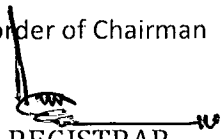


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1245/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/08/2022	<p>The appeal of Mr. Noushad Khan resubmitted today by Naila Jan Advocate. It is fixed for preliminary hearing before Single Bench Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Nowshad Khan Ex-Assistant PHE Department received today i.e. on 12.08.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.


- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures of the appeal may be attested.
- 3- Copy of departmental appeal is not attached with the appeal.

No. 2405 /S.T,

Dt. 17/8 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Naila Jan Adv. Peshawar.

*Remend all the
objections submitted
by 
25/08/2022*

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.**

S.A. 1245 /2022

Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar..... (Appellant)

Versus


Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering
Department, Peshawar and others (Respondents)

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-3
2.	Affidavit		4
3.	Addresses of Parties		5
4.	Application for condonation of delay		6
5.	Copy of seniority list as stood on 30.06.2020	"A"	7 to 9
6.	Copy of the letter dated 24.06.2020	"B"	10
7.	Copy of the working paper	"C"	11-12
8.	Copy of KPK Civil Servants (Amendment) Act, 2019	"D"	13-14
9.	Copy of retirement order dated 03.05.2021	"E"	15
10.	Copy of notification dated 15.01.2021	"F"	16
11.	Copy of notification dated 11.01.2021	"G"	17
12.	Copy of minutes of DPC meeting dated 02.03.2015	"H"	18
13.	Copy of retirement notification dated 10.04.2015	"I"	19
14.	Copy of the Peshawar High Court orders dated 23.06.2022	"J"	20-29
15.	Wakalat Nama		30

Appellant

Through


Naila Jan
Advocate High Court
Peshawar.

Dated: 12/08/2022.

①

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.**

SERVICE APPEAL NO. 1245/2022

Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar..... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department, Peshawar
2. Chief Engineer (Centre), Public Health Department Peshawar
3. Secretary, Establishment and Admin Department, Khyber Pakhtunkhwa, Peshawar
4. Secretary, Finance Department, Khyber Pakhtunkhwa Peshawar
..... (Respondents)

Appeal under Section 04 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 for considering the appellant for proforma promotion as Superintendent (BPS 17) from the date when the posts of Superintendent become vacant and inaction on the part of respondents on the departmental appeal of the appellant which is against the law Rules and principles of Natural justice.

Respectfully Sheweth;

1. That appellant was inducted into the service of the respondent department as junior clerk, on 18.03.1980, who got promoted as Senior Clerk in 30.05.1991 and as Accounts Clerk on 27.10.2011 and as Assistant (BPS 16) on acting charge basis on 01.01.2016 and on regular basis on 09.03.2017. (Copy of seniority list as stood on 30.06.2020 is Annex A)
2. That eight numbers of posts of Superintendent (BPS-17) were laying vacant; which according to the service rules in vogue were to be filled:

“By promotion on the basis of seniority-cum-fitness from amongst the Assistant and Senior Scale Stenographer (BPS-16) with five years’ service as such”

3. That for the purpose of promotion to the stated positions, a letter dated 24.06.2020 was circulated to all concerned for providing ACRs for the last five years along with non-involvement, certificates of the official nominated in the ibid letter, which carries name of the appellant at S.No. 04. **(copy of the letter dated 24.06.2020 is as Annex B)**
4. That as per contents of the working paper the respondent department is having total 17 sanctioned posts of Superintendent (BPS 17), 09 are working on regular basis, whereas, the 03 officials, appearing at S.No.1, 2 & 3 are working on acting charge basis. The remaining 06 vacancies are to be filled by promotion from the officials at S.No. 04 to S.No. 09 on acting charge basis. **(copy of the working paper is as Annex C)**
5. That name of the appellant was included in the working paper forwarded to the Departmental Promotion Committee (DPC), which appeared at S.No. 04, however, at the eleventh hour, the working paper was changed and name of the appellant was removed from the panel on a lame excuses that he was retired from service on attaining the age of 60 years.
6. That it is a matter of record, that pursuant to KPK Civil Servants (Amendment) Act, 2019 (KPK Act No. XXX of 2019), the appellant retained his post till 15.06.2021, when he was handed over back dated retirement order dated 03.05.2021. **(Copies of the same are as Annex D & E)**
7. That one Iqbal Ud Din, Assistant (BPS 16) Pubic Health Engineering, Nowshera was retired from services on attaining the age of superannuation vide Notification dated 15.01.2021 w.e.f 12.12.2020, and hardly three days before that he was promoted as Superintendent (BPS 17) vide Notification dated 11.01.2021. Similarly, one Shahab ul Haq, Circle Head Draftsman (BPS 16) was promoted to the post of Chief Draftsman (BPS 17) as depicted in Minutes of DPC meeting dated 02.03.2015 who got retired on 14.03.2015 vide Notification dated 10.04.2015. **(Copies of the same are as Annex F, G, H & I)**
8. That feeling aggrieved by the conduct of the respondents of not extending the benefit of promotion to the appellant the appellant filed a Writ Petition No. 2679-P/2021 which was decided by the hon'ble Peshawar High Court dated 23.06.2022 whereby the appellant was directed for approaching the proper forum i.e. Service Tribunal, Khyber Pakhtunkhwa. **(Copy of the Peshawar High Court orders dated 23.06.2022 is at Annex J)**
9. That it is worth to mention that appellant filed a departmental appeal against not granting promotion/Proforma Promotion, however, till date the same has not been respondents. Therefore, the appellant has no other adequate remedy hence filing the instant appeal before this hon'ble Service Tribunal on the following grounds.

