FORM OF ORDER SHEET

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Court of____

< 1

Appeal No.

2023/2024

	App	pear No. 2023/2024
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
	· · · · ·	
1-	17/10/2024	The appeal of Mr. Sharif Ullah resubmitted today
		by Mr. Ahmad Hussain Advocate. It is fixed for preliminary
		hearing before touring Single Bench at Swat on 06.11.2024.
		Parcha Peshi given to counsel for the appellant.
		By order of the Chairman
	·	REGISTRAR
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The appeal of Mr. Sharif Ullah received today i.e on 03.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Appeal has not been signed by the counsel.
- 3- Annexures of the appeal are unattested.
- 4- Minutes of the meeting dated 11.5.2024 mentioned in para-4 of the memo of appeal (Annexure-C) is not attached with the appeal be placed on it.
- 5- Annexure-E of the appeal is illegible be replaced by legible/better one.
- 6- Chamber address and contact number of the counsel engaged is not mentioned on the index of the appeal.
- 7- In the memo of appeal the words petitioner is used there is no provision in the Khyber Pakhtunkhwa Service Tribunal Act/rules 1974 for using the word petitioner.
- 8- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 865 /Inst./2024/KPST, Dt. 03/10 /2024.

STRAR

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Ahmad Hussain Adv. High Court at Swat.

R. Sin, Objective remained, while objection on sarrial NO4 regarding which an Application was filed by the Appallon for mintes of the meeting but the departured deviced, Application is Attached on page 18, sene put up befine the court as the form

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR.

Service Appeal No .2023... of 2024.

Sharif ullah S/o Sultani Gul R/o Sheen patay Sangota Tehsil Babozai Swat.Appellant

Versus

Government of KPK through Director E&S Education KPK and othersRespondents

<u>INDEX</u>

<u>S</u> .	Description of Documents	Annexure	Pages
#			
1.	Service Appeal		1-3
2.	Affidavit		04
3.	Memo of addresses		05
5.	copy of appointment order is annexed as annexure	"A"	06-07
6.	Copy DPC dated 11-05-2024 is annexed as annexure	"B"	08
7.	Cop of impugned notification	"C"	09
9.	Copy of department appeal	D	10-12
10	Copy of notification is annexed as annexure	E	13
┣	Other Relevant Documents		14-18
.11	Wakalat Nama		12719

Appellant Through Counsel

Through Counsel **Ahmad Hussolp** Off: D, 3,4 3rd Floor, Continental Plaza, Makanbagh ,Mingora, District Swat. CellNo:03339463679



Service Appeal No .2023.. of 2024

Sharif ullah S/o Sultani Gul PST BPS 12 at GPS Ghwari masta Sangota Swat R/o Sheen patay Sangota Tehsil Babozai Swat.Appellant

Versus

- 1) Secretary Education Khyber Pakhtun Khwa at Peshawar .
- 2) Director E&S Education Khyber Pakhtun Khwa " Chairman Departmental Promotion Committee, at Peshawar.
- 3) District Education Officer "Male District Swat.Respondents

Appeal under Section 4 of Service Tribunal Act read with any other relevant provisions, against no action taken on the departmental appeal no 417 Dated 06-06-2024 within the statutory period of 90 days.

PRAYER:

On acceptance of this appeal the respondent No 2 may kindly be directed to promote the appellant from PST BPS 12 to PET BPS - 15 along with all the benefits from the date 23-05-2024.

Respectfully Sheweth:

The appellant submits as under;

- That the appellant was appointed for the post of BPS-12 (PST) in Government Primary school Ghwari Masta in 2016. (copy of appointment latter is annexed as annexure A)
- 2) That the appellant is serving as PST BPS -12 since 25-03-2016.
- 3) That the appellant being suitable and eligible was very impatiently waiting for promotion to the post of PET BPS-15 for long.
- 4) That appellant along with few others who had been eligible for promotion to PET were included in the Departmental promotion committee (DPC) Dated: 11-05-2024.(Copy of DPC is annexed as annexure B)
- 5) That the appellant was waiting for the promotion to the post of PET since he was included in the DPC and being eligible but all of sudden the Department were illegally, unlawfully issued the impugned notification Endst:No 11408-12 / promotion /PET /2024 dated 23-05-2024. (Copy of impugned notification is annexed as annexure C)

 6) That despite having the required qualification and experience and being eligible for promotion, the appellant was discriminated by not considering him for promotion to the post of PET.

a service ?

