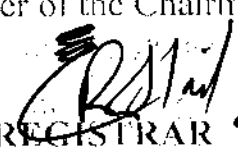


FORM OF ORDER SHEET

Court of _____

Appeal No. 2045/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2024	<p>The appeal of Mr. Muhammad Pervez presented today by Mr. Rashid Iqbal Jadoon Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 31.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

CASE TITLE: Muhammad Pervez V/S Govt of KPK (Education Department)

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: Shahzad Shakoor Advocate & Rashid Iqbal Khan Jadoon Advocate/Attorney Abbottabad District	/	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	/	
3	Whether appeal is within time?	/	
4	Whether the enactment under which the appeal is filed mentioned?	/	
5	Whether the enactment under which the appeal is filed is correct?	/	
6	Whether affidavit is appended?	/	
7	Whether affidavit is duly attested by competent Oath Commissioner?	/	
8	Whether appeal/annexures are properly paged?	/	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	X	/
10	Whether annexures are legible?	/	
11	Whether annexures are attested?	/	
12	Whether copies of annexures are readable/clear?	/	
13	Whether copy of appeal is delivered to AG/DAG?	/	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	/	
15	Whether numbers of referred cases given are correct?	/	
16	Whether appeal contains cutting/overwriting?	X	/
17	Whether list of books has been provided at the end of the appeal?	/	
18	Whether case relate to this court?	/	
19	Whether requisite number of spare copies attached?	/	
20	Whether complete spare copy is filed in separate file cover?	/	
21	Whether addresses of parties given are complete?	/	
22	Whether Index filed?	/	
23	Whether index is correct?	/	
24	Whether Security and Process Fee Deposited? On		
25	Whether In view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Rashid iqbal khan Jadoon

Signature: 

Dated: 22/10/2024

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No: 2045 of 2024

Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher, Government Primary School Keri Kalanda, Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad.

Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Department, Peshawar & 02 others

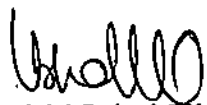
Respondents

SERVICE APPEAL

INDEX


S.No	DESC: OF DOCUMENTS	ANNEXURES	PAGE No
1	Memo; of Service Appeal with affidavit	----	1 to 6
2	Copy of Notification dated 29/10/2021.	A	7 to 11
3	Copy of application dated 12/11/2021	B	12
4	Copy of application dated 16/11/2021	C	13
5	Copy of letter to Chairman HEC Islamabad dated 09/11/2021 along with all correspondence between department and Chairman HEC.	D, D-1 & D-2	14 to 20
6	Copy of Memo; of S. Appeal No 228/2022.	E	21 to 25
7	Copy of letter dated 27/07/2022 of DEO (M) Abbottabad.	F	26
8	Copy of impugned withdrawal Notification dated 05/08/2022.	G	27
9	Copies of both applications (suspension of impugned Notification) & (amendment in pending service appeal No 228/2022)	H & H-1	28 to 32
10	Copies of written reply/comments to service appeal no 228/2022, reply of application for suspension of impugned Notification & reply of application for amendment in pending service appeal No 228/2022	I, I-1 & I-2	33 to 42
11	Copy of Order sheet passed in service appeal No 228/2022.	J	43 to 46
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14	Wakalatnama and Power of attorney.		50 to 51

Dated 24/10/2024


(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.

Through

(Shahzad Shakoor)
Advocate High Court Abbottabad


(Muhammad Pervez)
Appellant

1

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No: 2045 of 2024

Entry No. 16973

Dated 22/10/2024

Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher(SPST), Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad.

Appellant

Versus

- 1 Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Department, Peshawar.
- 2 The Director, Directorate of Elementary & Secondary Education Department, Peshawar.
- 3 The District Education Officer, Elementary & Secondary Education Department, Abbottabad.

Filed to-day

Registrar

22/10/24

Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION DATED 05/08/2022, ENDST: NO 4798-99, ISSUED BY RESPONDENT NO 2, WHEREIN RESPONDENT NO 2 WITH DRAWN THE PROMOTION NOTIFICATION OF DISTRICT ABBOTTABAD BEARING NO 4969 DATED 29/10/2021 TO THE EXTENT OF APPELLANT FROM SPST TO SST(MATHS/PHYSICS), IN THE LIGHT OF LETTER BEARING NO 5361 DATED 27/07/2022, SENT BY RESPONDENT NO 3 (DEO ABBOTTABAD) AND AGAINST NO DECISION TAKEN ON THE DEPARTMENTAL APPEAL/ REPRESENTATION WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAER:-

2

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, IMPUGNED NOTIFICATION DATED 05/08/2022, ENDST: NO 4798-99, ISSUED BY RESPONDENT No 2 MAY PLEASE BE SET ASIDE AND BY RESTORING PROMOTION ORDER OF DISTRICT ABBOTTABAD BEARING NO 4969 DATED 29/10/2021 TO THE EXTENT OF APPELLANT, RESPONDENTS MAY PLEASE BE DIRECTED TO ISSUE FURTHER NOTIFICATION/ORDER RELATING TO APPELLANT'S ADJUSTMENT / POSTING AS SST (MATHS / PHYSICS) WITH EFFECT FROM THE DATE WHEN THEIR JUNIORS WERE POSTED ALONGWITH ALL BACK BENEFITS AND SENIORITY POSITION.

Respectfully Sheweth,

FACTS

- 1) That appellant's promotion orders from SPST to SST (Maths/Physics) on the basis of seniority cum fitness, through Notification effect on 29/10/2021, issued by respondent No 2. Copy of Notification is annexed as Annexure "A"
- 2) That subsequently respondent no 3 issued posting order of newly promoted teachers as SSTs, but appellant has not been adjusted/posted against SST (Maths/Physics) in the said order.
- 3) That appellant submitted two separate applications/representations for his posting/adjustment to respondent No 02 and 03. Copies of both applications are annexed as Annexure "B" & "C".
- 4) That in the meantime respondents (DEO M Abbottabad) contacted to Chairman Higher Education Commission Islamabad (HEC) through letter dated 09/11/2021, for guidance regarding to equivalency of BSc additional subject. All corresponding to this effect are annexed as Annexure "D" "D-1" & "D-2".

- 5) That respondent no 01 & 02 did not decide/conclude pending representations within the statutory period of 90 days, then appellant's filed his service appeal before this Honourable Tribunal which was entered as appeal No 228/2022, the same was admitted for regular hearing. Copy of memo of service appeal are annexed as Annexure "E"

- 6) That on the one hand, respondents were being taken time for comments from this Honourable Tribunal, but on the other hand, during the same time respondent No 3 wrote a letter dated 27/07/2022 to respondent No 2 for withdrawal of promotion order dated 29/10/2021 to the extent of appellant, in response of the same respondent no 2 withdraw the promotion order through impugned Notification dated 05/08/2022. Copies of letter dated 27/07/2022 of DEO M Abbottabad, and Notification dated 05/08/2022 are annexed as Annexure "F" & "G"

- 7) That when it came in to the knowledge of the appellant, he on 01/09/2022, submitted two applications (suspension of impugned Notification) & (amendment in pending service appeal No 228/2022), whereupon respondents submitted their reply/comments of service appeal and also reply to applications before this Honourable Tribunal. Copies of written reply/comments to service appeal no 228/2022, application for requisition of file, application for suspension of impugned Notification & application for amendment in pending service appeal No 228/2022 and replies are annexed as Annexure "H", "H-1", "I", "I-1" & "I-2"

- 8) That two applications were pending from 01/09/2022 in the service appeal No 228/2022, and on 24/06/2024 during the arguments at some length, appellant to avoid further complications in the matter, withdraw the pending service appeal No 228/2022 in order to challenge the impugned order dated 05/08/2022. Copy of Order sheet is annexed as Annexure "J"

- 9) That on the basis of the same order dated 24/06/2024, appellant filed his departmental appeal on 02/07/2024 to the appellate authority (respondent No1) whereupon said respondent wrote a letter dated 30/07/2024, and sent it to respondent no 2 for necessary action. Copies of departmental appeal and letter are annexed as **Annexure "K" & "L"**
- 10) That departmental appeal is not decided yet despite of passing statutory period of 90 days, appellant is filing his instant service appeal before this Honourable Tribunal, Hence this appeal inters-alia on the following ground.

Grounds

- a) That appellant's promotion Notification dated 29/10/2021 (**Annexure A**) along with others was passed after recommendations of DPC in its scheduled meeting, then competent authority (respondent No 02) issued promotion Notification, and after passing 10 months, respondent No 3 (DEO M Atd) has no factual & legal rights to call in question it through letter dated 27/07/2022, which was sent to respondent No2 for withdrawal of promotion, that is totally illegal without jurisdiction.
- b) That all correspondence between respondents and Chairman Higher Education Commission Islamabad has quite clear and no excuse is available to issue posting/adjustment orders of appellant and all reasons which shown in letter dated 27/07/2022 (DEO) is incorrect and malafidely issued.
- c) That under the law, appellant accrued his promotion rights, vide Notification dated 29/10/2021 which was issued under the fulfillment of all legal protocol and other codel formalities but respondents did not give any notice to the appellant or gave no chance at all to defend his rights

S

before withdrawal of his promotion vide Notification dated 05/08/2022, so all practice done by respondents is against law.

d) That promotion Notification dated 29/10/2021 was issued after recommendation of DPC in its meeting and respondent No 2 (individually) has not legally such powers to issue impugned withdrawal Notification dated 05/08/2022 on the letter dated 27/07/2022 of respondent No 3.

e) That illegal documents letter dated 27/07/2022(Annexure F) and impugned withdrawal Notification dated 05/08/2022(Annexure G) issued by respondents no 3 & 2 respectively during the pendency of service appeal No 228/2022 of appellant, wherein respondents not only appeared before the Court, but it was in their knowledge that said documents were directly affected the pending service appeal, and they did not took any trouble to get permission from this Honourable Court and also no prior notice was given to appellant, in this way they challenged the authority of this Honourable Court. Moreover the impugned action of respondents is beyond of his power, jurisdiction and against all the norms of justice and malafide.

f) That after issuance of Impugned Notification, appellant as per law, on 01/09/2022 filed application for requisition of judicial file for early hearing along with applications for suspension of impugned Notification and amendment in service appeal No 228/2022, whereupon this Honourable Tribunal has been pleased to pass order for reply of respondents on the date fixed as 21/10/2022.

g) That appellant is facing discrimination and impugned action of respondents is clear violation of the constitution


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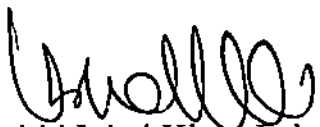
and they ignored the provisions of Article 4 and 25 of the Constitution of Pakistan while exercising their illegal, unlawful, with out jurisdiction impugned Notification.

