FORM OF ORDER SHEET

Court of	
Appeal No.	1923 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2024	The present appeal resubmitted today by Muhammad Ismial Khan Advocate. It is fixed for preliminary
		hearing before Single Bench at Peshawar on 17.10.2024 Parcha Peshi given to the counsel for the appellant.
	• .	Tarcha resin given to the counser for the appenant.
		By order of the Chairman
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The joint appeal of Mr. Mustafa Zeb and 33 others received today i.e. on 03.09.2024 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- .1- Memorandum of appeal be signed by the appellants.
- 2- Check list is not attached with the appeal.
 - 3- Annexures of the appeal are not attested.
- 4- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above named appellants may be filed separately/individually.
- 5- Annexures of the appeal are illegible be replaced by legible/better one.
- 6- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 7.74 /Inst./2024/KPST,

Dt. 12/9/2024

OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Ismail Khan Adv. High Court Peshawar. Zia Rafiq

VERSUS The District Education Officer (Male) District Charsadda.

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Appellants

Through counsel <

Muhammad Ismail Khan

Amin Ullah Jan

Amjid Khan Mohmand

Advocates High court Peshawar

Office: Al Mansoor Hotel opposite Gulbahar Police Station Near BRT Stop Main GT Road Peshawar. 0346-9192028

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO 1923 /2024

Zia Rafiq S/O Muhammad Rafiq (SPST, BPS-14) Government Primary School Katozai No-3 , Shabqadar District Charsadda.

.....Appellants...

Versus

- 1. The Director Education Elementary and Secondary Education Khyber Pakhtun Khwa Near Govt Higher Secondary School No-1 GT Road Peshawar.
- 2. The District Education Officer (DEO) Male District Charsadda.
- 3. The Sub District Education Officer (SDEO) Shabqadar District Charsadda.
- 4. The Accountant General AG office Khyber Pakhtun Khwa Fort Road Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING/RELEASEING THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, AND ALSO REQUEST FOR ALLOWING THE INCREMENT FOR YEAR 2014, AND AS WELL AS AGAINST THE DEPARTMENTAL APPEAL WHICH SUBMITTED ON DATED 08-05-2024 WHICH NOT DECIDED IN STIPULATED PERIOD, WHICH IS THE INACTION OF THE DEO MALE CHARSADDA, WHEREAS THE DEPARTMENT NOT GIVEN ANY RESPONSE TO APPELLANTS.

PRAYERS.

ON ACCCEPTANCE OF THE INSTANT SERVICE APPEAL, THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL WITHIN THE STIPULATED PERIOD AND NOT ALLOWING THE ANNUAL INCREMENT FOR THE YEAR 2014 AND NOT RELEASING THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, MAY VERY KINDLY BE DIRECTED TO ALLOWING THE INCREMENT FOR THE YEAR 2014 WITH ALL BACK BENIFITS AND ALSO RELEASE THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014. OR ANY OTHER REMEDY/RELIEF WHICH THIS HON'BLE COURT/TRIBUNAL DEEMS FIT AND APPROPRIATE MAY KINDLY ALSO BE AWARDED/PASSED IN FAVOUR OF APPELLANTS, AS THE SAME ISSUE AND QUESTION IN IDENTICAL NATURE CASE IN SERVICE APPEAL NO 7597 OF 2021 ALSO BEEN ALLOWED AND DECIDED ON DATED 06-11-2023 BY THIS HON'BLE COURT.

Respectfully Sheweth.

-The Appellants humbly submits as under.

FACTS.

Brief facts of the Appeal are as under.

1. That the Appellante are the employee of the education Department, and were initially appointed as Primary School Teacher PST BPS-12 on ADHOC Basis after fulfilling all the legal and codal formalities required for the post under the law and Rules Regulation.

2. That all the Appellants after scrutiny and through proper channel by the Departmental Selection Committee DSC Under the supervision of DEO Male and other respected members of the committee appointed the appellants as primary school teacher PST BPS-12 on dated 31-05-2014.

(Copies of Appointments Orders dated 31-05-2014 is attached and annexed as A)

- 3. That the Respondent issued the appointments orders for the post of PST to all the Appellants, and when all the appellants received the appointment orders on dated 31-05-2014, they submitted their arrival reports and took over Charge reports of the PST Posts assigned in the appointments orders on dated 31-05-2014, and made entry in the Attendance Register in the school, since then the appellants are working with full zeal and according to their efficiency and with full devotion satisfaction of the School Head: (Copies of Charge Reports dated 31-05-2014 annexed as B and attendance Register Attached as C)
- 4. That Service Book of the Appellants was also prepared and necessary entries were made therein in the service books from the date of initial appointments till date.

 (Copies of Service Books are attached and annexed as D)
- 5. That after satisfactory duties of all the Adhoc Teachers, the Govt of Kp through Regularization Act 2017 including appellants in the year 2018 they all were regularized from the date of their initial appointments orders i.e. 31-05-2014, the date which is 31-05-2014 is also mentioned in the heading of the regularization order of the Appellants as well as other candidates of PST.

(Copy of Regularization Order annexed as E)

- 6. That thereafter the appellant were also promoted from the Post of PST BPS-12 to post of Senior Primary School Teacher SPST BPS-14 by the Departmental Promotion Committee DPC under the supervision of DEO and other officials, Vide order dated 19-05-2020. And the Appellants were in at Serial No (Copy of Promotion orders annexed as F)
- 7. That the appellant were facing huge financial discrepancy in their monthly salaries due to the reasons that increment for the year 2014 were not allowed and also the salaries for month of June July and august 2014, were not released for which the appellants made several visits and request verbally as well in shape of applications appeals etc. (Copies of application and appeals annexed as G)
- 8. That at last the Respondent No-3 SDEO Shabqadar send one letter to DEO Male Charsadda on dated 22-04-2024, for further action but despite applications reminders to Respondents, they are not given positive response.
 (Copies of SDEO Male letter to DEO annexed as H)
- 9. The service appeal decision in the same nature issue and matter had came to the knowledge of the appellants, which also mentioned in the application, title case ABDUL MUSAWIR VS EDUCATION DEPARTMENT service appeal No- 7597 of 2021, which was decided by the Hon'ble Bench Member of Service Tribunal Peshawar on dated 06-11-2023, whereas the same relief given and granted to one teaching cadre who also appointed with the appellants as PST and later he regularized and also promote as SPST BPS-14.

(Copy of same identical nature case and Court order of KP service Tribunal dated 06-11-2023 annexed as i)

(3)

10. That after the above said mentioned process, when no such relief given to appellants, then the appellants filed departmental appeal to Directorate Education, and attached all the relevant documents correspondence, but till now, no such response/relief given to appellants.

