

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal-No. 912/2013

Date of Institution ... 20.05.2013

Date of Decision ... 27.02.2019

Parvez Khan, Deputy Public Prosecutor, Swabi, R/o Village Kalu Khan District Swabi. ... (Appellant)

VERSUS

The Govt: of Khyber Pakhtunkhwa through the Chief Secretary, Province of Khyber Pakhtunkhwa, Peshawar and four others. ... (Respondents)

MR. TAIMUR ALI KHAN,
Advocate

--- For appellant.

MR. M. RIAZ KHAN PAINDAKHEL
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURRANI

--- MEMBER(Executive)
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he was appointed Prosecuting S.I (BPS-11) in the Police Department on 13.05.1988. He got promoted to the post of PDSP (BPS-17) in 2002. Resultantly, the appellant alongwith others employees of the Prosecution Branch were transferred to the Law Department and thereafter to the Home Department in the year 2003. That the post of the appellant was re-designated as District Public Prosecutor vide order dated 27.09.2004. From time to time the appellant approached the respondents for grant of promotion to BPS-17.

On reaching the age of superannuation he stood retired from government service on 31.03.2013. Learned counsel for the appellant further prayed that the appellant may be considered for promotion to the post of Public Prosecution (BPS-18).

3. On the other hand learned Assistant Advocate General argued that after promulgation of Police Order 2002 and Devolution of Power Plan 2001 Prosecution Branch of the Police Department was abolished and the employees of Legal Branch alongwith their posts were initially transferred to the Law Department and thereafter to the erstwhile Home and Tribal Affairs Department. His services were regulated under the Khyber Pakhtunkhwa Prosecutors and Government Pleaders Appointment Rules 1978. Though the post of DPP was in BPS-17, as per Khyber Pakhtunkhwa Prosecutor Service Rules 2005 but the appellant upon transfer to Home Department was in BPS-16 and thereafter his post was re-designated as Assistant Public Prosecutor (BPS-16). Case of the appellant and other eligible officers was placed before the DPC for promotion from BPS-16 to BPS-17 and was notified vide order dated 27.02.2012. Plea of the appellant is not based on facts as only those officers, who fulfilled the criteria laid down in the Khyber Pakhtunkhwa Prosecution Rules 2005 were considered for promotion to the higher post.

CONCLUSION

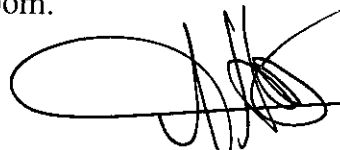
4. It is an admitted fact that the appellant stood retired from government service on 31.03.2013. His plea relates to grant of promotion to BPS-17 from the date his juniors were granted promotion and grant of promotion to BPS-18 on compassionate grounds. However, in support of his prayer, learned counsel for the

appellant has not been able to produce any single document through which his claim can be established. Entire appeal of the appellant is silent as to what was his initial seniority position and how many juniors were promoted by ignoring the appellant. In the absence of any documentary evidence/connected papers, it appears that claim of the appellant is not genuine. He finally got promotion to BPS-17 on 27.02.2012. Learned counsel for the appellant was also not able to highlight the similarity between the case of the appellant and precedents quoted in the service appeal. Did he file any appeal against the demotion order and what was its outcome. However, the available record was completely silent and it can be presumed that he slept over his rights.

5. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)
CHAIRMAN




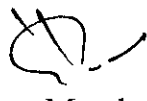
(AHMAD HASSAN)
MEMBER

ANNOUNCED
27.02.2019

25.01.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith Sikandar Khan AD for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.02.2019 before D.B


Member


Member

Order


27.02.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.


Announced:
27.02.2019



(Ahmad Hassan)
Member


(Hamid Farooq Durrani)
Chairman

19.10.2018

Counsel for the appellant present. Mr. Sikandar Khan, AD(Legal) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 26.11.2018 before D.B.


(Hussain Shah)
Member


(Ahmad Hassan)
Member

26.11.2018

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Sikandar Khan AD(legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 12.12.2018 before D.B.


Member


Member


12.12.2018

Mr. Taimur Khan, Advocate for appellant and Mr. Ziaullah, DDA for the respondents present.

Learned counsel for the appellant requests for adjournment on the ground of engagement of learned senior counsel for the appellant before the Hon'ble High Court.


Adjourned to 25.01.2019 before the D.B.


Member


Chairman

15.05.2018

Appellant in person present. Counsel for the appellant is absent. Appellant seeks adjournment. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sikandar Khan, AD (legal) for the respondents also present. Adjourned. To come up for arguments on 13.07.2018 before D.B.



(Muhammad Amin Khan Kundi)

Member



(Muhammad Hamid Mughal)

Member

13.07.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Sikandar Khan AD for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Being an old case of 2013, adjourned by way of last chance. To come arguments on 05.09.2018 before D.B.



(Ahmad Hassan)

Member



(Muhammad Hamid Mughal)

Member

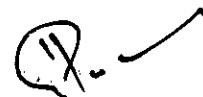
05.09.2018

Appellant in person present. Learned counsel for the appellant is absent. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 19.10.2018 before D.B.



(M. Amin Khan Kundi)

Member




(M. Hamid Mughal)

Member

23.11.2017

Learned counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant submitted wakalat nama on behalf of appellant which is placed on file. To come up for arguments on 22.01.2018 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

22.01.2018


Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Sikandar Khan, Assistant Director (Legal) for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.03.2018 before D.B.


Member


Chairman

15.03.2018

None present on behalf of appellant. Learned Assistant Advocate General alongwith Sikandar for the respondents present. Adjourn. To come up for arguments on 16.05.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

12.06.2017

Son of the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Requested for adjournment. Adjourned. To come up for arguments on 08.09.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member


8/9/2017


Appellant in person and Mr. Khabirullah Khattak, Assistant AG alongwith Mr. Ashraf Khan, Senior Clerk for the respondents present. Arguments could not be heard due to non-availability of DB. To come up for arguments on 16/10/2017 before DB.


(Muhammad Hamid Mughal)
MEMBER

16.10.2017

Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 23.11.2017 before D.B.


(Ahmad Hassan)
Member (F)


(Muhammad Hamid Mughal)
Member (J)

24.10.2016

Appellant with counsel and Mr. Muhammad Jan, GP for respondents present. Written arguments on behalf of the appellant submitted which is placed on file. To come up for oral arguments and further proceedings on 7.12.2016 before D.B.


Member


Chairman

07.12.2016


Appellant in person and Mr. Liaqat Ali, Deputy Director along with Mr. Muhammad Jan, GP for the respondents present. One of the Member (Judicial) Mr. Muhammad Aamir Nazir is on casual leave therefore, the Bench is incomplete, hence adjourned. To come up for oral arguments and further proceedings on 17.3.17 before D.B.


(ASHFAQUE TAJ)
MEMBER

17.03.2017

Appellant in person and Addl:AG along with Mr. Liaqat Ali, Deputy Director (Lit) for respondents present. Appellant requested for adjournment. To come up for arguments on 12.06.2017.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.5.2016

Counsel for the appellant and Addl. AG for respondents present. Counsel for the appellant requested for adjournment. Adjourned for arguments on 19.7.2016.


Member


Member

19.07.2016

Counsel for the appellant and Additional AG for the respondents present. Learned counsel for the appellant requested that the case may be adjourned today so that he may provide written arguments. One copy of such written arguments be handed over to the respondents. To come up for arguments of the respondents and further proceedings on ~~16-9-16~~ before D.B.


MEMBER


MEMBER

16.09.2016

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Appellant submitted fresh Wakalat Nama and requested for adjournment. Request accepted. To come up for arguments on 24.10.2016.


Member


Member

01.07.2015

None present for appellant. Mr. Irshadullah, Deputy Director alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further time. Last opportunity extended to 27.7.2015 for submission of written reply before S.B.


Chairman

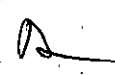
27.07.2015

Appellant in person and Mr. Irshadullah, Deputy Director alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 24.11.2015.


Chairman

24.11.2015

Counsel for the appellant and Mr. Hamad Ameer, Junior Clerk alongwith Addl: AG for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on 24/3/16


Member

24.03.2016

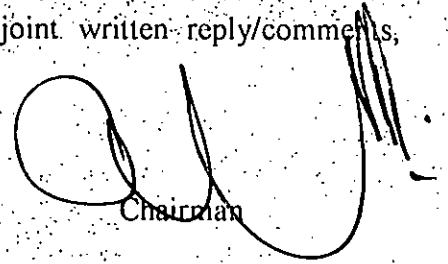
Appellant in person and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to paucity of time. Therefore, the case is adjourned to 20.05.2016 for arguments.


Member


Member

22.7.2014

Counsel for the appellant and Mr. Irshad Muhammad, Supdt. for respondent No. 4 with AAG for the respondents present. Written reply has not been received, and representative of the respondent as well as learned AAG requested for further time to file joint written reply. Another chance is given for joint written reply/comments, positively, on 25.11.2014.



Chairman

25.11.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 10.03.2015.



Reader

10.03.2015

Counsel for the appellant and Addl. A.G for respondents present. Requested for adjournment. To come up for written reply on 15.5.2015 before S.B.



Chairman

15.05.2015

Appellant in person and Addl. A.G for respondents present. Requested for further adjournment. Last opportunity granted for submission of written reply. Adjourned to 1.7.2015 before S.B.



Chairman

Appeal No. 912/2013.
Mr. Pervez Khan.

30.01.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. He further contended that the instant appeal has been referred by the Peshawar High Court, Peshawar vide his order dated 08.05.2013 whereby the same has been treated as Service Appeal and to be decided by this Tribunal in accordance with law. Counsel for the appellant filed amended appeal with spare sets. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 24.04.2014.

Appellant Deposited
Security & Process Fee
Rs. 920/- Bank
Receipt is Attached with File.



Member

30.01.2014

This case be put before the Final Bench I for further proceedings.

Chairman

24.4.2014

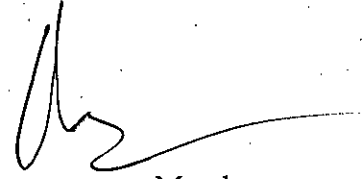
No one is present on behalf of the appellant. M/S Sultan Shah, Assistant for respondent No. 3 and Irshad Muhammad, Supdt for respondent No. 4 with AAG for the respondents present. Written reply has not been received. To come up for written reply/comments on 22.7.2014.

Member

6.

24.12.2013

Counsel for the appellant present and submitted amended appeal with spare sets. To come up for preliminary hearing on 15.01.2014.



Member

7.

15.01.2014


Counsel for the appellant present and requested for return of the amended memo of appeal to substantiate and revised the same. Requested is accepted and amended memo of appeal alongwith spare sets are returned to counsel for the appellant for the needful and returned the same on or before the next date. To come up for preliminary hearing on 30.01.2014.



Member


3.
02.08.2013

No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 17.09.2013.


Member

4.
17.09.2013

No one is present on behalf of the appellant. Notice be issued to the appellant/counsel for the appellant for preliminary hearing on 30.10.2013.


Member

5.
30.10.2013.



Appellant with counsel present. Since the case has been received from the High Court on the ground of lack of jurisdiction, where Writ Petition was lodged, the appellant shall file appeal in proper format for preliminary hearing on 24.12.2013.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 912/2012

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1 | 20/05/2013 | <p>The present appellant initially went in Writ Petition before the Hon'ble High Court and the Hon'ble High Court vide its order dated 08.05.2013 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same 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- | 15-7-2013 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-8-2013</u>,</p> <p style="text-align: right;"> CHAIRMAN</p> |

THE
PESHAWAR HIGH COURT
PESHAWAR



Ph: No. 091-9210149-158
Ext: No. 364

No. 6901 /Judl:
Dated Peshawar the 15/5 2013

From

The Additional Registrar (J),
Peshawar High Court,
Peshawar.

B.W.
20/5/13

To

✓ The Registrar,
KPK Service Tribunal,
Peshawar.

Subject

Writ Petition No. 1019-P/2013.

Parvez Khan, Deputy Public Prosecutor

-----Petitioner

Versus

Government of KPK & others

-----Respondents

Memo:

I am directed to send herewith the titled case alongwith all annexures & copy of order dated 08-05-2013, passed by Division Bench of this Court, for compliance.


ADDITIONAL REGISTRAR (J)

15/5/13



Encl:

As above.

(4/10)

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

| Date of order. | Order or other proceedings with the order of Judge |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.5.2013. | <p><u>W.P. 1019-P of 2013.</u></p> <p>Present: Mr. Muhammad Adam Khan, advocate for petitioner.</p> <p>-----</p> <p><u>WAQAR AHMAD SETH, J.-</u> Petitioner, through instant petition, seeks issuance of an appropriate writ directing the respondents to restore his promotion as Deputy Public Prosecutor with relevant service benefits effective from the year, 2003.</p> <p>2. The plea raised by the petitioner relate to terms and conditions of service for which the Services Tribunal has the exclusive jurisdiction while under article 212 of the Constitution of Islamic Republic of Pakistan, 1973 the jurisdiction of this court is barred to entertain this petition, hence the same is held not maintainable. However, the petition is treated as Service Appeal and send to Services Tribunal for decision as per law/rules/policy of the Government on the subject.</p> <p>Petition disposed of in the above terms.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p> |

h/c
8/5/13

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Date of hearing 30-01-2014

Amended

Service Appeal No. 912/2013

Parvez Khan,

V/S

The Chief Secretary

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| 3 | Memo of Addresses | --- | 07 |
| 4 | Result of Examination | A | 08 |
| 5 | Letter dated 10-06-2011 | B | 09 |
| 6 | Letter dated 14-07-1991 | C | 10 |
| 7 | Letter dated 15-09-2003 | D | 11 |
| 8 | Letter dated 27-09-2004 | E | 12-14 |
| 9 | Notification dated 24-09-2005 | F | 15-18 |
| 10 | Applications dated 07-1-2013 & 22-02-2013 | G & H | 19-22 |
| 11 | Letter dated 15-03-2013 | I | 23 |
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APPELLANT


(PARVĒZ KHAN)

Through;



Muhammad Adam Khan
Advocate Mardan

MUHAMMAD ADAM KHAN
Advocate
Mardan

2

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Amended

Service Appeal No. 912/2013

20/11/2014

Pervez Khan, The Deputy Public Prosecutor, Swabi }(Appellant)
(Resident of Village Kalu Khan District Swabi }

VERSUS

1. The Govt of KPK through The Chief Secretary, Province of KPK, Peshawar.
 2. The Secretary Home and Tribal Affairs, KPK Peshawar.
 3. The Secretary Establishment and Administration Department, KPK, Peshawar
 4. The Secretary, Finance Department, Government of KPK Peshawar
 5. The Director General, Prosecution Department KPK Peshawar
-(Respondents)

SERVICE APPEAL U/S-4 OF SERVICE TRIBUNAL ACT, 1974

FACTS

1. That the Appellant being the Law Graduate, was appointed as Prosecuting Sub -Inspector (BPS-11) in the Police Department on 13-5-1988. His salary was , later on fixed in BPS-14.
2. That appellant passed the upper Course Training with credit in the year 1989. (Copies Annexure "A" & "B")
3. That appellants name was placed in "F" list in 1991.

(Copy of Annexure "C").

4. That the appellant was due for promotion to the post of PDSP (BPS-17) when Prosecution Department was established in the year 2002.
5. That resultantly, the appellant alongwith other employees of the Prosecution Branch was transferred to Law Department and thereafter, to the Home Department in the year 2003 and the Appellant was designated as Deputy Public Prosecutor vide order dated 27-09-2004.

(Copies are Annexure "E").

6. That the post of the Deputy Public Prosecutor was placed in BPS-17.

(Copy of Annexure "F").

(B-16)

7. That the Appellant alongwith his other colleagues, approached The Government of KPK/The Chief Minister for the up-gradation of the post of the Deputy Public Prosecutor to BPS-17, which was accepted vide Notification dated 24-09-2003.
8. That inspite of up-gradation of the post of the Deputy Public Prosecutor to BPS-17, the appellant was deprived there from and he was kept in BPS-16.
9. That the Appellant after passing the Department Examination in 2012 was again ordered to the promotion as a Deputy Public Prosecutor in the year 2012, inspite of the fact that he had already been posted as such in the year 2003.
10. That the appellant represented for the restoration of his designation and salary as The Deputy Public Prosecutor (BPS-17) vide application dated ~~07~~ 07. 01-2013, and on the alternate, for promotion as such.

(Copy Annexure "G").

11. That being at the verge of retirement i.e on 31-03-2013, the Appellant submitted another Application dated 20-02-2013, to respondent No-1, for the aforesaid purpose.

(Annexure "H").

12. That the Secretary/Respondent No.2, rejected both the aforesaid applications on 15-03-2013.
13. That a number of the employees of the Prosecution Department are granted promotion in the higher pay scales at the time of their retirement from service. But, the appellant is discriminated in this respect.

GROUNDS

- A. That the Appellant has completed twenty five (25) years service in Police Department, Law Department and Prosecution Branch of Home and Tribal Affairs, Department, KPK, Peshawar with clean and unblemished records.
- B. That appellant, at the time of institution of the Writ Petition, was at the verge of retirement from service on attaining the age of superannuation on 31-03-2013.
- C. That the District Public Prosecutor namely, Sahib Zada Sakindar, Muhammad Faheem, Attaullah Khan and so many other officers were given promotion to the next higher scale just to avail the pecuniary benefits of

the pension, in the higher scale. (Copy of notification is attached as Annexure "I" to "J").

- D. That Mr. Lateef Khan Assistant Public Prosecutor, who was in BPS-16 was promoted to BPS-17 at the time of his retirement inspite of the facts that he had not fulfilled the mandatory requirements for promotion in next high as scale i.e. the passing of the Department Promotion Examination.

Copy of Notification is Annexure "N".

- E. That similarly Mr. Riaz Ul Hassan Assistant Public Prosecutor, who had recently been upgraded from BPS-14 to BPS-16 was also promoted to BPS-17 at the time of his retirement.

(Copies are Annexure "O" to "P").

- F. That beside the accrued right of restoration of promotion post, i.e DPP the petitioner is entitled to the similar and equal treatment as granted to the other afore-mentioned colleagues and the re-fixation of pension in BPS-17 from the year -2003.

- G. That the Appellant being at the verge of retirement on 31-03-2013 had no other expeditions and adequate remedy. Hence, he approached the High Court of Writ Petition, which was converted into service appeal.

- H. That the appellant seeks leave of this Honourable Tribunal to claim further ground also.

It is prayed that accepting this Appeal, the Appellant may be considered for promotion as Public Prosecutor (B-15) with revision of pension, with back benefits.

- 4 The costs of this Appellant may be awarded in favour of Appellant against the Respondents.

APPELLANT
(PARVĀZ KHAN)

Through;




Muhammad Adam Khan
Advocate Mardan

MUHAMMAD ADAM KHAN
B.A LLB Advocate
High Court Mardan

Amended on 03.12.2013.

BEFORE THE SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.912/2013

Pervez Khan

V/S

The Govt. of KPK etc.

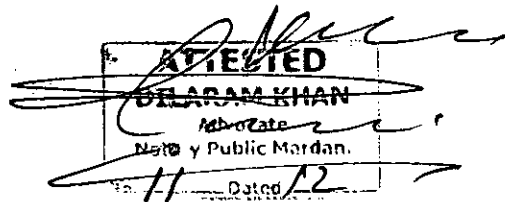
AFFIDAVIT

I, Parvez Khan/ The Appellant resident of Village KaluKhan District Swabi do hereby state on solemn affirmation that the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and that nothing is concealed from this Honorable Tribunal, in this respect.



PERVEZKHAN

(Deponent)



2013

BEFORE THE SERVICE TRIBUNEL, PESHAWAR.

Service Appeal No.912/2013.

Pervez Khan


V/S

The Govt. of KPK etc.

LIST OF BOOKS


1. The Civil Servants Act, 1973.
2. The Service Tribunal Act. 1974.
- 3 The Prosecution Act.
4. Any other law book or judgment deemed relevant.

Appellant


(PARVEZ KHAN)

Through

MuhammadAdam Khan


Advocate, Mardan.

MUHAMMAD ADAM KHAN
B.A.L.L.S Advocate
High Court Mardan

P-7

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.912/2013

Pervez Khan

V/S

The Govt. of KPK etc.

Memo; of addresses:

APPELLANT:

Parvez Khan, The Deputy Public Prosecutor , Swabi
(Resident of Village KaluKhan District Swabi).


RESPONDENTS:

1. The Govt. of KPK through Chief Secretary Province of KPK Peshawar.
2. The secretary , Home and Tribal Affairs, KPK, Peshawar.
3. The Secretary Establishment and Administration Department, KPK, Peshawar.
4. The Secretary , Finance Department , Govt. of KPK, Peshawar.
5. The Director General , Prosecution Department , KPK Peshawar.


APPELLANT

(PARVEZ KHAN)

Through


MuhammadAdamKhan
Advocate Mardan.

MUHAMMAD ADAM KHAN
B.A LLB Advocate
High Court Mardan



9/8

A

Annexure

ATTACHED

ADAM KHAN

POLICE TRAINING SCHOOL SHAHDADPUR

SCHOOL HISTORY SHEET
PROSECUTING OFF-INSPECTORS COURSE.

No. _____ RANK *PSI* NAME *Parvez Khan* SIO *Amir Zada Jaha*
DISTRICT *Sawabi* TRAINING PERIOD *7-1-89 TO 29-6-89*

| A. LAW SUBJECTS | MARKS | |
|-------------------------|-------|----------|
| | Total | Obtained |
| 1. P.P.C | 100 | 87 |
| 2. Cr. P.C. | 100 | 85 |
| 3. Evidence Act. | 50 | 41 |
| 4. L.S.L. with Books | 100 | 84 |
| 5. L.S.L. without Books | 100 | 74 |
| 6. Police Rules | 100 | 77 |
| 7. P.P.W. | 100 | 79 |
| 8. Med-Juris Prudence | 100 | 74 |
| 9. Finger Prints | 100 | 83 |
| 10. Scientific Aids | 50 | 31 |
| 11. Security | - | - |
| 12. Plan Drawing | 50 | 34 |
| 13. Islamiyat | 100 | 79 |
| 14. Memo Writing | 100 | 66 |
| 15. Oral Speech | 100 | 63 |
| 16. | | |
| Total | 1250 | 957 |
| B. DRILLS SUBJECTS | | |
| 1. Drill | 110 | 70 |
| 2. Musketry | 150 | 117 |
| Total | 260 | 187 |
| C. CONDUCT | 100 | 85 |
| GRAND TOTAL A, B & C | 1610 | 1229 |
| OVER ALL PERCENTAGE | | 76.33 |

Leave availed _____
 Overstay Leave _____
 Absent w/o leave _____
 Sick Report _____
 Punishment _____
 Rewards _____

GENERAL OBSERVATIONS.

Hard working and an efficient officer. He took deep interest in his training.

PASSED ~~RECOMMENDED~~ *with credit.*

(Signature)

(NAME AND DESIGNATION)
PRINTED AT

BETTER COPY
(Sind-Police).

of Annakusa - "A"
PP-08

POLICE TRAINING SCHOOL
SHAHDADPUR

ATTESTED
Adam Khan
ADAM KHAN

SCHOOL HISTORY SHEET

PROSECUTING SUB INSPECTORS COURSE

No. _____ RANK PEI _____ NAME PERVEZ KHAN S/O AMIR ZADA KHAN

DISTRICT SAWABI

TRAINING PERIOD: 07.01.1989 TO 29.6.1989

| A. LAW SUBJECTS | MARKS | |
|------------------------|-------|----------|
| | TOTAL | OBTAINED |
| 1. P.P.C. | 100 | 87 |
| 2. Cr.P.C. | 100 | 85 |
| 3. Evidence Act | 50 | 41 |
| 4. L.S.L. with Books | 100 | 84 |
| 5. L.S.L without Books | 100 | 74 |
| 6. Police Rules | 100 | 77 |
| 7. P.P.W. | 100 | 79 |
| 8. Med Juris Prudence | 100 | 74 |
| 9. Finger Prints | 100 | 83 |
| 10. Scientific Aids | 50 | 31 |
| 11. Security | - | - |
| 12. Plan Drawing | 50 | 34 |
| 13. Islamiat | 100 | 79 |
| 14. Memo Writing | 100 | 66 |
| 15. Oral Speech | 100 | 63 |
| 16. - | - | - |
| Total: | 1250 | 957 |
| (B) DRILL SUBJECTS | | |
| 1. Drill | 110 | 70 |
| 2. Musketry | 150 | 117 |
| Total: | 260 | 187 |
| (C) CONDUCT | 100 | 85 M. |
| GRAND TOTAL | | |
| A, B & C | 1610 | 1229 |

Leave availed _____
Overstay Leave _____
Absent w/o leave _____
Sick Report _____
Punishment _____
Rewards _____

GENERAL OBSERVATIONS

Hard working and an efficient Officer. He took desired interest in his training.

Sd/-

(MAZHAR ALI SHAH)
PRINCIPAL

OVER ALL PERCENTAGE 76.33
PASSED/Failed with credit

ORDER OF 3



Government Of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No.SO (Prosecution)/HD/1-10/2010

Dated Peshawar the 10/06/2011.

P/9

B

Annexure

ATTESTED

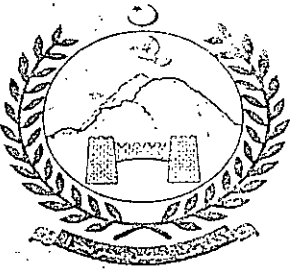
ADAM KHAN

NOTIFICATION.

No.SO(Prosecution)/HD/1-10/2010. The following Assistant Public Prosecutors (BPS-16) are declared passed in the Departmental Examination mandatory under the Khyber Pakhtunkhwa Prosecution Service Rules, 2010, held in the month of May, 2011 :-

| S.# | Name | Roll No. |
|-----|-------------------------|----------|
| 1 | Muhammad Shakeel Ahmad | 040 |
| 2 | Mr.Iltaf Hussain Akhtar | 024 |
| 3 | Muhammad Saleem | 016 |
| 4 | Mr. Abdul Salam | 006 |
| 5 | Mr. Javed Iqbal | 032 |
| 6 | Syed Falak Sair | 050 |
| 7 | Qazi Aftab Ahmad | 013 |
| 8 | Mr.Khalid Khan | 046 |
| 9 | Mr.Altaf Hussain | 023 |
| 10 | Mr. Imran Shah | 015 |
| 11 | Mohammad Shoaib | 033 |
| 12 | Muhammad Afzal Khan | 037 |
| 13 | Muhammad Nadeem | 042 |
| 14 | Mr.Tasawar Hussain | 047 |
| 15 | Sheikh Zahoor Ahmad | 026 |
| 16 | Mr. Rab Nawaz Khan | 002 |
| 17 | Mr. Atta Ullah Khan | 041 |
| 18 | Mr. Atta Ullah | 001 |
| 19 | Mr. Javed Hussain | 014 |
| 20 | Mr. Fazli Hadi | 030 |
| 21 | Mr.Anis Ahmad Jan | 022 |
| 22 | Mohammad Changaiz Khan | 027 |
| 23 | Mohammad Zahoor | 012 |
| 24 | Abdul Hameed | 017 |
| 25 | Mr.Zulfiqar Khan | 018 |
| 26 | Mr.Pervez Elahi | 020 |
| 27 | Mr. Israr Ali | 021 |
| 28 | Syed Murtaza Shah | 025 |
| 29 | Mr.Amanullah Khan | 048 |
| 30 | Mr. Abdul Rashid | 031 |
| 31 | Mr. Muzaffar Ahmad | 049 |
| 32 | Mr.Javed Rehman | 051 |
| 33 | Mr.Kirnatullah Khan | 005 |
| 34 | Mr.Pervaz Khan | 011 |
| 35 | Muhammad Qaisar Khan | 004 |
| 36 | Mr. Sher Zaman | 003 |
| 37 | Mr. Sher Bahadir | 044 |

E



P/9(a) P/23
Government Of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
No.SO (Prosecution)/HD/1-10/2010
Dated Peshawar the 10/06/2011.

| | | |
|----|--------------------|-----|
| 38 | Mr. Ziaullah Wazir | 045 |
| 39 | Muhammad Nasir | 036 |
| 40 | Mr. Ibrahim Khan | 008 |
| 41 | Mr. Abdul Sahkoo | 010 |
| 42 | Mr. Hayatullah | 043 |

However, the following candidates could not get the qualifying standard and have been declared as failed:-

| S.# | Name | Roll No. |
|-----|-------------------------|----------|
| 1 | Mohammad Khalid | 007 |
| 2 | Mr. Saeed Gul | 009 |
| 3 | Mr. Zaheer-ud-Din Soofi | 029 |
| 4 | Mr. Khurshid Anwar | 034 |
| 5 | Mr. Shamsuz Zaman | 035 |
| 6 | Muhammad Saeed | 038 |
| 7 | Mr. Javed Iqbal Anwar | 039 |

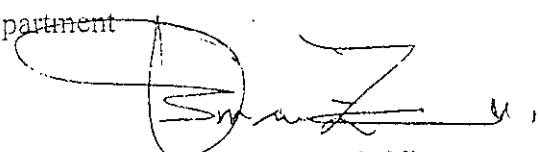
Secretary to Govt of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

Endst: No.SO(Pros:)/HD/1-10/2010.

Dated Peshawar the 10/06/2011

Copy forwarded for information to: -

- 1)-The Director General, Prosecution, Khyber Pakhtunkhwa, Peshawar. w/r to his letter No.DP/E&A/4676, dated 24/05/2011.
- 2)-All District Public Prosecutors in Khyber Pakhtunkhwa.
- 3)-Officers concerned
- 4)-P.S. to Secretary, Home & Tribal Affairs Department


(USMAN ZAMAN),
Section Officer (Prosecution)

30000 x 350 = 105000
10000
10500
1800
84000
105000
105000

15
12
80
11650
12
12600
15
189000

Annexure

ATTESTED

FOR PUBLICATION IN THE NWFP POLICE GAZETTE PART-II
ORDERS BY THE INSPECTOR GENERAL OF POLICE NWFP PESHAWAR.

ADAM KHAN

NOTIFICATION.

DATED PESHAWAR THE 14-7-1991

NO. 12960 /E-II LIST 'F':- Names of the following

Prosecuting Sns Inspectors of NWFP Police are brought on promotion list 'F' w.e. from 9.7.1991:-

1. Ibrahim Khan M/94 of Malakand Range.
2. Mohammad Pervesh M/38 of Malakand Range.
3. Saeed Gul H/84 of Hazara Range.
4. Abdul Shakoor H/3 of Hazara Range.
5. Iftikhar ul Mulk MR/26 of Mardan Range.
6. Rast Baz Khan D/66 of D.I. Khan Range.
7. Intiaz Gul 15/K of Kohat Range.
8. Aziz ur Rehman 28/K of Kohat Range.
9. Hafizullah D/69 of D.I. Khan Range.
10. Abdul Hamid Shah D/49 of D.I. Khan Range.
11. Abdul Sattar D/62 of D.I. Khan Range.
12. Falak Naz K/29 of Kohat Range.
13. Mohammad Zahoor D/21 of D.I. Khan Range.
14. Artab Ahmad H/63 of Hazara Range.
15. Imran Shah M/95 of Malakand Range.
16. Mohammad Saleem M/85 of Malakand Range.
17. Javid Hussain M/86 of Malakand Range.
18. Pervez Khan P/305 of Mardan Range.
19. Zulfiqar Khan of Peshawar Range.
20. Ayaz ul Haq of Peshawar Range.
21. Jamal Khattak of Peshawar Range.
22. Mohammad Arif of Peshawar Range.
23. Latif Khan P/265 of Peshawar Range.
24. Hidayat Shah P/348 of Peshawar Range.
25. Mir Mohammad Shah M/52 of Malakand Range.
26. Mian Mustafa Gul K/25 of Kohat Range.
27. Ghulam Hussain D/54 of D.I. Khan Range.
28. Qadir Bakhsh D/75 of D.I. Khan Range.
29. xxx

OB No 757
16 7 91

SYED MASUD SHAH
INSPECTOR GENERAL OF POLICE NWFP
PESHAWAR.

NO. 12961-99 /E-II dated Peshawar, the 14-7-1991.
Copy of above forwarded for information and
n/action to the:-

1. All Dy: Inspectors General of Police, in NWFP.
2. All Distt: Supdts: of Police, in NWFP.
3. Director ACE NWFP Peshawar.
4. All Asstt: Inspectors General of Police in NWFP.
5. Principal PTS Hangu.
6. Asstt: Secret CPO Peshawar.
7. U.O.P. Files.

(ISRAR MOHAMMAD KHAN)

DIG HQRS:

FOR INSPECTOR GENERAL OF POLICE

14/7/91

15.7.91

GOVERNMENT OF NWFP,
LAW, PARLIAMENTARY AFFAIRS & HUMAN
RIGHTS DEPARTMENT.

DATED PESHAWAR THE 15/7/2003.

ORDER.

NO:DP-01(11)2002/KC:- Consequent upon his arrival of
Mr. Pervez Khan, Prosecution Inspector, is hereby posted
as Deputy Public Prosecutor, Swabi, with immediate
effect.

Annexure **D**

ATTESTED


ADAM KHAN

SECRETARY TO GOVT: OF NWFP,
LAW DEPARTMENT.

ENDST. NO: DP-01(11)2002/KC/3263-71 DATED 15/7/2003.

Copy of the above is forwarded to:-

- 1- The Distt. Accounts Officer, Swabi.
- 2- The Senior Civil Judge, Swabi.
- 3- The Public Prosecutor, Swabi.
- 4- The P.S to Secy: to Govt: of NWFP, Law Deptt.
- 5- The Section Officer (Prosecution) N&TA's Deptt
for information.
- 6- The Officer concerned.
- 7- The P/File of the Officer concerned.
- 8- The Accountant "Lit: Cells" Law Department.


DIRECTOR PROSECUTION
NWFP
LAW DEPARTMENT.



BETTER COPY

of Annexure 3rd
PP-11

GOVERNMENT OF NWFP

LAW PARLIAMENTARY AFFAIRS & HUMAN
RIGHTS DEPARTMENT

Dated Peshawar the /2003

ATTESTED
Adam Khan
ADAM KHAN

ORDER

NC:DP-01(11)2002/KC:- Consequent upon his arrival of
Mr. Pervez Khan Prosecution Inspector, is hereby posted
as Deputy Public Prosecutor, Swabi with immediate effect.

Secretary to Govt. of NWFP
LAW DEPARTMENT

ENDST. NO. DP-01(ii)2002/KC/3963-70 DATED 15/09/2003

COPY OF THE ABOVE IS FORWARDED TO:-

1. The Distt: Accounts Officer, Swabi.
2. The Senior Civil Judge, Swabi.
3. The Public Prosecutor Swabi.
4. The P.S. to Secy. To govt. of NWFP Law Deptt.:
5. The Section Officer (Prosecution) H& TAB Deptt:
for information.
6. The Officer concerned.
7. The P/File of the Officer concerned.
8. The Accountant "Lit:Ce11" Law Department.

Sd/-

DIRECTOR PROSECUTION
NWFP
LAW DEPARTMENT

.....

8/12

E⁹

Annexure

ATTESTED

ADAM KHAN

GOVERNMENT OF N.W.F.P.,
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT, PESHAWAR.

Dated Peshawar the 27/09/2004.

NOTIFICATION.

No.E&A(LD)6-387/2003: - Consequent upon the separation of Prosecution in pursuance of Establishment Department (Regulation Wing) notification No. SO (O&M)E&AD/2-11/2002 dated 17/03/2004, the following: Public Prosecutors, Additional Public Prosecutors, Deputy Public Prosecutors, Assistant Public Prosecutors, and Ministerial Staff from Mufassil Establishment Law Department are hereby relieved and rendered their services to the N.W.F.P, Home Department with immediate effect.

I PUBLIC PROSECUTORS

- | | |
|--------------------------------|---------------------------------|
| 1. Mr. Sher Muhammad Khan | 17. Mr. Muhammad Ilyas Khan |
| 2. Mr. Younus Khan Shinwari | 18. Mr. Muhammad Zaman Khan |
| 3. Mr. Attaullah Khan | 19. Mr. Muhammad Idrees Khan |
| 4. Mr. Abdul Qyoom Khattak | 20. Mr. Muhammad Zubair Anwar |
| 5. Mr. Mushtaq Ahmad | 21. Mr. Bilal Muhayudin |
| 6. Mr. Sikandar Azam Sahibzada | 22. Mr. Fakhru'l Islam |
| 7. Mr. Abdul Mueed Khan | 23. Mr. Muhammad Sultan Mehmood |
| 8. Mr. Muhammad Faheem Jan | 24. Mr. Anjad Ali |
| 9. Mr. Said Bashir Khan | 25. Mr. Sikandar Hayat Khan |
| 10. Mr. Shah Alam Khan | 26. Mr. Muhammad Ibrahim |
| 11. Miss Surriya Jabeen | 27. Mr. Amir Subhan-Khattak |
| 12. Mr. Saif-ur-Rahman Khan | 28. Mr. Muhammad Nawaz Khan |
| 13. Mr. Sanauallah Khan | 29. Mr. Mujarrab Khan |
| 14. Syed Ferooz Shah | 30. Mr. Tariq Bakhsh |
| 15. Mr. Asmat Isa Khan | 31. Mr. Taj Noor Khan |
| 16. Mr. Muhammad Akram Khan | |

II ADDITIONAL PUBLIC PROSECUTORS

- | | |
|-------------------------------|---------------------------|
| 1. Mr. Shah Zada | 9. Mr. Alamzeb |
| 2. Mr. Abdul Wajid Khan | 10. Mr. Liaqat Ali |
| 3. Mr. Gul Waris Khan | 11. Mr. Raza Khan |
| 4. Mr. Sibghatullah | 12. Mr. Muhammad Younas |
| 5. Mr. Farmanullah | 13. Mr. Ghulam Mustafa |
| 6. Mr. Arifullah Shah | 14. Mr. Zafar Abbas Mirza |
| 7. Mr. Muhammad Jahanzeb | 15. Mr. Nisar Alam |
| 8. Mr. Muhammad Zahcer-ud-Din | 16. Mr. Attaur Rahman |

III DEPUTY PUBLIC PROSECUTORS

- | | |
|------------------------|----------------------------|
| 1. Mr. Akbar Khan | 13. Mr. Abdus Salam |
| 2. Mr. Qisar Khan | 14. Mr. Shujat Aji Khan |
| 3. Mr. Attaullah Khan | 15. Mr. Ibrahim Khan |
| 4. Mr. Rabnawaz Khan | 16. Mr. Abdul Hamced Shah |
| 5. Mr. Sher Zaman | 17. Mr. Muhammad Azam Awan |
| 6. Mr. Pervaiz Khan | 18. Mr. Muhammad Khalid |
| 7. Mr. Rast Baz Khan | 19. Qazi Aftab Ahmad |
| 8. Mr. Muhammad Zahoor | 20. Mr. Abdul Shahkoor |
| 9. Mr. Kiramat Ullah | 21. Mr. Javed Hussain |
| 10. Mr. Iqbal Shah | |

2/13

ASSISTANT PUBLIC PROSECUTORS

1. Mr. Muhammad Saeed
2. Mr. Zulfiqar Khan
3. Mr. Pervaiz Ilyasi
4. Mr. Attiq-ur-Rahman
5. Mr. Riaz Hussain
6. Mr. Arbab Bashir
7. Mr. Muhammad Nisar
8. Mr. Jamal Khattak
9. Mr. Fazli Hadi
10. Mr. Muhammad Shuaib Khan
11. Mr. Noor-ul-Wahab
12. Mr. Zia Ullah Wazir
13. Mr. Aman Ullah
14. Mr. Hayat Ullah
15. Mr. Atta Ullah
16. Mr. Sher Bahadur
17. Mr. Tasawar Hussain
18. Mr. Muhammad Shakeel Ahmad
19. Mr. Mustafa Kamal
20. Mr. Iltaf Hussain
21. Mr. Anees Ahmad Jan
22. Mr. Muhammad Ayaz
23. Mr. Umar Farooq
24. Mr. Murtaza Shah
25. Mr. Changiz Khan
26. Mr. Muhammad Arshad Khan
27. Mr. Muhammad Iftikhar
28. Mr. Shams-uz-Zaman
29. Mr. Khurshid Anwar
30. Mr. Muhammad Ajoon
31. Mr. Muhammad Afzal
32. Mr. Muhammad Nadeem
33. Mr. Hazrat Ali Shah
34. Mr. Abdul Hameed
35. Mr. Abdul Rasheed
36. Mr. Muhammad Khalil

V MINISTERIAL STAFF

1. Mr. Munir Alam, Assistant
2. Mr. Said Habib, Assistant
3. Mr. Niamat Ullah, Steno Typist

JUNIOR CLERKS

1. Mr. Muhammad Ghaffar
2. Mr. Dilshad Khan
3. Mr. Maqsood Ali
4. Mr. Sher Ali
5. Mr. Ashraf Din
6. Mr. Muhammad Iqbal
7. Mr. Habibullah Jan
8. Mr. Maqsood Ahmad
9. Mr. Tariq Hussain
10. Mr. Fikmat Khan
11. Mr. Khan Azad
12. Mr. Abdul Sattar Khan
13. Mr. Shah Faisal
14. Mr. Ghulam Habib
15. Mr. Bashir Ahmad
16. Mr. Hidayat Ullah
17. Mr. Muhammad Tariq
18. Mr. Haider Ali
19. Mr. Muhammad Gulzar Ali
20. Syed Nazmat Ali Shah
21. Mr. Muhammad Hamayoon
22. Mr. Qamar Zaman
23. Mr. Shakeel Akhtar
24. Mr. Muslim Khan
25. Mr. Sikandar Hayat
26. Mr. Mubarak Ahmad
27. Mr. Muhammad Iqbal
28. Syed Abu Ubaida
29. Mr. Shahid Gul
30. Mr. Mumraiz Khan
31. Mr. Sahibzada
32. Syed Hakeem Shah
33. Syed Ibrar Shah
34. Mr. Abdul Wahid
35. Mr. Muhammad Arshad
36. Mr. Sakhawat Shah
37. Malik Rahmant Ali
38. Mr. Ajmal Khan
39. Mr. Muhammad Ali
40. Syed Alam Shah
41. Mr. Musawir Jan
42. Mr. Yaqoob Khan
43. Mr. Muhammad Yousaf
44. Mr. Muhammad Arif
45. Mr. Khurshid Anwar
46. Mr. Aurangzeb
47. Mr. Muhammad Rizwan
48. Mr. Muhammad Ali
49. Mr. Fida Muhammad
50. Mr. Hazrat Muhammad
51. Mr. Khirullah Jan
52. Mr. Muhammad Saeed

(53) Mr. Muhammad Arshad Ali

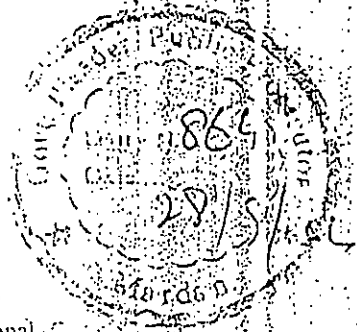
- P/14
- A. E.
1. Mr. Sami Ullah
 2. Mr. Imdad Khan
 3. Mr. Muhammad Amin
 4. Mr. Sabz Ali
 5. Mr. Zaiwar Shah
 6. Mr. Fazli Rabi
 7. Mr. Arshad Muneer
 8. Sufi Abdur Rahim
 9. Mr. Mehraban Shah
 10. Mr. Muhammad Ashraf
 11. Mr. Anwar Khan
 12. Mr. Ikram Ullah
 13. Mr. Sher Rahman
 14. Mr. Asghar Ali
 15. Mr. Muhammad Saleem
 16. Mr. Zahoor Ahmad
 17. Mr. Yasir Khan
 18. Mr. Rambail Khan
 19. Mr. Ikram Ullah Khan
 20. Mr. Younas Khan
 21. Mr. Israil
 22. Mr. Guldad
 23. Mr. Sartaj Khan
 24. Mr. Abdul Salam
 25. Mr. Zarshad
 26. Mr. Abdur Rahim
 27. Mr. Shakir Ullah
 28. Mr. Muhammad Anwar
 29. Mr. Jamshid Khan
 30. Mr. Abdullah Khan
 31. Mr. Yasin Khan
 32. Mr. Juma Khan
 33. Mr. Ain-ul-Haq
 34. Syed Nawab
 35. Mr. Bakhat Pervaish
 36. Mr. Habib Gul
 37. Mr. Imran Khan
 38. Mr. Muhammad Tahir
 39. Mr. Farmanullah
 40. Mr. Khista Rahiman
 41. Mr. Subhan Ullah
 42. Mr. Humayoon
 43. Mr. Asfandyar Gul
 44. Mr. Abdul Majid
 45. Mr. Abul Salam
 46. Mr. Muhammad Yahya
 47. Mr. Jamshid Ahmad
 48. Mr. Pir Said
 49. Mr. Ikram Ullah
 50. Mr. Ismail
 51. Mr. Haider Ali
 52. Mr. Nasir Ali
 53. Mr. Sair Zahab
 54. Mr. Wali-ur-Rahman
 55. Mr. Syed Pir Hussain Shah
 56. Mr. Muhammad Ishfaq
 57. Mr. Muhammad Hassan
 58. Mr. Riasat Wali
 59. Mr. Ghulam Farid
 60. Mr. Pervaiz Khan
 61. Mr. Fazli Haq
 62. Mr. Nazim Ali
 63. Mr. Irshad Khan
 64. Mr. Shaheed Ullah
 65. Mr. Imran Ayaz
 66. Mr. Hukam Zad Khan
 67. Mr. Habib-ur-Rahman
 68. Mr. Rahmat Fayyaz
 69. Mr. Asmat Ullah
 70. Mr. Adam Khan
 71. Mr. Sher Zaman
 72. Mr. Muhammad Rustum
 73. Mr. Taleem Khan
 74. Mr. Rahim Badshah
 75. Mr. Norooz Khan

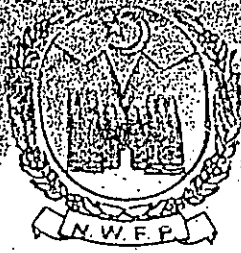
(AMIR GULAB KHAN)
SECRETARY TO GOVERNMENT OF NWFP,
LAW, PARLIAMENTARY AFFAIRS AND HUMAN
RIGHTS DEPARTMENT, PESHAWAR.

Endst.No.E&A(LD)6-387/2003/4113-4433 _____ DATED 27/09/2004.

Copy of the above is forwarded to:-

1. All the Administrative Secretaries, N-W.F.P.
2. The Secretary to Governor, N-W.F.P.
3. The Secretary to Chief Minister, N-W.F.P.
4. The Private Secretary to Provincial Minister for Law and Parliamentary Affairs, N-W.F.P.
5. The Private Secretary to Chief Secretary, N-W.F.P.
6. All the District Coordination Officers/Political Agents, N-W.F.P.
7. The Secretary Public Service Commission, N-W.F.P.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Registrar, Service Tribunal, N-W.F.P., Peshawar.
10. The Advocate General, N-W.F.P., Peshawar.
11. The Accountant General, N-W.F.P., Peshawar.
12. The Director of Prosecutions, N-W.F.P., Home Department.
13. All the District Accounts Officers, N-W.F.P.
14. The Director Information, N-W.F.P., Peshawar.
15. The Controller Government Printing Press Peshawar.
16. All the Public Prosecutors, Additional Public Prosecutors and Additional Government Pleaders, N-W.F.P.
17. The Officers/Officials concerned.
18. Accountant "Mufassil Establishment" N-W.F.P., Law Department.
19. Computer Operator, Law Department.





8/15

REGISTERED NO. PIII

GAZETTE

F

North-West Frontier Province

Annexure

Published by Authority

PESHAWAR, WEDNESDAY, 12TH OCTOBER, 2005.

ATTESTED

ADAM KHAN

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE,
HOME AND TRIBAL AFFAIRS DEPARTMENT.

NOTIFICATION

Dated 24th September, 2005.

No.SO(Prosecution) HD1-5/2005. In pursuance of the provision contained in Sub-rule (2) of Rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous Notification in this behalf the Home and Tribal Affairs Department, in consultation with the Establishment, Administration and Finance Departments, hereby lay down the method of recruitment, qualifications and promotion. Notification shall be applicable to the posts borne on the strength of Directorate of Prosecution.

Sd/-xxx

SECRETARY TO GOVERNMENT OF NWFP,
HOME AND TRIBAL AFFAIRS DEPARTMENT.

D

X

NWFP PROSECUTION SERVICE RULES

In exercise of powers conferred under Sub Rule 2 of Rule 3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Home Department in consultation with Finance and Establishment Department is pleased to frame the Service Rules for the Prosecution Institution.

1. **Short title, extent and commencement:-**

These rules may be called as the North-West Frontier Province Prosecution Service Rules, 2005.

2. These shall extend to the whole of the NWFP.

3. These shall come into force as and when notified in the official gazette.

4. **Definitions:-**

(a) 'Director General Prosecution' means the Chief Prosecutor of the Province responsible for the management of Prosecution and control over Prosecutors, appointed under sub section (3) of section 3 of this Act.

(b) 'District Head of Prosecution' means the District Public Prosecutor or, where no District Public Prosecutor is appointed in a District, the Public Prosecutor of the District concerned:

(c) 'Public Prosecutor' means a person appointed under Section 492 of Cr.P.C. and includes District Public Prosecutor, Deputy Public Prosecutor and Assistant Public Prosecutor as well as Special Public Prosecutor; and

5. The Prosecution Service shall be headed by a Director General Prosecution who shall be an Officer in BPS-19. He shall head the administration of Prosecution Service as an attached Department of Home & Tribal Affairs Department.

6. The Director General Prosecution shall be assisted by the following officers.

(i) Director (Legal) in BPS-18.

(ii) Director (Admn) in BPS-18.

(iii) Assistant Director Administration-cum-Finance, in BPS-17.

7. The Prosecution Service at the district level shall be headed by an officer in BPS-18 to be designated as District Public Prosecutor.

8. The District Public Prosecutor shall also be responsible for the administration of prosecution service in the district.

9. The District Public Prosecutor shall be assisted by such number of Public Prosecutor in BPS-18, Deputy Public Prosecutor in BPS-17 and Assistant Public Prosecutors in BPS-16 as the Government may, from time to time, determine keeping in view the number of courts in the province, provided that Assistant Public Prosecutor shall prosecute cases only in the courts of Magistrates.

10. **Entry into Service:-**

(a) Entry in to Prosecution Service shall be at the level of Assistant Public Prosecutor (BPS-16) through the NWFP Public Service Commission.

(b) The probation period of appointees shall be two years. Probationers shall receive basic training for a period of six months, which shall include three months in the Social Service Academy/Federal Judicial Academy, Islamabad and

| | Nomenclature | Scale | Minimum Qualification | Method of appointment | Age Limit |
|----|-------------------------------------|-------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | Director General Prosecution. | 19 | - | i) By promotion from amongst the Public Prosecutors. OR ii) By transfer from amongst the Officers of PCS/DMGs. | - |
| 2. | Director Administration | 18 | - | i) By transfer from amongst the Public Prosecutors. OR ii) By transfer from amongst the Officers of PCS/ DMGs. | - |
| 3. | Director Legal | 18 | - | By transfer from amongst the Public Prosecutors. | - |
| 4. | Public Prosecutor | 18 | - | By promotion from amongst the Deputy Public Prosecutors. | - |
| 5. | Deputy Public Prosecutor | 17 | Law Graduate at least 2 nd division from recognized University. | i) 50% by promotion from amongst the Assistant Public Prosecutors. ii) 50% by initial recruitment through Public Service Commission. | - |
| 6. | Assistant Director Admn-cum-Finance | 17 | - | By transfer from amongst the Deputy Public Prosecutors. | - |
| 7. | Assistant Public Prosecutor. | 16 | Law Graduate at least 2 nd division from recognized University | Initial recruitment through Public Service Commission. | 23-32 years |

11. Eligibility Requirements:

- i) A person shall be eligible to be appointed as Assistant Public Prosecutor who possesses a Law Degree from a recognized university.
- ii) The age limit for a person to be appointed as Assistant Public Prosecutor shall be from 23 to 32 years.

12. Promotion.

Subject to the availability of posts:

- i) Promotion of BPS 19 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-18, subject to completion of at least 12 years service in BPS 17 & 18.
- ii) Promotion to BPS 18 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-17, subject to completion of at least 05 years service in BPS 17.
- iii) Promotion to BPS 17 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-16, subject to completion of at least 05 years service in BPS 16 and qualifying of the departmental promotion exam.

13. Method of appointment and promotion of ministerial staff.

| S. No. | Nomenclature | Scale of post | Minimum Qualification | Method of recruitment | Age Limit |
|--------|---------------------------------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------|
| | Librarian | 16 | B.A. with Diploma in Library Science. | By initial recruitment through PSC. | 23-32 years |
| | Officer Superintendent-cum-Accountant | | | By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 10 years service as such. | |

P/18

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200

411 NWFP GOVERNMENT GAZETTE, EXTRAORDINARY, 12TH OCTOBER 200

| S. No. | Nomenclature | Scale of post | Minimum Qualification | Method of recruitment | Age limit |
|--------|----------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 3. | Statistical/Data Processing Supervisor | 12 | i. Bachelor's Degree (2 nd Class) with Physics, Statistics or Economics as one of the subjects from a recognized University; and ii. Three years experience in the field of data processing and supervisory experience and data control and punch verifier operation. | By initial recruitment through Public Service Commission. | 21-30 years |
| 4. | Junior Scale Stenographer. | 12 | i. Intermediate or equivalent qualification from a recognized board; and ii. A speed of 60 words per minutes in shorthand in English and 35 words per minutes in typewriting & knowledge of Computer in using of MS word & MS Excel. | By initial recruitment through Public Service Commission. | 18-30 years |
| 5. | Assistant | 11 | Bachelor's degrees from a recognized University. | a. 75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years service. b. 25% by initial recruitment through PSC. | 18-30 years. |
| 6. | Data-Key Punch Operator | 10 | i. Secondary School certificate in 2 nd Division from a recognized board; and ii. Speed of 10000 key depressions by hours for punching/data entry/verification. | By initial recruitment through Departmental Selection Committee. | 18-30 years |
| 7. | Senior Clerk | 7 | By promotion. | By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least five years service. | |
| 8. | Junior Clerk | 5 | i. Matriculation or equivalent qualification from a recognized board; and ii. A speed of 30 words per minutes in typewriting. | a) 33% by promotion amongst on the basis of seniority-cum-fitness from amongst Naib Qasids or other equivalent posts in | |

8/1A

Annexure

9
6

ATTESTED

ADAM KHAN

To

The Chief Minister,
Khyber Pakhtunkhwa Peshawar.

Through: PROPER CHANNEL

Subject: REQUEST FOR PROMOTION TO THE POST OF PUBLIC
PROSECUTOR BPS-18 WITH RELEVANT SERVICE
BENEFIT AND SENIORITY.

Respected Sir,

The applicant submit as under:

1. That being Law Graduate, I was appointed as prosecuting sub-inspector BPS-14 in Police Department in the month of March, 1988.
2. That after qualifying the requisite courses of the police department and having passed the upper course examination with credit, I was promoted to the post of prosecuting inspector BPS-16 in the year 1996.
3. That I was due for promotion to the post of PDSP BPS-17, when the new Prosecution Department was established in the year 2002 and I was transferred from Police Department to Law Department and then to Home Department with designation of Deputy Public Prosecutor in the year 2003.

(Copy attached as annexure "A" and "B")

F

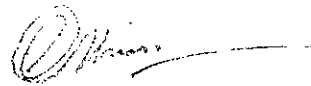
- P/20
4. That I was awarded Four ACR'S (A-1) during the year 2003 to 2007 as Deputy Public Prosecutor and I was fit for promotion to the post of Public Prosecutor BPS-18 in the year 2007.
 5. That under the new prosecution Act the post of Deputy Public Prosecutor was placed in BPS-17 but in violation of the above prosecution act I was deprived from the said benefit.
 6. That instead of promotion as Public Prosecutor, I was demoted and my name was placed with Assistant Public Prosecutor in the seniority list of 2007. (Copy attached as annexure "C").
 7. That I along with my other colleagues approached your goodself for the up gradation of the post of Deputy Public Prosecutor to BPS-17 and your goodself was pleased to upgrade the said post. (Copy attached as annexure "D" and "E").
 8. That despite the fact that BPS 17 has been allotted to the post of Deputy Public Prosecutor in the Prosecution Act 2005 and your goodself has also upgraded the said post to BPS 17 but I was kept in BPS 16 and have promoted to the same post i.e. Deputy Public Prosecutor in the year 2012, which was given to me in the year 2003.
 9. That my demotion from deputy Public Prosecutor to Assistant Public Prosecutor was illegal against the nature, humanity and is against the Law and service structure.

H.S.
9/21

10. That I was entitled to the promotion as public prosecutor in the year 2007.
11. That my entire record while servicing the Prosecution Department is clean and unblemished.
12. That I am at the verge of retirement from service on attaining the age of Superannuation on 31/03/2013.
13. That I am the senior most public prosecutor amongst the rest of the public prosecutors serving in the District as District Public Prosecutor.

It is humbly prayed that in the light of afore-mentioned circumstances I may kindly be promoted to the post of Public Prosecutor with back service benefits since 2007 and my name may kindly be placed at proper place in the seniority list and obliged.

Dated: - 7 / 1 / 2013



(PARVEZ KHAN)

Deputy Public Prosecutor
Swabi

P/22

The Chief Secretary,
Khyber Pakhtunkhwa Peshawar.

Annexure H

ATTESTED

ADAM KHAN

Subject: PROMOTION TO THE POST OF PUBLIC PROSECUTOR BPS-18.

Respected Sir,

The applicant submit as under

1. That I have completed my twenty five (25) years service as prosecutor in Police, Law & Prosecution branch of Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar with clean & unblemished record.
2. That I am at the verge of retirement from service on attaining the age of supranation on 31-03-2013.
3. That the District Public Prosecutors namely Sahib Zada, Sakindar, Muhammad Faheem Atta Ullah Khan and so many other officers were given promotion to the next higher scale as they were on the verge of retirement. By the time there was no post of BPS-19 however these officers were promoted to next higher scale just to avail the pecuniary benefit of the pension and gratuity. (Copy of Notification is attached as A, B & C).
4. That Mr. Lateef Khan Assistant Public Prosecutor, who was in BPS-16 & promoted to BPS-17 at the time of his retirement inspite of the facts that he had not fulfilled the mandatory requirement for promotion in next high scale i.e the passing of the Departmental Promotion Examination. (Copy of Notification is attached as D).
5. That similarly Mr. Riaz Ul Hassan Assistant Public Prosecutor who has recently been upgraded from BPS-14 to BPS-16 was also promoted to BPS-17 at the time of his retirement. (Copy of Notification is attached as E). and seniority list is attached as annex (F)
6. That there are strong precedents in this context, where in the prosecutors have been promoted to the next higher scale at verge of their retirement.

Keeping in view the above mentioned facts. It is therefore requested that the applicant is also going to be retired on dated 31-03-2013, so the case of applicant may kindly be treated as par with the above prosecutors.

It is further requested that the case may kindly be finalized prior to the 31-03-2013 that is the day of retirement.

(Signature)
20.2.2012 (Parvez Khan)
DPP

8/23

Annexure



Government Of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
No. SO (Pros)/HD/1-10/2012
Dated Peshawar the 15/03/2013

ATTESTED
ADAM KHAN

To


The Director General (Prosecution)
Khyber Pakhtunkhwa Peshawar.

Subject: - PROMOTION TO THE POST OF PUBLIC PROSECUTOR
(ES-1S).

Dear Sir,

Kindly refer to your letter DP/E&A 1 (100)2012/2244 dated
28/02/2013 and DP/E&A 1 (100)2012/1539 dated 08/02/2013 on the
subject noted above and to state that the case has already been filed as
recommended by the Directorate of Prosecution.


Yours faithfully,


(Khalid Akbar) 15/3/13
Section Officer (Prosecution)
Ph: # 091-9210541
Fax: # 091-9210201

Endst:of even No.& Date.

Copy forwarded to the:

1. PS to Secretary, Home & Tribal Affairs Department Peshawar.


Section Officer (Prosecution)

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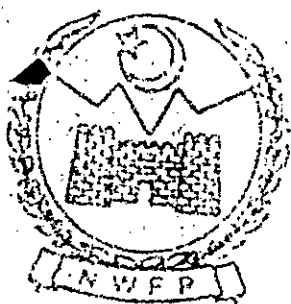
P/24

Annexure

GOVERNMENT OF N.W.F.P.
HOME & T.A.S. DEPARTMENT.

No. _____

Dated Peshawar, the _____ 200



ATTESTE
ADAM KHAN

NOTIFICATION.

No. SO(Prosecution)/HD/1-10/2008/Vol-IV. The Competent Authority, in consultation with the Provincial Selection Board, is pleased to order the promotion of Mr Sikandar Azam Sahibzada, Public Prosecutor (BPS-18) to (BPS-19) on regular basis with effect from 11/11/2008.

Secretary to Government of NWFP
Home & Tribal Affairs Department.

Encls: No. SO(Prosecution)/HD/1-10/08, Vol-IV.

Dated 19/11/2008.

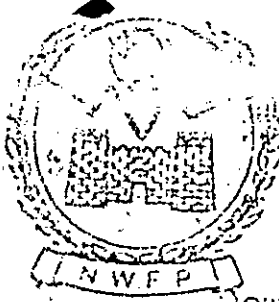
Copy forwarded to: -

- 1)-The Secretary to Chief Minister NWFP, Peshawar.
- 2)-The Accountant General, NWFP, Peshawar.
- 3)-The Director General, Prosecution, NWFP, Peshawar.
- 4)-District Public Prosecutor, Peshawar.
- 5)-P.S. to Chief Secretary N.W.F.P.
- 6)-P.S. to Secretary Establishment Department.
- 7)-P.S. to Secretary Home & Tribal Affairs Department.

(Signature)
(M. Muhammad Qasim)
Section Officer (Prosecution)

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P/25

Annexure K

GOVERNMENT OF N.W.F.P. ATTESTED
HOME & TRIBAL AFFAIRS DEPARTMENT

No. _____
ADAM KHAN

Dated Peshawar, the _____ 2009

NOTIFICATION

No. SO(Prosecution)/HD/1-10/2008/Vol-V The Competent Authority, in consultation with the Provincial Selection Board, is pleased to order the promotion of the following Officers from (BPS-18) to (BPS-19) on regular basis with effect from 12/02/2009:-

- i)-Mr. Attaullah Khan, District Public Prosecutor, Bannu.
- ii)-Mr. Muhammad Faheem Jan, Director (Administration), Directorate of Prosecution NWFP, Peshawar.

Secretary to Government of NWFP,
Home & Tribal Affairs Department.

Prd: No. SO(Prosecution)/HD/1-10/08/Vol-V.

Dated 05/05/2009

Copy forwarded to:-

- 1)-The Secretary to Chief Minister NWFP, Peshawar.
- 2)-The Accountant General, NWFP, Peshawar.
- 3)-The Director General, Prosecution, NWFP, Peshawar.
- 4)-The District Public Prosecutor, Bannu.
- 5)-The District Accounts Officer, Bannu.
- 6)-P.S. to Chief Secretary N.W.F.P.
- 7)-P.S. to Secretary Establishment Department.
- 8)-P.S. to Secretary Home & Tribal Affairs Department.
- 9)-Officers concerned.

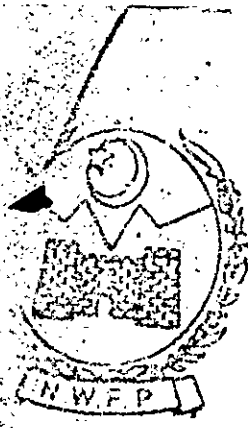
Signature "B"

Section Officer (Prosecution)

Sens

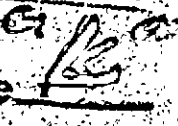
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Dist. P.P. Bannu
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8/26

GOVERNMENT OF N.-W.F.P.
HOME & T.A.S. DEPARTMENT.

Signature 

ATTACHED
ADAM KHAN

No. _____
Dated Peshawar, the _____ 200

NOTIFICATION.

No.SO(Prosecution)/HD/1-10/2008/Vol-IV. The Competent Authority, in consultation with Departmental Promotion Committee, is pleased to order the promotion of Mr.Latif Khan, Assistant Public Prosecutor (BPS-16) of Directorate of Prosecution NWFP to the post of Deputy Public Prosecutor (BPS-17) on regular basis with effect from 13/11/2008.

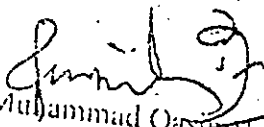
Secretary to Government of NWFP,
Home & Tribal Affairs Department.

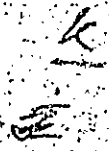
Enclst: No.SO(Prosecution)/HD/1-10/08/A of-IV.

Dated 29/11/2008.

Copy forwarded to: -

- 1)-The Accountant General, NWFP, Peshawar.
- 2)-The Director General, Prosecution, NWFP, Peshawar.
- 3)-The District Public Prosecutor, Peshawar.
- 4)-P.S. to Chief Secretary N.W.F.P.
- 5)-P.S. to Secretary Establishment Department.
- 6)-P.S. to Secretary Home & Tribal Affairs Department.
- 7)-Officer concerned.


(Muhammad Qasim),
Section Officer (Prosecution)



8/27

Annexure M

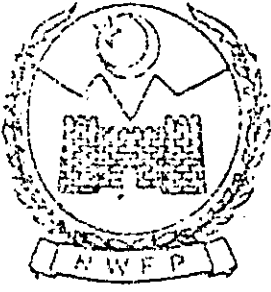
GOVERNMENT OF N.-W.F.P.
HOME & T.As. DEPARTMENT

ATTESTED

No. _____

ADAM KHAN

Dated Peshawar, the _____ 2009



NOTIFICATION.

No.SO(Prosecution)/HD/1-10/2008/Vol-V. In partial modification of this Department's Notification No. SO (Prosecution)/HD/1-10/2008/Vol-V, dated 05/03/2009, promotion of the following Officers will be with immediate effect from 05/03/2009 instead of 12/02/2009: -

- i)-Mr. Attaullah Khan, District Public Prosecutor, Bannu, presently Director General, Prosecution NWFP, Peshawar.
- ii)-Mr. Muhammad Faheem Jan, Director(Administration), Directorate of Prosecution NWFP, Peshawar.

Secretary to Government of NWFP,
Home & Tribal Affairs Department.

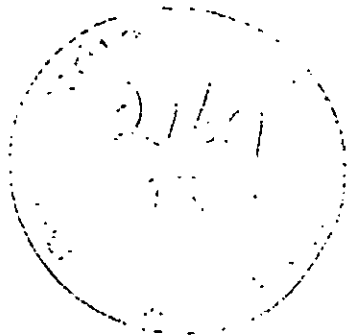
Endst:No.SO(Prosecution)/HD/1-10/08./Vol-V.

Dated 09/05/2009.

Copy forwarded to: -

- 1)-The Secretary to Chief Minister NWFP, Peshawar.
- 2)-The Accountant General, NWFP, Peshawar.
- 3)-The Director General, Prosecution, NWFP, Peshawar.
- 4)-The District Public Prosecutor, Bannu.
- 5)-The District Accounts Officer, Bannu.
- 6)-P.S. to Chief Secretary N.W.F.P.
- 7)-P.S. to Secretary Establishment Department.
- 8)-P.S. to Secretary Home & Tribal Affairs Department.
- 9)-Officers concerned.

Section Officer (Prosecution)



D.A./A.D.
Arif

P/28

GOVERNMENT OF N.W.F.P.
HOME & T.A.S. DEPARTMENT

Date of Peshawar, the _____ 2008

Annexure _____

NOTIFICATION.

ATTESTED

No. SO(Prosecution)/IID/1-8/2005. In terms of provisions of Rule-20 of the NWFP Civil Servants Revised Leave Rules, 1981 and Instructions there under issued from time to time, sanction is hereby accorded to the encashment of Leave Preparatory to Retirement, equal to 180 days in favour of Mr. Latif Khan, Deputy Public Prosecutor (BPS-17), Peshawar subject to availability of leave at his credit and clearance of financial liability.

ADAM KHAN

2. In terms of Section-13 of the NWFP Civil Servants Act, 1973 he stands retired from service on 14/11/2008 (Afternoon), with retrospective effect, on attaining the age of superannuation.

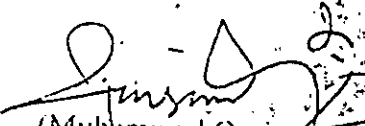
SECRETARY TO GOVERNMENT OF NWFP
HOME & TRIBAL AFFAIRS DEPARTMENT

Ends: No. SO(Pros)/IID/1-8/2005.

Dated 23/12/2008.

Copy forwarded to: -

- 1)-The Accountant General, NWFP, Peshawar.
- 2)-The Director General, Prosecution, NWFP, Peshawar. w/r to his letter No. DP/E&A/1(51)/06/6406, dated 13/12/2008.
- 3)-The District Public Prosecutors, Peshawar.
- 4)-Officer concerned.


(Muhammad Qasim)
Section Officer (Prosecution)

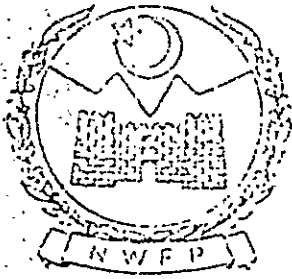
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Annexure 0

GOVERNMENT OF N.W.F.P.
HOME & T.A.S. DEPARTMENT

No. _____

Dated Peshawar, the _____ 2009



P/29

ATTESTED
ADAM KHAN

NOTIFICATION.

No. SO(Prosecution) HD/1-10/2008: Vol-IV. The Competent Authority in consultation with Departmental Promotion Committee, is pleased to order the promotion of Mr. Riaz-ul-Hassan, Assistant Public Prosecutor (BPS-16) of Directorate of Prosecution NWFP to the post of Deputy Public Prosecutor (BPS-17) on regular basis with effect from 29/01/2009.

Secretary to Government of NWFP
Home & Tribal Affairs Department

Encl: No SO(Prosecution) HD/1-10/08, Vol IV.

Dated 11/02/2009

Copy forwarded to:-

- 1)-The Director General, Prosecution, NWFP, Peshawar.
- 2)-The District Public Prosecutor, Charsadda.
- 3)-The District Accounts Officer, Charsadda.
- 4)-P.S. to Chief Secretary N.W.F.P.
- 5)-P.S. to Secretary Establishment Department.
- 6)-P.S. to Secretary Home & Tribal Affairs Department.
- 7)-Officer concerned.

Section Officer, Prosecution

Son

[Signature]

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S_o (P.P.S.)

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12/01/09

[Signature]

Better Copy of Annex "Q"
-29

GOVERNMENT OF N.W.F.P.

HOME & T. As. DEPARTMENT

ATTESTED

Adam Khan
ADAM KHAN

No. _____

Dated Peshawar the _____ 200

NOTIFICATION

No. SO(Prosecution)(HD)1-10(2008/Vol-IV. The competent Authority in consultation with Department/Promotion Committee is pleased to order the Promotion of Mr. Riazul Hassan, Assistant Public Prosecutor(BPS-16) of Directorate of Prosecution NWFP to the post of Deputy Public Prosecutor (BPS-17) on regular basis with effect from 29.01.2009.

Secretary to Government of NWFP
Home and Tribal Affairs Deptt:

Endst. No. SO(Prosecution)(HD)/1-10/08/Vol.IV dt: 11.02.2009

Copy forwarded to :

1. The Director General Prosecution NWFP Peshawar.
2. The District Public Prosecutor Charsadda
3. The District Accounts Officer Charsadda.
4. The P.S. to Chief Secretary NWFP
5. P.S. to Secretary Establishment Department
6. P.S. to Secretary Home and Tribal Affairs Department
7. Officer concerned.

sd/-

Section Officer (Prosecution)

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P/30

Annexure ^{4 5} P

DIRECTORATE OF PROSECUTION
NWFP

ATTESTED
ADAM KHAN

NOTIFICATION : No. DPE&A-1(49)05 dated 10th March 2007. /976 - 1001

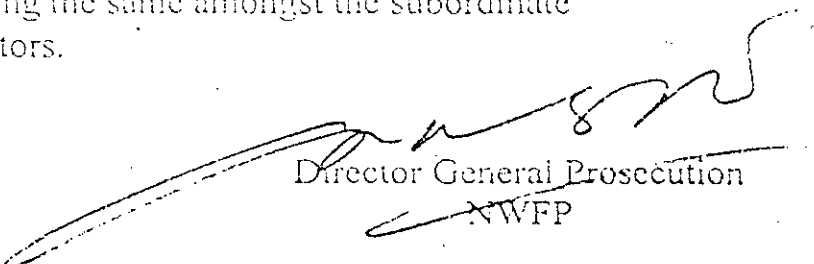
The joint seniority of the Public Prosecutors as it stood on 31/12/2006 received from the Police and Law departments is hereby notified as per the attached list.


Director General Prosecution
NWFP

Endst: NO dated & even.

Copies forwarded to:

1. The Section officer (Prosecution) Home & Tribal Affairs Department.
2. All the District Public Prosecutors in NWFP for circulating the same amongst the subordinate Prosecutors.


Director General Prosecution
NWFP

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P/31

FINAL SENIORITY LIST OF PUBLIC PROSECUTORS (BPS-18) DEPUTY PUBLIC PROSECUTORS (BPS-17) AND ASSISTANT PUBLIC PROSECUTORS (BPS-16) AND (BPS-14) AS ON 07/03/2007.

| S.NO. | Name of officer. | Educational qualification. | Date of Birth. | District of domicile. | Date of first entry into service on regular basis with basic pay scale. | First regular appointment to the service/cadre. |
|-------|-----------------------------|----------------------------|----------------|-----------------------|-------------------------------------------------------------------------|-------------------------------------------------|
| 1. | Mr. Sher Muhammad Khan | B.A.L.L.B | 15/02/1949 | Swat | 21/01/1980 | BPS-18 |
| 2. | Mr. Younis Khan Shiwari | B.Sc.L.L.B | 08/08/1948 | Kohat | 14/11/1979 | BPS-18 |
| 3. | Mr. Attaullah Khan | B.Sc.L.L.B | 31/11/1949 | Bannu | 17/11/1979 | BPS-18 |
| 4. | Mr. Sikandar Azam Sahibzada | B.A.L.L.B | 19/11/1948 | Peshawar | 20/05/1980 | BPS-18 |
| 5. | Mr. Muhammad Fahim Jan | B.A.L.L.B | 10/09/1949 | Peshawar | 05/07/1980 | BPS-18 |
| 6. | Mr. Said Bashir Khan | B.Sc.L.L.B | 12/06/1948 | Mardan | 03/01/1981 | BPS-18 |
| 7. | Mr. Shah Alam Khan | B.A.L.L.B | 31/08/1947 | Mansehra | 10/01/1981 | BPS-18 |
| 8. | Miss Suriyya Jabeen | B.A.L.L.B | 11/06/1948 | Peshawar | 11/12/1982 | BPS-18 |
| 9. | Mr. Saif ur Rehman | B.A.L.L.B | 08/10/1948 | Kohat | 19/12/1982 | BPS-18 |
| 10. | Mr. Sana Ullah Khan | B.A.L.L.B | 01/11/1951 | Tank | 03/01/1977 | BPS-18 |
| 11. | Mr. Syed Faqoz Shah | B.A.L.L.B | 19/05/1952 | Charsadda | 31/10/1985 | BPS-18 |
| 12. | Mr. Asmat Isa Khan | B.A.L.L.B | 27/02/1952 | Chitral | 03/03/1978 | BPS-18 |
| 13. | Mr. Muhammad Akram | B.A.L.L.B | 05/01/1953 | Peshawar | 13/04/1989 | BPS-18 |
| 14. | Mr. Muhammad Ilyas | B.Sc.L.L.B | 20/04/1956 | Charsadda | 15/12/1980 | BPS-18 |
| 15. | Mr. Muhammad Zaman Khan | M.A.L.L.B | 25/10/1954 | Dir | 12/07/1980 | BPS-18 |
| 16. | Mr. Muhammad Idris | B.A.L.L.B | 10/03/1959 | Swabi | 04/10/1995 | BPS-18 |
| 17. | Mr. Muhammad Zubair Anwar | B.A.L.L.M | 02/04/1960 | Kohat | 04/10/1995 | BPS-18 |
| 18. | Mr. Bilal Mohyudin | B.Sc.L.L.B | 15/12/1963 | Peshawar | 04/10/1995 | BPS-18 |

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| | | | | | | |
|-----|-----------------------------|------------|------------|-------------|------------|--------|
| 19. | Mr. Fakhru Islam | B.A.L.L.B | 15/06/1960 | Abbottabad | 04/10/1995 | BPS-18 |
| 20. | Mr. Muhammad Sultan Mehmood | B.A.L.L.B | 06/01/1966 | D.I. Khan | 17/10/1995 | BPS-18 |
| 21. | Mr. Amjid Ali Shah | B.A.L.L.B | 16/06/1963 | Mardan | 04/10/1995 | BPS-18 |
| 22. | Mr. Sikandar Hayat | B.Sc.L.L.B | 10/09/1960 | Charsadda | 04/10/1995 | BPS-18 |
| 23. | Mr. Muhammad Ibrahim | B.A.L.L.B | 15/02/1963 | Malakand | 04/10/1995 | BPS-18 |
| 24. | Mr. Amir Subhan Khattak | B.A.L.L.B | 20/12/1959 | Mowshera | 04/10/1995 | BPS-18 |
| 25. | Mr. Muhammad Nawaz | B.A.L.L.B | 15/01/1956 | Dir (Lower) | 04/10/1995 | BPS-18 |
| 26. | Mujarrab Khan | B.A.L.L.B | 22/03/1960 | Rawangla | 25/11/1998 | BPS-18 |
| 27. | Mr. Tariq Bakhsh | B.A.L.L.B | 24/05/1965 | Kohat | 4/11/1998 | BPS-18 |
| 28. | Mr. Taj Noor | B.A.L.L.B | 05/03/1959 | Malakand | 28/11/1998 | BPS-18 |
| 29. | Mr. Muhammad Jalal ud Din | B.A.L.L.B | 24/08/1948 | Peshawar | 12/12/1992 | BPS-17 |
| 30. | Mr. Nasrullah Khan | B.A.L.L.B | 10/04/1953 | Peshawar | 5/11/1998 | BPS-17 |
| 31. | Mr. Shahzada | B.A.L.L.B | 04/10/1964 | Lejore | 05/11/1998 | BPS-17 |
| 32. | Mr. Hafiz Muhammad Hroon | M.A.L.L.B | 01/04/1965 | Manshehra | 05/11/1998 | BPS-17 |
| 33. | Mr. Nusratullah Jan | B.A.L.L.B | 10/10/1965 | Peshawar | 05/11/1998 | BPS-17 |
| 34. | Mr. Muhammad Arif | B.A.L.L.B | 31/03/1966 | Charsadda | 05/11/1998 | BPS-17 |
| 35. | Mr. Saleem Muhammad | B.A.L.L.B | 04/04/1964 | Malakand | 05/11/1998 | BPS-17 |
| 36. | Mr. Abdul Wajid | B.A.L.L.B | 10/10/1966 | D.I.Khan | 05/11/1998 | BPS-17 |
| 37. | Mr. Imtiaz-ud- Din Mansoor | B.A.L.L.B | 12/10/1963 | D.I.Khan | 11/01/2001 | BPS-17 |
| 38. | Mr. Gul Waris Khan | B.A.L.L.B | 10/07/1968 | F.R. Bannu | 09/01/2001 | BPS-17 |
| 39. | Mr. Zulfiqar Ali Khan | B.A.L.L.B | 03/03/1968 | Swabi | 19/04/2002 | BPS-17 |
| 40. | Mr. Sibghatullah | B.A.L.L.B | 01/01/1957 | Swabi | 30/04/2002 | BPS-17 |
| 41. | Mr. Saeed Naeem | B.A.L.L.M | 10/03/1966 | Dir (Lower) | 19/04/2002 | BPS-17 |
| 42. | Mr. Kamran Khan Wazir | M.A.L.L.B | 10/03/1966 | Dir (Lower) | 09/05/2002 | BPS-17 |
| 43. | Mr. Arif Ullah Shah | B.A.L.L.B | 04/02/1968 | F.R.Bannu | 19/04/2002 | BPS-17 |
| 44. | Mr. Farmanullah | B.A.L.L.B | 01/04/1969 | Dir (Upper) | 19/04/2002 | BPS-17 |
| 45. | Mr. Muhammad Jehanzeb | B.A.L.L.B | 15/01/1965 | Kohat | 30/04/2002 | BPS-17 |
| 46. | Mr. Jehanzeb Khan | M.A.L.L.B | 20/09/1967 | D.I.Khan | 19/04/2002 | BPS-17 |
| 47. | Mr. Shehzad Iqbal | B.A.L.L.B | 25/12/1967 | Peshawar | 19/04/2002 | BPS-17 |
| | | | 08/06/1967 | Peshawar | 04/04/2003 | BPS-17 |

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|-----|---------------------------|------------|------------|----------------|------------|--------|
| 48. | Mr. Qadir Baksh | B.A.L.L.B | 05/09/1959 | D.I.Khan | 11/07/2003 | BPS-17 |
| 49. | Mr. Fazal Noornai | B.A.L.L.B | 01/03/1970 | Peshawar | 04/04/2003 | BPS-17 |
| 50. | Mr. Arif Bilal | B.A.L.L.B | 23/03/1968 | Peshawar | 04/04/2003 | BPS-17 |
| 51. | Mr. Zahid Amin | B.A.L.L.B | 20/04/1972 | Mardan | 28/03/2003 | BPS-17 |
| 52. | Mr. Attaullah Shah | B.A.L.L.B | 25/11/1968 | Lakki Marwatt | 08/04/2003 | BPS-17 |
| 53. | Mr. Faheem Khan | B.A.L.L.B | 03/03/1969 | Kohat | 07/04/2003 | BPS-17 |
| 54. | Mr. Jamshed Khan | M.A.L.L.B | 15/08/1965 | Charsadda | 04/04/2003 | BPS-17 |
| 55. | Malik Zaheer-ud-Din Babar | B.A.L.L.B | 12/07/1968 | Kohat | 26/09/2003 | BPS-17 |
| 56. | Mian Shahid-ur-Rehman | B.Sc.L.L.B | 06/10/1971 | Nowshera | 23/09/2003 | BPS-17 |
| 57. | Mr. Muhammad Zulfiqar Ali | B.A.L.L.B | 20/04/1968 | Peshawar | 07/04/2003 | BPS-17 |
| 58. | Mr. Muhammad Ayub | B.A.L.L.B | 12/11/1968 | D.I.Khan | 27/03/2003 | BPS-17 |
| 59. | Mr. Saqib Sultan Jadoon | B.A.L.L.B | 27/02/1971 | Abbottabad | 16/09/2003 | BPS-17 |
| 60. | Mr. Irshadullah | B.A.L.L.B | 01/01/1966 | F.R.Kohat | 22/09/2003 | BPS-17 |
| 61. | Mr. Muhammad Irshad | B.A.L.L.B | 05/12/1970 | Bajawar Agency | 23/09/2003 | BPS-17 |
| 62. | Mr. Bashir Muhammad | M.A.L.L.B | 05/11/1960 | Mansehra | 16/09/2003 | BPS-17 |
| 63. | Mr. Muhammad Litaf Khan | B.A.L.L.B | 13/02/1971 | Momand Agency | 24/09/2003 | BPS-17 |
| 64. | Mr. Muhammad Khalid | B.A.L.L.B | 20/08/1969 | Peshawar | 16/03/2003 | BPS-17 |
| 65. | Mr. Rast Baz Khan | B.A.L.L.B | 21/02/1959 | Bannu | 11/07/2006 | BPS-17 |
| 66. | Mr. Alamzeb | B.A.L.L.B | 12/12/1964 | Dir (Upper) | 23/02/2004 | BPS-17 |
| 67. | Mr. Nawab Zarin | B.A.L.L.B | 13/11/1968 | F.R.Bannu | 18/02/2004 | BPS-17 |
| 68. | Mr. Azmat Ghafoor | B.A.L.L.B | 30/05/1952 | Peshawar | 22/12/2001 | BPS-17 |
| 69. | Mr. Shuja Ali Khan | B.A.L.L.B | 01/01/1951 | Swat | 23/09/1983 | BPS-16 |
| 70. | Mr. Attaullah Khan | B.A.L.L.B | 08/09/1951 | Peshawar | 01/01/1977 | BPS-16 |
| 71. | Mr. Akbar Khan | B.A.L.L.B | 06/05/1948 | Peshawar | 16/02/1984 | BPS-16 |
| 72. | Mr. Rab Nawaz | B.Sc.L.L.B | 22/06/1952 | Peshawar | 17/04/1978 | BPS-16 |
| 73. | Mr. Sher Zaman | B.A.L.L.B | 20/05/1952 | Mardan | 08/03/1988 | BPS-16 |
| 74. | Mr. Muhammad Qaiser | B.A.L.L.B | 02/12/1956 | Charsadda | 22/02/1988 | BPS-16 |
| 75. | Mr. Kiramatullah | B.A.L.L.B | 02/08/1958 | Lakki Marwatt | 01/12/1982 | BPS-16 |
| 76. | Mr. Abdur Rauf | B.A.L.L.B | 06/05/1947 | Swat | 12/10/1989 | BPS-16 |

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| 77. | Mr. Abdus Salam | B.A.L.L.B | 06/06/1955 | Swat | 01/08/1987 | BPS-16 |
| 78. | Mr. Zulfiqar Ahmad | B.A.L.L.B | 21/04/1958 | Abbottabad | 11/05/1991 | BPS-16 |
| 79. | Mr. Muhammad Khalid | B.A.L.L.B | 04/01/1954 | Abbottabad | 11/05/1991 | BPS-16 |
| 80. | Mr. Perwaish Khan | B.A.L.L.B | 14/05/1949 | Buner | 06/01/1992 | BPS-16 |
| 81. | Mr. Mir Muhammad Shah | B.A.L.L.B | 04/04/1949 | Chitral | 09/07/1991 | BPS-16 |
| 82. | Mr. Saeed Gul | M.A.L.L.B | 18/04/1954 | Hazara | 29/06/1992 | BPS-16 |
| 83. | Mr. Ibrahim Khan | M.A.L.L.B | 20/04/1956 | Swat | 07/01/1992 | BPS-16 |
| 84. | Mr. Latif Khan | B.A.L.L.B | 15/11/1948 | Peshawar | 27/12/1995 | BPS-16 |
| 85. | Mr. Pervaiz Khan | B.A.L.L.B | 01/04/1955 | Mardan | 18/04/1996 | BPS-16 |
| 86. | Mr. Imran Shah | B.A.L.L.B | 20/04/1959 | Dir | 21/09/1997 | BPS-16 |
| 87. | Mr. Muhammad Saleem | B.A.L.L.B | 14/09/1959 | M. Agency | 24/09/1997 | BPS-16 |
| 88. | Mr. Javed Hussain | B.A.L.L.B | 10/10/1961 | Chitral | 06/10/1997 | BPS-16 |
| 89. | Mr. Muhammad Zahoor | B.A.L.L.B | 05/05/1958 | Lakki Marwatt | 17/01/1987 | BPS-16 |
| 90. | Mr. Abdul Hameed Shah | B.A.L.L.B | 03/08/1947 | Lakki Marwatt | 04/07/1994 | BPS-16 |
| 91. | Mr. Abdul Shahkooor | B.A.L.L.B | 06/02/1954 | Mansehra | 20/02/1993 | BPS-16 |
| 92. | Mr. Qazi Aftab Ahmad | B.A.L.L.B | 19/05/1956 | Haripur | 04/07/1997 | BPS-16 |
| 93. | Mr. Muhammad Azam Awan | B.A.L.L.B | 05/12/1948 | Haripur | 17/10/1978 | BPS-16 |
| 94. | Mr. Abdul Hameed | M.A.L.L.B | 01/04/1952 | Abbottabad | 13/12/1997 | BPS-16 |
| 95. | Mr. Muhammad Saeed | B.A.L.L.B | 16/07/1949 | Kohat | 24/08/1983 | BPS-14 |
| 96. | Mr. Riaz ul Hassan | B.Sc.L.L.B | 01/02/1949 | Peshawar | 03/12/1976 | BPS-14 |
| 97. | Mr. Pervaiz Ilahi | B.Sc.L.L.B | 01/01/1955 | Peshawar | 01/07/1977 | BPS-14 |
| 98. | Mr. Arbab Bashir | B.A.L.L.B | 20/03/1951 | Peshawar | 11/07/1977 | BPS-14 |
| 99. | Mr. Attiq Ur Rahman | B.A.L.L.B | 07/09/1949 | Peshawar | 14/03/1978 | BPS-14 |
| 100. | Mr. Zulfiqar Khan | B.A.L.L.B | 02/04/1956 | Peshawar | 13/03/1988 | BPS-14 |
| 101. | Mr. Jamal Khattak | B.A.L.L.B | 13/04/1961 | Peshawar | 23/04/1988 | BPS-14 |
| 102. | Mr. Muhammad Fayaz | B.A.L.L.B | 01/05/1951 | Malakand | 06/11/1994 | BPS-14 |
| 103. | Mr. Israr Ali | B.A.L.L.B | 15/02/1957 | Dir (Lower) | 31/10/1982 | BPS-14 |
| 104. | Mr. Anees Ahmad Jan | B.A.L.L.B | 26/04/1958 | Mansehra | 29/01/1984 | BPS-14 |
| 105. | Mr. Iltaf Hussain | B.A.L.L.B | 12/02/1961 | D.I.Khan | 17/09/1989 | BPS-14 |

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|------|----------------------------|-----------------|------------|---------------|------------|--------|
| 106 | Mr. Iltaf Hussain | B.A.L.L.B | 10/02/1963 | Tank | 17/09/1989 | BPS-14 |
| 107 | Mr. Abdul Sattar | B.A.L.L.B | 20/11/1962 | Karak | 23/01/1990 | BPS-14 |
| ✓108 | Mr. Noor-ul-Wahab | B.A.L.L.B | 04/12/1948 | Malakand | 30/04/1978 | BPS-14 |
| 109 | Mr. Iltaf Hussain Akhtar | B.A.L.L.B | 01/04/1962 | Mansehra | 01/08/1991 | BPS-14 |
| 110 | Mr. Murtaza Shah | B.A.L.L.B | 27/01/1957 | Haripur | 31/07/1991 | BPS-14 |
| 111 | Mr. Zahoor Ahmad | B.A.L.L.B | 18/02/1958 | Abbottabad | 31/07/1991 | BPS-14 |
| 112 | Mr. Muhammad Changaz | B.A.L.L.B | 01/05/1962 | Abbottabad | 03/08/1991 | BPS-14 |
| 113 | Mr. Qamar Zeb | B.A.L.L.B | 21/08/1938 | Peshawar | 14/12/1991 | BPS-14 |
| 114 | Mr. Zaheer Ud Din | B.A.L.L.B | 18/02/1964 | Haripur | 11/04/1992 | BPS-14 |
| 115 | Mr. Fazal Hadi | B.A.L.L.B | 03/10/1960 | Dir (Upper) | 09/12/1992 | BPS-14 |
| 116 | Mr. Mir Faraz Khan | M.A.L.L.B | 02/11/1967 | Bannu | 17/04/1993 | BPS-14 |
| 117 | Mr. Abdur Rashid | B.A.L.L.B | 08/09/1951 | Mardan | 30/11/1971 | BPS-14 |
| 118 | Mr. Javid Iqbal. | B.A.L.L.B | 13/05/1956 | Mardan | 10/04/1977 | BPS-14 |
| 119 | Mr. Muhammad Iftikhar | B.A.L.L.B | 11/06/1949 | Mansehra | 01/07/1977 | BPS-14 |
| 120 | Mr. Muhammad Ajoon | B.A.L.L.B | 06/06/1950 | Mansehra | 01/07/1977 | BPS-14 |
| 121 | Mr. Muhammad Shuaib Khan | B.A.L.L.B | 08/12/1951 | Mardan | 12/03/1978 | BPS-14 |
| 122 | Mr. Raees Khan | B.A.L.L.B | 04/04/1953 | Nowshera | March 1978 | BPS-14 |
| 123 | Mr. Khurshid Anwar | B.A.L.L.B | 01/07/1952 | Charsadda | 01/12/1978 | BPS-14 |
| 124 | Mr. Shams-uz-Zaman | B.Sc.L.L.B | 02/01/1952 | Malakand | 26/06/1980 | BPS-14 |
| 125 | Mr. Haroon ur Rasheed | B.A.L.L.B | 03/09/1952 | Haripur | 23/01/1984 | BPS-14 |
| 126 | Mr. Muhammad Nisar | B.A.L.L.B | 20/04/1955 | Peshawar | 11/04/1992 | BPS-14 |
| 127 | Mr. Muhammad Afzal | M.A.L.L.B | 01/05/1965 | Chitral | 18/06/1992 | BPS-14 |
| 128 | Mr. Muhammad Saeed | B.A.L.L.B | 14/08/1962 | Mardan | 21/02/1993 | BPS-14 |
| 129 | Mr. Javed Iqbal Anwar | B.A.L.L.B | 20/09/1965 | Haripur | 15/03/1993 | BPS-14 |
| 130 | Mr. Muhammad Shakeel Ahmad | B.A.L.L.B, B.Ed | 02/05/1968 | D.I.Khan | 02/04/1999 | BPS-14 |
| 131 | Mr. Atta Ullah | B.Sc.L.L.B | 20/08/1971 | Lakki Marwatt | 06/04/1999 | BPS-14 |
| 132 | Mr. Muhammad Nadeem | B.A.L.L.B | 09/04/1969 | Lakki Marwatt | 06/04/1999 | BPS-14 |
| 133 | Mr. Hayat Ullah | B.A.L.L.B | 02/01/1970 | Bannu | 08/04/1999 | BPS-14 |
| 134 | Mr. Sher Bahadur | B.A.L.L.B | 06/09/1973 | D.I.Khan | 02/04/1999 | BPS-14 |

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|-----|---------------------|------------|------------|-------------|------------|--------|
| 135 | Mr. Zia Ullah Wazir | B.Sc.L.L.B | 26/10/1965 | F.R.Bannu | 08/04/1999 | BPS-14 |
| 136 | Mr. Khalid Khan | B.A.L.L.B | 10/02/1969 | Swabi | 10/04/1999 | BPS-14 |
| 137 | Mr. Tasawar Hussain | B.A.L.L.B | 01/04/1970 | D.I.Khan | 02/04/1999 | BPS-14 |
| 138 | Mr. Aman Ullah | M.A.L.L.B | 19/12/1966 | Bannu | 08/04/1999 | BPS-14 |
| 139 | Mr. Muzaffar Ahmad | B.A.L.L.B | 19/01/1968 | Dir (Lower) | 05/04/1999 | BPS-14 |
| 140 | Mr. Syed Falak Sair | B.A.L.L.B | 05/12/1964 | Dir (Upper) | 06/04/1999 | BPS-14 |
| 141 | Mr. Javed Rehman | B.A.L.L.B | 02/09/1965 | Mardan | 05/09/1999 | BPS-14 |

Handwritten notes and a diagram. The diagram shows a vertical line with several horizontal lines intersecting it, and some numbers written along the line.

[Handwritten Signature]
Director General Prosecution
NWFP

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No.912/2013 Amended

Parvez Khan

Vs

The Chief Secretary etc.

I N D E X

| S.No | Description of Documents | Annex | Pages |
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| 1. | Appeal with index and Affidavit | | 1-9 |
| 2. | List of Books | | 10 |
| 3. | Memo of Addresses | | 11 |
| 4. | Result of Examination | A | 12 |
| 5. | Letter dated 15.09.2003 | B | 13 |
| 6. | Letter dated 27.09.2004 | C | 14-16 |
| 7. | Notification dated 24.09.2005 | D | 17-20 |
| 8. | Notification dated 10.06.2011 | E | 21-22 |
| 9. | Applications dated 7.1.2013 & 22.02.2013. | F&G | 23-26 |
| 10 | Letter dated 15.03.2013 | H | 27 |
| 11 | Letters dated 19.11.2008, 05.03.2009, 29.11.2008, 09.05.2009, 23.12.2008 & 11.02.2009. | I to N | 28-33 |
| 12 | Seniority list dated 10.03.2007 | O | 34-40 |
| 13 | Vakalat Nama | | 41 |

Appellant

(PARVEZ KHAN)

Through:



Muhammad Adam Khan

Advocate, Mardan.

(Annexures are already attached with the original case)
Adam
Advocate

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.912/2013 (Amended)

Parvez Khan, The Deputy Public Prosecutor, Swabi
(Resident of Village Kalu Khan District Swabi).
(Appellant)

VERSUS

1. The Govt. of KPK through The Chief Secretary,
Province of KPK, Peshawar.
2. The Secretary, Home and Tribal Affairs, KPK
Peshawar.
3. The secretary Establishment and Administration
Department KPK, Peshawar.
4. The Secretary, Finance Department, Government of
KPK Peshawar.
5. The Director General, Prosecution Department, KPK
Peshawar.

(Respondents)

Service Appeal U/S-4 of Service Tribunal Act, 1974.

FACTS

1. That the Appellant being the Law Graduate, was appointed
as

Prosecuting Sub-Inspector (BPS-14) in the Police Deptt. in
the of Month of March 1988.

2. That the Appellant was promoted as Prosecuting Inspector (BPS-16) in 1996, after qualifying the requisite departmental course including the Upper Course Examination with credit, in 1989.

COPY ANNEXURE 'A'

3. That the Appellant was due for promotion to the post of PDSP

(BPS-17), when the Prosecution Deptt: was established in the year 2002.

4. That resultantly the Appellant alongwith other employees of the

Prosecution Branch was transferred to Law department and thereafter, to the Home Deptt: in the year 2003 and the Appellant was designated as Deputy Public Prosecutor.

COPIES ARE ANNEXURE 'B' & 'C':

5. That the post of the Deputy Public Prosecutor was placed in BPS-17.

6. That the Appellant along with his other colleagues approached

The Government of KPK / The Chief Minister for the up-gradation of the post of the Deputy Public Prosecutor to BPS-17, which was accepted vide Notification dated 24.09.2003.

COPIES ANNEXURE 'D'

7. That inspite of up gradation of the post of the Deputy Public Prosecutor to BPS-17, the Appellant was deprived therefrom and he was kept in BPS-16.

8. That the Appellant after passing the Departmental Examination

in 2012 was again ordered to the promotion as The Deputy Public Prosecutor in the year 2012, inspite of the fact that he had already been posted as such in the year 2003.

9. That the Appellant represented for the restoration of his designation and salary as The Deputy Public Prosecutor (BPS-17)

vide application dated 07.01.2003, and on the alternate, for promotion as such.

COPY ANNEXURE 'F'

10. That being at the verge of retirement i.e, on 31.03.2013, the Appellant submitted another Application dated 20.02.2013, to Respondent No.1, for the aforesaid purpose.

COPY ANNEXURE 'G'

11. That the Secretary / Respondent No.2, rejected both the aforesaid applications on 15.03.2013.

COPY ANNEXURE 'H'

12. That a number of the employees of the Prosecution Department are granted promotion in the higher pay scales at the time of their retirement from service. But , the Petitioner is discriminated in this respect.

FOUNDATIONS

A. That the Appellant has completed twentyfive (25) years service

in Police Department, Law Department and Prosecution
Branch
of Home and Tribal Affairs, Department, Khyber
Pakhtoonkhwa,
Peshawar with clean and unblemished records.

B. That Appellant. at the time of institution of the Writ Petition,
was at the verge of retirement from service on attaining the
age
of superannuation on 31.03.2013.

C. That the District Public Prosecutors namely, SahibZada
Sakindar,
Muhammad Faheem, Attaullah Khan and so many other
officers
were given promotion to the next higher scale just to avail the
pecuniary benefits of the pension, in the higher scale.

COPY OF NOTIFICATION IS ATTACHED AS ANNEXURE

'I' TO 'L'.

D. That Mr. Lateef Khan Assistant Public Prosecutor, who was
in.

BPS-16 was promoted to BPS-17 at the time of his retirement

inspite of the facts that he had not fulfilled the mandatory requirements for promotion in next high scale i.e, the passing of the Departmental Promotion Examination.

COPY OF NOTIFICATION IS ANNEXURE- 'M'.

E. That similarly Mr. Riaz ul Hassan Assistant Public Prosecutor ,

who had recently been upgraded from BPS-14 to BPS-16 was

also promoted to BPS-17 at the time of his retirement.

COPIES ARE ANNEXURE 'N' TO 'O'.

F. That beside the accrued right of restoration of promotion post, the Petitioner is entitled to the similar and equal treatment as granted to the other aforementioned colleagues.

G. That the Appellant being at the verge of retirement on 31.03.2013 had no other expeditions and adequate remedy. Hence, he approached the High Court in Writ Petition, which

was converted into service appeal.

H. that the Appellant seeks leave of this Hon'ble Tribunal to claim

further ground also.

It is prayed that on acceptance of this appeal, the Respondents may be directed to grant the promotion benefits to Appellant as The Deputy Public Prosecutor with the relevant financial benefits from the year 2003, *with regularization of Pension.*

The costs of this Appellant may also be awarded in favour of Appellant against the Respondents.



Appellant:

(PARVEZ KHAN)

Through:



Muhammad Adam Khan
Advocate, Mardan.

Dated: 30.03.2013

Amended on 24.12.2013.

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No.912/2013 (Amended)

Parvez Khan

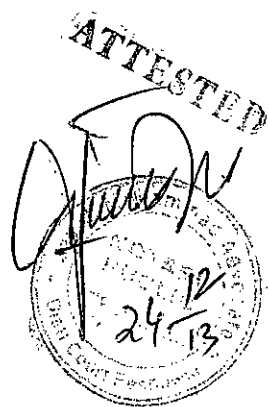
V/S

The Govt. of KPK etc.

AFFIDAVIT

I, Parvez Khan resident of Village KaluKhan District Swabi/the appellant, do hereby state on solemn affirmation that the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and that nothing is concealed from this Honorable Tribunal, in this respect.

*Identified by me
Aulhan
M. Adamekhan
Advocate
Nardan.*



Deponent
PERVEZ KHAN

11

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.912/2013

Pervez Khan

V/S

The Govt. of KPK etc.

Memo; of addresses:

APPELLANT:

Parvez Khan, The Deputy Public Prosecutor , Swabi

(Resident of Village KaluKhan District Swabi).


RESPONDENTS:

1. The Govt. of KPK through Chief Secretary Province of KPK Peshawar.
2. The secretary , Home and Tribal Affairs, KPK, Peshawar.
3. The Secretary Establishment and Administration Department, KPK, Peshawar.
4. The Secretary , Finance Department , Govt. of KPK, Peshawar.
5. The Director General , Prosecution Department , KPK Peshawar.


APPELLANT

(PARVEZ KHAN)

Through


MuhammadAdamKhan
Advocate Mardan.

MUHAMMAD ADAM KHAN
B.A LLB Advocate
High Court Mardan

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Service appeal no. 912/2013
 W.P. No. 1019-P /2013

Parvez Khan V/S The Chief Secretary etc.

I N D E X

| S.No. | DESCRIPTION OF DOCUMENTS | ANNEXURE Nos. | PAGE Nos. From To |
|--------|----------------------------------------------------------------------------------|-----------------------|---------------------------------|
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| 3. | Memo of Addresses | - | 12 |
| 4. | Result of Examination | A | 13 |
| 5. | Letter dated 15.09.2003 | B | 14 |
| 6. | Letter dated 27.09.2004 | C | 15 - 17 |
| 7. | Notificatioo dated 24.09.2005 | D | 18 - 21 |
| 8. | Notification dated 10.6.2011 | E | 22 - 23 |
| 9. | Applications dated 7.1.2013 and 22.2.2013 | F&G | 24 - 27 |
| 10. | Letter dated 15.3.2013 | H ^A | 28 - 30 ^A |
| 11. | Letter dated 19.11.2008, 5.3.2009, 29.11.2008, 09.05.2009, 23.12.2008, 11.2.2009 | I ^A B N | 29 - 34 ^A |
| 12. | Senirity list dated 10.3.2007 | O | 35 - 41 |
| 13. | Court Fee Stamp Worth Rs.500/00 | - | 42 - 44 |
| 14. | Vakalat Nama | - | 45 |
| Total: | | | 45 |

Filed today.

30 MAR 2013

Incharge,
 Peshawar High Court Sub-Registry,
 Mardan.

Dt; 30.3.2013.

Petitioner

(Parvez Khan)

Through:

Muhammad
 ADAM KHAN
 B.A.LLB Advocate
 HIGH Court MARDAN

Muhammad Adam Khan
 Advocate Mardan.

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Service appeal no 912/13

W.P. No. 1019-P /2013

Parvez Khan, The Deputy Public Prosecutor, Swabi

(Resident of Village Kalu Khan District Swabi).

(Petitioner)

VERSUS

1. The Govt. of KPK through The Chief Secretary,
Province of KPK, Peshawar.
2. The Secretary, Home and Tribal Affairs, KPK,
Peshawar.
3. The Secretary Establishment and Administration
Department KPK, Peshawar.
4. The Secretary, Finance Department, Government
of KPK Peshawar.
5. The Director General, Prosecution Department,
KPK Peshawar.

day.

0 MAR 2013

h Court Sub-Registry,

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

FACTS

1. That the Petitioner being the Law Graduate, was appointed as Prosecuting Sub Inspector (BPS-14) in The Police Deptt; in the month of March 1988.
2. That the Petitioner was promoted as Prosecuting Inspector (B-16) in 1996, after qualifying the requisite departmental course including the upper course examination with credit, in 1989.

COPY ANNEXURE 'A'

3. That the Petitioner was due for promotion to the post of PDSP(B-17), when the Prosecution Deptt: was established in the year 2002.

Filed today.

30 MAR 2013

Incharge,
Peshawar High Court Sub-Registry,
Mardan.

4. That resultantly the Petitioner alongwith other employees of the Prosecution Branch was transferred to Law department and thereafter, to the Home Deptt: in the year 2003 and the Petitioner was designated as Deputy Public Prosecutor.

COPIES ARE ANNEXURE 'B' & 'C'

5. That the post of the Deputy Public Prosecutor was placed in BPS-17.
6. That the Petitioner alongwith his other colleagues approached The Government of KPK / The Chief Minister for the up-gradation of the post of The Deputy Public Prosecutor to BPS-17, which was accepted vide Notification dated 24.09.2005.

COPIES ANNEXURE 'D'

7. That inspite of upgradation of the post of The Deputy Public Prosecutor to BPS-17, the Petitioner was deprived therefrom and he was kept in BPS-16.

Filed today.

30 MAR 2013

Incharge,
Peshawar High Court Sub-Registry,
Mardan.

8. That the Petitioner after passing the Departmental Examination in 2012 against was ordered to the promotion as The Deputy Public Prosector in the year 2012, inspite of fact that he had already been posted as such in the year 2003 .

COPY ANNEXURE 'E'

9. That the Petitioner represented for the restoration of his designation and salary as The Deputy Public Prosecutor (EPS_17) vide application dated 07.1.2013, *and on the alternate promotion, as such.*

COPY ANNEXURE 'F'
=====

10. That being at the verge of retirement i.e, on 31.03.2013, the Petitioner submitted another application dated 22.02.2013 to Resondent No. 1, for the aforesaid purpose.

COPY ANNEXURE 'G'
=====

Filed today.

N 30 MAR 2013

Incharge,
Peshawar High Court Sub-Registry,
Mardan.

11. That the Secretary / Respondent No. 2,
rejected both the aforesaid applications
on 15.03.2013.

COPY ANNEXURE 'H'

12. That a number of the employees of the
Prosecution Department are granted promotion
in the higher pay scales at the time of their
retirement from service. But, the Petitioner
is discriminated in this respect.

GROUNDS

i. That the Petitioner has completed twentyfive (25)
years service in Police, Law and Prosecution
Branch of Home and Tribal Affairs, Department,
Khyber Pakhtoonkhwa, Peshawar with clean and
unblemished records.

Filed today.

II. That Petitioner is at the verge of retirement
from service on attaining the age of superannuation
on 31.03.2013.

III. That the District Public Prosecutors namely Sahib Zada, Sakindar, Muhammad Faheem, Attaullah Khan and so many other officers were given promotion to the next higher scale, when they attained the age of supranuation. By ^{at} ~~that~~ time there was no post of BPS-19. However, these Officers were promoted to next higher scale just to avail the pecuniary benefit of the pension, ~~and gratuity.~~

COPY OF NOTIFICATION IS ATTACHED AS ANNEXURE 'I' TO 'I'

IV. That Mr. Lateef Khan Assistant Public Prosector, who was in BPS-16 was promoted to BPS-17 at the time of his retirement inspite of the facts that he had not fulfilled the mandatory requirement for promotion in next high scale i.e; the passing of the Departmental Promotion Examination.

Filed today.

COPY OF NOTIFICATION IS ANNEXURE 'M'

2
30 MAR 2013

Incharge,
Peshawar High Court Sub-Registry,
Mardan.

- (V) That ~~Mr~~ similarly Mr. Riaz ul Hassan Assistant Public Prosecutor, who ~~was~~ recently been upgraded from BPS-14 to BPS-16 was also promoted to BPS-17 at the time of his retirement.

COPIES ARE ANNEXURE 'N' AND 'O'
=====

- (VI) That besides the accrued right of restoration of promotion post, the Petitioner is entitled to the similar and equal treatment as granted to other aforementioned colleagues.
- (VII) That the Petitioner being at the verge of retirement on 31.03.2013 has no other expeditious and adequate remedy.
- (VIII) That the Petitioner seeks leave of this Hon'ble Court to claim further grounds also.

Filed today.

30 MAR 2013

Contd...8/-

Incharge,
Peshawar High Court Sub-Registry,
Mardan.


It is prayed that this Honourable court may graciously be pleased to issue the writ, directing the Respondents to restore the promotion & benefits to the Petitioner as The Deputy Public Prosecutor with relevant service benefits effective from the year 2003.

The costs of this Petition may also be awarded in favour of Petitioner against the Respondents.

Petitioner


(PARVEZ KHAN)

Through


Muhammad Adam Khan
Advocate.

Dt; 30.03.2013.

MUHAMMAD ADAM KHAN
B.A LLB Advocate
High Court Mardan

Filed today.

2013

Sub-Registry,

9

Page-

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

////////

W.P. No. 1019-P/2013

Parvez Khan V/s The Govt. of KPK etc.

CERTIFICATE

As per information furnished by my client, no such Wirt Petition on the same subject matter has earlier been filed before this Honourable court.

Muhammad *Adam Khan*
ADAM KHAN
B.A. LLB Advocate
HIGH Court MARDAN
Muhammad Adam Khan

Advocate High Court

District Courts Mardan.

dt; 30/03/2013

AR 2013

court Sub-Registry,

BEFORE THE PESHAWAR HIGH COURT PESHAWAR
=====

W.P. No. 1019-P/2013

Parvez Khan Vs The Govt. of KPK etc.

AFFIDAVIT

I, Parvez Khan, The Petitioner resident of
Village Kalu Khan District Swabi do hereby
state on solemn affirmation that the accompanied
Writ Petition are true and correct to the best
of my knowledge and belief and that nothing has
been concealed from this Hon'ble Court.

Pervez Khan

Dt; 30.3.2013.

PERVEZ KHAN (Deponent)

NIC No. 16202 2739346-5

Identified

Adam
Muhammad
ADAM KHAN
B.A. LLB Advocate
HIGH Court MARDAN

Filed today.

2013

Sub-Registry,

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No: <u>91</u> Certified that the above was verified on solemnly affirmation before me in office, this <u>30th</u> day of <u>March</u> <u>2013</u> at <u>Pervez Khan</u> S/O <u>Swabi</u> Who was identified by <u>Muhammad Adam Khan</u> Who is personally known to me <p style="text-align: right;"><i>[Signature]</i> Oath commissioner Peshawar High Court, Sub-Registry, Mardan</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

P NO - 11

BEFORE THE PESHAWAR HIGH COURT PESHAWAR
=====

W.P. No. _____/2013


Parvez Khan V/S The Govt. KPK etc.

LIST OF BOOKS

1. The Constitution of Islamic Republic of Pakistan 1973.
2. The Prosecution Act.
3. Any other law book or judgement deemed relevant.

Petitioner


(Parvez Khan)

Through 
ADAM KHAN
B.A. LLB Advocate
HIGH Court MARDAN
Muhammad Adam Khan

Advocate

dt; 30/03/2013 Mardan.

Filed today.

0 MAR 2013

High Court Sub-Registry,

BEFORE THE PESHAWAR HIGH COURT PESHAWAR
=====

W.P. No. _____/2013

Parvez Khan Vs The Govt. KPK etc.

PETITIONER

Parvez Khan, The Deputy Public Prosecutor, Swabi
(Resident of Village Kalu Khan District Swabi.

RESPONDENTS

1. The Govt. of KPK through The Chief Secretary Province of KPK Peshawar.
2. The Secretary, Home and Tribal Affairs, KPK Peshawar.
3. The Secretary Establishment and Administration Department, KPK Peshawar.
4. The Secretary, Finance Department, Govt. of KPK Peshawar.
5. The Director General, Prosecution Department, KPK, Peshawar.

Parvez Khan

Petitioner

(Parvez Khan)

Through *Adam Khan*
ADAM KHAN
B.A. LLB Advocate
HIGH COURT MARDAN
MUHAMMAD ADAM KHAN

Advocate Mardan.

Filed today.

21

30 MAR 2013

Incharge,
Peshawar High Court Sub-Registry,
Jan.

Dt; 30/03/2013.



13

A

Annexure
ATT/STED
ADAM KHAN

POLICE TRAINING SCHOOL SHAHDADPUR

SCHOOL HISTORY SHEET

PROSECUTING OFFICERS COURSE

No. _____ RANK PSI NAME Parvez Khan SIO Amir Zada Khan
DISTRICT Sawabi TRAINING PERIOD 7-1-89 TO 29-6-89

| A. LAW SUBJECTS | MARKS | |
|-------------------------|-------|----------|
| | Total | Obtained |
| 1. P.P.C | 100 | 87 |
| 2. Cr. P.C. | 100 | 85 |
| 3. Evidence Act. | 50 | 41 |
| 4. L.S.L. with Books | 100 | 84 |
| 5. L.S.L. without Books | 100 | 74 |
| 6. Police Rules | 100 | 77 |
| 7. P.P.W. | 100 | 79 |
| 8. Med-Juris Prudence | 100 | 74 |
| 9. Finger Prints | 100 | 83 |
| 10. Scientific Aids. | 50 | 31 |
| 11. Security | - | - |
| 12. Plan Drawing | 50 | 34 |
| 13. Islamiat. | 100 | 79 |
| 14. Memo Writing | 100 | 66 |
| 15. Oral Speech | 100 | 63 |
| 16. | | |
| Total. | 1250 | 957 |
| B. DRILL SUBJECTS. | | |
| 1. Drill | 110 | 70 |
| 2. Musketry | 150 | 117 |
| Total. | 260 | 187 |
| C. CONDUCT. | 100 | 85 |
| GRAND TOTAL A, B & C | 1610 | 1229 |
| OVER ALL PERCENTAGE | | 76.33 |

Leave availed _____
 Overstay Leave _____
 Absent w/o leave _____
 Sick Report _____
 Punishment _____
 Rewards _____

GENERAL OBSERVATIONS.

Hard working and an efficient officer. He took deep interest in his training.

PASSED ~~with credit~~ with credit.

NO. OF _____ 2

(NAME) _____
PRINCIPAL

BETTER COPY of Annexure - "A"
(Sind-Police). PP-13

POLICE TRAINING SCHOOL
SHAHDADPUR

APPROVED
A. Khan

SCHOOL HISTORY SHEET

PROSECUTING SUB INSPECTORS COURSE

No. _____ BANK PSI NAME PERVEZ KHAN S/O AMIR ZADA KHAN

DISTRICT SAWABI

TRAINING PERIOD: 07.01.1989 TO 29.6.1989

| A. LAW SUBJECTS | MARKS | |
|------------------------|-------|----------|
| | TOTAL | OBTAINED |
| 1. P.P.C. | 100 | 87 |
| 2. Cr.P.C. | 100 | 85 |
| 3. Evidence Act | 50 | 41 |
| 4. I.S.L. with Books | 100 | 84 |
| 5. I.S.L without Books | 100 | 74 |
| 6. Police Rules | 100 | 77 |
| 7. P.P.W. | 100 | 79 |
| 8. Med Juris Prudence | 100 | 74 |
| 9. Finger Prints | 100 | 83 |
| 10. Scientific Aids | 50 | 31 |
| 11. Security | - | - |
| 12. Plan Drawing | 50 | 34 |
| 13. Islamiat | 100 | 79 |
| 14. Memo Writing | 100 | 66 |
| 15. Oral Speech | 100 | 63 |
| 16. - | - | - |
| Total: | 1250 | 957 |
| (B) DRILL SUBJECTS | | |
| 1. Drill | 110 | 70 |
| 2. Musketry | 150 | 117 |
| Total | 260 | 187 |
| (C) CONDUCT | 100 | 85 M. |
| GRAND TOTAL | | |
| A, B & C | 1610 | 1229 |

Leave availed _____
Overstay Leave _____
Absent w/o leave _____
Sick Report _____
Punishment _____
Rewards _____

GENERAL OBSERVATIONS

Hard working and an efficient Officer. He took desired interest in his training.

Sd/-

(MAZHAR ALI SHAH)

PRINCIPAL

OVER ALL PERCENTAGE

76.33

PASSED/~~Failed~~

with credit M.

ORDER OF MERIT.

3

M

P/14

GOVERNMENT OF NWFP,
LAW, PARLIAMENTARY AFFAIRS & HUMAN
RIGHTS DEPARTMENT.

~~Number 3~~
945

DATED PESHAWAR THE /2003.

ORDER.

NO:DP-01(11)2002/KC1- Consequent upon his arrival of
MR. Pervez Khan, Prosecution Inspector, is hereby posted
as Deputy Public Prosecutor, Swabi, with immediate
effect.

"B"

ANNEXURE

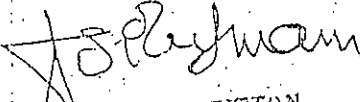
ATTESTED
h
ADAM KHAN


SECRETARY TO GOVT OF NWFP,
LAW DEPARTMENT.

ENDST. NO:DP-01(11)2002/KC/ 3963-7 DATED 15/9/2003.

Copy of the above is forwarded to:-

- 1- The Distt. Accounts Officer, Swabi.
- 2- The Senior Civil Judge, Swabi.
- 3- The Public Prosecutor, Swabi.
- 4- The P.S to Secy to Govt. of NWFP, Law Deptt.
- 5- The Section Officer (Prosecution) N&TAS Deptt.
for information.
- 6- The Officer concerned.
- 7- The P/File of the Officer concerned.
- 8- The Accountant "Lit. Cell" Law Department.


DIRECTOR PROSECUTION
NWFP
LAW DEPARTMENT.



B

BETTER COPY

of Annex ^B
PP-14

GOVERNMENT OF NWFP

LAW PARLIAMENTARY AFFAIRS & HUMAN
RIGHTS DEPARTMENT

Dated Peshawar the /2003

ATT/STED
Adam Khan
ADAM KHAN

ORDER

NO:DP-01(11)2002/KC:- Consequent upon his arrival of
Mr. Pervez Khan Prosecution Inspector, is hereby posted
as Deputy Public Prosecutor, Swabi with immediate effect.

Secretary to Govt. of NWFP
LAW DEPARTMENT

ENDST. NO. DP-01(ii)2002/KC/3963-70 DATED 15/09/2003

COPY OF THE ABOVE IS FORWARDED TO:-

1. The Distt: Accounts Officer, Swabi.
2. The Senior Civil Judge, Swabi.
3. The Public Prosecutor Swabi.
4. The P.S. to Secy. To govt. of NWFP Law Deptt:
5. The Section Officer (Prosecution) H& TAB Dept:
for information.
6. The Officer concerned
7. The P/File of the Officer concerned.
8. The Accountant "Lit:Ceml" Law Department.

Sd/-

DIRECTOR PROSECUTION
NWFP
LAW DEPARTMENT

.....

1/15 Annexure "C"

**GOVERNMENT OF N.W.F.P,
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT, PESHAWAR.**

ATTESTED
ADAM KHAN

Dated Peshawar the 27/09/2004.

NOTIFICATION.

No.F&A(LD)6-387/2003: - Consequent upon the separation of Prosecution in pursuance of Establishment Department (Regulation Wing) notification No. SO (O&M)E&AD/2-11/2002 dated 17/03/2004, the following: Public Prosecutors, Additional Public Prosecutors, Deputy Public Prosecutors, Assistant Public Prosecutors, and Ministerial Staff from Mufassil Establishmet Law Department are hereby relieved and rendered their services to the N.W.F.P, Home Department with immediate effect.

I PUBLIC PROSECUTORS

- | | |
|--------------------------------|---------------------------------|
| 1. Mr. Sher Muhammad Khan | 17. Mr. Muhammad Ilyas Khan |
| 2. Mr. Younus Khan Shinwari | 18. Mr. Muhammad Zaman Khan |
| 3. Mr. Attaullah Khan | 19. Mr. Muhammad Idrees Khan |
| 4. Mr. Abdul Qyounm Khattak | 20. Mr. Muhammad Zubair Anwar |
| 5. Mr. Mushtaq Ahmad | 21. Mr. Bilal Muhayudin |
| 6. Mr. Sikandar Azam Sahibzada | 22. Mr. Fakhrul Islam |
| 7. Mr. Abdul Mueed Khan | 23. Mr. Muhammad Sultan Mehmood |
| 8. Mr. Muhammad Faheem Jan | 24. Mr. Amjad Ali ✓ |
| 9. Mr. Said Bashir Khan | 25. Mr. Sikandar Hayat Khan |
| 10. Mr. Shah Alam Khan | 26. Mr. Muhammad Ibrahim |
| 11. Miss Surriya Jabeen | 27. Mr. Amir Subhan-Khattak |
| 12. Mr. Saif-ur-Rahman Khan | 28. Mr. Muhammad Nawaz Khan ✓ |
| 13. Mr. Sanaullah Khan | 29. Mr. Mujarrab Khan |
| 14. Syed Ferooz Shah | 30. Mr. Tariq Bakhsh |
| 15. Mr. Asmat Isa Khan | 31. Mr. Taj Noor Khan |
| 16. Mr. Muhammad Akram Khan | |

II ADDITIONAL PUBLIC PROSECUTORS

- | | |
|-------------------------------|---------------------------|
| 1. Mr. Shah Zada | 9. Mr. Alamzeb |
| 2. Mr. Abdul Wajid Khan | 10. Mr. Liaqat Ali |
| 3. Mr. Gul Waris Khan | 11. Mr. Raza Khan |
| 4. Mr. Sibghatullah | 12. Mr. Muhammad Younas |
| 5. Mr. Farmanullah | 13. Mr. Ghulam Mustafa |
| 6. Mr. Arifullah Shah | 14. Mr. Zafar Abbas Mirza |
| 7. Mr. Muhammad Jahanzeb | 15. Mr. Nisar Alam |
| 8. Mr. Muhammad Zaheer-ud-Din | 16. Mr. Attaur Rahman |

III DEPUTY PUBLIC PROSECUTORS

- | | |
|------------------------|----------------------------|
| 1. Mr. Akbar Khan | 13. Mr. Abdus Salam |
| 2. Mr. Qisar Khan | 14. Mr. Shujat Ali Khan |
| 3. Mr. Attaullah Khan | 15. Mr. Ibrahim Khan |
| 4. Mr. Rabnawaz Khan | 16. Mr. Abdul Hameed Shah |
| 5. Mr. Sher Zaman | 17. Mr. Muhammad Azam Awan |
| 6. Mr. Pervaiz Khan | 18. Mr. Muhammad Khalid |
| 7. Mr. Rast Baz Khan | 19. Qazi Aftab Ahmad |
| 8. Mr. Muhammad Zahoor | 20. Mr. Abdul Shahkoo |
| 9. Mr. Kiramat Ullah | 21. Mr. Javed Hussain |
| 10. Mr. Imran Shah | |

16

ASSISTANT PUBLIC PROSECUTORS

1. Mr. Muhammad Saeed
2. Mr. Zulfiqar Khan
3. Mr. Pervaiz Ilahi
4. Mr. Atiq-ur-Rahman
5. Mr. Riaz Hussain
6. Mr. Arbab Bashir
7. Mr. Muhammad Nisar
8. Mr. Jamal Khattak
9. Mr. Fazli Hadi
10. Mr. Muhammad Shuaib Khan
11. Mr. Noor-ul-Wahab
12. Mr. Zia Ullah Wazir
13. Mr. Aman Ullah
14. Mr. Hayat Ullah
15. Mr. Atta Ullah
16. Mr. Sher Bahadur
17. Mr. Tasawar Hussain
18. Mr. Muhammiad Shakeel Ahmad
19. Mr. Mustafa Kamal
20. Mr. Iltaf Hussain
21. Mr. Anees Ahmad Jan
22. Mr. Muhammad Ayaz
23. Mr. Umar Farooq
24. Mr. Murtaza Shah
25. Mr. Changiz Khan
26. Mr. Muhammad Arshad Khan
27. Mr. Muhammad Ifikhar
28. Mr. Shams-uz-Zaman
29. Mr. Khurshid Anwar
30. Mr. Muhammad Ajoon
31. Mr. Muhammad Afzal
32. Mr. Muhammad Nadeem
33. Mr. Hazrat Ali Shah
34. Mr. Abdul Hameed
35. Mr. Abdul Rasheed
36. Mr. Muhammad Khalil

V MINISTERIAL STAFF

1. Mr. Munir Alam, Assistant
2. Mr. Said Habib, Assistant
3. Mr. Niamat Ullah, Steno Typist

JUNIOR CLERKS

1. Mr. Muhammad Ghaffar
2. Mr. Dilshad Khan
3. Mr. Maqsood Ali
4. Mr. Sher Ali
5. Mr. Ashraf Din
6. Mr. Muhammad Iqbal
7. Mr. Habibullah Jan
8. Mr. Maqsood Ahmad
9. Mr. Tariq Hussain
10. Mr. Hukmat Khan
11. Mr. Khan Azad
12. Mr. Abdul Sattar Khan
13. Mr. Shah Faisal
14. Mr. Ghulam Habib
15. Mr. Bashir Ahmad
16. Mr. Hidayat Ullah
17. Mr. Muhammad Tariq
18. Mr. Hajder Ali
19. Mr. Muhammad Gulzar Ali
20. Syed Nazmat Ali Shah
21. Mr. Muhammad Hamayoon
22. Mr. Qamar Zaman
23. Mr. Shakeel Akhtar
24. Mr. Muslim Khan
25. Mr. Sikandar Hayat
26. Mr. Mubarak Ahmad
27. Mr. Muhammad Iqbal
28. Syed Abu Ubaida
29. Mr. Shahid Gul
30. Mr. Mumraiz Khan
31. Mr. Sahibzada
32. Syed Hakeem Shah
33. Syed Ibrar Shah
34. Mr. Abdul Wahid
35. Mr. Muhammad Arshad
36. Mr. Sakhawat Shah
37. Malik Rahmant Ali
38. Mr. Ajmal Khan
39. Mr. Muhammad Ali
40. Syed Alam Shah
41. Mr. Musawir Jan
42. Mr. Yaqoob Khan
43. Mr. Muhammad Yousaf
44. Mr. Muhammad Arif
45. Mr. Khurshid Anwar
46. Mr. Aurangzeb
47. Mr. Muhammad Rizwan
48. Mr. Muhammad Ali
49. Mr. Fida Muhammad
50. Mr. Hazrat Muhammad
51. Mr. Khirullah Jan
52. Mr. Muhammad Saeed

5

53 Mr. Mohammed Arshad Ali

- 17
1. Mr. Sami Ullah
 2. Mr. Imdad Khan
 3. Mr. Muhammad Amin
 4. Mr. Sabz Ali
 5. Mr. Zaiwar Shah
 6. Mr. Fazli Rabi
 7. Mr. Arshahd Muneer
 8. Sufi Abdur Rahim
 9. Mr. Mehriban Shah
 10. Mr. Muhammad Ashraf
 11. Mr. Anwar Khan
 12. Mr. Ikram Ullah
 13. Mr. Sher Rahman
 14. Mr. Asghar Ali
 15. Mr. Muhammad Saleem
 16. Mr. Zahoor Ahmad
 17. Mr. Yasir Khan
 18. Mr. Rambail Khan
 19. Mr. Ikram Ullah Khan
 20. Mr. Younas Khan
 21. Mr. Israil
 22. Mr. Guldad
 23. Mr. Sartaj Khan
 24. Mr. Abdul Salam
 25. Mr. Zarshad
 26. Mr. Abdur Rahim
 27. Mr. Shakir Ullah
 28. Mr. Muhammad Anwar
 29. Mr. Jamshid Khan
 30. Mr. Abdullah Khan
 31. Mr. Yasin Khan
 32. Mr. Juma Khan
 33. Mr. Ain-ul-Haq
 34. Syed Nawab
 35. Mr. Bakhat Pervaish
 36. Mr. Habib Gul
 37. Mr. Imran Khan
 38. Mr. Muhammad Tahir
 39. Mr. Farmanullah
 40. Mr. Khista Rahman
 41. Mr. Subhan Ullah
 42. Mr. Humayoon
 43. Mr. Asfandyar Gul
 44. Mr. Abdul Majid
 45. Mr. Abul Salam
 46. Mr. Muhammad Yahya
 47. Mr. Jamshid Ahmad
 48. Mr. Pir Said
 49. Mr. Ikram Ullah
 50. Mr. Ismail
 51. Mr. Haider Ali
 52. Mr. Nasir Ali
 53. Mr. Sair Zahab
 54. Mr. Wali-ur-Rahman
 55. Mr. Syed Pir Hussain Shah
 56. Mr. Muhammad Ishfaq
 57. Mr. Muhammad Hassan
 58. Mr. Riasat Wali
 59. Mr. Ghulam Farid
 60. Mr. Pervaiz Khan
 61. Mr. Fazli Haq
 62. Mr. Nazim Ali
 63. Mr. Irshad Khan
 64. Mr. Shaheed Ullah
 65. Mr. Imran Ayaz
 66. Mr. Hukam Zad Khan
 67. Mr. Habib-ur-Rahman
 68. Mr. Rahmat Fayyaz
 69. Mr. Asmat Ullah
 70. Mr. Adam Khan
 71. Mr. Sher Zaman
 72. Mr. Muhammad Rustum
 73. Mr. Tasleem Khan
 74. Mr. Rahim Badshah
 75. Mr. Norooz Khan

(AMIR GULAB KHAN)
SECRETARY TO GOVERNMENT OF NWFP,
LAW, PARLIAMENTARY AFFAIRS AND HUMAN
RIGHTS DEPARTMENT, PESHAWAR.

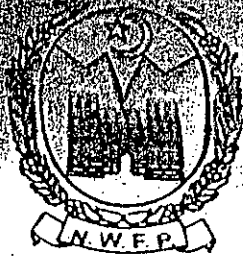
Endst.No.E&A(LD)6-387/2003/4113-4433 _____ DATED 27/09/2004.

Copy of the above is forwarded to:-

1. All the Administrative Secretaries, N-W.F.P.
2. The Secretary to Governor, N-W.F.P.
3. The Secretary to Chief Minister, N-W.F.P.
4. The Private Secretary to Provincial Minister for Law and Parliamentary Affairs, N-W.F.P.
5. The Private Secretary to Chief Secretary, N-W.F.P.
6. All the District Coordination Officers/Political Agents, N-W.F.P.
7. The Secretary Public Service Commission, N-W.F.P.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Registrar, Service Tribunal, N-W.F.P., Peshawar.
10. The Advocate General, N-W.F.P., Peshawar.
11. The Accountant General, N-W.F.P., Peshawar.
12. The Director of Prosecutions, N-W.F.P., Home Department.
13. All the District Accounts Officers, N-W.F.P.
14. The Director Information, N-W.F.P., Peshawar.
15. The Controller Government Printing Press Peshawar.
16. All the Public Prosecutors, Additional Public Prosecutors and Additional Government Pleaders, N-W.F.P.
17. The Officers/Officials concerned.
18. Accountant "Mufassil Establishment" N-W.F.P., Law Department.
19. Computer Operator, Law Department.


SECTION OFFICER (GENERAL)
LAW DEPARTMENT





REGISTERED NO. P.III

GAZETTE

~~18~~
18
D

North-West Frontier Province

Annexure

Published by Authority

PESHAWAR, WEDNESDAY, 12TH OCTOBER, 2005.

ATTESTED
ADAM KHAN

**GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE,
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Dated 24th September, 2005.

No.SO(Prosecution) HD1-5/2005. In pursuance of the provision contained in Sub-rule (2) of Rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous Notification in this behalf the Home and Tribal Affairs Department, in consultation with the Establishment, Administration and Finance Departments, hereby lay down the method of recruitment, qualifications and promotion. Notification shall be applicable to the posts borne on the strength of Directorate of Prosecution.

Sd/-xxx
SECRETARY TO GOVERNMENT OF NWFP,
HOME AND TRIBAL AFFAIRS DEPARTMENT.

D
A

NWFP PROSECUTION SERVICE RULES

In exercise of powers conferred under Sub Rule 2 of Rule 3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Home Department in consultation with Finance and Establishment Department is pleased to frame the Service Rules for the Prosecution Institution.

1. **Short title, extent and commencement:-**

These rules may be called as the North-West Frontier Province Prosecution Service Rules, 2005.

2. These shall extend to the whole of the NWFP.

3. These shall come into force as and when notified in the official gazette.

4. **Definitions:-**

(a) 'Director General Prosecution' means the Chief Prosecutor of the Province responsible for the management of Prosecution and control over Prosecutors appointed under sub section (3) of section 3 of this Act.

(b) 'District Head of Prosecution' means the District Public Prosecutor or, where no District Public Prosecutor is appointed in a District, the Public Prosecutor of the District concerned:

(c) 'Public Prosecutor' means a person appointed under Section 492 of Cr.P.C. and includes District Public Prosecutor, Deputy Public Prosecutor and Assistant Public Prosecutor as well as Special Public Prosecutor; and

5. The Prosecution Service shall be headed by a Director General Prosecution who shall be an Officer in BPS-19. He shall head the administration of Prosecution Service as an attached Department of Home & Tribal Affairs Department.

6. The Director General Prosecution shall be assisted by the following officers.

(i) Director (Legal) in BPS-18.

(ii) Director (Admn) in BPS-18.

(iii) Assistant Director Administration-cum-Finance in BPS-17.

7. The Prosecution Service at the district level shall be headed by an officer in BPS-18 to be designated as District Public Prosecutor.

8. The District Public Prosecutor shall also be responsible for the administration of prosecution service in the district.

9. The District Public Prosecutor shall be assisted by such number of Public Prosecutor in BPS-18, Deputy Public Prosecutor in BPS-17 and Assistant Public Prosecutors in BPS 16 as the Government may, from time to time, determine keeping in view the number of courts in the province, provided that Assistant Public Prosecutor shall prosecute cases only in the courts of Magistrates.

10. **Entry into Service:-**

(a) Entry in to Prosecution Service shall be at the level of Assistant Public Prosecutor (BPS-16) through the NWFP Public Service Commission.

(b) The probation period of appointees shall be two years. Probationers shall receive basic training for a period of six months, which shall include three months in the Provincial Services Academy/Federal Judicial Academy Islamabad and three months as attachment with various courts and District Public Prosecutors offices.

| No. | Nomenclature | Scale | Minimum Qualification | Method of appointment | Age Limit |
|-----|-------------------------------------|-------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | Director General Prosecution. | 19 | | i) By promotion from amongst the Public Prosecutors. OR ii) By transfer from amongst the Officers of PCS/DMGs. | |
| 2. | Director Administration. | 18 | | i) By transfer from amongst the Public Prosecutors. OR ii) By transfer from amongst the Officers of PCS/ DMGs. | |
| 3. | Director Legal | 18 | | By transfer from amongst the Public Prosecutors. | |
| 4. | Public Prosecutor | 18 | | By promotion from amongst the Deputy Public Prosecutors. | |
| 5. | Deputy Public Prosecutor | 17 | Law Graduate at least 2 nd division from recognized University. | i) 50% by promotion from amongst the Assistant Public Prosecutors. ii) 50% by initial recruitment through Public Service Commission. | |
| 6. | Assistant Director Admn-cum-Finance | 17 | | By transfer from amongst the Deputy Public Prosecutors. | |
| 7. | Assistant Public Prosecutor. | 16 | Law Graduate at least 2 nd division from recognized University | Initial recruitment through Public Service Commission. | 23-32 years |

11. Eligibility Requirements:

- i) A person shall be eligible to be appointed as Assistant Public Prosecutor who possesses a Law Degree from a recognized university.
- ii) The age limit for a person to be appointed as Assistant Public Prosecutor shall be from 23 to 32 years.

12. Promotion.

Subject to the availability of posts:

- i) Promotion of BPS 19 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-18, subject to completion of at least 12 years service in BPS 17 & 18.
- ii) Promotion to BPS 18 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-17, subject to completion of at least 05 years service in BPS 17.
- iii) Promotion to BPS 17 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-16, subject to completion of at least 05 years service in BPS 16 and qualifying of the departmental promotion exam.

13. Method of appointment and promotion of ministerial staff.

| S. No. | Nomenclature | Scale of post | Minimum Qualification | Method of recruitment | Age Limit |
|--------|--------------------------------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | Librarian. | 16 | B.A. with Diploma in Library Science. | By initial recruitment through PSC. | 23-32 years |
| 2. | Office Superintendent-cum-Accountant | 16 | | By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 10 years service as such. | |

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411 NWFP GOVERNMENT GAZETTE, EXTRAORDINARY, 12TH OCTOBER 2000

| S. No. | Nomenclature | Scale of post | Minimum Qualification | Method of recruitment | Age Limit |
|--------|----------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 3. | Statistical/Data Processing Supervisor | 12 | i. Bachelor's Degree (2 nd Class) with Physics, Statistics or Economics as one of the subjects from a recognized University; and ii. Three years experience in the field of data processing and supervisory experience and data control and punch verifier operation. | By initial recruitment through Public Service Commission. | 21-30 years |
| 4. | Junior Scale Stenographer. | 12 | i. Intermediate or equivalent qualification from a recognized board; and ii. A speed of 60 words per minutes in short hand in English and 35 words per minutes in typewriting & knowledge of Computer in using of MS word & MS Excel. | By initial recruitment through Public Service Commission. | 18-30 years |
| 5. | Assistant | 11 | Bachelor's degrees from a recognized University. | a. 75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years service. b. 25% by initial recruitment through PSC. | 18-30 years. |
| 6. | Data-Key Punch Operator | 10 | i. Secondary School certificate in 2 nd Division from a recognized board; and ii. Speed of 10000 key depressions by hours for punching/data entry/verification. | By initial recruitment through Departmental Selection Committee. | 18-30 years |
| 7. | Senior Clerk | 7 | By promotion. | By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least five years service. | |
| 8. | Junior Clerk | 5 | i. Matriculation or equivalent qualification from a recognized board; and ii. A speed of 30 words per minutes in typing. | a) 33% by promotion amongst on the basis of seniority-cum-fitness from amongst Naib Qasids or other equivalent posts in the Government service with two | |



Government Of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
No.SO (Prosecution)/HD/1-10/2010
Dated Peshawar the 10/06/2011.

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E

Annexure

NOTIFICATION.

ATTACHED

No.SO(Prosecution)/HD/1-10/2010. The following Assistant Public Prosecutors (BPS-16) are declared passed in the Departmental Examination mandatory under the Khyber Pakhtunkhwa Prosecution Service Rules, 2010, held in the month of May, 2011 :-

| S.# | Name | Roll No. |
|-----|-------------------------|----------|
| 1 | Muhammad Shakeel Ahmad | 040 |
| 2 | Mr.Iltaf Hussain Akhtar | 024 |
| 3 | Muhammad Saleem | 016 |
| 4 | Mr. Abdul Salam | 006 |
| 5 | Mr. Javed Iqbal | 032 |
| 6 | Syed Falak Sair | 050 |
| 7 | Qazi Aftab Ahmad | 013 |
| 8 | Mr.Khalid Khan | 046 |
| 9 | Mr.Altaf Hussain | 023 |
| 10 | Mr. Imran Shah | 015 |
| 11 | Mohammad Shoaib | 033 |
| 12 | Muhammad Afzal Khan | 037 |
| 13 | Muhammad Nadeem | 042 |
| 14 | Mr.Tasawar Hussain | 047 |
| 15 | Sheikh Zahoor Ahmad | 026 |
| 16 | Mr. Rab Nawaz Khan | 002 |
| 17 | Mr. Atta Ullah Khan | 041 |
| 18 | Mr.Atta Ullah | 001 |
| 19 | Mr. Javed Hussain | 014 |
| 20 | Mr. Fazli Hadi | 030 |
| 21 | Mr.Anis Ahmad Jan | 022 |
| 22 | Mohammad Changaiz Khan | 027 |
| 23 | Mohammad Zahoor | 012 |
| 24 | Abdul Hameed | 017 |
| 25 | Mr.Zulfikar Khan | 018 |
| 26 | Mr.Pervez Elahi | 020 |
| 27 | Mr. Israr Ali | 021 |
| 28 | Syed Murtaza Shah | 025 |
| 29 | Mr.Amanullah Khan | 048 |
| 30 | Mr. Abdul Rashid | 031 |
| 31 | Mr. Muzaffar Ahmad | 049 |
| 32 | Mr.Javed Rehman | 051 |
| 33 | Mr.Kirmatullah Khan | 005 |
| 34 | Mr.Pervaz Khan | 011 |
| 35 | Muhammad Qaisar Khan | 004 |
| 36 | Mr. Sher Zaman | 003 |
| 37 | Mr. Sher Bahadir | 044 |

E



P/23
Government Of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No.SO (Prosecution)/HD/1-10/2010

Dated Peshawar the 10/06/2011.

| | | |
|----|--------------------|-----|
| 38 | Mr. Ziaullah Wazir | 045 |
| 39 | Muhammad Nasir | 036 |
| 40 | Mr. Ibrahim Khan | 008 |
| 41 | Mr. Abdul Sahkoor | 010 |
| 42 | Mr. Hayatullah | 043 |

However, the following candidates could not get the qualifying standard and have been declared as failed:-

| S.# | Name | Roll No. |
|-----|-------------------------|----------|
| 1 | Mohammad Khalid | 007 |
| 2 | Mr. Saeed Gul | 009 |
| 3 | Mr. Zaheer-ud-Din Soofi | 029 |
| 4 | Mr. Khurshid Anwar | 034 |
| 5 | Mr. Shamsuz Zaman | 035 |
| 6 | Muhammad Saeed | 038 |
| 7 | Mr. Javed Iqbal Anwar | 039 |

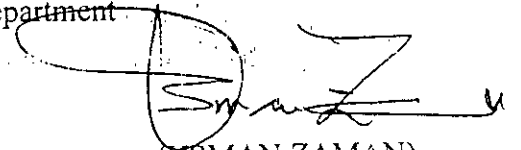
Secretary to Govt of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

Endst: No.SO(Pros.)/HD/1-10/2010.

Dated Peshawar the 10/06/2011

Copy forwarded for information to: -

- 1)-The Director General, Prosecution, Khyber Pakhtunkhwa, Peshawar. w/r to his letter No.DP/E&A/4676, dated 24/05/2011.
- 2)-All District Public Prosecutors in Khyber Pakhtunkhwa.
- 3)-Officers concerned
- 4)-P.S. to Secretary, Home & Tribal Affairs Department


(USMAN ZAMAN),
Section Officer (Prosecution)

30000 x 350 = 11000
10000
10500
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P/24

"F"

Annexure _____

ATTESTED
ADAM KHAN

To

The Chief Minister,
Khyber Pakhtunkhwa Peshawar,

Through: PROPER CHANNEL

Subject: REQUEST FOR PROMOTION TO THE POST OF PUBLIC
PROSECUTOR BPS-18 WITH RELEVANT SERVICE
BENEFIT AND SENIORITY.

Respected Sir,

The applicant submit as under:

1. That being Law Graduate, I was appointed as prosecuting sub-inspector BPS-14 in Police Department in the month of March, 1988.
2. That after qualifying the requisite courses of the police department and having passed the upper course examination with credit, I was promoted to the post of prosecuting inspector BPS-16 in the year 1996.
3. That I was due for promotion to the post of PDSP BPS-17, when the new Prosecution Department was established in the year 2002 and I was transferred from Police Department to Law Department and then to Home Department with designation of Deputy Public Prosecutor in the year 2003.

(Copy attached as annexure "A" and "B")

F

8/25

4. That I was awarded Four ACR'S (A-1) during the year 2003 to 2007 as Deputy Public Prosecutor and I was fit for promotion to the post of Public Prosecutor BPS-18 in the year 2007.
5. That under the new prosecution Act the post of Deputy Public Prosecutor was placed in BPS-17 but in violation of the above prosecution act I was deprived from the said benefit.
6. That instead of promotion as Public Prosecutor, I was demoted and my name was placed with Assistant Public Prosecutor in the seniority list of 2007. (Copy attached as annexure "C").
7. That I along with my other colleagues approached your goodself for the up gradation of the post of Deputy Pubic Prosecutor to BPS-17 and your goodself was pleased to upgrade the said post. (Copy attached as annexure "D" and "E").
8. That despite the fact that BPS 17 has been allotted to the post of Deputy Public Prosecutor in the Prosecution Act 2005 and your goodself has also upgraded the said post to BPS 17 but I was kept in BPS 16 and have promoted to the same post i.e. Deputy Public Persecutor in the year 2012, which was given to me in the year 2003.
9. That my demotion from deputy Public Prosecutor to Assistant Public Prosecutor was illegal against the nature, humanity and is against the Law and service structure.

8/26

10. That I was entitled to the promotion as public prosecutor in the year 2007.

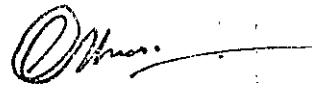
11. That my entire record while servicing the Prosecution Department is clean and unblemished.

12. That I am at the verge of retirement from service on attaining the age of Superannuation on 31/03/2013.

13. That I am the senior most public prosecutor amongst the rest of the public prosecutors serving in the District as District Public Prosecutor.

It is humbly prayed that in the light of afore-mentioned circumstances I may kindly be promoted to the post of Public Prosecutor with back service benefits since 2007 and my name may kindly be placed at proper place in the seniority list and obliged.

Dated: - 7 / 1 / 2013



(PARVEZ KHAN)

Deputy Public Prosecutor
Swabi

To

P/27

"G"

Annexure

The Chief Secretary,
Khyber Pakhtunkhwa Peshawar.

ATTESTED

ADAM KHAN

Subject: PROMOTION TO THE POST OF PUBLIC PROSECUTOR BPS-18.

Respected Sir,

The applicant submit as under:

1. That I have completed my twenty five (25) years service as prosecutor in Police, Law & Prosecution branch of Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar with clean & unblemished record.
2. That I am at the verge of retirement from service on attaining the age of supranation on 31-03-2013.
3. That the District Public Prosecutors namely Sahib Zada, Sakindar, Muhammad Faheem, Atta Ullah Khan and so many other officers were given promotion to the next higher scale as they were on the verge of retirement. By the time there was no post of BPS-19 however these officers were promoted to next higher scale just to avail the pecuniary benefit of the pension and gratuity. (Copy of Notification is attached as A, B & C).
4. That Mr. Lateef Khan Assistant Public Prosecutor, who was in BPS-16 & promoted to BPS-17 at the time of his retirement inspite of the facts that he had not fulfilled the mandatory requirement for promotion in next high scale i.e the passing of the Departmental Promotion Examination. (Copy of Notification is attached as D).
5. That similarly Mr. Riaz Ul Hassan Assistant Public Prosecutor who has recently been upgraded from BPS-14 to BPS-16 was also promoted to BPS-17 at the time of his retirement. (Copy of Notification is attached as E). and seniority list is attached as annex (F)
6. That there are strong precedents in this context, where in the prosecutors have been promoted to the next higher scale at verge of their retirement.

Keeping in view the above mentioned facts, It is therefore requested that the applicant is also going to be retired on dated 31-03-2013, so the case of applicant may kindly be treated as par with the above prosecutors.

It is further requested that the case may kindly be finalized prior to the 31-03-2013 that is the day of retirement.


(PARVEZ KHAN)
Deputy Public Prosecutor

8/28

H

Annexure



Government Of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
No. SO (Pros)/HD/1-10/2012
Dated Peshawar the 15/03/2013

ATTESTED
ADAM KHAN

To


✓ The Director General (Prosecution)
Khyber Pakhtunkhwa Peshawar.

Subject: - PROMOTION TO THE POST OF PUBLIC PROSECUTOR
(BS-18).

Dear Sir,

Kindly refer to your letter DP/E&A 1 (100)2012/2244 dated 28/02/2013 and DP/E&A 1 (100)2012/1539 dated 08/02/2013 on the subject noted above and to state that the case has already been filed as recommended by the Directorate of Prosecution.

Yours faithfully,


(Khalid Akbar) 15/3/13
Section Officer (Prosecution)
Ph: # 091-9210541
Fax: # 091-9210201

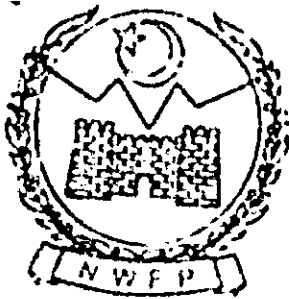
Endst:of even No.& Date.

Copy forwarded to the:

1. PS to Secretary, Home & Tribal Affairs Department Peshawar.

Section Officer (Prosecution)

H



P/29

Annexure
GOVERNMENT OF N.-W.F.P.
HOME & T.As. DEPARTMENT

No. _____

Dated Peshawar, the _____ 200

ADAF

NOTIFICATION.

No. SO(Prosecution)/HD/1-10/2008 Vol-IV. The Competent Authority, in consultation with the Provincial Selection Board, is pleased to order the promotion of Mr Sikandar Azam Sahibzada, Public Prosecutor (BPS-18) to (BPS-19) on regular basis with effect from 11/11/2008.

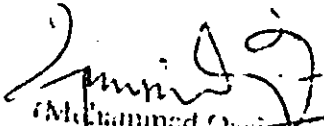
Secretary to Government of NWFP
Home & Tribal Affairs Department

Encls: No. SO(Prosecution)/HD/1-10/08 Vol-IV.

Dated 19/11/2008.

Copy forwarded to: -

- 1)- The Secretary to Chief Minister NWFP, Peshawar.
- 2)- The Accountant General, NWFP, Peshawar.
- 3)- The Director General, Prosecution, NWFP, Peshawar.
- 4)- District Public Prosecutor, Peshawar.
- 5)- P.S. to Chief Secretary i. NWFP.
- 6)- P.S. to Secretary Establishment Department.
- 7)- P.S. to Secretary Home & Tribal Affairs Department


Muhammad Qasim
Section Officer (Prosecution)

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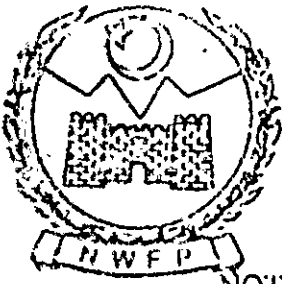
Annexure

GOVERNMENT OF N.-W.F.P. ATTESTED
HOME & T.A.S. DEPARTMENT.

ADAM KHAN

No. _____

Dated Peshawar. the _____ 200



NOTIFICATION.

No. SO (Prosecution) / HD / 1-10/2008 / Vol-V. The Competent Authority, in consultation with the Provincial Selection Board, is pleased to order the promotion of the following Officers from (BPS-18) to (BPS-19) on regular basis with effect from 12/02/2009:-

- i)-Mr. Attaullah Khan, District Public Prosecutor, Bannu.
- ii)-Mr. Muhammad Faheem Jan, Director (Administration), Directorate of Prosecution NWFP, Peshawar.

Secretary to Government of NWFP,
Home & Tribal Affairs Department.

Encl. No. SO (Prosecution) / HD / 1-10/08 / Vol-V.

Dated 05/03/2009.

Copy forwarded to: -

- 1)-The Secretary to Chief Minister NWFP, Peshawar.
- 2)-The Accountant General, NWFP, Peshawar.
- 3)-The Director General, Prosecution, NWFP, Peshawar.
- 4)-The District Public Prosecutor, Bannu.
- 5)-The District Accounts Officer, Bannu.
- 6)-P.S. to Chief Secretary N.W.F.P.
- 7)-P.S. to Secretary Establishment Department.
- 8)-P.S. to Secretary Home & Tribal Affairs Department.
- 9)-Officers concerned.

Amir " B "

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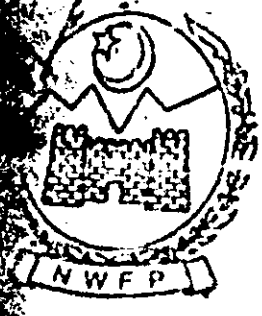
Adila
Distt. P.P. Bannu
14/3/09

Section Officer (Prosecution)

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P/31

K



Annexure
GOVERNMENT OF N.-W.F.P.
HOME & T.As. DEPARTMENT.

ATTESTED

No. _____
Dated Peshawar, the _____ 200

ADAM KHAN

NOTIFICATION.

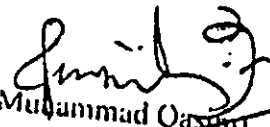
No.SO(Prosecution)/11D/1-10/2008/Vol-IV. The Competent Authority, in consultation with Departmental Promotion Committee, is pleased to order the promotion of Mr.Latif Khan, Assistant Public Prosecutor (BPS-16) of Directorate of Prosecution NWFP to the post of Deputy Public Prosecutor (BPS-17) on regular basis with effect from 13/11/2008.

Secretary to Government of NWFP,
Home & Tribal Affairs Department.

Encl: N. SO(Prosecution)/11D/1-10/2008/Vol-IV.

Dated 29/11/2008.

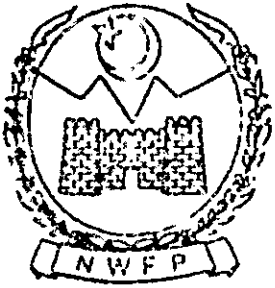
- Copy furnished to:-
- 1)-The Accountant General, NWFP, Peshawar.
 - 2)-The Director General, Prosecution, NWFP, Peshawar.
 - 3)-The District Public Prosecutor, Peshawar.
 - 4)-P.S. to Chief Secretary N.W.F.P.
 - 5)-P.S. to Secretary Establishment Department.
 - 6)-P.S. to Secretary Home & Tribal Affairs Department.
 - 7)-Officer concerned.


(Muhammad Qasim),
Section Officer (Prosecution)

K

P/32

Annexure



GOVERNMENT OF N.-W.F.P. ATTESTED
HOME & T.As. DEPARTMENT.

No. _____ ADAM KHAN

Dated Peshawar, the _____ 2009

NOTIFICATION.

No.SO(Prosecution)/HD/1-10/2008/Vol-V. In partial modification of this Department's Notification No. SO (Prosecution)/HD/1-10/2008/Vol-V, dated 05/03/2009, promotion of the following Officers will be with immediate effect from 05/03/2009 instead of 12/02/2009: -

- i)-Mr. Attaullah Khan, District Public Prosecutor, Bannu, presently Director General, Prosecution NWFP, Peshawar.
- ii)-Mr. Muhammad Faheem Jan, Director(Administration), Directorate of Prosecution NWFP, Peshawar.

Secretary to Government of NWFP,
Home & Tribal Affairs Department.

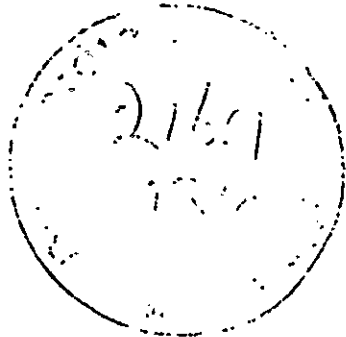
Endst:No.SO(Prosecution)/HD/1-10/08./Vol-V.

Dated 09/05/2009.

Copy forwarded to: -

- 1)-The Secretary to Chief Minister NWFP, Peshawar.
- 2)-The Accountant General, NWFP, Peshawar.
- 3)-The Director General, Prosecution, NWFP, Peshawar.
- 4)-The District Public Prosecutor, Bannu.
- 5)-The District Accounts Officer, Bannu.
- 6)-P.S. to Chief Secretary N.W.F.P.
- 7)-P.S. to Secretary Establishment Department.
- 8)-P.S. to Secretary Home & Tribal Affairs Department.
- 9)-Officers concerned.

Section Officer (Prosecution)



D.A./A.D
Arif

P/33
GOVERNMENT OF N.W.F.P.
HOME & T.As. DEPARTMENT

Dated Peshawar, the _____ 200

Annexure _____

ATTESTED

ADAM KHAN

NOTIFICATION.

No. SO(Prosecution)/IID/1-8/2005. In terms of provisions of Rule-20 of the NWFP Civil Servants Revised Leave Rules, 1981 and Instructions there under issued from time to time, sanction is hereby accorded to the encashment of Leave Preparatory to Retirement, equal to 180 days in favour of Mr. Latif Khan, Deputy Public Prosecutor (BPS-17), Peshawar subject to availability of leave at his credit and clearance of financial liability.

2. In terms of Section-13 of the NWFP Civil Servants Act, 1973 he stands retired from service on 14/11/2008 (Afternoon), with retrospective effect, on attaining the age of superannuation.

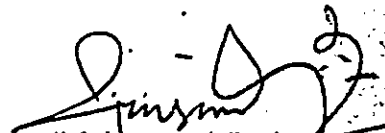
SECRETARY TO GOVERNMENT OF NWFP,
HOME & TRIBAL AFFAIRS DEPARTMENT

Endst: No. SO(Pros)/IID/1-8/2005.

Dated 23/12/2008.

Copy forwarded to: -

- 1)-The Accountant General, NWFP, Peshawar.
- 2)-The Director General, Prosecution, NWFP, Peshawar. w/r to his letter No. DP/E&A/1(51)/06/6406, dated 13/12/2008.
- 3)-The District Public Prosecutor, Peshawar.
- 4)-Officer concerned.


(Muhammad Qasim),
Section Officer (Prosecution)

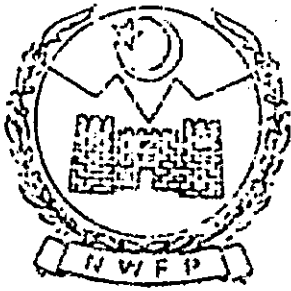
8/34

Annexure

GOVERNMENT OF N.W.F.P.
HOME & T.A.S. DEPARTMENT

No. _____

Dated Peshawar, the _____



ATTEST

ADAM KHAN

NOTIFICATION.

No. SO (Prosecution) HD/1-10/2008/Vol-IV. The Competent Authority, in consultation with Departmental Promotion Committee, is pleased to order the promotion of Mr. Riaz-ul-Hassan, Assistant Public Prosecutor (HPS-16) Directorate of Prosecution NWFP to the post of Deputy Public Prosecutor (DPS) on regular basis with effect from 29/01/2009.

Secretary to Government of NWFP
Home & Tribal Affairs Department

Encls: No. SO (Prosecution) HD/1-10/08/Vol IV.

Dated 11/02/2009

Copy forwarded to:-

- 1)-The Director General, Prosecution, NWFP, Peshawar.
- 2)-The District Public Prosecutor, Charsadda.
- 3)-The District Accounts Officer, Charsadda.
- 4)-P.S. to Chief Secretary N.W.F.P.
- 5)-P.S. to Secretary Establishment Department
- 6)-P.S. to Secretary Home & Tribal Affairs Department.
- 7)-Officer concerned.

Section Officer (Prosecution)

Soni

14/2

(S. K. P. S.)

12/01-9

Better Copy of Annex - "N"
PP-34

GOVERNMENT OF N.W.F.P.

HOME & T.As. DEPARTMENT

ATTESTED
Adam Khan
ADAM KHAN

No. _____

Dated Peshawar the _____ 200

NOTIFICATION

No. SO(Prosecution)(HD)1-10(2008/Vol-IV. The competent Authority in consultation with Department/Promotion Committee is pleased to order the Promotion of Mr. Riazul Hassan, Assistant Public Prosecutor(BPS-16) of Directorate of Prosecution NWFP to the post of Deputy Public Prosecutor (BPS-17) on regular basis with effect from 29.01.2009.

Secretary to Government of NWFP
Home and Tribal Affairs Deptt:

Endst. No. SO(Prosecution)(HD)/1-10/08/Vol.IV dt: 11.02.2009

Copy forwarded to :

1. The Director General Prosecution NWFP Peshawar.
2. The District Public Prosecutor Charsadda
3. The District Accounts Officer Charsadda.
4. The P.S. to Chief Secretary NWFP
5. P.S. to Secretary Establishment Department
6. P.S. to Secretary Home and Tribal Affairs Department
7. Officer concerned.

Sd/-

Section Officer (Prosecution)

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P/35

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Annexure _____

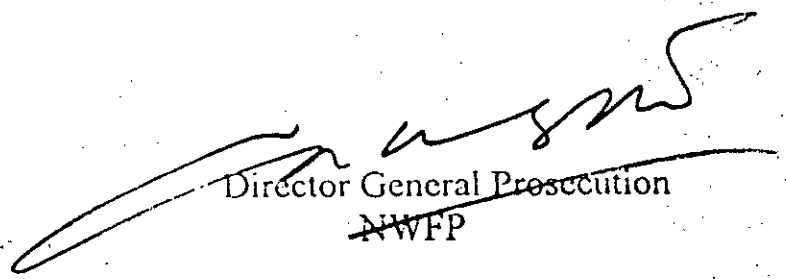
DIRECTORATE OF PROSECUTION
NWFP

ATTESTED

ADAM KHAN

NOTIFICATION : No. DPE&A-1(49)05 dated 10th March 2007. / 976 - 1001

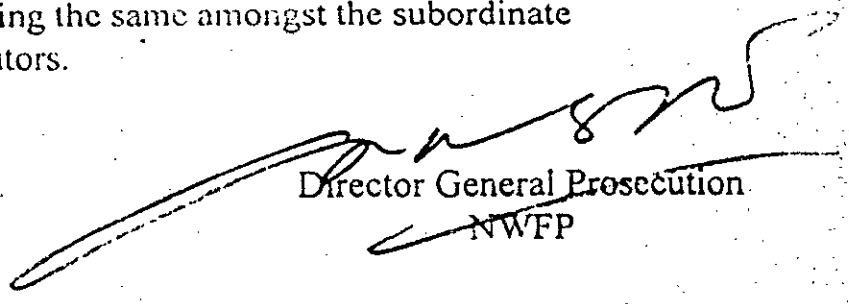
The joint seniority of the Public Prosecutors as it stood on 31/12/2006 received from the Police and Law departments is hereby notified as per the attached list.


Director General Prosecution
NWFP

Endst: NO dated & even.

Copies forwarded to:

1. The Section officer (Prosecution) Home & Tribal Affairs Department.
2. All the District Public Prosecutors in NWFP for circulating the same amongst the subordinate Prosecutors.


Director General Prosecution
NWFP

210

FINAL SENIORITY LIST OF PUBLIC PROSECUTORS (BPS-18) DEPUTY PUBLIC PROSECUTORS (BPS-17) AND ASSISTANT PUBLIC PROSECUTORS (BPS-16) AND (BPS-14) AS ON 07/03/2007.

| S.No. | Name of officer. | Educational qualification. | Date of Birth. | District of domicile. | Date of first entry into service on regular basis with basic pay scale. | First regular appointment to the service/cadre. |
|-------|-----------------------------|----------------------------|----------------|-----------------------|-------------------------------------------------------------------------|-------------------------------------------------|
| ✓ 1. | Mr. Sher Muhammad Khan | B.A.L.L.B | 15/02/1949 | Swat | 21/01/1980 | BPS-18 |
| ✓ 2. | Mr. Younis Khan Shinwari | B.Sc.L.L.B | 08/08/1948 | Kohat | 14/11/1979 | BPS-18 |
| 3. | Mr. Attaullah Khan | B.Sc.L.L.B | 01/11/1949 | Bannu | 17/11/1979 | BPS-18 |
| ✓ 4. | Mr. Sikandar Azam Sahibzada | B.A.L.L.B | 19/11/1948 | Peshawar | 20/05/1980 | BPS-18 |
| 5. | Mr. Muhammad Fahim Jan | B.A.L.L.B | 10/09/1949 | Peshawar | 05/07/1980 | BPS-18 |
| ✓ 6. | Mr. Said Bachar Khan | B.Sc.L.L.B | 12/06/1948 | Mardan | 03/01/1981 | BPS-18 |
| ✓ 7. | Mr. Shah Alam Khan | B.A.L.L.B | 01/08/1947 | Mansehra | 10/01/1981 | BPS-18 |
| ✓ 8. | Miss Suriyya Jabeen | B.A.L.L.B | 11/06/1948 | Peshawar | 11/12/1982 | BPS-18 |
| ✓ 9. | Mr. Saif ur Rehman | B.A.L.L.B | 08/10/1948 | Kohat | 19/12/1982 | BPS-18 |
| 10. | Mr. Sana Ullah Khan | B.A.L.L.B | 01/11/1951 | Tank | 03/01/1977 | BPS-18 |
| 11. | Mr. Syed Faoz Shah | B.A.L.L.B | 19/05/1952 | Charsadda | 31/10/1985 | BPS-18 |
| 12. | Mr. Asmat Isa Khan | B.A.L.L.B | 27/02/1952 | Chitral | 03/03/1978 | BPS-18 |
| 13. | Mr. Muhammad Akram | B.A.L.L.B | 05/01/1953 | Peshawar | 13/04/1989 | BPS-18 |
| 14. | Mr. Muhammad Ilyas | B.Sc.L.L.B | 20/04/1956 | Charsadda | 15/12/1980 | BPS-18 |
| 15. | Mr. Muhammad Zaman Khan | M.A.L.L.B | 25/10/1954 | Dir | 12/07/1980 | BPS-18 |
| 16. | Mr. Muhammad Idris | B.A.L.L.B | 10/03/1959 | Swabi | 04/10/1995 | BPS-18 |
| 17. | Mr. Muhammad Zubair Anwar | B.A.L.L.M | 02/04/1960 | Kohat | 04/10/1995 | BPS-18 |
| 18. | Mr. Bilal Mohyudin; | B.Sc.L.L.B | 15/12/1963 | Peshawar | 04/10/1995 | BPS-18 |

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(14)

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| | | | | | | |
|-------|-----------------------------|------------|------------|-------------|------------|--------|
| 19. | Mr. Fakhrul Islam | B.A.L.L.B | 15/06/1960 | Abbottabad | 04/10/1995 | BPS-18 |
| 20. | Mr. Muhammad Sultan Mehmood | B.A.L.L.B | 06/01/1966 | D.I. Khan | 17/10/1995 | BPS-18 |
| 21. | Mr. Amjid Ali Shah | B.A.L.L.B | 16/06/1963 | Mardan | 04/10/1995 | BPS-18 |
| 22. | Mr. Sikandar Hayat | B.Sc.L.L.B | 10/09/1960 | Charsadda | 04/10/1995 | BPS-18 |
| 23. | Mr. Muhammad Ibrahim | B.A.L.L.B | 15/02/1963 | Malakand | 04/10/1995 | BPS-18 |
| 24. | Mr. Amir Subhan Khattak | B.A.L.L.B | 20/12/1959 | Nowshera | 04/10/1995 | BPS-18 |
| 25. | Mr. Muhammad Nawaz | B.A.L.L.B | 15/01/1956 | Dir (Lower) | 25/11/1998 | BPS-18 |
| 26. | Mujarrab Khan | B.A.L.L.B | 22/03/1960 | Shangla | 4/11/1998 | BPS-18 |
| 27. | Mr. Tariq Bakhsh | B.A.L.L.B | 24/05/1965 | Kohat | 28/11/1998 | BPS-18 |
| 28. | Mr. Taj Noor | B.A.L.L.B | 05/03/1959 | Malakand | 12/12/1992 | BPS-17 |
| + 29. | Mr. Muhammad Jalal ud Din | B.A.L.L.B | 24/08/1948 | Peshawar | 5/11/1998 | BPS-17 |
| + 30. | Mr. Nasrullah Khan | B.A.L.L.B | 10/04/1953 | Peshawar | 05/11/1998 | BPS-17 |
| 31. | Mr. Shahzada | M.A.L.L.B | 04/10/1964 | Bajure | 05/11/1998 | BPS-17 |
| 32. | Mr. Hafiz Muhammad Hroon | B.A.L.L.B | 01/04/1965 | Mansehra | 05/11/1998 | BPS-17 |
| 33. | Mr. Nusratullah Jan | B.A.L.L.B | 10/10/1965 | Peshawar | 05/11/1998 | BPS-17 |
| 34. | Mr. Muhammad Arif | B.A.L.L.B | 31/03/1966 | Charsadda | 05/11/1998 | BPS-17 |
| 35. | Mr. Saleem Muhammad | B.A.L.L.B | 04/04/1964 | Malakand | 05/11/1998 | BPS-17 |
| 36. | Mr. Abdul Wajid | B.A.L.L.B | 10/10/1966 | D.I.Khan | 11/01/2001 | BPS-17 |
| 37. | Mr. Imtiaz-ud- Din Mansoor | B.A.L.L.B | 12/10/1963 | D.I.Khan | 09/01/2001 | BPS-17 |
| 38. | Mr. Gul Waris Khan | B.A.L.L.B | 10/07/1968 | F.R. Bannu | 19/04/2002 | BPS-17 |
| + 39. | Mr. Zulfiqar Ali Khan | B.A.L.L.B | 03/03/1968 | Swabi | 30/04/2002 | BPS-17 |
| 40. | Mr. Sibghatullah | B.A.L.L.M | 01/01/1957 | Swabi | 19/04/2002 | BPS-17 |
| 41. | Mr. Saeed Naeem | M.A.L.L.B | 10/03/1966 | Dir (Lower) | 09/05/2002 | BPS-17 |
| 42. | Mr. Kamran Khan Wazir | B.A.L.L.B | 04/02/1968 | F.R.Bannu | 19/04/2002 | BPS-17 |
| 43. | Mr. Arif Ullah Shah | B.A.L.L.B | 01/04/1969 | Dir (Upper) | 30/04/2002 | BPS-17 |
| 44. | Mr. Farmanullah | M.A.L.L.B | 15/01/1965 | Kohat | 19/04/2002 | BPS-17 |
| 45. | Mr. Muhammad Jehanzeb | B.A.L.L.B | 20/09/1967 | D.I.Khan | 19/04/2002 | BPS-17 |
| 46. | Mr. Jehanzeb Khan | B.A.L.L.B | 25/12/1967 | Peshawar | 04/04/2003 | BPS-17 |
| 47. | Mr. Shehzad Iqbal | B.A.L.L.B | 08/06/1967 | Peshawar | | |

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| | | | | | | |
|-----|----------------------------|------------------|-------------------|----------------|-------------------|---------------|
| 48. | Mr. Qadir Baksh | B.A.L.L.B | 05/09/1959 | D.I.Khan | 11/07/2003 | BPS-17 |
| 49. | Mr. Fazal Noornai | B.A.L.L.B | 01/03/1970 | Peshawar | 04/04/2003 | BPS-17 |
| 50. | Mr. Arif Bilal | B.A.L.L.B | 23/03/1968 | Peshawar | 04/04/2003 | BPS-17 |
| 51. | Mr. Zahid Amin | B.A.L.L.B | 20/04/1972 | Mardan | 28/03/2003 | BPS-17 |
| 52. | Mr. Attaullah Shah | B.A.L.L.B | 25/11/1968 | Lakki Marwatt | 08/04/2003 | BPS-17 |
| 53. | Mr. Faheem Khan | B.A.L.L.B | 03/03/1969 | Kohat | 07/04/2003 | BPS-17 |
| 54. | Mr. Jamshed Khan | M.A.L.L.B | 15/08/1965 | Charsadda | 04/04/2003 | BPS-17 |
| 55. | Malik Zaheer-ud-Din Babar | B.A.L.L.B | 12/07/1968 | Kohat | 26/09/2003 | BPS-17 |
| 56. | Mian Shahid-ur-Rehman | B.Sc.L.L.B | 06/10/1971 | Nowshera | 23/09/2003 | BPS-17 |
| 57. | Mr. Muhammad Zulfiqar Ali | B.A.L.L.B | 20/04/1968 | Peshawar | 07/04/2003 | BPS-17 |
| 58. | Mr. Muhammad Ayub | B.A.L.L.B | 12/11/1968 | D.I.Khan | 27/09/2003 | BPS-17 |
| 59. | Mr. Saqib Sultan Jadoon | B.A.L.L.B | 27/02/1971 | Abbottabad | 16/09/2003 | BPS-17 |
| 60. | Mr. Irshadullah | B.A.L.L.B | 01/01/1966 | F.R.Kohat | 22/09/2003 | BPS-17 |
| 61. | Mr. Muhammad Irshad | B.A.L.L.B | 05/12/1970 | Bajawar Agency | 23/09/2003 | BPS-17 |
| 62. | Mr. Bashir Muhammad | M.A.L.L.B | 05/11/1960 | Mansehra | 16/09/2003 | BPS-17 |
| 63. | Mr. Muhammad Litaf Khan | B.A.L.L.B | 13/02/1971 | Momand Agency | 24/09/2003 | BPS-17 |
| 64. | Mr. Muhammad Khalid | B.A.L.L.B | 20/08/1969 | Peshawar | 16/03/2003 | BPS-17 |
| 65. | Mr. Rast Baz Khan | B.A.L.L.B | 21/02/1959 | Bannu | 11/07/2006 | BPS-17 |
| 66. | Mr. Alamzeb | B.A.L.L.B | 12/12/1964 | Dir (Upper) | 28/02/2004 | BPS-17 |
| 67. | Mr. Nawab Zarin | B.A.L.L.B | 13/11/1968 | F.R.Bannu | 18/02/2004 | BPS-17 |
| 68. | Mr. Azmat Ghafoor | B.A.L.L.B | 30/05/1952 | Peshawar | 22/12/2001 | BPS-17 |
| 69. | Mr. Shujat Ali Khan | B.A.L.L.B | 01/01/1951 | Swat | 23/09/1983 | BPS-16 |
| 70. | Mr. Attaullah Khan | B.A.L.L.B | 08/09/1951 | Peshawar | 01/01/1977 | BPS-16 |
| 71. | Mr. Akbar Khan | B.A.L.L.B | 06/05/1948 | Peshawar | 16/02/1984 | BPS-16 |
| 72. | Mr. Rab Nawaz | B.Sc.L.L.B | 22/06/1952 | Peshawar | 17/04/1978 | BPS-16 |
| 73. | Mr. Sher Zaman | B.A.L.L.B | 20/05/1952 | Mardan | 08/03/1988 | BPS-16 |
| 74. | Mr. Muhammad Qaiser | B.A.L.L.B | 02/12/1956 | Charsadda | 22/02/1988 | BPS-16 |
| 75. | Mr. Kiramatullah | B.A.L.L.B | 02/08/1958 | Lakki Marwatt | 01/12/1982 | BPS-16 |
| 76. | Mr. Abdur Rauf | B.A.L.L.B | 06/05/1947 | Swat | 12/10/1989 | BPS-16 |

| | | | | | | |
|------|------------------------|------------|------------|---------------|------------|--------|
| 77. | Mr. Abdus Salam | B.A.L.L.B | 06/06/1955 | Swat | 01/08/1987 | BPS-16 |
| 78. | Mr. Zulfiqar Ahmad | B.A.L.L.B | 21/04/1958 | Abbottabad | 11/05/1991 | BPS-16 |
| 79. | Mr. Muhammad Khalid | B.A.L.L.B | 04/01/1954 | Abbottabad | 11/05/1991 | BPS-16 |
| 80. | Mr. Perwaish Khan | B.A.L.L.B | 14/05/1949 | Buner | 06/01/1992 | BPS-16 |
| 81. | Mr. Mir Muhammad Shah | B.A.L.L.B | 04/04/1949 | Chitral | 09/07/1991 | BPS-16 |
| 82. | Mr. Saeed Gul | M.A.L.L.B | 18/04/1954 | Hazara | 29/06/1992 | BPS-16 |
| 83. | Mr. Ibrahim Khan | M.A.L.L.B | 20/04/1956 | Swat | 07/01/1992 | BPS-16 |
| 84. | Mr. Latif Khan | B.A.L.L.B | 15/11/1948 | Peshawar | 27/12/1995 | BPS-16 |
| 85. | Mr. Pervaiz Khan | B.A.L.L.B | 01/04/1955 | Mardan | 18/04/1996 | BPS-16 |
| 86. | Mr. Imran Shah | B.A.L.L.B | 20/04/1959 | Dir | 21/09/1997 | BPS-16 |
| 87. | Mr. Muhammad Saleem | B.A.L.L.B | 14/09/1959 | M. Agency | 24/09/1997 | BPS-16 |
| 88. | Mr. Javed Hussain | B.A.L.L.B | 10/10/1961 | Chitral | 06/10/1997 | BPS-16 |
| 89. | Mr. Muhammad Zahoor | B.A.L.L.B | 05/05/1958 | Lakki Marwatt | 17/01/1987 | BPS-16 |
| 90. | Mr. Abdul Hameed Shah | B.A.L.L.B | 03/08/1947 | Lakki Marwatt | 04/07/1994 | BPS-16 |
| 91. | Mr. Abdul Shahkoo | B.A.L.L.B | 06/02/1954 | Mansehra | 20/02/1993 | BPS-16 |
| 92. | Mr. Qazi Aftab Ahmad | B.A.L.L.B | 19/05/1956 | Haripur | 04/07/1997 | BPS-16 |
| 93. | Mr. Muhammad Azam Awan | B.A.L.L.B | 05/12/1948 | Haripur | 17/10/1978 | BPS-16 |
| 94. | Mr. Abdul Hameed | M.A.L.L.B | 01/04/1952 | Abbottabad | 13/12/1997 | BPS-16 |
| 95. | Mr. Muhammad Saeed | B.A.L.L.B | 16/07/1949 | Kohat | 24/08/1983 | BPS-14 |
| 96. | Mr. Riaz ul Hassan | B.Sc.L.L.B | 01/02/1949 | Peshawar | 33/12/1976 | BPS-14 |
| 97. | Mr. Pervaiz Ilahi | B.Sc.L.L.B | 01/01/1955 | Peshawar | 01/07/1977 | BPS-14 |
| 98. | Mr. Arbab Bashir | B.A.L.L.B | 20/03/1951 | Peshawar | 11/07/1977 | BPS-14 |
| 99. | Mr. Attiq Ur Rahman | B.A.L.L.B | 07/09/1949 | Peshawar | 14/03/1978 | BPS-14 |
| 100. | Mr. Zulfiqar Khan | B.A.L.L.B | 02/04/1956 | Peshawar | 13/03/1988 | BPS-14 |
| 101. | Mr. Jamal Khattak | B.A.L.L.B | 13/04/1961 | Peshawar | 23/04/1988 | BPS-14 |
| 102. | Mr. Muhammad Fayaz | B.A.L.L.B | 01/05/1951 | Malakand | 06/11/1994 | BPS-14 |
| 103. | Mr. Israr Ali | B.A.L.L.B | 15/02/1957 | Dir (Lower) | 31/10/1982 | BPS-14 |
| 104. | Mr. Anees Ahmad Jan | B.A.L.L.B | 26/04/1958 | Mansehra | 29/01/1984 | BPS-14 |
| 105. | Mr. Iltaf Hussain | B.A.L.L.B | 12/02/1961 | D.I.Khan | 17/09/1989 | BPS-14 |

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| | | | | | | |
|-----|---------------------|------------|------------|-------------|------------|--------|
| 135 | Mr. Zia Ullah Wazir | B.Sc.L.L.B | 26/10/1965 | F.R.Bannu | 08/04/1999 | BPS-14 |
| 136 | Mr. Khalid Khan | B.A.L.L.B | 10/02/1969 | Swabi | 10/04/1999 | BPS-14 |
| 137 | Mr. Tasawar Hussain | B.A.L.L.B | 01/04/1970 | D.I.Khan | 02/04/1999 | BPS-14 |
| 138 | Mr. Aman Ullah | M.A.L.L.B | 19/12/1966 | Bannu | 08/04/1999 | BPS-14 |
| 139 | Mr. Muzaffar Ahmad | B.A.L.L.B | 19/01/1968 | Dir (Lower) | 05/04/1999 | BPS-14 |
| 140 | Mr. Syed Falak Sair | B.A.L.L.B | 05/12/1964 | Dir (Upper) | 06/04/1999 | BPS-14 |
| 141 | Mr. Javed Rehman | B.A.L.L.B | 02/09/1965 | Mardan | 05/09/1999 | BPS-14 |

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Director General Prosecution
NWFP

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.912/ 2013

Pervez Khan, Deputy Public Prosecutor, SwabiAppellant

VERSUS

The Chief Secretary Khyber Pakhtunkhwa and othersRespondents

WRITTEN REPLY / COMMENTS ON BEHALF OF RESPONDENTS 1, 2 & 5

PRELIMINARY OBJECTIONS:-

1. That appellant has got no cause of action.
2. That the appeal is not maintainable in the present form.
3. That the Appellant has got no locus standi to bring the appeal in hand.
4. That this Honourable Tribunal has got no jurisdiction to entertain the instant appeal.
5. That the present petition is not maintainable in the eye of law.
6. That the Appellant is estopped by his own conduct to file the present appeal.
7. That the Appellant has not approached this Tribunal with clean hands.
8. That the Appellant has concealed material facts from this Tribunal.
9. The appeal is bad for non-joinder and mis-joinder of necessary parties. It is, however, pertinent to mention that the appellant has not bothered to implead the police department as necessary party.

FACTS:-

Respectfully Sheweth,

1. Reply to this para pertains to record hence needs no comments.
2. As replied vide para-1 of the facts.
3. As replied vide para-1 of the facts.
4. Pertains to record.
5. After the enforcement of Police Order 2002, and devolution of Power Plan 2001, Prosecution Branch of Police Department was abolished and the employees of Legal Branch alongwith their Posts and Budget were to

transferred initially to Law Department and subsequently to the Home & Tribal Affairs Department Khyber Pakhtunkhwa. It is further clarified that the terms and conditions of services of transferee employees were regulated in Law Department under the Service Rules known as Khyber Pakhtunkhwa Prosecutors and Government Pleaders (Appointment) Rules, 1978 (Annexure-A). In the said Rules there were two categories of the officers namely Public Prosecutor / Government Pleader (BS-18) and Additional Public Prosecutor / Additional Government Pleader (BS-17). Thus the Notification issued by the Law Department and relied upon by the appellant Annexure-E was issued in deviation of Rules referred to above, therefore, is / was having no binding effects on the respondents.

6. Correct to the extent that the post of Deputy Public Prosecutor is / was in BS-17 under the Khyber Pakhtunkhwa Prosecution Service Rules, 2005 (Annexure-B). However, the appellant on transfer to Home Department was in BS-16, therefore, he was re-designated as Assistant Public Prosecutor (BS-16) in line with the statutory requirement of Khyber Pakhtunkhwa Prosecution Service Rules, 2005.
7. The assertions of the appellant are incorrect and unfounded. The post of Deputy Public Prosecutor was already in BS-17, under the Khyber Pakhtunkhwa Prosecution Service Rules, 2005.
8. As replied vide para-7 above.
9. The assertions of the appellant are incorrect and unfounded. Moreover, the case of the officer alongwith other eligible officers was placed before the Departmental Promotion Committee for consideration of promotion under the Khyber Pakhtunkhwa Prosecution Service Rules, 2005 and thus the appellant being fulfilled the criteria was promoted from BS-16 to BS-17 by the Home & Tribal Affairs Department (Annexure-C). Accordingly the appellant assumed his charge in BS-17 and thus he has estopped by his own conduct to file the present service appeal. Furthermore, as replied vide para-5 above.
10. As replied vide paras-5 & 9 above.
11. Since the request of the appellant was against the Khyber Pakhtunkhwa Prosecution Service Rules, 2005, therefore, the same was not entertained by the competent authority.
12. As replied vide para-11 above.

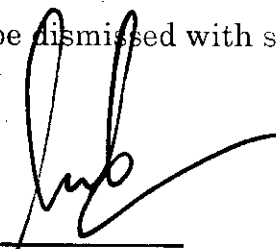
13. Incorrect. Those officers who fulfilled the criteria as laid down in the Khyber Pakhtunkhwa Prosecution Service Rules, 2005 were considered for promotion, therefore, the appellant has not been discriminated.

GROUND:-


- A. Pertains to record.
- B. Pertains to record.
- C. Incorrect. Names of the officers mentioned in this para are fulfilling the laid down criteria for promotion under the Khyber Pakhtunkhwa Prosecution Service Rules, 2005, and were considered for promotion by the Provincial Selection Board, subsequently the recommendations of the PSB were approved by the competent authority and the officers were promoted to BS-19. This para has no relevancy with the service appeal of appellant.
- D. Incorrect. As replied vide para-C above.
- E. Incorrect. As replied vide para-C above
- F. Incorrect. The appellant has not been discriminated. Rest of the para is having no legal substance, thus the same cannot be acted upon.
- G. Legal.
- H. The appellant has got no case what to talk of other grounds. The appeal is having no legal substance.

PRAYERS

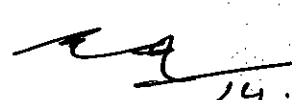
In wake of the above submissions the appeal of the appellant is meritless, therefore, the appeal may kindly be dismissed with special cost.



Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)



Secretary
Home Department
Khyber Pakhtunkhwa
(Respondent No.2)


14.7.15

Director General Prosecution
Khyber Pakhtunkhwa
(Respondent No.5)

Annex A²⁷

**North-West Frontier Province Public
Prosecutors and Government Pleaders
(Appointment) Rules, 1978**

[Gazette of N.W.F.P., Extraordinary, 4th April 1979]

No. S.O. R. II (S&GAD) 2-7/78.—In exercise of the powers conferred by section 26 of the North-West Frontier Province, Civil Servants Act, 1973, (N.W.F.P. Act XVIII of 1973), the Government of the North-West Frontier Province, is pleased to make the following rules, namely:—

1. (1) These rules may be called the North-West Frontier Province Public Prosecutors and Government Pleaders (Appointment) Rules, 1978.

(2) They shall come into force at once.

2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts shall be as given in the Schedule annexed.

**APPENDIX TO THE NORTH-WEST FRONTIER PROVINCE PUBLIC PROSECUTORS AND
GOVERNMENT PLEADERS (APPOINTMENT) RULES, 1978**

| S.No | Nomenclature of post | Method of recruitment | Minimum qualifications prescribed for initial recruitment | Minimum and Maximum age limit for Initial recruitment |
|------|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------|
| 1 | Public Prosecutor / Government Pleader | (1) 75% of the posts by promotion from among Additional Public Prosecutor / Additional Government Pleaders having 5 years service as such. (2) 25% of the posts by initial recruitment. | A degree in Law (B.A/B.Sc., L.L.B) with 5 years Standing at the Bar. | 30 years. 40 years. |
| | Additional Public Prosecutor/ Additional Government Pleader. | By initial recruitment | A degree in Law (B.A/B.Sc., L.L.B.) with 3 years standing at the Bar. | 27 years. 35 years. |

- Annex B
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| No. | Nomenclature | Scale | Minimum Qualification | Method of appointment | Age Limit |
|-----|-------------------------------------|-------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | Director General Prosecution. | 19 | | i) By promotion from amongst the Public Prosecutors. OR ii) By transfer from amongst the Officers of PCS/DMGs. | - |
| 2. | Director Administration | 18 | | i) By transfer from amongst the Public Prosecutors. OR ii) By transfer from amongst the Officers of PCS/DMGs. | - |
| 3. | Director Legal | 18 | | By transfer from amongst the Public Prosecutors. | - |
| 4. | Public Prosecutor | 18 | | By promotion from amongst the Deputy Public Prosecutors. | - |
| 5. | Deputy Public Prosecutor | 17 | Law Graduate at least 2 nd division from recognized University. | i) 50% by promotion from amongst the Assistant Public Prosecutors. ii) 50% by initial recruitment through Public Service Commission. | - |
| 6. | Assistant Director Admn-cum-Finance | 17 | | By transfer from amongst the Deputy Public Prosecutors. | - |
| 7. | Assistant Public Prosecutor. | 16 | Law Graduate at least 2 nd division from recognized University | Initial recruitment through Public Service Commission. | 23-32 years |

11. **Eligibility Requirements:**

- i) A person shall be eligible to be appointed as Assistant Public Prosecutor who possesses a Law Degree from a recognized university.
- ii) The age limit for a person to be appointed as Assistant Public Prosecutor shall be from 23 to 32 years.

12. **Promotion.**

Subject to the availability of posts:

- i) ✓ Promotion of BPS 19 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-18, subject to completion of at least 12 years service in BPS 17 & 18.
- ii) ✓ Promotion to BPS 18 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-17, subject to completion of at least 05 years service in BPS 17.
- iii) Promotion to BPS 17 shall be on the basis of seniority-cum-fitness from amongst the officers in BPS-16, subject to completion of at least 05 years service in BPS 16 and qualifying of the departmental promotion exam.

13. **Method of appointment and promotion of ministerial staff.**

| S. No. | Nomenclature | Scale of post | Minimum Qualification | Method of recruitment | Age Limit |
|--------|----------------------------------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. | Librarian. | 16 | B.A. with Diploma in Library Science. | By initial recruitment through PSC. | 23-32 years |
| 2. | Office Superintendent -cum- Accountant | 16 | | By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 10 years service as such. | - |

Amir. C²⁷

5199

02

MEMBER PAKHTUNKHWA
LAW DEPARTMENT.

Date: 27-2-2011

NOTIFICATION

No.SO(Prosecution)HD/1-10/2011: The Competent Authority on the recommendation of the Departmental Promotion Committee (D.P.C) is pleased to promote the following Assistant Public Prosecutors (BS-16) to the post of Deputy Public Prosecutor (BS-17) from S.No. 1 to 13 on regular basis and from S.No. 14 to 24 on acting charge basis, with immediate effect in the public interest.

| S.No. | Name of Officer | |
|-------|----------------------------|---|
| 1. | Mr. Rub Nawaz | ✓ |
| 2. | Mr. Sher Zaman | ✓ |
| 3. | Mr. Muhammad Qaiser | ✓ |
| 4. | Mr. Kamaluddin | ✓ |
| 5. | Mr. Abdul Salam | ✓ |
| 6. | Mr. Ibrahim Khan | ✓ |
| 7. | Mr. Pervez Khan | ✓ |
| 8. | Mr. Muhammad Zahoor | ✓ |
| 9. | Mr. Qazi Atab Ahmad | ✓ |
| 10. | Mr. Muhammad Saleem | ✓ |
| 11. | Mr. Imran Shah | ✓ |
| 12. | Mr. Javed Hussain Mughal | ✓ |
| 13. | Mr. Abdul Hanid | ✓ |
| 14. | Mr. Zulfiqar Khan | ✓ |
| 15. | Mr. Pervez Hali | ✓ |
| 16. | Mr. Israr Ali | ✓ |
| 17. | Mr. Ahsan Ali Jaleel | ✓ |
| 18. | Mr. Ataf Hussain | ✓ |
| 19. | Mr. Fazale Hadi | ✓ |
| 20. | Mr. Martaza Shah | ✓ |
| 21. | Mr. Sheikh Zahoor Ahmad | ✓ |
| 22. | Mr. Haf Hussain Akhtar | ✓ |
| 23. | Mr. Changul Khan | ✓ |
| 24. | Mr. Muhammad Nisar | ✓ |

Before The Service Tribunal, Peshawar.

Service Appeal No.912/2013

Hearing 24.11.2015

Pervez khan V/S The Chief Secretary etc;

Rejoinder:-

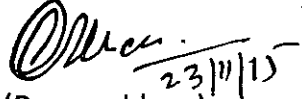
I N D E X

| S.NO | DESCRIPTION | ANNEXURE NO. | PAGE NO.S |
|------|-------------|--------------|-----------|
| 1 | Rejoinder. | -- | 1—2 |
| 2 | Affidavit. | -- | 3 |


Total: 3

Dated: 23.11.2015

Appellant


23/11/15
(Pervez Khan)

Though:-


Muhammad Adam Khan
Advocate, Mardan.

MUHAMMAD ADAM KHAN
B.A LLB Advocate.
High Court Mardan.

Before The Service Tribunal, Peshawar.

Service Appeal No.912/2013

Hearing 24.11.2015

Pervez khan V/S The Chief Secretary etc;

All the preliminary objections are incorrect and false. Denied

Facts:-

- 1 to 4. Based on malice. All the relevant records are in the custody of Respondents. While, the facts as mentioned in Para-1 to 4 of the memo; of appeal are correct.
5. Incorrect and based on malice on the part of Respondents. Denied. The right accrued to a civil servant cannot be denied under a repelling enactment.
- 6 to 13. Incorrect and misleading. Denied.

Grounds:-

- A to B: Misleading. The relevant record is in the custody of Respondents. Denied.
- C to F: Incorrect and misleading. Denied.
- G. Needs no further reply.

H. Incorrect and false. Denied.

It is prayed that on acceptance of this Appeal, the Appellant may be ordered to be considered as Public Prosecutor (BPS-18) with back service and financial benefits and resultant revision of pensionary benefits.

The costs of this Appeal may also be awarded in favour of Appellant against the Respondents.

Dated: 23.11.2015

Appellant

(Pervez khan)

Through:-

Adam

MUHAMMAD ADAM KHAN
B.A LLB Advocate
High Court Marikana

AFFIDAVIT

I, Pervezkhan/ Appellant state on solemn affirmation that as per my client that the contents of the accompanied rejoinder, are true and correct to the best of my knowledge and belief and that nothing is concealed from this Hon,ble Tribunal, in this respect.

Pervez Khan
Deponent 23/11/15.

(Pervezkhan)



Pervez Khan

23-11-15

67579



10 روپے

ایڈووکیٹ/دستخط:
بارکول ابار ایسوسی ایشن نمبر: 99
رابطہ نمبر: 03059480143

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر مسز پریمونیل R.P.K.

| | |
|--------------------------|--|
| منجانب: ڈیڑھ خان ایسلندا | |
| دعویٰ: سر مسز پریمونیل | |
| علت نمبر: 1 | |
| موضوع: ... | |
| جرم: ... | |
| تھانہ: ... | |
| بابت تحریر آنکہ | |

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

ان مقام پر بشارت کیلئے اسٹریٹن آرڈر سے پیشہ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ برصط دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں مدد تخطا کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ لے کر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 16/09/016

العبد _____ واہ شد _____ العبد _____

مقام پشاور کے لئے منظور ہے۔

Accepted.

Qar me Advocate 16/09/016

نوٹ: اس وکالت نامہ کی ذمہ داری قابل قبول ہوگی

Handwritten signature in the left margin.

1

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Appeal No.912 /2013 dated of hearing :24.10.2016

Parvez Khan

-----Versus-----

The Govt: of KPK / Prosecution Deptt: etc

=====

SERVICE APPEAL

WRITTEN ARGUMENTS ON BEHALF OF APPELLANT :

The appellant was appointed as prosecuting Sub-inspector (BPS-II) in the police department on 13.05.1988. His salary was, later on fixed in BPS-14.

He passed the upper course training with credit in the year 1989 .(Copies is attached as annexure "A" & "B") on the file.

The appellant's name was placed in "F" list in 1991 (annexure "C") on the file.

The appellant was due for promotion to the post of PDSP (BPS-17) when prosecution Department was established in the year 2002 .

Resultantly, the appellant along with other employees of the Prosecution Branch was transferred to Law Department and thereafter, to the Home Department in the year 2003. (copy annexure "D") on the file.

The appellant was Designated as Deputy Public Prosecutor vide dated 27.09.2004. (Copy is annexure "E").

The post of the Deputy Public Prosecutor was placed in BPS-17 vide notification dated 24.09.2005 . (Annexure "F").

The appellant along with his other colleagues approached the Government of KPK/ The Chief Minister for the up-gradation of the post of the Deputy Public Prosecutor to BPS-17, which was accepted vide notification dated 10.08.2009 (copy attached herewith). But , inspite of up-gradation of the post of Deputy Pubic Prosecutor to BPS-17 , the appellant was deprived form the benefits thereof and he was kept in PBS-16.

The appellant after passing the Department Examination in 2012 was again ordered to the Promotion as Deputy Public Prosecutor in the year 2012, inspite of the fact that he had already been posted as such in the year 2003

The appellant represented for the restoration of his designation and salary as the ~~Deputy~~ Deputy Public Prosecutor (BPS-18) (vide application dated 07.01.2013, and on the alternate, for promotion as such. (copy is attached as annexure "G").

Being the verge of retirement i.e on 31.03.2013. The appellant submitted another application dated 07.01.2013 and 22.02.2013, to respondent No.1, for the aforesaid purpose .(Annexure "G" and "H") .

The secretary / respondent No.02 rejected both the aforesaid applications on 15.03.2013. (Copy is annexure "I").

A number of employees of the prosecution Department are granted promotion in the higher pay scales at the time of their retirement from service but the appellant is discriminated in this respect.

GROUND S:-

- A. That the appellant had completed twenty five (25) years service in police Department ,Law

Department and Prosecution Branch of Home and Tribal Affairs, Department , KPK , Peshawar with clean and unblemished records. He retired from service on attaining the age of superannuation on 31.03.2013.

B. That appellant, at the time institution of the writ petition , was at the verge of retirement from service on attaining the age of superannuation on 31.03.2013.

C. That a number of Assistant Public Prosecutors whom appointed in BPS-14 and later on Up-graded to BPS-16 , had claimed the grant of BPS-17 with effect of 29.05.2004 on the basis of notification of KC SO (FR)FD/7-9/ APP dated 09.08.2010. In the Peshawar High Court to W.P No 241/2011 dated 21.11.2013. Which was accepted but the benefits were allowed from 2010, Copy of judgment enclose herewith for yours kind perusal .But these petitioners were appointed years back as against appellant that is

between 2004 and 2010 as Assistant Public Prosecutor but the appellant was holding the Post of Deputy Public Prosecutor since 2003, hence the appellant is entitled to BPS-17 since 2003.

D. That the post of Deputy Public Prosecutor is upgraded to BPS-18 while the post of Public Prosecutor is upgraded to BPS-19 during pendency of the present appeal.

E. That the District Public Prosecutors namely Sahibzada Sikandar, Muhammad Rahim, Attullah Khan and so many other officers were given promotion to the next higher scale just to avail pecuniary benefits of the promotion, in the higher scale. (Copy of notification is attached as annexure "1" to "2").

F. That Mr. Latif Khan Assistant Public Prosecutor, who was in BPS-16 was promoted to BPS-17 at the time of his promotion in spite of the facts that he had not held

the mandatory requirements for promotion to next higher scale i.e the passing of the departmental promotion examination .(copy of notification is attached as annexure "N").

G. That similarly Mr. Riaz Ul Hassan Assistant Public Prosecutor, who had recently been upgraded from BPS-14 to BPS-16 was also promoted to BPS-17 at the time of his retirement .(Copy is attached as annexure "O" & "P").

H. That beside the accrued right of restoration of promotion of post , i.e DPP the petitioner is entitled to the similar and equal treatment as granted to his other colleagues aforementioned and the re-fixation of pension in PBS-17 from the year 2003.

I. That the appellant being at the verge of retirement on 31.03.2013 had no other expeditions and adequate remedy .Hence, he approached the High Court in writ petition which was converted into this service appeal.

As far as the objection as to maintainability of this appeal is concerned, the appellant had approached the Honourable High Court Peshawar for the grant of impugned relief in WP No 1019 /2013. But, the High Court holding that the jurisdiction rests with the Honourable Service Tribunal converted the same as service appeal and sent it to this Honourable Tribunal .

The point of limitation in the case of salary and promotion of civil servant is resolved by this Honourable Tribunal in service appeal No 994 / Naem / 2004 (Naushad Khan Vs the Secretary etc) decided on 11.12.2012,holding that limitation does not run in the cases involving salary and promotion. (Copy of judgment is attached).

While, the working High Court referring the case of appellant to this Honourable Tribunal

has held that the jurisdiction lies with the service tribunal .

It is prayed that on acceptance of this appeal , the appellant may be granted the benefits of BPS -18 and so on with retrospective effect and also the costs of this appeal .

Appellant

Pervez Khan 

Through :

Muhammad Adam Khan



Advocate High Court

Mardan *Adam*


Akbar Khan

Advocate High Court

Peshawar

| | | |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 50 |   | 16137 |
| ایڈوکیٹ: | پشاور بار ایسوسی ایشن، خیبر پختونخواہ | |
| بار کونسل ایسوسی ایشن نمبر: | | |
| رابطہ نمبر: | | |

بعدالت جناب:

| | |
|---------------------------------|------------------|
| مخانب: پیرو پور خان (ایبیل منٹ) | دعویٰ: ایبیل منٹ |
| پیرو پور خان | علت نمبر: |
| بنام حصوم ڈیپارٹمنٹ | مورخہ: |
| | جرم: |
| | تھانہ: |

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کسٹیاور کیلئے شہرور علی خان امیر مولہیں کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایبیل کی برآمدگی اور منسوخی، نیز دائر کرنے ایبیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

مقام _____ کے لیے منظور ہے۔

Omme.

نوٹ: اس وکالت نامہ کی فول کاپی نامتائیل قبول ہوگی۔

Accepted & Attested