

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

**Appeal No. 7757/2021.**

Hafeezullah Khan, Assistant Professor BPS-18 (Retd), Govt: College of  
Technology, Bannu .....**Appellant.**

**VERSUS**

1. Govt: of KPK through Chief Secretary, Khyber Paktunkhwa, Peshawar.
2. Govt: of KPK through Secretary Industries, Commerce and Technical Education (IC&TE), Peshawar.
3. Managing Director, Khyber Pakhtunkhwa Technical Education & Vocational Training Authority Peshawar and others..... **...Respondents.**

**INDEX**

S.No	Description of documents	Annex	Page No
1.	Comments Reply	--	1-2
2.	Copy of letter dated 24-12-2020	A	3
3.	Copy of Provincial Promotion Policy, 2009	B	4
4.	Affidavit	--	5

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**PRELIMINARY OBJECTIONS:**

- A- That the Appeal is badly time barred.
- B- That the Appellant has no cause of action.
- C- That the Appellant has got no locus standi.
- D- That the Appellant has not come to this honorable Tribunal with clean hands.
- E- That the Appellant has been estopped by his own conduct to file the present appeal.

**Reply on behalf of the Respondents:**

**Respectfully Sheweth:**

1. Pertains to the appellant's record.
2. Pertains to the appellant's record.
3. Pertains to record.
4. It is correct with further clarification that after the issuance of the final seniority list of the Assistant Professor BPS-18 (Basic Science & Humanity group) on 10-12-2020, in order to initiate the process for the preparation of the necessary working paper along with other relevant documents with regard to promotion of the appellant and his other colleagues, an official letter dated 24-12-2020 in this context was issued to the appellant and his colleagues for providing the requisite documents and their deficient PER's within 10 days for processing the requisite Working Paper for onward submission to the quarter concerned. (**Annexure-A**)
5. It is incorrect. The said letter was issued to the appellant and others for providing the deficient documents as required for the preparation of the case for further necessary action.
6. It is correct to the extent of representation /appeal made by appellant with clarification that in the pursuance of his representation and after finalizing the seniority list, the panel of officers was requested vide office letter dated 24-12-2020 to provide the deficient documents for preparation of the working paper of the promotion case as stated in the preceding paras. In the meanwhile, the appellant retired from service on superannuation on 23-01-2021. Hence, the appellant's case for promotion could not be placed before the PSB. There is no provision in the promotion policy, 2009 for the promotion of retired civil servants. However, as per policy, notional promotion is granted to civil servants who retires after recommendation of their promotion by the PSB /DSC (**Annexure-B**)

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1732

Date: 27/10/22

**Appeal No. 7757/2021.**

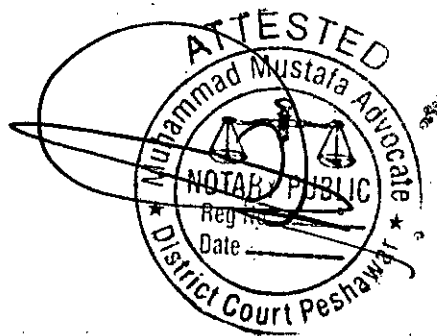
Hafeezullah Khan, Assistant Professor BPS-18 (Retd), Govt: College of  
Technology, Bannu .....Appellant.

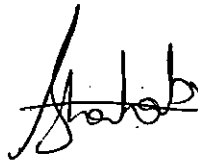
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...Respondents.

**AFFIDAVIT**

It is solemnly declared on oath that the contents of the accompanied reply in the aforementioned Service Appeal are true and correct to the best of my knowledge and belief and that nothing in this regard has been concealed or altered.



  
DEPONENT



KHYBER PAKHTUNKHWA, TECHNICAL EDUCATION &  
VOCATIONAL TRAINING AUTHORITY  
II, No 5-771 OLD BARA ROAD UNIVERSITY TOWN,  
PESHAWAR.



NO.KP-TEVTA/PER/PROMOTION/B-19/ R/S/ 8370 (1-19) Dated 24/12/2020

To

- 1 Mr. Ghulam Ali, Assistant Professor (Islamiyat) Govt: Polytechnic Institute Lakki Marwat.
- 2 Mr. Hafiz Ullah, Assistant Professor (Islamiyat) Govt College of Technology Bannu.
- 3 Mr. Fazal Ahad, Assistant Professor (Islamiyat) GTVC (Boys) Samar Bagh Dir.
- 4 Mr. Maqbool Khan, Assistant Professor (Chemistry) Govt: College of Technology Bannu.
- 5 Mr. Abdul Qayyum Khan, Assistant Professor (Chemistry) Govt: College of Technology Peshawar.
- 6 Mr. Jehangir Khan, Assistant Professor (English) Govt: College of Technology Nowshera.
- 7 Muhammad Bakhtiar, Assistant Professor (Computer Science) Govt: College of Technology Peshawar.
- 8 Mr. Sabir Khan, Assistant Professor (Physics) Govt: Polytechnic Institute Buner.
- 9 Muhammad Noor Khan, Assistant Professor (Maths) Govt: Polytechnic Institute Karak.
- 10 Muhammad Zada, Assistant Professor (Physics) Govt: Technical Institute Khar Bajaour.
- 11 Mr. Irshad Hussain, Assistant Professor (Chemistry) Govt: College of Technology Timergara.
- 12 Muhammad Javed, Assistant Professor (Chemistry) Govt: College of Technology D.I. Khan

Subject: PROVISION OF INFORMATION REGARDING REQUIREMENT FOR PROMOTION TO THE POST OF ASSOCIATE PROFESSOR BPS-19 (BASIC SCIENCES AND HUMANITY GROUP).

I am directed to refer to the subject noted above & to enclose herewith the following prescribed proformas specimens attached may please be filled accordingly and resubmit to this office.

- 1- Panel Profarma (PSB-II) (duly signed by the officer concerned).
- 2- Panel Profarma (PSB-III) (duly signed by the officer concerned).
- 3- Disciplinary proceeding if any and case if any) in any court of law.  
NAB/Plea bargaining certificate from (duly signed by the respective Principal).
- 4- 10 numbers latest photographs (duly attested by the principal concerned).
- 5- Medical Fitness certificate. (From the concerned Dist: Hospital)
- 6- 06 months training certificate (duly signed by the principal concerned).

The mentioned above requisite documents complete in all respect should reach to this office within 10 days positively of the receipt of this letter for onward processing the promotion case by this office please.

Director (Admn/HR)  
fn.



-5-

B

**GOVERNMENT OF N.-W.F.P.**  
**ESTABLISHMENT & ADMINISTRATION**  
**DEPARTMENT**  
(ESTABLISHMENT WING)

**SUBJECT:-** NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009.

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

**I. Length of service.**

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18 :	5 years' service in BS-17
Basic Scale 19 :	12 years' service in BS-17 & above
Basic Scale 20 :	17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19 :	7 years' service in BS-18
Basic Scale 20 :	10 years' service in BS-18 and above or 3 years' service in BS-19.

**II. Linking of promotion with training:**

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

-6-

VI. **Date of Promotion:**

Promotion will always be notified with immediate effect.

VII. **Notional Promotion:**

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

VIII. **Promotion of Civil Servants who are awarded minor penalties:**

(a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.

(b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. **Promotion in case of pending investigations by NAB:**

If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.

2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.

*Yours faithfully,*

( MUHAMMAD ABID MAJEED )  
Special Secretary (Regulations)