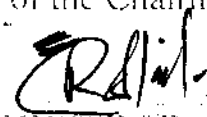


FORM OF ORDER SHEET

Court of _____

Appeal No. 1516 /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 style="text-align: right;">By order of the Chairman  REGISTRAR</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:
Service Appeal No. 1576 /2024

Fazal Subhan.....**Appellant**

V E R S U S

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

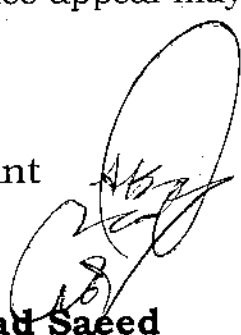
APPLICATION FOR FIXATION OF TITLED
APPEAL BEFORE THE PRINCIPAL SEAT AT
PESHAWAR.

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

Applicant/Appellant
Through


Akhunzada Ahmad Saeed
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1576 /2024

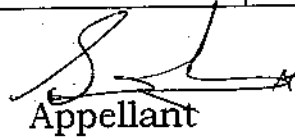
Fazal Subhan. **APPELLANT**

VERSUS

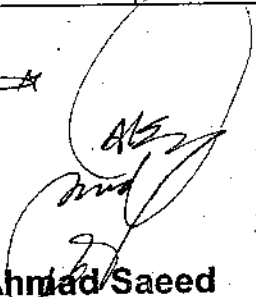
The Director, E&SE, & others. **RESPONDENTS**

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 | 14-18 |
| 7. | Copy of the Notification dated 15.12.2023 | E | 19-20 |
| 8. | Copy of the Departmental Appeal | F | 21-22 |
| 9. | Wakalatnama | | 23 |


Appellant

Through


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. 15/6 /2024

Fazal Subhan S/o Shah Zaman (SPST)
GPS Babara No.1, 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:-

GROUND S:

- 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

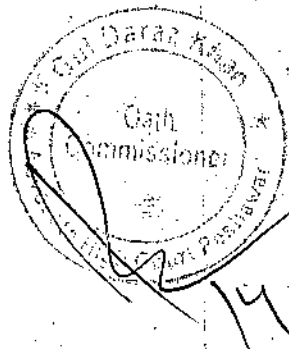
Through


Akhunzada Ahmad Saeed
Advocate High Court(s)

Dated: 10.09.2024

AFFIDAVIT

I, **Fazal Subhan** S/o Shah Zaman (SPST), GPS Babara No.1, 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

Fazal Subhan. **APPLICANT/APPELLANT**

VERSUS

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

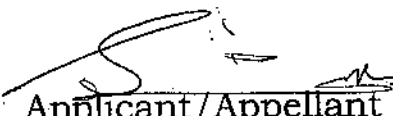
APPLICATION FOR SUSPENDING THE OPERATION
OF THE IMPUGNED NOTIFICATION DATED
15.12.2023 AS WELL AS RESTRAINING THE
RESPONDENTS TO MAKE ANY RECOVERY/
DEDUCTION FROM THE SALARY OF THE
APPLICANT/ APPELLANT TILL THE FINAL
DISPOSAL OF MAIN SERVICE APPEAL.

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, **Fazal Subhan** S/o Shah Zaman (SPST), GPS Babara No.1, 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

Fazal Subhan. **APPELLANT**

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Fazal Subhan S/o Shah Zaman (SPST)
 GPS Babara No.1, 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.