- 7) That the appellant was competent, eligible and deserving to be promoted to PET, otherwise not promoting is not only illegally, unlawfully but beyond reason and understanding.
- 8) That being morally and legally aggrieved the appellant has no other remedy but to prefer the departmental appeal no 417 dated 06-06-2024 before the respondent No 2 and requested him for his promotion to the said post. (Copy of departmental appeal is annexed as annexure D)
- 9) That ibid departmental appeal is still pending and the respondent No.2 has badly failed to take any action on it within the statutory period of 90 days.
- (10) That being morally and legally aggrieved from the action and inaction of the respondent No 2 the appellant has no other remedy but to prefer the instant appeal under Section 4 of Service Tribunal Act read with any other relevant provisions, before this honorable court inter alia the following grounds.

i)

ii)

v

GROUNDS:

- That the appellant was serving as PST BPS 12 since 2016. He had completed his five year required service and was eligible/fit for promotion to the post of PET.
- That the appellant also had the required academic qualification.
- iii) **That** the appellant has passed JDPE from Sarhad University in the year of 2018.
- iv) That the appellant is having good academic carrier and relevant qualification along with required diploma to be promoted.
 - That other teacher who had same academic qualification as that of the applicant have already been promoted to the post of PET BPS15 vide notification Endst: 2210-14 dated 20-04-2019 (Copy of notification is annexed as annexure E)
- vi) That the impugned action of respondent is against the law, facts, material available on record. Hence liable to be rectified.

vii) That the article 4 of the constitution of Islamic Republic of Pakistan 1973, has clearly unequivocally stated that every individual is to be dealt in accordance



with law, but in the instant case not only this principle but article 25 of the Constitution of Islamic Republic of Pakistan which guarantees equality has also been violated.

- viii) That the appellant is well qualified and fulfills the required qualification as well as criteria for promotion to the post of PET.
- ix) That the appellant has not been treated in accordance with law and rules on the subject noted above.
- x) That other grounds not specifically raised will be argued with the prior permission of this Honorable Court at the time of arguments.

Prayers;

It is therefore very humbly prayed that On acceptance of this appeal the respondent No 2 may kindly be directed to promote the appellant from PST BPS 12 to PET BPS -15 along with all the benefits from the date 23-05-2024

Any other relief not specifically prayed for but this august court deem proper may also be granted.

Appellant

Sharif ullah

Ahmad Hussain Advocate High Court

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR.

Service Appeal No of 2024.

Sharif ullah S/o Sultani Gul R/o Sheen patay Sangota Tehsil Babozai Swat.

Versus

Government of KPK through Director E&S Education KPK and others

.....Respondents

...Appellant

<u>AFFIDAVIT</u>

I Sharif ullah S/o Sultani Gul R/o Sheen patay Sangota Tehsil Babozai Swat, do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Shari Jullas DEPONENT Sharif ullah In person



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR.

Service Appeal No of 2024

Sharif ullah S/o Sultani Gul R/o Sheen patay Sangota Tehsil Babozai Swat.

Versus

Government of KPK through Director E&S Education KPK and others

.....Respondents

.....Appellant

ADDRESSES OF THE PARTIES

ADDRESS OF THE APPELLANT

Sharif ullah S/o Sultani Gul R/o Sheen patay Sangota Tehsil Babozai Swat.

CNIC: 54400-1188567-9

Cell: 0345-8363706

ADDRESES OF THE RESPONDENTS

1. Secretary Education Khyber Pakhtun Khwa at Peshawr

2. Director E&S Education Khyber Pakhtun Khwa at Peshawar.

3.' District Education Officer "Male" Chairman Departmental Promotion Committee District Swat.

APPELLANT Shan' Julla's

SHARIF ULLAH

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) Swat (Phone No: 0946 9240209-228)

APPOINTMENT

Consequent upon the recommendation of the Departmental Selection Committee, the following candidates are hereby appointed against the vacant posts of PST in BPS-12 Rs.9055/-PM Fixed plus usual allowances as admissible under the rules and existing policy of the Provincial Government on the terms &conditions given below for a period of one year purely on ad hoc school based in the interest of the public service.

UC Dangram Sangota

S. #	Name of candidate	Father's Name	Score	School where posted
1	Navced Ali	Habib Sher	114.95	GPS G.Dangram
2	Sajid Khan	Muntazir Shah	112.46	GPS Sabonay
3	Sharifullah	Haji Sultani Gul	109.30	GP5 Ghwari Masta
4	Ziaur Rahman	Shamsur Rahman	107.91	GPS Sangota
5	Ashraf Ali	Hazrat Rahim	101.25	GPS Rasha Gata
6	Anwar Ali Shah	Rozi Khan	100.95	GPS Topsin
 7	Khaizar Hayat	Khalid Khan	97.65	GP5 Toortam

<u>Terms & Conditions</u>

1. No TA/DA is allowed.

- 2. Charge reports should be submitted to all concerned,
- 3. Appointment is purely on temporary, ad hoc and school based for a period of one year with effect from 25.03.2016 to 24.03.2017 which is extendable as per the policy of the provincial Govt.
- 4. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities, anyone found producing bogus certificate/certificates or degree/degrees, his appointment shall be cancelled and he will be reported to the Law enforcing agencies for further legal action.
- 5. Pay shall not be drawn until and unless a certificate issued by this office that their documents are verified by the institutes/Boards/Universities concerned.
- 6. They should join their posts within 30 days of the issue of this notification. In case of failure to join the post within 30 days of the issue of this Notification their appointment shall stand expired automatically and no subsequent appeal etc. shall be entertained.
- 7. Health & Age Certificate should be produced from the Medical Superintendent before taking over charge.
- They will be governed by such Rules and Regulations as may be issued from time to time by the Government.

- 9. Their services shall be terminated at any time, in case his performance is found unsatisfactory during his service period. In case of misconduct, he shall be proceeded under the relevant rules & regulations announced from time to time.
- 10. Their appointment is Ad hoc and school based. They will have to serve at the place of posting and their services are not transferable to any other station. 11. Their appointment is subject to the condition that they are domiciled in District Swat.
- 12. Errors and omissions accepted as a notice only.

(DR.HAFIZ MUHAMMAD IBRAHIM) DISTRICT EDUCATION OFFICER

SWAT GUL KADA

Endst No: 459-66 /PSTs/Appointment/Ad hoc/NTS dated: 25/03/2016

Copy of the above is forwarded for information & necessary action to: -

- The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. ۱.
- 2 The District Comptroller of Accounts Swat.
- The Principal/Headmaster concerned. 3.
- The Deputy DEO Male Local Office. 4.
- 5. The B&AO Local Office 6. The Supdit: Secondary Local Office.
- The candidates concerned. 7.
- 8. PA to DEO Local Office.

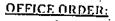


DISTRICT EDUCATION OFFICER (MALE) SWAT GUL KADA



(MALE) AT GULKADA DISTRICT SWAT

Phone/Fax No. 09469240228



Consequent upon the recommendation of Departmental Promotion Committee, and In pursuance to the notification of Govt. of Khyber Pakhtunkhwa E&SE Department Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching cadre, Dated 13/11/2012, the following Senior Primary School Teachers BPS-14 are hereby promoted to the post of Physical Education Teachers (PET) BPS-15 @ Rs³ (23920-1980-83320) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Govt. on the terms and conditions given below with

	S.N 0	SENO	Name of Teacher	Present School	Circle	Schoot where posted
	1	1286	Saced Ur Rahman	GPS Lilbanr	Matta	GHSS Onra Dherai,
į	2	1308	Abdul Kabeer	GPS Ushop	, Bəhrain	GHS Matilitan

TERMS AND CONDITIONS:

They would be on probation for a period of one year extendable to another one year.

- They will be governed by such rules and regulations as may be issued from time to time by the Govt, of Khyber Pakhtunkliwa. З.
- Their services can be terminated at any time, if their performance is found unsatisfactory during the probation period. In case of misconduct, they shall be proceeded under the rules framed from time to time by the Govt. of Khyber

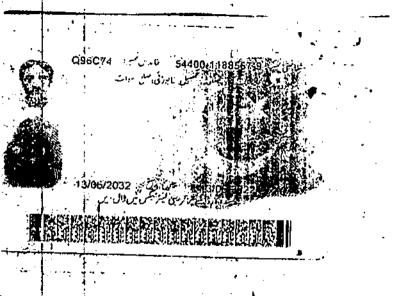
5.]-Charge reports should be submitted to all concerned.

- б. No TA/DA is allowed for joining the duties.
- In case of any disciplinary or miss-reporting found in the academic/ professional documents in respect of the ab 7. officials, their promotion shallistand cancelled.
- 8. Pay shall not be drawn until & unless the verification of necessary documents.

(MUHAMMAD RIAZ) DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT

	Endst: No:11408-12/Promotion/PET/2024		Dated:23 /05/2024
•	 Copy to: 1) Director E&SE Khyber Pakhturikhwa Peshawar. 2) District Comproller of Accounts Swat. 3) : The District Monitoring Officer (EMA) Swat. 4) The Principal/Head Masters concerned. 5) Sub-Divisional Education Officers (M) Matta &, Behrain Swat. 6) PA to DEO (M) office. 7) AD-IT local Office. 8) The teachers concerned. 		
		DISTRICT ED DIS	UGATION OFFICER (M)





BEFORE THE DIRECTOR E&S EDUCATION KHYBER PAKHTUN KHWA AT PESHAWAR.

Amex D

Sharif ullah S/o Sultani Gul R/o Sheen Paty Sangota Tehsil Babozai district Swat : :::.....Appellant

DEPARTMENTAL APPEAL AGAINST OFFICE ORDER ENDST:NO 11408-12 / PROMOTION /PET/2024 DATED 23-05-2024.

417. 6-6-2024

1.

Respectfully Sheweth:

The appellant submitsias under;

- 1) That the appellant was appointed for the post of BPS-12 (PST) in Government Primary school Ghwari Masta in 2016.(copy is attached)
- 2) That the appellant is serving as PST BPS -12- since 25-03-2016.
- 3) That the appellant being suitable and eligible was very impatiently waiting for promotion to the post of PET BPS-15 for long.
- 4) That appellant along with few others who had been eligible for promotion to PET were included in the Departmental promotion committee (DPC) Dated: 11-05-2024.(Copy is attached)
- 5) That the appellant was waiting for the promotion to the post of PET since he was included in the DPC and being eligible but all of sudden the Department were illegally, unlawfully issued the impugned notification Endst:No 11408-12 / promotion /PET /2024 dated 23-05-2024. (Copy is attached)
- 6) That despite having the required qualification and experience and being eligible for promotion, the appellant was discriminated by not considering him for promotion to the post of PET.
- 7) That the appellant was competent, eligible and deserving to be promoted to PET, otherwise not promoting is not only illegally, unlawfully but beyond reason and understanding.

8) That being morally and legally aggrieved the appellant has no other remedy but to prefer the instant departmental appeal inter alia the following grounds.

GROUNDS:

i)

V)

That the appellant-was serving as PST BPS 12 since 2016. He had completed his five year required service and was eligible/fit for promotion to the post of PET.

ii) That the appellant also had the required academic qualification.

iii). That the appellant has passed JDPE from Sarhad University in the year of 2018.

iv) That the appellant is having good academic carrier and relevant qualification along with required diploma to be promoted.

That other teacher who had same academic qualification as that of the applicant have already been promoted to the post of PET BPS15 vide notification Endst: 2210-14 dated 20-04-2019.

vi) That the impugned action of respondent is against the law, facts, material available on record. Hence liable to be rectified.

vii) That the article 4 of the constitution of Islamic Republic of Pakistan 1973, has clearly unequivocally stated that every individual is to be dealt in accordance with law, but in the instant case not only this principle but article 25 of the Constitution of Islamic Republic of Pakistan which guarantees equality has also been violated.

viii) That the appellant is well qualified and fulfills the required qualification as well as criteria for promotion to the post of PET.



ix) That the appellant has not been treated in accordance with law and rules on the subject noted above.

Prayers; 🕕

It is therefore, very humbly prayed that On acceptance of this appeal the appellant may kindly be promoted from PST BPS 12 to PET BPS -15 along with all the benefits from the date 23-05-2024.

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Shaniuflah Appellant Sharif ullah

mad Hussain Advocate High:court.

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Better Copy)

OFFICE OF THE DISTRICT EDUCATION OFFICER

(M) SWAT AT GULKADA

Cell 09469240209-228

Notification

Consequent upon the recommendation of the departmental promotion committee in its meeting held on 204/2019 and Govt of Khyber Pakhtun Khwa Elementary and Secondary Education Department Notification No SO(B&A)/1-1R/E&SE/2012 dated 11-07-2012 and Finance Department Endorsement No SO9FRYFDY1022N9R02010 dated 16-07-2012. The following Male PST are hereby promoted to the post of PET B 15 (16120-13305(ii)2(i) and plus annual allowances as due and admissible under the rules on the following term & condition wef the date of their taking over charge .

S.NO	S.No	Present school	School where promoted	Remarks
1	2202	GPS Fizagat	Gms Koo Malam Jaba	A V Post

CONSEQUENT ADJUSTMENT

S.no	Name & Designation	Present School	Name of school were is consequent adjusted	Remarks
1	Attaur Rahman PET	GMS Koo Malam Jaba	GMS Dangram	A.V.POST

Terms& Condition

- 1. No TA/DA is allowed.
- 2. Charge reports should be submitted to all concerned.
- 3. The service be terminated at any time in case their performance if found unsatisfactory during probatory period in case of mis conduct he shall be proceeded under the rules framed from time to time.
- 4. His inter service seniority in lower post will be remain intact.
- 5. He will give under taking to be accorded in his service book to the defect that if any over payment is made to them in the light of this order will be recovered in if they are wrongly promoted they will be reversed.
- 6. He should joint his post within 15 days the issue of this order positively. Otherwise the appointment shall stand cancelled.
- 7. His documents shall have to be checked by the concerned institution and in case they do not possess the required relevant qualification as per rules they may not be handed over charge of the post.
- 8. His necessary documents will be verified from the concerned institution.

(Muhammad Amin) District Education OFFICER SWAT AT GULKADA DATED 20/04/2019

Endst.No 2210-14/pet/Promotion

dated 20/04/2019

Copy of the above is forwarded for information & necessary action to

- The Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
 The district controller of accounts Swat.
 The Principal / Headmaster Concerned.
 The candidate concerned.

- 5. PA TO D E O local office.

DISTRICT EDUCATION OFFICER (MALE) SWAT AT GULKADA

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Ľ	35444	GHS MANAI	MALE	
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	35451	GHS QALAGAY	MALE	SWAT
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6	33413	GHS SIGRAM	MALE	SWAT
6	36566	GHSS KÀLAM	MALE	SWAT
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18 10 35 Eighty per cent by initial recruitment; and (3) years. twenty per cent by promotion, on the **(b)** basis of seniority-cum-filness, from Printery School Elead eménest the -Teachers with at least five-years service and having qualification prescribed for minitial reenvirment of Physical Filucation - Colleri, -Provided that if no Isiduble candidate is evaltable for plomolon lient on anc . vasis of perforit cum fines rom amonsti School Primary School Acachigits with at Jeast live years service all having quatification pascribed, for multreemingeni of Physical Education Teacher. Note: In case of non-availability of Sinitable candidate for promotion, then by initials seenitment: - ----By promotion, on the basis of seniority-cumfitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed hir inigial recruitment of Primary School Teacher. By promotion, on the basis of seniority-cumfitness, from amonest Primary School Teachers

CEQDE - GP1205. E.M. mentine 191 13 (best finder of B DPC - Ju 160 Master 12 Aller - Olla Com 2 -1 Stand Par Car Sistryld S. PST - C-PST caps manglot is 201 1. Paralope 2 Juli JE -2 E C Shor Depastomental por or 191 and in Contractions in the Mogy - will 5 - rever will ? in Minuts OPC or on 2 Charles Charles " I sit Bree & minute of Sin line 245 Comparent de la ministra 2 10 Jasep Stort Pro Consons 5818 752H (M10/2022H (Alla Josephing Charles des Shaniful mon

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RS: 20/-اريس ف<u>ل BC 103549</u> DISTRI DBA باراييوي ايش نمبر:_____ / 86 رابط نمبر: 0333 9463 679 0333 دابط نمبر: com ڈسٹر کٹ بارایسوسی ایشن سوات اى يى ايدر يرا معمر adzult: 345@gmail بخبؤ لخوان ربع مل بعدالت جناب<u>: مسمر طنس</u> دعویٰ درخواست: <u>مسلم موس ^رسل</u> علت نمبر: بنام جموعہ 314 مقدمہ مندرجہ عنوان بالامیں این طرف سے برائے بیروی مقدمہ آن مقام _____ كيلي المد لمسين المرولين ها سور ____ كومقرركر اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کاروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث کرنے، دعویٰ،جواب دعویٰ،اقبال دعویٰ اور درخواست برائے سرسبزگی مقدمہ،منسوخی ڈگری کیطرفہ،اجراء دیپروی کرنے کا مختار ہوگا۔ نیز دائر کرنے ایپل نگرانی ،نظر ثانی دیپروی کرنے کا مختار ہوگا۔اور مقد مہ مٰدکورہ کیلیے کل دقتی یا جزوی کاردائی کیلیے کسی دیگر وکیل یا مختار قانون کواپنے ہمرارہ یا اپنے بجائے تقرر کا اختیار ہوگا اورصاحب مفرر شده کوبھی جملہ ندکورہ اختیارات حاصل ہوں گے،اوراس کا ساختہ و پر داختہ منظور قبول ہوگا، بدوران مقدمہ جوخرچہ وہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیش مقام مٰدکورہ بالاسے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے یابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یاڈ گری کیطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دارنہیں ہوں گے، لہذاوکالت نامہ کھودیا کہ سندر ہے R المح رمس مربعة ا کے لئے منظق الرقم: <u>24 - 10 - 11 - 1</u> ابڈوکٹ/دستخط: