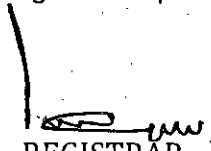




FORM OF ORDER SHEET

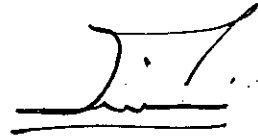
Court of _____

Case No.- 3229 /2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 25/02/2021 | <p>The appeal of Mr. Muhammad Hayat presented today by Mr. Athar Abbas Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 12.05.2021 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 26.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p> |

26.08.2021

Learned counsel for the appellant present and requested for adjournment on the ground that he is proceeding to worthy Peshawar High Court, Peshawar, for appearance in a case. Adjourned. To come up for preliminary hearing before the S.B on 04.10.2021.



(SALAH-UD-DIN)
MEMBER (J)

04.10.2021

Mr. Athar Abbas, Advocate, for the appellant present and sought time for preliminary hearing. Adjourned. To come up for preliminary hearing before the S.B on 14.10.2021.

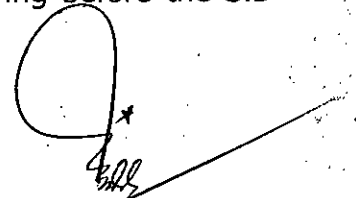


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

14.10.2021

None for the appellant present.

Notices be issued to the appellant and his counsel. Adjourned. To come up for preliminary hearing before the S.B on 15.12.2021.




(MIAN MUHAMMAD)
MEMBER (E)

15.12.2021

None for the appellant present.

Notices be issued to the appellant and his counsel.
Adjourned. To come up for preliminary hearing on 24.02.2022
before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

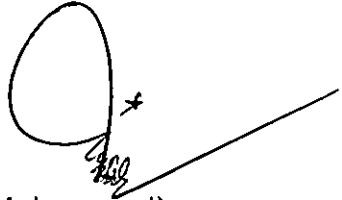
24.02.2022

Due to retirement of the Worthy Chairman, the
Tribunal is defunct, therefore, case is adjourned to
24.05.2022 for the same as before.


Reader.

24.05.2022

Appellant in person present and requested for
adjournment on the ground that his counsel is not available
today. Adjourned. To come up for preliminary hearing on
06.07.2022 before S.B.


(Mian Muhammad)
Member (E)

06th July, 2022 1. Nobody put appearance on behalf of the appellant till closing hours of the court. The appeal is, therefore, dismissed in default. Consign.

2. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 6th day of July, 2022.*



(Kalim Arshad Khan)
Chairman

**BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

In Ref.
S.A _____/2021

**MUHAMMAD HAYAT S/O NOOR UL BASHAR SECTION
OFFICER, FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.**

.....APPELLANT

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
CHIEF SECRETARY, & OTHERS.**

.....RESPONDENTS

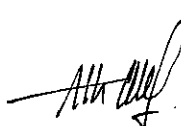
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| 6 | SUMMERY TO CM | C | 15-22 |
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| 9 | FINAL SENIORITY LIST 2020 ^{Departmental} _{Appeal} | F & F-I | 25-27 & 28-29 |
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| 11 | WAKALAT NAMA | | 33 |

Dated: 25-2-2021


APPELLANT

Through


ATHAR ABBAS
Advocate Peshawar High Court
Peshawar.

0

BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

In Ref. 3222
S.A _____/2021

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 2324
Dated 25/2/2021

MUHAMMAD HAYAT S/O NOOR UL BASHAR, SECTION
OFFICER FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.

.....APPELLANT

VERSUS

1. GOVT: OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY, CIVIL SECRETARIAT PESHAWAR.
2. SECRETARY ESTABLISHMENT DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.
3. SECRETARY FINANCE DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.
4. SECRETARY LAW DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 FOR

DECLARING THE NOTIFICATION DATED: 21/03/2013 OF THE RESPONDENTS AS NULL AND VOID AB-INITIO WHEREBY THE RESPONDENTS VIOLATED THE AMENDMENTS DATED: 04/10/2012 MADE IN KHYBER PAKHTUNKHWA PROVINCIAL MANAGEMENT SERVICES RULES 2007 WHICH PROVIDES SPECIFIC CRITERIA/FORMULA OF PROMOTION FOR PRIVATE SECRETARIES CADRE AS WELL AS SUPERINTENDENT CADRE UNDER THE JOINT SENIORITY LIST.

Filed to-day
a. Registrar
25/2/2021

(2)

- b. TO DECLARE THE ACT OF THE RESPONDENTS ILLEGAL, UNLAWFUL AND RESCINDED UPON THE LEGAL RIGHTS OF THE APPELLANT FOR NOT ENTERTAINING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY TIME AND ANY ORDER PASSED BY THE RESPONDENTS SUBSEQUENTLY IN THE DEPARTMENTAL APPEAL OR ANY ADVERSE ACTION TAKEN BY THE RESPONDENT AGAINST THE APPELLANT DURING PENDING THIS APPEAL MAY BE SET-ASIDE.
- c. TO DIRECT THE RESPONDENTS TO RE-CALCULATE THE SENIORITY OF THE APPELLANT UNDER THE AMENDED KHYBER PAKHTUNKHWA PMS RULES 2007 WITH ITS IMMEDIATE EFFECT AND OBSERVED RATIO OF 12:08 FORMULA AMONGST BOTH THE CADRES I.E. SUPERINTENDENT AS WELL AS PRIVATE SECRETARIES AND PLACED THE APPELLANT TO HIS RIGHT PLACE I.E. AT SERIAL NO.42 OF THE RECENTLY ISSUED FINAL SENIORITY LIST DATED: 05/10/2020 OR AS YOU MAY DEEM APPROPRIATE UNDER THE NEWLY AMENDMENTS IN PMS RULES, 2007 IN THE SUBSEQUENT SENIORITY LISTS AS AND WHEN PREPARED WITH ALL BACK BENEFITS.

RESPECTFULLY SHEWETH:

The appellant most humbly submits as under: -

1. That the appellant was appointed as junior scale stenographer (BPS-12) by the Government of Khyber Pakhtunkhwa Establishment Department's order dated: 15/06/1985.
2. That since the appointment of the appellant, the appellant performed his duties with hard work, obediently and trustworthy towards his seniors and due to his hard work, he was promoted step by step and was finally promoted to the post of section Officer.

3. That in the year 2007, the provincial government introduced a new cadre of the officer that is called Provincial Management Services (PMS) and proper rules were framed for managing their services i.e. Khyber Pakhtunkhwa PMS Rules, 2007.

(Copy attached as PMS Rules 2007 is attached as Annexure "A")

4. That before introducing the PMS Cadre in the provincial government, the seniority of private secretaries and superintendent cadre was maintained separately. However, provincial government provided an opportunity to both the cadres to become a PMS Officers and for this reason, the Private Secretaries cadre has to make optioned either to become a PMS officer or remained continued into his own cadre.

5. That after allowing both the cadres to become PMS Officers, here the respondents faced a problem that how the joint seniority of the both cadres would be maintained. So, for the purpose of joint seniority, amendments were proposed and were notified vide Notification Dated: 04/10/2012 and a proper formula was provided with the ratio of 12:08 for preparing joint seniority list of both the cadres i.e. superintendent and Private Secretaries.

(Copy amendments notification is attached as annexure "B")

6. That for framing the amendments in PMS Rules in respect of preparation of joint seniority list for both the cadres, the representative of both the cadres made a complete home work under consultation with the legal think tanks i.e. concerned officers and after deliberate consideration and with mutual consent framed the amendments and draw a formula to be maintain the joint seniority list keeping in view that this may not infringed the right of the single incumbent.

(Copy of summery and agreement deed are attached as annexure C & D)

7. That after the whole process, and soon after promulgation of the newly amendments in the PMS Rules, the respondents by violating the specific criteria/formula to be considered for preparing the joint seniority list issued

(4)

an impugned Promotion Notification dated: 21/03/2013, in which instead of considering 12:08 ratio amongst the Superintendent and Private secretaries, gave 100 per cent quota to the superintendents.

(Copy of impugned notification is attached as annexure "E")

8. That such act of the respondents badly affect the seniority of the private secretaries including the present appellant and thereafter all the seniority list were prepared in light of the above cited impugned promotion notification which suffered the seniority of the appellant and now the final seniority list issued by the respondent dated: 05/10/2020 being based on wrong and impugned notification is also incorrect and wrong which needs necessary correction.

(Copy of final seniority list is attached as annexure "F")

9. That feeling aggrieved from the above cited final seniority list dated: 05/10/2020, the appellant filed departmental appeal on 27/10/2020 for necessary correct in light of newly amendments in PMS Rules 2007 but no response from the respondent has been received to the appellant till date after expiry of the statutory period.

(Copy of Departmental Appeal is attached as "F-I")

10. That as the departmental appeal of the appellant was not entertained positively and till date no response was given to the appellant, therefore, the appellant filed this appeal before the service tribunal on following grounds inter-alia: -

GROUNDS:

- A. That the respondents have not treated the petitioner in accordance with law and rules on the subject and acted in violation of article-4 of the constitution of Islamic Republic of Pakistan 1973.
- B. That from the bare reading of the amendment notified through notification dated: 04/10/2012 the ratio of 12:08 was to be followed by the respondents for making future promotion from superintendents and Private

Secretaries/Personal Assistants but the respondents are bent upon not to follow the new amendments in its true spirit and are trying to deprive the petitioner from his due right. In evidence of this flagrant violation of the agreement and clearly stipulated ratio of slots copies of notification dated: 21/03/2013 are added which shows 09 superintendents to the posts of PMS.

- C. That in accordance with the summary approved by the worthy Chief Minister, Khyber Pakhtunkhwa in Para-16 it was clearly written in unequivocal terms that future vacancies in PMS will be filled in accordance with 12:08 ratio and amendments were also made in the PMS Rules, 2007 with immediate effect, meaning thereby that future vacancies in PMS will be filled on the above ratio but the respondents are mala-fidely and illegally not following the above said ratio.
- D. That the petitioner was the senior most regular private secretary and having 100 per cent promotion chances to be considered for promotion to be having at the top position of the seniority list under the amended rules but if the respondents are not stopped from violating the ratio laid down in the amended rules, in this way the future prospects of promotion of the petitioner will be destroyed and he will not get promotion during his entire service and if was promoted will be at the bottom of the seniority list and the same practice was done with the appellant as alleged in the final seniority list dated: 05/10/2020. Thus the respondents are violating the principles of natural justice and are also depriving the petitioner of his vested right.
- E. That the respondent are bent upon promotion the superintendents over and above their share in PMS and discriminating the petitioner.
- F. That the respondents should have to act upon the newly amendments in PMS Rules in letter and spirit while issuing the promotion notification dated: 21/03/2013 but they violate the amendments. However in this

6

respect, advice of the law department vide letter dated: 26/08/2002 is very much valuable and binding authority.

(Copy of letter is attached as annexure "G")

G. That the respondents are bent upon the trample down the fundamental rights of the petitioner which may be declared as illegal and coram non judice.

H. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant appeal an order/judgment as prayed for may be passed in favour of the appellant.

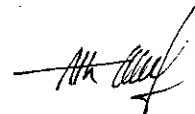
Any other relief not specifically asked may also graciously be awarded in favour of the appellant.

Dated: 25-2-021



APPELLANT

Through



ATHAR ABBAS

**Advocates Peshawar High Court
Peshawar.**

(7)

**BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

In Ref.
S.A _____/2021

**MUHAMMAD HAYAT S/O NOOR UL BASHAR SECTION
OFFICER, FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.**

.....APPELLANT

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
CHIEF SECRETARY, & OTHERS.**

.....RESPONDENTS

AFFIDAVIT

I, Muhammad Hayat Section Officer Finance Department, Civil Secretariat, Peshawar , do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

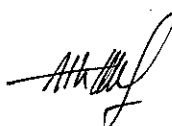


DEPONENT

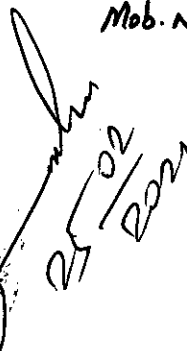
NIC No. 17301-1632572-1

Mob. No. 0333-9156856

Identified by:


ATHAR ABBAS
Advocate High Court Peshawar.




05/02/2021

(8)

**BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

In Ref.
S.A _____/2021

**MUHAMMAD HAYAT S/O NOOR UL BASHAR SECTION
OFFICER, FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.**

.....APPELLANT

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
CHIEF SECRETARY, & OTHERS.**

.....RESPONDENTS

=====
MEMO OF ADDRESSES
=====

APPELLANT:

**MUHAMMAD HAYAT S/O NOOR UL BASHAR , SECTION
OFFICER FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.**

RESPONDENTS:

- 1. GOVT: OF KHYBER PAKHTUNKHWA THROUGH CHIEF
SECRETARY, CIVIL SECRETARIAT PESHAWAR.**
- 2. SECRETARY ESTABLISHMENT DEPARTMENT, KHYBER
PAKHTUNKHWA, PESHAWAR.**
- 3. SECRETARY FINANCE DEPARTMENT, KHYBER
PAKHTUNKHWA, PESHAWAR.**
- 4. SECRETARY LAW DEPARTMENT, KHYBER
PAKHTUNKHWA, PESHAWAR.**


APPELLANT

Through


ATHAR ABBAS
Advocates Peshawar High Court
Peshawar.