(Copies of Departmental appeals to Directorate annexed as J)

- 11. That the appellants were also visited to concern quarter of accounts office to allow and include the same increment as well as salaries to appellants, but till date the same is neither included nor been allowed in the appellants salaries slip records.
- 12. That feeling aggrieved from the inaction of the respondents to not decide the departmental appeal and by not allowing the annual increment for year 2014 as well as the salaries of the month of June July and august 2014, the repeatedly visits applications requests and at last departmental and same identical nature service decided case/appeal, the respondents on no grounds And without showing any reason s were silent on the appellant appeals.
- 13. That feeling aggrieved by all the appellants, and having no other remedy except filing this service appeal on the followings grounds.

GROUNDS:

- A. That the act and omission of the Respondents by illegally deducting annual increment for the year 2014, and not releasing the monthly salary for the month of June, July and August 2014, is against the law, facts material available on records and norms of natural justice hence not tenable in the eyes of la and is liable to be struck down.
- B. That the appellants has not been treated by the respondents department in accordance with ;aw and rules on the subject noted above and as such the Respondents violated article 4 and 5 of the Constitution of Islamic Republic of Pakistan 1973.
- C. That the Appellant has properly submitted his charge report and made attendance Register of the school on dated 31-05-2014, and as such the appellant has spent 180 days on 1st December, that the entitles the appellant for the annual increment of the year 2014.
- D. That the act of the Respondents by illegally deducting annual increment for the year 2014, and not releasing the monthly salary for the month of June, July and August 2014, is against the prevailing Law and Rules.
- E. That the Respondents violated Article 38(E) of the constitution of the Islamic Republic of Pakistan 1973, according to which "The state is bound to eliminate disparity in the income and earning of individuals including persons in the various service of Pakistan". Thus in light of above the Respondents are duty bound to release the annual increment for the year 2014 as well as the monthly salaries for the month of June, July and August 2014.



- F. That the Respondents acted in arbitrary and malafide manner, while illegally deducting the annual increment for the year 2014, and not releasing salaries for the month of June July and August 2014.
- G. That the Act and omission of the Respondents by illegally deducting annual increment for the year 2014, and not releasing of the monthly salaries for the month of June, July and August 2014, is nothing but depriving the appellant from the legal rights of livelihood.
- H. That the appellant seeks permission to advance other grounds and proofs evidence at the time of hearing and arguments.
- That other ground will be discussed at the time of arguments with prior permission of this Hon'ble Court.

IT IS THEREFORE HUMBLY PRAYED THAT, ON ACCCEPTANCE OF THE INSTANT SERVICE APPEAL, THE INACTION OF THE RESPONDENTS BY NOT ALLOWING THE ANNUAL INCREMENT FOR THE YEAR 2014 AND NOT RELEASING THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014, AND NOT DECIDED THE DEPARTMENTAL APPEAL WITHIN STIPULATED PERIOD, THE RESPONDENTS MAY VERY KINDLY BE DIRECTED TO ALLOW THE INCREMENT FOR THE YEAR 2014 WITH ALL BACK BENIFITS AND ALSO RELEASE THE OUTSTANDING SALARIES FOR THE MONTH OF JUNE, JULY AND AUGUST 2014. OR ANY OTHER REMEDY/RELIEF WHICH THIS HON'BLE COURT/TRIBUNAL DEEMS FIT AND APPROPRIATE MAY, KINDLY ALSO BE AWARDED/PASSED IN FAVOUR OF APPELLANTS, AS THE SAME ISSUE AND QUESTION IN IDENTICAL NATURE CASE IN SERVICE APPEAL NO-7597 OF 2021 ALSO BEEN ALLOWED AND DECIDED ON DATED 06-11-2023 BY THIS HON'BLE COURT, And any other relief and remedy deems justified by this Hon'ble Tribunal may also be passed in favour of the appellant for the interest of justice.

APPELLANT

Ziak

Zia Rafiq

Through Counsel

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BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO_____/2024

Zia Rafiq S/O Muhammad Rafiq (SPST, BPS-14) Government Primary School Katozai No-3 , Shabqadar District Charsadda.

VERSUS

The Director Education Khyber Pakhtun Khuwa Peshawar and others

Certificate.

It is certified that, no such like appeal has been file of pending on the subject matter between the parties before this Hon'ble Tribunal.

Appellant

ΔΡΡΕΙΙ ΔΝΤ

Zier

Zia Rafiq

Through Counsel

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No	/ 2024
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Zia Rafiq S/O Muhammad Rafiq (SPST,	BPS-14) Government Primary	School Katozai
No-3 , Shabqadar District Charsadda.		

.....Appellant

VERSUS

- The District Education Officer (Male) District Charsadda.
- 2. The Secretary Elementary and Secondary Education, KP Peshawar
- 3. The Director Education Directorate of Elementary and Secondary Education Peshawar
- The SDEO Male Shabqadar District Charsadda.

....Respondents

AFFIDAVIT

I, Zia Rafiq S/O Muhammad Rafiq (SPST, BPS-14) Government Primary School Katozai No-3, Shabqadar District Charsadda, do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent_2ial_

IDENTIFIED BY
Muhammad Ismail
Advocate High Court

Through counsel

Ismail Khan Umar Khan

Amjid Khan Mohmand

Advocates High court Peshawar







OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

APPOINTMENT

Consequent upon recommendation of the District Selection Committee appointment of the following candidates are hereby ordered against the post of PST School based/LC based in BPS-12 (Rs: 7000-500-22000) @Rs: 7000/= fixed plus usual allowances as admissible under the rules on ad hoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

S.#	Name		School Name	U/C	Score
49/1.14	ZIA KAFIQ		GPS Katozai-1	Katozoi .	120.86
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TERMS & CONDITIONS.

- NO TA/DA etc is allowed.
- 2. Charge reports should be submitted to all concerned in duplicate.
- 3. Appointment is purely on temporary & contract basis initially for one year.
- They should not be handed over charge if they exceed 35 years or below 18 years of age.
- 5. Appoinment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO(concerned) Any one found producing bogus Certificate will be reported to the law enforcing agencies for footbor order.
- 6. His services are liable to termination on one month's notice from either side, in case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
- 7. Pay will not be drawn until(and unless a certificate to the effect by DEO(concerned) is issued that his certificates are verified
- 8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
- 10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
- 11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 12. His services shall be terminated at any time; in case his performance is found unsatisfactory during his contract period. In case of misconduct, he shall be preceded under the rules framed from time to time.

VZia Raliq Katozai.docx





ppointment Order PST (M) Ad hoc-Based

Itis appointment is made on School bused, He will have to serve at the place of posting, and his service is not transferable to any other station.

Before handing over charge once again their document may be checked if they have not the required qualification, they may not be handed over charge.

