

The appeal of Mr. Fazal Hayat CT GHS Kandi Zarin Khel Hassan Khel District Peshawar received today i.e. on 02.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page Nos. 20 to 24 of the appeal are illegible which may be replaced by legible/better one.

No. 2835 /S.T,

Dt. 05/10 /2020.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

~~Copy~~ Better copy of the relevant page has been prepared, therefore, re-submitted today dated 16.10/2020.


16/10/2020.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2020

FAZAL HAYAT

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 12220/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10975

Mr. Fazal Hayat, CT (BPS-15),
GHS Kandi Zarin Khel, Hassan Khel, District Peshawar.

Dated 02/10/2020

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 4- The Secretary, E&S Education Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5- The Director, E&S Education, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES NOTIFIED ON 24-7-2014 WHEREBY NOT INCLUDING THE SUBJECT OF COMPUTER SCIENCE IN THE ELIGIBILITY CRITERIA FOR PROMOTION OF CT's TO THE POST OF SST (BPS-16) AND AGAINST THE SERVICE RULES NOTIFIED ON 24-4-2018 TO THE EXTENT OF S. NO. 2 COLUMN NO.5 OF THE TABLE WHEREBY NO QUOTA HAS BEEN ALLOCATED FOR APPELLANT CADRE i.e. CT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned service rules Notified on 24-07-2014 may kindly be amended/ modified to the extent of serial No. 1B column No.3 of the table by including/ inserting the computer science subject of the appellant in column No. 3 and the impugned service rules dated 24-04-2018 may kindly be amended/ modified to the extent of Serial No. 2 in column No.5 of the table by allocating promotion quota for the appellant's cadre i.e. CT and the respondents may further please be directed to consider the appellant for promotion to the posts of SST (BPS-16) or SST (IT) with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day

Registrar

02/10/2020

Re-submitted to-day
and filed.

Registrar 19/10/2020

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was appointed as CT in the respondent Department and is serving the Department quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure..... **A.**
- 2- That it is pertinent to mention here that appellant qualification is M.Sc. in Computer Science and was appointed/ selected on this qualification in the respondent Department. Copies of the educational testimonial are attached as annexure.....**B.**
- 3- That it is important to mention here that the respondents framed service structure/ rules of the different teaching cadres vide Notification dated 24-07-2014, wherein Serial No. 1B the post has been mentioned as SST (BPS-16) for which the qualification and eligibility has been mentioned in column No.3 i.e. by including all subjects except the subject of appellant i.e. Computer science subject. Copy of the notification dated 24-07-2014 is attached as annexure **C.**
- 4- That it is further to mention here that the respondents vide notification dated 24-04-2018 notified service structure/ rules for the different cadres of Information technology including the post of Secondary School Teacher- Information Technology SST (BPS-16) on Serial No.2 and in column No.5 of the table wherein eligibility for promotion to the post of SST-IT was mentioned as follows:
 - a) **Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher -IT.**
 - b) **Fifty percent by initial recruitment.**
- But in the said Rules again the cadre of the appellant has been ignored i.e. CT. Copy of the notification dated 24-04-2018 is attached as annexure..... **D.**
- 5- That appellant felling aggrieved from both of the notifications mention above had preferred a departmental appeal/

representation. Copy of the departmental appeal is attached as annexure.....**E.**

- 6-** That other colleagues of the appellant filed writ petition No. 596-P/2019 before the August Peshawar High Court, Peshawar and the same was dismissed as not maintainable and the Honorable Peshawar High Court issued directions to approach the proper forum i.e. Khyber Pakhtunkhwa Service Tribunal Peshawar vide judgment dated 03-09-2020. Copy of the judgment dated 03-09-2020 is attached as annexure..... **F.**
- 7-** That having no other remedy the appellant preferred the instant appeal on the following grounds amongst others.

GROUND:

- A- That the by not including the subject of computer science in the impugned service rules dated 24-07-2014 and not allocating the quota for appellant cadre i.e. CT in the impugned service rules dated 24-04-2018 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified to the extent that subject of computer science in the eligibility criteria in the service rules dated 24-07-2014 may be included and the quota of the appellant cadre be allocated in the service rules dated 24-04-2018.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the said service rules dated 24.7.2014 and 24.4.2018 are violative of Section-9 of the Civil Servant Act, 1973 read with Rule-7 of the Appointment, Promotion and Transfer Rules, 1989.
- D- That the respondents acted in arbitrary and mala fide manner while issuing the impugned service rules dated 24-07-2014 and dated 24-04-2018 by not including the subject of computer science and not allocating the promotion quota for the cadre of appellant quota.
- E- That the act and action of the respondents is discriminatory, therefore not tenable and liable to be modified/rectified.
- F- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.

G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 01.10.2020.

APPELLANT

FAZAL HAYAT

THROUGH:

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

SHAHZULLAH YOUSAFZAI

&

**MIR ZAMAN SAFI
ADVOCATES**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

APPEAL NO. _____/2020

FAZAL HAYAT

VS

GOVT: OF KPK

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL**

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so for.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2002 PLC C.S 1388, 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M. NO. _____/2020

IN

APPEAL NO. _____/2020

FAZAL HAYAT

VS

GOVT: OF KPK & OTHERS

APPLICATION FOR RESTRAINING THE RESPONDENTS
NOT TO FILL UP THE SECONDARY SCHOOL TEACHER
(BPS-16) POSTS FROM PROMOTION QUOTA TILL THE
FINAL DISPOSAL OF THE INSTANT APPEAL

R.SHEWETH:

1. That, the appellant has filed the above titled service appeal before this Honorable Tribunal in which no date has so far been fixed.
2. That, appellant filed the above mentioned service appeal against the impugned service rules dated 24.7.2014 & 24.4.2018 whereby no promotion quota has been allocated for CT Cadre.
3. That, all the three ingredients required for grant of stay are in favor of the appellant.
4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to fill up the posts of SST (BPS-16) & SST (I.T) from promotion quota till the disposal of the instant service appeal.

APPELLANT


FAZAL HAYAT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE,

High Court Peshawar



OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPTT:
KHYBER ROAD, PESHAWAR, K.P.K
Phone No. 091-9210145

No. 7136-40/ Dated 07.06 2013

APPOINTMENT.

Consequent upon interviewed by the Selection Committee, the following Male Candidate of FR Peshawar Domicile holder is hereby appointed as C.T teacher in BPS-9 (Rs.6200-380-17600) PM plus usual Allowances with effect from the date of his taking over charge in the following school in the interest of public service on the following terms and conditions:-

S.No.	Name.	Father Name	Posted at	Domicile	Remarks.
1	Fazal Hayat	Ihsanullah	GHS Kandow FR Peshawar.	Jana Kor	Against Vacant post

TERMS AND CONDITIONS.

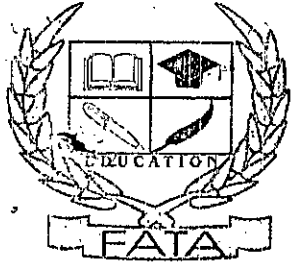
- 1) Charge report should be submitted to all concerned.
- 2) If the candidate wishes to resign his post he will give one Month prior notice or his pay for one month will be forfeited in lieu thereof.
- 3) He should produce his original Certificates/documents for verification/entry in S/Book.
- 4) He should produce his health and age Certificate from the Medical Superintendent Concerned.
- 5) He may not be handed over charge if his age is below 18 years or above 35 years age.
- 6) If he fails to report within 15 days then will be treated as cancelled automatically.
- 7) If any technical legal flaw is pointed out the appointment will stand as cancelled.

SYED HUSSAIN AFRIDI
AGENCY EDUCATION OFFICER
FR PESHAWAR.

Copy for information and necessary action to the:-

- 1) Additional Accountant General (PR) Sub Office Peshawar.
- 2) Director Education FATA Peshawar.
- 3) Principal GHS Kandow FR Peshawar.
- 4) AAEO (M) FR Peshawar.
- 5) Candidate Concerned.

AGENCY EDUCATION OFFICER
FR PESHAWAR.



OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPT.
KHYBER ROAD, PESHAWAR, K.P.K
Phone No. 091-9210145
No. 9736-40 Dated 6/8/2014

Award of BPS -14.

Consequent upon passing of B.Sc Examination in 2nd Division from University of Peshawar, Mr. Fazal Hayat, CT GHS Kandaw FR Peshawar is allowed BPS-14 (Rs.8000-610-26300) with effect from 07.06.2013, the date of taking over charge as admissible under the rules Vide Govt. of Khyber Pakhtunkhwa finance Department Notification No FD (PRC)1-1/89 dated 07.08.1991.

Note:-Necessary entry to this effect should be made in his service book and other office record.

SYED HUSSAIN AFRIDI
AGENCY EDUCATION OFFICER
FR PESHAWAR.

Copy for information and necessary action to the:-

- 1) Additional Accountant General (PR) Sub Office Peshawar.
- 2) Principal GHS Kandaw FR Peshawar.
- 3) Accountant Local Office.
- 4) AAEO(M) FR Peshawar
- 5) Teacher concerned.

AGENCY EDUCATION OFFICER
FR PESHAWAR.



OFFICE OF THE
AGENCY EDUCATION OFFICER
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPTT:
KHYBER ROAD, PESHAWAR, K.P.K
Phone No. 091-9220145

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NOTIFICATION

In compliance of issued vide secretary Govt: of Khyber Pakhtunkhwa (E&SE) Department Peshawar Notification No. SO/(B&A)1-18/E&SE/2012 dated 11.07.2012 and director Education FATA, Peshawar Endst: No. 20551-70 dated 25.11.2013 sanction is hereby accorded to the up-gradation of post with immediate effect for grant of incentive of Higher pay scale to the different categories/Cadres of teachers(Male/Female) in FR Peshawar.

S.#	Nomenclature of Teaching Cadre Post	Location	Existing Basic Pay Scale	Up-graded BPS	Remarks
1.	CT	Govt. Middle/High/Higher Secondary School	BPS-9	BPS-15	All the existing posts of CT are up-graded to BPS-15 for the present incumbents to the post as well as further appointees.
			BPS-10		
			BPS-12		
			BPS-14		
2.	PET	-do-	BPS-9	BPS-15	All the existing posts of PET are up-graded to BPS-15 for the present incumbents to the post as well as further appointees.
			BPS-10		
			BPS-12		
			BPS-14		
3.	DM	-do-	BPS-9	BPS-15	All the existing posts of DM are up-graded to BPS-15 for the present incumbents to the post as well as further appointees.
			BPS-10		
			BPS-12		
			BPS-14		
4.	AT	-do-	BPS-9	BPS-15	All the existing posts of AT are up-graded to BPS-15 for the present incumbents to the post as well as further appointees.
			BPS-10		
			BPS-12		
			BPS-14		

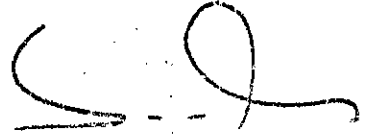
(Syed Hussain Afridi)
Agency Education Officer
FR Peshawar

Endst: No. 9379-87 Dated 26/05/2014.

Copy to the: -

1. Secretary Social Sectors Department FATA Secretariat Peshawar.
 2. Deputy Commissioner/Political Agent Peshawar.
 3. Director Education (FATA) Peshawar.
 4. Addl: Accountant General (PR) sub- Office Peshawar.
 5. Principal/ Headmistress concerned.
- AAEO(M/F) FR Peshawar
2014-15
2014-15

TESTED


Agency Education Officer
FR Peshawar



S.No.

297277

Roll No. 83411



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 2004 - ANNUAL
(Science Group)

ATTESTED

This is to Certify that Fazal Hayat Son / Daughter of Ihsan Ullah
and a student of Govt. High School Kandi Zarin Khel F.R Peshawar has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2004 as a Regular
candidate. He / She obtained 521 Marks out of 850 and has been placed in Grade B Representing Very Good

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | 6. Physics | 8. Biology |

Date of birth according to admission form January 04, 1988


Asstt Secretary


Secretary

This certificate is issued without alteration or erasure.

S.No. 216539

Roll No. 62736

Group. Pre-Engineering





Marks Improved

Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

SESSION 2007- ANNUAL



This is to Certify that Fazal Hayat Son of Ihsan Ullah
and a resident of Peshawar District Registered No. 042-B/MIC-2004
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in May, 2007 as a Private candidate. He obtained 497 Marks out of 1100 and
has been placed in grade D Representing Fair. The examination was taken as a whole.


Asstt Secretary


Issued in lieu of Certificate Roll No 3110 (Inter Supplementary 2006)


Secretary

This certificate is issued without alteration or erasure.

12/A

Allama Iqbal Open University Islamabad



Serial No. 105504

Certified that **Mr/Ms** **FAZAL HAYAT**
Son/Daughter of **IHSAN ULLAH**
Registration No **08-NPR-01290** *Roll No* **AA694695**
Semester **SPRING 2009** *having met all the requirements under*
the semester system is this day awarded the

Certificate of Teaching

He/She has secured **63 %** *marks*
and placed in **B** *grade*



Result declared on: **March 30, 2010**

Date of issue: **March 30, 2013**

Handwritten signature
Controller of Examinations

Note: This certificate is issued without alteration/erasure.
The detail of courses is overleaf.

Handwritten mark

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD



Serial No. 415888

Name FAZAL HAYAT
 Father's Name IHSAN ULLAH
 Address P/O GUNJ BUS STAND C/O MIRBAT KHAN SHOP
 NO 21
 PESHAWAR
 PESHAWAR
 District BACHELOR OF EDUCATION (B. ED)
 has successfully completed

Roll No. AK670289
 Registration No. 08NPRO1290
 Final Semester SPR-2012

12/B

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 11	0651	ENGLISH (COMPULSORY	100	57
SPR- 11	0513	SCHOOL ORGANIZATION	100	58
SPR- 11	0518	EDUCATIONAL PSYCHOLOGY & CURRICULUM	100	62
AUT- 11	0514	EVALUATION, GUIDANCE & RESEARCH	100	64
AUT- 11	0653	TEACHING OF CHEMISTRY	100	67
AUT- 11	0656	TEACHING OF PHYSICS	100	61
SPR- 12	0512	PERSPECTIVES OF EDUCATION	100	67
SPR- 12	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	61
SPR- 12	0655	WORKSHOP & TEACHING PRACTICE	100	88

CREDITS: 6

Total Marks / Obtained

900 / 585

65 B

Result Declared on JANUARY 04, 2013

Percentage / Grade

Date of issue JANUARY 18, 2013

Controller of Examinations

Disclaimer:
 This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

PROVISIONAL RESULT CARD



Serial No 156748 Roll No. AT624917
 Name FAZAL HAYAT Registration No. 08NPR01290
 Final Semester SPR-2016

Father's Name IHSAN ULLAH
 Address VILLAGE LABI KHEL JANAKOR P/O GUNJ BUS STA
 ND C.O MIR BAT KHAN SHOP NO 21

Tehsil PESHAWAR
 District PESHAWAR

has successfully completed MASTER OF EDUCATION (M.ED)
 SCIENCE EDUCATION

The detail of passed courses is as under

Semester	Course Code	Title of Courses	Marks	
			Maximum	Obtained
SPR- 13	0831	FOUNDATIONS OF EDUCATION	100	60
SPR- 13	0837	EDUCATIONAL RESEARCH	100	66
SPR- 13	0838	CURRICULUM DEVELOPMENT & INSTRUCTIONS	100	63
SPR- 13	0840	EDUCATIONAL PSYCHOLOGY	100	63
AUT- 15	0695	FOUNDATIONS OF SCIENCE EDUCATION	100	58
AUT- 15	0696	TEACHING STRATEGIES IN SCIENCE	100	61
AUT- 15	0697	ASSESSMENT IN SCIENCE EDUCATION	100	65
AUT- 15	0698	LABORATORY ORGANIZATION, MANAGEMENT &	100	56
SPR- 16	0846	TEACHING STRATEGIES	100	56
SPR- 16	0855	COMPUTER IN EDUCATION	100	56
SPR- 16	6506	EDUCATION IN PAKISTAN	100	61
SPR- 16	6507	EDUCATIONAL MEASUREMENT & EVALUATION	100	63

Credit Hours 36 Total Marks/Obtained 1200 / 728
 Result Declared on MARCH 17,2017 Percentage/Grade 61 / B
 Date of Issue APRIL 11,2017

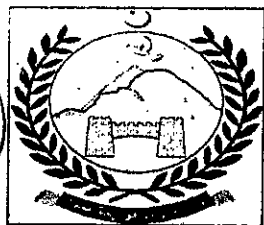
[Signature]
Controller of Examinations

Disclaimer:
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[Handwritten mark]

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Peshawar, dated the 24th July, 2014.



NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

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				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3: Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3; Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment"; and

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology),</p> <p style="text-align: center;">Or</p> <p>(b) (Physics, Maths "A" or "B" or Statistics)</p> <p style="text-align: center;">Or</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="text-align: center;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

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Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;

- (c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;

- (d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;

- (e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;

- (f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:

Provided that if no suitable candidate is available from amongst

18

				<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty Five percent by initial recruitment.</p> <p>Note:</p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately.”</p>
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MITTELWALD

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th April, 2018.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar dated 24th April 2017

No.SO(G)/E&SE/1-85/I.T/2017:- In pursuance of the provision contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion and Transfer) Rules. 1989, and in supersession of the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No.2 to 5 of the Appendix to the Notification which shall be applicable to the posts of information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix.

APPENDIX:

S.No.	Nomenclature of the Post	Minimum qualification for appointment by initial recruitment transfer	Age Limit	Method of recruitment
2.	Secondary School Teacher Information Technology (SST-IT) (BPS-16)	<p>i. At least Second Class Master's Degree in Computer Science or information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or Bachelor's Degree with a subject of Computer Science or equivalent Qualification for a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	21-35	<p>a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher I.T.</p> <p>b) Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion then by initial recruitment.</p>

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Amir F

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th APRIL, 2018.

GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated: 24th April 2017

No.SO(G)/E&SE/1-85/I.T/2017:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 5 of the Appendix to the Notification which shall be applicable to the posts of Information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix:

APPENDIX:

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Subject Specialist- Information Technology (SS-IT) (BPS-17)	i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or equivalent qualification from a recognized University; and ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University. Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years service; and b) Fifty percent by initial recruitment. Provided that: if no suitable candidate is available for promotion, then by initial recruitment.

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2.	Secondary School Teacher-Information Technology (SST-IT) (BPS-16)	<p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or Bachelor's Degree with a subject of Computer Science or equivalent Qualification from a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	21-35	<p>a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such; and having the qualification prescribed for the post of Secondary School Teacher-IT.</p> <p>b). Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
3.	Certified Teacher-Information Technology (CT-IT) (BPS-12)	<p>i. At least 2nd Division Intermediate School Certificate or equivalent qualification from a recognized Institution or Board with one year Diploma in Information Technology Computer Science from any recognized institution; and</p> <p>ii. Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized institution/ University</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	18-35	By initial recruitment.

50% CT (IT)

50% Fresh

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

22

Subject: MINUTES OF THE MEETING OF THE SSRC REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT

Meeting of the SSRC regarding the subject matter was held under the Chairmanship of Secretary Elementary & Secondary Education Department on 10/08/2017 at 11:00 am in the committee room of this Department. The following Officers/Officials of the concerned Department/attached Department attended the meeting.

The following attended the meeting:-

1. Dr. Shahzad Khan Baniqadi, Secretary E&SE Department (In Chair)
2. Mr. Qusar Alam, Special Secretary (Est.) E&SE Department.
3. Mr. Muhammad Rafiq Khattak, Director E&SE, Peshawar.
4. Mr. Muhammad Sroub, Deputy Secretary (A), E&SE Department
5. Mr. Javed Siddique, Deputy Secretary (B) Finance Department.
6. Mr. Naik Muhammad, Section Officer (Primary) E&SE Department.
7. Mr. Mohsin Muhtaq, Assistant (R-D) E&AD Department

2. The forum was informed that E&SE Department vide Notification No. SO/E&SED/1-86/SS.IT/2016 of E&SE Department Peshawar dated 15.08.2016 has notified the nomenclature of Information Technology Teaching Cadre/Posts serving in the Government High & Higher-Secondary Schools of Khyber Pakhtunkhwa of E&SE Department, as Subject Specialist-IT (SS-IT/Computer Science) BPS-17 (Annex-A). Further E&SE Department vide Notification No. SO (PI)4-5/SSRC/Meeting/ 2013/ Teaching Cadre dated 24/07/2014 has approved promotion to SS posts (BPS-17) from SST (BPS-16). The SST regular having 50% quota of the total sanctioned SS posts allotted for promotion (Annex-B). 50% quota has already been allotted for SSTs (General/Science) in 12 different subjects for Subject Specialist Post. But unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS (CS)/MIT qualification and are eligible for promotion to the post of SS (IT) B-17 have no quota for promotion.

3. In light of the above facts, this Department, therefore, proposed that all those SSTs (General/Science) who have M.Sc. (Computer Science)/BS (Computer Science)/MIT may be given 50% quota for promotion to the post of SS (IT) B-17 like other SSTs, so as to bring uniformity in the teaching cadre.

4. In the above context, the service rules/structure of SST (General/Science) & SST (IT) were approved as tabulated below: -

Nomenclature of the post	Minimum Qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of recruitment
Subject Specialist-Information Technology (SS-IT) (B-17) Government Higher Secondary Schools/ Govt. comprehensive High Schools and other equivalent posts in the Teaching Cadre.	i.) Master Degree in Computer Science/IT at least in 2 nd Division or equivalent qualification from any recognized University. ii.) Bachelor Degree of Education (B.Ed) at least in 2 nd Division from any recognized University.	21-35	a.) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years' service AND Secondary School Teacher (SST) (General/Science) possessing master degree in IT or equivalent qualification with 05 years' experience b.) Fifty percent by initial recruitment. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment. Their seniority may be clubbed with SS and amendment may be made in the existing service rules.
Secondary School Teacher Information Technology (SST-IT) (B-16) Govt. High/Higher Secondary Schools.	i.) Bachelor Degree with the subject of Computer Science at least in 2 nd Division or equivalent Qualification from any recognized institution. ii.) Bachelor Degree of Education (B. Ed) at least in 2 nd Division from any recognized institution.	21-35	a.) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Computer Lab In-charge with (05) years' service having the qualification prescribed for the post of IT Teacher. b.) Fifty percent by initial recruitment. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.
Junior Teacher- Information Technology (JT-IT) (B-12) Govt. High/Higher Secondary Schools	Intermediate or equivalent qualification from any recognized institution with one-year Diploma in IT/Computer Science from any recognized institution and Certified Teacher Certificate/Diploma or equivalent qualification from any recognized institution.	18-35	By initial recruitment.

The committee members discussed the proposed amendments in the service rules structure for the SST (General/Science) & SST (IT) in depth and were agreed upon unanimously.



Decisions:

The following decisions were made in consensus:-

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- i. The proposed amendments in the service rules/structure as depicted in the above table was approved.
- ii. Nomenclature of the post of CT(IT) was changed as Junior Teacher Information Technology (JT-IT)
- iii. Seniority of SST (General/Science) & SST (IT) will be clubbed together immediately for the purpose of promotion in light of the above amended service rules for the post of SST (General/Science) & SST (IT) to the post of SS(IT/Computer Science)

The meeting ended with vote of thanks to/from the Chair.

(Javed Siddique)
Deputy Secretary (R), Finance Department

(Molisin Mushtaq)
Assistant (R-I), E&AD Deptt:

Naik Muhammad
Section Officer (Primary), E&SE Department

Muhammad Shoailb
Deputy Secretary (A), E&SE Deptt:

(Mohammad Rafique Khattak)
Director, E & SE, Peshawar

(Omar Alam)
Special Secretary, E&SE Deptt:

Dr. Shauzad Khan Binyashi
Secretary E&SE Department
(Chairman)



GOVT. OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: Peshawar, the August 15, 2018

SANCTION

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No. SO(B&A)/1-18/2018/IT Teacher: Sanction of the Government of Khyber Pakhtunkhwa, is hereby accorded to the creation of posts of Senior IT Teacher (BS-17), IT Teacher (BS-16) and Computer Lab Incharge (BS-12) for the Government High & Higher Secondary Schools in Khyber Pakhtunkhwa, w.e.f. 08-01-2018 as per detail given below, subject to the observance of all codal formalities before incurrence of expenditure.

Description	Designation of posts	No. of Posts	Remarks
"150359-Establishment of 500 IT Labs in Govt. High & Higher Secondary Schools in Khyber Pakhtunkhwa"	Senior IT Teacher (BS-17)	27	List of schools with their names printed on the back side.
	IT Teacher (BS-16)	172	
	Computer Lab Incharge (BS-12)	358	
"160151-Establishment of 500 IT Labs in Govt. High Schools in Khyber Pakhtunkhwa (Phase-III)"	IT Teacher (BS-16)	451	
	Computer Lab Incharge (BS-12)	458	
Total		1476	

2. The expenditure involved is debit to the Functional-cum-object classification 09-Education Affairs and Services 092-Secondary Education Affairs and Services 0921-Secondary Education Affairs and Services 092101-Secondary Education A01-Employees Related Expenses and shall be met out from within the Account-IV.

Secretary to Govt. of Khyber Pakhtunkhwa
Elementary & Secondary Education Deptt:

Encl. No. BOV/FD/2-38/2018-19

Dated Pesh: the 10 / 10 / 2018

Copy of above is forwarded to:

1. The Accountant General Khyber Pakhtunkhwa.
- 2-26. All the District Accounts Officers in Khyber Pakhtunkhwa

BUDGET OFFICER-V
FINANCE DEPARTMENT

Encl. of even number & date.

Copy forward for information to the:-

1. The Budget Officer-V, Finance Department, Govt. of Khyber Pakhtunkhwa.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa with the request to circulate the same to all the District Education Officers (M/F).
3. The Project Manager-IT/Deputy Director (EMIS), E & S Education Department.
4. All the Deputy Commissioners in Khyber Pakhtunkhwa.
5. Master File.

(MURTAZA KHAN)
SECTION OFFICER (BUDGET)

26

S.NO	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age Limit	Method of recruitment
1	2	3	4	5
1.	Subject specialist- Information Technology (SS-IT) (BPS-17)	<p>i. At least second class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in computer science (BCS/BSCS Honours 4 years) or equivalent qualification from a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note : A candidate did not have the qualification under clause(ii), shall acquire the same within three years from the date of his/her appointment</p>	21-35 years	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) Twenty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with at least five years' service and having the qualification prescribed for the post of Secondary School Teacher-IT</p> <p>Provided that if no suitable candidate is available for promotion then by initial recruitment.</p> <p>(b) Twenty percent by promotion on the basis of seniority-cum-fitness from amongst the Senior Certified Teachers(BPS-16), with at least five years' service as Senior Certified Teacher and Certified Teacher and having the qualification mention in Column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(c) Four percent from amongst the Senior Drawing Master(BPS-16), with at least five years service as senior Drawing Masters and drawing Masters and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters, with at least five years service as such and having qualification mentioned in column No.3:</p>

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CT-IT

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				<p>(d) Four percent from amongst the Senior Arabic Teachers (BPS-16), with at least five years service as senior Arabic Teachers and Arabic Teachers and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(e) Four percent from amongst the Senior Theology Teachers (BPS-16), with at least five years service as senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(f) Three percent from amongst the Senior Qaris Teachers (BPS-16), with at least five years service as Senior Qaris Teachers and Qaris Teachers and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Qaris Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Qaris Teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(g) Twenty percent from amongst the Primary Head Teachers (BPS-16), with at least seven years service as Primary Head Teachers and Senior Primary Teachers and Primary Teachers and having</p>
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				<p>qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers, with at least seven years service as Senior primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers, with at least seven-years service as and having qualification mentioned in column No.3: and</p> <p>(ii) twenty Five percent by initial recruitment.</p> <p>NOTE:</p> <ol style="list-style-type: none">I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitmentII. Post of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."
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E-29

To

THE DIRECTOR GENERAL,
E&S EDUCATION,
KHYBERPUKHTOONKHWA.

SUBJECT: PSTs,CTs(whose subjects in Bsc are Computer science) SHOULD BE PROMOTED TO SST(IT) ,LIKE OTHERS PSTs and CTs PROMOTION IN SSTs(GENERAL, SCIENCE).

Respected Sir,

With most veneration it is to bring in your kind notice that we PSTs and CTs were inducted in Elementary and secondary Education Department . All other PSTs and CTs can be promoted to the SST(GENERAL , SCIENCE) , but unfortunately PSTs and CTs (whose subjects in Bsc are Computer Science are excluded from the promotion of SST(IT).

Therefore, kindly PSTs and CTs should be given the opportunity that they may also render their services like other PSTs and CTs.

Date: 20/03/2020

Yours Obediently,

FAZAL HAYAT(CT)
GS ACSTAKP

See E+SE
P/A ph
21-03-2020

DDE (m)

[Signature]

21/3/20

F-30

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.596-P/2019

Muhammad Raees Gul and another

Vs.

**Government of Khyber Pakhtunkhwa through
Chief Secretary Khyber Pakhtunkhwa,
Peshawar and 06 others**

JUDGMENT

Date of hearing **03.09.2020**

Mr. Zahid Ullah Zahid, Advocate, for the petitioners.

Mr. Arshad Ahmad Khan, AAG, for the Provincial Government, a/w Mr. Jehangir Khan, AD (Litigation), Directorate of E&SED, Peshawar and Mr. Dawood Khan, ADO, office of DEO, Peshawar.

Mr. Aftab Khan, Advocate, for the private respondent No.7.



