

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 847 /2014

Kashmiri Khan

V/S

Govt. of KPK.

.....
APPLICATION FOR RESTRAINING THE RESPONDENTS FROM
MAKING PROMOTIONS TO THE EXTENT OF BPS-17 to BPS-18 (PMS
OFFICER) FOR WHICH THE PSB IS SCHEDULED TO BE HELD ON
20.04.2019.

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RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 15.05.2014, whereby the departmental appeal of the appellant for ante dated promotion from the date of occurring of vacancy or acting charge basis promotion has been rejected for no good grounds.
2. That the respondent department wants to make different cadre of promotion in which promotion from BPS-17 to BPS-18 (PMS Officers) are also included and the respondents want to finalize the promotion on the basis of disputed seniority and in this respect meeting for PSB is schedule to be held on 20.04.2019 vide letter dated 14.02.2019 and in this respect cutoff date for submission of working paper for placement before PSB is fixed as 31.03.2019. (Copy attached)
3. That the instant appeal is fixed on 28.03.2019 for arguments and the appellant has good prime facie case and if respondents makes promotion on PSB to BPS-18 which is schedule to be held on 20.04.2019, then legal complications will be created in the adjustment of the appellant if the instant appeal is accept in the favour of the appellant.
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Appellant

THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

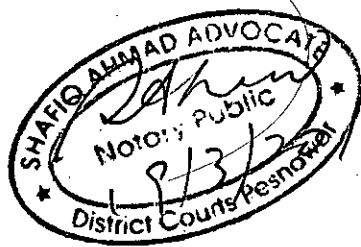
AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.



DEPONENT

ATTESTED





SECRETARY
Sports, Culture, Tourism, Youth Affairs
& Archaeology & Museums Directorate
Khyber Pakhtunkhwa
Date: 14/2/2019

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-25/2019/KC
Dated Peshawar, the 14.02.2019

To

All Administrative Secretaries to the Govt.
Of Khyber Pakhtunkhwa.

Subject - STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETING.

Dear Sir,

I am directed to refer to this Department's letter No. SO(PSB)ED/1-25/KC dated 11.12.2017 on the subject and to say that next meeting of the Provincial Selection Board will be held on 20.04.2019 tentatively. The cut off date for submission of working papers for placement before the PSB is 31.03.2019 after which no working paper will be entertained for the said meeting

It is, therefore, requested that working paper for promotion to be considered in next PSB meeting may be furnished well before the cut off date positively

Yours faithfully,

(Signature) 14/2/2019
(Abdul Hameed)
Section Officer (PSB)

Endst. No & date even.

Copy forwarded to:

1. All Section Officers to Regulation Wing of Establishment Department.
2. PS to Secretary, Establishment Department.
3. PS to Special Secretary, Establishment Department.
4. PAs to Additional Secretary, Establishment Department.
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SO

PSB/TS

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THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

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DEPONENT



SECRETARY
 Home, Culture, Tourism, Youth, Sports,
 Archeology & Museums Department
 Khyber Pakhtunkhwa
 Dary No: 1829
 Date: 14/2/2019

GOVERNMENT OF KHYBER PAKHTUNKHWA
 ESTABLISHMENT DEPARTMENT

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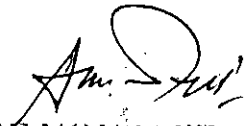

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DEPONENT



SECRETARY
 Public, Culture, Tourism, Youth, Small
 Industries & Fisheries Directorate
 Khyber Pakhtunkhwa
 Date: 14/2/2019

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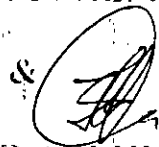
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Sports, Culture, Tourism, Youth, Social
Archeology & Museums Development
Khyber Pakhtunkhwa
Date: 14/2/2019

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Section Officer (PSB)

SO (G)

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326

In the light of the above, we accept both the appeals, and direct the official respondents to ante-date the promotion of each of the two appellants to the respective dates on which a vacancy became available for the respective turn of the appellants or from the respective dates of their taking charge of such vacancy on officiating/acting charge basis, whichever is later. The appellants are entitled to the costs of their respective litigation from the official respondents.

ANNOUNCED
11.03.2009

Prof. Justice C.S. Jaleel, Chairman
Dr. Biswajit Chakrabarti, Member

Certified to be true copy.

[Signature]
Secretary
Central Board of Secondary Education

Date of presentation of appellations	12.3.09
Number of appellations	2400
Copying fee	14
Urgent	
Total	14
Amount of copy fee	
Date of completion of copy	10.4.09
Date of delivery of copy	10.4.09

(26/1)

Encl. to the date of issue.

"8. Repeal:- The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand repealed after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50:50. The existing incumbents of PCS (E.G) and (S.G) in different pay scales, for the purpose of their promotion, shall continue to be governed under the said service rules till the retirement of the last such incumbent."

The above rule, by itself, clarifies that the rules of 1997 shall not stand repealed before the retirement of the existing incumbents of both the cadres of Secretariat/Executive Groups, and shall remain in force till the retirement of the last such incumbent. It further clarified that separate seniority list of both the cadres shall be maintained under the existing rules. The existing rules for such incumbents are the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997. It was also clarified that such incumbents shall be promoted at the ratio of 50:50. It means that out of each two vacancies, one vacancy shall be given to Secretariat Group, while another vacancy shall be given to the Executive Group. Further clarification is to the effect that the existing incumbents of PCS (E.G) and (S.G) in different pay scales shall continue to be governed under the rules of 1997 for the purpose of their promotion, and this process is to continue till the retirement of last such incumbent. Both the appellants belonged to the Executive Group of Civil Servants. They were to be governed under the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 before 11.05.2007, and they have to be governed under the above mentioned rules of 1997 till the retirement of the last incumbent of a post in Secretariat Group/Executive Group.

The cases of the appellants are, therefore, to be governed in accordance with the provisions of Section 8 (quoted above) of the new N.W.F.P Provincial Management Service Rules, 2007. The record shows that vacancies were available for the appellants but they were not promoted at due time and their cases for promotion were delayed unnecessarily without any fault of the appellants. They, therefore, are entitled to anticipation of their promotion, against the first available vacancy falling to the benefit of each of them or from the date of taking over the charge of that post on officiating/acting charge basis, whichever is later.

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ATTESTED
 EVALUATOR
 N.W.F.P. Provincial Tribunal
 P. J. J. J.

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Rule (C.S) 77 has become applicable after determination of fitness of the appellants. The question in these cases is not the determination of fitness but is the right of ante-dation of their promotion. The appellants had vested right for consideration of promotion on their turn, whenever it was, and, when found fit on determination of fitness, at any stage, they had a right to claim ante-dation of their promotion to the dates on which the vacancies were available for their respective turns or from the dates on which they actually took the charge of their respective posts, whichever were later in time.