3
GROUND:

- A. That the appellant has not been treated in accordance with law, in that, he was much in service at the time the posts of Superintendent (BPS 17) were available for promotion. A letter dated 24.06.2020 referred in para 4 above, suggests that the vacancies were available before that, for which the requisite ACRs, and non-involvement certificates of the officials name therein were thereby requisitioned.
- B. That at the time i.e. 24.06.2020, the appellant was in active service and had attained the age of superannuation i.e. 60 years much later on 03.05.2021, therefore, the lame excuse advanced by the respondents of not considering the appellant case for promotion and removing his name from the working paper placed before the DC holds no water and bespeaks of malafide on the part of the respondents.
- C. That even if the appellant had retired from services, his case could and should has been considered for proforma promotion, and depriving him from his legal right altogether is, on the face of it, illegal and without lawful authority.
- D. That the appellant has the required length of service for promotion as since 01.01.2016 he has been serving as Assistant. Though his appointment as Assistant (BPS 16) was regularized on 09.03.2017, but legally it has to be reckoned from 01.01.2016, as held in 2004 PLC (CS) 1068 that ***"Regularization in service was not an initial recruitment, but the conformation of an existing employment"***.
- E. That the appellant has been metted out gross-discrimination by not treating him equally with equals.
- F. That the hon'ble court has held in the case of Iqbal Khattak vs Govt. of KPK that a civil servant becomes entitle for promotion from the date of occurring vacancy.
- G. That the appellant do crave to urge additional grounds, after the stance of the appellant becomes known to them.

It is therefore requested that the instant Service Appeal may kindly be accepted and the appellant may kindly be considered for proforma promotion to the posts of Superintendent from the date of occurring vacancy.

Appellant

Through

Naila Jan
Naila Jan
Advocate High Court
Peshawar.

(4)

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.**

S.A _____ /2022

Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar..... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering
Department, Peshawar and others (Respondents)

AFFIDAVIT

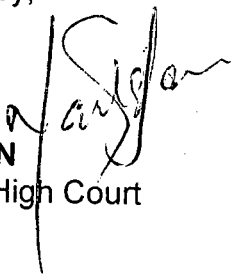
I, Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare that all the contents of
the **accompanied appeal** are true and correct to the best of my knowledge and belief
and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

CNIC:

Cell No:

Identified By;


NAILA JAN
Advocate High Court
Peshawar.

5

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.**

S.A _____ /2022

Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar..... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering
Department, Peshawar and others (Respondents)

ADDRESSES OF PARTIES

APPELLANT.


Nowshad Khan, Ex Assistant, Public Health Engineering Department, Khyber
Pakhtunkhwa, Peshawar

RESPONDENTS.

1. Government of Khyber Pakhtunkhwa through Secretary, Public Health
Engineering Department, Peshawar
2. Chief Engineer (Centre), Public Health Department Peshawar
3. Secretary, Establishment and Admin Department, Khyber Pakhtunkhwa,
Peshawar
4. Secretary, Finance Department, Khyber Pakhtunkhwa Peshawar

Appellant

Through


NAILA JAN
Advocate High Court
Peshawar.

Dated: 12/08/2022

6

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

SERVICE APPEAL NO. _____ /2022

Nowshad Khan (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering
Department, Peshawar Etc. (Respondents)

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

1. That the petitioner/appellant is filling the above mentioned appeal before the honourable Tribunal today.
2. That though there is delay in filing the instant appeal however if there is any delay the same is condonable on the following grounds

GRONDS

- A. That the action and inaction of the respondents by not considering the appellant for proforma promotion is violation of the vested and constitutional rights of the appellant which is void ab initio.
- B. That the appellant is subjected to discrimination which is violation of Art 25 of the Constitution hence hence no limitation runs against discriminatory action/inactions.
- C. That as per dictum of apex court seniority and promotions are recurring cause of action hence no limitation runs against seniority and promotions
- D. That as per reported judgments of the apex court cases are to be decided on merit rather than technicalities.

In view of the above it is therefore requested that the delay if any may graciously be condoned in the interest of justice.

Appellant

Through

Naila Jan
Advocate High Court
Peshawar.

NOTIFICATION

7

Annex-A

**OFFICE OF CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGINEERING DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR**

In pursuance of Section-8 (5) of the NWFP Civil Servants act 1973, the Final Seniority List of Assistant/Head Clerk/S.S. Stenographer (BPS-15) of Public Health Engg. Department, as stood on 30.06.2020 is notified as detail below:


S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Previous Post	Date of Appointment to Present Post	Remarks
1	Kalsoom Begum	Abdul Waheed	Charsadda	M.A	15.04.1992	27.01.2016		25.01.2016	
2	Iqbal-ud-Din	Wahab-ud-Din	Nowshera	Matric	13.12.1960	11.12.1980	27.10.2011	09.03.2017	
3	Perviz Khan	Rustam Khan	Mardan	Matric	15.04.1961	11.08.1980	27.10.2011	09.03.2017	
4	Nowshad Khan	Nasirullah Khan	Peshawar	Matric	05.05.1961	13.12.1980	27.10.2011	09.03.2017	
5	Abdul Saboor	Gul Janan	Karak	B.A	10/03/1964	21-04-1982	27/10/2011	09.03.2017	
6	Afsar Khan	Nadir Khan	F.R Bannu	Matric	21.04.1964	22.05.1982	27.10.2011	09.03.2017	
7	Sadre Alam	Sher Alam	Peshawar	F.A	15.02.1961	22.09.1982	27.10.2011	09.03.2017	
8	Suh Sardar	Amir Sardar	F.R Bannu	B.A	08.11.1961	21.09.1982	27.10.2011	09.03.2017	
9	Mukhtar Hussain	Ghulam Muhammad	Peshawar	M.A	13.09.1962	22.09.1982	27.10.2011	09.03.2017	
10	Nawab-ur-Rehman	Mian Khel	Karak	F.A	15.02.1962	21.01.1985	27.10.2011	09.03.2017	
11	Fahid Ayaz	Rasool Muhammad	Karak	Matric	03.01.1964	14.01.1985	27.10.2011	09.03.2017	
12	Muhib Shah	Sadre Alam	Shangla	B.A	01/03/1965	03/02/1985	27/10/2011	09.03.2017	
13	Muhammad Iqbal	Sadullah Khan	D.I Khan	B.A	24-08-1966	23-07-1986	27/10/2011	09.03.2017	
14	Safdar Iqbal	Mir Daraz Khan	Karak	F.A	15-07-1963	16-01-1985	27/10/2011	26/12/2017	
15	Jahanzib Khan	Manawar Khan	F.R Bannu	Matric	14-04-1965	03/04/1985	27/10/2011	26/12/2017	
16	Fahre Imtaiz	Sukhat Khan	Mardan	Matric	01/03/1961	08/09/1986	27/10/2011	26/12/2017	
17	Khan Sawab	Muhammad Khan	Swat	Matric	20-04-1961	08/04/1986	27/10/2011	26/12/2017	
18	Muhammad Rafiq	Gul Mat Khan	Khyber	B.A	25-11-1966	24-07-1986	27/10/2011	26/12/2017	

ATTESTED

S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Previous Post	Date of Appointment to Present Post	Remarks
19	Muhammad Jamil (S.R)	Aslam Khan	Tank	B.A	07.03.1984	14.09.2007	13.09.2007	15.01.2018	Reinstated in service vide Secretary PHED order No. SO (Estt)/PHED/1-90/2013-14/Vol-II, dated 09.5.2016
20	Inam Ullah Khan (S.R)	Muhammad Karim Khan	Lakkarwat	B.A	29.10.1989	22.03.2012	20.03.2012	15.01.2018	
21	Habib Ullah (S.R)	Amir Nawaz Khan	Lakkarwat	B.A	01.10.1982	28.11.2012	21.11.2012	15.01.2018	
22	Hidayatullah (S.R)	Sherin Jan	Peshawar	MA Islamiyat	20.03.1990	21.11.2012	21.11.2012	15.01.2018	
23	Fawad Ali Khan	Shoukat Ali	Bannu	M.A	02.04.1993			07.03.2018	PSC
24	Jalal Ud Din Shah	Syed Javed Shah	Haripur	MSc	31.12.1988			07.03.2018	PSC
25	Shafiqat Ullah Khan	Elaqat Ali Khan	Bannu	BSc(Civil)	11.03.1991			07.03.2018	PSC
26	Saqib Saeed	Mian Khan	Buner	MSc	10.03.1988			07.03.2018	PSC
27	Kaleem Ullah	Noor Muhammad	Khyber Agy	MSc	02.10.1989			07.03.2018	PSC
28	Muhammad Rafiq	Loot Khan	SW Agy	M.A	07.10.1990			07.03.2018	PSC
29	Amjad Ali	Abdul Hashim	Dir Upper	MBA	10.11.1987			07.03.2018	PSC
30	Faiz Ali Khan	Sultanat Khan	Swat	Phram.D	21.05.1990			07.03.2018	PSC
31	Muhammad Kashif Khan	Muhammad Nawaz Khan	Peshawar	MA	28.02.1987			07.03.2018	PSC
32	Maqsood Rehman	Mehmood	Mansehra	Matric	12/12/1961	22-07-1986	27/10/2011	27.12.2018	
33	Akhter Hussain	Muzafar Hussain	Nowshera	Matric	02/09/1962	08/07/1986	27/10/2011	27.12.2018	
34	Bakhat Biland	Zarif Khan	Khyber	Matric	12/04/1963	23-07-1986	27/10/2011	27.12.2018	
35	Riasat Ali	H. Muhammad Zamir	Haripur	F.A	24-04-1964	26-07-1986	27/10/2011	27.12.2018	
36	Sawal Faqir	Durrani	Mardan	Matric	22-10-1964	22-07-1986	27/10/2011	27.12.2018	
37	Asghar Shah	Mir Ahmad Shah	Mardan	F.A	12/02/1966	08/09/1986	27/10/2011	27.12.2018	
38	Naeem-ur-Rehman	Khalil-Ur-Rehman	Malakand	Matric	01/04/1966	26-07-1986	27/10/2011	27.12.2018	

ATTESTED


S.No	Name	Father Name	Home District	Qualification	Date of Birth	Date of Commencement of Service	Date of Appointment to Previous Post	Date of Appointment to Present Post	Remarks
39	Sabrin Shah	Umer Daraz Shah	Bannu	B.A	10/09/1967	06/08/1986	25/05/2018	27.12.2018	
40	Fazal Ellahi	Ali Muhammad	D.I.Khan	F.A	25/02/1964	13/04/1987	02.10.2018	27.12.2018	


Chief Engineer (South)

Endstt: No. 191E-16/PHE Dated Peshawar the 02/07/2020

Copy of the Seniority List is forwarded for information and intimation of descrepancy if any to the:-

- 1 - Chief Engineer (North) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar.
- 2 - All Superintending Engineers in Public Health Engg: Department Settled/Merged Area Khyber Pakhtunkhwa.
- 3 - All Executive Engineers in Public Health Engg: Department Settled/Merged Area Khyber Pakhtunkhwa.
- 4 - Section Officer (Estt) Public Health Engg: Department Khyber Pakhtunkhwa Peshawar


Administrative Officer (South)

ATTESTED



10

Annex - A
B

10

OFFICE OF THE CHIEF ENGINEER (SOUTH)
PUBLIC HEALTH ENGG: DEPT: KHYBER PAKHTUNKIWA, PESHAWAR
Ph #091-9217788 Fax #091-9217396 E-mail: C.e.s.phwd.pcs@pkn.gov.pk, Pkt/40, Sector-II-II, Phase-V, Hayatabad, Peshawar (Aziz)

No. 031 E-23 /PHE,

Dated Peshawar, the 24/06/2020,

To,

- 1 - All Superintending Engineers (South),
Public Health Engg: Department,
Peshawar
- 2 - The Executive Engineers,
Public Health Engg: Division Nowshera/Karak/Northern Tribal District
Peshawar/Lakki Marwat/Tank/Charsadda.

Subject: **PROMOTION OF MINISTERIAL/DRAWING ESTABLISHMENT.**

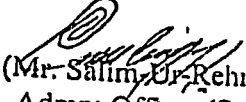
Dear Sir,

I am directed to refer to the subject noted above and to state that promotion case of Assistant/Head Clerk (BPS-16) to the post of Superintending (BPS-17) will be processed shortly. You are therefore, requested to provide ACRs file for the period of last five years, along with non-involvement certificate of the following officials, working in your office, are urgently required for finalization of their promotion case.

