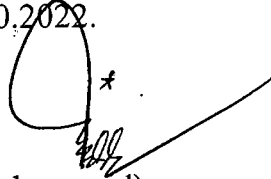


28.09.2022

Junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Sajid, Section Officer on behalf of official respondents No. 1 to 4 present. None present on behalf of private respondents No. 5 to 14.

All the respondents from 5 to 14 were put on notice through direct local post department for the date fixed 14/10/2022

Reply/comments on behalf of official respondents No. 1 to 4 as well as private respondents No. 5 to 14 not submitted. Representative of official respondents No. 1 to 4 requested for time to submit reply/comments. Notice be issued to private respondents No. 5 to 14 for submission of reply/comments. Adjourned. To come up for reply/comments before the S.B on 14.10.2022.

  
(Mian Muhammad)  
Member (E)

27.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General present.

An application seeking impleadment in panel of respondents was submitted by Asad Khan and nine others which was not objected to by the learned counsel for appellant, hence, stands accepted. All the petitioners stand impleaded in the panel of respondents. To come up for reply/comments of all the respondents on 28.09.2022 before S.B.

Annexed with the memorandum of appeal is an application for interim relief. Notice of this application be served upon respondents for the date fixed.

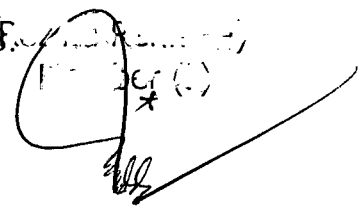


(Rozina Rehman)  
Member (J)

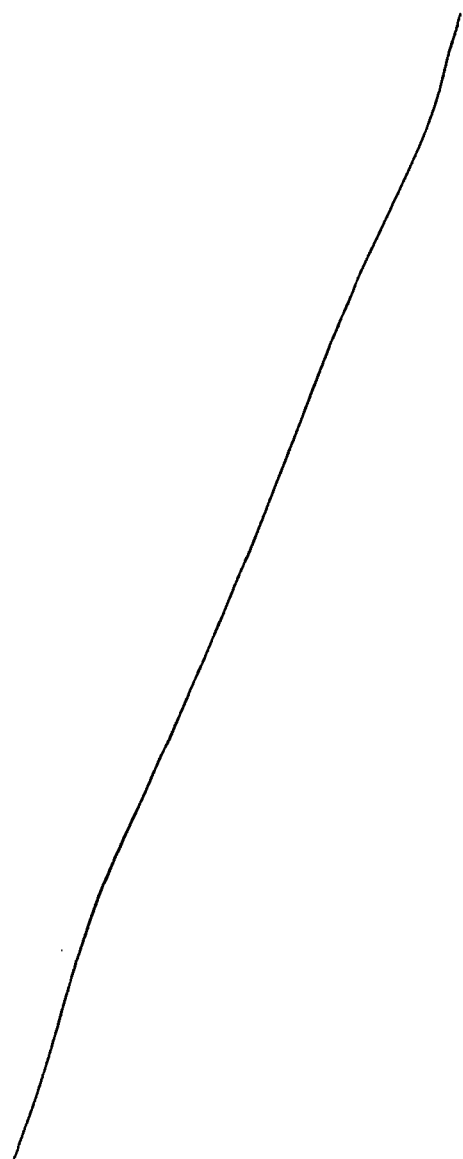
15.07.2022

Appellate in Khatun present. Mian Muhammad Adil  
General Advocate General (Legal) for respondents  
present.

Representative of respondents submitted incomplete  
Written reply/comments on behalf of respondents  
not submitted. Learned Additional Advocate General seeks  
time to contact the respondents for submission of written  
reply/comments. Adjourned. To come up for written  
reply/comments on 27.07.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER (E)



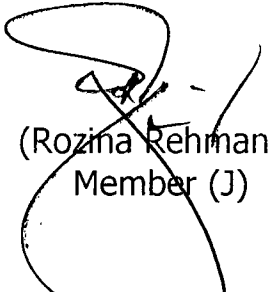


Form- A

FORM OF ORDER SHEET

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

Case No.- 632/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/04/2022	<p>The appeal of Mr. Siyarullah resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	27/4/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>29.04.2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	29.04.2021	<p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on <u>15/7/2022</u> before S.B.</p> <p> (Rozina Rehman) Member (J)</p>


Rs-600/-  
Appellant Deposited  
Security & Process Fee  
-  
A. H. H. H. H.  
10/5/22

The appeal of Mr. Siyar Ullah Auditor Office of Local Fund Audit Department received today i.e. on 26.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent no.4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copy of departmental appeal in respect of appellant is not attached with the appeal which may be placed on it.

No. 959 /S.T,


Dt. 27-4- /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

R/Siv

Resubmitted after necessary completion.

  
27/4/22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No 632/2022

Siyar Ullah..... **Appellant**

**VERSUS**

Director & others ..... **Respondents**

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal with affidavit		1-5
2.	Application for interim relief with Affidavit		6
3.	Copy of Notification dated 20-03-2013 & Notification dated 15-01-2018	A & B	7-9
4.	Copy of Recruitment & Appointment Rules 1980 & Notification dated 10-02-1993	C & D	10-13
5.	Copy of Notification dated 01-06-2005 & Notification dated 29-04-2010	E & F	14-17
6.	Copy of Notification dated 25-05-2018	G	18-
7.	Copy of Notification dated <del>26-06-2021</del>	G/1	19
8.	Copy of Departmental appeal & Letter dated 28-03-2022	H & I	20-21
9.	Copy of Judgment dated 29-01-2013 passed in Service Appeal No 251/2011	J	22-26
10.	Copy of Notification dated 24-05-1981	K	27-29
11.	Copy of Minutes of the meeting of SSR Committee dated 19-08-2009	L	30-32
12.	Vakalat Nama		33

Dated:-     -04-2022

Through

  
Appellant

**FAZAL SHAH MOHMAND**

ADVOCATE,

SUPREME COURT OF PAKISTAN.

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

-1-

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

Service Appeal No \_\_\_\_\_/2022

Siyar Ullah, Auditor (BPS-15) Office of Director Local Fund Audit  
Department, Khyber Pakhtunkhwa, Peshawar.....**Appellant**

**V E R S U S**

1. Director Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Finance Department, Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary Establishment Department, Peshawar.
4. Chairman, Standing Service Rules Committee, Khyber Pakhtunkhwa, *Finance Department, Civil Secretariat Peshawar.* **Respondents**

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE LETTER NO. LFA/ESTT/SAS/2014 DATED 28-03-2022 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE NOTIFICATION NO SO(ESTT)/FD/1-16/2014/LFA/SSRC/VO/IIV DATED 25-05-2018 WHEREBY IN THE APPENDIX AGAINST SERIAL NO 4 IN COLUMN 6 AMENDMENT HAS BEEN MADE, HAS BEEN REGRETTEED.**

**PRAYER:-**

On acceptance of this appeal the impugned order/decision communicated to the appellant vide Letter No. LFA/Estt/SAS/2014 dated 28-03-2022 and Notification No SO(Estt)/FD/1-16/2014/LFA/SSRC/Vol/IIV dated 25-05-2018 whereby rules in the appendix against serial No 4 in Column 6, amendment has been made, may kindly be struck down and the rules for promotion to audit officer (BPS-16) notified as per Notification No SO(ESTT)FD/1-16/04 dated 01-06-2005 may please be restored thereby restoring 60% quota for promotion for Subordinate Accounting Service (SAS) qualified auditors.

**Respectfully Submitted:-**

1. That the appellant was appointed as Auditor (BPS-14) on 20-03-2013 in the Local Fund Audit which is an attached body of the Finance Department Khyber Pakhtunkhwa and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. The appellant qualified Subordinate Accounting Services Examination in the year 2018 which was notified vide Notification dated 15-01-2018. **(Copy of Notification dated 20-03-2013 & Notification dated 15-01-2018 is enclosed as Annexure A & B).**
2. That initially the department was governed for recruitment and appointment as per the Recruitment & Appointment Rules 1980, wherein 60% quota was reserved for Subordinate Accounting

Services (herein after referred to as SAS) qualified Auditors for promotion to the post of Audit Officers (BPS-16), while 33% quota was reserved for direct recruitment, which was amended vide Notification dated 10-02-1993 whereby the SAS qualified quota of 67% was kept intact while 33% quota was reserved for promotion on the basis of Seniority Cum Fitness. **(Copy of Recruitment & Appointment Rules 1980 & Notification dated 10-02-1993 is enclosed as Annexure C&D).**

3. That the Khyber Pakhtunkhwa Recruitment Appointment Rules 1980 were further amended whereby quota of auditors for promotion to the post of Audit Officers (BPS-16) was revised, wherein the quota of SAS qualified auditors was brought to 60% and 40% was equally distributed for initial recruitment as audit officer and promotion on the basis of seniority cum fitness vide Notification dated 01-06-2005.
4. That due to non-availability of SAS qualified auditors and acute shortage of officers to run the routine work of Local Fund Audit, the appointment and promotion Rules were temporary amended by reducing the SAS qualified auditor quota from 60% to 20% and enhancing the Non SAS qualified auditor quota from 20% to 60% in order to meet the increasing demand of officers where as the quota of initial recruitment through public service commission remain unchanged to 20% duly notified vide Notification No. dated 29-04-2010. **(Copy of Notification dated 01-06-2005 & Notification dated 29-04-2010 is enclosed as Annexure E&F).**
5. That the stated rules were once again amended in the year 2018 in response to the appeal of SAS qualified auditors for restoration of original quota of SAS qualified auditors to 60% however the grievances/demand of qualified auditors were not fully addressed and SAS quota was enhanced to 30% instead of 60% vide Notification dated 25-05-2018, thus depriving Local Fund Audit department from officers with professional audit/account certification. **(Copy of Notification dated 25-05-2018 is enclosed as Annexure G).**
6. That the appellant along with other SAS qualified auditors jointly approached respondent No 1 for restoring 60% quota for the SAS qualified auditors for promotion as Audit Officers (BPS-16) and to equip the Local Fund Audit with qualified audit officers however after meeting with the auditors under the chairmanship of respondent No 1 it was decided and agreed that share of promotion quota is to be equally distributed i.e 40% both of SAS and no-SAS auditors as evident from letter dated 26-06-2021, but the same has been processed with no fruitful result. **(Copy of Notification dated 26-06-2021 is enclosed as Annexure G/1).**
7. That finally the appellant approached respondent No 1 by filing departmental appeal on 04-03-2022 which was regretted vide Letter dated 28-03-2022. **(Copy of Departmental appeal & Letter dated 28-03-2022 is enclosed as Annexure H & I).**