Appellant

Through

Akhunzada Ahmad Saeed
 Advocate High Court(s)

Dated: 10.09.2024

(9)

Annex A⁶

**OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR
AGENCY AT KHAR**

APPOINTMENT ORDER

Consequent upon the recommendation of the Departmental Selection Committee, the following male candidates of Bajaur Agency are hereby appointed against vacant PST posts in Tehsil Nawagai at the schools noted against their names in DPS-12 @ (13320-960-42120) plus usual allowances as admissible under the rules from the date of their taking over charge in the interest of public service.

| Sr# | Name | Father Name | School Where Appointed | Remarks |
|-----|----------------|---------------|------------------------|---------|
| 1 | Abdul Ghani | Gul Farosh | GPS Kofai Charmang | AVP |
| 2 | Sarfraz | Noor Muhammad | GPS Helal Khel No: 1 | AVP |
| 3 | Zahid Ullah | Gul Farosh | GPS Helal Khel No: 2 | AVP |
| 4 | Fazle Subhan | Shah Zameer | GPS Babara No: 1 | AVP |
| 5 | Abdur Rehman | Said Jan | GPS Bara Nawagai | AVP |
| 6 | Muhammad Ilyas | Niaz Muhammad | GPS Hasham | AVP |
| 7 | Hawaladar | Hazrat Shah | GPS Sida Shah | AVP |

Terms and Conditions

1. The appointment of the candidates is being made purely on temporary basis and is liable to termination at any time without assigning any reason.
2. They will not be entitled to get pension/gratuity benefits however CP fund will be deducted as per rules as a case of fresh candidate.
3. Charge report should be submitted to all concerned in duplicate.
4. Health and age certificate should be produced to this office obtained from the Agency Surgeon Bajaur.
5. They should not be handed over charge of the post if they are below 18 years or above 45 years of age.
6. If they failed to report of their arrival within 15 days, their appointment order will be automatically considered as cancelled.
7. 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.

Sd/-
Mr. Amrullah Wazir
Agency Education officer
Bajaur Agency

Endst No: 11957-61 Dated 25/9/2017

Copy of the above is forwarded to the;

1. Director of Education FATA Peshawar.
2. Political Agent Bajaur Agency.
3. Agency Accounts officer Bajaur Agency.
4. AAEO concerned.
5. Candidates concerned.

Amrullah
Agency Education officer
Bajaur Agency

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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 Barsafraiy | 2110224732351 | GPS Barsafraiy | 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. | Tariq 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 Khistro | 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 Jabrarat | 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. | Shafiullah | 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 |

(13)

| | | | | | |
|-----|--------------------|------------|---------------|------------|------------------|
| 88. | Syed Kamal Badshah | GPS Gardai | 2110314807063 | GPS Gardai | Already occupied |
|-----|--------------------|------------|---------------|------------|------------------|

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. 20845-51
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

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Annex C

| 9 | 10 | 11 | 12 | 13 | | 14 | 15 |
|---|------------------------------------|--|--|--|---|---|--|
| | | | | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | |
| Name and Designation of head of the office for attesting officer in attestation of columns 1 to 8 | Date of termination or appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting officer | Leave | | Signature of the head of the office or other attesting officer. | Reference to any recorded punishment or censure, or reward or praise of the Government Servant |
| | | | | Period | Government to which debitable | | |
| | | | | Promotion to SPST-B-14 from PST-B-12 vide notification No-19435-41-dt.11-8-2023. | | | |
| | | | | adjustment No-20845-51 dated-20-09-2023. | | | |
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Sub Divisional Officer
Legal Division Bajarj

T.No. 1418 dated 15-9-2023
on a/c of promotion to SPST-B-14 R-2360

15

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

1. Name Fazle Subhan

2. NIC No. 21105-3431379-5

3. Race Muslim/Pakistan 4. District of Domicile Bajaur Agency

5. Residence VIII, Babar Chaman, Teh. Mangai, Bajaur Agency

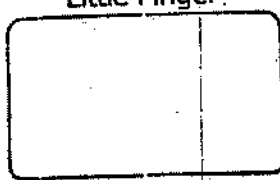
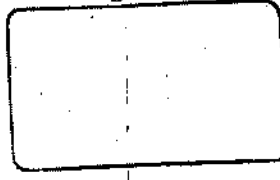
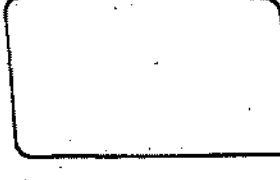

