

18.12.2018

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Sikandar Khan, Assistant Director for the respondents present.

At the very outset representative of the department informed the Tribunal that the appellant has challenged the impugned promotion order dated 03.01.2018 whereby the appellant was deferred/not considered and was not promoted. Representative of the department further informed the Tribunal that now a fresh DPC meeting will be held on 20.12.2018. In this regard representative of the department also produced letter No. DP/E&A11(53) 11524-27 dated 17.12.2018, the same is placed on record.


Learned counsel for the appellant as well as learned Deputy District Attorney also stated at the bar that if the appeal is disposed of in the light of that letter then they have no objection.

It is hoped that the appellant will be considered in the next DPC meeting dated 20.12.2018.

Keeping in view the above letter, the present appeal is disposed of. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED

18.12.2018


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

03.09.2018 Counsel for the appellant and Mr. Kabirullah Khattak
Additional Advocate General, alongwith Mr. Sikandar AD,
for the respondents present. Written reply submitted by
the respondents. To come up for rejoinder and arguments
on 31.10.2018 before D.B.


(Muhammad Amin Kundi)
Member

31.10.2018 Due to retirement of Hon'ble Chairman, the Tribunal
is defunct. Therefore, the case is adjourned. To come up
on 18.12.2018.


READER



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/EG/11153/11524-27

Dated Peshawar 17/12/2018

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kp prosecution@yahoo.com

To

The Deputy Secretary (Administration),
Home & Tribal Affairs Department,
Khyber Pakhtunkhwa, Peshawar.

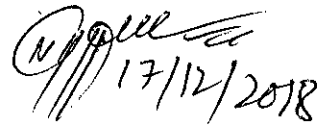
Subject: - **PROMOTION OF JUNIOR CLERK (BS-11) TO THE POST OF SENIOR CLERKS (BS-14).**

Dear Sir,

I am directed to refer to the subject noted above and to inform that the date for Departmental Promotion Committee (DPC) has been scheduled to be held on 20-12-2018 for promotion of Junior clerk (BS-11) to the post of Senior clerk (BS-14). Working Paper alongwith its Annexures thereof is placed for perusal, please.

I am further directed to request you to attend the said meeting on 20-12-2018 at 2:00PM in the office of Director General Prosecution, Khyber Pakhtunkhwa, in order to fill all vacant posts in line with the directions of Chief Secretary Khyber Pakhtunkhwa for fulfillment of vacant posts as well as Service Tribunal, Khyber Pakhtunkhwa is stressing hard for promotion of Mr. Bashir Ahmad, Junior Clerk, please.

Yours faithfully,


17/12/2018

(Shafi Ullah)

Deputy Director Administration

Copy forwarded to the:

- PA To Director General Prosecution, Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa.
- Deputy Director Administration (Prosecution), with the request to attend the said meeting, please.

Deputy Director Administration

23.04.2018

Counsel for the appellant present. Preliminary arguments heard. The learned counsel for the appellant argued that the appellant is aggrieved from the promotion order dated 03.1.2018. That despite his seniority-cum-fitness, the appellant was not considered for promotion. The appellant filed departmental appeal on 04.01.2018, which was not responded to and thereafter, he filed the present service appeal on 06.04.2018.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.06.2018 before the S.B.

Appellant Deposited
Security & Process Fee


Chairman

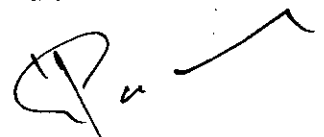
11.06.2018

None present on behalf of the appellant. Mr. Sikandar Khan, Assistant Director (Legal) alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply not submitted. Representative of the department requested for adjournment. Granted. To come up for written reply/comments on 17.07.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

17.07.2018

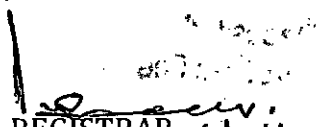

Learned counsel for the appellant and learned Additional Advocate General alongwith Sikandar Khan AD legal for the respondents present. Written reply not submitted. Representative of the respondent department seeks time to file written reply/comments. Granted. To come up for written reply/comments on 03.09.2018 before S.B.


Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 490/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/04/2018 th	<p>The appeal of Mr. Bashir Ahmad presented today by Mr. Hamza Amir Gulab 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 6/4/18</p>
2-	09/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/04/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No 490 of 2018

Bashir Ahmad

.....Petitioner

VERSUS

Director General Prosecution Khyber Pakhtunkhwa and others

.... Respondents

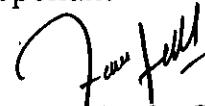
INDEX OF DOCUMENTS

S.No	Description of Documents	Annexure	Pages
1.	Appeal with certificate		1-3
2.	Affidavit		4
3.	Addresses of parties		5
4.	Copy of Seniority List	A	6-9
5.	Copy of Impugned Order dated 03.01.2018	B	10-11
6.	Copy of Departmental Appeal dated 04.01.2018	C	12
7.	Copy of Certificate issued by Respondent No 3 dated 03.01.2018	D	13
8.	Copy of Order of this Honourable Tribunal dated 25.05.2016	E	14-16
9.	Wakalat Nama		17



Appellant

Through



**Hamza Amir Gulab
Advocate, High Court
Peshawar**

**46.C 2nd Floor Cantonment
Plaza Saddar Cantt Peshawar
03005936155**

①

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

Service Appeal #.....490...../2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 505

Dated 06-4-2018

Bashir Ahmad Junior Clerk Office of District Public Prosecutor Chitral

.....Petitioner

VERSUS

1. Director General Prosecution Khyber Pakhtunkhwa
2. Secretary Government of Khyber Pakhtunkhwa Home Department Civil Secretariat Peshawar
3. District Public Prosecutor Chitral

.....Respondents

Filed to-day

Registrar

6/4/18

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST IMPUGNED PROMOTION
ORDER BEARING # E & A/1/(100)/57-84 DATED 03.01.2018
WHEREBY APPELLANT FOR PROMOTION HAS NOT BEEN
CONSIDERED.**

PRAYER

By accepting this Appeal the Appellant may graciously be promoted from Junior Clerk (BPS 11) to Senior Clerk (BPS 14)

Respectfully Submitted,

FACTS

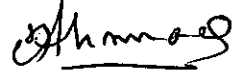
1. That the Appellant is serving as Junior Clerk at District Public Prosecutor Office Chitral.
2. That as per seniority list of Junior Clerks the Appellant being senior most Junior Clerk was placed at serial No 1
(Copy of tentative seniority list is annexed as Annexure A)
3. That on 03.01.2018 posts of Junior Clerks were promoted as senior Clerk. But despite being most senior among all the Junior Clerks the Appellant was not promoted as Senior Clerk.
Copy of impugned Order dated 03.01.2018 is annexed as Annexure B
4. That when the Appellant approached office of Respondent No 1 he was informed that his ACRs for the years 2014 to 2016 are not available.
5. That the Appellant preferred Departmental Appeal before the Respondent No 1 on 04.01.2018 along with the Certificate issued by Respondent No 3 regarding the non-availability of the ACRs.
(Copy of Departmental Appeal and Certificate is annexed as Annexure C and D)
6. That no Order regarding the referred Appeal has yet been passed by the Respondent No 1, hence after passing period for disposal of Departmental Appeal, Appellant is constrained to file this Appeal before this Honourable Tribunal on the following grounds inter alia:

GROUND

- A. That ignoring the promotion of Appellant on the ground that Appellant ACRs are not available is wrong and against facts.
- B. That as the Appellant was terminated from service on 23.10.2014 and later on reinstated by this Honourable Tribunal on 25.05.2016.
(Copy of Order of this Tribunal is annexed as Annexure E)
- C. That the reason of non-availability of ACRs is explained from the Certificate issued by Respondent No 3, wherein, the Appellant after termination did not performed his duty till his reinstatement Order passed by this Honourable Court on 25.05.2016. The said Certificate has also been annexed with the Departmental Appeal but the Respondent No 1 did not considered the legal plea of the Appellant.

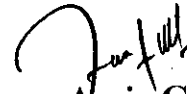
- D. That the promotion order without considering Appellant is illegal, void, wrong, against the rights of Appellant.
- E. That non availability of the Appellant ACRs are in no way can be contributed to the Appellant. Appellant has been reinstated with all back benefits. In no canon of law in such state of matter Appellant can be deprived from his due right of Promotion.
- F. That the Appellant has served the Department for 25 years and had spent his golden era of life.
- G. That the impugned Order is non speaking Order because Appellant has been deprived from his right of promotion without assigning any rhyme or reason hence, being against Section 24-A of General Clause Act is liable to be struck down.
- H. That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

In the light of above factual and legal grounds the Appellant may graciously be promoted from Junior Clerk (BPS 11) to Senior Clerk (BPS 14) OR Any other relief which this Honorable Tribunal deems fit and proper in the circumstances may graciously be granted to the Appellant.



Appellant

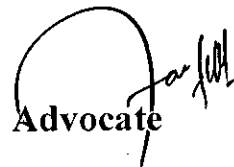
Through



Hamza Amir Gulab
Advocate, High Court
Peshawar

CERTIFICATE

Certified that no such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.


 Advocate

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

Service Appeal No _____ of 2018

Bashir Ahmad

.....Petitioner


VERSUS

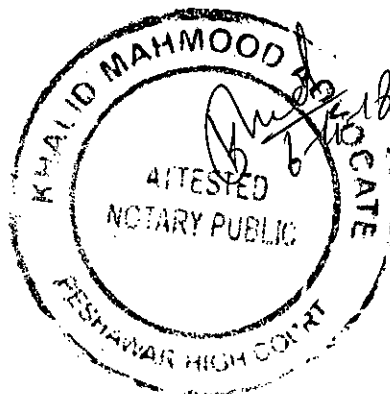
Director General Prosecution Khyber Pakhtunkhwa and others

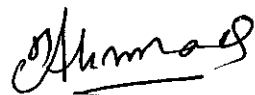
.... Respondents

AFFIDAVIT

I Bashir Ahmad Junior Clerk Office of District Public Prosecutor Chitraldo hereby solemnly declare and affirm on oath that the contents of the instant Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court


Identified by
Hamza Amir Gulab
Advocate




DEPONENT
152018264533-9

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

Service Appeal No _____ of 2018

Bashir Ahmad

.....Petitioner

VERSUS

Director General Prosecution Khyber Pakhtunkhwa and others

.... Respondents

ADDRESSES OF PARTIES

Petitioner

Bashir Ahmad Junior Clerk Office of District Public Prosecutor Chitral

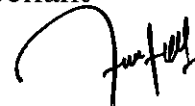
Respondents

1. Director General Prosecution Khyber Pakhtunkhwa
2. Secretary Government of Khyber Pakhtunkhwa Home Department Civil Secretariat Peshawar
3. District Public Prosecutor Chitral



Appellant

Through



**Hamza Amir Gulab
Advocate, High Court
Peshawar**

Annexure - A

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

6



No. DP/ExA/1(49)/902-27

Dated Peshawar 17/01/2017

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kpprosecution@yahoo.com

TO

All The District Public Prosecutors,
Khyber Pakhtunkhwa.

Jawid J/c
Inform all the J/c levels

Attention: All Junior Clerks

30/01/2017

Subject: - TENTATIVE SENIORITY LIST OF JUNIOR CLERK (BPS-11)

Dear Sir,

I am directed to refer to subject noted above and to enclose herewith a copy of Tentative Seniority List in respect of Junior Clerks (BS-11), of this Directorate as well as all the District Public Prosecutor, Khyber Pakhtunkhwa, which may be handed over to all concerned officials working under your kind control for information and further necessary action.

I am further directed to request you to ask the Junior Clerks (BPS-11), to submit their observations / objections on the said list within 15-days positively, if any, otherwise it will be considered as final seniority list.

(Encl: as above)

Yours faithfully,

JTC
JWC
Hamza Amir Gulab
Advocate High Court
Peshawar

Muhammad Muzafar
16/1/17

(Muhammad Muzafar)
Assistant Director Admin/Finance

Copy forwarded to the:

- PA to Director General Prosecution, Khyber Pakhtunkhwa .

Muhammad Muzafar
16/1/17
Assistant Director Admin/Finance

**TENTATIVE SENIORITY LIST OF JUNIOR CLERKS (BPS-11),
IN DIRECTORATE OF PROSECUTION, KHYBER PAKHTUNKHWA**

HC
Hamza Amir Gulab
Advocate High Court
Peshawar

S.No	Name	Qualification	Date of Birth & Domicile	Date of first entry into service	Present Posting
1.	Bashir Ahmad	Matric	05/06/1965 Chitral	12/05/1990	Office of the District Public Prosecutor, Chitral
2.	Muhammad Arif	Matric	12/03/1968 Abbottabad	04-02-1993	Office of the District Public Prosecutor, Abbottabad
3.	Roman	BA/LLB	09/07/1991 Bannu	03-05-2017	Directorate of Prosecution
4.	Usama	FSC	21-09-1996 Peshawar	02-05-2017	District Public Prosecutor, Peshawar

mmmm
Director Administration
Directorate of Prosecution
Khyber Pakhtunkhwa



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/ExA/1(66)/618-45

Dated Peshawar 17/12/2018

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kpprosecution@yahoo.com

(8)

To
The District Public Prosecutors,
Swat, Chitral, Peshawar and
Directorate.

Attention: All Junior Clerks.


Subject: - TENTATIVE SENIORITY LIST OF JUNIOR CLERKS (BPS-11).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Tentative Seniority List of Junior Clerk of this Directorate. The same may be handed over to all the concerned officials working under your kind control for information and further necessary action.

Furthermore, all the Junior Clerks may also be directed to submit their objections, if any, to this Directorate through proper channel for necessary action within 14- days positively, otherwise it will be considered as "Final Seniority List".

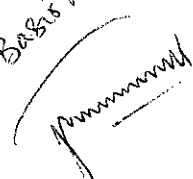
Yours faithfully,


17/01/2018
Assistant Director Admin/Finance


Copy forwarded to the:-

- PA to Director General Prosecution, Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- Section Officer (Prosecution), Home and Tribal Affairs Department.


Assistant Director Admin/Finance

Keep on record and a
copy to Basir Ahmad


GC

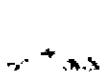
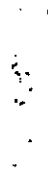

Hamza Amir Gulati
Advocate High Court
Peshawar

**TENTATIVE SENIORITY LIST OF JUNIOR CLERKS (BPS-11), IN DIRECTORATE
OF PROSECUTION, KHYBER PAKHTUNKHWA**

S.No	Name	Qualification	Date of Birth & Domicile	Date of first entry into service	Present Posting
1	Bashir Ahmad	Matric	05/06/1965 Chitral	12/05/1990	Office of the District Public Prosecutor, Chitral
2	Shakeel Akhtar	Matric	15/03/1977 Nowshera	17-04-1994	Office of the District Public Prosecutor, Charsadda
3	Syed Ibrar Shah	Matric	1976 Mansehra	10-03-2003	Office of the District Public Prosecutor, Mansehra
4	Muhammad Arif	Matric	12-03-1968 Abbottabad	04-02-1993	Office of the District Public Prosecutor, Abbottabad
5	Syed Alam Shah	Matric	13-02-1974 Mansehra	15-03-1995	Office of the District Public Prosecutor, Mansehra
6	Shah Fahad	F.A.	31/12/1988 Mardan	30-10-2009	Office of the District Public Prosecutor, Mardan
7	Shah Zeb	F.A.	17/01/1989 Mardan	30-10-2009	Office of the District Public Prosecutor, Mardan
8	Bakht Pervesh	B.A.	11/04/1973 Buner	23-12-2003	Office of the District Public Prosecutor, Buner
9	Wali-ur-Rehman	B.A.	12/06/1973 Mansehra	23-12-2003	Office of the District Public Prosecutor, Mansehra
10	Nasir Ali	Matric	08/02/1974 Swat	23-12-2003	Office of the District Public Prosecutor, Swat
11	Famshed Ahmad	Matric	06/01/1976 Chitral	23-12-2003	Office of the District Public Prosecutor, Chitral
12	Muhammad Zarshad	Matric	18/05/1978 Swabi	23-12-2003	Office of the District Public Prosecutor, Swabi
13	Taj Rehman	B.A.	24/03/1986 Buner	14-02-2014	Office of the District Public Prosecutor, Buner
14	Noman	B.A.	26/06/1986 Swat	14-02-2014	Office of the District Public Prosecutor, Swat
15	Muhammad Tariq Khan	DAE/F.A.	15/03/1991 Buner	14-02-2014	Office of the District Public Prosecutor, Lakki Marwat
16	Ammad Amir	B.Com	16/12/1992 Peshawar	14-02-2014	Directorate of Prosecution
17	Tufail Khan	B.A.	26/12/1992 Mardan	14-02-2014	Office of the District Public Prosecutor, Nowshera
18	Muhammad Nasir	B.Com	30/10/1993 Peshawar	14-02-2014	Directorate of Prosecution
19	Said Nawaz	Matric	12/12/1978 Buner	23-12-2003	Office of the District Public Prosecutor, Swat

ML
13-1-17

CC
Jo
Hamza Amir Gulab
Advocate High Court
Peshawar





Annexure - B

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/

Dated Peshawar 03/01/2018

6

Office Phone # 091-9212559/ 091-9212542

Fax # 091-9212559

E-mail: kp prosecution@yahoo.com

ORDER:

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

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

07/01

etc
Humza Amir Gulab
Advocate High Court
Peshawar

11

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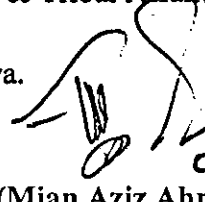
2. The above Senior Clerks will be on probation for period of 01 year in terms of section-6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

--sd/--

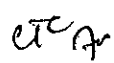
(Director General Prosecution)
Directorate of Prosecution,
Khyber Pakhtunkhwa

Copy forwarded for information to the:-

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


03/01/2018

(Mian Aziz Ahmad)
Deputy Director Admin./Finance


Hamza Amir Gulab
Advocate High Court
Peshawar

مخبریت حسابہ ڈائریکٹر جنرل پراسیکیوشن
حکومت پاکستان

درخواست برائے ترقی سینئر فلک

حسابہ عالی:-

بیانیت خود بیانہ گزارش حسب سائل دفتر
ڈسٹرکٹ پبلک پراسیکیوٹر جنرل میں بحیثیت جونیئر فلک
ڈیوٹی سرانجام دے رہا ہے۔ چونکہ سائل ڈائریکٹوریٹ
ہذا کے جونیئر فلک میں سب سے سینئر ہے اور سینئر فلک

کی Promotion order کا حقدار ہے لیکن سینئر فلک کے Promotion order

نمبر 84-57/100/EP/DP مورخہ 3/11/2018 میں سائل کو اپنے حق سے

محروم رکھا گیا ہے جو سراسر نا انصافی ہے۔

سائل کو مورخہ 23¹⁰/₂₀₁₄ کو نوکری سے برخواست کیا گیا تھا اور
سائل مورخہ 25⁰⁵/₂₀₁₆ کو دوبارہ بحال ہو چکا ہے۔ چونکہ سائل

نے اس دوران ڈیوٹی سرانجام نہیں دی اس لیے اس Period کے
ACR موجود نہیں ہیں حال ڈسٹرکٹ پبلک پراسیکیوٹر جنرل نے
اس کے لیے سرٹیفکیٹ دیا ہے جو درخواست کے ساتھ لف ہے۔

آپ صاحبان سے گزارش حسب سائل کو سینئر فلک کی

پوسٹ پر ترقی کے امکانات جاری فرمائیں،
Shomae

العارضہ۔ لٹ 181 جونیئر فلک

Annexure - D

(13)

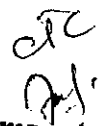
CERTIFICATE

It is certified that Mr. Bashir Ahmad Junior Clerk office of the District Public Prosecutor, Chitral was terminated from service on 23-10-2014 and has been reinstated in service by the Khyber Pakhtunkhwa Service Tribunal on 25-05-2016 due to the reason the ACRs from 23-10-2014 to 25-05-2016 are not available as the official has not performed his official duties during this period.

Dated 03/01/2018


District Public Prosecutor

Chitral


Hamza Amir Gulati
Advocate High Court
Peshawar

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1427/2014

Date of institution ... 26.12.2014

Date of judgment ... 25.05.2016



Bashir Ahmad S/o Fida Muhammad,
R/o Village Sahan, P.O Ayun, District Chitral
Ex-Junior Clerk, Office of District Public Prosecutor,
District Karak.

(Appellant)

VERSUS

1. Director General Prosecution, Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
2. Secretary, Government of Khyber Pakhtunkhwa, Home Department,
Civil Secretariat, Peshawar
3. District Public Prosecutor, Chitral.

[Signature]
ATTESTED

(Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE OFFICE ORDER NO. DEEA/PE/BASHIR/A/1427/2535-13 DATED 23.10.2014 OF RESPONDENT NO. 1, WHEREBY A PENALTY OF COMPULSORY RETIREMENT FROM SERVICE WAS IMPOSED UPON APPELLANT OF OFFICE ORDER NO. SO(PROS)/HD/1-9/2012/VOL-1 DATED 17.12.2014 OF RESPONDENT NO. 2, WHEREBY REPRESENTATION OF APPELLANT WAS REJECTED FOR NO LEGAL REASON

Arbab Saif-ul-Kamal, Advocate.
Mr. Ziaullah, Government Pleader.

For appellant.
For respondents.

MR. PIR BAKHISH SHAH
MR. ABDEL LATIF

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

ATTESTED
[Signature]
EX. OFFICER
Khyber Pakhtunkhwa Service Tribunal
Peshawar

JUDGMENT

MR. PIR BAKHISH SHAH MEMBER:- Appellant Bashir Ahmed, Junior Clerk of the office of District Public Prosecution Chitral was proceeded against under Efficiency and Disciplinary Rules 2011 and vice impugned order dated 23.10.14 he was compulsorily retired. His departmental appeal was also rejected vice order dated 17.12.2014 hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

[Signature]
Hamza Amir Gulab
Advocate High Court
Peshawar

2. In the departmental proceeding, appellant was set to face the following charges as given in the charge sheet -

- (i) That you made spurious signature of Mr. Taj Noor Khan District Public Prosecutor, Chitral on the two bills under the head repair of furniture amounting of Rs. 3400/- & 4600/- (Total amount Rs. 8000/-) and thereby drew money from the government treasury.
- (ii) That you also embezzled government money amounting of Rs. 8000/-.
- (iii) That you withheld fee bills of Rs. 24000/- and Rs. 20400/- payable to Mr. Safirullah Special Public Prosecutor unjustifiably and when a complaint in this respect was lodged against you, then you made payment to the said SPP after a considerable delay.

3. The record shows that a fact findings inquiry in this case was conducted by Liaqat Ali, Deputy Director (Admin) Directorate of Prosecution Khyber Pakkhtunkhwa and the regular inquiry was conducted by Muhammad Ibrahim, District Public Prosecutor, Dir Lower Timergara. Reply of the appellant to the above charges is reproduced here below from the report of regular inquiry:-

ATTESTED

"I also recorded statement of Mr. Bashir Ahmad Junior Clerk office of the District Public Prosecutor, Chitral on oath in which he stated that he is serving as Government Servant from last 24 years and during his entire tenure no complaint has been lodged against him. Due to transfer of Mr. Haider Ali Senior Clerk, DPP Chitral directed him to look-after the affairs of account section and he humbly obeyed the order of District Public Prosecutor, Chitral in spite of the fact that he has no experience in the account matters. He further stated that as excess and surrender statement are going to be submitted before 15.06.2014 and amount of Rs. 8000/- was available in the head repair of furniture. Due to the absence of District Public Prosecutor, Chitral in the first of week of June, 2014 he with bonafide intention made two bills for Rs. 3400/- and Rs. 4600/- due to the reasons that if the amount were not utilized in the budget then Finance Department will refuse the same in the next budget. He also admitted that he received the amount in the month of June and disclosed the same to DPP Chitral, but the DPP blamed the official for mis-appropriation and show caused him. He further submitted that he was forcibly directed to submit written request in shape of Malli Nania and also to deposit the amount through challan in the Account Office Chitral.

ATTESTED

EXAMINER
Khyber Pakkhtunkhwa
Service Tribunal
Peshawar

CFC
Hamza Amir Gula
Advocate High Court
Peshawar

With regard to non-payment of Rs. 20400/- and 24000/- to Mr. Saifullah SPP Chitral in time, he admitted that he paid the amount on 10.07.2014 due to intervention of DPP Chitral. He volunteered that amount was available with him in his house, but due to his illness, he paid the amount on 10.07.2014. However, with respect to purchase of crockery for Rs. 4000/-, he denied that allegations of DPP Chitral and stated that he purchased the crockery according to the directions of DPP Chitral.

ATTESTED

4. We have heard pro & contra arguments and have carefully perused the record.

5. After a careful perusal of the record it was found that the appellant was working on the post on the direction of DPP after transfer of Mr. Haider Ali who had assumed the charge not long before in the month of June and the Drawing and Disbursing Officer was on leave for some time in this month. To receive money from the government exchequer is not possible without signature of DDO and even if this is accepted that the appellant signed the bills with forged signature of DDO he could not receive the money despite the fact that the bills might have been signed with the forged signature of the DDO. Similarly, to disburse the amount to SPP was the responsibility of the DDO and the amount once on record, the appellant could not embezzle this amount of SPP by any stretch of imagination. It was also observed that the concerned SPP was not on good terms with the appellant. After a careful perusal of the record, the Tribunal in this case is led to the inference that the above aspects of the matter have not been properly and justly addressed to by the officers concerned. We are of the considered view that in the circumstances of the case, the penalty imposed on the appellant is harsh. As the result of the fore-going discussion, the Tribunal is constrained to set-aside the impugned order dated 17.12.2014 and 23.10.2014 consequently, the appellant is reinstated in service. The intervening period in which appellant did not perform duty, be treated as his leave of the kind due. The appeal is accepted on the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.05.2016

Sd/- P. S. Bakhsh Shah, Member
Sd/- Abdul Latif, Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Hamza Amir
Advocate High Court
Peshawar

بعدالت

سروس ٹریبونل ضلع پنجتوخواہ پشاور

سروس ایپل نمبر:

2018ء منجانب ایڈوانٹ

بشراحد بنام ڈی جی پرازیگوشن وغیرہ

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی موکل کاروائی متعلقہ آن مقام پشاور کے لیے حمزہ امیر گل ایڈووکیٹ تعین

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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ برواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا کوئی تاریخ پیشی مقام دورہ پر ہویا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

ماہ اپریل 2018ء

المرقوم گ

العبد

گواہ

العبد

کے لیے منظور ہے۔

بمقام پشاور

Attested & Accepted

Hamza Amir Gulal
Advocate High Court
Peshawar

Muhammad Noman
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.490/2018

Bashir Ahmad, Junior Clerk, Chitral

.....Appellant

VS

The Director General Prosecution, Khyber Pakhtunkhwa & Others

.....Respondents

**STATEMENT ON BEHALF OF REPLYING
RESPONDENTS**

Respectfully Sheweth,

1. That, the appellant is serving as Junior Clerk at District Public Prosecutor Office Chitral.
2. That, the appellant was proceeded against under the Efficiency and Disciplinary Rules, 2011 and upon the ~~recommendation~~ ^{recommendation} of inquiry officer, the competent authority imposed upon him penalty of compulsory retire vide (Annexure-A). The impugned order dated 23-10-2014 was challenged before the Service Tribunal and upon the acceptance of said appeal, appellant was re-instated with further direction of treating the intervening period, in which appellant did not perform duty, as leave of the kind due. (Annexure-B).
3. That, in the year 2018, the Respondent No.1 forwarded working paper (Annexure-C) to Departmental Selection Committee (hereinafter referred to DSB) for the promotion of Junior Clerk (BS-11) to the post of Senior Clerk (BS-14), wherein, name of the appellant was placed at Serial No.1.
4. That, the DSB is the recommending authority and have a sole domain to decide the fate of every sort of promotion cases of the officials. The DSB deferred the appellant due to non-availability of ACR w.e.f 01-10-2014 to 24-05-2016 (Annexure-D).
5. That, the appellant case is now being matured and the department is agreed to process his promotion case.

It is, therefore, requested that upon acknowledgment of replying respondents the service appeal of appellant become infructuous and may kindly be dismissed, please.



Secretary

**Home & Tribal Affairs Department,
Government of Khyber Pakhtunkhwa
(Respondent No.2)**



Director General

**Directorate of Prosecution
(Respondent No.1)**

Annex-A₁₅



DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No.DP/E&A/PJ/B. Sh. Ahmad/1533-4

Dated Peshawar 23rd October, 2014
Office phone # 091-9212559
Fax # 091-9212559
E-mail kpprosecution@yahoo.com

ORDER:

Whereas, the District Public Prosecutor, Chitral had complained against Mr. Bashir Ahmad Junior Clerk DPP Office Chitral for drawing and embezzling a sum of Rs. 8,000/- through fraudulent means by making bogus signature of the Drawing and Disbursing Officer on the two such bills passed from the government treasury.

Whereas, Mr. Laiqat Ali Deputy Director (Administration) Directorate of Prosecution, Peshawar was deputed to conduct a facts finding inquiry into the requisite allegations against the official concerned, the sum and substance of which was that responsibility for the alleged fraud and mis-appropriation of Government funds was fixed upon Mr. Bashir Ahmad Junior Clerk.

Whereas, a formal inquiry under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 was initiated against the delinquent official by appointing Mr. Muhammad Ibrahim Khan District Public Prosecutor, Dir (Lower) as inquiry officer under the Rules ibid with the following charge sheet:-

- i. That you made spurious signatures of Mr. Taj Noor Khan District Public Prosecutor, Chitral on the two bills under the head repair of furniture amounting to Rs. 3,400/- & Rs. 4,600/- (total amount Rs. 8,000/-) and thereby drew money from the government treasury.
- ii. That you also embezzled government money amounting to Rs. 8,000/-.
- iii. That you withheld amount of fee bills of Rs. 24,000/- and Rs. 20,400/- payable to Mr. Safir Ullah Special Public Prosecutor unjustifiably and when a complaint in this respect was lodged against you, then you made payment to the said SPP after a considerable delay.

Whereas, the inquiry officer found the accused official guilty of the charges leveled against him and made the following recommendations:-

"On the basis of the facts, statements of witnesses and keeping in view inexperience in account matters of the accused official, I, recommend that Mr. Bashir Ahmad, the accused official is liable for the penalty specified in Section-4(b)(i) or any other penalties specified in Section-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 as deemed consider appropriate."

Whereas, the charges against the accused as framed in the charge sheet and statement allegations have been proved and there is no serious lacuna in the proceedings conducted by the inquiry officer.

And whereas, the accused official was served with a final show cause notice and heard in person by the undersigned but he could not belie the serious accusations brought about against him.

Therefore I, Mr. Asmatullah Khan Gandapur Director General Prosecution, Khyber Pakhtunkhwa having found Mr. Bashir Ahmad Junior Clerk guilty of misconduct and in exercise of the powers conferred upon me under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, impose the major penalty of compulsory retirement upon the accused official herein with immediate effect.

Asmat
23-x-14
(Asmat Ullah Khan Gandapur)
Director General Prosecution
Khyber Pakhtunkhwa

Endst: No. & date even:

Copy forwarded for information to the:-

1. District Public Prosecutors, Chitral and Karak.
2. District Accounts Officers, Karak & Chitral.
- ✓ 3. Deputy Director (Administration), Directorate of Prosecution, Peshawar.
4. Official concerned.

Asmat
my

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1427/2014

Date of institution ... 26.12.2014
Date of judgment ... 25.05.2016



Bashir Ahmad S/o Fida Muhammad,
R/o Village Sehen, P.O Ayun, District Chitral
Ex-Junior Clerk, Office of District Public Prosecutor,
District Karak.

(Appellant)

VERSUS

1. Director General Prosecution, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary, Government of Khyber Pakhtunkhwa, Home Department, Civil Secretariat, Peshawar.
3. District Public Prosecutor, Chitral.

(Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE OFFICE ORDER NO. DP/E&A/PT/BASHIR AHMAD/ 9538-43 DATED 23.10.2014 OF RESPONDENT NO. 1, WHEREBY MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE WAS IMPOSED UPON APPELLANT OF OFFICE ORDER NO. SO(PRO)/HD/1-9/2012/VOL-1 DATED 17.12.2014 OF RESPONDENT NO. 2, WHEREBY REPRESENTATION OF APPELLANT WAS REJECTED FOR NO LEGAL REASON.

Arbab Saif-ul-Kamal, Advocate.
Mr. Ziaullah, Government Pleader.

.. For appellant.
.. For respondents.

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

MR. PIR BAKHSH SHAH
MR. ABDUL LATIF

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

PIR BAKHSH SHAH MEMBER:-

Appellant Bashir Ahmed, Junior Clerk of

the office of District Public Prosecution Chitral was proceeded against under Efficiency and Disciplinary Rules 2011 and vide impugned order dated 23.10.14 he was compulsorily retired. His departmental appeal was also rejected vide order dated 17.12.2014 hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. In the departmental proceeding, appellant was set to face the following charges as given in the charge sheet:-

- (i) That you made spurious signature of Mr. Taj Noor Khan District Public Prosecutor, Chitral on the two bills under the head repair of furniture amounting of Rs. 3400/- & 4600/- (Total amount Rs: 8000/-) and thereby drew money from the government treasury.
- (ii) That you also embezzled government money amounting of Rs. 8000/-.
- (iii) That you withheld fee bills of Rs. 24000/- and Rs. 20400/- payable to Mr. Safirullah Special Public Prosecutor unjustifiably and when a complaint in this respect was lodged against you, then you made payment to the said SPP after a considerable delay.

3. The record shows that a fact findings inquiry in this case was conducted by Liaqat Ali, Deputy Director (Admin) Directorate of Prosecution Khyber Pakkhtunkhwa and the regular inquiry was conducted by Muhammad Ibrahim, District Public Prosecutor, Dir Lower Timergara. Reply of the appellant to the above charges is reproduced here below from the report of regular inquiry:-

"I also recorded statement of Mr. Bashir Ahmad Junior Clerk office of the District Public Prosecutor, Chitral on oath in which he stated that he is serving as Government Servant from last 24 years and during his entire tenure no complaint has been lodged against him. Due to transfer of Mr. Haider Ali Senior Clerk, DPP Chitral directed him to look-after the affairs of account section and he humbly obeyed the order of District Public Prosecutor, Chitral inspite of the fact that he has no experience in the account matters. He further stated that as excess and surrender statement are going to be submitted before 15.06.2014 and amount of Rs. 8000/- was available in the head repair of furniture. Due to the absence of District Public Prosecutor, Chitral in the first of week of June, 2014 he with bonafide intention made two bills for Rs. 3400/- and Rs. 4600/- due to the reasons that if the amount were not utilized in the budget then Finance Department will refuse the same in the next budget. He also admitted that he received the amount in the month of June and disclosed the same to DPP Chitral, but the DPP blamed the official for mis-appropriation and show caused him. He further submitted that he was forcibly directed to submit written request in shape of Maffi Nama and also to deposit the amount through challan in the Account Office Chitral.

EXAMINER
Khyber Pakkhtunkhwa
Service Tribunal,
Peshawar

With regard to non-payment of Rs. 20400/- and 24000/- to Mr. Safirullah SPP Chitral in time, he admitted that he paid the amount on 10.07.2014 due to intervention of DPP Chitral. He volunteered that amount was available with him in his house, but due to his illness, he paid the amount on 10.07.2014. However, with respect to purchase of crockery for Rs. 4000/-, he denied that allegations of DPP Chitral and stated that he purchased the crockery according to the directions of DPP Chitral".

4. We have heard pro & contra arguments and have carefully perused the record.

5. After a careful perusal of the record it was found that the appellant was working on the post on the direction of DPP after transfer of Mr. Haider Ali who had assumed the charge not long before in the month of June and the Drawing and Disbursing Officer was on leave for some time in this month. To receive money from the government exchequer is not possible without signature of DDO and even if this is accepted that the appellant signed the bills with forged signature of DDO he could not receive the money despite the fact that the bills might have been signed with the forged signature of the DDO. Similarly, to disburse the amount to SPP was the responsibility of the DDO and the amount once on record, the appellant could not embezzle this amount of SPP by any stretch of imagination. It was also observed that the concerned SPP was not on good terms with the appellant. After a careful perusal of the record, the Tribunal in this case is led to the inference that the above aspects of the matter have not been properly and justly addressed to by the officers concerned. We are of the considered view that in the circumstances of the case, the penalty imposed on the appellant is harsh. As the result of the fore-going discussion, the Tribunal is constrained to set-aside the impugned order dated 17.12.2014 and 23.10.2014 consequently, the appellant is reinstated in service. ~~The intervening period in which appellant did not perform duty be treated as his leave of the kind due.~~ The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.05.2016

Sd/- Pir Bakhtish Shah, Member

Sd/- Abdul Latif, Member

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. _____
Dated Peshawar 29/7/2016
Office Phone # 091-9212559
Fax # 091-9212559
E-mail kpprosecution@yahoo.com

ORDER:

No. DP/EE/A/PF/8841-46 : In line with the Judgement dated 25-05-2016 of the Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar in service appeal No. 1427/2014, Mr. Bashir Ahmad S/O Fida Muhammad, Junior Clerk is hereby reinstated in service. The interval period between 17-12-2014 to 29-05-2016 be treated as leave without pay and he is posted in the office of District Public Prosecutor Chitral w.e.f 25-05-2016 against the vacant post of Junior Clerk in the Public interest.

-Sd-

Director General Prosecution
Khyber Pakhtunkhwa.

Endst : of even No. dated:

Copy forwarded for information to:

1. Chairman Service Tribunal, Khyber Pakhtunkhwa, Peshawar with service Appeal No. as quoted above.
2. The District Public Prosecutor, Chitral.
3. The District Account Office, Chitral.
4. The PS to Secretary, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
5. The official concerned.
6. Establishment Section of this Directorate.

R. Raza 27/7/16

Annex-c

**DIRECTORATE OF PROSECUTION KHYBER
PAKHTUNKHWA**

WORKING PAPER

Subject: **PROMOTION OF JUNIOR CLERKS (BPS-11) TO THE POST OF
SENIOR CLERK (BPS-14).**

20 sanctioned posts of Senior Clerks BPS-14 are lying vacant in the Directorate of Prosecution as well as District Public Prosecutor offices in Khyber Pakhtunkhwa Annex-A.

2. According to Khyber Pakhtunkhwa Prosecution Service Rules 2010 as per Serial No. 12 the post of Senior Clerk (BPS-14) to be filled up 100% by promotion quota on the basis of seniority-cum-fitness from amongst the Junior Clerks (BPS-11) with at least two year service. The relevant portion of the Rules referred to above is reproduced as under:-

S.No.	Nomenclature	Minimum qualification	Method of recruitment	Age limit
12.	Senior Clerk	--	By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least two years service as such.	--

3. According to the final seniority list of Junior Clerks, the officials placed at Serial No. 1 to 19 have completed the requisite length of service (copy of the seniority list is attached as Annex-B).


4. Keeping in view, the above mentioned Rules, the following officials are qualifying for promotion as Senior Clerk BPS-14 except Serial No. 04, as per their seniority on regular basis.

S.No	NAME OF JUNIOR CLERK	EDUCATIONAL QUALIFICATION	DATE OF FIRST ENTRY INTO SERVICE ON REGULAR BASIS WITH BASIC PAY SCALE	WEATHER ELIGIBLE FOR PROMOTION
1.	Bashir Ahmad	Matric	12/05/1990	The official was compulsory retired in 2014 and reinstated in 2016, the interval period was considered as leave without pay by this Directorate while the official feeling aggrieved from order it has challenged in Service Tribunal,

[Handwritten signature]
29/11

				the case is sub-Judice in Court. Therefore, PERs for the year 2015 is not available.
2.	Shakeel Akhtar	Matric	17-04-1994	Yes
3.	Syed Ibrar Shah	Matric	10-03-2003	Yes
4.	Muhammad Arif	Matric	04-02-1993	Not eligible as per rules
5.	Syed Alam Shah	Matric	15-03-1995	Yes
6.	Shah Fahad	F.A.	30-10-2009	Yes
7.	Shah Zeb	F.A.	30-10-2009	Yes
8.	Bakht Pervesh	B.A.	23-12-2003	Yes
9.	Wali-ur-Rehman	B.A.	23-12-2003	Yes
10.	Nasir Ali	Matric	23-12-2003	Yes
11.	Jamshed Ahmad	Matric	23-12-2003	Yes
12.	Muhammad Zarshad	Matric	23-12-2003	Yes
13.	Taj Rehman	B.A.	14-02-2014	Yes
14.	Noman	B.A.	14-02-2014	Yes
15.	Muhammad Tariq Khan	DAE/F.A.	14-02-2014	Yes
16.	Ammad Amir	B.Com	14-02-2014	Yes
17.	Tufail Khan	B.A.	14-02-2014	Yes
18.	Muhammad Nasir	B.Com	14-02-2014	Yes
19.	Said Nawaz	Matric	23-12-2003	Yes

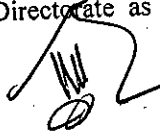
5. It is certified that all the officials included in the panel for promotion:-
- Hold the lower post on regular basis and none of them is holding the post on adhoc basis.
 - No penalty was imposed on the officials.
 - No disciplinary/ departmental/ judicial proceedings are pending against the officials.
 - The Official at Serial No. 01, whose PERs for the year 2015 is not available for the reason that the official was compulsory retired in the year 2014 vide Annex-C, later on he was reinstated in the year 2016 vide Annex-D. Now he


29/11/17

challenged his interval period i.e. Leave without Pay in Service Tribunal vide Annex-E.

- e. The Official at Serial No. 04 has forgone from promotion vide Annex-F, hence, not eligible for promotion as per rules vide Annex-G.
6. The synopsis of character roll in respect of the above officials, whose PERs are complete are enclosed as Annex-H.

Since 20 posts of Senior Clerk (BPS-14) are lying vacant, due to promotion of Senior Clerk to Office Assistant (BPS-16). Therefore, the promotion case is submitted to Departmental Promotion Committee (D.P.C) to determine the suitability of officials for promotion to the post of Senior Clerk (BPS-14) on regular basis in this Directorate as well as District formation.


(Mian Aziz Ahmad)
Deputy Director/Admin/Finance

29/11/17

Annex D

MINUTES OF THE MEETING

A meeting of the Departmental Promotion Committee (DPC) was held on 12-12-2017 in the office of Director General Prosecution, Khyber Pakhtunkhwa, wherein promotion cases of the Junior Clerk to the post of Senior Clerk were discussed thread bear one by one.

The Meeting was attended by the following.

- a) **Mr. Adnan Zafar** (Chairmen)
*Director General Prosecution,
Khyber Pakhtunkhwa.*
- b) **Mr. Tayyab Abdullah** (Member)
*Deputy Secretary Admin
Home & Tribal Affairs Department
Khyber Pakhtunkhwa*
- c) **Mr. Mian Aziz Ahmed** (Member)
*Deputy Director Admin/ Finance
Khyber Pakhtunkhwa*

The meeting commenced with the recitation of the Holy Quran. Thereafter, the chair welcomed the participants.


It was highlighted by the Deputy Director Administration that twenty (20) sanctioned posts of Senior Clerks were lying vacant in the Directorate of Prosecution as well as District Prosecution offices in the Khyber Pakhtunkhwa. Recently Final Seniority list of the Senior Clerk was notified after doing all the needful. It was further highlighted that according to Khyber Pakhtunkhwa, Prosecution Service Rules 2005 as amended in 2010 & 2013, the method of promotion of Junior Clerks to the next higher rank of Senior Clerk is 100% by promotion on the basis of Seniority cum fitness from amongst the Junior Clerks (BPS-11), with at least two years' service as Junior Clerk. Thus, keeping in view vacant sanctioned posts and provision of the Rules ibid; cases of 19 Junior Clerks (BPS-11) were discussed one by one for their promotion to the post of Senior Clerk (BPS-14) in the following manner.


S.No.	NAME OF JUNIOR CLERK	EDUCATIONAL QUALIFICATION	DATE OF FIRST ENTRY INTO SERVICE ON REGULAR BASIS WITH BASIC PAY SCALE	DECISION OF DEPARTMENTAL PROMOTION COMMITTEE
1	Bashir Ahmad	Matric	12/05/1990	Deffered due to non-availability of ACR for the period 01-10-2014 to 24-05-2016.
2	Shakeel Akhtar	Matric	17-04-1994	Promoted
3	Syed Ibrar Shah	Matric	10-03-2003	Promoted
4	Muhammad Arif	Matric	04-02-1993	Deffered, As the official has earlier refused promotion vide


12/12/17

S.No.	NAME OF JUNIOR CLERK	EDUCATIONAL QUALIFICATION	DATE OF FIRST ENTRY INTO SERVICE ON REGULAR BASIS WITH BASIC PAY SCALE	DECISION OF DEPARTMENTAL PROMOTION COMMITTEE
				his application dated 26-01-2016 hence, not eligible for said/current promotion case in light of Establishment depts Notification No.SOR-VI (E&AD)1-3/2009/VOL-VIII Dated 22-10-2011.
5	Syed Alam Shah	Matric	15-03-1995	Promoted
6	Shah Fahad	F.A.	30-10-2009	Promoted
7	Shah Zeb	F.A.	30-10-2009	Promoted
8	Bakht Pervesh	B.A.	23-12-2003	Promoted
9	Wali-ur-Rehman	B.A.	23-12-2003	Promoted
10	Nasir Ali	Matric	23-12-2003	Promoted
11	Jamshed Ahmad	Matric	23-12-2003	Promoted
12	Muhammad Zarshad	Matric	23-12-2003	Promoted
13	Taj Rehman	B.A.	14-02-2014	Promoted
14	Noman	B.A.	14-02-2014	Promoted
15	Muhammad Tariq Khan	DAE/F.A.	14-02-2014	Promoted
16	Ammad Amir	B.Com	14-02-2014	Promoted
17	Tufail Khan	B.A.	14-02-2014	Promoted
18	Muhammad Nasir	B.Com	14-02-2014	Promoted
19	Said Nawaz	Matric	23-12-2003	Promoted

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


Deputy Secretary Admin
Home & Tribal Affairs
Department
Khyber Pakhtunkhwa
(Member)


Director General Prosecution
Directorate of Prosecution
Khyber Pakhtunkhwa
(Chairman)


Deputy Director Admin/Finance
Directorate of Prosecution
Khyber Pakhtunkhwa
(Member)