(9)

Annex - A⁶⁶



GOVERNMENT OF THE
NORTH-WEST FRONTIER PROVINCE
ESTABLISHMENT DEPARTMENT

39

NOTIFICATION

Dated Peshawar the 11.05.2007.

No.SOE.II(ED)2(14)2007: In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servant Act, 1973 (N.-W.F.P. Act XVIII of 1973), the Chief Minister of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE PROVINCIAL
MANAGEMENT SERVICE RULES, 2007.

1. Short title and commencement.---(1) These rules may be called the North-West Frontier Province Provincial Management Service Rules, 2007.

(2) These rules shall come into force at once.

2. Definitions.---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "appointing authority" means the appointing authority as specified in rule 5 of these rules;
- (b) "Commission" means the North-West Frontier Province Public Service Commission;
- (c) "Department" means the Establishment and Administration Department;
- (d) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;
- (e) "Departmental Training" means any training prescribed by Government, the successful completion, whereof is necessary for promotion to BS-18 and BS-19;
- (f) "Schedule" means the Schedule appended to these rules;
- (g) "Service" means the Provincial Management Service;

[Signature]
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- (i) "Secretariat" means the North-West Frontier Province Civil Secretariat as defined in rule 2(f) of the North-West Frontier Province Government Rules of Business, 1985; and
- (ii) "share" means the share specified for distribution between All Pakistan Unified Group and Provincial Officers as per Schedule-III.

3. Nomenclature of the posts---The Service shall consist of the posts as specified in Schedule-I.

4. Method of recruitment---(1) The method of recruitment, minimum qualification, age limit and other matters related thereto for the Service shall be as given in Schedule-I.

(2) Fifty per cent of posts in BPS-17 shall be filled in by initial recruitment through Commission and remaining by promotion. Ten percent of Secretariat posts in BPS-17 to 19 shall be reserved for officers of technical departments on reciprocal basis. Government may reserve twenty per cent posts for leave, deputation and training etc in each pay scale.

(3) Posts specified in Schedule-II shall be filled in by Officers borne on Provincial Management Service and All Pakistan Unified Group in the ratio prescribed in Schedule-III.

4-A. Training--- On appointment to the post borne on the service in BS-17, whether by initial recruitment or by promotion, every officer so appointed shall successfully complete one and a half year's mandatory training including one year training at the Provincial Services Academy as per Module specified in Schedule-IV and six months training attachment as specified in Schedule-V. The training will be followed by Departmental Examination to be conducted by the Provincial Services Academy as specified in Schedule-VI.

5. Appointing Authority---The Chief Minister, N.-W.F.P. shall be the appointing authority for posts borne on the Provincial Management Service specified in Schedule-I.

6. Saving---In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to terms and conditions of service made or deemed to have been made under the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973).

7. Transitional:- The condition of graduation as laid down in para 2(a) and (b) of column-5 against serial No. 1 of Schedule-I shall not apply for a period of seven years from the date of coming into force of these rules to the existing incumbents for promotion against BS-17 posts.

8. Repeal---The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand

¹ Rule 4-A added vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007


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repeated after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50: 50: ⁴¹ [Provided that for the purpose of promotion of both the Secretarial Group and the Executive Group of the said service in different pay scales, -

- (i) the incumbents shall continue to be governed by the said service rules till the retirement of the last such incumbent; and
- (ii) the last incumbent of either Group shall rank senior to the first incumbent of the Provincial Management Service.]

[Signature]
ATTESTED

CHIEF SECRETARY
Government of the
North-West Frontier Proynce.

C.T.C
[Signature]

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SCHEDULE-I

| S.No. | Nomenclature of posts | Minimum qualification for appointment by Initial recruitment | Age limit for initial recruitment | Method of recruitment |
|-------|---|--|-----------------------------------|---|
| 1 | 2 | 3 | 4 | 5 |
| 1 | PMS(BS-17) as per detail at Schedule-II | Division Bachelor Degree from a recognized University. | 21-30 year | <p>1) Fifty per cent by initial recruitment on the recommendations of the Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in ³Schedule - VII.</p> <p>2) Subject to rule 7, by promotion in the following manner:</p> <p>(a) twenty per cent from amongst Tehsilidars, who are graduates, on the basis of seniority-cum-fitness, having five years service as Tehsildar and have passed the prescribed Departmental Examination; and</p> <p>(b) twenty per cent from amongst Superintendents /Private Secretaries on seniority-cum-fitness basis, who are graduate and have undergone a training course of 9-weeks at the Provincial Management Academy/Provincial Staff Training Institute. A joint seniority list of the Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts.</p> <p>3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in ⁴Schedule-VII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks who possess post graduate qualification from a recognized University and have atleast five years service under Government.</p> |
| 2 | PMS(BS-18) as per detail at Schedule-II | NIL | | By promotion, on seniority-cum-fitness basis, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination. |

³ The Word Schedule-IV replaced by Schedule VII vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007
⁴ The Word Schedule-IV replaced by Schedule VII vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

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| 1. | 2. | 3. | 4. | 5. |
|----|--|-----|----|--|
| 3. | PMS(BS-19) as per detail at Schedule-II. | NIL | | By promotion, on the basis of seniority-com-fitness, from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above and have passed the prescribed Departmental Training/ Examinations. |
| 4. | PMS(BS-20) as per detail at Schedule-II. | NIL | | By promotion on the basis of selection-on-merit, from amongst PMS officers holding posts in BS-19 and having at least 17 years service against posts in BS-17 and above and have undergone Advance Training Course from NIPA or any other training course prescribed by Government. |
| 5. | PMS(BS-21) as per detail at Schedule-II. | NIL | | By promotion, on the basis of selection-on-merit from amongst PMS officers holding posts in BS-20 and having at least 22 years service against posts in BS-17 and above and have undergone Course from Pakistan Administrative Staff College/National Defence College or from any other training Institute prescribed by Government. |

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C. T. C. / 2

[Signature]
ATTESTED



(14) Annex-8

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the October, 04. 2012

NOTIFICATION

No. SOE-II(ED)2(14)/2012. In exercise of the powers conferred by section. 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), The Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Provincial Management Service Rules, 2007, the following further amendments shall be made, namely:

AMENDMENT

In Schedule (1) against Serial No (1) in column No (5) in clause (2):-

- (i) in sub-clause (a), the word "and" at the end shall be deleted;
- (ii) for sub-clause (b), the following shall be substituted, namely:

"(b) twelve per cent, on the basis of seniority-cum-fitness, from amongst Superintendents, who are graduates having three years service as Superintendent or Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute; and" ;and

- iii) after clause (b) , as so amended , the following new clause shall be added , namely:

"(c) eight per cent ; on the basis of seniority-cum-fitness , from amongst Private Secretaries or Personal Assistants, who have opted to join Provincial Management Service and are graduates with three years service as Private Secretary or Personal Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute ."

[Signature]
ATTESTED

CTC
A

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

(15)

Annex C⁶⁶



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

45-

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject: UPGRADATION OF THE POSTS OF PRIVATE SECRETARIES,
PERSONAL ASSISTANTS/SENIOR SCALE STENOGRAPHERS
AND STENOGRAPHERS ON THE ANALOGY OF FEDERAL
GOVERNMENT.

On an application by the request of private secretaries, personal assistants & stenographers Association Civil Secretariat regarding their up-gradation, on the pattern of Federal Government the Chief Minister has been pleased to record the following remarks (F/A):

C.S/ Secy. Estab. & Finance
PI process & pu summary.

2. Mr. Saqibullah Khan Chamkani MPA has also raised this issue through a call attention notice no. 688 on the floor of the Provincial Assembly (F/B).

3. Background of the case is that in light of the Supreme Court order, Finance Division Islamabad, through an Office Memorandum dated 23.12.2011 (F/C), have upgraded the posts as tabulated below with request to Establishment Division for amending the Service Rules and endorsement to all Chief Secretaries for action accordingly:-

| Sr. No. | Nomenclature of Post | Existing BPS | Upgraded BPS |
|---------|----------------------|--------------|--|
| 1. | Private Secretary | BS-17 | Will continue to remain in BS-17 and will be granted BS-18 after putting in 5 years satisfactory service instead of 7 years. The Private Secretaries in Bs-18 will further be granted BS-19 after putting in 12 years service in BS-17 and above taking benefit of Establishment Division's O.M No. 1/9/80-R-II dated 02.6.1983 However, on grant of BS-19 nomenclature of the post will be Senior Private Secretary. The existing Private Secretaries in BS-17 will be granted BS-18 on the time basis, irrespective of their length of service in BS-17. |
| 2. | Stenographer | BS-15 | BS-16 |
| 3. | Stenotypist | BS-12 | BS-14 |

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Earlier, a resolution was also passed by, the Provincial Assembly of Khyber Pakhtunkhwa in 2010 for up-gradation of the posts of Stenographers cadre (F/D) and Provincial Government of Khyber Pakhtunkhwa, while endorsing the up-gradation case, worked out the financial implications and requested the Federal Government to upgrade the posts of Stenographer's cadre on following pattern (F/E&F):-

| Sr. No. | Nomenclature of Post | Existing BPS | Upgraded BPS |
|---------|--------------------------|--------------|--------------|
| 1. | Private Secretary (P.S) | BS-16 | BS-17 |
| 2. | Personal Assistant (P.A) | BS-15 | BS-16 |
| 3. | Sr. Scale Stenographer | BS-15 | BS-16 |
| 4. | Jr. Scale Stenographer | BS-12 | BS-15 |

5. It is worth mentioning here that in 2007 when Federal Government had upgraded the posts of Assistants, Senior Clerks, Junior Clerks & Class-IV employees, Finance Department had adopted the same pay scales at the provincial level and requested concerned departments to amend the service rules accordingly (F/G).

6. In the Government of Punjab, the case is under active consideration and the Services & General Administration Department vide letter No. SOP-(S&GAD)6-1/84 (Vol-V) dated 27.03.2012 has advised the Finance to move a summary to Chief Minister for approval of up gradation in pursuance of Federal Government's notification dated 23.12.2011 (F/H).

7. In order to proceed further in the matter, meetings of the following were convened under the chairmanship of Secretary Establishment in his office to discuss various options so as to avoid future complications:

- i. Mr. Abdul Lalif,
Special Secretary (Regulation)
Establishment Department.
- ii. Mr. Masood Ahmad,
Special Secretary,
Finance Department.
- iii. Mr. Zubair Ahmad,
Deputy Secretary (Establishment)
Establishment.

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-47-

After detailed discussion it transpired that up-gradation of the post of Jr. Scale Stenographer/ Steno typist (BPS-12) to BPS-14) and Senior Scale Stenographer / Personal Assistant (BPS-15) to BPS-16 will be a problem free process at Secretariat as well as attached departments and other provincial govt organization. Similarly upgradation of the post of Private Secretary (BS-16) to BS-17 in attached department and other provincial govt organization is also problem free. The exercise was carried out to address the problem which would arise in the upgradation of the post of post of Private Secretary to BPS-17 at Secretariat and the following three options were agreed upon:

Option no.1

All the post of Private Secretary (BS-16) will be upgraded to BS-17 and will be considered for horizontal promotion on the basis of joint seniority list of Supdt/ PSs to PMS-17 according to their share and no time scale etc will be given meaning thereby that only the post of Private Secretary (BS-16) will be upgraded to BS-17 and existing practice for promotion on the basis of joint seniority list with respect of date of regular appointment will continue.

Option no.2

Fix a ratio amongst the Supdts and PSs for induction into PMS BS-17 on the basis of their existing cadre strength. Promotion to PMS (BS-17) would be made from both the cadre according to their quota and no time scale etc will be given to PSs. Seniority of both these cadre will be maintained separately.

Option no.3

On Federal Government analogy PS Cadre be created. All the posts of existing PSs (BS-16) may be upgraded to BS-17 and about Ten posts will be created in BS-18 as Senior Private Secretary and these posts (in BS-17 & 18) will constitute PS Cadre. P.As (BS-16) will exercise option as to whether they want to join PMS cadre or PS cadre. Promotion to PMS will be made on the basis of joint seniority list from amongst the Supdt: /Personal Assistant (who opted for PMS) as per their share in PMS. Option once exercised shall be final. Similar option will be given by the existing Private Secretaries (BS-16) before their upgradation to BS-17 and if they opt for PMS, they will continue in BS-16.

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9 All participants agreed that option no.3 was the most viable.

10. In view of the above, it is proposed that the posts of Personal Assistants/Senior Scale Stenographers and Stenographers may be upgraded on the pattern of Federal Government w.e.f. 23-12-2011. The post of Private Secretary (BPS-16) to BPS-17 may also be upgraded here on the strength of Civil Secretariat Department as well as attached Department and other provincial govt. organizations

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and creation of the post of Senior Private Secretary (BPS-18) in Civil Secretariat departments as per option No.3, and subsequently concerned departments will amend the service rules accordingly.

11. The Chief Minister, Khyber Pakhtunkhwa is requested to kindly approve the proposal contained in Para-10 above of the summary.

12. Finance Department may add their views en-route.

(ARBAB MUHAMMAD ARIF)
Secretary Establishment
6 April 2012

Chief Secretary, Khyber Pakhtunkhwa

[Signature]
ATTESTED

13. Please add views.

[Signature]
6.4.12
CHIEF SECRETARY

SECRETARY FINANCE

[Handwritten signature]

(19)

Subject:- UPGRADATION OF THE POSTS OF PRIVATE SECRETARIES,
PERSONAL ASSISTANT/SENIOR SCALE STENOGRAPHERS AND
STENOGRAPERS ON THE ANALOGY OF FEDERAL GOVERNMENT.

49-

14. The Secretariat Superintendents, Assistants and Clerk Association has agitated the subject proposal and have submitted their concerns vide letter at F/X. The Establishment Department may examine their point of view also, and then resubmit the Summary, please.

Sahibzada Saeed Ahmad
(Sahibzada Saeed Ahmad)
Secretary, Finance
16-04-12

Secretary Establishment.

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ATTESTED

Next Page

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15. The summary was examined by Finance Department in para-14. With reference to their advice a committee was constituted to examine the issue arisen due to the upgradation of the posts of Private Secretaries, Personal Assistants & Stenographers and its implications upon Superintendents, Assistants & Clerks and to work out a viable proposal acceptable to both the Associations (Flag-K). A series of meetings of the committee were held (Flag-L) which ended on arrival of an agreement deed between these two Associations (Flag-M).

16. According to the agreement, the Superintendents, Assistants & Clerks cadre shall get 60% of the quota reserved for promotion of ministerial employees of the Civil Secretariat in the Khyber Pakhtunkhwa Provincial Management Service Rules, 2007. The remaining 40% share shall be kept for promotion for the cadre of Private Secretaries, PAs & Stenographers. The ratio will be fixed amongst both the cadres with immediate effect on the basis of future vacancies. PMS Rules will be amended accordingly.

17. In view of the above, option no.3 in para 8 stands modified as follows:-

- i. On analogy of Federal Government, a Private Secretary cadre may be created in the Secretariat. Posts of existing PSs (BS-16) who opt for PS cadre may be upgraded to BS-17 w.e.f. 23-12-2011 and ten posts of Senior Private Secretary BS-18 will be created for Chief Minister, Chief Secretary, ACS P&D and seven (7) floating posts of Administrative Secretaries. All these posts (in BS-17 and 18) will constitute PS cadre.
- ii. The existing Private Secretaries (BS-16) in the Secretariat will be given an option to choose any one cadre of PS or PMS. Those who prefer the PS cadre will be allowed upgradation to BS-17, whereas, those opting for the PMS will continue to be in BS-16 and will be placed on the top of the fresh seniority list of PSs and PAs to be maintained for promotion to PMS, against their share.
- iii. In the case of Secretariat, the upgraded Personal Assistants (BS-16) will have to exercise an option whether to be promoted to PS cadre or PMS in the relevant quota. The option once exercised shall be final.


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- iv. All the existing posts of Stenographer (BS-12), Senior Scale Stenographer (BS-15), Personal Assistant (BS-15) and posts of Private Secretary (BS-16) in the Secretariat/Attached Departments/Govt. Offices may be upgraded to Stenographer (BS-14), Senior Scale Stenographer (BS-16), Personal Assistant (BS-16) and Private Secretary (BS-17) respectively w.e.f. 23-12-2011.
- v. Qualification for initial recruitment of the upgraded posts of PA/Senior Scale Stenographer (BS-16) will be enhanced from Intermediate to Graduation, and, that of Stenographer (BS-14) from Matric to Intermediate.
- vi. All concerned Departments will amend their service rules accordingly.

18. The Chief Minister, Khyber Pakhtunkhwa, is requested to kindly approve the proposals in paras 16 & 17 of the summary. Finance Department may add views enroute.

(Shahrukh Arbab)
Secretary Establishment
May 31, 2012

~~Finance Secretary.~~

Chief Secretary,
Khyber Pakhtunkhwa.

[Signature]
ATTESTED

[Signature]

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Subject: UPGRADATION OF THE POSTS OF PRIVATE SECRETARIES, PERSONAL ASSISTANT/SENIOR SCALE STENOGRAPHERS AND STENOGRAPERS ON THE ANALOGY OF FEDERAL GOVERNMENT.

19. Finance Department endorses the proposal of Establishment Department contained at Para-18 of the Summary.

Waseem
(Sahibzada Saeed Ahmad)
Secretary Finance

Finance Minister *(21) as proposed in Para-19 above*

Arshad
05-06-12
Minister for Finance
Govt. of Khyber Pakhtunkhwa

Chief Secretary

21. Para 18 for approval please.

Ghulam Dastgir
5.6.12
(GHULAM DASTGIR)
CHIEF SECRETARY

CHIEF MINISTER

22. para 21 approved

A. H. ...
7-6-12
CHIEF SECRETARY
HYDERABAD

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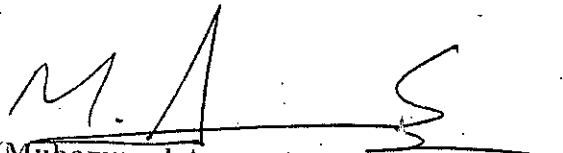
CHIEF SECRETARY

Ghulam Dastgir
8.6.12
Chief Secretary

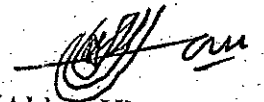
AGREEMENT DEED

This indenture made the agreement between Khyber Pakhtunkhwa Secretariat Private Secretaries, Personal Assistants & Stenographers Association on the one part (hereinafter called the first party) and the Khyber Pakhtunkhwa, Secretariat Superintendents, Assistants & Clerks Association on the other Part (hereinafter called the second party) witness that in pursuance of the said agreement both parties are mutually agreed to the following Terms and Conditions today on 22.05.2012 that:-

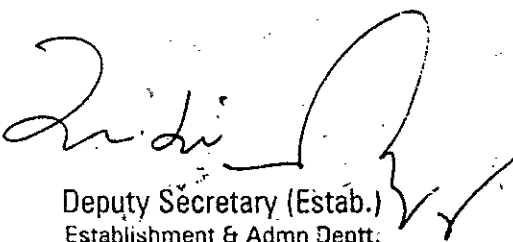
- 1) The Provincial Government may maintain separate seniority lists of Superintendents and Private Secretaries/Personal Assistants for the purpose of promotion to PMS (B-17).
- 2) 20% quota for promotion in PMS (B-17) amongst Superintendents (B-16) and Private Secretaries/Personal Assistant (B-16) may be distributed at the ratio of 60:40 respectively (i.e 60% posts shall go to the share of Superintendents and 40% posts shall go to the share of Private Secretaries/ Personal Assistants) with immediate effect.


 (Muhammad Anwar Khan Banvi)
 Presidents

Private Secretaries, Personal Assistants & Stenographers Association


 (Abbas Khan)
 President

Superintendents, Assistants & Clerks Association


 Deputy Secretary (Estab.)
 Establishment & Admn Deptt.
 Government of
 Khyber Pakhtunkhwa


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etc
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Annex - "E"



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the March, 21. 2013

- 55 -

NOTIFICATION

NO.SOE.II(ED)3(45)2012- Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following PMS BS-17(Acting Charge) Superintendents, to the post of Provincial Management Service (BS-17), on regular basis, with immediate effect.

| S.NO | NAME OF OFFICER | PRESENT POSTING |
|------|---------------------|-------------------|
| 1. | Mr. Iqbal Ahmad | SO, P&DD |
| 2. | Mr. Yousaf Khan | SO, FATA Sectt: |
| 3. | Mr. Ishtiaq Ahmad | SO, Finance Deptt |
| 4. | Mr. Riaz Ali Shah | SO, C&W Deptt: |
| 5. | Mr. Usnan Jan | SO, CM Sectt |
| 6. | Mr. Ihsanullah | SO, SW Deptt: |
| 7. | Mr. Naeemullah | SO, Auqaf Deptt |
| 8. | Mr. Muhammad Shoaib | SO, IPC Deptt: |
| 9. | Mr. Jan Said | SO(PSB), E&AD |

[Signature]
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2. On promotion these officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act 1973, read with Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Consequent on their promotion, they are allowed to continue their duties on the existing posts/Departments mentioned against each.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

P.T.O.

Annex-F

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Annex-F



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the October 5, 2020

NO.SOE-II(ED)/2(8)/2020:- In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of PMS BS-17 Officers. as stood on 05.10.2020 is notified/circulated:-

FINAL SENIORITY LIST OF PMS BS-17 OFFICERS

| S.No | NAME OF OFFICER WITH ACADEMIC QUALIFICATION | DATE OF BIRTH AND DOMICILE | DATE OF IST ENTRY INTO GOVT. SERVICE | DATE OF APPOINTMENT / PROMOTION IN BS-16/17 | REGULAR APPOINTMENT / PROMOTION TO PRESENT POSTS. | | | PRESENT APPOINTMENT | REMARKS |
|------|---|----------------------------|--------------------------------------|---|---|-----|-----------------------|--|---------|
| | | | | | DATE | BPS | METHOD OF RECRUITMENT | | |
| 1. | Mr. Asadullah Khan, MA. LLB, CCIL, ACCUJF | 2.3.1969. Malakand | 14.7.1998 | 06.9.2008 | 3.3.2009 | 17 | By promotion | ADC (F&P). Shangla (OPS). (30.10.2019) | |
| 2. | Mr. Abdul Mateen Khan Qasuria S/O Abdul Hameed Khan Qasuria. (BA, LL.B)/MSc | 22.12.1966 D.I. Khan | 24.06.2000 | 06.09.2008 | 04.10.2012 | 17 | By Promotion | ADC (G) (OPS). Tank (17.01.2020). | |
| 3. | Mr. Saleem Jan. MSc. Economics | 7.6.1975 Lakki Marwat | 07.01.2002 | 02.02.2009 | 04.10.2012 | 17 | By Promotion | Deputy Secretary (OPS), Sports Department (26.02.2020) | |
| 4. | Mr. Irfan Ali. BA. LLB | 12.4.1976 Mohmand Agency | 02.02.2009 | 02.02.2009 | 04.10.2012 | 17 | By Promotion | Additional Deputy Commissioner (F&P), District Swat (22.09.2022) | |
| 5. | Mr. Gohar Ali. MA | 3.2.1979 Mohmand Agency | 02.02.2009 | 02.02.2009 | 04.10.2012 | 17 | By Promotion | Additional Deputy Commissioner (G). Swabi (OPS) (10.03.2020) | |

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| S.No | NAME OF OFFICER WITH ACADEMIC QUALIFICATION | DATE OF BIRTH AND DOMICILE | DATE OF IST ENTRY INTO GOVT. SERVICE | DATE OF APPOINTMENT / PROMOTION IN BS-16/17 | REGULAR APPOINTMENT / PROMOTION TO PRESENT POSTS. | | | PRESENT APPOINTMENT | REMARKS |
|------|---|----------------------------|--------------------------------------|---|---|-----|-----------------------|---|---------|
| | | | | | DATE | BPS | METHOD OF RECRUITMENT | | |
| 32. | Mr. Noor Ali Shah, Matric | 01.11.1960, Bannu | 01.08.1979 | 11.03.2009 | 28.05.2013 | 17 | By Promotion | Section Officer Labour Department (28.05.2013) | |
| 33. | Mr. Amanatullah, MA/LLB | 14.8.1962 Tank | 27.09.1987 | 16.04.2010 | 03.04.2015 | 17 | By Promotion | Deputy Secretary (OPS), Finance Department (07.09.2020) | |
| 34. | Mr. Muhammad Saleem Shah, MA | 5.4.1961 Bannu | 21.07.1980 | 16.04.2010 | 03.04.2015 | 17 | By Promotion | Section Officer, Sports Department (01.10.2020) | |
| 35. | Mr. Muhammad Ismail, BA | 12.3.1964 Malakand Agency | 19.09.1987 | 16.04.2010 | 03.04.2015 | 17 | By Promotion | Section Officer, PHE Department (16.07.2020) | |
| 36. | Mr. Muhammad Fayaz Khan, M.A | 14.4.1962. Peshawar | 11.01.1988 | 16.04.2010 | 03.04.2015 | 17 | By Promotion | Section Officer (R-II), Establishment Department (01.10.2020) | |
| 37. | Mr. Hayat-ur-Rehman, MA | 16.1.1962 Peshawar | 02.01.1988 | 16.04.2010 | 03.04.2015 | 17 | By Promotion | Section Officer, Finance Deptt (18.12.2015) | |
| 38. | Mr. Rafiullah, MA | 10.3.1963 Bannu | 17.12.1987 | 16.04.2010 | 03.04.2015 | 17 | By Promotion | Section Officer, Higher Education Department (30.08.2016) | |
| 39. | Mr. Tanveer Iqbal, B.A | 19.3.1961 Peshawar | 07.07.1981 | 03.12.2012 | 03.04.2015 | 17 | By Promotion | Section Officer, Home & TAs Department (03.04.2015) | |
| 40. | Mr. Irshad Muhammad, B.A | 5.9.1961 Nowshera | 04.02.1991 | 03.12.2012 | 03.04.2015 | 17 | By Promotion | Section Officer, Finance Department (03.04.2015) | |
| 41. | Mr. Saifullah Khan, M.A | 28.4.1961 Bannu | 18.02.1991 | 03.12.2012 | 03.04.2015 | 17 | By Promotion | Section Officer (Reg-VI), E&A Department (03.04.2015) | |
| 42. | Mr. Daulat Zeb, M.A | 11.4.1961 Swabi | 07.02.1991 | 03.12.2012 | 03.04.2015 | 17 | By Promotion | Section Officer, Home & TAs Department (03.04.2015) | |
| 43. | Dr. Mohsin Habib S/O Habib ur Rehman (BDS) | 08.08.1988, Peshawar | | | 10.07.2015 | 17 | By Initial | Section Officer, IPC Department (30.08.2019) | |

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امانت اللہ

سلیم شاہ
سٹاف

محمد سعید سردار

اللہ علیہ الرحمہ

محمد سعید سردار

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12. Director General, Peshawar Development Authority.
13. Director General, Pakistan Provincial Services Academy Peshawar.
14. DG, Provincial Housing Authority.
15. Secretary (Admn & Coord), Merged Areas Secretariat.
16. All Divisional Commissioners in Khyber Pakhtunkhwa.
17. All Deputy Commissioners in Khyber Pakhtunkhwa.
18. All Deputy Commissioners in Tribal Districts / Sub-Divisions.
19. All Section Officers E&A Department
20. All Private Secretaries to Provincial Ministers/Advisors and Spl. Assitants to Chief Minister.
21. Deputy Director (IT), E&A Department with the request to upload the seniority list on website.
22. PS to Chief Secretary, Khyber Pakhtunkhwa.
23. PS to Secretary Establishment.
24. PS to Special Secretary (Estt)/(Reg:), Establishment Department.
25. PAs to Additional Secretary (Reg)/(HRD)/ Dy. Secretary (Estt)/(Reg-I)/(Reg-II)/(Reg-III)/(Judl.) E&A Department.

[Signature]
ATTESTED

(5/10/20)
[Signature]
(SHAHBAZ KHATTAK)
SECTION OFFICER
(ESTABLISHMENT-II)

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(28)

Annex - F-I

To

The Chief Minister
Khyber Pakhtunkhwa

Through: Proper ChannelSubject: DEPARTMENTAL APPEAL

Dear Sir,

1. It is submitted that the undersigned intends to draw your kind attention towards the following few lines for gracious consideration that:-

- a. I was appointed as Junior Scale Stenographer (BS-12) by the Government of Khyber Pakhtunkhwa Establishment Department's Order dated 15.6.1985
- b. Due to my hard work and diligence toward my official duties. I was promoted step-by-step under the prevailing rules and regulations and finally promoted as Private Secretary. During the period, I have been posted in various departments.
- c. In the year 2007, the Provincial Government introduced a new cadre of the Provincial Officers Provincial Management Service (PMS).
- d. It is pertinent to mention here that before introducing the PMS cadre in the Provincial Services, the seniority of the Private Secretaries and Superintendents cadre was maintained separately. The Provincial Government allowed both the cadres to become PMS after obtaining next promotion.
- e. The Provincial Government amended PMS Rules 2007 vide Notification dated 04.10.2012. (Copy is attached as "A")
- f. According to the amendments:
 - i. *"Twelve per cent, on the basis of seniority-cum-fitness from amongst Superintendents, who are qualified having three years service as Superintendent/Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Academy or Staff Training Institute".*

AND

- ii. *"Eight per cent, on the basis of seniority-cum-fitness from amongst Private Secretaries/Personal Assistants, who have opted to join Provincial Management Services and are graduates with three years' service as Private Secretary/Personal Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute".*

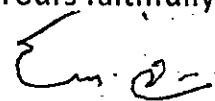
- g. After such amendment the Establishment Department upon the recommendations of the Provincial Selection Board issued first impugned promotion Notification on 21.3.2013. Nine Superintendents were promoted as PMS officers/Section Officers (BS-17). It was astonishing that all were from Superintendents cadre only and Private Secretary's cadre was neglected. Establishment Department did not follow their own established formula of 12:8 ratio as mentioned in PMS Rules 2007. All the promoted officers in the above cited Notification were from the Superintendents cadre, whereas, four needed to be promoted from the Private Secretaries cadre. The impugned Notification dated 21.3.2013 was operated with retrospective effect but it would be operated prospective effect which is not only an infringement of the available Rules but also violation of the fundamental rights as granted by the Constitution of Pakistan 1973. (Copy is attached as "B")

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ATTESTED

- h. Due to this violation, the seniority of the undersigned suffered for the first time during the year, 2014 and subsequently, each and every seniority list accrued fresh cause of action to the undersigned.
- i. The undersigned time and again pointed out such illegality to the high-ups but no positive response has been received for unknown reasons.
- j. Now, the Establishment Department circulated Final Seniority List of PMS officers (BS-17) dated 05.10.2020. Wherein, the undersigned has been placed at **S# 86** instead of **S# 44**. After deliberation and full consideration reckoned the seniority under the amended formula available in PMS Rules, 2007 & applied the same from the first impugned promotion Notification dated 21.3.2013 after amendment Rules. **(Copy of seniority lists are attached as "C")**
- k. The undersigned had no other option but to file the instant Departmental Appeal before the Competent Authority.

2. It is, therefore, humbly prayed that by accepting the instant Departmental Appeal, the final seniority list dated 05.10.2020 of PMS officer (BS-17) may be rectified alongwith all preceding seniority lists under the existing Rules 2007 and the undersigned may be placed at **S# 44** instead of **S# 86** in the final seniority list issued on 05.10.2020 and accordingly all back benefits connected with the promotion may allow in favour of the undersigned, please.


ATTESTED

Yours faithfully,

(MOHAMMAD HAYAT)
Section Officer (PMS BS-17)
P&D Department
CNIC # 17301-1632572-1
Cell # 0333-9156856
Dated 27.10.2020

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Annex-G

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

NO. OF. 19 (201) / LN / 2002. 6381-

Dated Peshawar, the 26th Aug, 2002.

As Secretary to Govt of NWFP,
Legislation & Power Department.

LEGAL ADVISOR IN THE PROMOTION OF SUB-ENGINEERS AND
ASSISTANT ENGINEERS.

Dear Sir,

I am directed to refer to your letter no. SC(B) /
LAW. 14-1 / 2001 / 6118 dated 9.3.2002 on the subject noted
above and to state that the provisions made before the
amendment of rules would be considered as a closed chapter and
the posts which were available at the time of amendment or
became available after the amendment would have to be filled
in accordance with the rules prevailing at the very moment.
The Tribunal has also held the same view and the Advocate
General also held the same views.

ATTESTED

Yours faithfully,

Section Officer (OP)

BETTER COPY

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

No.OP.15 (201)/LD/2002/6381,
Dated Peshawar, the 26th August, 2002

To

The Secretary to Govt. of NWFP
Irrigation & Power Department

Subject: LEGAL ADVICE IN THE PROMOTION OF SUB-ENGINEERS AND ASSISTANT ENGINEERS

Dear Sir,

I am directed to refer to your letter No. SO (E)/Irr/14-
/2001/8179, dated 09.8.2002 on the subject noted above and to state that the
promotions made before the amendment of rules would be considered as a
closed chapter and the posts which were available at the time of amendment or
became available after the amendment would have to be filled in accordance
with the rules prevailing at the very moment. The Tribunal has also held the
same view and the Advocate General also hold the same views.

Yours faithfully,

Sd. xxxx
Section Officer (OP)


ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NO. SOR.III(E&AD)2-6/2014
Dated Peshawar the 9th February, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Environment Department.

Subject: - AMENDMENT IN THE SERVICE RULES OF THE POST OF JUNIOR CLERK IN PAKISTAN FOREST INSTITUTE

Dear Sir,

I am directed to refer to your letter No.SO(Estt)/FE&WD/V-3/2017/PFI/6210 dated 30.12.2020 and to state the subject case may be disposed of as per Law Department advice dated 26-08-2002 (copy enclosed).

Yours faithfully,

Encl:A.A

[Handwritten Signature]
ATTEST

[Handwritten Signature]
SECTION OFFICER(R-II)
Phone # 091-9211793

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|--------------------|--|---|--|---|
| 50 | 66534 |  |  |  |
| ایڈویکٹ: اظہر عباس | بار کونسل ایسوسی ایشن نمبر: bc-10-9108 | پشاور بار ایسوسی ایشن، خیبر پختونخواہ | | |
| رابطہ نمبر: | SERVICE TRIBUNAL K-P | | | |

بعدالت جناب:

| | |
|--|-----------------------|
| مجاناب: Appellant | دعویٰ: Service Appeal |
|  | علت نمبر: |
| | مورخہ: |
| | جرم: |
| | تھانہ: |

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ

آن مقام پشاور کے ایڈووکیٹ اظہر عباس اور اس کے ۸ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف 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 کارروائی 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 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب 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: 2022-2023

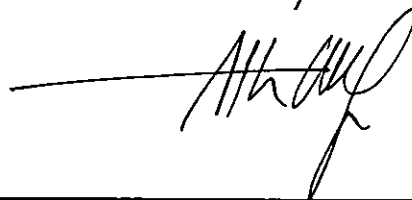
DEPT. BAR ASSOCIATION KHAYBER PAKHTUNKHWA

العبد العبد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی قابل قبول ہوگی۔

Accepted & Attested by



**BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

Misc: Application No. _____/2021
S.A 3222/2021

**MUHAMMAD HAYAT S/O NOOR UL BASHAR SECTION
OFFICER, FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.**

.....**APPLICANT/APELLANT**

VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
CHIEF SECRETARY, & OTHERS.**

.....**RESPONDENTS**

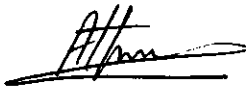
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Dated:

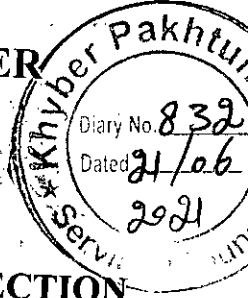

APPLICANT/APELLANT

Through


ATHAR ABBAS
Advocate Peshawar High Court
Peshawar.

BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Misc: Application No. _____/2021
S.A 3222/2021



MUHAMMAD HAYAT S/O NOOR UL BASHAR, SECTION
OFFICER FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.

*Put up to the Hon'ble chairman
along with relevant appmt.*

.....APPLICANT/APPELLANT

VERSUS

Decided

21/06/2021

1. GOVT: OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY, CIVIL SECRETARIAT PESHAWAR.
2. SECRETARY ESTABLISHMENT DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.
3. SECRETARY FINANCE DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.
4. SECRETARY LAW DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR.

*NFA
24/6/2021*

.....RESPONDENTS

APPLICATION FOR EARLY HEARING

Respectfully Sheweth:

The applicant most humbly submit as under: -

1. That the captioned appeal is pending adjudication before this hon'ble court in which 26/08/2021 is fixed for hearing.
2. That the application file this application on the following ground inter-alia: -

GROUNDS:

- A. That the captioned case is in respect of promotion of the applicant/appellant and there is urgency as the PSB meeting is supposed to be scheduled to be held in the near by dates.

B. That the counsel for the applicant/appellant will be busy in the month of August in wedding ceremony of his family member and could not attend the court on the date fixed.

C. That the appellant has prima facie case and great chance of its success.


D. That if the hon'ble tribunal not fix early date of hearing in the instant appeal, the applicant/appellant would suffer irreparable loss and will be badly inconvenienced.

E. That there is no legal embargo if the early date of hearing may be fixed in the administration of justice.

It is therefore, humbly prayed that this hon'ble Tribunal may graciously be fixed early date of hearing by accepting this application .


APPLICANT/APELLANT

Through


ATHAR ABBAS
Advocate Peshawar High Court
Peshawar.

**BEFORE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR**

Misc: Application No. _____/2021
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**MUHAMMAD HAYAT S/O NOOR UL BASHAR SECTION
OFFICER, FINANCE DEPARTMENT, CIVIL SECRETARIAT,
PESHAWAR.**

.....**APPLICANT/APPELLANT**

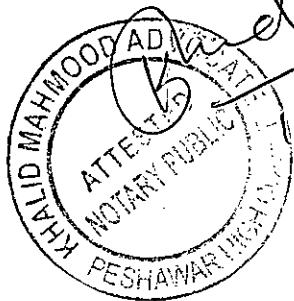
VERSUS

**GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH
CHIEF SECRETARY, & OTHERS.**


.....**RESPONDENTS**

=====
AFFIDAVIT
=====

I, Athar Abbas Advocate Peshawar High Court Peshawar, do hereby solemnly affirm and declare that all the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT


ATHAR ABBAS
Advocate High Court
Peshawar.