

27.08.2015

Counsel for the appellant and Mr. Kabirullah Khan Khattak, Assistant A.G for respondents present. Application for withdrawal of appeal submitted. Learned counsel for the appellant informed the Tribunal that in case of need appellant may file fresh appeal.

Dismissed as withdrawn for the above reason. File be consigned to the record.


Chairman

ANNOUNCED
27.8.2015

27.08.15

9.

11.05.2015

Agent of counsel for the appellant present. Requested for adjournment. Last opportunity granted. Adjourned to 25.05.2015 for preliminary hearing before S.B.


Chairman

10

25.05.2015

Agent of counsel for the appellant present. Counsel for the appellant is not in attendance due to strike of the Bar. Last opportunity extended to 8.6.2015 for preliminary hearing before S.B.


Chairman

11

08.06.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially recruited as Project employee and vide notification dated 19.7.2005 his services were regularized and appellant appointed as Director/Senior Chief in BPS-19 in P & D Department. That the appellant was recommended for promotion against the post of Senior Chief of Section (BPS-20) but his case was withdrawn from PSB where-after appellant preferred departmental appeal which was rejected on 21.7.2014 with the observations that the absorption of appellant being non-civil servant recruited against non-cadre post cannot be taken into account against cadre post without undertaking competitive process under recruitment rules.

That the absorption of the appellant on the basis of notification referred to above has never been challenged before any authority and hence the appellant being regular employee is entitled to be considered for promotion to BPS-20.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 27.8.2015 before S.B.


Chairman

6.
Reader Note:

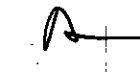
07.01.2015

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned 16.02.2015 for the same.


Reader

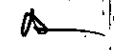
7.
16.02.2015

Clerk of counsel for the appellant and Asst. AG for the respondents present. Clerk of counsel for the appellant requested for adjournment due to pre-occupation of learned counsel for the appellant in the Supreme Court of Pakistan. Request accepted. To come up for preliminary hearing on 06.04.2015 before S.B


Member

8.
06.04.2015

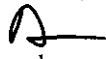
Counsel for the appellant and Asst. AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned for 11.05.2015 for preliminary hearing before S.B.


Member

3.

03.10.2014

Counsel for the appellant present. Preliminary arguments to some extent heard. During the course of arguments the learned counsel for the appellant requested for adjournment. Request accepted. To come up for further preliminary hearing on 29.10.2014.


Member

4.

29.10.2014

Clerk of counsel for the appellant present, and requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 11.12.2014.


Member

5.

Reader Note:

11.12.2014



Clerk to counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 07.01.2015 for the same.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1097/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/09/2014	<p>The appeal of Dr. Asad Ali Khan resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>3-10-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Dr. Asad Ali Khan Director General Emergency Rescue Service received today i.e. on 21.08.2014 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 Notification dated 27.2.2012 mentioned in para-4 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.

No. 1234 /S.T,

Dt. 22/8/2014.


**REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.**

Mr. Ijaz Anwar Adv. Pesh.

Rec, Submitted after Complaint



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1097/2014

Dr. Asad Ali Khan Director General, Emergency Rescue Service
(Rescue 1122) Govt of Khyber Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

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6	Copy of the notification dated 27.2.2012	E	19
7	Copies of the pay slip issued vide letter dated 17.1.2013, letters dated 13.5.2013 & 3.6.2013	F, J & H	20-26
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Appellant

Through



(IJAZ ANWAR)
Advocate, Peshawar

1

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1097/2014

1103
21-8-2014

Dr. Asad Ali Khan Director General, Emergency Rescue Service
(Rescue 1122) Govt of Khyber Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

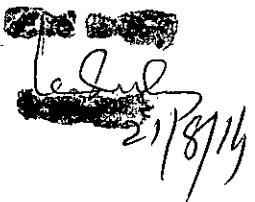
1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
 2. Additional Chief Secretary (P &D) Govt of Khyber Pakhtunkhwa Civil Secretary, Peshawar.
 3. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar.
 4. Secretary to Govt of Khyber Pakhtunkhwa P & D development Peshawar.
- (Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the non-consideration of the appellant for the post of Senior Chief of Section BPS-20 against which his Departmental dated 19.3.2014 was rejected vide order dated 21.7.2014 communicated to the appellant on 26.07.2014.

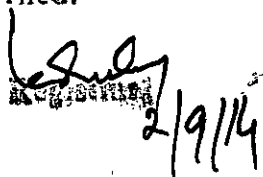
Prayer in Appeal: -

On acceptance of this appeal both the orders dated 19.3.2014 and 21.7.2014 may please be set-aside and the respondents may please be directed to consider the appellant for promotion to the post of Senior Chief of Section BS-20 w.e.f the date the post became vacant with all back wages and benefits.

Respectfully Submitted:


21/8/14

re-submitted to DGT
and filed.


2/9/14

1. That the appellant was initially appointed as Provincial Technical Coordinator BS-18 on contract basis in the Social Action Programme since 19/3/1992 under the administrative control of P & D Department. On the establishment of DERA (Drought Emergency Relief Assistance programme), the services of the appellant along with other employees were

transferred to that project, the appellant was adjusted against the post of Provincial Coordinator (BPS-19). (Copies of the appointment letter & summary are attached as Annexure A & B)

2. That while serving in the said capacity the case of the appellant along with 34 other employees of the DERA (Drought Emergency Relief Assistance programme) was processed for their regularization in the P & D Department.
3. That after protracted correspondence, finally the competent authority agreed for regularization of these employees on account of running these projects successfully and achieving the required result, it was decided to brought these projects on regular side, thus upon the approval of the competent authority and in pursuance of the Govt of KPK Finance department letter No. BOIV/FD/2-11/98-99-Vol -II dated 2/7/2005, the appellant was regularized against the post of Director/Chief (BPS-19) vide notification dated 19/7/2005 in the Planning and Development Department of the Govt of KPK, Peshawar along with 34 other employees. Initially while regularizing the services of the appellant a footnote was mentioned in the said notification considering the regularization of the appellant in own pay scale of BPS-18. (Copies of the correspondence & notification dated 2.7.2005 are attached as Annexure C & D)
4. That the matter of regularization of the appellant as Director/Chief (BPS-19) in own pay scale was taken up with the department, since the post of Chief of Section was carrying BS-19 in the P & D Department, similarly the appellant was also holding the position of Provincial Coordinator BS-19 before his regularization as such the P&D Department moved a summary for the approval of the competent authority to clear the anomaly created by a footnote in the notification of regularization. Accordingly the competent authority has vide a subsequent notification Endst: No. SO (EST) P&D/071/04/2000 dated 27/2/2012 declared the services of the Appellant as Director/Chief PP&I Cell, P&D Department in BPS-19 on regular basis with effect from 1st July, 2005. (Copy of the notification dated 27.2.2012 is attached as Annexure E)

5. That the notification dated 27.2.2012 was duly implemented and necessary rectification was made, the salary of the appellant was also fixed in BS-19, however while serving as Director/Chief BS-19, the office of the Accountant General Office conveyed objection that the pay slip issued to the appellant was provisional vide letter dated 13/5/2013, it was however duly addressed and ultimately the same was withdrawn vide letter NO. PR-9/2012-13 dated 3/6/2013. (Copies of the pay slip issued vide letter dated 17.1.2013, letters dated 13.5.2013 & 3.6.2013 are attached as Annexure F, G & H)
6. That the appellant remained on the upper position in the final seniority list of Chief of Section BPS-19 as it stood on 30/9/2013 in the Planning and Development Department, KPK, Peshawar. In accordance with the recruitment rules of the P & D department the next post in the channel of promotion to the post of Chief of Section BS-19, is Senior Chief BS-20, Similarly there were four vacant position of BPS-20 in the department, in this view of the matter a working paper was duly prepared concurred by the Secretary of the Department, for placing the case of the appellant to the PSB for promotion to the rank of Senior Chief BPS-20 on regular basis. The case of the appellant for promotion was thus brought on the agenda of the PSB, unfortunately respondent No. 2 purposely created a misconception and ignoring the regular service of the appellant, by misleading the PSB and thus prevailed to get withdrawn the working paper for promotion of Chief of Section BPS-19 to the post of Senior Chief BPS-20 from the PSB without assigning any reason. (Copies of the Final Seniority list & the working paper is attached as Annexure I &J).
7. That just to create confusion and to deprive the appellant of his timely promotion, vide letter No .SOR. III (E&AD) 5-2/2012 dated February 24, 2014, again the settled issue of regularization of the appellant in BPS-19 was malafidely raised, aimed to complicate the matter and to drop his promotion. (Copy of the 24.2.2014 is attached as Annexure K)

8. That the appellant duly represented against withdrawing his case for promotion for consideration duly forwarded vide letter dated 19.3.2014, however instead of redressing the grievances of the appellant, the matter was tried to be unnecessarily complicated to deprive the appellant of his timely promotion. (Copy of the representation dated 19.3.2014 is attached as Annexure L)
9. That in the meantime the appellant has also filed writ petition, as he was having no final order in hand, albeit vide order dated 21.7.2014 the representation of the appellant has been rejected. (Copy of the rejection order is attached as Annexure M)
10. That the appellant prays for the acceptance of his appeal inter alia on the following grounds: -

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law. The respondents and PSB have not followed the Law and Rules governing promotion, thus the secured and guaranteed rights of the appellant have been violated.
- B. That the PSB while basing its decision on the objection of respondent No. 2 is arbitrary, whimsical and not on account of the Appellant's performance but for considerations extraneous to the service norms and rules governing promotion.
- C. That the appellant after his regularization in BPS-19 as Chief of the Section has earned consecutive very good PERs, the working paper duly demonstrates the same, however dropping the case of the appellant from promotion is arbitrary, whimsical and not sustainable in the eyes of law.
- D. That since the appellant stood regularized with effect from 01/7/2005 in BPS-19. The regularization has taken its legal effect, therefore, again raising frivolous objections uncalled for and malafide.
- E. That reference to the letter dated 13.5.2013 which stood withdrawn vide letter dated 3.6.2013, amply prove that this issue has been malafidely created just to delay the promotion case of the appellant, it is pertinent to mention here that the final seniority list of Chief of Section BPS-19 of P&D Department has duly been approved by the Worthy Chief Secretary and communicated to all the concerned officers,


therefore, it was in the fitness of things that the case of the appellant was required to have been placed before the PSB for promotion to the post of Senior Chief BPS-20 without any further loss of time. Similarly mere reference to the pay slip in BPS-19 by the AG office in the year 2013, would not mean that the appellant would count his service from the said date. It would be advantageous to refer that on the advice of the Establishment department AG Office issued a pay slip in PBS-19 with effect from 1st July, 2005, and the Appellant was paid all the consequential arrears.

- F. That it is stated with utmost respect the matter now taken up is a past and closed transaction, and can under no circumstances be made a ground to delay the promotion of the appellant.
- G. That the case of the appellant for promotion was not dealt in accordance with law. His overall excellent performance was ignored, his synopses of P.E.Rs were rendered useless and the discretion was exercised by the P.S.B in most cruel manner not adhering to the Law and Rules.
- H. That the respondents were legally bound to have conveyed reasons for the withdrawal of the working paper of the appellant. The withdrawal so made is thus violative of Section-24A (2) of the General Clauses Act, 1897, thus the appellant is condemned unheard.
- I. That even otherwise under the instructions contained in the Esta code the Appellant could not be denied his right of promotion merely on such grounds which stood settled and was a past and close transaction.
- J. That the appellant seeks the permission of this Honorable Court to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal both the orders dated 19.3.2014 and 21.7.2014 may please be set-aside and the respondents may please be directed to consider the appellant for promotion to the post of Senior Chief of Section BS-20 w.e.f the date the post became vacant with all back wages and benefits.

