

08.07.2022

Due to Public Holiday on account of Eid-UI-Adha case
to come for the same on 13.09.2022


Reader

70



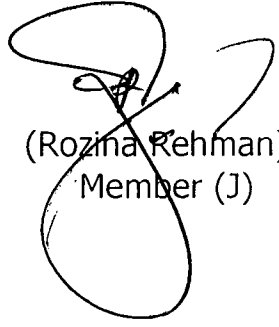


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 81/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/01/2022	<p>The appeal of Syed Salamat Shah resubmitted today by Mr. Mir Zaman Safi Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR.</p>
2-	<p><i>Noteed</i> <i>M - [Signature]</i> <i>19/4/2022</i></p>	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>28-04-2022</u></p> <p> CHAIRMAN</p>
	28.04.2021	<p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 08.07.2022 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

Rs-400/-
Appellant Deposited
Security & Process Fee
[Signature]
28/4/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 81 /2022

SYED SALAMAT SHAH VS GOVT: OF KP & OTHERS

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Affidavit	4.
3	Judgment	A	5-9.
4	Re-instatement order	B	10.
5	Seniority list	C	11- 12.
6	Minutes of DPC	D	13- 14.
7	Impugned Notification dated	E	15- 16.
8	Departmental appeal	F	17.
9	Wakalat nama	18.

APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2022

Mr. Syed Salamat Shah, Assistant Establishment Department (BPS-16),
Presently Serving in the Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
.....APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Establishment Department, Civil Secretariat, Peshawar.
.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 20.09.2021 WHEREBY COLLEAGUES AND JUNIOR COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF SUPERINTENDENT (BPS-17) WHILE THE APPELLANT HAS BEEN DIFFERED DUE TO PENDENCY OF CPLA BEFORE THE HONOURABLE SUPREME COURT OF PAKISTAN AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned Notification dated 20.09.2021 may very kindly be modified/rectified and the appellant be considered for promotion to the post of Superintendent (BPS-17) w.e.f 20.09.2021 with all consequential benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant is the employee of Establishment Department and is presently serving as Assistant (BPS-16) in the Agriculture Department Khyber Pakhtunkhwa, Peshawar quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service the appellant was removed from service on 26.04.2018 against which the appellant preferred departmental appeal followed by service appeal No. 1094/2018 before this august Tribunal. That this august Service Tribunal accepted the aforementioned service appeal of the appellant vide judgment dated 23.10.2019 by setting aside the impugned order dated 26.04.2018. Copy of the judgment is attached as annexure.....A.
- 3- That the respondent Department implemented the judgment of this august Tribunal and conditionally re-instated the appellant into service vide order dated 09/04/2020 till the final outcome of CPLA pending before the

Honourable Supreme Court of Pakistan against the judgment dated 23.10.2019 of the august Service Tribunal. Copy of the order is attached as annexure.....**B.**

- 4- That name of the appellant was also included/enlisted by the respondent in the final seniority list circulated on 17.05.2021 at serial No. 15 of the said seniority list. Copy of the Seniority list is attached as annexure.....**C.**
- 5- That it is pertinent to mention that Minutes of Departmental Promotion Committee held on 30.08.2021 for promotion of Assistants (BPS-16) to the post of Superintendent, whereby name of the appellant was also included at serial Number-14 of the list. Copy of the minutes of DPC is attached as annexure.....**D.**
- 6- That astonishingly the respondent Department issued impugned promotion Notification dated 20.09.2021 whereby colleagues and junior colleagues of the appellant have been promoted to the post of Superintendent (BPS-17) while the appellant has been differed from the said promotion due to pendency of CPLA before the Supreme Court of Pakistan. Copy of the impugned Notification is attached as annexure.....**E.**
- 7- That the appellant feeling aggrieved from the impugned Notification dated 20.09.2021 preferred Departmental appeal but no reply has been received so far from the quarter concerned. Copy of the departmental appeal is attached as annexure.....**F.**
- 8- That appellant feeling aggrieved from the impugned and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned Notification dated 20/09/2021 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be rectified/modified to the extent of promotion of appellant.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.
- C- That the respondents acted in arbitrary and malafide manner while issuing the impugned notification dated 20/09/2021 by promoting colleagues and junior colleagues of the appellant to the post of Superintendent (BPS-17) while ignoring the appellant from the said benefit of promotion.
- D- That despite of having eligibility and seniority, the appellant has been differed from promotion to the post of Superintendent (BPS17) and promoted all other colleagues and junior colleagues of the appellant which shows clear malafide on the part of respondents, therefore, the impugned Notification dated 20.09.2021 is liable to be rectified/modified to the extent of promotion of the appellant.

