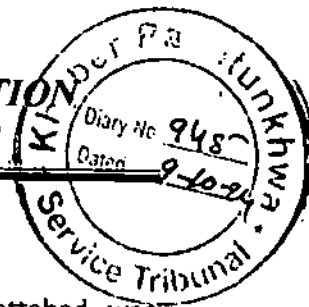




39/069

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR**



NOTIFICATION.

1. Whereas, the appellant namely Waseem Anwar PST (BPS-12) District Abbottabad was implicated in the Criminal Appeal No. 552 dated 01-06-2012 under Section 302/324/34 PPC at Mir Pur Police Station Abbottabad, whereupon, his services were suspended vide order dated 17-09-2012 under the Law & Rules in vogue. Later on, vide order dated 22-02-2016 of the learned Additional Session Judge Abbottabad, the accused was acquitted from the charges, level against him & subsequently, he was reinstated in service vide order bearing Endst No. 3315/F.No.18/Vol-III dated 29-04-2016.
2. And whereas, during course of service, the teacher concerned filed a Service Appeal No. 39/2019 before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar with the prayer that the promotion order dated 01-06-2017, whereby, PSTs (BPS-12) were promoted to SPSTs (BPS-14) may be set aside & the appellant may be promoted to the post of SPST w.e.f. 28-02-2013.
3. And whereas, the appeal of the appellant was disposed of by the Honorable Khyber Pakhtunkhwa Service Tribunal vide order dated 18-06-2019, whereby, the Department has been directed to decide the pending Departmental Appeal of the appellant in accordance with the law. Pursuant to the order ibid, the case of the appellant was processed by the District Education Officer (M) Abbottabad vide memo dated 11-06-2024 to the Directorate E&SE for disposal of the Departmental Appeal of the appellant, whereupon, a meeting of the departmental committee was held on 23-07-2024 which also attended by the DEO concerned.
4. And whereas, perusal of the material facts on record, transpire that at the time of promotion i.e. from PST to SPST, notified vide order dated 28-02-2013, the appellant was under suspension on account of his involvement in criminal FIR under Section 302/324/34 PPC at Mir Pur Police Station Abbottabad & as a result thereof, he was not promoted to the post of SPST. However, later on, he was promoted to the post in question vide Notification 16-02-2017 as and when he was become eligible for the said promotion. The committee also perused the relevant provision/Explanation-II contained in Rules-17 of APT 1989, wherein, it has been enunciated that the junior person shall be deemed have superseded the senior person, if the reasons of not promoting attributes to the senior person.

Now therefore, pursuant to the order dated 18-06-2019 of the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 39/2019 & observations of the departmental committee, discussed hereinabove, Samina Altaf, Director E&SE Khyber Pakhtunkhwa Peshawar, in a capacity of an appellate authority, am of the considered view that the appellant is not entitled for promotion to SPST (BPS-14) w.e.f. 28-02-2013 as the reasons of not promoting him is directly attributed to the appellant, hence, the appeal of the appellant for promotion to SPST (BPS-14) w.e.f. 28-02-2013 is hereby regretted in terms of the Rules-17 (i)/Explanation-II of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer), Rules 1989 read with Rule-VI of the Civil Servants Promotion Policy, 2009 with immediate effect in the interest of public service.

**SAMINA ALTAF
DIRECTOR**

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst: No: 2879-84 /F.No.(AD Litigation-II)E&SE/SA#39/2019/Waseem Anwar/2024
Dated Peshawar the: 19/9/2024

Copy forwarded for information & n/action to the:-

- 1 ✓ Learned Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 2 Deputy Secretary (Legal) E&SE Department Khyber Pakhtunkhwa, Peshawar.
- 3 District Education Officer (Male) Abbottabad.
- 4 Deputy Director (Legal) E&SE Khyber Pakhtunkhwa Peshawar.
- 5 Section Officer (Lit-II) E&SE Department Khyber Pakhtunkhwa Peshawar.
- 6 Mr. Waseem Anwar PST District Abbottabad.
- 7 PA to Director E&SE Khyber Pakhtunkhwa.
- 8 Master file.

Deputy Director (Estab/M-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar