


The appeal of Mr. Muhammad Jamil son of Amir Bahadar Khan r/o Gorri District Upper Dir received today i.e. on 06.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2360 /S.T,

Dt. 6-12 - /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Abdul Haq Adv. Swat.

*for
not received at all any such
bill copy*

*Resubmission
required for necessary*



20/8

2. Brief facts of the case are that the appellant initially appointed as Assistant Curator in the Federal Government Department of Archeology and Museums on 08-01-2008. In the wake of 18th Constitutional amendments, the Department devolved to the Province of Khyber Pakhtunkhwa and resultantly, the appellant alongwith others absorbed into the Khyber Pakhtunkhwa Department of Archeology & Museums on 05-04-2011. The appellant along with others notified as Civil Servant of the province on 19-12-2016 by bringing amendments in Civil Servant Act 2015. The Establishment Department in a meeting on 31-10-2017 resolved the issue of seniority of all devolved employees and tentative seniority list issued by respondent No. 4 on 03-07-2018; where the appellant stands at Serial No. 1 of the tentative seniority list. The appellant preferred departmental appeal on 20-08-2018 with the prayers that his juniors were promoted in 2013 and 2016 and the appellant was equally fit for promotion but was not promoted. The departmental appeal was not responded to, hence the instant appeal with the prayers that respondents may issue his final seniority list and promote him into his due basic pay scale BPS-17 according to his seniority and from the date, he was eligible for promotion.

3. Written reply/comments were submitted by respondents.

4. Arguments heard and record perused.

5. Learned counsel for the appellant contended that in the wake of 18th constitutional amendments, the Federal Department of Archeology & Museums devolved to Provinces and as a result, the appellant along-with others transferred from Federal Government to the Province of Khyber Pakhtunkhwa and absorbed in the Provincial Department of Archeology &

Museums on 05-04-2011. The appellant properly posted, drawing his salaries from the provincial exchequer on regular basis. That after absorption in the provincial department, seniority of the appellant was not determined by the respondent, but in the meanwhile in 2013 his other colleague's juniors to him were promoted to the next grade and dropped the name of the appellant under the plea that his seniority is not yet determined. He however was fit/eligible for promotion as well as senior, as per criteria of the service rules of the Directorate of Archeology & Museums. The respondents brought amendments in the Civil Servant Act, 2015 and in light thereof notified the appellant as civil servant on 19-12-2016. Again, on 16-01-2017, the respondents promoted his junior to the next grade inspite of the fact the appellant already notified as civil servant on 19-12-2016. The learned counsel contended that at a belated stage on 03-07-2018, the respondent issued joint tentative seniority list of the employees placing the appellant at serial No. 1 of the seniority list. The learned counsel argued that it was not fault of the appellant nor it was in his control to prepare seniority list, had the respondents issued the seniority list in 2011 after absorption of the appellant, he would have been promoted to Grade-17 and until now he would have been promoted to Grade-18 as he was the senior most amongst his colleagues and senior to those who are already promoted to Grade-17. The learned counsel further argued that it is the constitutional/legal right of the appellant that he should be given his due seniority, as the promotions are made on seniority cum fitness basis but the appellant has been deprived of such seniority without any lawful reason. He referred to the Establishment Department Notification dated 05-12-2017, wherein an officer who gets his seniority restored and become senior to already promoted officers in the

cadre will be considered for promotion by relevant board from the date, when his juniors were promoted. The learned counsel prayed that seniority of the appellant be calculated from 05-04-2011, when he was absorbed in the provincial department and he may be promoted placing him senior to his juniors, who are already promoted to Grade-17.


6. Conversely, the learned Deputy District Attorney appeared on behalf of official respondents contended that the appellant alongwith other transferred employees became civil servants of this Province under Civil Servant Amendment Act, 2015 and in the light of this Act, all the Federal transferred employees to this Province were declared Civil Servants on 19-12-2016. The appellant was not declared as civil servant by the respondents in the year 2013, therefore, two junior officers were promoted and he was not considered for promotion. The learned Deputy District Attorney admitted that in 2016, the promotion of a junior officer and declaration of the appellant as civil servant took place simultaneously and he would have been considered by the respondent, but his seniority was not yet determined and tentative joint seniority list was issued on 03-07-2018. The learned Deputy District Attorney agreed to the point that now the appellant is the senior most amongst his colleagues and at serial No. 1 of the seniority list. He agreed to the point that there is no vacant post available on the strength of Directorate and when a vacancy occurs, the appellant will be considered for promotion.

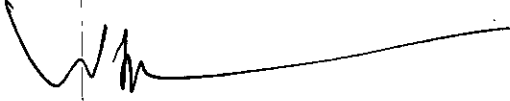
7. We are conscious of the fact that contention of the appellant to the effect that preparation of seniority list or his absorption in the Province were beyond his control and it was responsibility of the respondents to do such well in time. The learned Deputy District Attorney also did not object to the

stance of his seniority amongst his colleagues, which shows the element of truth in his stance, but since nothing is available on record to determine his seniority nor any seniority list of the period of 2013/2016 available to substantiate his contention. The only evidence in support of his contention is his entry into service, which is earlier than those already promoted to the next grade.

8. In view of the above, the instant appeal seems genuine. The burden of delay on part of respondents in preparation of seniority list and his absorption shall not be shifted to the appellant nor he is responsible for the act of delay on part of the respondents, hence the instant appeal is remitted to the respondent department to examine his seniority/promotion from the date when he was transferred to this Province in 2011 within three months. With no order as to costs. File be consigned to the record room.

ANNOUNCED
30.09.2020


(ROZINA REHMAN)
MEMBER (J)

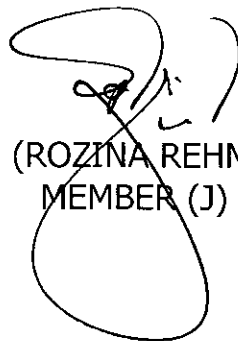

(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)

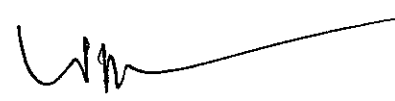
30.09.2020

Counsel for appellant present. Mr. Muhammad Jan learned
Deputy District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed
on file, the instant appeal is remitted to the respondent
department to examine his seniority/promotion from the date
when he was transferred to this Province in 2011 within three
months. With no order as to costs. File be consigned to the
record room.


ANNOUNCED
30.09.2020


(ROZINA REHMAN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

7.5-.2020

Due to COVID19, the case is adjourned to
27/7/2020 for the same as before.


Reader

27.07.2020

Due to COVID-19, the case is adjourned. To come
for the same on 16.09.2020 before D.B.



Reader


16.09.2020

Counsel for appellant present.

Mr. Muhammad Jan learned Deputy District Attorney
alongwith Muhammad Arif, Litigation Officer for
respondents present.

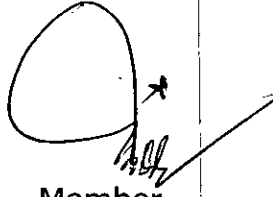
Arguments heard. To come up for order on 30.09.2020
before D.B.

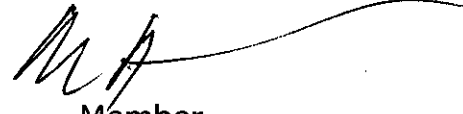

(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

06.03.2020

Junior to counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Sajid, Supdt for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.05.2020 before D.B.


Member


Member

22.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present.

The appellant was selected through Federal Public Service Commission and recruited by the Federal Government, Department of Archaeology and Museums and assumed the charge of Assistant Curator (BPS-16) in Archaeology and Museums Department on 08.01.2008. That later on the appellant alongwith other officers and officials were adjusted from the Federal Government Department of Archaeology and Museums to the Province of Khyber Pakhtunkhwa department of Archaeology and Museums in the year 2011. The respondents are directed to direct the representative to attend the court and submit notification whereby the appellant alongwith other officers and officials were adjusted/transferred/absorbed from Federal Government to Provincial Government on the next date positively. Case to come up for aforementioned notification and arguments on 21.01.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

21.01.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Case to come up for ^{submission of} notification mentioned in order sheet dated 22.11.2019 and arguments ~~on 06.03.2020~~ on 06.03.2020 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

24.06.2019

Counsel for the appellant and Addl: AG alongwith Mr. Mazhar Abbas, Assistant for respondents present. Written reply/comments on behalf of respondent not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 09.08.2019 before S.B.


(Ahmad Hassan)
Member

09.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Sajidiur Rahman, S.O (Litigation) and Mian Wahab Shah, Asstt. AD for the respondents present.

Reply/comments has been submitted on behalf of respondents No. 1 to 4 which are made part of the record. To come up for arguments before D.B on 08.10.2019. The appellant may furnish rejoinder, within one month, if so advised.


Chairman

08.10.2019

Counsel for the appellant present. Asst: AG for respondents present. Learned Asst: AG stated at the bar that identical nature of appeal has already been dismissed by this Tribunal. Learned counsel for the appellant seeks adjournment for ~~for~~ assistance. To come up for arguments on 22.11.2019 before D.B.


Member


Member

24.04.2018

Counsel for the appellant present. As per directions contained in order sheet dated 10.04.2019, learned counsel for the appellant has submitted amended appeal by modifying his prayer. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that on the recommendations of Federal Public Service Commission, he was appointed by the Federal Government. He assumed the charge of Assistant Curator (BPS-16) in the Archaeological Museum, Saidu Shairf, Swat on 08.01.2008. That vide order dated 15.12.2010, he was transferred to Peshawar. That in wake of 18th Constitutional amendment the appellant alongwith other colleagues were transferred from Federal Government to the Khyber Pakhtunkhwa Archaeology and Museums Department on 05.04.2011. He was notified as civil servant of the provincial government vide notification dated 19.12.2016. According to the invogue service rules, he was eligible for promotion to the post of Research Officer/AD but not considered by the DPC in its meetings held in 2013 and 2016. On the other hand officials junior to the appellant were promoted on the recommendations of the DPC. As per tentative seniority list dated 03.07.2018 name of the appellant is reflected at sr. 1. Feeling aggrieved, he filed departmental appeal, which remained unanswered, hence, the instant service appeal. He is entitled to be promoted to BPS-17 from the date of his juniors were promoted.

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 24.06.2018 before S.B.


(AHMAD HASSAN)
MEMBER

Appellant to deposit
Security & Process Fee →

Aman Ullah

10.04.2019

Counsel for the appellant present and requests for adjournment to submit an amended appeal wherein the prayer part requires to be modified.

The appellant may submit amended appeal within a fortnight, if he so advised. Adjourned to 24.04.2019 before S.B.

24.04.2018


Chairman

Counsel for the appellant present. As per directions contained in order sheet dated 10.04.2019, learned counsel for the appellant has submitted amended appeal by modifying his prayer. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that on the recommendations of Federal Public Service Commission, he was appointed by the Federal Government. He assumed the charge of Assistant Curator (BPS-16) in the Archaeological Museum, Saidu Shairf, Swat on 08.01.2008. That vide order dated 15.12.2010, he was transferred to Peshawar. That in wake of 18th Constitutional amendment the appellant alongwith other colleagues were transferred from Federal Government to the Khyber Pakhtunkhwa Archaeology and Museums Department on 05.04.2011. He was notified as civil servant of the provincial government vide notification dated 19.12.2016. According to the invogue service rules, he was eligible for promotion to the post of Research Officer/AD but not considered by the DPC in its meetings held in 2013 and 2016. On the other hand officials junior to the appellant were promoted on the recommendations of the DPC. As per tentative seniority list dated 03.07.2018 name of the appellant is reflected at sr. 1. Feeling aggrieved, he filed departmental appeal which remained unanswered, hence, the instant service appeal. He is entitled to be promoted to BPS-17 from the date of his juniors were promoted.

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 24.06.2018 before S:B.

(AHMAD HASSAN)
MEMBER

5. In view of above, the appeal in hand is devoid of merits warranting its admission for regular hearing. The same is therefore, dismissed in limine alongwith application for suspension of the impugned order. File be consigned to the record room.

Chairman

ANNOUNCED
09.04.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1568/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/12/2018	<p>The appeal of Mr. Amanullah resubmitted today by Mr. Ghulam Nabi 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;"><i>[Signature]</i> REGISTRAR <i>31/12/18</i></p>
2-	28.01.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28-1-19</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
28.01.2019		<p>Appellant in person present and requested for adjournment on the ground that his counsel has gone to Dara-ul-Qaza, Swat. Adjourned to 05.03.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
05.03.2019		<p>Counsel for the appellant present and seeks adjournment. Adjourned to 10.04.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> (M. Amin Khan Kundi) Member</p>


The appeal of Mr. Amanullah son of Khyber Khan Filed Officer c/o Directorate of Archaeology and Museums KPK received today i.e. on 20.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 2420 /S.T,

Dt. 21-12- /2018.

Mr. Ghulam Nabi Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

جی
no such order order
Resubmitted after necessary
copy

31/12/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IN RE:
Service Appeal No. 1568 / of 2018

Aman Ullah son of Khyber Khan... .. Appellant

VERSUS


Secretary to Govt of KPK Sports, Tourism,
Culture, Archaeology, Museums and
Youth Affairs Department Peshawar and others... .. Respondents

INDEX


S.No	Description of documents	Annexures	Pages
1.	Service Appeal		1 - 4
2.	Affidavit		0 - 5
3.	Copy of Appointment letter dated 29.02.2008	'A'	6 - 7
4.	Copy of Office Order dated 15.12.2010	'B'	8
5.	Copy of Transfer Order dated 05.04.2011	'C'	9 - 10
6.	Copy of Notification dated 19.12.2016	'D'	11 - 12
7.	Copy of Minutes of the Meeting held on 31.10.2017	'E'	13 - 14
8.	Copy of Tentative Seniority List	'F', F1	15 - 18
9.	Vakalat Nama		

Appellant

Through:


(Ghulam Nabi Khan)
Advocate,
Supreme Court of Pakistan
B-17, Haroon Mansion
Khyber Bazar, Peshawar
Cell # 0300-5845943

And


(Mian Tajammal Shah)
Barrister, Peshawar.

Dated: 20 12. 2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1568 / of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1768

Dated 20/12/2018

Aman Ullah son of Khyber Khan,
Field Officer C/O Directorate of
Archaeology and Museums,
Khyber Pakhtunkhwa, Peshawar...

Appellant

VERSUS

1. Secretary to Government of
Khyber Pakhtunkhwa Sports, Tourism,
Culture, Archaeology, Museums and
Youth Affairs Department,
Civil Secretariat, Peshawar.
2. Secretary to Government of
Khyber Pakhtunkhwa Finance Department
Civil Secretariat, Peshawar.
3. Secretary to Government of
Khyber Pakhtunkhwa, Establishment
Department, Civil Secretariat,
Peshawar.
4. Director Archaeology and Museums
Khyber Pakhtunkhwa, Peshawar...

Respondents

APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974.

Filed 12/11
day
Registrar

Respectfully Sheweth:

1. That the appellant was selected through the Federal Public Service Commission and recruited by the Federal Government, Department of Archaeology and Museums and assumed charge of Assistant Curator (BPS-16) in the Archaeological Museum Saidu Sharif, Swat on

Re-submitted to -day
and filed.

Registrar
20/12/18

08.01.2008 vide Notification No. 1A/92/2006-Arch (Admin) dated 29th February 2008 (AN). (Copy of the appointment letter dated 29.02.2008 is attached herewith as Annexure 'A').

2. That the appellant was transferred from the Archaeological Museum Saidu Sharif, Swat to the Sub Regional Office Peshawar vide Office Order No. 1A/16/2009-Arcjh (Admin) dated 15 December 2010. (Copy of the Office Order dated 15.12.2010 is attached herewith as annexure 'B').
3. That in wake of 18th Constitutional Amendment the appellant alongwith other officers and officials transferred from the Federal Department if Archaeology and Museums to the Province of Khyber Pakhtunkhwa, Department of Archaeology and Museums on 05.04.2011. (Copy of the Transfer Order dated 05.04.2011 is attached herewith as annexure 'C').
4. That the appellant was notified as Civil Servant of the Province of Khyber Pakhtunkhwa by respondent No.1 on 19.12.2016 vide notification dated 19.12.2016. (Copy of the Notification dated 19.12.2016 is attached herewith as annexure 'D').
5. That as per criteria of the Service Rules of the Directorate Archaeology and Museums the appellant was fit/eligible for promotion in 2013 but was not considered by the Departmental Promotion Committee (DPC) in the year 2013 and 2016. It is very much pertinent to mention that in both the DPCs (2013 and 2016), respondent No.1 promoted officers much junior to the appellant.
6. That in a meeting held by the Establishment Department on 31.10.2017 the Establishment Department resolved the issue of Seniority of all the Devolved Employees from Federal Government Department. (Copy of the Minutes of the Meeting held on 31.10.2017 is attached herewith as annexure 'E').

7. That respondent No.4 issued Tentative Seniority List on 03.07.2018 in the light of the meeting discussed in Para 6 and according to that Tentative Seniority List the appellant is at serial No.1 of the Seniority List alongwith Departmental Appeal dated 20.08.2018. (Copy of Seniority List and Departmental Appeal are attached as annexure "F & "F1").

8. That there being no other remedy the appellant now approaches this Honorable Service Tribunal on the following ground amongst the others:-

GROUNDS:


- a. That dropping name of the appellant from the promotion is an act illegal, unlawful, without authority/jurisdiction, as well as being based on the malafide intentions of the respondent department, is liable to be set aside.
- b. That it is very much strange to bring into the kind notice of this Honourable Tribunal that the name of the appellant was brought at Serial No.1 in the Tentative Seniority List, however, juniors to appellant are in BPS-17 and the appellant is in BPS-16.
- c. That the respondents Department is doing all this on the malafide intention to oblige their blue eyed persons, hence after dropping the name of the appellant from the promotion they have promoted other persons to the post of Assistant Director/Research Officer (BPS-17), whereas name of the appellant has been dropped even from the above said promotion.
- d. That it is Constitutional/ legal right of the appellant that he should be given this due seniority, as the promotion are made on the Seniority-Cum-Fitness but the appellant has been deprived of his such seniority right without mentioning any cogent/lawful reasons.

- 43
- e. That if the name of the appellant is not brought within the Seniority list he will be deprived of his right of promotion and other legal rights.


It is, therefore, humbly prayed that by accepting this appeal the respondents may kindly be directed to issue the Final Seniority List and it is further prayed to promote the appellant into his due Basic pay scale /BPS-17 according to his Seniority and from the date he was eligible for promotion.


Appellant

Through


(Ghulam Nabi Khan)
Advocate
Supreme Court of Pakistan

&


(Barrister Mian Tajamal Shah)
Peshawar
B-17, Haroon Mansion,
Khyber Bazar, Peshawar
Cell No.0300-5845943

Dated 20/12/2018

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____ / of 2018

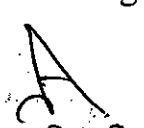
Aman Ullah son of Khyber Khan... .. Appellant

VERSUS

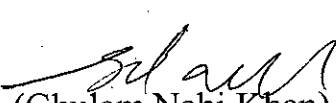
Secretary to Govt of KPK Sports, Tourism,
Culture, Archaeology, Museums and
Youth Affairs Department Peshawar and others... .. Respondents

AFFIDAVIT

I, Aman Ullah son of Khyber Khan, Field Officer C/O Directorate of Archaeology and Museums, Khyber Pakhtunkhwa Peshawar,, do hereby solemnly affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


Deponent

IDENTIFIED BY:


(Ghulam Nabi Khan)
Advocate, Peshawar.



A

B

To be published in Part-III of the Weekly Gazette of Pakistan.

Government of Pakistan
Department of Archaeology & Museums
1st & 2nd Floor, Block # 2 Plot # 4, G-7 Markaz, Sitara Market

Islamabad, 28th February, 2008

NOTIFICATION

No. 1A/41/2006-Arch (Admn), consequent upon their appointment vide office orders of even number dated 03-01-2008, the following newly recruited Assistant Curators/Field Officers (BPS-16), have assumed the charge of their posts with effect from the dates mentioned with the place of their posting as detailed below:-

S.No	NAME OF OFFICER	PLACE OF POSTING	CHARGE ASSUMPTION DATED
1.	Mr. Nafees Ahmed	Field Officer, Exploration and Excavation Branch, Karachi.	22-01-2008
2.	Mr. Amanuallah.	Assistant Curator, Archaeological Museum, Swat.	08-01-2008
3.	Mr. Asadullah	Assistant Curator, Archaeological Museum, Moenjodaro.	15-01-2008
4.	Mr. Noor Ahmed Khan.	Assistant Curator, National Museum Pakistan, Karachi.	18-01-2008
5.	Syed Abid Ali.	Field Officer, Sub-Regional Officer, Quetta.	15-01-2008
6.	Mr. Muhammad Yameen Saleemi.	Assistant Curator, National Museum Pakistan, Karachi.	14-01-2008

Sd/-
(DR. FAZAL DAD KAKAR)
DIRECTOR GENERAL

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi.