- E- That the respondents discriminated the appellant amongst his colleagues by promoting colleagues and juniors colleagues of the appellant to the post of Superintendent (BPS-17) while the appellant has been ignored.
- F- That the impugned Notification dated 20/09/2021 has been issued by the respondent department in violation of section-9 of the Civil Servant Act, 1973 read with Rule-7(3) of Khyber Pakhtunkhwa Civil Servant Appointment, Promotion & Transfer Rule, 1989.
- G- That the impugned Notification dated 20/09/2021 is against the principles of natural justice, hence not tenable and liable to be rectified/modified to the extent of promotion of appellant.
- H- That the impugned Notification dated 20/09/2021 has been issued in clear violation of the Article-38(e) of the Constitution of Islamic Republic of Pakistan, 1973.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 20/01/2022.

APPELLANT


SYED SALAMAT SHAH

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2022

SYED SALAMAT SHAH VS GOVT: OF KP & OTHERS

AFFIDAVIT

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



MIR ZAMAN SAFI,
Advocate
High Court, Peshawar

A-5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1094/2018

Date of institution ... 04.09.2018
Date of judgment ... 23.10.2019



Syed Salamat Shah Ex-Assistant Establishment Department,
Khyber Pakhtunkhwa, S/o Syed Server Shah
R/o Village and P/O Jinkiari Tehsil and District Mansehra.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Government of Khyber Pakhtunkhwa; Establishment Department (Establishment Wing) through its Secretary.
3. Secretary Establishment, Establishment Department, Civil Secretariat, Peshawar.
4. Secretary Auqaf, Hajj, Religious and Minority Affairs Department, Khyber Pakhtunkhwa.

... (Respondents)

M. Amin
23.10.2019

AMENDED APPEAL BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL FOR DECLARATION TO THE EFFECT THAT RESPONDENT NO. 2 REGRETTED/DISMISSED DEPARTMENTAL APPEAL VIDE LETTER NO. SOE-IV (E&AD) 2 (727) 2015 DATED PESHAWAR THE 31.08.2018 OF THE APPELLANT AND MAINTAINED THE ORDER OF THE RESPONDENT NO. 1, MAJOR PENALTY OF REMOVAL FROM SERVICE UPON THE APPELLANT VIDE THE IMPUGNED NOTIFICATION NO. SOE-IV (E&AD) 2 (727)/2015 DATED 26.04.2018 WHICH IS AGAINST THE LAW AND RULES ON THE SUBJECT, HENCE, THE IMPUGNED ORDER DATED 31.08.2018 IS LIABLE TO BE SET-ASIDE.

Mr. Abdullah Shah; Advocate.

.. For appellant.

Mr. Ziaullah, Deputy District Attorney

.. For respondents.

MR. HAMID FAROOQ DURRANI

.. CHAIRMAN

Mr: MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Zar Muhammad, Assistant for the respondents present. Arguments heard and record perused.

ATTESTED
[Signature]
Khyber Pakhtunkhwa Service Tribunal Peshawar

⑥

2. Brief facts of the case as per present service appeal are that the appellant was serving as Assistant (BPS-16) in Auqaf, Hajj, Religious and Minority Affairs Department. He was imposed major penalty of removal from service vide order dated 26.04.2018 on the allegation of absence from duty with effect from 08.12.2017 to 12.12.2017 without permission of the competent authority. The appellant filed departmental appeal on 07.05.2018 which was rejected vide order dated 31.08.2018 hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving as Assistant (BPS-16) in Auqaf, Hajj, Religious and Minority Affairs Department. It was further contended that the appellant was imposed major penalty of removal from service on the allegation of absence from duty with effect from 08.12.2017 to 12.12.2017. It was further contended that the appellant had submitted application on 07.12.2017 to the effect that his elder sister was admitted in hospital for major surgery, therefore, he requested for short leave on 07.12.2017 and casual leave for 08.12.2017. It was further contended that the application was allowed and the copy of application alongwith sanctioned of leave order of the competent authority is available on record. It was further contended that 9th and 10th December 2017 were also holiday due to Saturday and Sunday. It was further contended that the competent authority has ignored such fact that the appellant was on leave for 7th and 8th December 2017 while 9th and 10th December 2017 were holiday. It was further contended that the appellant was imposed major penalty for the alleged absence of 11th and 12th December 2017. It was further contended that the appellant was appointed in the year 2003, therefore, he was also having more than fifteen years service in his credit but the respondent-department has also not taken into consideration the said long service of the appellant in the said