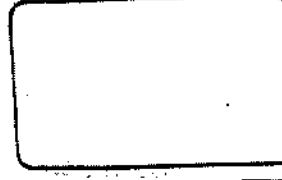
6. Father name and residence Shah Fameen

7. Date of Birth by Christian era as nearly as can be ascertained: (03-01-1989)
3rd January A.H. Eight, 1410

8. Exact height by measurement: 5'6"

9. Personal Marks for Identification: Black mole over the right eye

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: [Signature]

12. Signature & Designation of the Head of the Office, or other attesting officer: [Signature]

| 9 | Signature and Designation of the Head of the Office or other appointing Officer in addition of Column 1-3 | Date of Termination or Appointment | Reason of Termination (such as promotion, transfer, dismissal etc) | Signature of the head of the office or other appointing officer | Reason & Duration of Leave taken | Allocation of period of leave months for which leave is taken in detail other than on average pay up to four months for which Government is liable | Signature of the Head of the Office or other standing officer | Reference to any records or documents or orders or orders of the government servant |
|----|---|------------------------------------|--|---|----------------------------------|--|---|--|
| 15 | | | | | | | | |
| 14 | | | | | | | | |
| 13 | | | | | | | | <p>7 No 62 24/10/23 Dm B 2264 m/c Pm B 2264 m/c</p> |
| 12 | | | | | | | | |
| 11 | | | | | | | | |
| 10 | | | | | | | | |
| 9 | | | | | | | | |


10-09-2023
 From Pst to Pst
 10-09-2023-51
 10-09-2023

17


CHARGE REPORT

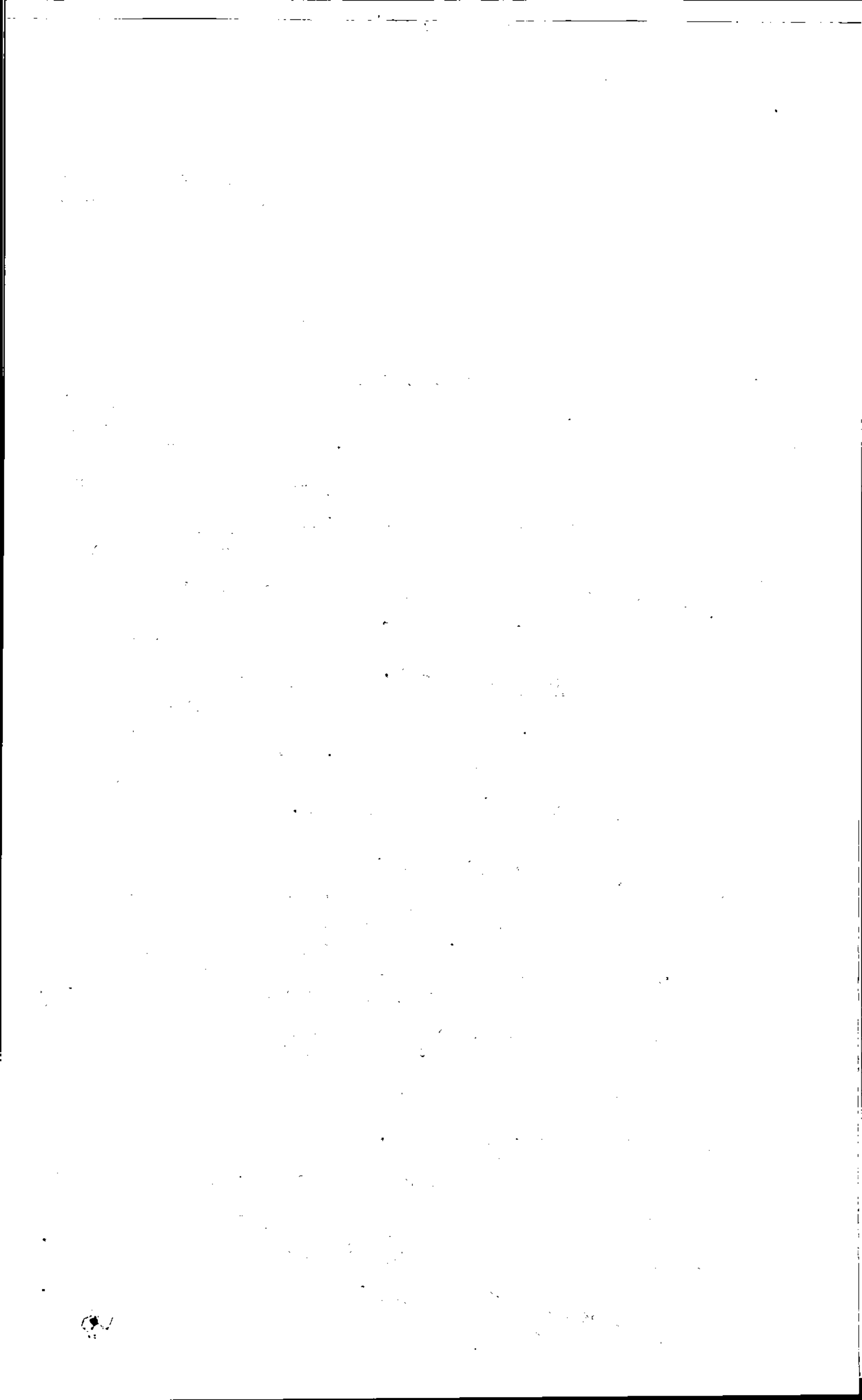
Consequent upon the promotion and adjustment order issued by District Education Officer (Male) District Bajaur vide Endst: No. 19935-41 dated 11-Aug-2023. Mr. Fazle Subhan S/O Shah Zameen has been adjusted as SPST BPS-14 at GPS Babara No.1 Charmang Bajaur. The Official has been given the charge of his post today on 02-Sep-2023 to start his duty with immediate effect in the best interest of public service.

Charge Taken Over:


2-9-23
Fazle Subhan SPST-14

Charge Handed Over:


02/09/2023
HEAD TEACHER
GPS Babara No.1
Charmang Dist: Bajaur



(18)

Annex D

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



Personal Information of Mr FAZALE SUBHAN d/w/s of SHAH ZAMAN

Personnel Number: 50382069 CNIC: 2110534313795
Date of Birth: 03.01.1989 Entry into Govt. Service: 26.09.2017

NTN:
Length of Service: 06 Years 04 Months 007 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 81237679-DISTRICT GOVERNMENT KHYBE

DDO Code: BJ6134-

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

GPF Interest Free

GPF Balance: 191,851.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 5

| Wage type | Amount | Wage type | Amount |
|--------------------------------|-----------|--------------------------------|-----------|
| 0001 Basic Pay | 31,230.00 | 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 | 1,500.00 | 1644 Ph.d / M.Phil Allowance | 2,500.00 |
| 2316 Teaching Allowance 2021 | 3,036.00 | 2341 Dispr. Red All 15% 2022KP | 2,574.00 |
| 2347 Adhoc Rel Al 15% 22(PS17) | 2,574.00 | 2378 Adhoc Relief All 2023 35% | 10,322.00 |

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 | -231.00 |
| 3990 Emp.Edu. Fund KPK | -135.00 | | 0.00 |

Deductions - Loans and Advances

| Loan | Description | Principal amount | Deduction | Balance |
|------|-------------|------------------|-----------|---------|
| | | | | |

Deductions - Income Tax

Payable: 3,071.20 Recovered till JAN-2024: 1,151.00 Exempted: 767.35 Recoverable: 1,152.85

Gross Pay (Rs.): 61,413.00 Deductions: (Rs.): -6,066.00 Net Pay: (Rs.): 55,347.00

Payee Name: FAZALE SUBHAN

Account Number: 2030-0981001052016

Bank Details: BANK AL HABIB LIMITED, 362030 Khar Branch, Bajaur Agency Khar Branch, Bajaur Agency, Bajaur Agency