2. In case of non-compliance and delay the concerned office will be held responsible for any consequence and accordingly matter will be submitted to the higher-ups for further consideration.

S. No	Name	Designation	Office Address
1.	Kalsoon Begum	Assistant/Head Clerk	O/o Chief Engineer (North) PHED
2.	Iqbal-ud-Din	Assistant/Head Clerk	PHE Division Nowshera
3.	Perviz Khan	Assistant/Head Clerk	PHE Circle Tribal Distt: Peshawar
4.	Nowshad Khan	Assistant/Head Clerk	PHE Circle Tribal Distt: Peshawar
5.	Abdul Saboor	Assistant/Head Clerk	PHE Division Karak
6.	Afsar Khan	Assistant/Head Clerk	PHE Circle Kohat
7.	Sadre Alam	Assistant/Head Clerk	PHE Division Northern Tribal Distt: Peshawar
8.	Sufi Sardar	Assistant/Head Clerk	PHE Division Lakki Marwat
9.	Mukhtair Hussian	Assistant/Head Clerk	PHE Circle Peshawar
10.	Nawab-ur-Rehman	Assistant/Head Clerk	PHE Division Tank
11.	Farid Ayaz	Assistant/Head Clerk	PHE Division Charsadda

Your Faithfully,


(Mr. Salim Ur Rehman)
Admin: Officer (South)

- Copy forwarded for information and necessary action to the:
1. Chief Engineer (North) PHE Department Peshawar.
 2. Section Officer (Estt) PHE Department Peshawar with reference to his No. SO(Estt)/PHED/4-53-B/2019-20 dated 22.06.2020.

ATTESTED

11

2

Annex-1

100

DRAFT WORKING PAPER

Subject: **PROMOTION OF ASSISTANT/SENIOR SCALE STENOGRAPHER (BPS-16) TO THE RANK OF SUPERINTENDANT (BPS-17) IN PUBLIC HEALTH ENGG. DEPARTMENT**

There are 17-posts of superintendent (BPS-17) on the sanctioned strength of PHE Department existing plus new created (Annex-I).

2. According to the existing Service Rules, the method of promotion against the post of superintendent (BPS-17) is as under:

"By promotion on the basis of seniority-cum-fitness from amongst the Assistant and Senior Scale stenographer (BPS-16) with five years service as such.

Note: a joint Seniority List Assistant/Senior Scale Stenographers shall be maintained for the purpose of promotion. The seniority shall be reckoned from the date of regular appointment to the post of Assistant and Senior Scale stenographer, respectively. In case of same date of appointment, Assistant shall rank senior". (Annex-II).

3. Against the total 17-sanctioned posts of superintendent (BPS-17), total 09-Nos. are presently working in the Department on regular basis and 03-Nos Superintendent are working on acting charge base at S. No. 1, 2 & 3 of the following panel, as per seniority list of Superintendent (Annex-III). Hence total 06-Nos post of superintendent (BPS-17) stands become vacant due to the retirement of following officers (Annex-IV) as well as new creation.

1. Mr. Muhammad Kalim
2. Mr. Iqbal Ud Din
3. 04-Nos new creation post

In order to fill in the vacant posts from amongst the existing Assistant/S.S. Stenographer, as per their joint seniority list, the case is placed before the DPC to recommend 06-Nos Assistant/ S.S. Stenographer for promotion from S.No.04 to S.No.09 as Superintendent (BPS-17) on acting charge basis, due to their less length of service under the 9 (1) of the APT rules 1989.

S.No.	Name of Officials	Date of Entry in to Govt Service	Date of appointment to the Present Post	Remarks
1.	Kalsoom Begum	27.01.2016	25.01.2016	Synopsis of ACR attached
2.	Iqbal Ud Din	11.12.1980	09.03.2017	-
3.	Perviz Khan	11.08.1980	09.03.2017	Synopsis of ACR attached
4.	Nowshad Khan	13-12-1980	09.03.2017	Synopsis of ACR attached
5.	Abdul Saboor	21-04-1982	09.03.2017	Synopsis of ACR attached
6.	Afsar Khan	22-05-1982	09.03.2017	Synopsis of ACR attached
7.	Sadre Alam	22-09-1982	09.03.2017	Synopsis of ACR attached
8.	Sufi Sardar	21-09-1982	09.03.2017	Synopsis of ACR attached
9.	Mukhtair Hussian	22-09-1982	09.03.2017	Synopsis of ACR attached
10.	Nawab-ur-Rehman	21-01-1985	09.03.2017	-
11.	Farid Ayaz	14-01-1985	09.03.2017	-
12.	Muhib Shah	03/02/1985	09.03.2017	-

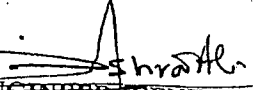
It is certified that:

1. The officials concerned have fulfilled the conditions and eligible for promotion to the rank of Superintendent BPS-17 on acting charge base.

ATTESTED

- (12) (13)
2. The officials concerned holding the lower post on regular basis and not on adhoc.
 3. The officials have not completed the prescribed minimum length of qualifying service/experience as required for promotion under the services/recruitment rules.
 4. No penalty was imposed upon the officials during last 5-years.
 5. No departmental/judicial inquiry is presently pending against any official mentioned above, as per attached non-involvement certificate, duly submitted by the S.E/XEN concerned.
 6. Seniority list of Assistant/S.S. Stenographer issued accordingly (Copy attached).

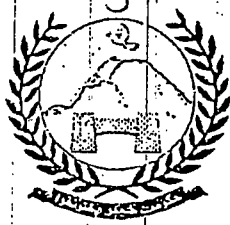
The Departmental Promotion Committee is requested to determine the suitability of 06-Nos Assistant/S.S. Stenographer (BPS-16) for promotion to the rank of Superintendent (BPS-17) from S.No.04 to S.No. 09 on acting charge basis due to short of length of service, from amongst the above panel.


~~CHIEF ENGINEER (CENTER)~~
PUBLIC HEALTH ENGG DEPARTMENT
KHYBER PAKHTUNKHWA

ATTESTED

(14)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

Annex - D

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 31st JULY, 2019.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 31st July, 2019.

No. PA/Khyber Pakhtunkhwa/Bills-58/2019/2340.— The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 22nd July, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 30th July, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT, 2019.
(KHYBER PAKHTUNKHWA ACT NO. XXX OF 2019)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 31st July, 2019).

AN
ACT

further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973.

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2019.

(2) It shall come into force at once.

134

ATTESTED

Amendment of section 13 of the Khyber Pakhtunkhwa Act No. XVIII of 1973.---
Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII
Section 13,-

in clause (a), after the words "qualifying service" the words and commas "or
attaining the age of fifty-five years, whichever is later." shall be inserted; and
in clause (b), for the word "sixtieth" the words "sixty-three" shall be
substituted.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar



ATTSTED



OFFICE OF THE CHIEF ENGINEER (CENTRE)
PUBLIC HEALTH ENGG: DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

Annex-E

Plot No. 40 Sector-B-II, Hayatabad Phase-V Peshawar E-mail: centrehed@gmail.com Ph// 091-9217528

No. 02/CE-9 /PHE(C).

Dated Peshawar. the 03/05/2021

OFFICE ORDER

Under Rule 13 Sub Rule 1 (b) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, Mr. Nowshad Khan Assistant (BPS-16), attached to the office of Superintending Engineer PHE Circle North NMA at Peshawar, is hereby retired from service, on attaining the age of superannuation on 60-years with effect from 04.05.2021 (A.N), as per his date of birth i.e. 05.05.1961.

In light of Khyber Pakhtunkhwa Finance Department (Regulation Wings) amended, notification No. SO(FR)/FD-5-92/2005/Vol-V dated 13.12.2012. sanction to encashment of leave salary equal to 365-days pay, in lieu of L.P.R, out of leave available at his credit, is hereby accorded under Khyber Pakhtunkhwa, Civil Servant Revised leave Rules, 1981.

CHIEF ENGINEER (CENTER)

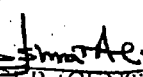
Endstt: No. 02/CE-2 PHE,

Dated 03/05/2021

Copy forwarded to:

S.E. PHE Deptt:	
Tribal Districts Peshawar:	
Slary No.	<u>4756</u>
Date	<u>15/06/21</u>
Case No.	<u>E-6</u>
CD	
Supdt:	

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Additional Accountant General PR Sub Office, Peshawar.
3. The Chief Engineer (Merged Area) PHE Department Peshawar.
4. The Superintending Engineer PHE Circle North Merged Area at Peshawar.
5. The official concerned.


CHIEF ENGINEER (CENTER)


ATTESTED



211

GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT

Dated Peshawar, the January 15, 2021

NOTIFICATION

No. SO(ESTT)/PHED/1-110/2020: Without prejudice to the legal remedies available to the Provincial Government and in pursuance of judgment of Peshawar High Court Peshawar dated 19-02-2020 in Writ Petition No. S673-P/2019, Mr. Iqbal-ud-Din, Superintendent (BPS-17 acting charge) Office of the Chief Engineer (South) Public Health Enng: Department Peshawar, stands retired from Government service on 12-12-2020 (AVN) on attaining the age of superannuation, as his date of birth is 13-12-1960, subject to the CPLA/Appeal of the Provincial Government against the aforementioned judgment of Peshawar High Court and any order contrary as and when issued by the apex Court of Pakistan.

SECRETARY
PHE DEPARTMENT

Endst No. SO(ESTT)/PHED/1-110/2020

Dated Peshawar, the January 15, 2021

Copy forwarded for information & necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Peshawar.
3. PS to Secretary PHE Department Khyber Pakhtunkhwa Peshawar.
4. Officer concerned.
5. Office Order / Personal File.

SECTION OFFICER (ESTT)

18-A
ATTESTED

NOTIFICATION

Annex A

No. SO(Estt)/PHED/4-53-B/2020/AC: The competent authority, on the recommendations of the Departmental Promotion Committee, is pleased to appoint the following Assistants (BPS 16) of the Public Health Engineering Department to the posts of Superintendents (BPS 17) on acting charge basis, with immediate effect except the official at S.No.11 (Mr. Iqbal-ud-Din) whose promotion will take effect from the date of recommendation of the DPC i.e. 29-10-2020 as he stands retired from service on 12/12.2020 (A/N) on attaining the age of superannuation:-

- i. Mst. Kalsoom Begum.
- ii. Mr. Iqbal-ud-Din
- iii. Mr. Pervez Khan

In order to actualize their appointments, the following postings/ transfers/ adjustments are made henceforth:-

S.No	Name	From	To	Remarks
1	Mst. Kalsoom Begum BPS-16	Superintendent (OPS) o/o the C.E (North) PHE Peshawar	Superintendent (BPS-17) PHE Circle Merged Areas Peshawar on acting charge basis	Against the vacant post
2	Mr. Iqbal-ud-Din BPS 16	Assistant PHE Division Nowshera	Superintendent (BPS-17) o/o the C.E (South) PHE Peshawar on acting charge basis	Against the vacant post
3	Mr. Pervez Khan BPS-16	Assistant PHE Circle Merged Areas Peshawar	Superintendent (BPS-17) PHE Circle Mardan on acting charge basis	Against the vacant post

SECRETARY
PHE DEPARTMENT

Emdst: No,SO(Estt)/PHED/4-53-B/2020/AC Dated Peshawar, the January 11, 2021

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Chief Engineer (South) PHE Khyber Pakhtunkhwa Peshawar.
3. Chief Engineer (North) PHE Khyber Pakhtunkhwa Peshawar.
4. Chief Engineer (Merged Areas) PHE Khyber Pakhtunkhwa Peshawar.
5. Superintending Engineers PHE Circle Peshawar/Mardan/Merged Areas Peshawar.
6. DC to Secretary PHE Department Khyber Pakhtunkhwa.

ATTESTED



18

Annex 1

2E

**GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC HEALTH ENGG: DEPARTMENT**

Subject: **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 02-03-2015 AT 1100 HOURS IN THE OFFICE OF THE SECRETARY PHED.**

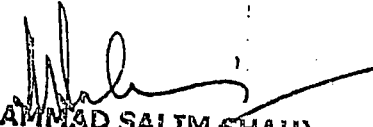
A meeting of the Departmental Promotion Committee (DPC) was held on 02-03-2015 at 1100 Hours under the chairmanship of Secretary PHE Department in his office. The following attended the meeting:-

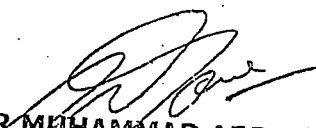
- 1) Engr. Sanobar Khan, Member
Chief Engineer (South) PHE Peshawar
- 2) Mr. Shah Jehan, Member
Deputy Secretary (Admn) PHED
- 3) Mr. Wazir Muhammad Afgar, Member
Section Officer (SR-II),
Finance Department Peshawar
- 4) Mr. Muhammad Salim Shah, Member
Section Officer (Reg-V),
Establishment Department Peshawar

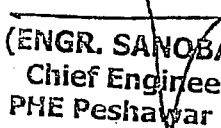
2. After perusal of relevant record and threadbare discussion, the DPC considered the case for promotion/appointment of Circle Head Draftsman (BPS-16) to the post of Chief Draftsman (BPS-17) on acting charge basis in light of Rule 9 (3) of the APT Rules, 1989 and made recommendations as under:-


S. NO	NAME & DESIGNATION	RECOMMENDATION OF DPC
1.	Mr. Shahab-ul-Haq, Circle Head Draftsman (BPS-16)	The DPC recommended the official concerned for appointment to the post of Chief Draftsman (BPS-17) on acting charge basis.

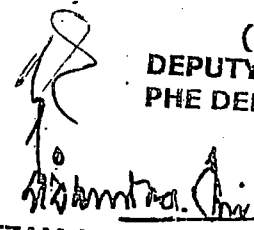
3. The meeting ended with vote of thanks from the chair.


(MUHAMMAD SALIM SHAH)
Section Officer (Reg-V)
Establishment Deptt: (Member)


(WAZIR MUHAMMAD AFGAR)
Section Officer (SR-II)
Finance Department (Member)


(ENGR. SANOBAR KHAN)
Chief Engineer (South)
PHE Peshawar (Member)


(SHAH JEHAN)
DEPUTY SECRETARY (ADMN)
PHE DEPARTMENT (Member)


(NIZAM-UD-DIN)
SECRETARY TO GOVT: OF K.P.K
PHE DEPARTMENT

ATTESTED

22 (7)
①
H. J.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/2021

- 1) Sadre Alam
2) Nowshad Khan
Ex-Assistants, Public Health Engineering
Department, KPK, Peshawar.....Petitioners

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Public Health Engineering Department, Peshawar.
2. Chief Engineer (Centre), Public Health Engineering Department, Peshawar.
3. Secretary, Establishment & Admn Department, Khyber Pakhtunkhwa, Peshawar.
4. Secretary; Finance Department, Khyber Pakhtunkhwa, Peshawar.
.....Respondents

**WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF THE
ISLAMIC REPUBLIC OF PAKISTAN,
1973.**

Sheweth;

1. That petitioner No.1 was inducted into the service of the respondent-department as Junior Clerk on 22.09.1982, who got promoted as Senior Clerk in 1993 and as Accounts Clerk on 27.10.2011. That on January 01, 2016, he was promoted a

② 21

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Assistant (BPS-16) on acting charge basis and regularized as such on 09.03.2017.

2. That similarly, petitioner No.2 was appointed as Junior Clerk on 18.13.1980, who was promoted as Senior Clerk on 31.05.1991, as Accounts Clerk on 27.10.2011 and as Assistant (BPS-16), on acting charge basis, on 01.01.2016 and on regular basis on 09.03.2017. (Copy of seniority list as stood on 30.06.2020 is Annex "A")
3. That eight numbers of posts of Superintended (BPS-17) were lying vacant; which according to the Service Rules in vogue were to be filled:

"By promotion on the basis of seniority-cum-fitness from amongst the Assistant and Senior Scale Stenographer (BPS-16) with five years' service as such"
4. That for the purpose of promotion to the stated positions, a letter dated 24.06.2020 (Annex "B") was circulated to all concerned for providing ACRs for the last five years alongwith non-involvement certificates of the official nominated in the ibid letter, which carries names of the petitioners at S.Nos.4 & 7.
5. That as per contents of the working paper (Annex "C"), the respondent-department is having total 17-sanctioned posts of Superintendent (BPS-17), 09 are working on regular basis, whereas, the 03 officials appearing at S.No.1, 2 & 3 are working on acting charge basis. The remaining 06 vacancies are to be filled by promotion from the officials at S.Nos.4 to 09 on acting charge basis.
6. That names of the petitioners were included in the working paper forwarded to the Departmental Promotion Committee (DPC), which appeared at S.No.4 & 7, however, at the eleventh hour, the working paper was changed and names of the petitioners were

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removed from the panel on a lame excuse that they were retired from service on attaining the age of 60 years.

7. That it is a matter of record, that pursuant to KPK Civil Servants (Amendment) Act, 2019 (KPK Act No.XXX of 2019) (Annex "D"), the petitioners retained their posts till 15.06.2021, when they were handed over back-dated retirement orders dated 02.04.2021 (Annex "E") and dated 03.05.2021 (Annex "F")
8. That one Iqbal ud Din, Assistant (BPS-16) Public Health Engineering, Nowshera was retired from service on attaining the age of superannuation vide Notification dated 15.01.2021 (Annex "G") w.e.f. 12.12.2020, and hardly three days before that he was promoted as Superintendent (BPS-17) vide Notification dated 11.01.2021 (Annex "H"). Similarly, one Shahab-ul-Haq, Circle Head Draftsman (BPS-16) was promoted to the post of Chief Draftsman (BPS-17) as depicted in Minutes of DPC meeting dated 02.03.2015 (Annex "I"), who got retired on 14.03.2015 vide Notification dated 10.04.2015 (Annex "J")
9. That feeling aggrieved by the conduct of the respondents of not extending the benefit of promotion to the petitioners and having no other adequate & efficacious remedy, they seek indulgence of this hon'ble Court for redress, inter alia, on the following:-

GROUND:

- a. That the petitioners have not been treated in accordance with law, in that, they were very much in service at the time the posts of Superintendents (BPS-17) were available for promotion. A letter dated 24.06.2020, referred in Para-4 above, suggests that the vacancies were available before that, for which the requisite ACRs, & non-involvement certificates of the officials named therein were thereby requisitioned.

(4)

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- b. That at that time i.e. 24.06.2020, the petitioners were in active service and had attained the age of superannuation i.e. 60 years much later on 02.04.2021 and 03.05.2021, respectively. Therefore, the lame excuse advanced by the respondents of not considering the petitioners' case for promotion and removing their names from the working paper placed before the DC holds no water and bespeaks of malafide on the part of the respondents.
- c. That even if the petitioners had retired from service, their case could and should have been considered for proforma promotion, and depriving them from their legal right altogether is, on the face of it, illegal and without lawful authority.
- d. That the petitioners have the required length of service for promotion as since 01.01.2016 they have been serving as Assistants. Though their appointment as Assistant (BPS-16) was regularized on 09.03.2017, but legally it has to be reckoned from 01.01.2016, as held in 2014 PLC (CS) 1068 that *"Regularization in service was not an initial recruitment, but the conformation of an existing employment"*.
- e. That the petitioners have been metted out gross-discrimination by not treating them equally with equals.
- f. That the petitioners do crave to urge additional grounds, after the stance of the petitioners becomes known to them.

PRAYER

For the foregoing facts, circumstances and legal position, it is, therefore, prayed that on acceptance of this petition, this hon'ble court may be pleased to:

- i. *declare the impugned commission or omission of the respondents of not considering the petitioner for*

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- promotion and differing their case for simple reason of being retired from service as illegal, without lawful authority and of no legal effect;*
- ii. *direct the respondents to consider the petitioners for notional/ proforma promotion with all admissible fringe benefits/ back benefits; and*
- iii. *grant any other remedy to which the petitioners are found fit in law, justice and equity.*

Petitioners

Through

[Signature]
Muhammad Isa Khan Khalil
Advocate Supreme Court

&

[Signature]
Adnan Saeed
Advocate High Court

CERTIFICATE:

As per instruction of my clients/ petitioners, no such like writ petition has earlier been filed before this hon'ble Court.

[Signature]
Advocate

LIST OF BOOKS:

- 1) Constitution of Pakistan, 1973.
- 2) Case law according to need.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/20__

Sadre Alam and another.....Petitioners

VERSUS

Chief Engineer PHED, KPK, Peshawar and others.....Respondents

AFFIDAVIT

I, Sadre Alam son of Sher Alam R/o Mohallah Janan Abad, Maira Mashogagar P.O. Badhber, Tehsil and District Peshawar, Assistant Public Health Engineering Department, KPK, Peshawar (petitioner No.1), do hereby affirm and declare on Oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

Identified by:

Deponent

CNIC No.17301-1375495-3

Cell: 0301-896779-8

Muhammad Isa Khan Khalil
Advocate Supreme Court

.....29266.....

Certified that the above was verified on solemn, affirmation before me in office, this.....24..... day of June.....21..... Sadre Alam s/o Sher Alam Peshawar who was identified by.....M. Isa Khan Khalil.....

Who is personally and truly:

24/6/2021
Oath Commissioner
Peshawar High Court, Peshawar

23

JUDGMENT SHEET

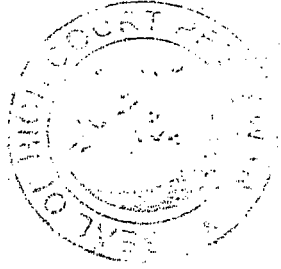
**PESHAWAR HIGH COURT, PESHAWAR
(Judicial Department)**

Writ Petition No. 2679-P/2021

Sadre Alam & another

Vs

**Government of Khyber Pakhtunkhwa through
Secretary Public Health & others**



JUDGMENT

Date of hearing: 23.06.2022

**Petitioner: (Sadre Alam & another) by
Mahammad Isa Khan Khalil, Advocate.**

**Respondents: (Government of Khyber
Pakhtunkhwa through Secretary Public Health &
others) by Mr. Muhammad Riaz, Addl. AG.**

MOHAMMAD IBRAHIM KHAN, J.- The petitioners Sadre Alam and Nowshad Khan (ex-Assistants) of the office of Public Health Engineering Department Khyber Pakhtunkhwa through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973

have set their prayers:

- i. *Declare the impugned commission or omission of the respondents of not considering the petitioner for promotion and differing their case for simple reason of being retired from service as illegal,*

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without lawful authority and of no legal effect.

- ii. *Direct the respondents to consider the petitioners for notional/proforma promotion with all admissible fringe benefits/back benefits; and*
- iii. *Grant any other remedy to which the petitioners are found fit in law, justice and equity.*

2. The respondents have jointly filed their para-wise comments wherein; the claim of the petitioners has been denied on various legal and factual grounds.