(Siraj Muhammad) District Education Officer (Male) Charsadda

Endst: No. 4807 4958/Dated: Charsaddu the. 3//5/16:

Copy for barded for information and necessary action to the: Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
Deputy Commissioner Charsadda

3: District Accounts Officer Charsadda
4: SDEO (M) Charsadda
5: SDEO (M) Tangi
6: Official Concerned
7: M/File

District Education Of (Malc) Charsadda

→ AZia Rafiq-Kdtozai.doex

mrk B



CHARGE REPORT

I it certified that Mr. Zia Rafiq S/O Muhammad Rafiq has this day in the after noon taken over the charge of primary school Teacher at GPS KATOZAI NO.1 Shabqadar fort vide Endst No. 4807- 4958/ dated Charsadda the 31/05/ 2014. Govt: of Khyber Pakhtunkhwa office of the district Education officer Male Charsadda.

Handéd over charge

Head Master GPS KAOZAI NO.1

DATE: 31/05/2014

G.P.S No-1 Katozai Taken over charge

Zia Rafiq (PST)

SIGN

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EQUALITY OF THE DISTRICT POOCUTION ALLICAY (MAPE) AUTOVOVA

NOTIFICATION

ANY (E)

In pursuance of The Khyber Pakhtunkhwa Employees of the Elementary & Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018) and Elementary & Secondary Education Department Govt: of Khyber Pakhtunkhwa Notification No. SO (S/F)E & SED/3-2/2018 / SITT /Contract dated Peshawar the 16/02/2018, services of the following (433) Primary School Teachers appointed through NTS on Adhoc basis on Contract w.e.f (31-05-2014 to 15-07-2017), are hereby regularized in BPS-12, on the same posts in Teaching Cadre on the terms and condition given below with effect from the date of their appointment as metioned against each in the interst of public service.

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54	Rail No. NTS	Name and Father Hame	CNICNO	Name of Scho	Mar out 200	el u/c	Appointment orde	r No. & Date of Over £	T Extension No	B Date
1	1560039	Muhammad Khalid S/C Yousaf Ali	17102-653700	GPS Station x	olfi 132.0	89 Abata	4807-4538 Dated:31/05/2	014 01-09	23538-24 1-14 Dated:28/04	
1	1560071	Marjan All S/O Saced G	17101-976607 ul 5	GPS Sheikh K	OH .121,2	21 Agra	4807-4958 Dated:31/05/20	01-09	23938-240 -14 Dated:26/04	
3	1560014	Mian Add Shah S/O Mia Sifayat Ullah	in 17101-684401	3- GPŞ Agra Bal	116.3		4207-1958	-	23938-240	0/8
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5	1560163	Tilawat Shah S/O S.Wailayat Shah	17101-C11369-	4-			0ates:31/05/20 4807-4958		23938-2407	
6	1560941	Muharnmad Shoaib 5/0 Fida Muharumad				<u> </u>	4807-4958	•	23938-2407	
7	1560994	Shah Anwar S/O Rabins	17101-0395899	1	129.60		4807-4958	4 03-09-1	4 Cated:28/04/2	 ,
8	1560125	Muhammad Asim 5/O Pervet Khan	17101-7492493 7	GPS Marozai GPS Mathra Ne	<u> </u>		4307-4958		23938-24078	
9	1551210	Shah Khalid S/O SJaffar Shah		i	T		-1807-4958		23938-24079	
10	1560007	Nasir Khan \$/O Nadur Khan	17101-0307603	1	119.3	Battagram Behipia	4807-4958		23938-24078	
11	1560545	Muhammad Ishtiaq \$/O Muhammad Nabi	17101-3765891 7			Behiola	Bated:31/05/2014 4807-4958	01-09-14	Dated:78/04/29 23038-24079	17
12	1561637	Yaveen Khan 5/0 Fawad Khan	17101-2716399-			Behicla	Oated:31/05/2014 4807-4953 Dated:31/05/2014	01-09-14	Dated:28/04/25 -23938-24078	17
13	2761564	Nizam Ullah S/O Ubaid Ullah	17101-6378689- 5	GPS Islam Abad Dargal	135.83	barçal	4507-2958 Dated:31/05/2014	01-09-14	2393n-24073	
14	1561254	Muhaminad Ali S/O Faqir Jan	17101-0300786- 9	GP\$ Mahagi	118,45	Daviet Pura	4807-4053 Dated:31/05/2014	01-09-14	23938-24074	3
15	1560109	Turum Çi Haq S/O Abdut Dayan	17101-6170115- 7	GPS Ambadher-1	116.29	Daviat Pora	4807-4953 Oateú:31/05/2014	01-09-14	Dated:28/04/207 23938-24076	ম
36	15602)4	Asif Ullah S/O Noorgat Ali Shah	17101-0826588- 1	GP5 Daulat Pura	114.31	Daulat Pura	4807-4958 Deted:31/05/2014	01-09-14	23933 Q4078	
17	1560175	Umar Gul S/O Ziarat Gul	17101-6375764- 1	SPS Attr Abad-2	121.66	Oheri Zardad	4807-4959 Dated:31/05/2014	03-09-14	Dated:28/04/2017 23938-24078	
18	1561321	Abdurahman S/O Rehman Gul	17101-0342715. L	GPS Jan Abad	114.33	Oheri Zardad	-207-4958 Dated:31/05/2014	91-C9-14	13930-24078	
19	1560954	Dawcod Marood 5/O Fazal Marood	17101-0328797- 7	GPS Kalyus	104.56	Dherl Zardad	4807-4958 Dated:31/05/2014	01.09-14	Dated 28/04/2017 23938-24078	<u>.</u>
20	1560934	Zəfər Ali 5/O Muhammad Ali	17101-0260321- 7		116,17	Dosehra	1807-4958 Dated 31/05/2014	01-09-14	Dated:28/04/2017 i. 1 23938-24078 ;	
21	1560990	Muhammad Gultar S/O : Miras Khan	17101-2239656- 1	GPS Harvena-2	1:1.12	Cosehia	4507-4958 Dated:31/05/2014	01-09-14	Dated:28/04/2017 23936-24078	<u> </u> ;
22	1552448	Jawad Muhammad 5/0 J Abid Muhammad	17101-1571324- 1	GPS Shan Ohand	117.17	Dosehra	4807-4958 Dates:11/05/2014	01-09-14	Dated: 28/04/2017 73938-24073	-
23	150:166	Shakeel Ahmad S/O 1 Faroog Shah	17102-7470651- 9	GPS Karing Banda	123.25	Gandhari	4607-4958 Dated 31/05/2014	01-09-14	Dated:28/01/2017 23938-24078	
24	256100 \$	Wingar Khun SVO Mustafa 1 Khan		EPS Maika Diter	116.55 G	hunda Karkuna	4807-495E Dated 31/05/2014	01-09-14	Date:###/04/2017 20938-24078	
25	1500064	Kamran Ullah 5/O Azizur J Rehman		595 Malan Sher	115 00 00		4607,4958	01-03-14	Dated:28/04/7017]

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Muhammad Dawood

17103-7433487-

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433	2531000963	Yahya Jan S/O Dilbar Khan	17102-9394948- 205	GPS Mahmood Abad	131.61	Chindrodas	28877-80 Dated:15/07/2017	01-09-37	
432	201700483	Syed Wilayat Shah 5/0 Syed Farah Siar Shah	17102-9394848- 205	GPS Haidar Kıllı	109.59	Shodag	20873-76 Oated:15/07/2017	01-09-17	Post No.
435	2033001129	Asrl Ur Rohman(Disable Quota) 5/O Gul Rehman	17102-5194848- 204	GPS Dhatk)	174.50	Dhukki	27547-51 Dated:25/05/2017	01-09-17	,
430	202300325	Harrat Ullah S/O Alareraid	17102-9394646- 203	EIN JOIA 29D	106.74	Ko: Sahram Dheri	27530-34 Dated.Z1/05/2017	91-05-17	
429	2017000286	(Disable Quota) 5/O Zahid Utlah	17102-9394848- 202	GP\$ No.1 Chersadda	121.31	MC-III Charsadus	27462-71 Pated:20/05/2017	23-05-17	
428	2017000247	irlan Ullah S/O Youtal Gu! Mujeeb Ur Rapman	17102-9394548. 201	GPS No.1 Tangi	120,14	MC- Tangi	: 27462-71 Dated:20/05/2017	22-03-17	. :
427	2032001161	Abdul Majid S/O Abdul 8an	17102-9394848. 200	GPS Mubeen Koroona SKF	126	Massanzal	17462-71 Dated:20/05/2017	. 22-05-17	
476	101301231	Muhammad Zohalb S/O Muhammad Yousaf	17102-9394348. 199	GPS Cheri Zaroad No.1	112.95	Oherl Zərdəd	20762-950 Deleit.28/03/2017	CB-04-17	
425	2033001107	Mazhar Ali S/O istlichar Ali	17102-939-1948. 198	GPS Umartel No.1	134.95	Umarżał	10752-ESG Gated 78/03/1017	08-01-17	:
	2031001023	Muhammad All S/O Zall Ullah Khan	17107-9394848. 197	GFS Tarnab No.1	111,76	Taunah	20762-856 Dated-28/03/2017	08-04-17	
474	2035001649	Nadeem lan 5/O Khan Bahader	17302-9194846. 196	GPS Ternab No. 2	112,6	Tarnab	10762-856 Dated:38/03/2017	C8-04-17	
673	20750014-1	Sayel Khan S/O All Akbar	195	GPS Spimal Tong	116,54	Shedag	20762-856 Osted:28/03/2017	08-04-17	1
		1	1/102-9394848	.I	ı	1	1	t	

TERMS & CONDITIONS.

- 1.) Their services shall be governed by the Khyber Pakhtunkhwa Civil servants Act. 1973, the Khyber Pakhtunkhwa (Appointment, Deputation, Posting & Transfer of Teachers, Lectucers, Instructors & Dactars) Regulatory Act, 2011 and such rules & regulations as may be issued from time to time by the Government.
- 2.) Their services shall be considered regular and they shall be eligible for pension / dedication of GPF and in terms of the Khyher Pakhunkhwa Civil Servants Act. 1973 as amended in 2013.
- 3.) Their services are liable to termination on one months' notice from either side in case of resignation without notice, their one month's pay/allowances shall be forfeited to the Govi.
- 4.) They shall possess the same qualification and experience required for a regular post.
- 5.) Their regularization shall not affect the promotion quota of existing holders of posts in respective service cadres.
- 6.) The regularization will not be in favour of those, who have not taken over charge or has remained absent from duty or resign terminated from service and also not for those who are under disciplinary proceedings.
- 2.) Their pay shall be relected subject to verification of academic documents/testimental from the concerned Board/University by the SDEO concerned.
- 8.) The employees whose services are regularized under The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No. 1 of 2018) or in the process of attaining service at the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education. (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No. 1 of 2018) shall rank junior to all civil servants belonging to the same service or codre, as the case may be, who are in service on regular basis on the commencement of The Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education (Appointment and Regularization of Services) Act, 2017 (Khyber Pakhtunkhwa Act No.1 of 2018), and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual have of appointment.
- 9.) The seniority inter-se of the employees, whose services are regularized under this slot within the same service or codes, shall be determined on the basis of their continuous officiation in such service or codes;
- 10.) Their seniority shall be determined on the hasis of their continuous service in codes, provided that if the date of continuous service in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.

(SIRAL MUHAMMAD)

DISTRICT EDUCATION OFFICER
(MALE) CHARSADDA

Endst: No. 19747-20188 F.NO. (Regularization PST 2018) Dated: 12 / 03 12918

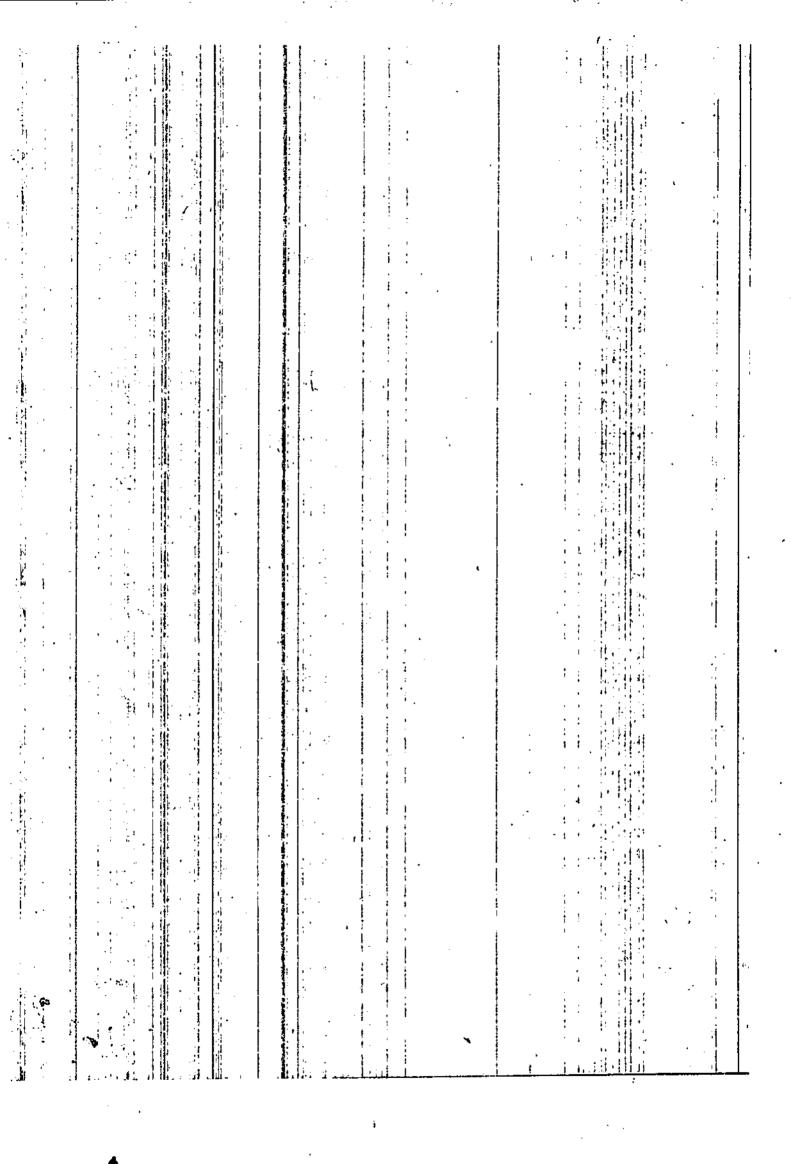
Copy forwarded for information to the: -