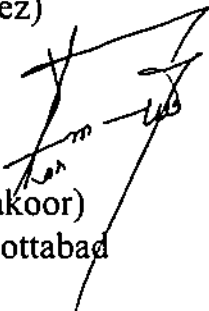
It is, therefore, respectfully prayed that on acceptance of instant Service Appeal, impugned Notification dated 05/08/2022, Endst: No 4798-99, issued by respondent no 2 may please be set aside and by restoring promotion order of District Abbottabad bearing no 4969 dated 29/10/2021 to the extent of appellant, respondents may please be directed to issue further notification/order relating to appellant's adjustment / posting as SST (Maths /Physics) with effect from the date when their juniors were posted alongwith all back benefits and seniority position.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.

Dated 24/10/2024


(Muhammad Pervez)
Appellant


(Rashid Iqbal Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.

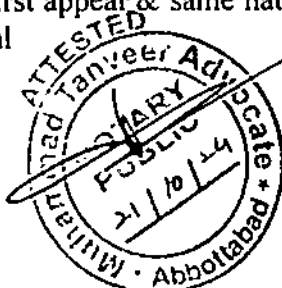

(Shahzad Shakoor)
Advocate High Court Abbottabad

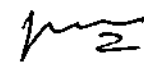
Abbott Law Chamber
Office No 6, Ground Floor, Ayub Tanoli lawyer plaza
Abbottabad. 0333-5025002, 0316-9343818

Affidavit

I, Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher, Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad, do here by affirm on oath that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and this instant appeal is first appeal & same nature of any other appeal is not pending before Honourable Tribunal

Dated 21/10/2024




(Muhammad Pervez)
Appellant

CNIC No 13101-6579932-1

DEPONENT

S.No	Serial	Name Of Official	Name of School	Date of Birth	Date of 1st Appointment as Regular CT	Academic & Professional Qualification	Remarks
1.	120	Muhammad Sabir	GHS Kanhabh	20-5-1968	28-02-2017	BA/II/Ed	Servers are placed at the disposal of DEO (MI) against the post of SST (G) BPS-16 on regular basis with immediate effect.
2.	180	Muhammad Saif Ur Rehman	GHS Channah	03-01-1965	24-11-2014	MA/II/Ed	Servers are placed at the disposal of DEO (MI) against the post of SST (G) BPS-16 on regular basis with immediate effect.
3.	181	Muhammad Fayaz Abbasi	GHS Kakul	10-02-1968	24-11-2014	BA/II/Ed	Servers are placed at the disposal of DEO (MI) against the post of SST (G) BPS-16 on regular basis with immediate effect.
4.	182	Muhammad Mubarak Abbasi	GHS Bol	04-01-1964	24-11-2014	BA/II/Ed	Servers are placed at the disposal of DEO (MI) against the post of SST (G) BPS-16 on regular basis with immediate effect.
5.	183	Shabir Ahmed	GHS Dalia	15-04-1966	24-11-2014	MA/II/Ed	Servers are placed at the disposal of DEO (MI) against the post of SST (G) BPS-16 on regular basis with immediate effect.
6.	184	KALA NIAM	GHS Rajora	03-06-1963	24-11-2011	BA/II/Ed	Servers are placed at the disposal of DEO (MI) against the post of SST (G) BPS-16 on regular basis with immediate effect.

Approved

A. SST (General)

Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification No. SQ/IR/411 dated 18/06/2012 and Finance Department Endorsement No. SQ/IR/112/2010 dated 16/7/2012, the following CT/SCT, DM/SDM, AT/SAT, LT/SST, OMT/S/2nd and PS/IT/S/PS/PT (Male) are promoted to the posts of SST (General), SST (Bio/Chem) and SST (Maths/Phy) in BPS-16 (HS 18910-1520-64510) respectively, plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below with immediate effect.

Notification



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Promotion of SST of District Abbottabad

ITEM NO. :- PROMOTION OF CT/SCT TO SST (G) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(G)	24
25% Initial Recruitment Quota	06
75% by Promotion Quota	18
40% CT/SCT Promotion quota to SST(G)	9.60
Proposed CT/SCT for Promotion SCT to SST(G)	10

Annexure A

7

Promotion of SST of District Abbottabad

S.No	Sen#	Name of official/Desig:	Name of School	Date of Birth	Date of 1st Appointment as Regular DM	Academic & Professional Qualification	REMARKS
8.	186	Lariq Mehinood	GHS No.4 ATD	01-12-1968	24-11-2014	MA/B.Ed	Services are placed at the disposal of DEO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.
9.	187	MUHAMMAD ASIF KHAN	GHS No.1 Havelian	01-05-1965	24-11-2011	MA/B.Ed	Services are placed at the disposal of DEO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.
10.	188	MUHAMMAD AKRAM	GHS Sumandar Katha	01-04-1966	24-11-2014	MA/B.Ed	Services are placed at the disposal of DEO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.

ITEM NO.2:- PROMOTION OF DM/SDM TO SST (G) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(G)	24
25% Initial Recruitment Quota	06
75% by Promotion Quota	18
4% DM/SDM Promotion quota to SST(G)	0.96
Proposed DM/SDM for Promotion to SST(G)	1

S.No	Sen#	Name of official/Desig:	Name of School	Date of Birth	Date of 1st Appointment as Regular DM	Academic & Professional Qualification	REMARKS
1.	12	MUHAMMAD ZIAF	GHS Kuthwal	30/04/1969	26/02/2013	MA(1st)/Bcd	Services are placed at the disposal of DEO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.

ITEM NO.3 PROMOTION OF AT/SAT TO SST (G) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(G)	24
25% Initial Recruitment Quota	06
75% by Promotion Quota	18
4% AT/SAT Promotion quota to SST(G)	0.96
Proposed AT/SAT for Promotion to SST(G)	1

S.No	Sen#	Name of official/Desig:	Name of School	Date of Birth	Date of 1st Appointment as Regular AT	Academic & Professional Qualification	REMARKS
1.	47	UMER FAROOQ	GHS NAGRI BALA	10/11/1969	02/11/1995	MA/BEd	Services are placed at disposal of DEO (M) Abbottabad for adjustment against post of SST (G) BPS-16 on regular basis with immediate effect.

Attended
MS

9

Promotion of SST of District Abbottabad

ITEM NO.4:- PROMOTION OF TT/STT TO SST (G) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(G)	24
25% Initial Recruitment Quota	06
75% by Promotion Quota	18
4% TT/STT Promotion quota to SST(G)	0.96
Proposed TT/STT for Promotion to SST(G)	1

S.No	Sen#	Name of official/Desig:	Name of School	Date of Birth	Date of 1st Appointment as Regular TT	Academic & Professional Qualification	REMARKS
1.	4	HABIB UR REHMAN	GHS Kasala	16-08-1972	22-11-1994	MA Edu/S Almin	Services are placed at the disposal of DLO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.

ITEM NO.5:- PROMOTION OF Qari/S Qari TO SST (G) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(G)	24
25% Initial Recruitment Quota	06
75% by Promotion Quota	18
3% Qari/Sr.Qari Promotion quota to SST(G)	0.72
Proposed Qari/Sr.Qari for Promotion to SST(G)	1

S.No	Sen#	Name of official/Desig:	Name of School	Date of Birth	Date of 1st Appointment as Regular QARI	Academic & Professional Qualification	REMARKS
1.	15	QAZI TEHSI EN ARSHAD	GHS BAKOT	30-05-1974	01-03-2000	BA/BED	Services are placed at the disposal of DEO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.

ITEM NO.6:- PROMOTION OF PST/SPST/PSHT TO SST (G) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(G)	24
25% Initial Recruitment Quota	06
75% by Promotion Quota	18
20% PST/SPST/PSHT to SST(G)	5
Proposed PST/SPST/PSHT for Promotion to SST(G)	5

S.No	Sen#	Name of official/Desig:	Name of School	Date of Birth	Date of 1st Appointment as Regular PST	Academic & Professional Qualification	REMARKS
1.	86	Khushtai Khan	GPS Pulhair Bandi	10-03-69	24-03-92	BA/B.Ed	Services are placed at the disposal of DLO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.
2.	101	Muhammad Farooq	GPS Jandaka	04-02-69	20/11/1992	BA/B.Ed	Services are placed at the disposal of DLO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.
3.	102	Muhammad Farooq	GPS Bagoter	10-03-70	21/11/1992	MA/B.Ed	Services are placed at the disposal of DLO (M) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect.

