

20.08.2019

Appellant in person and Mr. Muhammad Riaz Khanm Paindakhel, Asstt. AG alongwith Naqibullah, Stenographer for the respondents present.

Representative of respondents requests for further time. Last opportunity granted to the respondents for submission of requisite reply on 03.09.2019 before S.B.


Chairman

03.09.2019

Appellant in person and Mr. Naqeebullah, Senior Scale Stenographer alongwith Mr. Usman Ghani, District Attorney for the respondents present.

The instant appeal is instituted with the prayer for amendment in Notification dated 03.04.2018 to the effect of including the holder of post of Mali to be eligible for promotion to the post of Junior Clerk (BPS-11).

Today, representative of the respondents has produced copy of Notification dated 26.08.2019 issued by Secretary Establishment Government of Khyber Pakhtunkhwa whereby the requisite amendment has been made in the rules. The same is placed on record.

In view of the development, the appeal in hand has become infructuous and is disposed of accordingly.

ANNOUNCED
03.09.2019


CHAIRMAN


08.04.2019 Clerk to counsel present. Addl: AG for respondents present. Written reply not submitted. Notices be issued to the respondents for submission of written reply/comments on 08.05.2019 before S.B.


(Ahmad Hassan)
Member

08.05.2019 Appellant alongwith counsel present. Mr. Sajid, Superintendent for respondent No. 4 and respondent No. 5 in person alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Learned District Attorney requested for further adjournment. Adjourned to 25.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.06.2019 Counsel for the appellant and Addl: AG alongwith Mr. Muhammad Shamim, SO for respondents present. Written reply on behalf of respondents not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 20.08.2019 before S.B.


(Ahmad Hassan)
Member

Service Appeal No. 1005/2018

02.01.2019

Appellant alongwith his counsel present. Respondent No. 5 in person and Mr. Sultan shah, Assistant on behalf of respondent No. 2 & 3 alongwith Mr. Kabirullah Khattak, Additional AG present.

A request for adjournment made on behalf of the respondents in order to submit the requisite reply/comments.

Adjourned to 31.01.2019 for submission of reply/comments before S.B.



**Muhammad Amin Khan Kundi
Member**

31.01.2019

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG for the respondents present and requested for adjournment for filing of written reply. Adjourned. To come up for written reply /comments on 18.03.2019 before S.B.



**(MUHAMMAD AMIN KHAN KUNDI)
MEMBER**

18.03.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned to on 05.04.2019 before S.B.



**Member
(Ahmad Hassan)**

23.11.2018

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for written reply/comments on 05.12.2018 before S.B.



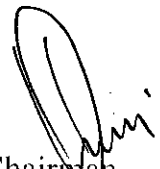
Muhammad Amin Khan Kundi
Member

05.12.2018

Appellant alongwith counsel and respondent No. 5 in person alongwith Addl. AG for the respondents present.

A request for adjournment made on behalf of the respondents in order to submit the requisite reply/comments.

Adjourned to 2.01.2019 for submission of reply/comments before S.B.



Chairmah

ANNOUNCED
05.12.2018

02.10.2018

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Naqeeb Ullah, Senior Scale Stenographer for the respondents present. Written reply not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 24.10.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

23-10-18

Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 12-11-2018


Reader

12.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 23.11.2018. Written reply not received.


READER

31.08.2018

Counsel for the appellant Muhammad Faizan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Khyber Pakhtunkhwa Service Tribunal as Mali. It was further contended that Government of Khyber Pakhtunkhwa Establishment Department issued Notification dated 03.04.2018 wherein method of recruitment and promotion of various posts is mentioned. It was further contended that as per procedure for promotion of Junior Clerk shown at Serial No. 17 Daftaries, Bailiffs, Generator Operators, Photostat Operators, Naib Qasids, Process Servers, Chowkidars and Sweepers were held entitled for promotion from the said post to the post of Junior Clerk subject to qualification and length of service mentioned in the said Notification but the post of Mali has not been mentioned in the said notification for promotion to the post of junior clerk therefore, the impugned notification is liable to be rectified. The appellant also filed departmental appeal on 27.04.2018 which was not responded hence, the present service appeal on 13.08.2018.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 02.10.2018 before S.B.

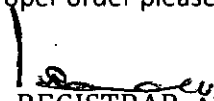

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1005/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/08/2018 15-8-2018	<p>The appeal of Mr. Muhammad Faizan presented today by Mr. Ali Azim Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 13/8/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-8-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1005/2018

Service Tribunal

Peshawar, Khyberpakhtunkhwa

Muhammad Faizan, presently serving as Mali (BPS-3), Service Tribunal Khyber Pakhtunkhwa, Peshawar

.....Appellant

VERSUS

-
1. The Government of KP through the Secretary Ministry of Law, Parliamentary Affairs & Human Rights, Peshawar
 2. The Chief Secretary Khyber Pakhtunkhwa, Peshawar
 3. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar
 4. The Secretary Finance, Khyber Pakhtunwa, Peshawar
 5. Service Tribunal through its Registrar, Judicial Complex, Peshawar

.....Respondent(s)

SERVICE APPEAL**(ON BEHALF OF THE APPELLANT)**

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR
Service Appeal No. 1005/2018

Muhammad Faizan

.....Appellant

Versus

The Government of KP through the Secretary Ministry of Law,
 Parliamentary Affairs & Human Rights & Others

.....Respondent(s)

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Appellant

Through

Ali Azim Afridi
 Advocate, Peshawar

Contact # 0333-9555000

13-08-18

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 1005/2018

Muhammad Faizan, presently serving as Mali (BPS-3), Service Tribunal Khyber Pakhtunkhwa , Peshawar

