

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	13.05.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.762/2013</p> <p style="text-align: center;">(Muqtadullah-vs- Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Noor Muhammad Khattak, Advocate) present and submitted an application for early hearing. Case file requisitioned. Arguments heard and record perused.</p> <p>In the instant appeal issue of up-gradation is involved and according to the judgment of august Supreme Court of Pakistan dated 17.02.2016 delivered in Civil Appeal No. 101 & 102-P of 2011 the service Tribunals have no jurisdiction to entertain any appeal involving the issue of up-gradation as it does not part of terms and conditions of service of the Civil servants.</p> <p>In view of the above the appeal was not found maintainable by this Tribunal for want of jurisdiction. The same is therefore dismissed. The appellant may seek his remedy before any other appropriate forum if so advised. File be consigned to the record room.</p> <p>3. Our this judgment will also dispose of in the same manner appeals No. 763/2013 titled Mohammad Raza, No.764/2013 titled Allah Dad, No.</p>

765/2013 titled Umar Naveed, No. 766/2013 titled Sajjad, No. 846/2013 titled Sourat Khan, No. 847/2013 titled Mohammad Saeed, where common question of law and facts have been raised



(MUHAMMAD AAMIR NAZIR)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
13.05.2016.

27.04.2016

Agent of counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Mr. Muhammad Adeel Butt, AAG for respondents present. Due to general strike of the Bar learned counsel for the appellant is not in attendance. Adjourned for arguments to 19.8.2016 before D.B.



Member



Chairman

i want to withdraw the

of 13/5/2016

26.1.2015

Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Sultan Shah, Assistant for the respondents present. Learned Judicial Member is on official tour to D.I.Khan, therefore, case is adjourned to 29.4.2015 for arguments.


MEMBER

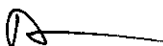
29.4.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Sultan Shah, Assistant for the respondents present. The learned Member(Judicial) is on official tour to D.I.Khan, therefore, case is adjourned to 20.10.2015 for arguments.


Member


20.10.2015

Counsel for the appellant, M/S Sultan Shah, Assistant and Masroof Gul, Supdt. alongwith Addl: A.G for respondents present. The learned Member (Judicial) is on leave therefore, case is adjourned to 29-2-16 for arguments.


Member

29.02.2016

Clerk to counsel for the appellant and Mr. Muhammad Saeed, Assistant Director Mr. Muhammad Jan, GP for the respondents present. Clerk to counsel for the appellant requested for adjournment as counsel for the appellant is not available. To come up for arguments on 27.04.2016 for arguments before D.B.


Member


Member

18.4.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Shahid Iqbal, Assistant for the respondents present. Request made on behalf of the appellant for submission of rejoinder. To come up for rejoinder on 20.5.2014.

MEMBER

MEMBER

20.05.2014

Clerk to the counsel for the appellant and Mr. Muhammad Jan, GP for the official respondents present. Rejoinder received, copy whereof handed over the learned GP. To come up for arguments on 23.7.2014

MEMBER

MEMBER

23.7.2014

Counsel for the appellant, and Mr. Muhammad Jan, GP with Sultan Shah, Assistant and Shahid Iqbal, Assistant for the respondents present. Due to retirement of learned executive Member, the bench is incomplete. To come up for arguments on 10.10.2014.

MEMBER

10.10.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Sultan Shah, Assistant for the respondents present. Due to incomplete bench, case is adjourned to 26.1.2015 for arguments.

MEMBER

29.11.2013

Counsel for the appellant and Mr. Usman Ghani, Sr.GP with Muhammad Saeed, D.S and Sultan Shah, Assistant for respondents No. 1 to 3 present and requested for further time. Fresh notice be issued to respondent No.4. To come up for written reply on 1.1.2014.

MEMBER

MEMBER

01.01.2014.

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Shahid Iqbal, Assistant for respondent No. 3 and Muhammad Irshad, Supdt. for respondent No. 4 present and requested for further time. Fresh notices be issued to respondents No. 1 and 2. To come up for written reply of all the respondents on 7.2.2014.

MEMBER

7.2.2014

Counsel for the appellant and Mr. Muhammad GP present. None for the respondents present. Fresh notices be issued to them by way of last chance. The learned GP should also contact them. To come up for written reply by way of last chance on 14.3.2014.

MEMBER

MEMBER

14.3.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Saeed, Deputy Secretary for the respondents present and submitted joint parawise comments on behalf of the respondents. Copy handed over to counsel for the appellant. To come up for rejoinder on 18.4.2014.

MEMBER

MEMBER

Appeal No. 762/2013.
Mr. Mustafizullah.

7.

16.09.2013

Counsel for the appellant present and submitted an application along with redrafted page No.1 of the memo of appeal with spear sets. Preliminary argument heard. The appellant was promoted to BPS-16 vide order dated 22.09.2007 and later on promoted to BPS-17 vide order dated 22.06.2012. He filed joint departmental appeal which has been rejected and communicated to the appellant on 04.04.2013, hence the instant appeal on 26.04.2013 which is within time. He further contended that the appellant has not been treated in accordance with law/rules. The respondents have violated article 4 and 6 of the constitution of Islamic republic of Pakistan constitution 1973. Counsel for the appellant relied on the judgment of the Hon'ble Supreme Court of Pakistan as reported on 2009 SCMR/ ^{Page 2.} Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections/limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 08.11.2013 for submission of written reply.

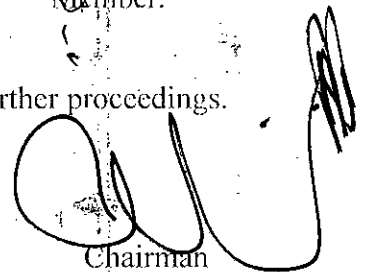
Appellant deposited
Process fee & Security
Rs. 1400/- Bank Receipt
attached with file


Member.

8.

16.09.2013

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


Chairman

8.11.2013

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG present. Fresh notices be issued to the respondents. To come up for written reply on 29.11.2013.


MEMBER

4. 16.07.2013

Counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for further preliminary hearing especially on the point of maintainability as per section-4 of the Govt: KPK, Service Tribunal Act, 1974 on 31.07.2013.


Member

5. 31.07.2013

Counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing especially on the point of maintainability/promotion order of BPS-17 on 23.08.2013.


Member

6. 23.08.2013


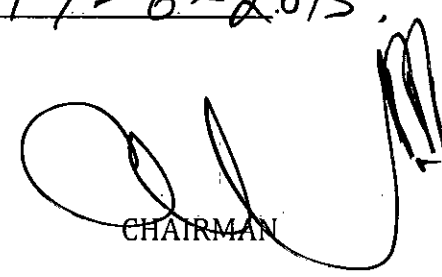

Counsel for the appellant present and requested for adjournment to redraft page No.1 of the instant appeal. To come up for preliminary hearing on 16.09.2013..


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 762/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/04/2013	<p>The appeal of Mr. Muqtadullah presented today by Mr. Noor Mohammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-5-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>17-6-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3.	17.6.2013	<p>Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 16.7.2013.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEALS NO. _____/2013

Muqtadullah & 6 others

VS

Govt: of KP

APPLICATION FOR ALLOWINGV TO
SUBMIT REDRAFTED PAGE NO.1 OF
THE MEMO OF APPEAL IN THE
ABOVE MENTIONED APPEAL

R.SHEWETH:

- 1- That the above mentioned appeals are pending adjudication before this august Tribunal in which 16.9.2013 date is fixed for hearing.
- 2- That due to some clerical and technical mistakes Counsel for the appellants wants submit redrafted page. No.1 of the memo of appeals in the above mentioned appeals.

It is therefore most humbly prayed that on acceptance of this application the appellants may very kindly be allowed to submit redrafted Page No.1 in the above mentioned appeals.

APPELLANTS

THROUGH:

NOOR MOHAMMAD KHATTAK
ADOVCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 762 /2013

Mr. Muqtadullah, Private Secretary (BPS-17),
Khyber Pakhtunkhwa Public Service Commission,
Khyber Pakhtunkhwa Peshawar**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Chairman Khyber Pakhtunkhwa Public Service Commission, Khyber Pakhtunkhwa Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 4.4.2013 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR THE GRANT OF UP-GRADATION TO BPS-17 WITH RETROSPECTIVE EFFECT i-e. FROM THE DATE WHEN THE APPELLANT JOINED/PROMOTED TO THE POST OF PRIVATE SECRETARY AND FOR THE GRANT OF FURTHER PROMOTION TO BPS-18 HAS BEEN REGRETTEED ON NO GOOD GROUNDS

PRAYER

That on acceptance of this appeal the impugned order dated 4-4-2013 may very kindly be set aside and the respondents may be directed to allow/ grant up-gradation to the appellant to BPS-17 from the date when the appellant joined/promoted to the post of Private Secretary and further be allowed BPS-18 to the appellant. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

- 1- That the appellant joined the Khyber Pakhtunkhwa Public Service Commission as Junior Scale Stenographer (BPS-12) vide order dated 30.1.1993. That appellant has served the Khyber Pakhtunkhwa Public Service Commission for more

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 762 /2013

MUQTADULLAH

VS

GOVT: OF KPK

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO 762 /2013

822
26/4/13

Mr. Muqtadullah, Private Secretary (BPS-17),
Khyber Pakhtunkhwa Public Service Commission,
Khyber Pakhtunkhwa Peshawar**APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Chairman Khyber Pakhtunkhwa Public Service Commission, Khyber Pakhtunkhwa Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE GRANT OF UP-GRADATION TO BPS-17 AND BPS-18 WITH RETROSPECTIVE EFFECT i.e. FROM THE DATE WHEN THE SAID UP-GRADATIONS WERE ALLOWED TO THE PRIVATE SECRETARIES OF THE FEDERAL PUBLIC SERVICE COMMISSION AND PUNJAB PUBLIC SERVICE COMMISSION AND AGAINST THE ORDER DATED 4-4-2013 WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER

That on acceptance of this appeal the impugned order dated 4-4-2013 may very kindly be set aside and the respondents may be directed to allow/ grant up-gradation to the appellant to BPS-17 from the date when the appellant joined/promoted to the post of Private Secretary and further be allowed BPS-18 to the appellant in the light of Notification dated 6.8.2011. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

- 1- That the appellant joined the Khyber Pakhtunkhwa Public Service Commission as Junior Scale Stenographer (BPS-12) vide order dated 30.1.1993. That appellant has served the Khyber Pakhtunkhwa Public Service Commission for more

than 19 years quite efficiently and up to the entire satisfaction of his superior. Copy of the appointment order is attached as Annexure **A**.

2- That later on the appellant was promoted to the post of Senior Scale Stenographer BPS-15 from Junior Scale Stenographer BPS-12. That vide order dated 22-9-2007 the post of appellant as Senior Scale Stenographer (BPS-15) was up-graded to BPS-16 along with change in nomenclature as private Secretary. (Copy of the Notification dated 22-9-2007 is attached as Annexure **B**).

3- That vide Notification dated 03-10-2008 the Private Secretaries of the Punjab Public Service Commission were allowed BPS-17 from the date when they joined the post of Private Secretaries. That the appellant also requested for up-gradation to BPS-17 in the light of the said Notification dated 3.10.2008. That after quite considerable time the said up-gradation from BPS-16 to BPS-17 was allowed to the appellant with effect from 23-12-2011 instead of joining duty as Private Secretary vide order dated 19-06-2012. (Copies of the Notifications dated 3-10-2008 and 19-6-2012 are attached as Annexure **C & D**).

4- That the Establishment Division of the Federal Government vide Notification dated 6-8-2011 has declared that the post of private Secretary BPS-17 may continue to remain in BPS-17 and may be granted BPS-18 after putting 5 years satisfactory service in BPS-17. That in the said Notification it was further held that the Private Secretary in BPS-18 may further be granted BPS-19 after putting in 12 years service in BPS-17 in above. That in the said Notification date 6-8-2011 it was also added that on grant of BPS-19 the nomenclature of the post can be Senior Private Secretary. (Copy of the Notification dated 6-8-2011 is attached as Annexure **E**).

5- That later on in the light of the Notification dated 6-8-2011 and in the light of the Judgment of Federal Service Tribunal the Private Secretaries of the Federal Public Service Commission were allowed up-gradation from BPS-18 to BPS-19 as Senior Private Secretary vide order dated 9-2-2012. (Copies of the orders are attached as Annexure **F & G**).

6- That appellant having similarly placed person filed Departmental appeal for the grant of up-gradation to BPS-18 and BPS-19 from the date when the same were allowed to the employees of Punjab Public Service Commission and Federal Public Service Commission. That the said Departmental appeal of the appellant has been rejected by

By G

the respondent Department on no god grounds vide order dated 4-4-2013. (Copies of the Departmental appeal, forwarding letters and rejection orders are attached as Annexure **H, I and J**).

- 7- That having no other remedy appellant prefers this appeal on the following grounds amongst the others.

GROUND:

- A- That not granting BPS-17 to the appellant with retrospective effect and further up-gradation to BPS-18 by the respondents in the light of above mentioned Notifications is against the law, facts and norms of natural justice.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondent Department acted in arbitrary and malafide manner by not allowing/ granting up-gradation to the appellant to post of BPS-18.
- D- That as the employees of the Punjab Public Service Commission and Federal Public Service Commission have been awarded BPS-18 and subsequently BPS-19. Therefore, under the principle of consistency reported in 2009 SCMR page-1 the appellant is also entitled for the same relief as given to the employees of Punjab Public Service Commission and Federal Public Service Commission.
- E- That the contention of the appellant for the grant of BPS-17 with retrospective effect and further up-gradation to BPS-18 is Genuine and in accordance with the law and prevailing rules.
- F- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT

MUQTADULLAH

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-4

Office

OFFICE ORDER

18

On the arrival of new Member/Staff and promotion of certain officials, the following postings/adjustments within the Commission Office are hereby made with immediate effect, in the interest of public service :-

1. Mr. Hayat Hussain Sr. Scale Stenographer is posted as PA to Member-VI.
2. Mr. Gul Nazir N/Casid is transferred from Examinations Branch and posted as N/Casid with Member-VI.
3. Mr. Mutedullah newly appointed Jr. Scale Stenographer is hereby posted as PA to Psychologist.
4. Mr. Allah Dad newly appointed Jr. Scale Stenographer is posted as PA to Controller Examinations.
5. Mr. Gul Sher Khan promoted as Assistant is posted in the newly created branch of recruitment.
6. Mr. Farmanullah Junior Clerk (under report) is hereby transferred and posted in Admn Branch vice Mr. Amir Ilyas.
7. Mr. Abdul Latif Psychology Branch is hereby transferred and posted as Junior Clerk in the newly created Accounts Branch.
8. Mr. Sadiq Ahmad Junior Clerk is hereby transferred from Recruitment Branch and posted as Diarist vice Mr. Akhtar Ali transferred to Examinations Branch.
9. Mr. Mohammad Razi Junior Clerk is hereby transferred and posted in recruitment branch vice Mr. Sadiq Ahmad.
10. Mr. Momin Ali, promoted as Senior Clerk is hereby transferred and posted as Senior Clerk in the Recruitment Branch.
11. Mr. Amir Ilyas Junior Clerk is hereby transferred and posted as Dispatcher vice Mr. Momin Ali at S.No. 10.
12. Mr. Akhtar Ali Junior Clerk, presently on leave, on expiry of leave, shall report to Examinations Branch vice Mr. Farmanullah at S.No. 6.
13. Mr. Sher Rahman Naib Casid with the District is hereby transferred and posted in the Examination Branch vice Mr. Gul Nazir Naib Casid at S.No. 11.
14. Mr. Attaullah newly appointed Naib Casid is posted with the District vice Mr. Sher R. Khan Naib Casid at S.No. 13.

ATTESTED

[Signature]

5

- : 2 : -

15. Mr. Liaqat Ali newly appointed N/Qasid is posted in the newly created branch of recruitment.

16. Mr. Farman Ali newly appointed N/Qasid is posted in the newly created branch of Accounts.

All the above officials are directed to take their new assignments with immediate effect and usual charge report, should be submitted to all concerned.

(Taj Mohammad Khan)
Secretary

NO. 10400 Admn-93/ 2273-2314 Dated 30.1.93

Copy to:-

- 1. The Deputy Secretary PSC for information.
- 2. The Controller of Exams: PSC for information.
- 3. The Asstt: Psychologist PSC for information
- 4. All officials concerned.
- 5. Personal files of the officials.
- 6. Office Order File.

(Taj Mohammad Khan)
Secretary

ATTESTED

[Handwritten signature]



75/ B-6

NWFP PUBLIC SERVICE COMMISSION, PESHAWAR

Dated Peshawar the 22nd September, 2007

ORDER

10016-Admn (2) 2006/45695. In terms of Finance Department letter No. SO(FR)FD/7-

2/2005/KC dated 05-12-2006, the competent authority, in consultation with Departmental Promotion Committee, meeting date 15.09.2007 is pleased to allow the following Senior Scale Stenographers (BPS-15) NWFP Public Service Commission the up-graded posts of Private Secretaries to Chairman/Members (BPS-16) with immediate effect.

S.NO	NAME OF THE OFFICIAL/DESIGNATION/SCALE	UP-GRADED/RE-DESIGNATED AS.
1.	Mr. Muhammad Raza Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
2. ✓	Mr. Muqtadullah Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
3.	Mr. Allah Dad Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
4.	Mr. Sajjad Raza Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
5.	Mr. Umar Naveed Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
6.	Mr. Sourat Khan Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
7.	Mr. Saeed Khan Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)

SD/-
CHAIRMAN
NWFP PSC

Endst: No & Date: 10016-Admn (2) 2006 45695-702

Copy to: -

1. The Accountant General, NWFP Peshawar.
2. The Director Recruitment, NWFP PSC.
3. The Director Examination, NWFP PSC.
4. The Psychologist, NWFP PSC.
5. PS to Chairman, NWFP PSC.
6. Officials concerned.
7. Cashier, NWFP PSC.
8. Personal File of the Officials.
9. Office Order File.

B-16

22-9-2007

ATTESTED

SECRETARY
NWFP PSC

C- (7)

**GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT**

Dated Lahore, the October, 3/2008

ORDER

No. **SOCIOLOGY(CAB-1)1-27/2000(VOL-1)**. Sanctions is hereby accorded to the up-gradation of the post of Private Secretaries from BS-16 to BS-17 held by the following incumbents with effect from the dates they joined the post of Private Secretaries in the Punjab Public Service Commission.

1. Mr. Muhammad Hanif, formerly Private Secretary (Now Deputy Director).
2. Mr. Masood Khalid Goori, Private Secretary.
3. Mr. Muhammad Arshad Irfan, Private Secretary.
4. Mr. Muhammad Raza Qureshi, Private Secretary.
5. Mr. Muhammad Asif Nawaz, Private Secretary.
6. Mr. Muhammad Asghar Minhas, Private Secretary.
7. Mr. Laeeq-Uz Zaman, Private Secretary.
8. Mr. Manzoor Ahmad Naz, Private Secretary.
9. Mr. Muhammad Zulfiqar, Private Secretary.
10. Mr. M. Afzal Abbasi, Private Secretary.
11. Mr. Muhammad Amjad, Private Secretary.

Sanction is also accorded to the grant of BS-18 to the post of Private Secretary held by the above mentioned incumbents after completion of seven year as Private Secretary (BS-17).

The expenditure incurred will be met under Grant No. 10-GA-01000 Establishment Charges for the budgetary provision for the year 2008-09.

SECRETARY (I&C)

NO. & DATE EVEN

A copy is forwarded for information and necessary action to the Accountant General, Punjab Lahore.

ATTESTED

[Handwritten Signature]

**UNDER SECRETARY (PC)
FINANCE DEPARTMENT**

NO. & DATE EVEN

A copy is forwarded for information and necessary action to: -

1. The Secretary, Punjab Public Service Commission Lahore.

D-8

(Regulation With)
Dated Peshawar the, 19th June 2012

NOTIFICATION

No.FD/SO(FR)10-22/2012

The competent authority has been pleased to accord sanction to the enhancement of pay scales of the following posts, where it exists, in all the Departments / Offices (except Secretarial Departments) of Government of Khyber Pakhtunkhwa, with effect from 23.12.2011

S#	Nomenclature of the Post	Existing Pay Scale	Enhanced Pay Scale
1.	Stenographers	BPS-12	BPS-14
2.	Senior Scale Stenographer	BPS-15	BPS-17
3.	Personal Assistants	BPS-15	BPS-15
4.	Private Secretaries	BPS-16	BPS-17

- i). The pay of the existing incumbents of the posts shall be fixed in the higher scale at a stage next above the pay in the lower pay scale.
- ii). With effect from 23.12.2011, the academic qualification for initial recruitment against the posts of Stenographers (BPS-14) will be Intermediate or equivalent and against the posts of Senior Scale Stenographers / PAs (BPS-15) will be Graduation or equivalent.
- iii). All the concerned Departments, will amend their service rules accordingly.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst. No. & Date Even.

- Copy is forwarded to:
1. All Administrative Secretaries, Khyber Pakhtunkhwa.
 2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
 3. Accountant General, Khyber Pakhtunkhwa.
 4. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
 5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 6. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
 7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
 8. Registrar, Peshawar High Court, Peshawar.
 9. All District Coordination Officers/Political Agents/District & Session Judges Executive District Khyber Pakhtunkhwa.
 10. Registrar Khyber Pakhtunkhwa Public Service Commission Peshawar.
 11. Registrar Service Tribunal, Khyber Pakhtunkhwa.
 12. All the Autonomous and Semi Autonomous Bodies, Khyber Pakhtunkhwa.
 13. Secretary to Government of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Islamabad.
 14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir, K.P.
 15. The Treasury Officer, Peshawar.
 16. All District/Agency Accounts Officer in Khyber Pakhtunkhwa/FATA.
 17. PS to Minister for Finance Khyber Pakhtunkhwa.
 18. PS to Chief Secretary, Khyber Pakhtunkhwa.
 19. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
 20. Director, Treasuries and Accounts, Khyber Pakhtunkhwa.
 21. Director Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
 22. Director FMU, Finance Department for placing the same on the Website of Finance Department.
 23. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
 24. All Deputy Secretaries (Deputy Secretaries in Finance Department) Khyber Pakhtunkhwa.

ATTESTED

D. See Pg 8

No. 1/3/2008-R-6

Islamabad, the 6th August, 2011.

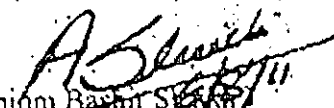
OFFICE MEMORANDUM

Subject: ORDER PASSED IN APPEAL NOS. 774 TO 778(P)-CS/2010 FILED BY MR. KHALID RIAZ AND OTHERS VS CONTROLLER GENERAL OF ACCOUNTS AND OTHERS IN THE FST, ISLAMABAD.

The undersigned is directed to refer to the Finance Division's letter No.F.19(55)/Legal-II/2010 dated 12.5.2011 on the subject and to state that matter has been re-considered in the Establishment Division and this Division recommends as under:-

- (a) The post of Stenotypist may be up-graded from BS-12 to BS-14 with enhancement of qualification for initial appointment from Matriculation to Intermediate.
- (b) The post of Stenographer may be up-graded from BS-15 to BS-16 with enhancement of qualification for initial appointment from Intermediate to Graduation.
- (c) The post of Private Secretary (BS-17) may continue to remain in BS-17 and may be granted BS-18 after putting in 5 years satisfactory service instead of 7 years. The Private Secretaries in BS-18 may further be granted BS-19 after putting in 12 years service in BS-17 & above taking benefit of Establishment Division's O.M. No. 1/9/80-R-II, dated 2-6-1983. However, on grant of BS-19 nomenclature of the post can be Senior Private Secretary.
- (d) In pursuance of judgment of the Federal Service Tribunal and advice rendered by the Law, Justice & Parliamentary Affairs Division vide their u.o. note No. 630/2011-Law-I dated 11.7.2011(Annex-I), the existing Private Secretaries in BS-17 may be granted BS-18 on a one time basis.

2. Finance Division is accordingly requested to accord concurrence to the proposals contained in para 1 above and circulate the same to all Ministries/Divisions.


(Anjom Basim Sheikh)
Deputy Secretary

Finance Division
(Mr. Owais Nauman Kundi),
Joint Secretary (Regulation),
Government of Pakistan,
Islamabad.

Copy to Joint Secretary (D&L) Establishment Division with reference to the order of the FST dated 11.7.2011 as referred to above.

TESTED



FEDERAL PUBLIC SERVICE COMMISSION

Islamabad, the 9th February, 2012.TO BE PUBLISHED IN THE NEXT ISSUE OF WEEKLY
GAZETTE OF PAKISTAN (PART-I)NOTIFICATION

No.F.3/7/2011-HR-I. In pursuance of Finance Division (Regulation Wing) O.M. No.19(55)Legal-II/2010-1055, dated 23.12.2011 and with the approval of the competent authority, the following Private Secretaries (BS-18) of Federal Public Service Commission have been granted BS-19 w.e.f. 23.12.2011 and designated as Senior Private Secretary:-

S.No.	Name
1.	Mr. Mahmood Alam Rana
2.	Mr. Anraiz Khan
3.	Mr. Muhammad Rafiq-I
4.	Mr. Amir Ahmad
5.	Mr. Muhammad Rafiq-II
6.	Mr. Muhammad Sharif
7.	Ms. Musarrat Javed
8.	Mr. Shaukat Ali
9.	Mr. Abdul Samad
10.	Mr. Muhammad Arshad Shafi

(Muhammad Tahir Iqbal Ch.)
Assistant Director

The Manger,
Printing Corporation of Pakistan Press,
Karachi.

Copy to:

- (1) SO to Chairman.
- (2) PS to Secretary.
- (3) AGPR, Islamabad.
- (4) DDO, FPSC, Islamabad.
- (5) DD(Budget & Accounts) FPSC, Islamabad.
- (6) Senior Private Secretaries concerned.
- (7) Notification file.
- (8) Personal file.
- (9) Confidential Section.

ATTACHED

A-T-N: MR. ARRAZIDOO

TARIQ SAEED

G- (11)

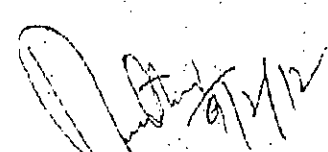
FEDERAL PUBLIC SERVICE COMMISSION

TO BE PUBLISHED IN THE NEXT ISSUE OF
WEEKLY GAZETTE OF PAKISTAN (PART-I)

Islamabad, the 9th February, 2012.

NOTIFICATION

No.F.3/7/2011-HR-I. In pursuance of Finance Division (Regulation Wing) O.M. No.19(55)Legal-II/2010-1055, dated 23.12.2011 and with the approval of the competent authority, Mr. Muhammad Arshad Shafi, Private Secretary (BS-18), Federal Public Service Commission has been granted BS-19 w.e.f. 23.12.2011 and designated as Senior Private Secretary.



 (Muhammad Fahir Iqbal Ch.)
 Assistant Director

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

Copy to:

- (1) SO to Chairman.
- (2) PS to Secretary.
- (3) AGPR, Islamabad.
- (4) DDO, FPSC, Islamabad.
- (5) DD(Budget & Accounts) FPSC, Islamabad.
- (6) Senior Private Secretaries concerned.
- (7) Notification file.
- (8) Personal file.
- (9) Confidential Section.

ATTESTED



The Chief Secretary,
Khyber Pakhtunkhwa,

H - (12)

Through

Chairman
KPK Public Service Commission,
Peshawar.

SUBJECT:- REQUEST FOR UPGRADATION OF POSTS OF PRIVATE SECRETARIES
WORKING IN KPK PUBLIC SERVICE COMMISSION PESHAWAR.

=====

Dear Sir,

With due respect it is submitted that the posts of Private Secretaries in the KPK, Public Service Commission are in B-16 and are filled by promotion from amongst the Senior Scale Stenographer to BS-15. The Pay Scale of these posts have been enhanced (BS-17) vide Finance Department Notification No.FD/SO/(FR)10-22/2012 dated 19.6.2012. ~~(Flag-A)~~

2. The Establishment Division, Islamabad through Office Memo Bearing No.1/3/2008-R-6 dated 6.8.2011 ~~(Flag-B)~~ has held that the post of Private Secretary (BS.17) may continue to remain in BS-17 and may be granted BS-18 after putting 5 years satisfactory service instead of 7 years. The Private Secretary in Bs-18 may further be granted BS-19 after putting in 12 years service in BS-17 & above taking benefit of Establishment Division's O.M No.1/9/80-R-U, dated 2.6.1983. On grant of BS-19, nomenclature of the post can be Senior Private Secretary.

3. Moreover, in pursuance of the Federal Service Tribunal Judgment and advice of Law, Justice & Parliamentary Affairs Division vide their U.O .Note.No.630/2011-Law-I dated 11.7.2011, the existing Private Secretaries in BS-17 may be granted BS-18 on a one time basis.

ATTESTED

[Signature]

4. Accordingly the Federal Public Service Commission and Punjab Public Service Commission have granted upgradation to their Private Secretaries from BS-16 vide their No.SOCIOLOGY(CAB-I)1-27/2000(VOL-I) dated Lahore the October 3, 2008 (copy enclosed) and BS-17 to BS-18 and BS-18 to BS-19 in the light of Establishment Division Order and decision of the Federal Service Tribunal, as mentioned above (Flag ~~1~~ and Flag ~~1~~).

5. Under Article 25 of the Constitution of Islamic Republic of Pakistan, all citizens are equal before the Law and are entitled to equal protection of Law.

In view of the foregoing, the Private Secretaries of Khyber Pakhtunkhwa Public Service Commission also request that they may also be given the benefits of upgradation to BS-17 w.e.f 3.10.2008 on the pattern of Punjab Public Service Commission and Federal Public Service Commission and BS-18 and BS-19 respectively on the analogy of Federal Public Service Commission and Punjab Public Service Commission for which we shall be very thankful to you throughout our lives.

Thanking in anticipation.

Your Obedient Servants

- 1. Muqtadullah PS to chairman 
- 2. Allah dad PS to Member 
- 3. Sajjad Raza PS to Member 
- 4. M.Raza PS to member 
- 5. Sourat Khan PS to Member 
- 6. M. Saeed PS to Member 
- 7. Umar Naveed PS to Member 

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No.SOE-V(E&AD)/11-7/2011
Dated Peshawar, the January 30, 2013

To

The Secretary,
Public Service Commission,
Khyber Pakhtunkhwa, Peshawar.

Subject:

REQUEST FOR UPGRADATION OF POSTS OF PRIVATE
SECRETARIES WORKING IN KHYBER PAKHTUNKHWA PUBLIC
SERVICE COMMISSION PESHAWAR.

Dear Sir,

I am directed to refer to your letter No.KPK/PSC/Admn/GF-354-55381 dated 31-12-2012 on the subject with the request that copy of Service Rules and Service Structure of employees, clearly showing upward mobility of each post in the Khyber Pakhtunkhwa Public Service Commission, may be provided at the earliest for further process of the case, please.

Yours faithfully,


(IFFAT AMBREEN)
Section Officer (E-V)

ATTESTED



14

9/6/15

15



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No.SOE-V(E&AD)/11-7/2011
Dated Peshawar, the March 29, 2013

To

The Secretary,
Public Service Commission,
Khyber Pakhtunkhwa, Peshawar.



Subject: REQUEST FOR UPGRADATION OF POSTS OF PRIVATE SECRETARIES WORKING IN KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION PESHAWAR.

Dear Sir,

I am directed to refer to your letter No.KPK/PSC/Admn/GF-354/55381 dated 31-12-2012 on the subject cited above with regret to accept the request of Private Secretaries working in Khyber Pakhtunkhwa Public Service Commission, please.

Yours faithfully,

(IFFAT AMBREEN)

Section Officer (E-V)

29-3-13

ATTESTED

J-16

Telephone No: 091-9212962



KHYBER PAKHTUNKWA PUBLIC SERVICE
COMMISSION
2-FORT ROAD PESHAWAR CANTT.

No. KP/PSC/Admn/GF-354/ 42877-24

Date: 04/07/2013

From:
Secretary,
Public Service Commission,
Peshawar.

To

All Private Secretaries,
Khyber Pakhtunkhwa Public Service Commission,
Peshawar.

Subject: REQUEST FOR UPGRADATION OF POSTS OF
PRIVATE SECRETARIES WORKING IN KHYBER
PAKHTUNKHWA PUBLIC SERVICE COMMISSION
PESHAWAR.

With reference to your request dated 13.12.2012 on the subject
noted above and to inform you that the same has been regretted by the
Establishment Department (copy enclosed).

↳ P.S.


ADMN OFFICER
PSC

ATTESTED



VAKALATNAMA

(11)

IN THE COURT OF KPK Service Tribunal Peshawar.

OF 2013

Muqtadullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt of KPK

(RESPONDENT)
(DEFENDANT)

I/We Muqtadullah

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2013

Mu

CLIENT

ACCEPTED

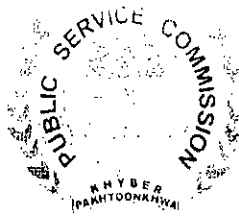
**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazaar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141



18

**KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION,
PESHAWAR**

OFFICE ORDER

P. 8

In pursuance of Govt. of Khyber Pakhtunkhwa Finance Department Notification No. FD/ SO (FR) 10-22/ 2012 dated 19.06.2012, the pay scales of the Stenographers, Sr Scale Stenographers and Private Secretaries are hereby upgraded as given against each name :-

S. No.	Name of Official	Designation	Existing Pay Scale	Enhanced Pay Scale
1	Mr. Muhammad Raza	Private Secretary	BPS-16	BPS-17
2	Mr. Muqtadullah	Private Secretary	BPS-16	BPS-17
3	Mr. Allah Dad	Private Secretary	BPS-16	BPS-17
4	Mr. Sajjad Raza	Private Secretary	BPS-16	BPS-17
5	Mr. Umer Naveed	Private Secretary	BPS-16	BPS-17
6	Mr. Sourat Khan	Private Secretary	BPS-16	BPS-17
7	Mr. Saeed Khan	Private Secretary	BPS-16	BPS-17
8	Mr Sarfaraz Khan	PS (Acting Charge)	BPS-16	BPS-17
9	Mr. Iftikhar	S.S. Stenographer	BPS-15	BPS-16
10	Mr. Javed Khan	Sr.S. Stenographer	BPS-15	BPS-16
11	Mr. Kamran Khan	Jr.S Stenographer	BPS-12	BPS-14
12	Mr Moqarab Khan	Jr.S Stenographer	BPS-12	BPS-14
13	Mr Rowaid Khan	Jr.S Stenographer	BPS-12	BPS-14
14	Mr Mohsin Ullah Khan	Jr S Stenographer	BPS-12	BPS-14
15	Mr Inyat-ur-Rehman	Jr S Stenographer	BPS-12	BPS-14
16	Mr. Farhad Iqbal	Jr.S Stenographer	BPS-12	BPS-14

No. 033513-36
Copy to: -

B-17 wef.

Sd/
CHAIRMAN
Dated 22/6/2012

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Recruitment, PSC.
3. The Director Examination, PSC.
4. The Psychologist, PSC.
5. PS to Chairman, PSC.
6. PS to Secretary Establishment Department, Peshawar.
7. PS to Secretary Finance Department, Peshawar.
8. PS to Member-I, II, III, IV, V, VI, VII, VIII, IX, X and XI, PSC.
9. Officials concerned.

wef. 22-9-2007
(P:6)

A

particulars. The matter has already been decided by this Court in the case of Mst. Naseem Akhtar (supra), and it has been held that the appointment orders of the respondents as PTC Teachers were genuine. It was held by this Court in the case of Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 that if a Tribunal or this Court decides a point of law relating to the terms and conditions of civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dicta of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum. This view was reiterated by this Court in the case of Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 all citizens are equal before law and entitled to equal protection of law.

6. In this view of the matter, we are of the view that no ground for interference in the impugned judgment is made out. Accordingly, the petitions being devoid of force are dismissed and leave to appeal refused.

M.B.A./G-13/SC

Petitions dismissed

2009 S C M I 4

[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar, C.J.
Ch. Ejaz Yousof and Muhammad Arrukh Mahmud, JJ

MAH GUL---Appellant

versus

THE STATE---Respondent

Criminal Appeal No.212 of 2003, decided on 10th April, 2008.

(On Appeal from the judgment, dated 125-9-2002 of the Peshawar High Court, Peshawar in Criminal Appeal No.294 of 2002).

(a) Penal Code (XLV of 1860)---

---S.302---Anti-Terrorism Act (XXVII of 1997), S.7---Qanun-e-Shahadat (10 of 1984), Art.22---Reappraisal of evidence---Identification parade---Description of accused---Benefit of doubt---F.I.R. alleged that at night time all the three accused opened fire on police party from

SCMR

behind the bushes due to accused was sentenced to were awarded imprisonment and sentence awarded was maintained-death sentence. that neither his descriptive identification parade was F.I.R. did not contain accused, nor his description sufficient details---Omission particularly when neither identification test, nor any identified the accused at confirmatory evidence to room for doubt, benefit where aside conviction and sentence the charge---Appeal was allowed

Danial Boyd (Muslim 196; State through Advocate others PLD 1995 SC 1; Muslim SC (Pak.) 1; Ibrahim Bhak's The State PLD 1992 FSC 390

(b) Qanun-e-Shahadat (10 of

---Arts. 2(c) & 22---State identification parade---Distinct is substantive evidence with Shahadat, 1984, and identification corroborative in nature---When witness and he had only fleeting identification parade becomes witnesses are recorded in therefore, possibility that witness pointed out an accused cannot

(c) Penal Code (XLV of 1860)

---S. 302---Appreciation of evidence trial---Scope---Evidence of identification time is inherently of a very carry conviction must established identified by the witness at the not be achieved unless evidence capable to provide answers to the witnesses have the accused

SCMR



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 762/ 2013.

Mr. Muqtadullah, Private Secretary (BPS-17), Khyber Pakhtunkhwa PSC ... Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others Respondents.

INDEX

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Parawise Comments of the Commission		1-3
2.	Copy of a letter of Finance Department approval for upgraded/re-designated.	I	4
3.	Copies of the Establishment wing (Notification) dated 04-08-2007	II	5-6
4.	Copy of the PSC office order dated 22-09-2007 & seniority list (Assistant)/combined seniority list of Superintendent	III-IV-V	7-9
5.	Copy of the Govt: of Khyber Pakhtunkhwa Notification dated 19-06-2012	VI	10
6.	Copy of the PSC letter to Establishment Department.	VII	11
7.	Copies of the letter of Govt: of Khyber Pakhtunkhwa Finance Department (Regulation Wing) dated 11-10-2010	VIII-	12-16


Deputy Secretary
Litigation

**Khyber Pakhtunkhwa
Public Service Commission Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 762/ 2013.

Mr. Muqtadullah, Private Secretary (BPS-17), Khyber Pakhtunkhwa PSC ...Appellant.

VERSUS

Govt: of Khyber Pakhtunkhwa & others Respondents.

JOINT PARA WISE COMMENTS OF RESPONDENTS

PRELIMINARY OBJECTIONS

1. That the appellant has got no locus standi and cause of action against the respondents.
2. That the appellant has not approached this Honorable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That no discrimination / injustice has been done to the appellant.
5. That the appeal is not based on facts.
6. That the claim of appellant is unjustified and baseless and unlawful.
7. That the instant appeal is barred by law and time as well.
8. That the appeal is bad for non-joinder and misjoinder of necessary parties.
9. That the appeal is not maintainable in its present form.
10. That the appellant has been estopped by his own conduct to file the appeal.

ON FACTS

1. Pertains to record.
2. Admitted with the addition that the Government of Khyber Pakhtunkhwa in the finance Department vide letter No.SO(FR)/FD/7-2/2005/KC dated 05-12-2006 (**Annexure-I**) up-graded and re-designated 07 pots of Senior Scale Stenographers (BPS-15) as Private Secretaries (BPS-16) in the Commission's Office laying down the condition that requirements prescribe for promotion shall be followed for filling these up-graded/ re-designated posts. Since, according to the notified Service Rules at that time Senior Scale Stenographers and Assistants had combined seniority for promotion to the post of superintendent / Registrar-Examination (BPS-16) and the cadre of Private Secretary (BPS-16) did not exist in that Service Rules as such the same were accordingly amended and notified on 04-08-2007 (**Annexure-II**) wherein the seniority of Senior of Senior Scale Stenographers (BPS-15) was separated from Assistants so as to promote them to the up-graded posts of Private Secretaries (BPS-16)(**Anex-III**) Having amended the Service Rules DPC meeting was called which cleared promotions of appellant and the up-gradation of 07 Assistants of the Commission were superseded who stood senior to Senior Scale Stenographers (appellant) in the earlier combined seniority stand on 30-04-2006 (**Annexure-IV**). Moreover, in the new Service Rules the seniority of Private


Secretaries (BPS-16) once again combined with the Superintendents (BPS-16) for on-ward promotion as per seniority stand on 31-12-2007(**Annexure-V**).


3. Since the Government of Khyber Pakhtunkhwa vide notification No.FD/SO(FR)10-22/2012 dated 19-06-2012 (**Annexure-VI**) accorded sanction to the enhancement of pay scales of various cadres including appellant (Private Secretaries) from BPS-16 to BPS-17 w.e.f 23-12-2011 without laying down any condition as such appellant was allowed up-gradation to BPS-17 from that date in the light of that notification. The same pattern was adopted all over the Provincial Government.
4. Incorrect. The service structure and governing Service Rules of every Provincial Government Department and Federal Government Department varies to each other in accordance with its requirements. No post of Senior Private Secretary exists in the service structure of Khyber Pakhtunkhwa Public Service Commission. Moreover, up-gradation may be permissible in the departments where no further channel of promotion is available to Private Secretaries. However, in the Commission Superintendent and Private Secretaries have a joint seniority for promotion to the post of Deputy Secretary/Controller Exam/Accounts Officer (BPS-17) and are further promoted to the post of Deputy Directors (BPS-18) and Directors (BPS-19).
5. Detailed reply has been given in preceding para.
6. Incorrect. As required the Khyber Pakhtunkhwa Public Service Commission forwarded request of appellant for their up-gradation from BPS-17 to BPS-18 to the administrative department (Establishment Department) and having examined service structure of employees and upward mobility of each post of the Commission contained in letter No. KPK/PSC/Admn/GF-354/30082 dated 12-02-2013 (**Annexure-VII**) regretted request of the appellant vide letter dated 04-04-2013 and they were informed accordingly. Furthermore the instant Service appeal is also not entertainable as per up-gradation policy 2010 of the Provincial Government (**Annexure-VIII**). Further there is no Departmental appeal against the order 04-04-2013.
7. No injustice/discrimination has been done with the appellant and he has got promotions twice during the last five years through up-gradations on two occasions by superceding Assistants in earlier up-gradation who stood senior to appellant in the combined seniority. He has moved ahead on his Career path as compared to his counterpart i.e. the Superintendents and Assistants stream.

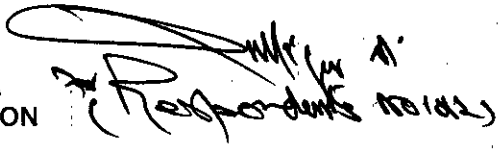
GROUNDS.

- A. Incorrect. The Government of Khyber Pakhtunkhwa issued up-gradation notification of appellants from BPS-16 to BPS-17 on 19-06-2012 allowing them up-gradation w.e.f 23-12-2011 as such they were allowed up-gradation from BPS-16 to BPS-17 from that specific date hence it is in accordance with law, facts and norms of natural justice.
- B. Incorrect. The appellant has been treated in accordance with the law and rules and no violation of any provision of Constitution of Islamic of Pakistan has been done.
- C. As stated in above para.
- D. As stated in para-4 of facts every Federal and Provincial Department has its own service structure keeping in view their requirements. No post of Senior Private Secretary is available at the strength of the Khyber Pakhtunkhwa Public Service Commission as such the demand of appellant is illegal, unjustified and unlawful.
- E. Detailed reply has been given in preceding paras..
- F. That the respondents seek permission to advance other grounds and proofs at the time of arguments.

It is therefore humbly prayed that on acceptance of submissions made herein above, the instant appeal being devoid of merits may kindly be dismissed.


 SECRETARY
 Govt: of Khyber Pakhtunkhwa
 Finance Deptt.

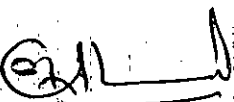

 CHAIRMAN
 KHYBER PAKHTUNKHWA
 PUBLIC SERVICE COMMISSION
 PESHAWAR
 (RESPONDENT NO.03)

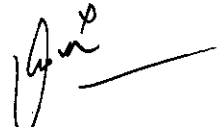

 (Respondent No.02)

AFFIDAVIT

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENT


 SECTION OFFICER (Lit-II)
 Finance Department
 Govt: of Khyber Pakhtunkhwa
 Peshawar.


 CHAIRMAN
 KHYBER PAKHTUNKHWA
 PUBLIC SERVICE COMMISSION
 PESHAWAR
 (RESPONDENT NO.03)

Annex - II

PA
D.D. 086

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
(REGULATION WING)

NQ.SO(FR)/FD/7-2/2005/KC
Dated Peshawar, the 05.12.2006

NWFP Public Service Commission
20 DEC 2006
DIARY NO. 6162

PS Secy. Admin. & Regulation Deptt.

Diary No. 5949 Dated 11/12/06

To

The Secretary to Govt. of NWFP,
Administration Department.

Subject:- CREATION AND UP-GRADATION OF POSTS IN NWFP
PUBLIC SERVICE COMMISSION.

Dear Sir,

I am directed to refer to your letter No:SOB(AD)6(25)PSC/2004-05, dated 19.10.2006 on the subject noted above and to state that Finance Department agrees to the following up-gradation of Posts in the NWFP Public Service Commission :-

S.No.	Existing Nomenclature and Scale	Number of Posts	Up-graded Scales & New Nomenclature
1.	Senior Stenographers(BPS-15)	07	Up-graded to BPS-16 and re-designated as Private Secretaries
2.	Librarian	01	Librarian(BPS-17)

2. In case of both the categories necessary conditions and requirements, prescribed for promotion shall be followed for filling the up-graded/re-designated.

4. Accordingly, an audit copy may please be prepared and submitted to this Department for authentication.

Yours faithfully,

Rafiq Akbar
(RAFIQ AKBAR)
SECTION OFFICER(FR)

DSA

[Handwritten mark]

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(ESTABLISHMENT WING)

NOTIFICATION

Peshawar, dated the 04-08-2007.

SCANNED
KPST
Peshawar

No. SOE-III(E&AD)I-9/2004/SSRC:- In exercise of the powers conferred by clause (b) of sub-section (2) of section 3 of the North-West Frontier Province Public Service Commission Ordinance, 1978 (N.-W.F.P. Ord. No. XI of 1978), the Governor of the North-West Frontier Province is pleased to direct that in the North-West Frontier Province Public Service Commission Officers and Servants (Terms and Conditions of Service) Regulations, 1985, the following further amendment shall be made, namely:

AMENDMENTS

In the Appendix,-

(i) after serial No. 1, the following new entries shall be inserted in the respective columns, namely:

1.	2.	3.	4.	5.	6.	7.
I(A)	Senior Psychologist,	Governor in consultation with the Chairman.	---	---	Seven years experience as Psychologist.	By promotion, on the basis of seniority-cum-fitness, from amongst Psychologists.

6

80

(vii) after serial No. 5, as so amended, the following new entries shall be inserted in the respective columns, namely:

1.	2.	3.	4.	5.	6.	7.
5(A)	Private Secretary to Chairman Member.	Chairman in consultation with Departmental Promotion Committee.			Five years service as Senior Scale Stenographers.	By promotion, on the basis of seniority-cum-fitness, from amongst Senior Scale Stenographers.

(viii) after serial No. 6, the following new entries shall be inserted in the respective columns, namely:

1.	2.	3.	4.	5.	6.	7.
6(A)	Web Manager/ Developer and Networking Administrator.	Chairman in consultation with Departmental Promotion Committee.	22 to 35 years.		Second class Master Degree or equivalent qualification in Computer Science from a recognized University.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst Key Punch Operators/Data Entry Operators. If no suitable person is available, then by initial recruitment. Note: A common seniority list of Key Punch Operators/ Data Entry Operators shall be maintained for the purpose of promotion.

(ix) for the existing entries against serial No. 9(A), the following shall be substituted in the respective columns, namely:

1.	2.	3.	4.	5.	6.	7.
9(A)	Librarian.	Governor in consultation with Chairman.	21 to 32 years.	Master Degree in Library Science from a recognized University.		By initial recruitment.



7

97

NWFP PUBLIC SERVICE COMMISSION, PESHAWAR

Dated Peshawar the 22nd September 2007

ORDER

10016-Admn(2)2006/45695 In terms of Finance Department letter No. SO(FR)FD/7...
2/2005/KC dated 05.12.2006, the competent authority, in consultation with Departmental Promotion
Committee, meeting (date) 05.09.2007, is pleased to allow the following Senior Scale Stenographers
(BPS-15), NWFP Public Service Commission, the up-graded posts of Private Secretaries to
Chairman/Members (BPS-16) with immediate effect.

S.NO	NAME OF THE OFFICIAL/DESIGNATION/SCALE	UP GRADED/RE DESIGNATED AS
1.	Mr. Muhammad Raza Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
2.	Mr. Muqtadullah Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
3.	Mr. Allah Dad Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
4.	Mr. Sajjad Raza Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
5.	Mr. Umar Naveed Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
6.	Mr. Soulat Khan Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)
7.	Mr. Saeed Khan Senior Scale Stenographer (BPS-15)	PS to Chairman/Members (BPS-16)

SD/
CHAIRMAN
NWFP PSC

Endst. No & Date: 10016-Admn(2)2006/45695-702

Copy to:

1. The Accountant General, NWFP, Peshawar
2. The Director Recruitment, NWFP PSC
3. The Director Examination, NWFP PSC
4. The Psychologist, NWFP PSC
5. PS to Chairman, NWFP PSC
6. Officials concerned
7. Cashier, NWFP PSC
8. Personal file of the Officials
9. Office Order file

(Signature)

9

COMBINED SENIORITY LIST OF SUPERINTENDENTS/REGISTRAR/PSs
NWFP PUBLIC SERVICE COMMISSION, PESHAWAR.

Total sanctioned posts- 25
Permanent = 3 Suptd + 1 RE + 1 PS to Chairman = 05 As stood on 31.12.2007 Basic Pay Scale- 16
Temporary 11 Suptds + 09 PSs:

S. No.	Name	Designation	Qualification	Domicile	Date of Birth	Date of 1 st entry into Govt. Service	Date of Regular Appointment to the present post	BPS	Method of recruitment
1	2	3	4	5	6	7	8	9	10
1	Mr. Rizwanullah	Suptd	BA	Swabi	12.02.1961	01.07.1981	17.12.2002	16	promotion
2	Mr. Masood Zaman	Suptd	D.com	Marda	17.06.1959	10.11.1984	17.12.2002	16	promotion
3	Mr. Fida Muhammad	Suptd	MA	Marda	30.03.1964	20.01.1993	17.12.2002	16	promotion
4	Mr. Hayat Hussain	Suptd	MA	Nowshera	19.04.1973	12.01.1993	26.01.2005	16	promotion
5	Mr. Gul Sher Khan	Suptd	Matric	Pesh.	16.09.1950	03.02.1973	26.01.2005	16	promotion
6	Mr. Muhammad Saeco	Suptd	M Com	Pesh.	10.01.1965	19.02.1991	26.01.2005	16	promotion
7	Mr. Rastan Khan	Suptd	FA	Pesh.	02.02.1959	20.2.1980	22.09.2007	16	Promotion
8	Mr. Muhammad Arshad	Suptd	MA	Charsa da	1.1.1969	1.2.1994	22.09.2007	16	Promotion
9	Mr. Manawar Khan	Suptd	MA	Lakki	14.03.1969	7.2.1994	22.09.2007	16	Promotion
10	Mr. Sher Ahmad	Suptd	MA	Khy	2.12.1968	8.2.1994	22.09.2007	16	Promotion
11	Mr. Fiaz Qayam	Suptd	MA	Bannu	13.04.1970	18.1.1996	22.09.2007	16	Promotion
12	Mr. Masood Gul	Suptd	Matric	Charsa da	11.08.1959	29.10.1978	13.11.2007	16	Promotion
13	Mr. Momin Ali	Suptd	Matric	Kohat	01.06.1953	23.8.1980	13.11.2007	16	Promotion
14	Mr. Abdul Latif	Suptd	Matric	D.I.Kh	01.08.1962	12.11.1980	13.11.2007	16	Promotion
15	Mr. Farmanullah	Suptd	FA	Pesh.	06.01.1961	1.6.1981	13.11.2007	16	Promotion
16	Mr. Muhammad Raza	PS	BA	Pesh.	08.02.1966	4.12.1988	22.09.2007	16	Promotion
17	Mr. Muqtadulali	PS	BA	Charsa da	15.10.1963	19.1.1993	22.09.2007	16	Promotion
18	Mr. Akhbar Dad	PS	MA	Pesh.	16.04.1973	13.1.1993	22.09.2007	16	Promotion
19	Mr. Sajjad Raza	PS	MA	Marda	12.10.1968	16.1.1993	22.09.2007	16	Promotion
20	Mr. Saad Naveed	PS	MA	Pesh.	10.03.1973	11.4.1996	22.09.2007	16	Promotion
21	Mr. Sourab Khan	PS	MA	Mohd	07.02.1971	15.4.1996	22.09.2007	16	Promotion
22	Mr. Saheed Khan	PS	FA	Pesh.	01.03.1962	09.06.1981	22.09.2007	16	Promotion
24	Vacant	PS							
25	Vacant	PS							

Appellant

Appellant

Appellant

Appellant

Appellant

Appellant

Appellant

Appellant

M. Saad

[Signature]

NWFP

00

(Regulation Wing)
Dated Peshawar the, 19th June 2012

NOTIFICATION

No.FD/SO(FR)10-22/2012

The competent authority has been pleased to accord sanction to the enhancement of pay scales of the following posts which exist in all the Departments / Offices (except Secretariat Departments) Government of Khyber Pakhtunkhwa, with effect from 23.12.2011

S#	Nomenclature of the Post	Existing Pay Scale	Enhanced Pay Scale
1.	Stenographers	BPS-12	BPS-14
2.	Senior Scale Stenographer	BPS-15	BPS-17
3.	Personal Assistants	BPS-15	BPS-18
4.	Private Secretaries	BPS-16	BPS-17

- i). The pay of the existing incumbents of the posts shall be fixed in the higher scale at a stage next above the pay in the lower pay scale.
- ii). With effect from 23.12.2011, the academic qualification for initial recruit against the posts of Stenographers (BPS-14) will be Intermediate or equivalent and against the posts of Senior Scale Stenographers / PAs (BPS 15) will be Graduation or equivalent.
- iii). All the concerned Departments, will amend their service rules accordingly.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No. & Date Even.

Copy is forwarded to:

1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa
8. Registrar, Peshawar High Court, Peshawar.
9. All District Coordination Officers/Political Agents, District & Session Judges, District Judges, Khyber Pakhtunkhwa.
10. Registrar Khyber Pakhtunkhwa Public Service Commission Peshawar.
11. Registrar Service Tribunal, Khyber Pakhtunkhwa.
12. All the Autonomous and Semi Autonomous Bodies, Khyber Pakhtunkhwa
13. Secretary to Government of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi, Islamabad.
14. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Gilgit.
15. The Treasury Officer, Peshawar.
16. All District/Agency Accounts Officer in Khyber Pakhtunkhwa/BATA.
17. PS to Minister for Finance Khyber Pakhtunkhwa.
18. PS to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
20. Director, Treasuries and Accounts, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa, Peshawar.
22. Director FMU, Finance Department for placing the same on the website of the Government of Khyber Pakhtunkhwa.
23. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
24. All District/Agency Secretaries in Finance Department, Khyber Pakhtunkhwa.

Telephone No: 091-9212962

(11)

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**
2-FORT ROAD PESHAWAR CANTT.



No. KPK/PSC/Admn/GF-354/ 30082

Date: 17 / 02 / 2013

From:
Secretary,
Public Service Commission,
Peshawar.

To

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

Subject: REQUEST FOR UPGRADATION OF POSTS OF
PRIVATE SECRETARIES WORKING IN KHYBER
PAKHTUNKHWA PUBLIC SERVICE COMMISSION

Dear Sir,

Please refer to your letter No.SOE-V(E&AD)/11-7/2011 dated
30.01.2013 on the subject noted above.

As desired photo copy of existing notified Service Rules
showing service structure of employees and upward mobility of each post in
PSC is enclosed for perusal and necessary action. According to these rules
the Private Secretaries having combined seniority with Superintendent and
Registrar Examination are promoted to the post of Deputy
Secretary/Controller Examination and Accounts Officer (BPS-17) and
onward to the post of Director Examination/Recruitment (BPS-18).

Yours faithfully,

SECRETARY
PSC

Encl: As Above

All proposals regarding upgradation of any post in any Provincial Department or office shall be placed before the following committee for scrutinization and recommendations: -

- | | |
|--|----------------------|
| Secretary, Govt. of Khyber Pakhtunkhwa,
Finance Department | Chairman |
| Secretary, Govt. of Khyber Pakhtunkhwa,
Department | Member |
| Additional Finance Secretary (Regulation)
Finance Department. | Member-cum-Secretary |
| Additional Secretary of the concerned
Department. | Member |

Note: In case the post of Additional Secretary is not sanctioned in concerned department, the Deputy Secretary of the concerned department will represent as member of the up-gradation committee for scrutiny and recommendations of the upgraded posts

2. No proposal/ request for up-gradation of post(s) to higher pay scale shall be entertained except in following cases: -

1. UPGRADATION OF POSTS PROPOSED AS PART OF RE-ORGANIZATION/ RE-STRUCTURING OF DEPARTMENTS:-

Proposals for upgradation of certain posts as a sequel to the re-organization/ re-structuring of the department/ organization will be considered/ scrutinized by the committee on following parameters: -

- (i). Objectives set forth for Re-organization.
- (ii). Reasons, factors and impediments in the existing structure which led to Re-organization process.
- (iii). Why upgradation of some posts are essential for re-organization.
- (iv). Proposed changes in method of recruitment as part of re-organization proposed; Provided that before submitting proposals of upgradation of posts to the Finance Department in such cases, the Administrative Department will do proper consultation with Establishment Department for developing a practical and modest Re-organization proposal.

12

GOVT. OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

(REGULATION WING)

NO. SO(FR)/FD/7-2/2008

Dated Peshawar, the 11th October, 2010

1. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
6. The Registrar, Peshawar High Court, Peshawar.
7. The Registrar, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
8. The Registrar, Service Tribunal Khyber Pakhtunkhwa.
9. All the Divisional Commissioners, Khyber Pakhtunkhwa.

Subject: POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of revised Policy/ Criteria for Up-gradation of Posts duly approved by the Provincial Cabinet in its meeting held on 23rd August, 2010 in supersession of the policy and criteria for up-gradation circulated vide Finance Department letter No. SO(FR)/FD/7-2/2008 dated 11.10.10.

I am accordingly directed to request that the enclosed policy/ criteria for up-gradation of posts may please be brought into the notice of all concerned and in future proposals for up-gradation may be scrutinized strictly in accordance with the approved policy before submission to the up-gradation committee for consideration.

Yours faithfully,

(SHAUCAT ULLAH)
SECTION OFFICER (FR)

END, NO & DATE EVEN

Copy is forwarded for information to

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Budget Office, Finance Department.

SECTION OFFICER (FR)

14

II. UPGRADATION OF POSTS PROPOSED DUE TO INDIVIDUAL HARDSHIP CASES:

(a) Proposals for upgradation of certain posts due to the reasons that some civil servants do not have further promotion chances and have stayed on one position for reasonably long time, will be placed before the committee for consideration only if the proponent departments provides following information:-

- (i). *Reasons due to which concerned Government servant is unable to be promoted in normal procedure.*
- (ii). *All requisite details about creation of such posts and formulation of service rules with particular reference to the reasons as to why the service rules can not give career progression to the holders of these posts.*
- (iii). *Whether organizational structure as well as service rules need revision to avoid recurring of the hardship to the future entrants.*
- (iv). *The steps taken by the department concerned to resolve such hardships on permanent basis.*

(b) The committee after proper scrutiny of case in terms of above parameter and if satisfied that the upgradation of certain post(s) is the only solution, may make its recommendations to the competent authority for upgradation on personal basis provided that:-

- (i). *There shall be no upgradation of post beyond BPS-19 in such cases.*
- (ii). *Such recommendations will only be made in case where there are absolutely no promotion prospects in the service structure for incumbent of said post(s).*
- (iii). *No such recommendations will be made in a case where the incumbent has less than 10 years of stay on one and the same position;*
- (iv). *The incumbent has not been earlier elevated in the existing pay scale by personal upgradation.*
- (v). *The proposed upgradation will be personal to the incumbent and the post shall stand downgraded as and when vacated by such incumbent.*

III. UPGRADATION OF POSTS PROPOSED ON GROUNDS OF PRINCIPLE OF PARITY.

While processing the cases where the proponent department seeks upgradation of certain posts to a higher pay scale on the analogy of similar posts in some other department in this province created with same nomenclature, the committee shall take into account following parameters:

- (i). Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogy has been quoted by proposal department. (15)
- (ii). Nomenclature shall not be the sole criterion for determining parity/ comparability of post(s). Other details i.e. the job description and prescribed qualification would necessarily be examined.
- (iii). In case of difference of prescribed qualification or the job description (or both) as the case may be, the committee may direct change of nomenclature of post(s) in any department to avoid confusion on this ground.
- (iv). The committee may associate with all such departments having same nomenclature of certain post(s) with same responsibilities and same qualifications to ascertain as to what were reasons for creation of same posts in different departments with different pay scales, and thus make recommendations in respect of all such posts in all concerned departments, whether they took up the case or otherwise, to bring uniformity in pay scales in all departments to avoid future references.

Provided that the committee shall not recommend such proposals for uniformity where prescribed qualifications as well as the qualifications possessed by existing incumbents is not at par with the post(s)/ incumbents cited as precedence.

Provided further that in such cases the committee may recommend change of nomenclature of either those post(s) having higher prescribed qualifications or those having lesser prescribed qualifications as may be deemed appropriate by the committee.

IV. UPGRADATION PROPOSED FOR RETENTION OF AN OFFICER ON SAME POST AFTER HIS PROMOTION TO HIGHER PAY SCALE.

Retention of an officer on the same post after he has been promoted to next higher position by the competent authority, is against the spirit of the promotion policy, hence shall not be ordinarily allowed. However, in case due to peculiar exigencies of services if it becomes unavoidable to retain a promoted officer on the same position than the concerned department shall move a summary for the Chief Minister, mentioning therein the detailed reasons and justifications in support of their such proposal and route it through the Establishment Department and the Finance Department for obtaining orders of the Chief Minister, Khyber Pakhtunkhwa.

Provided that in such cases the post will be up-graded personally for the incumbent till his stay as such and shall automatically stand downgraded to its original position thereafter.

V. UPGRADATION OF A POST PROPOSED ON THE ANALOGY OF SOME OTHER PROVINCE.

16

Any order made by any other Province regarding creation of a post with certain nomenclature in certain pay scale does not have any binding effect on any other Province to follow the same. Therefore, in such cases, the committee shall examine the proposals totally on its own merit keeping in view the above mentioned guidelines, in general, and shall furnish its recommendations independently.

3. The committee may, however, take any other point into consideration while examining proposed upgradation to ensure effective running of a department/ organization in public interest.

4. The recommendations of the above committee shall be submitted for approval of the competent authority as per table given below: -

Sr. No.	Scale	Competent authority	
1.	BPS-1 to BPS-15	Competent Authority (Finance Department) (In case of Finance Department employees the competent authority shall be Admin: Establishment Department) &	In consultation with the above inter departmental committee.
2.	BPS-16 to BPS-17	Chief Secretary, Khyber Pakhtunkhwa	In consultation with the above inter departmental committee
3.	BPS-18 & above	Chief Minister, Khyber Pakhtunkhwa	In consultation with the above inter departmental committee

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 762/2013

MUQTADULLAH

VS

GOVT: OF KPK

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 10):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct, hence need no comments.
- 2- Admitted correct, hence need no comments.
- 3- Incorrect and not replied accordingly. That vide Notification dated 03-10-2008 the Private Secretaries of the Punjab Public Service Commission were allowed BPS-17 from the date when they joined the post of Private Secretaries. The appellant also requested for up gradation to (BPS-17). That the same was allowed after quite considerable time w.e.f.23-12-2011 instead of joining duty as Private Secretary.
- 4- Incorrect and not replied accordingly. That vide Federal Government Establishment Division Notification dated 06-08-2011 has declared that the post of Private Secretary (BPS-17) may continue to remain in (BPS-17) may be granted (BPS-18) after putting 5 years satisfactory service in (BPS-17) and similarly Private Secretary in (BPS-18) may further be granted BPS-19 after putting in 12 years service in (BPS-17) in above. It was also added that on grant of (BPS-19) the nomenclature of the post can be Senior Private Secretary.
- 5- Incorrect and not replied accordingly. That in the light of Notification dated 06-08-2011 and Federal Service Tribunal Judgment the private secretaries of federal public commission were allowed up gradation from BPS-18 to (BPS-19) as senior private secretary vide order dated 09-02-2012.

- 6- Incorrect and not replied accordingly. That the appellant filed his Departmental Appeal for the grant of up gradation to (BPS-18) and (BPS-19) from the date when the same were allowed to Punjab Public Service Commission and Federal Public Service Commission. The same was rejected on no good grounds vide order dated 04-04-2013.
- 7- In correct and not replied accordingly hence denied.

GROUND:
(A TO F):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the respondent Department not granting /allowing up gradation with retrospective effective and further up gradation to (BPS-18) in the light of above mentioned Notifications is against the law, facts and norms of natural justice. That as the employees of the Punjab Public Service Commission and Federal Public Service Commission has been awarded (BPS-18) and subsequently (BPS-19), therefore under the principal of consistency reported in 2009 SCMR page-1 the appellant is also entitled for the same relief as given to the employees of the Punjab Public Service Commission and Federal Public Service Commission.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT


MUQTADULLAH

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 762/2013

MUQTADULLAH

VS

GOVT: OF KPK

REJOINDER ON BEHALF OF APPELLANT IN
RESPONSE TO THE REPLY SUBMITTED BY
THE RESPONDENTS

R/ SHEWETH:

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APPELLANT

NG
MUQTADULLAH

THROUGH:

13
NOOR MUHAMMAD KHATTAK
ADVOCATE