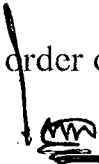


Form- A

## FORM OF ORDER SHEET

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

Case No.- 1605/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/11/2022	<p>The appeal of Mr. Muhammad Azhar Khan presented today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 1605/2022

Muhammad Azhar Khan

V/S

Govt Of KP

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2.	Copy of PSB minutes	A	10-13
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**APPELLANT**  
Muhammad Azhar Khan

**THROUGH:**

**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE, HIGH COURT**

**&**  
**(SHAHKAR KHAN YOUSAFZAI)**  
**ADVOCATE PESHAWAR**

Cell No: 03065109438

**OFFICE ADDRESS:**

4<sup>TH</sup> Floor, Room No Fr #8  
Bilour Plaza, sadar Bazar  
Peshawar.

Date: \_\_\_\_\_/2022

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

1

APPEAL NO. \_\_\_\_\_/2022

Mr. Muhammad Azhar Khan Section officer (litigation-1)  
Establishment Deptt.:

(Appellant)

VERSUS

1. The Provincial Govt: through Chief Secretary KPK, Peshawar.
2. The Chief Secretary Govt of KPK, Peshawar.
3. The Secretary Establishment, KPK, Civil Secretariat Peshawar.

(Respondents)

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=====

APPEAL UNDER SEC- 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974, APPEAL AGAINST THE ORDER NOTIFICATION DATED 18/05/2018 WHEREBY THE APPELLANT WAS PROMOTED TO THE POST OF PMS OFFICER (BS-17) WITH IMMEDIATE EFFECT NOT FROM THE DATE OF ELIGIBILITY AND OCCURRENCE OF THE VACANCY ETC AND AGAINST NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER NOTIFICATION DATED 18/05/2018 MAY KINDLY BE PARTIALLY MODIFIED TO THE EXTENT OF APPELLANT AND RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR ANTI-DATED PROMOTION TO THE POST OF PMS OFFICER (BS-17) WITH EFFECT FROM THE DATE OF ELIGIBILITY AND THE DATE OF OCCURRENCE OF VACANCY/DATE OF PSB 08/11/2017, ALONG WITH ALL

2

**BACK AND CONSEQUENTIAL BENEFITS ACCRUING THEREFROM. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE GRANTED IN FAVOUR OF THE APPELLANT.**

**RESPECTFULLY SHEWETH:**

2

**FACTS:**

1. That, during the course of service the appellant was appointed as Assistant on 21 March 1998 through Khyber Pakhtunkhwa Public Service Commission vide order No. SOS. IV (S&GAD) 2-222/94 dated 28/05/1998 and even since appointment the service record of the appellant has all along been good and unblemished throughout.
2. That in the PSB meeting Held on 18/11/2017 seven vacant posts of PMS officers (BS-17) were available in promotion Quota of superintendents. The Panel placed before the PSB also included the appellant. **Copy of the PSB Meeting is attached as annexure-A.**
3. That out of the said 07 vacant posts 04 posts were filled by promotion of Mr. Taj Muhammad, Mr. Abdul Wahab Khalil, Mr. Syed Waqar Hussain, and Mr. Saeed Khan. While the remaining three (3) vacant posts were kept reserved for three (3) incumbents (i.e Mr. Ajmal Khan, Moeen Ud Din & Abdul Awal) despite the fact that there was also a fourth one namely Mr. Abid Hussain who was also attendance of the mandatory training as STI along with the incumbents mentioned herein before but ironically no post was reserved for him. The posts were reserved for the said 03 incumbents despite they have no eligibility for promotion according to rules but on the presumption that they were senior to the appellant and the appellant who was not promoted despite having eligibility for promotion ever since completion of mandatory training on 09.12.2016. In other words secondary issue of seniority was given preference over the **primary issue of Promotion** notwithstanding the fact that the issue lying before the PSB was promotion not seniority. **Copy of promotion order is attached as annexure-B**
4. That with a view to filling the aforementioned three reserved vacancies alongwith a fourth one falling vacant on 20.12.2017, the second PSB meeting was held on 28.12.2017. In the said meeting the three incumbents (Mr. Ajmal Khan, Moeen ud Din & Abdul Awal) alongwith the fourth one (Mr. Abid Hussain) were cleared for

promotion. Notwithstanding the fact that the degree (s) acquired by the three incumbents (i.e Mr. Ajmal Kha, Moeen ud Din & Abdul Awal) way after the lapse of 07 year grace period (2007 to 2014) were not formally verified. **Copy of the PSB & promotion order is attached as annexure-C & D.**

5. That fitness for promotion in respect of Mr. Abid Hussain, who after having been removed from service on 04.01.2016 in the wake of corruption case followed by this reinstatement on 10.08.2017, sequel to Service tribunal's, judgment was determined in absence of latest performance Report (PER) on the period between his reinstatement into service i.e 10/08/2017 and PSB meeting on 28/12/2017 hardly comes to four and half months. This period is insufficient even for earning a part let alone a full PER. The reason For making hurry in this case is beyond comprehension and something indicative malafide.
6. That the appellant was promoted vide order dated 18/05/2018 to the post of PMS but with immediate effect not from the date of occurrence of vacancy, therefore the appellant filed Departmental appeal but respondents was failed to taking any action on the departmental appeal of the appellant within statutory period of 90 days. **Copy of the promotion order and departmental appeal is attached as Annexure-E & F.**
7. That now the appellant comes to this august Tribunal on the following grounds amongst the others.

#### **GROUND:**

- A) That order dated 18.05.2018 and not taking action on the departmental appeal of the appellant within statutory period of 90 days is against the law, fact, norm of justice and material on record.
- B) That the promotion and the seniority are two different phenomena governed under different provision of law i.e Section 9 and 8 of the civil servant Act 1973 and Rules-7 and 17 of the (Appointment, Promotion and Transfer) Rules 1989 read with Promotion Policy 2009.
- C) That the appellant alongwith other civil servant was considered for promotion to the post of PMS (BS-17) and was duly cleared by the PSB during the course of preparation of Minutes and consequent

process of finalization of the recommendation of PSB the result decisions of the PSB were practically changed for reason unknown to the them dealing hands and this practice ultimately ended up in reservation of certain posts for those Civil Servants who were still in the process of receiving 09 weeks mandatory training in STI and were ineligible for promotion.

- D) That the whole process of Promotion was deliberately dragged on to extend the undue benefit of promotion to those employees who had just obtained BS degrees way along after the grace period of 07 yers (i.e 2007 to 2014) provided by the PMS Rules and who remained ineligible due to non attendance of nine weeks mandatory training course despite the fact that the posts for promotion (7 in number) had fallen vacant two to three months before the PSB meeting. The detail are vacant posts are available in departmental appeal. **Copy of rules is attached as annexure-G.**
  
- E) That from perusal from the vacancy position, it is Crystal that the vacancy at S.No. 5 had inter alia fallan vacant on 01.09.2017 and the process of promotion of deliberately dragged on and on to provide an undue opportunity to the non-eligible candidates to become duly eligible for promotion despite the fact that the appellant had already attend 09 weeks Advance Mandatory Training w.e.f 10.10.2016 to 09.12.2016 and was awaiting promotion for the last one year. **Copy of seniority list is attached as annexure-H.**
  
- F) That the appellant was not promoted not with doing the fact that the post (s) had fallen vacant much before the eligibility of the blue eyed person. Ironically, certain junior of the wrongly promotion persons name Mr. Abdul Shakoore, **Mr. Anwar Akbar & Inayat Ullah Superintendent** were promoted 04 months before promotion of the blue eyed (i.e on 31th May, 2017 copy enclosed as **Annex-Iv**) but no such posts were reserved for the blue eyed officials then and there. This clearly shows doubled standard and malafide in the part of the then dealing hands associated with the process of promotion. So much so that the otherwise quick promotion drive initiated by the then Chief Secretary, Mr. Azeem Khan was slowed down by issuing fresh future schedule for PSB meetings due to internal pressures. **Further it is added that according to superior court judgment the post cannot be reserved for any incumbent for any reason, so the deptt violated the superior court judgment.** So, The reservation of posts for ineligible incumbents at the cost of eligible ones is , a travesty of justice and is thus a blatant violation of law/Rules on the subject. **Section 9 (1) of the Civil Servant Act 1973 states a Civil Servant possessing such minimum qualification as may be prescribed shall be eligible for**

**promotion to a higher post for time being reserved under Rule for Departmental promotion in service or cadre to which he belongs”** while in the instant case the said Civil Servant had not successfully completed their mandatory training thus they were ineligible for promotion and their consideration by the PSB and reservations of post for them was not covered under the law.

- G) That the non reservations of post for the fourth incumbents i.e Mr. Abid Hussain on the said PSB meeting and the ensuring benefits of promotion to the next incumbents falling in the line of promotion clearly exposes non observance of law and malafide intent.
- H) That after the end of 07 years grace period (2007 to 2014) provided by the PMS Rules for acquiring degree(s) by the willing incumbents to get promoted to the post(s) of PMS Officers there is no formal policy in the field governing obtainability of such degree(s) and subsequent issuing relating to or arising out of Promotion Seniority etc. viz-a-viz other incumbents already holding the requires degrees. The dictate of common sense is that it is they who should be made to suffer for their failures. The act of obtaining degrees on the part of the blue eyed for the take of promotion at the verge of retirement should not be allowed to damage legitimate interests of the Appellant.
- I) That three Superintendent namely Mr. Abdul Shakoore, Anwar Akbar Khan, and Inayat Ullah who also had received mandatory training with the appellant, have also been promoted in the PSB meeting(s) held earlier to the impugned one notwithstanding the fact that they all were junior to the wrongly promoted incumbents. But no posts were reserved for the holder of impugned promotion in that PSB meeting (s) despite of their being seniors to the incumbents mentioned hereinbefore. This clearly points at a pick and-non-choose approach.
- J) That the appellant was promoted to the post of PMS Officer (BS-17) on 18.05.2018 with immediate effect not withstanding the fact that according to the judgment of Superior Court (cited as 1985 SCMR 1158, 2010 PLC C.S 760 and the service Tribunal Judgment in appeal No. 1564/2010 a civil servant should be promoted on regular basis from the dates become eligible if vacancies are available in his quota of promotion.
- K) That the appellant was **eligible for promotion w.e.f 09/12/2016** alongwith his erstwhile colleagues and that the **5<sup>th</sup> vacancy occurred** on 01.09.2017 due to retirement of **Muhammad Tayyeb**, but the appellant was not promoted w.e.f 17.11.2017 rather he was

6

promoted 06 months later i.e 18.05.2018, one and half year after eligibility.


- L) That the department delayed the case of promotion of the appellant without any reason. The vacancies of PMS (BS-17) were laying vacant which is evident from the PSB Minutes. the appellant also file applications from time to time for promotion but quite astonishingly matter was delayed and the appellant was promoted as PMS (BS-17) vide order dated 18/05/2018 with immediate effect not from the date vacancies was available in his quota and appellant was eligible, which is against the superior court judgments and its really damage the seniority of the appellant.
- M) That Valuable rights of the appellant have been affected by not granting him, his due promotion from the date of his actual entitlement.
- N) That the appellant was ignored and deprived from the date when the eligible and entitle for promotion and in illegal manner. Which is such action is part of respondent department is not sustainable in eyes of law.
- O) That according to Superior Court Judgment reported as **1997 SCMR 515** in which it is held that delay in making promotion had entirely due to reason that officer of that department not carry out fairly simple exercise with reasonable period so the appellant is entitled to the promotion from back date.
- P) That it is well settled principle of justice that no one should be suffered from the arbitrary acts of public functionaries and the public functionaries are required to act in accordance with rules and law with fair means. But in case of appellant such principle has been violated.
- Q) That the Supreme Court held in many cases that though the Civil Servant could not claim promotion as matter of right but it was incumbent upon the department/Authority. That when they grant promotion, then in that case the promotion should be granted from the due date of Civil Servant / Availability of post. Thus the appellant is entitled to antedated promotion.
- R) That the appellant was deprived from his legal right by giving promotion to him from immediate effect, not from the date




vacancies were available his quota which also suffered appellant's seniority.

- S) That according to Supreme Court judgment the post cannot be reserved for any person. Next in number who was eligible should be promoted against the existed vacancy.
- T) That the appellant seeks permission to advance other grounds and proofs at the time hearing.

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

  
**APPELLANT**  
 Muhammad Azhar Khan

**THROUGH:**

  
**(SYED NOMAN ALI BUKHARI)**  
**ADVOCATE, HIGH COURT**

&  
**(SHAHKAR KHAN YOUSAFZAI)**  
**ADVOCATE PESHAWAR**

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

(8)

APPEAL NO. \_\_\_\_\_/2022

Muhammad Azhar Khan

V/S

Govt Of KP


**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

  
DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

(9)

APPEAL NO. \_\_\_\_\_/2022

Muhammad Azhar Khan

V/S

Govt Of KP

**AFFIDAVIT**

I, Muhammad Azhar Khan, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

*for*  
DEPONENT



(10)

Annex - I A

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

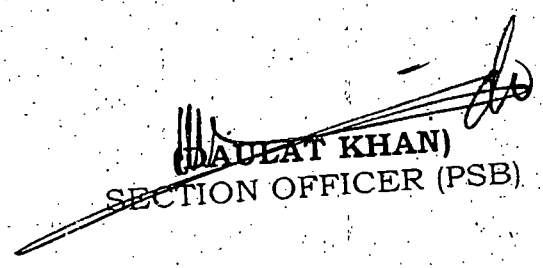
No. SO (PSB) ED/1-1/2018/KC-268  
Dated Peshawar, the 02.02.2018

The Section Officer (HRD-II)  
Government of Khyber Pakhtunkhwa,  
Establishment Department

Subject: -

**REQUEST FOR PROVISION OF COPY OF THE MINUTES OF PSB  
MEETINGS HELD ON 08.11.2017 AND 28.12.2017 UNDER RTI  
ACT, 2013**

I am directed to refer to your office letter No. SO (HRD-II)/ED/1-10/2014  
/ Wazir Zada dated 29.01.2018 on the subject and to forward herewith attested copies  
of the minutes of PSB meetings held on 08.11.2017 and 28.12.2017 regarding promotion of  
Superintendent to PMS BS-17 as desired.

  
**DAULAT KHAN**  
SECTION OFFICER (PSB)

**ESTABLISHMENT DEPARTMENT**  
(Meeting of PSB held on 08.11.2017)

**SUBJECT: PROMOTION OF SUPERINTENDENTS BS-17 TO THE POST OF PMS BS-17.**

Secretary Establishment apprised the Board that 84 posts of PMS BS-17 are falling to the share of promotion of Superintendents where 77 officials are already working. Hence seven (07) posts are lying vacant.

2. According to service rules, PMS BS-17 post is required to be filled as under:-

“Twelve per cent on the basis of Seniority cum-fitness, from amongst Superintendents, who are graduate having three years service as Superintendent or Assistant and have under-gone training course of nine (9) weeks at the Pakistan Provincial Services Academy or Staff Training Institute.

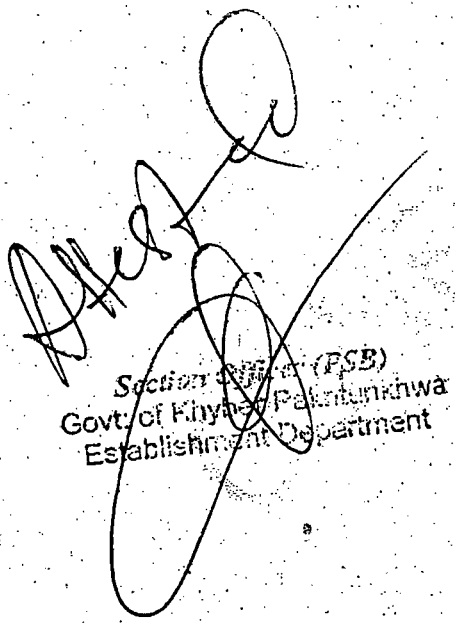
3. The service record of the officers included in the panel was discussed as follows: -

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Ajmal Khan BA	His date of birth is 09.09.1960. He joined government service on 09.09.1982. He was promoted as Superintendent BS-17 on 23.06.2014. He has not undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His PERs for the year 2015 and 2016 are not available.  The Board recommended to defer his promotion.
2.	Mr. Shakeel Ahmad M.Sc	His date of birth is 10.05.1963. He joined government service on 09.04.1992. He was promoted as Superintendent BS-17 on 28.05.2013. The Board in its meeting held on 07.10.2015, 18.02.2016, 29.06.2016, 27.07.2016, 30.01.2017 and 19.05.2017 did not consider his promotion as he was on EOL from 09.06.2014 to 16.09.2017. Now his PERs for the year 2013 and 2014 (P) are not available.  The Board recommended to defer his promotion.
3.	Mr. Moin Ud Din BA	His date of birth is 27.10.1963. He joined government service on 07.12.1981. He was promoted as Superintendent BS-17 on 28.05.2013. The Board in its meeting held on 19.05.2017 recommended to defer his promotion as he had not undergone

Section Officer (PSB)  
Establishment Department  
Government of Punjab, Lahore

		<p>nine weeks training mandatory for promotion and his PERs for the year 2012 to 2016 were also not available. Position is still the same.</p> <p>The Board recommended to defer his promotion.</p>
4.	Mr. Abdul Awal B.A	<p>His date of birth is 10.02.1965. He joined government service on 20.08.1985. He was promoted as Superintendent BS-17 on 28.05.2013. The Board in its meeting held on 19.05.2017 recommended to defer his promotion as he had not undergone nine weeks training mandatory for promotion. Position is still the same.</p> <p>The Board recommended to defer his promotion.</p>
5.	Mr. Amin Jan M.A	<p>His date of birth is 24.05.1964. He joined government service on 09.07.1987. He was promoted as Superintendent BS-17 on 12.02.2014. The Board in its meeting held on 30.01.2017 and 19.05.2017 recommended to defer his promotion as he had not undergone nine weeks training mandatory for promotion and also opted not to be promoted. Position is still the same.</p> <p>The Board recommended to defer his promotion</p>
6.	Mr. Taj Muhmmad BA	<p>His date of birth is 08.03.1967. He joined government service on 06.07.1987. He was promoted as Superintendent BS-17 on 28.05.2013. He has undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His service record upto 2016 is generally good</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
7.	Mr. Abdul Wahab Khalil M.A	<p>His date of birth is 04.04.1973. He joined government service on 05.03.1998. He was promoted as Superintendent BS-17 on 28.05.2013. He has undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His service record upto 2016 is generally good</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
	Syed Waqar Hussain M.Sc	<p>His date of birth is 11.02.1970. He joined government service on 21.03.1998. He was promoted as Superintendent BS-17 on 28.05.2013. He has undergone nine weeks training mandatory</p>

		<p>for promotion. No enquiry is pending against him. His service record upto 2016 is generally good</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
9	Mr. Saeed Ahmad Khan M.A, LLB	<p>His date of birth is 12.01.1972. He joined government service on 01.08.1991. He was promoted as Superintendent BS-17 on 28.05.2013. He has undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His service record upto 2016 is generally good</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>

  
Section Officer (FSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department



**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

*Amr II* **B**  
**14**

Dated: Peshawar, 11th November 2017

**NOTIFICATION**

**NO. SOE-II(ED)3(45)/2017 (Sund)**:- The Provincial Government on recommendations of the Provincial Selection Board in its meeting held on 08-11-2017 is pleased to promote the following Superintendents (BS-17) and Personal Assistants (BS-16) to the post of Provincial Management Service (PMS BS-17) on regular basis with immediate effect:-

2. Consequent upon their promotion to PMS BS-17 they are allowed to remain posted on their existing posts in the departments mentioned against each:

S.No.	Name of the Officer	Present Post
1.	Mr. Iqbal Muhammad	Section Officer, Finance, Management Administration Department
2.	Mr. Abdul Wahab Khan	Section Officer, Chief Minister's Secretariat
3.	Syed Waqar Hussain	Section Officer, Agriculture Department
4.	Mr. Saeed Ahmad Khan	Section Officer, Finance Department
5.	Mr. Noon Rehman	Section Officer, Chief Minister's Secretariat

The officers on promotion shall remain on probation for a period of one year extendable for another year in terms of Section 62 of the Government of Sindh Act, 1973 read with Rule 15(6) of Khyber Pakhtunkhwa Civil Service (Appointment, Promotion & Transfer) Rules, 1989.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**ENDS: NO. & DATE: 11/11/2017**

- 1. Copy forwarded to:-
- 1. Provincial Secretary, Chief Minister, Khyber Pakhtunkhwa
- 2. Secretaries to Govt. of Khyber Pakhtunkhwa: Administration, Finance and Agriculture Department
- 3. Assistant Secretary, Agriculture Department, Peshawar
- 4. Assistant Secretary, Finance Department, Peshawar
- 5. Assistant Secretary, Chief Minister's Secretariat, Peshawar
- 6. Officers concerned
- 7. PS to Secretary, Establishment
- 8. PS to Special Secretary, Establishment Department
- 9. PS to Secretary, Establishment Department
- 10. PS to Secretary, Establishment Department
- 11. PS to Secretary, Establishment Department
- 12. PS to Secretary, Establishment Department
- 13. PS to Secretary, Establishment Department
- 14. PS to Secretary, Establishment Department
- 15. PS to Secretary, Establishment Department
- 16. PS to Secretary, Establishment Department
- 17. PS to Secretary, Establishment Department
- 18. PS to Secretary, Establishment Department
- 19. PS to Secretary, Establishment Department
- 20. PS to Secretary, Establishment Department

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**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

Dated: Peshawar, 11th November 2017

**NOTIFICATION**

**NO. SOE-II(ED)3(45)/2017 (Sund)**:- The Provincial Government on recommendations of the Provincial Selection Board in its meeting held on 08-11-2017 is pleased to promote the following Superintendents (BS-17) and Personal Assistants (BS-16) to the post of Provincial Management Service (PMS BS-17) on regular basis with immediate effect:-

Consequent upon their promotion to PMS BS-17 they are allowed to remain posted on their existing posts in the departments mentioned against each:



**ESTABLISHMENT DEPARTMENT**  
(Meeting of PSB held on 28.12.2017)

**SUBJECT: PROMOTION OF SUPERINTENDENTS BS-17 TO THE POST OF PMS BS-17.**

Secretary Establishment apprised the Board that 84 posts of PMS BS-17 are falling to the share of promotion of Superintendents where 80 officials are already working. Hence four (04) posts are lying vacant.

2. According to service rules, PMS BS-17 post is required to be filled as under:-

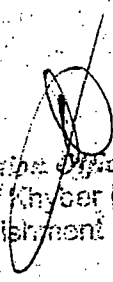
"Twelve per cent on the basis of Seniority cum-fitness, from amongst Superintendents, who are graduate having three years service as Superintendent or Assistant and have under-gone training course of nine (9) weeks at the Pakistan Provincial Services Academy or Staff Training Institute.