.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Versus

Diary No. 1283

Dated 13-8-2018

1. The Government of KP through the Secretary Ministry of Law, Parliamentary Affairs & Human Rights, Peshawar
2. The Chief Secretary Khyber Pakhtunkhwa, Peshawar
3. The Secretary Establishment, Khyber Pakhtunkhwa, Peshawar
4. The Secretary Finance, Khyber Pakhtunkhwa, Peshawar
5. Service Tribunal through its Registrar, Judicial Complex, Peshawar

.....Respondent(s)

Filed to-day
Registrar
13/8/18

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNAL ACT, 1974 IMPUGNING THEREIN THE NOTIFICATION DATED 03.04.2018 ISSUED AT THE INSTANCE OF RESPONDENT NO. 3; WHEREIN THE APPELLANT THOUGH A CIVIL SERVANT; DULY APPOINTED AND AS SUCH SERVING IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL WAS DEPRIVED OF RIGHT OF PROMOTION; NON-MENTIONING THE

CADRE/POST OF MALI IN THE APPENDIX APPLICABLE TO THE POSTS OF THE OFFICE OF SERVICE TRIBUNAL KP; ALLOWING PROMOTION TO CERTAIN CIVIL SERVANTS AND THAT TOO TO THE DETRIMENT OF THE APPELLANT; SINCE THE NOTIFICATION IN QUESTION TO SUCH EXTENT IS ULTRA VIRES OF THE CONSTITUTION, LAW AND JURISPRUDENCE IN VOGUE IN THE STATE OF ISLAMIC REPUBLIC OF PAKISTAN.

OR

IN ALTERNATIVE THE PRINCIPLE "CASUS OMISSUS", MAY PLEASE BE SUPPLIED TO BE READ IN THE NOTIFICATION DATED 03.04.2018 FOR THE PURPOSES OF INCLUSION OF THE CADRE/POST OF THE APPELLANT TO BE CONSIDERED FOR PROMOTION TO THE POST OF JUNIOR CLERK (BPS-11); AS SUCH THE SAME BEING WITHIN THE FOUR CORNERS OF THE RULES ITSELF.

Respectfully Sheweth,

1. That The Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.
2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that, *"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution".*

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.
4. That the Constitution of Islamic Republic of Pakistan provides for, declaring any law, custom or usage having the force of law; insofar as it is inconsistent with or in derogation of Fundamental Rights to be void.
5. That the Constitution of Islamic Republic of Pakistan enables, the state not to make any law, which takes away or abridges the rights so conferred; distilling the command of the Constitution. **(Copy of the Departmental Appeal is annexed as Annexure ("A"))**

ON FACTS

6. That the appellant was appointed as Mali (BPS-3), against the vacant post in the Khyber Pakthunkhwa Service Tribunal. **(Copy of the appointment order dated 01.06.2016 is annexed as Annexure "B")**.
7. That the notification dated 01.06.2016 provides for the services of the appellant to be governed by such rules and regulations as may be issued from time to time by the Provincial Government.
8. That the law opted for by the Provincial Government provides for; to regulate the appointment of persons to, and the terms and conditions of service of persons in the service

¹ PLD 2013 SC 501

of Khyber Pakhtunkhwa. **(Copy of the Khyber Pakhtunkhwa Civil Servants Act, 1973 is annexed as Annexure "C")**

9. Similarly, it also provides for promotion of a civil servant otherwise eligible to a higher post for the time being reserved under the rules for departmental promotion in the service or cadre to which he belongs.
10. That in this regard; rules were framed by the Provincial Government deemed necessary and expedient; so as to carry out the purposes of the parent act; allowing appointments, promotions or matters connected therewith in the service of Khyber Pakhtunkhwa. **(Copy of the Khyber Pakhtunkhwa Civil Servants - Appointment, Promotion and Transfer Rules 1989 is annexed as Annexure "D")**
11. That the stated rules provides for the method of appointment besides empowering the Department concerned so as to lay down the method for recruitment, qualifications and other conditions in consultation with respondent No. 3 and 4.
12. That following the same; respondent No. 3 in consultation with respondent No. 4 laid down the method of recruitment, qualification etcetera vide notification dated 03.04.2018; applicable to the posts in the office of respondent No.5. **(Copy of the notification dated 03.04.2018 is annexed as Annexure "E")**
13. That though respondent No. 5 has been treated to have been a self-contained unit with limited number of posts; allowing carrier advancement for those serving in the Service Tribunal KP; leaving the appellants in state of lurch.

In Suo Moto Case No. 19 of 2016², it was held that, *"Good governance was not a favour to be bestowed on the people; it was their right".*

14. That for the sake of brevity and information; the stated method delineated for the office of respondent No. 5; allows promotion to Daftaries, Bailiffs, Generator Operators, Naib Qasids, Process Servers, Chowkidars and Sweepers, to the post of Junior Clerk (BPS-11); but to utter most disregard and despite the stated position of having a post of Mali in the Service Tribunal; the appellant's post and position has been considerably taken for granted and that for no obvious and plausible reason; hence, warranting interference of the Hon'ble Tribunal.

In Fazlul Quader Chowdhry's Case³, "It was held that, *"In any case of conflict the fundamental law must govern, and the act in conflict with it must be treated as of no legal validity".*

15. That the palpable omission on the part of respondent No. 3 and 4; not allowing a person acting as Mali to be promoted to the position of Junior Clerk (BPS-11) in the office of respondent No. 5; is an act inconsistent with and in derogation of fundamental rights provided for by the Constitution and the applicable laws/rules prevalent in the province of Khyber Pakthunkhwa.

In Abdul Khaliq's Case⁴, It was held that, *"It is settled principle of interpretation that, if a subordinate legislation is directly repugnant to the General Purposes of the Act, which authorize it, or indeed is repugnant to any settled and well*

² 2017 SCMR 683

³ PLD 1963 SC 486

⁴ 2012 PLC (C.S) Quetta 1211

established principle of statute, it is ultra vires”.

16. That the appellant preferred departmental appeal/representation on 27.04.2018 against the impugned notification No. SOE-V/E&AD/13-0-2018 Dated 03.04.2018; seeking inclusion of the cadre of appellant i.e Mali in the list of promotion to the post of Junior Clerk (BPS-11); which appeal was left unattended to by the competent authority till date. Hence the instant service appeal inter-alia on the following grounds:-

GROUND

- A.** That the impugned notification dated 03.04.2018; is ultra vires of the Constitution, contrary to law, well-settled jurisprudence in field and practice.
- B.** That the impugned notification dated 03.04.2018; to the extent of non-inclusion of cadre of the, appellant i.e. Mali in the list of promotion to the post of Junior Clerk (BPS-11); is totally uncalled for, against the law governing the subject matter.
- C.** That the respondent No. 3 and 4; while framing rules cannot deviate from what is prescribed by law and rules governing the subject matter.
- D.** That the respondent No. 3 and 4; has overlooked the well-settled principles, while laying down the method of recruitment for the office of respondent No. 5.
- E.** That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁵
- F.** That the respondent No. 3 and 4 by no stretch of imagination can issue notifications of like nature; allowing

⁵ PLD 1993 SC 473 at Page 687

trespass and transgression of the precincts laid down by the Supreme Court of Pakistan.

- G.** That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- H.** That "*Ignorantia juris non excusat*", commanding that ignorance of the law excuses not.
- I.** That it is the duty of the judiciary to examine vires of legislation at the touchstone of the Constitution⁶.

In I.A. Sharwani's Case⁷, It was held that, "Service Tribunal was competent to adjudicate on the question of "vires" of rules framed by the department, even if the same were challenged on the basis of violating fundamental rights of the civil servant; the very rules were deemed to be final order"⁸.

- J.** That a law promulgated by delegated legislature, according to legal principle, must also stand the additional test of not being uncertain, unreasonable, ultra vires of the parent statute or in conflict with any other law⁹.
- K.** That further necessary grounds will be raised during the course of arguments.

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

- 1.** The impugned notification dated 03.04.2018; be set at

⁶ PLD 1997 SC 32

⁷ 1991 SCMR 1041

⁸ PLD 1980 SC 153

⁹ PLD 2011 Lhr 120

naught in line with the grounds agitated in the service appeal; allowing the inclusion of appellant's cadre i.e. Mali, in the list of promotion; to the post of Junior Clerk BPS - 11.

2. That in alternative; the principle "casus omissus", may please be supplied to be read in the notification dated 03.04.2018 for the purposes of inclusion of the cadre/post of the appellant to be considered for the post of Junior Clerk (BPS-11); as such the same being within the four corners of the rules itself.

In Amanullah's Case¹⁰, it was held that, *"Where a given state of affairs did not come within obvious meaning of words of statute i.e. when certain contingencies were not provided for, or where words did not embrace particular question involved, that would be a case of "casus omissus"*

3. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.

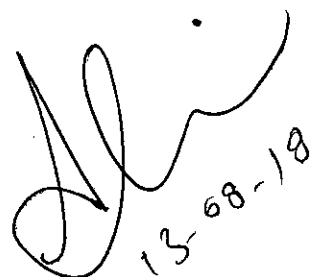

Appellant

Through

Ali Azim Afridi

Advocate, Peshawar

Contact # 0333-9555000


13-68-18

¹⁰ 1995 SCMR 1856

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2018

Muhammad Faizan

.....Appellant

Versus

The Government of KP through the Secretary Ministry of Law,
Parliamentary Affairs & Human Rights & Others

.....Respondent(s)

AFFIDAVIT

I, **Muhammad Faizan**, presently serving as **Mali, Service Tribunal Khyber Pakhtunkhwa, Peshawar**, appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.


Deponent

CNIC # 13503-5554322-7

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2018

Muhammad Faizan

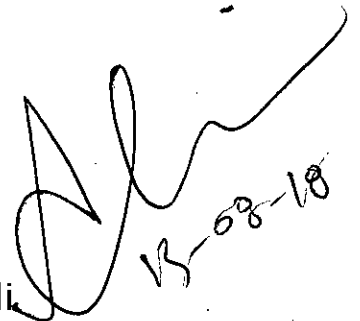
.....Appellant

VersusThe Government of KP through the Secretary Ministry of Law,
Parliamentary Affairs & Human Rights & Others

.....Respondent(s)

MEMO OF ADDRESS OF PARTIES**Appellant**Muhammad Faizan, presently serving as Mali (BPS-3),
Service Tribunal Khyber Pakhtunkhwa , Peshawar**Respondent(s)**

1. The Government of KP through the Secretary Ministry of Law, Parliamentary Affairs & Human Rights, Peshawar
2. The Chief Secretary Khyber Pakhtunkhwa, Peshawar
3. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar
4. The Secretary Finance, Khyber Pakhtunkhwa, Peshawar
5. Service Tribunal through its Registrar, Judicial Complex, Peshawar

Appellant**Through**Ali Azim Afridi
Advocate, Peshawar**Contact # 0333-9555000**


13-08-18

Annexure 'A'

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 501

Date: 27/04/2018

To,

The worthy Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat,
Peshawar.

Through: Proper Channel

Subject: - DEPARTMENTAL REPRESENTATIVE AGAINST THE
NOTIFICATION NO. SOE-V/E&AD/13/02/2018 DATED
03.04.2018.

Being aggrieved of notification ibid, the appellant submits the departmental representation on the following grounds

That the appellant is in employee of Khyber Pakhtunkhwa Service Tribunal the appellant initially joined the service as Mali (BPS-03) in the year 2016 and having Qualification of B.A.

S.No.17 of the notification (Junior Clerk-BPS-11).

That in all other similar departments and attached departments, similar offices like High Court etc the Mali are being given promotion to the post of Junior Clerk to enable them to get promotion chances further. Therefore, the impugned notification has been made by ignoring the settled precedents and norms which need amendment.

That the all the Class-IV employees including sweeper, Chowkidars etc were included in the list of promotion to junior clerk post but the cadre of the appellant i.e Mali was not included in list of Class-iv to get the promotion to the post of Junior Clerk which is great injustice with the appellant, Which is also discriminatory attitude of towards the appellant.

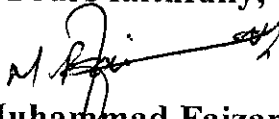
That it is an admitted position that the service tribunal is limited self contained unit with limited number of post and the available meager vacancies in higher pay scale is only means of their carrier advancement.

The impugned notifications has been made disadvantages to the service career of the appellant by ignoring his further channel of promotion to other equal posts in the Establishment of Service Tribunal. Which is the violation of Article 2A, 4, 9, 25 & 38(e) of the Constitution. And also gave lost to the appellant in shape of monetary benefits including pension etc, which is great injustice and illegal and also against the norms of justice


It, is therefore most humbly prayed that on acceptance of this departmental representation, the impugned notification dated 03.04.2018 may graciously modified with suitable amendment as pointed out and include the cadre of appellant i.e Mali in the list of promotion to the post of Junior Clerk.

Dated 27.04.2018

Yours faithfully,


Muhammad Faizan,

**MALI (BPS-03)
Service Tribunal Peshawar.**



15
Annexure 4B
GOVERNMENT OF KPK, SERVICE TRIBUNAL, PESHAWAR

ORDER

In pursuance of recommendations of the Departmental Selection Committee Mr. Muhammad Faizan S/O Abid Hussain is hereby appointed as Mali (BPS-3) viz (6535-260-14335) plus usual allowances as admissible under the rules against the vacant post in Khyber Pakhtunkhwa Service Tribunal.

He will be governed by such rules and regulations as may be issued from time to time by the Provincial Government, for the category of Civil Servants to which he belongs. His terms and conditions are as follows:-

- I. He will be initially, on probation for a period of one year extendable for further period of one year.
- II. In case he wishes to resign at any time, fourteen days notice will be necessary or in lieu thereof fourteen days pay shall be forfeited to Government.
- III. He will produce medical certificate of fitness from Medical Superintendent, Civil hospital, Peshawar.
- IV. His appointment is on temporary basis and liable to be terminated at any time without assigning any reason before the expiry of the period of probation, if his performance during this period is not found satisfactory.

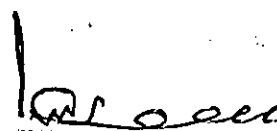

CHAIRMAN
KPK SERVICE TRIBUNAL
PESHAWAR

NO. 935-37/ST

Dated 1-6-2016

Copies forwarded.

1. The Accountant General, Khyber Pakhtunkhwa Peshawar, for information and necessary action.
2. Mr. Muhammad Faizan S/o Abid Hussain P.O Palsala Rotikian Lasa Nawab District Mansehra.
3. Personal File


REGISTRAR
KPK SERVICE TRIBUNAL
PESHAWAR


THE '[KHYBER PAKHTUNKHWA] CIVIL SERVANTS ACT, 1973.

²[KHYBER PAKHTUNKHWA] ACT NO. XVIII OF 1973)
[11th November, 1973].

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PREAMBLE

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3. Terms & Conditions.
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5. Appointment.
6. Probation.
7. Confirmation.
8. Seniority.
9. Promotion.
10. Posting and transfers.
11. Termination of services.
12. Reversion to a lower 3 post.
13. Retirement from service.
14. Employment after retirement.
15. Conduct.
16. Disciplinary action.

1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
2. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

Handwritten signature

- 17. Pay.
- 18. Leave.
- 19. Pension and gratuity.
- 20. Provident Fund.
- 21. Benevolent Fund and Group Insurances.
- 22. Right of appeal or representation.
- 23. Saving.
- 24. Removal of difficulties.
- 25. Appointment of persons on contract, etc.
- 26. Rules.
- 27. Repeal.

Amended
X

THE ¹[KHYBER PAKHTUNKHWA]CIVIL SERVANTS ACT, 1973.

²[KHYBER PAKHTUNKHWA]ACT NO. XVIII OF 1973)
[11th November, 1973].

(Received the assent of the Governor of the ³[Khyber Pakhtunkhwa]on 11th
November, 1973).

AN
ACT

to regulate the appointment of persons to, and the terms and conditions of service
of persons in the service of the ⁴[Khyber Pakhtunkhwa].

WHEREAS, it is expedient to regulate by law, the appointment of persons to and the terms and conditions of service of person in the service of the ⁵[Khyber Pakhtunkhwa] and to provide for matters connected therewith or ancillary thereto; Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the ⁶[Khyber Pakhtunkhwa]Civil Servants Act, 1973.
- (2) This section and section 25, shall apply to persons employed on contract, or on work charged basis or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.
- (3) It shall come into force at once.

CHAPTER-1
PRELIMINARY.

2. (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say,— Definitions.

(a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with

-
1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
 2. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
 3. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
 4. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
 5. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
 6. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

the prescribed method of recruitment,¹ pending recruitment in accordance with such method.

(b) "civil servant" means a person who is member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-

(i) a person who is on deputation to the Province from the Federation or any other Province or other authority;

(ii) a person who is employed on contract, or on work-charged basis or who is paid from contingences; or

(iii) a person who is "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);

(c) "Government" means the Government of the ¹[Khyber Pakhtunkhwa];

(d) "initial appointment" means appointment made otherwise than by promotion or transfer;

(e) "pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be pay;

(f) "permanent post" means a post sanctioned without limit of time;

(g) "prescribed" means prescribed by rules;

(h) "Province" means the ²[Khyber Pakhtunkhwa];

(i) "rules" means rules made or deemed to have been made under this Act;

(j) "selection authority" means the ³[Khyber Pakhtunkhwa] Public Service Commission, a departmental selection board departmental selection committee of other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made;

1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
2. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
3. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

(k) "temporary post" means a post other than a permanent post.

