

Execution Petition 381/2021

07th June, 2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Abdul Hameed, SO (PSB), Mr. Naseeb Khan, SO and Mr. Saleem Sajid, SO for respondents present.

Representative of the produced copy of agenda of the Provincial Selection Board meeting held yesterday. He stated at the bar that the case of the petitioner was also considered and he had been recommended for promotion to the post of District Comptroller of Accounts (BS-19). This fact was also confirmed by the petitioner but he has the apprehension that the notification of his promotion might not be in accordance with the terms of the judgment to which the SO(PSB) assured that the minutes of the meeting might take some time and after recording of the minutes the matter would be placed before the competent authority/the worthy Chief Minister for final approval whereafter necessary notification would be issued in accordance with the terms of the judgment. Since, the matter is going to be disposed of therefore, coercive measures taken on the previous date are recalled. The instant execution petition is disposed off in the light of the above development. Consign.

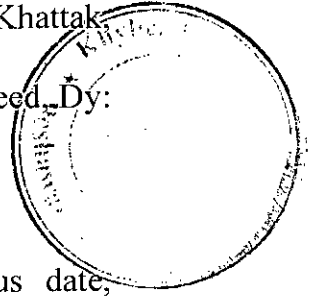
Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 7th day of June, 2022.




(Kalim Arshad Khan)
Chairman

13.06.2022

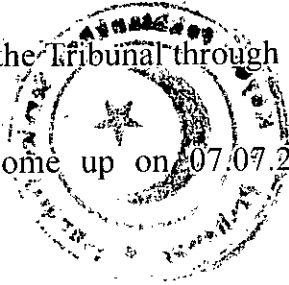
Petitioner in person present. Mr. Kabirullah Khattak
AAG alongwith Mr. Salem Sajid, SO and Mr. Sultan Saeed, Dy:
Director IT for the respondents present.



Despite clear directions given on the previous date, Section Officer PSB, Establishment was to appear in person alongwith the complete record but today neither he is present nor implementation report has been submitted. This Tribunal has left with no other option but to take action against the Section Officer PSB, Establishment. Salary of the Section Officer PSB, Establishment Department is attached. The Accountant General Khyber Pakhtunkhwa is directed to attach salary of the above officer till further orders by this Tribunal. Section Officer PSB, Establishment as well as other respondents are directed to appear in person alongwith the implementation report on the next date positively.

Copy of this order sheet be sent to the Chief Secretary Khyber Pakhtunkhwa to look into the conduct of the respondents and take necessary action against them under intimation to the Tribunal through its Registrar.

To come up on 07.07.2022 for further proceedings before S.B.



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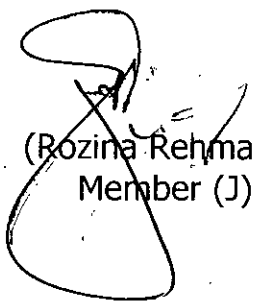
(Kalim Arshad Khan)
Chairman

06.06.2022

Petitioner in person present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Naseem Khan Section Officer for respondents present.



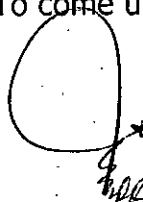

From the record it is evident that case of the petitioner for promotion was processed reportedly but was deferred. He was held fit for promotion by this Tribunal vide judgment dated 20.10.2021 and his appeal was accordingly allowed. Despite directions, implementation report was not submitted, therefore, Section Officer PSB, Establishment Department be put on notice with direction to attend this Tribunal in person alongwith full record in order to apprise as to why the petitioner was not promoted despite favorable order in his favor. To come up on 13.06.2022 before S.B.


(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 381 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.12.2021	<p>The execution petition of Mr. Amanullah submitted today by Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench at Peshawar on <u>21/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	21.01.2022	<p>Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.</p> <p>Notices be issued to the respondents for submission of implementation report on the next date positively. To come up for further proceedings on 09:03.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>
09.03.2022		<p>Due to retirement of the Hon'able Chairman, the case is adjourned to 06.06.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>

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

Execution Petition No. 381 /2021
In Service Appeal 1705/2019

Ammanullah

VS

Govt of KP

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-02
2.	Copy of Judgment	- A -	03-06
3.	Copy of application	-B-	07-08
4.	Vakalat Nama	-----	09