3. The service record of the officers included in the panel was discussed as follows:-

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Ajmal Khan BA	His date of birth is 09.09.1960. He joined government service on 24.04.1982. He was promoted as Superintendent BS-17 on 23.06.2014. The Board in its meeting held on 08.11.2017 recommended to defer his promotion as he had not undergone training. Now he has undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His service record upto 2016 is generally good.  The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.
2.	Mr. Moin Ud Din BA	His date of birth is 27.10.1963. He joined government service on 07.12.1981. He was promoted as Superintendent BS-17 on 28.05.2013. The Board in its meeting 19.05.2017 recommended to defer his promotion as he had not undergone training. Now he has undergone nine weeks training mandatory for promotion and produced his missing PERs. No enquiry is pending against him. His service record upto 2016 is generally good.  The Board recommended the officer for promotion to the post

Section Officer (PEE)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

3	Mr. Abdul Awal B.A	<p>of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> <p>His date of birth is 10.02.1965. He joined government service on 20.08.1985. He was promoted as Superintendent BS-17 on 28.05.2013. The Board in its meeting 19.05.2017 recommended to defer his promotion as he had not undergone training. Now he has undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His service record upto 2016 is generally good</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
4.	Mr. Amin Jan M.A	<p>His date of birth is 24.05.1964. He joined government service on 09.07.1987. He was promoted as Superintendent BS-17 on 12.02.2014. The Board in its meeting held on 30.01.2017 and 19.05.2017 recommended to defer his promotion as he had not undergone nine weeks training mandatory for promotion and also opted not to be promoted. Position is still the same.</p> <p>The Board recommended to defer his promotion</p>
5.	Mr. Abid Hussain B.A	<p>His date of birth is 07.07.1987. He joined government service on 07.07.1987. He was promoted as Superintendent BS-17 on 28.05.2013. He has undergone nine weeks training mandatory for promotion. No enquiry is pending against him. His service record upto 2016 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>

  
 Section Officer (PSB)  
 Govt. of Khyber Pakhtunkhwa  
 Establishment Department



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Annex - IV

D  
(17)

Dated Peshawar, May 31, 2017

NOTIFICATION

NO:SO(E-II)ED/2(192)/2017. Government of Khyber Pakhtunkhwa on the recommendations of the Provincial Selection Board is pleased to promote the following Superintendent (BS-17)/Personal Assistant (BS-16) to Provincial Management Service (PMS) BS-17, on regular basis with immediate effect:-

S. #.	NAMES OF OFFICERS
1.	Mr. Noor Wazir Superintendent
2.	Mr. Abdul Shakoor Superintendent
3.	Mr. Anwar Akbar Superintendent
4.	Mr. Inayat Ullah Superintendent
5.	Mr. Mujahid Khan Personal Assistant

2. The officers on promotion will 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, or till their retirement, whichever is earlier.

3. Posting/transfer of the above officers will be issued separately.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. OF EVEN NO. & DATE

Copy forwarded to the:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, P&D Department.
3. Additional Chief Secretary (FATA), FATA Secretariat.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries in Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Deputy Commissioner, Chitral, Charsadda, Battagram, Bannu, Swabi, Swat, Hangu and Haripur.
10. Settlement Officer, Chitral.
11. District Accounts Officers, Chitral, Charsadda, Battagram, Bannu, Swabi, Swat, Hangu and Haripur.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary to Govt. of Pakistan, Ministry of Interior, Islamabad.
14. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
15. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
16. Officers concerned.
17. Controller, Govt. Printing Press, Peshawar.

  
(HIKMATULLAH WAZIR)  
SECTION OFFICER (ESTT. II)  
PHONE & FAX # 091-9210551



E  
Annex - E  
(18)

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the May, 18, 2018

**NOTIFICATION**

**NO.SOE-II(ED)3(45)/2017:-** The Provincial Government on recommendations of the Provincial Selection Board in its meeting held on 03.05.2018 is pleased to promote the following Superintendents (BS-17) to the post of Provincial Management Service (PMS BS-17) on regular basis with immediate effect:-

1. Mr. Hukmat Khan.
2. Mr. Mukaram Khan.
3. Mr. Muhammad Azhar.
4. Mr. Murtaza Khan.
5. Mr. Hameedur Rehman.
6. Mr. Muhammad Yasin.
7. Mr. Murad Ahmad
8. Mr. Ijaz Khan.

2. Consequent upon their promotion to PMS BS-17 on regular basis, the officers will be retained on their already occupied posts except the officer at Sr. No. 8 i.e. Mr. Ijaz Khan.

