

23<sup>rd</sup> June, 2022 Learned counsel for the appellant present.

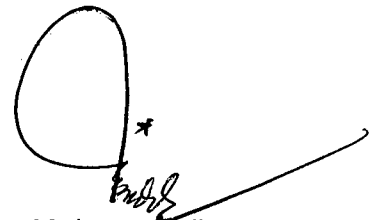
Let pre-admission notice be issued to the other side for reply and arguments. To come up for reply/preliminary hearing on 15.08.2022 before S.B



(Kalim Arshad Khan)  
Chairman

15.08.2022 Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Miss Lubna, Law Officer for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments as well as preliminary hearing on 03.10.2022 before S.B.



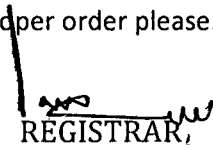

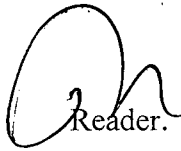

(Mian Muhammad)  
Member (E)

Form- A

FORM OF ORDER SHEET

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

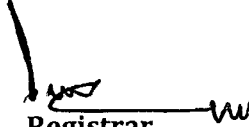
Case No.- \_\_\_\_\_ 7948 /2021 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/12/2021	<p>The appeal of Mr. Mujeeb Ur Rehman resubmitted today by Mr. Fazal Shah Mohmand Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>21/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader.</p>
	17.05.2022	<p>Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 23.06.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

The appeal of Mujeeb Ur Rehman received to-day i.e. on 22.12.2021 which is returned to the counsel for the appellant with the remarks to replace by legible/better one of page no. 6 and 12, attached with the appeal are illegible i.e. complete in all respect within 15 days.

No. 2556 /S.T,

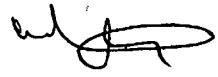
Dt. 22/12 /2021

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Fazal Shah Mohmand Adv. Pesh.

R/Sin,

Resubmitted after necessary  
completion

  
29/12/21

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 7948 /2021

Mujeeb Ur Rehman.....Appellant

**V E R S U S**

Govt. & Others.....Respondents

**I N D E X**

S.No	Description of documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-4
2.	Copy of List of eligible officers	A	5-6
3.	Copy of letter dated 02-06-2021	B	7
4.	Copy of Notification dated 09-08-2021	C	8
5.	Copy of departmental appeal & letters dated 12-11-2021 & Letter dated 24-11-2021	D&E	9-14
6.	Vakalat Nama		15

Dated:-15-12-2021

  
Appellant

Through



**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**OFFICE:-**  
Cantonment Plaza Flat# 3/B  
Khyber Bazar Peshawar.  
Cell# 0301 8804841  
Email:- fazalshahmohmand@gmail.com

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2021

Mujeeb Ur Rehman, Deputy Superintendent, (Retired), Central  
Prison, Peshawar.....**Appellant**

**V E R S U S**

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Secretary, Home & Tribal Affairs, Department, Civil Secretariat, Peshawar.
3. Inspector General Prison, Khyber Pakhtunkhwa, Peshawar.

.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
ACT 1974 AGAINST THE LETTER DATED 12-11-2021,  
COMMUNICATED VIDE LETTER DATED 24-11-2021, WHEREBY  
DEPARTMENTAL APPEAL OF THE APPELLANT FOR PROMOTION AS  
SUPERINTENDENT DISTRICT PRISON, HAS BEEN REGRETTEED.**

**PRAYER:-**

**On acceptance of this appeal, the impugned decision conveyed vide letter dated 12-11-2021 and communicated to the appellant vide letter dated 24-11-2021, may kindly be set aside and the appellant may kindly be ordered to be given proforma promotion as Superintendent District Prison (BPS-18) with effect from 09-08-2021 with all back benefits.**

**Respectfully Submitted:-**

1. That the appellant was appointed as Assistant Superintendent, Prison on 01-06-1987 and was promoted as Deputy Superintendent (BPS-17) in February 2016 and since appointment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups with no complaint during his entire service career.
2. That the appellant being perfectly, eligible and coming up to the criteria besides passing mandatory departmental examination for next promotion and also having the requisite length of service at his credit for promotion, was hopeful of his promotion as Superintendent District Jail (BPS-18).

3. That in the year 2021, eight posts of Superintendent District Jail (BPS-18), were vacant for which, working paper was prepared and panel of officers was prepared for consideration of promotion wherein the name of the appellant was placed at Serial No 7 of the eligible officers before the Provincial Selection Board for consideration of promotion as Superintendent District Jail (BPS-18). **(Copy of List of eligible officers is enclosed as Annexure A).**
4. That unfortunately after the submission of case for promotion by the department, the process was delayed for months due to the processing the cases for consideration, the constitution of Provincial Selection Board and its meeting, as such during the pendency of PSB, the appellant got retired from service after attaining the age of superannuation on 27-05-2021, thus name of the appellant was deleted from the panel for consideration to the next higher rank vide letter dated 02-06-2021. **(Copy of Letter dated 02-06-2021 is enclosed as Annexure B).**
5. That subsequently, the meeting of PSB was held wherein eight officers of whom two were junior to the appellant was recommended which were notified vide Notification dated 09-08-2021, depriving the appellant of his due rights for no fault. **(Copy of Notification dated 09-08-2021 is enclosed as Annexure C).**
6. That the appellant filed departmental appeal on 02-09-2021 which finally regretted which decision/order was conveyed vide letter dated 12-11-2021 and communicated to the appellant vide letter dated 24-11-2021. **(Copy of departmental appeal & letter/orders dated 12-1-2021 & letter dated 24-11-2021 is enclosed as Annexure D & E).**
7. That the impugned order/decision conveyed vide letter dated 12-11-2021 and communicated to the appellant vide letter dated 24-11-2021, is against the law, facts and principles of justice on grounds inter-alia as follows:

### **GROUND:**

- A. That the omissions and commissions of the respondents and order/decision conveyed vide letter dated 12-11-2021 are illegal, unconstitutional, and unlawful, without lawful authority and of no legal effect, therefore need the interference of this honorable Tribunal.

- B. That the appellant is not treated according to law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That the appellant has served for about 35 years and retired from service on 27-05-2021 with spotless service career, is senior, besides having excellent ACRs during this period and as such was perfectly fit and eligible to have been promoted as Superintendent District Prison (BPS-18), w.e.f. 09-08-2021.
- D. That even the name of the appellant was placed in panel of eligible officers for promotion as Superintendent District Prison (BPS-18), however due to delay caused on part of the respondents the name of the appellant was deleted from such panel for no fault on part of the appellant.
- E. That the appellant is perfectly fit, eligible, senior and coming up to the criteria as per law and rules on the subject, while juniors to him have been promoted denying such right to the appellant for no fault on his part.
- F. That the impugned order/decision is not tenable for the reason that Rule 17 of the Fundamental Rules allows promotion after retirement if a civil servant is entitled for the same and is deprived of the same for no fault, hence the appellant is entitled to be promoted as Superintendent District Prison (BPS-18) from the date his immediate junior was promoted.
- G. That promotion being recurring cause of action and Rule 17 of the Fundamental Rules protects such promotions.
- H. That Seniority cum fitness is the universal formula governing promotion which is also protected by law and rules on the subject, thus too the appellant is entitled to proforma promotion.
- I. That the fundamental rights of the appellant have been violated guaranteed in the Constitution and respondents are not ready to treat the appellant as per law and rules on the subject.
- J. That the fundamental rights of the appellant guaranteed in the Constitution are badly violated and he is not treated as per law and rules governing the matter, he would suffer irreparable loss.
- K. That the appellant seeks the permission of this honorable Court for further/additional grounds at the time of arguments.

-4-

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

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-15-12-2021

  
Appellant

Through

  
**FAZAL SHAH MOHMAND**  
ADVOCATE,  
SUPREME COURT OF PAKISTAN.

**LIST OF BOOKS**

1. Constitution 1973.
2. other books as per need

**CERTIFICATE:**

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

  
**ADVOCATE**

**AFFIDAVIT**

I, Mujeeb Ur Rehman, Deputy Superintendent, (Retired), Central Prison, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
**DEPONENT**



5 - "A"  
**PANEL OF OFFICERS FOR CONSIDERATION**

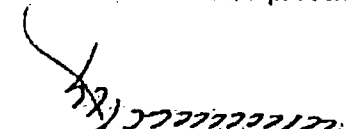
S#	Seniority No.	Name of Officer with qualification	Date of birth	Date of 1 <sup>st</sup> entry into Govt. Service	Date of appointment / promotion to BS-17	Date of regular appointment / promotion to the present scale	Whether fulfilled the prescribed length of service	Quantified score	Missing PERs (if any)	Disciplinary proceeding (if any)	Case (if any) in any court of law including NAB/Plea bargaining with NAB	Mandatory training / examination for promotion	Research papers	Present posting	Remarks
1	1	Sami-Ullah Khan (B.A/LLB)	18-03-1982	23-06-2010	23-06-2010	23-06-2010	Yes	73	-	No	No	Exam Passed	-	Deputy Supdt. Cum Supdt Central Prison Bannu	See below
2	2	Tahir Shahbaz Khan Wazir (MA LLB)	10-02-1979	23-04-2013	23-04-2013	23-04-2013	Yes	67	-	No	No	Exam Passed	-	Deputy Supdt. Cum Supdt District Jail Kohat	See below
3	3	Umar Khan (Msc/M.phil/LLB)	01-10-1987	09-10-2015	09-10-2015	09-10-2015	Yes	76	-	No	No	Exam Passed	-	Deputy Supdt Jail Bannu	See below
4	4	Amin Shunib (B.A/LLB/LLM)	04-02-1985	14-10-2015	14-10-2015	14-10-2015	Yes	76	-	No	No	Exam Passed	-	Deputy Supdt Jail Central Prison Haripur	See below
5	5	Najam Hussain Abbasi (B.A/LLB)	20-07-1986	09-10-2015	09-10-2015	09-10-2015	Yes	80	-	No	No	Exam Passed	-	Deputy Supdt Jail Sub Jail Nowshera	See below
6	6	Fayaz Ahmad (B.A)	08-11-1961	25-02-1986	10-02-2016	10-02-2016	Yes	70	-	No	No	Exam Passed	-	Deputy Supdt Jail Central Prison Peshawar	See below
7	7	Mujeebur Rehman (B.A/LLB)	28-05-1961	28-09-1987	22-02-2016	22-02-2016	Yes	72	01	No	No	Exam Passed	-	Deputy Supdt Jail Central Prison Peshawar	See below
8	8	Sahibzada Muhammad Qaiser (B.A/LLB)	15-01-1970	10-02-1992	09-02-2016	09-02-2016	Yes	66	-	No	No	Exam Passed	-	Deputy Supdt Jail Central Prison Peshawar	See below
9	9	Saood Ahmad (M.A)	01-04-1962	20-02-1992	09-02-2016	09-02-2016	Yes	72	-	No	No	Exam Passed	-	Deputy Supdt Jail Central Prison Mardan	See below
10	10	Muhammad Riaz (M.A Eng/LLB)	03-03-1985	03-08-2016	03-08-2016	03-08-2016	No	76	-	No	No	No	-	Deputy Supdt. Cum Supdt District Jail Mansehra	See below
11	11	Muhammad Waseem Khan (LLB Hons)	31-12-1989	03-08-2016	03-08-2016	03-08-2016	No	78	-	No	No	No	-	Deputy Supdt Jail District Jail Mansehra	See below
12	12	Abdul Bari (B.Com/M.A)	08-04-1967	17-02-1992	16-12-2016	16-12-2016	No	70	02	Yes	No	Exam Passed	-	Deputy Supdt Jail District Jail Kohat	See below
13	13	Muhammad Arif Khan (B.A/LLB)	06-07-1969	22-03-1993	22-02-2018	22-02-2018	No	80	-	No	No	Exam Passed	-	Deputy cum Supdt Jail District Jail Timergara	See below
14	14	Hashmattulah (M.Sc/M.A/LLB)	02-05-1969	02-02-1995	25-02-2018	25-02-2018	No	80	-	No	No	Exam Passed	-	Deputy Director Inspectorate of Prisons Peshawar	See below
15	15	Muhammad Naeem (B.Sc)	28-02-1968	19-03-1995	24-08-2018	24-08-2018	No	70	-	No	No	Exam Passed	-	Deputy Cum Supdt Jail Sub Jail Swabi	See below

Assistant Director

For Inspector General of Prisons  
 Peshawar

No.	Name of Officers	Remarks
1	Sami Ullah Khan	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17).
2	Tahir Shahbaz Khan Wazir	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 08 years service in (BPS-17).
3	Umair Khan	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 06 years service in (BPS-17).
4	Amin Shuaib	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17) and above.
	Mujtab Hussain Abbud	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17).
	Fayez Ahmad	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17).
7	Musabbir Rehman	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17) and also due for retirement on 27-05-2021 on attaining the age of superannuation.
8	Sahbazada Muhammad Quresh	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17).
9	Saeed Ahmad	Eligible. The officer has already passed mandatory departmental examination of Superintendent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17).
10	Muhammad Riaz	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) nor passed the mandatory departmental examination, hence not eligible for promotion.
11	Muhammad Wasim Khan	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) nor passed the mandatory departmental examination, hence not eligible for promotion.
12	Abdul Bari	Not Eligible. He has passed the mandatory departmental examination but not yet possessed required length of five years service in (BPS-17) hence not eligible for promotion. In addition, a departmental proceeding is also under process against him.
13	Muhammad Arif Khan	Not Eligible. He has passed the mandatory departmental examination but not yet possessed required length of five years service in (BPS-17), hence not eligible for promotion.
14	Hushmattulah	Not Eligible. He has passed the mandatory departmental examination but not yet possessed required length of five years service in (BPS-17), hence not eligible for promotion.
15	Muhammad Noor	Not Eligible. He has passed the mandatory departmental examination but not yet possessed required length of five years service in (BPS-17), hence not eligible for promotion.

- Note:**
- (i) Certified that the final seniority list of Deputy Superintendent Jail (BPS-17) as stood on 01-06-2020 (PSB-V) is final, notified, undisputed/attested and not sub-judice in any court of law.
  - (ii) Certified that the officers at S.No. 01 to 09 above are eligible for regular promotion in all respects and officers from S.No. 10 to 15 are not eligible for promotion due to the reasons mentioned in the remarks column above.
  - (iii) Certified that a list of officers presently holding the post of Supdt. District Jail BPS-18 on regular basis may be perused at (Annex-L).

  
 Assistant Director  
 For Inspector General of Prisons  
 Khyber Pakhtunkhwa Peshawar

Signature: \_\_\_\_\_  
 Designation: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Home Secretary  
 Khyber Pakhtunkhwa

S#	Name of Officers	Remarks
1	Zami Ullah Khan	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17)
2	Tahir Shahbaz Khan Wazir	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17)
3	Umair Khan	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17)
4	Amin Shuaib	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17)
5	Najam Hussain Abbasi	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17)
6	Fayaz Ahmad	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17)
7	Mujeebur Rehman	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17) and also due for retirement on 27-05-2021 on attaining the age of superannuation.
8	Sahibzada Muhammad Qaiser	Eligible. The officer has already passed mandatory departmental examination of Super indent Jail Class-II vide (Annex-K) and also possesses required length of 05 years service in (BPS-17).
9	Saood Ahmad	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.
10	Muhammad Riaz	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.
11	Muhammad Waseem Khan	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.
12	Abdul Bari	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.
13	Muhammad Arif Khan	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.
14	Hashmatullah	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.
15	Muhammad Naem	Not Eligible. Neither he has possessed required length of five years service in (BPS-17) for passed the mandatory departmental examination, hence not eligible for promotion.

Note:

- (i) Certified that the final seniority list of Deputy Superintendent Jail (BPS-17) as stood on 01-06-2020 (PSB-V) is final, notified, undisputed/attested and not sub-judice in any court of law.
- (ii) Certified that the officers at S.No. 01 to 09 above are eligible for regular promotion in all respects and officers from S.NO. 10 to 15 are not eligible for promotion due to the reasons mentioned in the remarks column above.
- (iii) Certified that a list of officers presently holding the post of Supdt. District Jail BPS-18 on regular basis may be perused at (Annex-L).

Signature : \_\_\_\_\_  
Designation Home Secretary



-7- -0- "B"

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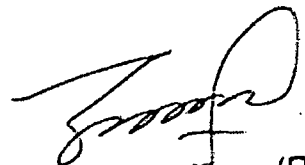
GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HOME & TRIBAL AFFAIRS DEPARTMENT.

NO.SO(P&R)HD/1-1/2017  
Dated Peshawar 2<sup>nd</sup> June, 2021

To  
The Section Officer (PSB),  
Establishment Department,  
Peshawar.

SUBJECT: PROMOTION OF DEPUTY SUPERINTENDENT JAIL BPS-17 TO THE  
POST OF SUPERINTENDENTS DISTRICT JAILS BPS-18.

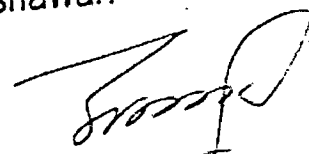
I am directed to refer to your letter NO.SO(PSB)ED/1-9/2021/P-66 dated 31<sup>st</sup> May, 2021 on the subject noted above and to enclose herewith 7 copies of PSB-II of the working paper by deleting the name of Mr. Mujeeb-ur-Rehman from the panel who has been retired from government service on attaining the age of superannuation i.e. 60 years, for further necessary action.

  
Section Officer (P&R)

Endst: No. & date as above.

Copy of the above is forwarded to:-

1. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, Home & TAs Department, Peshawar.

  
Section Officer (P&R)



Dated Peshawar the 09<sup>th</sup> August, 2021

**NOTIFICATION**

**No. SO (P&R)HD/1-1/2017/Vol-I:** On the recommendations of the Provincial Selection Board, Khyber Pakhtunkhwa, the competent authority is pleased to promote the following Deputy Superintendent Jail (BPS-17) of the Inspectorate of Prisons, Khyber Pakhtunkhwa to the post of Superintendent District Jail (BPS-18), on regular basis, with immediate effect:-

1. Mr. Sami Ullah Khan
2. Mr. Tahir Shahbaz Khan Wazir
3. Mr. Umair Khan
4. Mr. Amin Shuaib
5. Mr. Najam Hussain Abbasi
6. Mr. Fayaz Ahmad
7. Mr. Sahibzada Muhammad Qaiser
8. Mr. Saood Ahmad

2. The above named officers will be on probation for a period of one year in terms of Section 6(2) of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 and Rule-15(1) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Posting / transfer notification will be issued later on.

Secretary to government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

**Endst: No. & date even**

Copy forwarded to the:

1. Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar with the request to submit necessary proposal for posting / transfer of the above mentioned promoted officers, please.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. P.S to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. P.S to Special Assistant to Chief Minister (for Prisons), Khyber Pakhtunkhwa.
5. Section Officer (PSB), Establishment Department, Khyber Pakhtunkhwa for information with reference to his letter No.SO(PSB)ED/1-9/2021/P-66 dated 04.08.2021.
6. P.S. to Home Secretary, Khyber Pakhtunkhwa.
7. Section Officer, Media Home & TAs Department, Khyber Pakhtunkhwa.
8. Officers concerned.
9. District Account Officers concerned.
10. Master file.

0/1

Section Officer (P&R)

11/8/21

-9- "D" -8-

BEFORE THE HONORABLE CHIEF MINISTER KHYBER PAKHTUNKHWA PESHAWAR  
THROUGH: THE WORTHY INSPECTOR GENERAL OF PRISONS KHYBER PAKHTUNKHWA PESHAWAR.  
SUBJECT: DEPARTMENTAL APPEAL FOR PROFORMA PROMOTION AS SUPERINTENDENT JAIL B.S-18.

Honorable Sir,

Respectfully submitted that I Mujeeb ur Rehman have served in the Prisons department of Khyber Pakhtunkhwa since 1987 and have got retirement on 27.05.2021 from central Prison Peshawar as Deputy Superintendent (BPS-17) on attaining the age of superannuation after serving for 34 years in the department.

It may be brought to your kind notice that eight 8 posts of Superintendent Jail BS-18 were lying vacant in the department for which working papers (Promotion Case) of the eligible Deputy Superintendents including my name, was submitted to the authority for finalizing and bringing to an end.

I had already passed mandatory departmental examination for the next promotion. Copy enclosed as (Annexure-A), besides, no proceedings etc were pending against me, my service period in BPS was also matured for next promotion, the vacant post was already there and as such the department had included my name as eligible for promotion being at serial No.7 in the seniority list. Copy enclosed as (Annexure-B).

Respected Sir,

After submission the case by the department, it took several months to conclude due to its processing in various offices where the cases are hold up on various grounds causes delay in constitution of PSB. Consequently during pendency of the case in various offices for months and months, waiting for constitution of the PSB, I retired from service on 27.05.2021 on attending the age of superannuation and as such I, have been deprived form promotion, despite of my 34 years lengthy and clean service on my credit, for no fault or any shortcoming on my part but only due to a wasteful and unfeeling promotion adopted procedure.

My name was deleted from the panel not for any adverse report against me but merely due to retirement (Copy of letter No.SO(P&R)HD/1-1/2017 dated 02.06.2021 from the Section Officer (P&R) Home department to the Section Officer (PSB) Establishment department

-10- 9-

Peshawar is enclosed as (Annexure-C).and the following 8 Deputy Superintendents were promoted to the post of the Superintendent (BPS17 to18) vide Notification No.SO (P&R)HD/1/2017/Vol-1 dated 09.08.2021 accordingly by adding the name of the Dy;Supdt who was at serial No.9 in seniority list by replacing my name.

- 1.Mr.Sami ullah Khan.
- 2.Mr.Tahir Shahbaz KhanWazir.
- 3.Mr.Umair Khan.
- 4.MrAmin Shuaib.
- 5.Mr.Najam Hussain Abbasi.
- 6.Mr.Fayaz Ahmad.
- 7.Mr.Sahibzada Muhammad Qaiser &
- 8.Mr.Saood Ahmad.

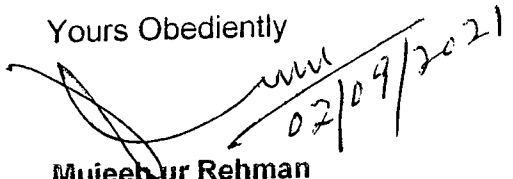
Copy of Notification is enclosed as (Annexure-D).

Honorable Sir,

Keeping in view the explained circumstances, the undersigned requests before your honor to very kindly consider this departmental appeal against Notification No.SO (P&R) HD/1/2017/Vol-1 dated 09.08.2021 sympathetically and necessary orders regarding my Proforma promotion (Post Retirement Promotion) according to Fundamental Rule-17, may very kindheartedly be issued compensating me for the loss I, suffered for no fault of mine.

Thanks in anticipation Sir.

Yours Obediently

  
Mujeeb ur Rehman  
s/o Tamash Khan  
Ex-Deputy Superintendent,  
Central Prison Peshawar.

-11-  
~~-10-~~


To

The worthy Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR PROFORMA PROMOTION.**

Sir,

Appeal along with its enclosures for proforma promotion is submitted herewith in duplicate before your good self for onward submission to the concerned authorities for further necessary action please.

  
02/09/2021  
Mujeeb ur Rehman  
Ex-Deputy Superintendent,  
Central Prison Peshawar.

D No 17611  
3/9/21

①/one  
letter found  
② 2/9/21



**BETTER COPY OF THE PAGE NO. 12**  
**GOVERNMENT OF KHYBER PAKHTYUNKHWA**  
**ESTABLISHMENT DEPARTMENT**

No. SO/PSB)ED/1-9/2021/P-69  
Dated Peshawar, the November, 12 2021.

To,

The Secretary to the  
Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Subject: **DEPARTMENTAL APPEAL IN RESPECT OF MR.**  
**MUJEEB UR REHAMN EX-DEPUTY SUPERINTEND**  
**JAIL BS-17 OF PROFORMA PROMOTION TO THE**  
**POST OF SUPERINTENDENT JAIL BS-18**

Dear Sir,

I am directed to refer to Home Department letter No. SO(P&R)/HD/1-1/2017/Vol-II/PSB dated 27.10.2021 on the subject and to say that the case has been examined in Regulation Wing and observed that the officer has already retired from service and consideration of promotion of a Civil Servant after retirement is not covered in the promotion policy 2009.

2. The working paper and other documents received with the letter quoted above are therefore, returned herewith in original.

Yours Faithfully,

Section Officer (PSB)

Endst. Of Even No. & Date

A copy is forwarded to Section Officer (R-III) Establishment Department.

Section Officer (PSB)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT  
No. SO (P&R) HD/1-1/2017/Vol-II/PSB

Dated Peshawar the 22<sup>nd</sup> November, 2021

-13-A  
12-

To

The Inspector General of Prisons,  
Khyber Pakhtunkhwa,  
Peshawar.

IG	
AD	
AD	

*Part up P*

*11.11.2021*

Subject:-

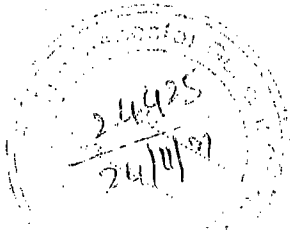
**DEPARTMENTAL APPEAL IN RESPECT OF MR. MUJEEB-UR-REHMAN EX-DEPUTY SUPERINTENDENT JAIL (BPS-17) FOR PROFORMA PROMOTION TO THE POST OF SUPERINTENDENT JAIL (BPS-18)**

I am directed to refer to your letter No.33438-WE dated 13.10.2021 on the subject noted above and to enclose herewith copy of Government of Khyber Pakhtunkhwa, Establishment Department letter No. SO(PSB)ED/1-9/2021/P-69 dated 12.11.2021 along-with working paper and other relevant documents for information, please.

*[Signature]*  
Section Officer (P&R)

**Endst: of even No & date:-**  
Copy forwarded for information to the:

1. PS to Secretary Home & TAs Department, Peshawar.
2. Ex-Officer concerned.
3. Master file.



*[Signature]*  
Section Officer (P&R)



-13- -14-

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar the 01-06-2021

**NOTIFICATION.**

**No.SO(Accounts)HD/2-12/RG/LPR/2020-21/Prison.** In terms of section 13 of Khyber Pakhtunkhwa Civil Servants Act, 1973 Mr. Mujib-Ur-Rehman, Deputy Superintendent Jail (BPS-17), posted at Central Prison Peshawar stands retired from Govt. service on 27-05-2021 (A.N) on attaining superannuation i.e sixtieth (60th) year of age, as his date of birth is 28.05.1961.


2. In terms of provision of Rule 20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions there-under issued from time to time, the Competent Authority is pleased to sanction 365 days leave encashment in lieu of LPR in favour of the officer concerned, subject to availability of leave at his credit and clearance of financial liability.

**HOME SECRETARY  
KHYBER PAKHTUNKHWA**

**Endst: Even No.& date.**

Copy forwarded for necessary action to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment & Administration Department, Peshawar.
2. The Accountant General of Khyber Pakhtunkhwa.
3. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar w/r to his letter No.7/2 J-87 P-III-15232/WE dated 28.05.2021 for further necessary action.
4. P.S to Home Secretary, Khyber Pakhtunkhwa.
5. P.A to Deputy Secretary (Dev/Fin), Home Department Khyber Pakhtunkhwa.
6. Officer Concerned.

  
01/06/2021  
SECTION OFFICER (ACCOUNTS)

S/C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

No. SO(P&R)ED/149/2021/E-69  
Dated Peshawar, the November 12, 2021

-12-11-E

To

The Secretary to the  
Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

**SUBJECT: DEPARTMENTAL APPEAL IN RESPECT OF MR. MUJEEB-UR-REHMAN EX-DEPUTY SUPERINTENDENT JAIL BS-17 OF PROFORMA PROMOTION TO THE POST OF SUPERINTENDENT JAIL BS-18.**

Dear Sir,

I am directed to refer to Home Department letter No. SO(P&R)/ED/149/2021/Vol-II/PSB, dated 27.10.2021 on the subject and to say that the case has been examined in Regulation Wing and observed that the officer has already retired from service and consideration of promotion of a Civil Servant after retirement is not covered in the promotion policy 2009.

2. The working paper and other documents received with the letter quoted above are, therefore, retained herewith in original.

Yours faithfully,

SECTION OFFICER (PSB)

Endst. of Even No. & Date

A copy is forwarded to Section Officer (R-III) Establishment

Department.

P.S./H.S. KP Home Deptt.

Diary No. 740 dated 15/11/2021

Spl Secy

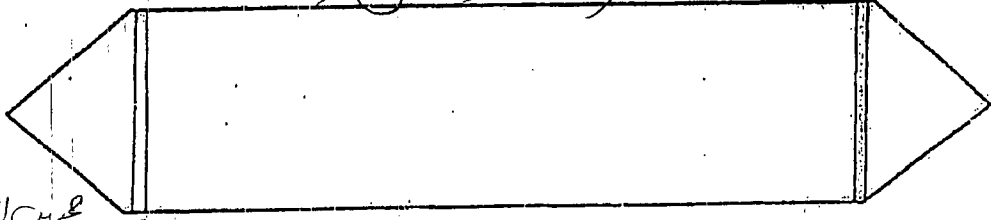
Addl Secy

Deputy Secy

SOC (Prisons)

SECTION OFFICER (PSB)

بعدالت سپریم کورٹ کے فیصلے کے تحت



2۔ منجانب عدالت اعلیٰ

محید الرحمن بنام گورنمنٹ و غیر

موزعہ  
مقدمہ  
دعویٰ  
پر

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی اور کارروائی متعلقہ  
آئین مقام کے لئے درخواست کی ہے۔

مقررہ کے لئے اتر لیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز  
وکیل صاحب کو در ضمنی نامہ کرنے سے تقریر ثالثہ فیصلہ پر حلف دینے سے جواب دہی اور اقبال دعویٰ اور  
بہ صورت ڈگری کرنے کے اجراء اور وصولی چیک اور وپہرہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائع پر دستخط کرنے کے اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے کے لئے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساتھ  
پر داختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

Muhammad Rehman

المرتوم 15 ماہ دسمبر 2021

وہ العہد

Accepted  
Date