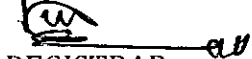



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1109/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/07/2022	<p>The appeal of Mr. Muhammad Tariq Khan presented today by Mr. Muhammad Maaz Madni Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	14-7-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>28-7-22</u>. Notices be issued to appellat and his counsel for the date fixed.</p> <p> CHAIRMAN</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: **MUHAMMAD TARIQ KHAN** v/s **GOVT. OF KP& OTHER**

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

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

Name: **Muhammad Maaz Madni**

Signature: _____

Dated: 07-07-2022

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**


APPEAL NO. 1109 /2022

MUHAMMAD TARIQ KHAN V/S GOVT. OF KP & OTHER

INDEX

S.NO	DOCUMENTS	DATED	ANNEXURE	PAGE
1.	Memo of appeal		1 - 5
2.	Seniority List 2021	20.10.2021	A	6 - 10
3.	Promotion Order as S/Clerk	03.01.2018	B	11 - 12
4.	Minutes of the meeting		C	13 - 14
5.	Service Rules 2019	16.12.2019	D	15 - 19
6.	Promotion Order	04.03.2021	E	20 - 22
7.	Final Seniority List 2022	25.04.2022	F	23 - 29
8.	Impugned Corrigendum	10.03.2022	G	30
9.	Departmental Appeal	28.03.2022	H	31 - 33
10.	Wakalatnama	34

Dated: 05TH July, 2022

Through: **APPELLANT** 
MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR
TF-291, 292, Deans Trade Centre,
Peshawar Cantt:
0333-9313113, 0345-9090737
muhammad.m3adv@gmail.com

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

APPEAL NO. _____/2022

MUHAMMAD TARIQ KHAN, Office Assistant (B-16) (ACB),
o/o District Public Prosecutor, District Lakki Marwat.

.....APPELLANT

VERSUS

- 1- **THE GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Secretary to Government of Khyber Pakhtunkhwa,
Home Department, Civil Secretariat, Peshawar.
- 2- **DIRECTOR GENERAL PROSECUTION, KHYBER PAKHTUNKHWA,**
Directorate of Prosecution, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ
WITH ALL ENABLING LAWS & RULES AGAINST THE
IMPUGNED CORRIGENDUM DATED 10-03-2022
WHEREBY REGULAR PROMOTION OF THE APPELLANT
TO THE POST OF OFFICE ASSISTANT (BPS-16) HAS BEEN
WITHDRAWN & CONVERTED INTO ACTING CHARGE
BASIS AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL DATED 22-03-2022 OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF
(NINETY) 90 DAYS**

PRAYER:

**That on acceptance of the instant service appeal the
impugned corrigendum dated 10-03-2022 of converting the
regular promotion of the appellant to acting charge basis may
very kindly be set aside and the respondents may be directed
to keep the appellant as regularly promoted office assistant
(BPS-16) vide order dated 04-03-2021. Any other remedy
which this august Tribunal deems appropriate that may also
be awarded in favor of the appellant.**

Respectfully Sheweth;

FACTS:

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

1. That appellant is a regular employee of the respondent Department and was initially appointed as Junior Clerk (BPS-11) vide order dated 14-02-2014 after fulfilling all the legal

&codal formalities required for the post and since then the appellant is performing his duty quite efficiently whole heartedly and upto the entire satisfaction of his high ups and hence place as serial no. 46 of the seniority list 2021 prepared for Office Assistant (BPS-16).

Copy of Seniority List 2021 is attached as Annexure.....A.

2. That after performing duty as Junior Clerk (BPS-11) for quite considerable time the appellant was promoted to the post of Senior Clerk (BPS-14) vide order dated 03-01-2018 after the proper recommendation of the Department Promotion Committee.

Copy of Promotion Order dated 03.01.2018 attached as AnnexureB.

3. That Departmental Promotion Committee was convened on 10-02-2021 for promotion to the post of Office Assistant (BPS-16) on regular basis in light of consolidated service Rule 2019, hence the appellant being top of the seniority list of Senior Clerk (BPS-14) was promoted to the post of Office Assistant (BPS-16) regularly on the basis of seniority-cum-fitness vide order dated 04-03-2021 issued from the office of respondent No. 2.

Copy of Minutes of the meeting, Service Rules 2019 & Order dated 04.03.2021 is attached as Annexure C, D & E.

4. That the appellant after performing duty for more than a year the respondents circulated Seniority List 2022 on 10-03-2022 for the ministerial staff working in the respondents Department, astonishingly the name of the appellant along with other colleagues promoted vide order dated 04-03-2021 was dropped from the seniority list of Office Assistant (BPS-16) and is placed in the seniority list of Senior Clerk (BPS-14) below office assistants freshly recruited after the promotion of the appellant without showing any plausible reason for withdrawing the name of the appellant from the seniority list of Office Assistant (BPS-16).

Copy of Final Seniority List 2022 is attached as AnnexureF.

5. That the appellant also filed objection against the tentative seniority list 2022 but later on came to know through his own source that respondent No. 2 has issued a corrigendum whereby the regular promotion order dated 04-03-2021 has illegally been withdrawn and converted into promotion on acting charged basis vide corrigendum dated 10-03-2022 without showing any cogent reason therein.

Copy of Impugned Corrigendum dated 10.03.2022 is attached as Annexure G.

6. That the appellant feeling highly aggrieved from the act & omission of the respondent by issuing impugned corrigendum dated 10-03-2022 filed Departmental Appeal dated 22-03-2022 for setting aside the impugned corrigendum dated 10-03-2022 before respondent No. 1 which has not been responded after a lapse of more than statutory period of 90 days.

Copy of Departmental Appeal dated 22.03.2022 is attached as AnnexureH.

7. That the appellant is left with no other remedy but to file the instant service appeal before this Honourable Tribunal on the following grounds:

GROUND:

- A-** That the impugned corrigendum dated 10-03-2022 issued by respondent no. 2 is against the law, rules, facts, void ab initio, Norms of Natural Justice and materials available on the record hence not tenable in the eye of Law and is liable to be set aside.
- 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 respondents while issuing the impugned corrigendum dated 10-03-2022 whereby the regular promotion of the appellant has been withdrawn and converted into acting charge basis the act of the respondent is highly discriminatory one.
- D-** That the impugned corrigendum dated 10-03-2022 issued by respondent no. 2 is a clear violation of the Principle of Locus Penitencea as the appellant has performed his duty as regular office assistant (B-16) for more than a year.
- E-** That accordingly with the issuance of impugned corrigendum dated 10-03-2022 the appellant's name was dropped from seniority list of Office Assistant and placed below the freshly recruited office assistant appointed after the promotion of the appellant and again placed in the seniority list of Senior Clerks.
- 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 services of Pakistan, therefore the respondent has to act upon the ibid Article of the constitution and had to remove the disparity from the service of the appellant by struck down the impugned corrigendum dated 10-03-2022.

- G-** That the respondent has acted in an arbitrary and malafide manner while issuing the impugned corrigendum dated 10-03-2022 of withdrawing the regular promotion of the appellant and converting it to acting charge basis.
- H-** That act of the respondents is against the Fundamental Rights as enshrined in the Constitution & also against various judgment passed by the Apex Supreme Court of Pakistan.
- I-** That the respondents has issued the impugned corrigendum dated 10-03-2022 without fulfilling the codal formalities required in the subject matter and hence the same is against the norm of Natural Justice.
- J-** That although promotion is not a vested right but it is a legitimate expectancy a civil servant to be promoted to the next higher rank and in the instance case the appellant has been promoted more than a year ago but with the issuance of the impugned corrigendum dated 10-03-2022 the appellant has been deprived of enjoying the benefits of promotion.
- K-** 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: 05-07-2022

Appellant


MUHAMMAD TARIQ KHAN

Through:


MUHAMMAD MAAZ MADNI
Advocate, High Court, Peshawar

CERTIFICATE

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


ADVOCATE

LIST OF BOOKS:

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



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR


APPEAL NO. _____/2022

MUHAMMAD TARIQ KHAN V/S GOVT. OF KP & OTHER

A F F I D A V I T

I, Muhammad Tariq Khan, do hereby solemnly affirm on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.




DEPONENT
11201-577725-1

(6)

ANNE - A



DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/E.A/11(66)14049-89
Dated Peshawar 20/10/2021
Office Phone # 091-9212559
Fax # 091-9212559
E-mail kp prosecution@yahoo.com

To:

✓ All District Public Prosecutors,
Khyber Pakhtunkhwa.

Attention: All Assistants (BS-16) and Junior Clerks (BS-11).

Subject: - FINAL SENIORITY LIST OF ASSISTANTS (BPS-16) AND JUNIOR CLERKS (BPS-11).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of "Final Seniority List" of the Assistants (BS-16) and Junior Clerks (BS-11) working at the strength of Directorate of Prosecution. The same may be handed over to all the officials concerned working under your kind control for information and further necessary action, please.