- 1. Director E&SE Deptt: Khyber Pakhtunkhwa Peshawar.
- 2. District Nazim Charsadda
- 3. Deputy Commissioner Charsadda
- 4. District Monitring Officer AMU Charsadda
- 5. SDEO (M) Charsadda
- 6.SDEO (M) Tangi
- 7. SDEO (M) Shabqudar
- 8. District Account Officer Charsadda.
- 9. Official concerned.

10.0ffice file.

Mer (cho

DY: DISTRICT EDUCATION OFFICER





OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) EASE CHARSADDA



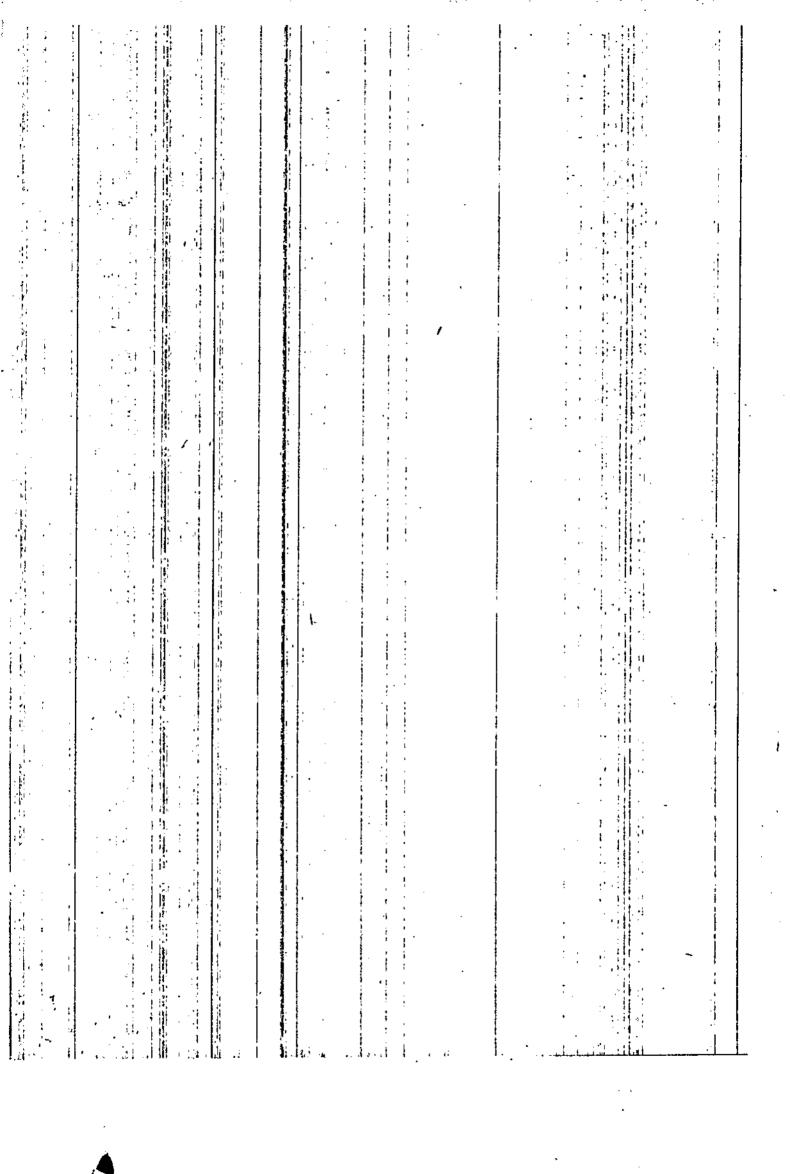




OFFICE ORDER

is some appresseemmendation of the Departmental Promotion Committee and in pursuance of prient of Nivbor Pakhtankhwa Elementory and Secondary Education Notification No.2412/2542 / 15 and 15 to Cophawar the 21-21-2015 the following: Primary School Teachers (BPS 12) are hereby 13 2000 1875 I S \$ 14 (Re 15) 80-1170-50280; plus usual allowances as admissible under the rules on the consistence the existing policy of the Provincial Covernment in Teaching cadre on the terms and conditions 13.50 as with immediate office and further posted in the school noted against each

	NMS	PRESENT SCHOOL	POSTED AT	REMARKS
	SHEER WO HERMAN KHAN		GPS PALAY DOBANOL	AVF
	n (2001) S. (2022) Alice (2 22) MAHACUS AN IZON	GAS AMBAIDHERA NO 2	GPS AMBA DHERI- NO 2	A.V P
	ng Magayeran Ng Magayeran	GAS CHEENA	GPS CHÉENA	AVP
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	Eugher Make Ak	GPS KHAT KILLI SHOLGARA	GPS KHAT KILLI SHOLGARA	AVP
-	4) 1 245 251	GRS MAURIABAD	GPS MALIK ABAD	AVP
· -	and wealth grander	GAS ANGCHAM -	GPS MARCHAKI	AVP
2	M. S. Moreka	SPS WANTKILL	GPS LANDAI SHAH	AVP
	ughauwas nobsas	OFS RULA DHER NO 1	GPS KULA DHER NO 1	AVP
	45LAM KHAN	GES KNORA ABAD	GPS KHORA ABAD	AVP
	-	GPS ANGAR KOROONA	GPS ANGAR KOROONA	AVP
· · · · ·	, TAM Japanese	GPS (SLAM ABAD DARGA)	GPS ISLAM ABAD DARGAI	AVP
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25	CLL MISAN F	GFS ANGAR KOROONA	GPS ANGAR KOROONA	j AVP
. 13	; = 2, ,	GPS NANGRA	GPS KANSRA	AVP
→ . 3 ±	set Shep	GPS ZUHRAB GUL KILLI NO 1	GPS ZUHRAB GUE KILLI NO 1	AVP
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W.	HARMAT FROMS	GPS ASHARA BATTAGRAM	GPS ASHARA BATTAGRAM	, AVP
3-3	9-11-4-4-4 1-11-4-4-4-4	GPS MAN SAHIE GUL KILLI	GPS MIAN SAH'8 GUL KILLI	 ∴∨₽
	.47.4.	GPS KHO S A:	GPS KHUBAI	AVP
-	- Jan 4.	GPS CHAMYARAN	GPS CHAMYARAN	A V F
- 1		13PS AZODN KILLI	GPS AJOON KILLI	A\P
**	- + (+24	GPS RIZWAN ABAD	GPS PIZWAN ABAD	
٠.		9°5 NAME 181	GPS INAM KILD	
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ADJUSTNIENT