3. Arguments of learned counsel for the parties heard and record gone through with their valuable assistance.

4. It is an admitted fact that both the petitioners retired from service after attaining the age of superannuation. It is also true that meeting of the Departmental Promotion Committee was held on 26th May, 2021 after their retirement therefore, they were not considered for promotion for the reasons that they were by that time retired from service. We would confine ourselves to the question as to whether a proforma promotion do not fall within the

1/20

EXAMINER

definition of promotion which is beyond the jurisdiction of this Court under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Indeed, the promotion before or after retirement also comes under the terms and conditions of service of a civil servant which is barred under Article 212 of the Constitution. In this respect reliance is placed on a recent judgment of august Supreme Court of Pakistan dated 01.07.2021 titled "*Chief Secretary Govt. of Punjab, Lahore etc. VS Ms. Shamim Usman*" rendered in Civil Petition No.1097-L of 2020 wherein it has been held:

"The High Court, therefore, has no jurisdiction to entertain any proceedings in respect of terms and conditions of service of a civil servant which can be adjudicated upon by the Tribunal under the Act. It is only under section 4(1)(b) of the Act that no appeal can lie to a Tribunal against an order or decision determining the "fitness" of a person to be appointed or promoted and falls outside the purview of the jurisdiction of the Tribunal. In order to fall in the exception envisaged under section 4(1)(b) of the Act, the order must determine "fitness" of a civil servant to an appointment or promotion. In the instant case, the order under challenge before the High Court pertained to the eligibility of the petitioner to be even considered for proforma promotion due to the seniority of a large number of officers awaiting promotion before her and in no

had



ATTORNEY GENERAL
EXAMINER
PUNJAB

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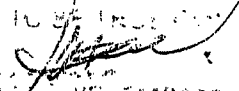
manner determined the "fitness" of the respondent. High Court as a constitutional court should always be mindful of the jurisdictional exclusion contained under Article 212 of the Constitution. Any transgression of this constitutional limitation will render the order of the High Court void and illegal. Therefore, unless the jurisdiction of the Tribunal is ousted under section 4(1)(b) of the Act, as described above, assumption of jurisdiction by the High Court in respect of matters of terms and conditions of a civil servant is unconstitutional and impermissible. Even the direction passed in the earlier constitutional petition, in this case, was impermissible under the Constitution.

5. In view of the above, it is clear that proforma promotion is a kind of promotion, the jurisdiction of which is vested in Service Tribunal and jurisdiction of this court is barred therefore, no relief can be granted to the petitioners for their prayers set in this petition. Hence, this writ petition, being without force, stands dismissed in limine.

Announced.
Dt: 23.06.2022


JUDGE

JUDGE

Muhammad Fiaz (D.B.) Hon'ble Mr. Justice Lal Jan Khattak, J
Hon'ble Mr. Justice Mohammad Ibrahim Khan, J

RECORDED TO BE FILED


To:

The Secretary,
Public Health Engineering Deptt:
Khyber Pakhtunkhwa Peshawar.

Received on dt=27/05/21
30
A.O (letter)
27/05/21
3856
27-5-21

Subject:- DPC DEPARTMENTAL PROMOTION COMMITTEE FOR MINISTERIAL / DRAWING ESTABLISHMENT DATED 26-05-2021.

Respected Sir:

A very humbly stated that the subjected departmental promotion committee was conducted under your chairmanship dated 26-05-2021, which we were the senior most official of the seniority list of Assistant / Head Clerk (BPS-16) and ACR was already provided to your good office.

Further explain that the Chief Engineer (south) office issued letter vide No. 03/E-23/PHE dated 24-06-2020, to provide ACR for promotion of Superintendent (BPS-17), from the 11-Nos Assistant / Head Clerk and we were in the 04th and 07th position of the seniority list (Annexure-1). The first 04-Nos was promoted to the post of Superintendent (BPS-17), and we were differed with the unknown reason which 08-Nos post of Superintendent (BPS-17) was vacant.

It is further added that the issue government servant retirement case of 60 to 63-years challenged in the Honorable Supreme Court of Pakistan and the case was decided in favor of government servant i.e government decision was returned to apex Honorable Peshawar High Court for further review.

The matter was hanged and the government with drew his decision and retain the 60-years age for retirement of government service (Annexure-II), and our promotion were delayed hence related to the superannuation but due to no DPC was conducted in this time. It is clarified that the observation for the combined seniority list of Assistant / Head Clerk and Senior Scale Stenographer (BPS-16), for promotion was raised but all in vain and the authority issued ratio for the promotion was 70 Percent and 30 Percent explain 70 Percent Promotion cum from Assistant / Head Clerk and 30 Percent from Senior Scale Stenographer but repeatedly to state that was fully ignored by the department and the Assistant / Head Clerk was badly suffered and most of Stenographer was promoted as Superintendent (BPS-17) due to combined seniority list.

However, explain that as per Esta Code the length of service for promotion of five years, but the recent position of promotion of Budget Officer / Administrative Officer of 02-Years which was illegal against the services rules. Now, we are informed from the solid source un-officially that your both name had been defered from DPC conducted for promotion of Superintendent (BPS-17), in the mentioned date. Now explained that no retirement sanctioned has been issue till the date and we were waiting for promotion of higher scale as well financial benefit.

Therefore, humbly requested to your kind honor that we were considered for promotion to the post of Superintendent (BPS-17), for benefit retirement on humanitarian basis and we were pray for your long life with EMAN.

Thanking you in anticipation:

Dated 27-05-2021

Yours Obediently

1- Mr. Sadre Alam
Assistant / Head Clerk

2- Mr. Nowshad Khan
Assistant / Head Clerk



Copy forwarded for information to the:-

1- Chief Engineer (South) PHE Department Khyber Pakhtunkhwa Peshawar.

1- Mr. Sadre Alam
Assistant / Head Clerk

2- Mr. Nowshad Khan
Assistant / Head Clerk

Handwritten mark

قیمت 50 روپے	33584			
ایڈوکیٹ: <i>Farid Khan</i>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: <i>Be-13-4172</i>				
رابطہ نمبر: <i>03129915471</i>				

بعدالت جناب: *پکاسرس سٹریٹ سٹیٹل لٹریچر*

مخانب: <i>Appellant</i>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام *پشاور* کیلئے *پکاسرس سٹریٹ* کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو کوئی جملہ مذکورہ یا اختیار حاصل ہوں گے اور اس کا ساختہ پر داخے منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جہانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب یا ہند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: *04/05/2019*
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTOONKHWA

المقام: *پشاور* کے لیے منظور ہے

Attestal
 Accepted by

نوٹ: اس وکالت نامہ کی توثیق قابل قبول ہوگی۔

پشاور خان
 Appellant