Appellant

Through

Ijaz Anwar

IJAZ ANWAR
 Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2014

Dr. Asad Ali Khan Director General, Emergency Rescue Service
(Rescue 1122) Govt of Khyber Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

**APPLICATION FOR RESTRAINING THE RESPONDENTS FROM
TAKING ANY ACTION ADVERSE TO THE SERVICE CAREER OF
THE APPELLANT TILL THE DECISION OF THE APPEAL.**

Respectfully Submitted:

That the noted appeal is pending in the Honorable Court in which no date of hearing is fixed so far, the appellant prays for interim relief on the following grounds.

GROUND:

1. That the facts and grounds mentioned in above noted appeal may be read as integral part of the application.
2. That the appellant having been regularized in accordance with law under the orders of the provincial govt, the orders have taken its legal effect, never challenged by any, thus the respondents have got not right what so ever to dispute the same at this belated stage.
3. That the appellant has got a good prima facie case and there is every likelihood of its success.
4. That the appellant would suffer irreparable loss in case the appointments orders were issued.
5. That the balance of convenience lies in maintaining status quo and not to take any adverse action against the appellant.
6. That there is no legal impediment in allowing the interim stay order.

It is therefore, most humbly prayed that on acceptance of this application the respondents may please be restrained from taking any action adverse to the service career of the appellant till the disposal of the noted appeal.

Asad Ali Khan
Applicant

Through

Ijaz Anwar
IJAZ ANWAR
Advocate Peshawar

AFFIDAVIT

I, Dr. Asad Ali Khan Director General, Emergency Rescue Service (Rescue 1122) Govt of Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Asad Ali Khan
Deponent

Khalid Mahmood
ATTESTED
NOTARY PUBLIC
PESHAWAR HIGH COURT

GOVERNMENT OF N.W.F.P.
PLANNING & DEVELOPMENT DEPARTMENT

ANNEX-A

9

Dated Peshawar the October 19, 2001

NOTIFICATION

NO. SO (ESTT) P&D/087/1-25/01 The Coordinator, SAP, P&D Department has been appointed as Project Coordinator, Drought Emergency Recovery Assistance (DERA) Programme in addition to his own duties with immediate effect till further order.

The terms of reference of the post are under:-

- i. Coordination and monitoring of the overall programme at Provincial, District etc levels and preparing/submitting consolidated progress reports to the next higher forum/authority on regular basis.
- ii. Cooperate and liaison for the DERA programme amongst the district, Provincial and Federal level concerned authorities/agencies.
- iii. Coordination/cooperate for timely preparation of project PC-Is, DCEs etc.
- iv. Supervise the project/programme activities.
- v. Planning, identification, prioritization, selection, project formulation, PC-I/DCEs preparation, its appraisal/review and approval by the respective competent forum at the provincial and the district level.
- vi. Work in close coordination with the respective forums/authorities at district, Provincial, Federal etc level.
- vii. Assist in developing/preparing the drought assistance plan/portfolio/project.
- viii. Ensure timely Award of the contract and payments for the completed works.
- ix. Close contact with Federal/Provincial/District concerned agencies for early releases/ availability of the required finances.
- x. Ensure proper preparation compilation & maintaining of audits/account of the programme/projects.
- xi. Maintaining special account and preparing with drawl application.
- xii. Submit regular progress reports and liquidation and replenishment applications.
- xiii. Assist provincial/District Admin and concerned department/agencies in implementing the DERA assisted projects.
- xiv. Facilitate releases of funds to the relevant departments/districts/projects according to the requirements.
- xv. Any other as and when required.

SECRETARY TO GOVT OF NWFP
P&D DEPTT.

-Page-

765

VBH

11-2577/1507-1622

Endst. NO. SO (ESTT) P&D/087 dated Peshawar the October 19, 2001.

- 1. P.S. to Minister for LG&RDD, Finance and P&D Department NWFP
- 2. P.S. to Minister for Irrigation, NWFP
- 3. P.S. to Minister for Foods and Agriculture, NWFP
- 4. P.S. to Secretary Food & Agriculture, NWFP
- 5. P.S. to Secretary Irrigation, NWFP
- 6. P.S. to Secretary Works & Services, NWFP
- 7. P.S. to Secretary Finance Department
- 8. P.S. to Additional Secretary P&D Department
- 9. Coordinator, Federal DERA Programme, P&D Division, P-Block Pak Secretariat, Islamabad
- 10. District Coordination Officer, D.I. Khan, Tawk, Lakki Marwat, Karak, Swabi, Bannu, Kohat, Hanjra, Haripur, Mansehra, Chitral, Shungla, Dir (Upper/Lower), Buner, Nowshera, Kohistan
- 11. Member Board of Revenue, NWFP, Peshawar
- 12. P.A. to Deputy Secretary, P&D Department
- 13. Officer concerned

Section Officer (Establishment)

10

ANNEX-B

GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT DEPARTMENT

SUMMARY FOR GOVERNOR

Subject: PROVINCIAL DERA UNIT, NWFP.

The Social Action Programme (SAP) has been a very major development programme in which the share of NWFP alone was Rs. 49.364 billion. It was because of the multi-sectoral approach of SAP and the similarities in donor interaction, that the Federal Government initially involved the Federal and the Provincial SAP Cells in the Drought Emergency Relief Assistance Programme (DERA) activities. Subsequently, the Social Sector Coordination Committee (SSCC) of the Federal Cabinet decided that the SAP staff be utilized for the DERA Programme (Annex-I). The Planning Commission issued similar advice (Annex-II).

2. As a result, the Government of Sind approved the DERA PC-I and transferred its SAP staff to the DERA Programme (Annex-III). The Government of Punjab has also re-contracted its SAP Staff for the DERA Programme (Annex-IV), with no fresh recruitment.

3. Against an amount of Rs. 48.6 million earmarked by the Federal Government for the NWFP DERA Unit, a PC-I has been approved for Rs. 29 million only for a period of 3 years i.e. July 2002 to June 2005. This PC-I does not cater for any purchase of vehicles or durable goods. The number of posts sanctioned under the SAP PC-I were 64, whereas under the DERA Programme, the PDWP approved only 40 posts. The P&D Department proposes to continue with only 35 number of staff (Annex-V) with no fresh recruitment. As in the other provinces and the Federal Government, the SAP Cell in NWFP has been successfully undertaking the DERA activities since July 2001, as an additional assignment. The SAP activities will finish completely in June 2003 whereas the NWFP DERA PC-I will expire in June 2005. The present staff, looking after both the programmes, is well trained, experienced and well conversant with the donor's conditionalities and reimbursement mechanisms, which are the same for both the programmes.

4. The budgetary measures for the financial year 2002-03 (Annex-VI), issued by the Finance Department, state that prior approval of the Governor may be solicited before the adjustment/filling up of vacant posts. Keeping in view the short duration of the DERA Programme, the advice of the Federal Government and, inline with the other provinces, it is proposed that 35 number SAP staff be re-contracted for the DERA Unit. This will ensure

(11)

GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT DEPARTMENT

SUMMARY FOR GOVERNOR

continuity in the DERA Programme and will enable the same staff to work for both the projects without fresh recruitment.

5. The Governor is requested to approve the proposal in para-4 above.

M. J. Bashar
22/8/02

(M. J. Bashar)
Additional Chief Secretary

Minister Finance and P&D

[Signature]
23/8
Minister for Finance &
Planning & Dev. NWFP

Secretary Finance Department.

Secretary Establishment Department.

Chief Secretary, NWFP

[Signature]

[Signature]

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GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT DEPARTMENT

SUMMARY FOR GOVERNOR

6. The proposal of the P&D Department contains the approval for creation of the following 35 posts included in the PCI of NWFP DERA Unit:-

S.No.	Name of Post	BPS	Continuation of staff proposed under DERA
1	Provincial Coordinator	19	1
2	Sub-Coordinator	18	1
3	Research Officers/Monitoring Officers	17	6
4	Accounts Officer	17	1
5	Steno. Sr. Scale	15	1
6	Assistant	11	1
7	Computer Operators	11	3
8	Junior Clerks	5	6
9	Drivers	4	3
10	Najib Qasids	1	9
11	Sweeper	1	1
12	Chowkildars	1	2
Total			35

7. Against the above 35 posts the existing SAP Project employees will be adjusted. Finance Department is of the view that P&D shall transfer only that staff to DERA Cell which has the eligibility to work against the DERA Cell posts. However, fresh contract shall be executed by P&D Department with the project staff. The staff so adjusted will not be paid Project Allowance. The salary of the staff will be fixed afresh in the respective pay scales.

Finance Minister

Signature of Finance Minister

(Zia-ur-Rahman)
Secretary Finance
13-9-2002

14/9
Minister for Finance & Planning & Dev.

13

GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT
DEPARTMENT.

SUMMARY FOR GOVERNOR

8. According to the policy of the Provincial Government circulated vide Circular No.SORIII(S&DAD)8-38/86, dated 30-03-1989 (F/AAD) and dated 27.08.1997, appointment of staff under the developmental project is made for a specific period on contract basis with provisions that the services of the appointees would be liable to termination on the expiry of the contract or the project period which ever is earlier. On expiry of the completion of the contract/project the individuals have no right of absorption elsewhere or regularization of their services.

9. However keeping in view the exigencies of services the proposal of Finance Department contained in para-6-7 of the summary are supported.

(Signature)
5/10/02
(ATTAULLAH KHAN)
Secretary Establishment

CHIEF SECRETARY, NWFP

10. Para 6-7 ante may please be approved

GOVERNOR, NWFP

(Signature)
6/10/02
CHIEF SECRETARY
N.W.F.P.

11. Para 6 & 7 ante approved.

Governor NWFP
(Signature)

(Signature)
ACS

(Signature)
8/10/02
SECRETARY

(Signature)

(14)

ANNEX-C

Most Immediate

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

NO. BOIV/FD/1-12/2004-05
Dated Peshawar the 18-6-2005

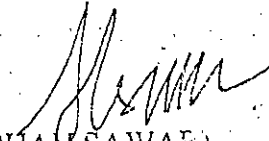
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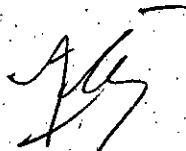
The Section Officer (B & A)
Govt. of NWFP, Planning & Dev. Deptt.

Subject:-

REGULARIZATION OF STAFF OF D.E.R.A UNIT, P&D DEPTT.

I am directed to refer to your letter No. SO(B&A)P&DD/1-6/DERA/2003 dated 8-6-2005 on the subject noted above and to state the nomenclature mentioned in the summary a post of Director/ Chief BPS 18/19 has been approved by the competent authority whereas in the list of Officer/ Official (copy enclosed) with the summary indicate the nomenclature as Provincial Coordinator. This needs to be clarified whether the post will be created in the nomenclature of Director/ Chief or Provincial Coordinator and whether the said post will be in BPS-18 or BPS-19. This needs to be clarified on priority basis so as to enable Finance Department to process the case further.


(SHAH SAWAR)
BUDGET OFFICER-IV



Handwritten notes and stamps at the top left of the page.

GOVERNMENT OF WEST BENGAL
PLANNING DEPARTMENT
1971-72

Planning & Dev. Department
The Secretary to Govt. of West Bengal

**IMPLEMENTATION CELL IN R&D DEPARTMENT
CREATION OF POSTS FOR THE PROJECT "PLANNING AND**

I am directed to refer to your letter No. J.A. 100/71-1 (UNDER 2000 dated 8-8-71) on the subject noted above and to advise that the following 12 posts are being created in the subject project to the tune of Rs. 50,00,000 in 1971-72 as per following financial implications:

S.No.	Name of post	BPS	No. of post
1	Director	18	1 one
2	Assistant Chief	17	1 one
3	Research Officer	17	0 six
4	Accounts Officer	17	1 one
5	Senior Secy's Stenographer	15	1 one
6	Computer Operator	11	2 three
7	Assistant	11	1 one
8	Junior Clerk	2	0 six
9	Driver	4	3 three
10	Mail Order	1	2 nine
11	Cleaner	1	2 two
12	Sweeper	1	1 one
Total			32 thirty five

The expenditure involved is chargeable to the function classification 01-1 (General Service 012 General Service 01201 Planning FR 4070) and will be provided through supplementary grant during the financial year 2002-06 as per following financial implications:

Code	Description	Amount
A01201	Pay of Officer	104,100
A01202	Pay of other staff	82,800
A01203	House Rent Allow.	69,500
A01204	Conveyance Allow.	130,800
A01205	Working Allowance	8,800
A01206	Dress Allowance	8,800
A01207	Gr. Abil. Allow.	91,500
A01208	Med. Allow.	60,100
A01209	Computer Allowance	24,800
A01210	Adhoc Rent Allow.	106,100
A01211	Sp. Rent Allow.	106,100
A01212	Overtime Allowance	23,100
Total		5,62,800

130,000

A self copy may please be prepared and sent to this Department for

Yours faithfully,

(SHAH BAWAR)
Joint Secretary

Handwritten signature or initials at the bottom right.

(17)

**GOVERNMENT OF N.W.F.P.,
PLANNING & DEVELOPMENT DEPARTMENT**

Dated Peshawar the July 19, 2005.

NOTIFICATION.

NO.SO(ESTT):P&D/071/04/2000: Consequent upon approval of the Competent Authority and in pursuance of Government of NWFP, Finance Department, Government of N.W.F.P. letter No.B01V/PD/2-11/98-99-Vol.II, dated 02-07-2005, sanction is hereby accorded to the creation of the 35 Nos. posts for Project Planning & Implementation Cell, in Planning & Development Department with effect from 01/07/2005 to 31/05/2006 on revenue side. Keeping in view of their satisfactory performance and vast experience and with the approval of the Competent Authority the services of the following staff of DEPA Programme are hereby regularized and posted against the posts created in the mentioned Cell with effect from 01/07/2005:-

S.NO	NAME	DESIGNATION/BPS
1	Dr. Asad-Ali Khan	Director/Chief (BPS-19)
2	Mr. Khalid Ali Sadiq	Assistant Chief BPS-18
3	Syed Bilal Khisro	Research Officer BPS-17
4	Mrs. Firdous Bibi	Research Officer BPS-17
5	Mr. Yousaf Ali	Research Officer BPS-17
6	Mr. Masaud Ahmad	S Scale Stenographer BS-15
7	Mr. Mujahid Sabir	Computer Operator BPS-11
8	Mr. Riaz Ahmad	Computer Operator BPS-11
9	Mr. Jamil Ahmad	Assistant BPS-11
10	Syed Faridullah	Junior Clerk BPS-5
11	Mr. Shafaatullah	Junior Clerk BPS-5
12	Mr. Akhtar Gul	Junior Clerk BPS-5
13	Mr. Siraj Wali	Junior Clerk BPS-5
14	Mr. Jamdad Khan	Junior Clerk BPS-5
15	Mr. Abdus Salam	Junior Clerk BPS-5
16	Abdul Qayyum	Driver BPS-4
17	Mr. Sher Zaman	Driver BPS-4
18	Mr. Himayatullah	Naib Qasid BPS-1
19	Mr. Wajid Khan	Naib Qasid BPS-1
20	Mr. Abdul Hamid	Naib Qasid BPS-1
21	Mr. Mr. Noor-ul-Amin	Naib Qasid BPS-1
22	Mr. Raggesh	Naib Qasid BPS-1
23	Mr. Asghar Rahim	Naib Qasid BPS-1
24	Mr. Bostan Khan	Naib Qasid BPS-1
25	Mr. Muhammad Nacem	Naib Qasid BPS-1
26	Mr. Tariq Hussain	Naib Qasid BPS-1
27	Mr. Ahmad Abbas	Chowkidar BPS-1
28	Mr. Said Akbar	Chowkidar BPS-1
29	Mr. Jamil Rehmat	Sweeper BPS-1

*Officer at S.No.1 in BPS-18 is posted as Director/Chief in his own pay & grade.

**ADDITIONAL CHIEF SECRETARY
PLANNING & DEVELOPMENT DEPARTMENT**

Encls: NO.SO(ESTT):P&D/071/04/2000, dated Peshawar the July 19, 2005.

Copy forwarded to the:-

1. Secretary to Chief Minister, NWFP.
2. Accountant General, NWFP, Peshawar.
3. Director/Chief, Project Planning & Implementation Cell, P&D Department.
4. P.S. to Additional Chief Secretary, Planning & Development Department.
5. P.A. to Secretary, Planning & Development Department.
6. P.A. to Deputy Secretary (Administration), Planning & Development Department.
7. Officers/Officials concerned.

Reddick
SECTION OFFICER (ESTT) 1/1/05

AS

Dated Peshawar the 21st July 2005

ORDER

NO. SO(B&A)P&DD/1-6/DERA/2003. In pursuance of Finance Department NWFP letter No. BOIV/FD/2-11/98-99-Vol-II, dated 2nd July, 2005, sanction of the Government of NWFP is hereby accorded to the creation of "Project Planning and Implementation Cell in P&D Department NWFP" with the following posts with effect from 01/07/2005 to 31/05/2006:

A011091-Pay of officers.

- One Director/Chief (BPS-19)
- One Assistant Chief (BPS-18)
- Six Research Officers (BPS-17)
- One Accounts Officer (BPS-17)

Rs. 704,100/-

P&D DEPT
CREATION OF
POSTS.

A01151 - Pay of Other Staff.

- One Senior Scale Stenographer (BPS-15)
- Three Computer Operators (BPS-11)
- One Assistant (BPS-11)
- Six Junior Clerks (BPS-5)
- Three Drivers (BPS-4)
- Nine Naib Quids (BPS-1)
- Two Chowkidars (BPS-1)
- One Sweeper (BPS-1)

Rs. 602,900/-

- A01202-House Rent Allowance
- A01203-Conveyance Allowance
- A01207-Washing Allowance
- A01208-Dress Allowance
- A01209-Special Additional Allowance
- A01217-Medical Allowance
- A01226-Computer Allowance
- A01256-Adhoc-Relief Allowance
- A01262-Special Relief allowance
- A01271-Overtime allowance

- Rs. 588,200/-
- Rs. 130,600/-
- Rs. 6,600/-
- Rs. 5,800/-
- Rs. 91,500/-
- Rs. 60,100/-
- Rs. 24,800/-
- Rs. 196,100/-
- Rs. 196,100/-
- Rs. 23,100/-
- Rs. 2,629,900/-

Grand Total:

The expenditure involved is chargeable to the function classification 01-General Public Service; 015-General Services, 0152-Planning Services, 015201-Planning PR 4030 -Planning & Development Department and will be provided through Supplementary Grant during the Current Financial Year 2005-06.

ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT, NWFP.

dated 21st July, 2005.

Encls: No. SO(B&A)P&DD/1-6/DERA/2003.

Copy forwarded for information and necessary action to the Accountant General NWFP, Peshawar.

[Signature]
BUDGET OFFICER-IV,
FINANCE DEPARTMENT, NWFP.

Dated: 21st July, 2005.

Encls: No. SO(B&A)P&DD/1-6/DERA/2003.

- 1)
- 2)
- 3)
- 4)
- 5)

Copy forwarded for information & necessary action to the:
P.S. to the Additional Chief Secretary, P&D Deptt., NWFP.
P.A. to the Secretary, P&D Deptt., NWFP.
Director/Chief, Project Planning & Implementation Cell, P&D Deptt., NWFP.
Budget Officer-IV, Finance Department NWFP, Peshawar w/r to his letter, quoted above
Section Officer (Estt), P&D Deptt., NWFP.

[Handwritten signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

ANNEX - E

19

TO BE SUBSTITUTED BY THIS DEPARTMENT ORDER OF EVEN NO. AND DATE

Dated Peshawar the July, 19.2005

NOTIFICATION

No. SO(ESTT:)P&D/071/04/2000 Consequent upon approval of the Competent Authority and in pursuance of Government of Khyber Pakhtunkhwa, Finance Department, letter No. BOIV/FD/2-11/98-99-Vol-II, dated: 02.07.2005, sanction is hereby accorded to the creation of the 35 Nos. posts for Project Planning and Implementation Cell, in Planning & Development Department with effect from 01.07.2005 to 31.05.2006 on revenue side. Keeping in the view their satisfactory performance and vast experience and with the approval of the Competent Authority the services of the following staff of DERA Programme are hereby regularized and posted against the posts created in the mentioned Cell with effect from 01.07.2005.

S.NO	NAME	DESIGNATION/BPS
01.	Dr. Asad Ali Khan	Director/Chief (BPS-19)
02.	Mr. Khalid Ali Sadiq	Assistant Chief (BPS-18)
03.	Syed Bilal Khisro	Research Officer (BPS-17)
04.	Mrs. Firdous Bibi	Research Officer (BPS-17)
05.	Mr. Yousaf Ali	Research Officer (BPS-17)
06.	Mr. Masaud Ahmad	S.Scale Stenographer (BPS-15)
07.	Mr. Mujahid Sabir	Computer Operator (BPS-11)
08.	Mr. Riaz Ahmad	Computer Operator (BPS-11)
09.	Mr. Jamil Ahmad	Assistant (BPS-11)
10.	Syed Faridullah	Junior Clerk (BPS-05)
11.	Mr. Shaffatullah	Junior Clerk (BPS-05)
12.	Mr. Akhtar Gul	Junior Clerk (BPS-05)
13.	Mr. Siraj Wali	Junior Clerk (BPS-05)
14.	Mr. Jamdad Khan	Junior Clerk (BPS-05)
15.	Mr. Abdus Salam	Junior Clerk (BPS-05)
16.	Mr. Abdul Qayum	Driver (BPS-04)
17.	Mr. Sher Zaman	Driver (BPS-04)
18.	Mr. Himayatullah	Naib Qasid (BPS-01)
19.	Mr. Wakil Khan	Naib Qasid (BPS-01)
20.	Mr. Abdul Hamid	Naib Qasid (BPS-01)
21.	Mr. Noor ul Amin	Naib Qasid (BPS-01)
22.	Mr. Raqees	Naib Qasid (BPS-01)
23.	Mr. Asghar Rahim	Naib Qasid (BPS-01)
24.	Mr. Bostan Khan	Naib Qasid (BPS-01)
25.	Mr. Muhammad Naeem	Naib Qasid (BPS-01)
26.	Mr. Tariq Hussain	Naib Qasid (BPS-01)
27.	Mr. Ahmad Abbas	Chowkidar (BPS-01)
28.	Mr. Said Akbar	Chowkidar (BPS-01)
29.	Mr. Jamil Rehmat	Sweeper (BPS-01)

Additional Chief Secretary
Planning & Development Department

Endst. No.SO(ESTT:)P&D/071/04/2000

Dated: 27.02.2012

Copy forwarded to the:-

1. Secretary to Chief Minister, Khyber Pakhtunkhwa
2. Accountant General, Khyber Pakhtunkhwa.
3. Director/Chief, Project Planning & Implementation Cell, P&D Department.
4. P.S to Additional Chief Secretary, P&D Department.
5. P.A to Secretary, P&D Department.
6. P.A to Deputy Secretary (Admn.), P&D Department.
7. Officers/Officials concerned.