~~PETITIONER~~

Ammanullah

THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

Date: 13/12/2021

Cell No: 0306-5109438

AGENDA OF THE PSB MEETING TO BE HELD ON 06.07.2022

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of PCS EG/SG Officers from BS-20 to BS-21.	01	06	Establishment
2.	Promotion of PCS EG/PMS Officers from BS-19 to BS-20	07	33	Establishment
3.	Promotion of PMS BS-18 officers to BS-19 from acting charge basis to regular basis.	32	41	Establishment
4.	Promotion of PMS BS-17 officers to PMS BS-18	28	10	Establishment
5.	Promotion of Tehsildars to PMS BS-17	34	47	Establishment
6.	Promotion of Superintendent BS-17 to PMS BS-17	50	01	Establishment
7.	Working paper on judgment dated 15.10.2020 of the Khyber Pakhtunkhwa Service Tribunal In service Appeal No. 15699/2020 Arshad Khan Vs Govt Khyber Pakhtunkhwa	01	01	Establishment
8.	Promotion of Executive Engineers BS-18 to the post of Superintending Engineers BS-19 in Irrigation department	04	02	Irrigation
9.	Promotion of Assistant Director BS-17 to the post of Deputy Director Technical BS-18.	03	01	Transport
10.	Promotion of Deputy Superintendent Jail BS-17 to the post of AIG Prison/Superintendent District Jail/Deputy commandant BS-18.	05	04	Home
11.	Promotion of Assistant District Attorney BS-17 to the post of Deputy District Attorney BS-18.	05	26	Law
12.	Promotion of Deputy Electric Inspector BS-18 to the post of Electric Inspector BS-19.	02	01	Energy & Power
13.	Promotion of Deputy Inspector of Mines BS-19 to the post of Chief Inspector of Mines BS-20 on regular basis.	03	01	Minerals
14.	Promotion of Assistant Director Technical BS-17 to the post of Deputy Director Technical BS-18 on regular basis.	08	04	Mineral
15.	Promotion of Assistant Director Geologist BS-17 to the post of Deputy Director Exploration BS-18 on regular basis.	01	01	Mineral
16.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in Research & Development (R & D) Directorate of Forest Department Khyber Pakhtunkhwa.	01	02	Environment
17.	Appointment of Assistant Director BS-17 to the post of Deputy Director BS-18 (I & HRD & M).	01	01	Environment
18.	Promotion of Superintending Engineers BS-19 to the post of Chief Engineers BS-20 on regular basis.	06	02	C & W
19.	Promotion of lecturers BS-17 Basic Science and Humanity Group to the post of Assistant Professors BS-18.	09	08	Industries
20.	Promotion of Assistant Secretary BS-17 to the post of Senior Assistant Secretary BS-18.	04	02	BOR
21.	Promotion of Private Secretary BS-17 to the post of Senior Private Secretary BS-18.	03	01	BOR
22.	Promotion of Assistant Director BS-17 to the post of Deputy Director/Assistant Director Senior BS-18.	32	31	Local Government
23.	Appointment of Member of Enquires BS-19 to the post of Member Administration BS-20 on acting charge basis.	01	01	PIT
24.	Promotion of District Accounts Officers BS-18 to	12	06	Finance

	the post of District Comptroller of Accounts BS-19.			
25.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 on regular basis in Directorate of Local Fund Audit Khyber Pakhtunkhwa	04	02	Finance
26.	Promotion of Associate Professor Medicine BS-19 to the post of Professor of Medicine BS-20 in Saidu Medical College Swat.	02	01	Health
27.	Promotion of Associate Professor Cardiology BS-19 to the post of Professor Cardiology BS-20 in SMC Swat.	01	01	Health
28.	Promotion of Assistant Professor Urology BS-18 to the post of Associate Professor Urology BS-19 in Saidu Group of Teaching Hospital/Saidu Sharif Swat	01	01	Health
29.	Promotion of Assistant Professor PAEDs Surgery BS-18 to the post of Associate Professor PAEDs BS-19.	01	01	Health
30.	Promotion of Senior Registrar Urology BS-18 to the post of Assistant Professor Urology BS-18 in Mian Gul Abdul Haq Jehanzeb Kidney Hospital Manglor District Swat.	02	01	Health
31.	Promotion of Senior Registrar Surgery BS-18 to the post of Assistant Professor Surgery BS-18 in SMC Swat	03	01	Health
32.	Promotion of the Nursing Staff from BS-17 to BS-18 in Health department.	56	166	Health
33.	Promotion of Superintending Engineer(BS-19 to the post of Chief Engineer BS-20 in PHE department.	03	01	PHE
34.	Promotion of Executive Engineers BS-18 to the post of Superintending Engineer BS-19 in Public Health Engineering department.	09	06	PHE
35.	Promotion of Assistant Engineers/SDOS BS-17 to the post of Technical Officers/Deputy Director (M&E) BS-18 in the Public Health Engineering Department.	06	05	PHE
36.	Promotion of Assistant Engineers/SDOs BS-17 to the post of Executive Engineer/Design Engineer/Deputy Director (Technical)/Deputy Director (Labs/Projects) BS-18 in the Public Health Engineering Department.	04	06	PHE
37.	Promotion of BS-19 officers to the post of BS-20 in Agriculture (Extension Wing)	06	02	Agriculture
38.	Promotion of BS-19 officer to the post of BS-20 in Agriculture Research Wing of Agriculture department.	02	01	Agriculture
39.	Promotion of BS-19 Officer to BS-20 of On Farm Water Management BS-20.	02	01	Agriculture
40.	Promotion of BS-19 officers to the post of BS-20 in livestock & diary development Khyber Pakhtunkhwa (extension wing)	06	01	Agriculture
41.	Promotion of BS-18 to BS-19 in Agriculture Extension department.	14	07	Agriculture
42.	Promotion of BS-18 officers of Agriculture Research Wing to BS-19.	16	08	Agriculture
43.	Promotion of Senior Research Officer BS-18 to the post of Principal Research Officer BS-19 in Directorate General (Research) Livestock & Dairy	04	02	Agriculture

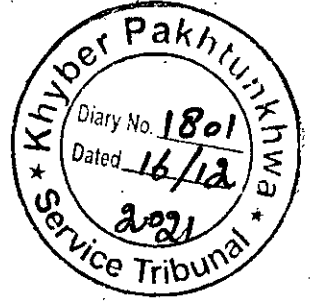
	Development			
44.	Promotion of District Officers/Deputy Directors (BS-18) of On Farm Water Management to BS-19.	16	08	Agriculture
45.	Promotion of BS-18 Officers to the post of BS-19 of Livestock & Dairy Development Department (Extension wing)	04	02	Agriculture
46.	Promotion of Assistant Director/Water Management Officers BS-17 to the post of Deputy Director/District Officers BS-18.	26	18	Agriculture
47.	Promotion of Officers from BS-19 to BS-20 (male) Teaching Cadre.	12	06	E & SE
48.	Promotion of Officers from BS-19 to BS-20 (female) Teaching Cadre.	15	06	E & SE
49.	Promotion of Deputy DEOs/Deputy Directors (Female) MC BS-18 to the post of DEOs/Additional Directors Female MC BS-19.	23	06	E & SE
50.	Promotion of officer of Management Cadre BS-17 to BS-18 (Female).	02	01	E & SE
51.	Promotion of Assistant Director (Admn) and Assistant Director (F&A) BS-17 to the post of Deputy Director (F&A) and Deputy Director (Admn) BS-18.	02	02	E & SE
52.	Promotion of Associate Professor Male BS-19 to Professor/Principal BS-20 GCMS/GCSS.	02	01	HED
53.	Promotion of Assistant Professor Male BS-18 to Associate Professor BS-19 GCMS/GCSS.	03	01	HED
54.	Promotion of Assistant Professor (female) BS-18 to Associate Professor BS-19 GCMS/GCSS.	02	01	HED
55.	Promotion of Lecturer Male BS-17 to Assistant Professor BS-18 GCMS/GCSs	08	04	HED
56.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18.	05	02	HED

S.No	ADDITIONAL AGENDA ITEMS	Panel	Posts	Department
Addl. 1	Promotion of Medical officer BS-17 to the post of Senior Medical Officer BS-18.	1292	498	Health
Addl. 2	Promotion of Director BS-19 to the post of Director General Sports BS-20	01	01	Sports
Addl. 3	Promotion of Lecturer Female BS-17 to Assistant Professor BS-18 Gcms/Gcss.	04	11	HED
Addl. 4	Promotion of Medical Officer BS-17 to the post of Medical Officer BS-18 on regular basis in PFI	01	01	Environment

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

Execution Petition No. 381 /2021
In Service Appeal 1705/2019



Mr. Amanullah, District Account Officer (BPS-18)
Treasuries and Accounts office District Peshawar.

(PETITIONER)

VERSUS

1. The Govt: of Khyber Pakhtunkhwa through chief Secretary, KP Peshawar.
2. The chief Secretary, KP, civil secretariat Peshawar.
3. The Secretary Finance, KP, civil secretariat Peshawar.
4. The Director Treasuries and Accounts office District Peshawar.

(RESPONDENTS)

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 20.10.2021 OF THIS HONORABLE TRIBUNAL
IN LETTER AND SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the appellant filed an appeal bearing No.1705/2019 for consideration of promotion to the post of BPS-19.
2. That the said appeal was finally heard by the Honorable Tribunal on 20.10.2021 and the Honorable Tribunal was kind enough to accept the appeal as prayed for. (Copy of judgment is attached as Annexure-A).
3. That the appellant also filed applications for implementation of judgment but in vain. So, in-action and not fulfilling formal

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requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court. **Copy of applications is attached as annexure-B.**

4. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
5. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 20.10.2021 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.


PETITIONER

Ammanullah

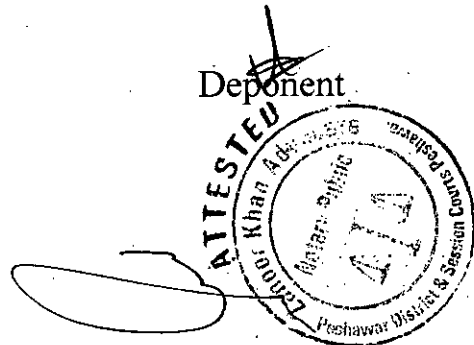
THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.

Deponent



A

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1705/2019



Mr. Amanullah, District Account Officer
Torghar, BPS-18

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 1682

Date 26/11/2019

(Appellant)

VERSUS

1. The Govt of KP through Chief Secretary, KP, Peshawar .
2. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. The Secretary Finance Deptt: KP, Peshawar.
4. The Director, Treasuries & Accounts Khyber Pakhtunkhwa Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION AS DISTRICT COMPTROLLER OF ACCOUNTS (BPS-19) FROM HIS DUE DATE/JUNIOR TO HIM WAS PROMOTED AND AGAINST THE REJECTION ORDER DATED 09-10.2019 RECEIVED BY THE APPELLANT ON 28.10.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS..

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE PSB MEETING DATED 19.04.2019 MAY BE DECLARE TO THE EXTANT OF APPELLANT AS ILLEGAL AND UNLAWFUL. THE INACTION /OMISSION OF THE RESPONDENTS NOT PROMOTING THE APPELLANT AS DISTRICT COMPTROLLER OF ACCOUNTS (BPS-19) FROM HIS DUE DATE, JUNIOR TO HIM WAS PROMOTED MAY BE DECLARE AS ILLEGAL, UNLAWFUL, AGAINST THE PROMOTION RULES AND NORMS OF JUSTICE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AS DISTRICT COMPTROLLER OF ACCOUNTS (BPS-19) FROM HIS DUE DATE, JUNIOR TO HIM WAS PROMOTED BEING ELIGIBLE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST

Admitted to-day
Registrar
26/11/19

Admitted to-day
Registrar
26/11/19

ATTESTED
Registrar

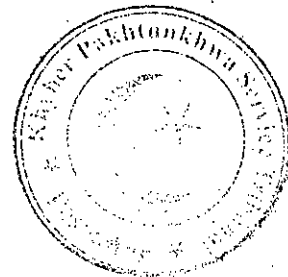
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1705/2019

Date of Institution ... 26.11.2019

Date of Decision ... 20.10.2021



Amanullah, District Account Officer Torghar, BPS-18.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and three others.

... (Respondents)

SYED NOMAN ALI BUKHARI,
Advocate,

... For Appellant

MUHAMMAD RASHEED
Deputy District Attorney

... For Respondents

SALAH-UD-DIN
ATIQU-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant joined respondent department in 1985 and was promoted to BPS-17 on 10-02-2007 and further promoted to BPS-18 on 21-04-2012. The appellant is presently working as District Account Officer Torghar. The department conducted PSB meetings held on 25-09-2017, 17-09-2018 and 19-04-2019 for promotion to the post of District Comptroller Accounts, but case of the appellant was deferred on the ground that two inquiries were pending against the appellant. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 09-10-2019, hence the instant service appeal with prayers that the appellant may be promoted as District Comptroller

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

of Accounts(BPS-19) from the date, his juniors were promoted, with all back benefits.

2. Learned counsel for the appellant has contended that not promoting the appellant to the post of District Comptroller of Account despite having seniority/eligibility, rejection order dated 09-10-2019 is against law, facts, norms of natural justice and material on record, therefore not tenable in the eye of law; that case of the appellant was deferred thrice mere on the basis of inquiry, which however is not a valid reason for deferment of promotion of the appellant, as it was responsibility of the respondents to complete the proceedings well in time; that inaction of the respondents not to consider the appellant for promotion is against the spirit of section-9 of civil servant Act, 1973 and service rights duly protected under the civil servant laws; that the apex court has very clearly held in Anita Turab case reported as PLD-2013 Supreme Court 195 that in matter of promotion, cases could not be dealt with in an arbitrary manner; that there is no order regarding stoppage of promotion of the appellant, therefore the appellant has legal vested right to be considered for promotion from the date, when the vacancy was available for him in his quota. Reliance was placed on 1997 SCMR 515; that not granting promotion due to the reason that PER pertaining to year 2015 was missing is a lame excuse, which is evident from the order dated 26-12-2017; that the appellant has not been treated in accordance with law and has been discriminated as his other colleagues and his juniors were promoted on 15-05-2013, whereas the appellant have been ignored despite having seniority, eligibility as well as availability of post.

3. Learned counsel for the respondents has contended that as per Para-V (a)(ii) of Promotion Policy, promotion of a civil servant would require to be deferred, in case, any disciplinary or departmental proceedings are pending against him, hence case of the appellant was deferred repeatedly as the inquiries are still pending against him; that promotion of the appellant will be considered as and when the reasons for deferment cease to exist; that the appellant has been dealt with in accordance with prescribed law and promotion policy and no discrimination has been made.

4. We have heard learned counsel for the parties and have perused the record.

5. As per assertion of the respondents, there are two inquiries pending against the appellant, but record would suggest that on completion of inquiry, a show cause notice proposing minor penalty was served upon the appellant, to which

ATTESTED

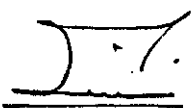
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


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he responded vide letter dated 08-12-2017, but the respondents failed to pass any final order till today, which is contrary to the instructions contained in letter dated 14-02-1969 and which means that such inquiry is no more in the field. Regarding second inquiry, it was found that a fact finding inquiry was conducted, on the basis of which a show cause notice was served upon the appellant proposing minor penalty of censure plus recovery of drawn amount of Rs, 120,000/, in which the penalty was subsequently enhanced to major penalty of removal from service, which was challenged by the appellant in writ petition No 537-P-2017, whereby the court suspended the show-cause notice dated 01-12-2017 vide order dated 10-02-2017 and finally struck down the whole proceedings vide judgment dated 23-04-2020, hence assertion of the respondents to this effect are not based on facts, rather the respondents vide letter dated 03-08-2021 had withdrawn the show-cause notice served upon the appellant, but maintained the penalty of censure and recovery of the amount, so the only thing left pending is a minor penalty. Placed on record are letters dated 07-01-1969 and 20-06-2008, which would show that there would be no bar on promotion of a civil servant who has been awarded any minor penalty. Record also reveals that case of the appellant for promotion was processed repeatedly but was deferred due to the single reason of pendency of inquiries against him, which in-fact were not pending. We have also noted that the appellant was otherwise fit for promotion and vacancy to this effect was also available, but case of the appellant was deferred every time under the pretext of pending inquiries.


6. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room

ANNOUNCED
20.10.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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

Certified to be true copy


Atiq-ur-Rehman Wazir
Service Tribunal
Peshawar

Date of Presentation of Application 01/11/21
Number of Words 7600
Applicant ---
Respondent ---
Date of Copy ---
Date of Copy ---
Date of Copy ---
Date of Delivery of Copy 01-11-21
Date of Delivery of Copy 01-11-21

B (B) 7



DIRECTORATE OF TREASURIES & ACCOUNTS
KHYBER PAKHTUNKHWA

Treasury Block, District Courts Compound,
Behind Jamia Masjid, Khyber Road,
Peshawar

Phone & Fax: 091-9211856

No. 1-55/DT&A/21/1273

Dated Peshawar the 01.11.2021

To

The Section Officer (Estt-I),
Government of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

Subject: **PROMOTION FROM DAO B-18 TO DISTRICT COMPTROLLER OF ACCOUNTS B-19 AS ON ACTING CHARGES BASIS W.E.F 03-10-2017 AND ON REGULAR BASIS W.E.F 07-05-2019 IN R/O AMANULLAH, DAO, (B-18) ON ACCEPTANCE OF APPEAL NO. 1705/2019 BY HONORABLE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA DATED 20-10-2021.**

I am directed to enclose an application submitted by Mr. Amanullah Khan, Deputy Director, (BS-18) of this Directorate addressed to the Secretary to Government of Khyber Pakhtunkhwa, Finance Department for kind perusal & consideration please.

Encl: (a.a)

N. Ahmad Shah 01/11
Assistant Director
Treasuries & Accounts
Khyber Pakhtunkhwa

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To

The Secretary,
to Government of Khyber Pakhtunkhwa,
Finance Department, Peshawar.


Through Proper Channel

Subject: **PROMOTION FROM DAO B-18 TO DISTRICT COMPTROLLER OF ACCOUNTS B-19 AS ON ACTING CHARGES BASIS W.E.F 03-10-2017 AND ON REGULAR BASIS W.E.F 07-05-2019 IN R/O AMANULLAH, DAO, (B-18) ON ACCEPTANCE OF APPEAL NO. 1705/2019 BY HONORABLE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA DATED 20-10-2021.**

Sir,

My humble submissions are that the undersigned was deferred by the PSB vide meeting held on dated 25-09-2017 and 17-09-2018 from appointment to the post of District Comptroller of Accounts (BS-19), as on acting charge basis and 19-04-2019 was deferred from regular promotion, so accordingly on rejection of my departmental appeal for consideration of promotion etc, a proper appeal was preferred to the Khyber Pakhtunkhwa Services Tribunal under Registration No. 1705/2019, which has been accepted on 20-10-2021 (copy enclosed for consideration & implementation)

Moreover as the fresh meeting of PSB is expected to be held in near future, therefore, accordingly requested that in light of the judgment of honorable Khyber Pakhtunkhwa Services Tribunal dated 20-10-2021, my promotion to the post of District Comptroller of Accounts (B-19) w.e.f 03-10-2017 on acting charge basis and regular w.e.f 07-05-2019, when juniors were promoted with all back benefits in light of FR-17(i) with regain of seniority, be very kindly considered and put before next PSB meeting favorably, please.


(Aman Ullah)
Deputy Director
Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P. Service Tribunal Peshawar

Amanullah, (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

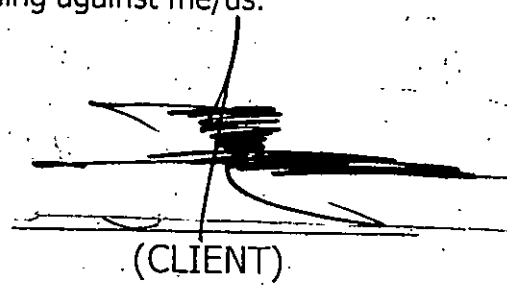
Gort. of KP (Respondent)
(Defendant)

I/We, Amanullah

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High 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



SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Execution Petition No.381/19

in

Service Appeal No.1705/2019

Mr. Amanullah, District Accounts Officer (BPS-18),
Treasuries and Accounts Office, District Peshawar.

Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others,

Respondents

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Am
0340-9345330

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.
EXECUTION PETITION NO. 381/2021
IN SERVICE APPEAL NO. 1705/2019

Khyber Pakhtunkhwa
Service Tribunal
Entry No. 180

Dated 6/6/2022

Mr. Amanullah, District Accounts Officer (BPS-18)
Treasuries and Accounts office District Peshawar.

..... (PETITIONER)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Director Treasuries & Accounts, Khyber Pakhtunkhwa.

..... (RESPONDENTS)


Replication on behalf of Respondents No.1, 2, 3 & 4

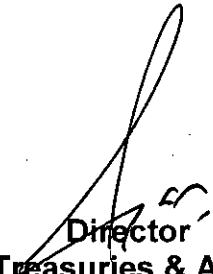
RESPECTFULLY SHEWETH

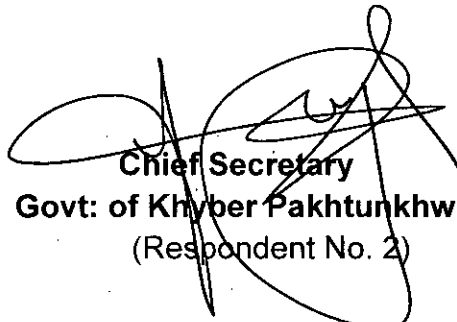
1. No comments.
2. Correct.
3. Correct to the extent that judgement of Hon'ble Tribunal as well as application of the Petitioner received to the administrative department were properly pursued and processed by the Respondents. However, promotion to BS-19 as prayed for is not the competency of a single respondent but the same is to be considered and approved by the Competent Forum of Provincial Selection Board for which proper Working Papers have been submitted (**Annex-I & II**) which were returned with the observations/queries by the concerned section of the competent forum that documentary proof regarding finalization of inquiries be provided with the working paper (**Annex-III**). After removal of the deficiencies, Working Papers for promotion of the Petitioner have been submitted to PSB Section for placement before the Competent forum i.e. Provincial Selection Board for consideration & appropriate orders (**Annex-IV**). Hence, the respondents have shown no disobedience but followed the proper procedure to implement the judgment of the Hon'ble Tribunal as per rules & law.

4. Correct to the extent that the Provincial Government has challenged the said Judgement in the Supreme Court of Pakistan, however, no stay order or suspension is granted by the August Court. So far the question of appropriate orders in light of the Judgement is concerned, the respondents have already submitted Working Papers for promotion of the Petitioner to the Competent Forum i.e. Provincial Selection Board for consideration as explained in Para-3 above.
5. Incorrect. Implementation of the Judgement of the Hon'ble Tribunal is in process at the level of the Competent Forum as explained in above paras.

In view of the above, it is very humbly prayed for that the instant Execution Petition, being devoid of merits and wastage of the precious time of this Honorable Tribunal, may very graciously be dismissed in limine.


Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.3)


Director
Treasuries & Accounts
Khyber Pakhtunkhwa
(Respondent No.4)
Director
Treasuries & Accounts
Khyber Pakhtunkhwa
Peshawar


Chief Secretary
Govt. of Khyber Pakhtunkhwa
(Respondent No. 2)

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Execution Petition No. 381/2019

in

Service Appeal No.1705/2019

Mr. Amanullah, District Accounts Officer (BPS-18),
Treasuries and Accounts Office, District Peshawar.

Appellant

Versus

Secretary to Govt. of Khyber Pakhtunkhwa Finance Department and others.

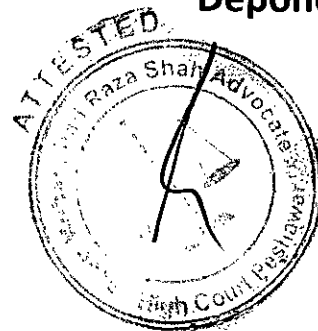
Respondents

**Joint Reply of Execution Petition on Behalf of Secretary Finance Govt. of
Khyber Pakhtunkhwa Respondent No.03.**

AFFIDAVIT

I Naseeb Khan, Section Officer Govt.of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of Joint Reply of Execution in Service Appeal No1705/2019 on behalf of Secretary to Govt. of Khyber Pakhtunkhwa Finance Department is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.


Deponent



4



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) twitter.com/GoKPFD

No: SO (ESTT-I)FD/1-55/2022/PSB

Dated Pesh: the 17-02-2022

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

[Handwritten signature] 18-02-2022

Subject: **WORKING PAPER FOR PROMOTION OF DAOs (BS-18) TO THE POST OF DISTRICT COMPTROLLER OF ACCOUNTS (BPS-19).**

I am directed to refer to your letter No.SO(PSB)ED/1-25/2021/KC dated 17th January, 2022 and to enclose herewith Seven Sets/Copies of working papers on the above noted subject alongwith relevant documents in respect of each of the following officers of Directorate of Treasuries & Accounts Establishment Khyber Pakhtunkhwa for further necessary action:-

S.#	Name
1	Amanullah
2	Muhammad Farooq.
3	Abdul Waheed.
4	Hidayatullah.
5	Roolullah.
6	Azmatullah.
7	Nishad Ali.
8	Sulatan Saeed.
9	Mustafa Khan.
10	Saeeda Naz.

2. It is, therefore, requested that the working paper/case may kindly be placed before the Provincial Selection Board, for consideration.

Enclosure as above

Endst: No & Date Even

Copy forwarded for information to the:-
PA to Additional Secretary (Admn), Finance Department.

Yours faithfully,

[Handwritten signature]
(NAYAB ABBASI)
Section Officer (E-I)

[Handwritten initials]

[Handwritten signature]
Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

[Handwritten signature]
Section Officer (E-I)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPPD](https://www.facebook.com/GoKPPD) twitter.com/GoKPPD
No: SO (ESTT-I)FD/1-55/2022/PSB Dated Pesh: the 09-03-2022

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

④
10-3-2022

Subject: **WORKING PAPER FOR PROMOTION OF DAOs (BS-18) TO THE POST OF DISTRICT COMPTROLLER OF ACCOUNTS (BPS-19).**

I am directed to refer to your letter No. SO (PSB) ED/1-22/2022/P-8 dated 2nd March, 2022 on the subject noted above and to clarify the queries referred therein as under:-

- i. Seniority list of the panelists is added at (Annex-VI). Furthermore, Tentative Seniority list of District Accounts Officer (BS-18) has already been circulated, however, a representation made by one Mr. Qaiser Imad (DAO BS-18) is being under process and will be finalized at an early date.
- ii. Copies of Budget Book are enclosed at (Annex-VII).
- iii. List of Officers presently working in BS-19 is enclosed (Annex-VIII).
- iv. Due to pending inquiries, the officer (Mr. Amanullah) was differed consecutively therefore he filed an appeal for promotion from the date of eligibility which was decided in his favour. However the Department has filed a CPLA against the judgment, therefore, the officer had filed an execution petition upon which the Tribunal has directed for comments/reply. The reply was prepared and sent for vetting from AAG and submission to the Tribunal, however, Directorate of Treasury & Accounts informed that the Law Officer of the Learned Tribunal has not vetted the reply and advised that implementation status be furnished to be placed before learned Tribunal in Execution Petition which is fixed for 09.03.2022 (Annex-IX). Similarly, in a CPLA the Supreme Court of Pakistan has set aside the impugned Judgment dated 07.11.2016 of the Tribunal and remanded the case back to the department to consider eligibility of the petitioner to be promoted to the post of District Comptroller of Accounts (BPS-19) and in case he is found eligible, he will be paid salaries and allowances of the higher post which is holding on acting charge basis (Annex-X). Now, the Directorate of Treasury & Accounts informed that Additional Registrar (Judicial) Implementation Branch (PHC Peshawar) has directed to furnish comments to his office 07.03.2022 (Annex-XI). The case is under correspondence with Establishment Department for advice on some points. The comments were prepared and sent to the AG for vetting, however, the Director, T&A has informed that Additional Advocate General, KP has returned the comments with the advice that compliance report of the directions of the Apex Court in the CPLA be furnished without further delay (Annex-XII).
- v. One inquiry has already been concluded and marks has been deducted from the PERs quantification accordingly, while the other one is being submitted to the competent authority for final orders.

Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

2. I am, therefore, directed to request that the working paper may be got cleared from PSB through circulation or otherwise to consider the promotion of the Petitioner to the post of District Comptroller of Accounts (BPS-19) **conditionally subject to final decision in the CPLA** to avoid COC proceedings against the Government, please.

Yours faithfully,

Section Officer (E-I)

Enclosure as above

Endst: No & Date Even

Copy forwarded for information to the:-

1. PA to Special Secretary (Admn & Reg :), Finance Department.
2. PA to Additional Secretary (Admn), Finance Department.

O/C

Section Officer (E-I)

Section Officer (Lit-II)
Finance Department
Govt. of Karnataka



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-22/2022/P-8
Dated Peshawar, the 28.03-2022

To

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT: PROMOTION OF DISTRICT ACCOUNT OFFICER BS-18 TO
THE POST OF DISTRICT COMPTROLLER OF ACCOUNTS BS-
19 FINANCE DEPARTMENT.

Dear Sir,

I am directed to refer to Finance Department letter No. SO(ESTT-
1)FD/1-55/2022/PSB dated 09.03.2022 on the subject and to say that the
case has been examined in Regulation wing and observed that: -

- i. The Board in its last meeting held on 02.12.2021 directed to finalize the inquiries of the officer at S.No. 01 of the panel at an early date as he has been continuously deferred on the basis of these inquiries. It has been intimated that one inquiry has been concluded and the other inquiry has been submitted to the competent authority for final orders. However, no documentary proof in this regard has been attached alongwith the working paper.
 - ii. The seniority list of the panelists has not been annexed alongwith the working paper, which is pre-requisite document for placement of a working paper before the PSB. Finance Department has further informed that tentative seniority list of District Accounts Officers BS-18 was circulated and an officer made representation against the seniority list. Thus, the seniority list circulated is disputed and certificate given in PSB-V is not based on facts.
2. The working paper and other documents received with the letter quoted above are returned herewith in original for doing the needful.

Yours faithfully,

Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

SECTION OFFICER (PSB)

Encl: As above.

ENDST. EVEN NO. & DATE.

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

AS(Admin)

Secy Finance KPK
Date: 6.5.22
Date: 4.4.22

WF A&R

SECTION OFFICER (PSB)

SO (E-1)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk>

[facebook.com/GoKFPD](https://www.facebook.com/GoKFPD) twitter.com/GoKFPD

No: SO (ESTT-I)FD/1-55/2022/PSB

Dated Pesh: the 17-05-2022

To

The Section Officer (PSB),
Establishment Department,
Khyber Pakhtunkhwa, Peshawar.

④
18-5-2022

Subject: -

**WORKING PAPER FOR PROMOTION OF DISTRICT ACCOUNTS OFFICERS
(BPS-18) TO THE POST OF DISTRICT COMPTROLLER OF ACCOUNTS
(BPS-19).**

I am directed to refer to your letter No. SO (PSB) ED/1-22/2022/P-8 dated 28.03.2022, on the subject noted above and to clarify that both pending inquiries against the officer (**Mr. Amanullah**) have been finalized by imposition of the minor penalties (**Flag-A & B**), while Mr. Qaiser Imad (DAO BS-18) has made presentations against the Officer at **S#11** of the Tentative Seniority list of District Accounts Officers (BPS-18) as stood on 31-12-2021 and Seniority List of Assistant / Sub Treasury Officers (BPS-17) notified since 2011 on the basis of merit assigned by the Public Service Commission (**Flag-C**). According to the Seniority list of DAOs (BS-18), officers at S #2 to 12 in the panel are on probation and not eligible for promotion and the Seniority of officers at S #1 to 09 of the panel is undisputed, hence the seniority at **PSB-V** may be considered as valid.

2. Moreover, as stated earlier vide this department letter of even number dated 09.03.2022 that the officer had filed an appeal for promotion from the date of eligibility which was decided in his favor. However, the Department filed a CPLA against the judgment, therefore, the officer had filed an execution petition upon which the Tribunal has directed for comments/reply. The reply was prepared and sent for vetting however, the Law Officer of the Learned Tribunal has not vetted the reply and advised that implementation status be furnished to be placed before learned Tribunal on 06.06.2022 for hearing Execution Petition. A copy of Execution Petition alongwith decision of Khyber Pakhtunkhwa Service Tribunal may be seen at (**Flag-D & E**).

3. Besides to the above, in a CPLA the Supreme Court of Pakistan has set aside the impugned Judgment dated 07.11.2016 of the Tribunal and remanded the case back to the department to consider eligibility of the petitioner to be promoted to the post of District Comptroller of Accounts (BPS-19) and in case he is found eligible, he will be paid salaries and allowances of the higher post which was holding on acting charge basis (**Flag-F & G**). The Additional Registrar (Judicial) Implementation Branch (PHC Peshawar) had earlier directed to furnish comments/implementation report to his office by **07.03.2022 (Flag-H)**. Accordingly, views/comments of Establishment Department were solicited (**Flag-I**). In light of the advice of Establishment Department necessary reply/compliance report was sent to the Additional Registrar (Judicial), Incharge Implementation Branch, Peshawar High Court, Peshawar duly signed by all the respondents including Establishment Department (**Flag-J**).

4. However, on 12.5.2022 compliance report was heard in the Peshawar High Court, Peshawar wherein, the court observed that respondents were asked to dispose off the case in light of relevant rules, but the Administrative Department has neither convened any meeting nor issued any proper orders for disposal. The court deferred the case till **19.05.2022** with the direction to convene a proper meeting in light of the advice of Establishment Department as well as proper order of disposal be issued as per rules before next hearing (**Flag-K**).

Section Officer (Lit-II)
Finance Department
Govt. of Khyber Pakhtunkhwa

.....2.....

5. Keeping in view of the above, the Working Paper may be placed before Provincial Selection Board being the competent forum for consideration/ appropriate orders in light of the above mentioned Hon'ble Peshawar High Court directions as well as Learned Khyber Pakhtunkhwa Services Tribunal's decision to avoid COC proceedings against the Government, please.

Yours faithfully,

Enclosure as above (alongwith 7 sets of Working Papers)

Section Officer (E-I)

Endst: No & Date Even

Copy forwarded for information & necessary action to the:-

300
12-5-22

1. Director, Treasuries & Accounts Establishment Khyber Pakhtunkhwa w/r to letter No.1-68/DT&A/2/Court Case/485 dated 12.05.2022.
2. Section Officer (Lit-IV), Finance Department.
3. PA to Special Secretary (Admn & Reg :), Finance Department.
4. PA to Additional Secretary (Admn), Finance Department.

Section Officer (E-I)

Section Officer (Lit-II)
Finance Department
Govt: of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-25/2021/KC
Dated Peshawar, the December 23, 2021

To

All Administrative Secretaries
to the Govt. of Khyber Pakhtunkhwa.

Subject: - **STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETINGS.**

Dear Sir,

I am directed to refer to the above subject and to state that Provincial Selection Board in its meeting held on 2nd December 2021 decided to hold four PSB meetings periodically in a calendar year and has desired to issue the following instructions:

- i. 1st meeting of PSB will be held in the month of March, 2nd in June, 3rd in September and 4th in the month of December every year.
- ii. The Administrative Departments shall submit working papers to the Establishment Department latest by 1st day of each of the specified month for placement before the relevant meeting of the PSB.
- iii. No working paper that is received after the cut off date shall be entertained. However, the department should not wait for the cut off date and submit working paper as early as possible.
- iv. The working paper may be submitted following the instructions contained in this department circular dated 05.03.2020 (copy enclosed).
- v. The Court related promotion cases should be processed at an early date to avoid Contempt of Court.

2. The above instructions may be brought into the notice of a concerned for compliance.

Yours faithfully,


SECTION OFFICER (PSB)

Honorable chairman Services Tribunal Khyber
Paktunkhwa.

Respected Sir,

As directed Section Officer (PSB) Establishment Department telephonically contacted and asked about latest updates in light of Section Officer (Establishment) Finance Department letter dated 6th June 2022. His goodness has however, told that instant case has been included in the agenda of the case in PSB meeting expected at last week of June 2022. To be taken then.

The above mentioned detailed related to the promotion of Mr. Amanullah, District Accounts Officer (PS-18) to District Comptroller of Accounts (PS-19) is submitted for further orders/directions, please.

Yours faithfully

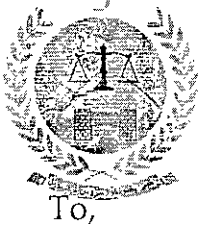
(Galeem Sajid)
Section Officer

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT (NMAs)**

~~Respected Sir,~~

As ~~Secretary~~ ~~Director~~ ~~Section Officer~~ (PSO)
~~has been contacted via telephone on~~

KHYBER PAKHTUNKWA
SERVICE TRIBUNAL, PESHAWAR



No: 2151 /ST Dated: 05/07/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

- 1 Chief Secretary Khyber Paktunkhwa Civil Secretariat, Peshawar.

Subject: TO LOOK INTO CONDUCT OF RESPONDENTS IN EXECUTION PETITION NO.381/2021 IN CASE TITLE AMANULLAH VS FINANCE.

I am directed to forward herewith a certified copy of Order dated 13.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

(WASEEM AKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No: 2152 /ST Dated: 05/07 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

The Accountant General,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: SALARY ATTACHMENT OF THE SECTION OFFICER PSB, ESTABLISHMENT DEPARTMENT IN CASE TITLE OF AMAN ULLAH VS FINANCE

I am directed to forward herewith a certified copy of Order dated 13.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No: 2148-50/ST Dated: 5 / 7 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

- 1 The Secretary Finance, KP Civil Secretariat, Peshawar.
- 2 Director, Treasuries and Accounts Office, District, Peshawar.
- 3 Section Officer PSB, Establishment Department.

Subject: PERSONAL APPEARANCE OF EXECUTION PETITION
NO.381/2021 IN CASE TITLE AMANULLAH VS FINANCE.

I am directed to forward herewith a certified copy of Order dated 13.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.


(WASEEM AKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR