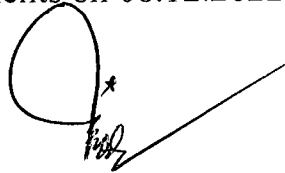


24.10.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 08.12.2022 before the D.B.

SCANNED  
KFST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

12/4/2022

Counsel for the appellant present. Mr. Kabirullah Khattak, learned Addl AG for the respondents present. Learned Addl. AG requested for adjournment. Request accepted. Last opportunity is granted for submission of written reply. To come up for written reply on 14/6/2022 before S.B.



CHAIRMAN

14<sup>th</sup> June, 2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents have not submitted reply/comments despite last chance, hence their right to submit reply/comments is struck off. To come up for arguments on 28.07.2022 before the D.B.



(Kalim Arshad Khan)  
Chairman

28<sup>th</sup> July. 2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Clerk of learned counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is busy before the Peshawar High Court Peshawar. Last opportunity is given to the appellant to procure attendance of his counsel. To come up for arguments on 24.10.2022 before the D.B. P.P given to the parties.



(Salah Ud Din)  
Member(Judicial)



(Kalim Arshad Khan)  
Chairman

19.07.2021

Appellant present through counsel.

He submitted an application for extension of time to deposit security and process fee. Application is allowed with direction to deposit the same within 3 days, where-after, notice be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.12.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

  
(Rozina Rehman)  
Member (J)

14.12.2021

Appellant alongwith his counsel present. Mr. Noor Zaman Khattak, District Attorney for respondents present.

Notices to the respondents have not been issued by the office, therefore, notices be issued to the respondents alongwith copies of the instant service appeal for submission of written reply/comments. Adjourned. To come up for written reply/comments on 21.02.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.04.2022 for the same as before.


  
Reader

Continued

19.01.2021

Later on, learned counsel for appellant put appearance and preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 12.04.2021 before S.B.

  
(Rozina Rehman)  
Member (J)

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 19.07.2021 for the same as before.



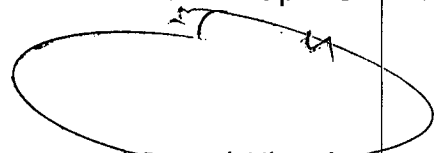
  
Reader

Form- A

FORM OF ORDER SHEET

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

Case No.- 10820 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/09/2020	<p>The appeal of Mr. Imam Hussain resubmitted today by Mr. Nasir Khan Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/11/2020</u>.</p> <p> CHAIRMAN</p>
02.11.2020		<p>Nemo for appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 19.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p> (Muhammad Jamal Khan) Member (Judicial)</p>
	19.01.2021	<p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for 20.04.2021 for preliminary hearing, before S.B.</p> <p>(Rozina Rehman) Member (J)</p>

The appeal of Mr. Imam Hussain son of Inzar Gul r/o village Bori Saghari Post office Shakardara District Kohat received today i.e. on 11.09.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

In para-3 of the memo of appeal 10 numbers of respondents have been shown but in the heading of appeal there are only 4 respondents the same may be corrected/rectified.


No. 2630 /S.T,

Dt. 14/09 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Nasir Khan Afridi Adv. Peshawar.

*Re submitted after correction.*

  
Nasir Khan Afridi Adv  
15/09/2020

**BEFORE THE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA PESHAWAR**

Service Appeal No/0820/2020

Imam Hussain ..... Appellant

**V E R S U S**

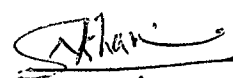
Chief Secretary, Peshawar & Others ..... Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Appeal		1-6
2.	Affidavit		7
3.	Addresses of Parties		8
4.	Copies of the ACRS	A	9-12
5.	Copies of Seniority list	B	13-16
6.	Copies of Notifications	C	17-18
7.	Copies of the appeal and order dated 19/11/2015	D	19-21
8.	Copies Appeal to Service Tribunal	E	22-25
9.	Copies of the Judgment Service Tribunal	F	26-28
10.	Copies of the impugned Order	G	29-30
11.	Copies of the departmental appeal	H	31
12.	Copy of the writ petition and order dated 19/02/2020	I	32-38
13.	Copy of the impugned order	J	39
14.	Wakalatnama		Original

Dated: 11/09/2020  
Through

**APPELLANT**



**Nasir Khan Afridi**  
Advocate,  
High Court, Peshawar

Office Address: FF28, 5<sup>th</sup> Floor Bilour Plaza, Peshawar Cantt.  
Cell No: 0315 5250330 / 0300 5928596  
Email: [nasir481@gmail.com](mailto:nasir481@gmail.com)

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

Service Appeal No ..... / 2020

Imam Hussain S/O Inzar Gul R/O Village Bori Saghri Post  
Office Shakardara Tehsil Lachi District Kohat.

..... Appellant

**V E R S U S**

1. Chief Secretary, Peshawar, Govt. of Khyber Pakhtunkhwa.
2. Inspector General of prison Khyber Pakhtunkhwa Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Home & tribal Affairs Department Peshawar.
4. Superintendent Incharged Internment Center Laki Marwat.

..... Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE**  
**KPK SERVICE TRIBUNAL ACT 1974 AGAINST**  
**THE IMPUGNED ORDER NO. SO(P&R)/HD/1-**  
**2/2020 DATED 27<sup>TH</sup> AUGUST 2020 WHEREBY**  
**THE RESPONDENT NO. 1 REJECT THE**  
**DEPARTMENTAL REPRESENTATION OF THE**  
**APPEALANT FOR PROFORMA PROMOTION**



TO THE POST OF ASSISTANT (BPS-16) FROM  
11/06/2015 AND THE SAID ORDER DATED  
27/08/2020 IS ILLEGAL, INCORRECT AND  
AGAINST THE LAW

Prayer:

On acceptance of this appeal the impugned order dated 27/08/2020 may kindly be set-aside being against the law, rules and appellant be pro forma promoted with all back benefits from dated 11/06/2015 and any other remedy which deem proper may also be granted.

Respectfully Sheweth:

Short facts giving to the present appeal as under:

1. That the appellant joined the service on 25/6/1990 and serving as senior clerk BPS 14 attached with Internment center Laki Marwat department of home and tribal affair Khyber Pakhtunkhwa office of the Inspector General of Khyber Pakhtunkhwa having outstanding ACRS throughout and retried from service dated 14/04/2016,. The complete ACR record 2013, 2014 and 2015 is in the position of the respondent. (Copies of the ACRS are Annexed as Annexure "A")

2. That the office of the Inspector General prison Khyber Pakhtunkhwa Peshawar No.8/24-J-2007/13246 dated 20/5/2014 issued / circulated final seniority list of senior clerks, whereby the name of the appellant was shown on serial no 6. (Copies of Seniority List are annexed as Annexure "B")
  
3. That the respondent No 2 and 3 issued the impugned notifications no. SO(Prison)-HD/8-6/2013/BC-137240 Dated 11/06/2015 order of promotion of senior clerks from BPS 14 to BPS 16 and impugned posting transfer order dated 23/06/2015 while ignoring the seniority of the appellant. (Copies of the notifications are annexed as Annexure "C")
  
4. That the appellant was on serial no 6, of the seniority list meanwhile some adverse remarks were recorded in the P.E.R-2014 and on appeal adverse remarks were expunged vide Government of Khyber Pakhtunkhwa Home and tribal affair department S.O Prison notification No.SO(PRISONS)HD/P-F/1-12/2015/BC-137131 dated 19/11/2015. (Copies of appeal and Notification are annexed as Annexure "D")
  
5. That feeling aggrieved from the impugned Notifications /promotion the appellant filed the departmental appeal on 13/11/2015, however it was not replied despite the lapse of 90 days and the appellant than filed service appeal before the Service Tribunal Khyber Pakhtunkhwa Peshawar.

(Copies of the appeal to service tribunal are annexed as Annexure "E")

6. That the Service Tribunal Khyber Pakhtunkhwa Peshawar after hearing both the parties passed Judgment / Order dated 18/02/2019 with direction to the respondents to consider the appellant for pro-forma promotion because the appellant was retired dated 14/04/2016 from service. (Copy of the Judgment dated 18/02/2019 is annexed as Annexure "F")
7. That the respondent no. 3 on the recommendation of the Departmental Promotion Committee passed the impugned order no. SO (P&R)HD/1-2/Promotion/2019/. dated 25 September 2019 whereby the appellant was promoted to the post of Assistant (BPS-16) with effect from the date of retirement dated 14/04/2016. (Copy of the impugned order dated 25/09/2019 is annexed as Annexure "G")
8. That the appellant appeal to the competent authority against the impugned order dated 25 September 2019 but no relief has been given to the appellant. (Copy of the appeal is annexed as Annexure "H")
9. That the appellant filed writ petition no. 87-P/2020 at Peshawar High Court Peshawar whereby challenged the impugned order dated 25<sup>th</sup> September 2019 and the Hon'ble Peshawar High Court Peshawar dispose the petition by sending it to the Secretary Khyber

Pakhtunkhwa for treating it as representation and pass an order thereon in according with law with in a period of 30 days from 19/02/2020. (Copy of the writ petition and order dated 19/02/2020 are annexed as Annexure "I")

10. That the Secretary Khyber Pakhtunkhwa reject the representation appeal dated 27/08/2020 order no. SO(P&R)/HD/1-2/2020. (Copy of the impugned order is annexed as Annexure "J")
11. That the appellant retired from service dated 14/04/2016 have no other adequate remedy, approaches this Hon'ble court on the following grounds.

**G R O U N D S:**

- A. That the act of respondents, not placing the name of the appellant as per seniority list for promotion is illegal, without lawful authority, without jurisdiction and violation of the rules and law is liable to be modified in the above terms.
- B. That the respondents have committed a legal error by not considering the name of the appellant for pro forma promotion being senior and fit candidate and promoted the juniors despite the fact that the vacancies were still vacant therefore the respondents acted in disregard of law and judgments of the superior courts, warrants interference.


- C. That the respondents No 1 to 4 ignored the services rendered by the appellant to the department and promoted Junior employs as per seniority list, the appellant is entitled to pro forma promotion as a right.
- D. That the Act of the Respondents is against the Articles 4, 25, & 27 of the Constitution of Islamic Republic of Pakistan 1973.
- E. That the appellant has been discriminated again as there was similarly placed other employees who were promoted and in the case of the appellant it was denied.
- F. That the appellant seeks leave of this Honorable Court to raise / argue any additional point at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 27/08/2020 may kindly be set-aside being against the law, rules and appellant be pro forma promoted with all back benefits from dated 11/06/2015 and any other remedy which deem proper may also be granted.

Dated: 11/09/2020

Through

  
APPELLANT

  
Nasir Khan Afridi  
Advocate,  
High Court, Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA PESHAWAR**

Service Appeal No ..... / 2020

Imam Hussain ..... Appellant

**VERSUS**

Chief Secretary, Peshawar & Others ..... Respondents

**AFFIDAVIT**

I, Imam Hussain S/O Inzar Gul R/O Village Bori Saghri Post Office Shakardara Tehsil Lachi District Kohat, do hereby solemnly affirm and declare on oath that the contents of the writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Imam Hussain*

**DEPONENT**

**CNIC NO# 17301-1400317-3**

**MOBIL NO# 0315 5205235**

11 SEP 2020



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

Service Appeal No ..... / 2020

Imam Hussain ..... Appellant

V E R S U S

Chief Secretary, Peshawar & Others ..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

Imam Hussain S/O Inzar Gul R/O Village Bori Saghri  
 Post Office Shakardara Tehsil Lachi District Kohat.

**RESPONDENTS:**

1. Chief Secretary, Peshawar, Govt. of Khyber Pakhtunkhwa.
2. Inspector General of prison Khyber Pakhtunkhwa Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Home & tribal Affairs Department Peshawar.
4. Superintendent Incharged Internment Center Laki Marwat.

Dated: 11/09/2020

Through

*Imam Hussain*

**APPELLANT**

*Nasir Khan Afridi*

**Nasir Khan Afridi  
 Advocate,  
 High Court, Peshawar**

Form 'G' (Revised)  
Assistant and Clerks

GOVERNMENT OF KHYBER PAKHTUNKHWA  
PRISONS DEPARTMENT

CONFIDENTIAL REPORT

For the period from 08-03-2013 to 02-08-2013

PART-I

1. Name Imam Hussain

2. Designation Senior Clerk

3. Date of Birth 15-04-1956

4. Date of Entry into Government service 24-6-1990

5. Branches in which employed during the year, with period pay and allowances

PART-II

A. PERFORMANCE		AI	A	B	C	D
1.	Referencing, paging of notes and correspondence					
2.	Movement of Files and record of suspense cases.					
3.	Keeping files and Papers tidy condition.					
4.	Promptness and accuracy in dispatch.					
B. PERSONAL TRAITS						
5.	Intelligence.					
6.	Knowledge of Procedures and Regulations.					
7.	Punctuality					
8.	Cooperation and Tact.					
9.	Amenability to Discipline					
10.	Skill in Drafting.					

Attested  
[Signature]  
Advocate

11. Integrity

Assessment

- i). Incorruptible
- ii). Reported to be corrupt
- iii). Believed to be corrupt, because of
  - a. Monetary Consideration
  - b. Other Considerations

[Signature]



# 11

GOVERNMENT OF KHYBER PAKHTUNKHWA  
PRISONS DEPARTMENT

CONFIDENTIAL REPORT

For the period from 02-02-2015 to 23-06-2015.

PART-I

1. Name Imam Hussain  
 2. Designation Senior Clerk  
 3. Date of Birth 15-04-1956  
 4. Date of Entry into Government service 24-06-1990  
 5. Branches in which employed during the year, with period pay and allowances, MSK ETC.

PART-II

A. PERFORMANCE	AI	A	B	C	D
1. Referencing, paging of notes and correspondence	§				
2. Movement of Files and record of suspense cases	§				
3. Keeping files and Papers tidy condition	§				
4. Promptness and accuracy in disposing	§				
B. PERSONAL TRAITS		§			
5. Intelligence		§			
6. Knowledge of Procedures and Regulations		§			
7. Punctuality	§				
8. Cooperation and Tact	§				
9. Amenability to Discipline	§				
10. Skill in Drafting		§			

Attested  
Sikhan  
 Advocate

11. Integrity Assessment

i. Incorruptible Not Corrupted §

ii. Reported to be corrupt NO §

iii. Believed to be corrupt, because of

a. Monetary Consideration NO §

b. Other Considerations NO §

Attested  
Sikhan  
 Advocate

15

12

	Yes	No
i. Knowledge of Typing	<u>Yes</u>	
ii. Trust Worthiness in confinement and secret matters.	<u>Yes</u>	
iii. Any Disciplinary action taken during the period of under report.	<u>Yes</u>	<u>No - 5/6</u>

PART-III		
	By Reporting Officer	By Countersigning Officer
a. Recommended for acceleration promotion	<u>Yes</u>	<u>Yes</u>
b. Fit for promotion	<u>Fit for promotion</u>	<u>Yes</u>
c. Recently promoted / appointed consideration for promotion pre-mature	<u>Yes</u>	<u>Yes</u>
d. Not yet fit for promotion.	<u>Yes</u>	<u>Yes</u>
e. Unfit for further promotion	<u>Yes</u>	<u>Yes</u>

Attested  
S. Khan  
 Advocate

PART-IV		
General Assessment	By Reporting Officer	By Countersigning Officer
i. Very good	<u>Very good</u>	
ii. Good		
iii. Average		
iv. Below Average		
v. Poor		

PEN PICTURE  
 He is hard worker, knowing his job and fit for promotion on his basis

Reporting Officer's Signature: [Signature]  
 Name (in Block Letters): SA-02 Ali  
 Designation: SA - Assistant Superintendent Jail

Attested  
S. Khan  
 Advocate

Countersigning Officer's Signature: [Signature]  
 Name (in Block Letters): SIRAJ AHMED  
 Designation: \_\_\_\_\_

GENERAL REMARKS BY HIGHER OFFICER



Annexure B

14

Annexure B

16

Attested

Sybil  
Advocate

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

NO. 8/24-J-2007/13246

DATED 20-05-2014

NOTIFICATION

In pursuance of Section-8(I) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority list of Senior Clerks (BPS-09) as it stood on 01-4-2014 is notified/circulated:-

Sl#	NAME OF OFFICIAL WITH ACADEMIC QUALIFICATION	D.O BIRTH WITH DOMICILE DISTRICT	DATE OF 1 <sup>st</sup> ENTRY INTO SERVICE	REGULAR APPOINTMENT/PROMOTION			PRESENT APPOINTMENT	REMARKS
				DATE	BPS	METHOD OF APPOINTMENT		
1.	Mr. Irfanullah (B.A)	01-11-1959 (Charsadda)	02-03-1986	14-10-2005	9	By promotion	Senior Clerk	
2.	Mr. Prain (D.Com)	25-04-1965 (Peshawar)	01-11-1987	01-11-2005	9	-do-	Senior Clerk	Seniority maintained as in lower scale.
3.	Mr. Akhtar Shah (F.A)	11-04-1967 (Peshawar)	Warder 03-05-1986 J/Clerk 02-10-1988	14-10-2005	9	-do-	Senior Clerk	-do-
4.	Mr. Anayat-ur-Rehman (F.A)	24-11-1964 (Abbottabad)	Warder 24-04-1987 J/Clerk 27-1-1990	01-11-2005	9	-do-	Senior Clerk	-do-
5.	Mr. Zahir Shah (Metric)	15-02-1968 (Charsadda)	31-05-1990	7-11-2005	9	-do-	Senior Clerk	-do-
6.	Mr. Imam Hussain (F.A)	15-04-1956 (Kohat)	25-05-1990	7-11-2005	9	-do-	Senior Clerk	-do-
7.	Mr. Abid Hussain (D.Com)	05-01-1967 (D.I.Khan)	29-10-1990	04-08-2006	9	-do-	Senior Clerk	-do-
8.	Mr. Niaz Ali (F.A)	10-04-1968 (Charsadda)	17-11-1990	19-07-2006	9	-do-	Senior Clerk	-do-
9.	Mr. Raj Wali (B.A)	20-02-1969 (Mohmand Agency)	24-11-1990	24-08-2006	9	-do-	Senior Clerk	-do-
10.	Mr. Muhammad Ali (M.A)	14-11-1957 (Mohmand Agency)	06-08-1986	1-9-2005	9	-do-	Senior Clerk	-do-
11.	Mr. Ali Haider (B.A)	3-12-1961 (Peshawar)	20-2-1987	1-9-2008	9	-do-	Senior Clerk	-do-
12.	Mr. Abid Jamal (D.Com)	12-04-1967 (Peshawar)	05-03-1991	17-9-2008	9	-do-	Senior Clerk	-do-
13.	Mr. Muhammad Latif Khan (Metric)	07-02-1965 (Danna)	19-01-1991	1-10-2008	9	-do-	Senior Clerk	-do-

Attested  
Ali Khan  
Advocate



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR

NO. \_\_\_\_\_  
DATED 20-05-2014

14	Mr. Muhammad Javed	(F.A)	14-10-1973 (Charsadda)	26-09-1992	28-2-2009	9	do	Senior Clerk	do
15	Mr. Sajid Ali	(F.A)	01-01-1974 (Peshawar)	Warder 24-08-1991 J/Clerk 06-4-1993	10-02-2009	9	do	Senior Clerk	do
16	Mr. Khadim Shah	(M.A)	16-04-1969 (Charsadda)	26-09-1993	08-9-2010	9	do	Senior Clerk	do
17	Mr. Muhammad Yar	(M.A)	01-12-1964 (Dir Lower)	Warder 27-04-1982 J/Clerk 01-5-1993	22-11-2011	9	do	Senior Clerk	do
18	Mr. Muhammad Jhangar	(B.A)	15-11-1972 (Mohmand Agency)	05-12-1997	09-12-2011	9	do	Senior Clerk	do
19	Mr. Yousaf Khan	(B.A)	18-07-1972 (Khyber Agency)	10-12-1997	22-11-2011	9	do	Senior Clerk	do
20	Mr. Asaf Shah	(B.A)	02-04-1978 (Hampur)	12-12-1997	22-11-2011	9	do	Senior Clerk	do
21	Syed Raimin Shah	(B.A)	15-04-1974 (Swat)	13-12-1997	27-2-2013	9	do	Senior Clerk	do
22	Mr. Sardar Ali	(F.A)	11-11-1972 (Peshawar)	3-7-1993	28-2-2013	9	do	Senior Clerk	do
23	Mr. Muhammad Saad	(B.A)	10-4-1974 (Khyber Agency)	1-8-1996	27-2-2013	9	do	Senior Clerk	do
24	Mr. Muhammad Atif Nawaz Qureshi	(F.A)	8-8-1975 (D.I.Khan)	Warder 01-10-1997 J/Clerk 23-6-2004	13-2-2013	9	do	Senior Clerk	do
25	Mr. Atiqur Rehman	(M.A)	10-5-1977 (D.I.Khan)	Warder 08-5-1999 J/Clerk 23-6-2004	27-2-2013	9	do	Senior Clerk	do
26	Mr. Abdul Hamid Abbasi	(B.A)	4-4-1975 (Abbottabad)	Warder 03-10-1997 J/Clerk 05-7-2004	19-12-2013	9	do	Senior Clerk	do
27	Muhammad Rashid	(B.A) (B.DIT)	15-3-1983 (Lakki Marwat)	5-11-2004	19-12-2013	9	do	Senior Clerk	do

Attested  
Nehal  
Advocate

Attested  
Nehal  
Advocate

1107  
26-5-2014

INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR



9

18

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS,  
KHAYBER PAKHTUNKHWA PESHAWAR

NO.

DATED 20-05-2014

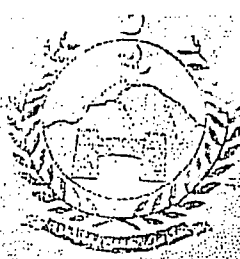
Attested  
*S. Khan*  
Advocate

ENDST NO. 13247-72

- Copy of the above is forwarded to
1. All Superintendents of Jails / Lockups/Innment Centres
  2. Office Accountant/
- For information of the officials concerned.

ASSISTANT DIRECTOR (ADIN)  
FOR INSPECTOR GENERAL OF PRISONS,  
KHAYBER PAKHTUNKHWA PESHAWAR

Attested  
*[Signature]*  
Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

17

NOTIFICATION

No. SO (Prisons)-HD/8-6/2013/ BC-137240. The Competent Authority in consultation with the Departmental Promotion Committee is pleased to order promotion of the following Senior Clerks (BPS-14) to the post of Assistant (BPS-16) on regular basis, with immediate effect:-

- 1- Mr. Irfanullah.
- 2- Mr. Anayat-ur-Rehman.
- 3- Mr. Zahir Shah.
- 4- Mr. Abid Hussain.
- 5- Mr. Nisar Ali.
- 6- Mr. Raj Wali.
- 7- Mr. Muhammad Ali.
- 8- Mr. Abid Jamal.
- 9- Mr. Muhammad Javed.
- 10- Mr. Sajid Ali.

The officers from S.No.1 to 10 above will be on probation for a period of one year in terms of Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules-1989 and Section 5 (2) of Khyber Pakhtunkhwa Civil Servant Act 1973.

Their services are hereby placed at the disposal of Inspector General of Prisons Khyber Pakhtunkhwa for their further posting.

Secretary to Government of  
Khyber Pakhtunkhwa Home & T  
Department Peshawar

Dated the, 11<sup>th</sup> June, 2015, Peshawar.

(Rehmat Ali Wazir)  
SECTION OFFICER (PRISON)

Attest  
*S. Khan*  
Advocate

No. SO (Prisons)-HD/8-6/2013/ BC-137240.- Dated the, 11<sup>th</sup> June, 2015, Peshawar

- A copy is forwarded for information and necessary action to:-
1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
  2. Accountant General Khyber Pakhtunkhwa Peshawar, for information and necessary action.
  3. Director IT, Home & TAs Department, Khyber Pakhtunkhwa, Peshawar.
  4. PS to Secretary Home, Khyber Pakhtunkhwa.
  5. PS to Special Secretary Home, Khyber Pakhtunkhwa.
  6. Officer Concerned.
  7. Master file/Office Order file.

Attest  
*S. Khan*  
Advocate

11308  
*[Signature]*  
SECTION OFFICER (PRISON)



OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

NO. 17397

DATED 23/06/2015

(20)  
(18)

ORDER

In pursuance of Government of Khyber Pakhtunkhwa Home and TAs Department Notification No. O(Prisons)-HD/3-6/2013/BC-1372-10 dated 11-6-2015, the following postings/transfers are hereby ordered in the public interest:

1. Senior Clerk (BPS-14) Irfanullah attached to District Jail Timergara, on eve of his promotion to the post of Assistant (BPS-16) is hereby transferred and posted to District Jail/HSP-Mardan against the existing vacancy.
2. Senior Clerk (BPS-14) Anayat-ur-Rahman attached to this office, on eve of his promotion to the post of Assistant (BPS-15) is hereby transferred and posted in the same office against the existing vacancy.
3. Senior Clerk (BPS-14) Zahir Shah attached to District Jail Karak, on eve of his promotion to the post of Assistant (BPS-15) is hereby transferred and posted to District Jail/HSP Mardan against the existing vacancy.
4. Senior Clerk (BPS-14) Abid Hussain attached to Central Prison D.I. Khan, on eve of his promotion to the post of Assistant (BPS-16) is hereby transferred and posted to Central Prison Bannu against the existing vacancy.
5. Senior Clerk (BPS-14) Niaz Ali who is presently performing his duties at Judicial Lockup Swabi and for the purpose of pay attached to Borstal Institution Bannu, on eve of his promotion to the post of Assistant (BPS-16) is hereby transferred and posted to District Jail/HSP Mardan against the existing vacancy.
6. Senior Clerk (BPS-14) Raj Wali attached to Central Prison Peshawar, on eve of his promotion to the post of Assistant (BPS-15) is hereby transferred and posted to District Jail/HSP Mardan against the existing vacancy.
7. Senior Clerk (BPS-14) Muhammad Ali attached to District Jail Kohat, on eve of his promotion to the post of Assistant (BPS-16) is hereby transferred and posted to Prisons Inspectorate against the existing vacancy.
8. Senior Clerk (BPS-14) Abid Jamal attached to Central Prison Haripur, on eve of his promotion to the post of Assistant (BPS-16) is hereby transferred and posted to District Jail/HSP Mardan against the existing vacancy.
9. Senior Clerk (BPS-14) Muhammad Javed attached to this office, on eve of his promotion to the post of Assistant (BPS-16) is hereby transferred and posted in the same office against the existing vacancy.

Attested  
S Khan  
Advocate

- ii. Arrival and departure reports should be sent to all concerned.
- iii. All should be relieved of their duties immediately by making local arrangement.
- iv. Minimum joining time may be allowed.

INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

17398-416

Copy of the above is forwarded to

1. The Secretary to Government of Khyber Pakhtunkhwa Home and TAs Department, Peshawar, for information with Home Department Notification referred to above.
2. The Accounts General Khyber Pakhtunkhwa Peshawar, for information.
3. The Superintendents, Central Prison Peshawar, Haripur, Bannu & D.I. Khan.
4. The Superintendent, Borstal Institution Bannu.
5. The Superintendent, D.I/HSP Mardan.
6. The Superintendents, District Jail Karak & Khet.
7. The Incharge, Internment Centre Kohat.
8. The Superintendent, Judicial Lockup Swabi.
9. Office Accountant.
10. The District Accounts officers concerned, for information.

Attested  
S Khan  
Advocate

9-B  
F.Ce

INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

جناب۔ انکوئری صاحبہ سے (م) ڈیپارٹمنٹ ٹیلیگرافکس خواتین کے لئے

APPEAL

موضوعات -

بتوانہ انکوئری کی بحال صاحبہ جینس خانہ جات۔ ٹیلیگرافکس خواتین کے لئے درج ذیل  
نمبر 4765-NE فورم 14-4-2015

سائل کہ خلیفہ جناب۔ پکڑنڈنگ صاحبہ سٹریٹ  
جیل بنوں نے۔ سائل کے سالانہ رپورٹ میں جو الزامات لگائے ہیں  
انکے دفاع میں سائل حسب ذیل عرض کرتا ہے۔

Attested  
Shkhan  
Advocate

1۔ سائل میں بابت مختلف عرض کرتا ہے۔ کہ جو الزامات  
جناب۔ پکڑنڈنگ صاحبہ سٹریٹ جیل بنوں۔ سائل کے 2014 PER  
میں لگائے ہیں یہی طرح ریماڈکس اسی آفسر نے سالانہ رپورٹ  
2013 میں بھی لگائے تھے۔

2۔ چونکہ سائل نے خلیفہ اسی آفسر نے 2013 میں  
انکوئری رپورٹ آئی۔ جن صاحبہ کو بھیجی تھی۔ اور اس طرح کے ریماڈکس  
اسکا حق بھی بتاتا تھا۔

3۔ چونکہ سائل نے خلیفہ جو الزامات 2013 PER میں لگائے تھے  
جناب۔ سائل انکوئری صاحبہ کو اپیل کرتے PERSONAL HEARING کے لئے  
موجودہ آئی جی صاحبہ کو پیشکش ہو چکا۔ اور خلیفہ نے اپنی بیان کرنے کے لئے  
سائل نے خلیفہ 2013 PER میں جو الزامات فہم لگائے۔ اور سائل کا 2013 PER  
کلید کیا۔

Attested  
Shkhan  
Advocate

4۔ چونکہ سائل کو 2014 PER میں بھی اسی آفسر نے دیا جو کہ وہی  
پرانی الزامات کو دہرایا گیا ہے۔

5۔ چونکہ 2014 PER کے الزامات وہی پرانی ہے بنیاد انکوئری

Attested  
Shkhan  
Advocate



26  
20

پردے میں جو کہ سر اسٹرائٹمنی ہے - اور کسی ریکڈ جبرک  
میں ریکڈ بار سزا دیا جاتا ہے - بار بار نہیں دیا جاتا  
لیکن سزا کو وہ سزا دیا ہے جس میں سزا کو وہ بارہ  
سزا دیا ہے

یہذا سائل سمجھوانے درخواست کرتا ہے

کہ سائل کے خلاف قبوٹے مبنی بلا روغ - لفظ و عناد کی  
وجہ سے جو ریپورٹس رٹے میں ان سے سائل کو بری  
کیا جائے - تاکہ سائل کے پیرامونش پیراٹرنہ پیرے جینگی  
وجہ سے سائل کو ریپورٹ سے گریڈ کا کے پیرامونش سے رہ جائے گا

سائل کو ذاتی مشورائی کا موقع دیا جائے

Attested  
Sikhan  
Advocate

سائل کو ریپورٹ سے گریڈ کا کے پیرامونش سے رہ جائے گا

امام حسین ایڈووکیٹ طارق الفیصلی انٹرنیٹ سٹریٹ میروٹ

Attested  
Sikhan  
Advocate

Attested  
Sikhan  
Advocate

23 199

21

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar, 09<sup>th</sup> November 2015.

17/11/15

NOTIFICATION.

NO. SO(PRISONS)HD/P-F/1-12/2015/BC-137131: In exercise of the powers conferred under Rule-6.6 (ii) of the Instructions on Performance Evaluation Report, the Competent Authority has been pleased to expunge the adverse remarks recorded in the P.E.R of Mr. Inam Hussain, Senior Clerk, Inspectorate of Prisons for the year 2014. Necessary entries shall be given in average category in the general assessment as per instructions contained in the rule ibid.

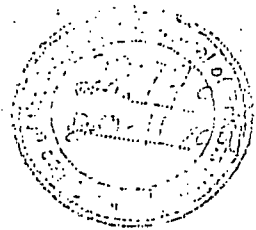
Secretary to Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Attested  
S Khan  
Advocate

Copy to:-

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar for necessary action as requirement under Rule 6.6(ii) of Instruction on Perform. Evaluar Report.
2. PS to Secretary Home, Khyber Pakhtunkhwa
3. PS to Special Secretary Home, Khyber Pakhtunkhwa.
4. Official Officer concerned.
5. Master File Office Order File.

*[Signature]*  
Section Officer (Prisons)



A16  
20/11/15

Attested  
S Khan  
Advocate

Attested  
S Khan  
Advocate

BETTER COPY OF PAGE NO. 23

23/A

21/A

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated: Peshawar 19<sup>th</sup> November 2015

NOTIFICATION:

NO. SO(PRISONS)HD/P-F/1-12/2015/BC-137131: In exercise of the powers conferred under rule 6.6 (ii) of the instruction on Performance Evaluation Report, the Competent Authority has been pleased to expunge the adverse remarks recorded in the PER of Imam Hussain, Senior Clerk, Inspectorate of Prison for the year 2014. Necessary entries shall be given in average category in the general assessment as per instructions contained in the rule *ibid*.

Secretary to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Attested  
Imkhan  
Advocate

Copy to:

1. Inspector General of prison Khyber Pakhtunkhwa Peshawar for necessary action as requirement under the rule 6.6 (ii) Instruct on Perform Evaluation Report.
2. PS to Secretary Home, Khyber Pakhtunkhwa.
3. PS to Special Secretary Home, Khyber Pakhtunkhwa.
4. Official Officer concerned.
5. Master File Officer Order File.

Section Officer (Prison)

Attested  
Imkhan  
Advocate

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

22

Service Appeal No. 311 /2016

W.P. No. 265  
Dated 25-03-2016

Imam Hussain senior clerk BPS-14 Internment center Laki Marwat  
.....Appellant



**VERSUS**

1. GOVT OF KHYBER PAKHTUNKHWA  
Through Chief Secretary, Peshawar.
  2. Inspector General of prison Khyber Pakhtunkhwa Peshawar
  3. Secretary to Government Of Khyber Pakhtunkhwa Home & tribal Affairs  
Department Peshawar.
  4. Superintendent Incharged Internment Center Laki Marwat
  5. Mr. Abid Husain/<sup>Asst.</sup>posted Central prison Banu
  6. Mr. Niaz Ali/<sup>Asst.</sup>posted District jail /HSP Mardan
  7. Mr. Raj Wali/<sup>Asst.</sup>District jail /HSP Mardan
  8. Mr. Muhammad Ali/<sup>Asst.</sup>Posted District jail Kohat
  9. Mr. Abid Jamal/<sup>Asst.</sup>District jail /HSP Mardan
  10. Mr. Muhammad Javid/<sup>Asst.</sup>Office of the Inspector General Prison Peshawar
- See address of parties at Page no. 6

29/3/16

.....Respondents

ATTESTED  
  
REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

SERVICE APPEAL U/S 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO. 50(Prison)-HD/8-6/2013/BC-137240. 11/06/2015 AND NOTIFICATION NO. 17397 DATED 23/06/2015 WHEREBY THE RESPONDENTS NO 5 TO 10 HAVE BEEN PROMOTED WHO WERE JUNIOR TO APPELANT AS PER SENIORITY LIST NO

re-submitted to Reg and filed.

30/3/16

8/24-J-2007/13246 DATED 20/05/2014. SAID PROMOTION NOTIFICATIONS ARE ILLEGAL INCORRECT AGAINST THE LAW AND APPELLANT BEING SENIOR MOST IS ENTITLED FOR PROMOTION PRAYER.


ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED NOTIFICATIONS MAY KINDLY BE SET ASIDE BEING AGAINST THE LAW AND RULES AND APPELLANT BE PROMOTED WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH DEEMS PROPER MAY ALSO BE GRANTED.

Respectfully Sheweth:

Short facts giving to the present appeal are as under:

1. That appellant was joined the service on 25/6/1990 and serving as senior clerk BPS 14 attached with Internment center Laki Marwat department of home and tribal affair Khyber Pakhtunkhwa office of the Inspector General of Kyber Pakhtunkhwa having outstanding ACRS throughout. (Copies of the ACRS are attached as Annexure "A")
2. That the office of the Inspector General prison Khyber Pakhtunkhwa Peshawar No.8/24-J-2007/13246 dated 20/5/2014 issued / circulated final seniority list of senior clerks, whereby the name of the appellant shown on serial no 6. (copies of Seniority List is as Annexure "B")

ATTESTED

  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

3. That the respondent No 2 and 3 issued the impugned notifications no. SO(Prison)-HD/8-6/2013/BC-137240 Dated 11/06/2015 order of

5) (24)


promotion of the respondents no.5 to 10 / senior clerks from BPS 14 to BPS 16 and impugned posting transfer order dated 23/06/2015 while ignoring the seniority of the appellant. (Copies of the notifications are Annexure "C")

4. That the appellant is on serial no 6, of the seniority list ,meanwhile some adverse remarks were recorded in the P.E.R-2014 on appeal adverse remarks were expunged vide Government of Khyber Pakhtunkhwa Home and tribal affair department S.O Prison notification number SO(PRISONS)HD/P-F/1-12/2015/BC-DATED 19/11/2015. (Copies of appeal and Notification are Annexure 'D')
5. That feeling aggrieved from the impugned Notifications /promotion the appellant filed the departmental appeal on 13/11/2015 however it was not replied despite the lapse of 90 days. the appellant is assailed before this Honorable Tribunal on the following grounds inter alia: (Copies of appeal are Annexure "E").

#### GROUND S:

- A. That the act of respondents, not placing the name of the appellant as per seniority list for promotion is illegal, without lawful authority, without jurisdiction and violation of the rules and law is liable to be modified in the above terms.
- B. That the respondents have committed a legal error by not considering the name of the appellant for promotion being senior and fit candidate and promoted the juniors despite the fact that the vacancies are still vacant

ATTESTED

  
Attorney  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

therefore, the respondents acted in disregard of law and judgments of the superior courts, warrants interference.

- C. That the respondents No 1 to 4 ignored the services rendered by the appellant to the department and promoted the respondent no 5 to 10 despite the fact that they are Junior as per seniority list, appellant is old age and is near to his retirement is entitled to promotion as a right.
- D. That the Act of the Respondents is against the Articles 4, 25, & 27 of the Constitution of Islamic Republic of Pakistan 1973
- E. That the appellant has been discriminated against as there are similarly placed other employees who are promoted and in the case of the appellant it was denied to him.
- F. That the appellant seeks leave of this Honorable Tribunal to raise / argue any additional point at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this service appeal, this Honorable Tribunal may graciously be pleased to declare the appellant senior to the respondents no. 5 to 10 and be promoted being senior and deserving with all back benefits from the date of promotion

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Imam Hussain  
Appellant

Through

Nasir Khan Afridi

Nasir Khan Afridi  
Advocate, High Court  
Peshawar

Date: 25/03/2016

Date of Presentation of Application \_\_\_\_\_

Number of Words 1600

Copying Fee 18.00

Urgent \_\_\_\_\_

Total 18.00

Name of Applicant \_\_\_\_\_

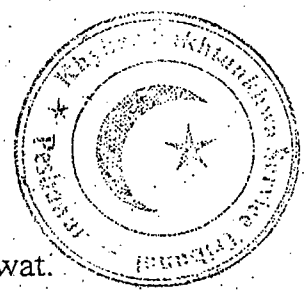
Date of Completion of \_\_\_\_\_

Date of Delivery of Copy 09-09-2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service appeal No. 311/2016

Date of institution ... 25.03.2016  
Date of decision .... 18.02.2019



Imam Hussain Senior Clerk BPS-14 Interment Center Lak . Marwat.

... (Appellant)

Versus

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

.. (Respondents)

Present

Mr. Nasir Khan Afridi,  
Advocate

... For appellant.

Mr. Usman Ghani,  
District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI, ...  
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN  
MEMBER(J).

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Appellant is aggrieved of notification dated 11.06.2015 issued by respondent No.3, whereby, the private respondents appearing at serial No.5 to 10 in the memorandum of appeal, were promoted to the post of Assistant (BPS-16) on regular basis. It is the claim of the appellant that the said respondents were junior to him in the seniority list settled on 01.04.2014. The appellant is also aggrieved of notification dated

*Handwritten signature/initials*

ATTESTED

*Handwritten signature*  
KHYBER PAKHTUNKHWA  
Service Tribunal,  
Peshawar



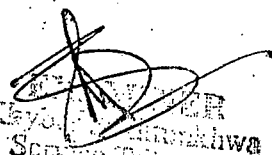
23.06.2015 issued by respondent No.2, through which ~~whereby~~ the promoted officials were transferred/posted.

2. We have heard learned counsel for the appellant and learned District Attorney on behalf of respondents and have also gone through the available record with their assistance.

The minutes of DPC held on 02.06.2015 indicate that the appellant was not considered suitable for promotion on account of inclusion of adverse remarks in his PER for the year 2014. He was, therefore, superseded. It is the case of the appellant that the remarks noted in his said PER were duly expunged on 19.11.2015, however, he was not considered for promotion subsequently and till his retirement on 14.04.2016.

3. Admittedly, the PER of appellant for the year 2014 was mended and adverse remarks removed there-from on a date which was subsequent to the date of DPC, therefore, the decision of DPC dated 02.06.2015 was unexceptionable which culminated into promotion of private respondents on 11.06.2015. However, after the expunction of adverse entries the appellant became entitled for consideration for promotion in the following meeting(s) of DPC which reportedly was not held till the date of his retirement. We must note that his stated right of consideration for promotion could not be extinguished due to incidence of his retirement, if he was otherwise eligible and qualified for the purpose.

ATTESTED

  
Keya...  
Senior Tribunal,  
Peshawar

4. In view of the above, we dispose of instant appeal on terms that the case of the appellant be considered for pro-forma promotion by the respondents, in case there are no legal or factual hurdles in the way.

Parties are left to bear their respective costs. File be consigned to the record room.

SD/-

(Hamid Farooq Durrani)  
Chairman

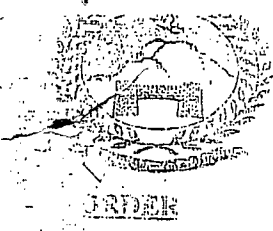
SD/-

(Muhammad Hamid Mughal)  
Member

ANNOUNCED  
18.02.2019

Date of Presentation of Application 08/09/2020  
 Number of Words 1600  
 Copying Fee 18.00  
 Urgent -  
 Total 18.00  
 Name of Copyist [Signature]  
 Date of Completion of Copy 09/09/2020  
 Date of Delivery of Copy 09-09-2020

Certified to be true copy  
[Signature]  
[Stamp: Cyber Services, Islamabad]



Annexure ↗

Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Dated 25<sup>th</sup> September, 2019

33

29

NO (P&R)HD/1-2/Promotion/2019/. On the recommendations of Departmental Promotion Committee, the competent authority is pleased to promote Mr. Imam Hussain Ex-Senior Clerk (BS-14) to the post of Assistant (BPS-16) with effect from 14-04-2016 for his financial benefit.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HOME & TRIBAL AFFAIRS DEPARTMENT.

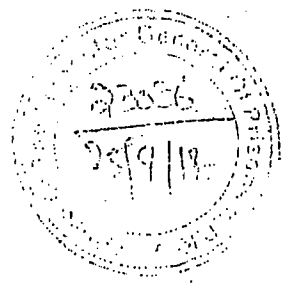
Encl: No. & Date Even

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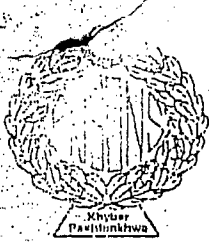
1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
4. PS to Secretary to Government of Khyber Pakhtunkhwa, Home and Tribal Affairs Department, Peshawar
5. Officials concerned.

Attested  
S. Khan  
Advocate

(Eid Nawaz Sherani)  
Section Officer (P&R)  
25/9/19



Attested  
S. Khan  
Advocate



*Rest*

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

35

30

091-9210334, 9210406 091-9213445

No. 29010 *100/E*

Dated 27-9-2019 1-

To

The Superintendent,  
Central Prison Karak.

Subject:- PROFORMA PROMOTION OF MR. IMAM HUSSAIN EX-SENIOR CLERK(BPS-14) TO THE POST OF ASSISTANT(BPS-16).

Memo:

I am directed to refer to the subject and to forward herewith a copy of order No.SQ(P&R)HD/1-2/Promotion/2019 dated 25-09-2019 received from Government of Khyber Pakhtunkhwa Home & T.As Department, on the captioned subject (self explanatory) for information and necessary action under intimation to all concerned. *Also inform Ex. Senior clerk concerned*

*[Signature]*  
ASSISTANT DIRECTOR

FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

ENDST;NO. \_\_\_\_\_/..

Copy of the above alongwith a copy of Home Department order referred to above is forwarded to the District Accounts Officer Karak for information & necessary action please.

*Attested*

*[Signature]*

ASSISTANT DIRECTOR(ADMN).  
FOR INSPECTOR GENERAL OF PRISONS,  
KHYBER PAKHTUNKHWA PESHAWAR.

*[Signature]*  
Advocate

*Attested*

*[Signature]*

Advocate

*D.No 380  
10-19*

*MI*

Annexure H

35

31

To

The Honorable Inspector General of Prisons,  
Khyber Pakhtunkhwa Peshawar.

Subject: Appeal for Re-Consideration of Departmental Promotion Committee(DPC)In respect Mr. Imam Hussain, (Retired) Senior Clerk BPS-14 to Assistant BPS-16 wef date of retirement i.e 14/04/2016.

Respected Sir,

With the respect I beg to state that I wants to brought few lines in your kind notice that: -

1. I was retired from service on 14/4/2016, but my service appeal No:311/2016 was under process in the Honorable Courts i.e Services Tribunal Khyber Pakhtunkhwa Peshawar which was announced on 18/02/2019(about Two year & seven months) (copy attached).
2. In the present I was promoted to the post Assistant BPS-16 from the date of retirement i.e 14/04/2016, where is I am Entitled /Having rights from the date of 11/06/2015 vide Home department Notification No.SO(Presence) HD 8-6/2013/BC-137240 dated 11/06/2015 and Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar Notification No.17397 dated 23/6/2015(Copy attached). OR my PER duly expunged on 19/11/2015 vide Home Department Notification No.SO (Prisons) HD/PF/1-12/2015/BC-137131 dated 19/11/2015(Copy attached) wef 20/11/2015, I was come to Entitled /having rights of the promotion from BPS-14 to Assistant BPS-16. Therefore, Page-02 for para No.2 and 3 of the Honorable Court Services tribunal Khyber Pakhtunkhwa Peshawar is extra attached for your kind perusal and re- consideration of my promotion order.
3. On the humanitarian basis the date of my Promotion may kindly be Re-considered and your Good order may kindly be issued in favor of me please.
4. Being a 65-years aged citizen may kindly be given a chance for my personal hiring please.

Attested  
Sikhan  
Advocate

Attested  
Sikhan  
Advocate

I shall pray for your long life

Dated 01 / 10 / 2019

My Home Address

Village Bori Saghri

Your's Obedient Servant

Imam Hussain  
(Mr.Imam Hussain)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No: \_\_\_\_\_/2019



Imam Hussain S/O Inzar Gul R/O Village Bori Saghran Post

Office Shakardara Tehsil Lachi District Kohat.

..... Petitioner

**VERSUS**

1. Chief Secretary, Peshawar, Govt. of Khyber Pakhtunkhwa.
2. Inspector General of prison Khyber Pakhtunkhwa Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Home & tribal Affairs Department Peshawar.
4. Superintendent Incharged Internment Center Laki Marwat.
5. Abid Husain post of Assistant (BPS-16) Central prison D.I Khan.
6. Niaz Ali post of Assistant (BPS-16) District jail /HSP Mardan.
7. Raj Wali post of Assistant (BPS-16) District jail /HSP Mardan.
8. Muhammad Ali post of Assistant (BPS-16) District jail Kohat.
9. Abid Jamal post of Assistant (BPS-16) District jail /HSP Mardan.
10. Muhammad Javid post of Assistant (BPS-16) Office of the Inspector General Prison Peshawar.

..... Respondents

~~ATTESTED~~  
EXAMINER  
Peshawar High Court

(3)  
(33)

**WRIT PETITION UNDER ARTICLE 199**  
**OF THE CONSTITUTION OF THE**  
**ISLAMIC REPUBLIC OF PAKISTAN 1973**

**Respectfully Sheweth:**

That the Petitioners respectfully submit as under:

1. That the Petitioner joined the service on 25/6/1990 and serving as senior clerk BPS 14 attached with Internment center Laki Marwat department of home and tribal affair Khyber Pakhtunkhwa office of the Inspector General of Khyber Pakhtunkhwa having outstanding ACRS throughout and retired from service dated 14/04/2016. (Copies of the ACRS are Annexed as Annexure "A")
2. That the office of the Inspector General prison Khyber Pakhtunkhwa Peshawar No.8/24-J-2007/13246 dated 20/5/2014 issued / circulated final seniority list of senior clerks, whereby the name of the Petitioner was shown on serial no 6. (Copies of Seniority List are annexed as Annexure "B")
3. That the respondent No 2 and 3 issued the impugned notifications no. SO(Prison)-HD/8-6/2013/BC-137240 Dated 11/06/2015 order of promotion of the respondents no. 5 to 10 / senior clerks from BPS 14 to BPS 16 and impugned posting transfer order dated 23/06/2015 while

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

34

4

ignoring the seniority of the appellant. ( Copies of the notifications are annexed as Annexure "C")

4. That the Petitioner was on serial no 6, of the seniority list meanwhile some adverse remarks were recorded in the P.E.R-2014 and on appeal adverse remarks were expunged vide Government of Khyber Pakhtunkhwa Home and tribal affair department S.O Prison notification number SO(PRISONS)HD/P-F/1-12/2015/BC-137131 dated 19/11/2015. (Copies of appeal and Notification are annexed as Annexure "D")

5. That feeling aggrieved from the impugned Notifications /promotion the Petitioner filed the departmental appeal on 13/11/2015, however it was not replied despite the lapse of 90 days and the Petitioner than filed service appeal before the service tribunal Khyber Pakhtunkhwa Peshawar. (Copies of the appeal to service tribunal are annexed as Annexure "E ")

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

6. That the Service Tribunal Khyber Pakhtunkhwa Peshawar after hearing both the parties passed Judgment / Order dated 18/02/2019 with direction to the respondents to consider the petitioner for pro-forma promotion because the petitioner was retired on 14/04/2016 from service. (Copy of the Judgment dated 18/02/2019 is annexed as Annexure "F")

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

7. That the respondent no. 3 on the recommendation of the Departmental Promotion Committee passed the



35

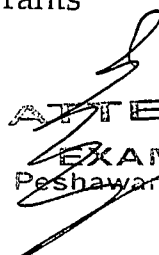
(5)

impugned order no. SO (P&R)HD/1-2/Promotion/2019/ dated 25 September 2019 whereby the petitioner was promoted to the post of Assistant (BPS-16) with effect from 14/04/2016. (Copy of the impugned order dated 25/09/2019 is annexed as Annexure "G")

8. That the petitioner appeal to the competent authority against the impugned order dated 25 September 2019 but no relief has been given to the petitioner. (Copy of the appeal is annexed as Annexure "H")
9. That the petitioner retired from service dated 14/04/2016 have no other adequate remedy, approaches this Hon'ble court on the following grounds.

G R O U N D S:

- A. That the act of respondents, not placing the name of the petitioner as per seniority list for promotion is illegal, without lawful authority, without jurisdiction and violation of the rules and law is liable to be modified in the above terms.
- B. That the respondents have committed a legal error by not considering the name of the petitioner for pro forma promotion being senior and fit candidate and promoted the juniors despite the fact that the vacancies were still vacant therefore the respondents acted in disregard of law and judgments of the superior courts, warrants interference.

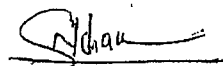
  
**ATTESTED**  
**EXAMINER**  
Peshawar High Court

- C. That the respondents No 1 to 4 ignored the services rendered by the petitioner to the department and promoted the respondent no 5 to 10 despite the fact that they were Junior as per seniority list, the petitioner is entitled to pro forma promotion as a right.
- D. That the Act of the Respondents is against the Articles 4, 25, & 27 of the Constitution of Islamic Republic of Pakistan 1973.
- E. That the petitioner has been discriminated again as there was similarly placed other employees who were promoted and in the case of the petitioner it was denied.
- F. That the petitioner seeks leave of this Honorable Court to raise / argue any additional point at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this writ petition, this Honorable Court may graciously be pleased to declare the impugned order no. SO (P&R)HD/1-2/Promotion/2019/. Passed by the respondent no.3 dated 25 September 2019 null and void and the petitioner may be pro forma promoted to Assistant (BPS-16) from 11/06/2015 with all back benefits from the date of pro forma promotion.

Dated: 23/12/2019  
Through

PETITIONER



Nasir Khan Afridi  
Advocate,  
High Court, Peshawar

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

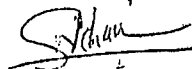


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7

**CERTIFICATE:**

Certified that as per instructions of my client no such like writ petition has earlier been filed before this Hon'ble Court

  
Advocate

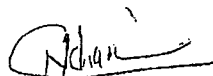
**List of Books:-**

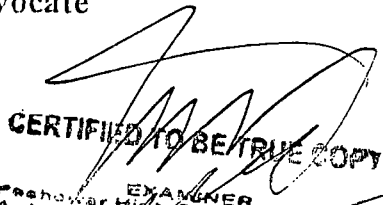
1. Constitution of the Islamic Republic of Pakistan.
2. Efficiency and disciplinary rules.
3. Service laws.
4. Any other law books according to need.

  
Advocate

**Note:**

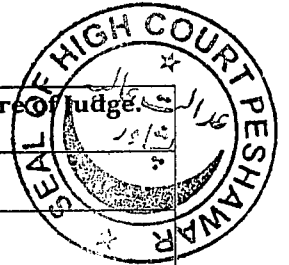
1. This writ petition falls within the jurisdiction of division bench as per rule.
2. Addresses of the parties have correctly been given.

  
Advocate

  
**CERTIFIED TO BE TRUE COPY**  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 17 of  
The High Courts (Punjab & Sindh) Act, 1956  
09 SEP 2020

**PESHAWAR HIGH COURT, PESHAWAR**

**ORDER SHEET**



Date of Order of Proceedings	Order of other Proceedings with Signature of Judge
1	2
19.02.2020	<p><b>WP No.87-P/2020 with IR.</b></p> <p>Present: - <b>Mr. Nasir Khan Afridi, Advocate for the petitioner.</b></p> <p>*****</p> <p><b>LAL JAN KHATTAK, J. -</b> At the very outset of the case proceedings, learned counsel for the petitioner stated at the bar that he would be satisfied and would not press this petition any more, if same is treated as representation and sent to the worthy Chief Secretary, Government of Khyber Pakhtunkhwa for its decision in accordance with law and rules on the subject.</p> <p>In view of the above, we dispose of this petition by sending it to the Chief Secretary, Government of Khyber Pakhtunkhwa for treating it as representation and pass an order thereon, in accordance with law, within a period of 30-days from today.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

DB of Hon'ble Mr. Justice Lal Jan Khattak & Hon'ble Mr. Justice Syed Muhammad Attique Shah

No. 6946

Date of Presentation of Application 9/9/20

No of Pages 2-2

Copying fee

Total 28

Date of Preparation of Copy 9/9/2020

Date of Delivery of Copy 9/9/2020

Received By [Signature]

**CERTIFIED TO BE TRUE COPY**

*[Signature]*

Secretary  
Peshawar High Court, Peshawar  
Authorized Under Article 8.7 of  
The Courts (Amendment) Order 1999

**09 SEP 2020**



Annexure J

Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Dated Peshawar the August 27, 2020

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ORDER

No. SO(P&R)/HD/1-2/2020. WHEREAS, Mr. Imam Hussain, Ex-Senior Clerk was superseded for promotion to the post of Assistant (BPS-16) in DPC meeting held on 02.06.2015 due to adverse remarks in PERs for the year 2014, which were later on expunged by appellant authority on 19.11.2015. According to the Rule-V(e) of Khyber Pakhtunkhwa Promotion Policy, 2008 "If a civil servant is superseded, he shall not be considered for promotion until he earns one PER for the ensuing one full year", due to which his case was not placed before the DPC.

2. AND WHEREAS, aggrieved with the decision of the DPC Mr. Imam Hussain, filed Service Appeal in the Khyber Pakhtunkhwa Service Tribunal for grant of promotion to the post of Assistant (BPS-16).

3. AND WHEREAS, the tribunal directed vide judgment dated 18.02.2019 that the case of the appellant may be considered for proforma promotion. The Administrative Department, in light of the ibid rule, after his retirement on 14.04.2016, considered his case for promotion in DPC meeting held on 12.09.2019.

4. The Ex-Official, unsatisfied, filed a Writ Petition No.87-P/2020 in the Peshawar High Court for grant of retrospective promotion from 11.06.2015 instead of 14.04.2016 along-with all back benefits. However, the Court disposed of his writ petition vide judgment dated 19.02.2020 by sending the same to the appellate authority for treating it as "Representation".

5. NOW THEREFORE after going through the reason of the case I, Chief Secretary Khyber Pakhtunkhwa, being appellate authority, regret this representation for the reason that the Departmental Promotion Committee has acted in accordance with the Promotion Policy of the Provincial Govt, which provides that promotion shall always be notified with immediate effect. His case, for no reason deserve Proforma Promotion as the same was deferred for valid reasons of adverse remarks in ACR for the year 2014. Once the same expunged by the appellate authority his case for promotion was placed before the proper forum i.e DPC which is the competent forum to decide promotion cases and which has made its decision by promoting him with immediate effect. Now therefore, for the reason as stated at Para 4 above I, Chief Secretary, Khyber Pakhtunkhwa as appellate authority reject the appeal.

Chief Secretary to Government of  
Khyber Pakhtunkhwa

Endst: even No & date:-

*Copy forwarded for information to the:-*

1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
4. Master file.

Section Officer (P&R)

قیمت  
50 روپے

58840



ایڈویکٹ: ناہر خان آفریدی

بار کونسل/ایسوسی ایشن نمبر: bc 15-9607

رابطہ نمبر: 0315 5250330

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریبونل KPK پشاور

مخانب: <u>ایپیلانٹ</u>	دعویٰ: <u>سروس اپیل</u>
<u>امام حسین</u>	علت نمبر: _____
<u>بنام</u>	مورخہ: _____
<u>چیف سیکرٹری، وعینہ</u>	جرم: _____
	تھانہ: _____

**باعث تحریر آئکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
آن مقام لکھنؤ کیلئے ناہر خان آفریدی راجہ محمد اعجاز، رضوان خان ملک اور دیگر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 10/09/2020

العبد گواہ شد العبد

مقام پشاور کے لیے منظور ہے۔

Accepted

S Khan

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Handwritten signature

Imam Hussain

Before the Service Tribunal KPK

Service appeal No: 10820/2020

Imam Hussain vs. Chief Secretary Peshawar & others

Application for extension time for deposit  
process fee / Security

Respectfully Sheweth:

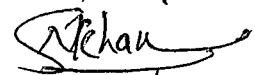
- ① That the above mentioned appeal is pending in this Hon'ble Court which is fixed for today.
- ② That the Petitioner not deposit process fee due to some reasons and now want to deposit the fee before next date of hearing.

It is therefore humbly prayed that this Hon'ble Court may extend time for the deposit of process fee / Security.

Dated: 19/07/2021

through

Petitioner/Appellant



Nasir Khan Afridi

Advocate

**"B"**

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

No.

Appeal No. 10820 of 20 20

Imam Hussain Appellant/Petitioner

Chief Secy. Govt. of KP Respondent

Respondent No. 4  
Superintendent Incharged Internment Center Larki Marwat.

*Ryd*

Notice to: —

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.

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.....

Day of.....20 21

*(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, S.B  
PESHAWAR.

No.

Appeal No. 10820 of 20 20

Imam Hussain Appellant/Petitioner

Versus

Chief Secy: Govt of KPK Respondent

Respondent No. 1

Notice to: Chief Secretary Govt of 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 21/2/22 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.

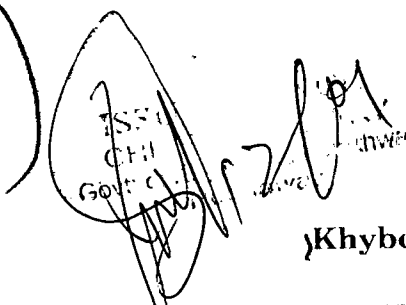
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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 22/12

Day of Dec 20 21

(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, S.B  
PESHAWAR.

No.

Appeal No. 10820 of 20 20

Imam Hussain Appellant/Petitioner

Versus

Chief Secy Govt of KPK Respondent

Respondent No. 2

Notice to: Inspector General of Prisons 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 21/2/22 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 22<sup>nd</sup>

Day of Dec 20 21

(For Reply)



[Signature]  
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, S.B  
PESHAWAR.

No.

Appeal No. 10820 of 20 20

Imam Hussain Appellant/Petitioner

Versus

Chief Secy. Govt. CF KPK Respondent

Respondent No. 3

Notice to: —

Secretary Home Govt. CF 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 21/2/22 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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Given under my hand and the seal of this Court, at Peshawar this 22<sup>nd</sup>

Day of Dec 20 21

(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.  
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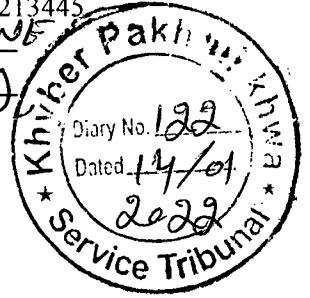


OFFICE OF THE  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. KE-1179 WB

Dated 12-01-2022



To,

The Registrar Khyber Pakhtunkhwa,  
Service Tribunal Peshawar.

Subject: **SERVICE APPEAL NO. 10820/2020 FILED BY "IMAM HUSSAIN" VS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS "**

Respected Sir,

I am directed to refer to the subject and to state that this office has received a copy of Notice dated 12-12-2021 from the office of Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar on the subject service appeal (**copy of Notice is enclosed**).

I am further directed and to request you to provide this office a copy of service appeal alongwith its enclosures in order to enable this office to prepare Joint Para-wise comments in the subject appeal.

Next date of hearing in the instant appeal is fixed for 21-02-2022 for submission of reply.

**Being court matter an early action in the matter is requested please.**

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

Endst; No. \_\_\_\_\_/-

Copy of the above is forwarded to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Home and Tribal Affairs Department Peshawar.
2. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal Peshawar.

(For information please)

ASSISTANT DIRECTOR  
INSPECTORATE GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

*Do the needful immediately*

*Sajjadul Muhannar*

*17/11/22*

*26.01.2022*

**"B"**

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

SEEN	
LG	
ALG	
D.D.	
A.D.	of 20 20

No.

Appeal No. 10820

Imam Hussain

Appellant/Petitioner

Versus

Chief Secy: Govt of KPK

Respondent

Respondent No. 2

Notice to: -

Inspector General of Prison 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 21/2/22 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.

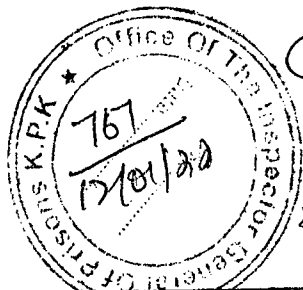
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 22/12

Day of Dec 20 21

For Reply



12/1/21 [Signature]

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.

① Before The Honourable chairman of KP service Tribunal  
Peshawar.

Put up to the court with  
relevant appeal.

848

28/07/2022

Subject: Request for submission of Joint Parasawise  
Comments in respect of service appeal  
No. 10820/2020 Titled "Imam Hussain vs

28/7/22

Respectable

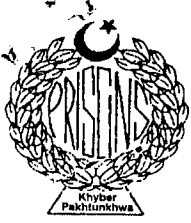
Govt of KPK Through chief secretary and others."  
on behalf of Respondents.

Respected sir,

The applicant submitted as under:

- (i) That the Captained service appeal was  
filed on 14-06-2022 for submission of Reply/  
Joint Parasawise Comments on behalf of respondents,  
in which right of defence was struck off and  
the case fixed for Today i.e on 28-07-2022.
- (ii) That on Today dated 28-07-2022 I Sulaiman Senior  
Instructor/Officer of the IG's Prisons office attended  
The Honourable Tribunal, and the case further adjourned  
to 24-10-2022 due to non-availability of the Counsel  
of the appellant.
- (iii) That the representative humbly requested that I may  
please be allowed to submit Joint Parasawise  
Comments on behalf of respondents please sir, by Today.

Your's obediently  
Sulaiman (Senior Instructor)  
Law Officer /  
Office of the IG's Prisons Office  
Kp Peshawar.  
28/7/2022



**MOST IMMEDIATE**  
**COURT MATTER**  
**TIME LIMIT CASE**  
**OUT JUST NOW**

OFFICE OF THE  
INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA PESHAWAR

091-9210334, 9210406 091-9213445

No. 357865  
Dated 26-10-2020

## **AUTHORITY LETTER**

Mr. Sulaiman , Senior Instructor / Law Officer (BPS-17) attached to the office of Inspectorate of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments / reply and to attend the Peshawar High Court Peshawar / Service Tribunal as well as Supreme Court of Pakistan and also to attend the office of Additional Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of Inspector General Prisons Khyber Pakhtunkhwa.

**INSPECTOR GENERAL OF PRISONS  
KHYBER PAKHTUNKHWA, PESHAWAR**

Inspector General of Prisons  
Khyber Pakhtunkhwa Province  
Peshawar

22.10.2020

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

In the matter of  
Service Appeal No. 10820/2020

Imam Hussain ..... **Appellant**

**VERSUS**

1. Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. The Secretary to Government of Khyber Pakhtunkhwa, Home & T.As  
Department.
4. The Superintendent Incharge, Internment Centre Lakki  
Marwat..... **Respondents**

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4	Home Department Notification dated 27-08-2020	B	5

  
Deponent



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No. 10820/2020  
Imam Hussain,.....

**Appellant**

**VERSUS**

1. Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. The Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department.
4. The Superintendent Incharge, Internment Centre Lakki Marwat.....**Respondents**

**SUBJECT: JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTION:**

- i. *That the appellant has got no cause of action.*
- ii. *That the appeal is incompetent and is not maintainable in its present form.*
- iii. *That the appellant is estopped by his own conduct to bring the present appeal.*
- iv. *That the appellant has got no locus standi.*
- v. *That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.*
- vi. *That the Present appeal is barred by Law.*
- vii. *That this Honorable Tribunal has may please be graciously dismissed is appeal being not tenable in the eye of Law.*
- viii. *The present appeal comes within the ambit of res-judicata, hence not maintainable at any cost.*

**FACTUAL OBJECTIONS:-**

1. Pertains to his service record, hence need no comments.
2. Admitted as correct.
3. The promotion case of senior clerks including the petitioner were placed before the Departmental Promotion Committee (DPC) and as recommended by the committee and approved by the authority the promotion orders of the suitable candidates were notified accordingly and the petitioner was superseded due to adverse entry in his service record/PER. Later on, he filed appeal which was considered and filed by the appellate authority (Home Secretary). No departmental appeal was filed by the appellant against his supersession (**Minutes of DPC meeting held on 02-06-2015 is Annexure-A**).
4. Admitted to the extent that adverse remarks were recorded in his P.E.Rs for the year 2014 which was accordingly communicated to him and upon appeal the said adverse remarks were expunged by the appellate authority (Home Secretary) in the month of November 2015 which is earlier from his expungement date. However, the appellate authority rejected his appeal for setting aside the penalty of withholding of increment for one year awarded to him in a departmental case of misappropriation in the Store Article while he was posted at CP Bannu on 19-12-2013 at 04:00 PM, he was caught red handed by Superintendent Jail concerned while taking away 14 Kg Rice from Jail Store.
5. As explained in Para-03 above, his appeal was badly time barred.
6. That admitted to the extent that as per direction of Honourable Service Tribunal, his case was duly examined by the Departmental Promotion Committee resultantly, he was promoted with immediate effect.

7. Admitted as correct the Departmental Promotion Committee being the competent authority was pleased to promote the appellant as a senior Clerk BPS-14 to the Post of Assistant BPS-16.
8. No comments.
9. Admitted as correct in response of Para-09 the Chief Secretary Khyber Pakhtunkhwa being appellate authority regretted his representation for the reason that the Departmental Promotion Committee has acted in accordance with Promotion policy of the Provincial Government which provides that promotion shall always be notified with immediate effect. His case for no reason deserve pro forma promotion as the same was deferred for valid reason of adverse remarks in PER for the year 2014. When it was expunched by the appellate authority his case for promotion was placed before the proper forum i.e the Departmental Promotion Committee which is the competent forum to decide promotion cases. The committee decided to promote him with immediate effect, therefore, the appellate authority rejected the appeal/ representation is made/ prepared by the appellant **(Home Department Notification dated 27-08-2020 is Annexure-B).**
10. Detail reply of this Para is elaborated in Para-09 above as detail of rejection of representation is elaborated in above referred notification.
11. Pertain to record no comments.

**OBJECTION ON GROUNDS:**

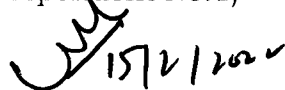
- A) Not admitted, as explained in the preceding Para's.
- B) Incorrect and not admitted, appellant was considered however superseded.
- C) Incorrect and not admitted, his service career was not spotless as explained in Para-04 above, hence he was not considered suitable for promotion to the post of Assistant BPS-16 by the Committee concerned and according to Section 22 of Civil Servant Act of 1973 the decision of Committee cannot be challenged.
- D) Incorrect and not admitted, the act of respondents is in accordance with Law.
- E) Incorrect and not admitted, as no discrimination treatment was done to the appellant and the Committee decision was strictly in accordance with the rules
- F) That the respondents would also seek permission of this Honorable Service Tribunal to raise additional objection at the time of arguments.

**PRAYER:**

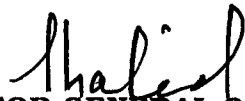
It is therefore most humbly prayed that on acceptance of this Joint Para wise comments/ reply on behalf of respondents No.01 to 04, the service appeal of the appellant may very kindly be dismissed being devoid of Merits and against the Law as this Honorable Service Tribunal already heard the same issues vide its judgment dated 18-02-2019 passed in service appeal No. 311/2016 which is now past in close transaction.



**CHIEF SECRETARY**  
Khyber Pakhtunkhwa  
(Respondent No.1)

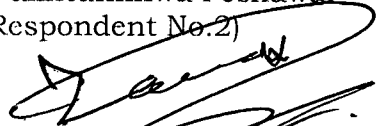


**SECRETARY TO GOVERNMENT**  
of Khyber Pakhtunkhwa  
Home & T.As Department  
(Respondent No. 03)  
**Home Secretary,**  
Khyber Pakhtunkhwa



**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.2)

08/02/2020



**SUPERINTENDENT**  
Incharge Internment Centre Lakki Marwat  
(Respondents No.4)

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Service Appeal No. 10820/2020  
Imam Hussain,.....

**Appellant**

**VERSUS**

1. Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. The Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar
3. The Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department.
4. The Superintendent Incharge, Internment Centre Lakki Marwat.....

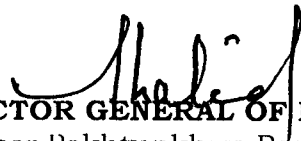
**Respondents**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 to 4**

We the following respondents do hereby solemnly affirm and declare that the contents of Joint Para-wise Comments are true and correct to the best of our Knowledge and belief and nothing have been concealed from this Honorable Service Tribunal.



**CHIEF SECRETARY**  
Khyber Pakhtunkhwa  
(Respondent No.1)



**INSPECTOR GENERAL OF PRISONS**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No.2)

08-02-2022

**SECRETARY TO GOVERNMENT**  
of Khyber Pakhtunkhwa  
Home & T.As Department  
(Respondent No. 03)

**SUPERINTENDENT**

Incharge Internment Centre Lakki Marwat  
(Respondents No.4)

**Home Secretary,**  
Khyber Pakhtunkhwa



Subject: - **MINUTES OF THE DPC MEETING HELD ON 02-06-2015 AT 1400 HOURS, FOR PROMOTIONS / APPOINTMENT ON ACTING CHARGE BASIS :-**

- (i) **ASSISTANT SUPERINTENDENT JAIL (BPS-14) TO SENIOR ASSISTANT SUPERINTENDENT JAIL (BPS-16)**  
 (ii) **SENIOR CLERK (BPS-14) TO THE POST OF ASSISTANT (BPS-16)**

A meeting of the Departmental Promotion Committee on the subject cited case was held on 02-06-2015 at 1400 hours in the office of Secretary to Government of Khyber Pakhtunkhwa Home and T.As Department under his chairmanship. The following attended the meeting: -

- |   |                     |
|---|---------------------|
| 1. Mr. Siraj Ahmad,<br>Special Secretary Home & T.As Department/<br>Inspector General of Prisons.   | In<br>Chair/Member. |
| 2. Mr. Wazir Muhammad Afgar<br>Section Officer(Regulation)<br>Finance Department Khyber Pakhtunkhwa | Member              |
| 3. Mr. Shafi-ul-Ahmad<br>Section Officer (R-III)<br>Establishment Department Khyber Pakhtunkhwa     | Member              |
| 4. Mr. Rehmat Ali Wazir,<br>Section Officer(Prisons)<br>Home & T.As Department Wazir Muhammad Afgar | Secretary           |

The Chair welcome to the participants. The committee examined the subject cited cases one by one and after detailed discussion, the following decisions were made: -

- (i) **PROMOTIONS / APPOINTMENTS OF ASSISTANT SUPERINTENDENT JAIL (BPS-14) TO THE POST OF SENIOR ASSISTANT SUPERINTENDENT JAIL (BPS-16)**

S#	NAME OF OFFICER	DECISIONS OF DPC
1-	Mr. Muhammad Naeem Assistant Superintendent Jail (BPS-14)	Due to containing major penalty of reduction to the low post awarded to him vide I.G. Prisons office order No.320 dated 20-12-2012, the committee did not consider suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16), hence superseded.
2-	Mr. Abdul Hakim, Assistant Superintendent Jail (BPS-14)	Due to containing major penalty of reduction to the low post awarded to him vide Home Department order No.2 SO(Pris)HD/10 dated 12-1-2011, the committee did consider suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16), hence superseded.
3-	Mr. Ayub Bacha, Assistant Superintendent Jail (BPS-14).	Committee, considered him suitable for promotion to post of Senior Assistant Superintendent Jail (BPS-16) regular basis, keeping in view of his satisfactory service record.
4-	Syed Mohy-ud-Din Shah Assistant Superintendent Jail (BPS-14)	Committee, considered him suitable for promotion to post of Senior Assistant Superintendent Jail (BPS-16) regular basis, keeping in view of his satisfactory service record.
5-	Mr. Zahir Shah, Assistant Superintendent Jail (BPS-14)	Committee, considered him suitable for promotion to post of Senior Assistant Superintendent Jail (BPS-16) regular basis, keeping in view of his satisfactory service record.
6-	Mr. Amjad Ali Khan, Assistant Superintendent Jail (BPS-14)	Committee, considered him suitable for promotion to post of Senior Assistant Superintendent Jail (BPS-16) regular basis, keeping in view of his satisfactory service record.
7-	Mr. Riaz Muhammad Khan, Assistant Superintendent Jail(BPS-14)	Committee, considered him suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16) or regular basis, keeping in view of his satisfactory service record.
8-	Mr. Abdul Nasir Khan, Assistant Superintendent Jail (BPS-14)	Committee, considered him suitable for promotion to post of Senior Assistant Superintendent Jail (BPS-16) regular basis, keeping in view of his satisfactory service record.

**ATTESTED**  
 Assistant Director (Admin)  
 For I.G. Prisons

S#	NAME OF OFFICER	DECISIONS OF DPC
9-	Mr. Shamroze Khan, Assistant Superintendent Jail(BPS-14).	The committee was informed that in the light of inquiry report the said official exonerated from the charges, therefore, subject to proper exoneration orders of the competent authority of the said official, the committee considered him suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16) on regular basis keeping in view of his satisfactory service record.
10-	Mr. Shehryar, Assistant Superintendent Jail (BPS-14).	Committee, considered him suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16) on regular basis, keeping in view of his satisfactory service record.
11-	Syed Zainul Arifeen Shah, Assistant Superintendent Jail (BPS-14).	Committee, considered him suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16) on regular basis, keeping in view of his satisfactory service record.
12-	Mr. Yousaf Gul, Assistant Superintendent Jail (BPS-14).	Committee, considered him suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16) on regular basis, keeping in view of his satisfactory service record.
13-	Syed Rizwan Shah, Assistant Superintendent Jail (BPS-14).	Committee, considered him suitable for promotion to the post of Senior Assistant Superintendent Jail (BPS-16) on regular basis, keeping in view of his satisfactory service record.
14-	Mr. Ihsan-ud-Din, Assistant Superintendent Jail (BPS-14).	The official holding the existing post with effect from 1-10-2010, thus his required length of five years service is short only for 04 months and as per provision in Rule-9 of Khyber Pakhtunkhwa Civil Servant Appointments, Promotion and Transfer Rules, 1989, committee considered him suitable for appointment as Senior Assistant Superintendent Jail (BPS-16) on acting charge basis.
15-	Mr. Anwar Shamim Khan, Assistant Superintendent Jail (BPS-14).	The official holding the existing post with effect from 1-10-2010, thus his required length of five years service is short only for 04 months and as per provision in Rule-9 of Khyber Pakhtunkhwa Civil Servant Appointments, Promotion and Transfer Rules, 1989, committee considered him suitable for appointment as Senior Assistant Superintendent Jail (BPS-16) on acting charge basis.
16-	Syed Muhammad Salman Shah, Assistant Superintendent Jail (BPS-14).	The official holding the existing post with effect from 7-10-2010, thus his required length of five years service is short only for 04 months and as per provision in Rule-9 of Khyber Pakhtunkhwa Civil Servant Appointments, Promotion and Transfer Rules, 1989, committee considered him suitable for appointment as Senior Assistant Superintendent Jail (BPS-16) on acting charge basis.
17-	Mr. Aftab Ahmad, Assistant Superintendent Jail(BPS-14).	The official holding the existing post with effect from 4-10-2010, thus his required length of five years service is short only for 04 months and as per provision in Rule-9 of Khyber Pakhtunkhwa Civil Servant Appointments, Promotion and Transfer Rules, 1989, committee considered him suitable for appointment as Senior Assistant Superintendent Jail (BPS-16) on acting charge basis.

(II) PROMOTIONS OF SENIOR CLERK (BPS-14) TO THE POST OF ASSISTANT (BPS-16)

S#	NAME OF OFFICIAL	DECISIONS OF DPC
1-	Mr. Irfanullah, Senior Clerk(BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
2-	Mr. Praim, Senior Clerk(BPS-14).	The committee was informed that the said Senior Clerk has been died on 01-6-2015, hence not considered for promotion.
3-	Mr. Akhtar Shah, Senior Clerk(BPS-14).	The said official opted in writing for his promotion to the executive cadre i.e Assistant Superintendent Jail, hence the committee accepted his option and as per Rules-7 sub rule-5 of (Appointment, Promotion & Transfer) Rules-1989 vide Government of Khyber Pakhtunkhwa Establishment Department Notification

**ATTESTED**

Assistant Director (Admin)  
For I.G. Prisons  
Khyber Pakhtunkhwa Peshawar

NAME OF OFFICIAL	DECISIONS OF BPC
	No.SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011, the said official will not be considered for promotion to the post of Assistant (BPS-16) in next four years.
Mr.Anayat-ur-Rehman, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
Mr.Zahir Shah, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
6- Mr.Imam Hussain, Senior Clerk (BPS-14).	Due to containing adverse remarks in his P.E.R for the year 2014, the committee did not consider him suitable for promotion to the post of Assistant (BPS-16), hence, superseded.
7- Mr.Abid Hussain, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
8- Mr.Niaz Ali, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
9- Mr.Raj Wali, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
10- Mr.Muhammad Ali, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
11- Mr.Abid Jamal, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
12- Mr.Muhammad Latif, Senior Clerk (BPS-14).	Due to containing adverse remarks in his P.E.R for the years 2013 & 2014 as well as major penalty of reduction to lowest stage in present time pay scale awarded to him in a departmental proceeding vide I.G.Prisons office order No.26276 dated 23-10-2014, the committee did not consider him suitable for promotion to the post of Assistant(BPS-16), hence, superseded.
13- Mr.Muhammad Javed, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.
14- Mr.Sajid Ali, Senior Clerk (BPS-14).	Committee, considered him suitable for promotion to the post of Assistant (BPS-16) on regular basis, keeping in view of his satisfactory service record.

SIRAJ AHMAD.

SPECIAL SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT/INSPECTOR GENERAL OF PRISONS

( WAZIR MUHAMMAD AFGAR )  
SECTION OFFICER(R)  
FINANCE DEPARTMENT  
KHYBER PAKHTUNKHWA

( SHAFI-UL-AHMAD )  
SECTION OFFICER (R-III)  
ESTABLISHMENT DEPARTMENT  
KHYBER PAKHTUNKHWA

( REHMAT ALI WAZIR )  
SECTION OFFICER (PRISONS)  
GOVT OF KHYBER  
PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS  
DEPARTMENT

**ATTESTED**

Assistant Secretary  
For I.G. Prisons  
Khyber Pakhtunkhwa Peshawar



Annexure J

Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Dated Peshawar the August 27, 2020

(39)

ORDER

No. SO(P&R)/HD/1-2/2020. WHEREAS, Mr. Imam Hussain, Ex-Senior Clerk was superseded for promotion to the post of Assistant (BPS-16) in DPC meeting held on 02.06.2015 due to adverse remarks in PERs for the year 2014, which were later on expunged by appellate authority on 19.11.2015. According to the Rule-V(e) of Khyber Pakhtunkhwa Promotion Policy, 2008 "If a civil servant is superseded, he shall not be considered for promotion until he earns one PER for the ensuing one full year", due to which his case was not placed before the DPC.

2. AND WHEREAS, aggrieved with the decision of the DPC Mr. Imam Hussain, filed Service Appeal in the Khyber Pakhtunkhwa Service Tribunal for grant of promotion to the post of Assistant (BPS-16).

3. AND WHEREAS, the tribunal directed vide judgment dated 18.02.2019 that the case of the appellant may be considered for proforma promotion. The Administrative Department, in light of the ibid rule, after his retirement on 14.04.2016, considered his case for promotion in DPC meeting held on 12.09.2019.

4. The Ex-Official, unsatisfied, filed a Writ Petition No.87-P/2020 in the Peshawar High Court for grant of retrospective promotion from 11.06.2015 instead of 14.04.2016 along with all back benefits. However, the Court disposed of his writ petition vide judgment dated 19.02.2020 by sending the same to the appellate authority for treating it as "Representation".

5. NOW THEREFORE after going through the reason of the case I, Chief Secretary Khyber Pakhtunkhwa, being appellate authority, regret this representation for the reason that the Departmental Promotion Committee has acted in accordance with the Promotion Policy of the Provincial Govt, which provides that promotion shall always be granted with immediate effect. His case, for no reason deserve Proforma Promotion as the same was deferred for valid reasons of adverse remarks in ACR for the year 2014. Once the same expunged by the appellate authority his case for promotion was placed before the proper forum i.e DPC which is the competent forum to decide promotion cases and which has made its decision by promoting him with immediate effect, Now therefore, for the reason as stated at Para 4 above I, Chief Secretary, Khyber Pakhtunkhwa as appellate authority reject the appeal.

Chief Secretary to Government of  
Khyber Pakhtunkhwa

Endst: even No & date:-

Copy forwarded for information to the:-

1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
4. Master file.

Section Officer (P&R)