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	Hasab Avrui SIST	GFS Finer Kine.	GPS Sheda	N Rusis
17	State Served PST	200 Minural Baha	GPS Shekh Kib	N-Basis
`;	April at Father SPST	GFS Roseldar Relii No 2	GPS Garhi Hameed Gul	·· N Basis

NOTE.

* No TA, DA is allowed

* Charge report should be submitted to all concerned

🚶 (JEHANGIR KHAN) DISTRICT EDUCATION OFFICER (MALE) CHARSADDA

F.No. (Promotion 2020) / Dated

Capy for information to the

Director EssEr Rhyber Pakhfunkhwa Peshawar.

2

District Action of Charsed Anguer Passing Robert Charsed Charles Charsed Charles Charsed Charles Charsed Charles Charsed Charles Charl

Sub-Divisional Education Officer (Male) Shabqadar.

Official concerned.

Office file.



Тσ

THE DISTRICT EDUCATION OFFICER (MALE) District Charsadda.

Subject:

APPLICATION FOR THE GRANT OF INCREMENTFOR THE YEAR 2014 AND SALARIES FOR THE MONTHS OF JUNE, JULY & AUGUST 2014!

Respected/Sir,

Most respectfully, it is stated that I am working under your kind control in District Charsadda. I was appointed as PST (BPS-12) vide order Endst No. 4807-4958 dated 31-05-2014. After performing duty for sufficient time my service was regularized with the promulgation of the Act of 2017.

While our official service commencement date was 31/05/2014, the government began issuing our salaries from 01/09/2014, and according to the said salary our increment for the year 2014 was not allowed to me.

Furthermore, I wish to highlight a recent development within our department wherein one of my colleagues namely Abdul Musawir successfully pursued legal action and approached Khyber Pakhtankhwa Service Tribunal Peshawar to rectify this issue and his case was graciously allowed. As a result, the department issued the petitioner with all withheld salaries and corresponding increments in alignment with initial appointment date.

In the light of this precedent and the principle of equal treatment for all employees, I am respectfully requesting that the department extends the same consideration to me as the said petitioner and I have been appointed with the same Endst Number and on same date, May 31, 2014.

In this respect, it is therefore requested that salaries for the months of June, July & August 2014 and increment for the year 2014 may kindly be allowed to me in line with the principles of justice and fairness, please.

Thank you for your time and consideration.

Obediently Yours

Name: Zia Rafiq Designation: SPST

School: / GPS KATOZAI NO3

Contact No: 03455683924 Signature: C. VM

Date:

20-104-2024





Office of the Sub Divisional Education Officer (Male) Shabqadar Charsadda

10021,

sdeopri@gmail.com Dated 22/ 4/2024

 T_0

The District Education Officer (Male) Charsadda

SUBJECT: APPLICATION FOR THE GRNAT OF INCREMENT FOR THE YEAR THE MONTH \$ OF JUNE, JU 2014

Memo;

Enclosed please find herewith a self-explanatory applications along with other relevant documents of the following officials is submitted for your kind, perusal and necessary

er#:	Name of Official \.	Designation '	School Name	
1 :	Tariq Jan	SPST	GPS No,3 Attaki	
2	Sherbaz Khan	SPST	GPS, Hassanzai Shabqadar	
3	Syed Zaheer Abbas	SPST	GPS Spinkai No,1 Shabqadar	
4	Abdur Rafi Jan	SPST	GPS Katozai No.2.	
5 - 1	Rahm Shid Khan	SPST	GPS Krapa Muhmmad Khan	
6	Zia Rafiq	SPST	GPS, Katozai No.3.	
7	Naseem Khan	SPST	GPS Mir Zai	
8	Zubair Khan	SPSŢ	GPS Shahbaz Khan Kor	
. 9	Mustafa Zeb	SPST	GPS, Mian killi Shabqadar	
10	Gul Raj Khan	SPST	GPS, Kodai No .1	
11	Sadeeq Ullah	SPST .	GPS, Kodai No.2	
12	Muhammad Sajjad	SPST	GPS, Banda Rashakai	
13	Khan Muhammad.	SPST	GPS, Rashaki	
14	Zakir Ullah	SPST	GPS, No1, Kodai	
15	Shah Muhammad	SPST	GPS Shabaz Khan Killi	





Office of the Sub Divisional Education Officer (Male) Shabqadar Charsadda

16	Ihsan Ali	SPST		
17			GPS,	
18	Muhammad Izhar	SPST	GPS, Hassanzai	
<u>. </u>	Asif ullah	SPST	GPS, Sandasar	
19	Fathul Amin			
20		SPST	GPS, Haryana	
	Tilawat Shah	SPST	GPS, No1, Sonta	
21	Muhammad Asim	SPST		
22	Shah Khalid		GPS Haji AbadSreekh	
23		SPST ·	GPS, Haji AbadSreekh	
	Syed Masood Ahmad	SPST	GPS,NO2 Atttaki	
24	Mohibullah	SPST		
25		0/0/	GPS.NO 2. Attaki	
26	Bakht Taj Gul	SPST	GPS Kabaley Shabqadar	
<u> </u>	Syed Ziauddin Badshah	SPST	·	
27	Seeed Khan		GPS Daryab Korona	
28		SPST	GPS Matta Mughal Khel	
30	Wasal Ahmad SPST	SPST		
29	Sher Ali	SPST	Hassan Gul Korona	
30	Muhammad Shoaib		GPS Kangra Nahaqqi	
31		SPST	GPS Ashara Battagram	
32	Arshad Khan	SPST	(1)	
	Adnan Hussain	SPST	GPS, Kotak	
			GPS, Gonda	

Fuel: As Above

Sub Divisional Education Officer
(Male) Shabquiar

PEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

APPEAL NO.

