BEFORE THE KHYBER PAKHTUNKHAWA SERVCIE TRIBUNAL, PESHAWAR.

Service appeal No. 1010 of 2024

Intekhab Alam	(Appellant)
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VER S US

District Education Officer (Male) & another.(Respondents).

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Dated:- ----/09/2024

Respondent No. I

Muhammad,Ilays

District Education Officer (Male)

Karak.

23-09-24

(MALE) KARAW

KHYBER PAKHTUNKHWA SERVCIE TRIBUNAL. PESHAWAR

Service appeal No. 1010 of 2024

Intekhab Alam -----(Appellant)

VERSUS

District Education Officer (Male) & another,---- (Respondents).

Joint Parawise Written Comments on behalf of Respondents

Respectfully Sheweth

Written comments on behalf of Respondents **Preliminary Objections.**

Service Tribunal

Diary No. 15978

Dary No. 15978

- I. That appellant has got no cause of action to file the instant service appeal.
- 2. That the above titled service appeal is against the law & facts.
- 3. That the appellant is estopped to file the instant service appeal by his own conduct.
- 4. That the instant service appeal is not maintainable & enter-tainable in its present form.
- 5. That the appellant has not come to this honourable court with clean hands and concealed the facts.
- 6. That the instant service appeal is liable to be dismissed due to mis-joinder & non-joinder of the party.

That the appellant is barred by law to claim seniority on the basis of date of birth whereas seniority shall be prepared under rule -I7 (I) (a) of APT Rules 1989.

8. That on the basis of seniority list, the private respondent No. 3 has been promoted to the post of SST (G) issued by respondent No. 2 vide Promotion order No. 7600-04/File/Promotion to SST /2023 dated 23/07/2024 whereas the appellant has not challenged the promotion order, therefore, the appeal has been anfractuous and is liable to be dismissed.

TO SCHOOLOFFICEB

Factual Objections.

- I. Para No. I is correct as per record.
- 2. Para No. 2 is correct as per record/ seniority list.
- 3. Para No. 3 is incorrect and wrong hence denied with further explanation that the promotion order of STT BPS-16 dated 01/03/2013 was issued not on the basis of date of birth, however, the seniority shall be prepared on the basis of merit position as mentioned in the initial appointment order dated 05/04/1999 in which seniority has been clearly mentioned at terms and conditions at S. No. 4 i.e "their enter-se- seniority will be determined in accordance with the merit of the Departmental Selection Committee" which is in accordance with law and APT Rules 1989. (Photocopy of appointment order dated 15/04/1999 is annexed as Annexure "A".
- 4. Para No. 4 is incorrect and wrong. The appellant is barred by law to claim seniority on the basis of tentative seniority list as the District Officer (Male), Karak informed the Principal /Headmaster/Incharge GHSS, GHS, GMS, Karak to direct the concerned teachers to submit appeal for correction in the seniority list till 03/06/2023 alongwith submission of documents vide letter Endst: No. 3257-89 dated 01/06/2023 and another notification was issued vide Endst: No. 7012/Promotion /2023 dated Karak the 14/09/2023 to examine and check the documents of teachers for promotion. In light of the above the respondent No. 3 has submitted his objections over tentative merit list. (Photocopy of letter Endst: No. 3257-89 dated 01/06/2023 and another notification was issued vide Endst: No. 7012/Promotion /2023 dated Karak the 14/09/2023 with appeal are annexed as Annexure "B & C" respectively."

Elicary Carringh OFFICE

5.

- 7. Para No. 7 needs no comments.

Objection on Grounds.

- A. Incorrect and wrong hence denied. The appeal of appellant has been rejected as per Seniority rules 17 (I) (a) of APT Rules 1989 whereas the merit position of private respondent is higher than the appellant vide initial appointment order dated 05/04/1999.
- B. Incorrect and wrong hence denied. The appellant was promoted to the S.TT BPS-16 on 01/03/2013 on the basis of taking over charged not on the basis of date of birth. The promotion on date of taking over charge was also wrong whereas the appellant is claiming the impugned seniority on basis of date of birth which is wrong and not based on law.
- C. Incorrect and wrong and as stated the private respondent is senior than the present appellant on the ground that the merit position of private respondent No. 3 was higher than present appellant, therefore, his departmental representation was rightly rejected under rule 17 (I) (a) of APT Rules, 1989.
- D.

 J. J. W. W. B. E.
- Incorrect and wrong. The tentative merit list has been rectified as per rules and law whereas the appellant cannot claim on tentative basis.
- Incorrect and wrong as above.
- F. Incorrect and wrong. The appellant has been given proper reply of his departmental representation and has rightly been rejected his departmental appeal.

- G. Incorrect and wrong. The impugned seniority of S.TT has been prepared as per rules and law.
- H. Incorrect. Detailed reply has been given in the above mentioned paras.
- I. Incorrect. The reply of this para is already mentioned in the facts.
- J. Incorrect. The appellant has been properly given opportunity after calling appeal against the tentative merit list and the appellant has filed departmental representation and his departmental representation has been rejected as per law.
- K. Incorrect. Reply of this para is given as above.
- L. Incorrect and wrong as above.
- M. Incorrect as replied above.
- N. Incorrect as replied above.
- O. Detail reply has been given above.

It is, therefore, most humbly and respectfully prayed that keeping in view the above mentioned parawise reply the appeal of appellant may be dismissed.

Dated:- ----/09/2024

(SAMINA ALTAF)

Respondent No. 2

(Abdus Samad)

Deputy Director,(Litigation)

Elementary & Secondary Edu.

Department KP Peshawar.

Respondent No. I

Muhammad Ilays

District Education Officer (Male)

Karak.

Istrict Education Office

BEFORE THE KHYBER PAKHTUNKHAWA SERVCIE TRIBUNAL, PESHAWAR

Service appeal No. 1010 of 2024

Intekhab Alam -----(Appellant)

VERSUS 4

District Education Officer (Male) & another.--- .(Respondents).

AFFIDAVIT

I, Muhammad Ilyas BPS-18 District Education Officer (Male), Karak do hereby solemnly affirm and declare on oath that all the contents of accompanying joint parawise comments are true and correct to the best of my knowledge and belief, nothing is lie and nothing has been concealed from this Hon'able Service. Tribunal It is further a land oath that in This entitled the andworking as personals neither has been placed or part out their despendence has been g truck off tost.

Dated -2-7---/09/2024

Deponent

Muhammad Ilayas D.E. O (Male), Karak BPS- RICHEOTICATION LINE.

EDUCATION OFFICER (MALE) JECONDARY KARAK

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Education Department NWFP, Peshayar in the meeting held on 22.3.1999,

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ERM3 AND CONDITIONS:-

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Their services will be ligble eorierming ion on one month notice for either side. In case of resignation without notice on one month pay will be forefiered in lieu thereof.

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Their enter seriously will be desemined in accordance with the merit of the Departmental Selection Commisses.

Change reports should be sent to all concerned, ...

they shall be in probatton for a period of 2 years and will leither apply for long leave for seek admission in any college/ Iniversity.

They will produce the Sank eccipt for the fee deposited in connection verification f their centificate/Diploma/Degree/Sanadat and other restimonials etc before handing/taking over charge.

In case any of their docurants proved fake, their appointment will be considered as nancelled without ady right or previlege 8.

Service Book of teacher wist be prepared complete in all respect 9

they are required to produce wealth and age centificates from the Medical Supdt: concerned before taking gver charge

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Verification of charactor and antecedent should be made on proper specified proforms from the Police Station concerned 15. and other quarters etc.

Their age should not below 18 years and above 30 years. 16.

> - 3d/- SIKANDAR KHAN District Education Office ..(MALE) Secondary Karak.

Endst:No. 6121-6151/AE-II Dated Karak the

Copy forwarded to:-

- q) Director of Secondary Education, NWFP, Peshawar.
- 2) Principal/Headmagter GHSS, GHE and GMS concerned.
- 3) Candidates concemed.
- 4) District Accounts Officer, Karek.
- 5) Accountant local office.

District Education Office

(Male) socondary Karak.

Better Copy of Page No. 6

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE), KARAK.

APPOINTMENT.

Consequent upon the orders of the High ups of the education department NWFP, Peshawar in the meeting held on 22-03-1999 the following candidates selected by the District Selection Committee Karak for the post of Theology Teachers are hereby appointed in the basic pay scale No. 07 (Rs. 1480-81-2695) plus usual allowances as admissible against the newly created vacant post in the school noted against each with immediate effect subject to the terms and conditions detailed below.

Sr .No	Name with father's	Date of Birth	Merit position	School where appointed	Remarks
I/40	Suhan ullah S/O Gohar Khan, Vill: Mitha Khel.	09-01-73	63.10	GMS Palosa Kemari , KK	NCP
2/65	Abdus Saboor S/O Khawish Khan, Karak City	04-04-74	56.18	GMS Tptalo	Vacant post
3/25	Umar Saeed S/O Abdul Aziz Karak City.	07-03-1977	55.41	GHS Khuram	-do-
4/11	Muhammad Kamal S/O Ghani Khel Vill: Chokara	15-02-63	54.47	GHS Sarki Lawaghar	Already working in leave vacancy
5/52	Wali Ullah S/O Zebi Ullah Vill: Chokara	20-03-73	54.46	GMS Yaqoobi Killa	N.C.P
6/69	Intikhab Alam S/O gul Shawaz Vill: Algadi, Karak	29-03-68	53.58	GMS Shahidan Chountra	Vacant
7/13	Muhammad Idress S/O Gul Ayaz , Vill: Jehangiri	09-03-76	53.54	GHS Makori	-do-
8/35	Zahid ullah S/O Abul Qayyum, Karak City	01-03-77	52.15	GMS Kamali Zara Khel	
9/7	Atta ur Rehman S/O Ghani Badshah , Vill Tappi Jamal , Karak	14-03-75	50.67	GMS Ahmad Abad	-do-
16/4	Munawar Khan S/O Muhammad Ali Khan, Vill: Zarin Banda.	25-07-67	50.28	GHS Teri	Vacant post
11/9	Sadiq Nawaz S/O Abdullah Kha, Vill: Bogara	15-01-67	49.34	GHS Memi Khel	-do
12/65		05-12-75	49.10	GHSD /E Khel	-do
13/12		02-08-73	48.55	GMS Jattan Banda	Vacant post

•	Disable	<u>eu</u>					 	,
	1/54	Abdul Abdul	Khabir Ghafoor	S/O Vill:	04-01-69	35.52	GHS Jatta Ismail Khel	Vacant post.
İ		Zara Ga	ındi			ļ	 	

Terms and conditions

They will be govern by such rules and regulations as may be prescribed by the I. Govt: from time to time for the category of the Govt: servants which they belong.

Their services will be liable to be terminated one month notice for either side. 2. In case of resignation without notice one month pay will be forfeited in lien thereof.

Next Page continued ----

Better Copy of Page No. 6-A

- 3. They should join the post within I5 days of the issue of this notification.
- 4. Their enter-se-seniority will be determined in accordance with the merit of the Departmental Selection Committee.
- 5. Charge reports should be sent to all concerned.
- 6. They shall be in probation for a period of 02 years and will either apply for long leave prior seek admission in any college / university.
- 7. They will produce the Bank receipt for the fee deposited in connection of verification of their certificate / Diploma / Degree/Sanadat and other testimonials etc before handing / taking over charge.
- 8. In case any of their documents proved fake, their appointment will be considered as cancelled without any right o privilege.
- 9. Service Book of teacher must be prepared complete in all respect before handing over charge.
- IO. They are required to produce Health and Age certificate from the Medical Superintendent concerned before taking over charge.
- II. Charge should not be given to over age candidates.
- 12. Efforts for transfer before the completion of tenure will disqualify him from the service.
- 13. No TA/DA is allowed.
- 14. An undertaking should be obtained from Master and degree holder PT/CT/ etc that he will serve the department at least 3 years.
- 15. Verification of character and antecedent should be made on proper specified proforma from the police Station concerned and other quarter etc.
- 16. Their age should not below 18 years and above 30 years.

-Sd/- Sikandar Khan District Education Officer, (Male) Secondary, Karak.

Endst: No. 6121-6151/AE-II

Dated Karak the 05-04-1999

Copy forwarded to:-

- I. Director of Secondary Education, NWFP, Peshawar.
- 2. Principal / Headmaster GHSS, GHS and GMS concerned.
- 3. Candidate concerned.
- 4. District Accounts Office, Karak.
- Accountant Local Office.

District Education Officer, (Male) Secondary, Karak.

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1-Mount

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KARAK

Parishon Meath Meath Medion in a dT

SHSS, GHS, GMS Karak

Subject: Extension of Oate for correction in Seniority Lists of \$927, 507, 517, and SCI.

travéan golmob zi tewenza9 notizable grebnosed & visionmele to estroteethe bit the Ductority & Secondary Education the seniority lists till 03/05/2023 along submission of documents. This letter may be treated as spove, you are requested again to direct teacher concerned to submit appeal for correction in beste societies and no exor-20-32 based 2012 of restal south of noticinalistic of

EZOZ/ (MALE) KARAK DISTRICT EDUCATION OFFICER PA-72.CE OH HON3

Copy for information forwarded to the

1. PA to Oliceclotský Of Elementáry & Secondary Education Khyper Pakhturiálowa Pezhawar.

Z: Assistant Director EMIS.