M. Anwar
23.10.2019

ATTACHED

[Signature]

EXAMINER
M. Anwar
23.10.2019

department. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor a proper regular inquiry was dispensed in the show-cause notice dated 30.01.2018 nor any reason for dispensing the regular inquiry has been mentioned by the competent authority in the show-cause notice. It was further contended that neither any absence notice was issued at the home address of the appellant nor any advertisement in two newspapers was published by the competent authority regarding the absence of the appellant as required under rule-9 of Government Servants (Efficiency & Discipline) Rules, 2011. It was further contended that the competent authority has issued show-cause notice for absence with effect from 08.12.2017 to 12.12.2017 and also mentioned the previous warning and deduction of two days salary from 28.09.2017 to 29.09.2017 in the show cause notice. It was further contended that the same was past and close transaction and the major penalty on the basis of which is amounted to double jeopardy which is not permissible, therefore, it was contended that the impugned order is illegal and liable to be set-aside and prayed for acceptance of appeal.

M. J. Khan
 08.10.2019

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant remained absent from duty without permission of the competent authority. It was further contended that a show-cause notice was issued for the aforesaid absence period but the appellant failed to satisfy the competent authority therefore, the appellant was rightly imposed major penalty of removal from service after fulfilling all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving as Assistant (BPS-16) in Auqaf, Hajj, Religious and Minority Affairs Department Khyber Pakhtunkhwa. He was imposed major penalty of removal from service vide

ATTESTED
 [Signature]
 MEMBER
 TRIBUNAL

order dated 26.04.2018 on the allegation of absence from duty with effect from 08.12.2017 to 12.12.2017. The record further reveals that the competent authority has granted leave to the appellant for 08.12.2017 while 9th and 10th December 2017 were holiday due to Saturday and Sunday but the competent authority has ignored this fact while imposing the major penalty of removal from service. Meaning thereby, that the appellant was imposed major penalty of removal from service for a period of two days i.e 11th and 12th December 2017. The record further reveals that neither any charge sheet, statement of allegation was framed or served upon the appellant nor proper inquiry was conducted nor regular inquiry was dispensed by the competent authority in the show-cause notice nor any reason has been mentioned for dispensing the regular inquiry in the show-cause notice nor any absence notice was issued to the appellant at his home address nor any absence notice was published in the two newspapers. Moreover, show-cause notice was issued to the appellant for absence period with effect from 08.12.2017 to 12.12.2017 and the major penalty of removal from service was also imposed to the appellant for the aforesaid absence period with effect from 08.12.2017 to 12.12.2017 but the appellant was granted leave for 08.12.2017, the order of sanctioned of leave for 08.12.2017 of the competent authority is available on record. Moreover, 9th and 10th December 2017 were also holiday due to Saturday and Sunday but the competent authority has ignored such fact. Furthermore, the competent authority has also mentioned in the show-cause notice that despite the warning letter issued to the appellant vide letter No. SO(Admn)AHR & MAD/2-11/2016 dated 28.09.2017 and deduction of two days salary from 28.09.2017 and 29.09.2017 but he failed to improve himself. Meaning thereby, that the major penalty of removal from service was also imposed by the competent authority for already deduction of two days salary although the same is past and close transaction and the penalty of removal from service on the basis of aforesaid reason will be amounted to

M. Anwar
23.10.2019

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

⑨

double jeopardy which is not permissible under any law. It is also proved from the record that the appellant was having more than fifteen years service in his credit but the same was not considered by the competent authority while imposing major penalty of removal from service, as such, the whole proceeding is illegal and liable to be set-aside. Therefore, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service from the date of removal from service while the intervening period will be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

23.10.2019

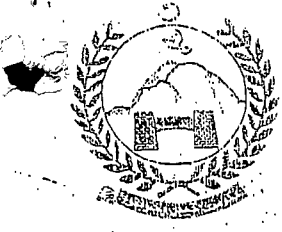
Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Hamid Farooq Durrani
(HAMID FAROOQ DURRANI)
CHAIRMAN