Altered
M3

10

Promotion of SST of District Abbottabad

4.	106	Muhammad Bashir	GPS Barvala	30-04-68	22/11/1992	BA/B.Ed	Services are placed at the disposal of D.O (SI) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect Services are placed at the disposal of D.O (SI) Abbottabad for adjustment against the post of SST (G) BPS-16 on regular basis with immediate effect
5.	106	Haron Ur Rashid	GPS KangarMaira	03-05-68	22/11/1992	MA/B.Ed	

B. SST (Bio/Chem)
ITEM NO.1:- PROMOTION OF PST/SPST/PSHT TO SST (BIO/CHEM) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(Bio/Chem)	5
25% Initial Recruitment Quota	1
75% by Promotion Quota	4
20% PST/SPST/PSHT Promotion quota to SST(Bio/Chem)	0.96
Proposed PST/SPST/PSHT for Promotion to SST(Bio/Chem)	1

S.No	Sen#	Name of official	Name of School	Date of Birth	Date of 1st Appointment as Regular PST	Academic & Professional Qualification	REMARKS
1.	293	Tariq Zaman	GPS Chamak Maira	31/12/1984	15/10/2014	B.Sc Bio/Chem/ M.Ed	Services are placed at the disposal of D.O (M) Abbottabad for adjustment against the post of SST (Bio/Chem) BPS-16 on regular basis with immediate effect

Attended
M3

C. SST (Maths/Phy)
ITEM NO.1:- PROMOTION OF CT/SCT TO SST (Maths/Phy) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(Maths/Phy)	09
25% Initial Recruitment Quota	02
75% by Promotion Quota	07
40% CT/SCT Promotion quota to SST(Maths/Phy)	4
Proposed CT/SCT for Promotion to SST(Maths/Phy)	4

S.No	Sen#	Name of official	Name of School	Date of Birth	Date of 1st Appointment as Regular CT	Academic & Professional Qualification	REMARKS
1.	55	HABIB ULLAH	GMS PHULWALI	31-03-86	18-02-10	BSC Add M/P B.Ed	Services are placed at the disposal of D.O (SI) Abbottabad for adjustment against the post of SST (Maths/Phy) BPS-16 on regular basis with immediate effect
2.	76	Muhammad Rizwan	GMS Miran	15-10-79	27-07-12	B.Sc Maths/B.Ed	Services are placed at the disposal of D.O (SI) Abbottabad for adjustment against the post of SST (Maths/Phy) BPS-16 on regular basis with immediate effect

11

Promotion of SST of District Abbottabad

246	Ammad Banaras	GHS SheikhulBandi	04-04-89	14-03-2015	BSC Math/BED	Services are placed at the disposal of DFO (M) Abbottabad for adjustment against the post of SST (Maths/Phy) BPS-16 on regular basis with immediate effect.
250	Ajmal Khan	GMS Sahad	04-02-92	14-03-2015	BSC/MED	Services are placed at the disposal of DFO (M) Abbottabad for adjustment against the post of SST (Maths/Phy) BPS-16 on regular basis with immediate effect.

ITEM NO. 2:- PROMOTION OF PSHT/SPST/PST to SST (Maths/Phy) BPS-16 ON REGULAR BASIS

Total No. of Vacant Post of SST(Maths/Phy)	09
25% Initial Recruitment Quota	02
75% by Promotion Quota	07
20% PST/SPST/PSHT to SST(Maths/Phy)	02
Proposed PST/SPST/PSHT for Promotion to SST(Maths/Phy)	02

S.No	Sen#	Name of official	Name of School	Date of Birth	Date of 1st Appointment as Regular PST	Academic & Professional Qualification	REMARKS
1.	783	MUHAMMAD PERVEZ	GPS KERI KALANDA	04-04-1979	21-12-2010	BSC Add M/P/BED	Services are placed at the disposal of DFO (M) Abbottabad for adjustment against the post of SST (Maths/Phy) BPS-16 on regular basis with immediate effect.
2.	391	Syed Shujahat Hussain Shah	GPS Muslimabad	04-03-1982	21-12-2010	BSC Math/BED	Services are placed at the disposal of DFO (M) Abbottabad for adjustment against the post of SST (Maths/Phy) BPS-16 on regular basis with immediate effect.

Attested
MS

Terms and Conditions:-

- 1 They would be on probation for a period of one year extendable for another one year.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se seniority on lower post will remain intact.
- 6 No T.A/DA is allowed for joining the duty.
- 7 They will give an under taking to be recorded in their service books to the effect that if any over payment is made to them in light this order, will be recovered and if they are wrongly promoted, they will be reversed.
- 8 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.
- 9 Those who have been promoted on the basis of additional subjects, their promotion is subject to the condition of the outcomes of HEC.

(Hafiz Dr. Muhammad Ibrahim)
Director
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Order No 4979-85 / File No.5/Promotion of SST (BPS-16) Dated Peshawar the 29-12-2021

- Copy forwarded for information and necessary action to the:-
1. Accountant General Khyber Pakhtunkhwa Peshawar
 2. District Education Officer (M) Abbottabad
 3. District Accounts Officer Abbottabad
 4. Officials Concerned
 5. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&S Department
 6. PA to the Director E&S Khyber Pakhtunkhwa, Peshawar

Deputy Director (Staff)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

12/11/2021

Cell # 0308-5643031
CNIC: 13101-657932-1

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Handwritten signature and text: (10317) ...

Main handwritten text block, appearing to be a letter or report, containing several lines of Urdu script.

Handwritten text block at the bottom of the main section.

Annexure B

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Phone = 8308-5643051

NIC = 13101-6579932-1

16/11/21

[Signature]

[Signature]

Annexure

Dr. ... (10317) ... SPST ...

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Annexure F

13

OFFICE OF THE DISTRICT EDUCATION OFFICER

MONTGOMERY COUNTY, MARYLAND

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Annexure D

(14)

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) ABBOTTABAD

No: 8822 /EB-III

Date: 09/11 /2021

To,

The Chairman,
Higher Education Commission
Islamabad

Subject: **GUIDANCE REGARDING EQUIVALENCY OF BSC ADDITIONAL SUBJECTS**

Memo,

With reference to the subject cited above and enclosed please find herewith the copy of documents in r/o following teachers and request you to please provide equivalency of BA/BSc additional subjects.

S.No	Name	BA/BSc From	BSc/BA Additional From	Remarks
1.	Habib Ullah	Hazara University	University of Lakki Marwat	Additional Subjects after laps of 14 years.
2.	Muhammad Pervez	University of Peshawar	University of Lakki Marwat	Additional Subjects after laps of 20 years.

It is therefore, requested to please guide the office of undersigned in this regard.

District Education Officer Male
Abbottabad01

[Handwritten Signature]

Annexure, D-1,

16



ہائیر ایجوکیشن کمیشن

HIGHER EDUCATION COMMISSION

Government of Pakistan, Islamabad

Sector 11/3
Islamabad, Pakistan
Phone : +92-51-90402174
Fax : +92-11-90402107
www.hec.gov.pk
muhammad@hec.gov.pk

Office of the
Assistant Director (Curriculum)

No. 5-4/CU/AS/GU/HEC/2021/2387
February 07, 2022

Subject: Clarification regarding Examination of Additional Science Subjects

Dear Sir

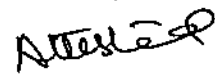
Please find attached herewith minutes of the meeting held at Higher Education Commission Islamabad on 28th December, 2021 regarding subject matter for your information and further necessary action.

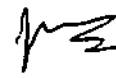
As per recommendation of the Committee "the candidates with additional science subjects could be considered for promotion, however as suggested by the participants, to ensure the quality for SST (Science) positions, the Directorate of Elementary & Secondary Education Peshawar/concerned DEOs may conduct a test for candidates having additional science subjects after BA for better scrutiny of the qualified candidates for promotion on the given positions".

Best regards.


(MUHAMMAD ASLAM)

Deputy Director (Establishment)
Directorate of Elementary & Secondary Education
Block A, 3rd Floor, Building A, Civil Secretariat
Peshawar, KPK





- i. APS to Advisor (Academics & Accreditation) HEC Islamabad.
- ii. Office Copy

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MINUTES OF THE MEETING REGARDING CLARIFICATION / EXAMINATION OF ADDITIONAL SCIENCE SUBJECTS AT B.A LEVEL (28-12-2022)

A meeting of all stakeholders regarding private examination of additional science subjects after BA was held in HEC on Tuesday, 28th December, 2021. The meeting was chaired by Mr. Muhammad Raza Chohan, Advisor, Academics & Accreditation HEC Islamabad. Other participants of the meeting were;

S/No.	Name
1.	Mr. Qazi Abid Iqbal Director (Curriculum) HEC Islamabad
2.	Mr. Hidayatullah Kasi Deputy Director (Curriculum) HEC Islamabad
3.	Mr. Abid Wahab Deputy Director (SAD) HEC Islamabad
4.	Mr. Muhammad Aslam Assistant Director (Curriculum) HEC Islamabad
5.	Mr. Inam Ullah Khan Registrar University of Lakki Marwat
6.	Mr. Muhammad Aslam Khan Director Graduate Studies & Research Gomal University D.I Khan
7.	Mr. Akhtar Ameen Deputy Controller Examination University of Peshawar
8.	Mr. Fazle Wahid Deputy Director Establishment Division Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa
9.	Mr. Muhammad Zahid District Education Officer (Male) Swabi
10.	Mr. Muhammad Shoukat District Education Officer (Male) Abbottabad
11.	Mr. Muhammad Sheraz District Education Officer (Male) Hangu

Attested

MZ

2. The meeting started with the name of Allah the most Beneficent and Merciful. The Advisor Academics & Accreditation welcomed the participants and highlighted purpose and importance of the meeting. The chair emphasized to discuss every aspect of the case from academic to administrative and encouraged participants to provide complete information about the policies to reach an amicable solution with mutual consensus.

3. The committee discussed the existing issues in detail and after detailed deliberation and keeping in view the suggestions of all stakeholders, following recommendations were made:-

1. As far as award of degrees and offering of admission / enrollment in particular program or courses are concerned, being autonomous bodies universities are competent to offer it as per their rules and subsequent approval of their statutory bodies. Keeping in view, no such violation of rules is observed in case of offering admission in additional science subjects for BA graduates as per given criteria. Further, such enrollments are already stopped due to phasing out of BA/BSc degrees in 2019.

Signature

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Annexure, D-2,



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 116/SST(M) Promotions/Abbottabad
Dated Peshawar the 11/11 /2022
Phone: 091-9225344 Email: establishmenthale1@gmail.com

To

The Higher Education Commission,
Government of Pakistan, Sector H-9 Islam Abud.

Subject: **GUIDANCE/CLARIFICATION REGARDING EXAMINATION OF
ADDITIONAL SCIENCE SUBJECTS**

Memo:

I am directed to the subject cited above and to enclose herewith a self explanatory letter of the DEO(M) Abbottabad bearing No.1256 dated 17-02-2022 on the subject cited above and to request your good office to guide this office accordingly please.

05/04/2022
o/c Assistant Director (Estab-M)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Attested
MS

Encls: No.

Copy forwarded to the:-

1. PA to Director (E&SE) Local Directorate.
2. Master File.

05/04/2022
o/c Assistant Director (Estab-M)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

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ہائر ایجوکیشن کمیشن

HIGHER EDUCATION COMMISSION

Government of Pakistan, Islamabad

Sector H-9
Islamabad, Pakistan
Phone : +92-51-90402124
Fax : +92-21-90403702
www.hec.gov.pk
mahastari@hec.gov.pk

Office of the
Assistant Director (Curriculum)

No. 5-A/CU/AS/GU/HEC/2021/2387
April 26, 2022

Subject: Guidance/Clarification Regarding Examination of Additional Science Subjects

Reference your letter No. 6542/F.No 115/SST(MIPromotions/Abbottabad dated 7/4/2022 dated on the subject cited above. It is informed that the subject issue was discussed in detail and the recommendations in this regard were already conveyed in the form of minutes of the meeting vide HEC letter No. 5-A/CU/AS/GU/HEC/2021/2387 dated 07-02-2022. Further decision in the matter may be made by the Directorate of Elementary and Secondary Education Peshawar, as determination of suitability regarding job requirement/promotions rests with the concerned employing agency, and this Commission has no role in such matters.

Best regards,

Attested
[Signature]

[Signature]
(MUHAMMAD ASLAM)

o/c

Assistant Director (Estab-M)
Directorate of Elementary & Secondary Education
KPK Peshawar

- i. District Education Officer (M) Abbottabad
- ii. APS to Advisor (Academics & Accreditation) HEC Islamabad.
- iii. Office copy

ISSUE
27/4/22

During discussion, it was informed by Mr. Fazle Wahid, representative of Directorate of Elementary & Secondary Education Peshawar that hundreds of such cases of teachers have already been considered where BA degree holders are considered for SST (Science) promotions on the basis of passing additional science subjects in respective directorate.

iii After careful study of the service rules, it was observed that a Bachelor Degree (14 years education) with mentioned subjects are required for SST positions. There is no mention of BA or BSc, hence the BA degree holders having passed the additional science subjects under any university may not be refused or filtered out as per given criteria.

iv. Keeping in view the previous practice and space available in service rules of the Directorate, the candidates with additional science subjects could be considered for promotion, however as suggested by the participants, to ensure the quality for SST (Science) positions, the Directorate of Elementary & Secondary Education Peshawar/concerned DEOs may conduct a test for candidates having additional science subjects after BA for better scrutiny of the qualified candidates for promotion on the given positions.

v. The meeting ended with the vote of thanks by the chair.

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Annexure E,

(21) ⊕

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No: 228 of 2022

Dispy No: 369

Dated: 25/2/2022

Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher(SPST), Government Primary School Keri Kalanda(Circle-Hajia Gali), Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil.Havelian, District Abbottabad.



Versus

- 1 The Director, Directorate of Elementary & Secondary Education Department, Peshawar.
- 2 The District Education Officer, Elementary & Secondary Education Department, Abbottabad.
- 3 Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Department, Peshawar.

Respondents

Filed to-day

Registrar

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED ACTION OF RESPONDENTS FOR NON ISSUANCE/DELAYING OF APPELLANT'S ADJUSTMENT/POSTING/PROMOTION ORDER/NOTIFICATION AS SST (MATHS/PHYSICS) ON THE BASIS OF NOTIFICATION DATED 29/10/2021 ISSUED UNDER ENDST NO 4979-85 BY THE RESPONDENT NO 01 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL/REPRESENTATION WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAER:-

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, RESPONDENTS MAY PLEASE BE DIRECTED TO ISSUE FURTHER NOTIFICATION/ORDER RELATING TO APPELLANT'S

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(22) (2)

ADJUSTMENT/POSTING/PROMOTION AS SST (MATHS/ PHYSICS)
ON THE BASIS OF NOTIFICATION DATED 29/10/2021 ISSUED
UNDER ENDST. NO 4979-85 BY THE RESPONDENT NO 01
ALONG WITH ALL BACK BENEFITS AND SENIORITY POSITION.

Respectfully Sheweth,

FACTS

- 1) That appellant joined Elementary & Secondary Education department on 21/12/2010 and presently he is working in the capacity of Senior Primary School Teacher (SPST). Appellant being BSc 2nd Division, was eligible for promotion as SST (Maths/Physics) on the basis of seniority cum fitness:
- 2) That in the previous meeting of Departmental Promotion Committee (DPC), appellant after fulfillment of all code formalities as well as under his seniority position, submitted his case/documents in the office of respondent No 1, as a result of which, his case was not only checked but scrutinized and then approved and referred to Directorate Peshawar in its DPC meeting for decision, finally appellant's promotion case along with others, was considered in DPC meeting and recommended for promotion, whereupon respondent no 1 issued Notification for promotion, with immediate effect on 29/10/2021. Copy of Notification is annexed as Annexure "A"
- 3) That subsequently respondent no 2 issued posting order of newly promoted teachers as SST (G), SST (Maths/Physics) and SST (Bio/Chemistry) on 05/11/2021 but appellant has not been adjusted/posted against SST (Maths/Physics) in the said order, whereupon appellant submitted application to respondent No 02, for the same on 12/11/2021 and the said respondent wrote a letter to Chairman HEC Islamabad. Copies of posting order dated 05/11/2021, application & letter HEC are annexed as Annexure "B" "C" & "D" respectively

ATTESTED


EXAMINER
Shybe Akhtukhye
Service Tribunal
Peshawar

- 4) That appellant submitted departmental appeal/representation to respondent no 01 which is still pending with out any response after passing the statutory period of 90 days, and appellant's appeal is within 120 days from the submission of his departmental remedy/representation, Copy of Departmental appeal/representation is annexed as Annexure "E" Hence this appeal inters-alia on the following ground.

Grounds

- a) That once, the competent authority (respondent No 01) issued promotion Notification dated 29/10/2021 (Annexure A) after got such recommendations in the DPC meeting, respondent no 1 has no authority to delay or withheld the subsequent adjustment/posting order/notification of appellant, the impugned action of respondent no 1 is beyond of his power, jurisdiction and against all the norms of justice and malafide.
- b) That appellant passed BSc before his joining service and was qualified the requirements of SST (M/P) he was BSc with the combination of Mathematics and Physics prior to passing of additional subjects of BSc, which was just for the improvement, to meet the condition of 2nd Division. Copies of both DMCs are annexed as Annexure "F" & "G"
- c) That the kind attention of this Honourable Tribunal is drawn to the fact, that respondent No 1, was not only issued the previous same promotion Notifications of several teachers, holding simple BA with additional BSc subjects but their concerned District Education officers were also adjusted/posted against SST (M/P) or (B/C), in this way appellant is facing discrimination and impugned action of respondent no 2 is clear violation of the constitution.


ATTESTED
 [Signature]
 Service Tribunal
 Peshawar

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Copies of promotion/adjustment/posting orders of other Districts are annexed as Annexure "H"

- d) That it is undoubted fact that respondents illegally snatched the legal rights of the appellant in an uncivilized way in a very haste manner, which is against the equity and there is no single example is available in the civilized society.
- e) That the impugned action of respondent no 2 is apparent activity of serious disapproval of the policy of the competent authority, which is beyond its jurisdiction and tried to create self made complications.
- f) That now Higher Education Commission Islamabad has decided the matter on 28/12/2021, which (Annexure D) is referred by the respondent no 2, but despite of this fact, respondents are not issuing the adjustment/posting orders of SST (M/P) which is illegal and unjust. Copy of HEC letter and meeting minutes is annexed as Annexure "I"
- g) That appellant is dragged into litigation, the conduct of the respondents is admittedly arbitrary capricious unjust and against all norms of justice and as such requires indulgence of this Honourable Court by awarding appropriate Cost to the respondents.
- h) That respondents ignored the provisions of Article 4 and 25 of the Constitution of Pakistan while exercising their illegal impugned action of non issuance of subsequent posting/adjustment order and their exercising discretionary powers in refusing the relief to the petitioner.

ATTESTED

KAMRAN AKHTAR
Kli/b...
Service Tribunal
Peshawar


It is, therefore, respectfully prayed that on acceptance of instant service appeal, respondents may please be directed to issue further notification/order relating to appellant's adjustment/posting/promotion

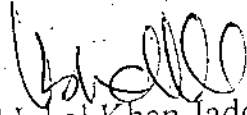
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as Sst (Maths/ Physics) on the basis of Notification dated 29/10/2021 issued under Endst no 4979-85 by the respondent no 01' alongwith all back benefits and seniority position.

Any other relief for which the appellant is entitled, and the same is not asked/prayed specifically, may very kindly be granted in favour of the appellant.

Dated 24/02/2022

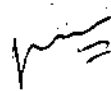

(Muhammad Pervez)
Appellant in person

Through 
(Rashid Iqbal Khan Jadoon)
Attorney Abbottabad.

Affidavit

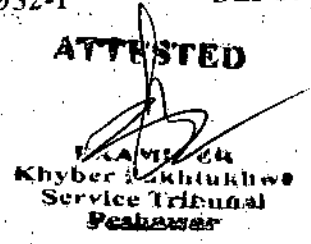
I, Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher, Government Primary School Keri Kalanda(Circle Hajja Gali), Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad, do here by affirm on oath that contents of instant appeal is correct and true according to my best knowledge and belief and nothing has been suppressed from this Honourable Tribunal and this instant appeal is first appeal & same nature of any other appeal is not pending before Honourable Tribunal

Dated 24/02/2022


(Muhammad Pervez)
Appellant

CNIC No 13101-6579932-1

DEPONENT



Date of Presentation of Application 03-7-24
Number of Words 15-1
Copying Fee 85/-
Urgent _____
Total 85/-
Name of Copyist _____
Date of Completion of Copy 04-7-24
Date of Delivery of Copy 04-7-24

Annexure (F)

26

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD

No. 5361/EB-I/SSTs/Promotion

Dated Abbottabad the 27/07/2022.

To,

The Director,
Elementary and Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Annex

(07)

Subject: CANCELLATION/CLARIFICATION REGARDING EXAMINATION OF
ADDITIONAL SCIENCE SUBJECTS IN B.Sc:

Memo:

Kindly refer to your good office letter No.4979-85/File No.5/Promotion of SST (B PS-16) dated 29-10-2021 and to submit that Mr. Muhammad Pervez SPSI GPS Keri Kalanda Abbottabad was promoted to SST (M/P) on the basis of B.Sc: additional subject. The teacher concerned has passed B.Sc: (MathA, MathB & Physics) from University of Peshawar in 3rd Divn during the session 2000. After 20 years he appeared in B.Sc: additional subjects from University of Lakki Marwat in year 2020. He got Transcript of additional subjects instead of improvement. He did not appear in any additional subject but got the Transcript of additional subject of B.Sc: which is ambiguous. (Copies Attached as Annex A & B)

This office approached to Chairman Higher Education Commission Islamabad vide this office No.8822 dated 09-11-2021 for guidance, he called the meeting of DEOs concerned on the subject case and submitted minutes of the meeting vide No. 5-4/CU/AS/GU/HEC/2021/2387 dated 07-02-2022 Copy attached as Annex C). In this regard this office approached to your office vide this office memo: No.1256 dated 17-02-2022 for guidance but reply of the same is still awaited.

The above named teacher was not further posted/promoted as SST (M/P) due to ambiguity in Transcript of B.Sc. After this he filed Service Appeal No.278/2022 before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar and Honorable Tribunal gave the last chance for submission of joint para wise reply as the next date of hearing is fixed on 19-08-2022.

You are therefore, requested to please withdraw the approval/promotion order of above named teacher due to ambiguity in Transcript of B.Sc: accordingly


DISTRICT EDUCATION OFFICER
ABBOTTABAD

Attested



Annexure 6

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

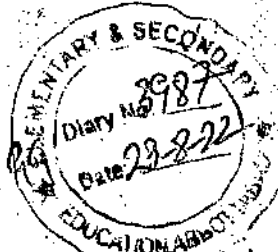
Phone: 091-9225344

Email: establishmentmale1@gmail.com

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NOTIFICATION

The Competent Authority is pleased to withdraw the promotion order of District Abbottabad bearing No. 4979-85 dated 29-10-2021 to the extent of Mr. Muhammad Pervez promoted to SST (M/P) only, occurring at serial No.01 under Item No.02, with immediate effect, in the light of DEO (M) Abbottabad letter bearing No.5361 dated 27-07-2022 in the interest of public service.



DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: No. _____ FNO.116 /SST (M) Promotion/Abbottabad Dated the Peshawar 5/8/2022

Copy forwarded to the:

1. District Education Officer (M) Abbottabad.
2. District Accounts Officer Abbottabad.
3. Ex-SST Concerned.
4. Master Copy

[Signature]
Assistant Director (Estab-M1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ADOLE (S)
Pl 4 86 Re
next full
22-8-22

[Signature]
Attested
[Signature]
[Signature]

Annexure H

28

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

Appeal No, 228/2022

Muhammad Pervaz.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS


Respectfully Sheweth:-

Joint Para Wise Comments on behalf of respondents are submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the appellant has no cause of action to file the instant appeal against the answering respondents.
2. That the appellant has no locus standi.
3. That instant appeal is not maintainable as there is no final order hence, instant appeal is not maintainable.
4. That appellant did not file any departmental appeal to the appellate authority as he did not annex the copy of postal receipt. Hence, appeal in hand is liable to be dismissed without any further proceedings.
5. That the promotion order of appellant has been withdrawn by the competent authority vide Notification No. 1798-99 dated 05-08-2022 hence, instant appeal has become infructuous.
6. That the appellant did not come to this Honorable Tribunal with clean hands.
7. That the appellant concealed and distorted the material facts from this Honorable Tribunal.
8. That the present appeal has been filed just to pressurize and blackmail the respondents.
9. That the instant appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
10. That the instant appeal is not maintainable in its present form.

ATTESTED


KASIM
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Factual Objections:-

1. That Para No. 1, of the appeal is correct to the extent that appellant is presently working against the post of Senior Primary School Teacher (SPST) while rest of the para as composed is incorrect hence, denied and not admitted.
2. That Para No. 2, of the instant appeal as composed is incorrect hence, denied. Appellant was promoted to SST (M.P) on the basis of B.Sc additional subjects and appellant passed his B.Sc (Math A, Math B & Physics) from University of Peshawar in 3rd Division during the session 2000. After the laps of 20 years appellant appeared in B.Sc additional subjects from University of Lakki Marwat in Session 2020 and got transcript of additional subjects whereas, appellant did not appear/pass any additional subject of B.Sc. (Copy of Transcripts issued by University of Peshawar and University of Lakki Marwat are annexed herewith as Annexure "A" & "B" respectively).
3. That Para No. 3, of the instant appeal as composed is incorrect hence, denied. Furthermore, promotion order of appellant has been withdrawn by the competent authority vide Notification No. 4798-99 dated 05-08-2022. Hence, appeal in hand has become infructuous and liable to be dismissed without any further proceedings. (Copy of the letter dated 27-07-2022 and Notification dated 05-08-2022 are annexed herewith as Annexure "C" & "D" respectively).
4. That Para No. 4, of the instant appeal as composed is incorrect hence, denied as appellant did not file any departmental appeal to the appellate authority as he did not annex the copy of postal receipt.

GROUNDS:-

- a. That ground a, as composed is incorrect hence, denied and not admitted appellant was not eligible for promotion and his promotion order was withdrawn by the competent authority vide Notification dated 05-08-2022.
- b. That ground b, as composed is incorrect hence, denied and not admitted. Appellant provided the Transcript of B.Sc issued by University of Lakki Marwat having titled "ADDITIONAL SUBJECTS IN BACHELOR OF SCIENCE" whereas, in ground B he categorically admitted that he did not

ATTESTED

EXAMINER
Office of Pakhtunkhwa
Service Tribunal
Peshawar

pass additional subjects and the relevant portion of ground is reproduced as under:

“Appellant passed B.Sc before his joining service and was qualified the requirements of SST (M/P) he was B.Sc with the combination of Mathematics and Physics prior to passing of additional subjects of B.Sc, which was just for the improvement, to meet the condition of 2nd Division.” Hence, appeal in hand is liable to be dismissed.

- c. That ground c, as composed is incorrect hence, denied and not admitted. Detailed reply has already been given in preceding paras.
- d. That the ground d, as composed is incorrect hence, denied and not admitted.
- e. That the ground e, as composed is incorrect hence, denied and not admitted.
- f. That the ground f, as composed is incorrect hence, denied and not admitted. The letter of HEC dated 07-02-2022 and 28-02-2021 is not applicable in the case of the appellant as the letter of HEC pertains to the additional science subject whereas, appellant did not pass any additional subject.
- g. That ground g, of the service appeal as composed is incorrect hence, denied and not admitted.
- h. That ground h, of the service appeal as composed is incorrect hence, denied and not admitted.
- i. That the respondents seek permission of this Honorable Tribunal to advance further grounds during arguments.

It is, therefore, very humbly prayed that in the light of foregoing comments the appeal in hand may graciously be dismissed with cost throughout.

Secretary
E&SED Khyber Pakhtunkhwa
Peshawar
(Respondent No.03)

Director
E&SE Khyber Pakhtunkhwa
Peshawar (Respondent No. 01)

District Education Officer (M)
Abbottabad
(Respondent No.02)

ATTESTED

Secretary
Service Tribunal
Peshawar

31

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

Appeal No. 228/2022

Muhammad Pervez.....Appellant

VERSUS

Govt. Of KPK & Others.....Respondents

SERVICE APPEAL

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

ATTESTED
[Signature]
District Education Officer
Abbottabad
Service Tribunal
Peshawar



[Signature]

DEPONENT

Date of Presentation

Number of Words *47*

Copying Fee *20/-*

Urgent

Total *20/-*

Name of

Date of

Date of Delivery of Cop. *05/10/22*

05/10/22

05/10/22

05/10/22

Annexure H-1,

32



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M.A No _____ of 2022

IN

Service Appeal No: 228 of 2022

SCANNED
KPST
Peshawar

Put up to the court with
relevant appeal

Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher (SPST),
Government Primary School Keri, Kalanda (Circle Hajia Gali), Tehsil Havelain,
District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District
Abbottabad.

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department,
Peshawar & two others.

Respondents

APPLICATION FOR REQUISITION OF JUDICIAL FILE OF TITLED SERVICE
APPEAL FOR APPROPRIATE ORDERS OF THIS HONOURABLE TRIBUNAL
ON APPLICATIONS BEING URGENT MATTERS.

Respectfully Sheweth.

1) That the titled service appeal of Applicant/Appellant has been accepted by
Honourable Tribunal on 17/06/2022 and next date was fixed as 19/08/2022,
but unfortunately, the same tour of Camp Court Abbottabad has been
cancelled.

2) That the titled service appeal is pending for adjudication and basic document is
Promotion Notification dated 29/10/2021, respondents, after appearing and
officially/legally known about titled appeal, after this very factually and legally
circumstances, issued withdrawal of said Notification dated 29/10/2021 to the
extent of Applicant/Appellant.

3) That under the above circumstances, applications are being filed before this
Honourable Tribunal for appropriate orders.

It is therefore respectfully prayed that instant application may please be
accepted and case file may please be requisitioned in the interest of justice.

Dated 31/08/2022

(Muhammad Pervez)
Applicant/ Appellant

ATTESTED

Through

RASHID IQBAL KHAN JADOON
Advocate-IBC Islamabad
Attorney Abbottabad
Abbott Law Chamber

(Rashid Iqbal Khan Jadoon)
Advocate-IBC Islamabad
Attorney Abbottabad
Abbott Law Chamber

Office No 51, Ayub Tanoli lawyer plaza
Abbottabad. 0333-5025002, 0316-9343818

Be filed
with
A-77
19/08/22
the
court

Annexure I,

33 1

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M.A No _____ of 2022

IN

Service Appeal No: 228 of 2022



Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher(SPST); Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad.