IJAZ ANWAR, J. Muhammad Raees

Gul and another, petitioners herein, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed for the following relief:-

"It is, therefore, most graciously prayed that while allowing this writ petition, an appropriate writ may kindly be issued by declaring the act of omitting the subject of

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ATTESTED
EXAMINER
Peshawar High Court

(31)

Computer Science from promotion to the post of SST is illegal, unlawful, discriminatory and without lawful authority with the direction to consider and include the subject of Computer Science in the criteria for promotion to the post of SST.

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted".

2. Keeping in view the averments made in the instant petition, comments were called from the respondents who furnished the same accordingly, wherein, they opposed the issuance of desired writ, as prayed for.

3. Arguments heard and record perused.

4. Perusal of the record reveals that petitioners have called in question the recruitment rules notified vide Notification dated 24.07.2014; whereby, according to them, the incumbents, holding the posts of Primary School Teacher (BPS-12) with qualification of

ATTESTED

EXAMINER
Peshawar High Court

32

Compute Science, are not included in the feed cadre for the post of Senior Science Teacher (BPS-16).

5. Learned counsel for the petitioners has laid much stress upon the discrimination so meted out to the petitioners and also about depriving them from future prospect of promotion, albeit, we are of the view that questioning the vires of rules purely relates to the terms and conditions of service, for which the proper forum is Khyber Pakhtunkhwa Service Tribunal established under the Khyber Pakhtunkhwa Service Tribunals Act, 1974. Besides, the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. In this regard, reference can be made to the cases of "I.A Sherwani and others (1991 SCMR 1041)", "Ali Azhar Khan Baloch (2015 SCMR 456)" and "Mobeen-ul-Salam (2006 SCMR 100)".

6. Thus, for the reasons recorded hereinabove and in view of the bar

ATTESTED
EXAMINER
Peshawar High Court

33

contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and also in view of the availability of alternate remedy to the petitioners, this writ petition is not maintainable. Accordingly, it is dismissed in limine. Needless to observe that petitioners may approach to the Khyber Pakhtunkhwa Service Tribunal, Peshawar for the redressal of their grievance, if they are so advised.

Announced
Dt:03.09.2020

MM

Muhammadullah

(DB) Hon'ble Justice Ikramullah Khan and Hon'ble Mr. Justice Jiaz Anwar

CERTIFIED TO BE TRUE COPY
Peshawar High Court, Peshawar
Authorized Officer
22 SEP 2020

No. 9042
Date of Presentation 22/9/2020
No of Pages 15
Copies 601
Date of Issue 22/9/2020
Date of Receipt 22/9/2020
Received By

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Fajal Hayat

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

_____ EDUCATION DEPTT:

(RESPONDENT)
(DEFENDANT)

I/We *Fajal Hayat*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020

Fajal Hayat

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

MIR ZAMAN SAFI
&

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:
Flat No.4, 2nd Floor, Juma Khan
Plaza, near FATA Secretariat,
Warsak Road, Peshawar.
Mobile No.0345-9383141

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

Appeal No.....12220..... of 20 20

.....Fazal Hagar.....Appellant/Petitioner
Versus

Govt of KPK through Chief Secy: KPK Respondent
Respondent No.....01.....

Notice to: - Govt of KPK through Chief Secretary
KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....20-10-2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....21/11.....

Day of.....June.....20 21

ISSUE BRANCH
CHIEF SECRETARY
GOVT. OF PAKHTUNKHWA
PESHAWAR

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. S.B
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

12220
Appeal No. of 20 20

Fazail Hayat
..... Appellant/Petitioner

Govt of KPK through Chief Secy. KPK
..... Respondent

Respondent No.

Notice to: —

The Secretary Finance Deptt. KPK Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....
Day of..... June 21 20

Secy: Finance KPK
Duty No.....
Date.....

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, *SB*
PESHAWAR.

No.

Appeal No. *12220* of 20 *20*

Fazal Hayat Appellant/Petitioner

Versus

Govt of KPK through Chief Secy: KPK Respondent

Respondent No. *03*

Notice to:

The Secretary Establishment Deptt: KPK.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *20-10-2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *21st*.....

Day of *June* 202*1*.

[Signature]
Private Secretary to
Secretary Establishment

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SIB

No.

Appeal No. *12220* of 20*20*

Fazal Hayat Appellant/Petitioner

Versus

Govt. of KPK through Chief Secy. KPK Respondent

Respondent No. *24*

Notice to: - *Secretary E&SE Deptt. KPK Pesh.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *20/10/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *21/11*.....

Day of *June* 20*21* ..

Signature

Registrar

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD, SB
PESHAWAR.**

No.

Appeal No. 15220 of 20 20
Fazal Hayat Appellant/Petitioner

through Chief Secy Peshawar Respondent

Respondent No. 1

Notice to: —

Court of KPK through Chief Secretary
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....June 21 20 21

(for Reply)

ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.P

No.