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: AEO

Temp. Address:

City:

Domicile: -

Email: subhanbajaur13189@gmail.com

Housing Status: No Official

System generated document in accordance with APPM 4.5.12.9(50484989/26.01.2024/v3.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES/03.02.2024/01-40.22)

(19)

Annex E



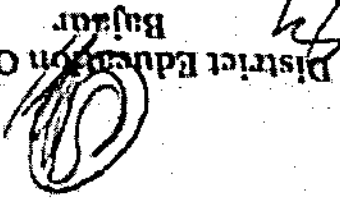
District Education Office Male District Bajaur

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 Siyah | GPS Kambela | Due to less sanction post |
| 3. | 81 | Sarfurz Khan | GPS Civil Colony Nawgai | Due to less sanction post |
| 4. | 82 | Inayat ur Rahman | GMISS 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 Gedar 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 | Fariq 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 Lol 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 Dera | Due to less sanction post |
| 27. | 107 | Abdur Rahman | GPS Mana Barang | Due to less sanction post |
| 28. | 109 | Muhammad Tayyeb | GMISS 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 |


 District Education Officer
 Bajaur

- Copy forwarded to the:-
1. Director F&SE Khyber Pakhtunkhwa Peshawar.
 2. District Accounts Officer Bajaur.
 3. DMO (EMIA) 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.

(Shireen Zada)
 District Education Officer
 Bajaur
 Dated 15/12/2023

Ends: No. 754-60

| | | | |
|-----|--------------------|--------------------------|---------------------------|
| 112 | Amir Khairo | GPS Takht | Due to less sanction post |
| 113 | Muhammad Naeem | GPS Dandakai G/Shamezal | Due to less sanction post |
| 114 | Imran Khan | GMHSS Khar | Due to less sanction post |
| 115 | Alium Shah | GPS Kohi sar Barang | Due to less sanction post |
| 116 | Nasar Khan | GPS Nakhair Bar Sapari | Due to less sanction post |
| 117 | Umar Zada | GPS Darra Banda | Due to less sanction post |
| 118 | Muham Ishaq | GPS Darra Banda | Due to less sanction post |
| 119 | Muhammad Rizaz | GPS Baro No.2 | Due to less sanction post |
| 120 | Burhamuddin | GPS Khuna | Due to less sanction post |
| 121 | Raj Gul | GPS Asilo Tarhau | Due to less sanction post |
| 122 | Kashim Shah | GPS Nazar Alena Barang | Due to less sanction post |
| 123 | Shaukat Khan | GPS Barsadin Sro Wano | Due to less sanction post |
| 124 | Mushir Ullah | GPS Morkhanal 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 | Shafiqullah | 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 Tarhau | Due to less sanction post |
| 135 | Nawar Khan | GPS Saduzai Chamarkand | Due to less sanction post |
| 136 | Churran Khan | GPS Changaro | Due to less sanction post |
| 137 | Syed Kamal Badshah | GPS Gardai | Due to less sanction post |

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Annex F

To

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

1597
13-6-24
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, hereafter, 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.

Appellant


Fazal Subhan
S/o Shah Zaman
GPS Babara No.1,
District Bajaur.

Dated: 13/06/2024

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

**WAKALATNAMA
(Power Of Attorney)**

Fazal Subhan

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

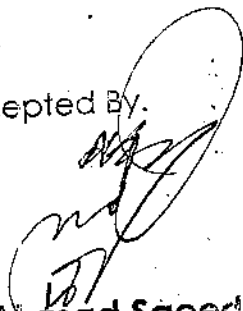
VERSUS

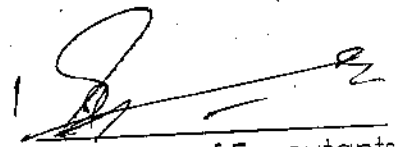
The Director P.S.E

(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.




Signature of Executants
Fazal Subhan

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