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department, Peshawar & two others.

Respondents

APPLICATION FOR SUSPENSION OF NOTIFICATION ISSUED UNDER ENDORSEMENT NO 4798-99 F.NO.116/SST(M) PROMOTION/ ABBOTTABAD DATED THE PESHAWAR 05/08/2022 BY THE RESPONDENT NO 1, WHEREBY APPELLANT'S PROMOTION NOTIFICATION NO 4979-85 DATED 29/10/2021 HAS BEEN WITHDRAWN TO THE EXTENT OF APPLICANT/APPELLANT. WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

- 1) That the titled service appeal of Applicant/Appellant is. for issuance of directions relating to posting order as SST (Maths/Physics), under the promotion Notification dated 29/10/2021.
- 2) That the titled service appeal was instituted in February 2022 and heard preliminary on 22/03/2022 at principal seat of this Honourable Tribunal Peshawar and called for comments/reply to the respondents for 18/04/2022 at Camp Court Abbottabad, wherein respondents appeared and got adjournment for comments/reply and case was fixed for 17/06/2022.
- 3) That on the date fixed, respondents did not file reply/comments before the Tribunal and this Honourable Tribunal has been pleased to accept service appeal on 17/06/2022 and next date was fixed as 19/08/2022, but unfortunately, the tour of Camp Court Abbottabad was cancelled.
- 4) That Applicant/Appellant was informed by his concerned SDEO Circle Havelian, that as per information from DEO (M), his promotion Notification

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4/7/2022

dated 29/10/2021 to the extent of Applicant/Appellant, was withdrawn by the respondent No. 1; whereupon Applicant/Appellant got a copy of withdrawal Notification dated 05/08/2022. Copy of Notification is annexed as Annexure "J"

- 5) That the titled service appeal is pending for adjudication and basic document upon which case rotates is, Promotion Notification dated 29/10/2021, and respondents, after appearing and officially/legally known about titled appeal, after this very factually and legally circumstances, issuance of impugned Notification dated 05/08/2022 is apparently contempt of Court.
- 6) That under the above circumstances, respondents challenged the authority of this Honourable Tribunal, and titled service appeal of Applicant/Appellant is good strong prima facie case and there is every likelihood of success, and the balance of convenience also lies in his favour, similarly, if impugned Notification dated 05/08/2022 is not suspended, the Applicant/Appellant would suffer irreparable loss and he would be deprived from his valuable rights.

It is therefore respectfully prayed that impugned Notification dated 05/08/2022 may graciously be suspended and operation of impugned Notification may graciously be suspended/stayed till the disposal of Titled Service appeal

Dated 31/08/2022

(Signature)
(Muhammad Pervez)
Applicant/ Appellant

Through

(Signature)
(Rashid Iqbal-Khan Jadoon)
Advocate IBC Islamabad
Attorney Abbottabad.
Abbott Law Chamber

Office No 51, Ayub Tanoli lawyer plaza
Abbottabad. 0333-5025002, 0316-9343818

TESTED
(Signature)
SAYANER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 03/07/23
 Number of Words 29
 Copying Fee 10/-
 Urgent
 Total 10/-
 Name
 Date of Copy 03/07/23
 Date of Delivery of Copy 03/07/23

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M.A No: _____ of 2022

IN

Service Appeal No: 228 of 2022

Muhammad Pervez

Applicant/Appellant

Versus

The Director, Directorate of Elementary & Secondary Education Department, Peshawar & two others.

amendment in titled appeal and Respondents
APPLICATION FOR ISSUANCE OF DIRECTIONS TO THE REGISTRAR/READER OF THIS HONOURABLE TRIBUNAL TO ADD/ENTER IN THE HEADING OF TITLED APPEAL, AS ("APPEAL ALSO AGAINST THE WITHDRAWAL NOTIFICATION ISSUED UNDER ENDORSEMENT NO 4798-99 F.NO.116/SST(M) PROMOTION/ABBOTTABAD DATED THE PESHAWAR 05/08/2022 ISSUED DURING PENDENCY OF TITLED APPEAL") ALSO ADD/ENTER IN PRAYER AS ("SET ASIDE THE IMPUGNED WITHDRAWAL NOTIFICATION DATED 05/08/2022")

Respectfully Sheweth.

- 1) That the titled service appeal of Applicant/Appellant has been accepted by Honourable Tribunal on 17/06/2022 and next date was fixed as 19/08/2022, but unfortunately, the same tour of Camp Court Abbottabad has been cancelled.
- 2) That the titled service appeal is pending for adjudication and basic document is Promotion Notification dated 29/10/2021, respondents, after appearing and officially/legally known about titled appeal, after this very factually and legally circumstances, issued withdrawal of said Notification dated 29/10/2021 to the extent of Applicant/Appellant, through impugned Notification dated 05/08/2022, which is apparently, illegal unlawful, with out jurisdiction and contempt of Court too.
- 3) That under the above circumstances, though respondents illegally issued impugned Notification dated 05/08/2022, but it is required to set aside the said Notification, issued during the pendency of titled appeal, to avoid the factual and legal technicalities.

It is therefore respectfully prayed that instant application may please be

accepted.

Dated 31/08/2022

(Muhammad Pervez)
Applicant/Appellant

Through

36 8

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

C.M.A No _____ of 2022

IN

Service Appeal No: 228 of 2022

Muhammad Pervez

Applicant/Appellant

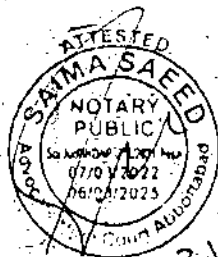
Versus

The Director, Directorate of Elementary & Secondary Education
Department, Peshawar & two others.

Respondents

AFFIDAVIT

I, Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher,
Government Primary School Keri Kalanda(Circle Hajia Gali), Tehsil
Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil
Havelian, District Abbottabad, do here by affirm on oath that contents of
foregoing applications etc, are correct and true according to my best
knowledge and belief and nothing has been suppressed from this
Honourable Tribunal.



Dated 31/08/2022

31/08/22 [Signature]

(Muhammad Pervez)
Applicant/Appellant
DEPONENT

CNIC No: 13101-6579932-1

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Annexure, I-1,

(37)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

CMA No.
in
Appeal No. 228/2022

Muhammad Pervez..... Applicant/Appellant

VERSUS

The Director of E&SE Respondents

**JOINT REPLY TO APPLICATION FOR SUSPENSION OF NOTIFICATION NO. 4798-
99 DATED 05-08-2022**

Respectfully Sheweth:-

Replication on behalf of respondents is submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the applicant has no cause of action to file the instant application against the answering respondents.
2. That the applicant has no locus standi.
3. That instant application is not maintainable.
4. As per Judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 1613 of 2019 and CMA No 2885 of 2020 dated 08-06-2020 it is the sole authority of competent authority to decide the matter in accordance with law.
5. That the instant application / appeal have become infructuous.
6. That as per judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 2039 of 2019 dated 06-04-2022 applicant is not entitled for promotion on account of 3rd Division
7. That the promotion order of applicant has rightly been withdrawn by the competent authority vide Notification No. 4798-99 dated 05-08-2022 in the interest of the public service.

Factual Objections:-

1. That Para No. 1, of the application relates to record. Hence, need no comment.
2. That Para No. 2, of the instant application relates to record.
3. That Para No. 3, of the instant application relates to record.


ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. That Para No. 4, of the instant application is correct to the extent of withdrawal of promotion order by the respondent No. 1 whereas rest of the Para as composed is incorrect hence denied and not admitted as applicant did not prefer departmental appeal to the appellate authority against the Notification dated 05-08-2022 within the prescribed period. Hence, the service appeal filed by the applicant has become infructuous.
5. In reply to the Para No. 5 of the application it is submitted that applicant was promoted to SST (M/P) on the basis of B.Sc additional subjects and applicant passed his B.Sc (Math A, Math B & Physics) from University of Peshawar in 3rd Division during the session 2000. After the laps of 20 years applicant appeared in B.Sc additional subjects from University of Lakki Marwat in Session 2020 and got transcript of additional subjects whereas, applicant did not appear/pass any additional subject of B.Sc and promotion order of applicant has rightly been withdrawn by the competent authority vide Notification No. 4798-99 dated 05-08-2022. Hence, service appeal / instant application in hand have become infructuous and liable to be dismissed without any further proceedings. (Copy of Transcripts issued by University of Peshawar, University of Lakki Marwat, letter dated 27-07-2022 and Notification dated 05-08-2022 are annexed herewith as Annexure "A", "B", "C" & "D" respectively)
6. That the Para No. 6 of the instant application as composed is incorrect hence, denied and not admitted. As per Judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 1613 of 2019 and CMA No 2885 of 2020 dated 08-06-2020 it is the sole authority of competent authority to decide the matter in accordance with law and competent authority withdrawn the promotion order of the applicant through Notification dated 05-08-2022.

It is, therefore, very humbly prayed that in the light of forgoing reply the application in hand may graciously be dismissed with cost throughout.

ATTESTED


District Education Officer (M)
Abbottabad
(Respondent No. 01, 02 & 13)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

CMA No:
in

Appeal No. 228/2022

Muhammad Pervez..... Applicant/Appellant

VERSUS

Govt. Of KPK & Others..... Respondents

**JOINT REPLY TO APPLICATION FOR SUSPENSION OF NOTIFICATION NO.
4798-99 DATED 05-08-2022**

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.



Ammy
DEPONENT

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Annexure, I-2,

40

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD**

CMA No.
in
Appeal No. 228/2022

Muhammad Pervez.....Applicant/Appellant

VERSUS

The Director of E&SERespondents

**JOINT REPLY TO APPLICATION FOR AMENDMENT IN TITLED APPEAL ON
BEHALF OF RESPONDENTS**

Respectfully Sheweth:-

Replication on behalf of respondents is submitted as under:-

PRELIMINARY OBJECTIONS:-

1. That the applicant has no cause of action to file the instant application against the answering respondents.
2. That the applicant has no locus standi.
3. That instant application is not maintainable in its present form.
4. As per Judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 1613 of 2019 and CMA No 2885 of 2020 dated 08-06-2020 it is the sole authority of competent authority to decide the matter in accordance with law.
5. That as per judgment of August Supreme Court of Pakistan passed in Civil Appeal No. 2039 of 2019 dated 06-04-2022 applicant is not entitled for promotion on account of 3rd Division
6. That the promotion order of applicant has rightly been withdrawn by the competent authority vide Notification No. 4798-99 dated 05-08-2022 in the interest of the public service.

Factual Objections:-


1. In reply to Para No. 1, of the application it is submitted that appeal of the applicant has not been accepted by this Honorable Tribunal.
2. That Para No. 2, of the application is correct to the extent of Notification dated 05-08-2022, while rest of the Para as composed is incorrect hence, denied and not admitted.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

3. That Para No. 3, of the application as composed is incorrect hence, denied and not admitted. Applicant cannot impugn the Notification dated 05-08-2022 in the titled appeal as applicant should have prefer departmental appeal before the appellate authority within prescribed period but he badly failed to do so. Hence, application is liable to be dismissed.

It is, therefore, very humbly prayed that in the light of forgoing reply the application in hand alongwith service appeal may graciously be dismissed with cost throughout.


District Education Officer (M)
Abbottabad
(Respondent No.01, 02 & 03)

ATTESTED


KALINER
Khanpura
Service Tribunal
Peshawar

49

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

CMA No. _____
in _____

Appeal No: 228/2022

Muhammad Pervez.....Appellant

VERSUS

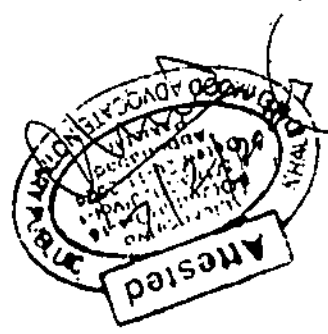
Govt. Of KPK & Others.....Respondents

JOINT REPLY TO APPLICATION FOR AMENDMENT IN TITLED APPEAL ON BEHALF OF RESPONDENTS

AFFIDAVIT

I, Mr. Muhammad Tanveer, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

ATTESTED
[Signature]



[Signature]
DEPONENT

Date of Presentation of Application 03/7/23
Number of Words 37
Copying Fee 14/-
Urgent
Total 18/-
Name of
Date of Completion of 04/7/23
Date of Delivery of Copy 04/7/23

Annexure J

43

Service Appeal No. 228/2022 titled " Muhammad Pervez Vs. Government of Khyber Pakhtunkhwa and others"

ORDER

24th June, 2024




SCANNED
KPST
Peshawar

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney along with Mr. Sohail Ahmad Zeb, Litigation Officer for the respondents present.

2. After arguing the matter at certain length, learned counsel for the appellant submitted that he wanted to withdraw the instant service appeal in order to challenge the order dated 05.08.2022, whereby the very promotion order of the appellant was withdrawn. This appeal is dismissed accordingly. Regarding the request that the appellant may be permitted to file fresh appeal, it is needless to observe that anybody is always at liberty, to challenge any order against which he has some grievance, at any time, which, if challenged, has to be decided on its own merits and subject to limitation etc. Consign.

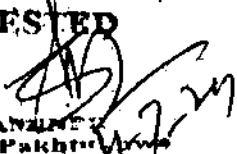
3. *Pronounced in open court at camp court Abbottabad and given under our hands and seal of the Tribunal this 24th day of June, 2024.*


(Aurangzeb Khattak)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Adnan Shah

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Date of Presentation of Application 03/7/24
Number of Words 159
Copying Fee 5/-
Urgent 07
Total 5/-
Name of Copyist _____
Date of Completion of Copy 04/7/24
Date of Delivery of Copy 04/7/24


14.12.2023

Appellant in person present. Mr. Sohail Ahmed Zeb, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 24.01.2024 before the D.B at Camp Court Abbottabad. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)
Camp Court Abbottabad


(Salah-ud-Din)
Member (J)
Camp Court Abbottabad


Naeem Amin


24.01.2024

1. Appellant in person present. Mr. Syed Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Former requested for adjournment on the ground that his learned counsel is busy before Hon'ble Peshawar High Court, Abbottabad Bench. Adjourned. To come up for arguments on 27.03.2024 before D.B at camp court, Abbottabad. P.P given to parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Rashida Band)
Member (J)
Camp Court, Abbottabad

Kaleem Ullah

Due to cancellation of tou case is
adjourn to 24/6/2024 .
Raj

44

25.07.2023

Appellant in person present Mr. Sohail Ahmad Zeb,

Assistant along with Mr. Asad Ali Khan, Assistant Advocate

General for the respondents present.

[Handwritten mark]

on the ground that his Counsel is not available

Appellant seeks adjournment. Adjourned. To come up for

arguments on 24.10.2023 before the D.B at Camp Court

Abbottabad. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

[Handwritten signature]

(Rashida Bano)
Member (J)
Camp Court Abbottabad

[Handwritten signature]

(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

Naeem Amin

24th Oct. 2023

1. Appellant in person and Mr. Khurshid Ahmad, District Attorney for the respondents present.

2. Former made a request for adjournment on the ground that learned senior counsel is not available today. Adjourned. To come up for arguments on 14.12.2023 before D.B at Camp Court, Abbottabad.

P.P given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah

[Handwritten signature]

(Farzha Paul)
Member (B)

[Handwritten signature]

(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

ATTESTED

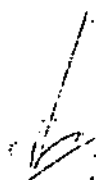
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EXAMINER
for Khatukhye
Service Tribunal
Peshawar


29.03.2023 Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney
alongwith Sohail Ahmad Zeb ADEO for respondents present.

Reply has already been submitted in office. Copy of the same
was handed over to the learned counsel for appellant who made a
request for adjournment. Adjourned. To come up for arguments on
24.05.2023 before D.B at Camp Court, Abbottabad.

SCANNED
KF-5T
Feshawar

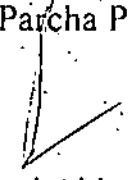

(Muhammad Akbar Khan)
Member (E)
Camp Court, A/Abad

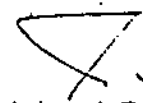

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

24.05.2023 Appellant in person present. Mr. Sohail Ahmad Zeb.
Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District
Attorney for the respondents present.

Appellant requested for adjournment on the ground that his
counsel is not available today. Adjourned. To come up for
arguments on 25.07.2023 before the D.B at Camp Court,
Abbottabad. Parcha Peshi given to the parties.

SCANNED
KF-5T
Feshawar


(Muhammad Akbar Khan)
Member (E)
Camp Court Abbottabad


(Salah-ud-Din)
Member (J)
Camp Court Abbottabad

Naem Amin

ATTESTED


Naem Amin
Camp Court Abbottabad

25.01.2023

Appellant alongwith counsel present. Muhammad Adeel Butt learned Additional Advocate General alongwith Sohail Ahmad Zeb ADEO for respondents present.

Reply to both the miscellaneous applications were not filed by the learned AAG, therefore, request was made for adjournment in order to file reply to both the miscellaneous applications. Last chance is given with direction to submit reply within 10 days at principle seat at Peshawar. File to come up for reply on miscellaneous applications as well as arguments on 29.03.2023 before D.B at camp court, Abbottabad.

SEAL
Peshawar

(Fareeha Paul)
Member (E)
Camp Court Abbottabad

(Rozina Rehman)
Member(J)
Camp Court Abbottabad

ATTESTED

MINER
Khyber Pakhtunkhwa
Sov. Tribunal
Peshawar

19.08.2022

Due to cancelation of tour to Camp Court, Abbottabad, case is adjourned to 21.10.2022 for the same as before.

Reader

21.10.2022

Appellant present through counsel.

Kabir-Ullah Khattak, learned Additional Advocate General alongwith Sohail Ahmad Zeb Litigation Officer for respondents present.

Comments submitted by the respondents, however, two different miscellaneous applications were filed by the learned counsel for appellant. Notice of these applications be served upon respondents and file to come up for reply to these two applications and arguments on 28.12.2022 before D.B at Camp Court, Abbottabad.

مسماوات کے لئے
اس کے لئے نوٹ ڈالیں
اوشن کے لئے نوٹ ڈالیں

SCANNED
KPST
Peshawar

(Rozina Rehman)
Member (J)

28.12.2022

Due to vacates vacation the case is adjournment to 25-1-2023 for the same

Reader

ATTESTED

ATTESTED
BY
[Signature]
[Name]
[Designation]

48

18.04.2022

Counsel for the appellant present.

Noor Zaman Khan Khattak, learned District Attorney alongwith Sohail Ahmad Zeb Litigation Assistant for the respondents present.

Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply and preliminary hearing on 17.06.2022 before S.B at Camp Court, Abbottabad.

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17.06.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Sohail Ahmad Zeb for respondents present.

Preliminary arguments heard, Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Notice of the appeal has already been served upon respondents for reply. To come up for reply/comments on 19.08.2022 before S.B at Camp Court, Abbottabad.

Rs-500/-
Appellant Deposited
Security & Process Fee
A. Haq
20/6/22

ATTESTED

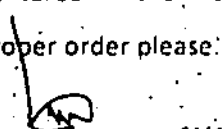


REGISTRAR
Military Service Tribunal
Peshawar

(Rozina Rehman)
Member (J)
Camp Court, A/Abad

FORM OF ORDER SHEET


Court of _____

Case No. 228/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/02/2022	<p>The appeal of Mr. Muhammad Pervez presented today by Rashid Iqbal Khan Jadoon Special Attorney may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put there on <u>22-03-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	22/03/2022	<p>Let a notice be issued to the other side for 18-04-2022 at camp courts Abbottabad.</p> <p style="text-align: right;"></p>

ATTESTED

 KH. A. JAFFER
 Special Tribunal
 Peshawar



Annexure K,

(47)

To

The Secretary
Elementary & Secondary Education Department, Khyber
Pakhtunkhwa Peshawar.

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION
DATED 05/08/2022, ISSUED UNDER ENDORSEMENT NO
4798-99 F.NO 116/SST (M)/PROMOTION/ABBOTTABAD
DATED THE 05/08/2022, BY THE DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT, KHYBER PAKHTUNKHWA PESHAWAR

WHEREBY PROMOTION NOTIFICATION OF APPELLANT
FROM SPST TO SST (M/P) BEARING NO 4979-85 DATED
29/10/2021 HAS BEEN WITHDRAWN WITH OUT ISSUING
ANY NOTICE TO THE APPELLANT,

IMPUGNED WITHDRAWAL NOTIFICATION DATED
05/08/2022, REFLECTED THAT IT WAS ISSUED BY THE
DIRECTORATE E/SE KPK PESHAWAR, IN PURSUANCE OF
LETTER NO 5361/EB-I/SSTS/PROMOTION, DATED
27/07/2022 ISSUED BY THE DISTRICT EDUCATION
OFFICER (M) ABBOTTABAD STATED INCORRECT
REASONS.

Respectfully Sheweth,

- 1) That promotion Notification of Appellant from SPST to SST (M/P) was issued by the Directorate E/SE Department KPK Peshawar bearing NO 4979-85 Dated 29/10/2021.
- 2) That appellant was not posted on the basis of his promotion by the District Education Officer (M) Abbottabad in its posting Orders dated 05/11/20221, but DEO wrote a letter to Chairman HEC Islamabad on 09/11/2021 for guidance,, Higher Education Commission Islamabad has decided the matter on 28/12/2021, and decision was issued through letter dated 07/02/2022.
- 3) That appellant after completing codel formalities, filed service appeal no 228/2022 was instituted in February 2022 and that service appeal was admitted on 17/06/2022 by Camp Court Abbottabad.

Accepted

[Signature]

- 4) That during the pendency of service appeal, DEO (M) Atd, wrote a letter dated 27/07/2022 to the Directorate Peshawar for withdrawal of promotion Notification to the extent of Appellant bearing NO 4979-85 Dated 29/10/2021.
- 5) That the Directorate E/SE Department KPK Peshawar, on the sole reason of withdrawal letter dated 27/07/2022 sent & desired by DEO (M) Atd, withdrawn the promotion Notification dated 29/10/2021, through Notification dated 05/08/2022.
- 6) That appellant, on 31/08/2022, filed application for suspension of withdrawal Notification dated 05/08/2022 and also application for amendment in the heading of appeal and prayer in the pending service appeal No 228/2022.
- 7) That District Education Officer (M) Abbottabad submitted reply to the said applications before the Service Tribunal on 07/02/2023 and these applications were pending.
- 8) That on 27/06/2024, the learned Service Tribunal disposed off the Service Appeal No 228/2022 and consequently appellant is seeking cancellation of withdrawal Notification dated 05/08/2022 issued by the Directorate E/SE Department KPK Peshawar.

Attest

[Signature]

It is therefore respectfully prayed that impugned Notification dated 05/08/2022 may graciously be cancelled and operation of promotion Notification bearing NO 4979-85 Dated 29/10/2021 to the extent of appellant may graciously be restored and District Education Officer (M) Abbottabad may be directed to issue posting order as SST (M/P) with effect from 05/11/2021 with all back benefits in the interest of justice.

[Signature]

Dated 02/07/2024

Muhammad Pervez S/O Bagga Khan,
 Senior Primary School Teacher(SPST),
 Government Primary School Keri
 Kalanda(Circle Hajia Gali), Tehsil
 Havelain, District Abbottabad R/O
 Village Keri, Post Office Nara, Tehsil
 Havelian, District Abbottabad.

SECTION OFFICER (PRIMARY MALE)

1. PS to Secretary, ESSE Department

Endst: of even No. & Date:
Copy forwarded to the:-

SECTION OFFICER (PRIMARY MALE)

End: AA

Please.

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory application alongwith its enclosures received from Mr. Muhammad Pervez SPST GPS Kerl Kalanda Abbottabad for further necessary action,

~~ABBOTTABAD STATED INCORRECT REASONS,
I/SST/PROMOTION DATED 27-07-2022 ISSUED BY THE DEO (M)
PESHAWAR IN PURSUANCE OF LETTER NO. 5361/EB-
REFLECTED THAT IT WAS ISSUED BY THE DIRECTORATE ESSE
IMPUGNED WITHDRAWAL NOTIFICATION DATED 05-08-2022,
APPELLANT.~~

~~WHEREBY PROMOTION NOTIFICATION OF APPELLANT FROM
SPST TO SST (M/P) BEARING NO. 4979-85 DATED 29-10-2021
HAS BEEN WITHDRAWN WITHOUT ISSUING ANY NOTICE TO THE
DIRECTORATE OF ESSE.~~

~~116/SST(M)/PROMOTION/ABBOTTABAD DATED 05-08-2022 BY
08-2022 ISSUED UNDER ENDORSEMENT NO. 4798-99 F.NO
DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 05-~~

SUBJECT: -

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

1. 50 (P/T/M)/ESSED/2-6/DPC Meeting/Mr. Muhammad Pervez SPST/Abbottabad/2024
Peshawar Dated 30. July, 2024

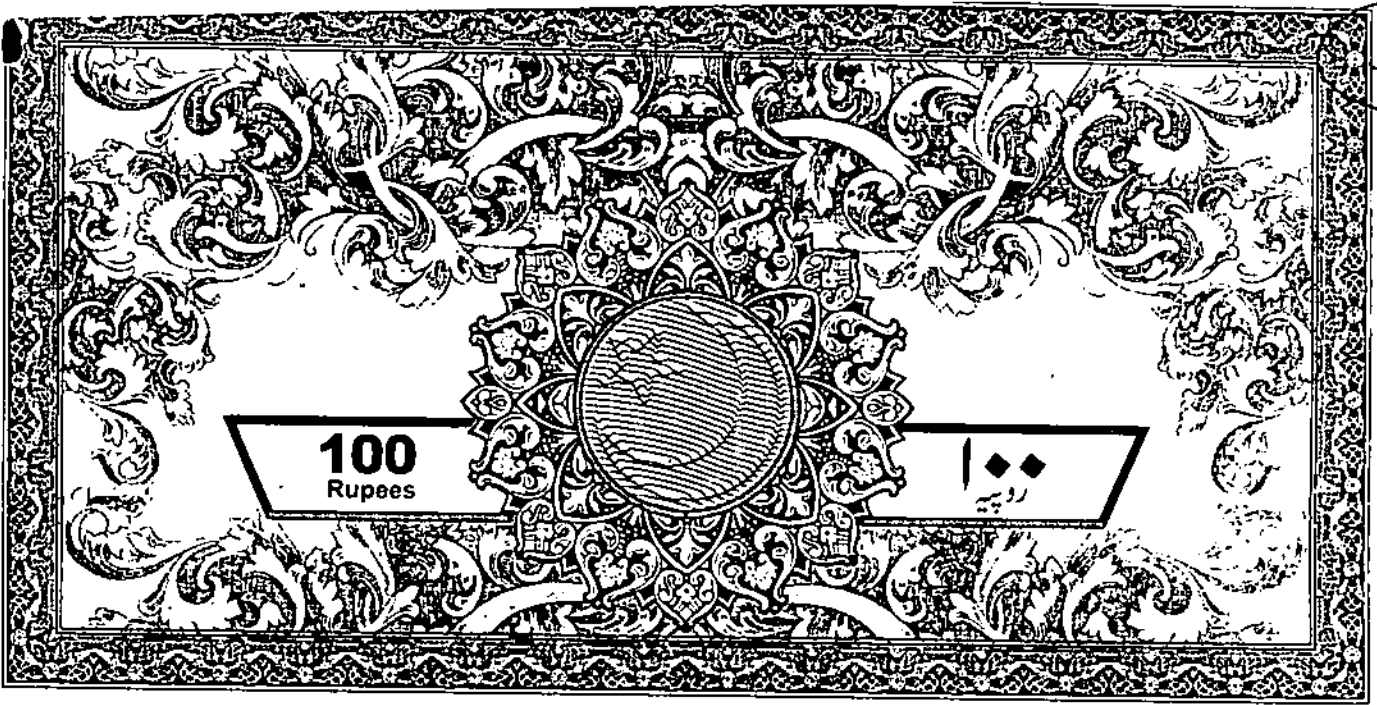
Annexure L
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)



499

Handwritten signature and initials

Handwritten signature and date: 30/07/24



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: _____ of 2024

Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher, Government Primary School Keri Kalanda, Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad. Appellant

Versus

Government of Khyber Pakhtunkhwa through Secretary (Elementary & Secondary Education), Department, Peshawar & 02 others

Respondents

SERVICE APPEAL

POWER OF ATTORNEY

NAME & OTHER PARTICULARS OF ATTORNEY

Mr Rashid Iqbal Khan Jadoon S/o Shamarez Khan Jadoon resident of Street no 15, Mohallah Khawaja Ahmad Khail, Jadoon Colony, Link Road Narrian Cantt; Tehsil and District Abbottabad. CNIC No 13101-0944593-9. Cell no 0333-5025002

I, Muhammad Pervez S/O Bagga Khan, Senior Primary School Teacher, Government Primary School Keri Kalanda, Tehsil Havelain, District Abbottabad R/O Village Keri, Post Office Nara, Tehsil Havelian, District Abbottabad, deponent, do hereby solemnly affirm and declare on oath that I appoint **above named** as attorney to act on my behalf to appear, plead for me in the titled case in which the same may be tried or heard and any other proceedings arising out of or connected herewith and he would be competent to exercise all the powers which I myself holds as appellant, he is authorized all powers, to institute case, to submit any kind of application or reply, argue the case, in short, all powers or authority which I am entitled being appellant, would be transferred to above named attorney through instant power of attorney.

Sworn at Abbottabad Dated this 21th day of October, 2024.

CNIC No 13101-6579932-1

[Signature]
DEPONENT