Certified to be true copy

[Signature]
EXCISE & REVENUE
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 21-01-22
Number of Words 2000
Copying Fee 20/-
Urgent 4/-
Total 20/-
Name of Copyist _____
Date of Completion of Copy 21-01-22
Date of Delivery of Copy 21-01-22



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar, the 09.04.2020

B-10

NOTIFICATION

No.SOE.IV(E&AD) 2(727)/2015:- In pursuance of judgment of Khyber Pakhtunkhwa Service Tribunal dated 23.10.2019 passed in Appeal No.1094/2018, the competent authority has been pleased to re-instate Syed Salamat Shah, Assistant (BPS-16) in service w.e.f 26.04.2018 and to treat the intervening period as leave without pay, subject to final decision of the Supreme Court of Pakistan against aforementioned judgment of Khyber Pakhtunkhwa Service Tribunal.

2. Consequent upon the above, Syed. Salamat Shah, Assistant (BS-16) is posted in Agriculture Department against the vacant post with immediate effect.

SECRETARY ESTABLISHMENT
GOVT. OF KHYBER PAKHTUNKHWA

Endst: No. and dated even.
A copy is forwarded to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Admn), Administration Department.
3. Section Officer (Secret), Establishment Department.
4. Estate Officer, Administration Department
5. Section Officer (Gen), Agriculture Department.
6. Deputy Director (IT), Establishment & Administration Department.
7. PS to Secretary Establishment, Establishment Department.
8. PS to Special Secretary (Estt), Establishment Department.
9. PA to Addl: Secretary (HRD Wing), Establishment Department.
10. PA to Deputy Secretary (Estt), Establishment Department.
11. Official concerned

SECTION OFFICER (E-IV)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar, the 17.05.2021

C-11

17

NOTIFICATION

No. SCE.IV(E&AD)1-13/2021:-

In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Seniority list of Assistants (BPS-16) (as stood on 17.05.2021), Civil Secretariat, Khyber Pakhtunkhwa is hereby notified/circulated for general information.

FINAL SENIORITY LIST OF ASSISTANTS (BS-16) OF CIVIL SECRETARIAT, PESHAWAR

S.No.	Name of official	Academic Qualification	Date of Birth	Date of Retd	Domicile	Date of 1st Entry in Govt: service	Date of Apptt:/ Promotion as Assistant	Department	Date present posting	Method of Recruitment/ Appointment	Remarks
1	Mr. Roza Amin	Matric	07.08.1964	06.08.2024	Peshawar	05.06.1990	23.04.2010	E&AD (O/O. Minister for Labour & Culture)		By promotion	Assistant (Forego promotion)
2	Mr. Zahid Ali Khan	Matric	06.08.1978	18.11.2038	Peshawar	06.04.2001	08.01.2012	Spd's Deptt.	08/02/2021	By promotion	Assistant
3	Mr. Waqar Khan	Matric	07.11.1979	03.10.2039	Peshawar	07.03.2001	21.05.2013	E&S Deptt.		By promotion	Assistant
4	Mr. Shahid Iqbal	B.A	13.04.1981	12.04.2041	Peshawar	16.09.2003	04.12.2012	C&W Deptt.	17.11.2020	By promotion	Assistant
5	Mr. Mohsin Mushtaq	MCS	19.10.1983	18.10.2043	Peshawar	16.09.2003	04.12.2012	E&AD (R-VI Section)	17.11.2020	By promotion	Assistant
6	Mr. Muhammad Noman	B.A.	06.11.1983	05.11.2043	Peshawar	16.09.2003	28.05.2013	E&AD (Estate Office)		By promotion	Assistant
7	Miss. Saman Zaman	MSc/MED	12.01.1986	11.01.2046	Peshawar (Female Quota)	08.12.2012	08.12.2012	Finance Deptt.	17.11.2020	By initial rectt.	Assistant
8	Miss. Huma Bakhtiar D/O Bakhtiar Ahmad Khan	MSc	16.04.1984	15.04.2044	Peshawar (Female Quota)	01.10.2013	01.10.2013	P&D Deptt.	17.11.2020	By initial rectt.	Assistant
9	Muhammad Kaleem Jan S/O Muharram Gul	B.A (Hons)	12.03.1985	11.03.2045	Charsadda	24.09.2013	24.09.2013	E&AD (E-IV Section)	17.11.2020	By initial rectt.	Assistant
10	Usman Khan S/O Aziz-ur-Rehman	M.A	01.02.1985	31.01.2045	Dir Lower	01.10.2013	01.10.2013	Energy & Power Deptt.	02.04.2019	By initial rectt.	Assistant
11	Asmat Ullah S/O Ayub Khan	M.A	18.10.1989	17.10.2049	Khyber Agy	26.09.2013	26.09.2013	E&SE Deptt.		By initial rectt.	Assistant
12	Syed Sardar Badshah S/O Hassan Gul	MA	20.09.1988	19.09.2048	Peshawar	12.12.2013	12.12.2013	E&AD (O&M Section)		By initial rectt.	Assistant
13	Mamir Shahzad Khattak S/O Shahzad Khan	BSc (Hon)	04.04.1987	03.04.2047	Karak	11.12.2013	11.12.2013	On deputation to KPK Services Tribunal for 03 years 31.08.2018 to 30.08.2021		By initial rectt.	Assistant

(Signature)

FINAL SENIORITY LIST OF ASSISTANTS (BS-16) OF CIVIL SECRETARIAT, PESHAWAR

S.No.	Name of official	Academic Qualification	Date of Birth	Date of Retd	Domicile	Date of 1st Entry in Govt: service	Date of Apptt:/ Promotion as Assistant	Department	Date present posting	Method of Recruitment/ Appointment	Remarks
14	Syed Muhammad Insan S/O Syed Muhammad Kamal	BCs (Hon)	01.11.1989	31.10.2049	Bajour Agy	12.12.2013	12.12.2013	On deputation to Private School Regulatory Authority extended for further 02 years w.e.f 22.05.2021 to 21.05.2023	07/04/2021	By initial rectt.	Assistant
15	Syed Salamat Shah	Matric	19.10.1973	18.10.2033	Mansehra	17.09.2003	02.11.2015	Agriculture Deptt. Re-instated w.e.f 26.04.2018 and the intervening period as leave without pay, subject to final decision of Supreme Court of Pakistan against the judgment dated 23.10.2019 in Appeal No.1094/2018 of Service Tribunal.		By promotion	Assistant
16	Mr. Muhammad Sohail	Matric	05.01.1980	04.01.2040	Peshawar	18.09.2003	12.02.2014	Home Deptt.	17.11.2020	By promotion	Assistant
17	Mrs. Sitwat	Matric	17.02.1980	16.02.2040	Peshawar Female	25.05.2004	12.02.2014	Environment Deptt.		By promotion	Assistant
18	Mr. Muhammad Saleem	Matric	12.11.1964	11.11.2024	Abbottabad	05.09.1988	12.02.2014	Health Deptt.	17.11.2020	By promotion	Assistant
19	Mr. Muhammad Shafiq	F.A	05.04.1964	04.04.2024	Peshawar	23.07.1984	12.02.2014	Health Deptt.	17.11.2020	By promotion	Assistant
20	Mr. Muhammad Ishfaq	F.A	03.03.1980	02.03.2040	Peshawar	21.04.1998	12.02.2014	P&D Deptt.	17.11.2020	By promotion	Assistant
21	Mr. Ijaz Muhammad	B.A	15.09.1969	14.09.2029	Abbottabad	21.09.2004	12.02.2014	Sports Deptt.	30.11.2020	By promotion	Assistant
22	Syed Akhtar Ali Shah	B.A	22.08.1980	21.08.2040	Abbottabad	21.09.2004	12.02.2014	Finance Deptt.	17.11.2020	By promotion	Assistant
23	Mr. Adnan Yousaf	B.A	04.03.1984	03.03.2044	Peshawar	22.09.2004	12.02.2014	Home Deptt.		By promotion	Assistant
24	Mr. Muhammad Aqeel	Matric	08.11.1984	07.11.2044	Haripur	21.09.2004	12.02.2014	Energy & Power Deptt. temprrally Finance	17.11.2020	By promotion	Assistant
25	Mr. Adnan Shaukat Ali Khan	B.A	10.09.1980	09.09.2040	D.I.Khan	04.03.2005	12.02.2014	On deputation to PSRA 03 years w.e.f 03.09.2020 to 02.09.2023.	29/04/2021	By promotion	Assistant
26	Mr. Asif Nabi	F.Sc	15.03.1983	14.03.2043	Peshawar	08.03.2005	23.06.2014	On deputation to PSRA 03 years w.e.f 27.03.2019 to 26.03.2022.		By promotion	Assistant
27	Mr. Muhammad Aslam	D.Com	01.06.1972	31.05.2032	Mansehra	17.03.1993	23.06.2014	C&W Deptt.		By promotion	Assistant
28	Mr. Lal Zahir	Matric	16.04.1967	15.04.2027	Dir Lower	23.02.1995	23.06.2014	Environment Deptt.	17.11.2020	By promotion	Assistant
29	Mr. Imran Saleem	Matric	02.02.1971	01.02.2031	D.I.Khan	26.05.1996	26.02.2015	Finance Deptt.		By promotion	Assistant
30	Mr. Shah Jehan	F.A	02.02.1971	01.02.2031	Bajaur Agy.	04.08.1996	23.06.2014	Agriculture Deptt.	17.11.2020	By promotion	Assistant
31	Mr. Sartaj Khan	B.A	01.09.1975	31.08.2035	Khyber Agy.	11.08.1996	23.06.2014	Relief Deptt.		By promotion	Assistant
32	Mr. Sohbat Khan	F.A	30.08.1972	29.08.2032	Khyber Agy.	13.08.1996	23.06.2014	E&SE Deptt.	17.11.2020	By promotion	Assistant



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(HRD WING)

D-13

No. SO (HRD-II)/ED/1-10/2021 (RTI)/Syed Salamat Shah
Dated Peshawar the 21st October, 2021

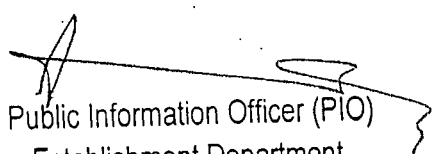
To

Mr. Syed Salamat Shah,
Assistant,
Agriculture Department (0343-5992940).

Subject: PROVISION OF DPC MINUTES HELD ON 30-08-2021 UNDER RTI ACT.

Kindly refer to your application on the subject noted above and to forward herewith copy of the requisite information under Right to Information Act 2013 for information.

Encl: As above:


Public Information Officer (PIO)
Establishment Department

M. J. Khan

14

Item No.(iv) PROMOTION OF ASSISTANTS (BS-16) AS SUPERINTENDENT (BS-17).

7. Thirty (31) vacancies occurred, due to promotion of 24 Superintendent (BS-17) to PMS (BS-17), due to creation of 02 posts of Superintendents in Relief Deptt, 01 due to death of Mukaram Khan, Supdt., 02 vacancy due to retirement of Muhammad Usman (3.7.2021) and Syed Anwar Shah (31.8.2021) and 01 due to retirement on medical ground of Muhammad Iqbal Supdt and deferment of Mr. Zelle Ali Haidari, Assistant in last DPC. The Committee considered the panel and made the following recommendations:-

S.No	Name	Recommendations
1	Mr. Roza Amin	Superseded as he has forgone Promotion on 30.05.2019 to 29.05.2023.
2	Mr. Zelle Ali Haidari	Considered and found him fit for promotion as Superintendent on regular basis.
3	Mr. Shahid Iqbal	Considered and found him fit for promotion as Superintendent on regular basis.
4	Mr. Mohsin Mushtaq	Considered and found him fit for promotion as Superintendent on regular basis.
5	Mr. Muhammad Noman	Considered and found him fit for promotion as Superintendent on regular basis.
6	Miss. Saman Zaman	Considered and found him fit for promotion as Superintendent on regular basis.
7	Miss. Huma Bakhtiar D/O Bakhtiar Ahmad Khan	Considered and found him fit for promotion as Superintendent on regular basis.
8	Muhammad Kaleem Jan S/O Muharram Gul	Considered and found him fit for promotion as Superintendent on regular basis.
9	Usman Khan S/O Aziz-ur-Rehman	Considered and found him fit for promotion as Superintendent on regular basis.
10	Asmat Ullah S/O Ayub Khan	Considered and found him fit for promotion as Superintendent on regular basis.
11	Syed Sardar Badshah S/O Hassan Gul	Considered and found him fit for promotion as Superintendent on regular basis.
12	Aamir Shahzad Khattak S/O Gul Shahzad Khan	Considered and found him fit for promotion as Superintendent on regular basis.
13	Syed Muhammad Ihsan S/O Syed Muhammad Kamal	Considered and found him fit for promotion as Superintendent on regular basis.
14	Syed Salamah Shah	Deferred due to pending Court case.
15	Mr. Muhammad Sohail	Considered and found him fit for promotion as Superintendent on regular basis.
16	Mrs. Sitwat	Considered and found him fit for promotion as Superintendent on regular basis.
17	Mr. Muhammad Saleem	Considered and found him fit for promotion as Superintendent on regular basis.
18	Mr. Muhammad Shafiq	Considered and found him fit for promotion as Superintendent on regular basis.
19	Mr. Muhammad Ishfaq	Considered and found him fit for promotion as Superintendent on regular basis.
20	Mr. Ijaz Muhammad	Considered and found him fit for promotion as Superintendent on regular basis.
21	Syed Akhtar Ali Shah	Considered and found him fit for promotion as Superintendent on regular basis.
22	Mr. Adnan Yousaf	Considered and found him fit for promotion as Superintendent on regular basis.
23	Mr. Muhammad Aqeel	Considered and found him fit for promotion as Superintendent on regular basis.
24	Mr. Adnan Shaukat Ali Khan	Considered and found him fit for promotion as Superintendent on regular basis.
25	Mr. Asif Nabi	Considered and found him fit for promotion as Superintendent on regular basis.
26	Mr. Muhammad Aslam	Considered and found him fit for promotion as Superintendent on regular basis.
27	Mr. Lal Zahir	Deferred due to missing of PERs for the period from 2014 to 2020.
28	Mr. Imran Saleem	Considered and found him fit for promotion as Superintendent on regular basis.
29	Mr. Shah Jehan	Considered and found him fit for promotion as Superintendent on regular basis.
30	Mr. Sartaj Khan	Considered and found him fit for promotion as Superintendent on regular basis.
31	Mr. Sohbat Khan	Considered and found him fit for promotion as Superintendent on regular basis.
32	Miss. Fizza Hassan Saeed D/O Hassan Saeed Ahmad Shah	Considered and found him fit for promotion as Superintendent on regular basis.
33	Miss. Amna Khan D/O Abdul Rashid Khan	Deferred due to incomplete of PERs for the year 2018, 2019.

Item No.(v) PROMOTION OF SENIOR CLERK (BS-14) AS ASSISTANT (BS-16).

Twenty Seven (27) vacancies occurred, due to promotion of 20 Assistants (BS-16) to Superintendents (BS-17), 06 vacancies due to Creation of Assistants (BS-16) in various Administrative

M. [Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

E-15

Dated Peshawar the 20th September, 2021

NOTIFICATION

No.SOE.IV(E&AD)1-7/2021:- On the recommendations of the Departmental Promotion Committee, the competent authority is pleased to promote the following Assistants (BS-16) of the Civil Secretariat, Khyber Pakhtunkhwa, Peshawar as Superintendents (BS-17), on regular basis, with immediate effect:-

S.No.	Name of Officer	Department
1.	Mr. Zelle Ali Haidari	Sports Deptt.
2.	Mr. Shahid Iqbal	C&W Deptt.
3.	Mr.Mohsin Mushtaq	E&AD (R-VI Section)
4.	Muhammad Noman	E&AD (Estate Office)
5.	Miss. Saman Zaman	Finance Deptt.
6.	Miss. Huma Bakhtiar	P&D Deptt.
7.	Muhammad Kaleem Jan	E&AD (E-IV Section)
8.	Usman Khan	Energy & Power Deptt.
9.	Asmat Ullah	E&SE Deptt.
10.	Syed Sardar Badshah	E&AD (O&M Section)
11.	Aamir Shahzad Khattak	E&AD (R-II Section)
12.	Syed Muhammad Ihsan	On deputation to PSRA
13.	Muhammad Sohail	Home Deptt.
14.	Mrs. Sitwat	Finance Deptt.
15.	Muhammad Saleem	Health Deptt.
16.	Muhammad Shafiq	Health Deptt.
17.	Muhammad Ishfaq	P&D Deptt.
18.	Mr. Ijaz Muhammad	Sports Deptt.
19.	Syed Akhtar Ali Shah	Finance Deptt.
20.	Mr. Adnan Yousaf	Home Deptt.
21.	Muhammad Aqeel	Energy & Power Deptt.
22.	Mr. Adnan Shaukat Ali Khan	On deputation to PSRA
23.	Mr. Asif Nabi	On deputation to PSRA
24.	Muhammad Aslam	C&W Deptt.
25.	Mr. Imran Saleem	Finance Deptt.
26.	Mr. Shah Jehan	Agriculture Deptt.
27.	Mr. Sartaj Khan	Relief Deptt.
28.	Mr. Sohbat Khan	E&SE Deptt.
29.	Miss. Fizza Hassan Saeed	E&AD (R-II Section)

2. The above Superintendents on their promotion shall remain 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(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of Rules ibid.

[Handwritten signature]

3. Posting / transfer notification of officials will be issued later on.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

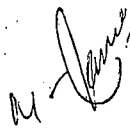
ENDST. NO. & DATE EVEN.

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Secret), Establishment Department.
3. Estate Officer, Administration Department.
4. Section Officer (Admn), Administration Department.
5. All Section Officers (Admn/Estt/Gen _____) of the concerned Administrative Department of Civil Secretariat.
6. All concerned Offices/ Sections, E&A Deptt _____
7. Deputy Director (IT), Establishment & Administration Deptt.
8. PS to Minister for Food & ST&IT, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment Department.
10. PS to Special Secretary (Estt:), Establishment Department.
11. PA to Addl: Secretary (HRD Wing) Establishment Department.
12. PA to Additional Secretary (Estt:), Establishment Department.
13. Officials concerned.



(SIRAJ MUHAMMAD)
SECTION OFFICER (E-IV)



To

The Hon'ble Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

Dated: 26.09.2021

9210124

Subject:

DEPARTMENTAL APPEAL UNDER SECTION-22 OF KP CIVIL SERVANT ACT, 1973.

Respected Sir,

It is submitted as under:

F-17

1. That the appellant is a permanent employee of the Establishment Department; presently posted as Assistant (BS-16) at the Agriculture Department Govt. of KP, serving to the entire satisfaction of his superiors.
2. That the undersigned was removed from service on 26-04-2018 for the reason of mere 03 days so-called un-authorized absenteeism from office. In compliance with the Judgment dated 23-10-2021 rendered by the KP Service Tribunal Peshawar, the appellant was conditionally reinstated in service w.e.f 26-04-2018 to 08-04-2020 & with all back and consequential benefits, subject to the outcome of CPLA, filed by the Establishment Department against the afore-mentioned Judgment of the Tribunal in the apex Court which is still subjudice.
3. That Meeting of the Departmental Promotion Committee for promotion of the ministerial staff, including Assistants cadre, of the Civil Secretariat was held on 30.07.2021 under the chairmanship of worthy Secretary Estt., wherein 29 Assistants were granted promotion to the post of Superintendents (BS-17) and the appellant was also in the promotion zone in the seniority list and was eligible in all respects to be promoted to the post of Superintendent (Seniority No. 15), keeping this fact in view, the undersigned was quite optimistic about his promotion as Superintendent.
4. That, however, ironically the name of the appellant was dropped and his case was deferred without any substance only for the insufficient and fabricated ground that he has been conditionally re-instated and his promotion case was linked with CPLA which is pending for adjudication before the Supreme Court of Pakistan and his juniors were promoted. (Copy of the Minutes of DPC meeting is vide (Annexure-I).
5. That admittedly promotion is not a vested right of a civil servant, however, to be considered for promotion in a transparent and just manner, is indeed the legitimate expectation of each and every civil servant.
6. That, moreover, no-where under the Law, Rules and Promotion Policy, 2009, pendency of Court case (which takes years for conclusion and decision); could be made a tool for denying promotion to a deserving incumbent (Copy of the relevant paras of Promotion Policy is at (Annexure-II).
7. That feeling aggrieved by accruing no chance of due promotion owing to the aforementioned fanciful and untenable reasons, the instant appeal is hereby filed before your Excellency for your kind consideration based on its merits.

In view of the above and in the interest of justice, it is humbly prayed that on acceptance of the appeal in hand, the appellant be promoted to the post of Superintendent (BS-17) with effect from the due date, i.e. 30-07-2021

Yours faithfully,



Syed Salamat Shah
(Assistant)