(KHURSHID ALAM)
SECTION OFFICER (ESTT:)

[Handwritten signature]



20

Approved: F

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR.III(E&AD)5-2/2012
Dated Peshawar the September 27, 2012.

To

The Accountant General,
Khyber Pakhtunkhwa, Peshawar.

Subject: NOTIFICATION/ISSUE OF PAY SLIP TO DR. ASAD ALI KHAN
BPS-18 IN BPS-19

I am directed to refer to your letter No.PR-9/Gazetted/2011-12/1061-63 dated 15-06-2012 on the subject and to say that the contents of Government of Khyber Pakhtunkhwa's notification No.SO(Estt)P&D/071/04/2009 dated 27-02-2012(substituted) should suffice in the matter.

(SHAFI-UL-AHMAD)
SECTION OFFICER(R-III)

Copy forwarded to: -

P.S to Addl: Chief Secretary, Planning & Development
Department Khyber Pakhtunkhwa.

SECTION OFFICER(R-III)

AS

21



Government of Pakistan
Accountant General
Khyber Pakhtunkhwa.)



No. Pr-9/2012-13

1255

Jan 17th 2013.

To

The Secretary Establishment
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: - NOTIFICATION/ISSUE OF PAY SLIP TO DR. ASAD ALI KHAN BPS-18
IN BPS-19.

Please refer to your letter No. SOR-III (E&AD) 5-2/2012 dated 27/09/2012 on the
subject cited above.

The above named officer has been issued Pay Slip (copy attached) in BPS-19 in
the light of your letter quoted above.

Assistant Accountant General
Khyber Pakhtunkhwa Peshawar.

Copy to:

1. P.S to Additional Chief Secretary, Planning & Development Department Khyber
Pakhtunkhwa.
2. P.S to Secretary Planning & Development Department Khyber Pakhtunkhwa.
3. Dr. Asad Ali Khan Project Director.

[Handwritten signature]
17-1-13

Assistant Accountant General

[Handwritten signature]

22

No. Pr-9/2012-13/1255

dated 22/01/2013.

To

Dr. Asad Ali Khan,
Director/Chief, Project Planning and
Implementation Cell, P&D Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: NOTIFICATION/ISSUANCE OF REVISED PAY SLIP TO DR. ASAD ALI KHAN BPS-18 IN BPS-19.

Memo:

In continuation of this office letter No. Pr-9/2012-13/1255 dated 17th January, 2013, You are authorized to draw the below mentioned pay and allowance with effect from 1st July, 2005.

Classification	1.7.2005 to 30.11.2005	1.12.2005 to 30.6.2006	1.7.2006 to 30.11.2006	1.12.2006 to 30.6.2007	1.7.2007 to 30.11.2007	1.12.2007 to 30.6.2008
0001-Pay	Rs. 18,490/-	Rs. 19,195/-	Rs. 19,195/-	Rs. 19,900/-	Rs. 22,880/-	Rs. 23,690/-
1001-HRA	6,417/-	6,417/-	6,417/-	6,417/-	7,380/-	7,380/-
1830-Special Relief allow (2005)	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-
1831-Adhoc relief (2005)	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-
1864-Dearness Allowance(2006)			2,879/-	2,985/-	2,985/-	2,985/-

AS

Classification	1.7.2008 to 30.11.2008	1.12.2008 to 30.6.2009	1.7.2009 to 30.11.2009	1.12.2009 to 30.6.2010	1.7.2010 to 30.11.2010	1.12.2010 to 30.6.2011
0001-Pay	Rs. 28,410/-	29,380/-	29,380/-	Rs. 30,350/-	Rs. 30,350/-	Rs. 31,320/-
1001-House Rent Allowance	8,856/-	8,856/-	8,856/-	8,856/-	8,856/-upto 31/7/2010	--
1830-Special Relief all (2005)	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-
1831-Adhoc relief (2005)	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-	2,361/-
1864-Dearness Allowance(2006)	2,985/-	2,985/-	2,985/-	2,985/-	2,985/-	2,985/-
1875-Special allowance 20%	5,682/-	5,876/-	6,070/-	6,070/-	6,070/-	6,264/-
1820-Utility Allow: 10%	2,841/-	2,938/-	3,035/-	3,035/-	3,035/-	3,132/-
Entertainment Allow:	500/-	500/-	500/-	500/-	500/-	500/-
1909-Adhoc Relief (2009)			4,407/-	4,552/-	4,552/-	4,698/-
1947-Medical Allowance 15%					4,552/-	4,698/-
1953-Ad-hoc allow 50% 2010					15,175/-	15,660/-

Classification	1.7.2011 to 30.11.2011	1.12.2011 to 30.6.2012	1.7.2012 to 30.11.2012	1.12.2012 to date
0001-Pay	Rs. 50,200/-	51,800/-	51,800/-	Rs. 53,400/-
1001-House Rent Allowance	--	--	--	--
1830-Special Relief all (2005)	--	--	--	--
1831-Adhoc relief (2005)	--	--	--	--
1864-Dearness. Allowance 2006	--	--	--	--
1875-Special allowance (30%)	9,396/-	9,396/-	9,396/-	9,396/-
1909-Adhoc Relief 2011	4,698/-	4,698/-	4,698/-	4,698/-
Entertainment Allowance	500/-	500/-	500/-	500/-
1947-Medical Allowance	4,698/-	4,698/-	4,698/-	4,698/-
1953-Ad-hoc allow 50% (2010)	15,660/-	15,660/-	15,660/-	15,660/-
2118-Adhoc Relief 2012			10,360/-	10,680/-

Assistant Accountant General, PR-9,
O/O Accountant General, Khyber Pakhtunkhwa,
Peshawar.

To



Government of Pakistan
Accountant General

Khyber Pakhtunkhwa.
10-Fort Road Peshawar Cantt.
Phone No. 091-9211302.

Approved: 14

(25)

No. PR-9/2012-13/

Dated: 03/06/2013.

To

The Secretary Establishment
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: - NOTIFICATION REGARDING ISSUANCE OF PROVISIONAL PAY
SLIP IN BPS-19 IN R/O DR. ASAD ALI KHAN.

Memo:

Please refer to this office letter No. Pr-9/2012-13 dated 13/05/2013.

It is stated that the Department concerned has submitted its views with regards to the instant appointment. As such, the letter of this office referenced above may be treated as withdrawn.

3/6/13
Assistant Accountant General
Khyber Pakhtunkhwa Peshawar.

AS

27

Approved: I

Subject: PROMOTION OF CHIEF OF SECTION BPS-19 TO THE POST OF SENIOR CHIEF BPS-20.

71.

The Chief Minister's Secretariat vide PUC requested for clarification as to why the working papers for promotion of officers of P&D Department from BPS-19 to BPS-20 were withdrawn from the meeting of the Provincial Selection Board. Furthermore, they have also mentioned that in the presence of vacant post, why were the officers not given the opportunity of promotion against the same.

72.

As far as the procedure in vogue, the Section Officer (PSB) takes/ accepts the working paper of officers once they are complete and in order in all respects. After the receiving the working paper, SO (PSB) marked the working papers to the concerned dealing Section Officer of Regulation Wing of Establishment Department.

73.

Section Officer (R-III), Establishment Department (dealing Section Officer of P&D related matters) thoroughly examined/ scrutinized the working papers and found no discrepancy/ shortcoming in the working papers and cleared them for placing before the PSB for its meeting. The working papers of P&D Department were included in the agenda of PSB meeting as Additional Item No. II.

74.

The PSB Section of Establishment Department returned the working papers with the remarks that Additional Chief Secretary requested for withdrawal which was allowed by the board. But the reason of withdrawal was not mentioned in the said letter. vide F/A.

75.

Now, on inquiry by the Chief Minister's Secretariat, Khyber Pakhtunkhwa vide PUC, the worthy Additional Chief Secretary Khyber Pakhtunkhwa has recorded the following remarks on the face of the PUC:-

Pl. write them back that:

The working paper were incomplete. Earlier references made by Establishment Department relating to Seniority/ Induction into service, were not answered by the P&D Department. Some key questions raised by Establishment Department through their correspondence were missing from the record. In view of these factors, PSB was not ready to entertain the incomplete working papers.

76.

Keeping in view the remarks of worthy ACS, a draft reply to Chief Minister's Secretariat is placed below for approval before issue please.

D.S (Admn):

78.

S.O. (E) so. pl. put up as awarded.

79.

so. needful done as desired please.

80.

D.S (A) Submitted for approval of DFA pl.

S.O. (Estt):

26-2-2014
11
27-2-2014
11
22/2/14

Handwritten signature at the bottom of the page.

Dy: Secy: (Admn) P&DD
Diary No: 453
Dated: 26-02-14

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT.

81.

A.S. I am surprised to hear that you are playing into the hands of SO (E). Please revert the DPA. We may reproduce the reasons given by Hon: Aes but not to quote him. Discuss if you feel the need for it.

By: Secy: (Admin) P&DD
Diary No: 453
Dated: 27-02-14

DS/A

Ju
27/2/14

Secretary (P&DD)
Diary No: 77
Date: 27-02-14

Please resubmit as amended Ju
27/2/14

83.

SO(E) Needful done as desired please. Ju
28/2/14

D.S(A)

84.

Amended DEA submitted, please. Ju
28/2/14

A.S(P&D)

85.

DPA in response of PUC may kindly be approved before issue.

Add: Secy (P&D)
Diary No: 1401
Date: 27-02-14
R3-03-14
R4-03-14

Secy (P&DD) AS Ju
4/3 (3/3/14)

Ju

(29)

87.

Pt. Issue, as amended by Secretary, P&DD

[Signature]
4/3/14

[Signature]
04/3/2014

~~SSE~~ Needful done.

Subjt: / Issue &

Dy: Secy: (Admn) P&DD
Diary No: 453
Dated: 4-03-14

89.

88.

Subject: Promotion of Chief of Section (BPS-19)
to the Post of Senior Chief (BPS-20) on
Regular basis.

The establishment Department vide PUC
raised certain queries regarding the subject.
Draft response of this department is placed
below for consideration of the competent
authority please.

[Signature]
04/3/2014

D.S (A)

The DFA merits discussion, Dir
Submitted for perusal, pd.

AS (P&D)

Discussed. DFA retained. Don't issue.

Keep Pending for further orders.

~~SOLE~~

As desired above please.

[Signature]
24/3/2014

Subjt.

Add: Secy (P&DD)
Daily No: 401
Date 10-03-14
R-20-03-14

92.

91.

90.

[Signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT.

Subject: Delay in promotion of the officers of P&D Department.

194

As far as the promotion of the officers of P&D Department is concerned, it is pertinent to mention that the working paper for promotion of officers of P&D Department were submitted to Establishment Department for placing before the PSB meeting which was held on 13-02-2014. During the meeting, it was observed that the working papers are not properly prepared according to the rules and regulations hence deferred on the request of Additional Chief Secretary, Khyber Pakhtunkhwa.

195

The Chief Minister's Secretariat has already been informed in this regard vide (F/A). However, the same working paper will be resubmitted to Establishment Department after clearing their minor observations shortly.

196

If agreed, we may inform the Chief Minister Secretariat accordingly or otherwise please.

M
26/3/2014
Supdt. (Estt.)

Additional Secretary (P&D)

197

Pl. process the promotion case of BPS-19 officers and P.A. DPA answering the queries of Bst: Deptt. Also find the right course of action through which we can inform the CM Secall of progress on this issue (perhaps it will be the same manner as we Reply / provide information to CM Secall on other issue / CMDS)

So (E)

Next - sheet.

Sus
26/3/14

Add: Secy (P&D)
Dairy No. 140
Date 27-03-14

[Handwritten signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT.

Kindly refer to para-197/N

- Subject: CHIEF MINISTER DIRECTIVES.
1. Posting of Shabir as Deputy Secretary P&D Department.
 2. Delay in Promotion of the Officers of P&D Department.

198.

Placed below the latest progress report of the above mentioned directives vide (F/X & F/Y) which may be perused and in this regard a draft letter is also placed on board for approval (DFA-I).

As for as the response to the queries of the Establishment Department with regard to the promotion of Chief of Section (BPS-19) to the post of Senior Chief (BPS-20) a draft letter (DFA-II) for approval before issue. However the promotion case of the officer as mentioned above will be repaired shortly.

Submitted please.

[Signature]
27/3/2014
Superintendent (Estt.)

D.S (Admn):

Consolidated case (DFA I + II) along with enclosures submitted for approval, before name, pl.

[Signature]
27/3

AS (P&D)

[Signature]
27/3/14

Secy (P&DD)

Draft I ok for II

AS DS

PI speak

[Signature]
1/4/14 for 28/3

Dy. Secy: (Admn) P&DD

Diary No: 453
Dated: 27-03-14

100.

Secretary (P&D)

Diary No: 832
Date: 27/3/14

101.

Addl. Secy (P&D)

Date: 27-03-14
R 28 - 63 - 14

102

[Handwritten signature]

63

Please issue the amended
DFA-1 along with enclosures.
Seek input from Spdt. Call him to office.
after 1 pm. (training timings)

AK
2/4

SO(E) / Spdt. DFA-1 issued

Dy. Secy: (Admin) P&DD
Diary No: 453
Dated: 9-4-14

104

Diary No: 1401
Date: 09-04-14

AK

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT.

Subject: Promotion of Chief of Section (BPS-19) to Senior Chief (BPS-20).

In reference to PUC, it is submitted the working paper for the subject promotion was placed before the PSB but Establishment Department has made some queries vide (F/A) for clarification. A draft letter containing clarifications to the Establishment Department is submitted for perusal/ approval before issue please.

[Signature]
Supdt: (Estt:).

D.S. (Admn:)

DFA submitted for perusal / approval

before issue.

AS(P&D) Para 1/M ^{AS Submitted} for approval please. *[Signature]* ^{Other} 8/4.

Secy (away)

[Signature]
8/4/14
Additional Secretary
P&D

[Signature]

looks Okay — Make a small mention of -the Annexures — & enclose -the same for ready reference for -them.

OUT TODAY

Secy P&D

[Signature] 15/4/14
AS DS (A) SO (B) 15/4/14
15/4/14
Addl: Chief Secretary, P&DD, Govt. of Khyb.

105

839
Date: 15-4-2014

106

107

108
M/ACS P&D
Dy No 52
Dated 9-4-14
R. 14-4-14

Issued
15/4/2014
Addl: Secy (P&D)
Dy No. 140
Dated 09-04-14
R-15-04-14

[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

34

No. SO(E)P&D/001/078/PSB/2014
Dated Peshawar, March 04, 2014.

To

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

Subject: **PROMOTION OF CHIEF OF SECTION (BS-19) TO THE POST OF SENIOR CHIEF (BPS-20) ON REGULAR BASIS.**

Dear Sir,

I am directed to refer to your letter No. SOR.III(E&AD)5-2/2012, dated 24-02-2014 on the subject noted above and to state that the Services of Dr. Asad Ali Khan, Director/ Chief, PP&I Cell, P&D Department were regularized in BPS-19 by the competent authority vide Notification No.SO(Estt.)P&D/071/04/2009 27-02-2012 (Annex-I).

Later on the officer was issued a revised pay slip on the advice of Establishment Department's letter No.SOR-III(E&AD)5-2/2012 dated 27-9-2012 (Annex-II). Therefore, there is no question of provisional pay slip issued or withdrawn. However, the AG's letter under reference dated 13-5-2013 (Annex-III) was withdrawn by the AG Office vide their letter No.PR-9/2012-13 dated 03-6-2013 (Annex-IV) duly addressed to Secretary Establishment after clarification issued vide (Annex-V). The Finance Department also supported the foregoing scenario of regularization in BPS-19 of the officer concerned (Annex-VI).

It is further added that the length of the said officer has been ascertained in view of Government of Khyber Pakhtunkhwa Notification (Annex-I), Establishment Department's advice in the matter (Annex-II), and issuance of pay slip with effect from 01-7-2005 by the AG Khyber Pakhtunkhwa (Annex-VII). The officer has been issued pay in BPS-19 since 01-7-2005.

It is also pertinent to mention that the seniority list (forwarded by this department was) duly cleared by the Establishment Department and approved by Chief Secretary was undisputed seniority list. Also keeping in view the correspondence was made with secretary Establishment there seem no justification of raising such issues at this juncture.

In view of the aforementioned, it is requested that the case of the officers be placed in the next PSB clearance and subsequent approval please.

Yours faithfully,

(SHAH FAZIL)
Section Officer (Estt:)

Copy forwarded to:-

1. PS to Additional Chief Secretary, Khyber Pakhtunkhwa
2. PS to Secretary, P&D Department.

Section Officer (Estt:)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/PSB/2014.
Dated Peshawar, March 27, 2014.

35

To

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

Subject:

**PROMOTION OF CHIEF OF SECTION (BS-19) TO THE POST OF
SENIOR CHIEF (BPS-20) ON REGULAR BASIS.**

Dear sir,

I am directed to refer to your letter No. SOR.III(E&AD)5-2/2012, dated 24-02-2014 on the subject noted above and to state that Dr. Asad Ali Khan, Director/ Chief, PP&I Cell, P&D Department was regularized in BPS-18 and later on in BPS-19 by the competent authority (i.e. Chief Minister, Khyber Pakhtunkhwa) through summaries moved by the P&D Department via Establishment Department (Annex-III). There is no need of recommendation of PSB and NOC from Public Service Commission as this is purely regularization against a specific post/grade. The Establishment Department also was having the same stance as evident from (Annex-III). Further, if these were the prerequisites, then why Establishment Department did not object while examining & processing the summaries prior to approval of Chief Minister, Khyber Pakhtunkhwa.

Furthermore, as far as Accountant General's observation was concerned (Annex-IV) this department ^{has} already clarified the position vide Annex-V. The Accountant General's Office accepted the clarification of this department by withdrawing its letter No.PR-9/2012-13/1358 dated 13-05-2013 (Annex-IV), through a letter dated 03-06-2014 (Annex-VI) and the issue was closed once and for all. Also it needs to be mentioned that AG's correspondence was addressed to Secretary Establishment as evident from the annexures and hence augments that Establishment Department was fully in loop during the whole process.

As far as length of service in BPS-19 is concerned, the officer has completed the required length of service as he was regularized in BPS-19 on 01-07-2005.

Keeping in view the above clarifications, it is proposed that we may not make hurdles in his due right of promotion to BPS-20 as this will create litigation problems and legal obligation on this account as "a lot of water had flown under the tunnel".

Yours faithfully,

Section Officer(Estt:)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/001/078/PSB/2014
Dated Peshawar, April 08, 2014.

36

To

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

Subject: **PROMOTION OF CHIEF OF SECTION (BS-19) TO THE POST
OF SENIOR CHIEF (BPS-20) ON REGULAR BASIS.**

Dear Sir,

I am directed to refer to your letter No. SOR.III(E&AD)5-2/2012, dated 24-02-2014 on the subject noted above and to state that the services of Dr. Asad Ali Khan, Director/ Chief, PP&I Cell, P&D Department were regularized in BPS-18 initially and later on ~~on BPS-19 by the competent authority vide Notification No. SOR(Hstt)P&D/071/04/2009, dated 27-02-2012 (Annex-I).~~ ^{through a Summary slip.} ~~and later on~~ ^{another summary he was given} ~~deducted in~~ ^{deducted in} ~~Notification No. SOR(Hstt)P&D/071/04/2009, dated 27-02-2012 (Annex-I).~~ ^{BPS-19}

^{Later on through another summary}

Later on, the officer was issued a revised pay slip on the advice of Establishment Department's letter No. SOR-III(E&AD)5-2/2012, dated 27-09-2012 (Annex-II). Therefore, there is no question of provisional pay slip issued or withdrawn. However, the AG's letter under reference dated 13-05-2013 (Annex-III) was withdrawn by the AG Office vide their letter No. PR-9/2012-13, dated 03-06-2013 (Annex-IV) duly addressed to Secretary Establishment after clarification issued vide (Annex-V). The Finance Department also supported the fore-going scenario of regularization in BPS-19 of the officer concerned (Annex-VI).

It is further added that the length of service has been ascertained in view of Government of Khyber Pakhtunkhwa Notification (Annex-I), Establishment

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Department's advice in the matter (Annex-II) and issuance of pay slip with effect from 01-07-2005 by the AG Khyber Pakhtunkhwa (Annex-VII). The officer has been issued pay in BPS-19 since 01-07-2005.

It is also pertinent to mention that the seniority list (forwarded by this department was) duly cleared by the Establishment Department (Annex-VIII) and approved by the Chief Secretary (Annex-IX).

In view of the afore mentioned facts, it is requested that the case of the officers be may be revisited please.

Yours faithfully,

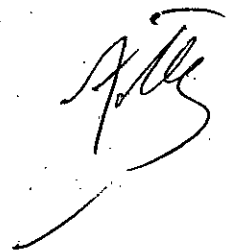
Section Officer(Estt.)

Endst: No. & Date even.

Copy forwarded to the:-

1. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
2. PA to Additional Secretary, P&D Department.

Section Officer (Estt.)



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GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT

No. SO(E)P&D/001/078/PSB/2014
Peshawar 14 April 2014

To,
[Signature]
15/4/14
04:25 PM

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department

SUBJECT: - Promotion of Chief of Section (BPS-19) to the post of Senior Chief (BPS-20) on regular basis.

Dear Sir,

In reference to your letter no.SOR.III (E&AD) 5-2/2012, dated 24-02-2014 on the subject noted above, I am directed to submit that the services of Dr.Asad Ali Khan were initially regularized in BPS-18 through a summary vide notification no. SO(Estt:)P&D/071/04/2000 dated 19-07-2005 Later on, through another summary his services were confirmed retrospectively in BPS-19 vide notification no. SO (Estt :) P&D/071/04/2009, dated 27-02-2012.

Record of this Department shows that neither the NOC of Public Service Commission was sought nor the case was routed through PSB. The supreme court of Pakistan in its Judgment dated 12-06-2013 has elaborated extensively on the subject.

In the light of observations raised by your office through the above mentioned letter and facts narrated by this office thereof and decision of Supreme Court, this Department may be advised to proceed further in the matter.

Yours Faithfully,

[Signature]
15/4/2014
Section Officer (Estt :)

Copy Forwarded to the:

[Signature]
15/4/14
Additional Chief Secretary P&D-Department Khyber Pakhtunkhwa.

[Signature]
15/4/2014
Section Officer (Estt :)

[Signature]

Govt orders cancellation of backdated seniority for all

Illegal absorption of deputationists to be reversed on SC orders

Usman Manzoor

Tuesday, March 11, 2014

From Print Edition

315 213 8 5

ISLAMABAD: The Establishment Division, in order to implement the Supreme Court judgment regarding backdated seniority, absorptions in civil service and deputation criteria has directed all the ministries, divisions and provinces to cancel the backdated seniority given and illegal absorption of deputationists in the civil service.

In its office memorandum, the Establishment Division quoted the operational part of the SC judgment and sought compliance report as early as March 10, 2014 (Monday). There is a long list of illegal absorptions and backdated seniorities given to officers, especially in the Police Service of Pakistan.

The Establishment Divisions directive also orders all the divisions, ministries and provinces to cancel the backdated seniorities and formulate seniority lists after cancellation of illegal seniorities given to blue-eyed employees. The Establishment Division's letters dated 31-01-2014 and 25 February 2014 state that the Supreme Court had passed judgment on 12-06-2013 and had ordered that a copy of this judgment be sent to all the chief secretaries of the provinces as well as the Establishment Secretary with the direction to streamline the service structure of civil servants in line with principles laid down in this judgment.

The letter while quoting the judgment says: "It was expected that aforementioned judgment was downloaded by all ministries/divisions for compliance. However for the sake of convenience, the following guidelines/principles are highlighted:

The apex court has declared the following practices as illegal: "A civil servant who after passing the competitive exam in terms of the recruitment rules, is appointed on merit, loses his right to be considered for promotion when an employee from any other organisation is absorbed without competing or undertaking competitive process with the backdated seniority and is conferred the status of civil servant in complete disregard of recruitment rules.

"Absorption or a non-civil servant conferring on him status of a civil servant and likewise absorption of a civil servant from non-cadre post without undertaking the competitive process under the recruitment rules. Introduction of any validation law in the nature of multiple or parallel legislation on the subject of service law.

"Benefit of absorptions extended since 1994, with or without backdated seniority are declared ultra vires of the constitution. The re-employment/rehiring of the retired civil/government servants being violative of the constitution are declared nullity.

The apex court also held: "No civil servant can be transferred and appointed by way of deputation to any cadre. The procedure provided under Estacode has been approved by this Court in the case of Mohammad Arshad Sultan.

"No civil servant of a non-cadre post can be transferred out of cadre to be absorbed to a cadre post, which is meant for recruitment through competitive process.

"The procedure provided under Estacode requires that a person who is transferred and appointed on deputation must be a government servant and such transfer should be made through the process of selection. The borrowing government has to establish the exigency in the first place and then the person who is being transferred/ placed on deputation in government must have matching qualification, expertise in the field with required experience.

"An employee holding a post under any authority or corporation, body organisation established by or under any provincial or federal law or which is owned or controlled by federal or provincial government or in which federal government or provincial government has controlling share or interest could not be conferred status of civil servant.

"It is settled principle of law that if the right of promotion is not blocked by re-employment, then such powers can be exercised, then too in exceptional cases for a definite period. Besides, it violates the fundamental rights of the serving civil servants, on account of such rehiring on contract are deprived of their legitimate expectancy or promotion to a higher cadre, which is violative of provisions of articles 4.9 and 25 of the constitution.

"The absorption and out-of-turn promotion will also impinge on the self-respect and dignity of the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been inducted from other services/cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all), hence are violative of article 14 of the constitution.

"Principle of locus poenitentiae is the power of receding till a decisive step is taken but it is not a principle of law that order once passed becomes irrevocable and past and closed transaction. If the order is illegal then perpetual rights cannot be gained on the basis of an illegal order. Any backdated seniority cannot be granted to any one absorbed and his inter-seniority, on absorption in the cadre shall be maintained at the bottom as provided under the rules regulating the seniority."

All ministries and divisions and departments/organisations under them have been asked to comply with the judgment of apex court in letter and spirit.



WORKING PAPER FOR PSB



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/078/PSB/2014.
Dated Peshawar, February 06, 2014.

41

To

The Section Officer (PSB),
Establishment Department.

Subject: PROMOTION OF CHIEF OF SECTION (BS-19) TO THE POST OF SENIOR CHIEF (BPS-20) ON REGULAR BASIS.

Kindly refer to the subject noted above and to enclose herewith 07 (seven) sets of working papers regarding promotion of Chief of Section (BPS-19) to the rank of Senior Chief (BPS-20) on regular basis with the request that the same may be placed before the Provincial Selection Board for consideration please.

Encl: As above.

06-2-2014

(SHAH FAZIL)
SECTION OFFICER (ESTT.)

Received & entered
7-2-14

1. Nomenclature of the post/Basic Scale. Senior Chief of Section (BS-20)
2. Service/Group/Cadre. P&D Department, Khyber Pakhtunkhwa.
3. Sanctioned strength of the cadre. Four (04) posts.

	Direct	Promotion	Transfer
4. (i) Percentage of share	-	100%	-
(ii) No of posts allocated to each category.	-	04	-
(iii) Present occupancy position	-	01 *	-
(iv) No of vacancies in each category.	-	04 1. 03 posts are lying vacant on regular basis. 2. 01 post is lying vacant on temporarily basis.	-

* Mr. Tahir Azim is the only present occupant of BPS-20 position but he is also on 1250 days leave since 30-9.2011.

5. How did the vacancy(ies) under Promotion quota accrue and Since when?

On retirement of Mr. Jamshid-ul-Hassan on 02-05-2011 (Annex-I), Mr. Shafiullah Khan on 03-06-2013 (Annex-II) and Syed Manzoor Ali Shah on 31-08-2013 (Annex-III), 03 posts become vacant on regular basis and one officer is on 1250 days long leave (Annex-IV), hence 01 post is lying vacant on temporarily basis. Three regular vacant posts are required to be filled on regular basis and the other one is to be filled on Acting Charge Basis. Mr. Azmatullah Khan, Dr. Asad Ali Khan, Dr. Idrees Masood and Mr. Javed Iqbal are the only four Officers in BPS-19 (Chief of Section) (Annex-V). It is further stated that disciplinary proceedings under the E&D Rules are under process against Mr. Azmatullah Khan and the officer was sent on 120 days Earned leave (Annex-VI) due to his alleged bogus/fake degree of Bachelor of Engineering.

6. Recruitment Rules.

According to Service Rule of P&D Department, Khyber Pakhtunkhwa notified on 05/07/2006 (Annex-VII), the following method of recruitment has been prescribed for filling of vacant posts of Senior Chief of Section (BPS-20)

By promotion on basis of seniority-cum-fitness from amongst the Chief of Section, with at least:-

- (a) Five years service in BPS-19 as Chief of Section;
OR
- (b) A total of twelve (12) years service in BPS-18 and BPS-19 as Assistant Chief/District Planning Officer and Chief of Section; OR
- (c) A total of seventeen (17) years service in BPS-17, BPS-18 and BPS-19 as Research Officer/Technical Officer/Planning Officer, Assistant Chief/ District Planning Officer and Chief of Section.

AG

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- 7. Required length of service. 05 years.
- 8. Whether to be promoted on Regular basis or appointed on Acting charge basis? 03 to be promoted on Regular Basis and 01 on Acting Charge Basis.
- 9. Mandatory training, if any. NIL.
- 10. Minimum required score on EI 70.

Aftab Akbar Durrani

(DR. AFTAB AKBAR DURRANI)

29/11/14

SECRETARY TO
GOVT. OF KHYBER PAKHTUNKHWA,
PLANNING & DEVELOPMENT DEPARTMENT.

Secretary
Planning & Development Deptt.
Govt. of Khyber Pakhtunkhwa

Aftab

(44)

Panel of officers for consideration

Sr. No.	Name of Officers	Remarks
1.	Mr. Azmatullah Khan, Chief of Section (BPS-19), P&D Department.	A disciplinary case under E&D Rules 2011 is under process due to his alleged fake/bogus degree of engineering.
2.	Dr. Asad Ali Khan, (Chief of Section), Director, PP&I Cell Planning and Development Department (BPS-19).	To be promoted/appointed as Senior Chief (BPS-20) on regular basis.
3.	Dr. Idrees Masood, Chief of Section (BPS-19), P&D Department.	To be promoted/appointed as Senior Chief (BPS-20) on Regular Basis.
4.	Mr. Javed Iqbal, Chief of Section (BPS-19), P&D Department.	To be promoted/appointed as Senior Chief (BPS-20) on Regular Basis.

CERTIFICATE

- (1) Certified that the officers included in the panel except Sr. No. 01 are eligible in all respects and possess the requisite length of service required for promotion.
- (2) There is no enquiry/departmental proceeding or disciplinary action against the Officers of the panel except Sr. No. 01.

Signature: *Abdus Salam*

Secretary

Designation: Secretary

Planning & Development Deptt.

Secretary P&D

Date 29-01-2014.

*Remarks will pertain to information such as earlier consideration for promotion and the result thereof, status/grading of mandatory trainings, if applicable.

Abdus Salam

45

GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT DEPARTMENT.

Subject: Creation of "Planning & Implementation Cell" Position of Director (BPS-19)

1. It is brought to your kind notice that the undersigned has been working in the Planning & Development Department, in BPS- 18 since 24.3.1992 and has drawn 15 increments so far. The undersigned has been the senior most officer for SAP Cell and has served this department in the following positions:
 - Provincial Technical Coordinator SAP NWFP
 - SAP Coordinator FATA (FATA Development Cell)
 - Chief/Project Director Strengthening
 - Chief Women Development Cell
 - Chief FATA (FATA Development Cell)
 - CPO/Incharge Environment Wing NWFP
 - Chief SAP
 - Director Project Planning & Implementation Cell, P&D Department (Looking after Drought and NERP Programmes).

2. On approval of a summary, by the competent authority, and subsequent creation of posts by the Finance Department (F/A) and its endorsement by Planning & Development Department (F/B) the services of staff of SAP Cell were regularized and adjusted in the newly created permanent organ of P&D Department, on revenue side, "Project Planning & Implementation Cell", w. e. f. 1st July 2005 (F/C).

3. As such the services of the staff were regularized against the respective posts created for which undersigned should have been designated as Director/Chief in (BPS-19). But unfortunately, I could not avail the BPS-19 as the said notification carried a foot note wherein the undersigned was appointed as Director/Chief in (BPS-18). Here it is submitted that it was a matter of adjustment of the undersigned's services against BPS-19 because the summary's approval and subsequent creation of the post of Director/Chief was in BPS-19. It is also added here that the Planning & Development Department, within its own frame work, has given PP&I Cell, an independent status (F/D).

4. In view of the above facts, it is humbly requested that the department may notify my adjustment in BPS-19 by rectifying the notification at (F/C) or grant the undersigned regular BPS-19 keeping in view the fact that the undersigned has already spent 15 years in BPS-18 and the Director's post is also of BPS-19.

Asad Ali Khan
(Dr. Asad Ali Khan) 8/12/07
Director PP&I

S. Secretary P&D

DC/AS

SO (P) -

Rel. put up for consideration

[Signature] 11/12/07

[Signature]

46

GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT DEPARTMENT.

12

Discussed.

P. elucidate the status of the post
of Director/Chief (BS-19) (Flag 'A')
in terms of P&D Deptt. notification
dated Aug 25, 2005 (Flag 'D').

[Signature]
19/5/08

~~Secy P&D~~

[Signature]

(97)

GOVERNMENT OF N.-W.F.P.
PLANNING AND DEVELOPMENT DEPARTMENT.

13.


The Project Planning and Implementation Cell was created as a part of Planning and Development Department. Services of various people, working in P&D Department since, the Social Action Program, were regularized against the posts created in the PP&I Cell.

14.

As it was a new arm of the P&D Department, the Director of the PP&I Cell was declared as Head of the Cell reporting to the Additional Chief Secretary, NWFP though the Secretary P&D. The Director of the Cell is also responsible for the overall management of the cell. Like other positions created in PP&I Cell, for various people, the post of Director was created for Dr. Asad Ali Khan, being the senior most officer of SAP. It is also added that Finance Department sought a clarification from P&D Department, F/G that whether the position of Director be created in BPS 18 on 19 and the P&D Department had recommended that the post of Director be created in BPS 19 (F/H). In this respect the claim of officer in Para 4/N seems justified.

15.

It is added here that permission of Additional Chief Secretary, NWFP was sought F/I before issuance of notification at F/A.


Secretary, P&D Department
Secretary
P&D Department
Govt: of N W F P

Additional Chief Secretary, NWFP.

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Sem: 382
Page-5
85-3-2008

Personal of the case reveals that an anomalous situation has been created for the reason that post of Dir/Chief has been created in BS-19 and P&D in its notification dated July 19, 2005 (F/B) has also regularized the services of the officer in BS-19 but a foot note to the notification shows "officer at ser No 1 in BPS-18 is posted as Director/Chief in his own pay and grade", which is self contradictory. In order to remove this anomaly a summary is required to be moved for obtaining orders of the competent authority.

7-4-08

Secy



98

**GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT.**

B.S. 2242

NOTE FOR CHIEF SECRETARY, KHYBER PAKHTUNKHWA.

Subject: TENTATIVE SENIORITY LIST OF OFFICERS IN BPS-19 OF P&D DEPARTMENT.

A note on the above noted subject is placed on board for approval of Honorable Chief Secretary, Khyber Pakhtunkhwa.

Asad Ali Khan
21/10/13
(DR. ASAD ALI KHAN)
SECRETARY, P&D DEPARTMENT

ADDITIONAL CHIEF SECRETARY
KHYBER PAKHTUNKHWA.

haesi
24-x-13

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA.

M. A. Khan
28/10
Chief Secretary
Govt. of Khyber Pakhtunkhwa

Sery Gatab

PTD

Ali

PS/A CS
No. 172
Date: 21-10-13
1944-15
29/10/13

CA/CS Khyber Pakhtunkhwa
No. 4523
Date: 24-10-13

Secretary (P&D)
Dial: 1553
Date: 24/10/2013

49

2- Views of the Establishment Department may kindly be perused at para-6 of the note.

(Signature)

(Sikander Qayyum)
Secretary Establishment
November 04, 2013

~~Chief Secretary Khyber Pakhtunkhwa.~~

144/1-5
04/11/13

ACS (P&D)

(Signature)

6/11
Chief Secretary
Govt. of Khyber Pakhtunkhwa

Secy P&D

(Signature)

7/11
Addl: Chief Secretary
Govt. of Khyber Pakhtunkhwa

C.M.C.S. Khyber Pakhtunkhwa
No. 4523
Date: 05-11-13

RS/A 66
No. 172
Date 7.11.13

SECRETARY (P&D)
Diary No. 553
Date: 7/11/2013

(Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

50

NOTE FOR CHIEF SECRETARY, KHYBER PAKHTUNKHWA.

Subject: TENTATIVE SENIORITY LIST OF OFFICERS IN BPS-19 OF P&D DEPARTMENT.

Planning and Development Department circulated Tentative Seniority Lists of Officers in BPS-19 within P&D Department for information and communicating objections, if any (Annex-I).

2. In response to the above, no objection from any officer has been received and therefore needs to be circulated as final.
3. The Chief Secretary, Khyber Pakhtunkhwa is requested to accord approval to the final seniority list in respect of Chief of Section (BPS-19), P&D Department accordingly.
4. Proposal at *Para-3* above is submitted for approval please.

Asad Ali Khan
21/10/13
(DR. ASAD ALI KHAN)
SECRETARY, P&D DEPARTMENT

ADDITIONAL CHIEF SECRETARY
KHYBER PAKHTUNKHWA.

haeu
24-X-13

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA.

5- *Dr. examine.*

Sey Katal.

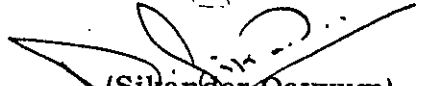
P.T.O

M. H. Khan
28/10
Chief Secretary
Govt. of Khyber Pakhtunkhwa

Asad

(51)


6. The seniority list examined and found in order. However, departmental proceedings are under process against the officer at sr.no.1 of the seniority list. Nonetheless, proposal contained in para-3/ante read with para-4/ante is submitted for approval of Chief Secretary Khyber Pakhtunkhwa.


(Sikander Qayyum)
Secretary Establishment
November 04, 2013

Chief Secretary, Khyber Pakhtunkhwa.

7: Para 3 approved.

ACS (P+D)


8/11
Chief Secretary
Govt. of Khyber Pakhtunkhwa





GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/078/PSB/2014.
Dated Peshawar, February 06, 2014.

To

The Section Officer (PSB),
Establishment Department.

Subject: PROMOTION OF CHIEF OF SECTION (BS-19) TO THE POST OF SENIOR CHIEF (BPS-20) ON REGULAR BASIS.

Kindly refer to the subject noted above and to enclose herewith 07 (seven) sets of working papers regarding promotion of Chief of Section (BPS-19) to the rank of Senior Chief (BPS-20) on regular basis with the request that the same may be placed before the Provincial Selection Board for consideration please.

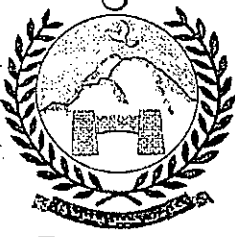
Encl: As above.

06-2-2014

(SHAH FAZIL)
SECTION OFFICER(ESTT:)

Received & entered
7-2-14

CONFIDENTIAL
IMMEDIATE



To

The Secretary to
Government of Khyber Pakhtunkhwa,
P&D Department

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-17/2014/P-38
Dated Peshawar, the 17.02.2014

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 13.02.2014.

PROMOTION OF CHIEF OF SECTION BS-19 TO THE POST OF
SENIOR CHIEF BS-20

Dear Sir,

I am directed to refer to P&D Department letter No. SO (E)/P&D/078/PSB/2014 dated 06.02.2014 on the subject and to forward herewith an extract of additional item No (2) of the minutes/recommendations of the meeting of Provincial Selection Board held on 13.02.2014 for further necessary action.

Yours faithfully


(JAN SAID)
SECTION OFFICER (PSB)



84

ADDITIONAL ITEM NO (2)

P&D DEPARTMENT

(Meeting of PSB held on 13.02.2014)

SUBJECT: - PROMOTION OF CHIEF OF SECTION BS-19 TO THE POST OF SENIOR CHIEF BS-20.

The Addition Chief Secretary P&D department requested for withdrawal of the working paper which was allowed by the Board.

Attestd

dh

Section Officer (P&D)
Govt. of Khyber Pakhtunkhwa
Establishment Department

CONFIDENTIAL

AB

BS



**CHIEF MINISTER'S SECRETARIAT
KHYBER PAKHTUNKHWA**

NO.SO-III/CMS/ KPK/2014

Dated Pesh: the 21st February, 2014.

To

The Additional Chief Secretary P&D,
Khyber Pakhtunkhwa.

Subject: **PROMOTION OF CHIEF OF SECTION BS-19 TO THE POST
OF SENIOR CHIEF BS-20.**

Dear Sir,

I am directed to refer the subject Working Paper placed before the Provincial Selection Board in its meeting held on 13-2-2014 for considering the Promotion of officers of P&D service which was subsequently withdrawn on request of Additional Chief Secretary, Khyber Pakhtunkhwa.

I am further directed to request that it may be clarified as to why the Working Paper was withdrawn although the officers were due for promotion and the vacancies against which they were proposed for promotion were also available.

Yours faithfully

Section Officer-III

Copy to:-

1- PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.


Section Officer-III.



(56)

GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(REGULATION WING)

NO. KC/SO(FR)FD/10-1/2008-09
Dated Peshawar, the 25-07-2012

To

The Assistant Accountant General,
Office of the Accountant General,
Khyber Pakhtunkhwa,
Peshawar.

Subject: NOTIFICATION/ISSUE OF PAY SLIP TO DR. ASAD ALI KHAN BPS-18 IN BPS-19.

I am directed to refer to your letter No. pr-9/Gazetted/2011-12/1061-63 dated 25.06.2012 on the subject noted above and to state that the subject case is entirely a service matter and the Summary through which the officer concerned was regularized, had been routed through Establishment Department. The Finance Department, therefore, did not come into picture and as such it is not possible for this department to offer any comments at this stage.

The aforementioned observation notwithstanding, the competent authority has already regularized the matter on the recommendations of the Establishment Department which exclusively deals with service matters. It may, therefore, be pertinent to suggest that the A.G. office may please follow the advice of Establishment Department as and when received.


Yours faithfully


(BIBI FATIMA)
SECTION OFFICER (FR)

Copy is forwarded to: -

Secretary Establishment Department, Khyber Pakhtunkhwa for information and necessary action, please.

SECTION OFFICER (FR)





57

Approved: J

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, November 07, 2013

NOTIFICATION.

No.SO(E)P&D/3-4/SLs/2013: In pursuance of section 8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules 1989 and with the approval of competent authority, the Final Seniority List of Chief of Section (BPS-19), Planning & Development Department (as stood on 30-09-2013) is hereby notified/circulated for general information.

FINAL SENIORITY LIST OF CHIEF OF SECTION (BS-19) AS STOOD ON 30-09-2013.

SR. No.	Name of Officer with academic qualification	Date of birth & Domicile	Date of 1st entry into Govt: Service.	Regular appointment/promotion to the present post				Remarks if any
				Date	BPS	Method of recruitment/appointment	Present posting with date.	
1	2	3	4	5	6	7	8	9
1.	Mr. Azmatullah Khan B.SC (Civil Engr.) USA	15/08/1955 D.J.Khan	21/11/1982 (Forenoon)	01/04/1999	BPS-19	By Promotion	Chief (Industries) Section, P&D Department. Since 10.01.2008	Departmental Proceeding (Dismissal from service in progress)
2.	Dr. Asad Ali Khan MBBS	14/03/1966 Kohat	March, 19, 1992 (FN)	01/07/2005	BPS-19	By Initial recruitment	Secretary Planning & Development Department Since 21.02.2013	
3.	Mr. Idrees Masood, M.A Economics, Ph.D in Economics	14/04/1959 Abbottabad	18/03/1984	12/02/2011	BPS-19	By Promotion	Chief Power Section Since 07.06.2011	
4.	Mr. Javed Iqbal, MBA (Marketing), M.A (P. Science) M.S (Agri. Economics) USA	20/03/1958 D.I. Khan.	18/03/1984	06/07/2012	BPS-19	By Promotion	Director BoS Since 01.08.2013	

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

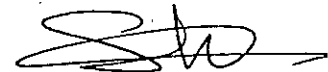
58

Dated Peshawar, November 07, 2013.

Endst: No.SO(E)P&D/3-4/SLs/2013 :

Copy forwarded to the:-

1. PS to Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Additional Chief Secretary/, P&D Department.
3. PS to Secretary, P&D Department.
4. PA to Additional Secretary, P&D Department.
5. PA to Chief Economist, P&D Department.
6. PA Deputy Secretary (Admn:), P & D Department.
7. Officers concerned.



7-11-2013

Section Officer (Establishment)

ATG



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APPROVED: - R
CONFIDENTIAL

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR.III(E&AD)5-2/2012
Dated Peshawar the February 24, 2014.**

To

The Additional Chief Secretary Khyber Pakhtunkhwa,
Planning & Dev. Department.

Subject: PROMOTION OF CHIEF OF SECTION (BS-19) TO THE POST OF
SENIOR CHIEF (BS-20) ON REGULAR BASIS

Dear Sir,

I am directed to refer to the Planning & Dev. Department letter No.SO(E)P&D/078/PSB/2014 dated February 06, 2014 and the discussion held in the PSB meeting dated 13-02-2014 and to say that the services of Dr. Asad Ali Khan were regularized against the sanctioned post of Director/Chief of Section (BS-19) in his own pay scale (BS-18) vide Notification No.SO(Estt)P&D/071/04/200 dated 19-07-2005. The A.G Khyber Pakhtunkhwa also in reply of this department letter No.SOR-III(E&AD)5-2/2012 dated 27-09-2012 regarding issuance of provisional pay slip in BPS-19 in respect of Dr. Asad Ali Khan stated that promotion from BPS-18 to BPS-19 without recommendation of PSB and NOC from Public Service Commission does not fulfill the requirement as defined in Khyber Pakhtunkhwa Civil Servants Act, 1973 and APT Rules, 1989.

2. Based on the pointation of Accountant General Khyber Pakhtunkhwa this department forwarded copy of the A.G Khyber Pakhtunkhwa letter to P&D Department with advice to move a self-contained case in the light of rules/policy of Provincial Govt in vogue alongwith all supported documents seeking NOC of the Public Service Commission as well as recommendation of the Provincial Selection Board to settle the issue once for all vide letter of even number dated 28-05-2013. But no response has been received from P&D Department so far. Since, the issue is under process and not yet finalized, the P&D Department submitted working paper for promotion of BPS-19 officers to BPS-20 including Dr. Asad Ali Khan. As is clear, the officer was adjusted/regularized in BPS-18 in 2005, and was only allowed provisional pay slip in BS-19 in 2013, which was withdrawn later; it seems strange as to how he completes the required five years service in BS-19 for promotion to BS-20. The elevation/promotion of the officer to BS-19 and his further experience in BS-19 has to be established to make him eligible for promotion to BS-20.

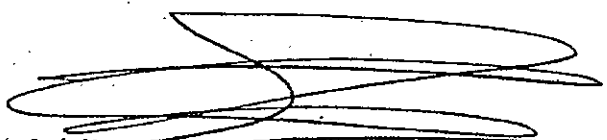
3. It is therefore requested to clarify the position with regard to the instant case for perusal of the competent authority. Working paper for promotion of Chief of Section (BS-19) to Senior Chief (BS-20) has already been returned by the S.O(PSB).

Yours faithfully,

(SHARAFAT KHAN)
Additional Secretary (Regulation)

Copy forwarded to: -

The Secretary to Govt of Khyber Pakhtunkhwa, P&D Department.


Additional Secretary (Regulation)



(61) Approved ✓

The Chief Minister,
Khyber Pakhtunkhwa,
Peshawar

Through: Proper Channel

Subject: Representation against the Decision of the PSB in its meeting held on 13/02/2014, whereby the working paper for promotion of the undersigned from the post of Chief of Section (BPS-19) to the post of Senior Chief (BPS-20) was withdrawn.

Respected Sir,

The undersigned respectfully submits my representation against the unjustified withdrawal of working papers for promotion of the undersigned from consideration of the PSB.

1. That the undersigned has been serving in the P & D Department since 19/3/1992 in various capacities however was regularized as Director BPS-19 on 01/07/2005.
2. That consequent upon the approval of the competent authority and in pursuance of the Govt of KPK Finance department letter No. BOIV/FD/2-11/98-99-Vol-II dated 2/7/2005, the undersigned was regularized against the post of Director/Chief (BPS-19) vide notification dated 19/7/2005 in the Planning and Development Department of the Govt of KPK, Peshawar along with 29 other people.
3. As there was an anomaly in the said notification, the undersigned took up the matter with the department and then the P&D Department moved a summary for the approval of the competent authority to clear the anomaly created by a footnote in the notification of regularization. The said summary was also routed through the Establishment Department and the same was examined and recommended and, accordingly, the competent authority approved the summary and vide a subsequent notification Endst: No. SO (EST) P&D/071/04/2000 declared the services of the undersigned as Director/Chief PP&I Cell, P&D Department in BPS-19 on regular basis with effect from 1st July, 2005.(Annex1)
4. That the undersigned remained on the upper position in the final seniority list of Chief of Section BPS-19 as it stood on 30/9/2013 in the Planning and Development Department, KPK, Peshawar. Similarly there were four vacant position of BPS-20, in this view of the matter a working paper was duly prepared for placing the case of the undersigned for promotion to the rank of Senior Chief BPS-20 on regular basis. Unfortunately while creating a misconception and ignoring the regular service of the undersigned, the PSB was misled when the working paper for promotion of Chief of Section BPS-19 to the post of Senior Chief BPS-20 was withdrawn without assigning any reason just after six days of submission of the working paper by the Planning & Dev' Department.(Annex 2)



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5. Similarly just to create a confusion and to deprive the undersigned of his timely promotion, vide letter NO.SOR.III(E&AD)5-2/2012 dated February 24, 2014, again the settled issue of regularization of the undersigned in BPS-19 was malafidely raised, aiming to complicate the matter and to drop the promotion of the undersigned.(Annex 3)

6. As explained above the undersigned stood regularized with effect from 01/7/2005 in BPS-19. The regularization has taken its legal effect, therefore, again raising this objection is uncalled for and malafide.

7. That reference to the AG letter dated 13.5.2013 which stood withdrawn vide letter dated 3.6.2013 (Annex 4), amply prove that this issue has been malafidely created just to delay the promotion case of the undersigned, it is pertinent to mention here that the final seniority list of Chief of Section BPS-19 of P&D Department has duly been approved by the Worthy Chief Secretary and communicated to all the concerned officers (Annex 5), therefore, it would be in the fitness of things that the case of the undersigned is placed before the PSB for promotion to the post of Senior Chief BPS-20 without any further loss of time. Similarly mere reference to the pay slip in BPS-19 by the AG office in the year 2013, would not mean that the undersigned would count his service from the said date. It would be advantageous to refer that on the advice of the Establishment department AG Office issued a pay slip in PBS-19 with effect from 1st July, 2005, and the undersigned was paid all the consequential arrears.(Annex 6)

8. With utmost respect it is stated that the matter now taken up is a past and closed transaction, and can under no circumstances be made a ground to delay the promotion of the undersigned.

9. It is therefore, most humbly, requested that the case of the undersigned may please be directed to be placed before the PSB and to consider my case for promotion to the post of Senior Chief BPS-20 on regular basis, without any further delay.


(Dr Asad Ali Khan)
Director General,

Emergency Rescue Service (Rescue 1122)
Govt of KPK, Peshawar

Copy to:

The Chief Secretary Khyber Pakhtunkhwa, Peshawar.



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ANWAR M.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
NO. SOR.III(E&AD)5-2/2012
Dated Peshawar the July 21, 2014.

To

The Additional Chief Secretary Khyber Pakhtunkhwa,
Planning & Dev. Department.

Subject:

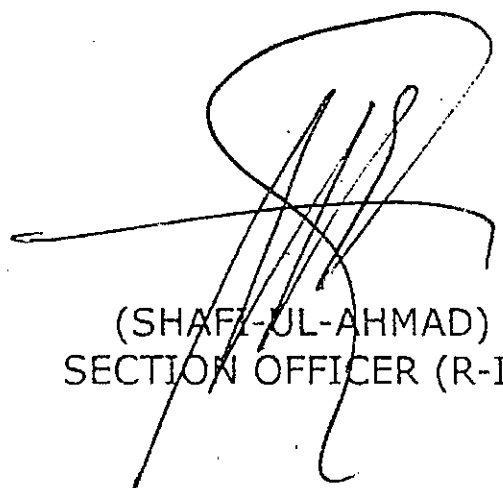
REPRESENTATION AGAINST THE DECISION OF THE PSB IN ITS
MEETING HELD ON 13-02-2014 WHEREBY THE WORKING PAPER
FOR PROMOTION OF THE UNDERSIGNED FROM THE POST OF
CHIEF OF SECTION (BPS-19) TO THE POST OF SENIOR CHIEF
(BPS-20) WAS WITHDRAWN

Dear Sir,

I am directed to refer to the Note for Chief Secretary Khyber Pakhtunkhwa dated 28-4-2014 pertaining to the representation of Dr. Asad Ali Khan, Chief of Section (BS-19) against the decision of PSB in its meeting held on 13-2-2014 and to say that the case was examined in consultation with Law Department and it is observed that absorption of non-civil servants from non-cadre post to cadre posts without under taking competitive process under recruitment rules is illegal. Therefore, the competent authority has regretted the representation of the officer.

Yours faithfully,

AW


(SHAFZ-UL-AHMAD)
SECTION OFFICER (R-III)

POWER OF ATTORNEY

In the Court of ICPR Service Tribunal Peshawar
Dr Asad Ali Khan

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of ICPR and others

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Sajid Amin
Advocate

Before the ICPK Service Tribunal, Islamabad.

Dr. Asad Ali Khan. - Vs

Govt

Application for withdrawal of the noted appeal
with permission to file afresh if need be.


Respectfully Submitted

1. The above noted service appeal is pending
in the Honble Tribunal and fixed today for

hearing.

2. That the matter of promotion of the appellant
has not yet declined by the respondents, as such
I do not want to pursue the appeal for the
time being.

It is therefore requested that the
appellant be allowed to withdraw from the appeal
with necessary permission to file afresh if need arises.

Applicant
Asif 
1972 ANNAR
Advocate for