Yours sincerely,

ATTESTED

[Signature]
Deputy Director Administration

Encl: (as above)

Copy forwarded for information to the:

1. All Regional Director Prosecution Khyber Pakhtunkhwa.
2. PA to Director General Prosecution, Khyber Pakhtunkhwa.

*See the enclosed
inform the concerned*

[Signature]
Deputy Director Administration

Received on 25.10.2021.

No. 244 / 25-X-2021

Seniority List

ASSISTANT P.S-16, IN DIRECTORATE OF
PESHAWAR Khyber Pakhtunkhwa, 2021

Sl. No.	Name	Qualification	DOB & Domicile	Date of First Entry to Service with designation & BPS	Regular Appointment/Promotion to Present Post			Present Posting
					Date	BS	Method of Recruitment	
1.	Muhammad Hanayoon	B.A.	28/10/1967 Lakki Marwat	12-05-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, orakzai
2.	Qanq Zaman	B.A.	20/01/1970 Tank	12-05-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, south Waziristan
3.	Muslim Khan	Matric	07/01/1966 Charsadda	26-07-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of Prosecution, Peshawar
4.	Sikandar Hayat	Matric	15/11/1964 Dir Lower	15-08-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	appointed as superintendent (bs-17) on acting charge basis office of the district public prosecutor, upper dir
5.	Mubarik Ahmad	F.A.	04/12/1961 Charsadda	29-11-1987 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of prosecution, Charsadda
6.	Muhammad Iqbal	B.Com	05/05/1970 Lakki Marwat	13-09-1989 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, Bannu
7.	Shahid Gul	Matric	05/05/1963 Kohat	19-09-2000 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis DPP Kurram.
8.	Mumtaz Khan	Matric	04/04/1970 Peshawar	19-09-2000 Naib Qasid BS-01	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of Prosecution, Khyber
9.	Shakeel Akhtar	Matric	15/03/1977 Nowshera	17-04-1994 Assistant BS-16	11/02/2019	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis DPP Mohmand
10.	Syed Ibrar Shah	Matric	1976 Manselira	10-03-2003 Naib Qasid BS-01	05/04/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, Torghar
11.	Syed Hakeem Shah	Matric	05/02/1962 Buner	30-06-1996 Junior Clerk BS-05	17/11/2017	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, Buner

to be the copy
Advocate

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FINAL SENIORITY LIST OF OFFICE ASSISTANT BPS-16, IN DIRECTORATE OF PROSECUTION PESHAWAR Khyber Pakhtunkhwa, 2021

S.NO	Name	Qualification	DOB & Domicile	Date of First Entry to Service with designation & BPS	Regular Appointment/Promotion to Present Post			Present Posting
					Date	BS	Method of Recruitment	
1.	Muhammad Hamayoon	B.A.	28/10/1967 Lakki Marwat	12-05-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, Orakzai
2.	Qarnaj Zaman	B.A.	20/01/1970 Tank	12-05-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, south Waziristan
3.	Muslim Khan	Matric	07/01/1966 Charsadda	26-07-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of Prosecution, Peshawar
4.	Sikandar Hayat	Matric	15/11/1964 D/- Lower	15-08-1994 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis office of the district public prosecutor, upper dir
5.	Mubarik Ahmad	F.A.	04/12/1961 Charsadda	29-1-1987 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of prosecution, Charsadda
6.	Muhammad Iqbal	B.Com	05/05/1970 Lakki Marwat	13-09-1989 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, Bannu
7.	Shahid Gul	Matric	05/05/1963 Kohat	19-09-2000 Junior Clerk BS-05	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis DPP Kurram.
8.	Mumraiz Khan	Matric	04/04/1970 Peshawar	19-09-2000 Nab Qasid BS-01	17/11/2017	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of Prosecution, Khyber
9.	Shakeel Akhtar	Matric	15/03/1977 Nowshera	17-04-1994 Assistant BS-16	11/02/2019	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis DPP Mohammad
10.	Syed Ibrar Shah	Matric	1976 Manselra	10-03-2003 Nab Qasid BS-01	05/04/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, Torghar
11.	Syed Hakeem Shah	Matric	05/02/1962 Buner	30-06-1996 Junior Clerk BS-05	17/11/2017	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, Buner

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Advocate

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SNO	Name	Qualification	Date of First Entry to Service with designation & BPS	Present Post		Method of Recruitment	Present Posting
				Date	BS		
30.	Rehman	Science)					
30.	Sadar Ayub	F.A	06/01/1985 UPPER KOHISTAN	12-04-2007	16	Promotion	Assistant(BS-16)At upper Kohistan
31.	Wahheed Akhtar	D.COM	28/08/1987 KOHAT	12-04-2007	16	Promotion	Assistant(BS-16)at Kohat
32.	Fazle Rabi	MATRIC	04/02/1974 PESHAWAR	01-01-1992	16	Promotion	Assistant(BS-16)at Directorate of prosecution
33.	Raja Arshad	MATRIC	04/02/1974 ABBOTTABAD	30-11-1995	16	Promotion	Assistant(BS-16)at Abbottabad
34.	Bashir Ahmad	Matric	05/06/1965 Chitral	12/05/1990	16	Promotion	Assistant(BS-16)at Chitral lower
35.	Muhammad Ashraf	Matric	03/04/1978 Peshawar	07-07-1997	16	Promotion	Assistant(BS-16)at Peshawar
36.	Shamshad Iqbal	Matric	01/06/1973 FR Bannu	01-04-2006	16	Promotion	Assistant(BS-16)at Bannu
37.	Tariq Khan	B.A. LLB	01/04/1984 Charsadda	30-10-2009	16	Promotion	Assistant(BS-16)at Mohmand
38.	Waseem Abbas	M.A.	05/02/1986 D.I.Khan	30-10-2009	16	Promotion	Assistant(BS-16) at D.I.Khan
39.	Shah Fahad	B.A.	31/12/1988 Mardan	05-01-2009	16	Promotion	Assistant(BS-16)at Mardan
40.	Shah Zeb	F.A	17/01/1989 Mardan	30-10-2009	16	Promotion	Directorate of prosecution
41.	Bakht Pervesh	B.A.	11/04/1973 Buner	23-12-2003	16	Promotion	Directorate of prosecution
42.	Wali-ur-rehman	B.A	12/06/1973 Manshera	23-12-2003	16	Promotion	Assistant bs-16) at Manshera
43.	Nasir Ali	Matric	08/02/1974 Swat	23-12-2003	16	Promotion	Assistant(BS-16)at Dir Upper
44.	Jamshed Ahmad	Matric	06/01/1976 Lower Chitral	23-12-2003	16	Promotion	Assistant(BS-16)at Upper Chitral
45.	Muhammad Zarshad	Matric	18/05/1978 Swabi	23-12-2003	16	Promotion	Directorate of prosecution
46.	Muhammad Tariq Khat	DAE/BA	15/03/1991 Lakki Marwat	14-02-2014	16	Promotion	Assistant(BS-16)at Lakki Marwat
47.	Taj Rehman	M.A.	24/03/1986 Buner	03-09-2012	16	Promotion	Assistant(BS-16)at haripur

to be true copy Advocate

Diploma in

11

10-11-2020

11

Initial

PESHAWAR

S.NO	Name	Qualification	Date of Birth	Date of First Entry to Service with designation & BPS	Present Post			Present Posting
					Date	BS	Method of Recruitment	
48.	Tufail Khan	M.A.	26/12/1992 Mardan	14-02-2014 Junior Clerk BS-07	14-02-2014	16	Promotion	Assistant(BS-16)at Mardan
49.	Muhammad Nasir	B.Com	30/10/1993 Peshawar	14-02-2014 Junior Clerk BS-07	14-02-2014	16	Promotion	Directorate of prosecution
50.	Noman	M.A	26/06/1986 Swat	14-02-2014 Junior Clerk BS-07	14-02-2014	16	Promotion	Assistant(BS-16)at Bajaur
51.	Jalal Uddin	M.Phil	06-09-1990 Peshawar	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	peshawar
52.	Mubashir Dilawar	LLB	28-2-1990 Karak	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	South Waziristan
53.	Amjid Khan	MSc	8-3-1992 Peshawar	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Orakzai
54.	Hanif Ullah	MS	1-11-1994 Bajaur	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Kurram
55.	Haq Nawaz	MA	4-4-1985 Malakand	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Hangu

Director Administration
Directorate of Prosecution
Khyber Pakhtunkhwa

8
9
Muhammad
Muhammad
WOOD

ATTENDED
10 DECEMBER 2021
ADVISOR



11

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/
Dated Peshawar: 03/10/2018

Office Phone # 091-9212559/ 091-9212542
Fax # 091-9212559
E-mail: kpprosecution@yahoo.com

ANNEX - B

ORDER:
No. DP/E&A/1 (100)/57-84 :- On the recommendation of the Departmental Promotion Committee (D.P.C) dated 12-12-2017 the following Junior Clerks (BPS-11) of this Directorate are promoted to the post of Senior Clerk (BPS-14), on regular basis with immediate effect:-

S.No	Name	Present Posting
1.	Shakeel Akhtar	Office of the District Public Prosecutor, Nowshera.
2	Syed Ibrar Shah	Office of the District Public Prosecutor, Mansehra.
3	Syed Alam Shah	Office of the District Public Prosecutor, Mansehra.
4	Shah Fahad	Office of the District Public Prosecutor, Mardan.
5	Shah Zeb	Office of the District Public Prosecutor, Mardan.
6	Bakht Pervesh	Office of the District Public Prosecutor, Buner.
7	Wali-ur-Rehman	Office of the District Public Prosecutor, Mansehra.
8	Nasir Ali	Office of the District Public Prosecutor, Swat.
9	Janshed Ahmad	Office of the District Public Prosecutor, Chitral.
10	Muhammad Zarshad	Office of the District Public Prosecutor, Swabi.
11	Taj Rehman	Office of the District Public Prosecutor, Buner.
12	Noman	Office of the District Public Prosecutor, Swat.
13	Muhammad Tariq Khan	Office of the District Public Prosecutor, Lakki Marwat.
14	Ammad Amir	Directorate of Prosecution, Peshawar.
15	Fufail Khan	Office of the District Public Prosecutor, Charsadda.
16	Muhammad Nasir	Directorate of Prosecution, Peshawar.

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to be true copy
Advocate

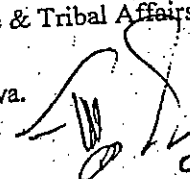
17	Said Nawaz	Office of the District Public Prosecutor, Swat.
----	------------	---


2. The above Senior Clerks will be on probation for period of 01 year in terms of section-6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

--sd/--
 (Director General Prosecution)
 Directorate of Prosecution,
 Khyber Pakhtunkhwa

Copy forwarded for information to the:-

1. Accountant General Office, Khyber Pakhtunkhwa, Peshawar
2. Concerned District Public Prosecutor Offices.
3. Concerned District Accounts Offices.
4. Officials concerned.
5. P.S to Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
6. PA to Director General Prosecution, Khyber Pakhtunkhwa.
7. Establishment Section of this Directorate.


 03/01/2018
 (Mian Aziz Ahmad)
 Deputy Director Admin./Finance


ATTESTED
 to be true copy
 Advocate

13
ANNEX - C

Subject: MINUTES OF THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE (DPC) REGARDING PROMOTION OF SENIOR CLERKS (BPS-14) TO THE POSTS OF ASSISTANT (BPS-16).

A meeting of the Departmental Promotion Committee (DPC) was held on 10-02-2021 at 11:00 AM under the chairmanship of Secretary, Home and Tribal Affairs Department in his office. The following attended the meeting: -

1. Mr. Ikramullah Khan
Secretary, Home & Tribal Affairs Department. (Chairman)
2. Mr. Umar Nawaz
Deputy Secretary (Judicial), Home & Tribal Affairs Department. (Secretary)
3. Mr. Muhammad Ismail
Section Officer (R-II), Establishment Department. (Member)
4. Mr. Muhammad Ilyas
Section Officer (SR-II), Finance Department. (Member)
5. Mr. Zia Ul Qamar Saifi
Deputy Director Administration
Directorate of Prosecution, Khyber Pakhtunkhwa. (Member)

The meeting commenced with the recitation from the Holy Quran. Thereafter, the chair welcomed the participants. Deputy Secretary Judicial, Home & Tribal Affairs Department apprised the committee that there are (17) vacant posts (15 clear+02 resultant) of Assistant (BS-16) falling under the promotion quota in the Directorate of Prosecution and District Prosecution offices. He added that according to Khyber Pakhtunkhwa, Prosecution Service Rules, 2010 as amended in 2019, the method of promotion of the Assistant (BS-16) has been prescribed as below:

i) 25% by initial recruitment.

ii) 75% by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years' service as Senior Clerk and Junior Clerk.

Therefore, 17 Senior Clerks (BS-14) are required to be promoted as Assistant (BS-16). Keeping in view vacant posts and provision of the Rules ibid, the committee considered the panel of Senior Clerks (BS-14) as per notified seniority list and recommended the following Senior Clerks for promotion to the post of Assistant (BS-16) at Serial 1 to 19 on regular basis, however, the official reflected at Serial No.5 has to be superseded on his own request while the official reflected at Serial No.16 has not been considered as he opted to be promoted to the post of Assistant Accountant (BS-16):-

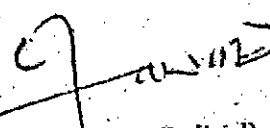
S.#.	Name of Official	DECISION OF DEPARTMENTAL PROMOTION COMMITTEE
1.	Bashir Ahmad	Recommended for promotion on Regular basis.

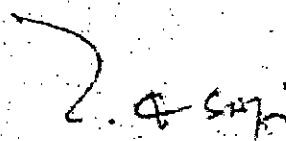
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Aavogata


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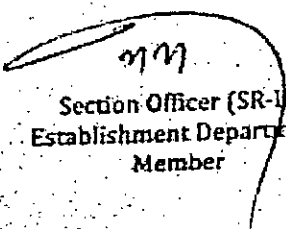
2	Muhammad Ashraf	-do-
3	Shamshad Iqbal	-do-
4	Tariq Khan	-do-
5	Akhtar Hussain	Superseded for promotion as he has requested to forgo his promotion.
6	Waseem Abbas	Recommended for promotion on Regular Basis
7	Shah Fahad	-do-
8	Shah Zeb	-do-
9	Bakht Pervesh	-do-
10	Wali Ur Rehman	-do-
11	Nasir Ali	-do-
12	Jamshed Ahmad	-do-
13	Muhammad Zarshad	-do-
14	Muhammad Tariq Khan	-do-
15	Taj Rehman	-do-
16	Ammad Amir	Not recommended for promotion as he has opted to be promoted to the post of Assistant Accountant (BS-16)
17	Tufail Khan	Recommended for promotion on Regular Basis
18	Muhammad Nasir	-do-
19	Noman	-do-

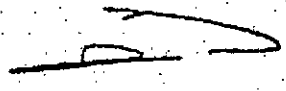
The meeting ended with a vote of thanks to and from the chair.


Deputy Secretary (Judicial)
Home & Tribal Affairs Department
Member/Secretary of DPC


Deputy Director Prosecution
Directorate of Prosecution
Khyber Pakhtunkhwa
Member


Deputy Secretary (R-II)
Establishment Department
Member


Section Officer (SR-II)
Establishment Department
Member


Secretary
Home & Tribal Affairs Department
Khyber Pakhtunkhwa


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Advocate



15

ANNE-D

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/FA/1 (73) 13408 - 4

Dated Peshawar 16/12/2019

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kp prosecution@yahoo.com

To

1. All Regional Directors Prosecution, Khyber Pakhtunkhwa.
2. All District Public Prosecutors, Khyber Pakhtunkhwa.
3. Section Officer (Prosecution), Home & Tribal Affairs, Department Khyber Pakhtunkhwa, Peshawar.

Subject: - CONSOLIDATE PROSECUTION SERVICE RULES.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith notification No. Dated: 26-08-2010 alongwith consolidated Prosecution Service Rules for information and further necessary action, please.

Yours faithfully,

[Signature]
Deputy Director Administration

(Encl: as above)
Copy forwarded for information to the:-

1. All sections of this Directorate.
2. PA to Director General Prosecution, Khyber Pakhtunkhwa.
3. Office record.

[Signature]
Deputy Director Administration

No 527
dt 24/12/2019

*See all coming be
in hand*

[Signature]

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Advocate

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	Assistant Public Prosecutor (BS-17)8	17	at least Second Class LLB/BS(Law)Honors/BS (Shariah Law) Honors(five years) or its equivalent qualification, from a recognized University; and ii. License from Bar Council	By initial recruitment	25-35
5A	Assistant Director (IT) (BS-17)9	17		By promotion, on the basis of seniority-cum-fitness from amongst the Computer Operators with five-years' service as such, having the following qualification: (i) 2 nd Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four years) or its equivalent qualification from a recognized university; or (ii) 2 nd Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education;	
6	Librarian (BPS-16)	16	Bachelor's Degree in at least 2 nd division or equivalent qualification from a recognized University. ii) Diploma In Library Science	By initial recruitment	23-32
7	Superintendent (BPS-17)10	17		By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least five years' service as such;	
7A	Assistant Accountant (BPS-16)12	16		By promotion on the basis of seniority-cum-fitness, from amongst Senior Clerks with five (05) years' service as Junior Clerk and senior Clerk having Bachelors of Commerce Degree (B.Com) from a recognized University;	
8	Assistant (BPS-16)13	16	Bachelor's degrees from a recognized University	a. 75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years' service as Senior Clerk and Junior Clerks and; b. 25% by initial recruitment.	18-30 years.

Substituted vide Notification No.SO (Prosecution).HD/1-5/VOL-1/2018 dated 18th January, 2018.
 Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018
 Substituted vide Notification No.SO (Prosecution)/HD/1-9/2012/Vol-I dated 05th March, 2013
 Inserted vide Notification No.SO (Prosecution)/HD/1-5/2019 dated 2th October, 2019
 Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/ 2018 dated 21st March, 2018

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 Advocate

Director of Public Prosecution

409 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY 16th February 2018

NO.	NOMENCLATURE	SCALE	MINIMUM QUALIFICATION	METHOD OF APPOINTMENT.	Age Limit.
	Director General Prosecution ¹	20		By transfer from amongst the officers of PCS/PMS/PAS. ²	
1A	Regional Director	20		By promotion, on the basis of merit-cum-fitness, from amongst the Senior Public Prosecutors, District Public Prosecutors and Directors in (BPS-19) with at least seventeen (17) years of service in BPS-17 and above subject to successful completion of Senior Management Course ³ .	
2	Senior Public Prosecutor (BS-19)/ District Public Prosecutor (BS-19) ⁴	19		By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Public Prosecutors (BPS-18) with at least twelve (12) years of service in BPS-17 and above.	
3	Direct Legal (BS-19) / Director Admin (BS-19)/ Director Monitoring (BS-19) ⁵	19		By transfer, from amongst the Senior Public Prosecutors and District Public prosecutor (BS-19). ⁶	
4	Deputy Public Prosecutor (BS-18)	18		By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Public Prosecutor (BS-17) with at least five (05) years of service as such 'and' ⁷	

- ¹ Substituted vide Notification No. SO (Prosecution)/HD/1-5/VOI-I/2018 dated 18th January, 2018.
² Substituted vide Notification No. SO (Prosecution)/HD/1-5/VOI-I/2018 dated 18th January, 2018.
³ Substituted vide Notification No. SO (Prosecution)/HD/1-5/2005/Vol: II dated 6th August, 2010.
⁴ Substituted vide Notification No. SO (Prosecution)/HD/1-5/VOI-I/2018 dated 18th January, 2018.
⁵ Substituted vide Notification No. SO (Prosecution)/HD/1-9/2012/VOI-I/ dated 05 September, 2013.
⁶ Substituted vide Notification No. SO (Prosecution)/HD/1-5/VOI-I/2018 dated 18th January, 2018.
⁷ Substituted vide Notification No. SO (Prosecution)/HD/1-5/VOI-I/2018 dated 18th January, 2018.

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	Personal Assistant (BPS-16) ¹⁴			By promotion on the basis of seniority-cum-fitness from amongst the Senior Scale Stenographer with at least three (03) years' of service as such		
	Senior Scale Stenographer (BPS-16)	16	i. At least Second-class Bachelor's degrees from a recognized University ii. A speed of 70 words per minutes in typing; and iii. Knowledge of Computer in using MS-Word, MS Excel	By promotion on the basis of seniority-cum-fitness from amongst the holder of the post of Stenographer with at least five (05) years' service as such. Provided that if no suitable candidate is available for promotion, then by initial recruitment;		
	8C. Computer Operator (BPS-16) ¹⁵	16	(i) Second Class Bachelor's Degree in Computer Science /Information Technology (BCS/BIT four-years) or its equivalent qualification from a recognized university; or (ii) At least Second-Class Bachelor's Degree from a recognized university with one-year Diploma in Information Technology from a recognized Board of Technical Education;	By Initial recruitment";	21-32 Year	
S						
D	9	Repealed				
to	10	Junior Scale Stenographer (BPS-14)	14	i) Intermediate OR equivalent qualification from recognized board; and ii) A speed of 50 words per minutes in shorthand in English and 35 words per minutes in typewriting & Knowledge of Computer in using of MS Word and MS Excel	By initial recruitment	18-30 Year
or						
	11	Data Entry Operator/Key Punch Operator (BPS-12) Deleted ¹⁶				

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¹⁴ Inserted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018
¹⁵ Inserted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018
¹⁶ Deleted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018

in
of

FA to Director General Prosecution, Khyber Pakhtunkhwa
Office record.

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	Senior Clerk (BPS-14) ¹⁷	14		By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least two years' service as such.	
	Junior Clerk (BPS-11) ¹⁸	11	i) Secondary School Certificate or equivalent from a recognized Board and ii) A speed of 30 words per minute in typing	a) 67% by initial Recruitment. b) 33% by promotion, on the basis of seniority-cum-fitness from amongst the Naib Qasid, Chowkidars & other employees in equivalent scales in the Department with at least two years' service as such having passed Secondary School Certificate ¹⁹ and ²⁰	18 to 30 Years ²¹ ; and
14	Naib Qasid ²²	03	Middle standard	a) Fifty (50) per cent by initial Recruitment. b) Fifty (50) per cent by transfer from other eligible Class IV i.e. Chowkidars & Sweepers.	18-40 Years
15	Driver ²³	06	Middle standard having valid LTV driving license and three years' experience	By initial recruitment	18-40 Years
16	Chowkidar ²⁴	03	Literate	By initial recruitment	18-40 Years
17	Sweeper ²⁴	03	Literate	By initial recruitment	18-40 Years

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Note: For the Purpose of promotion to the post of Junior Clerk, there shall be maintained a common seniority lists of Naib Qasids, Chowkidar and other employees in equivalent scales in the Department with reference to the dates of their acquiring the Secondary School Certificate provided that:-

- i. If two or more officials have acquired the SSC in the same session, the official having long service shall rank senior to other officials.
- ii. Where a senior official does not possess the requisite experience at the time of filling up a vacancy the officials next junior to him possessing the requisite experience shall be promoted in reference of the senior or officials.

¹⁷ Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018.
¹⁸ Substituted vide Notification No.SO (Prosecution)/HD/1-5/2019 dated 2th October, 2019
¹⁹ Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018.
²⁰ Substituted vide Notification No.SO (Prosecution)/HD/1-5/2019 dated 2th October, 2019.
²¹ Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018.
²² Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018.
²³ Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018.
²⁴ Substituted vide Notification No.SO (Prosecution)/HD/1-5/Rules/2018 dated 21st March, 2018.

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 ADVOCATE

3. Office

Deputy Director



98

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP-
Dated Peshawar 4 March 2021
Office Phone # 091-9212659/091-9212648
Fax # 091-9212659
E-mail: kpp prosecution@yaho.com

ANNE

E

ORDER:

No. DP/ESA/11001 2785-2810 :- On the recommendation of the Departmental Promotion Committee (DPC), the following Senior Clerks (BS-14) of this Directorate are hereby promoted to the post of Assistant (BS-16) on regular basis with immediate effect:-

S.No.	Name of Officer	Presently in
1.	Mr. Bashir Ahmad	District Public Prosecutor office Chitral
2.	Mr. Muhammad Ashraf	District Public Prosecutor office Peshawar
3.	Mr. Shamsbad Iqbal	District Public Prosecutor office Bannu
4.	Mr. Tariq Khan	District Public Prosecutor office Charsadda
5.	Mr. Waseem Abbas	District Public Prosecutor office D I Khan
6.	Mr. Shah Fahad	District Public Prosecutor office Mardan
7.	Mr. Shah Zeb	District Public Prosecutor office Nowshera
10.	Mr. Bakht Pervesh	District Public Prosecutor office Haripur
9.	Mr. Wali Ur Rehman	District Public Prosecutor office Mansehra
10.	Mr. Nasir Ali	District Public Prosecutor office Dir Upper
11.	Mr. Jamshed Ahmad	District Public Prosecutor office Chitral
12.	Mr. Muhammad Zarshad	District Public Prosecutor office Swabi
13.	Mr. Muhammad Tariq Khan	District Public Prosecutor office Lakkj Marwat
14.	Mr. Taj Rehman	District Public Prosecutor office Buner
15.	Mr. Tufail Khan	District Public Prosecutor office Mardan
16.	Mr. Muhammad Nasir	Directorate of Prosecution
17.	Mr. Noman	District Public Prosecutor office Swat

2. The above officials will be on probation for a period of one year in terms of section-6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Consequent upon above, the following postings/transfers are hereby made with immediate effect in the public interest:

S.No.	Name of Officer	From	To
1.	Mr. Bashir Ahmad Assistant (BS-16)	District Public Prosecutor office Chitral Lower	Retained as Assistant (BS-16) in the office of District Public Prosecutor Chitral Lower
2.	Muhammad Ashraf Assistant (BS-16)	District Public Prosecutor office Peshawar	Against the vacant post of Assistant (BS-16) in the office of District Public Prosecutor Peshawar
3.	Mr. Shamsbad Iqbal Assistant (BS-16)	District Public Prosecutor office Bannu	Against the vacant post of Assistant (BS-16) in the office of District Public Prosecutor Bannu vice No. 20
4.	Mr. Tariq Khan Assistant (BS-16)	District Public Prosecutor office Charsadda	Against the vacant post of Assistant (BS-16) in the office of District Public Prosecutor Mohmand
5.	Mr. Waseem Abbas Assistant (BS-16)	District Public Prosecutor office D.I. Khan	Against the vacant post of Assistant (BS-16) in the office of District Public Prosecutor, DI Khan

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Advocate



24

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP-
Dated Peshawar 4 March 2021
Office Phone # 091-9212559/091-9212542
Fax # 091-9212459
E-mail: kpprosecution@yahoo.com

Sl. No.	Name of the Assistant	Office	Remarks
6.	Mr. Shah Fahad Assistant (BS-16)	District Public Prosecutor office Mardan	In the office of District Public Prosecutor Mardan vice No.19
7.	Mr. Shah Zeb Assistant (BS-16)	District Public Prosecutor office Nowshera	Against the vacant post of Assistant (BS-16) in the Directorate of Prosecution
8.	Mr. Bakht Pervesh Assistant (BS-16)	District Public Prosecutor office Haripur	Against the vacant post of Assistant (BS-16) in the Directorate of Prosecution
9.	Mr. Wali Ur Rehman Assistant (BS-16)	District Public Prosecutor office Mansehra	Office of District Public Prosecutor Mansehra Vice No.18
10.	Mr. Nasir All Assistant (BS-16)	District Public Prosecutor office Dir Upper	Office of District Public Prosecutor Dir Upper Vice No.25
11.	Mr. Jamshed Ahmad Assistant (BS-16)	District Public Prosecutor Office Chitral Lower	Against the vacant post of Superintendent (BS-17) in his own pay scale in District Public Prosecutor office Upper Chitral
12.	Muhammad Zarshad Assistant (BS-16)	District Public Prosecutor office Swabi	Against the vacant post of Assistant (BS-16) in the Directorate of Prosecution
13.	Muhammad Tariq Khan Assistant (BS-16)	District Public Prosecutor office Lakki Marwat	Against the vacant post of Assistant (BS-16) in the office of District Public Prosecutor Lakki Marwat
14.	Mr. Taj Ur Rehman Assistant (BS-16)	District Public Prosecutor office Buner	office of District Public Prosecutor Buner Vice No.24
15.	Mr. Tufail Khan Assistant (BS-16)	District Public Prosecutor office Mardan	office of District Public Prosecutor Mardan Vice No. 22
16.	Muhammad Nasir Assistant (BS-16)	Directorate of Prosecution	Against the vacant post of Assistant (BS-16) in the Directorate of Prosecution, Khyber Pakhtunkhwa
17.	Mr. Noman Assistant (BS-16)	District Public Prosecutor office Swat	Against the vacant post of Assistant (BS-16) in the office of District Public Prosecutor Bajaur
18.	Muhammad Arshad Assistant (BS-16)	District Public Prosecutor Mansehra	District Public Prosecutor Office Battagram Vice No.21
19.	Mr. Sakawat Shah Assistant (BS-16)	District Public Prosecutor office Mardan	Against the vacant post of Superintendent (BS-17) (OPS) in the District Public Prosecutor office Swat
20.	Mr. Yaqoob Khan Assistant (BS-16)	District Public Prosecutor office Bannu	Against the vacant post of Superintendent (BS-17) (OPS) in District Public Prosecutor office Bannu
21.	Muhammad Arshad Assistant (BS-16)	District Public Prosecutor Office Battagram	Against vacant post of Assistant (BS-16) in office of District Public Prosecutor, Abbottabad
22.	Mr. Sahibzade Assistant (BS-16)	District Public Prosecutor Office Mardan	District Public Prosecutor Office Swabi Vice No.23
23.	Mr. Ajmal Khan Assistant (BS-16)	District Public Prosecutor Office Swabi	Against the vacant post of Assistant (BS-16) in the Directorate of Prosecution
24.	Syed Hakeem Shah Assistant (BS-16)	District Public Prosecutor Office Buner	Against the vacant post of Assistant (BS-16) in District Public Prosecutor Office Haripur
25.	Mr. Asfandyar Gul Senior Clerk (BS-14)	Assistant (BS-16) OPS District Public Prosecutor office Dir Upper	As Senior Clerk (BS-14) in District Public Prosecutor office Dir Upper

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Advoc



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**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP-
Dated Peshawar 4 March 2021
Office Phone # 091-9212654/091-9212643
Fax # 091-9212659
E-mail: kpprosecution@yahoo.com

SN	Name of Official	From	To
26	Muhammad Yahya Senior Clerk (BS-14)	District Public Prosecutor office Battagram	As Senior Clerk (BS-14) in District Public Prosecutor office, Chitral Lower
27	Mr. Haider Ali Senior Clerk (BS-14)	District Public Prosecutor office Shangla	As Senior Clerk (BS-14) Regional Director Office Malakand vice No.30
28	Mr. Salam-Ud-Din Senior Clerk (BS-14)	District Public Prosecutor office Kohistan Upper	As Senior Clerk (BS-14) District Public Prosecutor office Shangla vice No.27
29	Mr. Nasibullah Senior Clerk (BS-14)	District Public Prosecutor office Haripur	Against the vacant post of Senior Clerk (BS-14) District Public Prosecutor office Mardan
30	Mr. Amjad Ali Senior Clerk (BS-14)	Regional Director Office Malakand	Against the vacant post of Senior Clerk (BS-14) District Public Prosecutor office Swat
31	Mr. Said Nawaz Senior Clerk (BS-14)	District Public Prosecutor office Swabi	Against the vacant post of Senior Clerk (BS-14) District Public Prosecutor office Buner
32	Muhammad Maaz Junior Clerk (BS-11)	Directorate of Prosecution	Against the vacant post of Senior Clerk (BS-14) in his own pay scale District Public Prosecutor Office Charsadda.

-Sd-
Director General Prosecution
Khyber Pakhtunkhwa

Copy Forwarded for Information to the:-

1. Accountant General office, Khyber Pakhtunkhwa Peshawar
2. Concerned District Public Prosecutor offices.
3. Concerned District Accounts offices
4. P.S to Secretary to Government of Khyber Pakhtunkhwa, Home Department, Peshawar
5. PA to Director General Prosecution, Khyber Pakhtunkhwa
6. Officials concerned.
7. Assistant Director IT, Incharge HR.
8. Personal files of the officials.

2. D. Singh
Deputy Director Administration
4/3/21


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Advocate



(18) **DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/E: A/1(66) 6675 - 6720
Dated Peshawar. 25/04/2022
Office Phone # 91-9212559
Fax # 091-9212559
E-mail kpprosecution@yahoo.com

ANNEX - F

- To
1. All Regional Director Prosecution
In Khyber Pakhtunkhwa
 2. All District Public Prosecutors,
In Khyber Pakhtunkhwa.

Attention: All Assistant (BS-16) & Senior Clerk (BPS-14).

Subject: - FINAL SENIORITY LIST OF ASSISTANT (BS-16) & SENIOR CLERK
(BPS-14).

Dear Sir,

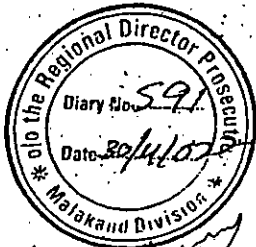
I am directed to refer to the subject noted above and to enclose herewith a copy of "Final Seniority List" of the Assistant (BS-16) and Senior Clerk (BPS-14) working at the strength of Directorate of Prosecution. The same may be handed over to all the officials concerned working under your kind control for information and further necessary action, please.

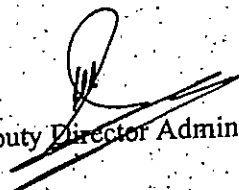
Yours faithfully,


Deputy Director Administration

Encl: (as above)
Copy forwarded for information to the:

1. PA to Director General Prosecution, Khyber Pakhtunkhwa.




Deputy Director Administration

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Advocate

FINAL SENIORITY LIST OF OFFICE ASSISTANT BPS-16, IN DIRECTORATE OF PROSECUTION PESHAWAR Khyber Pakhtunkhwa, 2022

S.NO	Name	Qualification	DOB & Domicile	Date of First Entry to Service with designation & BPS	Regular Appointment/Promotion to Present Post			Present Posting
					Date	BS	Method of Recruitment	
1.	Muhammad Hamayoon	B.A.	28/10/1967 Lakki Marwat	12-05-1994 Junior Clerk BS-05	14-02-2020	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, orakzai
2.	Qamar Zaman	B.A.	20/01/1970 Tank	12-05-1994 Junior Clerk BS-05	14-02-2020	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, south Waziristan
3.	Muslim Khan	Matric	07/01/1966 Charsadda	26-07-1994 Junior Clerk BS-05	14-02-2020	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of Prosecution, Peshawar
4.	Sikandar Hayat	Matric	15/11/1964 Dir Lower	15-08-1994 Junior Clerk BS-05	14-02-2020	16	Promotion	appointed as superintendent (bs-17) on acting charge basis office of the district public prosecutor, upper dir
5.	Muhammad Iqbal	B.Com	05/05/1970 Lakki Marwat	13-09-1989 Junior Clerk BS-05	14-02-2020	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Office of the District Public Prosecutor, Bannu
6.	Mumraiz Khan	Matric	01/04/1970 Peshawar	08-06-1988 Naib Qasid BS-01	14-02-2020	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis Directorate of Prosecution, Khyber
7.	Shahid Gul	Matric	05/05/1963 Kohat	19-09-2000 Junior Clerk BS-05	27-05-2021	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis DPP Kurram.
8.	Shakeel Akhtar	Matric	15/03/1977 Nowshera	17-04-1994 Assistant BS-16	27-05-2021	16	Promotion	Appointed as Superintendent (BS-17) On Acting Charge Basis DPP Mohammad
9.	Syed Ibrar Shah	Matric	1976 Manshra	10-03-2003 Naib Qasid BS-01	11/02/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, Torghar