3. Office Copy.

XARAK (BIANA) D. DISTRICT EDUCATION OFFICER

OFFICE OF THE DISTRIC CATION OFFICER MALE KARAK

Notification

The following Scrutiny Committee is hereby constituted to examine and check the files/Service Books of teachers for promotion from SCT/SAT/STT/SDM/SOARI & PSHT/ SPST/ PST TO THE POST OF SST (G)/SST (M/P), BPS-16 on date and venue mentioned below.

1. SCT/ SAT/ STT/ SDM/ SOARI & PSHT/ SPST/ PST TO THE POST OF SST (G)/ SST

*COV-	TANDERS 20-09-2023 VENUE DEO (M) KARAK	
34.14	Name of Committee Chairman/Member	Designation
	- Livil-Cudmen Hakeem DDEO (M) Kamk	Chairman
2.	Mr. Muhammad Hussain SDEO (M) Karak	Member
3.	Mr.Khurshid Alam Principal OHSS Karak	Member
4.	Mr.Ghulam Sardar H/M GHS Toppi kila Karak	Member
5.	Mr. Usman ullah ADEO DEO (M) Karak	Member
6.	Mr. Muhammad Khalid Supdit DEO (M) Karak	Member
7.	Mr.Misal Khan Assistant Karak	Member -
8.	Mr.Dil Nawaz SDEO BD Shah	Member

DISTRICT EDUCATION OFFICER MALE KARAK

Endst No. 7012 Promotion/2023 Dated Karak the 14 109 12023

Copy to the:

- 1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 2.All Committee Chairman Members Concerned with the direction to approach on due date.

3. Deputy District Education Officer (M) Karak with the direction to monitor the process.

FEDUCATION OFFICER





Amrik T) Promotion To SST (M) of District Karak 2023



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

F.No. 433 /Deferred Cases/Promotion/2023
Dated the Poshawar 27 / 12 /2023

Τo

The District Education Officer (Male) Karak

Subject

PROVISION OF DEFICIENT DOCUMENTS/CLARIFICATION OF SENIORITY OF DEFERRED CASES

Memo:

I am directed to refer to the subject cited above and to state that the following teachers are deferred in The DPC meeting held on 10.10.2023 due to reasons/remarks mentioned against each.

* SCT/CT TO SST (G)

S#	Sп #	Name	School	Date of Birth	Date of Appit;/ Promotion as CT	Date of Promotion as SCI	Acad:& Prof:Qua:	Decision
1	- 1	Muhammad Yasin	GHSS Jahangiri	15/03/64	27/02/98	21/02/13	8A/BEd	Deferred till the clarification of seniority
2	6	Akhtar Zaman	GHS Ahmad Abad	20/03/64	26/01/84	21/02/13	BA/BEd (BA AJ- Khair)	Deferred till the provision of complete file/verification& authentication
6	21	Manzoor Qadir	GHSS Bogara	10/11/68	16/10/93	09/08/16	BA/BEd	Deferred till the provision of all orders & entry in S/Book
9	24	Muhammad Ilyas	GHS Saikol	11/06/69	17/11/94	09/08/16	BSc+ add English /BEd	All orders+Add English DMC required
10	25	Sahib Khan	GHS Bangi Killa	03/02/67	17/11/94	09/08/15	BA/BEd	Deferred till the clarification of seniority as transfered from kohat to Karak on 6/10/2004

STT/TT TO SST (G)

S #	Sen#	Name	School	Date of Birth	Date ofApptt;/ Promotion as TT	Date of Promotion nas STT	Acad:& Prof:Qua:	Decision
1	11	AbdusSaboor	GHS Tarki Khel	1/04/74	5/04/99	21/02/13	MA/BEd (Alkhair)	Deferred till the clarification of seniority in light of the appeal by Mr. Intehab Alam

S.QARI/QARI TO SST (G)

S #	Sen#	Name	School	Date of Birth	Date of Applijas Qarl	Date of Promotion as S.Qari	Acad:5 Prof:Qua;	Decision
1	.1	Muhammad Riaz Uliah	GHS Ghundi Killa	1/08/65	4/01/95	25/03/13	BA/BEd(Alk hair)	Defreed till the verification /authentication of BED degree from HEC by DEO/ S.Qarl complete order required

PSHT/SPST/PST TO SST_(G)

\$ #	Sen#	Name	School	Dute of Birth	Date of Apptt;es PST	Date of Promotion as PSHT/SPST	Acad:& Prof:Qua:	Decision
	(m 9	Javid Iqbal	GPS Ahmad Abad	21/08/66	17/01/90	14/02/2013	BA/BEd	FNA/ Enquiry

You are, therefore, required to complete the deficiencies and clarification of seniority at the earliest, as the DPC meeting will be scheduled soon, in continuation of the previous DPC meeting dated, 10/10/2023.

Copy for information to:

1. PA to Director E&SE Khyber Pakhtunkhwa Peshawar

2. Master File

Assistant Director (Estab-M-1)
Elementary & Secondry Education

Khyber Pakhtunkhwa Peshawar

Assis(ant Director (Estab-M-1)
Elementary & Secondry Education
Khyber-Pakhtunkhwa Peshawar

Page 1 of 1



Directorate of Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar



NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee in its meeting dated 12/06/2024 in continuation of the Departmental Promotion Committee meeting dated 10/10/2023 and in pursuance of the Government of Khyber. Pakhtunkhwa Elementary and Secondary Education Notification No.SO(B&A)/1-18/E&SE/2012 dated 11/7/2012 and Finance Department Notification No.SO (FR)/FD/10-22(E) 2010 dated16/7/2012, the following SCT/CT, STT/TT, PSHT/SPST/PST (Male) are promoted to SST (G), BPS-16 (Rs.28070-2260-95870), plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and conditions given below with Immediate effect.

Their services are placed at the disposal of District Education Officer (M) concerned for further adjustment

SST (General)

PROMOTION OF SCT/CT TO SST (General) BPS-16 ON REGULAR BASIS

	T								
S.No	Name		Date of Birth	School					
1,	Muhammad Yasin		15/03/1964	GHSS Jahangiri					
2.	Manzoor Qadir	_	10/11/1968	GHSS Bogara					
3.	Muhammad Ilyas		11/06/1969	GHS Saikot					
4.	Sahib Khan	•	03/02/1967	GHS Bangi Killa					

PROMOTION OF STT/TT TO SST (General) BPS-16 ON REGULAR BASIS

S.No	Name	Date of Birth	School	
<u> </u>	Abdus Saboor	1/04/1974	GHS Tarkl Khel	

PROMOTION OF PSHT/SPST/PST TO SST (C) PDC 46 ON DE

г		THE PROPERTY OF THE PROPERTY O				
- [S.No	Name	Date of Birth	School		
	1.	Javid Iqbai	21/08/1966	GPS Ahmad Abad		
				<u> </u>		

<u>Terms and Conditions</u>:-

- They will be on probation for the period as specified in Rules (15) substituted vide No.SO (Policles)/E&AD/ 1-3/2017 Dated. 07-12-2017 in Appointment, Promotion and Transfer Rules, 1989 (for Promotees Only).
- They will be governed by such rules and regulations as may be issued from time to time by the government.
- 3. In case their performance is found unsatisfactory during probationary period and in case of misconduct, they will be proceeded under the rules framed from time to time.
- Charge report should be submitted to all concerned.
- Their Inter-Se- Seniority on lower post will remain intact as per Rules (17)(4) of Appointment, Promotion and Transfer Rules, 1989.
- No TA/DA is allowed for joining the duty.
- They will give an undertaking to be recorded in their service books to the effect that if any over payment is made to them in the light of this order, will be recovered and if wrongly promoted, will be reversed.
- Before handing over charge, their documents may be checked. If they have not the required relevant qualification as per rules, they may not be handed over the charge of the post.

DRINGHEDECALICH DELICER

(Samina Altaf) Director

Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

No. 7600-04 / File/Premotion to

Dated Peshawar the: 23/07/2024 Copy forwarded for Information and necessary action to the: -

- District Education Officer (M) Karak.
- District Accounts Officer Karak.
- PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.
- Official Concerned. 4.
- 5. M/File.

ector (Estab-M-1) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE), KARAK KDA, KARAK

No <u>2988</u>

Dated

AUTHORITY LETTER

Mr. Saeed ullah, Legal Representative of District Education Officer (Male), Karak do hereby authorized to file written comments on behalf of Official respondents in Service Appeal No. 1010 of 2024 titled "Intekhab Alam V.S District Education Officer (Male), Karak the above titled service appeal

District Education Officer (Male), Karak.