

**OFFICE OF UMER JAVED DEPUTY COMMISSIONER/ADMINISTRATOR DISTRICT  
EDUCATION AUTHORITY, TOBA TEK SINGH.**

**ORDER.**

The following 68, SST(CS) have filed service appeals against the order bearing No. 1831 dated 16.5.2020 passed by the Chief Executive Officer, District Education Authority Toba Tek Singh, whereby higher scales (BS-17) awarded to the appellants were withdrawn from the date of issuance. Since a common question of law and facts is involved, therefore all these appeals are being disposed of by this single order:-

Sr. No.	Detail of appellant.
1.	Masood Sattar SST(CS) GHS Chak No. 301/GB Tehsil T.T.Singh.
2.	Muhammad Yasir Rasheed SST(CS) GHS Chak No. 184/GB Tehsil T.T.Singh.
3.	Mahmood Qadir SST(CS) GHS Chak No. 361/GB Tehsil T.T.Singh.
4.	Saeed Ahmad SST(CS) GHS Chak No. 151/GB Tehsil T.T.Singh.
5.	Hafiz Abdul Rehman Sarwar SST(CS) GHS Chak No. 254/GB Tehsil T.T.Singh.
6.	Zafar Iqbal SST(CS) GMHS Eid Gah Road T.T.Singh.
7.	Muhammad Javed Iqbal SST (CS) GHS Chak No. 250/GB Tehsil T.T.Singh.
8.	Muhammad Rasheed SST (CS) GHS Chak No. 288/GB Tehsil T.T.Singh.
9.	Muhammad Saqib Rafique SST (CS) GHS Chak No. 256/GB Tehsil T.T.Singh.
10.	Muhammad Sohail Tayyab SST (CS) GHS Chak No. 293/GB Tehsil T.T.Singh.
11.	Amir Shehzad SST (CS) GHS Chak No. 394/GB Tehsil T.T.Singh.
12.	Muhammad Athar Javed SST (CS) GHSS Chak No. 379/JB Tehsil T.T.Singh.
13.	Arif Farooq SST (CS) GHS Chak No. 387/JB Tehsil T.T.Singh.
14.	Bushra Saeed SST (CS) GGHS Chak No. 258/GB Tehsil T.T.Singh.
15.	Saira Anwar SST (CS) GGHS Chak No. 256/GB Tehsil T.T.Singh.
16.	Shazia Parveen SST (CS) GGHS Chak No. 380/JB Tehsil T.T.Singh.
17.	Nadia Kaniz SST (CS) GGHS Chak No. 254/GB Tehsil T.T.Singh.
18.	Samia Bukhari SST (CS) Govt. Girls Jafaria High School T.T.Singh.
19.	Iram Shehzadi SST (CS) GGHS Chak No. 520/GB Tehsil T.T.Singh.
20.	Naheela Ashraf SST (CS) GGHS Chak No. 336/GB Tehsil T.T.Singh.
21.	Ume Habibah SST (CS) GGHS Chak No. 340/GB Tehsil T.T.Singh.
22.	Saira Munawar SST (CS) GGHS Chak No. 323/JB Tehsil T.T.Singh.
23.	Sadia Parveen SST (CS) GGHS Chak No. 287/JB Tehsil T.T.Singh.
24.	Azra Akbar SST (CS) GGHS Chak No. 343/GB Tehsil T.T.Singh.
25.	Sajid Mahmood SST (CS) GHS Qadir Bukhsh Tehsil Kamalia.
26.	Ehsan-Ullah SST (CS) GHS Chak No. 715/GB Tehsil Kamalia.
27.	Sadia Munir SST (CS) GMGHS Tehsil Kamalia.

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28.	Rozina Zeb SST (CS) GGHS Chak No. 664/5//GB Tehsil Kamalia.
29.	Hafiz Muhammad Kashif SST(CS) Govt. Islamia high School Tehsil Gojra.
30.	Sana Ullah SST (CS) GHS Chak No. 157/GB Tehsil Gojra.
31.	Abdul Rauf SST (CS) GHS Pacca Ana Tehsil Gojra.
32.	Rizwan Akram SST (CS) GHS Chak No. 423/JB Tehsil Gojra.
33.	Zeshan Haider Gill SST(CS) Govt. Muslim High School Chak No. 430/JB Tehsil Gojra.
34.	Abdul Ghaffar SST (CS) GHS Chak No. 361/JB Tehsil Gojra.
35.	Shabbir Hussain SST (CS) GHS Chak No. 248/GB Tehsil Gojra.
36.	Ghulam Mustafa Tabassum SST(CS) Ghousia Muslim High School Tehsil Gojra.
37.	Kiran Shehzadi SST(CS) GGHS Chak No. 367/JB Tehsil Gojra.
38.	Sidra Khalid SST (CS) GGHS Chak No. 360/JB Tehsil Gojra.
39.	Sadia Khalid SST (CS) GGHS Chak No. 338/JB Tehsil Gojra.
40.	Muhammad Asif SST (CS) GHS Chak No. 333/GB Tehsil Pirmahal.
41.	Khawar Naeem SST (CS) GHS Nawab Bhooti Tehsil Pirmahal.
42.	Muhammad Kamran Sharif SST (CS) GHS Chak No. 313/GB Tehsil Pirmahal. www.786Times.com
43.	Muhammad Irfan SST (CS) GHS Chak No. 694/36/GB Tehsil Pirmahal.
44.	Muhammad Ishtiaq Maqsood SST (CS) GHS No. 2 Tehsil Pirmahal.
45.	Asima Sabir SST (CS) GGHS Chak No. 669/10/GB Tehsil Pirmahal.
46.	Anam Khalid SST (CS) GGHS Pirmahal.
47.	Muhammad Ashfaq SST(CS) GHS Chak No. 375/JB Tehsil T.T.Singh.
48.	Syed Hassan Raza Shamsi SST(CS) GHS Chak No. 408/JB Tehsil T.T.Singh.
49.	Muhammad Arshed SST(CS) GHS Chak No. 350/GB Tehsil T.T.Singh.
50.	Muhammad Hamayan Sarwar SST(CS) GHS Chak No. 148/GB Tehsil T.T.Singh.
51.	Asima Noureen SST (CS) GGHS Chak No. 316/GB Tehsil T.T.Singh
52.	Furqan Ahmad SST(CS) GHS Chak No. 417/JB Tehsil Gojra.
53.	Abrar Ahmad Cheema SST (CS) GHS Chak No. 303/JB Tehsil Gojra..
54.	Muhammad Imran SST (CS) GHS Chak No. 310/JB Tehsil Gojra.
55.	Muhammad Asif SST (CS) GHS Chak No. 353/JB Tehsil Gojra.
56.	Muhammad Shabbir Asim SST (CS) GHS Chak No. 181/GB Tehsil Gojra.
57.	Shahid Waheed SST (CS) GHS Chak No. 689/31GB Tehsil Kamalia.
58.	Abdul Hafeez SST (CS) GHS Chak No. 742GB Tehsil Kamalia.
59.	Kashif Shahzad SST (CS) GHS Chak No. 670/11 GB Tehsil Pirmahal.
60.	Muhammad Khurram SST(CS) Govt Islamia Model High School Chak No.289 JB Toba Tek Singh.
61.	Muhammad Javed Iqbal SST(CS) Govt Muslim High School Janiwala Toba Tek Singh.
62.	Qurat ul Ain SST (CS) GGHS Chak No. 683/GB Tehsil Pirmahal.
63.	Samina Amin SST (CS) GGHS Rajana Tehsil T.T.Singh
64.	Sobia Iqbal SST (CS) GGHS Chak No. 281/JB Tehsil Gojra
65.	Nasheet Ijaz SST (CS) GGHS Chak No. 320/GB Tehsil Pirmahal
66.	Khadija Kouser SST (CS) GGHS Chak No. 408/JB Tehsil T.T.Singh
67.	Ghulam Sarwar Saleem SST (CS) GHS Tehsil Kamalia
68.	Muhammad Kashif SST (CS) GHS Chak No. 670/GB Tehsil Pirmahal

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Authority Toba Tek Singh and the appellants were offered an opportunity of hearing before the undersigned on 15.9.2020. The relevant record was also called from the concerned department. Mr. Tahir Hussain Shah appeared as departmental representative on behalf of Education Department.

3. The appellants while reiterating earlier stance taken in their appeals contended that Government of the Punjab School Education Department issued policy for recruitment of teaching staff including Secondary School Educators (Computer Science) of BS-16 on contract basis for five years vide No. SO(S-IV)2-34/2008 dated 23.8.2008. Necessary advertisement was issued on 30.4.2009 in the Daily Pakistan and applications were called having qualification of at least BSC (Computer Science)/BCS/BA, Computer Science/MIE BA, IT MCS for such recruitment. The appellants were appointed as SSE(CS) by the competent authority on 9.10.2009 for five years and their services were regularized vide order No. 834/EM dated 12.2.2010 in the light of the Notification dated 19.10.2009. Later on, Government of the Punjab School Education Department fixed criteria of seniority for awarding of upward Mobility Package vide Notification dated 30.8.2010 and they were granted Upward Mobility Package on seniority basis vide order dated 2.12.2017 passed by the then Chief Executive Officer, District Education Authority Toba Tek Singh and were awarded BS-17 from BS-16 under the recommendations of District Selection/Promotion Committee No. 1 Toba Tek Singh.

4. Later on, Government of the Punjab, Services & General Administration Department (Regulation Wing) repealed recruitment rules 1987 vide Notification dated 14.3.2014 and School Education Department issued new recruitment policy 2014 for educators on 20.10.2014 according to the amended rules, qualification of SSE/IT (Computer Science BS-16) was notified which was not retrospective effect on the appointments already made as no service structure was laid down in service rules, 2008. The qualification of B.Ed was introduced in School Education Department Service Rules, 2014 for the post of IT Teachers. Since the appellants were appointed prior to said rules. Therefore, the said qualification was not applicable in their cases nor they were directed by the department to qualify their B.Ed. qualification up till now. However, most of the appellants qualified their B.Ed. qualification after their appointment. Later on, in compliance with the order of Honourable Lahore High Court Lahore passed in Writ Petition No. 102361/2017 filed by Nasir Ahmad etc for setting aside the order dated 2.12.2017. The then Chief Executive Officer, District Education Authority Toba Tek Singh held in his order dated 20.12.2017 that it is crystal clear there is no condition of professional qualification of B.Ed for regularization the service of the Secondary School Educators appointed during the year 2009. [www.786Times.com](http://www.786Times.com)

5. They further contended that Worthy Secretary Government of the Punjab, School Education Department issued a direction on 1.3.2019 in the light of the order dated 12.11.2018 passed by the Honourable Lahore High Court Lahore in Writ Petition No. 118295/2017 filed by Nasir Ahmad and one other without hearing the appellants and thereafter Chief Executive Officer, District Education Authority Toba Tek Singh passed order dated 16.5.2020 without hearing the appellants and withdrawn higher scales of

  
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BPS-17 from the date of issuance without any justification which caused to affect seniority of the appellants. They requested that the impugned order may be set-aside and they may be allowed to continue their services in BS-17 as per their existing seniority list.

6. The representative of Education Department submitted that Government of the Punjab, School Education Department issued Notification No. SO (SE-III) 2-16/2007 dated 19.10.2009 for regularization regarding different categories of educators under the contract recruitment policies 2002, 2004-2005, 2005-2006, 2008-2009 and as per Notification dated 19.10.2009 all the recruited educators were regularized. Later on, M/S Nasir Ahmad etc filed Writ Petition No. 118295/2017 in the Honourable Lahore High Court Lahore with the prayer to set aside the order dated 2.12.2017 of the Chief Executive Officer (DEA) Toba Tek Singh wherein SSTs were granted BS-17 from BS-16 with immediate effect on the basis of working strength as stood on 1.12.2016. They also prayed to review the seniority list. The said Writ Petition was disposed of on 12.11.2018. In compliance with the order of Lahore High Court Lahore, Secretary School Education Department issued order dated 1.3.2019 and held that contract employees were to be regularized subject to fulfilment of requirements of Rule, 18, 19, 20, 21 and 21A of the Punjab Civil Servants (Appointment & Condition of Service) Rules, 1974. Number of SSE's who were not holding professional qualification at the time of their appointment and acquired it after 2009 were regularized by CEO, (DEA) T.T.Singh w.e.f. 19.10.2009. Therefore, their regularization retrospectively w.e.f. 19.10.2009 is against the Notification dated 19.10.2009. The higher scales awarded vide order dated 2.12.2017 to the SSTs under uplift & upward mobility on the basis of seniority list prepared on illegal regularization order is against the rules/law. The contention of the petitioners to set aside the order dated 2.12.2017 under which higher scales under Uplift & Upward Mobility were awarded to incumbents who were regularized illegally is plausible. The Secretary School Education Department accepted the representation of the Writ Petitioners with the direction to CEO (DEA) to place the matter before the Departmental Promotion Committee for reconsideration of its earliest recommendations dated 14.11.2017 under which higher scales were awarded to teachers who were illegally regularized retrospectively. It is also directed to revise/rectify seniority list and place the working paper of eligible teacher before Departmental Promotion Committee for award of higher scales under uplift & upward mobility package. He further contended that the impugned order was passed in the light of the order dated 1.3.2019 passed by the Secretary to Government of the Punjab School Education Department and after approval of Departmental Promotion Committee dated 6.3.2020 as the appellants were not fulfilled the rule 18, 19, 20, 21 and 21.A of the Punjab Civil Servants (Appointment & Condition of Service) rules 1974 on the grounds as they were not holding professional qualification at the time of their appointment. He requested that the instant appeals might be rejected.

7. M/S Shahid Tauqeer etc 10 SSTs of different schools Toba Tek Singh District also filed an application on 16.6.2020 stating therein that CEO (DEA) Toba Tek Singh issued order dated 16.5.2020 in compliance with the order dated 1.3.2020 of the Secretary School Education Department which was issued under the direction of

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Honourable Lahore High Court Lahore. Similarly, Secretary School Education Department also issued direction on 7.7.2018 to CEO (DEA) Chakwal. The same was implemented on 28.9.2018 and also incorporated by the District Accounts Officer Chakwal on 12.10.2018. Furthermore, Director Public Instruction (SE) Punjab also issued direction on 23.1.2010 and School Education Department issued direction on 30.8.2010 that academic and professional qualifications is necessary for award of upward mobility package. They also referred Notification dated 14.3.2014 issued by Government of the Punjab, Service & General Administration Department (Regulation Wing) and requested that order of the Secretary School Education Department might be implemented.

8. After hearing both the parties and perusing the relevant record it was found that the impugned order was passed without hearing the appellants which is against the natural justice. No condition of B.Ed. was mentioned in advertisement for the recruitment of the appellants as SSE(CS) nor after their recruitment, any direction was issued by the department to meet the B.Ed. qualification. I have perused rule 18 of Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and order dated 13.2.2017 of Punjab Service Tribunal Lahore, order dated 23.5.2019 of the August Supreme Court of Pakistan as well as letter No. SO (SE-III)5-47/2020 dated 25.9.2020 issued by Government of the Punjab School Education Department. Therefore, the impugned order dated 16.5.2020 is hereby set aside to the extent of all 68 appellants, their cases be referred to Departmental Promotion Committee for reconsideration with consultation all the relevant policies/rules in its next meeting. A copy of this order be sent to Chief Executive Officer, District Education Authority and District Accounts Officer Toba Tek Singh for information and necessary action. Disposed of accordingly.

Dated. 30.9.2020

  
(UMER JAVED)  
DEPUTY COMMISSIONER  
TOBA TEK SINGH.

Certified that this order consists on five pages and every page has been dictated, corrected and signed by me.

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