AW

7

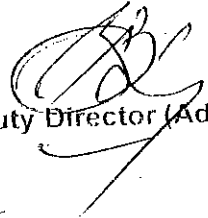
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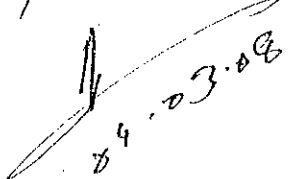
Islamabad, 28th February, 2008

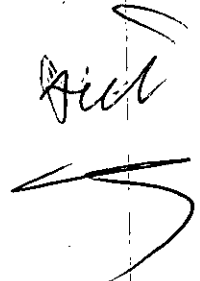
No. 1A/42/2006-Arch (Admn)

Copy to:

1. Mr. Nafees Ahmed, Field Officer, Exploration and Excavation Branch, Karachi.
2. Mr. Amanullah, Assistant Curator, Archaeological Museum, Swat.
3. Mr. Asadullah, Assistant Curator, Archaeological Museum, Moenjodaro.
4. Mr. Noor Ahmed Khan, Assistant Curator, NMP, Karachi.
5. Syed Abid Ali, Field Officer, SRO, Quetta.
6. Mr. Muhammad Yameen Saleemi, Assistant Curator, NMP, Karachi.
7. The Director, Exploration and Excavation Branch, Karachi.
8. The Director, Southern Circle of Archaeology, Karachi.
9. The Deputy Director, SRO, Quetta.
10. The Superintendent, NMP, Karachi.
11. The Deputy Director, SRO, Peshawar.
12. The Curator, Archaeological Museum, Moenjodaro.
13. The Deputy Director, SRO, Hyderabad.
14. The Curator, Archaeological Museum, Swat.
15. The Assistant Director (B&A), DOAM, Islamabad.
16. The Section Officer (A. I), Ministry of Culture, Islamabad.
17. The DGPR, Sub-Office of the AGPR, Karachi.
18. The AGPR, Peshawar.
19. The AGPR, Quetta.
20. The District Account Officer, Moenjodaro.
21. The District Account Officer, Swat.
22. Personal file of the officers.


Deputy Director (Admn)

In concerned file

29.03.08

File


B

(8)

No.1A/16/2009-Arch (Admn)
GOVERNMENT OF PAKISTAN
DEPARTMENT OF ARCHAEOLOGY & MUSEUMS

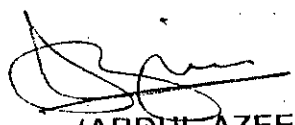
Islamabad, the 15th December, 2010.

OFFICE ORDER

Mr. Aman ullah, Assistant Curator, Archaeological Museum, Swat is transferred and posted as Field Officer, Sub-Regional Office, Peshawar.

This issues with the approval of the Director General of Archaeology & Museums.

*Noted -
AR S Pesh
12/15/10*


(ABDUL AZEEM)
Deputy Director (Admn)

Mr. Aman ullah,
Assistant Curator,
Archaeological Museum,
Swat

Copy to:

1. The Director, Northern Circle of Archaeology, Lahore.
2. The Deputy Director, Sub-Regional Office, Peshawar.
3. The Assistant Director, B&A, DOAM, Islamabad.
4. The Curator, Archaeological Museum, Swat.
5. The AGPR, Sub Office, Peshawar
- ✓ 6. The District Accounts Officer, Swat

Aman


Secretary Sports, Culture & Youth Affairs
 D/Secy 69/1
 11-4-2011
 Government of Pakistan
 Cabinet Secretariat
 Establishment Division
 Islamabad

Govt. of Khyber Pakhtunkhwa
 3172
 11-4-2011

No.F:1(2)/DC-I/MSW/2011

DS No. 1676
 14-04-11
OFFICE ORDER

Islamabad, the 5th April, 2011

On transfer of Sub-Regional Office, Peshawar of Department of Archaeology & Museums to the Department of Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs, Government of Khyber Pukhtunkhwa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010), the following officials of Sub-Regional Office, Peshawar of Department of Archaeology & Museums are transferred to the Department of Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs, Government of Khyber Pukhtunkhwa under section 10 of Civil Servants Act, 1973 on their existing posts in the same Basic Scales of pay:

Sub-Regional Office, Peshawar of Department of Archaeology & Museums


S. No	Name	Designation	Pay Scale
1	Mr. Muhammad Ismail Khan	Archl. Conservator	16
2	Mr. Amanullah	Field Officer	16
3	Mr. Jamshed Khan	Stenotypist	12
4	Ms. Musarat Naseem	Stenotypist	12
5	Mr. S. Sajid Ali	Photographer	10
6	Mr. Ghulam Haider Khattak	Head Clerk	8
7	Mr. Mazhar Abbas	Technical Assistant	7
8	Mr. S. Mazhar Hussain Shah	LDC	7
9	Mr. Nasir ul Haque	LDC	7
10	Mr. Muhammad Asif	Conservation Foreman	6
11	Mr. S. Husnain Raza Zaidi	2nd Clerk	5
12	Mr. Kashif Tasleem	Photoprinter	5
13	Muhammad Ejaz Khattak	Driver	4
14	Mr. Azizullah	Driver	4
15	Mr. Misri Khan	Lab Attendant	2
16	Mr. Muhammad Sabir	Daftri	2
17	Mr. Ahmed Saeed	Naib Qasid	1
18	Mr. Musafar Khan	Naib Qasid	1
19	Mr. Waqar Ali	Naib Qasid	1
20	Mr. Naseem Khan	Naib Qasid cum Guard	2
21	Mr. Inayatullah	Chowkidar	2
22	Mr. Liaquat Ali	Khalasi	2
23	Mr. Zia uddin	Watchman	1
24	Mr. Jambar Ali	Watchman	1
25	Mr. Shakirullah	Watchman	1
26	Mr. Muhammad Hussain	Watchman	1

P.S. to Chief Secy
 Govt. of Khyber Pakhtunkhwa
 Dept. of Culture

ACU

27	Mr. Daud Khan	Watchman	1
28	Mr. Sanab Gul	Site Attendant	1
29	Mr. Mukhtiar Ahmed	Site Attendant	1
30	Mr. Mujeeb Hussain	Site Attendant	1
31	Mr. Muhammad Iqbal	Site Attendant	1
32	Mr. Ghulam Shabir	Site Attendant	1
33	Mr. Ayaz Khan	Site Attendant	1
34	Mr. Aftikhar Ali	Site Attendant	1
35	Mr. Hazrat Said	Site Attendant	1
36	Mr. Yasir Ali	Site Attendant	1
37	Mr. Gul Bahar	Site Attendant	1
38	Mr. Muhammad Sohail	Site Attendant	1
39	Mr. Saeed Jamal	Site Attendant	1
40	Mr. Ataur Rehman	Site Attendant	1
41	Mr. Jawad Ali	Site Attendant	1
42	Mr. Samiullah	Site Attendant	1
43	Mr. Maseeh Ullah	Site Attendant	1
44	Mr. Gul Muhammad Gullo	Site Attendant	1
45	Mr. Bakht Bahadar	Site Attendant	1
46	Mr. Jahangir Khan	Site Attendant	1
47	Mr. Junaid	Site Attendant	1
48	Mr. Amjad Ali	Site Attendant	1
49	Mr. Mohtamim Khan	Site Attendant	1

10


(Dr. Sulman Hameed)
Section Officer

Distribution:

1. The Chief Secretary, Government of Khyber Pukhtunkhuwa, Peshawar.
2. The Secretary, Inter-Provincial Coordination Division, Islamabad.
3. The Secretary, Cabinet Division, Islamabad.
4. The Secretary, Establishment Division, Islamabad.
5. The Secretary, Finance Division, Islamabad.
6. The Secretary, Planning & Development Division, Islamabad.
7. The Addl. Secretary (Mian Muhammad Younas), Finance Division, Islamabad.
8. The AGPR Islamabad / The AGPR Sub Office, Peshawar.
9. Director General, Management Services Wing, Establishment Division, Islamabad.
10. Joint Estate Officer, Housing & Works, Islamabad.
11. Officer concerned.






GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169 / 11417-24

Dated Peshawar, the 19th December, 2016.

NOTIFICATION

No.SO(M)4-73/2016/Vol-III.- In pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entities, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act ibid:

DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA			
S. No.	NAME OF OFFICERS.	DESIGNATION.	BPS
1.	Mr. Muhammad Ismail	Archl: Conservator.	16
2.	Mr. Amanullah.	Field Officer.	16
3.	Mr. Jamshed Khan.	Stenotypist.	12
4.	Ms. Musarat Naseem	Stenotypist.	12
5.	Syed Sajid Ali.	Photographer	10
6.	Mr. Ghulam Haider Khattak.	Head Clerk.	08
7.	Mr. Mazhar Abbass.	Technical Assistant.	07
8.	Syed Mazhar Hussain Shah.	LDC	07
9.	Mr. Nasir-ul-Haque.	LDC	07
10.	Mr. Muhammad Asif.	Conservation Foreman.	06
11.	Syed Hasnain Raza.	2 nd Clerk.	05
12.	Mr. Muhammad Kashif.	Photoprinter.	05
13.	Mr. Muhammad Ejaz Khattak.	Driver.	04
14.	Mr. Azizullah.	Driver.	04
15.	Mr. Misri Khan.	Library Attendant.	02
16.	Mr. Muhammad Sabir	Daftari	02
17.	Mr. Ahmad Saeed.	Naib Qasid.	01
18.	Mr. Musafar Khan.	Naib Qasid.	01
19.	Mr. Waqar Ali.	Naib Qasid.	01
20.	Mr. Naseem Khan.	Naib Qasid-cum-Guard.	02
21.	Mr. Inayatullah.	Chowkidar.	02
22.	Mr. Liaqat Ali.	Khalasi.	02
23.	Mr. Zia-ud-Din.	Watchman.	01
24.	Mr. Jambar Ali.	Watchman.	01
25.	Mr. Shakirullah.	Watchman.	01
26.	Mr. Muhammad Hussain.	Watchman.	01
27.	Mr. Daud Khan.	Watchman.	01
28.	Mr. Sanab Gul.	Site Attendant.	01
29.	Mr. Mukhtiar Ahmad.	Site Attendant.	01
30.	Mr. Mujeeb Hussain.	Site Attendant.	01
31.	Mr. Muhammad Iqbal.	Site Attendant.	01
32.	Mr. Ghulam Shabir.	Site Attendant.	01
33.	Mr. Ayaz Khan.	Site Attendant.	01
34.	Mr. Iftikhar Ali.	Site Attendant.	01
35.	Mr. Hazrat Said.	Site Attendant.	01

Cont'd Page / 2

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12

36.	Mr. Yasir Ali.	Site Attendant.	01
37.	Mr. Gul Bahar.	Site Attendant.	01
38.	Mr. Muhammad Sohail.	Site Attendant.	01
39.	Mr. Saeed Jamal	Site Attendant.	01
40.	Mr. Ataur Rehman.	Site Attendant.	01
41.	Mr. Jawad Ali.	Site Attendant.	01
42.	Mr. Samiullah.	Site Attendant.	01
43.	Mr. Maseeh Ullah.	Site Attendant.	01
44.	Mr. Gul Muhammad Gullo	Site Attendant.	01
45.	Mr. Bakht Bahadar.	Site Attendant.	01
46.	Mr. Jehangir Khan	Site Attendant.	01
47.	Mr. Junaid	Site Attendant.	01
48.	Mr. Amjad Ali	Site Attendant.	01
49.	Mr. Mohtamim Khan.	Site Attendant.	01
50.	Mr. Manzoor Elahi.	Mali Bailder.	01
51.	Vacant	Attendant	02
52.	Mr. Bakhshish Elahi.	Behishti.	01
53.	Mr. Iftikhar Hussain Hashmi.	Site Attendant.	01
54.	Mr. Allah Ditta.	Site Attendant.	01
55.	Mr. Rifaqat Baig.	Site Attendant.	01
56.	Mr. Adnan Khan.	Site Attendant.	01
57.	Mr. Wasib Khan.	Site Attendant.	01
58.	Mr. Muhammad Ramzan.	Site Attendant.	01
59.	Mr. Muhammad Zaman.	Site Attendant.	01
60.	Ms. Ghazala Shaheen.	Site Attendant.	01
61.	Mr. Muhammad Taj.	Site Attendant.	01
62.	Mr. Muhammad Riaz Baig.	Site Attendant.	01

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

Endst: number & date even.

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. The Director, Archaeology & Museums, Khyber Pakhtunkhwa.
4. The Manager, Government Printing Press, Khyber Pakhtunkhwa, with the request to kindly publish in the Gazette of Government of Khyber Pakhtunkhwa.
5. The Section Officer (O&M), Government of Khyber Pakhtunkhwa, Establishment Department w/r to his letter No.SO(O&M)E&AD/2-7/2014/Vol-I dated 10.08.2016.
6. P.S to Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
7. P.S to Secretary to Government of Khyber Pakhtunkhwa, Law Department.
8. P.S to Secretary to Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.

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(NASEEB SHAH) 19.12.2016
Section Officer (Arch: & Culture).

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date

Order 18

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Sports, Archery

"Er" (13)

Subject: Minutes of the Committee Constituted under Section 11B(3) Regarding Removal of Difficulties of Federal Devolved Employees

A meeting of the Committee regarding removal of difficulties in respect of Federal Devolved Employees was held under the chairmanship of Secretary Establishment on 31.10.2017 at 1500 hrs (List of participants attached).

The meeting started with the recitation from the Holy Quran. At the outset it was informed that in the wake of 18th Constitutional Amendment and in order to absorb the employees of the devolved Ministries/Divisions of the Federal Government, Provincial Government enacted the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015. In the light of Section 11B(2) Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015, a specimen Notification duly vetted by Law Department was circulated to all Administrative Departments to examine the cases of devolved employees and issue the notification as per specimen.

In response, some departments have highlighted the anomalies with regard to absorption, cadre and seniority of Federal Devolved Employees. In order to address the issues with regard to removal of difficulties, a Committee headed by Secretary Establishment and consisting of Secretaries Finance, Law and IPC Departments as per Section 11B(3) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 was constituted. On submission of details of Federal Devolved Employees by the Departments, a Sub Committee under the chairmanship of Additional Secretary (Regulation) Establishment Department has examined the issues of Federal Devolved Employees of the following Departments:-

- i. Auqaf, Hajj, Religious & Minorities Affairs Department.
- ii. Sports, Culture, Tourism, Archaeology & Youth Affairs Department.
- iii. Population Welfare Department.
- iv. Labour Department.
- v. Environment Department.
- vi. Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.

During discussion it was observed that the issue of cadre and absorption of Federal Devolved Employees have been resolved by the Departments and core issue which is required to be discussed is seniority of the Federal Devolved Employees. Secretary Population Welfare Department informed that Population Welfare Department has included the Devolved Employees in the seniority at the bottom in their relevant cadre. To a query with regard to placing such

Secy

employees in the bottom of seniority list, the department could not offer reasonable comments/justification under the relevant Act/Rules.

14


Representative of Environment Department informed the meeting that the department is facing issues of other provinces domicile holders of the devolved employees. It was clarified that the issue of Federal Devolved Employees of Environment Department having other provinces domicile is being considered under Rule-11(i) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 to relax the restriction as one time relaxation. Representative of Law Department agreed and endorsed the view point in this regard.

With regard to issue of seniority of Federal Devolved Employees, representative of Law Department opined that Section 11B(2)(i) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 is very clear which stipulates that "Seniority shall be determined in accordance with the provision of this Act". Therefore, the issue of seniority may specifically be dealt with under the relevant provision of the ibid Act and rules made thereunder. The Committee also observed that instead of specimen notification duly vetted by Law Department already circulated to all Administrative Departments in August 2016, Zakat, Ushr & Social Welfare Department and Environment Department have not yet issued the requisite Notification of their Devolved Employees.

After threadbare discussion following decisions were taken:-

- i. The concerned departments may settle the issue of seniority of Federal Devolved Employees under Section-8 of the Civil Servants Act, 1973 read with Rule-17(1)(b) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) 1989.
- ii. The Zakat, Ushr & Social Welfare and Environment Departments may issue Notification of Devolved Employees as per specimen Notification already circulated.
- iii. Environment Department to put up a separate case under Rule-11(i) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) 1989 with regard to other provinces domicile of devolved employees for approval of the competent authority.

Meeting ended with expression of mutual gratitude.

AET




DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

F
15

No. 1504/A-8
Archymus

C/O Peshawar Museum Peshawar

Dated: 3-7-18

Ph. # 091-9211194, 9211488
Fax # 091-9210690

Handwritten notes and signatures on the left side of the list, including names like 'M. A. Khan' and 'M. A. Khan' with dates like '4.7.18'.

- ① The Curator,
Peshawar Museum Peshawar.
- ② The Curator,
Archaeological Museum Swat.
- ③ The Assistant Curator,
Dir Museum Chakdara.
- ④ The Assistant Curator,
Bannu Museum Bannu.
- ⑤ The Research Officer,
Hund Museum Swabi.
- ⑥ The Incharge,
Chitral Museum Chitral
- ⑦ The Incharge,
Pushkalavati Museum Charsadda.
- ⑧ The Incharge,
City Museum Gor Khattree Peshawar.
- ⑨ The Incharge,
Mardan Museum Mardan.
- ⑩ The Incharge,
Bumburate Museum Chitral.
- ⑪ The Incharge,
Sehti House Peshawar.
- ⑫ The Incharge,
Sub Regional Office Hazara.
- ⑬ The Incharge,
Sub-Regional Office Mardan at Takht Bahi.
- ⑭ The Incharge,
Sub-Regional Office Malakand at Mingora.

Handwritten note: "Received by..."

Handwritten signature: "M. A. Khan"

Handwritten note: "10-7-18"

Handwritten signature: "M. A. Khan"

Handwritten note: "10-7-18"

Subject: JOINT TENTATIVE SENIORITY LISTS OF ALL EMPLOYEES OF THE
DIRECTORATE OF ARCHAEOLOGY & MUSEUMS PESHAWAR.

Memo:

I am directed to enclose herewith a Joint Seniority Lists of all employees of the Museums/ Offices for information and verification/ circulation at your end. The attached lists should be sent back within a week positively, otherwise the whole responsibilities will be held on the shoulder of Incharge concerned.

Encl: As above.

Handwritten signature of Assistant Director
ASSISTANT DIRECTOR

Handwritten signature: "Aed"



**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

TENTATIVE SENIORITY LIST OF FIELD OFFICERS, ASSISTANT CURATORS, ASSISTANT RESEARCH OFFICERS AND FIELD SUPERVISORS (BPS-16) IN THE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
1	Mr. Aman Ullah.	M.A Anthropology	Khyber Agency	15.12.1979	08.01.2008	-Nil-	Initial Recruitment	
2	Mr. Irfanullah.	B.A Arts	Kohat	20.01.1962	01.06.1991	22.07.2014	Promotion	
3	Mr. Mir-Hayat Khan.	M.A Archaeology	Chitral	04.10.1977	28.11.2007	13.11.2014	Promotion	
4	Mr. Fawad Khan.	M.A Archaeology	Swabi	04.03.1985	28.11.2007	28.12.2016	Promotion	
5	Mr. Ahmad Faraz.	M.A Archaeology	Peshawar	08.03.1982	08.12.2007	28.12.2016	Promotion	
6	Mr. Muhammad Jehangir.	M.A Archaeology	Peshawar	13.03.1983	08.12.2007	28.12.2016	Promotion	
7	Mr. Nawaz-ud-Din.	M.A Archaeology	Peshawar	20.06.1981	08.12.2007	28.12.2016	Promotion	
8	Mr. Akram Hussain.	B.A Archaeology	Chitral	01.12.1983	08.11.2008	28.12.2016	Promotion	
9	Mr. Noor Khan.	M.A Archaeology	Charsadda	25.03.1986	11.08.2010	28.12.2016	Promotion	
10	Mian Wahab Shah.	M.A Archaeology	Nowshera	26.04.1982	04.01.2017	-Nil-	Initial Recruitment	
11	Mr. Ejaz Ali.	M.A Archaeology	Mohmand Agency	05.04.1983	04.01.2017	-Nil-	Initial Recruitment	

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
12	Mr. Irfan Ali.	M.A Archaeology	Abbottabad	14.05.1987	04.01.2017	-Nil-	Initial Recruitment	
13	Mr. Rehman Nawaz.	M.A Archaeology	Karak	15.01.1984	15.02.2017	Nil-	Initial Recruitment	
14	Miss. Sayed Gul.	M.A Archaeology	Chitral	09.02.1987	11.08.2010	31.03.2017	Promotion	
15	Mr. Fazl-e-Hadi.	M.A Archaeology	Peshawar	20.03.1982	22.06.2011	31.03.2017	Promotion	
16	Mr. Maseeh Ullah.	M.A Archaeology	Mardan	09.02.1984	22.06.2011	04.05.2017	Promotion	
17	Mr. M. Asif Raza.	M.A Archaeology	Peshawar	19.03.1985	22.06.2011	03.11.2017	Promotion	

17

Asif

The Director
Archaeology and Museums
Khyber Pakhtunkhwa, Peshawar

F-1
18

Subject:- I) REQUEST FOR PROMOTION

II) JOINT TENTATIVE SENIORITY OF ALL EMPLOYEES OF THE DIRECTORATE OF
ARCHAEOLOGY & MUSEUMS, PESHAWAR.

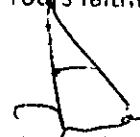
Dear Sir,

In continuation of my request dated 21st February, 2018 (Annex-A), subsequent dated 4th June 2018 (Annex-B) and then 10th July 2018 (Annex-C) on the subject cited above, it is once again very humbly submit that as per joint tentative seniority of all employees of the Directorate of Archaeology & Museums, Peshawar I have stood senior in the seniority list in BPS-16 in my cadre in which very clearly written my date of appointment/entry in to Government which is 8th January 2008 and therefore, my consecutive promotion from BPS-16 to BPS-17 and BPS-17 to BPS-18 is due as per Service Rule of this Directorate. It is further added that the Establishment Department of Government of Khyber Pakhtunkhwa has issued Notification vide No SO (Policy)/E&AD/1-16/2017 Dated 5-12-2017 Wherein it is very clarified that an officer who gets his seniority restored and become Senior to already promoted officers in the cadre will be considered for promotion by relevant Board from the date when his junior got promoted (Copy enclosed as Annex-II). Needless to mention here that the Sports, Archaeology & Museums Department Government of Khyber Pakhtunkhwa have already been promoted three joiner officers of this Directorate from BPS-16 to BPS-17 i.e Mr Bakht Muhammad, Mr. Moahid Gul and Syed Niaz Ali Shah whose date of appointment in the BPS-16 in the cadre is 14-05-2008, 05-05-2008 and 14-05-2008 respectively.

It is therefore most humbly requested that the applicant may kindly be promoted to the post of Assistant Director/Research officer BPS-17 and my seniority may be kept higher than above mentioned three officers in BPS-17 as per above mentioned amendment policy of this Province and obliged.

Encl: As above

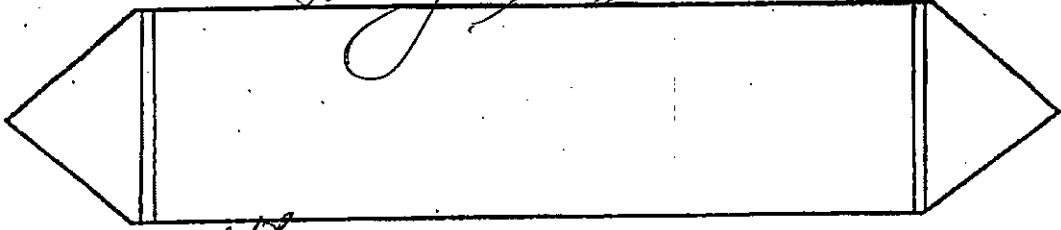
Yours faithfully


Amanullah
Field officer
Directorate of Archaeology
and Museums, Peshawar

Asstt:
File
20-08-2018

Navazudin
Come up with clear suggestion & line of action.
24/08

بعدالت و سرور من سرور



موزخہ _____ 2018ء منجانب
 مقدمہ _____
 دعویٰ _____
 جرم _____
 Appeal

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بلال میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام کیلئے صالح محمد علی کے نام سے درخواست کی گئی ہے۔
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم _____ 2018ء

واہ العب _____

کے لئے منظور ہے۔

بمقام

(Handwritten signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, MUSEI
& YOUTH AFFAIRS DEPARTMENT.

Dated Peshawar, the 30th Dec: 2013

NOTIFICATION

No.SO(M)4-95/2013. ¹⁸⁶⁴⁴⁻⁴⁶ Consequent upon the recommendation of the Department Promotion Committee, the Competent Authority is pleased to order the promotion of following Assistant Curators (BPS-16) against the vacant posts of Research Officer (BPS-17) and Assistant Director (BPS-17) on regular basis in the Directorate of Archaeology Museums, Khyber Pakhtunkhwa with immediate effect:-

1. Mr. Bakht Muhammad, Research Officer (BPS-17)
2. Mr. Moahid Gul, Assistant Director (BPS-17)

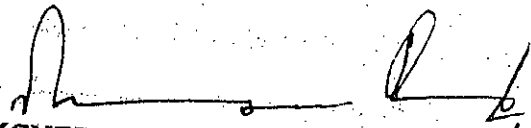
On promotion the above officers will be on probation for a period of one year extendable for further one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rules-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS
& YOUTH AFFAIRS DEPARTMENT.

Endst: number & date even.

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Archaeology & Museums, Khyber Pakhtunkhwa, Peshawar.
3. ✓ The Officers concerned.


(SYED NOOR EHSAN SHAH) 30/12
Section Officer (Arch: & Museums).

5/12/2013

30/12/2013

12/12/2013



GOVERNMENT OF KHYBER PAKHTUNKHWA;
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

Dated Peshawar, the 16th January, 2017.

NOTIFICATION

No.SO(M)4-95/2017/DPC.- / 665-70 On the recommendation of the Departmental Promotion Committee, the Competent Authority is pleased to promote Syed Niaz Ali Shah, Assistant Curator (BPS-16) against the vacant post of Research Officer (BPS-17) in the Directorate of Archaeology & Museums, Khyber Pakhtunkhwa, on regular basis, with immediate effect.

2. The above named officer on their promotion will remain on probation in term of Rules 6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 15(1)&(2) of the Khyber Pakhtunkhwa Govt: Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 for a period of one year extendable for further one year if not terminated through a specific order.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

Endst: number & date even.

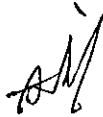
Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Archaeology & Museums, Khyber Pakhtunkhwa.
3. The Section Officer (Reg-I), Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Section Officer (SR-II), Government of Khyber Pakhtunkhwa, Finance Department.
5. P.S to Secretary to Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.
6. The Officer concerned.


(NASEEB SHAH)

Section Officer (Arch: & Museums).

17-01-17





17-01-2017

16.1.2017

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

Service Appeal No.1568 of 2018

AmanullahPetitioner

VERSUS

Government of Khyber Pakhtunkhwa & Others Respondents

INDEX

S#	PARTICULARS	ANNEXURE	PAGE NO
01.	Para-Wise Comments		1-3
02.	Affidavit		4
03	Tentative Seniority List	A	5-7
04	Civil Amendment Act 2015	B	8-9
05	Minutes of the meeting	C	10-11



DEPONENT

CNIC: No. 17301-5304818-5

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

Service Appeal No. 1568 of 2018

Amanullah S/o Khyber Khan.....Petitioner

Versus

1. Secretary to Govt: of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archaeology, Museums, & Youth Affairs Department, Peshawar.
2. Secretary, to Govt: of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Secretary, to Govt: of Khyber Pakhtunkhwa, Establishment, Department, Peshawar.
4. The Director, Archaeology & Museums Department, Peshawar.
.....Respondents)

REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS NO. 1 & 4.

RESPECTFULLY SHEWETH:

Preliminary Objections:-

1. That the Honourable Tribunal has no jurisdiction in the matter.
2. That the petition is time barred and not maintainable.
3. That the appeal is bad due to non-joinder of necessary party.
4. That the appeal is neither maintainable nor proceedable in the present form.
5. That the appellant has not come to this Honourable Court with clean hands.

ON FACTS.

1. Correct
2. Correct.
3. Correct.
4. Correct.
5. It is correct, but the petitioner was not declared as a Civil Servant by this Province in 2013. But in 2016 the appellant was dropped from DPC due to non-preparing of seniority lists of the petitioner along with other transferred employees from the Federal Department of Archaeology and Museums.

(2)

6. Correct.
7. Correct, as per minutes of the meeting of the Establishment Department, Government of Khyber Pakhtunkhwa the petitioner is senior most officer in the tentative seniority list in his cadre **(Tentative seniority list is placed as Annex-A)**.
8. No comments.

GROUNDS

- A. Incorrect and denied because the petitioner was not declared a civil servant at the time of DPC in 2013 but after the petitioner along with other transferred employees became Civil Servant of this Province under Civil Servant Amendment Act 2015 **(Civil Servant Amendment Act 2015 is placed as Annex-B)**. In the light of this Act, Establishment Department, Government of Khyber Pakhtunkhwa determined seniority of all the Federal transferred employees to this Province **(Minutes of the meeting is placed as Annex-C)**.
- B. Correct. At that time petitioner was not declared as a civil servant and therefore two junior officers were promoted in 2013 and subsequent another junior officer promoted in 2016 because seniority of the petitioner was not prepared/declared.
- C. As repeated in Para-B.
- D. As repeated in Para-B.
- E. As per minutes of the meeting of Establishment Department the Petitioner stood at S.No. 1 in the petitioner's cadre in the tentative seniority list and now there is no vacant post is available in the strength of Directorate of Archaeology when there is any vacant post then petitioner will be considered for promotion from BPS-16 to BPS-17.

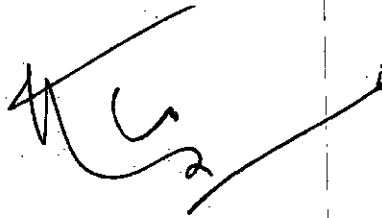
PRAYERS.

Keeping in view the above facts, it is humbly prayed that by accepting of this comments/reply in the above appeal, the instant case may please be treated on merit as prayed.



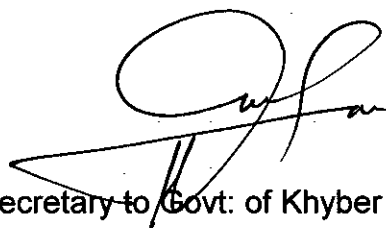
Secretary to Govt. of Khyber Pakhtunkhwa,
Sports, Tourism, Culture, Archaeology, Museums,
& Youth Affairs Department, Peshawar.

(Respondent No.01)



Director,
Directorate of Archaeology & Museums,
Peshawar

(Respondent No.04)



Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

(Respondent No.02)



Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

(Respondent No.03)

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

Service Appeal No.1568 of 2018

AmanullahPetitioner

VERSUS

Government of Khyber Pakhtunkhwa & Others Respondents

AFFIDAVIT.

I, Azizul Ghafar, Section Officer (Litigation), Govt. of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums and Youth Affairs Department, do hereby solemnly affirm and declare on oath that the contents of the Parawise comments on behalf of Respondents are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC: No. 17301-5304818-5

Cell # 0303-8475733

Identified by

Additional Advocate General,
Service Tribunal, Khyber Pakhtunkhwa,
Peshawar.



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

Annex - A
5

No. 1504/A-8 Archynus

C/O Peshawar Museum Peshawar

Dated: 3-7-18

Ph. # 091-9211194, 9211488
Fax # 091-9210690

Handwritten notes and signatures on the left margin, including names like 'Feroz Khan' and 'M. Iqbal' with arrows pointing to specific items in the list.

- ① The Curator, Peshawar Museum Peshawar.
- ② The Curator, Archaeological Museum Swat.
- ③ The Assistant Curator, Dir Museum Chakdara.
- ④ The Assistant Curator, Bannu Museum Bannu.
- ⑤ The Research Officer, Hund Museum Swabi.
- ⑥ The Incharge, Chitral Museum Chitral
- ⑦ The Incharge, Pushkalavati Museum Charsadda.
- ⑧ The Incharge, City Museum Gor Khattree Peshawar.
- ⑨ The Incharge, Mardan Museum Mardan.
- ⑩ The Incharge, Bumburate Museum Chitral.
- ⑪ The Incharge, Sehli House Peshawar.
- ⑫ The Incharge, Sub Regional Office Hazara.
- ⑬ The Incharge, Sub-Regional Office Mardan at Takht Bahi.
- ⑭ The Incharge, Sub-Regional Office Malakand at Mingora.

Subject: JOINT TENTATIVE SENIORITY LISTS OF ALL EMPLOYEES OF THE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS PESHAWAR.

Memo:

I am directed to enclose herewith a Joint Seniority Lists of all employees of the Museums/ Offices for information and verification/ circulation at your end. The attached lists should be sent back within a week positively, otherwise the whole responsibilities will be held on the shoulder of Incharge concerned.

Encl: As above.

[Signature]
ASSISTANT DIRECTOR

[Signature]



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

TENTATIVE SENIORITY LIST OF FIELD OFFICERS, ASSISTANT CURATORS, ASSISTANT RESEARCH OFFICERS AND FIELD SUPERVISORS (BPS-16) IN THE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
1	Mr. Aman Ullah.	M.A Anthropology	Khyber Agency	15.12.1979	08.01.2008	-Nil-	Initial Recruitment.	
2	Mr. Irfanullah.	B.A Arts	Kohat	20.01.1962	01.06.1991	22.07.2014	Promotion	
3	Mr. Mir Hayat Khan.	M.A Archaeology	Chitral	04.10.1977	28.11.2007	13.11.2014	Promotion	
4	Mr. Fawad Khan.	M.A Archaeology	Swabi	04.03.1985	28.11.2007	28.12.2016	Promotion	
5	Mr. Ahmad Faraz.	M.A Archaeology	Peshawar	08.03.1982	08.12.2007	28.12.2016	Promotion	
6	Mr. Muhammad Jehangir.	M.A Archaeology	Peshawar	13.03.1983	08.12.2007	28.12.2016	Promotion	
7	Mr. Nawaz-ud-Din.	M.A Archaeology	Peshawar	20.06.1981	08.12.2007	28.12.2016	Promotion	
8	Mr. Akram Hussain.	B.A Archaeology	Chitral	01.12.1983	08.11.2008	28.12.2016	Promotion	
9	Mr. Noor Khan.	M.A Archaeology	Charsadda	25.03.1986	11.08.2010	28.12.2016	Promotion	
10	Mian Wahab Shah.	M.A Archaeology	Nowshera	26.04.1982	04.01.2017	-Nil-	Initial Recruitment	
11	Mr. Ejaz Ali.	M.A Archaeology	Mohmand Agency	05.04.1983	04.01.2017	-Nil-	Initial Recruitment	

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
12	Mr. Irfan Ali.	M.A Archaeology	Abbottabad	14.05.1987	04.01.2017	-Nil-	Initial Recruitment	
13	Mr. Rehman Nawaz.	M.A Archaeology	Karak	15.01.1984	15.02.2017	Nil-	Initial Recruitment	
14	Miss. Sayed Gul.	M.A Archaeology	Chitral	09.02.1987	11.08.2010	31.03.2017	Promotion	
15	Mr. Fazl-e-Hadi.	M.A Archaeology	Peshawar	20.03.1982	22.06.2011	31.03.2017	Promotion	
16	Mr. Maseeh Ullah.	M.A Archaeology	Mardan	09.02.1984	22.06.2011	04.05.2017	Promotion	
17	Mr. M. Asif Raza.	M.A Archaeology	Peshawar	19.03.1985	22.06.2011	03.11.2017	Promotion	

And

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 23RD NOVEMBER, 2015.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA.

NOTIFICATION

Dated Peshawar, the 23rd November, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/12250--- The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 17th November, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 20th November, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT,
2015

(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2015)

(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated the 23/11/2015).

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, 2015.

(2) It shall come into force at once.

2. Insertion of new section 11B in the Khyber Pakhtunkhwa Act No. XVIII of 1973.--- In the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII

264 KHYBER PAKHTUNKHWA GOVT: GAZETTE, EXTRAORDINARY, 23rd NOVEMBER, 2015

of 1973), hereinafter referred to as the said Act, after section 11A, the following new section shall be inserted, namely:

"11B. Absorption or appointment of Federal employees.--- (1) Notwithstanding anything contained in this Act, all those employees of the Federal Government, who are holding various posts in Federal Government entities on regular basis, before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and the said entities being devolved to Province in pursuance of aforesaid amendment, shall be deemed to be the civil servants of the Province for all intents and purposes under this Act.

(2) All such Federal Government employees,-

- (a) if their relevant cadre is available in Government, shall be absorbed in the said cadre in the prescribed manner; and
- (b) if no relevant cadre is available in Government, shall be deemed to have been appointed on regular basis to various cadres posts to be created for this purpose:

Provided that on such appointment or absorption, as the case may be,-

- (i) their seniority shall be determined in accordance with the provision of this Act; and
- (ii) their liabilities with regard to pension, gratuity, group insurance, benevolent fund and leave encashment shall be proportionally shared between the Federal Government and Government in such a manner as may be agreed upon.

(3) Government shall constitute a committee consisting of Secretary to Government, Establishment Department, Secretary to Government, Finance Department, Secretary to Government, Law, Parliamentary Affairs and Human Rights Department, Secretary to Government, Inter Provincial Coordination Department and Secretary of the concerned Department to remove difficulties, if any, in implementation of this section."

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

Subject: Minutes of the Committee Constituted under Section 11B(3) Regarding Removal of Difficulties of Federal Devolved Employees

A meeting of the Committee regarding removal of difficulties in respect of Federal Devolved Employees was held under the chairmanship of Secretary Establishment on 31.10.2017 at 1500 hrs (List of participants attached)

The meeting started with the recitation from the Holy Quran. At the outset it was informed that in the wake of 18th Constitutional Amendment and in order to absorb the employees of the devolved Ministries/Divisions of the Federal Government, Provincial Government enacted the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015. In the light of Section 11B(2) Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015, a specimen Notification duly vetted by Law Department was circulated to all Administrative Departments to examine the cases of devolved employees and issue the notification as per specimen.

In response, some departments have highlighted the anomalies with regard to absorption, cadre and seniority of Federal Devolved Employees. In order to address the issues with regard to removal of difficulties, a Committee headed by Secretary Establishment and consisting of Secretaries Finance, Law and IPC Departments as per Section 11B(3) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 was constituted. On submission of details of Federal Devolved Employees by the Departments, a Sub Committee under the chairmanship of Additional Secretary (Regulation) Establishment Department has examined the issues of Federal Devolved Employees of the following Departments:-

- i. Auqaf, Hajj, Religious & Minorities Affairs Department.
- ii. Sports, Culture, Tourism, Archaeology & Youth Affairs Department.
- iii. Population Welfare Department.
- iv. Labour Department.
- v. Environment Department.
- vi. Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.

During discussion it was observed that the issue of cadre and absorption of Federal Devolved Employees have been resolved by the Departments and core issue which is required to be discussed is seniority of the Federal Devolved Employees. Secretary Population Welfare Department informed that Population Welfare Department has included the Devolved Employees in the seniority at the bottom in their relevant cadre. To a query with regard to placing such

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employees in the bottom of seniority list the department could not offer reasonable comments/justification under the relevant Act/Rules. (11)

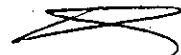
Representative of Environment Department informed the meeting that the department is facing issues of other provinces domicile holders of the devolved employees. It was clarified that the issue of Federal Devolved Employees of Environment Department having other provinces domicile is being considered under Rule-11(i) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 to relax the restriction as one time relaxation. Representative of Law Department agreed and endorsed the view point in this regard.

With regard to issue of seniority of Federal Devolved Employees, representative of Law Department opined that Section 11B(2)(i) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 is very clear which stipulates that "Seniority shall be determined in accordance with the provision of this Act". Therefore, the issue of seniority may specifically be dealt with under the relevant provision of the ibid Act and rules made thereunder. The Committee also observed that instead of specimen notification duly vetted by Law Department already circulated to all Administrative Departments in August 2016, Zakat, Ushr & Social Welfare Department and Environment Department have not yet issued the requisite Notification of their Devolved Employees.

After threadbare discussion following decisions were taken:-

- i. The concerned departments may settle the issue of seniority of Federal Devolved Employees under Section-8 of the Civil Servants Act, 1973 read with Rule-17(1)(b) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) 1989.
- ii. The Zakat, Ushr & Social Welfare and Environment Departments may issue Notification of Devolved Employees as per specimen Notification already circulated.
- iii. Environment Department to put up a separate case under Rule-11(I) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) 1989 with regard to other provinces domicile of devolved employees for approval of the competent authority.

Meeting ended with expression of mutual gratitude.

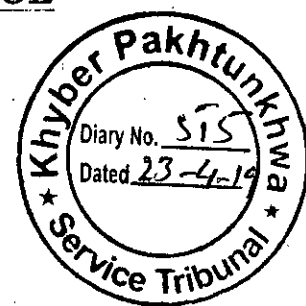
Act


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

C.M.No. _____/2019

IN

Service Appeal No.1568/2019



Aman Ullah

Vs

Secretary to Govt of KPK Tourism Culture and others

**APPLICATION FOR MODIFYING PRAYER IN
APPEAL NO.1568/2019 TITLED AMAN ULLAH
VS SECRETARY GOVT OF KPK SPORTS
TOURISM CULTURE AARCHELOGY MUSEUM
AND YOUTH AFFAIRS.**

Respectfully Sheweth:

- Red B. Ok
cead along
with original
file.
Smt. Ws
23/4/19*
- Reader*
- 1- That the above titled case is pending before this Hon'ble Tribunal in which next date of hearing is 24.04.2019.
 - 2- That due to inadvertent typing mistake in prayer instead of "it is therefore, most humbly rpayed that the appellat may kindly be promoted to the post of Assistant Director/Research Officer BPS-17 according to his seniority and from the date the appellat was eligible for promotion" it was incorrectly typed / written as

"it is therefore, most humbly rpayed that by accepting of this appeal the respondents may kindly be directed to issue the final seniority list and it is further prayed to promote the appellat into his due Basic Scale BPS-17 according to his seniority and from the date he was eligible for promotion".

It is, therefore, most humbly prayed that on acceptance of this application, the prayer in the above appeal may kindly be modified as under

“That the appellant may kindly be promoted to the post of Assistant Director/Research Officer BPS-17 according to his seniority and from the date the appellant was eligible for promotion”


Petitioner

Through


Barrister Mian Tajammul Shah
Advocate, High Court
Peshawar
Cell#0300-5845943

Dated:-17.04.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

C.M.No. _____/2019

IN

Service Appeal No.1568/2019

Aman Ullah

Vs

Secretary to Govt of KPK Tourism Culture and others


AFFIDAVIT

I, Aman ullah S/o Khyber Khan, Field Officer C/O Directorate of Archaeology and Museums, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed.


DEPONENT

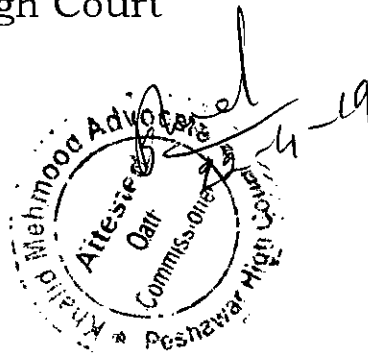
21201-2016713-5

Identified by:-


Barrister Mian Tajamul Shah

Advocate, High Court

Peshawar



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

C.M.No. _____/2019

IN

Service Appeal No.1568/2019

Aman Ullah

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**APPLICATION FOR MODIFYING PRAYER IN
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VS SECRETARY GOVT OF KPK SPORTS
TOURISM CULTURE AARCHELOGY MUSEUM
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Respectfully Sheweth:

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2- That due to inadvertent typing mistake in prayer instead of "it is therefore, most humbly rpayed that the appellant may kindly be promoted to the post of Assistant Director/Research Officer BPS-17 according to his seniority and from the date the appellant was eligible for promotion" it was incorrectly typed / written as

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APPLICATION FOR MODIFYING PRAYER IN
APPEAL NO.1568/2019 TITLED AMAN ULLAH
VS SECRETARY GOVT OF KPK SPORTS
TOURISM CULTURE AARCHELOGY MUSEUM
AND YOUTH AFFAIRS.

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Petitioner

Through


Barrister Mian Tajammul Shah
Advocate, High Court
Peshawar
Cell#0300-5845943

Dated:-17.04.2019

It is, therefore, most humbly prayed that on acceptance of this application, the prayer in the above appeal may kindly be modified as under

"That the appellant may kindly be promoted to the post of Assistant Director/Research Officer BPS-17 according to his seniority and from the date the appellant was eligible for promotion"

Dated:-17.04.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

C.M.No. _____/2019

IN

Service Appeal No.1568/2019

Aman Ullah

Vs

Secretary to Govt of KPK Tourism Culture and others


AFFIDAVIT

I, Aman Ullah S/o Khyber Khan, Field Officer C/O Directorate of Archaeology and Museums, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed.


DEPONENT

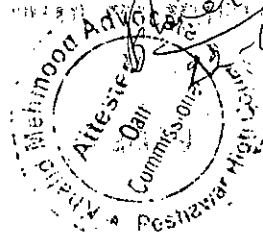
21201-2016713-5

Identified by:-


Barrister Mian Tajamul Shah

Advocate, High Court

Peshawar



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

Service Appeal No.1568 of 2018

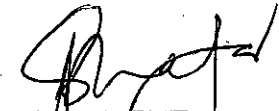
AmanullahPetitioner

VERSUS

Government of Khyber Pakhtunkhwa & Others Respondents

INDEX

S#	PARTICULARS	ANNEXURE	PAGE NO
01.	Para-Wise Comments		1-3
02.	Affidavit		4
03	Tentative Seniority List	A	5-7
04	Civil Amendment Act 2015	B	8-9
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DEPONENT

CNIC: No. 17301-5304818-5

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

Service Appeal No. 1568 of 2018

Amanullah S/o Khyber Khan.....Petitioner

Versus

1. Secretary to Govt: of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archaeology, Museums, & Youth Affairs Department, Peshawar.
 2. Secretary, to Govt: of Khyber Pakhtunkhwa, Finance Department, Peshawar.
 3. Secretary, to Govt: of Khyber Pakhtunkhwa, Establishment, Department, Peshawar.
 4. The Director, Archaeology & Museums Department, Peshawar.
-Respondents)

REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS NO. 1 & 4.

RESPECTFULLY SHEWETH:

Preliminary Objections:-

1. That the Honourable Tribunal has no jurisdiction in the matter.
2. That the petition is time barred and not maintainable.
3. That the appeal is bad due to non-joinder of necessary party.
4. That the appeal is neither maintainable nor proceedable in the present form.
5. That the appellant has not come to this Honourable Court with clean hands.

ON FACTS.

1. Correct
2. Correct.
3. Correct.
4. Correct.
5. It is correct, but the petitioner was not declared as a Civil Servant by this Province in 2013. But in 2016 the appellant was dropped from DPC due to non-preparing of seniority lists of the petitioner along with other transferred employees from the Federal Department of Archaeology and Museums.

6. Correct.
7. ✓ Correct, as per minutes of the meeting of the Establishment Department, Government of Khyber Pakhtunkhwa the petitioner is senior most officer in the tentative seniority list in his cadre **(Tentative seniority list is placed as Annex-A).**
8. No comments.

GROUNDS

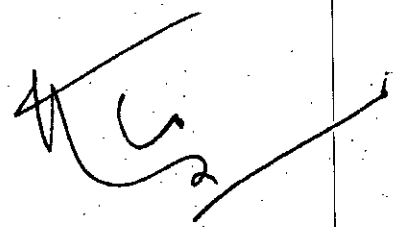
- A. Incorrect and denied because the petitioner was not declared a civil servant at the time of DPC in 2013 but after the petitioner along with other transferred employees became Civil Servant of this Province under Civil Servant Amendment Act 2015 **(Civil Servant Amendment Act 2015 is placed as Annex-B)**. In the light of this Act, Establishment Department, Government of Khyber Pakhtunkhwa determined seniority of all the Federal transferred employees to this Province **(Minutes of the meeting is placed as Annex-C)**.
- B. Correct. At that time petitioner was not declared as a civil servant and therefore two junior officers were promoted in 2013 and subsequent another junior officer promoted in 2016 because seniority of the petitioner was not prepared/declared.
- C. As repeated in Para-B.
- ✓ D. As repeated in Para-B.
- ✓ E. As per minutes of the meeting of Establishment Department the Petitioner stood at S.No. 1 in the petitioner's cadre in the tentative seniority list and now there is no vacant post is available in the strength of Directorate of Archaeology when there is any vacant post then petitioner will be considered for promotion from BPS-16 to BPS-17.

PRAYERS.

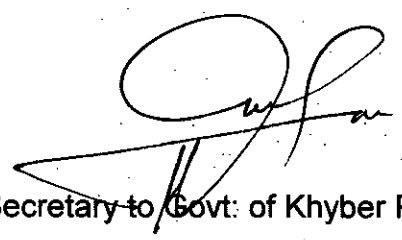
Keeping in view the above facts, it is humbly prayed that by accepting of this comments/reply in the above appeal, the instant case may please be treated on merit as prayed.



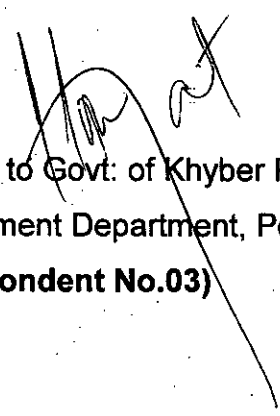
Secretary to Govt: of Khyber Pakhtunkhwa,
Sports, Tourism, Culture, Archaeology, Museums,
& Youth Affairs Department, Peshawar.
(Respondent No.01)



Director,
Directorate of Archaeology & Museums,
Peshawar
(Respondent No.04)



Secretary to Govt: of Khyber Pakhtunkhwa,
Finance Department, Peshawar.
(Respondent No.02)



Secretary to Govt: of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.
(Respondent No.03)

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

Service Appeal No.1568 of 2018

AmanullahPetitioner

VERSUS

Government of Khyber Pakhtunkhwa & Others Respondents

AFFIDAVIT.

I, Azizul Ghafar, Section Officer (Litigation), Govt. of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums and Youth Affairs Department, do hereby solemnly affirm and declare on oath that the contents of the Parawise comments on behalf of Respondents are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC: No. 17301-5304818-5

Cell # 0303-8475733

Identified by

Additional Advocate General,
Service Tribunal, Khyber Pakhtunkhwa,
Peshawar.



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

Annex-A

5

No. 1504/A-8 Archymus

C/O Peshawar Museum Peshawar

Dated: 3-7-18

Ph. # 091-9211194, 9211488

Fax # 091-9210690

Handwritten notes and signatures on the left side of the list, including names like 'Fazal', 'Sana', and dates like '4.7.18'.

- ① The Curator, Peshawar Museum Peshawar.
- ② The Curator, Archaeological Museum Swat.
- ③ The Assistant Curator, Dir Museum Chakdara.
- ④ The Assistant Curator, Bannu Museum Bannu.
- ⑤ The Research Officer, Hund Museum Swabi.
- ⑥ The Incharge, Chitral Museum Chitral.
- ⑦ The Incharge, Pushkalavati Museum Charsadda.
- ⑧ The Incharge, City Museum Gor Khattree Peshawar.
- ⑨ The Incharge, Mardan Museum Mardan.
- ⑩ The Incharge, Bumburate Museum Chitral.
- ⑪ The Incharge, Sehti House Peshawar.
- ⑫ The Incharge, Sub Regional Office Hazara.
- ⑬ The Incharge, Sub-Regional Office Mardan at Takht Bahi.
- ⑭ The Incharge, Sub-Regional Office Malakand at Mingora.

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Handwritten signature and notes next to item 3.

Handwritten signature and date '10-7-18' next to item 9.

Handwritten signature and initials next to item 11.

Handwritten signature and date '10-7-18' next to item 13.

Subject: JOINT TENTATIVE SENIORITY LISTS OF ALL EMPLOYEES OF THE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS PESHAWAR.

Memo:

I am directed to enclose herewith a Joint Seniority Lists of all employees of the Museums/ Offices for information and verification/ circulation at your end. The attached lists should be sent back within a week positively, otherwise the whole responsibilities will be held on the shoulder of Incharge concerned.

Encl: As above.

Handwritten signature of the Assistant Director and the printed title 'ASSISTANT DIRECTOR'.

Handwritten signature and initials at the bottom right of the page.



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

TENTATIVE SENIORITY LIST OF FIELD OFFICERS, ASSISTANT CURATORS, ASSISTANT RESEARCH OFFICERS AND FIELD SUPERVISORS (BPS-16) IN THE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
1	Mr. Aman Ullah.	M.A Anthropology	Khyber Agency	15.12.1979	08.01.2008	-Nil-	Initial Recruitment	
2	Mr. Irfanullah.	B.A Arts	Kohat	20.01.1962	01.06.1991	22.07.2014	Promotion	
3	Mr. Mir Hayat Khan.	M.A Archaeology	Chitral	04.10.1977	28.11.2007	13.11.2014	Promotion	
4	Mr. Fawad Khan.	M.A Archaeology	Swabi	04.03.1985	28.11.2007	28.12.2016	Promotion	
5	Mr. Ahmad Faraz.	M.A Archaeology	Peshawar	08.03.1982	08.12.2007	28.12.2016	Promotion	
6	Mr. Muhammad Jehangir.	M.A Archaeology	Peshawar	13.03.1983	08.12.2007	28.12.2016	Promotion	
7	Mr. Nawaz-ud-Din.	M.A Archaeology	Peshawar	20.06.1981	08.12.2007	28.12.2016	Promotion	
8	Mr. Akram Hussain.	B.A Archaeology	Chitral	01.12.1983	08.11.2008	28.12.2016	Promotion	
9	Mr. Noor Khan.	M.A Archaeology	Charsadda	25.03.1986	11.08.2010	28.12.2016	Promotion	
10	Mian Wahab Shah.	M.A Archaeology	Nowshera	26.04.1982	04.01.2017	-Nil-	Initial Recruitment	
11	Mr. Ejaz Ali.	M.A Archaeology	Mohmand Agency	05.04.1983	04.01.2017	-Nil-	Initial Recruitment	

7

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
12	Mr. Irfan Ali.	M.A Archaeology	Abbottabad	14.05.1987	04.01.2017	-Nil-	Initial Recruitment	
13	Mr. Rehman Nawaz.	M.A Archaeology	Karak	15.01.1984	15.02.2017	Nil-	Initial Recruitment	
14	Miss. Sayed Gul.	M.A Archaeology	Chitral	09.02.1987	11.08.2010	31.03.2017	Promotion	
15	Mr. Fazl-e-Hadi.	M.A Archaeology	Peshawar	20.03.1982	22.06.2011	31.03.2017	Promotion	
16	Mr. Maseeh Ullah.	M.A Archaeology	Mardan	09.02.1984	22.06.2011	04.05.2017	Promotion	
17	Mr. M. Asif Raza.	M.A Archaeology	Peshawar	19.03.1985	22.06.2011	03.11.2017	Promotion	

Asif

(Annex-B)

③

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 23RD NOVEMBER, 2015.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA.

NOTIFICATION

Dated Peshawar, the 23rd November, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/12250--- The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 17th November, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 20th November, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT,
2015

(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2015)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.

(Extraordinary), dated the 23/11/2015).

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, 2015.

(2) It shall come into force at once.

2. Insertion of new section 11B in the Khyber Pakhtunkhwa Act No. XVIII of 1973.--- In the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII

264 KHYBER PAKHTUNKHWA GOVT: GAZETTE, EXTRAORDINARY, 23rd NOVEMBER, 2015

of 1973), hereinafter referred to as the said Act, after section 11A, the following new section shall be inserted, namely:

"11B. Absorption or appointment of Federal employees.— (1) Notwithstanding anything contained in this Act, all those employees of the Federal Government, who are holding various posts in Federal Government entities on regular basis, before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and the said entities being devolved to Province in pursuance of aforesaid amendment, shall be deemed to be the civil servants of the Province for all intents and purposes under this Act.

(2) All such Federal Government employees,-

- (a) if their relevant cadre is available in Government, shall be absorbed in the said cadre in the prescribed manner; and
- (b) if no relevant cadre is available in Government, shall be deemed to have been appointed on regular basis to various cadres posts to be created for this purpose:

Provided that on such appointment or absorption, as the case may be,-

- (i) their seniority shall be determined in accordance with the provision of this Act; and
- (ii) their liabilities with regard to pension, gratuity, group insurance, benevolent fund and leave encashment shall be proportionally shared between the Federal Government and Government in such a manner as may be agreed upon.

(3) Government shall constitute a committee consisting of Secretary to Government, Establishment Department, Secretary to Government, Finance Department, Secretary to Government, Law, Parliamentary Affairs and Human Rights Department, Secretary to Government, Inter Provincial Coordination Department and Secretary of the concerned Department to remove difficulties, if any, in implementation of this section."

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

(AMANULLAH)

Secretary

Provincial Assembly of Khyber Pakhtunkhwa

Subject: Minutes of the Committee Constituted under Section 11B(3) Regarding Removal of Difficulties of Federal Devolved Employees

A meeting of the Committee regarding removal of difficulties in respect of Federal Devolved Employees was held under the chairmanship of Secretary Establishment on 31.10.2017 at 1500 hrs (List of participants attached).

The meeting started with the recitation from the Holy Quran. At the outset it was informed that in the wake of 18th Constitutional Amendment and in order to absorb the employees of the devolved Ministries/Divisions of the Federal Government, Provincial Government enacted the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015. In the light of Section 11B(2) Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015, a specimen Notification duly vetted by Law Department was circulated to all Administrative Departments to examine the cases of devolved employees and issue the notification as per specimen.

In response, some departments have highlighted the anomalies with regard to absorption, cadre and seniority of Federal Devolved Employees. In order to address the issues with regard to removal of difficulties, a Committee headed by Secretary Establishment and consisting of Secretaries Finance, Law and IPC Departments as per Section 11B(3) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 was constituted. On submission of details of Federal Devolved Employees by the Departments, a Sub Committee under the chairmanship of Additional Secretary (Regulation) Establishment Department has examined the issues of Federal Devolved Employees of the following Departments:-

- i. Auqaf, Hajj, Religious & Minorities Affairs Department.
- ii. Sports, Culture, Tourism, Archaeology & Youth Affairs Department.
- iii. Population Welfare Department.
- iv. Labour Department.
- v. Environment Department.
- vi. Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.

During discussion it was observed that the issue of cadre and absorption of Federal Devolved Employees have been resolved by the Departments and core issue which is required to be discussed is seniority of the Federal Devolved Employees. Secretary Population Welfare Department informed that Population Welfare Department has included the Devolved Employees in the seniority at the bottom in their relevant cadre. To a query with regard to placing such

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employees in the bottom of seniority list the department could not offer reasonable
commitments/justification under the relevant Act/Rules. (11)

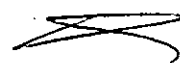
Representative of Environment Department informed the meeting that the department is facing issues of other provinces domicile holders of the devolved employees. It was clarified that the issue of Federal Devolved Employees of Environment Department having other provinces domicile is being considered under Rule-11(i) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 to relax the restriction as one time relaxation. Representative of Law Department agreed and endorsed the view point in this regard.

With regard to issue of seniority of Federal Devolved Employees, representative of Law Department opined that Section 11B(2)(i) of the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 is very clear which stipulates that "Seniority shall be determined in accordance with the provision of this Act". Therefore, the issue of seniority may specifically be dealt with under the relevant provision of the ibid Act and rules made thereunder. The Committee also observed that instead of specimen notification duly vetted by Law Department already circulated to all Administrative Departments in August 2016, Zakat, Ushr & Social Welfare Department and Environment Department have not yet issued the requisite Notification of their Devolved Employees.

After threadbare discussion following decisions were taken:-

- i. The concerned departments may settle the issue of seniority of Federal Devolved Employees under Section-8 of the Civil Servants Act, 1973 read with Rule-17(1)(b) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) 1989.
- ii. The Zakat, Ushr & Social Welfare and Environment Departments may issue Notification of Devolved Employees as per specimen Notification already circulated.
- iii. Environment Department to put up a separate case under Rule-11(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) 1989 with regard to other provinces domicile of devolved employees for approval of the competent authority.

Meeting ended with expression of mutual gratitude.

AED


KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2958 /ST

Dated 14 / 10 / 2020

To

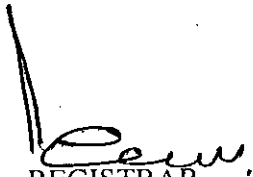
The Director Archaeology & Museums ,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1568/2018, MR. AMAN ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 30.09.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.