Appeal No. *12880* of 20 *20*

Fazal Hayat Appellant/Petitioner
versus

through Chief Secy. Peshawar Respondent
Respondent No. *2*

Notice to: —

*The Secretary Finance Deptt. UPK
Peshawar.*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *20/10/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *24th*

Day of *June* 20 *21*

(for Reply)

Secy: Finance KPK
Dairy No.....
Date.....

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. SB

No.

Appeal No. 12290 of 20 20

Fazal Hayat Appellant/Petitioner

Versus

through Chief Secy Peshawar Respondent
Respondent No. 3

Notice to: —

The Secretary Establishment Deptt.
KPN Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....20/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....24/10.....

Day of.....June 20 21

(for Reply)

Signature

Signature

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. S.B

No.

Appeal No..... 12830 of 20 20

..... Fazal Hayat Appellant/Petitioner
versus

..... through Chief Secy Peshawar Respondent
Respondent No..... 4

Notice to: —

The Secretary, E & SE Deptt.
KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 20/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 24th

Day of..... June 20 21

(for Reply)
Registrar

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. SB

No.

Appeal No. 12220 of 20 20

Fazal Hayat Appellant/Petitioner

Versus

Ch. of KPK through Chief Secy: KPK Respondent

Respondent No. 05

Notice to: - The Director, E&S Education KPK Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20-10-21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 21/10/21

Day of June 20 21

29/6/21

Registrar,

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.

Appeal No. 12200 of 2020
Farad Hayat Appellant/Petitioner

Versus

through Chief Secy: KPK Peshawar Respondent

Respondent No. 5

Notice to:

The Director E & SE Deptt. KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20/10/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 26/6/21

Day of June 2021

(for Reply)

[Signature]

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 12220 of 20 20

Fazal Hayat Appellant/Petitioner

The Court of High Chief Secy. Respondent

Respondent No. 4

Notice to: —

The Secretary ERSE Deptt. 11/21
Peshawar

Jan
1/2

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

28th

Given under my hand and the seal of this Court, at Peshawar this.....

Day of Jan 20 22

(For Reply)

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 12220 of 20 20

Fazal Hayat Appellant/Petitioner

The Court of KPN Chief Secy Respondent

Respondent No. 5

Notice to: The Director F&R of KPN Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of ~~appeal has already been sent to you vide this~~ office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 28th

Day of Jan 20 22

(For Reply)



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.**

No.

12220 of 20

Appeal No. Fazal Hayat Appellant/Petitioner

The Court of KPN Chief Secy: Respondent

The Secretary Finance Deptt. Peshawar Respondent No. 2

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal ~~on~~ ^{15/3/20} at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

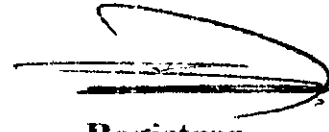
office Notice No.....dated.....

28/12

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

(for Reply) Secy: Finance &
Dairy No.....
Date.....



**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.P.
PESHAWAR.

No.

Appeal No. 12220 of 20 20
Fazal Hayat Appellant/Petitioner
 Versus
The Govt. of KP Chief Secy: Respondent

Respondent No. 3
The Secretary Establishment Deptt:
KP Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 28th

Day of Jan 20 22

(For Reply)

[Signature]
 PS/Secy E&AD KP
 Diary No. _____

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the Tribunal are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

Date: _____

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. PB

No.

Appeal No. 12220 of 20 20

Fazal Hayat Appellant/Petitioner

Versus

The Court of W.P. Chief Secy. Respondent

Respondent No. 1

Notice to: —

The Court of W.P. through Chief Secretary Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 28th

Day of Jan 20 22

(for Reply)

ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

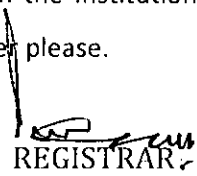



- Note:
1. The hours of attendance in the Court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12220 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/10/2020	<p>The appeal of Mr. Fazal Hayat resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	07.12.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/12/2020</u>.</p> <p> CHAIRMAN</p> <p>Junior counsel for appellant present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 25.02.2021 for preliminary hearing, before S.B.</p> <p> (Rozina Rehman) Member (3)</p>
25.02.2021		<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.</p> <p> Reader</p>

15.06.2021

Appellant present in person. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee

The appellant has also submitted an application for interim relief. Notice of application be also issued to the respondents.


Chairman

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

Stipulated period passed reply not submitted.

20.10.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents is still awaited. Learned A.A.G made a request for time to submit reply/comments; granted with direction to furnish reply within 10 days in office. If the reply/comments are not submitted within stipulated time, right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 12.01.2022 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

12.01.2022

Learned counsel for the appellant present.

Learned counsel for the appellant have not been submitted spare copies of appeal, therefore, he is directed to submit the same within 10 days in the office. Thereafter, notice be issue to respondents for submission of reply/comments before the S.B on 15.03.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.6.2022. for the same as before.



Reader.

07.06.2022

Clerk to counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Naseem Khan Section Officer and Asif Khan Assistant for respondents present.

Reply of respondents is still awaited. Respondents requested for time to submit reply/comments. Last opportunity is granted. To come up for reply/comments on 18.07.2022 before S.B.



(Rozina Rehman)
Member (J)