

ORDER
14.09.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present. Learned counsel for the applicants/intervenors also present. Arguments on the impleadment applications heard and case file perused.

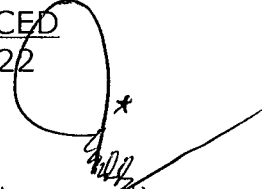
2. One application has been submitted by the employees namely Pir Muhammad, Matiullah, Afsar Khan, Iftikhar, Muhammad Nabi and Syed Haris Shah (Assistants) Shehzad Ahmad and Safeer Khan (Senior Clerks) Shahid Khan, Samiullah and Shafiullah (Junior Clerks) Muhammad Faizan, Mali, Naveed Masih, Sweeper and Mehran Khalil, Daftari for their impleadment as party in the instant appeal. Similarly, another application has been submitted by the appellant for impleadment of Mr. Aamir Farooq, Assistant Registrar (BPS-16) and Mr. Farooq Khan, Law Drafter (BPS-16).

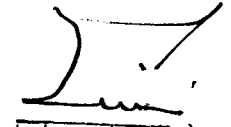
3. Learned District Attorney stated at the bar that he is having no objection on the application submitted by the appellant for impleadment of Mr. Aamir Farooq, Assistant Registrar (BPS-16) and Mr. Farooq Khan, Law Drafter (BPS-16) as respondents in the instant appeal. Similarly, the appellant also stated at the bar that he is having no objection on impleadment of necessary parties in the instant appeal. Employees whose impleadment has been sought through the applications are necessary parties and their impleadment as respondents in the instant appeal is necessary for its just and right decision. Both the impleadment applications are thus allowed and the employees namely Pir Muhammad, Matiullah, Afsar Khan, Iftikhar, Muhammad Nabi and Syed Haris Shah (Assistants) Shehzad Ahmad and Safeer Khan (Senior Clerks) Shahid Khan, Samiullah and Shafiullah (Junior Clerks) Muhammad Faizan, Mali, Naveed Masih, Sweeper, Mehran Khalil, Daftari, Mr. Aamir Farooq, Assistant Registrar (BPS-16) and Mr. Farooq Khan, Law Drafter (BPS-16) are impleaded as respondents in the instant appeal. Office is directed to make necessary entry in this respect in the memo of appeal as well as relevant register



accordingly. Notice be issued to them and to come up for their reply/comments as well as arguments before the D.B on 15-11-2022.

ANNOUNCED
14.09.2022


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

20.07.2022

Appellant present in person.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General present.

Perusal of preceding order sheet would reveal that Naseer Ud Din Shah, Assistant Advocate General had requested for some time in order to submit reply to the application submitted by the appellant for impleadment of Aamir Farooq, Assistant Registrar (BPS-16) and Farooq Khan, Law Drafter, (BPS-16). Last opportunity had been given. Today, nemo for respondents. Reply was also not submitted, therefore, case is adjourned on cost of Rs.5000/- to be paid in Court to the opposite party on the next date with direction to submit reply to the aforementioned application within 10 days and file to come up for arguments on 14.09.2022 before D.B.



(Fareeha Paul)
Member(E)



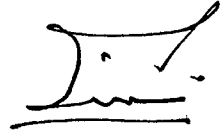
(Rozina Rehman)
Member (J)

18.05.2022

Appellant in person present. Mr. Amjid Ali, Assistant alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present. Learned counsel for the applicants who are seeking impleadment, is also present. Appellant submitted application for impleadment of Mr. Aamir Farooq, Assistant Registrar (BPS-16) and Mr. Farooq Khan, Law Drafter (BPS-16) ^{as respondents} in the instant appeal. To come up for reply of the said application as well as arguments on both the impleadment applications on 24.06.2022 before the D.B.



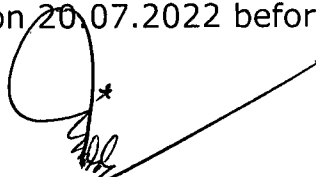
(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

24.06.2022

Appellant in person present. Mr. Majid Hanan Lodhi, Superintendent alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and requested that time may be granted ~~to him~~ for submission of reply of the application submitted by the appellant for impleadment of Mr. Aamir Farooq, Assistant Registrar (BPS-16) and Mr. Farooq Khan, Law Drafter (BPS-16). Adjourned. Last opportunity given. To come up for submission of reply of the aforementioned application as well as arguments on both the impleadment applications on 20.07.2022 before the D.B.



(Mian Muhammad)
Member (E)

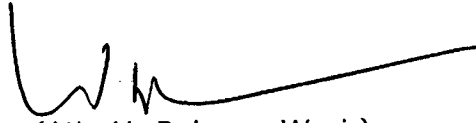


(Salah-ud-Din)
Member (J)

01.02.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Amjad Ali, Asstt. for the official respondents present. Counsel for the applicants also present.

Due to paucity of time, arguments on impleadment application could not be heard. However, Representative of official respondents has furnished reply to the questions formulated in order dated 08.06.2021. Placed on file. Besides other proceedings in light of order dated 08.06.2021, case also to come up for arguments on impleadment application on 03.03.2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

03.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.


Reader.

10.08.2021


Since, 1st Moharram has been declared as public holiday, therefore, case is adjourned to 18/10/2021 for the same as before.


Reader

18.10.2021

Appellant in person, Mr. Muhammad Adeel Butt, Addl. AG alongwith Amjad Ali, Assistant for the respondents present. Clerk of counsel for the applicants present and stated that learned counsel for the applicants is not in attendance due to general strike of the bar today.

Reply to application for impleadment has been submitted by the appellant which is placed on file and copies whereof are handed over to clerk of counsel for the applicants as well as learned AAG. Besides other proceedings in light of order sheet dated 08.06.2021, case also to come up for arguments on impleadment application on 01.02.2022 before the D.B.


(Salah-ud-Din)
Member(J)


Chairman

1199/2018

08.06.2021

Appellant in person present.

Mr. Muhammad Riaz Khan Paindakhel, Asstt. A.G alongwith Naheed Gul, Assistant for official respondents present. Mr. Numan Ali Bukhari Advocate for applicants present.

The appellant has annexed with Memorandum of Appeal the notification No. SE-V/E&AD/13-02/2018, dated 03.04.2018 of the Government of Khyber Pakhtunkhwa Establishment Department (Establishment Wing). The said notification reveals that it is meant to lay down the method of recruitment, qualification and other conditions applicable to different posts in the office of Service Tribunal Khyber Pakhtunkhwa. The Authority for issuance of the said notification has been derived from Sub-rule (2) of Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. Although the appellant by relief sought in the appeal, wants to accommodate the post of Private Secretary reflected at S.No. 5 of the Appendix to the said notification, for career progression in light of his prayer. However, a question is apt to arise whether an Executive Department of the Government is competent to exercise administrative control on officers and staff of the Khyber Pakhtunkhwa Service Tribunal which is a statutory body established under Provincial legislation in pursuance to

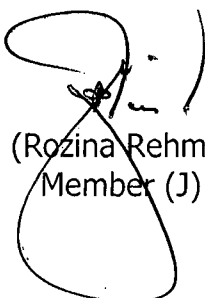
command of the Constitution of Islamic Republic of Pakistan under Article 212?

In order to make the things conveniently understandable for answer to the said question, it may be expounded that the Khyber Pakhtunkhwa Service Tribunal is an entity shaped by an Act of Provincial Assembly and set up to make judgments in area of its activity independent from administrative control of the government whose actions in the area of terms and conditions of Provincial services are subject to judicial review by Tribunal, So it would be amiss if the functionaries of the Tribunal making its integral part are left to control of an Executive Department of the government. Even otherwise, Section 11 of the Act *ibid* provides that the Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Needless to say that the functionaries of the Khyber Pakhtunkhwa Service Tribunal including officers and servants by nature of their duties contribute towards carrying out the purposes of Khyber Pakhtunkhwa Service Tribunal Act, 1974. Although the Government framed the rules namely "Khyber Pakhtunkhwa Service Tribunal Rules, 1974" and notified the same under Government of Khyber Pakhtunkhwa notification No. SOS-III(S&GAD)1-79/73, dated 02.08.1974 published in the Gazette of Khyber Pakhtunkhwa on 20.09.1974; The said rules by virtue of Rule 25 provide that the administrative functions

of the Tribunal including the appointments of staff shall be performed by the Chairman on behalf of the Tribunal. However, the proper Service Rules for the ministerial establishment of the Tribunal regarding their terms and conditions of service including the method of recruitment are amiss so far. Whether the notification dated 03.04.2018 of the Government of Khyber Pakhtunkhwa Establishment Department in terms of the formulated question herein above is valid to serve as proper substitute of the rules required to be framed under Section 11 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, let us have the comments of respondent No. 1 before determination of the formulated question in accordance with the law.

The Registrar of this Tribunal is directed to send a copy of this order sheet to the P.S.O of Worthy Chief Secretary Khyber Pakhtunkhwa (respondent No. 1) for placing before the latter for valuable comments through appropriate department.

To come up for reply and arguments on 10.08.2021 before the D.B.



(Rozina Rehman)
Member (J)


Chairman

01.03.2021

Appellant in person and Mr. Asif Masood Ali Shah, learned Deputy District Attorney alongwith Mr. Naheed Gul Assistant for respondents present.


On 14.02.2020 fourteen (14) officials submitted a joint application for their impleadment as respondents in the instant appeal. Notice of the said application is hereby accepted by the respondents as well as appellant. To come up for reply/arguments on application on 08.04.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

0804.2021

Due to demise of Honable Chairman
The Tribunal is defunct, therefore the case is
adjourned to 08.06.2021 for the same as before.


Reader

_____ .2020 Due to COVID19, the case is adjourned to
12/8/2020 for the same as before.



Reader

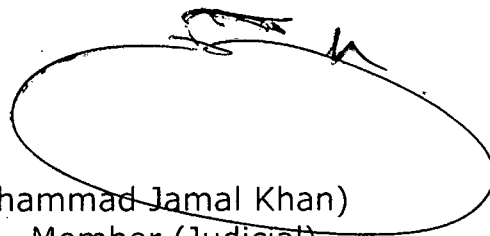
12.08.2020 Due to summer vacations case to come up for the same on
15.10.2020 before D.B.


Reader

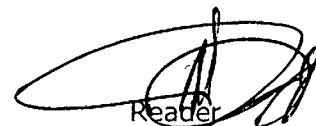
15.10.2020 Appellant is present in person. Mr. Kabirullah Khattak, Additional
Advocate General for the respondents is also present.

Appellant informed the bench that various of the Rules have been
challenged through instant appeal which issue is pending adjudication
before Larger Bench of this august Tribunal, therefore, he requested
for adjournment so that a definite decision on the issue is made. The
request is appropriate, the case is adjourned to 09.12.2020 for
further proceedings before D.B.


(Atiq-ur-Rehman Wazir)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

09.12.2020 Due to COVID-19, case is adjourned to 01.03.2021 for the
same as before.


Reader

09.12.2019

Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 17.01.2020 before D.B.


Member


Member

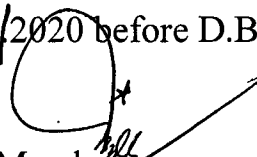
17.01.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney present. Learned Member (Executive) is not available. Adjourned for 14.02.2020 before D.B.


Member

14.02.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Adjournment requested. Adjourned To come up for arguments on 20/03/2020 before D.B.


Member


Member

20.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Appellant seeks adjournment. Adjourned to 22.05.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

01.07.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Naqeeb Ullah Senior Scale Stenographer for the respondent present. Representative of the respondent department submitted written reply/comments which is placed on file. Granted. To come up for rejoinder/arguments on 11.09.2019 before D.B.


Member

11.09.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant submitted rejoinder placed on file and seeks adjournment. Adjourn. To come up for arguments on 11.11.2019 before D.B.


Member


Member

11.11.2019

Appellant in person present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Appellant seeks adjournment. Adjourn. To come up for arguments on 09.12.2019 before D.B.


Member


Member

04.03.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for adjournment. Adjourned to 09.04.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER.

09.04.2019

~~Appellant in person~~ and Addl. AG on behalf of the respondents present.

Learned AAG requests for time to procure reply of the respondents. The respondents shall submit the requisite reply/comments on next date of hearing.

Adjourned to 15.05.2019 before S.B.


Chairman

15.05.2019

Appellant in person, ~~Learned counsel for the appellant present.~~ Written reply not submitted. ~~Saleem Superintendent.~~ representative of the respondent department absent. He be summoned with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 01.07.2019 before S.B. Notice be also issued to respondents for reply/comments.



Member

31.01.2019

Appellant Fazle Subhan in person present. Preliminary arguments heard. It was contended by the appellant that he is serving as Private Secretary in Khyber Pakhtunkhwa Service Tribunal and was promoted from the post of Personal Assistant (BPS-16) to the post of Private Secretary (BPS-17) vide order dated 19.04.2018. It was further contended that respondent-department have made Service Rules wherein the method of recruitment and promotion was prescribed. It was further contended that according to Notification dated 06.04.2018, the Additional Registrars, Superintendents and Budget & Accounts Officers with at least five years service were held to be entitled for promotion to the post of Registrar (BPS-18) but the respondent-department have not mentioned the post of Private Secretary (BPS-17) in the said rules for promotion to the post of Registrar (BPS-18) which has affected the right of the appellant therefore, the impugned Notification dated 06.04.2018 is liable to be rectified. It was further contended that in a joint seniority list of Additional Registrars Superintendents, Budget and Accounts Officer and Private Secretaries is required to be maintained for the purpose of promotion to the post of Registrar but the Private Secretary is ignored from the aforesaid seniority list therefore, the respondent department is required to include the post of Private Secretary alongwith the Additional Registrars Superintendents and Budget & Accounts Officer for the purpose of promotion to the post of Registrar in the seniority list, therefore, service rule and seniority list is liable to be rectified.

The Contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.03.2019 before S.B.





Appellant Deposited
Security & Process Fee

MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1199/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/09/2018	<p>The appeal of Mr. Fazle Subhan resubmitted today by him 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-	28-9-18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>2-11-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
02.11.2018		<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 24.12.2018.</p> <p style="text-align: right;"> READER</p>
24.12.2018		<p>Appellant requests for adjournment in order to further prepare the brief.</p> <p>Adjourned to 31.01.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Fazle Subhan Private Secretary Khyber Pkhtunkhwa Service Tribunal received today i.e. on 15.09.2018 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- ✓ 1- Annexures of the appeal may be attested.
- ✓ 2- Annexures of the appeal may be flagged.
- ✓ 3- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 1854 /S.T,

Dt. 15/9 /2018.


REGISTRAR 15/9/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazle Subhan appellant.

Sir

Resubmitted after
completion.

Fazle Subhan
27/09/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1199 /2018

Fazle Subhan, Private Secretary (BPS-17), Khyber Pakhtunkhwa Service Tribunal.
Peshawar..... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and
others. (Respondents).

INDEX OF APPEAL.

Sr. No.	Description of documents	Annexure	Pages.
1.	Memo of appeal		01 - 04
2.	Application for condonation		05
3.	Promotion notification	"A"	06
4.	Service Rules	"B"	07 - 11
5.	Departmental appeal	"C"	12 - 13
6.	Proof of Ex-Pakistan leave.		14


APPELLANT.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.Service Appeal No. 1199 /2018RECEIVED
SERVICE TRIBUNAL

1439

15/9/2018

Fazle Subhan, Private Secretary (BPS-17), Khyber Pakhtunkhwa Service Tribunal,
Peshawar..... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. SSRC through Secretary Establishment, KP, Peshawar ... (Respondents).

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST NOTIFICATION NO.SOE-V/E&AD/13-2/2018, DATED 03.04.2018 TO THE EXTENT OF NON-INCLUSION OF NAME OF APPELLANT IN THE SENIORITY LIST OF ADDITIONAL REGISTRAR, SUPERINTENDENT AND BUDGET & ACCOUNTS OFFICER AND DEBARING THE APPELLANT FROM PROMOTION TO THE POST OF REGISTRAR.

PRAYER.

On acceptance of the appeal, the impugned notification may very graciously be modified to the extent that name of the appellant may be included in the joint seniority list of Additional Registrar, Superintendent and Budget & Accounts Officer and may also be held entitled for promotion to the post of Registrar (BPS-18).

RESPECTFULLY SHEWETHFACTS:

1. That I had been appointed as Junior Scale Stenographer in the Khyber Pakhtunkhwa Service Tribunal, Peshawar in the year, 1991 and gradually

promoted upto the post of Private Secretary (BPS-17). Copy attached as annexure-A.

2. That I am graduate, having 27 years service at his credit and being Private Secretary (BPS-17) is eligible for promotion to the post of Registrar (BPS-18).
Khyber Pakhtunkhwa Service Tribunal.
3. That the Establishment Department, Government of Khyber Pakhtunkhwa issued notification No. SOE-V/E&AD/13-02/2018, dated 03.04.2018, wherein the post of Registrar (BS-18) was placed at S.No. 1 of the Appendix and the method of recruitment against it specified under column No. 5, according to which the post of Registrar (BPS-18) will be filled in by promotion on the basis of seniority-cum-fitness, from amongst the Additional Registrars, Superintendents and Budget & Accounts Officers (BPS-17) with at least five years service as such. Provided that if no suitable officer is available for promotion, then by transfer. It was further notified that a joint seniority of Additional Registrars, Superintendents and Budget & Accounts Officers shall be maintained for the purpose of promotion to the post of Registrar while the Private Secretary has been ignored. (Copy attached as annexure-B).
4. That the above rules, are against the principles of natural justice. unfair, unjust and against the established principles of equality. The said rules permanently debar Private Secretary (BPS-17) from promotion to the post of Registrar (BPS-18).

5. That feeling aggrieved from the above notification, the appellant filed appeal/representation to respondent No. 1 on 27.04.2018. Copy attached as Annexure-C).
6. That the appeal/representation of the appellant has not been decided so far, despite lapse of statutory period of ninety days, hence the present appeal on the following grounds:-

GROUND

1. That the Private Secretaries serving in the Civil Secretariat of Khyber Pakhtunkhwa and attached departments are promoted to different categories of next higher grade/posts.
2. That the appellant having 28 years service in the Tribunal gained sufficient experience and is more competent and eligible for the post of Registrar, Service Tribunal.
3. That the post of Registrar in the Khyber Pakhtunkhwa Service Tribunal is in BPS- 18 for which Additional Registrars, Superintendents and Budget & Accounts Officer (BPS-17) were held eligible while Private Secretary have been debarred permanently from promotion to the post of Registrar.
4. That debarring of the Private Secretaries from further promotion is against the Constitution of Islamic Republic of Pakistan, 1973.
5. That the Additional Registrar and Budget & Accounts Officer have not been appointed till date and the Superintendent is likely to retire before the

sitting Registrar of the Tribunal, therefore, the post of Registrar is likely to be filled in by transfer.

It is, therefore, requested that on acceptance of the appeal, the impugned notification may very graciously be modified to the extent that name of the appellant may be included in the joint seniority list of Additional Registrar, Superintendent and Budget & Accounts Officer and may also be held eligible for promotion to the post of Registrar (BPS-18).



APPELLANT

(Fazle Subhan)
Private Secretary,
Khyber Pakhtunkhwa Service
Tribunal, Peshawar.

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2018

Fazle Subhan, Private Secretary (BPS-17), Khyber Pakhtunkhwa Service Tribunal,
Peshawar..... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and
others. (Respondents).

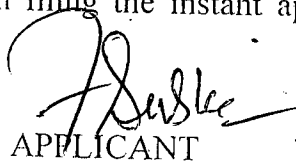
APPLICATION FOR CONDONATION OF DELAY IN FILING THE
INSTANT SERVICE APPEAL.

RESPECTFULLY SHEWETH

FACTS:

1. That the Establishment Department, Government of Khyber Pakhtunkhwa issued the impugned notification on 03.04.2018, against which the appellant filed appeal/representation to respondent No. 1 on 27.04.2018.
2. That the appeal/representation of the appellant has not been decided so far, despite lapse of statutory period of ninety days and the instant appeal was required to be filed on or before 25.08.2018 on which date the applicant was on ex-Pakistan Leave to perform Hajj. The applicant resumed duty on 13.09.2018, hence the instant appeal. (Copy of proof is attached as annexure-D).

It is, therefore, requested that the delay in filing the instant appeal may very kindly be condoned.

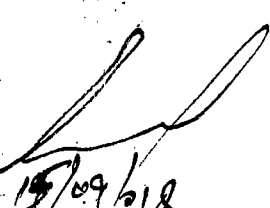

APPLICANT

(Fazle Subhan)

AFFIDAVIT

I, Fazle Subhan, Private Secretary Khyber Pakhtunkhwa Service Tribunal Peshawar do hereby solemnly affirm and declare that the contents of the appeal as well as this application are true and correct to the best of my knowledge.


DEPONENT.


15/09/18

Annex-A

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT



NOTIFICATION

Dated 19-04-2018

NO.SOE-V(E&AD)/13-6/ST/2015. The Competent Authority, on the recommendation of Departmental Selection Committee, is pleased to promote Mr. Fazle Subhan, Personal Assistant (BS-16) to the post of Private Secretary (BS-17) in Khyber Pakhtunkhwa Service Tribunal on regular basis with immediate effect.

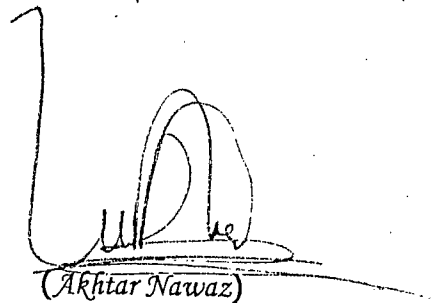
2. Consequent upon his promotion, the officer will remain on probation for a period of one year further extendable for another year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servants Act. 1973 read with Rule 15 (1) of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst: of even No. & Date.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Chairman, Khyber Pakhtunkhwa Services Tribunal, Peshawar.
3. PSO to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary, Establishment Department.
5. PS to Special Secretary (Estt), Establishment Department.
6. PS to Deputy Secretary (Estt), Establishment Department.
7. Officer concerned.
8. Master file.



(Akhtar Nawaz)

SECTION OFFICER (E-V)

attested
7/2

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

388

06/04/2

NOTIFICATION**Dated 03-04-2018**


No. SOE-V/ERAD/13-02/2018: In pursuance of the provisions contained in Sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and supersession of this Department Notification No. SCR-I(S&GAD)4-2/82, dated 08-06-1988, Establishment Department, in consultation with the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the following Appendix which shall be applicable to the posts in the office of Services Tribunal Khyber Pakhtunkhwa, specified in column 2 of the Appendix with immediate effect.

APPENDIX

1	2	3	4	5
S	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	AGE	METHOD OF RECRUITMENT
1	Registrar (ES-18)	.....	.....	By promotion on the basis of seniority-cum-fitness, from amongst the Additional Registrars, Superintendents and Budget & Accounts Officers (BPS-17), with at least five years service as such; Provided that if no suitable officer is available for promotion, then by transfer. Note: A joint seniority list of Additional Registrars, Superintendents and Budget & Accounts officers shall be maintained for the purpose of promotion to the post of Registrar.
2	Additional Registrar (BS-17)	By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Registrars and Law Drafters (BPS-16), with at least five years service as such; Provided that if no suitable

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				officer is available for promotion, then by transfer. Note: A joint seniority list of Assistant Registrars & Law Drafters shall be maintained for the purpose of promotion to the post of Additional Registrar.
3.	Superintendent (BPS-17)	.....	.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant (BPS-15), with at least five years service as such.
4.	Budget & Accounts Officer (BS-17)	.....	.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Cashier-cum-Assistant (BPS-16), with at least three years service as such: Provided that if no suitable officer is available for promotion, then by transfer.
5.	Private Secretary (BS-17)	.....	.....	By promotion, on the basis of seniority-cum-fitness from amongst the Personal Assistants (BPS-16) with at least two years service as such.
6.	Manager (MIS) (BPS-17)	.....	.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators (BPS-16), with at least five years service as such.
7.	Assistant Registrar (BS-16)	At least Second Class Bachelor Degree from a recognized University.	21 to 30 Years	By initial recruitment.
8.	Office Assistant (BS-16)	At least Second Class Bachelor's Degree from a recognized University	20 to 32 Years	a) Seventy Five percent by promotion on the basis of seniority-cum-fitness, from amongst the Senior Clerks (BPS-14), with at least five years service as such; and b) Twenty Five percent by initial recruitment
9.	Cashier Cum Assistant (BS-16)	By promotion, on the basis of seniority-cum-fitness, from amongst the Store Keepers (BPS-14) with at least

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				years service as such: Provided that if no suitable person is available for promotion, then by transfer.
10.	Personal Assistant (BS-16)	.....	.....	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least three years service as such.
11.	Senior Scale Stenographer (BPS-16)	(a) At least Second Class Bachelor's Degree from a recognized university; (b) A speed of seventy (70) words per minute in shorthand in English and forty five (45) words per minute in typing in English; and (c) Knowledge of Computer in using MS Word and MS Excel.	20 to 32 Years	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers (BS-14), with three years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment.
12.	Law Drafter (BS-16)	At least Second Class L.L.B from a recognized University.	25 to 32 Years	By initial recruitment.
13.	Computer Operator (BPS-16)	(a) At least Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/BIT four years) from a recognized University; or (b) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	18 to 32 Years	By initial recruitment.
14.	Senior Clerk (BPS-14)	.....	.....	By promotion, on the basis of Seniority-cum-fitness, from amongst Junior Clerks (BPS-11), with at least two years service as such.
15.	Store Keeper (BPS-14)	At least Diploma in Commerce or Business Administration in Second Division from a recognized	18 to 30 Years	By initial recruitment.

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22	Photostat Operator (BPS-04)	At least, Second Class Secondary School Certificate or equivalent qualification from a recognized board with one year experience as Photocopier.	18 to 40 Years	By initial recruitment.
23	Naib Qasir (BPS-03)	Literate	18 to 40 Years	By initial recruitment.
24	Process Server (BPS-03)	Literate	18 to 40 Years	By initial recruitment.
25	Chowkidar (BPS-03)	Literate with sound physique	18 to 40 Years	By initial recruitment.
26	Sweeper (BPS-03)	Literate	18 to 40 Years	By initial recruitment.

**SECRETARY ESTABLISHMENT
GOVT: OF KHYBER PAKHTUNKHWA**

End of Even No. & Date:-

Copy forwarded to:-

1. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Registrar, Peshawar High Court, Peshawar.
5. Registrar, Services Tribunal, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director I.T, Establishment & Administration Department for uploading on the official website of Establishment & Administration Department.
7. Manager, Govt: Printing Press, Peshawar for publication in the Govt: Gazette. He is requested to furnish 30 copies of the printed Notification to this Department and 10 copies to Law Department.
8. PS to Secretary, Establishment Department.
9. PS to Special Secretary (Estt), Establishment Department.
10. PS to Additional Secretary (Reg), Establishment Department.
11. PA to Deputy Secretary (Estt), Establishment Department.

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[Signature]

**(Akhtar Nawaz)
SECTION OFFICER (E-V)**

		Board of Technical Education.		
16.	Junior Scale Stenographer (BPS-14)	i. At least Intermediate or its equivalent qualification in Second Division from a recognized Board; and ii. a speed of fifty (50) words per minute in Shorthand in English and thirty-five (35) words per minute in typing in English; and iii. Knowledge of Computer in using MS Word and MS Excel.	18 to 30 Years	By initial recruitment.
17.	Junior Clerk (BPS-11)	i) At least Secondary School Certificate with Second Division or equivalent qualification from a recognized Board; and ii) A speed of Thirty (30) words per minute in typing in English.	18 to 30 Years	a) Thirty-three percent by promotion, on the basis of Seniority-cum-fitness from amongst Daftaries, Ballif, Generator Operator, Photostat Operators, Mas Qasids, Process Server, Chowkidars and Sweepers with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty-seven percent by initial recruitment.
18.	Driver (BPS-06)	Literate having LTV driving license. Preference shall be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 to 40 Years	By initial recruitment.
19.	Daftari (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years	By initial recruitment.
20.	Ballif (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years	By initial recruitment.
21.	Generator Operator (BPS-04)	Relevant Certificate from a Recognized Technical Institute.	18 to 40 Years	By initial recruitment.

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Annexure C 1 12

To:

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

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27/4/2018

Through: PROPER CHANEEL.

Subject:- APPEAL/REPRESENTATION AGAINST NOTIFICATION NO.SOE-V/E&AD/13-2/2018, DATED 03.04.2018 TO THE EXTENT OF DEBARING PRIVATE SECRETARIES FROM PROMOTION TO THE POST OF REGISTRAR.

Dear Sir,

With due respect it is submitted that I had been appointed as Junior Scale Stenographer in the Khyber Pakhtunkhwa Service Tribunal, Peshawar in the year, 1991 and presently I am serving as Private Secretary (BPS-17). I am graduate, 27 years service at his credit is eligible for promotion to the post of Registrar, Khyber Pakhtunkhwa Service Tribunal. But in the aforementioned notification, the post of Registrar (BS-18) was placed at S.No. 1 of the Appendix and the method of recruitment against it specified under column No. 5 is reproduced below:-

'By promotion on the basis of seniority-cum-fitness, from amongst the Additional Registrars, Superintendents and Budget & Accounts Officer (BPS-17) with at least five years service as such:

Provided that if no suitable officer is available for the promotion, then by transfer."

(Copy of Service Rules is attached)

The above rules, are against the principles of natural justice, unfair, unjust and against the established principles of equality. The said rules permanently debar me from promotion, hence the present appeal/representation on the following grounds:-

1. That in the past the Private Secretaries had been excluded from further promotion but at present the Private Secretaries serving in the Civil Secretariat and attached departments are promoted to different categories of posts.

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2. That the post of Registrar in the Khyber Pakhtunkhwa Service Tribunal is in BPS- 18 for which Additional Registrars, Superintendents and Budget & Accounts Officer (BPS-17) are eligible for promotion to the post of Registrar BPS-18 while Private Secretaries have been debarred permanently from promotion to the post of Registrar.
3. That debarring the Private Secretaries from further promotion is against Constitution of Islamic Republic of Pakistan.

It is, therefore, requested that the impugned Service Rules notified on 03.04.2018 may kindly be amended to the extent that the post of Private Secretary (BPS-17) may kindly be included for promotion to the post of Registrar.

Thanking you Sir;

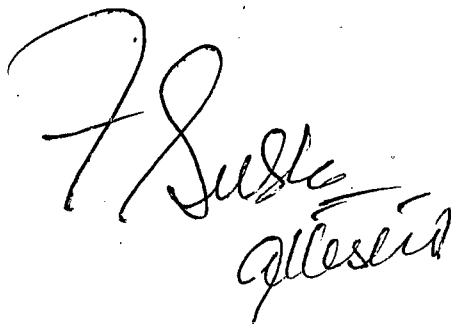
Yours obediently,



(Fazole Subhan)

Private Secretary,
Khyber Pakhtunkhwa Service
Tribunal, Peshawar.

Dated 27.04.2018



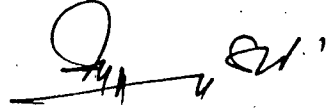
Annex-D

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

OFFICE ORDER

Sanction is hereby accorded to the grant of 50 days Ex-Pakistan leave to Mr. Fazle Subhan, Private Secretary Khyber Pakhtunkhwa Service Tribunal, Peshawar with effect from 24.07.2018 to 11.09.2018 (both days inclusive) on full average pay as admissible to him under the Revised Leave Rules, 1981. On expiry of leave he will report to the post on which he is performing his duty before proceeding on leave.



CHAIRMAN

KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

No. 1418-19 /ST.

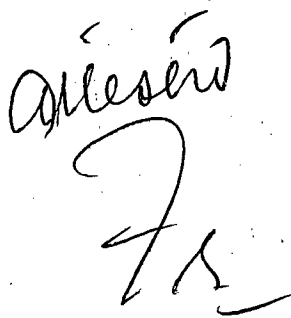
Dated 12/07/2018

Copies forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Official concerned.

REGISTRAR

c/c KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.





GOVERNMENT OF THE
NORTH-WEST FRONTIER PROVINCE
ESTABLISHMENT DEPARTMENT

F-22

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 high 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;

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repealed 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: ²[Provided that for the purpose of promotion of both the Secretariat 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.]

CHIEF SECRETARY
Government of the
North-West Frontier Province.

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² Amended vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

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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	2 nd 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 Tehsildars, 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 at least five years service under Government.</p> <p>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.</p>
2.	PMS(BS-18) as per detail at Schedule-II	NIL		

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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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1199/2018

FazleSubhan.....Appellant

VS

Govt. of Khyber Pakhtunkhwa & others.....Respondents

PARAWISE COMMENTS FOR/ ON BEHALF OF RESPONDENTS NO.1-3.

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no locus standi/ cause of action to file the instant Service Appeal.
2. That no discrimination / injustice have been done to anyone.
3. That the Appeal is not based on facts and is unjustified.
4. That the Appeal is barred by time and law.

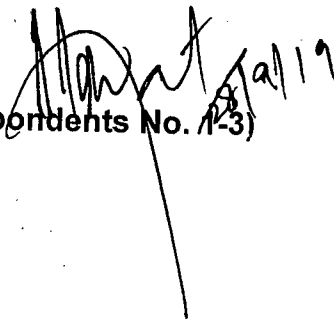
ON FACTS: -

1. Pertains to record, hence no comments.
2. Pertains to record, hence no comments.
3. Correct upto the extent that in the Service Rules for the employees of Khyber Pakhtunkhwa Services Tribunal were approved and notified, wherein Additional Registrar, Superintendent and Budget & Accounts Officer have been given the chance of promotion to the post of Registrar (BS-18) in the Tribunal. However. The appellant has not been ignored at all rather treated as per rules / policy as well as job description of the appellant which has no relevancy with the post of Registrar. Therefore, he was not given line of promotion to the said post.
4. Incorrect, the Notification of Service Rules is in no way against the law and norms of natural justice. All the stakeholders including the representative from Services Tribunal were unanimously agreed to the said rules which have also been duly vetted by Law Department.
5. Correct. Appeal of the appellant was received which was duly processed as per rules / policy and filed on the ground, already explained at Para 3 above.
6. Incorrect. As explained in Para 4 above.

ON GROUNDS:-

1. Incorrect. Private Secretaries serving in Civil Secretariat Khyber Pakhtunkhwa are promoted to the post of Senior Private Secretaries within their own cadre not to different cadre posts.
2. Pertains to record, hence no comments.
3. As explained in Para 3 of the Facts above.
4. Incorrect, the notified Service Rules are in no way contradictory to any provision of the Constitution of Islamic Republic of Pakistan.
5. Pertains to record, hence no comments.

In view of the above submission, it is requested that the Hon'ble Court may very graciously dismissed the Service Appeal with cost, please.


(Respondents No. 1-3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1199/2018

Fazle Subhan, Private Secretary (BPS-17), Khyber Pakhtunkhwa Service Tribunal, Peshawar..... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. SSRC through Secretary Establishment, KP, Peshawar. (Respondents).

REJOINDER TO THE PARAWISE COMMENTS OF RESPONDENTS NO. 1 - 3

RESPECTFULLY SHEWETH

Reply to preliminary objections.

1. Service rights of appellant have been violated by not including his name in the seniority list of Superintendent, Addl. Registrar and Budge & Accounts Officer BPS- 17.
2. Officers of BPS-17 have been extended the benefit of further promotion to BPS-18 while the appellant has been discriminated.
3. The appeal is based on facts and justified.
4. So far as preliminary objection No. 4 is concerned I have gone to perform Hajj due to which the appeal was preferred with a delay of few days for which a separate application for condonation of delay has been submitted alongwith the appeal.

FACTS

1. Not denied by the respondents.
2. Not denied by the respondents.

3. Since Private Secretaries are promoted to the next higher post which right of promotion of Private Secretary to next higher post has been forfeited.
4. Service rights of the appellant have been forfeited, therefore, the Service Rules to the extent of not including his name in the seniority list of Superintendent, Addl. Registrar and Budget & Accounts Officer are against the law, rules and natural justice.
5. In the written reply the respondents have stated that departmental appeal of the appellant received and filed but no decision has been communicated to the appellant even not annexed with the written reply.
6. As explained in para-4.

GROUNDS

1. The private Secretaries are promoted to the post of PMS Officer as per Khyber Pakhtunkhwa Provincial Management Service Rules, 2007.
2. No comments.
3. Private Secretaries are promoted to the next higher post which right of promotion of Private Secretary to next higher post has been forfeited in the Service Rules of this Tribunal.
4. Service Rules of the Khyber Pakhtunkhwa Service Tribunal are discriminatory, therefore, against the Constitution of Islamic Republic of Pakistan, 1973.
5. Not denied by the respondents.
6. The appellant also requests to agitate points at the time of arguments


It is, therefore, requested that on acceptance of the appeal, the impugned notification/service rules may very graciously be modified to the extent that name of the appellant (Private Secretary

BPS-17) may be included in the joint seniority of Additional Registrar, Superintendent and Budget & Accounts Officer BPS-17 and may also be held eligible for promotion to the post of Registrar (BPS-18).


APPELLANT

AFFIDAVIT.

I Fazle Subhan, private Secretary Service Tribunal Khyber Pakhtunkhwa Peshawar (Appellant) solemnly affirm and declare that the contents of appeal as well as replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


DEPONENT.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

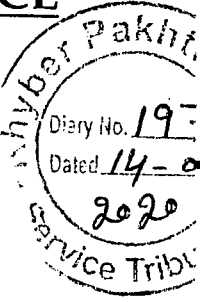
Service appeal no 1199/2018

Fazale Subhan vs Chief Secretary KPK & others

Subject: application for impleadment as necessary parties as respondent in the instant appeal

Respectfully sheweth:


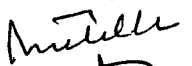

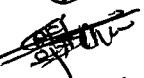
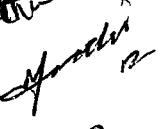


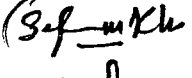


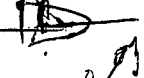


1. That the appellant has filed the instant appeal for inclusion his name in the joint seniority list of Additional: Registrar, Superintendent and Budget & Account Officer (BPS-17) and also be held entitle for promotion to the post of Registrar BPS-18
2. That if the instant appeal is allow in the favour of the appellant, then the further promotion of Office Assistant (BPS-16), Senior Clerk (BPS-14), Junior Clerk (BPS-11) and Class-IV employees will also effect. The below mentioned employees of the Tribunal want to implead in the instant appeal.
 - a. Pir Muhammad, Assistant
 - b. Matiullah, Assistant
 - c. Afsar Khan, Assistant
 - d. Iftikhar Khan, Assistant
 - e. Muhammad Nabi, Assistant
 - f. Syed Haris Shah, Assistant
 - g. Shehzad Ahmed, Senior Clerk
 - h. Safeer Khan, Senior Clerk
 - i. Shahid Khan, Junior Clerk
 - j. Samiullah, Junior Clerk
 - k. Shafiullah, Junior Clerk
 - l. Muhammad Faizan, Maali
 - m. Naveed Masih, Sweeper
 - n. Mehran Khalil, Daftari



3. That it will be interest of Justice to allow the above mentioned person as necessary parties in the instant appeal for ends of Justice.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned employees of Service Tribunal may kindly be allowed as necessary parties in the instant appeal to meet the ends of Justice.

Applicants

- a. Pir Muhammad, Assistant 
- b. Matiullah, Assistant 
- c. Afsar Khan, Assistant 
- d. Iftikhar Khan, Assistant 
- e. Muhammad Nabi, Assistant 
- f. Syed Haris Shah, Assistant 
- g. Shehzad Ahmed, Senior Clerk 
- h. Safeer Khan, Senior Clerk 
- i. Shahid Khan, Junior Clerk 
- j. Samiullah, Junior Clerk 
- k. Shafiullah, Junior Clerk 
- l. Muhammad Faizan, Maali 
- m. Naveed Masih, Sweeper
- n. Mehran Khalil, Daftari 

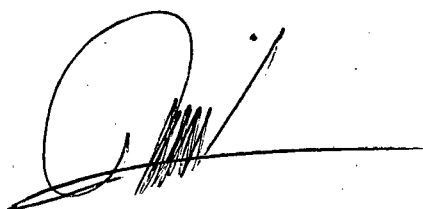
Through counsel

Taimur Ali Khan

Syed Nauman Bukhari

AFFIDAVIT

It is solemnly affirm that the content of this application are true and correct and nothing has been concealed from this august Tribunal.



Deponent

- o. Pir Muhammad, Assistant
- p. Matiullah, Assistant
- q. Afsar Khan, Assistant
- r. Iftikhar Khan, Assistant
- s. Muhammad Nabi, Assistant
- t. Syed Haris Shah, Assistant
- u. Shehzad Ahmed, Senior Clerk
- v. Safeer Khan, Senior Clerk
- w. Shahid Khan, Junior Clerk
- x. Samiullah, Junior Clerk
- y. Shafiullah, Junior Clerk
- z. Muhammad Faizan, Maali
- aa. Naveed Masih, Sweeper
- bb. Mehran Khalil, Daftari

VAKALAT NAMA

NO. 1199 /2018

IN THE COURT OF KP Service Tribunal Peshawar

Fazale Subhan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Chief Secretary RPK and others

(Respondent)
(Defendant)

I/We, Pir Muhammad & others

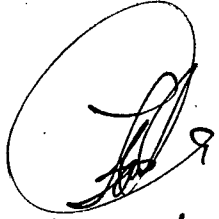
Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 14/02/2020

(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court


SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1190/2018

Fazle SubhanAppellant

Versus

Chief Secretary & others Respondent

INDEX

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4.	Notifications dated 29.01.2005 & 04.02.2015	III	06-07

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

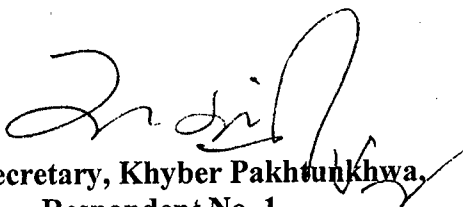
Service Appeal No. 1190/2018

FAZLE SUBHAN.....Appellant

Versus

CHIEF SECRETARY & OTHERS.....Respondent

Reply to the question(s) as formulated in para 2 of the Hon'ble Service Tribunal Order dated 08.06.2021 passed in above cited Service Appeal are as under:

Question framed by the Hon'ble Service Tribunal	Reply/Comments
i. Whether an Executive Department of the Government is competent to exercise administrative control on officers and staff of the Khyber Pakhtunkhwa Service Tribunal which is a statutory body established under Provincial legislation in pursuance to command of the Constitution of Islamic Republic of Pakistan under Article 212?	Article 212 provides for establishment of Administrative Court(s) and Tribunal(s). The Provincial Government established the Service Tribunal through an Act No.1 of 1974 to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto.
ii. Whether the notification dated 3.4.2018 of the Establishment Department in terms of the formulated question above is valid to serve as proper substitute of the rules required to be framed under Section 11 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974?	<p>Employees of the Service Tribunal are civil servants and terms & conditions of the civil servants and allied matters are regulated only under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules framed thereunder. Moreover, in Schedule-I, in col.3 against S.No.4 of the Khyber Pakhtunkhwa Govt. Rules of Business, 1985, the Services Tribunal is reflected as attached Department of the Establishment Department (Annex:I).</p> <p>It is pointed out that the Service Rules are framed in light of rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, (Annex:II). The Provincial Government in pursuance of the above rule notified Standing Service Rules Committee under the chairmanship of Administrative Secretary concerned vide notification dated 29.01.2005 read with 4.02.2015 (Annex:III) with the mandate to frame service rules or,(as the case may be, recommend an amendment in the existing services rules for various government departments).</p> <p>Since, composition of departments have been reflected in the RoB, 1985 and terms & conditions of civil servants are provided only in Civil Servants Act read with rules framed thereunder, therefore, the Service Rules of the employees of Service Tribunal notified by the Establishment Department vide notification dated 03.04.2018 are valid.</p> <p style="text-align: right;"> Chief Secretary, Khyber Pakhtunkhwa, Respondent No. 1</p>

GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

NOTIFICATION

Peshawar the, dated 6th April, 1985.

No. SO(O&M) S&GAD/3-3/1985,---In pursuance of the provision contained in Article 139 of the Constitution of the Islamic Republic of Pakistan and in suppression of the North-West Frontier Province Government Rules of Business, 1972, the Governor of the North-West Frontier Province is pleased to make the following rules:

PART - A ----- GENERAL

SHORT TITLE AND COMMENCEMENT.

- (1) These rules may be called the North-West Frontier Province Government Rules of Business, 1985.
- (2) They shall come into force at once.

DEFINITION .---- In these rules, unless the context otherwise requires.

- (a) "Assembly" means the Provincial Assembly of the North-West Frontier Province;
- (b) "Attached Department" means a Department mentioned in column 3 of Schedule-I;
- (c) "Business" means all work done by Government;
- (d) "Cabinet" means the Cabinet of Ministers appointed under Article 132 of the Constitution and includes the Chief Minister appointed under Article 130 of the Constitution;
- (e) "Case" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of viz. correspondence and notes and also any previous papers on the subject or subjects covered by it or connected with it;
- (f) "Chief Secretary" means the officer notified as such in the Gazette, who shall in addition to other Departments and functions that may be allotted to him from time to time, be in charge of the Establishment and Administration Department and shall also be the Secretary to the Cabinet;

SCHEDULE-I
[See Rule 3]

LIST OF DEPARTMENTS AND ATTACHED DEPARTMENTS

S. N. O.	SECRETARIAT DEPARTMENTS	ATTACHED DEPARTMENTS	HEAD OF ATTACHED DEPARTMENTS
1.	Agriculture, Livestock and Cooperation Department.	(a) Directorate General, Agriculture Extension.	(a) Director General, Agriculture Extension.
		(b) Directorate General, Agriculture Research.	(b) Director General, Agriculture Research.
		(c) Directorate of Livestock and Dairy Development.	(c) Director, Livestock and Dairy Development.
		(d) Directorate General On-Farm Water Management.	(d) Director General On-Farm Water Management.
		(e) Directorate of Agriculture Engineering	(e) Director Agriculture Engineering
2.	Auqaf, Hajj, Religious and Minority Affairs Department.	--	--
3.	Environment Department.	(a) Office of the Chief Conservator of Forests.	(a) Chief Conservator of Forests.
		(b) Office of Conservator of Wildlife.	(a) Conservator of Wildlife.
		(c) Directorate of Fisheries.	(b) Director, Fisheries.
		(d) Directorate General Environmental Protection Agency.	(c) Director General Environmental Protection Agency.
		(e) Directorate of Transport.	(d) Director Transport.
4.	Establishment & Administration Department.	(a) Directorate of Anti-Corruption Establishment.	(a) Director Anti-Corruption Establishment, NWFP.
		(b) NWFP Service Tribunal.	(b) Chairman, NWFP Service Tribunal.
		(c) Provincial Inspection Team (PIT).	(c) Chairman, Provincial Inspection Team (PIT).

Added vide Establishment Department Notification No:SO(O&M)/E.&AD/2-3/2006 Vol II Dated 11-4-2007

• allocated to all Pakistan Unified Grades ; and

⁶(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the ⁷[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁸[Khyber Pakhtunkhwa] Act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the ⁹Establishment and Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No. !	Posts !	Appointing Authority
¹⁰ 1. (a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and	Chief Minister

⁶ Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

⁷ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁹ For the words "Services and General Administration" wherever occurred, substituted with the words "Establishment and Administration" by Notification No. SO(Q&M) E&AD/8-6/2001 dated 30-05-2001.

¹⁰ Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.



Annex-III

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
Dated Peshawar the February 4, 2015

6

NOTIFICATION

NO.SOR-VI(E&AD)/2-69/2008/Vol-I. In pursuance to Rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and in supersession of this Department's Notification No. SOR-VI(E&AD)2-69/2008, dated 13th July, 2012, the Competent Authority is pleased to restore the composition of the Standing Service Rules Committee (SSRC) notified vide this department's Notification No. SOR-VI(E&AD)2-69/2003, dated 29th January, 2005 as under:-

(Copy enclosed)

- | | |
|--|----------|
| 1. Administrative Secretary concerned | Chairman |
| 2. Additional Secretary (Regulation),
F&A Department. | Member |
| 3. Additional Secretary (Regulation),
Finance Department. | Member |
| 4. Additional Secretary,
Law Department. | Member |
| 5. Head of attached department concerned. | Member |
| 6. Deputy Secretary (Admn) of the
department concerned. | Member |

Chief Secretary,
Khyber Pakhtunkhwa

ENDST: NO & EVEN DATE

Copy is forwarded to:-

1. Addl: Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. Addl: Chief Secretary (FATA), FATA Secretariat Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa
10. All Deputy Commissioners in Khyber Pakhtunkhwa and Political Agents in FATA
11. The Registrar Peshawar High Court, Peshawar.
12. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
13. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
14. All Special Secretaries / Additional Secretaries / Deputy Secretaries and Section Officers in Establishment & Administration Department.

03:36 PM

[Signature]
4-2-15

S.S.C

7

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 29th Jan, 2005.



NOTIFICATION

NO. SOR.VI (E&AD)2-69/2003. -Under the provision of Rule 3(2) of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Provincial Government is pleased to constitute with immediate effect and in supersession of Services and General Administration Department Notification No. SOR.II (S&GAD) 2(9)/79 dated 12th September, 2001, the Standing Service Rules Committee with the following composition: -

- | | | |
|----|---|------------------|
| 1. | Administrative Secretary concerned | Chairman |
| 2. | Additional Secretary (Regulation)
E&A Department | Member |
| 3. | Additional Secretary (Regulation)
Finance Department | Member |
| 4. | Additional Secretary
Law Department | Member |
| 5. | Head of the attached Department concerned | Member |
| 6. | Deputy Secretary (Admn) of the
Department concerned | Member/Secretary |

2. I am further directed to request that the Working Paper for the Standing Service Rules Committee should be prepared in light of instruction issued vide letter No. SOR-I (S&GAD)1-206/74(A) dated 13th October, 1990 (copy enclosed for ready reference).

Chief Secretary to
Government of NWFP

Endst: No. and dated even.

Copy forwarded to: -

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. All Heads of Attached Departments in NWFP.
4. All Addl./Dy. Secretaries in E&AD.
5. All Section Officers in E&AD.
6. The Secretary NWFP Public Service Commission.
7. PS to Chief Secretary, NWFP.
8. PS to Secretary Establishment Department.
9. PS to Secretary Administration Department.
10. Librarian E&AD.

Amu
SECTION OFFICER (REG-VI)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1199/2018

Fazle Subhan, Private Secretary (BPS-17), Khyber Pakhtunkhwa Service Tribunal, Peshawar..... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. SSRC through Secretary Establishment, KP, Peshawar. (Respondents).

REJOINDER TO THE PARAWISE COMMENTS OF RESPONDENTS NO. 1 - 3

RESPECTFULLY SHEWETH

Reply to preliminary objections.

1. Service rights of appellant have been violated by not including his name in the seniority list of Superintendent, Addl. Registrar and Budget & Accounts Officer BPS- 17.
2. Officers of BPS-17 have been extended the benefit of further promotion to BPS-18 while the appellant has been discriminated.
3. The appeal is based on facts and justified.
4. So far as preliminary objection No. 4 is concerned I have gone to perform Hajj due to which the appeal was preferred with a delay of few days for which a separate application for condonation of delay has been submitted alongwith the appeal.

FACTS

1. Not denied by the respondents.
2. Not denied by the respondents.

3. Since Private Secretaries are promoted to the next higher post which right of promotion of Private Secretary to next higher post has been forfeited.
4. Service rights of the appellant have been forfeited, therefore, the Service Rules to the extent of not including his name in the seniority list of Superintendent, Addl. Registrar and Budget & Accounts Officer are against the law, rules and natural justice.
5. In the written reply the respondents have stated that departmental appeal of the appellant received and filed but no decision has been communicated to the appellant even not annexed with the written reply.
6. As explained in para-4.

GROUNDS

1. The private Secretaries are promoted to the post of PMS Officer as per Khyber Pakhtunkhwa Provincial Management Service Rules, 2007.
2. No comments.
3. Private Secretaries are promoted to the next higher post which right of promotion of Private Secretary to next higher post has been forfeited in the Service Rules of this Tribunal.
4. Service Rules of the Khyber Pakhtunkhwa Service Tribunal are discriminatory, therefore, against the Constitution of Islamic Republic of Pakistan, 1973.
5. Not denied by the respondents.
6. The appellant also requests to agitate points at the time of arguments


It is, therefore, requested that on acceptance of the appeal, the impugned notification/service rules may very graciously be modified to the extent that name of the appellant (Private Secretary

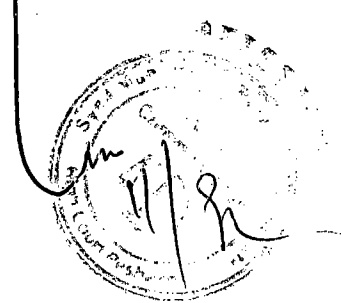
BPS-17) may be included in the joint seniority of Additional Registrar, Superintendent and Budget & Accounts Officer BPS-17 and may also be held eligible for promotion to the post of Registrar (BPS-18).


APPELLANT

AFFIDAVIT.

I Fazle Subhan, private Secretary Service Tribunal Khyber Pakhtunkhwa Peshawar (Appellant) solemnly affirm and declare that the contents of appeal as well as replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.


DEPONENT.



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 991 /ST

Dated 15 / 06 / 2021


To

The P.S.O to Worthy Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - **ORDER IN SERVICE APPEAL NO. 1199/2018, MR. FAZL E SUBHAN.**

I am directed to forward herewith a certified copy of order dated 08.06.2021 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 991 /ST

Dated 15 / 06 / 2021

To

The P.S.O to Worthy Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

M. J. J.
15/6/2021

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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1199/2018

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2. The Secretary, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. SSRC through Secretary Establishment, KP, Peshawar (Respondents).

REPLY TO APPLICATION FOR IMPLEADMENT.

Respectfully sheweth

Preliminary objections on application.

1. That I have preferred Service Appeal on 15.09.2018 but application for impleadment has been preferred on 14.02.2020, despite the fact that all the applicants are serving in the same set up, having full knowledge about the appeal, hence the application is badly time barred.
2. That the application is not accompanied with duly Sworn Affidavit, which is incomplete.
3. That the application for impleadment is not entertainable in its present form.

FACTS

1. That none of the applicants are serving in BPS-17 till date. When any official is promoted to BPS-17 I must apply for his/their impleadment.
2. That in case, the appellant succeed in getting relief; it will be the consequential benefits to him.

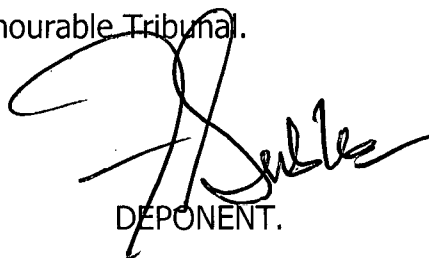
In view of the above, it is most humbly prayed that the application may very graciously be dismissed.



APPELLANT
(Fazle Subhan)

AFFIDAVIT.

I Fazle Subhan, private Secretary Service Tribunal Khyber Pakhtunkhwa Peshawar (Appellant) solemnly affirm and declare that the contents of the reply to impleadment application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



DEPONENT.



8/6/2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1199/2018

Fazle Subhan, Private Secretary (BPS-17), Khyber Pakhtunkhwa Service Tribunal, Peshawar..... (Appellant)

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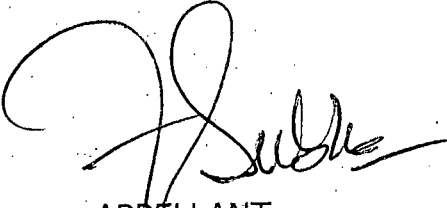
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2. That in case, the appellant succeed in getting relief; it will be the consequential benefits to him.

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 DEPONENT.



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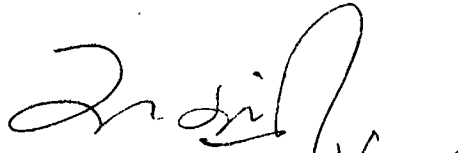
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GOVERNMENT OF N.W.F.P.
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

NOTIFICATION

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SCHEDULE-I
[See Rule 3]

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		(b) Directorate General, Agriculture Research.	(b) Director General, Agriculture Research.
		(c) Directorate of Livestock and Dairy Development.	(c) Director, Livestock and Dairy Development.
		(d) Directorate General On-Farm Water Management.	(d) Director General On-Farm Water Management.
		(e) Directorate of Agriculture Engineering	(e) Director Agriculture Engineering
2.	Auqaf, Hajj, Religious and Minority Affairs Department.	--	--
3.	Environment Department.	(a) Office of the Chief Conservator of Forests.	(a) Chief Conservator of Forests.
		(b) Office of Conservator of Wildlife.	(a) Conservator of Wildlife.
		(c) Directorate of Fisheries.	(b) Director, Fisheries.
		(d) Directorate General Environmental Protection Agency.	(c) Director General Environmental Protection Agency.
		(e) Directorate of Transport.	(d) Director Transport.
4.	Establishment & Administration Department.	(a) Directorate of Anti-Corruption Establishment.	(a) Director Anti-Corruption Establishment, NWFP.
		(b) NWFP Service Tribunal.	(b) Chairman, NWFP Service Tribunal.
		(c) Provincial Inspection Team (PIT).	(c) Chairman, Provincial Inspection Team (PIT).

Added vide Establishment Department Notification No.SO(O&M)/E&AD/2-3/2006 Vol II Dated 11-4-2007

allocated to all Pakistan Unified Grades ; and

⁶(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the ⁷[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁸[Khyber Pakhtunkhwa] Act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the ⁹Establishment and Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No. !	Posts !	Appointing Authority
¹⁰ 1. (a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and	Chief Minister

⁶ Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

⁷ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁹ For the words "Services and General Administration" wherever occurred, substituted with the words "Establishment and Administration" by Notification No. SO(O&M) E&AD/8-6/2001. dated 30-05-2001.

¹⁰ Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.



Annex-III

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)
Dated Peshawar the February 4, 2015

6

NOTIFICATION

NO.SOR-VI(E&AD)2-69/2008/Vol-I. In pursuance to Rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and in supersession of this Department's Notification No. SOR-VI(E&AD)2-69/2008, dated 13th July, 2012, the Competent Authority is pleased to restore the composition of the Standing Service Rules Committee (SSRC) notified vide this department's Notification No. SOR-VI(E&AD)2-69/2003, dated 29th January, 2005 as under: -

(copy enclosed)

- | | |
|--|----------|
| 1. Administrative Secretary concerned | Chairman |
| 2. Additional Secretary (Regulation),
E&A Department. | Member |
| 3. Additional Secretary (Regulation),
Finance Department. | Member |
| 4. Additional Secretary,
Law Department. | Member |
| 5. Head of attached department concerned. | Member |
| 6. Deputy Secretary (Admn) of the
department concerned. | Member |

Chief Secretary,
Khyber Pakhtunkhwa

ENDST: NO & EVEN DATE

Copy is forwarded to:-

1. Addl: Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. Addl: Chief Secretary (FATA), FATA Secretariat Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa and Political Agents in FATA.
11. The Registrar Peshawar High Court, Peshawar.
12. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
13. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
14. All Special Secretaries / Additional Secretaries / Deputy Secretaries and Section Officers in Establishment & Administration Department.

03:30 PM

[Signature]
4-2-15

S.S.C

7

**GOVERNMENT OF NWFP
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)**

Dated Peshawar, the 29th Jan, 2005.



NOTIFICATION

NO. SOR.VI (E&AD)2-69/2003. - Under the provision of Rule 3(2) of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Provincial Government is pleased to constitute with immediate effect and in supersession of Services and General Administration Department Notification No. SOR.II (S&GAD) 2(9)/79 dated 12th September, 2001, the Standing Service Rules Committee with the following composition: -

- | | | |
|----|---|------------------|
| 1. | Administrative Secretary concerned | Chairman |
| 2. | Additional Secretary (Regulation)
E&A Department | Member |
| 3. | Additional Secretary (Regulation)
Finance Department | Member |
| 4. | Additional Secretary
Law Department | Member |
| 5. | Head of the attached Department concerned | Member |
| 6. | Deputy Secretary (Admn) of the
Department concerned | Member/Secretary |

2. I am further directed to request that the Working Paper for the Standing Service Rules Committee should be prepared in light of instruction issued vide letter No. SOR-I (S&GAD)1-206/74(A) dated 13th October, 1990 (copy enclosed for ready reference).

Chief Secretary to
Government of NWFP

Endst: No. and dated even.

Copy forwarded to: -

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. All Heads of Attached Departments in NWFP.
4. All Addl./Dy. Secretaries in E&AD.
5. All Section Officers in E&AD.
6. The Secretary NWFP Public Service Commission.
7. PS to Chief Secretary, NWFP.
8. PS to Secretary Establishment Department.
9. PS to Secretary Administration Department.
10. Librarian E&AD.

Amu
SECTION OFFICER (REG-VI)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHWAR

Service Appeal No. 1199/2018

Fazle Subhan

Versus

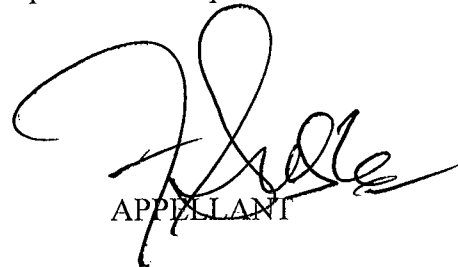
Government of Khyber
Pakhtunkhwa and others.

APPLICATION FOR IMPLEDMENT OF MR. AAMIR FAROOQ, ASSISTANT REGISTRAR (BPS-16) AND MR. FAROOQ KHAN, LAW DRAFTER (BPS-16), KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWR.

Respectfully sheweth

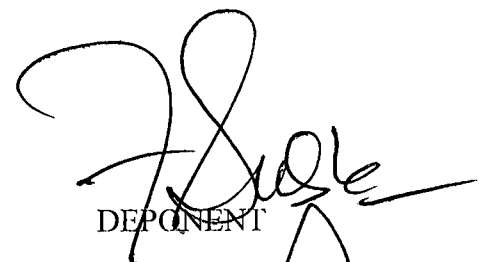
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2. That I have no objection on impleadment of necessary parties in the appeal. Besides, the above named officials have also been appointed during pendency of the present appeal.

It is, therefore, requested that Mr. Aamir Farooq, Assistant Registrar and Mr. Farooq Khan, Law Drafter may very kindly be impleaded as respondents so as to save the precious time of the Tribunal.

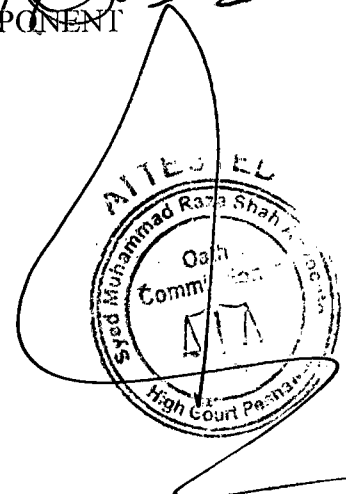

APPELLANT

AFFIDAVIT

I, Mr. Fazle Subhan (appellant) solemnly affirm and declare on Oath that the contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


DEPONENT


Ameer Mustafa


Ameer Mustafa
Oath Commission
High Court Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHWAR

Service Appeal No. 1199/2018

Fazle Subhan

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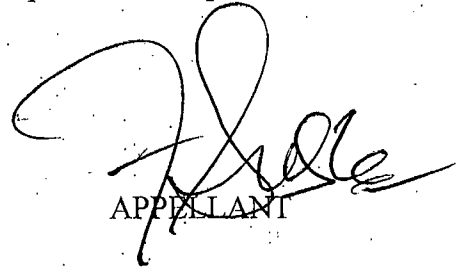
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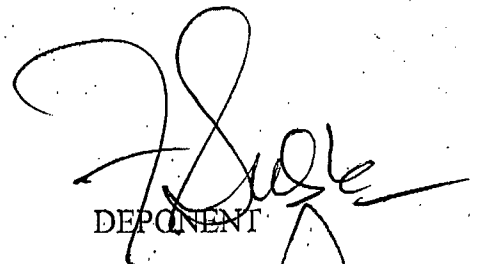
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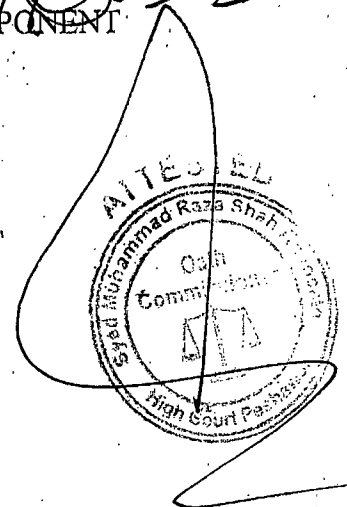

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DEPONENT





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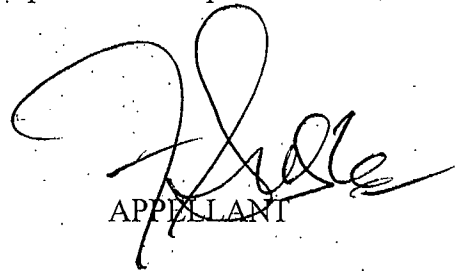
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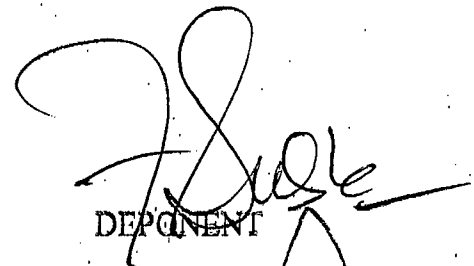
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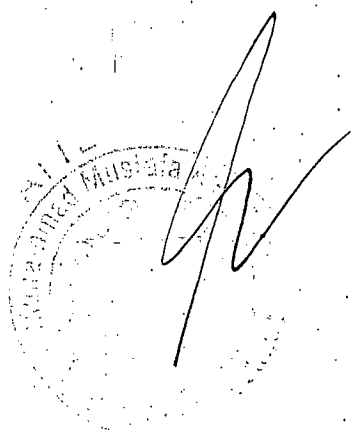
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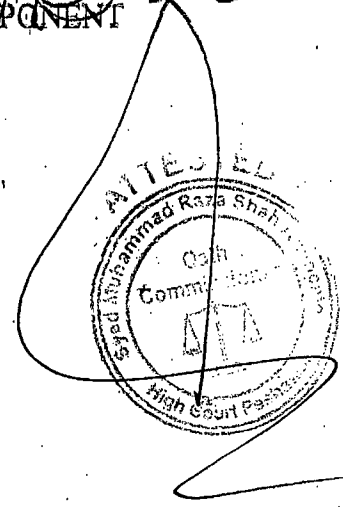

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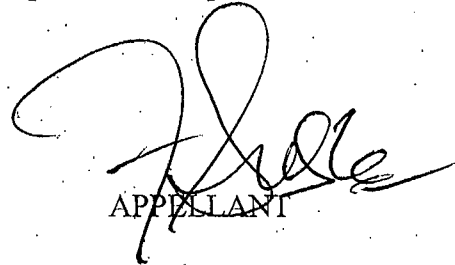
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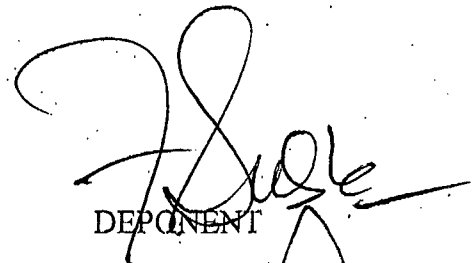
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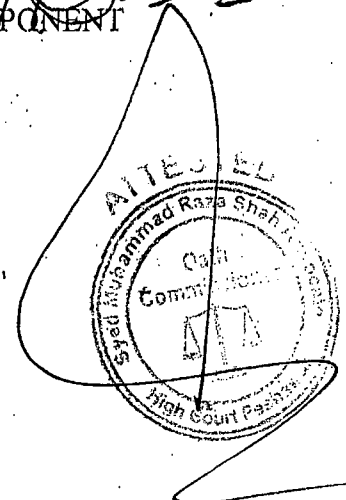

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Fazle Subhan

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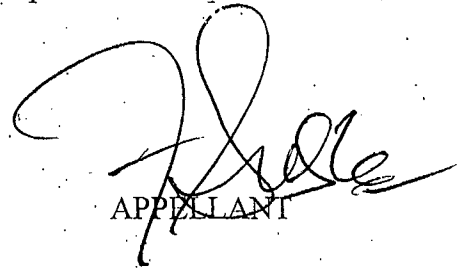
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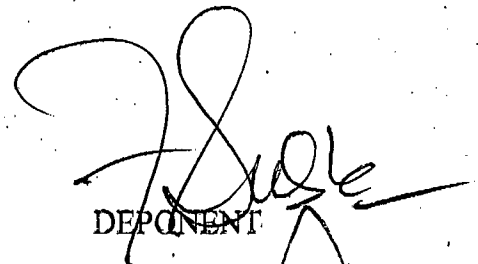
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