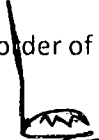


Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1416/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/09/2022	<p>The appeal of Mr. Muhammad Rasheed resubmitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR ,</p>

The appeal of Mr. Muhammad Rasheed District Attorney Mohmand received today i.e. on 14.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Appeal is not signed by the counsel.
- 5- Wakalat nama in favour of appellant be placed on file.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2563 /S.T,

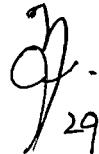
Dt. 15/9 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R/sir,

Resubmitted after necessary completion.

  
29/9/22

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

Service Appeal No. 1416 of 2022

Muhammad Rasheed

VERSUS

Govt: of Khyber Pakhtunkhwa etc.


**INDEX**

S.No	Description	Annexure	Page
1.	Service Appeal with Affidavit	--	2 -- 8
2.	Appointment Notification issued by the Law Department vide No. E&A(LD)9-2/AGP/04/ 9870-81 dated 15-10-2008	A	9
3.	Acting Charge Promotion of five (05) Additional Government Pleaders to the post of Government Pleader (BPS-18) issued vide Notification No. SO(G)E&A/LD/17-17/Promotion/PSB/AGP/2012/ 10446-10550 dated 22-6-2012	B	10-11
4.	Law Department Notification No. E&A (LD) 17-17/ AGP(II)/2012/13466-13570 dated 09-08-2012 regarding up-gradation to BPS-18 & BPS-19	C	12
5.	Law Department Notification No. E&A/LD/ 17-17/ AGP(II)/2012/19747-19885 dated 04-12-2012 regarding up-gradation to BPS-19 on Acting Charge	D	13-16
6.	Rules for recruitment/ promotion of District Attorney (BS-19) notified by the Government of Khyber Pakhtunkhwa vide Notification No. SO(G)/LD/15-18/ 2014/13414-64 dated 26-04-2017	E	17
7.	Promotion to the post of District Attorney (BPS-19) vide Notification No.SO(G)(LD)/15-24/2022/PSB/ 7984-23 dated 19-04-2022	F	18
8.	Copy of representation/departmental Appeal dated 17-05-2022	G	19-23
9.	Wakalat Nama	--	24

Dated: 14-09-2022

Through:

  
APPELLANT

  
NOOR MUHAMMAD KHATTAK  
Advocate  
Supreme Court of Pakistan

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

Service Appeal No. \_\_\_\_\_ of 2022

**Muhammad Rasheed**, District Attorney, Mohmand.

(Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department, Peshawar.

..... (Respondents)

**SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE PROMOTION NOTIFICATION ISSUED VIDE ENDST: NO. SO(G)(LD)/15-24/2022/PSB/7984-23 dated 19-04-2022 AND OMISSION OF RESPONDENTS FOR INDECISION OF THE DEPARTMENTAL REPRESENTATION DATED 17-05-2022**

**Respectfully Sheweth;**

The appellant submits as under: -

**BRIEF FACTS: -**

1. That the appellant was appointed as Additional Government Pleader (BPS-17) on Regular basis on the recommendation of Khyber Pakhtunkhwa Public Service Commission vide Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department Notification No. E&A(LD)9-2/AGP/04/9870-81 dated 15-10-2008. (Annexure-A)

2. That five (05) Additional Government Pleaders appointed vide Notification No. E&A(LD)9-2/AGP/04/9870-81 dated 15-10-2008 and Notification No. E&A(LD)9-2/AGP/04/10431-46 dated 03-11-2008 were promoted to the post of Government Pleader (BPS-18) on Acting Charge basis vide Notification No. SO(G) E&A/LD/17-17/Promotion/PSB/AGP/2012/10446-10550 dated 22-6-2012 (**Annexure-B**) due to availability of vacant posts of Government Pleader (BPS-18).
3. That the appellant was upgraded to BPS-18 along with other Additional Government Pleaders vide Government of Khyber Pakhtunkhwa, Law Department Notification No. E&A (LD) 17-17/AGP(II)/2012/13466-13570 dated 09-08-2012 (**Annexure-C**) whereas the other colleagues who were performing their duty as Government Pleader (BPS-18) on Acting Charge basis, were upgraded to the post of Senior Government Pleader (BPS-19) on Acting Charge basis due to availability of vacant posts vide Notification No. E&A/LD/17-17/AGP(II)/2012/19747-19885 dated 04-12-2012 (**Annexure-D**).
4. That the Government of Khyber Pakhtunkhwa while altering the nomenclature of posts, notified method of recruitment/promotion for the post of District Attorney (BS-19) vide Notification No. SO(G)/LD/15-18/2014/13414-64 dated 26-04-2017 (**Annexure-E**). According to the Service Rules *ibid*, the post of District Attorney (BPS-19) is required to be filled as under:-  
  

***“By promotion on the basis of seniority-cum-fitness, from amongst Deputy District Attorney having twelve years service in BS-17 and above with at least three years service in BS-18:  
Provided that the length of service for promotion of persons, appointed in BS-18 by initial recruitment, shall be seven years as such”.***
5. That the appellant has already completed twelve year service in BPS-17 and above with at least three year service in BPS-18 on 15-10-2020 and as such was eligible for promotion to BPS-19. It is pertinent to mention here that vacant posts of District Attorney (BPS-19) were also available for promotion of the appellant since 2018.
6. That it is an admitted fact that being an eligible candidate, the Law Department forwarded case of appellant to the Provincial Selection Board on 10-04-2018 and 26-04-2018 for promotion to the post of District Attorney (BPS-19) on Acting

Charge basis but the working paper was withdrawn for further clarification and examination. Lastly, the working paper for promotion was placed at the agenda of Provincial Selection Board on 30-07-2021 to the Post of District Attorney (BPS-19) on regular basis but again it was not considered without any reason.

7. That Respondent No. 3 submitted working paper for promotion of Government Pleader BS-18 to the post of Senior Government Pleader BS-19 on acting charge basis but was returned by the Establishment Department vide letter No SO (PSB) ED/1-13/2013/P-14 dated 21-02-2013 with remarks that administrative department may first amend the Service Rules to reflect the post therein and then forward the working paper for placement before the Provincial Selection Board.
8. That the omission of non-framing of the rules by the competent legislative forum / authorities is an instance of indifference to the predicament of the Appellant and the Appellant has thus been unfairly targeted without any valid basis. It was the duty and responsibility of the officer of the said department to have placed clear cases before the PSB and should have framed the rules for promotion to the post in BPS-19 which they failed to do. These omissions of the respondent department are against the principle of justice and fair play, equality before law and equal protection of law.
9. That now, the Provincial Selection Board in its meeting held on 07-04-2022, recommended the appellant for promotion and in consequence whereof, the Law Department after approval of the minutes by the Honorable Chief Minister, notified the promotion of appellant to the post of District Attorney (BPS-19) vide Notification No.SO(G)(LD)/15-24/2022/ PSB/7984-23 dated 19-04-2022 (**Annex-F**), but with immediate effect and not from the date, the post was lying vacant, despite the fact that the appellant was eligible to be promoted since the post became vacant.
10. That the Appellant submitted representation/ departmental appeal on 17-05-2022 (**Annexure-G**) with the request to review the Promotion Notification dated 19.04.2022 in respect of the applicant to the extent of the words "with immediate effect" and rectify the same with effect from 2018, i.e.; the due date of eligibility of appellant and availability of vacant post of BPS-19 on regular basis in accordance with seniority rules, statutory provisions and the dicta of superior courts pronounced in various judgments.

11. That the Appellate Authority has not decided of the representation/ departmental appeal within the stipulated time; hence, the Appellant has a cause of action to institute the instant Service appeal before this Honorable Tribunal inter-alia on following grounds: -

**GROUND:** -

- A. That the residuary provision of section 23 of Civil Servant Act, 1973 is founded on sublime rule of equity and there is no bar, in case, the appellant is placed at par with his colleagues earlier promoted.
- B. That the Appellant has not been provided equal treatment when there is no express inhibition against him under the law and has also not been given equal protection of law, which is discriminatory instance of arbitrariness and is against the principles enshrined in Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. That the appellant has completed twelve years of service in BPS-17 and above with at least three year service in BPS-18 on 15-10-2020 and was eligible for promotion to BPS-19 as per Service Rules. Moreover, vacant posts of District Attorney (BPS-19) were also available for promotion since 2018 but the appellant was deprived from promotion due to submission of unclear case to PSB and it is a settled principle that nobody could be prejudiced due to the act of the public functionaries.
- D. That right to promotion is neither an illusionary nor a perfunctory right which could be ignored casually. Non-considering of an officer being equally eligible for promotion is a serious matter and not only undermines discipline but create serious bad blood and heart burning amongst the rank and file of service. The competent authority has discretion to order antedated promotion of an officer provided it was just, equitable and didn't affect the rights of another officer. Such order can be passed for the benefit of the aggrieved officer to alleviate his hardships.
- E. That the settled principle of law is that where a post was available for promotion and where a civil servant was qualified/ eligible for promotion to such a higher post, then such civil servant is entitled for antedated promotion from the date of availability of post and his eligibility with back benefits.

- F. That a civil servant who, for no fault of his own, is wrongfully prevented from rendering service in higher post which he is admittedly entitled, should be given salary of higher post and the civil servant is entitled to salary in view of provision of FR-17.
- G. That the appellant performed his official duties with due diligence, care and devotion and his performance during the period remained up to the mark but has been subjected to injustice and the case of appellant has not been dealt with under the principle of natural justice and fair play.
- H. That this Honorable Tribunal is competent and has ample powers to adjudge the matter under Service appeal.
- I. That the additional grounds shall be raised during the arguments with the permission of this Honorable Tribunal.

**PRAYER:**

It is therefore, prayed that the respondents may be directed to amend the promotion Notification No. SO(G) (LD)/15-24/2022/PSB/7984-23 dated 19-04-2022 to the extent of the words "with immediate effect" and the appellant be given antedated promotion w.e.f. 2018, i.e.; the date of eligibility and availability of vacant post of District Attorney (BPS-19) with back benefits.

Any other relief which this Honorable Tribunal deems appropriate in the matter may also be granted to the Appellant please.

**Dated: 14-09-2022**



(APPELLANT)

**Through:**



**NOOR MUHAMMAD KHATTAK**  
Advocate  
Supreme Court of Pakistan



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

Service Appeal No. \_\_\_\_\_ of 2022

**Muhammad Rasheed, District Attorney, Mohmand.**

**VERSUS**

**Govt: of Khyber Pakhtunkhwa through Chief Secretary and others**


**CERTIFICATE: -**

Certified that no such Service appeal has earlier been filed before this Honorable Tribunal.

  
**APPELLANT / ADVOCATE**

**CASE LAWS / LAW BOOKS: -**

- Civil Servants Act, 1973
- Service Tribunal Act, 1974
- Service Tribunal Rules, 1974
- Constitution of Islamic Republic of Pakistan, 1973
- CSR and FR-17
- Dictums of superior courts in 2022 SCMR 448, 2017 SCMR 399, 2017 PLC (CS) 1292, 2013 SCMR 544, 2010 PLC(CS)760 and 2006 SCMR 1938, Civil Appeal No. 654/2021 dated 16-11-2021 etc.

  
**APPELLANT / ADVOCATE**  
**Dated: 14-09-2022**

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

Service Appeal No. \_\_\_\_\_ of 2022

**Muhammad Rasheed**, District Attorney, Mohmand.

**VERSUS**

Govt: of Khyber Pakhtunkhwa through Chief Secretary and others

**AFFIDAVIT**

I, **Muhammad Rasheed** (the appellant), do hereby solemnly affirm and declare on oath that contents of instant Service appeal are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Honorable Tribunal.

Dated: 14-09-2022



**(Muhammad Rasheed)**

Deponent

CNIC# 17301-1319659-9

**GOVERNMENT OF N.-W.F.P.,  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT  
Dated Peshawar the 15/10/2008.**

**NOTIFICATION**

**No. E&A(LD)9-2/AGP/04---** On the recommendation of the NWFP Public Service Commission, Peshawar, the Competent Authority is pleased to order the appointment of the following candidates as Additional Government Pleaders(BPS-17), as per existing Government policy with immediate effect:-

S.NO	NAME WITH ADDRESS	DOMICILE
1.	Mr. Mohammad Kamran Qureshi S/o Mohammad Quresh R/o College book Depo, Main Bazar Topi Tehsil & District Swabi (Village & P/o Uti Gacoon Area).	Swabi
2.	Mr. Sikandar Khan S/o Khitab Gul R/o Moh, Tokerkhel Village & P/o Mattani Tehsil & District Peshawar.	Peshawar
3.	Mr. Farhaj Sikandar S/o Sikandar Yar Khan R/o Yar Street, P/o Kachi Paind Khan Bannu Road, D.I.Khan.	D.I.Khan
4.	Mr. Noor Ullah S/o Nasrullah R/o Mojab Khan Korona Mira Rajjar District & Tehsil Charsadda, C/o Muhtadullah Teacher, G.H.S.No-1 Rajar.	Charsadda
5.	Mr. Muhammad Rasheed S/o Muhammad Sadiq R/o H/No.1423, Jandar Street, Nouthia Qadeem, Peshawar Cantt.	Peshawar
6.	Mr. Tahir Iqbal S/o Nadir Khan R/o H/No. S-10 Peshawar University Campus, Peshawar.	Karak
7.	Mr. Masood-ul-Hassan S/o Baz Gul R/o H.No.3844, Moh, Nov/A Dabgari Peshawar City.	Peshawar
8.	Mr. Samad Khan S/o Hakam Khan (Late) Samad Khan C/o M. Amin Shop No.1, Aslam Market, Baghdada, Mardan NWFP.	Mardan

2. They shall be governed by such rules and orders related to leave, T.A, Medical attendance, pay and other allowances from time to time for the category of Government Servant of their status.

3. They have to join duty at their own expenses.

4. They will be posted at any District throughout the NWFP against the vacant posts as Additional Government Pleaders under the Mufassil Establishment of Law, Parliamentary Affairs and Human Rights Department.

5. If the above terms and conditions are acceptable to them, they should assume their duty immediately in the Law, Parliamentary Affairs and Human Rights Department. The offer of appointment shall be deemed to have been cancelled if they fail to report within 15 days from the date of issuance of this Notification.


6. In case he wishes to resign at any time one-month notice will be necessary or in lieu thereof one month's pay shall be forfeited/paid by him to the Government.

**(MOHAMMAD FAROOQ SARWAR)**  
Secretary to Government of NWFP  
Law, Parliamentary Affairs and  
Human Rights Department

ENDST:- No. E&A(LD)9-2/AGP/04 / 9870-81 - Dated 15/10/2008

Copy forwarded to :-

1. The Secretary to Government of NWFP, Establishment Department.
2. The Accountant General, NWFP, Peshawar.
3. The Advocate General, NWFP, Peshawar.
4. The Director Information NWFP, Peshawar.
5. The District Accounts Officers Concerned.
6. The Secretary, NWFP Public Service Commission Peshawar.
7. The Director General Prosecution NWFP Peshawar.
8. The Government Pleaders/Additional Government Pleaders Concerned.
9. The Officers Concerned.
10. The Manager, Government Printing Press Peshawar for Publication in the Government Gazette.
11. The Personal files of the Officers concerned.
12. The Account Section, Mufassil Establishment, Law Department.
13. The Personal files of the Officers concerned.

  
(Sajjad-Ur-Renman)  
Section Officer (General)  
Law Department



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

NOTIFICATION.

Dated: Peshawar, June 22, 2012

No. SO(G) E&A/LD/17-17/Promotion/PSB/June 2012. Consequently upon the recommendations of the Provincial Selection Board, the Competent Authority is pleased to promote/appoint the following Additional Government Pleaders (BS-17) as Government Pleaders (BS-18) on Regular/ Acting charge basis with immediate effect:-

Serial No.	Name of Officer	Remarks
1	Syed Abdul Sami Shah	Promoted on regular basis
2	Mr. Sikandar Khan	Appointed on Acting charge basis
3	Mr. Masood-ul-Hassan	Appointed on Acting charge basis
4	Mr. Jamal Abdul Nasir	Appointed on Acting charge basis
5	Mr. Noorullah	Appointed on Acting charge basis
6	Mr. Mohammad Kamran Qureshi	Appointed on Acting charge basis

2. The Officer at serial No. 1 on promotion on regular basis will remain on probation for a period of one year in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Resultantly the following postings / transfers are ordered with immediate effect:-

S.No.	Name & Designation	Present posting	Place of Posting	Remarks
1	Syed Abdul Sami Shah	Additional Government Pleader (BS-17) Labour Court Malakand	Government Pleader (BS-18) Malakand against the vacant post.	---
2	Mr. Sikandar Khan	Additional Government Pleader (BS-17) presently posted as Section Officer (Operations) Law, Parliamentary Affairs & Human Rights Department.	Law Officer (BS-18) Khyber Pakhtunkhwa Advocate-General Office, Peshawar	He will report back to the post of S.O (Operations) Law deptt. after actualization.
3	Mr. Masood ul Hassan	Additional Government Pleader (BS-17) presently posted as Section Officer (Assembly Business) Law, Parliamentary Affairs & Human Rights Department.	Government Pleader (BS-18) Khyber Pakhtunkhwa Service Tribunal Peshawar	He will report back to the post of S.O (Assembly business) Law deptt. after actualization.
4	Mr. Jamal Abdul Nasir	Additional Government Pleader (BS-17) District Buner	Government Pleader (BS-18) Buner against the vacant post.	---



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT**

**NOTIFICATION.**

Dated: Peshawar, June 22, 2012

No. SO(G) E&A/LD/17-17/Promotion/PSB/AGPs/2012 Consequent upon the recommendations of the Provincial Selection Board, the Competent Authority is pleased to promote/ appoint the following Additional Government Pleaders (BPS-17) as Government Pleaders (BPS-18) on Regular/ Acting charge basis with immediate effect:-

Serial No.	Name of Officer	Remarks
1	Syed Abdul Sami Shah	Promoted on regular basis
2	Mr. Sikandar Khan	Appointed on Acting charge basis
3	Mr. Masood-ul-Hassan	Appointed on Acting charge basis
4	Mr. Jamal Abdul Nasir	Appointed on Acting charge basis
5	Mr. Noorullah	Appointed on Acting charge basis
6	Mr. Mohammad Kamran Qureshi	Appointed on Acting charge basis

2. The Officer on serial No. 1 on promotion on regular basis will remain on probation for a period of one year in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Resultantly the following postings/ transfers are ordered with immediate effect:-

S.No.	Name & Designation	Present posting	Place of Posting	Remarks
1	Syed Abdul Sami Shah	Additional Government Pleader (BS-17) Labour Court Mardan	Government Pleader (BS-18) Malakand against the vacant post	---
2	Mr. Sikandar Khan	Additional Government Pleader (BS-17) presently posted as Section Officer Opinion-I Law, Parliamentary Affairs & Human Rights Department	Law Officer (BS-18) Khyber Pakhtunkhwa Advocate General Office, Peshawar	He will report back to the post of S.O (OP-II) Law deptt. after actualization
3	Mr. Masood ul Hassan	Additional Government Pleader (BS-17) presently posted as Section Officer (Assembly Business) Law, Parliamentary Affairs & Human Rights Department	Government Pleader (BS-18) Khyber Pakhtunkhwa Service Tribunal Peshawar	He will report back to the post of S.O (Assembly business) Law deptt. after actualization
4	Mr. Jamal Abdul Nasir	Additional Government Pleader (BS-17) District Buner	Government Pleader (BS-18) Buner against the vacant post.	---


5	Mr. Noorullah	Additional Government Pleader (BS-17) presently posted as Section Officer (Litigation) Establishment & Administration Department.	Government Pleader (BS-18) Lower Dir against the vacant post.	He will report back to the post of Section Officer (Litigation) Establishment & Administration Department after actualization.
6	Mr. Mohammad Kamran Qureshi	Additional Government Pleader (BS-17) District Swabi.	Government Pleader (BS-18) District Swabi against the vacant post.	---

**Secretary to Govt. of Khyber Pakhtunkhwa  
Law, Parliamentary Affairs and  
Human Rights Department**

Endst: No. & date even.

Copy forwarded to the:- *No: 10746-10550*

- 1- All Administrative Secretaries in Khyber Pakhtunkhwa, Peshawar.
- 2- Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 3- Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
- 4- All Divisional Commissioners in Khyber Pakhtunkhwa.
- 5- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 6- All the District Coordination Officers in Khyber Pakhtunkhwa.
- 7- All District Accounts Officers in Khyber Pakhtunkhwa.
- 8- Advocate General Khyber Pakhtunkhwa, Peshawar.
- 9- Director Information, Khyber Pakhtunkhwa
- 10- P.S to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 11- P.S to Secretary Establishment Department Khyber Pakhtunkhwa, Peshawar.
- 12- Officers concerned.
- 13- Controller, Government Printing Press, Khyber Pakhtunkhwa, Peshawar.

  
(SAJJAD UR REHMAN)  
Section Officer (General)  
Law Department

**(Better Copy)**

5	Mr. Noorullah	Additional Government Pleader (BS-17) presently posted as Section Officer (Litigation) Establishment & Administration Department	Government Pleader (BS-18) Lower Dir against the vacant post.	He will report back to the post of Section Officer (Litigation) Establishment & Administration Department after actualization
6	Mr. Mohammad Kamran Qureshi	Additional Government Pleader (BS-17) District Swabi	Government Pleader (BS-18) District Swabi against the vacant post.	---

**Secretary to Govt. of Khyber Pakhtunkhwa  
Law, Parliamentary Affairs and  
Human Rights Department**

Endst: No.& date even.

**No: 10446-10550**

Copy forwarded to the:-

- 1- All Administrative Secretaries in Khyber Pakhtunkhwa, Peshawar.
- 2- Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 3- Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
- 4- All Divisional Commissioners in Khyber Pakhtunkhwa.
- 5- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 6- All the District Coordination Officers in Khyber Pakhtunkhwa.
- 7- All District Accounts Officers in Khyber Pakhtunkhwa.
- 8- Advocate General Khyber Pakhtunkhwa, Peshawar.
- 9- Director Information, Khyber Pakhtunkhwa.
- 10- PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 11- PS to Secretary Establishment Department Khyber Pakhtunkhwa, Peshawar.
- 12- Officers concerned.
- 13- Controller, Government Printing press, Khyber Pakhtunkhwa, Peshawar.

----- sd -----

**(SAJJAD UR REHMAN)**

Section Officer (General)  
Law Department





GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT

DATED: PESH: THE 9<sup>th</sup> AUGUST : 2012

**NOTIFICATION**

No. E&A (LD) 17-17/AGP(II)/2012: Consequent upon the recommendations of the Upgradation Committee the Competent Authority has been pleased to approve that:-

1. the existing Additional Government Pleaders (BPS-17) and Government Pleaders (BPS-18) are upgraded by one step and placed in BPS-18 & BPS-19 respectively with immediate effect. The entry point in the service in BPS-17 as Additional Government Pleaders will remain intact.
2. to upgrade 27 posts of Government Pleaders from (BPS-18) to (BPS-19) as Senior Government Pleaders and 36 posts of Additional Government Pleaders (BPS-17) to (BPS-18) out of 59.
3. after upgradation of these posts, the service rules will be amended as per the following nomenclature by applying three tier formula i.e.

S.No	Nomenclature of Post	No. of Posts
i.	Additional Government Pleaders (BPS-17)	23
ii.	Government Pleaders (BPS-18)	36
iii.	Senior Government Pleaders (BPS-19)	27

4. the service rules for the existing cadre shall be amended to provide avenue for initial recruitment vis-à-vis promotion according to the revised strength of the cadre to ensure a justifiable pyramid promotion structure for officers in BPS-17 as well as to make a quality addition in the cadre through initial recruitment at BPS-18 level on the basis of higher qualification and experience.

Secretary to Government of Khyber Pakhtunkhwa  
Law, Parliamentary Affairs and Human Rights  
Department.

Endst. No. SO (FR)/FD/7-8/2002

Dated: 09-08-2012

Copy is forwarded to the Accountant General Khyber Pakhtunkhwa.

Section Officer (FR)  
Finance Department


Endst. No. E&A (LD) 17-17/AGP(II)/2012

13466-13570

Dated: 9 - 08 - 2012

Copy is forwarded to: -

- 1- The Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- 2- Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 3- Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
- 4- Solicitor, Government of Khyber Pakhtunkhwa.
- 5- Advocate General Khyber Pakhtunkhwa.
- 6- Director Human Rights Cell, Supreme Court of Pakistan Islamabad.
- 7- Director Human Rights Govt. of Khyber Pakhtunkhwa.
- 8- Secretary to Governor, Khyber Pakhtunkhwa.
- 9- Director Information, Information Department, Khyber Pakhtunkhwa.
- 10- Registrar, Peshawar High Court Peshawar.
- 11- Secretary Public Service Commission Khyber Pakhtunkhwa.
- 12- Registrar, Service Tribunal, Khyber Pakhtunkhwa.
- 13- P.S to Chief Secretary Khyber Pakhtunkhwa.
- 14- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Law Parliamentary Affairs & Human Rights Department.
- 15- Manager Printing Press Khyber Pakhtunkhwa.
- 16- All Government Pleaders in Khyber Pakhtunkhwa.
- 17- All Additional Government Pleaders in Khyber Pakhtunkhwa.
- 18- All District Accounts Officers in Khyber Pakhtunkhwa.
- 19- Budget Officer-II Finance Department.

  
(Sajjad-ur-Rehman)  
SECTION OFFICER (G)  
Law Parliamentary affairs  
and Human Rights Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

NOTIFICATION.

Dated: Peshawar, December, 04/12/2012

No. E&A/LD/17-17/AGP (II)/2012: Consequent upon the one step upgradation of Government Pleaders (BPS-18) and Additional Government Pleaders (BPS-17) to BPS-19 and BPS-18 respectively vide S.No. 1 of this Department Notification No. E&A(LD)17-17/AGP(II)/2012 dated 09.08.2012, the competent authority is pleased to one step upgrade the following Government Pleaders and Additional Government Pleaders with effect from 09.08.2012.

S.NO.	NAME OF THE OFFICER	UP GRADED TO	PRESENT POSTING
1.	Mr. Shakeel Asghar Government Pleader (BPS-18)	BPS-19	Deputy Solicitor Law Department, Peshawar.
2.	Mr. Tariq Aziz Government Pleader (BPS-18)	BPS-19	Government Pleader Lakki Marwat
3.	Mrs. Wasima Jamil Government Pleader (BPS-18)	BPS-19	Director Probation & Reclamation, Directorate of Probation & Reclamation, Khyber Pakhtunkhwa.
4.	Mr. Salik Rauf Government Pleader (BPS-18)	BPS-19	Government Pleader Abbottabad.
5.	Mr. Jamshed Khan Government Pleader (BPS-18)	BPS-19	Deputy Secretary (Assembly), Law Department.
6.	Mr. Ghulam Mustafa Government Pleader (BPS-18)	BPS-19	Government Pleader, Labour Court Peshawar.
7.	Mr. Umar Farooq Government Pleader (BPS-18)	BPS-19	Government Pleader Mansehra.
8.	Mr. Muhammad Daud Jan Government Pleader (BPS-18)	BPS-19	Government Pleader Mardan.
9.	Mr. Hazrat Ali Shah Government Pleader (BPS-18)	BPS-19	Government Pleader Chitral.
10.	Mr. Akbar Ali Government Pleader (BPS-18)	BPS-19	Registrar FCR Tribunal, Peshawar.
11.	Mr. Muhammad Saddique Government Pleader (BPS-18)	BPS-19	Government Pleader Haripur.
12.	Mr. Muhammad Arshad Government Pleader (BPS-18)	BPS-19	Government Pleader Battagram.
13.	Mr. Noor Zaman Government Pleader (BPS-18)	BPS-19	Section Officer, Ministry of Interior, Government of Pakistan.

14.	Mr. Imranullah Government Pleader (BPS-18)	BPS-19	Government Pleader Bannu.
15.	Mr. Muhammad Zubair Government Pleader (BPS-18)	BPS-19	Government Pleader Shangla.
16.	Mr. Usman Ghani Government Pleader (BPS-18)	BPS-19	Government Pleader Peshawar.
17.	Mr. Khalid Sarwar Government Pleader (BPS-18)	BPS-19	Government Pleader Nowshera.
18.	Mr. Zahid Karim Government Pleader (BPS-18)	BPS-19	Government Pleader Charsadda.
19.	Mr. Mustafa Kamal Government Pleader (BPS-18)	BPS-19	Government Pleader D.I. Khan.
20.	Mr. Gul Karim Government Pleader (BPS-18)	BPS-19	Director Human Rights, Khyber Pakhtunkhwa.
21.	Mr. Abdul Wakeel Government Pleader (BPS-18)	BPS-19	Government Pleader Kohistan.
22.	Syed Abdul Sami Shah Government Pleader (BPS-18)	BPS-19	Government Pleader Malakand at Batkhela.
23.	Mr. Sikandar Khan Government Pleader on Acting Charge (BPS-18)	BPS-19 on Acting Charge	Law Officer Advocate General Office, Khyber Pakhtunkhwa.
24.	Mr. Masood-ul-Hassan Government Pleader on Acting Charge (BPS-18)	BPS-19 on Acting Charge	Section Officer (Assembly), Law Department.
25.	Mr. Jamal Abdul Nasir Government Pleader on Acting Charge (BPS-18)	BPS-19 on Acting Charge	Government Pleader Buner.
26.	Mr. Noorullah Government Pleader on Acting Charge (BPS-18)	BPS-19 on Acting Charge	Section Officer (Litigation), Establishment Department.
27.	Mr. Mohammad Kamran Qureshi Government Pleader on Acting Charge (BPS-18)	BPS-19 on Acting Charge	Government Pleader Swabi.
28.	Mr. Farhaj Sikandar Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader D.I. Khan.
29.	Mr. Tahir Iqbal Additional Government Pleader (BPS-17)	BPS-18	Section Officer (Litigation) Planning & Development Department.
30.	Mr. Azmatullah Khan Additional Government Pleader (BPS-17)	BPS-18	Section Officer (Opinion) Law Department.
31.	Mr. Abid Jamal Additional Government Pleader (BPS-17)	BPS-18	Law Officer Advocate General Office, Khyber Pakhtunkhwa.
32.	Mr. Samad Khan Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Mardan.
33.	Mr. Muhammad Rasheed Additional Government Pleader (BPS-17)	BPS-18	Deputy Director Human Rights, Khyber Pakhtunkhwa.

34.	Mr. Amir Qadar Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Swat.
35.	Mr. Nazir Khan Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Abbottabad.
36.	Mr. Anwar-ul-Haq Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Swat.
37.	Mr. Maqbool-ur-Rehman Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Bannu.
38.	Mr. Arshad Alam Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Service Tribunal, Khyber Pakhtunkhwa.
39.	Miss. Bushra Bibi Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Haripur.
40.	Muhammad Jan Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Peshawar.
41.	Mrs. Syeda Yusra Aman Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Nowshera.
42.	Mr. Khurshed Ahmad Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Mardan.
43.	Muhammad Bilal Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Abbottabad.
44.	Muhammad Tahir Aurangzeb Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Haripur.
45.	Mr. Shakir Ullah Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Service Tribunal, Khyber Pakhtunkhwa.
46.	Mr. Akhtar Hayat Khan Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Battagram.
47.	Mr. Zubair Muhammad Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Kohat.
48.	Mr. Noor Ali Additional Government Pleader (BPS-17)	BPS-18	Waiting for posting in Law Deptt.
49.	Mr. Zia Ullah Additional Government Pleader (BPS-17)	BPS-18	Deputy Director Human Rights, Khyber Pakhtunkhwa.
50.	Mr. Asif Masood Ali shah Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Peshawar.
51.	Mr. Aamir Mehmod Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Bannu.
52.	Mr. Hayat Ullah Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Charsadda.
53.	Mr. Noor Ilahi Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Peshawar.
54.	Miss. Shazia Mughal Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Abbottabad.
55.	Mr. Faheem Afzal Khan Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Mansehra.


56.	Mr. Sikandar Khan Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Charsadda.
57.	Miss. Bibi Amna Additional Government Pleader (BPS-17)	BPS-18	Additional Government Pleader Malakand.

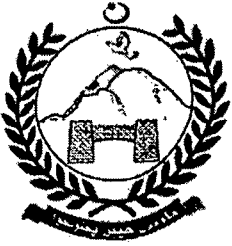
**Secretary to Govt. of Khyber Pakhtunkhwa  
Law, Parliamentary Affairs and  
Human Rights Department**

Endst: No. & date even.

Copy forwarded to the:- *NO. 19747-19885.*

- 1- All Administrative Secretaries in Khyber Pakhtunkhwa, Peshawar.
- 2- Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 3- Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
- 4- All Divisional Commissioners in Khyber Pakhtunkhwa.
- 5- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 6- All the District Coordination Officers, in Khyber Pakhtunkhwa.
- 7- All District Accounts Officers in Khyber Pakhtunkhwa.
- 8- Advocate General Khyber Pakhtunkhwa, Peshawar.
- 9- Additional Advocate General, Khyber Pakhtunkhwa Services Tribunal Peshawar.
- 10- Director Human Rights, Khyber Pakhtunkhwa.
- 11- Director Information, Khyber Pakhtunkhwa.
- 12- P.S to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 13- P.S to Secretary Establishment Department Khyber Pakhtunkhwa, Peshawar.
- 14- Officers concerned.
- 15- Controller, Government Printing Press, Khyber Pakhtunkhwa, Peshawar.
- 16- Chairman, FCR, Tribunal, Peshawar.

  
(SAJJAD UR REHMAN)  
Section Officer (General)  
Law Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT**

Dated Peshawar, the 26.04, 2017

**NOTIFICATION**

**No. SO(G)/LD/15-18/2014/13414-64** In continuation of this deptt's Notification No. SO(G)/LD/15-18/2014/2768-2837 dated 12-01-2016 and in pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous Notifications, issued in this behalf, the Law, Parliamentary Affairs and Human Rights Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other condition of service specified in columns 3 to 5 of the Appendix, which shall be applicable to posts borne in the offices of the Senior Government Pleaders as specified in column 2 of the table given below:

**APPENDIX**

Sr. No.	Nomenclature of Post.	Minimum qualification for initial recruitment or by promotion.	Age limit.	Method of recruitment.
1.	District Attorney (B-19)	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy District Attorney having twelve years service in BS-17 and above with at least three years service in BS-18:  Provided that the length of service for promotion of persons, appointed in BS-18 by initial recruitment, shall be seven years as such.
<sup>1</sup> [1A.	Law Officer (BPS-19)	--	--	By transfer from amongst District Attorneys (BPS-19).]

<sup>1</sup> Inserted vide Notification No, SO(G)/LD/15-18/2019/355-424.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT

12984-2

Dated Peshawar, the April 19<sup>th</sup>, 2022

**NOTIFICATION**

No. **SO(G)(LD)/15-24/2022/PSB/**

On the recommendations of the Provincial Selection Board, in its meeting held on 07-04-2022, the following Deputy District Attorneys BS-18 are hereby promoted to District Attorneys BS-19, on regular basis with immediate effect:-

Sr.No	Name of officer	Present Posting
1	Mr. Masood Ul Hassan	District Attorney Khyber (a.c.b).
2	Mr. Farhaj Sikandar Yar Khan	District Attorney, D.I.Khan (OPS).
3	Mr. Jamal Abdul Nasir	District Attorney Swat (a.c.b).
4	Mr. Noor Ullah	District Attorney Nowshera (a.c.b).
5	Mr. Mohammad Kamran Qureshi	District Attorney Swabi (a.c.b).
6	Mr. Tahir Iqbal	Law Officer, Law Department (OPS).
7	Mr. Azmat Ullah Khan	Deputy Law Officer, Law Department.
8	Mr. Abid Jamal	Deputy Solicitor, DG Law and HR.
9	Mr. Samad Khan	District Attorney Labour Court Mardan(OPS).
10	Mr. Muhammad Rasheed	Deputy District Attorney Service Tribunal, Peshawar.
11	Mr. Amir Qadir	Deputy District Attorney Swat.
12	Mr. Nazir Khan	Deputy District Attorney Abbottabad.
13	Mr. Anwar Ul Haq	Deputy District Attorney Swat.
14	Mr. Maqbool ur Rehman	District Attorney Bannu (OPS).
15	Mr. Arshad Alam	District Attorney Lower Dir (OPS).
16	Mr. Muhammad Jan	Section Officer (Opinion) Law Department.
17	Miss. Syeda Yusra Aman	Deputy District Attorney, Nowshera.
18	Mr. Khurshed Ahmad	Deputy District Attorney, Mardan.
19	Mr. Muhammad Bilal	Deputy District Attorney, Haripur.
20	Mr. Shakirullah	Law Officer, Advocate General Office.
21	Mr. Akhtar Hayat Khan	District Attorney, Shangla (OPS).
22	Mr. Zubair Muhammad	Deputy Director Human, Rights, DG Law & HR.
23	Mr. Noor Ali Khan	Deputy District Attorney, Kohat.

2. The officers, on promotion, shall remain on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. Posting/transfer notification of the above Officers will be issued, later on.

Secretary to Govt: of Khyber Pakhtunkhwa  
Law, Parliamentary Affairs & Human  
Rights Department

**Endst: of even No. & date.**

Copy is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
4. Registrar Peshawar High Court, Peshawar.
5. Director General of Law & Human Rights Khyber Pakhtunkhwa.
6. Section Officer (PSB), Establishment Department.
7. Budget Officer-II, Finance Department.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Minister for Law, Khyber Pakhtunkhwa.
10. District Accounts Officers concerned.
11. Manager Government Printing Press, Peshawar.
12. Officer concerned.

*Aurangzeb*  
(AURANGZEB)  
Section Officer (General)





OFFICE OF THE DISTRICT ATTORNEY,  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

NO 143-45  
DATED: 17/05/2022

To,

The Director General of Law & Human Rights Department,  
Khyber Pakhtunkhwa, Peshawar.

**Subject:** Representation under section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 for Review of the minutes of the meeting of PSB held on 07-04-2022 in consequence of which the Order/Notification No. SO(G)(LD)/15-24/2022 /PSB/7984-23 dated 19-04-2022 has been issued with immediate effect and communicated to the petitioner on 22-4-2022 and such notification to the extent of the words "WITH IMMEDIATE EFFECT", is against the rights of petitioner, as the petitioner is entitled for antedated promotion w.e.f. the date of eligibility and availability of vacant post of District Attorney (BPS-19).

Respected Sir,

Enclosed Please find herewith self-explanatory representation/ review petition of Muhammad Rasheed Deputy District Attorney on the above mentioned subject.

Submitted for onward submission to quarter concerned.


Encl: As Above

/

(NOOR ZAMAN KHAN)  
District Attorney  
Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.

Copy forwarded for information and further necessary action to,

1. Secretary Law, Parliamentary Affairs and Human Rights Department, Khyber Pakhtunkhwa.
2. Officer concerned.

  
District Attorney  
Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.



OFFICE OF THE DISTRICT ATTORNEY,  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

NO 142  
DATED: 17/5/2022

To,

The District Attorney,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**Subject:** Representation under section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 for Review of the minutes of the meeting of PSB held on 07-04-2022 in consequence of which the Order/Notification No. SO(G)(LD)/15-24/2022 /PSB/7984-23 dated 19-04-2022 has been issued with immediate effect and communicated to the petitioner on 22-4-2022 and such notification to the extent of the words "WITH IMMEDIATE EFFECT", is against the rights of petitioner, as the petitioner is entitled for antedated promotion w.e.f. the date of eligibility and availability of vacant post of District Attorney (BPS-19).

Dear Sir,

Please find enclosed herewith representation/ review petition of the undersigned on the above mentioned subject.

Submitted for onward submission to quarter concerned.

Encl: As Above

(MUHAMMAD RASHEED)  
Deputy District Attorney  
Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.

To,

The Hon'able Chief Minister,  
Khyber Pakhtunkhwa,  
Peshawar.

Through: Proper Channel

Subject: Representation under section 22 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 for Review of the minutes of the meeting of PSB held on 07-04-2022 in consequence of which the Order/Notification No. SO(G)(LD)/15-24/2022 /PSB/7984-23 dated 19-04-2022 has been issued with immediate effect and communicated to the petitioner on 22-4-2022 and such notification to the extent of the words "WITH IMMEDIATE EFFECT", is against the rights of petitioner, as the petitioner is entitled for antedated promotion w.e.f. the date of eligibility and availability of vacant post of District Attorney (BPS-19).

Respectfully Sheweth;

Brief facts pertaining to the present representation / review petition are as under: -

1. That the Petitioner was appointed on the recommendation of Khyber Pakhtunkhwa Public Service Commission as Additional Government Pleader (BPS-17) on Regular basis vide Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department Notification No. E&A(LD)9-2/AGP/04/9870-81 dated 15-10-2008. (Annexure-A)
2. That five (05) Additional Government Pleaders appointed vide Notification No. E&A(LD)9-2/AGP/04/9870-81 dated 15-10-2008 and Notification No. E&A(LD)9-2/AGP/04/10431-46 dated 03-11-2008 were promoted to the post of Government Pleader (BPS-18) on Acting Charge basis vide Notification No. SO(G) E&A/LD/17-17/Promotion/PSB/AGP/2012/10446-10550 dated 22-6-2012 (Annexure-B) due to availability of vacant posts of Government Pleader (BPS-18).
3. That the Petitioner was upgraded to BPS-18 along with other Additional Government Pleaders vide Government of Khyber Pakhtunkhwa, Law Department Notification No. E&A (LD) 17-17/AGP(II)/2012/13466-13570 dated

09-08-2012 (Annexure-C) whereas the other colleagues who were performing their duty as Government Pleader (BPS-18) on Acting Charge basis, were upgraded to the post of Senior Government Pleader (BPS-19) on Acting Charge basis due to availability of vacant posts vide Notification No. E&A/LD/17-17/AGP(II)/2012/19747-19885 dated 04-12-2012 (Annexure-D).

4. That the Government of Khyber Pakhtunkhwa while altering the nomenclature of posts, notified method of recruitment/promotion for the post of District Attorney (BS-19) vide Notification No. SO(G)/LD/15-18/2014/13414-64 dated 26-04-2017 (Annexure-E). According to the Service Rules *ibid*, the post of District Attorney (BPS-19) is required to be filled as under:-

*“By promotion on the basis of seniority-cum-fitness, from amongst Deputy District Attorney having twelve years service in BS-17 and above with at least three years service in BS-18:*

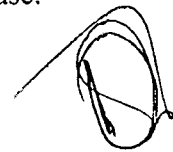
*Provided that the length of service for promotion of persons, appointed in BS-18 by initial recruitment, shall be seven years as such”.*

5. That the Petitioner has already completed twelve year service in BPS-17 and above with at least three year service in BPS-18 on 15-10-2020 and as such was eligible for promotion to BPS-19. It is pertinent to mention here that vacant posts of District Attorney (BPS-19) were also available for promotion of the petitioner since 2018.
6. That it is an admitted fact that being eligible candidate, the Law Department forwarded case of petitioner to the Provincial Selection Board on 10-04-2018 and 26-04-2018 for promotion to the post of District Attorney (BPS-19) on Acting Charge basis but the working paper was withdrawn for further clarification and examination. Lastly, the working paper for promotion was placed at the agenda of Provincial Selection Board on 30-07-2021 to the Post of District Attorney (BPS-19) on regular basis but again it was not considered without any reason.
7. That now, the Provincial Selection Board in its meeting held on 07-04-2022, recommended the Petitioner for promotion and in consequence whereof, the Law Department after approval of the minutes by the Hon'able Chief Minister, notified the promotion of Petitioner to the post of District Attorney (BPS-19) vide Notification No.SO(G)(LD)/15-24/2022/ PSB/7984-23 dated 19-04-2022 at serial No. 10 (Annex-F), but with immediate effect and not from the date, the post was

lying vacant, despite the fact that the Petitioner was eligible to be promoted since the post became vacant.

8. That the residuary provision of section 23 of Civil Servant Act, 1973 is founded on sublime rule of equity and there is no bar, in case, the Petitioner is placed at par with his colleagues earlier promoted. Moreover, the Petitioner is entitled for equal treatment as per Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
9. That the Petitioner was eligible and qualified for the promotion from the due date and even vacancies were available. Non-considering of an officer being equally eligible for promotion is a serious matter and not only undermines discipline but create serious bad blood and heart burning amongst the rank and file of service. The competent authority has discretion to order antedated promotion of an officer provided it was just, equitable and didn't affect the rights of another Officer. Such order can be passed for the benefit of the aggrieved officer to alleviate his hardships.
10. That the settled principle of law is that where a post was available for promotion and where a civil servant was qualified/ eligible for promotion to such a higher post, then such civil servant is entitled for antedated promotion from the date of availability of post and his eligibility with back benefits. Reliance is placed on FR-17 and the dictum as laid down by the Superior Courts in Civil Appeal No. 654/2021 dated 16-11-2021, 2022 SCMR 448, 2017 SCMR 399, 2017 PLC (CS) 1292, 2013 SCMR 544, 2010 PLC(CS)760 and 2006 SCMR 1938 etc (Annex-G).

It is therefore, prayed that the promotion Notification No. SO(G) (LD)/ 15-24/2022/PSB/7984-23 dated 19-04-2022 to the extent of the words "with immediate effect" may graciously be reviewed and the Petitioner be given antedated promotion w.e.f. 2018, i.e.; the date of eligibility and availability of vacant post of District Attorney (BPS-19) and oblige, please.



(PETITIONER)

**Dated: 17.05.2022**

**Muhammad Rasheed  
Deputy District Attorney  
Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.  
Cell: 0316-9011120**

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

APPEAL NO: \_\_\_\_\_ OF 20\_\_\_\_

\_\_\_\_\_  
(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

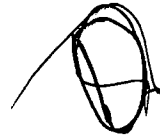
**VERSUS**

\_\_\_\_\_  
(RESPONDENT)  
(DEFENDANT)

I/We \_\_\_\_\_

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Supreme Court** 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. \_\_\_\_/\_\_\_\_/202



\_\_\_\_\_  
**CLIENT**

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
**(BC-10-0853)**  
**15401-0705985-5**

**UMAR FAROOQ**

**WALEED ADNAN**

**&**

**M. AYUB**  
**ADVOCATES**

**OFFICE:**

Flat No.(TF) 291-292 3<sup>rd</sup> floor  
Deans trade centre Peshawar cantt:  
Mobile No. 0334-5277323