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S.NO	Name	Qualification	DOB & Domicile	Date of First Entry to Service with designation & BPS	Regular Appointment/Promotion to Present Post Present Posting			Present posting
					Date	BPS	Method of recruitment	
10.	Abdul Wahid	Matric	16/03/1972 Tank	10-03-2003 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor tank
11.	Sakhawat Shah	B.A	10/04/1975 Buner	10-03-2003 Naib Qasid BS-01	11/02/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, swat
12.	Muhammad Arshad	Matric	01/06/1977 Mansehra	10-03-2003 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, batagram
13.	Malik Rehmat Ali	Matric	04/04/1981 Peshawar	10-03-2003 Naib Qasid BS-01	11/02/2019	16	Promotion	Assistant (BS-16) at Office of the District Public Prosecutor, Khyber
14.	Muhammad Yousaf	B.A	24/04/1964 Bannu	24-04-1988 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor , Bannu
15.	Aurangzeb	Matric	01/03/1963 Dir Lower	17-08-1988 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,DIR LOWER
16.	Ajmal Khan	Matric	24/11/1967 Swabi	03-12-1989 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,SWABI
17.	Sahibzada	Matric	25/03/1970 Swabi	10-09-1990 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,Swabi
18.	Said Rehman	F.A	20/03/1974 Swat	26-02-1995 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,SWAT
19.	Tariq Ahmad	Matric	03/04/1975 Swat	27-02-1995 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,SWAT
20.	Syed Alam Shah	Matric	13/02/1974 Mansehra	15-03-1995 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,Mansehra
21.	Hazrat Muhammad	B.A.	01/01/1970 Malakand	23-07-1995 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,Malakand
22.	Jehan Alam	B.A.	07/03/1984 Shangla	12-04-2007 Junior Clerk BS-05	11/02/2019	16	Promotion	Assistant (BS-16) at District Public Prosecutor ,Shangla
23.	Ismail Khan	B.A	10-01-1982 MALAKAND	15-03-2019 Assistant BS-16	15-03-2019	16	Appointed through KPPSC	Assistant (BS-16) at Office of the District Public Prosecutor, Charsadda
24.	Raisul Ahrar Bacha	B.S (Zoology)	05-07-1994 SWAT	15-03-2019 Assistant BS-16	15-03-2019	16	Appointed through KPPSC	Assistant (BS-16) at DIRECTORATE OF PROSECUTION
25.	Saba Gul	B.S(BOTANY)	16-01-1995 MARDAN	24-06-2019 Assistant BS-16	24-06-2019	16	Appointed through KPPSC	Assistant (BS-16) at DPP OFFICE Nowshera
26.	Muhammad Ali Shah	LLB (Hons)	26-11-1989 Abbottabad	03-09-2019 Assistant BS-16	03-09-2019	16	Appointed through KPPSC	Assistant (BS-16) at District Public Prosecutor Abbottabad

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S.NO	Name	Qualification	DOB & Domicile	Date of First Entry to Service with designation & BPS	Regular Appointment/Promotion to Present Post Present Posting			Present posting
					Date	BPS	Method of recruitment	
27.	Hanif-ur-Rehman	MA(Political Science)	01.03.1980 Bajaur	01.12.2004 Assistant BS-16	01.07.2019	16	Adjustment surplus pool	Gone to Benevolent Fund deptt on deputation
28.	Sadar Ayub	F.A	06/01/1985 UPPER KOHISTAN	12-04-2007 JUNIOR CLERK	20-012020	16	Promotion	Assistant(BS-16) at DPP OFFICE upper Kohistan
29.	Wahed Akhtar	D.COM	28/08/1987 KOHAT	12-04-2007 JUNIOR CLERK	20-012020	16	Promotion	Assistant(BS-16) at DPP OFFICE Kohat
30.	Fazle Rabi	MATRIC	10/01/1970 PESHAWAR	01-01-1992 NAIB QASID	20-012020	16	Promotion	Assistant(BS-16) at DPP OFFICE PESHAWAR
31.	Raja Arshad	MATRIC	04/02/1974 ABBOTTABAD	30-11-1995 NAIB QASID	20-012020	16	Promotion	Assistant(BS-16) at DPP OFFICE Abbottabad
32.	Bashir Ahmad	Matric	05/06/1965 Chitral	12/05/1990 Junior Clerk BS-05	4-03-2021	16	Promotion	Assistant(BS-16) at DPP OFFICE Chitral lower
33.	Muhammad Ashraf	Matric	03/04/1978 Peshawar	07-07-1997 Naib Qasid BS-01	4-03-2021	16	Promotion	Assistant(BS-16) at DIRECTORATE OF PROSECUTION
34.	Shamshad Iqbal	Matric	01/06/1973 FR Bannu	01-04-2006 Junior Clerk BS-7	4-03-2021	16	Promotion	Assistant(BS-16) at DPP OFFICE Bannu
35.	Jalal Uddin	M.Phi I	06-09-1990 Peshawar	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Assistant (BS-16) at DPP Office Peshawar
36.	Mubashir Dilawar	LLB	28-2-1990 Karak	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Assistant (BS-16) at DPP Office South Waziristan
37.	Amjid Kharr	MSc	8-3-1992 Peshawar	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Assistant (BS-16) at DPP Office Orakzai
38.	Hanif Ullah	MS	1-11-1994 Bajaur	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Assistant (BS-16) at DPP Office Kurram
39.	Haq Nawaz	MA	4-4-1985 Malakand	5-03-2021 Assistant (BPS-16)	5-03-2021	16	Initial	Assistant (BS-16) at DPP Office Hangu

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 Director Administration
 Directorate of Prosecution
 Khyber Pakhtunkhwa

**FINAL SENIORITY LIST OF SENIOR CLERKS (BPS-14), IN DIRECTORATE OF PROSECUTION, KHYBER
PAKHTUNKHWA 2022**

S.No	Name	Qualification	Date of Birth & Domicile	Date of first entry into service with designation & BPS	Present Posting
1.	Tariq Khan	B.A. LLB	01/04/1984 Charsadda	30-10-2009 Junior Clerk BS-7	Appointed as Assistant(BS-16) On Acting Charge Basis, Lakki Marwat
2.	Waseem Abbas	M.A.	05/02/1986 D.I.khan	30-10-2009 Junior Clerk BS-7	Appointed as Assistant(BS-16) On Acting Charge Basis) at D.I.Khan
3.	Shah Fahad	B.A	31/12/1988 Mardan	05-01-2009 Junior Clerk BS-7	Appointed as Assistant(BS-16) On Acting Charge Basis at Mardan
4.	Shah Zeb	F.A	17/01/1989 Mardan	30-10-2009 Junior Clerk BS-7	Appointed as Assistant(BS-16) On Acting Charge Basis DOP
5.	Bakht Pervesh	B.A.	11/04/1973 Buner	23-12-2003 Naib Qasid BS-1	Appointed as Assistant(BS-16) On Acting Charge Basis DOP
6.	Wali-ur-rehman	B.A	12/06/1973 Mansehra	23-12-2003 NAIB QASID Bs-1	Appointed as Assistant(BS-16) On Acting Charge Basis at Mansehra
7.	Nasir Ali	Matric	08/02/1974 Swat	23-12-2003 Naib Qasid BS-1	Appointed as Assistant(BS-16) On Acting Charge Basis at Dir Upper
8.	Jamshed Ahmad	Matric	06/01/1976 Lower Chitral	23-12-2003 Naib Qasid BS-1	Appointed as Assistant(BS-16) On Acting Charge Basis at Upper Chitral
9.	Muhammad Zarshad	Matric	18/05/1978 Swabi	23-12-2003 Naib Qasid BS-1	Appointed as Assistant(BS-16) On Acting Charge Basis DOP
10.	Muhammad Tariq Khan	DAE/BA	15/03/1991 Lakki Marwat	14-02-2014 Junior Clerk BS-07	Appointed as Assistant(BS-16) On Acting Charge Basis at Lakki Marwat
11.	Taj Rehman	M.A.	24/03/1986 Buner	03-09-2012 Naib Qasid	Appointed as Assistant(BS-16) On Acting Charge Basis at Buner
12.	Tufail Khan	M.A.	26/12/1992 Mardan	14-02-2014 Junior Clerk BS-07	Appointed as Assistant(BS-16) On Acting Charge Basis at Mardan
13.	Muhammad Nasir	B.Com	30/10/1993 Peshawar	14-02-2014 Junior Clerk BS-07	Appointed as Assistant(BS-16) On Acting Charge Basis DOP
14.	Noman	M.A	26/06/1986 Swat	14-02-2014 Junior Clerk BS-07	Appointed as Assistant(BS-16) On Acting Charge Basis at Bajaur
15.	Akhtar Hussain	M.A.	12/04/1984 Swat	30-10-2009 Junior Clerk BS-07	Senior Clerk Office of DPP Office Swat