ABDUL MUSAWIR

EDUCATION DEPTT:

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9.	Wakalathama			22

APPELLANT

Through:

MUHAMMAD MAAZ MADNI,

ADVOCATE HIGH COURT, PESHAWAR KHATTAK LAW ASSOCIATES. 191

Juma Khan Plaza, Warsak Raod, Peshawar 0333-9313!13, 0345-9090737

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APPEAL NO. 7597 /202

ABDUL MUSAWIR s/o Muhammad Ali, SPST (BPS-14).
Govt. Primary School, Angar Kali. Charsadda.
r/o Amir Abad, PO Rajjar, Tehsil & District Charsadda.

APPELLANT

VERSUS

- THE DIRECTOR EDUCATION, Khyber Pakhtunkhwa. Inear/Govt. Hasnain Shaheed High School, Firdous, Peshawar.
- 2. THE DISTRICT EDUCATION OFFICER. District Charsadda.
- 3- THE ACCOUNTANT GENERAL, KHYBER PAKHTUNKHWA.
 Fort Road. Peshawar Cantt:

RESPONDENTS

APPEAL UNDER SECTION 4: OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING INCREMENT FOR THE YEAR 2014 & ALSO NO RELEASING OUTSTANDING SALARIES FOR THE MONTH OF THE JUNE, JULY & AUGUST 2014 AND AGAINST APPELLATE ORDER DATED 16-09-2021 (Communicated to the appellant through register post on 21-00-2021) WHEREBY THE DEPARTMENTAL APPEAL DATED 09-07-2021 OF THE APPELLANT WAS REGRETTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of the instant service appeal the inaction of the respondents by not allowing the annual increment for the year 2014 and not releasing outstanding salaries for the month of June, July & August 2014 may very kindly be declared illegal and the respondents may kindly be directed to allowing increment for the year 2014 with all back benefits and also release the outstanding salaries for the month of June, July & August 2014. Any other remedy which this august Tribunal deems appropriate that may also be awarded in favor of the appellant.

Respectfully Sheweth,

FACTS:

Brief facts giving raise to the instant appeal are as under:

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That appellant is the employee or the respondent Department and was initially appointed as Primary School Teacher (PST) (BPS-12) on adhoc basis after fulfilling all the legal and codal formalities required for the post vide order-dated 31-05-2014.

Copy of Appointment Order dated 31.05.2014 is attached of as Annexure

2. That the appellant after receiving the appointment order dated 31-05-2014 submitted his arrival report and took over the charge of the post assigned in the appointment order on 31-05-2014 and made entry in the attendance register of the school since then the appellant is working quite efficiently, whole heartedly with full devotion and upto the entire satisfaction of his high ups.

3. That service book of the appellant was also prepared and necessary entry was made therein in the service book from the date of initial appointment till date.

- 4. That service of all the adhoc teachers were regularized vide. Regularization Act of 2017 and accordingly the services of the appellant was also regularized from the date of appointment vide order dated 12:03-2018; the entry of which was properly incorporated on page-7 of the service book already annexed above as annexure-D.
- 5. That presently the appellant is working as Senior Primary School Teacher (BPS-14) as in the year 2020 the appellant is promoted from the post of Primary School Teacher (BPS-12) to the post of Senior Primary School Teacher (BPS-14) evide order dated 19-05-2020 at serial no. 20, the entry of which has also been made in the service book on page 09 of the service book attached at annexure.
- 6. That appellant was facing huge discrepancy in the month of July salary due the reason that increment for the year 2014 was not allowed and the salaries for the month of June. July & August 2014 was not released for which the appellant made several request before the respondents by knocking the doors of various forum and accordingly the fixation party of

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Respondent no. 3 allowed the increment for the year 2014-but till date the same is neither been included nor been allowed in the salary of the appellant.

Copy of Pay Rolls are attached as Annexure E.

7. That the appellant feeling aggrieved from the inaction of the respondents by not allowing increment for the year 2014 and not releasing the monthly salary for the month of June. July & August 2014, the appellant file Departmental Appeal dated 09-07-2021 before the competent authority which, was rejected vide appellate order dated 16-09-2021 on no good ground and the same is communicated to the appellant through registered post on 21-09-2021.

Copy of Departmental Appeal dated 09.07.2021 & Appellate Order Dated 16.09.2021 is attached as Annexure F& C

8. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others:

GROUNDS:

- A- That act & omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June. July & August 2014 s against the law: facts, material available on record and norms of natural justice hence not tenable in the eye of Law and is liable to be struck down.
- B. That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the appellant has properly submitted his charge, report & made attendance in the attendance register of the school on 31-05-2014 and as such the appellant has spent 180 days on 01". December that entitles the appellant for the annual increment of the year 2014.
- D- That act of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly

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salary for the month of June. July & August 2014 is against the prevailing Law & Rules.

E- That respondents violated Article 38(e) of the Constitution of Islamic Republic of Pakistan 1973, according to which:

the state is bound to eliminate disparity in the account and capacity of individuals including persons in the various service of Pakistan. Thus in light of the above the respondents are duty bound to release the annual increment for the year 2014 as well as the monthly salaries for the month of June, July & August 2014.

- F- That, the respondents acted in arbitrary and malafide manner while illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June, July & August 2014.
- G- That act & omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing the monthly salary for the month of June. July & August 2014 is nothing but depriving the appellant from legal right of livelihood.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for.

Dated: 15-10-2021

APPERLANT

ABOUT MUSAWIR

Through:

MUHAMMAD MAAZ MADNI Advocate High Court, Peshawar

CENTIFICATE

(240)(3)

No. such like appeal has been filed or pending on the subject matter between the parties before this Honourable Tribunal.

ADVOCATE

AFFIDAVIT

I. Mr. ABDUL MUSAWIR s/o Muhammad Ali, do hereby solemnly affirm on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

D E RON'E N T

NOTE:

Addresses of parties mentioned in the heading of the appeal is, correct and sufficient for service.

LIST OF BOOKS:

- 1. Constitution of Pakistan, 1973.
- 2. Service Laws
- 3. Other relevant case Laws

ADVOCATE



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7597/2021

BEFORE: MRS. RASHIDA BANO

MEMBER(J)

MR. MUHAMMAD AKBAR KHAN ...

MEMBER (E)

Abdul Musawair S/O Muhammad Ali, SPST, BPS-14, GPS Anar Kali, Charsadda, R/O Amir Abad, P.O Rajjar, Tehsil & District Charsadda

(Appellant)

VERSUS

. Secondary Education Department, Peshawar. .1. The Director Element

2. The District Education Officer (M), Charsadda.

3. The Accountant General, Khyber Pakhtunkhwa, Peshawar Cant.

(Respondents)

Mr. Muhammad Maaz Madani

Advocate

For appellant

Mr.Muhammad Jan District Attorney

For respondents

Date of Hearing.......06.11.2023 Date of Decision......06.11.2023

JUDGMENT

RASHIDA BANO, MEMBER (D:The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Triblinal, Act 1974 with the prayer copied as below: 🖔

"On acceptance of this appeal, the inaction of the respondents by not allowing the annual increment for the year 2014 and releasing outstanding salaries for the month of June, July & August 2014 may very kindly be declared illegal and the respondents may kindly be directed, and also release the outstanding salaries for the months of June, July & August 2014."