8. That the impugned order communicated to the appellant vide Letter dated 28-03-2022 and Notification No SO(Estt)/FD/1-16/2014/LFA/SSRC/Vol/IIV dated 25-05-2018 whereby rules in the appendix against serial No 4 in Column 6 amendment has been made, is against the law, facts and principles of justice on grounds inter-alia as follows:-

**GROUND S:-**

- A. That the impugned order communicated to the appellant vide Letter dated 28-03-2022 and Notification No SO(Estt)/FD/1-16/2014/LFA/SSRC/Vol/IIV dated 25-05-2018 is illegal, unlawful, without lawful authority and hence void ab-initio as SAS qualified auditors were required to be promoted faster than the Non SAS qualified/seniority cum fitness similar to Directorate of Treasury and AG Department where the quota of promotion for SAS qualified auditors is 60% and 67% respectively.
- B. Those mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the impugned rules were not amended as per the law and rules on the subject i.e. Civil Servants Act 1973 as well as Rule 3 (2) of Appointment Promotion Transfer Rules 1989.
- D. That besides the requirements of Section 20 to 24 of the General Clauses Act 1897 were also not complied with which are mandatory for framing and amending rules. Even rules framed and amended without complying with the mandatory requirements of Section 23 of General Clauses Act 1897 were declared illegal in various Service Appeals including Service Appeal No 251/2011 Mian Farooq Iqbal VS Chief Secretary accepted 29-01-2013 and which judgment was also upheld by the Apex Court. **(Copy of Judgment dated 29-01-2013 passed in Service Appeal No 251/2011 is enclosed as Annexure J).**
- E. That it is important to note that the quota of SAS qualified candidates was reduced due to the non-availability of SAS qualified auditors and by now as the SAS qualified Auditors are available hence the rules needs to be amended accordingly.
- F. That the Finance Department jointly conduct SAS exam for the employees of Directorate of Treasury and Local Fund Audit on same date and with almost equal syllabus as both entities are working under the umbrella of Finance Department but the promotion quota on the basis of SAS qualification in Directorate of Treasury is 60% and in Directorate of Local Fund Audit is 30% only. Besides the

promotion quota on the basis of SAS/PIPFA in every audit/account Departments of the country is 67% in order to encourage employees to acquire professional audit/account knowledge, hence the impugned amendment is liable to be struck down. **(Copy of Notification dated 24-05-1981 is enclosed as Annexure K).**

- G. That the impugned Rules have been amended even in violation of the recommendations of Standing Service Rule Committee meeting dated 19-08-2009 wherein the recommendations were as follows:

"The committee throughout examined and discussed in detail and observed that by providing reasonable quota to those who have qualified the SAS examination, the incumbents should have the reasonable opportunity of promotion on the basis of three years' service prior to those who have not qualified the SAS examination. Therefore recommended the proposed amendment."

**(Copy of Minutes of the meeting of SSR Committee dated 19-08-2009 are enclosed as Annexure L).**

- H. That since SAS is professional qualification, is more relevant/technical hence too the appellant is entitled to be provided with more opportunities of promotion.
- I. That SAS examination is technical one which is aimed at equipping the department with technically qualified professional/auditors in order to betterly run the audit activities.
- J. That there are 44 sanctioned posts of Audit Officers (BPS-16) and as per the prevailing quota the share of SAS qualified is 13 which are filled while still 11 SAS qualified auditors are there.
- K. That due to lesser quota for SAS qualified; there is no charm for the non SAS qualified auditors which have an adverse bearing on the overall performance of the department.
- L. That the appellant being stake holder was not associated before amending the rules on the subject which being his fundamental right.
- M. That the appellant has about 9 years of service with unblemished service record.
- N. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

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


-5-

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

Dated:- \_\_\_\_\_-04-2022

Through

  
Appellant

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

**LIST OF BOOKS**

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

**CERTIFICATE:**

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

  
ADVOCATE

**AFFIDAVIT**

I, Siyar Ullah, Auditor (BPS-15) Office of Director Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No \_\_\_\_\_/2022

Siyar Ullah.....Applicant/Appellant

**VERSUS**

Director & others .....Respondents

**Application for restraining respondents from making promotions to the post of Audit Officers (BPS-16) on the basis of impugned rules, till the final disposal of titled case.**

**Respectfully Submitted:-**

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral part of this application.
3. That the appellant has got good prima facie case in his favor and is sanguine of its success.
4. That the balance of convenience is also in his favor and if respondents are not restrained from making promotions to the post of Audit Officers, the appellant would suffer irreparable loss.

**It is therefore prayed that on acceptance of this application, respondents may kindly be restrained from making promotions to the post of Audit Officers (BPS-16) on the basis of impugned rules, till the final disposal of titled appeal.**

Dated:- \_\_\_\_\_-04-2022

Through

*Sy*  
Appellant

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

**AFFIDAVIT**

I, Siyar Ullah, Auditor (BPS-15) Office of Director Local Fund Audit Department, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Sy*  
DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
LOCAL FUND AUDIT DEPARTMENT,  
PESHAWAR.

Dated Peshawar the 20/03/2013

7-1A

OFFER OF APPOINTMENT

NOTICE No: Recruitment 2013 5143 SB. On the recommendations of Khyber Pakhtunkhwa Public Service Commission, the undersigned being the competent authority is pleased to offer appointment against the post of Auditor (B-14) in Local Fund Audit Department, Khyber Pakhtunkhwa to the under noted persons on the terms and conditions stated below:-

S.#	Name with Father's Name	Domicile/Zone
1	Shahir Hussain Shah S/O Syed Ahmad Shah	Lakki Marwat/4
2	Siyar Ullah S/O Samdani Gul	Peshawar/2
3	Muhammad Umair S/O Muhammad Imran	Peshawar/2
4	Ashraf Ali S/O Qamar Ali	F.R Bannu/1
5	Bilal Ahmad S/O Ahmad Sardar	F.R Bannu/1
6	Sher Zada S/O Hejab Gul	Dir/3
7	Khair Ul Anam S/O Abdul Ghayas	Malakand/3
8	Muhammad Asif Anjum S/O Muhammad Wali Khan	Karak/4
9	Muhammad Zeeshan S/O Muhammad Din Paani	Haripur/5
10	Muhammad Yaseen S/O Shafique Ahmad	Haripur/5

Terms & conditions:-

- i. They will get pay at minimum of BPS - 14 (8000-610-26300) plus usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy.
- ii. They will be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- iii. They will, for all intents and purposes, be Civil Servant and entitled for pension, gratuity G.P Fund as per Government policy.
- iv. Their employment in Local Fund Audit Department is purely temporary and their services are liable to be terminated without assigning any reason at fourteen (14) days notice or on payment of 14 days salary in lieu of the notice. In case they wish to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited/deposited in the Government Treasury.
- v. They will initially, be on probation for a period of one year extendable upto two years.
- vi. They will produce medical certificate of fitness from Medical Superintendent, Police & Services Hospital, Peshawar before reporting for duty to this Directorate as required under the rules.
- vii. They will abide to observe all the rules/regulations related to the service matters.
- viii. They will have to join duty at their own expenses.
- ix. Their services are transferable anywhere in Khyber Pakhtunkhwa / FATA / PATA.
- x. Their appointments are subject to verification of their antecedents from the concerned authorities.

2. If they agree to accept the offer of appointment to the post with above conditions they should report for duty to the undersigned within 14 days of the receipt of this offer and produce original certificates in connection with their qualification, domicile and age etc.

*M*  
DIRECTOR  
LOCAL FUND AUDIT DEPARTMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR

Ends/ No & date even.  
Copy forwarded to

The Accountant General Khyber Pakhtunkhwa Peshawar  
The Section Officer (E-II) Finance Department Peshawar w/ to his letter No. SO/FA/13/14/2011/TFAD/111 dated 15-03-2013

**BETTER COPY OF THE PAGE NO. 7**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
LOCAL FUND AUDIT DEPARTMENT  
PESHAWAR

Dated Peshawar the 20/03/2013

**OFFER OF APPOINTMENT**

No. LFA/Estt:/Recruitment/203/3443-56. On the recommendations of Khyber Pakhtunkhwa Public Service Commission, the undersigned being the competent authority is please to offer appointment against the post of Auditor (B-14) in Local Fund Audit Department Khyber Pakhtunkhwa to the under noted persons on the terms and conditions stated below

S.#	Name with Father's Name	Domicile/Zone
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2	Siyar Ullah S/o Samdani Gul	Peshawar/2
3	Muhammad Umair S/o Muhammad Imran	Peshawar/2
4	Ashraf Ali S/o Qamar Ali	F.R Bannu/1
5	Bilal Ahmad S/o Ahmad Sardar	F.R Bannu/1
6	Sher Zada S/o HejabGul	Dir/3
7	Khair Ul Anam S/o Abdul Ghayas	Malakand/3
8	Muhammad Asif Anjum S/o Muhammad Wali Khan	Karak/4
9	Muhammad Zeeshan S/o Muhammad Din Paani	Haripur/5
10	Muhammad yaseen S/o Shafique Ahmad	Haripur/5

Terms it conditions.

- i. They will get pay at minimum of BPS-14 (8000-610-26300) plus usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy.
- ii. They will be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- iii. They will for all intents and purposes, be Civil Servant and entitled for pension gratuity GP Fund as per Government policy.
- iv. Their employment in Local Fund Audit Department is purely temporary and their services are liable to be terminated without assigning any reason at fourteen (14) days notice or on payment of 14 days salary in lieu of the notice. In case they wish to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited deposited in the Government Treasury.
- v. They will initially be on probation for a period of one year extendable upto two years.
- vi. They will produce medical certificate of fitness from Medical Superintendent, Police & Services Hospital, Peshawar before reporting for duty to this Directorate as required under the rules.
- vii. They will abide to observe all the rules regulations related to the service matters.
- viii. They will have to join duty at their own expenses.
- ix. Their services are transferable anywhere in Khyber Pakhtunkhwa FATA/PATA.
- x. Their appointments are subject to verification of their antecedents from the concerned authorities.

2. if they agree to accept the offer of appointment to the post with above conditions they should report for duty to the undersigned within 14 days of the receipt of this offer and produce original certificates in connection with their qualification, domicile and age etc.

DIRECTOR  
LOCAL FUND AUDIT DEPARTMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR

Endst No.& date even.

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Section Officer (E-II) Finance Department Peshawar w/r to his letter No. SO(E-II)/FD/3-14/2011/LFA/Vol-III dated 15/03/2013

3. Mr. Siyar Ullah S/O Saundani Gul, Village & P.O.Box Suri Zai Bala Mohallah Hashim Khel Peshawar.
4. Mr. Sher Zada S/O Hejab Gul, Village Malakand Bala Jeh Balamabat District Dir Lower.
5. Mr. Shabir Hussain Shah, S/O Syed Ahmad Shah Village Gauraba Shah Hussain P.O. Gaznikhel District & Tehsil Lakki Marwat.
6. Mr. Muhammad Zeeshan S/O Muhammad Din Panni, Village & P.O Panian Tehsil and District Haripur.
7. Mr. Ashraf Ali S/O Qamar Ali, C/O Surat Khan Genral Store, Domel P.O Domel, Bannu.
8. Mr. Muhammad Umair S/O Muhammad Imran, House # 33-A, Mohallah Khattak Colony Civil Quarters, Kohat road Peshawar.
9. Mr. Khair Ul Anam S/O Abdul Ghayas, Village Almas Kalay, P.O Harichand, Tehsil Tangi, District Charsadda.
10. Mr. Muhammad Asif Anjum S/O Muhammad Wali Khan, Block 1; House # 2, Ghazi colony. near Gora Qabristan Peshawar cantt.
11. Mr. Muhammad Yaseen S/O Shafique Ahmad, Village and post office new jagal, Mohallah chello, Tehsil and District Haripur.
12. Mr. Bilal Ahmad S/O Ahmad Sardar, Shop No 3 Gur Mandi Chowk Bazaar Bannu. Khyber Pakhtunkhwa
13. The Budget Assistant (HQ).

*me*  
DIRECTOR,  
LOCAL FUND AUDIT DEPARTMENT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

**BETTER COPY OF THE PAGE NO. 8**

3. Mr. Siyar Ullah S/O Samdani Gul Village & PO Box Suri Zai Bala Mohallah Hashim Khel Peshawar.
4. Mr. Sher Zada S/O Hejab Gul, Village Malakand Bala Jeh Balamabat District Dir Lower
5. Mr. Shabir Hussain Shah S/O Syed Ahmad Shah Village Gauraba Shah Hussain PO Gaznikhel District & Tehsil Lakki Marwat.
6. Mr. Muhammad Zeeshan S/O Muhammad Din Panni, Village & P. Panian Tehsil and District Haripur
7. Mr. Ashraf Ali S/O Qamar Ali. C/o Surat Khan Genral Store, Domel P. Domel, Bannu.
8. Mr. Muhammad Umair S/O Muhammad Imran, House # 33-A, Mohallah Khattak Colony Civil Quarters, Kohat road Peshawar.
9. Mr. Khair Ul Anam S/O Abdul Ghayas, Village Almas Kalay, P.O Harichand, Tehsil Tangi, District Charsadda.
10. Mr. Muhammad Asif Anjum S/O Muhammad Wali Khan, Block 1, House # 2, Ghazicolony, near Gora Qabristan Peshawar cantt.
11. Mr. Muhammad Yaseen S/O Shafique Ahmad, Village and post office new jagal, Mohallah chello, Tehsil and District Haripur.
12. Mr. Bilal Ahmad S/O Ahmad Sardar. Shop No 3 Gur Mandi Chowk Bazzar Bannu, Khyber Pakhtunkhwa
13. The Budget Assistant (HQ).

DIRECTOR  
LOCAL FUND AUDIT DEPARTMENT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Dated Peshawar, the 15<sup>th</sup> January, 15-01-2018

"B" B

-9-

NOTIFICATION

NO-SO(ESTT)FD/1-9/SAS/LFA/2017. The following officials of the Khyber Pakhtunkhwa Local Fund Audit, Establishment have passed the SAS Examination in full held in December, 2017 prescribed vide Government of Khyber Pakhtunkhwa, Finance Department's Notification No.SOSR-III(FDY/10-49/82 dated 28-10-1987 and Notification No.SO(ESTT) FD/1-9/2012/SAS dated 24-7-2013:

Sl. #	Roll No	Name	Designation
1	151	Muhammad Umair	Auditor
2	152	Ashraf Ali	Auditor
3	153	Muhammad Asif Anjum	Auditor
4	154	Muhammad Faheem	Auditor
5	156	Sana-Ur-Rahim	Auditor
6	161	Siyar Ullah	Auditor
7	162	Sheer Zada	Auditor
8	163	Zabeer Rahman	Auditor
9	164	Asim Zia	Auditor
10	165	Rashid Khan	Auditor

SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst: No: & Date even

Copy forwarded to:

1. The Director, Local Fund Audit, Khyber Pakhtunkhwa.
2. The Manager, Government Printing Peshawar for publication in the next issue of official Gazette and supply of 10 copies of Gazette notification.
3. PS to Finance Secretary.
4. Officials concerned.

(MUHAMMAD AMAN)  
(SECTION OFFICER(ESTT).)

SAS/2012(P.)

(1980) "C" 10

THE NORTH WEST FRONTIER PROVINCE, LOCAL FUND AUDIT DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES-1980.

SCHEDULE V.

S/No.	Post.	Method of Recruitment.	Minimum/Qualification for initial recruitment.	Maximum/Minimum age limit.
1	2	3	4	5
1.	Director.	By promotion on the basis of seniority cum-fitness from among holders of the posts of Asstt: Directors having the prescribed length of Service or by transfer from some other Department.		
2.	Asstt: Director.	By promotion on the basis of Seniority cum-fitness from among holders of the posts of Audit Officers.		
3.	Audit Officer.	Amended vide Finance Department's NOTIFICATION No.SOSR.III(FD)10-56/78, dated 27.6.1982. i) 33% of vacancies by initial recruitment. ii) 67% of vacancies by promotion on the basis of seniority-cum fitness from amongst Auditors of the Department who have passed the SAS Examination of the Department and have at least three years service as Auditor.	(SOSR.III(FD)10-56/78 Dt.7.9.83) M.Com/MA Economic/MBA/ MSc Statistics/M.Sc Mathematics/from the recognised University.	22-30 Y
4.	Auditor.	i) 90% of the Posts shall be filled by initial recruitment. ii) "10% by promotion from amongst the members of Ministerial Establishment who are Matriculates and have at least 6 years service as such and have passed the Departmental Examination prescribed in the Local Fund Audit Deptt: (Auditors) Departmental Examination Rules 1986". (Amended vide S & G A Department's Notification No.SOR-II(S&GAD)2-19/78, Dated 8.10.1981.	B.Com/BA/BSc from recognized University.	18-25 Y

-10-

✓

Senior Clerk. By promotion on the basis of Seniority-Cum-fitness from among Junior Clerks of the Department who have worked as such for Two years.

6. Junior Clerk. By initial recruitment.

7. Steno-Typist. By initial recruitment.

Matriculate from a recognised Board.

18 to 25 years.

- i) Matriculate from a recognised Board.
- ii) A speed of 80 words per minute in Shorthand in English and 30 words per minute in typing.

--do--

8. Key Punch Operator. By Initial Recruitment.

Note:- 10% of all vacancies to be filled in by initial recruitment shall be reserved for Ex-Servicemen.

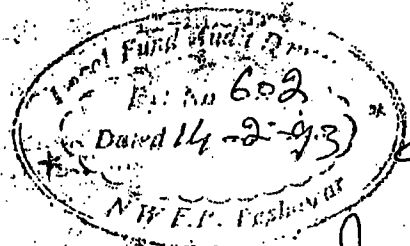
*[Signature]*  
 DIRECTOR  
 Local Fund Audit Department  
 N. W. F. P. Peshawar

*[Signature]*  
 DIRECTOR  
 Local Fund Audit Department,  
 N. W. F. P. Peshawar  
 13/12

(1993)

11 D - 12 - 3

GOVERNMENT OF N.W.F.P.  
FINANCE DEPARTMENT.



NOTIFICATION.

Dated Peshawar, the 10th February, 1993.

No. SOSR-III(ED)10-56/78 :- In exercise of the powers conferred by Section 25 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), the Governor of the North-West Frontier Province is pleased to direct that the following further amendments shall be carried out in the North-West Frontier Province Directorate of Local Audit Fund (Recruitment and Appointment) Rules, 1980 notified vide Services & General Administration Department's Notification No. SOR-II(S&GAD)2-19/78 dated 4.2.1980, namely :-

AMENDMENTS

In the Schedule, for the entries in columns 3 to 5 against serial No. 3, the following entries shall respectively be substituted, namely :-

	3	4	5
(i)	Sixty-seven per cent by promotion, on the basis of seniority-cum-fitness, from amongst Auditors of the Department, who have passed the SAS Examination of the Department and have at least three years' service as such; and		
(ii)	Thirty-three per cent by promotion, on the basis of seniority-cum-fitness, from amongst Auditors having at least ten years' service as such.		

SECRETARY TO GOVERNMENT OF  
N.W.F.P. FINANCE DEPARTMENT.

C...P/2...

-13-

-2-

SOSR-III(FD)10-56/78

Dated Peshawar, the 10.2.1993.

10 copies are forwarded to :-

The Assistant Draftsman-II, Government of N.W.F.P. Law Department with reference to his letter No.Reg.1 (5)/92/Local Fund Audit/421 dated 18.1.1993.

The Section Officer (Urdu Cell), Government of N.W.F.P. Services & General Administration Department with reference to his letter No.SOUC(S&GAD)7-3/92 dated 3.2.1993.