The A.G.P. also contended that according to sub-rule (6) of Rule 10 of the N.W.F.P Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 "acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis." The appellants have never claimed any vested right for regular promotion to the post which they held on acting charge basis, on the basis of acting charge appointment. In fact, they did not have such a right. They remained silent for a long time, knowing that they did not have such a right on the basis of acting charge appointment. They, however, had a vested right, as civil servants, for consideration for promotion, when the authority was to consider someone for promotion against the vacancy. No other person could be considered till the appellants were so considered. They, therefore, had a vested right for ante-dation of their promotion only when they were regularly promoted, but from the date when the vacancy became available for their turn.

10 The A.G.P further contended that, according to the North West Frontier Province, Provincial Management Service Rules, 2007, notified on 11.05.2007 vide No. SOE.II(ED)2(14)2007, The NWFP Provincial Civil Service Secretariat/Executive Group) Rules, 1997 were repealed. He was of the view that the N.W.F.P Provincial Management Service Rules, 2007 had come into force at once w.e.f. 11.05.2007, while the orders of promotion of the appellants were issued on 19.02.2008. He submitted that the promotion orders were covered by the new rules, therefore, the appellants could not claim any benefit out of the already repealed rules of 1997. In order to clarify this controversy, it is necessary to reproduce the relevant Rule 8 of the N.W.F.P Provincial Management Service Rules, 2007 which is as under:-

ATTESTED
EXAMINER
NWFP Provincial Civil Service Secretariat
Peshawar

the judgments cited as 1990 SCMR 1321 and cited as 1997 PLC (C.S) 77 are on two different aspects of the same subject.

6. Ante-dating of promotion, after consideration of the candidate aspiring for such promotion, after he was found eligible and fit for such promotion and is promoted, is an established principle of law. Such a candidate cannot be punished for any delay caused by the department in processing his case for promotion. The order of promotion, therefore, has to be ante-dated to the date on which the vacancy for his turn became available or to the date on which he actually took charge of the post on officiating/acting charge basis, whichever is later.

7. The A.G.P contended that the present appeals were miserably time-barred and both the appellants were estopped by their own conduct to file the present appeals. In fact, the principle embodied in the judgment reported as 1990 SCMR 1321 was applicable to the cases of the appellants from 06.3.1996 to 18.2.2008. They could not claim promotion as of right. The principle embodied in the judgment reported as 1997 PLC (C.S) 77 became applicable to their case on 19.2.2008. Cause of action arose to the appellants for claiming ante-dation of their promotion as prayed for only when their cases were considered for promotion, they were found eligible and fit for promotion, and their promotion orders were issued, though with immediate effect. They filed their departmental appeals within time from the date of the impugned order dated 19.2.2008, and their appeals were rejected on 22.3.2008. They filed Service Appeals on 16.04.2008. The departmental appeals as well as the Service Appeals were well within time.

8. The A.G.P further contended that, according to the proviso contained in sub-section (2) of Section 22 of the N.W.F.P Civil Servants Act 1973, "no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade." Judgment cited as 1990 SCMR 1321 was, then, applicable and appellants could not file representation. This stage has already passed. The appellants have been considered for holding the higher post after their promotion to that higher post, and their fitness for such promotion and holding of post has already been determined. The judgment cited as 1997

ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar

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of officers of PCS (E.G). His departmental appeal was rejected. The present appeal was filed on 16.4.2008 which is within the time limit. The case of Ahmad Khan (Appellant) is similar to the case of Muhammad Iqbal Khattak on facts also. His appeal is also within time.

3. The respondents contested the appeal on many grounds, including the ground that no one could claim a vested right in promotion or in the terms and conditions for promotion to a higher post.

4. We heard the arguments and perused the record.

5. The learned counsel for the appellants contended that the appellants were temporarily posted to BPS-17 post on 06.3.1996, but they remained silent, because they did not have a vested right for promotion to a higher post. The appellants have already been considered for promotion and have been found eligible and fit for regular promotion to BPS-17 post, therefore, the principles embodied in the judgment of the August Supreme Court of Pakistan reported as 1990 SCMR 1321 are not applicable to their cases. In fact, the vacancies had become available for the appellants as early as on 30.11.1999, and it was the responsibility of the official respondents to expeditiously deal with the cases of the appellants for their regular promotion. The appellants could not be punished for no fault on their side, or for delay caused by the official respondents in processing the cases of the appellants. He relied on 1997-PLC (C.S) 77, wherein it has been held in para 3 as under:-

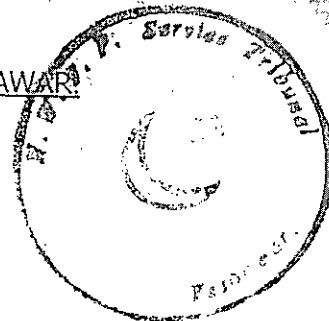
"On behalf of the Government it is contended that no civil servant has a right to claim that he should be promoted from a back date even though a vacancy may be existing on the date from which the promotion is being claimed. This is no doubt true but there are no orders by the Government that the respondents/petitioners should be held up for some time. The delay in making the promotions occurred entirely due to the reason that the officials of the Education Department could not carry out a fairly simple exercise within a reasonable period. In the circumstances it will not be appropriate for this Civil Petition to interfere with the order of the Service Tribunal. Leave is refused."

This judgment was in the petition for leave to appeal against the judgment dated 19.02.1995 of the Punjab Service Tribunal. It is worth-mentioning that

ATTESTED

Signature of the official

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR



Appeal No. 612/2008

Date of Institution. .. 16.04.2008
Date of Decision .. 13.03.2009

Muhammad Iqbal Khattak,
Assistant Political Agent, Khar Bajaur Agency. (Appellant)

VERSUS

1. Government of NWFP through Secretary Establishment Department, Peshawar.
2. Govt. of NWFP through Chief Secretary, Peshawar. (Respondents)

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO.SOE.II (E&D) 2 (192)2007 DATED 19.2.2008 WHEREBY THE APPELLANT WAS PROMOTED ON REGULAR BASIS W.E.F. 19.2.2008 INSTEAD OF 30.11.1999 AND ORDER NO.SOE-II (E&D) 2(192) WHEREBY HIS DEPARTMENTAL APPEAL WAS DISMISSED.

MR. SHAKEEL AHMAD,
Advocate ... For appellant.

MR. ZAHID KARIM KHALIL, ... For respondents.
Addl. Government Pleader,

MR. JUSTICE (R) SALIM KHAN, .. CHAIRMAN.
MR. BISMILLAH SHAH, .. MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.-The present appeal No. 612 of 2008 by Muhammad Iqbal Khattak and appeal No. 613 of 2009 by Ahmad Khan involved similar questions of law, therefore, these are taken together for arguments and disposal.

2. Muhammad Iqbal Khattak was promoted as Tehsildar on regular basis vide order dated 28.12.1988. He was promoted to PCS(E.G) (BPS-17) on temporary basis vide notification dated 06.03.1996. He contended that many posts became vacant, but the appellant was promoted to (BPS-17) on regular basis on 19.2.2008 with immediate effect, instead of ante-dating of his promotion to the date on which the vacancy fell to his turn in the

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In the minutes of PSB meeting held on 29.12.2009, it has been clearly stated that the appellant was eligible for promotion on regular basis and 11 posts were available, in which 10 candidates were promoted as PMS Officer on regular basis. Due to deficiencies of service record, some candidates were not promoted and the appellant was 11th but was promoted on deputation charge basis without any plausible reason. The Tribunal agrees with the arguments put forth by the learned counsel for the appellant.

6. In view of the above, the appeal is accepted, and the respondents are directed to ante-date promotion of the appellant as PMS (BPS-17) with effect from 25.3.2010, with all back/consequential benefits.

7. This order will also dispose off connected service appeals No. 1400/2010, Hidayatullah Khan, No. 1401/2010, Muhammad Nasir Khan, No. 1403/2010, Syed Kazim Hussain Shah, in the same manner.

8. So far as the appellant in Service Appeal No. 1404/2010, namely Habibullah Arif is concerned, his services have been regularized on 21.12.2011 but his appeal cannot be entertained for ante-dated promotion 25.3.2010 for the reason that only 11 posts were available and he comes at S.No.12 in eligible candidates in the minutes of PSB meeting held on 29.12.2009.

9. Since services of the appellants in Service Appeals No. 1372/2010, Abdul Mateen Qasuria, No. 1399/2010, Naeem Akhtar, and 1402/2010, Niaz Muhammad, have not been regularized so far, the respondents are directed to consider them for regular promotion as and when vacancies become available for them.

10. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
11.1.2012.

(SULTAN MAHMOOD KHATTAK)
MEMBER

(NOOR ALI KHAN)
MEMBER

Certified to be true copy
EXAMINER
Khylar Takhlikhwa
Service Tribunal
Peshawar

Date of Presentation of Application 23-1-2012
Number of Words 1600
Copying Fee 10
Urgent _____
Total 10
Name of Copyist _____
Date of Completion of Copy 3-2-2012
Date of Receipt of Copy 3-2-2012

discriminated. Articles 25 and 27 of the Constitution of Islamic Republic of Pakistan that all citizens are equal before law and are entitled to equal protection of law. No citizen otherwise qualified for appointment in the service of Pakistan/province shall be discriminated whatsoever. He also stated that as per Rule 9(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 if a person is otherwise eligible for further promotion but his length of service is short, then he can be promoted/appointed on acting charge basis but in the appellant's case, his seniors have been given acting charge for the reason that they have not passed departmental examination and not completed their PERS, which is wrong and this wrong action/decision cannot be made a reason for not promoting those juniors who were eligible for regular promotion in all respect. Even sub-rule (2) of Rule 9 of the aforementioned rules has now been deleted. He further stated that during pendency of the appeal, the appellant has been promoted as PMS BPS-17 on regular basis with immediate effect vide notification dated 21.12.2011 instead of ante-dation of his promotion w.e.f the date when a vacancy was available for him as per judgments of the august Supreme Court of Pakistan in reported in 1997-SCMR-515, and 2010-SCMR-1466. He requested that the appeal may be accepted as prayed for.

The learned AGP, on the other hand argued that the appeal is bad for non-joinder and mis-joinder of necessary parties. In case, the appeal allowed some officers will be effected who have not been impleaded as private respondents. He further argued that there were some vacant posts of PMS (BPS-17), against promotion quota and Tehsildars, senior to the appellant were considered and promoted on regular basis w.e.f. 3.3.2009. The appellant being junior had not been considered. Even the appellant had not challenged order dated 3.3.2009 in time and the present appeal is time-barred. He stated that it is true that vacant posts of PMS (BPS-17) were available in the department but meant for direct recruits. He submitted that vide notification dated 25.3.2010, the appellant was not promoted as PMS (BPS-17) but appointed on acting charge basis as per provision of Rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Appointments and promotions on acting charge basis are always made with immediate effect and under Rule 9 (6) confer no vested right for regular promotion. Moreover, claim of appellant is not clear and has not specified the date to be considered for promotion as PMS (BPS-17) on regular basis.

The Tribunal observes that the appellant was eligible for promotion as PMS (BPS-17) on regular basis w.e.f. 3.3.2009 but he was not considered. On 25.3.2010, on the recommendations of PSB, he was promoted as PMS (BPS-17) on acting charge basis. Vide notification dated 21.12.2011, he has been promoted on regular basis with immediate effect.

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2010 be modified to the extent that appellant be appointed/promoted as PMS Officer on regular basis w.e.f. 7.11.2008 or 3.3.2009 when his batch mates were promoted.

Brief facts of the case as averred in the memo. of appeal are that the appellant was promoted as Tehsildar (BPS-16) on regular basis vide notification dated 6.9.2008 along with vide notification dated 3.3.2009, who are batch mates of the appellant were promoted as PMS Officer (BPS-17) on regular basis but appellant due to unknown reasons was not promoted on 25.3.2010. vide the impugned notification, although appellant on the recommendations of Provincial Selection Board has been promoted from Tehsildar to PMS Officer (BPS-17) but on acting charge basis and that too with immediate effect. The appellant is holding the post of ACO, Peshawar since long whereas he was posted as Deputy District Officer (Judicial) Nowshera vide notification dated 2.6.2009. On 3.4.2010, appellant submitted his departmental appeal/representation for his regular promotion w.c.f. 7.11.2008 at least from 3.3.2009 but no reply to the said representation has been received within the statutory period of 90 days, hence the present appeal.

After admission of the appeal, notices were issued to the respondents for submission of written reply. Respondents have filed their joint written reply and contested the appeal. Arguments heard and record perused.

The learned counsel for the appellant argued that according to Rule 9 of the Peshawar District Civil Servants Act (Appointment, Promotion and Transfer) Rules, 1970 acting charge appointment can only be made where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion, does not possess the specified length of service. The learned counsel for the appellant further argued that the appellant was promoted as PMS Officer (BPS-17) on acting charge basis with immediate effect vide order dated 25.3.2010. despite the fact that there were clear vacancies of PMS Officer (BPS-17) in the department in promotion quota. The appellant along with others should have been considered for regular promotion against the said posts from the date when clear vacancies were available for them. He stated that other batch mates of the appellant were promoted w.e.f. 3.3.2009 and 7.11.2008, on regular basis, therefore, the appellant has also ought to be considered for promotion w.e.f. the date when the post was lying vacant and the appellant was holding the same on acting charge basis. In December, 2009, two PSB meetings were held but the appellant had not been considered for promotion without any plausible reasons despite the fact that he was eligible for promotion, so he has been

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



Appeal No. 1398/2010,

Date of Institution. .. 30.7.2010
Date of Decision .. 11.1.2012

Fazal Hussain, PMS Officer (BPS-17)
Posted as ACO, Peshawar.

(APPELLANT)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
2. Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST NOTIFICATION NO.SOE.11(ED)2(192) 2009 DATED 25.3.2010 WHEREBY APPELLANT IS APPOINTED/ PROMOTED AS PMS OFFICER (BPS-17) ON ACTING CHARGE BASIS, WITH IMMEDIATE EFFECT.

MR. BILAL AHMAD KAKAIZAI, &
MR. MUHAMMAD ASIF YOUSAFZAI,
Advocates

For appellant.

MR. TAHIR IQBAL,
Addl. Government Pleader

For respondents.

MR. NOOR ALI KHAN, ... MEMBER
MR. SULTAN MAHMOOD KHATTAK, ... MEMBER

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NOOR ALI KHAN, MEMBER.- This appeal has been filed by Fazal Hussain, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against notification No.SOE.II(ED)2(192) 2009 dated 25.3.2010, whereby appellant has been appointed/promoted as PMS Officer (BPS-17) on Acting Charge basis with immediate effect. It has been prayed that on acceptance of the appeal, the impugned notification dated

Government service
Tehsildar BS-16
prescribed length
of service
post of
Tehsildar BS-16
on acting charge basis

25	Mr. Muhammad Pervez	<p>His date of birth is 28.04.1959. He joined government service on 25.05.1977. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p style="text-align: center;"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
26	Mr. Sajid Hussain	<p>His date of birth is 09.03.1965. He joined government service on 04.06.1988. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p style="text-align: center;"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
27	Mr. Pervez Iqbal	<p>His date of birth is 15.10.1960. He joined government service on 20.11.1984. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His missing PERs have been completed. His service upto 2010 is generally good.</p> <p style="text-align: center;"><i>12</i></p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
28	Mr. Lal Said	<p>His date of birth is 20.01.1961. He joined government service on 12.06.1983. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p style="text-align: center;"><i>NC</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
29	Mr. Israr Ahmed	<p>His date of birth is 14.01.1957. He joined government service on 20.04.1981. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p style="text-align: center;"><i>13</i></p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>

Approved
[Signature]
Deputy Secretary (HR)
Govt. of Khyber Pakhtunkhwa
Establishment Department

18	Mr. Shah Naseem	<p>His date of birth is 04.04.1958. He joined government on 19.03.1977. He was promoted as Tehsildar BS-16 on 26.02.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p align="right"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
19	Mr. Muhammad Ali Shah	<p>His date of birth is 19.11.1964. He joined government service on 11.05.1988. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p align="right"><i>✓ 10</i></p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
20	Mr. Shah Jehan	<p>His date of birth is 02.01.1956. He joined government service on 09.09.1972. He was promoted as Tehsildar BS-16 on 10.04.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p align="right"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
21	Mr. Muhammad Zaman Khattak	<p>His date of birth is 06.05.1959. He joined government service on 26.07.1979. He was promoted as Tehsildar BS-16 on 26.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p align="right"><i>✓ 11</i></p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
22	Mr. Bagh Bostan	<p>His date of birth is 07.10.1957. He joined government service on 16.05.1979. He was promoted as Tehsildar BS-16 on 26.02.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p align="right"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
23	Mr. Amjid Ali	<p>His date of birth is 13.04.1958. He joined government service on 26.6.1980. He was promoted as Tehsildar BS-16 on 26.02.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p align="right"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
24	Mr. Safdar Azam Qureshi	<p>His date of birth is 01.04.1970. He joined government service on 01.07.1995. He was promoted as Tehsildar BS-16 on 28.03.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p align="right"><i>NC X</i></p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>

Approved
[Signature]
 Deputy Secretary (HR)
 Govt of Khyber Pakhtunkhwa
 Establishment Department

		<p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
12	Mr. Naveed Akber	<p>His date of birth is 17.06.1980. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p style="text-align: center;">✓6</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
13	Mr. Tariq Hassan	<p>His date of birth is 15.11.1978. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p style="text-align: center;">✓7</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
14	Mr. Hamid Ali Gagigyani	<p>His date of birth is 28.03.1979. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His PER for the year 2010 is not available. His remaining service record upto 2009 is generally good.</p> <p style="text-align: center;">✓8</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to earning satisfactory PER for the year 2010 otherwise his case will be referred to Review Committee for disciplinary action/compulsory retirement.</p>
15	Mr. Amanullah Saeed	<p>His date of birth is 03.04.1978. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p style="text-align: center;">✓9</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
16	Mr. Muhammad Ayub	<p>His date of birth is 10.01.1952. He joined government service on 10.07.1975. He was promoted as Tehsildar BS-16 on 26.02.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p style="text-align: center;">NC X</p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
17	Mr. Akber Shah	<p>His date of birth is 10.02.1956. He joined government service on 23.05.1974. He was promoted as Tehsildar BS-16 on 26.02.2009. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p style="text-align: center;">NC X</p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>

Deputy Secretary (HR) /
 Govt. of Khyber Pakhtunkhwa
 Establishment Department

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		<p>of service. He has passed the departmental examination enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
5	Mr. Kashmir Khan	<p>His date of birth is 16.04.1982. He joined government service on 02.02.2009 as Tehsildar BS-16. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
6	Mr. Khalid Qayum	<p>His date of birth is 03.02.1972. He joined government service on 02.02.2009 as Tehsildar BS-16. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
7	Mr. Muhammad Yousaf Karim	<p>His date of birth is 20.11.1977. He joined government service on 02.02.2009 as Tehsildar BS-16. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
8	Mr. Arshad Khan	<p>His date of birth is 02.03.1980. He joined government service on 02.02.2009 as Tehsildar BS-16. He has not yet completed the prescribed length of service. He has not passed the departmental examination.</p> <p>The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.</p>
9	Mr. Muhammad Imran.	<p>His date of birth is 03.05.1978. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
10	Mr. Sohail Ahmed Khan.	<p>His date of birth is 01.04.1976. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
11	Mr. Muhammad Shah Jamil	<p>His date of birth is 15.10.1976. He joined government service as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service.</p>

Raised
Ahmed
Deputy Secretary (HRC)
Govt of Khayber Pakhtunkhwa
Establishment Department

Add: Item No.4

7/6/11

ESTABLISHMENT DEPARTMENT
(Meeting of PSB held on 23.11.2011)

SUBJECT: - APPOINTMENT OF TEHSILDARS TO THE POST OF PMS BS-17 ON ACTING CHARGE BASIS.

~~Secretary Establishment apprised the Board that one hundred and eighty three (183) posts are vacant in the quota of initial recruitment for which a requisition has been placed with the Public Service Commission and the posts are vacant. Out of which forty (40) posts be filled on acting charge basis as per Section 9-(3) of (Appointment, Promotion and Transfer) Rules, 1989.~~

2. According to service rules, the posts are filled as under: -

"Twenty percent from amongst Tehsildars who are graduate, on the basis of seniority cum fitness having three years service as Tehsildars/Naib Tehsildars and have passed the prescribed departmental examination".

Note

As per Section 7 of rule ibid the condition of graduation shall not apply for a period of seven years from the date of coming into force of these rules to the existing incumbents for promotion against BPS-17

3. The service record of the officers included in the panel was discussed as follows:-

S.NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1	Mr. Saleem Jan	His date of birth is 07.06.1975. He joined government service on 07.01.2002. He was appointment as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good. The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.
2	Mr. Irfan Ali	His date of birth is 12.04.1976. He joined government service on 02.02.2009 as Tehsildar BS-16. He has not yet completed the prescribed length of service. He has passed the departmental examination. No enquiry is pending against him. His service record upto 2010 is generally good. The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.
3	Mr. Gohar Ali	His date of birth is 03.02.1979. He joined government service on 02.02.2009 as Tehsildar BS-16. He has not yet completed the prescribed length of service. He has not passed the departmental examination. No enquiry is pending against him. The Board did not consider him for appointment to the post of PMS BS-17 on acting charge basis.
4	Mr. Sajid Nawaz	His date of birth is 14.04.1977. He joined government service on 24.2.1998. He was promoted as Tehsildar BS-16 on 02.02.2009. He has not yet completed the prescribed length of service.

Approved
Alian
Deputy Secretary (HRD)
Govt. of Khyber Pakhtunkhwa
Establishment Department

Pw/Secy Estab.
Diary No. 381
Date 13/1

20/10/20

Deputy Secretary (Estab.)
Estab: & Admin: Department

Diary No. 1651

Dated 15-01-14

PS/C.S Khyber Pakhtunkhwa

Diary No. 478

Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Kashmir Khan

(Kashmir Khan)

PMS (B-17),

D.M.O. (Edu)

Bannu/Lakki Marwat

*Deputy Secretary to
Establishment
13-1-14*

Dated: 9th January, 2014

M/131
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: ESTAB

In di 15/01
R. J. C.

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PS/Secy Estab.

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Deputy Secretary (Estab.)
Estab. & Admin. Department

Diary No. 1652

Dated 15-01-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 477
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Khalid Qayum
(Khalid Qayum)

PMS (B-17),
AAC Perowa,
D.I.Khan

Deputy Secretary to
Secretary Establishment

Dated: 9th January, 2014

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P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: ESTB

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Diary No. 383
Date 13/1

Deputy Secretary (Estab.)
Estab. & Admin. Department
Diary No. 1653
Dated 15-01-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 479
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Gohar Ali

(Gohar Ali)
PMS (B-17),
A.A.C. (R),
Mardan

Private Secretary to
Secretary Establishment

Dated: 9th January, 2014

In dr
15/1/14

13/1
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa

Secy: ESTB:

PUP
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Deputy Secretary (Estab.)
Estab. & Admin. Department.

Diary No. 1649
Dated 15-01-14

13-1-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 468
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

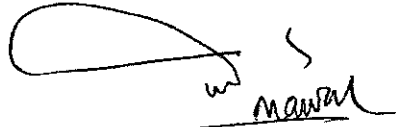
R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,


(Sajid Nawaz)

Dated: 9th January, 2014

PMS (B-17),

DSM PPHI Mardan

Deputy Secretary to
Establishment
13/1

P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa

Secy: E 846

Zaidi
15/01
P.O.P


15/1

To: Deputy Secretary (Estab.)
Establishment Department
Diary No. 1648
Dated 15-01-14

378
13-1-14
16
103
PS/C.S Khyber Pakhtunkhwa
Diary No. 976
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Yousaf Karim
(Yousaf Karim)

PMS (B-17),

AAC Peshawar

Dated: 9th January, 2014

[Signature]
Deputy Secretary to
Secretary Establishment

[Signature]
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa

Secy: Estab.

[Signature]
15/01
D. U.P. 15/01

Deputy Secretary (Estab.)
Estab. & Admin. Department

To
Diary No. 1647
Dated 15-01-14

377
13-1-14
15
102
PS/C.S Khyber Pakhtunkhwa
Diary No. 475
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

M. Imran
(Muhammad Imran)

PMS (B-17),
AAC Malakand

Dated: 9th January, 2014

Private Secretary to
Secretary Establishment

13/1
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa

Secy: ESTB:

In di
15/01

Efu

13/1

Deputy Secretary (Estab.)
Estab. & Adm. Department

To
Diary No. 1646
Dated. 15-01-14

376
13-1-14
PS/C.S Khyber Pakhtunkhwa
Diary No. 474
Date. 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.


R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

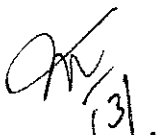
Sincerely yours,


(Sohail Ahmad)

PMS (B-17),

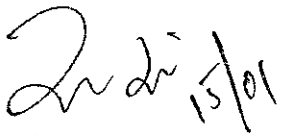
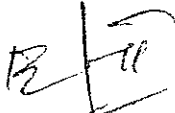
APA Bajaur Agency

Dated: 9th January, 2014


P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa

Secy: ESTB


Secretary to
Establishment


Zaidi 15/01

P.O. 15/11

13
29

373
13-1-14

To
Deputy Secretary (Estab.)
Estab. Section, Department
Diary No. 1642
Dated 15-01-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 971
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Hamid Ali Giggan
(Hamid Ali Giggan)

PMS (B-17),
AAC Charsadda

dated: 9th January, 2014

13/1
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: ESTAB

Secretary to
Establishment

In dir 15/01
R/Sir
O/S 15/1/14

372
13-1-14

12
98

Deputy Secretary (Estab.)
Estab. & Adm. Department
Diary No. 1643
Dated. 15-01-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 970
Date. 13-1-14

To

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,


It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Dated: 9th January, 2014


13/1
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: Estab.

Amanullah Saeed
(Amanullah Saeed)
PMS (B-17),
AAC

Private Secretary to
Secretary
13/1
D.S.R.

Indi 15/01
P-218-1511
E.F.I.

11
97

375
13-1-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 473
Date. 13-1-14

Deputy Secretary (Estab.)
Estab. & Admn. Department

To
Diary No. 1645
Dated. 15-01-14.
The Chief Secretary,

Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.


R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.


Sincerely yours,


(Tariq Hussain)

PMS (B-17),

S.O. Home Deptt

Dated: 9th January, 2014


Deputy Secretary to
Establishment
13/1

P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Copy: ESTAB.

In di 15/01



To Deputy Secretary (Estab.)
Estab. & Man. Department
Diary No. 1644
Dated. 15-01-14

374 10
13-1-14
PSIC.S Khyber Pakhtunkhwa
Diary No. 472
Date. 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Dated: 9th January, 2014

[Signature]
13/1
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: ESTAB.

Navid Akbar
(Navid Akbar)
PMS (B-17),
APA FR Peshawar

[Signature]
Secretary to
Establishment
[Signature]

Indri
15/01
R Fee
P-OP
[Signature]

37/321
13-1-14

9

Deputy Secretary (Estab.)
Estab. & Admin. Department
Diary No. 1641
Dated 15-01-14

PS/C.S Khyber Pakhtunkhwa
Diary No. 469
Date 13-1-14

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

It is further added that I have promoted on Regular basis after the induction of new PMS Batch. Thus my seniority is badly suffered as I was entitled to be promoted prior the induction of the new PMS Batch.

In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Sincerely yours,

Shah Jamil
(Shah Jamil)
PMS (B-17),
AAC Dir

Dated: 9th January, 2014

Secretary to
Establishment
13/1
15/1

P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: ESTB:

2nd
15/01
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8188

PS/O.S Khyber Pakhtunkhwa
Diary No. 467
Date. 13-1-14

To:

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Deputy Secretary (Estab.)
Estab. & Adm. Department
Diary No. 1650
Dated. 15-01-14

Subject:- Appeal for regular promotion to the post of PMS Officers w.e.f. Acting Charge basis or w.e.f. occurrence of vacancies.

R/Sir,

It is stated before your goodself that I have been promoted to the post of PMS Officer (B-17) on Acting Charge basis in December, 2011. Further-more in the month of May, 2012, the Establishment Department has announced PSB meeting for our promotion, but due to certain unknown reasons, the meeting has not been convened. After that different dates for the said meeting have been fixed, but at the 11th hours, the meeting could not convene.

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In view of the above, I submit request through this appeal that I may kindly be given due seniority on regular basis w.e.f. date of our promotion on acting charge basis or from the date of occurrence of vacancies.

Deputy Secretary to
Secretary Establishment
13-1-14

DSB

Dated: 9th January, 2014

Sincerely yours,

Salim Jan
(Salim Jan)

PMS (B-17),

APA FR D.I.Khan

131
P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa
Secy: Estab.

Indris/01
E/11
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15/1

4.	Mr. Abdul Matcen Qasuria	DDO(J), D.I.Khan	Retained on the same post
5.	Mr. Shaukat Hussain	DDO(J), Abbottabad	Retained on the same post
6.	Mr. Gul Nawaz Ali	Settlement Officer, Mansehra	DDO(J), Mansehra against the vacant post
7.	Mr. Nowsherwan	Tehsildar, Palas Kohistan	DDO(R), Palas Kohistan against the vacant post.
8.	Qazi Atta-ur-Rehman	DDO(R), Haripur	Retained on the same post
9.	Mr. Saleem Jan	Research Officer, FATA Sectt.	Retained on the same post.
10.	Mr. Irfan Ali	APA, Mir Ali N.W. Agency	Retained on the same post
11.	Mr. Gohar Ali	Tehsildar, Takhtbhai Mardan	DDO(J), Katlang Mardan against the vacant post.

7

Only for actualization of his promotion for one day whereafter he will continue as Settlement Officer, Mansehra in his own pay & scale.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN

A copy is forwarded to:-

1. Additional Chief Secretary, FATA.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Divisional Commissioners in Khyber Pakhtunkhwa.
6. All District Coordination Officers in Khyber Pakhtunkhwa.
7. Secretary (Admn. & Coord), FATA Secretariat.
8. Accountant General, Khyber Pakhtunkhwa.
9. Accountant General (PR), Sub-Office, Peshawar.
10. All District Accounts Officers in Khyber Pakhtunkhwa.
11. General Manager, SNGPI, Peshawar.
12. Director (Land), NHIA, Khyber Pakhtunkhwa Region, Peshawar.
13. SO(Secret)/SO(Admn)/EO/Librarian, I&A Department.
14. PS to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary Establishment.
16. PS to Special Secretary(Istt), Establishment Department.
17. PAs to AS(E)/DS(E) Estab. Deptt.
18. Officers concerned.
19. Office order file.
20. Personal file of the officers concerned.

najam

(NAJAM U.S. SAHAR)
SECTION OFFICER(E-II)

Dated Peshawar the October, 04, 2012

NOTIFICATION

NO. SOR.II(HD) 2(192)2012-

Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following PMS BS-17 (A/C) / Tehsildars to the post of Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.#	Name of Officer
1.	Syed Gul Jamal
2.	Mr. Naeem Akhtar
3.	Mr. Maz Muhammad
4.	Mr. Abdul Muteen Qasim
5.	Mr. Shaukat Hussain
6.	Mr. Gul Nawaz Ali
7.	Mr. Nosrwan
8.	Qazi Altaf-Rahman
9.	Mr. Saleem Jan
10.	Mr. Irfan Ali
11.	Mr. Gohar Ali

2. On promotion the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act 1973, read with Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and

(Transfer) Rules, 1989.

3. Consequent upon the following postings/transfers are ordered:-

S.#	Name of Officer	From	To	Remarks
1.	Syed Gul Jamal	Peshawar	Retained on the same post and station	
2.	Mr. Naeem Akhtar	Assistant Commissioner (Law), Malakand	Retained on the same post and station	
3.	Mr. Maz Muhammad	Mr. Naz DO(R), Swat	MRDO, Swat	Only for actualization of his promotion for one day, thereafter will continue as DO(R) Swat. His own pay & scale.

with immediate effect.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.847/2014

Mr. Kashmir Khan (PMS BS-17) and others **VERSUS** Govt. of Khyber Pakhtunkhwa & others

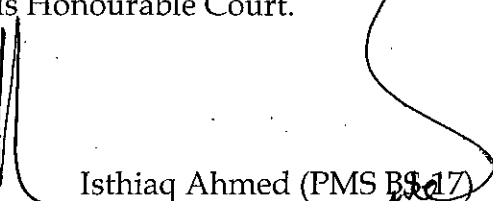
1. Fahad Ikram Qazi (PMS BS-17)
2. Akhtar Nawaz (PMS BS-17)
3. Mr. Daulat Khan (PMS BS-17)
4. Muhammad Ali (PMS BS-17)
5. Yasir Qayyum (PMS BS-17)
6. Jibreel Raza(PMS BS-17)
7. Aziz Ullah Jan (PMS BS-17)
8. Masaud Jan (PMS BS-17)
9. Tariq Ullah (PMS BS-17)
10. Alamgir Khan (PMS BS-17)
11. Dr. Azmat Ullah Wazir (PMS BS-17)
12. Anwar Khan (PMS BS-17)
13. Beenish Imran (PMS BS-17)
14. Irum Shaheen (PMS BS-17)
15. Misbah Riaz (PMS BS-17)
16. Fazeelat Jehan (PMS BS-17)
17. Shahab Muhammad Khan (PMS BS-17)
18. Shakeel Jan (PMS BS-17)
19. Israr Khan (PMS BS-17)
20. Zameen Khan (PMS BS-17)
21. Asmat Ullah Wazir (PMS BS-17)
22. Zahid Usman Kakakhel (PMS BS-17)
23. Through Isthiaq Ahmed (PMS BS-17) presently posted as Section Officer, Establishment Department, Civil Secretariat Khyber Pakhtunkhwa Peshawar.

..... (Respondents)

AFFIDAVIT

I the respondent solemnly declare that contents of the parawise comments are correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Through:


Isthiaq Ahmed (PMS BS-17)
Presently posted as Section Officer,
Establishment Department, Peshawar

Through:

Shahid Mehmood Khan, Advocate.

reserved for initial recruitment. Hence, the acting charge appointment of the appellants against the quota reserved for initial recruitment do not accrue any right of regular promotion under the rules, laws and policies.

D. As already explained in para-6 of the facts.

E. As already explained in para-6 of the facts.

F. **Incorrect.** The benefits SCMR 1996, page 1185, 2009 SCMR page-1, cannot be given to the appellants being completely a different nature of case as explained above.

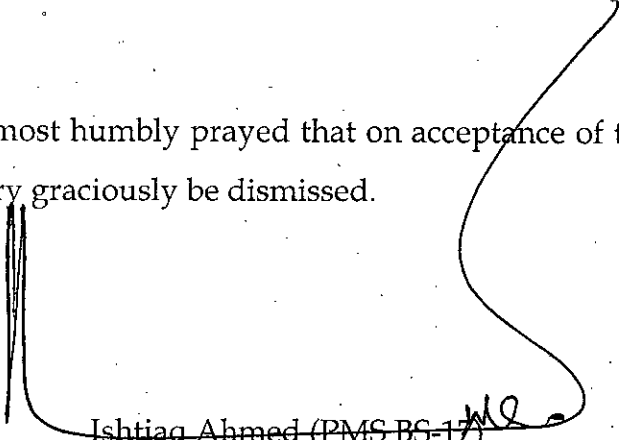
G. **Incorrect.** As the officers referred to as juniors are directly recruited PMS BS-17 officers appointed as PMS BS-17 on 27.05.2012 before the promotion of the appellants to PMS BS-17 and are hence senior. Therefore, the word junior is misleading. No junior of appellants were promoted to PMS BS-17 during the period mentioned by the petitioner.

H. **Incorrect.** As explained in para-4 of the facts.

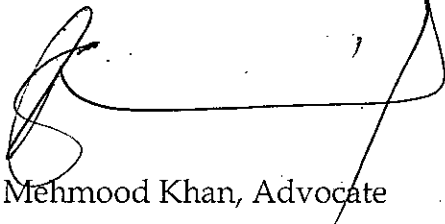
I. No comments.

It is, therefore, most humbly prayed that on acceptance of these response, the instant appeal may very graciously be dismissed.

Through:


Ishtiaq Ahmed (PMS BS-17)
Presently posted as Section Officer
Establishment Department, Peshawar

Through:


Shahid Mehmood Khan, Advocate

Iqbal Khattak and Fazal Hussain have their own peculiar facts which are totally different in nature from the instant case. Mr. Fazal Hussain was appointed on acting charge basis on 25.03.2010 while he was fulfilling all requisite conditions for regular promotion to the post of PMS BS-17. However, the appellants were deficient of required length of service at the time of their acting charge appointment, therefore, their case has no similarity with the case of Mr. Fazal Hussain. Likewise, the benefit of judgment in Appeal No. 612/2008 (Muhammad Iqbal Khattak) cannot be extended to the appellant as Mr. Iqbal Khattak was temporary promoted to PCS EG (BS-17) on 06.03.1996 besides the fact that clear vacancies were available in his share for his promotion and was later on promoted on regular basis on 19.02.2008 after a lapse of almost 12 years while in the instant case the appellants were appointed on acting charge basis to PMS BS-17 against the quota reserved for initial recruitment on 21.12.2011 as they were deficient of required length of service, hence, the plea of the appellants for regular promotion against the posts which did not fall in promotion quota is not justifiable and hence baseless (**Annex-IV & V**).

ON GROUNDS:

- A. **Incorrect.** The said order is according to merit, justified, legally covered and according to the law.
- B. **Incorrect.** The appellant alongwith others were appointed to the post of PMS BS-17 on acting charge basis on 21-12-2011 against the share pertaining to initial recruitment in the light of Rule 9(3) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules), 1989. Later on they were promoted to the post of PMS BS-17 on regular basis on 30-10-2012 against 20% share of Tehsildars reserved in PMS Posts. Hence, plea of the appellants is misguiding.
- C. **Incorrect.** The benefits of judgment reported in 2006 in SCMR 1938 is only extendable to the appellants where posts are available for promotion in the quota reserved for promotion of the appellants, however, in the instant case the appellants were appointed on Acting Charge Basis against the quota

2. The appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
3. That the appeal is not maintainable.
4. That the appellants have presented the facts in manipulated form which disentitles him for any relief whatsoever.
5. That the appellants have not come to this Tribunal with clean hands.
6. That the appellants are bad for non-joinder of necessary parties.

ON FACTS:

1. Correct.
2. Correct.
3. **Incorrect** as per notification dated 21.12.2011 the appellants were not promoted rather appointed on acting basis against the posts falling in the quota of initial recruitment (**Minutes of PSB are enclosed at Annex-III**). Moreover, the appellants were also deficient of the required length of service mandatory for promotion to PMS BS-17 as they have been appointed as Tehsildar on 22.01.2009.
4. Provincial Government calls meeting of PSB when they need promotion of officers to next higher grade keeping in view workload in upper scale and financial implications. Hence, the claim of the appellants that delay of PSB on May 5, 2012 has suffered their service career is baseless and technically incorrect.
5. PSB in its meeting held on 05-09-2012 considered the case of promotion of Tehsildars to the post of PMS BS-17 keeping in view need of their services in next higher grade. After approval from Competent Authority, their promotion was notified on 04-10-2012. As per rules, promotion is always notified with immediate effect. Since, the appellants are performing their duties as PMS Officers since 04.10.2012, therefore, their claim for the benefits from back date, where they have not rendered services as PMS Officers, is baseless, not justifiable and against the norms of justice.
6. Incorrect. Every case has got its own peculiar facts & circumstances and therefore the facts of one case cannot be generalized to all other cases. Similarly, cases of

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.847/2014

Mr. Kashmir Khan (PMS BS-17) and others **VERSUS** Govt. of Khyber Pakhtunkhwa & others

2. Fahad Ikram Qazi (PMS BS-17)
3. Isthiaq Ahmed (PMS BS-17)
4. Mr. Daulat Khan (PMS BS-17)
5. Muhammad Ali (PMS BS-17)
6. Yasir Qayyum (PMS BS-17)
7. Jibreel Raza(PMS BS-17)
8. Aziz Ullah Jan (PMS BS-17)
9. Masaud Jan (PMS BS-17)
10. Tariq Ullah (PMS BS-17)
11. Alamgir Khan (PMS BS-17)
12. Dr. Azmat Ullah Wazir (PMS BS-17)
13. Anwar Khan (PMS BS-17)
14. Beenish Imran (PMS BS-17)
15. Irum Shaheen (PMS BS-17)
16. Misbah Riaz (PMS BS-17)
17. Fazeelat Jehan (PMS BS-17)
18. Shahab Muhammad Khan (PMS BS-17)
19. Shakeel Jan (PMS BS-17)
20. Israr Khan (PMS BS-17)
21. Zameen Khan (PMS BS-17)
22. Asmat Ullah Wazir (PMS BS-17)
23. Zahid Usman Kakakhel (PMS BS-17)
24. Through Akhtar Nawaz s/O Gul Rehman (PMS BS-17) presently posted as Section Officer, Governor's Secretariat, Khyber Pakhtunkhwa Peshawar.

..... (Respondents)

**PARAWISE REPLY ON BEHALF OF CURRENTLY IMPLEADED
AFOREMENTIONED RESPONDENTS**

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appeal is badly time barred as regular promotion of the appellants was issued on 04.10.2012 and the appellants preferred departmental appeal after lapse of considerable time on 10.07.2013 (**Annex-I & II**).

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**

C.M No. _____/2018

In

Appeal No.847/2014

Kashmir Khan.....**Appellant**

Versus

Govt. of KPK & others.....**Respondents**

**APPLICATION FOR IMPLEADMENT OF
APPLICANTS BEING IMPORTANT AND
NECESSARY PARTY IN THE NOTED
SERVICE APPEALS IN THE PANEL OF
RESPONDENTS IN THE ABOVE NOTED
CASES.**

Respectfully Sheweth:

The applicants humbly submit as under:-

1. That the above mentioned Service Appeals are pending adjudication before this Hon'ble Tribunal which is fixed of hearing on 31.07.2018.
2. That the names of the applicants which are necessary parties and are liable to be imploded are as under:-
 - i. Fahad Ikram Qazi
 - ii. Ishtiaq Ahmad
 - iii. Doulat Khan
 - iv. Muhammad Ali
 - v. Yasir Qayyum

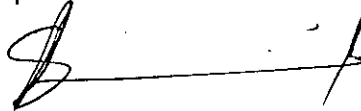
- vi. Jabreal Raza
- vii. Aziz Ullah Jan
- viii. Masood Jan
- ix. Tariq Ullah
- x. Alamgir Khan
- xi. Dr. Azmat
- xii. Anwar khan
- xiii. Beenish Imran
- xiv. Irum Shabeen
- xv. Misbah Riaz
- xvi. Fazeelat Jehan
- xvii. Shahab Muhammad Khan
- xviii. Shakeel Jan
- xix. Israr Khan
- xx. Zameen Khan
- xxi. Asmat Wazir
- xxii. Zahid Usman Kakakhel through:
- xxiii. Akhtar Nawaz S/o Gul Rehman (PMS BS-17),
presently posted as Section Officer, in
Establishment Department, Khyber
Pakhtunkhwa, Peshawar

3. That the above mentioned party being necessary party in the instant petition because they would directly suffering if the instant appeals are allowed, hence the applicants are necessary in the panel of respondents.
4. That it is well settled and equitable principles of law for just and proper decision of the instant service Appeal, the necessary parties who have intentionally not been made party.
5. That if the Application for impleadment is not allowed the Applicants would suffer extreme irreparable loss.

6. That there is no bar in which like application and the necessary parties may be made part as in the panel of respondents.
7. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

It is, therefore most respectfully prayed that on acceptance of this application, the important and necessary party in the panel of Respondents for just and proper decision of the present case.

Through Applicants

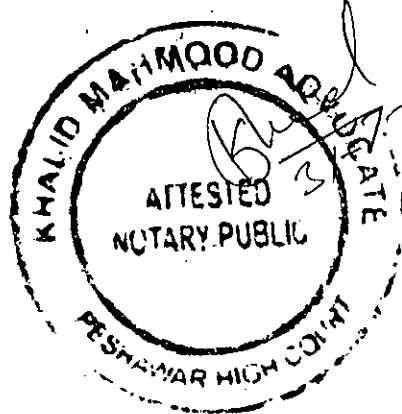


Shahid Mahmood Khan
Advocate
High Court, Peshawar

Dated 31.07.2018

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.





DEPONENT

30.10.2019

Syed Noman Ali Bukhari, junior counsel for the appellant and Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for appellant has gone to august Supreme Court of Pakistan at Islamabad and cannot attend the Tribunal today. Adjourned to 01.11.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

01.11.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Saleem, Superintendent for official respondents and learned counsel for private respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of six pages placed in connected Service Appeal No. 839/2014 titled "Saleem Jan Versus The Government of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others", without touching the merits of the appeal, the present service appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room

ANNOUNCED
01.11.2019


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(HUSSAIN SHAH)
MEMBER

28.03.2019

Clerk to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Saleem Superintendent for official respondents present. Clerk to counsel for newly impleaded respondents present and requested for time to furnish parawise comments. Granted. To come up for written reply/comments on 01.04.2019 before S.B


Member

01.04.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Saleem, Supdt for official respondent present. Written reply on behalf of newly impleaded respondents not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 17.04.2019 before S.B.


(Ahmad Hassan)
Member

17.04.2019

Learned counsel for the appellant present. Learned counsel for newly impleaded respondents also present and submitted reply. Adjourn. To come up for arguments on 23.04.2019 before D.B


Member

17.01.2019

Mr. Taimur Ali Khan, Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muhammad Saleem, Superintendent for official respondents and clerk to counsel for applicants present. Clerk to counsel for applicants requested for adjournment on the ground that learned counsel for applicants is not available today. Adjourned. To come up for arguments on main appeal as well as reply/arguments on impleadment application of applicants on 08.02.2019 before D.B.


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member


08.02.2019

Appellant alongwith counsel present. Mr. Ziaullah, DDA alongwith M.Saleem, Supdt for official respondents no. 1,2 and 3 present.

On a previous date applicant (Fahad Ikram Qazi and 22 others) submitted an application for impleading them as respondents. Today learned counsel for the appellant expressed no objection on acceptance of their application. Therefore, his application is accepted and the Moharrar of this Tribunal is directed to implead applicant (Fahad Ikram Qazi alongwith 22 others) mentioned in the application in the panel of respondents. Learned counsel for the appellant stated that the present appeal pertains to 2014 and is being delayed unnecessarily. Therefore newly impleaded respondents are directed to submit parawise comments on or before the next date of hearing positively. Case to come up for written

reply/comments of newly impleaded respondents on 28.03.2019 before S.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

10.11.2017

Junior counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Saleem Khan, Superintendent for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 12.12.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

12.12.2017

Clerk of the counsel and Mr. Kabeerullah Khattak, Addl. AG for the respondents present. Due to general strike of the bar, counsel for the appellant is not in attendance. To come up for arguments on 14.02.2018 before the D.B.


Member


Chairman

14.02.2018

Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Additional AG for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 09.04.2018 before D.B.

Member


Chairman