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S.No	Name	Qualification	Date of Birth & Domicile	Date of first entry into service with designation & BPS	Present Posting
16.	Said Nawaz	Matric	12/12/1978 Buner	23-12-2003 Junior Clerk BS-07	Senior Clerk Office of DPP Office Buner
17.	Roman Mehmood Khan	B.A & LLB	09-07-1991 BANNU	02-05-2017 Junior Clerk BS-11	Senior Clerk Office of DPP Office Directorate of prosecution
18.	OSAMA	FSC	21-09-1996 Pesh	02-05-2017 Junior Clerk BS-11	Senior Clerk Office of DPP Office Directorate of prosecution
19.	Muhammad Arif	Matric	12-03-1968 Abbottabad	04-02-1993 Junior Clerk BS-11	Senior Clerk Office of DPP Office Abbottabad
20.	Imran Khan	Matric	27-07-1979 Malakand	23-12-2003 Naib Qasid BS-01	Senior Clerk Office of DPP Office Malakand
21.	Muhammad Yahya	B.A.	15-09-1979 Lower Chitral	23-12-2003 Naib Qasid BS-01	Senior Clerk Office of DPP Office Lower Chitral
22.	Haider Ali	F.A.	1-01-1980 Swat	23-12-2003 Naib Qasid BS-01	Senior Clerk Office of RD Office SWAT
23.	Subhanullah	Matric	18-05-1982 Dir Lower	23-12-2003 Naib Qasid BS-01	Senior Clerk Office of DPP Office BAJOUR
24.	Umer Ayaz	FA	15-08-1983 Karak	23-12-2003 Naib Qasid BS-01	Senior Clerk Office of DPP Office Bannu
25.	Asghar Ali	B.A.	5-01-1986 Dir Lower	23-12-2003 Naib Qasid BS-01	Senior Clerk Office of DPP Office Mohmand
26.	Asfandiyar Gul	F.A.	4-04-1978 Dir Upper	24-02-2004 Naib Qasid BS-01	Senior Clerk Office of DPP Office Dir Upper
27.	Farmanullah	B.A.	7-07-1979 Malakand	25-02-2004 Naib Qasid BS-01	Senior Clerk Office of DPP Office Malakand
28.	Fazal Haq	Matric	8-03-1982 Karak	24-07-2004 Naib Qasid BS-01	Senior Clerk Office of DPP Office Karak
29.	Syed Pir Hussain Shah	Matric	11-01-1981 Mansehra	16-08-2004 Naib Qasid BS-01	Senior Clerk Office of DPP Office Mansehra
30.	Abdul Fahim	F.A.	4-04-1976 Kohat	1-10-2005 Chowkidar BS-01	Senior Clerk Office of DPP Office, Kurram
31.	Hasan Shah	Matric	1-02-1980 Peshawar	1-10-2005 Chowkidar BS-01	Senior Clerk Office of DPP Office Directorate of Prosecution
32.	Muhammad Ilyas	Matric	02-1985 Hangu	2-10-2005 Chowkidar BS-01	Senior Clerk Office of DPP Office Hangu

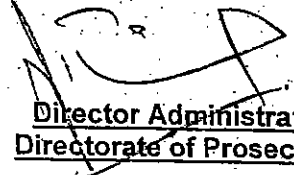
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S.No	Name	Qualification	Date of Birth & Domicile	Date of first entry into service with designation & BPS	Present Posting
33.	Amjad Ali	Matric	21-03-1987Swat	8-10-2005 Chowkidar BS-01	Senior Clerk Office of DPP Office SWAT
34.	Zar Ali Khan	Matric	15-09-1976 Peshawar	15-10-2005 Chowkidar BS-01	Senior Clerk Office of DPP Office Khyber
35.	Ayaz Khan	Matric	12-01-1981 Peshawar	05-03-2020 Chowkidar BS-01	Senior Clerk Office of DPP Office Peshawar
36.	Tahir Javed	Matric	16-03-1982 Karak	21-10-2005 Sweeper BS-01	Senior Clerk Office of RD Office Bannu
37.	Saeed ullah	Matric	6-01-1974 Dir Lower	25-10-2005 Sweeper BS-01	Senior Clerk Office of DPP Office Dir Lower
38.	Salamuddin	B.A.	1-05-1970 Shangla	28-10-2005 Chowkidar BS-01	Senior Clerk Office of DPP Office Shangla

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 Directorate of Prosecution



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DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

ANNEXURE G

No. _____
Dated Peshawar dt. 10/3/2022
Office Phone # 091-9212559
Fax # 091-9212559
E-mail kpprosecution@yahoo.com

CORRIGENDUM ORDER:

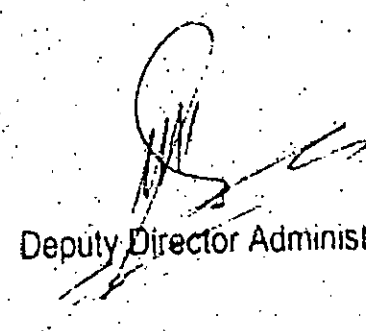
No. DP/E&A/1(66)3618⁶³ In partial modification to this office Notification bearing No. DP/E&A/1 (100)2785-2810 Dated: 04-03-2021, the promotion of Senior Clerk (BPS-14) to the post of Assistant (BPS-16) from serial No. 04 to 17 may be read as acting charge basis instead of regular basis.


-Sd-

Director General Prosecution
Khyber Pakhtunkhwa.

Endst : of even No. dated:
Copy forwarded for information to:

1. All RDs/DPPs of Khyber Pakhtunkhwa.
2. All District Account Offices Khyber Pakhtunkhwa.
3. PA to Director General Prosecution, Khyber Pakhtunkhwa.
4. Officials concerned.


Deputy Director Administration


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Advocate

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ANNEXURE H

To

The Honorable Secretary,
Home Department,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

[Handwritten signature]
22-3-2021

Subject: APPEAL AGAINST THE UNLAWFUL CORRIGENDUM VIDE ORDER NO. DP/E&A/1(66)3618-63 DATED 10-03-2022 IN WHICH THE APPELLANT WAS UNLAWFULLY AND UNCONSTITUTIONALLY REVERTED FROM THE POSITION OF ASSISTANT BS-16 ON REGULAR BASIS TO THE POSITION OF ASSISTANT BS-16 ON ACTING CHARGE BASIS.

PRAYER:

Upon acceptance of this appeal, the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 issued by the honorable Director General Prosecution, Khyber Pakhtunkhwa, be rescinded and set aside, and the appellant be restored, retained and kept as Assistant BS-16 on a regular basis as per the order No. DP/E&A /1(100)/2785-2810 dated 04-03-2021.

SHEWETH WITH RESPECT!

1. According to order No. DP/E&A /1(100)/2785-2810 dated 04-03-2021, the appellant is currently employed as an Office Assistant (BS-16) in the office of the District Public Prosecutor Lakki Marwat. (See Annex "A")
2. That the appellant was initially appointed as a Junior Clerk in BS-07 in the Directorate of Prosecution by Director General Prosecution order DP/E&A /1(1)/1310-22 dated 14-02-2014. (See Annex "B")
3. That the appellant was assigned to the office of DPP Lakki Marwat as a Junior Clerk by order No. DP/E&A/1(1)1976-93 dated February 28, 2014, and that the petitioner/objector began working at the office of DPP Lakki Marwat from March 7, 2014. (See Annex "C")
5. That the appellant was promoted to Senior Clerk BS-14 in the office of DPP Lakki Marwat by order No. DP/E&A/1(100)/57-84 dated 03-01-2018. (See Annex "D")
6. That the appellant was promoted to the position of Assistant (BS-16) on regular basis by the recommendation of the Departmental Promotion Committee on 04-03-2021 and placed in the office of the District Public Prosecutor Lakki Marwat by order No. DP/E&A/1(100)2785-2810 dated 04-03-2021. As a result, on 05-03-2021, the undersigned assumed the position of Assistant in the office of DPP Lakki Marwat. (See Annex "E")
7. That following this promotion to Assistant, the Deputy Director Administration vide letter No. DP/E&A/1(66)10750-90 dated 27-08-2021 created and sent a

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DP/E&A/1(100)/57-84
Admission
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provisional seniority list of Assistants BS-16, in which the appellant was placed on serial No. 46. Following that, a final seniority list for Assistant BS-16 was created, with the petitioner objector being assigned to serial No. 46. (See Annex "F")

8. That, astonishingly, the worthy Director General Prosecution, Khyber Pakhtunkhwa issued an illegal, unlawful, unconstitutional and non-factual corrigendum vide order No. DP E&A 1(66)3618-63 dated 10-03-2022, in which the appellant and 13 other Assistants (BS-16) were reverted from Assistant (BS-16) Regular to Assistant (BS-16) on Acting Charge Basis, despite the fact that the appellant and the other 16 Assistants were promoted on the same day and date and had been kept so and together before this impugned order. (See Annex "G")

9. That the appellant and the other 13 Assistants were put on the Senior Clerks (BS-14) seniority list as a result of the said but impugned corrigendum, the seniority list which has already been challenged and objected to by the appellant individually.

10. That the appellant requests the authority with due veneration that the impugned corrigendum vide order No. DP E&A/1(66)3618-63 dated 10-03-2022 issued by the honorable Director General Prosecution, Khyber Pakhtunkhwa, be set aside on the following grounds:

ROUNDS:

i. That the contested corrigendum vide order No. DP E&A 1(66)3618-63, dated 10-03-2022, is evidently illegal, arbitrary, whimsical, perverse, unlawful, and contrary to the facts, and hence should be set aside.

ii. That the appellant worked for the Directorate of Prosecution for almost eight years, and that before being promoted to Assistant BS-16, he worked as a Junior and Senior Clerk for more than seven years. According to the Prosecution Service Rules, at least 05 years of service as a Senior and Junior Clerk is required for promotion to BS-16 from BS-14. Thus, prior to being promoted to Assistant, the appellant had the required period of service and seniority cum-fitness for a regular promotion. As a result, the issuance of the disputed corrigendum vide order No. DP E&A/1(66)3618-63 dated 10-03-2022 is not only illegal, unconstitutional, and against the law, but is also a gross injustice to the appellant, and is subject to recall.

iii. That the appellant was promoted to the post of Assistant on a regular basis on the recommendation of the Departmental Promotion Committee and has served on the same post for more than a year successfully completing the probation period for the post. Furthermore, the appellant has never been reported for incompetence or misbehavior to cause the issuance of the impugned corrigendum vide order No. DP E&A-1(66)3618-02. As a result, the contested corrigendum may be returned.

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provisional seniority list of Assistants BS-16, in which the appellant was placed on serial No. 46. That a final seniority list of Assistant BS-16 was created, with the petitioner/objector being assigned at serial No. 46. (Annexure "F")

8. That, astonishingly the worthy Director General Prosecution, Khyber Pakhtunkhwa issued an illegal, unconstitutional and against the law and facts corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 in which the appellant and 13 other Assistants BPS-16 were reverted from Assistant BS-16 Regular to Assistant BS-16 on Acting Charge Basis despite the fact that the appellant and the other 16 Assistant were promoted on the same day and date and had been kept to and together before the impugned order. (Annexure "G")
9. That the appellant and 13 Assistants were placed on the seniority list of Senior Clerks (BS-14), which seniority list as a result of the said but impugned corrigendum, the seniority list which has already been challenged and objected to by the appellant individually.
10. That the appellant requested the authority with due veneration that the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 issued by the worthy Director General Prosecution, Khyber Pakhtunkhwa, the appellant seeks to set-aside the said corrigendum inter alia on the following grounds.

GROUND:

- i. That the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 is patently illegal, arbitrary, fanciful, perverse, unlawful and against the facts, hence liable to be set-aside.
- ii. That the appellant served in the Directorate of Prosecution for about 08 years and before promotion to the post of Assistant BS-16, the appellant served for more than 07 years as Junior and Senior Clerk. The qualification for promotion to BS16 from BS-14 as provided in Prosecution Service Rules is at least 05 years' service as Senior and Junior Clerk. Thus, before the promotion to the post of Assistant, the appellant had the required length of Service and seniority cum fitness for the promotion on regular basis. Hence, issuance of impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 is not only illegal, unconstitutional, against the law but also grave injustice with the appellant, and liable to be recalled.
- iii. That the appellant was promoted on regular basis on the recommendation of Departmental Promotion Committee to the post of Assistant on regular basis and has served since then in the same post for more than a year, therefore, the probation period provided for the post was successfully completed and neither the appellant was reported by the reporting officer for incompetence nor for any misconduct, thus issuance of impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 for converting the regular promotion of the appellant to one on acting charge basis is not only arbitrary but also perverse and against the law and service rules of this province. Hence, the impugned corrigendum order may be struck down.


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iv. That after the appellant's regular promotion to Assistant BS-16, the appellant's post of Senior Clerk (Class IV) was filled through promotion from amongst the Junior Clerks, and similarly the post left vacant by the promotion of Junior Clerk to the post of Senior Clerk was later on filled through promotion and direct recruitment. Similarly, the vacancies created by the promotion of Class IV officials to the position of Junior Clerks were filled through recruitment. The same officials, such as Class IV Senior Clerks and Junior Clerks, continue to work in the Directorate of Prosecution at various districts and have not been discharged. It is also worth mentioning that they've been assigned to a tentative seniority list. As a result, the challenged corrigendum decree is illegal and unsustainable.

v. That by issuing the impugned corrigendum vide order No. DP/E&A/1(66)3618-63 dated 10-03-2022, whereby the appellant's regular promotion was illegally and unconstitutionally converted to one on Acting Charge Basis and by the operation of the said impugned order, 05 Assistants BS-16 who were appointed through direct recruitment later in time to the appellant's promotion were declared seniors to the appellant, the operation of said impugned corrigendum vide order No. DP/E&A/1(66)3618-63 dated 10-03-2022 is not only colorable exercise of authority but also against the norms of natural justice and Service Laws and Rules, hence the impugned corrigendum vide order No. DP/E&A/1(66)3618-63 dated 10-03-2022 is not sustainable.

If the opportunity arises, other reasons may be argued during the personal hearing.

Therefore, it is respectfully requested that the appeal be accepted, the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 be revoked and set aside, and the appellant be restored and retained as Assistant BS-16 on a regular basis as per the order No. DP/E&A/1(100)/2785-2810 dated 04-03-2021.

Yours sincerely,

ATTORNEY
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Advocate

Muhammad Tariq Khan
ASSISTANT (BS-16)
O/O DP/Lahore Margal

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- iv. That after the promotion of the appellant to the post of Assistant BS-16 on regular basis, the post of Senior clerk (BS-14) left vacant by the appellant was filled through promotion from amongst the Junior Clerks, and similarly the post left vacant by the promotion of junior clerk to the post of Senior Clerk was later on filled on promotion and direct recruitment. And likewise, the post of class-IV officials left vacant due to promotion of Class-IV to the post of Junior Clerks were also filled through recruitment. The same officials i.e Class-IV, senior and junior clerks are still serving in directorate of prosecution in different district formations and are not dismissed from service. It is pertinent to mention that they are also placed in the tentative seniority list formulated. Hence, the impugned corrigendum order is against the law and not sustainable.
- v. That great injustice has been done with the appellant by issuing the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022, whereby the regular promotion of the appellant has been converted illegally and unconstitutionally to one on acting charge basis, and by the operation of said impugned order, 05 Assistants BS-16 who were appointed through direct recruitment later in time to the promotion of the appellant were declared seniors to the appellant, the operation of said impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 is not only colorful exercise of authority but also against the norms of natural Justice and Service Laws and rules, hence the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 is not sustainable.

If the opportunity arises, other reason may be argued during the personal hearing.

Therefore, it is respectfully requested that the appeal be accepted, the impugned corrigendum order No. DP/E&A/1(66)3618-63 dated 10-03-2022 be revoked and set aside, and the appellant be restored and retained as Assistant BS-16 on a regular basis as per the order

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Advocate

(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

MUHAMMAD TARIQ KHAN

VS

GOVT. OF KP& OTHERS

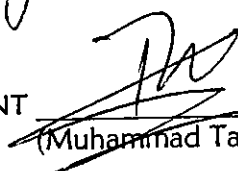
I, Muhammad Tariq Khan do hereby nominated and appointed **MUHAMMAD MAAZ MADNI**, Advocate High Court, Peshawar, to be counsel in the above matter for me/us and on my/our behalf as agreed to appear, plead, act and answer in the above court or any appellate court or any court to which the business is transferred in the above matter as and is agreed to sign and file petition, appeals, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out; and to apply for and receive payment of any or all sums or submit the above matter to arbitration, and to employ an other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the advocate whenever he may think fit to do so.

AND to do all acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.


AND I/WE hereby agree to ratify and confirm all lawful acts done on my/our behalf; under or by virtue of these present or of the usual practice in such matter. PROVIDED always that I/WE undertake at the time of calling of the case by the court I/MY authorized agent shall inform the advocate and make him appear in the court, if the case, may be dismissed in default, it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS WHERE OF I/We hereunto set MY/OUR hand to these presents, the contests of which have been explained to and understood by ME/US this 4th day of July 2022.

EXECUTANT


(Muhammad Tariq Khan)

Accepted subject to the terms regarding fees:


MUHAMMAD MAAZ MADNI,
ADVOCATE HIGH COURT, PESHAWAR
BC No.(BC-11-1460)
CNIC No. 17101-9263898-1

OFFICE: KHATTAK LAW ASSOCIATES,

TF-291 & 292, Deans Trade Centre, Peshawar Cantt.:

Contact#: 0333-9313113, 0345-9090737