*Muhammad Khan*  
( MUHAMMAD KHAN )  
Section Officer(SR-III)

Endst.No.SOSR-III(FD)10-56/78 Dated Peshawar, the 10.2.1993.

A copy for information and necessary action is forwarded to the Director, Local Fund Audit, N.W.F.P. Peshawar with reference to his letter No.L.P.IV/(1)26/2362 dated 2.7.1992.

*File no. 15*

*Muhammad Khan*  
( MUHAMMAD KHAN )  
Section Officer (SR-III)

Endst. No.SOSR-III(FD)10-56/78 Dated Peshawar, the 10.2.1993.

A copy is forwarded to the Manager, Government Printing Press, Peshawar for publication in the next issue of official gazette.

*Muhammad Khan*  
( MUHAMMAD KHAN )  
Section Officer (SR-III)

(2005)

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*[Handwritten signature]*

**GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
FINANCE DEPARTMENT**

**NOTIFICATION**

Dated Pesh. the 1<sup>st</sup> June 2005.

No:SOLES/ET/BA-16/04. In pursuance of the provision contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Finance Department in consultation with Establishment Department, hereby directs that in the North West Frontier Province Local Fund Audit (Recruitment & Appointment) Rules, 1980 the following further amendments shall be made namely:-

**AMENDMENTS**

In the schedule:-

(a) for the existing entries in column No. 3, 5 & 6 against S.No.3, the following new entries shall respectively be substituted, namely:-

3	4	5	6
"Second class Master's Degree in Statistics, Economics, Business Administration or Commerce from a recognized University.		22 to 35 years	(i) Twenty per cent by initial recruitment. (ii) Twenty per cent by promotion on the basis of seniority-cum-fitness from amongst Auditors who have at least ten years service as such and (iii) sixty per cent by promotion on the basis of seniority-cum-fitness from amongst Auditors who have passed the SAS examination of the department and have at least three years service as such; and

(b) for the existing entries in column No. 3, 5 & 6 against S.No.4, the following entries shall respectively be substituted, namely:-

3	4	5	6
"Second class Bachelor's Degree in Commerce, Business Administration or Commerce from a recognized University.		20 to 30 years	(i) Ninety per cent by initial recruitment. (ii) Ten per cent by promotion on the basis of seniority-cum-fitness from amongst the members of Ministerial Establishment who have at least six years service as such and have passed the prescribed Departmental Examination for Auditors.

Finance Deptt  
N.W.F.P.

SECRETARY TO GOVERNMENT  
NORTH WEST FRONTIER PROVINCE  
FINANCE DEPARTMENT

Local Fund A

-15-

Endst.No:SO(ESTT)FD/1-16/04

Dated Pesh: the 01-6-2005

Ten copies of the above is forwarded to the Secretary to Govt of NWFP, Law Department, Peshawar with reference to his letter No.OP.15(27)EDL:2005/1369 dated 17-03-2005.

(NASRULLAH KHAN)  
SECTION OFFICER(ESTT-I)

Endst.No:SO(ESTT)FD/1-16/04

Dated Pesh: the 01-6-2005

Copy of the above is forwarded to:-

1. The Secretary to Govt of NWFP, Establishment Department, Peshawar.
2. The Director, Local Fund Audit Department, Peshawar for information and necessary action.
3. The Manager, Government Printing Press, Peshawar for publication in official Gazette, Fifty Copies of the Gazette Notification when published may be supplied.

(NASRULLAH KHAN)  
SECTION OFFICER(ESTT-I)

ENo.73-05

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(2-1)

"F"-16-164

**GOVERNMENT OF KHYBER PUKHTOONKHWA**  
**FINANCE DEPARTMENT**

**NOTIFICATION**

Peshawar, dated the 29<sup>th</sup> April, 2010

No.SO(E.II)/FD/1-16/LFA/09/ In pursuance of the provisions contained in sub rule (2) of rule 3 of the North West-Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Finance Department in consultation with Establishment Department hereby directs that in this Department's Notification No.SO(ESTT)FD/1-16 /07, dated 02.05.2008, the following further amendments shall be made, namely :-

**AMENDMNTS**

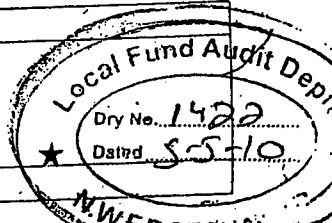
In the Appendix :-

- (a) against S.No.4, for the existing entries in column No.3 and 6, the following new entries shall respectively be substituted, namely :

"3"	"6"
Master's Degree in Statistics, Economics, MBA (Finance) or M.Com (Accounts)	(a) Twenty per cent by initial recruitment.  (b) Sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Auditors, having at least 10 years service as such; and  (c) Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Auditors, who have passed the SAS Examination of the Department and have at least three years service as such".

- (b) against S.No.5, for the existing entry in column No.3, the following shall be substituted, namely ;

"3"
(i) Second class Bachelor's Degree with Mathematics, Economics, Statistics as one of the subject ; or
(ii) B.Com or Bachelor's Degree in Business Administration".



**SECRETARY**  
**GOVERNMENT OF KHYBER PUKHTOONKHWA**  
**FINANCE DEPARTMENT**

...Contd:P/2



148  
128

Endst;No.SO(E.II)FD/1-16/LFA/09

Dated Peshawar, the 29<sup>th</sup> April, 2010

Copy of the above is forwarded to :-

1. The Secretary to Govt; of Khyber Pukhtoonkhwa, Establishment Department, Peshawar.
2. The Secretary to Govt; of Khyber Pukhtoonkhwa, Law Department, Peshawar, w/r to his letter No.Reg;I(4)/80/2043 dated 13/02/2010 (10-copies of the Notification enclosed).
3. The Accountant General, Khyber Pukhtoonkhwa, Peshawar.
4. The Secretary Public Service Commission, Peshawar w/r to his letter No.NWFP/.PSC/Lit/2009/60641 dated 19/12/2009.
5. The Director, Local Fund Audit Department, Peshawar for information and necessary action.
6. PS to Chief Secretary, Khyber Pukhtoonkhwa, Peshawar for information.
7. PS to Secretary, Khyber Pukhtoonkhwa, Finance Department, Peshawar for information.
8. The Manager, Govt; Printing Press, Peshawar for publication in official Gazette. Fifty copies of the Gazette Notification when published may be supplied.

*Ush*  
29/4/10  
( USMAN SHAH )  
SECTION OFFICER (E.II)

"G" -18-

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Dated Pesh: the 25-05-2018

NOTIFICATION

No.SO(Est/VED/1-16/2014/LFA/SSRC/Vol-III/ In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Finance Department, in consultation with the Establishment Department, hereby directs that in this Department's Notification No.SOR.II(S&GAD)2-19/78 dated 4<sup>th</sup> February, 1980, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix, against serial No.4, in column No.6,-

- (i) In clauses (b) and (c), for the word "Sixty" and "Twenty", the word "Fifty" and "thirty" shall respectively be substituted; and
- (ii) in clause (c), before the abbreviation and words "SAS examination", the abbreviation and word "PIPFA or" shall be inserted.

Secretary  
Government of Khyber Pakhtunkhwa  
Finance Department

No.SO(Est/VED/1-16/2014/LFA/SSRC/Vol-III/

Dated 25-05-2018

Copy forwarded to:-

1. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
  2. Secretary to Govt of Khyber Pakhtunkhwa, Law Department, Peshawar.
  3. The Accountant General, Khyber Pakhtunkhwa.
  4. The Secretary, Public Service Commission, Khyber Pakhtunkhwa.
  5. The Director, Local Fund Audit, Khyber Pakhtunkhwa.
  6. PS to Chief Secretary, Khyber Pakhtunkhwa.
  7. PS to Finance Secretary.
  8. The Manager, Govt. Printing Press, Peshawar for publication in official Gazette.
- 500 copies of the Gazette Notification when published may be supplied

*(Signature)*  
Section Officer (Estt)



**BETTER COPY OF THE PAGE NO. 18**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Dated Peshawar 25-05-2018

**NOTIFICATION**

No. SO(Estt)/FD/1-16/2014/LFA/SSRC/Vol-III/. In exercise of the powers conferred by sub-a(2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Finance Department, in consultation with the Establishment Department, hereby direct that in this Department's Notification No.SOR.II(S&GAD)2-19/78 dated 4<sup>th</sup>February, 1980 following further amendments shall be made, namely:

**AMENDMENTS**

In the Appendix, against serial No.4, in column No.6,-

- (i) In clauses (b) and (c), for the word "Sixty" and "Twenty", the word "Fifty" and "thirty" shall respectively be substituted; and
- (ii) In clause (c). before the abbreviation and words "SASexamination", the abbreviation and word "PIPFA or" shall be inserted

Secretary  
Government of Khyber Pakhtunkhwa  
Finance Department

NO.SO(Estt)/FD/1-16/2014/LFA/SSRCA/Vol-III/  
Copy forwarded to:-

Dated 25-05-2018

1. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa.
4. The Secretary, Public Service Commission, Khyber Pakhtunkhwa.
5. The Director, Local Fund Audit, Khyber Pakhtunkhwa.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Finance Secretary.
8. The Manager, Govt. Printing Press, Peshawar for publication in official Gazette fifty copies of the Gaze Notification when published may be supplied.

Sector Officer (Estt)



DIRECTORATE OF LOCAL FUND AUDIT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

NO. LFA/ESTT/SAS/2014/958  
Dated Peshawar the 26/06/2021

119/1

-19-

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

Subject: PROMOTION OF QUOTA FOR SAS CANDIDATES.

Please refer to your letter No. SO(ESTT-II)/FD/1-56/2021/up-  
gradation dated 14-06-2021 on the subject noted above.

It is submitted that the Directorate of Local Fund Audit has already  
submitted the appeal regarding the promotion quota for both SAS and Non SAS  
Auditors vide this office letter No. LFA/ESTT/SAS/2014/958 dated 04-06-2021  
(copy enclosed).

In this connection a meeting was conducted under the chairmanship  
of the undersigned, wherein it was decided and agreed upon that the share of  
promotion quota is equally distributed i.e. 40% both for SAS & Non SAS Auditors  
of this Directorate.

The political interference due to approach of some Auditors, has  
created hurdles for smooth running of the official affairs and also develop personal  
grudges amongst the employees.

It is therefore, requested that necessary action on the subject case  
may kindly be initiated as requested vide aforementioned letter in order to avoid  
any legal hindrances in future amongst the Auditor.

DIRECTOR  
LOCAL FUND AUDIT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

PESHAWAR.

**BETTER COPY OF THE PAGE NO. 19**

DIRECTORATE OF LOCAL FUND AUDIT,  
KITYBER PAKHTUNKHWA  
PESHAWAR

NO. LEA/Estt/SAS/2014/1075  
Dated Peshawar the 26/06/2021

To

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

Subject: **PROMOTION OF QUOTA FOR SAS CANDIDATES.**

Please refer to your letter No. SOLESTI-IIVFD 1-56/2021/up-gradation dated 14-06-2021 on the subject noted above.

It is submitted that the Directorate of Local Fund Audit has already submitted the appeal regarding the promotion quota for both SAS and Non SAS Auditors vide this office letter No. LFA ESTT: SAS 2014/958 dated 04-06-2021.  
(Copy enclosed)

In this connection a meeting was conducted under the chairmanship of the undersigned, wherein it was decided and agreed upon that the share of promotion quota is equally distributed i.e. 40% both for SAS & Non SAS Auditors of this Directorate.

The political interference due to approach of some Auditors has created hurdles for smooth running of the official affairs and also develop personal grudges amongst the employees.

It is therefore requested that necessary action on the subject case may kindly be initiated as requested vide aforementioned letter in order to avoid any legal hindrances in future amongst the Auditors.

DIRECTOR  
LOCAL FUND AUDIT,  
KHYBER PAKHTUNKHWA  
PISHAHAR

"H"

-20-

To

The Director,  
Local Fund Audit Department,  
Khyber Pakhtunkhwa.

Subject:

APPEAL FOR RESTORATION/INCREASING OF QUOTA FOR PROMOTION ON THE BASIS OF SAS QUALIFICATION.

The fundamental principle of management is to recruit right person for the right job. In view of the above golden principle, different promotional quotas are framed/constituted for promotion of the employees to the higher grades so as to recruit/promote the most qualified and relevant person on those positions. In this connection, it is stated that quota for the promotion of auditor possessing SAS qualification to the higher posts was 60%- and 67 % (Annex-A) in Directorate of Treasury and Local Fund Audit Departments and Comptroller General of Accounts Department respectively.

In the year 2010, a summary was moved to Finance Department for amendment in the prescribed quota for the promotion of auditor to the post of Audit Officer by the Director Local Fund Audit. The request of amendment was based on the analogy that certain posts of Audit Officers are lying vacant and due to non-availability of the SAS qualified auditors, the department is interested to promote the senior most auditors on these posts on seniority cum fitness. Finance department ascended to the amendment vide Notification No.SO (E-II)/FD/1-16/LFA/109, dated 29-04-2010. (Annex-B)

Later on, a number of Auditors qualified SAS examination and placed an appeal to the director Local Fund Audit for enhancement of quota on the previous pattern i.e. 60%. Finance department was gracious enough to increase the quota from 20% to 30 % (Annex-C). However, appeal of Auditors was not fully endorsed and the Auditors of this department were kept deprived of their righteous promotion.

It is therefore, requested that on acceptance of this appeal the service rules amended vide notification No So(Estt)/FD/1-16/2014/LFA/SSRC/Vol-IIV dated 25-5-2018 whereby in the appendix against S.No 4 in Coloumn No 6 amendment has been made, may kindly be struck down and the rules may please be restored for promotion to Audit Officer (BPS-16) as per Notification No SO(ESTT)FD/1-16/04 dated 1<sup>st</sup> June,2005 thereby restoring 60% Quota for Subordinated Accounting Services (SAS) Qualified Auditors.

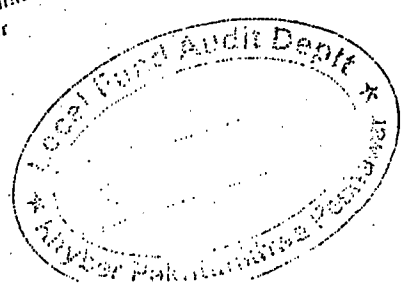
Received  
4/3/22

Despatcher,  
Local Fund Audit Department,  
Khyber Pakhtunkhwa,  
Peshawar

Your Truly

Siyar Ullah

Auditor (B-15), SAS Qualified





DIRECTORATE OF LOCAL FUND AUDIT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

NO. LFA/Estt/SAS/2014/ 991-92  
Dated Peshawar the 28/03 /2022

To

1. Mr. Siyar Ullah
2. Mr. Muhammad Asif Anjum,  
Auditors, Local Fund Audit,

Subject:

APPEAL FOR RESTORATION/INCREASING OF QUOTA  
FOR PROMOTION ON THE BASIS OF SAS  
QUALIFICATIONS

I am directed to refer to your application no nil dated 03-03-2022 received on 16-03-2022 on the subject cited above and to state that your request cannot be acceded to because Finance Department in the subject case have already been clarified that quota both for SAS and Non SAS officials is fair enough/justified for promotion.

Therefore, your request/application has no worth & substance cannot be forwarded to the competent forum please.

DY. DIRECTOR (HQ)  
LOCAL FUND AUDIT,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

"J" (9-)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 251/2011

Date of Institution. .... 08.2.2011  
Date of Decision : .... 29.1.2013



- 22 -

Mian Farooq Iqbal, Chief Inspector of Mines, Peshawar. .... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Mineral Dev. Department Peshawar with addl. charge of D.G Mines & Mineral, Peshawar.
4. Mr. Obaidullah, Director Licensing, D.G Mines & Mineral, Peshawar.
5. Mr. Mustafa Kamal, Director Licensing D.G Mines and Mineral, Peshawar..... (Respondents)

MIAN FAZAL WAHAB,  
Advocate

For appellant.

MR. SHERAFGAN KHATTAK,  
Addl. Advocate General


For official respondents.

SYED MANZOOR ALI SHAH,  
MR. NOOR ALI KHAN,

MEMBER  
MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Mian Farooq Iqbal, the appellant initially against the (i) notification No. SO(E-I)E&AD/9365/2010, dated 2.12.2010 authorizing Mr. Usman Ali Marwat Secretary Mineral Development Department to look after the work of Director General Mines & Minerals in addition to his own duties; (ii) Service Rules notified by the Government of Khyber Pakhtunkhwa vide notification No. SO-Admn(MD)/1-6/88 Vol-V dated 17.10.2010 for appointment of Director General Mines and Mineral in the Directorate General Mines and Minerals; (iii) To replace words "selection on merit" in clause (a) of Service Rules notified vide notification No. SO-Admn(MD)1-6/88 Vol-V dated 17.10.2010 towards "seniority-cum-fitness"; and non notification of seniority list of the officers in BPS-19 of the Directorate General Mines and Minerals for the last two years. During the proceedings in the case, the learned counsel for the appellant submitted an application for allowing him to delete prayers at S.No. i, ii, and iv. His application was allowed on 5.12.2012 and the case was considered only for prayer No. iii, wherein it has been prayed that on acceptance of the appeal, restore the previous clause (b) of notification No. SOI(IND)1-6/88-Vol-V dated 10.12.2003 for appointment to the post of Director General Mines and Minerals.

**ATTESTED**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



(50)

2. Facts of the case briefly stated are that the appellant is serving in Mines and Mineral Department as Chief Inspector of Mines in BPS-19 since 18.11.2004 having degree in Masters in Mining Engineering from University of Engineering & Technology Peshawar and is the senior most officer in BPS-19. His name is in the top of seniority list as it stood on 31.12.2008. Vide notification dated 10.12.2003, in pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, and in supersession of all notifications on the subject, the Industries, Commerce, Mineral Development, Labour and Technical Education Department in consultation with the Establishment and Administration Department and the Finance Department laid down the method of recruitment, qualifications and other conditions in the Director General Mines and Minerals Department. The criteria for appointment of Director General laid down as under:-

"(a) by promotion on the basis of selection on merit, from amongst the holders of the posts of Director Mineral Exploration/Licensing and Chief Inspector of Mines Labour Welfare, having at least 17 years service in BPS-17 and above, provided that in case of persons initially appointed in BPS-18, the length of service for promotion shall be 12 years in BPS-18 and above; or

(b) by transfer from persons having Bachelor's Degree in Mining Engineering or Master Degree in Geology."

These rules remained in force till 16.10.2010, when all of a sudden vide impugned notification dated 17.10.2010, the Government of Khyber Pakhtunkhwa notified new Rules vide notification dated 17.10.2010 wherein clause (b) of the rules was replaced on mala fide intentions. According to which the criteria for appointment for the said post was laid down as under:-

"(a) by promotion, on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare, having at least 17 years service in BPS-17 and above, and in case of persons initially appointed in BPS-18, the length of service for promotion to the post shall be 12 years in BPS-18 and above; or

(b) by transfer from the provincial government department."

The appellant has been deprived from promotion to the next higher post. Feeling aggrieved the appellant filed departmental appeal and after exhausting departmental remedy, the appellant filed the present appeal.

ATED

NER  
Pakhtunkhwa  
Tribunal,  
Peshawar

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-23-

(87)

3. The appeal was admitted to regular hearing on 10.2.2011 and notices were issued to the respondents. The official respondents have filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Counsel for the appellant stated that Directorate of Mineral and Mines was created subsequent to detail study by Aus AID (Australian Consultation) in view of National Mineral Policy (NMP) in 1995. The post of Director General Mines & Mineral was designated to be a technical post. This has also been confirmed vide Para 7 of Reply of the respondents. Rules of appointment, promotion etc. of D.G Mines & Mineral were notified on 10.12.2003. Method of recruitment for Director General in Service Rules is as follows:-

- "(a) By promotion, on the basis of selection on merit, from amongst the holders of the posts of Director Mineral Exploraton, Director Mineral Licensing and Chief Inspector of Mines Labour Welfare having at least 17 years service in BPS-17 and above, provided that in case of persons initially appointed in BPS-18, the length of service for promotion shall be 12 years in BPS-18 and above, or
- (b) By transfr, from persons having Bachelor's Degree in Mining Engineering or Master Degree in Geology."

The above rules were abruptly modified on 17.10.2010 where in Clause (b) was malafidely modified to defeat decision of the Tribunal dated 23.4.2010 in Service Appeal No. 1876/2009 (not to give charge to junior person on transfer of the then Director General Mines & Mineral), to appoint its own blue eyed person and not to allow qualified and professional officers of the department to get promotion. Clause (b) was replaced "by transfer from the provincial Government Department". Furthermore in clause (a) the words "Selection on merit" be changed to selection on "Seniority-cum-fitness" as was the case in Punjab Government Service Rules.

5. The procedure for making rules or by-laws as specified in Section 23 of General Clauses Act 1897 as given below were not followed:-

Section 23

- (1) the authority having power to make the rules or bye-laws shall, before making them publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to

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previous publication so requires, in such manner as the  
(government concerned) prescribes;

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- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration."

2012 PLC (CS) 1330 was relied upon wherein it has been stated that rules cannot be changed to disadvantage of employees. Regarding jurisdiction of Tribunal in the matter and filing of appeal against notification issued by the Government. Reliance was placed on 2011-SCMR-698 and 2012 PLC (C.S)142.

6. The learned AAG argued that rules have been modified in accordance with Section 21 of the General Clauses Act. It provides for posting of officers of the department as well as from outside and as such no discrimination has been made.

7. Arguments heard and record perused.

8. The Tribunal observes that the change in rules have not been made in accordance with Section 23 of the General Clauses Act 1897. No reason or rational has been stated for the modification, from which malafide on part of respondents can be seen. The appellant has also pleaded for replacing the words "selection on merit" by "selection on seniority-cum-fitness" in clause (a) of the Rules. The Khyber Pakhtunkhwa Civil Servants Act 1973 has clearly elaborated the same vide Section 9-Promotion which is reproduced as below:-

"9. Promotion:-(1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rule for departmental promotion in the service or cadre to which he belongs.

(2) A post referred to in sub-section(1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and  
(b) in the case of non-selection post, on the basis of seniority-cum-fitness.

STED  
Khyber Pakhtunkhwa  
Tribunal,  
Peshawar  
Furthermore, the matter has also been explained in the Esta-Code (Establishment Code) Khyber Pakhtunkhwa- Promotion Policy-Section 6 S.No. 4 as below:-

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"After careful consideration and in super session of all previous orders and instructions on the subject, the Government of West Pakistan have decided that the principle for promotion from one post to another should be "by selection on merit with due regard to seniority" and that this principle should be applied uniformly all along the line from the lowest to the highest posts and from one class of service to another.

2. For this purpose, "merit" does not mean good service record only, but also includes experience, qualification and suitability for the post or service to which promotion is being made. The value of all these different factors has to be assessed in rating the officer's fitness for promotion. The words "with due regard to seniority" imply that, while emphasis is to be placed on good service record qualifications and aptitude for the higher post, the officer's relative seniority in the cadre, from which promotion is being made, should be given due weight, the greater the disparity in seniority the greater should be the junior officer's superiority in point of merit."

9. In view of the above, the Tribunal concluded to set aside modification in rules notified on 17.10.2010 and clause (b) of notification No. SOI(IND)1-688-Vol-V dated 10.12.2003 is restored and further more that promotions should be made strictly keeping in view Section 9(2) (a)(b) of Civil Servants Act 1973 and Esta Code directions stated above. This appeal alongwith connected appeal No. 456/2011 titled "Obaidullah Versus Chief Secretary Khyber Pakhtunkhwa" having common question of law are disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
29.1.2013.

*Self-Eyed Mangoor Ali Shah,  
Member.*

*Self-Noor Ali Khan,  
Member.*

Filed to be fair copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 30-11-18  
Number of Words 2000  
Copying Fee 1250  
Urgent 750  
Total 1750  
Name of Copy [Signature]  
Date of Copy 30-11-18  
Date of Delivery of Copy 30-11-18

"K" 27-

SERVICES AND GENERAL ADMINISTRATION  
SPORTS AND TOURISM DEPARTMENT  
(REGULATION WING)

DATED PESHAWAR 24<sup>TH</sup> MAY, 1981.

NOTIFICATION

NO.SOR.II(S&GAD)2-16/78. In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. ACT XVIII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

1. (1) These rules may be called the North-West Frontier Province Treasuries (Recruitment and Appointment) Rules, 1981.  
(2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for posts specified in column 2 of the Schedule annexed shall be such as given in 3 to 6 of the said Schedule.

Secretary to Government of  
North-West Frontier Province,  
Services & General  
Administration, Tourism and  
Sports Departments.

Endst: No: SOR.II(S&GAD)2-16/78

Dated 24.5.1981.

A copy is forwarded to:-

1. All Administrative Secretaries to Government of NWFP.
2. All Divisional Commissioners in NWFP.
3. All Deputy Commissioners / Political Agents in NWFP.
4. Manager, Government Printing Press, Peshawar, for publication in the Government Gazette.
5. The Section Officer (Regulation-I) S&GAD, Government of NWFP.
6. The Section Officer (SR-III) Finance Department, Government of NWFP.

Sd/xxxxxxxxxxxxxx  
( ABDUL HALIM )  
Section Officer (Regulation-II)

Government of N.W.F.P.  
Finance Department.

No.SOSR.III(FD)9-50/78

Dated 24.5.1981.

A copy is forwarded to:-

1. All District / Agency Accounts Officers in N.W.F.P.
2. Treasury Officer, Peshawar.

Sd/xxxxxxxxxxxxxxxxxxxx  
(MUHAMMAD KHAN)  
SECTION OFFICER SR.III  
FINANCE DEPARTMENT.

E.Name Proforma

A

*(Signature)*

Deputy Director  
Treasuries & Accounts  
Khyber Pakhtunkhwa Peshawar

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**"SCHEDULE"**

( See rule 2 )

S.No.	Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment or by transfer.	Minimum qualification prescribed for appointment by promotion.	Age limit for initial recruitment.	Method of recruitment.
1	2	3	4	5	6
1.	*-v Director, Treasuries & Accounts.				*-v By transfer, from amongst the District Comptroller of Accounts.
1A. *-v	*-v District Comptroller of Accounts.			-	*-v By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Director Treasury and Accounts / District Accounts Officers / Treasury Officer with at least 12 years service in BPS-17 and above.
1B. *-v	*-v Deputy Director / District Accounts Officer / Agency Accounts Officer / Treasury officer.			-	*-ii (i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistant Treasury Officers/Sub-Treasury Officers with at least five years service as such, and (ii) Fifty percent by transfer, on deputation, for a specified period from amongst Accounts Officers of the Audit Department, Government of Pakistan.
	*-iii Assistant Treasury Officer / Sub-Treasury Officer.	*-iii Second Class Master's Degree in Statistics, Economics, Business Administration or Commerce, from a recognized University.		*-iii 22 to 30 years	*-iii (i) Twenty per cent, by initial recruitment; (ii) twenty per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant Accountants; and (iii) sixty per cent, by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of a) Assistant Accountants who have qualified SAS Examination; or b) if no SAS qualified Assistant Accountant is available, then from Sub-Accountants who have qualified SAS Examination.

\*-i inserted / substituted vide notification No.SOSR-II(FD)/1-53/78-Vol III dated 06-1982.  
 \*-ii substituted vide notification No.SA(I/17)FD/1-16/1997 dated 28-06-2002.  
 \*-iii substituted vide notification No.S(Estt)FD/1-16/97-2003 dated 24-12-2003.  
 \*-iv inserted / substituted vide notification No.SO(Estt)FD/1-16/06 dated 03-11-2006.  
 \*-v inserted / substituted/re-numbered vide notification No.SO(Estt)FD/1-16/06 dated 31-01-2007.  
 \*-vi inserted / substituted/re-numbered vide notification No.SO(Estt)FD/1-16/10 dated 12-03-2011.

29-8

3.	Assistant Accountant.	-	-	-	*-v By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Sub-Accountants.
4.	Sub-Accountant.	*-j Bachelor Degree in Commerce / Business Administration or ACMA from a recognized University. Note:- Candidates with IT skill will be given preference. -	-	18 to 25 years	By initial recruitment.
4A. *-v	*-v Driver.	*-v i) Matric. ii) Valid LTV/HTV Licence with 3 years practical experience as Driver.	-	*-v 18 to 30 years	*-v By initial recruitment and
5.	Daftari	*-v Secondary School Certificate from a recognized Board.	*-v Secondary School Certificate from a recognized Board.	18 to 25 years	*-v i) By promotion, on the basis of seniority-cum-fitness from amongst Naib Qasids; having Secondary School Certificate from a recognized Board and ii) If no suitable person is available for promotion then by initial recruitment.
6.	Naib Qasid	Preferably Literate.	-	18 to 40 years	By initial recruitment.
7.	Bahishti	Preferably Literate.	-	18 to 40 years	By initial recruitment.
8.	Chowkidar	Preferably Literate.	-	18 to 40 years	By initial recruitment.
9.	Sweeper	Preferably Literate.	-	18 to 40 years	By initial recruitment.

\*-j Substituted vide notification No.SO(Try)FD/1-16/1997 dated 20-06-2002.

\*-v inserted / substituted/re-numbered vide notification No.SO(Est)FD/1-16/10 dated 12-03-2011.

Note:- For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, N.Qasid, Chowkidar etc with reference to the dates of their acquiring the Secondary School Certificate provided that:-

- i) If two or more official have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and
- ii) Where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference of the senior official or officials".

SECRETARY TO GOVERNMENT  
KHYBER PAKHTUNHWA  
FINANCE DEPARTMENT.

MINUTE  
SERVICE RULES OF LOCAL FUND AUDIT DEPARTMENT  
HELD ON 19/08/2009 AT 10.00 AM

-30- "L"

To convey the amendments proposed to the Service Replacements Rules of Local Fund Audit Department, a meeting was held on 19/8/2009 at 10.00 AM under the Chairmanship of Secretary, Finance Department. Following attended the meeting:

Mr. Anwar Saad Khan  
Secretary, Finance

In a room

Mr. Masood Ahmed,  
Additional Secretary (Finance)  
Finance Department

Mr. Muhammad Najeem  
Deputy Secretary (Recruitment)  
Finance Department

Mr. Masood Ahmad  
Deputy Secretary (Finance)  
Finance Department

Mr. Muhammad Ghaffar  
Director, Local Fund Audit Department

Mr. M. Farooq Siddique  
Consultant, Local Fund Audit Department  
(in Special Duty)

Mr. Usman Khan  
Secretary, Local Fund Audit Department

The meeting was started by Mr. Ghaffar, the Chairman presided the meeting. Local Fund Audit Department Secretary, Mr. Anwar Saad Khan presided the meeting.

REDUCTION OF QUIDIA FROM 100% TO 67% RESERVED FOR PROMOTION AMONGST AUDITORS (BS-16) TO ASSISTANT DIRECTORS (BS-17)

The Director, Local Fund Audit Department at present the posts of Assistant Directors are 100% reserved for promotion system. He has decided to reserve 67% of direct posts for promotion of officers of Director, Local Fund Audit Department. He explained that at the 27th meeting of the Department, it was decided that 67% of posts reserved for promotion of officers of Director, Local Fund Audit Department. It was observed that the posts reserved for promotion of officers of Director, Local Fund Audit Department were not immediately filled up. It was suggested that there will be a change of immediate filling up of posts with promotion whereas on the other hand, officers of BS-16 have to wait for promotion will wait for a long time which will be a burden on the department. After discussion, it was decided that the posts reserved for promotion of officers of Director, Local Fund Audit Department will be filled up immediately.

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**MINUTES OF THE MEETING FOR AMENDMENTS IN THE SERVICE RULES OF LOCAL FUND AUDIT DEPARTMENT HELD ON 19/08/2009 AT 10.00 AM.**

To scrutinize the amendments proposed in the Service Recruitment rules of the Local Fund Audit Department 2008, a meeting was held on 19-08-2009 at 10.00 AM under the Chairmanship of Secretary Finance in his office. Following attended the meeting: -

1. Mr. Abdus samad Khan. In-Chair  
Secretary Finance.
2. Mr. Masood Ahmed  
Additional Secretary(Reg)  
Finance Department.
3. Mr. Muhammad Naqeeb  
Deputy Secretary(Reg-1)  
Establishment Department.
4. Mr. Mushtaq Ahmed  
Deputy Secretary(B-II)  
Finance Department.
5. Mr. Muhammad Qasim  
Director Local Fund Audit Deptt.
6. Mr. Muhammad Shaukat  
Consultant, Law Deptt.  
(On special invitation)
7. Mr. Usman Shah  
Section Officer (E-II)  
Finance Department.

The meeting was started with the recitation of the Holy Quran. The Chairman invited the Director Local Fund Audit to present the case item-wise detail of the case and decision arrived at areasunder: -

1. **REDUCTION OF QUOTA FROM 100% TO 67% RESERVED FOR PROMOTION AMONGST AUDITORS (BPS-16) TO ASSISTAN DIRECTORS (BPS-17)**

The Director Local Fund Audit Department informed that at present the posts of Assistant Directors are 100% reserved for promotion quota. He suggested that 33% quota may be reserved for direct recruitment and 67% by promotion. On a query, Director Local Fund Audit explained that all the 27 posts of Assistant Directors are filled in at present. In case 33% quota is reserved for initial recruitment, the posts should be reduced to 18. After detailed discussion it was observed that since all posts are filled in at present, therefore, if the quota is curtailed then there will be no chance to immediately filled any post by initial recruitment, whereas on the other hand, the officers of BS-16 who are waiting for promotion will wait for a long time, which may create imbursement amongst the existing officers of the department. After detailed discussion this item was recommended to be dropped.

Contd: P/2

AMENDMENTS IN THE SERVICE RULES OF AUDIT OFFICERS

The Director Local Fund Audit Department clarified that according to the existing qualification for initial recruitment, a Class Master Degree in Statistics, Economics, Business Administration Or Commerce is required. He was of the view that more are various fields in MBA and M.Com. such as Marketing, HRM and Banking which are not relevant to the audit and account job. He was of the view that for MBA it may be restricted for MBA (Finance) and for M.Com. it may be restricted to M.Com. (Accounts). The committee thoroughly examined and discussed the various aspects and recommended the proposed amendments.

The Director Local Fund Audit Department further stated that at present there is 60% quota reserved for promotion against the posts of Audit Officers for those Auditors who have qualified the SAS examination and 20% is for those who have not qualified the SAS but have at least 10 years service. He further stated that there are 39 posts of Audit Officers, 60% posts for SAS qualified examination comes to 23. There is no unqualified SAS Auditor available at present and as such department is suffering badly. On the other hand 115 Auditors (Non SAS) are waiting for promotion since long due to non availability of sufficient posts in the quota. He was of the view that the quota for those who have not qualified the SAS examination but have at least 10 years service as an Auditor should be enhanced. The committee thoroughly examined and discussed in detail and observed that by providing reasonable quota to those who have qualified the SAS examination, the incumbents should have reasonable opportunity of promotion on the basis of 3 years service prior to those who have not qualified the SAS examination.

The committee considered & agreed with the following -

MINIMUM QUALIFICATION		METHOD OF RECRUITMENT			RECOMMENDATION
EXISTING	PROPOSED	EXISTING	PROPOSED	REASON	
i. Class Master Degree in Statistics, Economics, Business Administration Or Commerce from a recognized university.	Master Degree in Statistics, Economics, MBA(Finance) & M.Com. (Accounts)	i. 20% by promotion on the basis of seniority cum fitness amongst the Auditors having at least 10 year service as such.	ii. 60% by promotion on the basis of seniority cum fitness amongst the Auditors who have passed the SAS Exam. of the Department and have at least three year service as such.	iii. 20% by initial recruitment.	At present there is 60% quota reserved for promotion against the posts of Audit Officers for those who have qualified the SAS examination and 20% is for those who have not qualified the SAS but have at least 10 years service. There are 39 posts of Audit Officers, 60% posts for SAS qualified examination comes to 23. There is no unqualified SAS Auditor available at present and as such department is suffering badly. On the other hand 115 Auditors (Non SAS) are waiting for promotion since long due to non availability of sufficient posts in the quota. The quota for those who have not qualified the SAS examination but have at least 10 years service as an Auditor needs to be enhanced from 20% to 60% by reducing the quota of SAS qualification from 60% to 20%.

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### 2 AMENDMENTS IN THE SERVICES RULES OF AUDIT OFFICERS

The Director Local Fund Audit Department clarified that according to the existing qualification for initial recruitment, 2<sup>nd</sup> class Master Degree in Statistics, Economics, Business administration or Commerce is required. He was of the view that there are various fields in MBA and M.COM such as Marketing, HRM and Banking which are not relevant to the audit and accounts job. He was of the view that for MBA it may restrict to MBA (Finance) and for M.COM it may restricted to M.COM (Accounts). The committee thoroughly examined and discussed the various aspects and recommended the proposed amendments.

The Director Local Fund Audit Department further stated that at present there is 60% quota reserved for promotion against the post of Audit Officers for those Auditors who have qualified the S.A.S examination and 20% for those who have not qualified the SAS but have at least 10 years service. He further stated that there are 39 post of Audit Officers. 60% posts for SAS qualified examination comes to 23. There is no qualified SAS Auditor is available at present and as such department is suffering badly. On the other hand, 115 Auditors (Non SAS) are waiting for promotion since long due to non-availability of sufficient post in the quota. He was of the view the quota for those who have not qualified the SAS examination but have at least 10 years service as an Auditor should be enhanced. The committee thoroughly examined and discussed in detail and observed that by providing reasonable quota to those who have qualified the SAS examination, the incumbents should have the reasonable opportunity of promotion on the basis of 03 years service prior to those who not qualified the SAS examination.

The committed considered & agreed with the following: -

<u>MINIMUM QUALIFICATION</u>		<u>METHOD OF RECRUITMENT</u>			<u>RECOMMENDATION</u>
<u>EXISTING</u>	<u>PROPOSED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REASON</u>	
2 <sup>nd</sup> class Master Degree in Statistics, Economics, Business administration or Commerce from a recognized university.	Master Degree in Statistics, Economics, MBA(Finance) & M.com Accounts)	i. 20% by promotion on the basis of Seniority com fitness from amongst the Auditors having at least 10 years service at such.  ii. 60% by promotion on the basis of Seniority com fitness from amongst the Auditors who have passed the SAS Exam: of the Department and have at least three years service at such.  iii. 20% by initial recruitment.	i. 60% by promotion on the basis of Seniority com fitness from amongst the Auditors having at least 10 years service at such.  ii. 60% by promotion on the basis of Seniority com fitness from amongst the Auditors who have passed the SAS Exam: of the Department and have at least three years service at such.  iii. 20% by initial recruitment.	At present there is 60% quota reserved for promotion against the post of Audit Officers for those Auditors who have qualified the S.A.S examination and 20% for those who have not qualified the SAS but have at least 10 years service. He further stated that there are 39 post of Audit Officers. 60% posts for SAS qualified examination comes to 23. There is no qualified SAS Auditor is available at present and as such department is suffering badly. On the other hand, 115 Auditors (Non SAS) are waiting for promotion since long due to non-availability of sufficient post in the quota. The quota for those who have not qualified the SAS examination but have at least 10 years service as an Auditor needs to be enhanced from 20% to 60% by reducing the quota of SAS qualification from 60% to 20%.	The committee thoroughly examined and discussed in detail and observed that by providing reasonable quota to those who have qualified the SAS examination, the incumbents should have the reasonable opportunity of promotion on the basis of 03 years service prior to those who have not qualified the SAS examination. Therefore, recommended the proposed amendment.

AMENDMENTS IN THE SERVICES RULES OF AUDITORS

The Director Local Fund Audit Department explained that according to the existing policy, the incumbents having professional qualification remained in search of good career with better skills. These Auditors after attaining the job experience left the lower scale job of the Auditors. This creates acute shortage of staff and lengthy wait for its recruitment through Public Service Commission. He suggested that BA BSc with Mathematics, Economics & Statistics may also be made eligible for recruitment. Besides this the qualification of ASMA is incorrectly included in Service Rules as it is higher professional education and is awarded by the Institute of Cost & Management Accountant of Pakistan and not Universities. He further stated that this qualification has to be deleted from the Rules.

The committee considered & agreed with the following :-

MINIMUM QUALIFICATION			
EXISTING	PROPOSED	REASON	RECOMMENDATION
2nd class Bachelor Degree in Commerce, Business Administration Or ACMA from a recognized university.	ii) 2 <sup>nd</sup> class BA BSc with Mathematics, Economics, Statistics, B.COM Or Bachelor Degree in Business Administration.	i) BA BSc with Mathematics, Economics and Statistics would also be made eligible for recruitment.	The committee thoroughly examined and discussed the issue and recommended the proposed amendments.
	ii) The qualification of ACMA may be deleted.	ii) The qualification of ACMA which was incorrectly included in service rules as it is higher professional education and is awarded by the Institute of Cost and Management Accountant of Pakistan and not Universities. Therefore it needs to be deleted from the rules.	

(MUSHTAQ AHMAD)  
ADDE. SECRETARY (R/G)  
FINANCE DEPARTMENT

(MUHAMMAD NAQFEB)  
DEPUTY SECRETARY (R/G)  
ESTABLISHMENT DEPT

(MUSHTAQ AHMAD)  
DEPUTY SECRETARY (B-II)  
FINANCE DEPARTMENT

(MUHAMMAD QASIM)  
DIRECTOR, LOCAL FUND AUDIT  
NEW PAPER AWAR

(MUHAMMAD SHAUKAT)  
CONSULTANT,  
LAW DEPARTMENT

(USMAN SHAH)  
SECTION OFFICER (I, II)  
FINANCE DEPARTMENT

(ABDUS SAMAD KHAN)  
SECRETARY FINANCE

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3. **AMENDMENTS IN THE SERVICE RULES OF AUDITORS.**

The Director Local Fund Audit Department explained that according to the existing policy, the incumbents having professional qualification remained in search of good career with better skills. Those

Auditors after attaining the job experience left the lower scale job of Auditors. This create acute shortage of staff and lengthy wait of its recruitment through Public Service Commission. He suggested that BA/BSc with Mathematics, Economics & Statistics may also be made eligible for recruitment.

Besides this the qualification of ASMA is incorrectly included in the service rules as it is a higher professional education and is awarded by the Institute of Cost & Management Accountant of Pakistan and not Universities. He further stated that this qualification has to be deleted from the Rules.

The committed considered & agreed with the following: -

**MINIMUM QUALIFICATION**

EXISTING	PROPOSED	REASON	RECOMMENDATION
2 <sup>nd</sup> class Bachelor Degree in Commerce, Business Administration or ACMA from a recognized university.	i) 2 <sup>nd</sup> class BA/Bsc with Mathematics, Economics, Statistics, B.COM or Bachelor Degree in Business Administration.  ii) The qualification of ACMA may be Deleted.	i) BA/Bsc with Mathematics, Economics and Statistics would also be made eligible for recruitment.  ii) The qualification of ACMA which was incorrectly included in the service rules as it is a higher professional education and is awarded by the Institute of Cost and Management Accountant of Pakistan and not Universities. Therefore, it needs to be deleted from the rules.	The committee thoroughly examined and discussed the issue and recommended the proposed amendments.

-----SD-----  
(MASOOD AHMAD)  
ADDL: SECRETARY(REG)  
FINANCE DEPARTMENT.FINANCE DEPARTMENT.

-----SD-----  
(MUHAMMA NAQEEB)  
DEPUTY SECRETARY(REG-I)  
FINANCE DEPARTMENT.

-----SD-----  
(MUSHTAQ AHMAD)  
DEPUTY SECRETARY(B-II)  
FINANCE DEPARTMENT.N.W.F.P PESHAWAR.

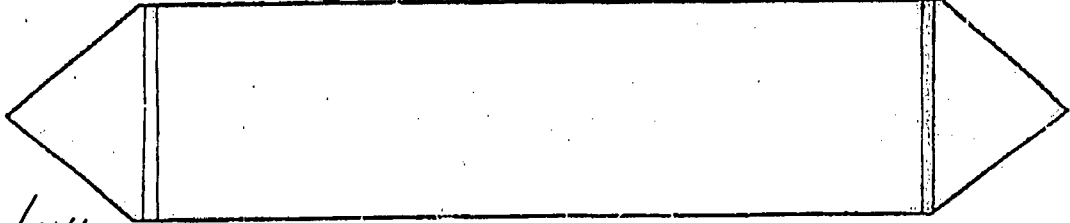
-----SD-----  
(MUHAMMA QASIM)  
DIRECTOR LOCAL FUND AUDIT

-----SD-----  
(MUHAMMAD SHAIKAT)  
CONSULTANT SECTION OFFICER(E-II)  
LAW DEPARTMENT.FINANCE DEPARTMENT.

-----SD-----  
(USMAN SHAH)

-----SD-----  
(ABDUS SAMAD KHAN)  
SECRETARY FINANCE.

# بعدالت سروس لٹریچر کے لیے



سیار اللہ  
بنام دائرہ لٹریچر و سروس

موزخہ  
مقدمہ  
دعویٰ  
بیم

## باعث تحریر آنگہ

مقدمہ بندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آج مقام سیار کیلئے فضل بیٹا سمندر ASC + العصغر اللہ

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ نہ... نہ و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور اصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی براندگی اور منسوخی  
نیز دائرہ کرنے اپیل ٹرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ملاحظہ  
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المترجم \_\_\_\_\_ ہاہ \_\_\_\_\_ 2022

واہ العبد \_\_\_\_\_

Attested & Accepted  
w/ (Adv)

Accepted  
Rabia

**"B"**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

*Regd**SB*Appeal No. *632* of 20*22**Siyar Ullah* Appellant/Petitioner

Director Local Fund Audit Deptt Pesh. Respondent

Respondent No. *(1)*Notice to: — *Director Local Fund Audit Deptt: KPK  
Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....*15/07/2022*.....at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*20/6*.....  
Day of.....*June*.....20 *22*.

*For Reply*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR:**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. SB

No. \_\_\_\_\_

632

Appeal No. \_\_\_\_\_ of 20<sup>22</sup>

Siyor uliah

Appellant/Petitioner

Director local fund *Versus* Audit Deptt: Pesh.

Respondent

Respondent No. \_\_\_\_\_

Chairman Studies Service Rules Committee

Notice to: —

KPK Finance Deptt: Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this.....<sup>20th</sup>.....

Day of.....<sup>June</sup>.....20<sup>22</sup>.....

(For Reply)

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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2. Always quote Case No. While making any correspondence.



**“B”**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

SP

No.

Appeal No. 192 of 20 22

Sigav Allah Appellant/Petitioner

Director local fund Audit *Versus* Deptt: Pesh. Respondent

Respondent No. (2)

Notice to: — Govt of KPK through Secy Finance Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 15/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/ petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 20th

Day of June 20 22

*(For Reply)*  
 Secy. (Admin)  
 Duly signed  
 Date: .....

**Registrar,**  
**Khyber Pakhtunkhwa Service Tribunal,**  
**Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
 2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. SB

No.

Appeal No. 632 of 20 22

Siyar ul h

Appellant/Petitioner

Director Local Fund Audit Deptt: Pesh.

Respondent

Respondent No. (3)

Notice to: —

Govt of KPK through Secy Establishment  
Deptt: Peshawar

**WHEREAS** an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 15/07/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition. ✓

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 25th Day of June 2022.

(For Reply)

[Signature]  
PS/Secy E&AD KP

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.  
FTS No. \_\_\_\_\_  
Date. \_\_\_\_\_

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

632 & 633

*SB*

APPEAL No..... of 2022.

*Siyar ullah & 10 other Connected*

Appellant/Petitioner

Versus

*Director Local Fund Audit KPK Peshawar*

RESPONDENT(S)

*Respondent (2)*

Notice to Appellant/Petitioner

*Govt of KPK through Secy  
Finance Department Peshawar.*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *28/09/2022* at *9:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*For Reply*

*Copy of Appeal  
Already Sent*

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Secy Finance KPK  
Dain No.....  
Date.....

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

SB

No.

632 & 633

APPEAL No..... of 20

22

Siyar Ullah & 1 Other Connected

Appellant/Petitioner

Versus

Director Local Fund Audit KPK Peshawar.

RESPONDENT(S)

Respondent (3) Through Secy Establishment

Notice to Appellant/Petitioner

Govt of KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/09/2022 at 10:30 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Copy

Copy of Appeal  
Already Sent

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

28/09/22

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

SB

No.

632 & 633

APPEAL No..... of 20<sup>22</sup>.

Siyar Ullah & ① other Connected

Appellant/Petitioner

Versus

Director Local Fund Audit KPL Peshawar.

RESPONDENT(S)

Respondent (4) Chairman, Standing Service

Notice to Appellant/Petitioner

Rules Committee, KPL, Finance Department  
Civil Secretariat Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/09/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply

[Signature]

Copy of Appeal  
Already sent

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

[Signature]  
12.8

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

15

SB

APPEAL No. 632 & 633 of 20 22

Siyar ulloh & 1 other Connected

Appellant/Petitioner

Versus

Director Local Fund Audit Department Peshawar.

RESPONDENT(S)

Respondent

Notice to Appellant/Petitioner

Asad Khan s/o Khan Sali Khan, Zahid-ur-r  
s/o Porvez Khan, Asad Yar Khan s/o Sabz Ali Khan, Sajid Ahmad s/o Mi  
Dad Khan, Mo Matloob s/o Abdul Magsoof, Mofeed Ahmad s/o Abdul Jabbar, Shak  
Ahmad s/o Abdul Jalil, Inayat ulloh s/o Abdul Ghani, Nasir Vdin s/o Durban Khan  
Asad ulloh Durvani s/o Atallah Khan all working as Auditors in Director Local Fund A  
KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing,  
replication, affidavit/counter affidavit/record/arguments/order before this Tribunal  
on 14/10/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said  
place either personally or through an advocate for presentation of your case, failing  
which your appeal shall be liable to be dismissed in default.

For Reply  
impleadment  
Application  
Copy of  
is Attached

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.