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REGISTERED
No. C.As.46-P to 87-P/2022 – SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 07-09, 2024.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 15876

Dated 19-09-24

Subject: CIVIL APPEAL NOS. 46-P to 87-P OF 2022.

Government of Khyber Pakhtunkhwa, through Secretary
Elementary & Secondary Education, Peshawar and others.
(App. in all cases).

Versus

1. Afzal Shah. (Res. in C.A.46-P/2022).
2. Abi Hayat. (Res. in C.A.47-P/2022).
3. Shams-ur-Rahman. (Res. in C.A.48-P/2022).
4. Karim Khan. (Res. in C.A.49-P/2022).
5. Abdul Hakim. (Res. in C.A.50-P/2022).
6. Stana Gul. (Res. in C.A.51-P/2022).
7. Muhammad Idrees. (Res. in C.A.52-P/2022).
8. Mansoor Ahmad Khan. (Res. in C.A.53-P/2022).
9. Khial Zada. (Res. in C.A.54-P/2022).
10. Nizam ud Din. (Res. in C.A.55-P/2022).
11. Sher Muhammad. (Res. in C.A.56-P/2022).
12. Rehmat Said. (Res. in C.A.57-P/2022).
13. Javed Akhtar. (Res. in C.A.58-P/2022).
14. Munawar Khan. (Res. in C.A.59-P/2022).
15. Said Alam Shah. (Res. in C.A.60-P/2022).
16. Lateef Ullah. (Res. in C.A.61-P/2022).
17. Mst. Khalida Safi. (Res. in C.A.62-P/2022).
18. Zar Gul. (Res. in C.A.63-P/2022).
19. Imtiaz Gul. (Res. in C.A.64-P/2022).
20. Abdul Hamid. (Res. in C.A.65-P/2022).
21. Khaista Sher. (Res. in C.A.66-P/2022).
22. Sabeel Hassan. (Res. in C.A.67-P/2022).
23. Anwar Ali. (Res. in C.A.68-P/2022).
24. Javed Hussain. (Res. in C.A.69-P/2022).
25. Luqman Hakeem. (Res. in C.A.70-P/2022).
26. Aziz ur Rehman. (Res. in C.A.71-P/2022).
27. Muhammad Muneer Khan. (Res. in C.A.72-P/2022).
28. Mst. Shah Begum. (Res. in C.A.73-P/2022).
29. Munir Khan. (Res. in C.A.74-P/2022).
30. Mst. Fehmeeda Begum. (Res. in C.A.75-P/2022).
31. Muhammad Baz. (Res. in C.A.76-P/2022).
32. Hanif Jan. (Res. in C.A.77-P/2022).
33. Sher Afzal. (Res. in C.A.78-P/2022).
34. Mst. Dil Taj Begum. (Res. in C.A.79-P/2022).
35. Raees Khan. (Res. in C.A.80-P/2022).

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| 36. | Syed Hijab Hussain. | (Res. in C.A.81-P/2022). |
| 37. | Eid Muhammad. | (Res. in C.A.82-P/2022). |
| 38. | Fazal Hakeem. | (Res. in C.A.83-P/2022). |
| 39. | Syed Zamir Hussain. | (Res. in C.A.84-P/2022). |
| 40. | Janat Khan. | (Res. in C.A.85-P/2022). |
| 41. | Ayan Ali. | (Res. in C.A.86-P/2022). |
| 42. | Sohail Khan. | (Res. in C.A.87-P/2022). |

On appeal from the Judgment/Order of the Khyber Pakhtunkhawa, Service Tribunal, Peshawar dated 14.07.2021, in Service Appeal Nos.1266 to 1284/2018, 327/2018, 650 to 671/2018.

Dear Sir,

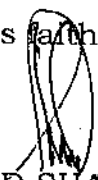
In continuation of this Court's letter of even number dated **25.07.2022** and in accordance with the provisions contained in Order X, rule 9, Supreme Court Rules, 1980, a certified copy of the Order of this Court dated **08.08.2024**, allowing the above cited civil appeals, in the terms stated therein, is enclosed for further necessary action.

The original record of the **High Court** received through Branch Registry, Peshawar vide letter No. **NIL**; dated **NIL**, is returned herewith.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:
2. o/Record:

Yours faithfully


(MUHAMMAD SHAHID HABIB)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

57/24

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench-II:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Athar Minallah
Mr. Justice Malik Shahzad Ahmad Khan

C.A.46-P/2022 to C.A.87-P/2022

(Against the consolidated judgment of Khyber Pakhtunkhwa Service Tribunal,
Peshawar dated 14.07.2021, passed in Service Appeal No.1266/2018, etc.)

Govt. of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education, Peshawar, etc. (In all cases)

..... **Appellant(s)**

Versus

Afzal Shah (In CA 46-P/2022)
Abi Hayat (In CA 47-P/2022)
Shams ur Rahman (In CA 48-P/2022)
Karim Khan (In CA 49-P/2022)
Abdul Hakim (In CA 50-P/2022)
Stana Gul (In CA 51-P/2022)
Muhammad Idrees (In CA 52-P/2022)
Mansoor Ahmad Khan (In CA 53-P/2022)
Khial Zada (In CA 54-P/2022)
Nizam ud Din (In CA 55-P/2022)
Sher Muhammad (In CA 56-P/2022)
Rehmat Said (In CA 57-P/2022)
Javed Akhtar (In CA 58-P/2022)
Munawar Khan (In CA 59-P/2022)
Said Alam Shah (In CA 60-P/2022)
Lateef Ullah (In CA 61-P/2022)
Mst. Khalida Safi (In CA 62-P/2022)
Zar Gul (In CA 63-P/2022)
Imtiaz Gul (In CA 64-P/2022)
Abdul Hamid (In CA 65-P/2022)
Khaista Sher (In CA 66-P/2022)
Sabeel Hassan (In CA 67-P/2022)
Anwar Ali (In CA 68-P/2022)
Javed Hussain (In CA 69-P/2022)
Luqman Hakeem (In CA 70-P/2022)
Aziz ur Rehman (In CA 71-P/2022)
Muhammad Muneer Khan (In CA 72-P/2022)
Mst. Shah Begum (In CA 73-P/2022)
Munir Khan (In CA 74-P/2022)
Mst. Fehmeeda Begum (In CA 75-P/2022)
Muhammad Baz (In CA 76-P/2022)
Hanif Jan (In CA 77-P/2022)
Sher Afzal (In CA 78-P/2022)
Mst. Dil Taj Begum (In CA 79-P/2022)
Raees Khan (In CA 80-P/2022)
Syed Hijab Hussain (In CA 81-P/2022)
Eid Muhammad (In CA 82-P/2022)
Fazal Hakeem (In CA 83-P/2022)
Syed Zamir Hussain (In CA 84-P/2022)
Janat Khan (In CA 85-P/2022)
Ayan Ali (In CA 86-P/2022)
Sohail Khan (In CA 87-P/2022)

....**Respondent(s)**

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad

For the appellant(s): Mr. Shah Faisal, Addl. A.G. KPK.
Mr. Muhammad Ajmal Khan, AOR.

For the respondent(s): Mr. Noor Muhammad, ASC.
Mr. Anis Muhammad Shahzad, AOR.
M/s Rehmat Said, Munawar Khan, Imtiaz
Gul, respondents-in-person.

Date of hearing: 08.08.2024

ORDER

Syed Mansoor Ali Shah, J.- Briefly the respondents were appointed by the Directorate of FATA (pre-merger) as Certified Teachers, Drawing Masters, Theology Teachers and Arabic Teachers in Grade-09. Similar posts also existed in the Provincial Government of Khyber Pakhtunkhwa. In the year 2014, the Provincial Government upgraded similar post in the Provincial Government from Grade-09 to Grade-15. On the basis of the said notification, the respondents also lodged their claim for up-gradation from 2014.

2. Learned Additional Advocate General, KPK (representing the petitioners) submits that the Education Department, FATA has no nexus with the Provincial Government and is regulated by the Federal Government. In 2016, the Federal Government upgraded these posts through a notification. He further submits that the claim of the respondents that they ought to be upgraded from the year 2014 is not sustainable because the up-gradation policy of the Provincial Government was not binding on FATA. It is submitted that the admitted position is that the posts held by the respondents stand upgraded to Grade-16 since 2016 as per the policy of the Federal Government.

3. Learned counsel for the respondents was asked to show whether the respondents are employees of the Provincial Government, however, he has been unable to refer to any document from the record to establish that the respondents are employees of the Provincial Government.

4. In this view of the matter, the impugned judgment of the learned Khyber Pakhtunkhwa Service Tribunal proceeds on a factual misunderstanding that the respondents were earlier employees of the Provincial Government and thereafter deputed to FATA. Employees of FATA are not bound by the Provincial policies

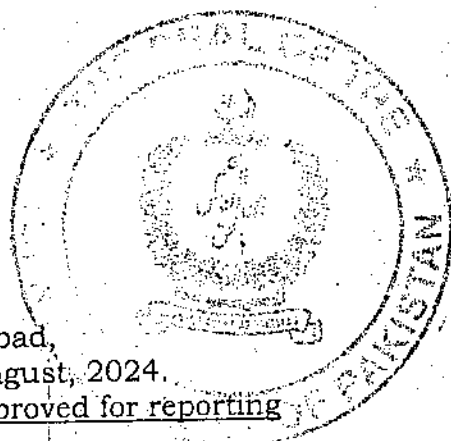
ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad

and have been duly promoted in 2016 under the policy of the Federal Government. The claim of the respondent employees seeking promotion since 2014 on the basis of the Provincial policy is misconceived and not maintainable. In view of the foregoing reasons, the impugned judgment(s) are set aside and the titled appeals are allowed.

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Islamabad,
08th August, 2024.
Not approved for reporting

Iqbal

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24-8-2024

Certified to be True Copy

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Court Associate
Supreme Court of Pakistan
Islamabad