26th July 2022

2 Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Addl: AG alongwith Mr. Ahmad Yar Khan, AD for official respondents and junior to learned counsel for private respondents No. 5 and 6 present.

Learned counsel for private respondents No. 5 and 6 is not available. Learned counsel for the appellant t requested for extension of the interim injunction granted at the time of admission of appeal No. 4279/2020 of Khurshid Ali. Since all the matters are identical, therefore, stay granted at the time of admission of appeal is extended until orders to the contrary. To come up for arguments on 07.09.2022 before the D.B.

(Salah-Ud-Din) Member (J)

(Kalim Arshad Khan) Chairman

07.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Sagheer Musharraf, AD for official respondents and private respondents No. 5 and 6 present.

Private respondents seeks adjournment on the ground that his learned counsel is not available today. Last opportunity is granted for arguments failing which the case will be decided without arguments. To come up for arguments on 12.10.2022 before D.B. Stay granted at the time of admission of appeal is extended until orders to the

contrary.

(Fareeha Paul) Member (E)

(Kalim Arshad Khan) Chairman 12th Oct, 2022

Learned counsel for the appellant present. Mr. 1. Muhammad Adeel Butt, Addll: AG alongwith Mr. Sagheer Musharrat, AD for official respondents No. 1 to 3 and counsel for private respondents No. 4 to 6 present.

After hearing the learned counsel for the appellant, 2. learned Additional Advocate General for official respondents and learned counsel for private respondents, a consensus was developed that as the impugned seniority list dated 04.12.2019 was issued and notified without providing opportunity of hearing to the appellants, therefore, let this impugned seniority list be treated as tentative seniority list and department be directed to invite objections within thirty days from the date of this order from all the persons on the seniority list, where-after finalize list as soon as possible but not later than fifteen days thereafter. Disposed of accordingly. Consign.

Pronounced in open court in Peshawar and given 3. under my hand and seal of the Tribunal this 12th day of October,

2022...;

(Farcella Paul)

Member(E)

1.1

(Kalim Arshad Khan) Chairman

24.09.2021

Junior to counsel for appellant present.

Javid Ullah learned A.A.G for official respondents present. Private respondents No.4 to 6 present.

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Former made a request for adjournment as senior counsel is not available today. Request is accorded. To come up for arguments on 29.11.2021 before D.B.

(Rozina Rehman) Member (J)

Chairman

8-3-22

2 Due to hetisement of The Hondle chairman The case is adjourned on 27-6-22 R. ader

27.06.2022

Appellant in person present. Mr. Muhammad Hussain, Assistant Director (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Private respondent No. 5 in person present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 26.07.2022 before the D.B.

(Rozina Rehman) Member (J)

(Salah-ud-Din) Member (J)

1

25.06.2021

02.08.2021

Appellant alongwith his counsel Mr. Ansar Ullah, Advocate, present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Private respondents No. 4 to 6 present and requested for adjournment on the ground that their counsel is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments before the D.B on 02.08.2021.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

Learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Private respondents No. 4 to 6 present and requested for adjournment on the ground that their counsel is being indisposed and unable to attend the Tribunal today. Last chance is given. To come up for arguments on 24.09.2021 before D.B.

Atiq-Ur-Rehman Wazir) Member (E)

(Rozina Réhman) Member (J)

28.01.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG alongwith Ahmed Yar, Assistant Director for official respondent No. 1 to 3 and private respondents No. 4, 5 & 6 in person present.

Former requests for time to submit rejoinder to the reply(ies) submitted by the official as well as private respondents. Instant matter is adjourned for arguments on 26.02.2021 before D.B. The appellant may furnish requisite rejoinder within a fortnight.

ATIQ-UR-REHMAN WAZIR) (HAMID FAROOQ[®]DURRANI) MEMBER (E) **CHAIRMAN**

26.02.2021

Due to Pandemic of Covid-19, the case is adjourned to 29.03.2021 for the same.

29.03.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment; granted. To come up for arguments on $\frac{251 \circ 6}{2021}$ before D.B.

(Atiq ur Rehman Wazir)

Member (É)

(Rozina Rehman)

Member (J)

13.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 and counsel for private respondents No. 4 to 6 are also present.

Appellant submitted that his counsel is not available today and requested for adjournment. Adjourned to 09.11.2020 on which to come up for rejoinder and arguments before D.B.

(Atiq-ur-Rehman Wazir)

Member (Executive)

(Muhammad Jamal Khan) Member (Judicial)

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents and private respondent No. 5 and 6 in person present.

The Bar is observing general strike, therefore, the matter is adjourned to 18.01.2021 for hearing before the D.B.

(Mian Muhammad) Member (E)

18.01.2021

09.11.2020

No one is present on behalf of appellant despite having been called time and again and last call was made on 03:05 P.M. Mr. Asif Masood Ali Shah learned Deputy District Attorney and Mr. Samiullah AD, for respondents are present.

In the circumstances we deemed it appropriate to issue appellant and his respective counsel with notice for 28.01.2021. File to come up for arguments before D.B.

(Atiq-Ur-Rehman Wazir)

Member (E)

(Muhammad Jamal Khan) Member (J) Service Appeal No. 4279/2020

03.09.2020

Mr. Ansar Ali Shah, Advocate for the appellant is present. Mr. Usman Ghani, District Attorney for the respondent is also present.

According to the learned counsel there are three other appeals pending in the august Service Tribunal and the present appeal may please be fixed alongwith other appeals so that the question raised therein is resolved by way of one judgment. Request is genuine, the appeal is submitted before worthy Chairman for appropriate order where parties have to appear on 13.09.2020.

(Mian Muhammad) Member (Executive)

were as as as -

(Muhammad Jamal Khan) Member (Judicial) 08.07.2020

Counsel for the appellant present.

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Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ahmad Yar Assistant Director for official respondents No.1 to 3 present. Counsel for private respondent No.4 & 6 present. Private respondent No.4 in person present.

Written reply on behalf of private respondents No.5 & 6 submitted. Learned AAG on behalf of official respondents No.1 to 3 and private respondent No.4 requested for adjournment in order to furnish reply. Opportunity is granted. To come up for written reply/comments of official respondents No.1 to 3 & 4, on 20.07.2020 before S.B.

20.07.2020

Mr. Ansar Ullah Khan, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Ahmad Yar, Assistant Director (Litigation) on behalf of respondents No. 1 to 3 and private respondent No. 4 himself are also present.

Representative of official respondents No. 1 to 3 as well as private respondent No. 4 submitted written replies/comments which are placed on file. While parawise reply/comments on behalf of private respondents No. 5 & 6 have already been submitted. To come up for arguments on 05.08.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.

(MUHAMMAD JAMAL KHAN) MEMBER

Member (J)

06.08.2020

Due to summer vacation case to come up for the same on

03.09.2020 before D.B.

16.06.2020

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sagheer Musharaf, Assistant Director on behalf of official respondents No. 1 to 3 present. Representative of the department seeks time to furnish written reply/comments. None present on behalf of private respondents No. 4 to 6, therefore, notices be issued to them for attendance and filing of written reply/comments. To come up for written reply/comments on 24.06.2020 before S.B.

> (MUHAMMAD AMIN KHAN KUNDI) MEMBER

> > MEMBER

24.06.2020

Counsel for the appellant present. Addl:AG alongwith for official respondents No. 1 to 3 and counsel for private respondents No. 4 to 6 present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 08.07.2020 before S.B.

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20.05.2020

Nemo for the appellant. Adjourned. To come up for preliminary hearing on O(106.2020) before S.B. Notice be issued to the appellant and his counsel.

(M. AMIN KHN KUNDI) (MEMBER-J)

04.06.2020

Counsel for the appellant present.

Contends that respondents No. 5 & 6 preferred service appeals before this Tribunal wherein the final seniority list dated 04.10.2017 pertaining to Tehsil Population Welfare Officers/Population Welfare Department Khyber Pakhtunkhwa was impugned. The appeals were subsequently withdrawn on 09.12.2019 on the ground that the grievance of appellants therein was redressed at the departmental level. The appellant therein was arrayed as respondent No. 6 in the referred appeals but due to withdrawal appeals could not be decided on merits. On the other hand, the official respondents/department while deciding the departmental appeals/representations of respondents No. 5 & 6 did not care to include the appellant in the proceedings which act resulted in serious damage to the appellant in defending his valuable service rights.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 16.06.2020 before S.B.

eposited

Alongwith the appeal an application for grant of interim relief has also been preferred. Notice of the application be given to the respondents for the date fixed. In the meanwhile, promotion on at least one post of Tehsil Population Welfare Officer BPS-17 shall not be finalized,

Chairman

Form- A

FORM OF ORDER SHEET

Court of Case No.-Order or other proceedings with signature of judge S.No. Date of order proceedings 3 2 🔆 1 The appeal of Mr. Khurshid Ali presented today by Mr. Muhammad 07/05/2020 1-Zafar Tahirkheli, Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please. REGISTRAR 2-This case is entrusted to S. Bench for preliptingry hearing to be put up on 12-05-2020 MEMBE Nemo for appellant present. Adjourned. To come 12.0**3**.2020 up for preliminary hearing on 20.05.2020 before S.B. (Mian Muhammad) Member

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BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA PESHAWAR

Service Appeal No. 4279 /2020

Khurshid Ali,

Vs

Chief Secretary etc

S.No	Particulars	Annexure	Pages
1	Memo of Petition		1-5
2	Application for Interim Relief		6
3	Impugned Seniority List	" A ".	7-13
4	Departmental Appeal	" B "	14-16
5	Notification Dated 12-06-2009	"C"	17-20
6 ·	Notification Dated 29-03-2010	"D"	21-22
7	Notification Dated 24-07-2018	"E"	23
8	Minutes of Meeting Dated 15-11-2019	" F "	24-28
9	Minutes of meeting dated 28-10-2019	"F1"	29-31
10	Service Appeals No. 223/224	"G"&"G1"	32-35
11	Orders Dated 12-11-2019 & 09-12-2019	"G2"	36
12	Notifications Dated 19-10-2017	"H"&"H1"	37-38
13	Notifications Dated 08-07-2019 & 12-07-2019	"l"&"l1"	39-40
13	Seniority List Dated 04-10-2017	"J"	41-50
14	Seniority listed dated 04-05-2018	"J1"	51-54
15	Vakalat nama		55

Peshawar, dated 20-04-2020

(MUHAMMAD ZAFAR/TAHIRKHELI) Advocate ār Ullah K<mark>han</mark>) Advocate

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA

PESHAWAR

4275 Service Appeal No.

Khurshid Ali,

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Tehsil Population Welfare Officer Chitral.

VERSUS

- Secretary, Population Welfare Department, Government of Khyber Pakhtunkhwa 1. Civil Secretariat Peshawar.
- Director General, Population Welfare Department, Khyber Pakhtunkhwa, 2. Population Welfare Complex, Plot No. 18, Sector E6, Phase VII Hayatabad Peshawar.
- Progress Review Committee, through its Chairman, Additional Secretary 3. Population Welfare Department Civil Secretariat, Peshawar.
- Mr. Kashif Fida, Assistant Director Admin (Representative of DG, PW) Population 4. Welfare Complex, Plot No. 18, Sector E6, Phase VII Hayatabad Peshawar.
- Mr, Sami Ullah, District Population Welfare Officer Charsadda. 5.
- Mr. Sana Ullah, Deputy District Population Welfare Officer, Charsadda. 6.

.....Respondents

SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED SENIORITY LIST DATED 04-12- 2019 OF ASSISTANT DIRECTORS / TPWO'S / DDPWO'S (NON TECH) / DDAO'S (BPS-17) POPULATION WELFARE DEPARTMENT. (Annex "A"), WHEREIN THE DEPARTMENTAL APPEAL OF THE APPELLANT DATED 20-12-2019 (Annex "B") WAS NOT DECIDED TILL THE LAPS OF STATUTORY PERIOD OF LIMITATION. _____

Allowing the appeal by setting aside the impugned Seniority List PRAYER: dated 04-12-2019, and restoring the correct seniority of the appellant by placing him at serial No. 04 of the impugned Seniority List of Assistant Directors, Population Welfare Department Peshawar. =============

RESPECTFULLY SHEWETH,

- 1. That the appellant being qualified and eligible was initially appointed as Assistant Director as Tehsil Population Welfare Officer (BPS-17) on ad-hoc basis, wherein the appellant was placed at S. No. 13 of the appointment order dated 12-06-2009. (Copy Annexed "C")
- 2. The appellant's services were regularized in pursuance of Regularization of Services Act No. XVI of 2009, notified on 29-03-2010, wherein the appellant was also placed at S. No. 13 of the list. (Copy Annexed "D")

Khyber Pakhtukhwa Service Tribunal Diary No. 3532 Appellant

- 3. That respondents No. 05 & 06 filed a service appeals No. 223/2018 and 224/2018, before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, wherein they requested for correction of the seniority list of Assistant Directors Population Welfare Officers, Population Welfare Department Peshawar, as it stood on 04-10-2017 and further requested that their names may be placed at S, No. 25 of the list.
- 4. That the matter remain sub-judice before the Hon'ble Service Tribunal and was fixed for final order on 09-12-2019. However before its logical conclusion, a Departmental Progress Review Committee was constituted vide letter dated 24-07-2018, wherein its meeting was held on 28-10-2019 followed by 15-11-2019 under the Chairmanship of Additional Secretary, Population Welfare Department Peshawar, wherein the departmental appeals of respondents No. 05 & 06 were arbitrarily accepted by a one sided decision. (Copy Annexed "E" to "F1")
- 5. That in pursuance of the findings of Progress Review Committee vide its minutes of meeting dated 15-11-2019, the impugned seniority list dated 04-12-2019 was issued, wherein both Mr. Sami Ullah and Sana Ullah were placed senior to the appellant without any logical explanation. Resultantly both the Service Appeals No. 223 & 224 / 2018 were withdrawn vide order dated 19-12-2019. (Copy Annexed "G""G1" & "G3")
- 6. That in pursuance of the decision of the Progress Review Committee vide its minutes of meeting dated 15-11-2019, the impugned Seniority List dated 04-12-2019 (Annex "A") was issued. The Seniority List was challenged by the appellant through departmental appeal dated 20-12-2019 (Annex "B"), which was not decided by the respondent department till laps of statutory period of limitation.
- 7. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Service Tribunal for the redress of his grievance, inter-alia, on the following,

Grounds;

a. The impugned Seniority List was issued in haste, without considering the material facts on record or issuing a prior notice to the appellant.

The impugned action being ultra-virus of the law and the rules, discriminatory, arbitrary, malafide and without lawful authority, it is liable to be set right by this Hon'ble Tribunal.

- It is worth mentioning that the entire process was conducted surreptitiously without even noticing the appellant. The seniority list as it stood on 04-10-2017 was illegally altered and the appellant was arbitrary placed junior to respondents No. 05 & 06, while placing him at serial No. 11 instead of his original seniority to position at serial No. 04.
- c. That the Progress Review Committee/Dispute Resolution Committee had completely exceeded its mandate and authority while granting the relief to respondents No. 05 & 06, during the pendency of their service appeals before the Hon'ble service tribunal. The dispute Resolution Committee was thus qorum non judice and had no authority to alter the Seniority List while the service appeals were pending adjudication.

- That the appellant is serving as Additional Director BPS-17 and for resolving disputes of civil servants in **BPS-16 & above**, a **Provincial** Dispute Resolution Committee was constituted under the Chairmanship of Additional Chief Secretary: P&D, vide notification dated 19-10-2017 detailed as under;
 - 1. Add 1: chief Secy: P&D Department chairman
 - 2. Secretary Establishment Department Member
 - 3. Secretary Finance Department
- Member

4. Secretary Law Department

- Member Secretary
- 5. Secretary of the concerned Department

That another committee under the Chairmanship of Administrative Secretary for resolving the matters relating to civil service in BPS-03 to 15 was also notified on 19-10-2017. The population welfare department acknowledged the notifications and constituted committee vide notification dated 12-07-2019, wherein the TOR's of the committee were settled as under;

- i. To resolve court cases other than disciplinary matters related to the terms and conditions of Civil Servants in BS-03 to BS-15.
- ii. To review and sift the court cases that can be settled outside the court in respect of Civil Servants in BS-16 and above and make appropriate recommendations to the Provincial Committee. (Copies Annexed "H" & "H1")
- e. That the constitution of such committees detailed in notification dated 19-10-2017 was circulated to all Administrative Secretaries of Government Khyber Pakhtunkhwa vide letter dated 08-07-2019. In pursuance of notification dated 19-10-2017, Population Welfare Department constituted its own Dispute Resolution Committee vide notification dated 12-07-2019. (Copies Annexed "I" & "I1")
- f. The clear mandate of the Dispute Resolution Committee constituted by the Population Welfare Department Peshawar was to resolve the disputes relating to terms and conditions of Civil Servants in BPS-03 to 15 only.

The services of the appellant, fall within the category of Civil Servants in BPS-16 **and above**, wherein the mandate of the Departmental Committee was to review and sift the court cases that can be settled outside the court in respect of Civil Servants in BS-16 and above and **make appropriate recommendations to the Provincial Committee**.

- g. The minutes of meeting dated 15-11-2019 regarding acceptance of departmental appeals of respondents No. 05 & 06 was thus not only illegal and unlawful, but was also beyond the mandate and competence of Departmental Committee, hence void ab-initio.
- h. The decision of committee vide meeting held on 15-11-2019, was partial and the appellant was never called upon through any prior notice while on the other hand two pleaders from the complainants side appeared and assisted the committee. This shows the complete bias of the committee, which subjected the appellant to arbitrary treatment intentionally, with a malafide intent, subject to correction by the worthy Tribunal.

d.

That above all, the term "**continuous officiation**" defined in section 4(2) of the Khyber Pakhtnkhwa (Regularization of Services Act, 2009) is a matter of interpretation of the Honorable Tribunal and the representative of the DG PWD, Mr. Kashif Fida, respondent No. 04 has failed to interpret the same.

Such statement of the DG PWD, Mr. Kashif Fida, respondent No. 04 has created serious doubts regarding his impartiality, calling for interference by the worthy Tribunal.

j.

k.

1.

i.

That the date of appointment of the appellant vide the regularization act dated 12-06-2009 (Annex "D") is his actual date of continuous officiation, hence in such case age factor will be considered for seniority according to section 4(2) of the act, which was completely ignored.

It is worth mentioning that the appellant was placed at S. No. 24 of the seniority list dated 04-10-2017. Similarly he was placed at S. No. 14 of the seniority list dated 04-05-2018. The officials placed at serial No. 1 to 09 of the seniority list date 04-05-2018 have already been promoted to next higher scale.

The appellant was required to be placed at S. No. 04 of the seniority list of Assistant Directors, Population Welfare Department, Khyber Pakhtunkhwa, but has been discriminated to accommodate the blue eyed. (Copy Annexed "J" & "J1")

The impugned seniority list dated 04-12-2019 is thus illegal, unlawful, collusive ineffective upon the rights of the appellant and subject to correction.

The impugned action is thus arbitrary, discriminatory, against the principles of equity law, justice and propriety, calling for correction of the appellant's original seniority circulated by seniority list date 04-10-2017.

The appellant seeks leave of the worthy Tribunal to be allowed to relay on additional ground at the time of final arguments.

Prayer:

In view of the above, it is, therefore, humbly requested that by accepting this department appeal the impugned seniority list dated 04-12-2019 may kindly be set aside and the original and correct seniority of the appellant may kindly be restored by placing him at serial No. 04 of the seniority list of Assistant Director Population and Welfare Department Peshawar.

4.8785

Any other relief deemed appropriate may also be granted in addition to relief claimed above.

Peshawar, dated 20-04-2020

Through, (MUHAMMAD ZAFAR TAHIRKHELI) Advocate

Q1 7

Appellant

Ullah Khan) Advocate (Ansar

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA PESHAWAR

Service Appeal No. ____/2020

Khurshid Ali,

Vs

Chief Secretary etc

APPLICATION FOR INTERIM RELIEF

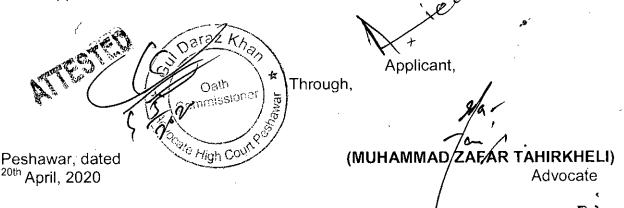
Respectfully Sheweth

- 1. That the above titled appeal is being filed before this Hon'ble Tribunal, in which date of hearing is yet to be fixed.
- 2. That the contents of the accompanying appeal may kindly be read as part and parcel of the present petition.
- 3. The Applicant has got a good prima facie case on merits and is sanguine about his success.
- 4. The Respondent department has altered the Seniority List of Assistant Directors without any intimation or prior notice to the appellant / applicant.

That a PSB is scheduled for promotion to next higher scale in population welfare department, which would seriously jeopardize the appellant's future prospects to be promoted to next higher scale. The promotion on the basis of a faulty Seniority List would be based on prejudice and would cause irreparable harm to the applicant.

5. The balance of convenience lies in maintaining the status-quo order, while restraining the Selection Board to make further promotions on the basis of impugned Seniority List.

It is therefore, most humbly prayed that the PSB scheduled for promotion to next higher scale in population welfare department may kindly be suspended/postponed till the final settlement of the seniority of the appellant / application.



Affidavit

I, the Applicant, state on Oath that contents of the above application are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.





GOVERNMENT OF KHYBER PAKHTUNKHWA POPULATION WELFARE DEPARTMENT 02nd Floor, Abdui Wali Khan Multiplex, Civil Secretariat, Peshawar



Dated Peshawar the 04th December, 20.

NOTIFICATION

No. SOE (PWD) 4-30/2019: In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rules 17 of Khyber Pakhtunkhwa Civil Servar (Appointment, Promotion & Transfer) Rules, 1989, with approval of the competent authority, final seniority list of Assistant Directors / Tehsil Population Welfa Officers / DDPWOs (Non-Tech) / Deputy Demographers and Accounts Officer (BPS-17) Population Welfare Department Khyber Pakhtunkhwa as stood on 04/12/20 is hereby notified / circulated for general information of all concerned:-

S .	Name of Officer	Qualification	Date of Birth	Domicile	Date of first entry into	Date of apptt: /	Regular appo present		Present place of posting.	Remarks
No.					Govt. Service	Promotion in BPS-16	Present grade (BPS-17)	Method of recruitment		
4		3	4	5	6	7	8	9	10	11
1	Mr. Saeedur Rehman, AD/DDPWO/TPWO	M.A (Pol. Sc)	10.05.1970	Shangla	13.06.2009 (adhoc basis)		13.06.2009	Initial.	DPW Office, Shangla	As per decision of th Departmental Progress Review Committee taken in its meetin
. •						1		•		held on 15-11-2019, the inter-s seniority of adhoc employed has been revised an
•			•. •. • • •							determined on the basis continuous officiation in servi (date of joining / arrival and a
برب			•						•	factor where applicable) as p contents of Section-4(2) of th Khyber Pakhtunkhwa Employe
•	•		- · · · .							(Regularization of Services) A 2009 and advices of the Law at Establishment Departments

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۔ سب آسام		·	-							
S. No.	Name of Officer	Qualification	Date of Birth	Domicile	Date of first entry into	- Date of apptt: /	Regular app present	ointment in	Present place of posting.	Remarks
-			-		Govt. Service	Promotion in BPS-16	Present grade (BPS-17)	Method of recruitment	-	
1	2	3	. 4	5	6	7	8	9	10	11
										well as judgment dated 12/03/2019 of the Khyber Pakhtunkhwa Services Tribunal in case of Mr. Zawar Hussain in Service Appeal No. 56/2018.
2	Mr. Samiullah Khan, AD/DDPWO/TPWO	M.A (Pol. Sc)	02.07.1979	Peshawar	13.06.2009	·	13.06.2009	Initial	DPW Office,	-do-
3	Ms. Sidra Nisar, Dy. Demographer	M.Sc (Stats)	21.02.1985	Peshawar	(adhoc basis) 13.06.2009 (adhoc basis)		13.06.2009	Initial	Charsadda DPW Office,	-do-
4	Mr. Arafat Khan Afridi, AD/DDPWO/TPWO	M.A (Pol. Sc)	13.05.1977	Khyber Agency	(adhoc basis) (adhoc basis)		15.06.2009	Initial	Charsadda Agency PW	-do-
5	Mr. Sana Ullah, AD/DDPWO/TPWO	M.A (Pol. Sc)-	Ì5.09.1980	Charsadda	15.06.2009 (adhoc basis)		15.06.2009	Initial	Officer DPW Office, Charsadda	-do-
. 6	Mr. Fazəl Azeem, AD/DDPWO/TPWO	MBA	25.06.1983	Charsadda	15.06.2009 (adhoc basis)		15.06.2009	. Initial	DPW office, Charsadda	-do-
.7	Mr. Shahid Khan, AD/DDPWO/TPWO	M.A (Sociology)	10.04.1984	Malakand	15.06.2009 (adhoc basis)		15.06.2009	Initial	DPW Office, Malakand	-do-
. 8	Mr. Bilal Khan Afridi, AD/DDPWO/TPWO	MBA	15.10.1986	Khyber Agency	15.06.2009 (adhoc basis)		15.06.2009	Initial	DPW Office, Kohistan	-do-
9	Mr. Amjad Ali Khan, AD/DDPWO/TPWO	MBA	15.09.1976	Peshawar	16.06.2009 (adhoc basis)		16:06.2009	Initial	DPW Office, Mardan	-do-
10	Mr. Muhammad Tariq Khan, AD/DDPWO/TPWO	M.A (Anthrópology)	28.02.1975	Nowshera	17.06.2009 (adhoc basis)	,	17.06.2009	Initial (-	DPW Office, Nowshera	-do-
11	Mr. Khurshid Ali, AD/DDPWO/TPWO	M.P.A.	01.02.1976	Chitral	17.06.2009 (adhoc basis)		17.06.2009	Initial	DPW Office, Chitral	-do-
12 ·	Mr. Asghar Khan, AD/DDPWO/TPWO	M.A (History)	05.02.1980	Mardan	17.06.2009 (adhoc basis)	•	17.06.2009	Initial	DPW Office, Dir (Upper)	-do-
13	Mr. Iftikhar Ahmad, Deputy Demographer	M.Sc (Stats)	20.3.1976	Peshawar	18.06.2009 (adhoc basis)		18.06.2009	Initial	DPW Office, Karak	-do-
14	Mr. Asif Mehmood, AD/DDPWO/TPWO	(Chemistry)	20.04.1977	Karak	-18.06.2009 (adhoc basis)		18.06.2009	Initial	TPWO DPW Office, Karak	-do-
	Mr. Ayat Ullah, Dy. Demographer Ms. Ruby Hashim,		20.09.1975	Nowshera	19.06.2009 (adhoc basis)		19.06.2009	Initial	DPW Office, Swabi	-do-
		M.A (Anthropology)	28.11.1981	Mohmand Agency	20.06.2009 (adhoc basis)		20.06.2009		DG, PW Office, Peshawar	-do-
-		-						······································	· · · ·	· · · · · · · · · · · · · · · · · · ·

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<	<u> </u>								• •			•	
•	S.	Name of Officer	Qualification	Date of	Domicile	Date of first	Date of	Regular app	ointment in	Present place		Remarks	j
	No.			Sinth		entry into	apptt:/	present		of posting.			.
						Govt	Promotion	Present grade	Method of		,	· · · · ·	
						Service	in BPS-15	(BPS-17)	recruitment				.
-	1	2	3	4	5	6	7	8	9	10		11	
			·	· · ·					· .	-	well as	judgment	dated
		· .								·	12/03/2019		Khyber
		· _ ·			-		· - ·	-				a Services T Ir. Zawar Hu	
			· .		 ;					·	Service Appo		
	2	Mr. Samiullah Khan,	M.A (Pol. Sc)	02.07.1979	Peshawar	13.06.2009		13.06.2009	Initial	DPW Office,		-do-	
	·	AD/DDPWO/TPWO				(adhoc basis)			• •	Charsadda			
	3	Ms. Sidra Nisar, Dy. Demographer	M.Sc (Stats)	21.02.1985	Peshawar	13.06.2009	· •• •	13.06.2009	Initial	DPW Office,		-do-	
Ļ	4	Mr. Arafat Khan Afridi,	M.A (Pol. Sc)	13.05.1977	Khyber	(adhoc basis) 15.06.2009		15.05.2000		Charsadda		· · · · · · · · · · · · · · · · · · ·	
	-4	AD/DDPWO/TPWO	M.A (F01. 3C)	10.00.1077	Agency .	(adhoc basis)		15.06.2009	Initial	Agency PW Officer	· .	-do-	
-	5	Mr. Sana Úllah,	M.A (Pol. Sc)	. 15.09.1980	Charsadda	15.06.2009	·	15.06.2009	Initial	DPW Office,		-do	
		AD/DDPWO/TPWO		·	<u>. ·.</u>	(adhoc basis)			•	Charsadda	. <u>-</u>	00.	
	6	Mr. Fazal Azeem,	MBA	25.06.1983	Charsadda	15.06.2009		15.06.2009	Initial	DPW office,		-do- ·	
		AD/DDPWO/TPWO				(adhoc basis)				Charsadda		:	ļ
	7.	Mr. Shahid Khan,	M.A	10.04.1984	Malakand	15.06.2009		15:06.2009	Initial	DPW Office,		-do-	
·		AD/DDPWO/TPWO	(Sociology)			(adhoc basis)				Malakand	-	· · ·	
•	8	Mr. Bilal Khan Afridi,	MBA	15.10.1986	Khyber	15.06.2009		15.06.2009	Initial	DPW Office,		-do-	K.
	9	AD/DDPWO/TPWO Mr. Amjad Ali Khan,		15.00.1076	Agency	(adhoc basis)	······			Kohistan	•		
		AD/DDPWO/TPWO	MBA	15.09.1976	Peshawar	16.06.2009 (adhoc basis)		16.06.2009	Initial	DPW Office,		-do-	
<u>.</u>	10	Mr. Muhammad Tarig	M.A	28.02.1975	Nowshera	17.06.2009		17.06.2009	Initial	Mardan DPW Office,		-do-	
•		Khan, AD/DDPWO/TPWO	(Anthropology)			(adhoc basis)			. Inicial	Nowshera		-00-	
		Mr. Khurshid Ali,	M.P.A.	01.02.1976	Chitral	17.06.2009	···· ·	17.06.2009	Initial	DPW Office,		-do-	
		AD/DDPWO/TPWO				(adhoc basis)				Chitral	·	<u>.</u>	
	4	Mr. Asghar Khan, AD/DDPWO/TPWO	M.A (History)	05.02.1980	Mardan	17.06.2009		17.06.2009	Initial	DPW Office, Dir		-do-	•
· _		Mr. Iftikhar Ahmad,	M.Sc (Stats)	20.3.1976	Peshawar-	(adhoc basis) 18.06.2009				(Upper)		د	
	•	Deputy Demographer	wilde (drats)	20.3.1370	resitawai	(adhoc basis)		18.06.2009	Initial	DPW Office, Karak		-qo- Cr	8
۰.		Mr. Asif Mehmood,	M.Sc	20.04.1977	Karak	18.06.2009		18.06.2009	Initial	TPWO DPW	<u> </u>	-00-	N
		AD/DDPWO/TPWO	(Chemistry)			(adhoc basis)				Office, Karak			1000
		Mr. Ayat Ullah, Dy.	MSc. (Stats:)	20.09.1975	Nowshera	19.06.2009		19.06.2009	Initial	DPW Office,	· .	-do-	
_		Demographer				(adhoc basis)				Swabi			
		Ms. Ruby Hashim, AD/DDPWO/TPWO	M.A .	28.11.1981	Mohmand -	20.06.2009	[20.06.2009		DG, PW Office,		-do-	
_	_,	AUJOUP VV UJ IP VVU	(Anthropology)		Agèncy -	(adhoc basis)	l	· · · · · · · · · · · · · · · · · · ·		Peshawar ·	<u> </u>	. 484	····

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$\underline{\checkmark}$					· · · · · · · · · · · · · · · · · · ·		-		· · · · · · · · · · · · · · · · · · ·	
S	Name of Officer	Qualification	Date of Birth	Domicile	Date of first entry into	Date of apptt: /	an in said the fight	ointment in	Present place of posting.	Remarks
					Govt. Service	Promotion in BPS-16	Present grade (BPS-17)	Method of recruitment		
1	2	3	. 4	5	6	7	8	9	10	
17	Mr. Muhammad Qasim, Dy. Demographer	M. Sc (Economics)	27.02.1982	Haripur	_20.06.2009 (adhoc basis)		20.06.2009	Initial_	DPW Office; Haripur	-do-
18	Mr. Muhammad Waqar Akhunzada, AD/DDPWO/TPWO	МВА	15.12.1983	Mohmand Agency	22.06.2009 (adhoc basis)		22.06.2009	Initial	DPW Office, Charsadda	-do-
· 19 ·	Mr. Badshah Muhammad, Dy. Demographer	M.A (Sociology)	12.04.1977	Dir Lower	24.06.2009 (adhoc basis)		24.06.2009	Initial	DPW Office, Dir Lower	-do-
20	Mr. Fahad Sarwar, AD/DDPWO/ TPWO	M.A (Economics)	03.03.1978	Nowshera	24.06.2009 (adhoc basis)		24.06.2009	Initial	DPW Office, Nowshera	-do-
21	Mr. Bashir Muhammad, AD/DDPWO/TPWO	МВА	03.06.1982	Hangu	24.06.2009 (adhoc basis)		24.06.2009	Initial	DDPWO (N.T) DPW Office, Hangu	-do-
22	Mr. Bakhtiar, AD/DDPWO/TPWO	M.A	15.08.1964	Peshawar	21.06.1983	18.05.2006	13.01.2010	Promotee	DPWO Dir Upper	The officer was promoted as Assistant Director / DDPWO (NT) / TPWO (BPS-17) on regular basis vide Notification No. SOE(PWD)4-27/07/PC/
23	Mr. Eid-ur-Rehman;	M.Sc	14,02.1975	Karak	25.06.2010		25.06.2010	Initial	DPW Office,	Vol-IV dated 13-01-2010 Seniority fixed as per merit
	Dy. Demographer	(Sociology)							Lakki Marwat.	order of Khyber Pakhtunkhwa Public Service Commission vide letter No. NWFP-PSC-SR-
24	Mr. Amin Ullah, Dy.	M. Sc	10.04.1979	Karak	25.06.2010		25.06.2010	Initial	Instructor RTI	VI/51126 dated 31.10.2009. -do-
· .	Demographer	(Sociology)	· · ·					· · · · · · · · · · · · · · · · · · ·	Peshawar	2
1	Mr. Niaz Ahmad, Dy. Demographer	M. Sc (Sociology)	06.04.1976	Karak	25.06.2010		25:06.2010	Initial	DPW Office, Kohat	-do-
	Mr. Rashid Ahmad, AD/DDPWO/TPWO		20.04.1981	Lakki Marwat	25.06.2010		25.06.2010	Initial	On Deputation to IPC	Seniority fixed as per order of merit furnished by Khyber
				· · · · ·					Department	Pakhtunkhwa Public Service Commission vide letter No. NWFP-PSC-SR-VI/53315 dated 11-11-2009.

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S.		Qualification	Date of	Domicile	Date of first	-Date of	Regular app	ointment in	Present place	Remarks
No.			Birth		entry into	apptt:/	presen	t grade	of posting:	
		-		-	Govt. Service	Promotion	Present grade	1		
1	2	3	<u> </u>	5	6	in BPS-16	(BPS-17) 8	recruitment 9	10	
27	Mr. Jehan Badshah,	: MBA	10.01.1979	Dir Lower	25.06.2010 -		25.06.2010	Initial	DPW Office, Dir_	11 Seniority fixed on the basis of order
	AD/DDPWO/TPWO							linear	Upper	of marit furnished by Khyber Pakhtunkhwa Public Service
Ì	· · ·				· _			-		Commission vide letter No.
				- - 	· · · ·		·			NWFP.PSC SR-VI/5331 dated 11/11/2009.
28	Mr. Muhammad Ashfaq,	M.A		Abbottabad	31.10.2011	·	31.10.2011	Initial	DPW Office,	-do-
	AD/DDPWO/TPWO						-		Peshawar	
29	Mr. Sadiq Alam, AD/DDPWO/TPWO	MBA	01.01.1983	Malakand	31.10.2011	44	31.10.2011	Initial	DPW Office, Malakand	-do-1 .
30	Mr. Umar Farooq, AD/DDPWO/TPWO	MBA	25.03.1983	Nowshera	31.10.2011		31.10.2011	Initial	DPW Office, Nowshera	-do-
31	Mr. Abdul Qadeer, AD/DDPWO/TPWO	M.A	01.05.1975	S.W. Agency	31,10.2011		31.10.2011	Initial	DPW Office, Hangu	-do-
32	Mr. Noor Hakim, AD/DDPWO/TPWO	M.A	13.05.1980	S.W. Agency	31.10.2011		31.10.2011	Initial	DPW Office,	-do-
33	Mr. Jehan Zeb Khan, AD/DDPWO/TPWO	МРА	05.05.1979	S.W. Agency	31.10.2011		31.10.2011	Initial	Bannu DPW Office, DIK.	-do-
34	Mr. Noor Muhammad, AD/DDPWO/TPWO	M.A (Pol. Sc)	15.08.1970	S.W. Agency	31.10.2011		31.10.2011	Initial	Instructor, RTI Abbottabad	-do-
. 35	Mr. Sagheer Musharraf,	M.A (Pol. Sc)	01.01.1978	Mansehra	31.10.2011		31.10.2011	Initial	PHQr, Peshawar	-do-
	AD/DDPWO/TPWO					• •		<i>.</i> .		
36	Mr. Izaz Ahmad Jan, AD/DDPWO/TPWO	M.A (Sociology)	09.04.1962	Charsadda	02.04.1988 02.07.1997	17.08.2009	. 13.08.2011	Promotee	RTI, Peshawar	The officers promoted from BPS-16 to BPS-17 vide /
•					(absorbed in PWD)					BPS-16 to BPS-17 vide / Notification SOE(PWD)4- / / / 1/2011/4675083 dated / / / 13/08/2011. / / / /
37	Mr. Muhammad	M.A	05.01.1974	D.I Khan	05.09.2000	17.08.2009	13.08.2011	Promotee	DPW Office, D.I	-do-
i v	Yousaf, Dy. Demographer	(Economics)			· · .				Khan	YV.
38	Mr. Kashif Fida, AD/DDPWO/TPWO	M.Sc (Hon)	17.05.1974	Peshawar	05:09.2000	17:08.2009	13.08.2011	Promotee	PHQr, Peshawar.	-do-
<u>_</u>			<u> </u>	· · · · · · · · · · · · · · · · · · ·					Pesnawar.	

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	$\left(\frac{2}{2}\right)$), · · · · · · · · · · · · · · · · · · ·		الحمد ب ر ب	Mula Angela National angela	:			-		1997 - 19
		Name of Officer	Qualification	Date of	Domicile	Date of first	Date of	- Regular appo	pintment in	Present place	Remarks
	S ²	Mame of Officer	Quanneacion	Birth		entry into	apptt:/	present		of posting.	
	No.				*	Govť.	Promotion	Present grade	Method of	· · ·	
			•			Service	in BPS-16	(BPS-17)	recruitment	· .	
- 11 - E		2	3	4	5	6	7	.8	9	10	11
	1	 Mr. Mujeebuilah Khan,	MPA	08.02.1976	D: I Khan	15.03.2001	17.08.2009	13.08:2011	Promotee	TPWO, Kulachi	-do-
	39	Dy. Demographer		00.02.127.0							
• .	40	Mr. Waheed Khan,	M.A (Pol. Sc)	20.08.1972	Bannu	01.09.2000	09.09.2009	11.11.2015	Promotee	DPW Office,	The officer promoted to BPS-
	: .	AD/DDPWO/TPWO	M.A			· · ·			• •	Bannu	17 vide Notification No.
-		<i>N0 00</i> 110 <i>1</i> 110	(Islamiyat)								SOE(PWD)4-42/2015/PC
			M.A (History)	-				<u>.</u>			dated 11-11-2015.
	41	Mr. Shah Farooq, Dy.	M.Sc	15.04.1986	Khyber	11.02.2016	,	11.02.2016	Direct	DPW Office,	
		Demographer	(Economics)		Agency			[Mardan.	
	42	Mr. Abdul Salam,	M.Com	02.09.1973	Peshawar	01.09.2000	09.09.2009	08.11.2017	. Promotee	AD(RH), DG	The officers promoted to BPS-
		AD/DDPWO(NT)/TPWO				, • •	-	,		Office,	17 vide Notification No.
		·								Peshawar	SOE(PWD)4-42/2015-16/DPC dated 08-11-2017.
		-			-			00.11.2017			-do-
	43	Mr. Amin Khan,	B.Com	01.02.1976	Peshawar	01.09.2000	09.09.2009	08.11.2017	Promotee	AD (PC&T) DG Office,	-00-
·		AD/DDPWO(NT)/TPWO							· · ·	Peshawar	
•						21.00.2000	22.07.2010	08.11.2017	Promotee	Accounts	-do-
	44.	Mr. Muhammad Kashir	M.A	21.07.1977	Nowshera	. 01.09.2000	22.07.2010	08.11.2017	Profilotee	Officer, DG	40
· · · ·		Khan,	(Economics)	· · ·	. <u></u>	· ·			-	Office,	
	• .	AD/DDPWO(NT)/TPWO	• ·			. *			•	Peshawar	
			B. Com, M.A	04.01.1972	Nowshera	02.09.2000	22.07.2010	08.11.2017	Promotee -	DPW Office,	-do-
	- 45 `	Mr. Shahid Murad, AD/DDPWO(NT)/TPWO	Urdu)	04.01.1972	140 Wohler a	02.05.2000	22.07.2020			Peshawar	
-		Mr. Shah Zeb,	MBA	14.03.1986	Mohmand	17.12.2012	17.12.2012	08.11.2017	Promotee	TPW Office,	-do-
	46	AD/DDPWO(NT)/TPWO	MDA	14.05.1500	Agency				· · · ·	Takhtbhai	
	47	Mr. Saleem Ullah Khan,	MBA	15.09.1987.	Tank	12.12.2012	12.12.2012	08.11.2017	Promotee	TPW Office,	-do-
-	. 47	AD/DDPWO(NT)/TPWO	1410/1	10.00.100.					· ·	Tank	
	48	Mr. Zia-ul-Haq,	M.A	30.10.1976 [.]	Karak	23.07.2005	19.12.2013	08.11.2017	Promotee	DPW Office,	-do-
	40	AD/DDPWO(NT)/TPWO				· · · · · ·				Karak -	
	49	Mr. Shahab Ahmed,	M.Sc	11.04.1976	Swabi	23.07.2005	19.12.2013	08.11.2017	Promotee	TPW Office,	-do-
· · ·		AD/DDPWO(NT)/TPWO	· ·		· · · · ·					Swabi	6 1
· _	50	Mr. Afsar Khan,	M.A	11.04.1976	Charsadda	13.08.2004	19.12.2013	08.11.2017	Promotee.	Dy.	-dodo-
		AD/DDPWO(NT)/TPWO	(Economics)		• • •	(contract)				Demographer,	
		•			· ·	23.07.2005				DPW Office,	av a
						(Regular)	<u> </u>		· · · · · · · · · · · · · · · · · · ·	Charsadda.	-doob-

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\sim		Name of Officer	Qualification	Date of	Domicile	Date of first	Date of			Present place	Remarks
No	,			Birth		entry into	apptt:/	present	grade	of posting.	
						Govt.	Promotion	Present grade	Method of		
-						Service	in BPS-16	(BPS-17)	recruitment		<u> </u>
1		2	3	4	5 -	6	7	8	- 9	10	11
51	-+	Mr. Muhammad Tariq;	B.Sc .	05.01.1977	Khyber	13.08.2004	19.12.2013	08.11.2017	Promotee	AD(M&E), DG	-do-
		AD/DDPWO(NT)/TPWO	1		Agency	(contract) -	-	· · ·	· ·	Office ,	
						23.07.2005			· · · · ·	Peshawar	
		1	, ·		· .	(Regular)		· · · · · · · · · · · · · · · · · · ·			
52	$\overline{\mathbf{x}}$	Mr. Adnan Saeed	MBA	31.12.1986	Charsadda	16.06.2015	15.06.2015	13.12.2018	Promotee	DPW Office,	
	i (AD/DDPWO(NT)/TPWO	·							Charsadda.	· · · · · ·

Endst: No. <u>SOE (PWD) 4-30/2019/</u> 772-76

Copy forwarded to the: -

- 1. Secretary Establishment, Govt. of Khyber Pakhtunkhwa, Peshawar.
 - Director General Population Welfare Department, Khyber Pakhtunkhwa, Peshawar with the request to circulate the said seniority list amongst all concerned.

WE COP

SECRETARY GOVT. OF KHYBER PAKHTUNKHWA POPULATION WELFARE DEPARTMENT

Dated Peshawar the 04th December, 2019

SECTION OFFICER (ÉSTT) Phone No. 091-9223623

- PSO to Chief Secretary, Govt. of Khyber Pakhtunkhwa.
- PS to Secretary, Govt. of KPK, PWD, Peshawar.
- . Master file.

2.

Annex

14

Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: <u>Departmental Appeal / Representation Against Impugned Seniority</u> List Dated 04.12.2019 Of Assistant Directors / TPWO'S / DDPWO's (Non Tech) / DDAO's (Bps-17) Population Welfare Department.

Respected Sir,

Khurshid Ali, Tehsil Population Welfare Officer Chitral. Population Welfare Office Nowshera, the appellant, submits most respectfully the following for your kind consideration and favour of acceptance:-

- 1. That the appellant being qualified and eligible was initially appointed as Assistant Director as Tehsil Population Welfare Officer (BPS-17) on ad-hoc basis, wherein the appellant was placed at S. No. 13 of the appointment order dated 12-06-2009.
- 2. The appellant services were regularized in pursuance of Regularization of Services Act No. XVI of 2009, notified on 29-03-2010, wherein the appellant was also placed at S. No. 13 of the list.
- 3. That since his appointment, the appellant has served the department honestly and diligently to the utmost satisfaction of his superiors. Neither complaint of any sort was filed against him nor was he served with any adverse remarks during entire period of his service.
- 4. That Mr. Sana Ullah and Sami Ullah, Deputy District Population Welfare Officers, filed a departmental appeals followed by service appeals No. 223/2018 and 224/2018, filed on 16-02-2018, wherein they requested the Hon'ble Tribunal for correction of the seniority list of Assistant Directors Population Welfare Officers, Population Welfare Department Peshawar, as it stood on 04-10-2017 and further requested that their names may be placed at S, No. 25 of the list.
- 5. That the matter remain sub-judice before the Hon'ble Service Tribunal and was fixed for final order on 09-12-2019. However before its logical conclusion, a meeting of Departmental Progress Review Committee was held on 15-11-2019 under the Chairmanship of Additional Secretary, Population Welfare Officer, Population Welfare Department Peshawar, Population Welfare Department Peshawar, wherein the departmental appeals of Mr. Sana Ullah and Sami Ullah were arbitrarily accepted by a one sided decision.
- 6. That in pursuance of the findings of Progress Review Committee vide its minutes of meeting dated 15-11-2019, the impugned seniority list dated 04-12-2019 was issued, wherein both Mr. Sami Ullah and Sana Ullah were placed senior to the appellant without any logical explanation.
- 7. It is worth mentioning that the entire process was conducted surreptitiously without even noticing the appellant. The seniority list as it stood on 04-10-2017 was illegally altered and the appellant was arbitrary placed junior to Mr. Sami Ullah and Sana Ullah, while placing him at serial No. 11 instead of his original seniority to position at serial No. 04.

То

- 9. That the appellant is serving as Additional Director BPS-17 and for resolving disputes of civil servants in BPS- 16 & above, a Provincial Dispute Resolution Committee was constituted under the Chairmanship of Additional Chief Secretary: P&D, vide notification dated 19-10-2017 detailed as under;
 - 1. Add 1: chief Secy: P&D Department chairman 2. Secretary Establishment Department Member
 - Member
 - 3. Secretary Finance Department
 - 4. Secretary Law Department

Member

5. Secretary of the concerned Department Secretary

That another committee under the Chairmanship of Administrative Secretary for resolving the matters relating to civil service in BPS-03 to 15 was also notified 19-10-2017. The population welfare department acknowledged the on notifications and constituted committee vide notification dated 12-07-2019, wherein the TOR's of the committee were settled as under:

- To resolve court cases other than disciplinary matters related to i i the terms and conditions of Civil Servants in BS-03 to BS-15.
- ii. To review and sift the court cases that can be settled outside the court in respect of Civil Servants in BS-16 and above and make appropriate recommendations to the Provincial Committee.
- 10. The clear mandate of the Dispute Resolution Committee constituted by the Population Welfare Department Peshawar was to resolve the disputes relating to terms and conditions of Civil Servants in BPS-03 to 15 only.

The services of the appellant, fall within the category of Civil Servants in BPS-16 and above, wherein the mandate of the Departmental Committee was to review and sift the court cases that can be settled outside the court in respect of Civil Servants in BS-16 and above and make appropriate recommendations to the Provincial Committee.

- 11. The minutes of meeting dated 15-11-2019 regarding acceptance of departmental appeals of Sana Ullah and Sami Ullah is thus not only illegal and unlawful, but is beyond the mandate and competence of Departmental Committee, hence void ab-initio.
- 12. The decision of committee vide meeting held on 15-11-2019, was partial and no presentation of the other party (appellant) was called upon for discussion through any prior notice while on the other hand two pleaders from the complainants side appeared and assisted the committee. This shows the complete bias of the committee, which subjected the appellant to arbitrary treatment intentionally, with a malafide intent, subject to correction by the worthy authority.
- 13. That, above all, the term "continuous officiation" defined in section 4(2) of the Khyber Pakhtunkhwa (Regularization of Services Act, 2009) is a matter of interpretation of the Honorable Tribunal and the representative of the DG PWD, Mr. Kashif Fida has failed to interpret the same.

Such statement of the DG PWD, Mr. Kashif Fida has created serious doubts regarding his impartiality, calling for interference by the worthy authority.

- 14. That the date of appointment of the appellant vide the regularization act dated 12-06-2009 is his actual date of continuous officiation, hence in such case age factor will be considered for seniority according to section 4(2) of the act, which was completely ignored.
- 15. It is worth mentioning that the officials placed at serial No. 1 to 6 of the seniority list date 04-10-2017 have already been promoted to next higher scale, while the appellant has been discriminated and subjected to arbitrary treatment to accommodate the blue eyed.
- 16. The impugned seniority list dated 04-12-2019 is thus illegal, unlawful, collusive ineffective upon the rights of the appellant and subject to correction.

The impugned action is thus arbitrary, discriminatory, against the principles of equity law, justice and propriety, calling for correction of the appellant's original seniority circulated by seniority list date 04-10-2017.

The appellant seeks leave of the worthy authority to be allowed the opportunity to heard in person.

In view of the above, it is, therefore, humbly requested that by accepting this department appeal the impugned seniority list dated 04-12-2019 may kindly be set aside and the original and correct seniority of the appellant may kindly be restored by placing him at serial No. 04 of the seniority list of Assistant Director Population and Welfare Department Peshawar.

It is further requested that the PSB scheduled for promotion to next higher scale in population welfare department may kindly be suspended/postponed till the final settlement of the seniority of the appellant.

Dated 20-12-2019

Yours Truly,

Khurshid Ali, District Population Officer, Population

Office Chitral

Welfare Welfare

PHEPHLALIUM F.C. TRUST BUILDING, SUMPLY HAS NO READ. PESHAWAR CANTT:

Dated Peshawar the, 12th June, 2009.

ANNEXURE C

MOTIFICATION.

NO.SDE(PWD) 4-34/07/KC/Vol-II- Consequent upon the recommendations of the Departmental Selection Committee (DSC), the Competent Authority is pleased to appoint the following Assistant Directors / Tehsil Population Welfare Officers / Deputy District Population Welfare Officers (N.T) / Agency Population Welfare Officers (BPS-17) on adhoc basis with immediate effect in the Population Welfare Department, NWFP for a period of one year or till the arriver of selectees of NWFP Public Service Commission, whichever is earlier subject to the terms & condition mentioned here under:-

Diary No. 29 Initia

	Name of Candidates with Father's name
S.No.	
	Amjid Ali Khan S/O Taj Muhammd Khan
1	
	Shahid Khan S/O Faridullah Khan
2.	
	Fahad Sarwar S/O Ahmad Sarwar
. 3 .	Fahad Sarwar S/O Rahim Gul Sana Ullah S/O Rahim Gul
4	Sana Onan O/O Muhammad Hashim
5	Sana Ullah S/O Rahim Gul Ruby Hashim D/O Muhanmad Hashim Arafat Khan Afridi S/O Noor Khan Afridi
6	Arafat Khan Allidi Si O Hoot
7 .	Arafat Khan Afridi S/o Shah Mehmood Afridi Bilal Khan Afridi S/o Shah Mehmood Afridi Muhammad Waqar Akhunzada S/O Muhammad Sryiar Akhunzada Muhammad Waqar Akhunzada S/O Muhammad Hasham
3	
<u> </u>	No homepoort 12010 Kildi D/O Middi
	the Khan S/O Gul Sad Burg
10	AZIZ ANMCU KNOU
11	
· 12	Sami Ullah Khan S/O Anin Onan Khan Khurshid Ali S/O Zar Muhammad Khan
13*	Ahmed Ali Khan S/O Farman Ullah Khan
1114	Saeed ur Rahman S/O Muhammad Ayaz
115	Saeed ur Rahman S/O Mullianing 12,00
16	Last Mahmood S/U Nilali Dada
17	
L	Bashir Muhammad S/O Khan Dased Capt. Malik 'Fanveer S/O Malik Muhammad Akram
18	Capt. main 200
-1. <u></u>	
	the second se

Their appointment is subject to the following terms & conditions:

a. The appointment of the above named candidates against Assistant Director / TPWO / DDPWO (N.T) / Agency Population Welfare Officer posts it purely on adhoc basis for a period of one year or till the arrival of NWFP Public Service Commission nominees whichever is earlier.



11/

The candidates will sign an agreement on stamp paper with the Population Welfare Department, NWFP Peshawar (employer). The services of the employees will be governed under the terms & condition meationed in such agreement.

Their salary is subject to execution of agreement deed containing the ter & condition of the employment on achoc basis.

d. Their services will be liable to termination without assigning any reason, during the currency of the agreement. In case of resignation one month prior notice will be required, otherwise their one month pay plus usual allowance will be forfeited.

Eh

- e. The appointees shall join their posts within fifteen (15) days of the issuance of this order otherwise the appointment order will stand cancelled.
- f. They shall provide Medical Fitness Certificate from the Medical Superintendent of the DHQ Hospital concerned before joining service.
- g. Being adhoc employees, in no way they will be treated as Civil Servants and in the case their performance is found un-satisfactory or found committed any mis-conduct, their service will be terminated with the approval of competent authority without adopting the procedure provided in North West Frontier Province (E&D) Rules, 1973 or North West Frontier Province Removal from Service (Special Powers) Ordinance, 2000 which will not be challengeable in NWFP Service Tribunal / any court of Law.
- h. They shall be held responsible for the losses accruing to the Government due to their carelessness or in-efficiency and shall be recovered from them
- i. Their appointment is specific facility based and non-transferable during currency of agreement period.
- j. They will get pay in BPS-17 plus usual allowances as admissible under the rules.
- k. They will neither be entitled to any pension or gratuity for the service rendered by them nor they will contribute towards GP Fund or CP Fund
- 1. This Order / Notification shall not confer any right on them for regularization of their service against the posts occupied by them or any other regular posts in the Department.
- m. They will not be posted against administrative posts with Drawing, and Disbursing powers utmostly.
- n. No TA/DA will be allowed to them for joining the post.
- o. Charge reports should be submitted to all concerned.



3. Consequent upon their appointment as Assistant Directors / Tehsil Population Weiters Officers / Deputy District Population Welfare Officers (N.T) / Agency Population Welfars Officers (RPS-17) they are here by posted as under:-

warman .		- 3-	
	•		a contraction
•			<u> </u>
· · ·		Prese of posting	Remarks
S.No		Proposed Place of posting	Against vacant post
1	Amjid Ali Khan S/O Muhammad	TPWO DPWO Haripur	Against Vuodin poor
	Khan		Vice No.19
2	Shahid Khan S/O Farid Ullah	Deputy Demographer in	
]	Khan	DPWO Malakand	
3	Fahad Sarwar S/O Ahmad	DDPWO (N.T), DPW	Against vacant post
, ×	Sarwar	Office, Bunair.	
4	Sana Ullah S/O Rahim Gul	TPWO, DPW Office,	-do-
		Charsadda	
5	Ruby Hashim D/O Muhammad	DDPWO (N.T), DPW	-do-
1	Hashim	Office, Kohat.	
6	Bilal Khan Afridi S/o Shah	DDPWO (N.T), DPW	-do-
	Mehmood Afridi	Office, Nowshera	
7	Muhammad Waqar Akhunzada	DDPWO (N.T), DPW	-do-
	S/O Muhammad Sayiar	Office, Karak	
-	Akhunzada		
+	Muhammad Tariq Khan S/O	DDPWO (N.T); DPW	-do-
8	Muhammad Hasham	Office, Mardan	
`,		TPWO, DPW Office, Swabi	-do-
9	Asghar Khan S/O Gul Sad Burg	DDPWO (N.T), DPW	-do-
10	Fazal Azeem S/O Aziz Ahmed	Office, Abbottabad	
	Khan	DDPWO (N.T), DPW	-do-
11	Sami Ullah Khan S/O Amin Ullah	Office, Swabi	
•	Khan	DDPWO (N.T), DPW	-do-
13	Khurshid Ali s/o Zar Muhammad	Office, Chitral	
	Khan	DDPWO (N.T); DPW	-do-
13	Ahmed Ali Khan S/O Farman		
	Ullah khan	Office, Dir (Lower) DDPWO (N.T), DPW	/ -do-
14	Saeed ur Rahman S/O	Office, Shangla	
· .	Muhammad Ayaz	TPWO, DPW Office, Karak	-dc-
15	Asif Mehmood S/O Khan Zada		
16	Bashir Muhammad S/O Khan		
	Saeed	Office, Hangu	
17	Capt. Malik Tanveer S/O Malik	DDPWO (N.T), DPV	v -uo-
	Muhammad Akram	Office, Battagram	
18	Mr. Khalil-ur-Rehman,	Transfer and adjuste	1 · · · · · · · · · · · · · · · · · · ·
	Accountant (B-16) adjusted	against the post of D	y:
	against the post of Dy:	Demographer (B-17) DP	VV L
	Domographer (B-17) DPW Offic	e Office, Dir (Lower).	
	Malakand		
ا		,	· · · ·

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Posting orders in respect of Mr. Arafat Khan Afridi S/O Noor Khan Afridi at S.No.6 at 4. Para-1 above in FATA will be notified with the approval of the competent authority later en

If the terms & conditions mentioned at Pra-2 above are acceptable to them, they should 5. report for duty to the concerned District Population Welfare Officers within fifteen (15) days otherwise the appointment order will stand cancelled.

Endst: NO.SOE(PWD) 4-34/07/KC/Vol-II-

Dated Peshawar the, 12th June, 2009.

(USMAN SHAH) SECTION DEFICER (FST

Copy forwarded for information & necessary action to the:-

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- 1. Secretary (A&C), FATA Secretariat Warsak Road, Peshawar.
- 2. Accountant General, NWFP, Peshawar.
- 3. Accountant General, PR Sub office, Peshawar.
- 4. Director General, Population Welfare, NWFP, Peshawar. He should furnished a certificate within thirty (30) days after issue of this Notification to the effect that have join the posts or otherwise.
- 5. District Accounts Officers, Malakand , Haripur, Buner, Charsadda, Kohat, Nowshera, Karak , Mardan ,Swabi, Abbottabad , Chitral, Dir (Lower) , Shangla, Hangu and Battagram.
- 6. District Population Welfare Officers, Malakand, Haripur, Buner, Charsadda, Kohat, Nowshera, Karak, Mardan, Swabi, Abbottabad, Chitral, Dir (Lower), Shangla, Hangu and Battagram. They should check original certificates / degrees of the concerned appointees before handing over charge.
- 7. Deputy Director, Population Welfare FATA.
- 8. P.S to Chief Secretary, NWFP, Peshawar.
- 9. P.S. to Minister for Population Welfare, NWFP, Peshawar.
- 10. P.S. to Secretary, Population Welfare, NWFP, Peshawar.
- 11. Officers concerned.
- 12. Personal files of officers concerned.



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Dated Peshawar the March 29, 2010

ANNEXIDE

NOTIFICATION.

- In pursuance of the NWFP Employees (Regularization of Services) Act, No. XVI of 2009 and with the approval of NO.SOE(PWD)4-34/09 : the competent authority; the services of the following Assistant Directors/Tehsil Population Welfare Officers/Deputy District Population-Welfare Officers (N.Tech)/Agency Population Welfare Officers and Deputy Demographers (BS-17) appointed on adhoc basis in Population Welfare Department are hereby regularized with effect from

24.10.2009

Present place of posting

	C Officer	
· La Ma	Name of Officer	
S.NO.		
2 N 1997 - 1997		TPWO; Hanpur
v 1 <u>2</u>	Mr. Amjid All Khan	
1	W. And W.	Deputy Demographer Malakand
		Demographer Mature
· ·] .	Mr. Shahid Khan	Deputy Demos
2.	Mr. Shaniq Kilan	Bunir Bunir
· Z.		DDPWO (N.Tech) DPW Office, Bunir
1 .		TODPWO (N. TECH) P.
· · · · · · · · · · · · · · · · · · ·	Mr. Fahad Sarwar	
3.	MI. I. U. W.	TPWO, DPW Office, Charsadda
		TOWO DPW Office, Clig. Sur
·	Mr. Sana Ullah	
4.	Mr. Sana Ullan	Kohat
		TACH DPW UNICE, NOT
	Ms. Ruby Hashim	DDPWO (N-Tèch) DPW Office, Kohat
· · · ·	Als Ruby Hasmin	
5.	1.10.3	DDPWO (NT) DPW Office Karak
and see		DODPWO (NE) DPW OTTEC
	Mr. Arafat Khan Afridi	
6.	Mr. Alajar on	DOUT OFFICE NOWSPERA
		DDDWO (N Tech) DPW Officer
	Mr. Bilal Khan Afridi	DDPWO (N.Tech) DPW Office, Nowshera
	Mr. Bilat Knan Mi	Office a
7		NSTech) DEW
1	Mr. Muhammad Waqar	DDPWO (N-Tech) DPW Office,-
·	Mr. Minhammad Waya	Charsadda
8.	- 1411 - 142	Charsauda
	Akhunzada	Nowshera
		rig DDPWO (N. Tech) DWP Office, Nowshera.
	Ta	iriq DDPWO (N. 1867)
	Mr. Muhammad Ta	
9.		and the second
· · · ·	Khan	
····		DWD Office, SWaut
	111-22	DDPWO (N. Tech) DPW Office,
<u>ا ا</u>	Mr. Asghar Khan	N. LECA)
). <u>(MI. Ass.</u>)	DDEMO
	Mr. Fazal Azeem	Abbottabad
$[X] = \{3\}$	1. Mr. Fazar ALCO	ADDOCT
		SwaDI
n.		DDWO (N Tech) DPW Offices
	a sullah Khan	DDPWO (N*Tech) DPW Office, Swabi
	2. Mr. Sami Ullah Khan	EDDWO (N. LEGI), BUILT STA
. 🔹 👘	2. Mr. Salm Otter 3. Mr. Khurshid All	
	3. Mr. Knurshiu tu	Office,
·]		(N. Tech)
· \.	Luli I/ban	DDPWO: (N. Tech) DPW Office,
. F-	14. Mr. Ahmed Ali Khan	Dir (Lower)
Ĺ	14. Mr. Annie .	L Kur Ymreithe an a'r
	· ·	

· · · · ·		TPWO; DPW Office; Karak
17.		DDPWO (N. Tech) DPW Office, Hand
18	Mr. ftikhar Ahmad	Deputy Demographer DPW Offic Karak
19.	Ms. Sidra Nisar	Deputy Demographer DPW Office, Bun
20	Mr. Akbar Ali Khan	Deputy Demographer DPW Office Bannu
21,	Mr. Ayat Ullah	Deputy Demographer DPW Offic Kohat
22.	Mr. Badshah Muhammad	Deputy Demographer DPW Office, D (Lower)
23	Mr. Muhammad Qasim	Deputy Demographer DPW Offic

SECRETARY TO GOVT OF NWFP POPULIATION WELFARE DEPARTMENT

in Seri A

Endst: NO.SOE(PWD) 4-34/09/493-503 Dated the March 29, 2010 الجمانية أو

Copy forwarded for information and necessary action to the:

- Secretary (A&C) FATA Secretariat Warsak Road Peshawar.
- Accountant General, NWFP Peshawar
- Director General, Population Welfare, NWEP Peshawar with the request to get their antecedents and academic certificates verified from the concerned quarters and report to this Department for record please.
 - All District Population Welfare Officers in NWFP
 - All District Accounts Officers In NWFP
 - PS to Minister for Population Welfare, NWFP Peshawar.
 - PS to ecretary Population Welfare Department
 - Officers concerned
- Manager, Govt Printing & Stationery Department, Peshawar for publication in the next official gazette.
- 10. Personal files of the officers
- 11. Master file

1.

2.

6. 7.

8:

9.

LCOPY



GOVERNMENT OF KHYBER PAKHTUNKHWA, POPULATION WELFARE DEPARTMENT O2nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

Dated Peshawar the 24th July, 2018

NOTIFICATION

<u>No. SOE (PWD) 4-9/2017/General: -</u> In pursuance of Para-4(a) of the Notification No. SO (Policy)1-41/2018 dated 26-03-2018, Departmental Progress Review Committee (DPRC) is hereby notified in order to streamline working of litigation sections and make an efficient environment therein both internally and externally with the following Terms of References (TORs):-

- 1. Additional Secretary, Population Welfare Deptt: KP.
- 2. Dy. Secretary (Admn), PWD.
- 3. Section Officer (Estt), PWD / SO (Litigation).
- 4. Mr. Sagheer Musharraf, AD (Lit), PWD.
- Chairman Member Member Member

TORs

iii.

To conduct quarterly performance review of the litigation cases of the department and that of the attached formations in terms total number of cases at different courts, progress made in cases, issues and the line of action adopted;

To recommend action to the next higher authority against the officer / official on account of poor performance and negligence of duty in a case or cases;

To review cases for possible resolution / settlement at the Committee's level or by means of negotiation with complainant / litigant to withdraw his case or cases accordingly;

iv. To furnish minutes / reports of the quarterly meeting to Law Department regularly.

SECRETARY POPULATION WELFARE DEPARTMENT KHYBER PAKHTUNKHWA

Endst: No. SOE(PWD)4-9/2017/General/-3986-96 Dated: Peshawar the 24th July, 2018

Copy to information & necessary action to the: -

- 1. Secretary, Govt. of KP, Establishment Department, Peshawar.
- 2. Secretary to Govt. of KP, Finance Department, Peshawar.
- 3. Secretary to Govt. of KP, Law Department, Peshawr.
- 4. Director General Population Welfare Department, KPK, Peshawar.
- 5. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

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SECTION OFFICER (ESTT)

C' ANNIEXURE Z

MINUTES OF THE DEPARTMENTAL PROGRESS REVIEW COMMITTEE MEETING HELD ON 15/11/2019 UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY, POPULATION WELFARE DEPARTMENT REGARDING PENDING COURT CASES

A meeting of the Departmental Progress Review Committee was held on 28/10/2019 under the Chairmanship of Mr. Dildar Muhammad, Additional Secretary, Population Welfare Department to discuss the joint application submitted by, Mr. Sami Ullah, DPWO, Charsadda and Mr. Sanaullah, DDPWO, Charsadda objecting final seniority list of Assistant Directors/TPWOs / DDPWOs (NT) Dy. Demographers and Accounts Officer (BPS-17) issued on 04/10/2017. Minutes of the said meeting were circulated vide

In continuation of first meeting, another meeting of the DPRC convened on 15-11-2019 at 1100 hours under the Chairmanship of Additional Secretary, Population Welfare Department. The following attended the meeting: -

- Mr. Dildar Muhammad, Additional Secretary, PWD (i)
- Mr. Pir Muhammad Mehsud, Dy. Secretary, PWD (ii) -
- (iii) Mr. Rahim Gul, Section Officer (Estt), PWD, KP.
- (iv) Mr. Sagheer Musharraf, Asstt: Director (Lit), PW, KP Mr. Kashif Fida, Asstt: Director(Admn), PW, KP

Member Representative of DG, PW

In Chair

Member

Member

The meeting started with recitation of the Holy Quraan and the Chairman asked Section Officer (Establishment) to apprise the agenda. The litigants Mr. Sami Ullah, DPW Officer, Charsadda and Mr. Sanaullah, DDPWO, Charsadda were also called upon to appear before the Committee who attended the proceedings. The Chairman asked them to put forth their plea before proper proceedings in the matter at the forum who stated

> Population Welfare Department made 22 adhoc appointments against the post of Asstt Director / Dy Demographer (BPS-17) on need basis in June 2009. They were not included in the seniority list of the cadre due to adhoc employees. Upon promulgation of Khyber . Pakhtunkhwa (Regularization of Services Act, 2009, all Provincial Government Departments regularized services of their adhoc employees and fixed their inter-se seniority from the date of continuous officiation in service (date of joining/arrival) as provided in Section 4(2) of the Act ibid.

PUE COD

2

3.

In pursuance of Section 4(2) of the said Act, the Population Welfare. Department circulated a tentative seniority list of the cadre on 08-04-2015 determining the inter-se seniority of adhoc (regularized) employees on the basis of continuous officiation in service (date of joining/arrival) and age factor where applicable on the analogy of

iii)

ï)

Contrary to the above, after a lapse of more than two years, the Population Welfare Department issued final seniority list of the respective cadre on 04/10/2017 determining the inter-se seniority of the adhoc employees on the basis of age instead of continuous officiation in service. The instant seniority list has not only dismayed and frustrated the adhoc (regularized) omnlaviolation of the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009.

Resultantly, they filed a Service Appeal in the Khyber Pakhtunkhwa Service Tribunal against the final seniority list of the cadre issued on 04-10-2017, which is subjudice in the Khyber Pakhtunkhwa Services Tribunal.

They are ready to withdraw the same if their inter-se seniority is determined as per Section-4(2) of the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009 i.e. on the basis of joining of service in light of the advices of the Law and Establishment Departments.

4. The Chairman asked the representative of the Director General Population Welfare and Section Officer (Establishment) Population Welfare Department to examine the final seniority list issued on 04-10-2017 (Annex-II) and tentative seniority list circulated amongst all the members of the same service / cadre on 08/04/2015 (Annex-III).

iv)

v)

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5. Accordingly, the seniority lists were examined in detail and it is found that the tentative seniority list already circulated on 08-04-2015 was prepared according to Section-4(2) of the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009 i.e. on the basis of joining of service and date of birth where applicable in light of advices of the Law and Establishment Departments vide (Annex-IV & V) respectively. The relevant portions of advices of Law Department and Establishment Department and Establis

"The Law Department advised that in accordance with sub-section 2 of Section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, the inter-se seniority of the Employees, whose services are regularized under this Act within the same service or cadre shall be determined on the basis of the continuous officiation in such service and cadre provided that if the date of continuous officiation in the case of two or more Employees is the same, the Employee older in age shall rank senior to the other one. The fore referred provision of law clearly provides for determination of seniority on the basis of date of continuous officiation. The provision with regard to older age will be applicable in the eventuality, when the date of continuous officiation of two or more Employee is the same, and not in all cases;

The Establishment Department advised that Section-4(2) of the Khyber Pakhtunkhwa Employees (Regulation of Services) Act, 2009 is very clear on the issue and the issue may be settled accordingly".

6. So it is proved that the final seniority list of the cadre issued on 04/10/2017 by the Department on the basis of age was not in line with Section-4(2) of the Khyber Pakhtunkhwa Employees (Regulation of Services) Act, 2009 and advices of the Law and Establishment Departments.

7. In addition to the above, the representative of Director General Population-Welfare, Khyber Pakhtunkhwa has further pointed out that the Directorate General Population Welfare recruited staff on adhoc basis and their seniority was determined and issued on the basis of age instead of date of continuous officiation. One Mr. Zawar Hussain aggrieved of the same and challenged that seniority in the Khyber Pakhtunkhwa Services Tribunal through Service Appeal No. 56/2018 (Annex-VI). The Services Tribunal decided the case in favour of Mr.Zawar Hussain (litigant) vide (Annex-VII). The relevant portion of the judgment is reproduced as under: -

"Respondents in order to properly interpret the relevant section of Act for determination of seniority took up the case with the Establishment Department for advice, the said department vide letter No. SOR-V(E&AD)/4-31/2017 dated 17-08-2017 advised to settle the issue in the light of Section 4(2) of the said Act. However, this advice was not followed to recast the impugned seniority list in the light of the relevant section of the aforementioned act.

As a sequel to above, the appeal is accepted and the impugned orders dated 15-11-2017 and 28-12-2017 are set aside".

Representative of the Director General Population Welfare, Khyber Pakhtunkhwa further added that there is a clear Judgment of the Khyber Pakhtunkhwa Services Tribunal, Peshawar against the Administrative Department and the Scrutiny Committee of Law Department also declared the case unfit for filing of CPLA in the Supreme Court of Pakistan as referred to above. In compliance to the above Mr. Zawar Hussain promoted from the post of Statistical Assistant (BPS-12) to the post of Statistical' Investigator, Monitoring & Evaluation Officer (BPS-16) on regular basis vide office order No. 4(5)/2019/HR/Admn dated 28-08-2019 (Annex-VIII). As such the objected seniority of Assistant Directors / TPWOS / DDPWOs (NT) Dy. Demographers and Accounts Officer (BPS-17) is required to be revised in light of Section-4(2) of the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009 and advices of the Law and Establishment Departments.

8. The Deputy Secretary (Admn), Population Welfare Department observed that an anomaly has been created, as the officers who fall at the right places in the tentative seniority list dated 08-04-2015 and then changed them in the final seniority list issued on 04/10/2017. Their names, dates of joining in service and positions of seniority in respect of adhoc employees should be mentioned visible / highlighted in a tabulated form, so as to enable the Committee to take a concrete decision in this regard.

9. The Section Officer (Establishment) Population Welfare Department has presented the required information before the Committee as per observations of the Deputy Secretary (Admn), Population Welfare Department in a tabulated form as under reflecting the seniority against each officer in the relevant column:-

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1 CH					
5#		Position in tentative seniority dated 08/04/2015	Position in fina seniority dated 04/10/2017		Date of birt
	2	3	4	5	6
2	Mr. Saeedur Rehman	23	21	13-06-2009	
<u>-</u> 2: 3:	Mr. Sami Ullah, AD	24	32	13-06-2009	
	Ms. Sidra Nisar	25	41	13-06-2009	
4	Mr. Ahmad Ali	26	26	15-06-2009	
5	Mr. Arafat Khan Afridi	27	30	15-06-2009	
6	Mr. Sanaullah, AD	28	34	15-06-2009	15-09-1980
7	Mr. Fazal Azeem	29	38	15-06-2009	25-06-1983
8.	Mr. Shahid Khan	30	40	15-06-2009	10-04-1984
9	Mr. Bilal Khan Afridi	31	42	15-06-2009	· · · · · · · · · · · · · · · · · · ·
10	Mr. Amjid Ali Khan	32	27	16-06-2009	15-10-1986
11	Mr. Muhammad Tariq,	33	22	17-06-2009	15-09-1976
	AD		22	17-06-2009	28-02-1975
12	Mr. Khurshid Ali	34	24	17-06-2009	04:00.44
13	Mr. Asghar Khan	35	33		01-02-1976
14	Mr. Iftikhar Ahmad	. 36	25	17-06-2009	05-02-1980
15	Mr. Asif Mehmood	37		18-06-2009	20-03-1976
L6	Mr. Ayat Ullah	38	29	18-06-2009	20-04-1977
.7 .	Ms. Robi Hashim	39	23	19-06-2009	20-09-1975
.8.	Mr. Muhammad	40	35		28-11-1981
	Qasim	40	.36	20-06-2009	27-02-1982
9	Mr. Muhammad		<u> </u>		
· · .	Waqar Akhunzada	. 41	39	22-06-2009	15-12-1983
0	Mr. Badshah				
	Muhammad	42	28	24-06-2009	12-04-1977
1 .	Mr. Fahad Sarwar				
	Mr. Bashir	43		24-06-2009	03-03-1978
Z +			37	24-06-2009	03-06-1982

10. As per above comparison of both the Seniority Lists, the officers at S. No. 2 (Litigant), 3, 5, 6 (Litigant), 7, 8, & 9 are the aggrieved names affected due to misinterpretation of Section-4(2) of the Act ibid despite clear advices of Law & Establishment Departments. Section Officer (Establishment) Population Welfare Department added that Tentative Seniority List of Asstt: Director / TPWO / DDPWO (NT) / Dy. Demographer and Accounts Officer (BPS-17) as stood on 26-06-2019 was forwarded with the remarks that the seniority list is subjudice and final seniority list can be issued only with a certificate from the Administrative Department that the seniority list is not subjudiced in any law court etc. (Annex-IX).

11. that:- in light of the above mentioned discussion, it was unanimously decided

TRUE COPY

Seniority list of Assistant Directors / TPWOs / DDPWOs (NT) / Dy. Demographers and Accounts Officer (BPS-17) issued by the Population Welfare Department vide Notification No. SOE(PWD)4-30/2012/Vol-II/1425-31 dated 04-10-2017 may be revised as per positions mentioned in Para-9 above against column No. 3 (tentative seniority list dated 08-04-2015) as parameters in 16 Khyber Pakhtunkhwa Employees (Regulation of Services) Act, 2009 and advices of the Law and Establishment Departments as well as Judgment dated 12-03-2019 of the Khyber Pakhtunkhwa Services Tribunal in the case of Mr. Zawar Hussain in Service Appeal No. 56/2018.

The litigants were asked to provide an Affidavit on a stamp paper to this Department for withdrawal of Service Appeal No. 224 of 2018 – Sami Ullah V/S Chief Secretary, Khyber Pakhtunkhwa and others subjudiced in the Khyber Pakhtunkhwa Services Tribunal, who agreed for doing the needful.

iii.

ii.

The dispute regarding errors in the final seniority list issued on 4/10/2017 of the concerned cadre will be corrected in the light of Section 4(2) of the Khyber Pakhtunkhwa Employees (Regulation of Services) Act, 2009 and interpretations/advices of the Law and Establishment Departments for safe administration of justice.

Meeting ended with vote of thanks from and to the chair.

(Sagheer Musharraf) Assistant Director (Lit) Directorate General PW, KP (Member)

(Pir Muhammad Mehsud) Deputy Secretary (Admn) Population Welfare Department (Member)

(Rahim Gul) Section Officer (Estt), Population Welfare Department (Member)

(Kashif Fida

Assistant Director (Admn) Representative of Directorate General PW, Khyber Pakhtunkhwa

(Dildar Wuhammad) Additional Secretary Population Welfare Department (Chairman)

TRUE COPP

MINUTES OF THE DEPARTMENTAL PROGRESS REVIEW COMMITTEE MEETING HELD ON 28-10-2019 UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY, POPULATION WELFARE DEPARTMENT REGARDING PENDING COURT CASES

In pursuance of Provincial Litigation Policy, 2018 notified vide No. SO(Policy)/1-4/2018 dated 26-03-2018 , this Department constituted the following Departmental Progress Review Committee in order to streamline working of Litigation Sections and make an efficient environment therein both internally as well as externally vide Notification No. SOE(PWD)4-9/2017/General dated 24/07/2018:-

- 1. Additional Secretary, Population Welfare Deptt: KP.
- 2. Dy. Secretary (Admn), PWD.
- 3. Section Officer (Estt), PWD / SO (Litigation).
- 4. Mr. Sagheer Musharraf, AD (Lit), PWD.

2. A meeting of the Departmental Progress Review Committee was held under the Chairmanship of Additional Secretary, Population Welfare Department on 28/10/2019 to discuss the pending court cases relating to Population Welfare Department in various Courts of Law. The following attended the meeting: -

- Mr. Dildar Muhammad, Additional Secretary, PWD 1.
- Mr. Pir Muhammad Mehsud, Dy. Secretary, PWD 2.
- Mr. Rahim Gul, Section Officer (Estt), PWD, KP. 3.
- Mr. Sagheer Musharraf, Asstt: Director (Lit), PW, KP 4.

The meeting started with the name of Allah Almighty. The Chairman asked the Section Officer (Establishment / Litigation) of this Department to highlight the aims and objectives of the meeting. Section Officer (Establishment / Litigation) informed that there are the following two agenda items to be discussed in the meeting:-

TRUE COPY

Fresh Departmental Progress Review Committee meeting regarding pending court cases may be held under the Chairmanship of Additional Secretary, Population Welfare Department in light of the Department advice vide letter. No. SO(G)/LD/19-3/Honorarium/PWD/19117-19 dated 16-10-2019 (Annex-I);

Service Appeal No. 224 of 2018 - Sami Ullah V/S Chief Secretary, Khyber Pakhtunkhwa and others filed (Annex-II) against seniority list issued vide No. SOE(PWD)4-30/2012/Vol-II/1425-31 dated 04-10-2017 (Annex-III)

As far as agenda item No. (i) is concerned, in this regard Deputy Secretary (Admn), Population Welfare Department has informed that previously a meeting of the committee held on 30-08-2019 under his Chairmanship as Additional Secretary Population Welfare Department was on leave wherein it was pointed that 05 cases are subjudiced in the Supreme Court of Pakistan, 20 cases in Peshawar High Court and its Benches, 145 cases in Khyber Pakhtunkhwa Service Tribunal, 05 cases in District Courts and 03 cases in Anti-Corruption Court of Population Welfare Department to be pursued.

5. . All the above mentioned court cases were discussed one by one and it was found that no such case is worth decision by the Departmental Progress Review Committee due to its nature and status contrary to the mandate of the said Committee except the agenda No. (ii).

Chairman

Member Member

Member

In Chair 🗤

Member

Member "

Member

6. The Deputy Secretary (Admn), Population Welfare Department asked the Section Officer (Estt), Population Welfare Department to brief the meeting on the status of the joint appeal submitted by Mr. Sami Ullah Khan, DPWO, Charsadda and Mr. Sanaullah, DDPWO, Charsadda on the disputed seniority list issued on 04/10/2017 (Annex-IV).

7. The Section Officer (Estt), Population Welfare Department apprised the meeting that upon promulgation of Khyber Pakhtunkhwa (Regularization of Services Act, 2009, all Provincial Government Departments regularized services of their adhoc employees and determined their inter-se seniority from the date of continuous officiation in service (date of joining / arrival) as provided in Section 4(2) of the Act ibid In pursuance of Section 4(2) of the said Act, the Population Welfare Department circulated a tentative seniority list of the cadre on 08-04-2015 determining the inter-se seniority of adhoc (regularized) employees on the basis of continuous officiation in service (date of joining / arrival) (Annex-V).

9. Contrary to above, the Population Welfare Department issued a final seniority list of the respective cadre on 4/10/2017 determining the inter-se seniority of the adhoc employees on the basis of age instead of continuous officiation in service against the advices of Law Department (Annex-VI) and Establishment Department. (Annex-VII).

10. In a similar Service Appeal No. 56/2018 titled Zawar Hussain V/S Govt. of Khyber Pakhtunkhwa Secretary Population Welfare Department, the Khyber Pakhtunkhwa Service Tribunal accepted the appeal on the grounds that respondents in order to properly interpret the relevant section of Act for determination of seniority took up the case with the Establishment Department for advice. The said department vide letter No. SOR-V(E&AD)/4-31/2017 dated 17-08-2017 advised to settle the issue in the light of Section 4(2) of the said act. However, this advice was not followed by the respondents. Case of the appellant seems genuine and respondents were required to recast the impugned seniority list in the light of the relevant section of the aforementioned act (Annex-VIII). The judgment of the Khyber Pakhtunkhwa Service Tribunal was also placed before the Scrutiny Committee for fitness of the case for filing of CPLA in the apex court or otherwise and as per decision of the Scrutiny Committee, Law Department, it was decided to comply with the orders of the Khyber Pakhtunkhwa Service Tribunal in accordance with law (Annex-IX).

After threadbare discussion, it was unanimously decided that:-

TRUE COPY

Let the Law Courts be decided the pending cases relating to Population Welfare Department due to its nature and status contrary to the mandate of the said Committee except the agendaitem No. (ii); As regard the Service Appeal No. 224 of 2018 – Sami Ullah V/S Chief Secretary, Khyber Pakhtunkhwa and others, the litigants and a senior officer from the Directorate General Population Welfare may be asked to attend the office of Additional Secretary, Population Welfare Department to discuss the subject issue within fortnight in order to settle the issue of disputed seniority list of the cadre due to the reasons that the Establishment Department will not accept working paper for promotion of the cadre for placing before the PSB for consideration, which is already pending in Population Welfare Department for finalization by the Competent Authority.

Meeting ended with vote of thanks from and to the chair.

ij,

(Sagheer Musharraf) Assistant Director (Lit) Directorate General PW, KP **(Member)**

(Rahim Gul) Section Officer (Estt), Population Welfare Department (Member)

(Pir Muhammad Mehsud) Deputy Secretary (Admn) Population Welfare Department (Member)

TRUE CODE

(Dildar Muhammad)

Additional Secretary Population Welfare Department (Chairman)

ANNEXURE

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 223 /2018

Mr. Sana Ullah, District Population Welfare Officer, Charsadda.

Khyber Palibiukhwa Diary No. 231 Dated 16-2

(Appellant)

VERSUS

- The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil
 Secretariat, Peshawar.
- 2. The Secretary Population Welfare Department, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 3. The Director General Population Welfare Department Government of Khyber Pakhtunkhwa, Peshawar.
- 4. Mr. Muhammad Tariq Khan, District Population Welfare Officer, Nowshera.
- 5. Mr. Ayatullah, District Population Welfare Office, Swabi.
- Filediander Office, Chitral
 - $\frac{2}{16}$, Mr. Iftikhar Ahmad, Deputy Demographer, District Population Welfare Office, Hangu.
 - 8/Mr. Amjad Ali Khan, District Population Welfare Office, Nowshera.
 - 9. Mr. Badshah Muhammad, District Population Welfare Office, Dir Lower.
 - **10**, Mr. Asif Mehmood, Tehsil Population Welfare Office, Karak.
 - 11, Mr. Fahad Sarwar, District Population Welfare Office, Nowshera.
 - 12. Mr. Asghar Khan, District Population Welfare Office, Nowshera.



(Respondents)

B

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE FINAL SENIORITY LIST DATED 04.10.2017 WHEREIN THE APPELLANT HAS BEEN SHOW WRONGLY AT SR. No. 34 OF THE LIST AND AGAINST NOT ACTION OF THE DEPARTMENTAL APPEAL OF THE APPELLANT WHICH WAS NOT RESPONDED WITHIN THE STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENT MAY BE DIRECTED TO CORRECTLY DRAW THE SENIORITY LIST AND CORRECTLY MENTION THE NAME OF THE APPELLANT PROPERLY AT SR. 25 BY DECLARING THE IMPUGNED SENIORITY LIST AS INCORRECT AND WRONGLY DRAWN AND AGAINST THE SPIRIT OF SECTION 4 KHYBER PAKHTUNKHW REGULARIZATION OF SERVICE ACT, 2009. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

TRUE COPY

- 1. That the appellant was appointed as Population Welfare Department in BS-17 on adhoc/contract basis and was subsequently regularized into service after promulgation of the Khyber Pakhtunkhwa Regularization of Service Act, 2009. (Copy of the Act is attached as annexure-A.)
- 2. That after the regularization of the appellant the respondent department had issued a tentative list in the year 2015 wherein the appellant was at Sr. No. 28. (Copy of the tentative list is attached as annexure-B).
- 3. That when the issue of seniority was raised for the first time ,the department was compelled to seek advice from the Law Department! which in clear terms responded that clearly Employees regularized, under Regularization Act of 2009, the seniority is to be determined in accordance with sub-section-2 of section-4 of the Act and their

ANNEXUR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 224 /2018

Mr. Samiullah, District Population Welfare, Officer, Charsadda.

Myber Pakhtukhin Diary No. 232

(Appellant)

VERSUS

- 1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2. The Secretary Population Welfare Department, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
- 3. The Director General Population Welfare Department Government of Khyber Pakhtunkhwa, Peshawar.
- 4. Mr. Muhammad Tariq Khan, District Population Welfare Officer, Nowshera.
- 5. Mr. Ayatullah, District Population Welfare Office, Swabi.
- 6. Mr. Khurshid Ali, District Population Welfare Office, Chitral.
- 7. Mr. Iftikhar Ahmad, Deputy Demographer, District Population Welfare Office, Hangu.
- 8. Mr. Ahmad Ali Khan, District Population Welfare Office, Dir Lower.
- 9. Mr. Amjad Ali Khan, District Population Welfare Office, Nowshera.
- 10 Mr. Badshah Muhammad, District Population Welfare Office, Dir Lower:
- 11. Mr. Asif Mehmood, Tehsil Population Welfare Office, Karak.
- 12. Mr. Arafat Khan Afridi, Agency Population Welfare Officerschyber Afency
- 13. Mr. Fahad Sarwar, District Population Welfare Office, Nowshera.



Flecs

12-112

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE FINAL SENIORITY LIST DATED <u>04.10.2017</u> WHEREIN THE APPELLANT HAS BEEN SHOW WRONGLY AT SR. No. 32 OF THE LIST AND AGAINST NOT ACTION OF THE DEPARTMENTAL APPEAL OF THE APPELLANT WHICH WAS NOT RESPONDED WITHIN THE STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENT MAY BE DIRECTED TO CORRECTLY DRAW THE SENIORITY LIST AND CORRECTLY MENTION THE NAME OF THE APPELLANT PROPERLY AT SR. 22 BY DECLARING THE IMPUGNED SENIORITY LIST AS INCORRECT AND WRONGLY DRAWN AND AGAINST THE SPIRIT OF SECTION 4 KHYBER PAKHTUNKHW REGULARIZATION OF SERVICE ACT, 2009. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Population Welfare Department in BS-17 on adhoc/contract basis and was subsequently regularized into service after promulgation of the Khyber Pakhtunkhwa Regularization of Service Act, 2009. (Copy of the Act is attached as annexure-A.)

2. That after the regularization of the appellant the respondent department had issued a tentative list in the year 2015 wherein the appellant was at Sr. No. 24. (Copy of the tentative list is attached as annexure-B).

3. That when the issue of seniority was raised for the first time the department was compelled to seek advice from the Law Department which in clear terms responded that clearly *Employees regularized* under Regularization Act of 2009, the seniority is to be determined in accordance with sub-section-2 of section-4 of the Act and their seniority shall be determined on the basis of their continuous

ANNEXURÉ

Member

Counsel for the appellant present. Asst: AG alongwith Mr. Sagheer Musharraf, AD for official respondents no. 1 to 3 and counsels for private respondents no. 4,6,7,8,10 and 11 present. Arguments heard. To come up for order on 09.12.2019 before D.B.

09.12.2019

12.11.2019

Appellant in person present. Asst: AG alongwith Mr. Sagheer Musharraf, AD for official respondents no. 1 to 3 present. This case was heard by this Tribunal on 12.11.2019 and fixed for order today. However, vide application dated 05.12.2019, learned counsel for the appellant apprised that his legitimate grievances have been redressed at departmental fund and requested for withdrawal of the instant service appeal.

Application is allowed and the appeal in hand is therefore, dismissed, as withdrawn. File be consigned to the record room.

ANNOUNCED: 09.12.2019

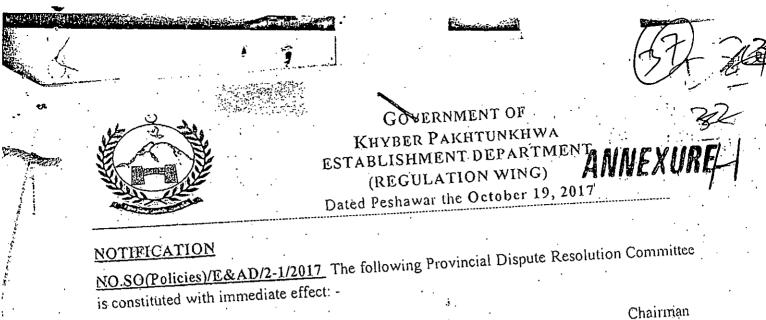
ember

(AHMAD HASSAN)

MEMBER

(M.AMIN KHAN KUNDI) MEMBER





- 1. Addl: Chief Secy: P&D Department 2. Secretary Establishment Department 3. Secretary Finance Department
 - 4. Secretary Law Department
 - 5. Secretary of the concerned Department

TORs of the Committee

- 1. To consider the recommendations of the Departmental Committees for Dispute Resolution in cases of civil servants in BS-16 and above and take appropriate decisions for their settlement.
- 2. In case of observations, the Committee may refer a case back within 15 days of its receipt.

Chief Secretary, Khyber Pakhtunkhwa

Member

Member

Member

Secretary

TTER BURNER

ENDST: NO & EVEN DATE

Copy is forwarded to:-

Addl: Chief Secretary, Govt. of Khyber Pakhtunkhwa, P & D Department. Addl: Chief Secretary (FATA), FATA Secretariat Peshawar.

- The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa. The Principal Secretary to Governor, Khyber Pakhtunkhwa:
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Military Secretary to Governor, Khyber Pakhtunkhwa.
 - Divisional Commissioners in Khyber Pakhtunkhwa. Heads of Attached Departments in Khyber Pakhtunkhwa. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa. DCs in Khyber Pakhtunkhwa and Political Agents in FATA.
 - Registrar Peshawar High Court, Peshawar Forstar, Khyber Pakhtunkhwa Service Tribunal, Peshawar. restant Public Service Commission, Peshawar SWADD thonal Secretaries / Deputy Secretaries and Sec

TRUE COPY



GOVERNMEN AMM KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING) Dated Peshawar the October 19, 2017

NOTIFICATION

10

<u>NO.SO(Polícies</u>) Dispute Resolutio	/E&AD/2-1/2017 The follow on is constituted with immediat	wing Standing Depar	tmental Committee for
1	Administrative Secretary		
2.	Additional Secretary/Deputy Se of the Department	içretary	Chairman
3.	Head of the attached Deptt: co	oncorned	Member
4. ORs of the Com	Section Officer (Litigation)	· · · · ·	Member Secretary
1) 2)	To resolve court cases other terms & conditions of Civil	than disciplinary mat Servants in BS-03 to I	ters related to the 3S-15

ants in BS-03 to BS-15. To review and sift the court cases that can be settled outside the court in respect of Civil Servants in BS-16 & above and make appropriate recommendations to the Provincial Committee.

<u>ENDST: NO & EVEN DATE</u>

].

2.

3.

Copy is forwarded to:-

Chief Secretary, Khyber Pakhtunkhwa

(BEENISH'IQBAL) SECTION OFFICER (POLICIES)

- Addl: Chief Secretary, Govt. of Khyber Pakhtunkhwa, P & D Department. Addl: Chief Secretary (FATA), FATA Secretariat Peshawar.
- The Senior Member Board of Revenue, Khyber Pakhtunkhwa. 4.
- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa. The Principal Secretary to Governor, Khyber Pakhtunkhwa. 5,
- 6. 7.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa. The Military Secretary to Governor, Khyber Pakhtunkhwa.
- All Divisional Commissioners in Khyber Pakhtunkhwa. 8. 9.
- All Heads of Attached Departments in Khyber Pakhtunkhwa. 10
- All Autonomous/Semi-Autonomous Bodies in Khyber Pakhtunkhwa. All DCs in Khyber Pakhtunkhwa and Political Agents in FATA. 11.
- The Registrar Peshawar High Court, Peshawar. 12.
- 13.
- The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar. 14.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar. 1.5. .
 - All Special Secretaries / Additional Secretaries / Deputy Secretaries and Section Officers in Establishment & Administration Department.

GOVERNMENT OF KHYBER PAKHTUNKHW ESTABLISHMENT DEPARTMENT (JUDICIAL WING)

No. SO(Lit-I)E&AD/1-1/2019 Dated: Peshawar, the 08.07.2019 AMMEXURE

All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa, Peshawar.

has some one would

Subject: -

PROGRESS REPORT OF PROVINCIAL DISPUTE RESOLUTION COMMITTEE AND STANDING DEPARTMENTAL COMMITTEE.

Dear Sir,

I am directed to refer to the subject noted above and to state that this department vide Notifications of even number dated 19.10.2017 had constituted the subject committees for resolution of disputes with specific TORs mentioned therein (copies enclosed for ready reference).

It is, therefore, requested to intimate the progress made so far by your respective departments in resolution of disputes as per TORs and also intimate the recommendations, if any, for perusal of the Provincial Dispute Resolution Committee within a week time positively, please.

(Encl: As Above)

Yours faithfully,

(IFTIKHAR-UD-D(N)

Section Officer (Litigation-II)

Endst: of Even No. & Date:

- Copy forwarded to the:
- 1. P.S to Secretary, Establishment Department.
- 2. P.S to Special Secretary, Establishment Department.
- 3. P.S to Additional Secretary (Judicial), Establishment Department.
- 4. P.A to Deputy Secretary (Judicial), Establishment Department.

rtuz scolg

Section Officer (Litigation-II)

D-Drive S.O (Lit-II) Office Work (Letters for I&NA)



GOVERNMENT OF KHYBER PAKHTUNKHWA POPULATION WELFARE DEPARTMENT

02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

Dated Peshawar the 12th July, 2019

Chairman

Member

Member Secretary

NOTIFICATION

No. SOE (PWD) 4-9/2019/General/Vol-III: In pursuance of Establishment Department, Khyber Pakhtunkhwa Notification No. SO (Policies)/E&AD/2-1/2017 dated 19-10-2017, the following Standing Departmental Committee for Dispute Resolution is hereby notified with immediate effect:-

- 1. Secretary, Population Welfare Deptt: Khyber Pakhtunkhwa
- 2. Additional Secretary / Dy. Secretary, Population Welfare Deptt:
- 3. Director General Population Welfare, Khyber Pakhtukhwa.
- 4. Section Officer (Estt) / (Lit) Population Welfare Deptt:

TORs of the Committee

ï.

ii.

- To resolve court cases other than disciplinary matters related to the terms. and conditions of Civil Servants in BS-03 to BS-15;
- To review and sift the court cases that can be settled outside the court in . respect of Civil Servants in BS-16 and above and make appropriate recommendations to the Provincial Committee.

-sd-

SECRETARY

POPULATION WELFARE DEPARTMENT

Dated: Peshawar the 12th July, 2019

KHYBER PAKHTUNKHWA 220-08

- Endst: No. SOE (PWD) 4-9/2019/General/Vol-III/
 - Copy to the: -
 - Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, P&D Department. 1.
 - Secretary, Govt. of KP, Establishment Department, Peshawar w/r to 2. Notification as referred to above.
 - Registrar, Peshawar High Court, Peshawar. 3.
 - 4. Registrar, Khyber Pakhtunkwha Service Tribunal, Peshawar.
 - 5.
 - Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar. Director General Population Welfare Department, KPK, Peshawar. 6,
 - .7.
 - PS to Secretary, Population Welfare Department, Khyber Pakhtunkhwa, 8.
 - PA to Additional Secretary, Population Welfare Department, Khyber Pakhtunkhwa, Peshawar. 9,
 - PA to Dy. Secretary (Admn), Population Welfare Department, Khyber Pakhtukhwa, Peshawar.

SECTION OFFICER (ESTT)

GOVERNMENT OF KHYBER PAKHTUNKHWA POPULATION WELFARE DEPARTMENT

Dated Peshawar the 04th October, 2017

 $(\mathcal{Y}, \mathcal{O})^{\sim}$

No: 50f. (PWD) 4-30/2012/Vol-II: - In pursuance of Section-8 of KP, Civil Servants Act, 1973 read with Rules 17 of KP Civil Servants (Appointment, Promotion & Transfer) Fulley, 1989, with the approval of Competent Authority, final seniority list of Assistant Directors/ Tehsil Population Welfare Officers/ DY District Population Welfare Officers (Non Tech) & Deputy Demographers (BPS-17) Population Welfare, Khyber Pakhtunkhwa as stood on 04-10-2017 is hereby notified/ circulated for general information.

Να, .	Name of Officer	Qualification	Dote of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Ap	pointment in ide	Present place of posting	Remarks
•	· · · · · · · · · · · · · · · · · · ·					In BS-17	Method of recruitment		
1	2	3	4	5	6	. 7	8	•)	10
	Mr. Sobal Imrao AD/DDPWO/TPWO	M.Sc (Stats)	30.12.1975	Abbottabad		23.07.05	.Initial	DPW Officer, Touthat	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act; 2005.
	Mi, Daor Khan AD/DDPWO/TPWO	M.A.(Pol Sc)	15.04.1972	Bunner	·	23.07.05	Initial	Agency PWO Khyber agency	-do-
1	Mr. Shamsur Achmun Dawar	M.A (Pol.5c)	15.05.1977	N.W Agency		23.07.05	Initial	By transfer to Local Govt. Department	-do-
4	AD/DDPWO/TPWO Mr. Saif ur Rehman AD/DDPWO/TPWO	M.B.A. (Marketing)	15.04.1970	Abbottabad		23.07.05	Initial	DPW Officer, Kohistan	-do-
•,	Mr. Erar Muhammad Khan AD/DDPWO/TPWO	M.Sc.(Stats)	03.01,1974	Lakki Marwat		12.01.04	Initial	DPW Officer, Karák	He was recommended for appointment on contract basis along with his batch mates at SS No. 01 to 07 by the PSC but being already in
-									regular Govt. service, he was appointed on regular basis under circular letter No. SOR- VI(É&AD) 1-13/2003 dated 16-04-2003 and
·									seniority fixed in accordance with the order of merit assigned by the PSC as provided under Rule 17 (1) (a) of NWFP Civil Servants (APT) Rules, 1989.

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	, A				4. 	: . - 2 .	· .		- 12	ingentation and a state of the
· · · ·				میں بیاد ہوئی ہے۔ میں مائد ایک کر دیکھ کار ان م	ی ورسود . ۱۰۰۰ - ۲۰۰۰ میلاد .					
					Domicile	Date of	Regular App	ointment in 🖅	Present place	Remarks
ſ	S. No.	Name of Officer	Qualification	- Date of birth	Donnene	apptt/promotion	present grad	e	់ ហិរាចិមិល្អ	
	3. 110.					in BPS-16	p		-	
-					· · .		In BS-17	Method of		
							III 05-17			
•		· -						recruitment	-	
							·	······································	1	His contract appointment has been regularized
	· :				Swat		23:07.05	Initial	DPW Office,	
	6	Mr. Asad Ali Shah	M.B.A.	03.05.1977	Swat			· · · -	Swatt	w-e-f 23-07-2005 under NWFP Civil Servants
	0	AD/DDPWO/TPWO	· · · ·							-(Amendment) Act, 2005.
		ADIDDIWOINTO						Initial	DPW Office	-do-
				27.11.1971	Abbottabad		23.07.05	nnciai	Kobbian	
	7	Mr. Ayəz Mehmood	M.A.	21.122.022.0				- '	KUDPALAOT	
	1.1	AD/DDPWO/TPWO	(Social Work)				23.07.05	Initial	DPW office,	-do.
		i i Canad	M.A (Socialogy)	29.08.1980	Mansehra		23.07.05		Charadda	
	8	M. Basit Saeed,	I Will (Section Off					Initial	On deputation	His contract appointment has been regularized
		Deputy Demographer		30.04.1971	Lakki		23.07.05	uncial ·	tortituntion	w-e-f 23-07-2005 under NWFP Civil Servants
	9	-Mr. Khalid Mehmood	M.A.(Econ)	50.0	Marwat .			1		(Amendment) Act, 2005.
	1	Deputy Demographer				-			Oopti	-do-
					Mardan		23.07.05	Initial	DPW Office,	
	10	Mr. Hussain Ahmed	M.Sc.	03.09:1977	Maruan				Mardim 👘	
	10	Deputy Demographer					23.07.05	Initial	DPW Office,	-do-
			M.Sc ·	29.09.1979	Nowshera		23.07.05		Maridan	
	11	Mr. Asif Malik	11.50						OPW-Office,	-do-
		Deputy Demographer		08.06.1978	Haripur		23.07.05	Initial		
	22	Miss. Kausar Jabeen	M.A.(Econ)	08.00.1570					Peshawar	-do-
بالتحرير الجميم		Deputy Demographer			Peshawar		23.07.05	Initial	DG Office, 1	-00-
4	13	Mr. Janat Gul	M.A. (Stats)	06.11.1972	Pesnawar				Peshawar	
		Deputy Demographer					23.07.05	Initial	DPW Office,	-do-
			M.Sc(Stats)	10.04.1975	Karak		23,07.05		Karak	
1	14	Mr. Sadiq ur Rehman	101.50(500.07						OPW Officer,	-do-
1 1	1	Deputy Demographer		20.04.1975	Malakand		23.07.05	Initial	- P	
A. BOLIN	15	Mr. Sajjad Ahmed	M.Sc (Stats)	20.04.107.0					- lunner	
		Deputy Demographer		<u> </u>		12/09/05	15/04/09	Promotion	DPW Office -	
17.7F	1/	Mr. Tahir Ishaq,	B:A.	01.04.1952	Manschra	12/05/05	,		Abbottabad	
an an an	· · 16	AD/DDPWO/TPWO					115/04/00	Promotion	DI'W Office	
12 314			M.A.(Econ)	03.06.1962	Mansehra	12/09/05	15/04/09	1 tomotion	Maischra.	
la series	17	Mr. Zoaq Akhtar,	- Wirk (Leon)		-					
		AD/DDPWO/TPWO			Abbottabad	12/09/05	15/04/09	Promotion	DDFW0,	
j č,	18	Mr. Gul Hassen,	8.A.	01.06.1961	7400000000				Abbottabad	
17	1 .	AD/DDPWD/TPWO				12/00/05	15/04/09	Promotion	. opewo,	A second s
$\langle \cdot \rangle$			M.A.(Econ)	16.04.1966	Mohmand	12/09/05			Humber	(m)
÷	19. 18	Description and the second second		-	Agency			محمد معلم معلم المسلح السبح التي	· · · · · · · · · · · · · · · · · · ·	
4.5		Deputy Demographer						•		
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						Date of	Regular Ap	pointment in	Present place	Remarks
	S. No.	Name of Officer	Qualification	Date of birth	Domicile	apptt/promotion-	present gra	•	of posting	
				•		in BPS-16	In BS-17	Method of		
· .			- -		•			recruitment	Lat Calle a	
	20	Mr. Nasim Ullah	M.A.(Econ)	24.04.1966	Mohmand Agency	12/09/05	15/04/09	Promotion	hG fillio, Pediawa	
	2.3	Deputy Demographer Mr. Saeed-ur- Rehman,	M.A(Pol.Sc)	10.05.1970	Shangla		24.09.09	Initial	DPW DREer, Shanda	Adhoc appointments regularized vide promulgation of Ordinance i.e. 24/09/2009.
	22	AD/DDPWO/TPWO Muhammad Tariq Khan,	M.A.	28.02.1975	Nowshera		24.09.09	Initial	DPW Officer,	-do-
		AD/DDPWO/TPWO	(Anthropology) M.Sc(Stats)	20.09.1975	Nowshera		24:09.09	Initial	DPW Office, Swafit	-do-
	23	Deputy Demographer			Chiard		24.09.09	Initial	DPW Officer,	-do-
	24	Khurshid Ali, AD/DDPWO/TPWO	M.P.A.	01.02.1976	Chitral				Chlual	-do-
I	25	lftikhar Ahmad,	M.Sc(Stats)	20.03.1976	Peshawar		24.09.09	Initial	DPWO, Himgu	
		Deputy Demographer Ahmed Ali Khan,	M.A.	21.03.1976	Dir (L)		24.09.09	Initial	DPW Office, Dir (Lower)	-do-
	26	AD/DDPWO/TPWO	(Sociology) MBA	15.09.1976	Peshawar		. 24.09.09	Initial	DPW office,	-do-
ا با با منطقه المعالم المعالم معتقد المعالي المعالم المعالي المعالي المعالي المعالي المعالي المعالي المعالي الم	ĵ <u>2</u> 7	Amjad Ali Khan AD/DDPW0/TPW0		12.04.1977	Dir (L)		24.09.09	Initial .	Nowthera DPW Office;	-do-
	28	Badshah Muhammad, Deputy Demographer	M.A (Sociology)				. 24.09.09	Initial	Dir(I) TIPWO DPW	-do-
· .	29	Asif Mehmood, AD/DDPWO/TPWO	M.Sc (Chemistry)	20.04.1977	Karak				Office Karak	-do-
-	30	Arafat Khan Afridi,	M.A. (Pol.Sc)	13.05.1977	- Khyber Agency		24.09.09	Initial	Agonry PW Officer	
A state of the sta	31	AD/DDPWO/TPWO	M.A(Econ)	03.03.1978	Nowshera	· · · · · · · · · · · · · · · · · · ·	24.09.09	Initial	DPW Office,	- do-
		AD/DDPWO/TPWO	M.A (Pol.Sc)	02.07.1979	Peshawar		24.09.09	Initial	DPW Officer, Charsadda	-do-
: /.		AD/DDPWO/TPWO	M.A	05.02.1980	Mardan	`	24.09.09	Initial	DPW Officer Dir	-do-
	33	Asghar Khan, AD/DDPWO/TPWO	History/Pol.5c	<u></u>					Uppage	

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	Deputy Demographer	Nioz Ahmad,	Deputy Demographer	Amin Ullah,		Deputy Demographer	Eld-ur-Rehman,			An/DDPWO/TPWO		· · ·	Deputy Demographer	Sidra Nisar,	AD/DDPWO/TPWO	Shahid Khan	AD/DDPWO/TPWO	M. Wagar Akhunzada,	Fazal Azeem, AD/DDPWO/TPWO	AD/DDPWO/TPWO	Eashir Muhammad,	Muhammad Qasim, Deputy Demographer	AD/DDPWO/TPWO	Ruby Hashim,	AD/DDPWO/TPWO	Sana Ullah		· ·	· · · ·). Name of Officer	
		M.ScSocialogy		M.ScSocialogy	······	<u>.</u>	M Sc Sociology		· · ·	MBA		· · ·	•	M.Sc(Stats)		M.A (Sociology		MBA	MBA		MBA	M.Sc(Econ)	Anthropology	M,A		M.A (Pol.Sc)	· · · · ·		•	Qualification	
		06/04/1976		10/04/1979	1		14/02/1975			15 10 1986		• • •	 - - -	21.02.1985		10.04.1984		15.12.1983	25.06.1983		3.6.1982	22.02.1382		28.11.1981		15.09.1980	· · ·	· ·		Date of birth	المراجع في المراجع الم المراجع المراجع
		Karak .		Karak	· · · · · ·	•	- Karak		•	Agency .		,	· ·	Peshawar		Malakand	Agency .	Moh:	Charsadda	,	Hangu	Haripur	Agency	Moh:		Charsadda				Domicite	
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	Kohal	brw Office,		Rut, Peshawar			DPW Office,	· · · · · · · · · · · · · · · · · · ·		kolvistan			CDatisadda	DPW office,	Malakand	DPW Officer,	Charsadda	DPW office,	Charsadda	Hangu	DPW Office,	DPW Office, Hallpur	resouwar	DG Office	Charsadda	DPW office,				"Present place"	
A Cal		-ob-		-do-		PSC-SR-VI/51126 dated 31-10-2009	Seniority placed as per merit order of PSC, KPI			ĊĊ				-do-		-do-		-do-	-00-		-do-	-do-		-do-		-do-				Remarks	

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S.No	1	Name of Officer	Qualification	Date of birth		apptt/promotion in BPS-16	present grade	e	of_posting +++	
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í					Lakki		. 25.06.10	Initial	on Deputation	-do-
46	6	Kashiu Muliuwa	Mint (i Shite)	20/04/1981	Lakki Marwat	· · ·		Initial	DPW Office, Dir	-do-
\$ ~~~		AD/DDPWQ(N.T.)TPWO Jehan Badshah,	Science) MBA	10/01/1979	Dir (L)		25.06.10	Initiat .	(Upper)	
47		Jehan Badshan, AD/DDPWO(N.T)/TPWO		· . ·	· · · · ·	<u>↓ · · · · · · · · · · · · · · · · · · ·</u>	31.10.11	Initial	DPW Office;	-do-
48	48	Muhammad Ashfaq,	WI.F. (I OITIGE	02/04/1973	Abbottabād	·			Peshawar	-do-
• • •		AD/DDPWO(N/T)/TPWO		01/01/1983	Malakand		31.10.11	Initial .	DPW Office, Malakand	
45	9	Sadiq Alam, AD/DDPWO(N.T)/TPWO	МВА	(31.10.11	Initial	DPW Office,	-do-
		Umer Faroog,	MEA	25/03/1983	Nowshera		, i.i.,		Nowshera	-do-
		AD/DDPWO(N.T)/TPWO	- (Delitical	01/05/1975	S.W.Agency		31.10.11	Initial	DPW Office, Hangu	
ε	51	Abdul Cadeer, AD/DDPWO(N.T)/TPWO	M.A (Political Science)		· · ·		31.10.11	Initial	-DPW Office,	-do-
	52	Noor Hakim,	M.A (Political	13/05/1980	S.W Agency				Bannu DPW Olficer,	-do-
		AD/DDPWO(N.T)/TPWO	Science) · MPA	05/05/1979	S.W.Agency		31.10.11	Initial	Tank	
25	 -53	Jehanzeb Khan, AD/DDPWO(N.T)/TPWO					31.10.11	Initial	E.U.	-do-
.	54	Noor Muhammad,	M.A (Pol.Sc)	15/08/1970	S.W.Agency				Abbottabad	-do-
 		AD/DDPWO(N.T)/TPWO Sagheer Musharraf,	M:A (Pol.Sc)	01/01/1978	Mansehra		31.10.11	- Initial	Pethawar :	
	.55	AD/DDPWO(N.T)/TPWO			Peshawar	18-05-2006	13.01.10	Promotion	DPW Office,- Charsadda	Date of their promotion was subsequent t recommendation of the officers from S.Nc
	56	Mr. Bakhtiar Khan,	M.A (Pashto)	15.03.1964 .						to 55
-		AD/DDPWO(N.T)/TPWO			D.I.Khan	13-08-2003	13.01.10	Promotion	DPW Office, Mansebra	
	57	Habib-ur-Rehman.	Matric -	13.03.1961	DTYRBD		-		Mansehra	
-		Sandeela AD/DDPWO(NT)/TPWO			Charsadda	- 17.08:2009	13.08.11	Promotion	RTI, Peshawar	
	58	Izaz Ahmad Jan,	MA, Sociology	09,04.1962	CHdibuser					
		AD/DDPWO(N.T)/TPWO		s- 05.01.1974	D.I.Khan	17.08.09	13 C8 J1	Promotion		
	£.Э	Muhammed Yousaf,	MA, Economics	. 05.01.12.						E COPY 51-8
		Deputy Demographer		<u></u>			· -			CUT.

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	S: No.	Name of:Officer	Qualification-	- Date of birth	Domicile	Date of	Regular Appointment in	Present place	Remiarks
· · ·						apptt/promotion_	present grade	of posting	and the second se
	. "					in BPS-16		· ·	
		· · · ·					In BS-17 Method of	-	
			1	-	19 A		recruitment		
-								· · ·	
-	60 .	Kashif Fida,	M.Sc (Hon)	17.05.1974	Peshawar	17.08.09	13.08.11 Promotion	DG Offica,	
		AD/DDPWO(N.T)/TPWO	· · · · ·			· · ·		Peshawar	
-	61	Mujeebullah,	MPA	08.02.1976	D.I.Khan	17.08.09	13.08.11 Promotion	TPWO, Rulachi,	
		Deputy Demographer						D.I.Khun	
	62	Shah Faroog Deputy	MS Economics	15.04.1986	Khyber	08.02.2016	08.02.16 Initial	DPW Office	
		Demographer			Agency	· · ·		Hangu	

No. SOE (PWD) 4-30/2012/Vol-11 //425-31

Copy forwarded to the: -

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5:

Director General, Population Welfare Department Peshawar.

All District Population Welfare Officers in Khyber Pakhtunkhwa.

PS to Chief Secretary, Khyber Pakhtunkhwa Peshawar.

PS to Secretary Establishment, Govt. of Khyber Pakhtunkhwa Peshawar.

PS to Secretary Population welfare Department, Govt. of Khyber Pakhtunkhwa Peshawar.

PS to Advisor to CM for PWD, Khyber Pakhtunkhwa Peshawar.

Master File.

SECTION OFFICER (Establishm) Phone No. 091-9223623

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SECRETRY GOVERNMENT OF KHYBER PAKHTUNKHWA POPULATION WELFARE DEPARTMENT

Dated Peshawar the 04th October, 2017

	۰.						present grade	. พิธีมากก ก. 1			• • •	· · ·
			Date of bith	Domicile	Care of the start of the	Lower Grade	(BPS-17)	recruitment	Regularization			•
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		M.A. (Stats)	06.11.1972		contract		16'05'2001' 1	Derivit	23 07.2005	DPW Officer, Klauk, 1974	Tagularized Wee 123-07-2005 under NWFP	
N	Ar Janas Gul Septity Demokrapher		10.04.1975	Кагак	16 08.2004				-		(ivit Stervants (Ammendment) Act, 2005	
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			20.04.1975	Malakand	27.03 2004					new office, be (Upper)		River !
	Ar Sajjarf Ahmed	M.Sc			contract	25-09-1997	17/08/2006	Flouropas	17/08/2006	DPW Office, on terms of	-	-
	ndun A function angent.		09.03 1955	Mardan	31.08.1980	join PWD		· .		ppw office Manachua	· · · · · · · · · · · · · · · · · · ·	
1 75 6	We tailed Kloen,	M.Sc.				12/09/2005	09-08 2007	eranoper.	15/04/2009	DhM Dua rawares es		-
	tepety benapparties		01-04.1962	Mansehra	10.7 1986	12/03/2005	acting basis			upw office Mansebras		
~ 1	Ma Laha Libati,	B.A.	0.0			12/09/2005	09-08-2007	Promutee	15/04/2009	THAM CURCE MALLER		-
	AD/DDPV/0/10W0	Line Is view	08.06 1962	Mansehra	24.3 1990	12/05/2001	acung basis			DDPWO, Abbonahad		
	Mr. John Akhtar.	M.A. (Econ).				12/09/2005		Promotee	15/04/2[809	100,000,700,000		-
	AD/RDPWO/TPWO		01.06.1961	Apportabad	30.1.1983	12/07/2000	acting basis		······································	OBPWO, Bunner		
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-	Deputy-Demographer	M.A(Pol.3c)	30.05.1970	Shangto	· 1		(Adhea basia) .			- Gidre of Adhoc appointment and	
* 4	h, needur Rehman,	- Wilder or set			(basis)		ļ				subsequently Regularized their services	<u>,</u>].
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1	Jana Bahishan,			· · :	101212	-			24 10 200	uPW office, Charcadda		
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TRUE

GOVERNMENT OF KHYBER PAKHTUNKHWA DIRECTORATE GENERA, POPULATION WELFARE DEPARTMENT

OFFICE ORDER 3080-85

ANNEX UR

Dated Peshawar the 04/51 2018

No. 4(15)/2017/Admn. In pursuance of Section-08 of KP, Civil Servants Act, 1973 read with Rules 17 of KP Civil Servants (Appointment, Promotion & Transfer) rules 1969, with the approval of Competent Authority, updated provisional seniority list of Assistant Directors/Tehsil Population Welfare Officers/Dy: District Population Welfare Officers, Instructor (Non-Tech) & Deputy Demographers (BPS-17) Population Welfare, Khyber Pakhtunkhwa as stood on 14.02.2018 is hereby notified / circulated for general information.

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S.No.	Name of Officer	Qualification	Date of birth	Domicile	Date of first entry into Govt. service	Date of appt/ promotion in BPS-16	present grade (BPS-17)	Method of recruitment	Present place of posting	Remarks
1	2	3	4	5	6	7	9	10	12	13
1	Mr Janat Gul Deputy Demographer	M.A. (Stats)	06.11.1972	Peshawar	16.08.2004		23.07.2005	initial	PHQr, Peshawar	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Ammendment) Act, 2005.
. 2	Mr.Sadiqur Rehman Deputy Demographer	M.Sc(Stats)	10.04.1975	Karak	16.08.2004 contract		23.07.2005	initial	DPW Officer, Karak	-do-
3	Mr.Sajjad Ahmed Deputy Demographer	M.Sc.	20.04.1975	Malakand	27.03.2004 contract		23.07.2005	initial	DPW Officer, Bunner	-do-
4	Asmat Ullah,	МА	11.09.1963	D.I.Khan	28.08.2006	28.08.2006	28.08.2006	initial	DPw Opffice, Lakki Marwat	
5.	Mr.Tahir Ishaq, AD/DDPWO/TPWO	B.A.	01.04.1962	Mansehra	10.7.1986	12/09/2005	15/04/2009	Prómotee	DPW Office Mansehra	
6	Mr.Zoaq Akhtar, AD/DDPWO/TPWO	M.A.(Econ)	08:06.1962	Mansehra	24.3.1990	12/09/2005	15/04/2009	Promotee	DPW Office Mansehra	-
7.	Mr.Gul Hassan, AD/DDPWO/TPWO	B.A.	01.06.1961	Abbottabad	30.1.1983	12/09/2005	15/04/2009	Promotee	DDPWO, Abbottabad	-
- 8-	Mr. Taj Mohammad Deputy Demographer	M.A.(Econ)	16.04.1966	Moh: Agency	25.04.1994	12/09/2005	15/04/2009	. Promotee	DDPWO, Bunner	
9	Mr. Nasim Ullah Deputy Demographer	M.A (Econ)	24.04.1966	Moh: Agency	29.10.1988	12/09/2005	15/04/2009	Promotee	PHQr, Peshawar	
10	Saeedur Rehman, AD/DDP:WO/TPWO	M.A(Pol.Sc)	10.05.1970	Shangla	13.06.2009 (Adhoc basis)		24.10.2009	initial	DPW Officer, Shangla	Ahoc appointments regularized vide promulgation of Ordinance i.e. 24.09.2009
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11	Mhammad Tarig Khan,	M.A.(Anthrology)	28.02.1975	Nowshera	17.6.2009 (Adhoc		-	initial	DPW Officer, Nowshera	-do-
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13	Ayat Ullah,	M.Sc(Stats)	20.09.1975	Nowshera	19.6.2009 (Adhoc		24.10.2009	initial	DPW Office, Swabi -	-do- 11 11 11 11 11
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14		M.P.A.	01.02.1976	Chitral	17.6.2009 (Adhoc		24.10.2009	initial	DPW Office, Chitral	-do-
ŀ	AD/DDPWO/TPWO		· . ·	· .	basis)					
15		M.Sc(Stats)	20.03.1976	Peshawar	18.6.2009 (Adhoc	· - ·	24.10.2009	initial	DPWO, Hangu	-do-
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16		MBA .	15.09.1976	Peshawar	16.6.2009 (Adhoc		24.10.2009	initial	DPW Office; Nowshera	-do-
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18		M.Sc (Chemistry)	20.04.1977	Karak	18.6.2009 (Adhoc	-	24.10.2009	initial	TFWO DFW Once Rasak	-00-
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19		M.A. (Pol.Sc)	13.05.1977	Khyber Agency	15.6.2009 (Adhoc		24.10.2009	initial	Agency PW Officer	-do-
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20	Fahad Sarwar	M.A(Econ)	03.03.1978	Nowshera	24.6.2009 (Adhoc	· · ·	24.10.2009	initial	DPW Office, Nowshera	-do-
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21		M.A (Pol.Sc)	02.07.1979	Peshawar	13.06.2009 (Adhoc		24.10.2009	initial	DPW Officer, Charsadda	-do-
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	AD/DDPWO/TPWO		100 00 0000		basis)	· · · · ·	24.10.2000	initial	DPW Office, Charsadda	-do-
24	1	M.A	28.11.1981	Moh: Agency	20.6.2009 (Adhoc	-	24.10.2009	initial	DP W Office, charsadoa	-00-
	AD/DDPWO/TPWO	(Anthropology)			basis)				DOW Office Herizon	
25		M.Sc(Econ)	27.02.1982	Haripur	20.6.2009 (Adhoc		24.10.2009	initial	DPW Office, Haripur	-do-
	Deputy Demographer				(basis)					
26	Bashir Muhammad,	MBA	03.06.1982	Hangu	24.6.2009 (Adhoc		24.10.2009	initial	DDPWO(N.T) DPW Office	-do-
	AD/DDPWO/TPWO *	·	1		(basis)	·			Hangu	
27	Fazal Azeem,	MBA	25.06.1983	Charsadda	15.6.2009 (Adhoc	l –	24.10.2009	initial	PHQr, Peshawar	-do-
	AD/DDPWO/TPWO	· ·	1	1	(basis)					
28	Muhammad Wagar Akhunzada,	МВА	15.12.1983	Moh: Agency	22.6.2009 (Adhoc	·	24.10.2009	initial	DPW office, Charsadda	-do-
	AD/DDPWO/TPWO				basis)		i .		1	
		•			565137					6
29	Shahid Khan	M.A (Socialogy	10.04.1984	Malakand	15.6.2009 (Adhoc		24.10.2009	initial	DPW Office, Malakand	-do-
	AD/DDPWO/TPWO	Inter (SocialoR) .	1.0.04.1904	in the second se	, ·· · ·	• • •				
- 20		A CalChatal	121.02.1095	Dechause	basis) 13.6.2009 (Adhoc		24.10.2009	initial	DPW office, Charsadda	-do-
30	Sidra Nisar,	M.Sc(Stats)	21.02.1985	Peshawar		·	24.10.2003		Di Wonnee, charsadoo	
<u> </u>	Deputy Demographer -		45.40.5005	Mela da cara	basis)	<u> </u>	24 10 2000		DDW Office Kabistan	
31	,	МВА	15.10.1986	Khyber Agency	15.6.2009 (Adhoc		24.10.2009	initial	DPW Office, Kohistan	-00-
L	AD/DDPWO/TPWO	· · ·	 	· · · · · ·	basis)		· · · · · · · · · · · · · · · · · · ·			
32		M.Sc Socialogy	14/02/1975	Karak	25.06.2010	·	25.06.2010	initial ·	DPW Office, D.I.Khan	Seniority placed as per merit of PSC, KPK vid
1 ··	Deputy Demographer	· ·		· ·				1		their recommendation letter No. NWFP-PS(
1			1 .	l '-						SR-VI/51126 dated 31-10-2009
	· · ·	·		-	[· · ·		
33	Amin Ullah,	M.Sc Socialogy	10/04/1979	Karak	25.06.2010		25.06.2010	initial	DPW office, Charsadda	-do-
I <u>.</u>	Deputy Demographer									· · ·
34	Niaz Ahmad,	M.Sc Socialogy	06/04/1976	Karak	25.06.2010		25.06.2010	initíal .	DPW Office, Kohat	-do-
		INITIO COCINICATORA	00/04/15/0		23.00.2010		20.00.2040			
25	Deputy Demographer		20/04/2002	I Manust	25.06.2010	· · · · · ·	25 06 2010	initial	on Deputation IPC	-do-
35		M.A	20/04/1981	L.Marwat	25.06.2010	·	25.06.2010	initial		
	AD/DDPWO(N.T)TPWO					<u> </u>	25.05.2010	1-141-1	Department	
36		MBA	10/01/1979	Dir (L)	25.06.2010		25.06.2010	initial	DPW Office, Dir (Lower)	-do-
	AD/DDPWO(N.T)/TPWO		1	1 1		-	-	1	1.	

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3	7 Muhammad Ashfaq, AD/DDPWO(N.T)/TPWO	M.A	م الم الم الم الم الم الم الم الم الم ال	Abbottabad	31.10.2011		31.10.2011	initial	DPW Office, Peshawar	-do-	
38		MBA	01/01/1983	Malakand	31.10.2011	·	31.10.2011	- initial	DPW Office, Malakand	-do	
39	Umer Farooq, AD/DDPWO(N.T)/TPWO	MBA	25/03/1983	Nowshera	31.10.2011	-	31.10.2011	initial	DPW Office, Nowshera	-do-	k
40	Abdul Qadeer, AD/DDPWO(N.T)/TPWO	M.A	01/05/1975	S.W.Agency	31.10.2011		31.10.2011	initial	DPW Office, Hangu	-do-	
41	Noor Hakim, AD/DDPWO(N.T)/TPWO	M.A	13/05/1980	S.W.Agency	31.10.2011		31.10.2011	initial	DPW Office, Bannu	-do-	
42		MPA	05/05/1979	S.W.Agency	31.10.2011		31.10.2011	initial	DPW Office, Tank	: -do-	
43		M.A (Pol.Sc)	15/08/1970	S.W.Agency	31.10.2011		31.10.2011	initial	DPW Office, Bannu	-do-	
44		M.A (Pol.Sc)	01/01/1978	Mansehra	31.10.2011		31.10.2011	initial	PHQr, Peshawar	-do-	· ·
45		M.A	15.08.1964	Pèshawar	21.6.1983	18/05/2006	13.01.2010	Promotee	PHQr, Peshawar	Date of their promotion was subsequent to PSC recommendation of the officers from S.No.34 to 43	
46	Habib-ur-Rehman Sandeela AD/DDPWO(N.T)/TPWO	Matric	13.03.1961	D.I.Khan	17.11.1982	13.08.2003	13.01.2010	Promotee	DPW Office, Haripur		• •
47		MA, Socialogy	09.04.1962	Charsadda	2.4.1988 2.7.1997 (absorbed in pwd)	17.08.2009	13.08.2011	Promotee	RTI, Peshawar	-	
48	Muhammad Yousaf, Deputy Demographer	MA, Economics	05.01.1974	D.I.Khan	05/09/2000	17.08.2009	13.08.2011	Promotee	DPW Officer, Tank		
49		M.Sc (Hon)	17.5.1974	Peshawar	05.092000	17.08.2009	13.08.2011	Promotee	PHQr, Peshawar		
50		МРА	08.02.1976	D.I.Khan	15/03/2001	17.08.2009	13.08.2011	Promotee	TPWO, Kulachi		
51		MSc (Economics)	15.04.1986	Khyber Agency	08.02.2016	08.02.2016	08.02.2016	initial	DPW Office, Hangu		
52		M.Com	02.09.1973	Peshawar	01.09.2000	09.09.2009	08.11.2017	·Promotee	AD(RH), DG Office, Peshawar		11
53	Mr. Amin Khan	B.Com	01.02.1976	Peshawar	01.09.2000	09.09.2009	08.11.2017	Promotee	PS to DG	- 8	1
54	Mr. M. Kashif Khan	M.A (Economics)	21.07.1977	Nowshera	01.09.2000	22.07.2010	08.11.2017	Promotee	Accounts Officer, DG Office, Peshawar		
55	Mr. Shahid Murad	B.Com, M.A (Urdu)	04/01/1972	Peshawar	02.09.2000	22.07.2010	08.11.2017	Promotee			
56	MrSaleem Ullah Khan	MBA	15/09/1987	Tank	12.12.2012	12.12.2012	08.11.2017	Promotee	TPWO, Tank		
57	Shah Zeb	MBA	14.03.1986	Moh:Agency	17/12/2012	17.12.2012	08.11.2017	Promotee	TPWO, Takhtbhae		• • • •
58	Afsar Khan	M.A(Econ)	11/04/1976	Charsadda	13.08.2004 (contract) 23.7.2005 (Regular)	23.7.2005	08.11.2017		Dy: Demographer, DPW Office, Charsadda		
•		·						14 A. A.			•

7	•		4	-	. *** * <u>-</u>	y	-		1				_ · · · · · · · · · · · · · · · · · · ·	<u></u>	
()	59	Muhammad Tario		B.Sc	· •	05/01/1977	K.Agency	13.08.2004 (contract)	23.7.2005	08.11.2017	and a community of the second second	AD(M&E) DG Office,		-	
.):				1 .				23.7.2005 (Regular) .				Peshawar			i i i constanti i constanti Terretta de la constanti Terretta de la constanti i constanti i constanti i constanti i constanti i constanti i
<u> </u>				ſ.,		میں میں میں میں میں اور				-	ې د ۱۹۹۵ کېښې که مېږې کې مور د مورې کې د مورې				
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• ·	L			÷ .		1		<u> </u>			Dramataa	TPWO, Swabi	+		
	60	Sliahab Ahmed		M.Sc	• • •	11.04.1976	Swabi	23:07.2005	23.7.2005	08.11.2017	Promotee	TFWO, Swabi			
••	. '	V			-									<u> </u>	1 N 2 2 1
· ·	61	Ziaul Haq		M.A.		30/10/1976	Karak	23.07.2005	23.7.2005	08.11.2017	Promotee	DPW Office, Karak			
	ŀ ſ			1.			-	L	I		<u>l</u>	J		<u> </u>	

(DIRECTOR GENERAL) GOVERNMENT OF KHYBER PAKHTUNKHWA POPULATION WELFARE DEPARTMENT

Copy forwarded to the:-

All District Population Welfare Officers, Principal RTIs, Peshawar, Abbottabad & Malakand in Khyber Pakhtunkhwa. PS to Secretary Establishment, Govt: of Khyber Pakhtunkhwa. PS to Secretary, Population Welfare Department, Govt: of Khyber Pakhtunkhwa, Peshawar. PA to Advisor to CM for PWD, Khyber Pakhtunkhwa, Peshawar. All Ads/TPWOs/DDPWOs (NT)/Instructor (NT) & Dy: Demographer BPS-17 that if any objection/ommission found may be sent*t this office within the stipulated time of 30 days. 1

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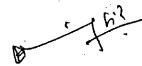
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(Hidayat Khan) Deputy Director (Admn)

VAKALATNAMA

In the Court of	Khyber Pakhtunkhwa Service Trib	<u>unal, Peshawar</u>
- - -	· · · · · · · · · · · · · · · · · · ·	
Service Appeal No	of 2019	
·		
K	hurshid Ali	Petitioner Plaintiff Applicant Appellant Complainant Decree-Holder
	V _{ERSUS}	
· .		Respondent Defendant Opponent Accused
Go	ovt. etc	Judgment-Debtor
· ·		

I / We <u>Khurshid Ali</u> the above noted <u>Appellant</u> do hereby appointed and constitute, **Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court,** to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

ted th ient

M. Zafar/Tahir

Attested & Accepted (Advocate nsar Ullah Khan

Dated 20-04 - 2020

· <u>† 1</u> ·

Office

ATIQ LAW ASSOCIATES, 87, Al-Falah Street, Besides State Life Building, Peshawar Cantt, Phone: 091-5279529 E-mail : <u>zafartk.advocate@gmail.com</u> MOST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

No. SO(PSB)(ED)1-1/2020(1) Dated Peshawar 28.05.2020

Tà

All Administrative Secretaries to Government: Of Khyber Pakhtunkhwa

SUBJECT: - MEETING OF PROVINCIAL SELECTION BOARD

Dear Sir.

I am directed to refer to the subject noted above and to say that the competent authority has desired to hold PSB meeting (list enclosed) in the 1st week of June 2020 in which all items included in previous PSB meeting which was scheduled on 20.2.2020 and was subsequently postponed will be discussed. The working papers included in the said meeting agenda were returned to your respective departments for inclusion of PERs 2019, which had become due.

2. It is, therefore, requested that all the working papers/agenda items as per enclosed list may be submitted to Establishment Department by Wednesday, the 03rd June, 2020 without fall incorporating/calculating the PER of 2019 of the officer (s) in the panel alongwith fresh item, if any, complete in all respect.

The above directive of the competent authority be given top priority. 3.

Yours faithfully,

78C) SECTION OFFICER (PSB)

Copy to:

- 1. PS to Chief Scerenary Khyber Pakhtunkhwa.
- 2. PS to Secretary Establishment.
- 3. PS to Secretary Administration.

4. PS to Special Secretary (Establishment Department.
5. PS to Special Secretary (Regulation) Establishment Department.
6. All Additional Secretaries, Deputy Secretaries and Section Officers with the request to prepare themselves for PSB/Pre PSB. Moreover, any new item pending in their respective wing/section may be cleared immediately.

8151242 SECTION OFFICER (PSB)

<u>VA</u>	<u>KAL</u>	<u>.AT</u>	NA	MA

NO.____/20

IN THE COURT OF KPK Service + Jibunal	Perhavar
Khuershid Ali Pospateni 10. 256.	, (Appellant) (Petitioner) (Plaintiff)
VERSUS	(i dan terri j
Chaip-sectory secretary lepk etc	_ (Respondent) (Defendant)
I/We, Kepondert No: 56 6	

Do hereby appoint and constitute *M. Asif Yousafzai, Advocate Supreme Court 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAL

Advocate Supreme Court Peshawar. B.C NO# 10-7327 CNIC # 17301-5106574-3

OFFICE:

Room # FR-8, 4th Floor, Bilour Plaza, Peshawar, Cantt: Peshawar Cell: (0333-9103240)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. /2020

Khurshid Ali

Chief Secretary, Govt: of KPK etc.

PARAWISE REPLY/COMMENTS ON BEHALF OF RESPONDENTS NO. 5 & 6.

RESPECTFULLY SHEWETH, PRELIMINARY OBJECTIONS

- 1. That the appellant has got no locus standi to file the instant appeal.
- 2. That no discrimination/injustice has been done to the appellant.
- 3. That the instant appeal is bad in the eye of law.

VS

- 4. That the appellant has not come to this Tribunal with cleaned hands.
- 5. The appeal is based on distortion of facts and is not tenable in eye of law.
- 6. That the appellant has been estopped by his own conduct to file the appeal.
- 7. The present service appeal is based upon malicious/vexations and frivolous grounds.
- 8. That the service appeal is based on conjecture and surmises.
- 9. That the Service appeal is not maintainable its present from.
- 10. That the service appeal is bad due to mis-joinder and non-joinder of the parties.
- 11. That according to the law seniority list is to be determined on the basis of arrival (continuous officiation) not from the date not from the date of appointment or from Regularization date.
- 12. That all the proceeding regarding seniority has been conducted in accordance with the prevailing law.
- 13. That the appellant has filed the present service appeal contrary to Law and facts.
- 14. That the appellant has cancelled material facts from this Tribunal.

ON FACTS:

- 1. Denied for the want of knowledge.
- 2. Not related to the replying respondent.
- 3. Para No. 3 of the appeal is correct.
- 4. Para No. 4 of the appeal is correct to the extent that appeal of the respondent No. 5 and 6 were subjudice before the Honorable Service Tribunal however before the final order by the Tribunal, Departmental review committee was constituted and the matter

relating to the seniority list dated 04.10.2017 was reviewed as such in light of the decision of the review committee respondent No. 5 & 6 withdrawn their appeals. It is worth mentioning that review committee decided the seniority list in light of S of the Khyber Pakhtunkhwa (Employees Regularization of Services Act, 2009). Moreover such seniority list was duly approved by the competent forum. Further it is added that the seniority list all the cadre are determined on the basis of continuous of officiation which was evident from the different seniority of different cadre so the Department rightly determined the seniority of the replying respondent. <u>Copy of the seniority list</u>, <u>letter dated 28.11.2016 &</u> <u>Regularization Act 2009 are attached as Annexure-A, B & C.</u>

Para No. 5 is incorrect the seniority list dated 04.12.2019 were issued after due consideration in light of Section-4 (2) of the Khyber Pakhtunkhwa (Employees Regularization of Service Act, 2009 and all the seniority list as mentioned in above Para were determined on the basis of continuous of officiation/date of joining according to Section-4(2) of the Khyber Pakhtunkhwa (Employees Regularization of Service Act, 2009.

- 6. Denied for the wants of knowledge.
 - Para No. 7 is legal need no reply.

GROUNDS.

5.

7.

- A. Para-A is incorrect. The seniority list was prepared in accordance with Section-4(2) of Regulation Act, 2009, after due consideration of material facts on record. There is no legal bar on the authority to give notice to any one, while considering the seniority list. Furthermore the seniority was prepared in accordance with Section-4 (2) of Khyber Pakhtunkhwa (Employees Regularization Act, 2009. Read with the judgment dated 12.03.2019 of this Honorable Service Tribunal in Service Appeal No. 56/2018 Title Zawar Hussain Khan Versus Secretary Population Welfare Department Khyber Pakhtunkhwa Peshawar (Annexure-D). Moreover as mentioned in above Para-4 of the reply.
- **B.** Para-B is incorrect. In such like proceeding there is no needs to give notices to appellant or to anyone else. The rest of the para is already replied in Para-A above. Moreover the matter of seniority list is concerned there is no need of notices to be issued anyone because the seniority list always circulated annually amongst the all employees so

if anyone feeling aggrieved he has remedy to file the appeal against the said seniority list.

- C. Para-C is incorrect. Progress Review Committee/ Dispute Resolution Committee were the competent authority for grant relief to respondent No. 5 & 6 in accordance with the provision of Section-4(2) of the Khyber Pakhtunkhwa (Employees Regularization Act, 2009. There is no legal bar on the departmental committee to constrain them not to review the seniority list. The committee has been given the power/mandate to consider such like court cases.
- **D.** Para-D is incorrect. The appellate is serving as Assistant Director not as an Additional Director.
- **E.** Para-E is incorrect. The departmental committee is constituted in line with the Establishment Department KP instructions vide Notification No. SO (Policies)/E&AD/2-1/2017 Dated 19.10.2017.
- **F.** Para-F is correct. The said procedure was followed by the department.
- G. Para-G is incorrect. The minutes of the meeting dated 15/11/2019 was forward to the competent forum vide letter No. SOE(PWD)4-109/DPR/532-36 dated 20.11.2019 (Annexure-E).
- **H.** Para-H is incorrect. As per TORs of the committee duly circulated by Establishment Department Govt. of KPK vide notification dated 26.03.2018, the committee is supposed to made negotiation with complainant to withdraw his cases accordingly, hence no need call others therefore the action was taken in line with the policy of Government.

I.

Para-I is incorrect. The term "Continuous Officiation" has already been defined by the law, Parliamentary Affairs & Hu8man Rights Department Govt of Khyber Pakhtunkhwa vide letter No. SO (OP-II)/LDS-I/2012—Vol-III-26384-86 dated 28.11.2016 (Annex-C). And Govt. of Khyber Pakhtunkhwa Establishment & Admin: Department (Regulations Wing) Letter No. SOR-V(E&AD)4-31/2017 dated 17.08.2017 (Annex-D) and the Honorable Tribunal vide decision Honorable Service Tribunal in Service Appeal No. 56/2018 Title Zawar Hussain Khan Versus Secretary Population Welfare Department Khyber Pakhtunkhwa Peshawar. Moreover as mentioned in the Para-4 of the reply.

Para-J is incorrect. The matter has already been clarified by the concerned quarter and decision of this Honorable Tribunal as explained above at Para-I. Moreover date of Continuous Officiation is joining date i.e from the date respondents and appellant join & start their duties.

Para-K is incorrect. The seniority list has been corrected as per advise of the Law, Parliamentary Affairs & Human Rights Department Govt of Khyber Pakhtunkhwa vide letter No. SO(OP-II)/LD/S-1/2012-Vol-III-26384-86 dated 28.11.2016 and Govt. of Khyber Pakhtunkhwa Establishment & Admn: Department (Regulation Wing) letter No. SOR-V(E&AD)4-31/2017 dated 17.08.2017 as well as this Honorable Tribunal as explained in Para-I.

Para-L is incorrect. The seniority list is correct according to the prevailing Law and prepared by the lawful authority and no discrimination has been effected upon any one's right.

It is therefore most humbly prayed that the appeal of the appellant may be dismissed being devoid of merit with costs.

Respondents No. 5 & 6

(M. ASIF YOUSAFZAI) ADVOCATE SUPREME COURT OF PAKISTAN.

ی شکر (SYED NOMAN ALI BUKHARI) ADVOCATE HIGH COURT

DEPONENT

AFFIDAVIT

THROUGH:

It is affirmed that the contents of this Parawise Comments are true and correct and nothing has been concealed.

L.

J.

K.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.____/2020

V/S

The Govt: of KPK etc.

<u>REPLY TO APPLICATION FOR INTERIM RELIEF ON</u> <u>BEHALF OF RESPONDENT NO. 5 & 6.</u>

RESPECTFULLY SHEWETH:

1. No comments.

2. No comments.

3. Incorrect. The appeal of the appellant is devoid of merit and liable to be dismissed.

4. Incorrect the Department issued impugned seniority list is according to law and section-4(2) of the Khyber Pakhtunkhwa (Employees Regularization of Services Act, 2009).

5. Incorrect in case when varies of rules has been challenged so according to Supreme Court Judgment in such cases. Now status quo shall be granted.

It is therefore most humbly prayed that the stay application of the appellant may be dismissed being devoid of merit.

RESPONDENT NO. 5 &6

THROUGH:

(M. ASIF YOUSAFZAI) ADVOCATE SUPREME COURT OF PAKISTAN.

& (SYED NOMAN ALI BUKHARI) ADVOCATE HIGH COURT

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

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 27)

STRVICE APPEAL NO. 56/2018 TITLED ZAWAR HUSSAIN KHAN VS GOVERNMENT OF MYBER PARIFUNKHWA SECRETARY POPULATION WELFARE DEPARTMENT AND OTHERS.

Substantial the Scroting Committee was held on 17.04.2019 at:12:00 hours in the office of Acditional Substantian Opimion: Law Parliamentary Affairs & Human Rights Department under his Chairmanship to difference the fitness of the subject case for filing of appeal / CPLA in the Supreme Court of Pakistan, AAG (Miring a All Shah) was also present during the meeting being representative of Acvocate General (CPLA Inturkhwe)

The Chairman of the Committee invited the representatives of Population Welfare Department, balteer Musharraf, AD (Lit) alongwith Mr. Zulfiqar, Supdt to apprise the Committee about the subground of the case which they did accordingly and stated that the appellant filed the subject service evolution of the case which they did accordingly and stated that the appellant filed the subject service evolution of the case which they did accordingly and stated that the appellant filed the subject service evolution of the case which they did accordingly and stated that the appellant filed the subject service evolution of the case which they did accordingly and stated that the appellant filed the series No. 16 while private evolution of the case shown senior to the appellant. The Khyber Pakhtunkhwa Service Tribunal held of recepted the appeal and set aside the impugned seniority list in the light of the relevant section, accepted the appeal and set aside the impugned orders dated: 15.11.2017 and 28.12.2017 wide judgment the case of the date of the Department intended to file CPLA against the judgment on the following services.

A ROUNDS:

3 File greating as profilered by the representative of the Department were that the Court has ignored to a court and stateman facts placed before it. The Scrutiny Committee raised a query that the Knyber of conditional Service Fridunas has sent the case to administrative department for examination upon which a condition reprint that the administrative department will examine the case of the coperant in the conditional adjunction of the convert Pakinunkhwa Service Fridunal.

DECISION:

the construction of above it was decided with consensus that the subject case may be returned to the statistic operation with remarks to comply with Service Tribunal order in additionation with law

ABID JAMAL

j's.

DEPUTY SOLICITOR

GOVERNMEN'T OF KHYBER PAKHTUNKHWA LAW, PARLIAMEN FARY AFFAIRS AND IFUMAN RIGHTS DEP ARTMEN'T

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 27)

SERVICE APPEAL NO. 56/2018 TITLED ZAWAR HUSSAIN KHAN VS COVERNMENT OF KHYBER PAKHTUNKHWA SECRETARY POPULATION WELFARE DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 17.04.2019 at 12:00 hours in the office of Additional Secretary (Opinion) Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of appeal / CPLA in the Supreme Court of Pakistan, AAG (Mr. Wilayat Ali Shah) was also present during the meeting being representative of Advocate General Lawrer Pakhunkhwa.

2. The Chairman of the Committee invited the representatives of Population Welfare Department. Safeer Musharraf, AD (Lit) alongwith Mr. Zulfiqar, Supdt to apprise the Committee about the background of the case which they did accordingly and stated that the appellant filed the subject service apprichailenging the seniority fist 2017 in which the appellant's was brought to serial No. 10 while private respondents No. 3 to 9 were shown senior to the appellant. The Khyber Pakhtunkhwa Service Tribunal held the respondents are required to recast the impugned seniority list in the light of the relevant section, accepted the appeal and set aside the impugned orders dated: 15.11.2017 and 28 12.2017 vide judgment that is 12.03.2019. Now, the Department intended to file CPLA against the judgment on the following grout dat

GROUNDS:

3. The grounds as proffered by the representative of the Department were that the Court has ignored the record and material facts placed before it. The Scrutiny Committee raised a query that the Khyber Pakntunkhwa Service Tribunal has sent the case to administrative department for examination, upon which the representative replied that the administrative department will examine the case of the appellant in the field of the judgment of the Khyber Pakhtunkhwa Service Tribunal.

DI CISION:

4 reference in view of above it was decided with consensus that the subject case-may be returned to the commission of Department with remarks to comply with Service Tribunal order in accordance, with law, the

ABID JAMAL DEPUTY SOLICITOR



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

DATED: PESH: THE DE NOV, 2016

NO. SO(OP-11)/LD/5-1/2012-VOL-111 9-638

Annus IV

Population Welfare Department.

Subject:

То

DETERMINATION OF SENIORITY.

The Secretary to Govt of Khyber Pakhtunkhwa,

Dear Sir, I am directed to refer to your Department letter No.SOE(PWD) 4-30/ 2012/ Vol-II/ 3074-76 dated 24.11.2016 on the subject noted above and to state that in accordance with sub-section 2, of section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, the inter se seniority of the Employees, whose services are regularized under this Act within the same service or cadre shall be determined on the basis of the continuous officiation in such service and cadre provided that if the date of continuous officiation in the case of two or more Employees is the same, the Employee older in age shall rank senior to the other one.

2. The fore referred provision of law clearly provides for determination of seniority on the basis of date of continuous officiation. The provision with regard to older age will be applicable in the eventuality, when the date of continuous officiation of two or more Employees is the same and not in all cases.

Yours Faithfully,

Section Officer (Opinion-II)

Endst: of even No. & date.

Copy is forwarded to P.S to Secretary Law Department.

FINAL SENIORITY LIST OF STATISTICAL ASS STANTS BPS-12 POPULATION WELFARE DEPARTMEN	IT, KHYBER PAKHTUNKHWA AS ON 03-04-2017

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Vaine	Ousinication	Date of birth	Domicile	Date of joining Govt. Service	Lower Grade	Present Grade	Date of joining the PW Deptt.	Regular	Posting	Remarks
Hamic Ali	ki Se	10/04/1975	Abboliabad	29.12.2006	29.12.2006	29 12:2005	29.12.2003	29.12.2005	DPWO Battagram	
Akhlar Hussain	M.A.(P. Science)	01/01/1950	Charsadda	22.2.1986	22.2.1986	22.2.1935	12.8.2003	Regular	PHOr Peshawar	Atsorbed?
Nazar Ali	ESc	04/01/1981	Chitrat	5.5.2009	5.5.2009	5.5.2009	6.5.2009			
Zawar Hussam	âSc	18/03/1988	Mardan	5.5.2009	6.5.2009	6.5.2009		ļ		Active appoint
Khair Muhammad Afridi	5Sc	02/05/1978	Khyber Agency	7.5.2009	7.5.2009	7.5.2009		I		has been
Shaleeq Alam	1.1Sc	04/01/1982	Mohmand	7.5.2009	7.5.2009			[· · · ·	lecularized w
Haliz Nasir Khan	MSc (Stats) MBA (Finance)	04/01/1984	- Charsadda	7.5.2009	7.5.2009	7.5.2009			PHOr Peshawar (working against the	24.10.2009 inc Provt Assembl Secretariat KPr
azal Wadood	3Sc	04/08/1985	Mardan	7.5.2009	7.5.2009	7.5.2009	7.5.2000			Act No. XVI of
luhammad Najeem Khan	BSc	30/04/1985	Dir Lower	11.5.2009	11.5.2009		14.5.005	<u> </u>		2009
akir Hussain	BSc	01/02/1979	Chitral	14.5.2009	14.5.2009		14 5 000		DPW Office Dir Lower	
alman Babar	MBA & MA(Pol:) 7	10/01/1988	Charsadda	12/10/2012	12/10/2012	+	12/10/2012	24.10.2009	DPWOffice Chilral	
	Hamid Ali Akhtar Hussain Hazar Ali Zawar Hussain Khair Muhammad Alridi Shaleeq Alam Haliz Nasir Khan Haliz Nasir Khan Haliz Nasir Khan Akir Hussain	Hamic Ali KI Sc Akhlar Hussain K.A. (P. Science) Itazar Ali ESc Zawar Hussain BSc Zawar Hussain BSc Staleeq Alam LiSc Staleeq Alam LiSc taiz Nasir Khan MSc (Stats) MBA (Finance) BSc azal Wadood BSc luhammad Najeem Khan BSc	Hamic Ali M Sc 10/04/1975 Akhtar Hussain M.A (P. Science) 01/01/1960 Nazar Ali ESc 04/01/1981 Zawar Hussain 6Sc 18/03/1986 Khair Muhammad Alridi SSc 02/05/1978 Shafeeq Alam MSc (Stats) 04/01/1984 Haiz Nasir Khan MSc (Stats) 04/01/1984 MBA (Finance) 04/08/1985 Wadood BSc 04/08/1985 Khair Hussain BSc 04/01/1985	Hamic AliKill ScDate StructuonDate StructuonHamic AliKill Sc10/04/1975AbbetabadAkhtar HussainM.A.(P. Science)91/01/1960CharsaddaHazar AliESc94/01/1981ChitratZawar Hussain6Sc18/03/1986MardanKhair Muhammad AlridiSSc02/05/1978Khyber AgencyShaleeq AlamMSc (Stats)04/01/1962MohmandHaiz Nasir KhanMSc (Stats)04/01/1984CharsaddawardoodBSc04/08/1985MardanJuhammad Najeem KhanBSc30/04/1985Dir Lowerakir HussainBSc01/02/1979Chitral	AlterOdd HondrichDate of UnithOomlitieGovt. ServiceHamid AliIAI Sc10/04/1975Abboltabad29.12.2006Akhtar HussainIMA (P. Science)01/01/1960Charsadda22.2.1986Hazar AliESc04/01/1981Chitral5.5.2009Zawar HussainBSc18/03/1986Itlardan6.5.2009Zawar HussainBSc02/05/1978Khyber Agency7.5.2009Zawar HussainItiSc04/01/1982Mohmand7.5.2009Shafeeq AlamItiSc04/01/1982Mohmand7.5.2009Shafeeq AlamItiSc (Stats) MBA (Finance)04/01/1984Charsadda7.5.2009iazal WadoodBSc04/08/1985Mardan7.5.2009iazal WadoodBSc04/08/1985Mardan7.5.2009iazal WadoodBSc01/02/1979Chitral14.5.2009	Same Oute of diff.in Odition Odition Odition Govt. Service Lower Grade Hamic Ali M1 S2 10/04/1975 Abbeltabad 29.12.2006 29.12.2006 29.12.2006 Akhtar Hussain M.A.(P. Science) 01/01/1960 Charsadda 22.2.1986 <td< td=""><td>Kine Ostendation Date of one Govt. Service Lower Grade Present Grade Hamic Ali IJ Sc 10/04/1975 Abboltabad 29.12.2006 29.12.2009 5.5.2009 5.5.2009 5.5.2009 5.5.2009 5.5.2009 7.5.2009 7.5.2009 7.5.2009 7.5.2009 7.5.2009 7.5.2009<td>Carrent All Date of Diff. Control of Diff. Controf Diff. Controf Diff. <</td><td>Late Other of undation Date of undation Other of undation Dotted of undation Dotted of undation Description Present Grade Present Grade PW Deptt. Regular Hame Ali LLS 2 10/04/1975 Abbottabad 29.12.2006 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008</td><td>Cases October (1010) Onlight Gover (2700) Lower (3700) Press - 1 Grade PW Dept. Pegular Posting Hame Ah IJ 52 10/04/1975 Abbotabad 29.12.2006 29.12.2007 29.12.2007</td></td></td<>	Kine Ostendation Date of one Govt. Service Lower Grade Present Grade Hamic Ali IJ Sc 10/04/1975 Abboltabad 29.12.2006 29.12.2009 5.5.2009 5.5.2009 5.5.2009 5.5.2009 5.5.2009 7.5.2009 7.5.2009 7.5.2009 7.5.2009 7.5.2009 7.5.2009 <td>Carrent All Date of Diff. Control of Diff. Controf Diff. Controf Diff. <</td> <td>Late Other of undation Date of undation Other of undation Dotted of undation Dotted of undation Description Present Grade Present Grade PW Deptt. Regular Hame Ali LLS 2 10/04/1975 Abbottabad 29.12.2006 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008</td> <td>Cases October (1010) Onlight Gover (2700) Lower (3700) Press - 1 Grade PW Dept. Pegular Posting Hame Ah IJ 52 10/04/1975 Abbotabad 29.12.2006 29.12.2007 29.12.2007</td>	Carrent All Date of Diff. Control of Diff. Controf Diff. Controf Diff. <	Late Other of undation Date of undation Other of undation Dotted of undation Dotted of undation Description Present Grade Present Grade PW Deptt. Regular Hame Ali LLS 2 10/04/1975 Abbottabad 29.12.2006 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008 29.12.2008	Cases October (1010) Onlight Gover (2700) Lower (3700) Press - 1 Grade PW Dept. Pegular Posting Hame Ah IJ 52 10/04/1975 Abbotabad 29.12.2006 29.12.2007 29.12.2007

Deputy Director



Government of Khyber Pakhtunkhwa. Directorate General Population Welfare Plot No. 18. Sector E-8, Phase-7, Hayalabad, Pashawar

OFFICE ORDER E.No.4(15)/2017/Admn:: In pursuance of Section-8 of Knyber Pakhtunkhwa Civil Servants Act, 1973 read with rules 17 of Knyber Pakhtunkhwa Civil Servants (Accounted, Packator) & E.No.4(15)/2017/Admn:: In pursuance of Section-8 of Knyber Pakhtunkhwa (Section 8 Research at the section 8 Resear E.No.4(15)/2017/Admnts In pursuance of Section-8 of Knyber Pakhtunkhwa Civil Servanta Act, 1973 read with roles 17 of Knyber Pakhtunkhwa UMI Servanta (Accounted, Panceon & La E.No.4(15)/2017/Admnts In pursuance of Section-8 of Knyber Pakhtunkhwa Civil Servanta Act, 1973 read with roles 17 of Knyber Pakhtunkhwa UMI Servanta (Accounted, Panceon & La E.No.4(15)/2017/Admnts In pursuance of Section-8 of Knyber Pakhtunkhwa Civil Servanta Act, 1973 read with roles 17 of Knyber Pakhtunkhwa UMI Servanta (Accounted, Panceon & La E.No.4(15)/2017/Admnts In pursuance of Section-8 of Knyber Pakhtunkhwa Civil Servanta (Accounted & Section 1971), Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered at the present of the Section 1971, Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered at present of the Section 1971, Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered at present of the Section 1971, Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered at present of the Section 1971, Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered at present of the Section 1971, Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered at present of the Section 1971, Population Welfare Department, Knyber Pakhtunkhwa Is hereby ordered

TENTATIVE SEMIORITY LIST OF STATISTICAL ASSISTANTS BPS-12 POPULATION WELFARE DEPARTMENT, KHYBER PAKHTUNKHWA AS OF

s	No. Name	Qualification	Date of birth	Jomicile	Date of joining Govt. Service	Present Grade	Date of joining the PW Dept.		Posting	Parata
	Hanti A	M.Sc	10/04/1975	Abboitabad	29.12.2006	29,12,2006	29.12.2006	29.12.2006	DPWO Batagram	
2	Alter Husself	NA(P. Science)	101/01/1960	Charsedca	22.02.1986	22.02.1986	12.8.2008		DG Office, Pestiana	Through PSC
-							,			Abactud / signate item to walke a vite after only ite 1(2005 2007/2019/10-2019/2014) and 2019/2019/20-2019/2014)
2	Kheir Mutanamad Afria	BSc	102/05/1978	Khyber Agency	07:05.2009	07.05.2009	37.05.2009	24.09.2009	DPW Office hangu	Address approximately class in the second state
<u> </u>	Zakt Hussain	MA (Anthropology)	C1/02/1979	Chitral	14.05.2009	14.05.2009	14.05,2009	24.09.2009	DPW000ce Chitral	produktion of such section and the section of the s
5	Nazar Au	MSc (Statistics)	04/01/1981	Chital	06.05.2009	C6.05.2009	06.05.2009	24.09.2009	OPW Office Onital	THE R. P. LEWIS CO., LANSING MICH.
6 	Steves Alem	MSc	24/01/1982	Mohmane Agency	07.05.2009	07.05.2009	07.05.2009	24.09.2009	DPW Office Malanand	Acres Days: Mar HC. Sciller acres
	Hafa Nasir Kum	MSc (Statistics) MBA (Finance)	04/01/1984	Charsadda	07.05.2009	07.05.2009	37.05.2009		DG Cifice, Peshawar (working against the post of Photographer)	and with Address Constrained pathway had SOEPWERS INCOMENTATION OF THE ADDRESS AND 20th Oct. 2017.
	Muhammat Najeem Knat	BSc	30/04/1985	Dir Lower	11.05.2009	11.05.2009	11.05.2009		OPW Office Dir Lower	4.
	Fazal Wadcori.	BSc	C4/08/1985	Marcian	07.05.2009	07.05.2009			OPW Office Bunar	4
	Cawar Hussain	9Sc	18/03/1985	Mardan	06.05.2009	06.05.2009			DPW Office Marcan	
R	laza Milhammad	MSc	01/04/1988	Bannu	16/10/2012		6/10/2012		OPW Office, Barrys	Serierty and past on the tests of the track
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381	itian Bacar	MBA & WA(Pol:).	0/01/1988	Charsadda .	12/10/2012	12/10/2012	2/10/2012		PW Office Characte	

Copy knowled to the:-

1. All Directors, PWD, KP, Peshawar.

2. Principals RTI, Chief Medical Officer LRH and All District FL, ulation Weifare Officers, Knyber Pakhtunkhwa with the direction to cistribute the seniority among the concerned officient ? obtained receipt certificate to this effect shall be furnished to this office for record within 30 days.

- J. PA to Advisor to CM for PWD, KP, Peshawar.
- 4. PS-to-Secretary to Govt: of KP, PWD, Peshawar.
- 5. PS to Director General, PWD, KP, Peshawar, 6. Officials concerned C/O DPWOs.
- 7. F.No. 4(5)/Admn
- 8. Master Fl.e.

(Director General) Population Welfare Department Khyber Pakhtunkhwa

HIGDANO Deputy Director (Admin.



Government of Khyber Pakhtunkhwa, Directorate General Population Welfare Plot Ho 18, Sector E-8, Phase-7, Hayatabad, Peshawar

Dated Peshawar the 26,12,2018.

2

E.No.4(15)/2017/Admn:-: In pursuance of Section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 road with rules 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) rules 1989, E-No-4(15)/2017/Advmr.: In pursuance of Section 4 of Report 1 astronomic 2 transfer nulles 1 and 2018 Operational seniority list of Statistical Assistant (BPS-12) (As stood on 29.11.2018) Directorate General Population Weltare Department, Rhyber Pakhtunkhya is hereby ordered/circulated for general the Provisional seniority list of Statistical Assistant (BPS-12) (As stood on 29.11.2018) Directorate General Population Weltare Department, Rhyber Pakhtunkhya is hereby ordered/circulated for general the Provisional seniority list of Statistical Assistant (BPS-12) (As stood on 29.11.2018) Directorate General Population Weltare Department, Rhyber Pakhtunkhya is hereby ordered/circulated for general inforamion and will be finalized as per Judgment of Service. Tribunal KP, Peshawar in Service Appeal No. 56/2018 little Mr, Zawar Hussain VS Govt, of KP

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			I	Qualification	Date of birth		Date of joining Govt Sarvice	Present Grade	Date of joining the PW Deptt	Date of Regularization	Posting	Romarks .
		SNo	Name		02/05/1978	Khyber Agency	01 05 2009	07.05 2009	07 05 2009	24 09 2009	DPW Office Hangu	Actoc appointments has been regularized vide promulgation of ordinance i e. 24.09 2009, where as
	The .	1	Khair Muhammad Afodi	BSc		Chitral	14 05 2009	14 05 2009	14 05 2009	24 09 2009	DPWOIfice Civital	intersee senionty has been determined as per analogy of
		• 2	Zaka Hussaan	MA (Anthropology)	01/02/1979		06.05 2009	06 05 2009	06 05 7009	24.09 2009	DPW Office Chitral	- 8PS-17 (NT) vide Admi; Dept: letter NO, SOE(PWD)4-
	· 0	3	Nazar Ali	MSc (Statistics)	04/01/1981	Chural	07.05 2009	07.05.2009	07 05 2009	24.09 2009	DPW Office Malakand	Adram: Department guidance letter No. SOE(PWD)4- 30/2012/vol-W1911-13 detaid 26th Oct 2017.
	apro D.	4	Shaleoq Alam	MSc	01/04/1982	Mohmand Agency		07.05 2009		24.09 2009	DG Office, Peshawar	
	2 Invit	5	Hafiz Nasir Khan	MSc (Statistics) MBA (Finance)	01/04/1984	Charsadda	07.05 2009	07.03 2003			(working against the post of Photographer)	
•	Certificate Cu			·	20/04/1985	Dir Lowor	11.05 2009	11.05 2009	11.05 2009	24 09.2009	DPW Office Dir Lower	
	No -	6		M.Sc (Statistics)	04/08/1985	Mardan	07.05 2009	07.05.2009	07.05.2009	24.09.2009	OPW Office Buner	
•	1200 00	7	Fazal Wadood	8Sc	18/03/1986	Mardan	06.05.2009	06.05.2009	06.05.2009	24.09.2009	DPW Office Mardan	
	0 m	6	¹ Zewar Hussain	BSc	01/04/1988	Bannu	16/10/2012	16/10/2012	16/10/2012	-	DPW Office, Bannu	Seniarity assigned on the basis of merit under Rule-17 (3) Pro- (1)(a) Sile seniority Part-M of the APT Rules 1989, of KP, 4, and 5
	Server	9	Raza Muhammad	MSc	0170471560			. •				ESTACODE (Revised Edition) 2011
	10										24	
		1		· · · · · · · · · · · · · · · · · · ·	10/01/1988	Charsadde	12/10/2012	12/10/2012	12/10/2012	-	DPW Office Charsedda	-60-
	are.	- 19	Salman Babar	MBA & MA(Pol:)		. <u></u>				Virector Genera	10 F	
	· · · · · ·						-				N	

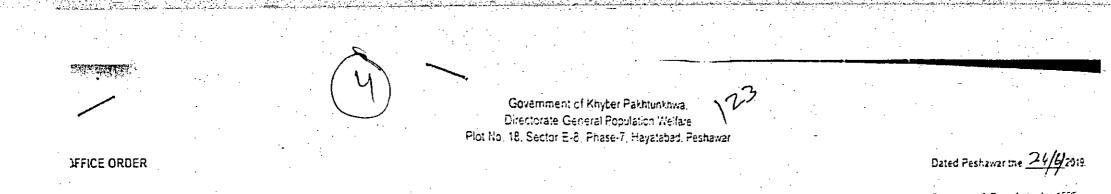
Population Welfare Department

All Directors (All Principals RTI (All DPWOs, PWD, KP, for information with the request to distribute the same amongst the concerend officials and subm Copy forwarded to the:-

distribution certificate to this office. Official concerned for information and to submit objection / No objection certificate in either case. to this office within 30 days

PS to Director General, Population Welfare Department, Govt: of Khyber Pakhtunkhwa, Peshawar. 2

(Hidayal) Deputy Director (Admn)



E.No.4(15)/2017/Admiti-: In oursuance of Section-8 of Khyper Pakhtunkhwa-Civil Servants Act. 1973 read with rules 17 of Khyper Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) rules 1553. ine final seniority list of Statistical Assistant (BPS-12) (As stood on 14 05.2019). Directorate General' Population Welfare Department, Knyber Pakhtunkhwa is nereby ordered/dirculated for general inforamtion

Stio	Name.	Qualification	Date of birth	Domicite	Date of joining Gove. Service	Present Grade	1.2.1.0.4-	Regularization	Posting	Remarks
1	Hazar Ali	USc (Statistics)	04/01/1981	Chitral	03 05 2009	03.05.2009		24 69 2009	OPN Office Crictal	אמי הביצגעיי יאל צוי ביישרייטוא אמי איני
2	Zawar Hussian	1550	12/03/1955	Mardan	05.05.2009	05.05 2009	05.05.2009	24,09,2009	DPVI Office Marcan	and the second visit and a state state second state
3	Khair Nunammad Andi	135c	02/05/1978	Khyter Acency	07 05 2009	07 05 2009		24 09.2009	101 11-01-000 1-00 mg-	
4	Shateeq Alam	MSc	01/04/1982	- Mohmand Agency	07.05.2009	07:05.2003		24 09,2009	DPW Cifice Italakano	TESCOTSE 10 Service Kreat La ESECTS 114 EDB
5	Hafiz Nasit Krigri	MSc (Statistics) MBA (Finance)	01/04/1984	Charsacida	07.05.2003	07.05.2009		24.09.2009	Working against the post of Photographer)	Hussan Khan
6	Fazal Wadcord.	135c	04/08/1985	Mardan	07 05 2009	101 00 00	07.05.2009	24.09.2009 24.09.2009	DPW Office Buner	4
7.	Muhammad Najesm Kinan	M Sc (Statistics)	20/04/1985	Dir Lawer	11 05.2009		11,05,2009	14 09 2009	DPW Office Dr Lover	
8	Zelvi Hussen Para Hunanmad	MA (Anthropology) MSc	01/02/1979 01/04/1938	Chitral Bannu	14.05.2009 16/10/2012	14.05.2009	16/10/2012	-		Senarity assigned on the case of mere units fade to (1)(a) the senary Party of the APT fades 1993, of EST=CODE (Raveau Econt) 2011
1,				• ^			12/10/2012			=
10	Salman Eabar	NBA: & MA(Pols)	10/01/1988	Charsadda	12/10/2012	12/10/2012	12/0.01	<u>ب</u>	DPW Office Charsadda	40-

(Director General) population Welfare Department

Copy for a group to the

- 1 All Directors /All Principals:RTI /All DPWOs, PWD, Khyber Pakhtunkhwa.
- 2 Officials concerned C/O DPWOs concerned.
- 3 PS to Director General, Population Welfare Department, Govt: of Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Admn) $\mathbf{\Phi}$

THE ¹[KHYBER PAKHTUNKHWA] EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009. (²[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

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CONTENTS

PREAMBLE SECTIONS

「「「「「「「「」」」

- 1. Short title and commencement,
- 2. Definitions.
- 3. Regularization of services of certain employees.
- 4. Determination of seniority.
- 4A. Overriding effect.
- 5. Repeal.
 - . .

THE ³[KHYBER PAKHTUNKHWA] EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009. (⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

STRUCTURE STRUCTURE

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary) dated the 24th October, 2009]

AN ACT

²to provide for the regularization of the services of certain employees appointed on adhoc or contract busis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. <u>Short title and commencement.</u>---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires.-

- (a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

"Government" means the Government of the ⁹[Khyber (c) Pakhtunkhwal;

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4-12 FIL 65 . 451 CM

"Government Department" means any department constituted (d) under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;

(e)

(f)

1 100

"post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

"law or rule" means the law or rule for the time being in force

governing the selection and appointment of civil servants; and

The expressions "adhoc or contract appointment" and "civil servant" (2)shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (12[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

Regularization of services of certain employees.---All employees including 3. recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

Determination of seniority, --- (1) The employees whose services are 4. regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

The seniority interse of the employees, whose services are regularized (2)under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 "Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011 ¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

14

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. <u>Overriding effect</u>.—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5: <u>Repeal.</u>---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

In Service Appeal No. <u>4279</u>/2020

Mr. Khurshid Ali____

Versus .

The Secretary, Govt. of Khyber Pakhtunkhwa

Population Welfare Department, Peshawar etc.

(Respondents)

(Appellant)

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R

(Kashif Fida) Assistant Director (Admn) Directorate General, Population Welfare Respondent No. 4

Person) (Qn

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

In Service Appeal No.4279/2020.

Khurshid Ali

..... (Appellant)

Versus

The Secretary, Govt. of Khyber Pakhtunkhwa

Population Welfare Department, Peshawar etc

(Respondents)

PARAWISE REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS No. 4

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1. That no discrimination / injustice has been done to the appellant.
- 2. That the instant appeal is bad in the eye of law.
- 3. That the appellant has not come to this Tribunal with cleaned hands.
- 4. The appeal is based on distortion of facts and is not tenable in eye of law.
- 5. That according to the law the seniority list is to be determined on the basis of arrival (continuous officiation) not from the date of appointment or from the Regularization date.
- 6. That all the proceeding regarding seniority has been conducted in accordance with the prevailing law.
- 7. That the appellant has filed the present service appeal contrary to Law and facts.
- 8. That the appellant has concealed material facts from this Tribunal.

ON FACTS:

- <u>1</u>. No comments refer to record.
- 2. No comments refer to record.
- 3. Para No.3 of the appeal is correct.

- 4. Para No.4 of the appeal is correct to the extent that appeal of the respondent No.5 and 6 were subjudice before the honorable service tribunal. However before the final order by the Tribunal, The Departmental progress Review Committee already constituted in order to streamline the working of litigation section to review the matter relating to the seniority list dated 4th October, 2017 was reviewed and as such in light of the decision of the review committee respondent No. 5 & 6 withdrawn their appeals. It is worth mentioning that review committee decided the seniority list in light of Section-4 (2) of the Khyber Pakhtunkhwa (Employees Regularization of Services Act, 2009. Moreover such seniority list was duly approved by the competent forum.
- 5. Para No. 5 is incorrect. The seniority list dated 04.12.2019 were issued after due consideration in light of Section-4 (2) of the Khyber Pakhtunkhwa (Employees Regularization of Service Act, 2009. While the rest of the para is not related therefore need no comments.
- 6. Para No. 6 pertains to record hence needs no comments.
- <u>7.</u> Para No. 7 is Legal need no reply.

ON GROUNDS:

- A. Para-A is incorrect. The seniority list was prepared in accordance with Section-4
 (2) of KP (Employees Regularization Act, 2009. read with the judgment dated
 12.03.2019 of this Honorable Service Tribunal in Service Appeal No. 56/2018
 Title Zawar Hussain Khan Versus Secretary Population Welfare Department
 Khyber Pakhtunkhwa Peshawar (Annex: A).
- B. Para-B is incorrect. And is already replied in Para-A above.

- C. Para-C is incorrect. Progress Review Committee / Dispute Resolution Committee was the proper forum for granting relief to respondent No. 5 & 6 in accordance with the TORs No (iii) of DPRC as defined in the litigation policy circulated vide Notification No SO(Policy)1-41/2018 dated 26-03-218 . (Annex: B). There is no legal bar on the departmental committee to constrain them not to review the seniority list. The committee has been given the power / mandate to consider such like court cases.
- D. Para-D is incorrect. The appellate is serving as Assistant Director not as an Additional Director. As per Khyber Pakhtunkhwa Litigation Policy circulated

vide No. SO (Policy) 1-141/2018 dated 26.03.2018 (Annex: B), there are two committees i.e. Provincial Progress Review Committee (PPRC) and Departmental Progress Review Committee (DPRC) and the committee as referred by the appellant is not applicable in the instant case.

- E. Para-E is correct. The Departmental Committee was constituted in line with the Litigation Policy of the Provincial Government referred at Para-D above.
- F. Para-F is incorrect. Population Welfare Department duly forwarded the minutes of the DPRC meetings held on 28.10.2019 and 15.11.2019 to the Khyber Pakhtunkhwa Law, Parliamentary Affairs & Human Rights, Department Peshawar vide letters NO. SOE (PWD) 4-109/2019/DPRC dated 31.10.2019 (Annex: C) & No. SOE (PWD) 4-109/2019/DPRC/532-36 dated 20.11.2019 respectively in line with the TORs No. 1V of DPRC defined in the Litigation Policy of the Province at Annex: B. Furthermore the revised seniority list of BPS-17 (N.T) was also got approved from the Competent Authority vide Note dated 02.12.2019.
- G. Para-G is incorrect. The minutes of the meetings **Control Control** of the DPRC were regularly forwarded to the quarter concerned and the said seniority list was got approved from the competent authority as explained above at Para-F.
- H. Para-H is incorrect. As per TORs of the committee duly circulated by Establishment Department Govt. of KP vide Notification dated 26/03/2018 at Annex: B, the committee is supposed to made negotiations with litigants to withdraw their cases accordingly, hence there was no need to call others therefore the action was taken in line with the policy of the Government.
- I. Para-I is incorrect. As per rules of business, interpretation on law points/ issues is the business of law, Parliamentary Affairs & Human Rights Department Govt of Khyber Pakhtunkhwa. The term "<u>Continuous Officiation</u>" has already been defined by the law, Parliamentary Affairs & Human Rights Department Govt of Khyber Pakhtunkhwa vide letter No. SO (OP-II)/LD/S-1/2012-Vol-III-26384-86 dated 28.11.2016 (Annex: E), and the Govt. of Khyber Pakhtunkhwa Establishment & Admn: Department (Regulation Wing) letter No. SOR-V (E&AD)/4-31/2017 dated 17.08.2017 (Annex: F) and this Honorable Tribunal

vide decision dated 12.03.2219 in Service Appeal No. 56/2018 Titled Zawar Hussain Khan Versus Secretary Population Welfare Department Khyber Pakhtunkhwa Peshawar at Annex: A that the term " continuous of officiation" is the date of arrival and as such the undersigned appraised the DPRC as per available record.

- **J.** Para-J is incorrect. The matter has already been clarified by the concerned quarters and decision of this Honorable Tribunal as explained above at Para-I.
- K. Para-K is incorrect. The seniority list has been corrected as per advice of the Law, Parliamentary Affairs & Human Rights Department Govt of Khyber Pakhtunkhwa vide letter No. SO (OP-II)/LD/S-1/2012-Vol-III-26384-86 dated 28.11.2016 and Govt. of Khyber Pakhtunkhwa Establishment & Admn: Department (Regulation Wing) letter No. SOR-V(E&AD)/4-31/2017 dated 17.08.2017 as well as this Honorable Tribunal as explained in Para-I.
- L. Para-L is incorrect. The seniority list is correct according to the prevailing Law and prepared by the lawful authority and no discrimination has been effected upon any one's right.

Prayer:-

It is therefore most humbly prayed that by acceptance of this reply the Service Appeal of .the Appellant may kindly be dismissed with cost.

Any other relied though not specifically prayed for deem fit in circumstances of the case may kindly be granted.

(Kashif Fida)

Assistant Director (Admn) Directorate General, Population Welfare Respondent No. 4 (In Person)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Versus

In Service Appeal No. **H**/2020

Mr.

(Appellant)

The Secretary, Govt. of Khyber Pakhtunkhwa Population Welfare Department, Peshawar etc +

(Respondents)

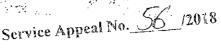
<u>Affidavit</u>

I Mr. Kashif Fida, Assistant Director (Admn), Directorate General, PW Peshawar do solemnly affirm and declare on oath that the contents of para-wise comments/reply are true and correct to the best of my knowledge and available record and nothing has been concealed from this Honorable Tribunal.

(Kashif Fida)

Assistant Director (Admn) Directorate General, Population Welfare Respondent No. 4 (In Person)

FORE THE KHYBER PARHTUNKHWA SERVICE TRIBUNAL PESHAWAR



Tom Bill REAR REPART OF FCEVDES

Appellant

Diam' No. Date

Zawar Hussain Khan, Statistical Assistant, Office of the District Population Welfare, Mardan.....

Versus

The Secretary, Govt. of Khyber Pakhtunkhwa, Population Welfare Department, Peshawar.

2. The Director General,

Population Welfare Department,

Khyber Pakhtunkhwa, Peshawar.

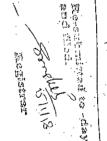
Khair Muhammad Afridi. 3. Statistical Assistant; Office of the District Population Welfare, District Hangu.

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4. Zakir Hussain. Statistical Assistant, Office of the District Population Welfare, District Chitral.

5 Nazar Ali, Statistical Assistant, Office of the District Population Welfare, District Chitral. ğ, _I

6. Shafeeq Alam, Statistical Assistant, Office of the District Population Welfare, District Malakand.



ik saist.

7. Hafiz Nasir Khan, Office of the Director General, Population Welfare Department Peshawar.

Muhammad Najeem Khan, Office of the District Population Welfare, 8. Dir Lower.

9. Fazal Wadood, Office of the District Population Welfare. District Bunner.....

Respondents



BEFORE YBER <u>AKHTUNKHWA SERVIC</u>

Appeal No. 56/2018

Date of Institution ... 12.01.2018

Date of Decision ... 12.03 .2019

Zawar Hussain Khan, Statistical Assistant, office of the District Population Welfare, (Appellant) VERSUS

The Secretary, Govt: of Khyber Pakhtunkhwa Population Welfare Department, Peshawar and eight others.

MR. KHUSH DIL KHAN, Advocate

MR. ZIAULLAH Deputy District Attorney

MR. JAVED IQBAL GULBELA, Advocate -

MR. AHMAD HASSAN, MR. HAMID FAROOQ DURRANI

For private respondents no. 3 & 4 MEMBER(Executive) CHAIRMAN

For appellant:

(Respondents)

For official respondents no. 1 & 2

JUDGMENT

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

ARGUMENTS

Learned counsel for the appellant argued that he was initially appointed as Statistical Assistant (BPS-11) on adhoc basis vide order dated 27.04.2009. After promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 his services were regularized alongwith other similarly placed employees. The method for determination of seniority was laid down in Section-4 of the above Act. That final seniority list was circulated by the respondent no.2 on 23.05.2010 showed that name of the appellant was reflected at sr. 8, while private

respondents no. 3 to 9 were shown as junior to him as per law/rules. This position was maintained in the seniority list issued on 29.11.2013 and 26.02.2016. Thereafter, another final seniority list was circulated vide office order dated 04:04.2017 in which due place was given to the appellant. Against the laid down procedure another tentative seniority list was notified in 2017 in which his name was brought to sr. no.10, while private respondents 3 to 9 were shown senior to the appellant. Feeling aggrieved, he preferred departmental appeal on 21.11.2017 which was rejected vide order dated 28.12.2017. Respondents have misinterpreted sub-Section-2 of Section-4 of the Act of 2009, while preparing the impugned seniority list. The appellant joined service/assumed charge on 06.05.2009, whereas the private respondents joined duty later on and were rightly placed junior to him. As such by applying the method of continues officiation he was senior to private respondents.

On the other hand learned Deputy District Attorney argued that initially the appellant was appointed on adhoc basis and thereafter his services were regularized under the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009 For proper interpretation of the said Act regarding determination of seniority the matter was referred to the Establishment department for advice. In the light of advice of the said department, seniority list was firmed up/notified. Action taken by the respondents was duly backed by law and rules.

Learned counsel for private respondents no. 3 and 4 relied on arguments advanced by learned Deputy District Attorney.

4

CONCLUSION

5. It is not disputed that the appellant was appointed as Statistical Assistant on adhoc basis vide order dated 27.04.2009. After promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 his services were regularized. Attention is invited to Sub-Section-2 of Section-4 of the above Act, wherein it is laid down that the seniority inter-se of the employees whose services were regularized under this Act within the same service or cadre shall be determined on the basis of their continuous officiation in such service or cadre. On the strength of this principle due place was given to the appellant in the seniority lists notified on 23.08,2010, 29.11.2013, 24.2.2016 and 04.04.2017.

6. The dispute arose after circulation of tentative seniority list dated 15.11.2017 in which his name was not placed at the appropriate place. Sub-Section (1) (5) of Section-8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 provides that seniority list shall be revised atleast once in a calendar year, preferably in the month of January. It is not understandable, why two seniority lists were circulated/notified by the respondents in one calendar year? The grounds given in the rejection order of his departmental appeal are against the spirit of the said Act.

7. Attention is also invited to a letter dated 06.08.2017 addressed to the Director General Population Welfare, Khyber Pakhtunkhwa, wherein some guidelines were given for determination of seniority of BPS-11 adhoc employees. It was also directed to fix their seniority on the analogy of BPS-17 employees (non-technical). Through another letter dated 26.10.2017 from respondent no.1

addressed to respondent no.2 diffections were conveyed that seniority of adhoc employees be determined from the date of promulgation of ordinance.

8. Learned counsel for the appellant also produced minutes of the DSC held on 03.04.2009 in which the appellant was selected and placed at sr. no.3 of merit assigned to him. Order dated 27.04.2009 through which his appointment was notified showed him at the same place.

9. Respondents in order to properly interpret the relevant section of Act for determination of seniority took up the case with the Establishment Department for advice. The said department vide letter no. SOR-V (E&AD)/4-31/2017 dated 17.08.2017 advised to settle the issue in the light of Section 4(2) of the said Act. However, this advice was not followed by the respondents. Case of the appellant seems genuine and respondents are required to recast the impugned seniority list in the light of the relevant section of the aforementioned act.

10. As a sequel to above, the appeal is accepted and the impugned orders dated15.11.2017 and 28.12.2017 are set aside. Parties are left to bear their own costs.File be consigned to the record room.

(AHMAD HASSAN) MEMBER

(HAMID FAROOQ DURRANI) CHAIRMAN

<u>ANNOUNCED</u> 12.03.2019 () Government of Khyber Pakhtunkay a Establishment Department Dated: 26.3.2018



NOTIFICATION:

No. SO(POLICY)1-41/2018. In order to streamline the processes and devise a policy based on standardized procedures for litigation, the Competent Authority is pleased to approve the Provincial Litigation Policy for all Administrative Departments and strached formation, with immediate effect. The policy shall be followed in letter and spirit by all concerned.

Provincial Litigation Policy

It has been the utmost priority of the Provincial Government to emphasis on welfare 1. legislation and social reforms. The Provincial Litigation Policy is aimed to transform all government departments and attached formations into efficient and responsible litigants. This policy adheres to the responsibility of the government to protect the rights of citizens while strictly adhering to the laws, rules and regulations in vogue. The primary objective of this policy is to reduce unnecessary litigation workload of the departments in courts so as to avoid wastage of valuable time of the courts and government. This Policy will also enable the officers heading the litigation sections of the departments to work more efficiently store

objective oriented.

Salient features 2.

The salient features of the policy are;

- To ensure that litigation section/cell of a department is as important as other section-However, all other sections (internal or external if related to the case) are equain a. responsible to cooperate while filing/contesting cases. It guides to place correct facts, all relevant documents before the court/tribunal and not to
- b. It guides about progress review of departments both internally and externally via notrica
- c. It sensitizes the government departments in important eases for efficient and timely
- d. To put in place an external monitoring mechanism to review progress of the line

departments in terms of success/failure and determine responsibilities. e. To lay down a model for departmental litigation sections.

- f.
- To lay down incentives based litigation model.
- g.

3. Principles of Efficiency

Competency	A Department to be represented by a competent and sensitive litigation officers or team of officers: competent on the basis of qualification, experience and skills (presentation/arguments) and sensitive to the facts that government is not an ordinary litigant and that a litigation does not have to be won at any cost.
Prioritization	The core cases which if decided in favour of the Government could either strengthen the government stance or result into revenue or both.
Management	Initiate litigation in a uniform and coordinated manner and ensuring that cases of public interest are won and otherwise are not needlessly persisted with.
Responsibility	 That litigation will not be resorted to for the sake of contesting. That false pleas will not be taken and shall be avoided in presentation before the court.

4. Progress Review Committee (PRC)

In order to streamline working of litigation sections and make an efficient environment therein, it is direly needed to vigilantly review progress and efficiency of these sections both internally and externally. For the purpose, the following two tiers of Progress Review Committee are laid down:

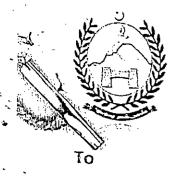
- a. Departmental Progress Review Committee (DPRC)
- b. Provincial Progress Review Committee (PPRC)

a. Departmental Progress Review Committee (DPRC)

The DPRC Committee to be notified by the concerned department preferably under the Chairmanship of the Special Secretary concerned. However, those departments where the post of Special secretary does not exist shall notify the same under any well versed officer but not below the rank of Additional Secretary or BPS-19. The rest of composition shall include members from the concerned attached formations, litigation section, and any coopted expert(s).

ToRs:

- i. To conduct quarterly performance review of the litigation section of the department and that of the attached formations in terms total number of cases at different courts, progress made in cases, issues and the line of action adopted.
- ii Transformmend action to the next higher authority against the officer/official on account of poor performance and negligence of duty in a case or cases.
- iii. To review cases for possible resolution/settlement at the Committee's level or by
- means of negotiation with complainant/litigant to withdraw his case or cases accordingly.
- iv. To furnish minutes/reports of the quarterly meeting to Law Department regularly



GOVERNMENT OF KHYBER PAKHTUNKHWA, POPULATION WELFARE DEPARTMENT

02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-109/2019/DPRC/ Dated Peshawar the 31st October, 2019

- The Secretary to Govt. of Khyber Pakhtunkhwa, 1. Law, Parliamentary Affairs and Human Rights Department, Peshawar.
- The Director General, 2. Directorate General PW, Khyber Pakhtunkhwa, Peshawar.
- Subject: -MINUTES OF THE DEPARTMENTAL PROGRESS REVIEW COMMITTEE MEETING HELD ON 28-10-2019 UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY, POPULATION WELFARE DEPARTMENT **REGARDING PENDING COURT CASES**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith minutes of meeting of the Departmental Progress Review Committee held on 20/10/2019 under the Chairmanship of Additional Secretary of this Department for further necessary action please.

Yours faithfully, SECTION OFFICER (ESTT)

Encls: As above.

Copy to the: -

- PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar alongwith a copy 1. of minutes of the DPRC meeting held on 28-10-2019 for information.
- PS to Additional Secretary, Population Welfare Department, Khyber 2. Pakhtunkhwa, Peshawar.
- PA to Deputy Secretary (Admn), PWD, Khyber Pakhtunkhwa, Peshawar. 3.

SECTION OFFICER (ESTT)



To

GOVERNMENT OF KHYBER PAKHTUNKHWA, POPULATION WELFARE DEPARTMENT 02nd Floor, Abdul Wall Khan Multiplex, Cluit Secretarian, Pechagyar

No. SOE (PWD) 4-109/2019/04967 (53.0) 37. Dated Peshawar the 20th November, 2019

17%,

- The Secretary to Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department, Peshawar.
- The Director General,
 Directorate General PW,
 Khyber Pakhunkhwa, Peshawar.
- Subject: MINUTES OF THE DEPARTMENTAL PROGRESS REVIEW COMMITTEE MEETING HELD ON 15-11-2019 UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY, POPULATION WELFARE DEPARTMENT REGARDING PENDING COURT CASES

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith minutes of meeting of the Departmental Progress Review Committee held on 15/11/2019 under the Chairmanship of Additional Secretary of this Department for further necessary action please.

Yours faithfully,

SECTION OFFICER (ESTT)

Encls: As abrive.

Copy to the: -

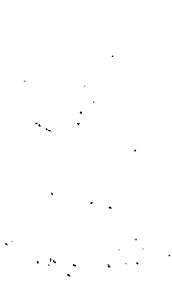
- 1. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar alongwith a copy of minutes of the DPRC meeting held on 15-11-2019 for information.
- 2. PS to Additional Secretary, Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
- 3. PA to Deputy Secretary (Admn), PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

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GOVERNMENT OF KHYBER PAKHTUNKHWA LAW, PARLIAMENTARY AFFAIRS & HUMAN RIGHTS DEPARTMENT :0(0P-11)/LD/5-1/2012-VOL-111 2-6384-85

DATEO: PESH: THE 🔊 NOV, 2016

The Secretary to Govt of Khyber Pakhtunkhwa, Population Welfare Department.

DETERMINATION OF SENIORITY

Subject:

cases.

7/2 2 WW/C I am directed to refer to your Department letter No.SOE(PWD) 4-Dear Sir. 30/ 2012/ Vol-II/ 3074-76 dated 24.11.2016 on the subject noted above and to state that in accordance with sub-section 2 of section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, the inter se seniority of the Employees, whose services are regularized under this Act within the same service or cadre shall be determined on the basis of the continuous officiation in such service and cadre provided that if the date of continuous officiation in the case of two or more Employees is the same, the Employee older in age shall rank senior to the other one.

Hardent The fore referred provision of law clearly provides for determination of seniority on the basis of date of continuous officiation. The provision with regard to older age will be applicable in the eventuality, when the date of continuous officiation of two or more Employees is the same, and not in all

Yours Faithfully,

Section Stricer (Opinicit-II)

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GOVERNMENT OF KHYBER PAKHTUNKHW ME ESTABLISHMENT & ADMN: DEPARTMENT (REGULATION WING)

> No.SOR-V(E&AD)/4-31/2017 Dated 17th August, 2017.

The Secretary to Govt: of Khyber Pakhtunkhwa, Population Welfare Department.

Subject: Dear Sir.

ISSUANCE OF FINAL SENIORITY LIST OF (BS-17) NON-TECHICAL I am-directed to refer to your letter No.SOE(PWD)4-30/2008/Vol-1/50 004 dated 21-06-2017 on the subject noted above and to state that Section-4(2) of Khyber Pakhtunkhwa Employees (Regulation of Services) Act 2009 is very clear on issue and the issue may be settled accordingly.

Yours faithfully,

(MUHAMMAD SALIM SHAH)' SECTION OFFICER (REG-V)

Copy forwarded to the PA to Deputy Secretary (R-III) Establishin Department.

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SECTION OFFICER (REG-V)

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Secretary -

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Versús

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In Service Appeal No.4279/2020.

Khurshid Ali,

The Secretary, Govt. of Khyber Pakhtunkhwa

Population Welfare Department, Peshawar etc

(Appellant)

(Respondents)

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Deponent

Ahmad Yar Khan Assistant Director (Lit)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Service Appeal No.4279/2020. Khurshid Ali,

..... (Appellant)

Versus

The Secretary, Govt. of Khyber Pakhtunkhwa

Population Welfare Department, Peshawar etc

(Respondents)

PARAWISE REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 To 3.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1. That the appellant has got no locus standi to file the instant appeal.
- 2. That no discrimination / injustice has been done to the appellant.
- 3. That the instant appeal is bad in the eye of law.
- 4. That the appellant has not come to this Tribunal with cleaned hands.
- 5. The appeal is based on distortion of facts and is not tenable in eye of law.
- 6. That the appellant has been estopped by his own conduct to file the appeal.
- 7. The present service appeal is based upon malicious/vexations and frivolous grounds.
- 8. That the service appeal is based on conjecture and surmises.
- 9. That the service appeal is not maintainable in its present form.
- 10.That the service appeal is bad due to mis-joinder and non-joinder of the parties.
- 11. That according to the law the seniority list is to be determined on the basis of arrival (continuous officiation) not from the date of appointment or from the Regularization date.
- 12.That all the proceeding regarding seniority has been conducted in accordance with the prevailing law.
- 13.That the appellant has filed the present service appeal contrary to Law and facts.
- 14. That the appellant has concealed material facts from this Tribunal.
- 15. The instant appeal is hit by R.23 of the Khyber Pakhtunkhwa Service Tribunal Rule 1974.

- <u>1.</u> Para No.1 of the appeal is correct.
- 2. Para No.2 of the appeal is correct.
- 3. Para No.3 of the appeal is correct.
- 4. Para No.4 of the appeal is correct to the extent that appeal of the respondent No.5 and 6 were subjudice before the honourable service tribunal however before the final order by the Tribunal, The Departmental progress Review Committee already constituted in order to streamline the working of litigation section to review the matter relating to the seniority list dated 4th October, 2017 was reviewed and as such in light of the decision of the review committee respondent No. 5 & 6 withdrawn their appeals. It is worth mentioning that review committee decided the seniority list in light of Section-4 (2) of the Khyber Pakhtunkhwa (Employees Regularization of Services Act, 2009. Moreover such seniority list was duly approved by the competent forum.
- 5. Para No. 5 is incorrect. The seniority list dated 04.12.2019 were issued after due consideration in light of Section-4 (2) of the Khyber Pakhtunkhwa (Employees Regularization of Service Act, 2009. While the rest of the para is not related therefore need no comments.
- 6. Para No. 6 pertains to record hence needs no comments.
- 7. Para No. 7 need no comments .However reply on the grounds are as under..

ON GROUNDS:

- A. Para-A is incorrect. The seniority list was prepared in accordance with Section-4 (2) of Regularization Act, 2009, after due consideration of material facts on record. There is no legal bar on the authority to give notice to any one, while considering the seniority list. Furthermore the seniority list was prepared in accordance with Section-4 (2) of KP (Employees Regularization Act, 2009. read with the judgment dated 12.03.2019 of this Honorable Service Tribunal in Service Appeal No. 56/2018 Title Zawar Hussain Khan Versus Secretary Population Welfare Department Khyber Pakhtunkhwa Peshawar (Annex: A).
- B. Para-B is incorrect. In such like proceeding there is no needs to give notices to appellant or to anyone else. The rest of the para is already replied in Para-A above.

- C. Para-C is incorrect. Progress Review Committee / Dispute Resolution Committee was the proper forum for granting relief to respondent No. 5 & 6 in accordance with the TORs No (iii) of DPRC as the defined in the litigation policy circulated vide Notification No SO(Policy)1-41/2018 dated 26-03-218 . (Annex: B). There is no legal bar on the departmental committee to constrain them not to review the seniority list. The committee has been given the power / mandate to consider such like court cases.
- D. Para-D is incorrect. The appellate is serving as Assistant Director not as an Additional Director. There are two committees mentioned in the litigation policy 2018 i.e. Provincial Progress Review Committee (PPRC) and Departmental Progress Review Committee (DPRC) and the committee as referred by the appellant is not applicable in the instant case.
- E. Para-E is correct. The departmental committee is constituted in line with the Establishment Department KP instructions vide Notification No. SO (Policies)/E&AD/2-1/2017 dated 19/10/2017.
- F. Para-F is incorrect. The seniority list of respondents No 5 & 6 was revised/ reviewed but the seniority list dated 04-10-2017 related to all the regularized officer was revised/ reviewed by the committee. The revised/ reviewed seniority list alongwith minutes of the meeting dated 15-11-2019 was forwarded to the Provincial Departmental Resolution committee vide letter No SOE(PWD)4-109/2019/DPRC/532-36 dated 20-11-2019. (Annex: C).
- G. Para-G is incorrect. The minutes of the meeting dated 15/11/2019 was forwarded to the competent forum vide letter No. SOE (PWD) 4-109/2019/DPRC/532-36. Dated 20/11/2019. (Annex: D).
- H. Para-H is incorrect. As per TORs of the committee duly circulated by Establishment Department Govt. of KP vide Notification dated 26/03/2018, the committee is supposed to made negotiations with litigants to withdraw their cases accordingly, hence there was no need to call others therefore the action was taken in line with the policy of the Government.
- I. Para-I is incorrect. The reply is already given in para A.
- **J.** Para-J is incorrect. The matter has already been clarified by the concerned quarters and Judgment of this Honorable Tribunal as explained above at Para-I.

- K. Para-K is incorrect. The seniority list has been corrected as per advice of the Law, Parliamentary Affairs & Human Rights Department Govt of Khyber Pakhtunkhwa vide letter No. SO (OP-II)/LD/S-1/2012-Vol-III-26384-86 dated 28.11.2016 and Govt. of Khyber Pakhtunkhwa Establishment & Admn: Department (Regulation Wing) letter No. SOR-V(E&AD)/4-31/2017 dated 17.08.2017 as well as this Honorable Tribunal as explained in Para-A. (Annexure E&F).
- L. Para-L is incorrect. The seniority list is correct according to the prevailing Law and prepared by the lawful authority and no discrimination has been effected upon any one's right. Furthermore, upon approval by the competent authority draft seniority list of Assistant Director/Tehsil Population Welfare Officer, Dy District Population Welfare Officer (Non-Tech)/Dy Demographer/Accounts Officer (BPS-17) of the Directorate General, Population Welfare, which has been determined in light of sub section 2 of section 4 of the Khyber Pakhtunkhwa employees (regulation of Services) Act, 2009 and advises of Law Department and Establishment Division in respect of Adhoc employees and Director General, Population Welfare Khyber Pakhtunkhwa has been requested to circulate the same amongst all members of the cadres of any observation/objections (if any) up to 02-07-2020 positively vide letter No SOW(PWD)4-30/2020/seniority/3563-65 dated 03-06-2020 copy enclosed for ready reference,

Prayer:-

It is therefore most humbly prayed that by acceptance of this reply the Service Appeal of the Appellant may kindly be dismissed with cost.

Any other relief though not specifically prayed for deem fit in circumstances of the case may kindly be granted.

Additional Secretary to Govt: of Khyber Pakhtunkhwa Population Welfare Department, Respondent No.3

Director General Population Welfare Directorate Khyber Pakhtunkhwa **Respondent No.2**

Secretary to Govt of 17.07.20 Khyber Pakhtunkhwa Population Welfare Department, Respondent No.1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

In Service Appeal No.4279/2020.

Khurshid Ali,

..... (Appellant)

Versus

The Secretary, Govt. of Khyber Pakhtunkhwa

Population Welfare Department, Peshawar etc

(Respondents)

Counter Affidavit

I Mr. Ahmad Yar Khan, Assistant Director (Litigation), Directorate General of Population Welfare Department do solemnly affirm and declare on oath that the contents of para-wise comments/reply on behalf of respondent's No. 1 to 3 are true and correct to the best of my knowledge and available record and nothing has been concealed from this Honorable Tribunal.

Deponent

Ahmad Yar Khan Assistant Director (Lit) 17/7/2020 BEFORE THE KHYBER PAKHTUNKHWA SERVICI TRIBUNAL PESHA

Kras Ma

Appeal No. 56/2018

Date of Institution ... 12.01.2018

Date of Decision ... 12.03 .2019

Zawar Hussain Khan, Statistical Assistant, office of the District Population Welfare. Mardan. (Appellant)

VERSUS

The Secretary, Govt: of Khyber Pakhtunkhwa Population Welfare Department, Peshawar and eight others. ... (Respondents)

MR. KHUSH DIL KHAN, Advocate

MR. ZIAULLAH Deputy District Attorney

MR. JAVED IQBAL GULBELA. Advocate

MR. AHMAD HASSAN, MR, HAMID FAROOQ DURRANI --- For appellant.

--- For official respondents no. 1 & 2

--- For private respondents no. 3 & 4

- MENBER(Executive) -- CHAIRMAN

JUDGMENT

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

ARGUMENTS

2. Learned counsel for the appellant argued that he was initially appointed as

Statistical Assistant (BPS-11) on adhoc basis vide order dated 27.04.2009. After promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 his services were regularized alongwith other similarly placed stuployees The method for determination of seniority was laid down in Section 4. respondents no. 3 to 9 were shown as junior to him as per law/rules. This position was maintained in the seniority list issued on 29.11.2013 and 26:02.2016. Thereafter, another final seniority list was circulated vide office order dided 04.04.2017 in which due place was given to the appellant. Against the laid down procedure mother temarice seniority list was notified in 2017 in which his name was brought to sr. no.10, while private respondents 3 to 9 were shown senior to the appellant. Feeling aggrieved, he preferred departmental appeal on 21.11.2017 which was rejected vide order dated 28.12.2017. Respondents have misinaerpicted sub-Section-2 of Section-4 of the Act of 2009, while preparing the impagned seniority list. The appellant joined service/assumed charge on 06.05.2009, whereas the private respondents joined duty later on and were rightly placed junior to him. As such by applying the method of continues officiation he was senior to private respondents.

3. On the other hand learned Deputy District Attorney argued that initially the appellant was appointed on adhoc basis and thereafter his services, were regularized under the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009 For proper interpretation of the said Act regarding determination of seniority the matter was referred to the Establishment department for advice. In the light of advice of the said department, seniority list was finned up/notified. Action taken by the respondents was duly backed by law and rules,

4. Learned counsel for private respondents no. 3 and 4 refied on arguments advanced by immed Deputy District Attorney.

2

CONCLUSION

5. It is not disputed that the appellant was appointed as Statistical Assistant on adhoc basis vide order dated 27.04.2009. After promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act. 2009 his services were regularized. Attention is invited to Sub-Section-2 of Section-4 of the above Act, wherein it is laid down that the seniority inter-se of the employees whose services were regularized under this Act within the same service or cadre shall be determined on the basis of their continuous officiation in such service or cadre. On the strength of this principle due place was given to the appellant in the seniority lists notified on 23.08.2010, 29.11.2013, 24.2.2016 and 04.04.2017.

6. The dispute arose after circulation of tentative seniority list dated 15.11.2017 in which his name was not placed at the appropriate place. Sub-Section (1) (5) of Section-8 of Khyber Pakhtunkhwa Civil Servant Act; 1973 provides that seniority list shall be revised atleast once in a calendar year, preferably in the month of January. It is not understandable, why two seniority lists were circulated/notified by the respondents in one calendar year? The grounds given in the rejection order of his departmental appeal are against the spirit of the said Act.

7. Attention is also invited to a letter dated 06.08,2017 addressed to the Director General Population Welfare, Khyber Pakhtunkhwa, wherein some guidelines were given for determination of seniority of BPS-11 adhoc employees. It was also directed to fix their seniority on the analogy of BPS-17 employees (non-technical). Through another letter dated 26.10.2017 from respondent no.1.

3

be determined from the date of promulgation of ordinance

a. Learned counsel for the appellant also produced minutes of the DBC and on 03.04.2009 in which the appellant was reflected and the first state of the rest of the assigned to him. Order dated 27 by 2059 the cost which are related and notified showed him at the same place.

9. Respondents in order to properly interpret the relevant section of Action determination of seniority too's up the case with the Earbhlishment Department for advice. The said department vide letter no. SOR-V (E&AD):4-31/2017 dated 17.08.2017 advised to settle the issue in the light of Section 4(2) of the said Act. However, this advice was not followed by the respondents. Case of the appellant seems genuine and respondents are required to recast the impugned seniority list in the light of the relevant section of the aforementioned act.

10. As a sequel to above, the append is accepted and the impugned orders dated 15.11.2017 and 28.12.2017 are set aside. Parties are left to bear their own costs. File be consigned to the record room.

(HAMID FARCOQ DURRANI)

D HASSAN MEMBER

CHAIRMAN

ANNULNCED 12.03 2019



Government of Khyber Pakhumlby a Establishment Department Dated: 26.3.2018 Annexure "B"

10 IV

NOTIFICATION:

No. SOCPOLICY/1-41/2018. In order to streamline the processes and devise a policy based in on standardized procedures for litigation, the Competent Authority is pleased to approve the Provincial Litigation Policy for all Administrative Departments and attached formations with immediate effect. The policy shall be followed in letter and spirit by all concerned

Provincial Litigation Policy

It has been the atmost priority of the Provincial Government to emphasis on welfine legislation and social reforms. The Provincial Litigation Policy is aimed to transform all government departments and attached formations into efficient and responsible fitigants. This policy adheres to the responsibility of the government to protect the rights of citizens while strictly adhering to the laws, rules and regulations in vogue. The primary objective of the policy is to reduce unnecessary litigation-workload of the departments in courts so as to avoid westage of valuable time of the courts and government. This Policy will also enable the officers heading the litigation sections of the departments to work more efficiently and objective oriented.

Salient features The salient features of the policy are: To ensure that litigation section/cell of a department is as important as other section. However, all other sections (internal or external if related in the case) are equal;

responsible to cooperate while filing/contesting cases. It guides to place correct facts, all relevant documents before the <u>court/tribunal</u> and net to c. It guides about progress review of departments both internally and externally via notified

d. It sensitizes the government departments in important cases for efficient and timely

e. To put in place an external monitoring mechanism to review originals of the herdepartments in terms of success/failure and determine responsibilities

To tay down a model for departmental litigation sections.

To tay down incentives based litigation model. ſ.,

Principles of Efficiency

ν ""'"'''''''''''''''''''''''''''''''''	A Department of the extreme replice competent and sensitive lingation officers or team of conference of notifers on the basis of qualification, experience and skills (presentation arguments) and sensitive to the facts that government is not an obtained intigant and that a litigation does not have to be won at any cost. The core cases which of decided on favour of the Government coold of the originent the proversion stance of result into revenue or both				
Î					
1 C ¹⁷⁵	natiate bugation in a antibrit and coordinated manner and ensuring ma- cases of public interest are won and otherwise are not needlessly persisted with				
Regionsibility	 That his gation will not be resorted to for the salte of contesting. That forse pleas will not be taken and shall be avoided in presentation before the court. 				

Progress Review Committee (PRC)

In order to streamline working of litigation sections and make an efficient cover uncert therein, it is direly needed to vigilantly review progress and efficiency of these well ins both internally and externally. For the purpose, the following two tiers of Progres Review Committee are laid down:

a. Dentimmental Progress Review Commutee (DPRC)
 b. P. And Progress Review Commutee (PPRC)

a. Departmental Progress Review Committee (DPRC)

The DPRC Committee to be notified by the concerned department preferably lader ine Chai manship of the Special Secretary concerned. However, these departmentwhere the post of Special secretary does not exist shall notify the same lader any well versed officer but not below the rank of Additional Secretary or BPS-14. The rest to composition shall include members from the integrated attached formations, high of section, and any coopted expert s

ToRs:

Le rouet louarterly performance and negligence of duty in a case or cases.

To serview cases for pressione resolution settlement at the Committee's level of moments of regardation of the committee's level of moments of regardation.

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s en its met in entregin Law Diparment regional

Provincial Progress Review Committee (PPRC)

The ARRID Dimmittee to be motified by the Establishment Department under the Competitation of Secretary Law Department. The rest of Contraction and Include Aufzugre Bezeiz (Konsten Pakhtuakhwa) Chauntan Dena imental Progress Robert -Och willtee of the ophoerned department. Additional Secretary (including and and opported

ToRs:

i. To conduct quarterly performance review of the department in terms total number of cuses at different courts, progress made in cases, issues and the line of action adopted is vestimmend action is shellness higher anthomic agroupt the universities (lett of odor performance and negligence of duty in a case of cases famish a consolidated performance report on a croper format to dite Criper

Negretary for decision.

5. Efficient Litigation Section

Despite significant role in safeguarding the public interest, the litigation sections of the departments/attached formations have always been marginalized. The Sections mostly suffer from issues like lack of qualified and experienced staff, necessary equipment and transportation facility. Due to cumbersome and unattractive nature of work, the officers/officials avoid postings and resultantly either unwilling workers are posted or the positions are filled on additional charge basis. To address this ignored area for better service leavery, model of a strengthened and efficient litigation sections just had down act condemontation by the departments. The Administrative Heads are required to ensure the Chorsing.

a. Staffing

There shall be no vacant position in the litigation section. It shall be ensured that the vacant positions are filled either by means of initial recruitment or transfer as the case may be. The establishment department shall prioritize and give special attention to the needs of line departments in this context.

ii. The litigation sections shall be run by dedicated and full time staff and assigning bl additional charge to any officer/official working in some other section be avoided and vice versa. In case of leave not exceeding 120 days, additional charge of the post as stopgap arrangement is permissible.

iii. Staffing of litigation section shall not be taken for granted and in case of additional staff requirement (as per standardization) other than the sanctioned, the Department shall move SNE to Finance Department for creation of the same.

b. Equipment

A fitigation section shall have all required equipment as per need. The following dedicated equipment shall be made available to each litigation section in the requisite quantity

Computers ii. Scanners iii. Printers

UPS system v. Photocopier vi. DSL Facility tiv.

c. Transportation

For timely attendance in outstation courts, submission of comments/replies, licaringand meetings with line formations and other regulatory departments, every litigation section shall be provided with a good condition dedicated pool whicle (in the authorized by administration department), with provision of necessary 1991.

For instant and hancy life an effective in other similar cases, the court decisions in different cases whether in the constant of against the department shall be listed and preserved scanned in the spittern. The record of cases shall be categorized and maintained on the given sample terral. 13

Consolidation of Decided/Closed Case

Decision/Court	Services Tribunal	Civil Court [High Court		Supreme Court	
] - - -		Service Mattér/s:	other	Service Matter	other	Service Matter	Other
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1 Against				· · · · ·		·	·
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ii. Detailed Desc	l <u>i</u> ription	·····					

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High Court	Service Matters	S.Ne	Title of case	S.No	Title of case
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Supreme Court	Service Matters	S.No	Title of case	S.No	Title of case
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•	Others	<u>S:Na</u>	Title of case	S.No .	Fille of case
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u. Scheduling & Coordination

Thus, section officer inight for the schedule of cases nearings with the context of the section of the section

6. Liligation Management Information System LMIS-

Sutrice, increased keeping and management of cases in departmentic level one overal shall be supervised through Litigation' Management Information System by the lawy Department. All technical support to be provided by the PMRU

Incentive Plan

In the multiple best results in litigation, departments are required to consider the formula where that efficient and effective manner. To keen the disputer state manner is a second antitled for pest possible results, there shall be a mechanism whereby the carego coanyther litigation-section allowance be rewarded on account of excellent performance. Plant, anothis reward concept is how and to what extent incentive be tred to litigation staff and specific types of performance. The incentive will not be treated the same way for every position. However, levery department should be able to identify certain performance theory of the able to identify certain performance.

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The specific objectives of the plan are to:

 Encourage higher levels of performance by clearly identifying priorities followed by incentives paid for successful achievement of that performance.

- ii. Facilitate and ensure posting/retention of competent and willing officers/officials in the litigation sections.
- · in. Increase the level of accountability for tangible output.
 - in. Enable the litigation staff to adhere to best practices in planning, goal-setting, and performance management.
 - v. Promote the attributes of hard work, focus, teamwork, and honesty.

b. Performance Based Incentives Structure

Apart from regular litigation section allowance, there shall be performance based incentive as well for the litigation staff only. This incentive shall be subject to performance of the section. This entails eligibility for honorarium (a) three to four base pays a year over and above any other routine incentive. However, the Administrative Secretary shall after recommendations of the Law department, may sanction the honorarium.

CHIEF SECRETARY. KHYBER PAKHTUNKHWA

<u>LINDST: NO & EVEN DATE</u>

Copy is forwarded to:-

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11.

- Additional Chief Secretary, Govt: of Khyber Rakhtunkhwa, Planning & Development Department. 1813 A
- Additional Chief Secretary (FATA), FATA-Secretation Peshawar,
- The Semor Member Board of Revenue, Khyber Pakhtunkhwa,
- All Administrative Secretaries to Gover of Khyber Pakhtunkhwa
 - The Principal Secretary to Governor, Khyber Pakhtunkhwa
- The Principal Secretary to Chief Minister, Klivber Pakhtunkhwa.
- All Divisional Commissioners in Kinyber Pakhtunkhwa
- All Heads of Attached Departments in Khyber Pakhtunkhwa.
- All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa. All Deputy Commissioners in Khyber Pakhtunkhwa. ΙÖ.
 - The Registrar Peshawar High Court, Peshawar,
- The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar, 12 13.
- The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar, 14.
 - All Special Secretaries, Additional Secretaries, Deputy Secretaries and Section
 - Officers in Establishment & Administration Department.

152 (e 3 (BEENISH IQBAL) SECTION OFFICER (POLICY)

, 16 Annexures



1.

2.

GOVERNMENT OF KHYBER PAKHTUNKHWA, POPULATION WELFARE DEPARTMENT

02nd Floor, Abdul Wall Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-109/2019/DPRC/ 532 -36 Dated Peshawar the 20th November, 2019

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

The Director General, Directorate General PW, Khyber Pakhtunkhwa, Peshawar.

Subject: -

MINUTES OF THE DEPARTMENTAL PROGRESS REVIEW COMMITTEE MEETING HELD ON 15-11-2019 UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY, POPULATION WELFARE DEPARTMENT REGARDING PENDING COURT CASES

Dear Sir,

l am directed to refer to the subject noted above and to enclose herewith minutes of meeting of the Departmental Progress Review Committee held on 15/11/2019 under the Chairmanship of Additional Secretary of this Department for further necessary action please.

Yours faithfully,

Encls: As above.

3.

SECTION OFFICER (ESTT)

Copy to the: -

 PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar alongwith a copy of minutes of the DPRC meeting held on 15-11-2019 for information.
 PS to Additional Secretary, Population Welfare Department, Khyber

Pakhtunkhwa, Peshawar.

PA to Deputy Secretary (Admn), PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

GOVERNMENT OF KHYSER PAKHTUNKHWA LAW. PARLIAMENTARY AFFAIRS & HUMAN RIGHTS DEPARTMENT

HO. SO(OP-11)/LO/S-1/2012-VOL-11 2-6384-85 OLTED: PESH: THE BE NOV. 2016

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Annexure

The Secretary to Govt of Khyber Pakhtunkhwa. Population Welfare Department 1. 2 mm

DETERMINATION OF SENIORITY

Subject

Te

Dear Sir.

3/10/2

En Corr

NY N

I am directed to refer to your Department letter No.SOE(PWD) 4-30/ 2012/ Vol-II/ 3074-76 dated 24,11,2016 on the subject noted above and to state that in accordance with sub-section 2 of section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, the inter se seniority of the Employees, whose services are regularized under this Act within the same service or cadre shall be determined on the basis of the commuous officiation in such service and cadre provided that if the date of continuous officiation in the case of two or more Employees is the same, the NU Employee older in age shall rank senior to the other one.

, nother En The fore referred provision of law clearly provides for determination of seniority on the basis of date of continuous officiation. The provision with regard to older age will be applicable in the eventuality, when the date of continuous officiation of two or more Employees is the same and not in a

cases.

Endet: of oven No. & date.

Yours Faimfuin

Section affice. Op

in P.S. Io. Secretary Law Department