2. For the purpose of this Act, an appointment, whether by promotion or otherwise shall be deemed to have been made on regular basis if it is made in the prescribed manner.

**CHAPTER - II
TERMS AND CONDITIONS OF SERVICE OF SERVANTS**

3. The terms and conditions of service of a civil servant shall be as provided in this Act and the rules. Terms & conditions.

4. Every civil servant shall hold office during the pleasure of the Governor. Tenure of office of civil servant.

5. Appointments to a civil service of the Province or to a civil post in connection with affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf. Appointment.

6. (1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed. Probation.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise.-

(a) if he was appointed to such service or post by initial recruitment be discharged; or

(b) if he was appointed to such service or post by promotion or transfer, be reverted to the service.

or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:



Provided that in the case of initial appointment to a service or post a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. (1) A person appointed on probation shall on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed. Confirmation.

(2) A civil servant promoted to a post ¹[* * *]on regular basis shall be eligible for confirmation, after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing there from.

(5) Confirmation of civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8 (1) For proper administration of service, cadre or ²[post] the appointing authority shall cause a seniority list of the members for the time being of such service cadre or ³[post] to be prepared but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or ⁴[post] as the case may be. Seniority.

(2) Subject to the provisions of sub-section (1). the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or ⁵[cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, ⁶[Cadre] or post shall be determined as may be prescribed.

(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

1. The word "or grade" omitted by Khyber Pakhtunkhwa Ord.No.IV of 1985.
2. The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.
3. The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.
4. The word "Grade" substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.
5. The word "Grade" substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985.
6. The word "Grade" subs. by Khyber Pakhtunkhwa Ord No.IV of 1985.

“¹[(5) The seniority lists prepared under sub-section (1) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.]”

9. (1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a ²[higher] post for the time being reserved under the rules for departmental promotion in ³[* * *] the service or cadre to which he belongs. Promotion.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed —

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority – cum- fitness.

10. Every civil servant shall be liable to serve anywhere within or outside the Province in any post under the Federal Government, or any Provincial Government or local authority, or a an corporation or body set up or established by any such Government: Posting and transfers.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had been so required to serve.

11. (1) The service of civil servant may be terminated without notice.- Termination of services.

- (i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one ⁴[service] cadre or post to another ⁵[service] as he holds a line against his former post in such ⁶[service] or

¹. Added vide Khyber Pakhtunkhwa Act No.I of 1989.
². The word “higher” inserted vide Khyber Pakhtunkhwa Ord No.V of 1985.
³. The words “the higher grade of” omitted by Ord.No. IV of 1985.
⁴. The word “Grade”, subs.by Khyber Pakhtunkhwa Ord.No.IV of 1985.
⁵. The word “Grade”, subs.by Khyber Pakhtunkhwa Ord.No.IV of 1985.
⁶. The word “Grade”, subs.by Khyber Pakhtunkhwa Ord.No.IV of 1985.

cadre but he shall be reverted to his former ¹[service] cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made *ad hoc* terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of post in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2) the service of a civil servant in temporary employment or appointed *ad hoc* shall be liable to termination on fourteen days notice or pay in lieu thereof.

12. A civil servant appointed to a higher post or ²[To a higher post or before the commencement of the ³[Khyber Pakhtunkhwa]Civil Servants (Amendment) Ordinance 1985 to a higher⁴[grade] *ad hoc* or on temporary or officiating basis shall be liable to reversion to his lower post ⁵[* * *] without notice..

Reversion to a lower post.

⁶[“12-A Certain persons to be liable to removal or reversion.- Notwithstanding anything contained in his terms and conditions of service a civil servant appointed or promoted during the period from first day of January, 1972 to the fifth day of July, 1977, may be removed from service or reverted to his lower post ⁷[* * *] as the case may be without notice by the Governor or a person authorized by him in this behalf on such date as the Governor or as the case may be, the person so authorized may, in the public interest, direct.”]

⁸[13. Retirement from service. (1) A civil servant shall retire from service-

- (a) On such date after he has completed twenty five years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; or

¹ The word “Grade”, subs. by Khyber Pakhtunkhwa Ord.No.IV of 1985.
² Ins. by Khyber Pakhtunkhwa Ord.No IV of 1978.
³ Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
⁴ In the margin the word “Grade or sevice” subs. by Khyber Pakhtunkhwa Ord.No.IV of 1985.
⁵ The word “Grade” omitted by Khyber Pakhtunkhwa Ord.No.IV of 1958.
⁶ Section 12-A, ins. by Khyber Pakhtunkhwa Ord.No.IX of 1978.
⁷ The word “Grade” omitted by Khyber Pakhtunkhwa Ord.No.IV of 1958.
⁸ Substituted vide Khyber Pakhtunkhwa Ord No.VIII of 2000.

(b) Where no direction is given under clause (a), on the completion of the sixtieth years of his age.

(2) No direction under clause (a) sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation. – In this section, the expression “competent authority” means the appointing authority prescribed in rule 4 of the ¹[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.]”

14. (1) A retired civil servant shall not ordinarily be re-employed under Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Employment after retirement.

Provided that, where the appointing authority is the Governor, such re-employment may be ordered with the approval of the Governor.

(2) Subject to the provisions of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Probation) Act, 1966 (Act XII of 1966), a civil servant may during leave preparatory to retirement, or after retirement from Government service, seek any Private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. The Conduct of a civil servant shall be regulated by rules made or instructions issued by Government or a prescribed authority whether generally or in respect of a specified group or class of civil servants.

Conduct.

16. A civil servant shall be liable to Prescribed disciplinary action and penalties in accordance with the prescribed procedure.

Disciplinary action.

17. Civil servant appointed to a post ²[* * *] shall be entitled, in accordance with the rules, to the pay sanctioned for such post ³[* * *].

Pay.

Provided that, when the appointment is made on a current charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

¹. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
² The word “grade” omitted by Khyber Pakhtunkhwa Ord No.IV of 1985.
³. The word “grade” omitted by Khyber Pakhtunkhwa Ord No.IV of 1985.

Provided further that where civil servant has , under an order which is later set side, been dismissed or removed from service or reduced in rank, he shall on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

18. A civil servant shall be allowed leave in accordance with the leave rule applicable to him; provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority. Leave.

“¹[19. Pension and gratuity.--- (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed. Pension and gratuity.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension or gravity, as may be prescribed—.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-third of the pension or gravity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of Pension or gratuity admissible to a civil servant is delayedbeyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

Provided that those who are appointed in the prescribed manner to a service or post on or after the 1st July, 2001 till 23rd July, 2005 on contract basis shall be deemed to have been appointed on regular basis:

Provided further that the amount of Contributory Provident Fund subscribed by the civil servant shall be transferred to his General Provident Fund.

(5) In case any difficulty arises in giving effect to any of the provisions of this section, the Secretary to Government, Establishment Department shall constitute a Committee comprising of the Secretary to Government, Finance

¹. Substituted vide Khyber Pakhtunkhwa Act No.III of 2013.



Department, Secretary to Government Law Department and Accountant General, Khyber Pakhtunkhwa for removal of the difficulty.]”

20. (1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to including the interest accruing thereon, if any and withdrawals or advances from, his provident fund during the preceding financial year. Provident Fund.

(2) Where any subscription made by a civil servant to his provident fund has not been shown credited in the account by the Accounts Officer or other officer required to maintain such accounts such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

21. All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Employments Welfare Fund Ordinance, 1969 (W.P. Ord I of 1969) or the ¹[Khyber Pakhtunkhwa] Government Servants Benevolent Fund Ordinance, 1972 (²[Khyber Pakhtunkhwa] Ord. VII of 1972), and the rules made thereunder. Benevolent Fund and Group Insurances.

22. (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed be made within thirty days of the date of such order. Right of appeal or representation.

(2) Where no provisions for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may within thirty days of the communication to him of such order make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

CHAPTER – III MISCELLANFOUS.

23. Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor to deal with the case of any civil servant in such manner as may appear to him to be just and equitable: Saving.

1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
2. Subs Vide the Khyber Pakhtunkhwa Act IV of 2011.



Provided that where this Act or any rule is applicable to the case of a civil servant the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

24. If difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty: Removal of Difficulties.

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

25. The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work charged basis or who are paid out of contingencies: Appointment of persons on contract etc.


Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

26. (1) The Governor or any person authorized by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act. Rules.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules orders or instructions are not inconstant with the provisions of this Act, be deemed to be rules made under this Act.

27. The ¹[Khyber Pakhtunkhwa]Civil Servants Ordinance 1973 (²[Khyber Pakhtunkhwa]Ordinance No. VI of 1973) is here by repealed. Repeal.

1. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.
2. Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.



For official use



GOVERNMENT OF KHYBER PAKHTUNKHWA

**THE KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION AND TRANSFER)
RULES, 1989**

Compiled by:

O&M SECTION, REGULATION WING
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

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**THE KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

²(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

³(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

⁴(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

¹ For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011

² Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80, (Vol-II) dated 14-01-92.

³ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

⁴ Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the ¹Establishment and Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No. 1	Posts	Appointing Authority
21.	(a) Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service.	Chief Minister
	³ (b) Posts in Basic Pay Scale 17 other than those covered by (a) above and the post of Deputy Superintendent of Police; and.	Chief Secretary
	⁴ (c) Posts of Deputy Superintendents of Police.	Provincial Police Officer/ Inspector General of Police.
2.	Posts in Basic Pay Scale 16.	(a) In the case of Secretariat of the Government of Khyber Pakhtunkhwa, the Chief Secretary.

¹ For the words "Services and General Administration" wherever occurred, substituted with the words "Establishment and Administration" by Notification No. SO(O&M) E&AD/8-6/2001 dated 30-05-2001.

² Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.

³ Substituted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003.

⁴ Inserted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003.

(b) In case of High Court, the Chief Justice; and

(c) In the case of Attached Department:

(i) the Head of Attached Department concerned; and

(ii) In any other case the Secretary of the Department concerned.

3. Posts in Basic Pay Scales 3 to 15.

(a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and

(b) In other cases

(i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or

(ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.

4. Posts in Basic Pay Scale 1 and 2.

Deputy Secretary incharge of Administration or office, as the case may be.

5. **Departmental Promotion & Selection Committee/Board** - (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ²(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Establishment and Administration Department or the Department in consultation with the Establishment and Administration Department.

(2) Each such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

¹ The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.
² The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

16. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** ²(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

³(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following order.

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.

8. **Inter-Provincial Transfer:-**(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

(i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;

¹ Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

² Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

³ Sub rule (5) inserted by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bona fide resident of the Khyber Pakhtunkhwa.
- (v) a vacancy exists to accommodate the request for such a transfer; and:
- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

¹Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²[three years].

³[(2)].

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

¹ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

² The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

³ Sub rule (2) of rule-9 deleted vide by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011

PART-III

INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment** :- (1) Initial appointment to posts ¹[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

²(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

³Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, Khyber Pakhtunkhwa House Islamabad, Khyber Pakhtunkhwa Rest Houses Bannu, Swat and Abbottabad, Khyber Pakhtunkhwa House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

⁴Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ⁵[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ⁶[]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) ⁷where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

⁸(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the

¹ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

² Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

³ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

⁴ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

⁵ Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

⁶ 2nd Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

⁷ Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

⁸ Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/2011/Vol-VIII, dated 31-08-2012.

appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10:

Provided that the child or the widow/wife as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased civil servant, preference shall be given to the elder widow/wife.

Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale.

Provided further that this shall not apply to any post in BPS-1-10 falling in the purview of the Khyber Pakhtunkhwa Public Service Commission.

¹(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

²(6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battgram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.

³(7) Notwithstanding anything contained in any rule for the time being in force, 0.5 percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

- (i) the percentage of vacancies reserved for recruitment on merit;
- (ii) short term vacancies likely to last for less than one year; and
- (iii) isolated posts in which vacancies occur only occasionally.

¹ Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

² Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006

³ Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the Khyber Pakhtunkhwa.

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

1[(2)]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. **Zonal and Divisional representation:** - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

²Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be.

(3) Initial recruitment to posts in Basic Pay Scales 1 and 2 or equivalent shall ordinarily be made on local basis.

PART-IV

AD HOC APPOINTMENT

13. **Requisition to Commission:**-When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

¹ Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008
² Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

14. **Ad hoc Appointment:-**(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding ¹[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding ²[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

³15. **Probation.** ---- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

⁴(3) On the successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed in sub-rule(1):

Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed."

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

¹ The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

² The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

³ Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

⁴ Sub rule (3) substituted vide Notification No. SOR-VI (E&AD)1-3/2012 dated 28-12-2012.

PART-VI

S E N I O R I T Y

17. **Seniority** :- (1) the seniority inter se of civil servants ¹(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ²[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post, is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

³(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

⁴(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

¹ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

² The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

³ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

⁴ Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD), 1-3/2008 dated 19-11-2009.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal:- The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

(Authority; No. SORI(S&GAD)4-1/80, dated 13th May, 1989)

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Annexure 4 of Establishment
Khyber Pakhtunkhwa
Service Tribunal

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Diary No. 388
Dated 06/04/2018

NOTIFICATION

Dated 03-04-2018

No. SOE-V/E&AD/13-02/2018: In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and supersession of this Department Notification No. SOR-I(S&GAD)4-2/82, dated 08-06-1988, Establishment Department, in consultation with the Finance Department; hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the following Appendix which shall be applicable to the posts in the office of Services Tribunal Khyber Pakhtunkhwa, specified in column 2 of the Appendix with immediate effect.



APPENDIX

S #	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE	METHOD OF RECRUITMENT
1	2	3	4	5
1	Registrar (BS-18)	.....	.....	By promotion on the basis of seniority-cum-fitness, from amongst the Additional Registrars, Superintendents and Budget & Accounts Officers (BPS-17), with at least five years service as such: Provided that if no suitable officer is available for promotion, then by transfer. Note: A joint seniority list of Additional Registrars, Superintendents and Budget & Accounts officers shall be maintained for the purpose of promotion to the post of Registrar.
2	Additional Registrar (BS-17)	By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Registrars and Law Drafters (BPS-16), with at least five years service as such: Provided that if no suitable

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				<p>officer is available for promotion, then by transfer.</p> <p>Note: A joint seniority list of Assistant Registrars & Law Drafters shall be maintained for the purpose of promotion to the post of Additional Registrar.</p>
3.	Superintendent (BPS-17)	.....	.....	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant (BPS-16), with at least five years service as such.</p>
4.	Budget & Accounts Officer (BS-17)	.....	.....	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Cashier-cum-Assistant (BPS-16), with at least three years service as such.</p> <p>Provided that if no suitable officer is available for promotion, then by transfer.</p>
5.	Private Secretary (BS-17)	.....	.....	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Personal Assistants (BPS-16) with at least two years service as such.</p>
6.	Manager (MIS) (BPS-17)	.....	.....	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators (BPS-16), with at least five years service as such.</p>
7.	Assistant Registrar (BS-16)	At least Second Class Bachelor Degree from a recognized University.	21 to 30 Years	By initial recruitment.
8.	Office Assistant (BS-16)	At least Second Class Bachelor's Degree from a recognized University	20 to 32 Years	<p>a) Seventy Five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks (BPS-14), with at least five years service as such; and</p> <p>b) Twenty Five per cent by initial recruitment.</p>
9.	Cashier Cum Assistant (BS-16)	.....	.....	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Store Keepers (BPS-14) with at least five</p>

				years service as such: Provided that if no 'suitable' person is available for promotion, then by transfer.
10.	Personal Assistant (BS-16)	.....	.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least three years service as such.
11.	Senior Scale Stenographer (BPS-16)	(a) At least Second Class Bachelor's Degree from a recognized university; (b) A speed of seventy (70) words per minute in shorthand in English and forty five (45) words per minute in typing in English; and (c) Knowledge of Computer in using MS Word and MS Excel.	20 to 32 Years	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers (BS-14), with three years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment.
12.	Law Drafter (BS-16)	At least Second Class L.L.B from a recognized University.	25 to 32 Years	By initial recruitment.
13.	Computer Operator (BPS-16)	(a) At least Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/BIT four years) from a recognized University; or (b) 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.	18 to 32 Years	By initial recruitment.
14.	Senior Clerk (BPS-14)	.....	.....	By promotion, on the basis of Seniority-cum-fitness, from amongst Junior Clerks (BPS-11), with at least two years service as such.
15.	Store Keeper (BPS-14)	At least Diploma in Commerce or Business Administration in Second Division from a recognized	18 to 30 Years	By initial recruitment.

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		Board of Technical Education.		
16.	Junior Scale Stenographer (BPS-14)	i. At least Intermediate or its equivalent qualification in Second Division from a recognized Board; and ii. a speed of fifty (50) words per minute in Shorthand in English and thirty-five (35) words per minute in typing in English; and iii. Knowledge of Computer in using MS Word and MS Excel.	18 to 30 Years	By initial recruitment.
17.	Junior Clerk (BPS-11)	i) At least Secondary School Certificate with Second Division or equivalent qualification from a recognized Board; and ii) A speed of Thirty (30) words per minute in typing in English.	18 to 30 Years	a) Thirty-three percent by promotion, on the basis of Seniority-cum-fitness from amongst Daftaries, Bailiff, Generator Operators, Photostat Operators, Naib Qasids, Process Servers, Chowkidars and Sweepers with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty-seven per cent by initial recruitment.
18.	Driver (BPS-06)	Literate having LTV driving license. Preference shall be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 to 40 Years	By initial recruitment.
19.	Daftari (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years	By initial recruitment.
20.	Ballif (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years	By initial recruitment.
21.	Generator Operator(BPS-04)	Relevant Certificate from a Recognized Technical Institute.	18 to 40 Years	By initial recruitment.

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22.	Photostat Operator (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized board with one year experience as Photocopier.	18 to 40 Years	By initial recruitment.
23.	Naib Qasid (BPS-03)	Literate	18 to 40 Years	By initial recruitment.
24.	Process Server (BPS-03)	Literate	18 to 40 Years	By initial recruitment.
25.	Chowkidar (BPS-03)	Literate with sound physique	18 to 40 Years	By initial recruitment.
26.	Sweeper (BPS-03)	Literate	18 to 40 Years	By initial recruitment.

**SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA**

Ends: of Even No. & Date:-

Copy forwarded to the:-

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Registrar, Peshawar High Court, Peshawar.
5. Registrar, Services Tribunal, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director I.T, Establishment & Administration Department for uploading on the official website of Establishment & Administration Department.
7. Manager, Govt: Printing Press, Peshawar for publication in the Govt: Gazette. He is requested to furnish 30 copies of the printed Notification to this Department and 10 copies to Law Department.
8. PS to Secretary, Establishment Department.
9. PS to Special Secretary (Estt), Establishment Department.
10. PA to Additional Secretary (Reg), Establishment Department.
11. PA to Deputy Secretary (Estt), Establishment Department.


(Akhtar Nawaz)

SECTION OFFICER (E-V)

بعدالت

سروس ٹریبیونل

Ali Azim Akhbari
Advocate
0333-9555000

مورخہ
مقدمہ
دعویٰ
جرم

2 منجانب
محمد میضان بنام سروس ٹریبیونل
Appeal No. 1005/18

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لسٹ اور کیلئے علی عظمیٰ آفریدی ایڈووکیٹ
کو مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم ۱۳ ماہ الثت 2018

العبد گواہ العبد

مقام لسٹ اور کے لئے منظور ہے۔

Appled By
[Signature]

SUBJECT: MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE REGARDING AMENDMENT IN THE SERVICE RULES OF SERVICES TRIBUNAL KHYBER PAKHTUNKHWA HELD ON 17-10-2018 AT 1100 HOURS IN THE OFFICE OF SPECIAL SECRETARY (ESTT), ESTABLISHMENT DEPARTMENT.

A Meeting of the Standing Service Rules Committee (S.S.R.C) was held on **17-10-2018 at 1100 hours** in the office of Secretary, Establishment Department regarding amendment for inserting the post of "Mali" in the service rules of Services Tribunal Khyber Pakhtunkhwa. The following attended the meeting:-

- i) **Mr. Saeedullah,**
Deputy Secretary (Reg-III),
Establishment Department.
- ii) **Mr. Muhammad Shiraz,**
Deputy Secretary (Estt),
Establishment Department.
- iii) **Mr. Niamat Khan,**
Section Officer,
Finance Department.
- iv) **Mr. Shahab Muhammad,**
Section Officer (E-V),
Establishment Department.
- v) **Mr. Mahmood Ur Rehman Kazi,**
Manager MIS,
Services Tribunal, Khyber Pakhtunkhwa.

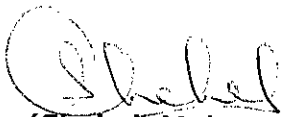
2. After thorough deliberation, the Committee proposed the following amendments in the Service Rules of Services Tribunal Khyber Pakhtunkhwa:-

- i. In column 5 against S.No 17 of the Appendix, after the word "Chowkidar" the word "and" shall be replaced by "comma" and after the word "Sweeper" the words "and Mali" shall be inserted.

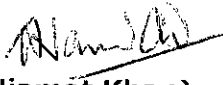
ii. After S.No 26 of the Appendix, the following shall be added:-

S#	Nomenclature of Post	Minimum Qualification for appointment by initial recruitment	Age	Method of Recruitment
27	Mali (BPS-03)	Literate	18 to 40 Years	By initial recruitment.

3. Meeting ended with a vote of thank from and to the Chair.



(Shahab Muhammad)
Section Officer (E-V)
Establishment Department


Mahmood Ur Rehman Kazi
Manager MIS
Services Tribunal Khyber
Pakhtunkhwa


(Niamat Khan)
Section Officer
Finance Department


(Muhammad Shiraz)
Deputy Secretary (Estt)
Establishment Department


(Saeedullah)
Deputy Secretary (R-III)
Establishment Department


(Arshad Majeed)
Secretary
Establishment Department
(Chairman)

.....





**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

NOTIFICATION

Dated 26-08-2019

No. SOE-V/E&AD/13-02/2018: 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 Establishment Department, in consultation with Finance Department, hereby directs that in this Department's Notification of even No. dated 03-04-2018, the following amendment shall be made, namely:

AMENDMENTS

In the APPENDIX

- i. against Serial No. 17, in Column No. 5, in clause (a), after the word "Chowkidars" the word "and" shall be replaced by a comma and after the word "Sweepers" the words "and Mali" shall be inserted.
- ii. after the existing entries at Serial No 26, the following new entries shall be inserted, in the respective Columns, namely:

S#	Nomenclature of Post	Minimum Qualification for appointment by initial recruitment	Age	Method of Recruitment
27	Mali (BPS-03)	Literate	18 to 40 Years	By initial recruitment.

**SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA**

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SECTION OFFICER (E&A)

26/8/19