Brief facts of the case, as given in the memorandum of appeal, are that 2. appellant was initially appointed as Primary School Teacher (BPS-12) on adhoc basis vide order dated 31.05.2014. Later on services of the appellant was regularized in the year 2017 from the date of his appointment. He was promoted

12.03.2018. The appellant facing huge discrepancy in the monthly salary due the reason that increment for the year 2014 was not allowed and the salaries for the month of June, July and August 2014 was not released. Despite the factum of pay fixation party of respondent No.3 allowed the increment for the year 2014 but till date the same is neither been included nor been allowed in the salary of the appellant. Feeling aggrieved, he filed departmental appeals which was rejected, hence the instant service appeal.

- 3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counse for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.
- Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules and respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973. He further argued that the act and omission of the respondents by illegally deducting annual increment for the year 2014 and not releasing salaries is against the law, facts, material available on record and norms of natural justice hence not tenable in the eye of law is liable to be struck down. He submitted that appellant has properly submitted his charge report and mark his attendance in the attendance register on 31.05.2014 and he is held entitled for annual increment for the year 2014.
- 5. Learned District Attorney contended that the appellant has been treated in accordance with law and rules. He further contended that initially the appellant was appointed on 31.05.2014, but the appointment order of the appellant and his colleagues were amended and in this regard a corrigendum was issued. The amended order directed the appointees to take charge from 01.09.2014, because of long summer vacations to save the public exchequer.

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Perusal of record reveals that appellant was appoint Teacher vide appointment order dated 31.05.2014 and it is admitted fact. appellant submitted his arrival report on the same day i.e 31.05.2014. He was regularized from the date of his appointment vide notification dated 15.03.2018. According to the terms and conditions as mentioned in the appointment order of the appellant, he could draw his pay with effect from 01 09.2014, however in view of section 17 of Civil Servants Act, 1973 and FR17 the appellant is entitled for the payment of his salaries with effect from 31.05.2014, the date on which he submitted his arrival report. The appellant is thus entitled to receive salary, for the months of June, July and August 2014. Moreover, while counting their service from 31.05.2014, six months service period as required for grant of annual increment stood completed and the appellant is also held entitled for the annual

the appellant. For what has been discussed above, the appeal in hand is allowed as 7. prayed for and the appellant is held entitled to all back benefits. Costs shall follow the events. Consign.

increment of 2014. So far as the question of limitation is concerned, suffice it is

stated that being a financial matter, the appellant is having a continual cause of

action, therefore, limitation will not have any adverse implication on the claim of

Pronounced in open court inPeshawar and given under our hands and 8. seal of the Tribunal on this 6th day of November, 2023.

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Member (E)

Date of Delive

1. Learned counsel for the appellant present. Mr. Muhammad

Jan learned District Attorney for the respondents present.

2. Vide our detailed judgement of today placed on file, the appeal in hand is allowed as prayed for and the appellant is held entitled to all back benefits. Costs shall follow the event. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of November.

2023.

(Muhammad Akbar Khan) Member (E) (Rashida Bano Member (J)

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vii.

The Director Education

Elementary and Secondary Education KP Peshawar.

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Departmental Appeal

i. The Appellants are the employee of the education Department, and were initially appointed as Primary School Teacher PST BPS-12 on ADHOC Basis after fulfilling all the legal and codal formalities required for the post under the law and Rules Regulation.

Appellants after scrutiny and through proper channel by the Departmental Selection Committee DSC Under the supervision of DEO Male and other respected members of the committee appointed the appellants as primary school teacher PST BPS-12 on dated 31-05-2014. (Copies of Appointment Order dated 31-05-2014 is attached)

the DEO has issued the appointments orders for the post of PST to all candidates, and when all the candidates received the appointment orders on dated 31-05-2014, they submitted their arrival reports and took over Charge reports of the PST Posts assigned in the appointments orders on dated 31-05-2014, and made entry in the Attendance Register in the respective quarters school, since then the appellant working with full zeal and according to the efficiency and with full devotion satisfaction of the School Head.

(Copies of Charge Reports dated 31-05-2014 and Register Attached)

Service Book of the Appellants also prepared and necessary entries were made therein in the service books from the date of initial appointments till date.

(Copies of Service Books are attached) after satisfactory duties of all the Adhoc Teachers, the Govt of Kp through Regularization Act 2017 including appellant in the year 2018 all were regularized from the date of their initial appointments orders i.e 31-05-2014. The date which is 31-05-2014 is also mentioned in the heading of the regularization order of the Appellant as well as other candidates of PST, and the appellants were placed at Serial No-43. (Copy of Regularization Order attached)

Thereafter the appellant also promoted from the Post of PST BPS-12 to post of Senior Primary School Teacher SPST BPS-14 by the Departmental Promotion Committee DPC under the supervision of DEO and other officials, Vide order dated 19-05-2020.

(Copy of Promotion orders attached)

the appellant facing huge financial discrepancy in monthly salaries due to the reasons that increment for the year 2014 were not allowed and also the salaries for month of June July and august 2014 not released for which the appellants made several visits and request verbally as well in shape of applications appeals etc.(Copies of application and appeals)

viii. At last the SDEO Shabqadar send one letter to DEO Male Charsadda on dated 22/04/2024 for further action and process the applications, but despite applications reminders to department, they are not given positive response.

(Copies of applications and SDEO Male letter to DEO attached)

the service appeal decision in the same nature issue and matter had came to the knowledge of the appellants in the title case ABDUL MUSAWIR VS EDUCATION DEPARTMENT service appeal No- 7597 of 2021, which was decided by the Hon'ble Bench Member of Service Tribunal Peshawar on dated 06-11-2023, whereas the same relief given and granted to one teaching cadre who also appointed with the appellant as PST and later he regularized and also promoted as SPST BPS-14

(Copy of same identical nature case of service Tribunal dated 06-11-2023 attached

- x. The appellants were also visited to concern quarter of accounts office to allow and include the same increment as well as salaries to appellant, but till date the same is neither included nor been allowed in the appellants salaries slip records.
- feeling aggrieved from the inaction of the DEO Office by not allowing the annual increment for year 2014 as well, as the salaries of the month of June July and august 2014, the repeatedly visits applications requests and at last departmental and same identical nature service decided case/appeal, the DEO office on no grounds And without showing any reason were silent on the appellant request applications appeal, and having no other remedy except filing this departmental appeal for speedy remedy and justice.

APPELLANT

Zia Rafiq S/O Muhammad Rafiq

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