promoted post of SPST (BPS-14) was also issued on 01.09.2023. (Copy of the Notification dated 01.09.2023 is attached as annexure "A").
4. That, thereafter, entries regarding promotion were made in the service book and pay slip of promoted scale was also released in favour of appellant. (Copies of Service Book and Pay Slip are attached as annexure "B" & "C" respectively).
5. That the appellant had gained all benefits of promoted scale for a considerable long period, but all of a sudden the promotion order dated 11.08.2023 was cancelled/ withdrawn through impugned notification dated 15.12.2023 and the same was communicated to the appellant on 06.06.2024. (Copy of the Notification dated 15.12.2023 is attached as annexure "D").


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6. That once after fulfilling all the codal formalities, the promotion order was issued, entries were made in the service book, pay slip of promoted scale was released, and the appellant then gained all the benefits of promoted scale for a considerable long time, then a vested right was created in his favour which could not be cancelled/withdrawn in an inconsiderate/usual manner.
7. That neither any fault or defect of the appellant was pointed out nor any oversight or error on the part of DPC members or its composition or jurisdiction which could result an unceremonious withdrawal of promotion order after considerable period.
8. That the department is not vested with the authority to withdraw or cancel an order if same has taken effect created certain legal rights in favour of appellant.

It is, therefore, most humbly requested that by accepting this departmental appeal, the impugned notification dated 15.12.2023, whereby the promotion order/notification dated 11.08.2023 in respect of the appellant was cancelled/withdrawn, may please be set aside and consequently the promotion order/notification dated 11.08.2023, may please be restored with all back/consequential benefits.

Dated: ___/06/2024

Appellant


Saleh Muhammad
S/o Mahmood Jan
GPS Loya Shah,
District Bajaur.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

**WAKALATNAMA
(Power Of Attorney)**

Salih Muhammad

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant)
(Complainant)
(Decree Holder)

VERSUS

The Director

(Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

I/ We, The undersigned in the above noted *Appeal* do hereby appoint **Mr. Akhuzada Ahmad Saeed**, Advocate 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 an 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, matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/Counsel at my/our matter.

Attested & Accepted By.

Salih Muhammad
Signature of Executants
Salih Muhammad

Akhuzada Ahmad Saeed (bc-11-1885)
Advocate High Court, Peshawar
Office: 15-B, Haroon Mansion, Khyber Bazar,
Peshawar
Cell No.0333-2902529
CNIC No. 15705-5473448-3