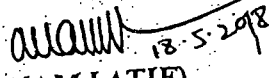
3. The officers on promotion shall remain on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with the specific 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.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**ENDST: NO & DATE EVEN**

A copy is forwarded to:-

1. Additional Chief Secretary (FATA) FATA Secretariat.
2. Secretaries to Govt. of Khyber Pakhtunkhwa, Auqaf/ Finance/E&SE/Industries/Law/Relief Department.
3. Director General, Provincial Disaster Management Authority.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Director (IT) Administration Department with the request to upload the notification on the official website.
6. Estate Officer/SO (Admn)/SO(Secret)/Librarian E&AD.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. Officers concerned.
9. PS to Secretary Establishment.
10. PS to Special Secretary (Estt), Establishment Department.
11. PA to DS(E) Establishment Department.
12. Office order file.

  
(ANAM LATIF)  
SECTION OFFICER (E-II)

To

The Chief Secretary,  
Khyber Pakhtunkhwa.

F. 19

Through:

Proper Channel.

Subject:

APPEAL AGAINST THE ORDER/ NOTIFICATION DATED 18.05.2018 WHEREBY THE APPELLANT WAS PROMOTED TO THE POST OF PMS OFFICER (BS-17) WITH IMMEDIATE EFFECT INSTEAD OF THE DATE OF ELIGIBILITY OR OCCURRENCE OF THE VACANCY ETC.

Prayer:

THAT ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL THE ORDER/ NOTIFICATION DATED 18.05.2018 MAY KINDLY BE PARTIALLY MODIFIED AND THE RESPONDENTS BE ASKED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF PMS OFFICER (BS-17) WITH EFFECT FROM THE DATE OF ELIGIBILITY I.E. 09.12.2016 AND/ OR THE DATE OF OCCURRENCE OF VACANCY I.E. 07.09.2017 ALONGWITH ALL BACK AND CONSEQUENTIAL BENEFITS ACCRUING THEREFROM.

Dear Sir,

FACTS:

1. That during the course of service, the appellant was appointed as Assistant on 21<sup>st</sup> March, 1998 through Khyber Pakhtunkhwa Public Service Commission vide Order No. SOS.IV(S&GAD)2-222/94 dated 28.05.1998 and ever since appointment, the service record of the appellant has all along been good and unblemished throughout.
2. That in the PSB meeting held on 08.11.2017 (Minutes at Annex-I) seven (07) vacant posts of PMS Officers (BS-17) were available for promotion of Superintendents thereon. The panel placed before the PSB also included the appellant.
3. That out of the said 07 vacant posts 04 posts were filled by promotion of Mr. Taj Muhammad, Mr. Abdul Wahab Khalil, Mr. Syed Waqar Hussain and Mr. Saeed Ahmad Khan (Annex-II) while the remaining three (03) vacant posts were kept reserved for three (03) incumbents (i.e. Mr. Ajmal Khan, Moeen ud din & Abdul Awal) despite the fact that there was also a fourth one namely Mr. Abid Hussain who was also in attendance of the mandatory training at STI alongwith the incumbents mentioned hereinbefore but ironically no post was reserved for him. The posts were reserved for the said 03 incumbents perhaps on the presumption that they were senior to the appellant who was not promoted despite having eligibility for promotion ever since completion of mandatory training on 09.12.2016. In other words, the secondary issue of seniority was given preference over the primary issue of promotion notwithstanding the fact that the issue lying before the PSB was promotion not seniority.
4. That with a view to filling the aforementioned three reserved vacancies alongwith a fourth one falling vacant on 20.12.2017, the second PSB meeting was held on 28.12.2017. In the said meeting the three incumbents (i.e. Mr. Ajmal Khan, Moeen ud Din & Abdul Awal) alongwith the fourth one (Mr. Abid Hussain) were cleared for promotion (Annex-III) notwithstanding the fact that the Degree(s) acquired by the three incumbents (i.e. Mr. Ajmal Khan, Moeen ud Din & Abdul Awal) were way after the lapse of 07 year grace period (2007 to 2014), were not formally verified.
5. That the fitness for promotion in respect of Mr. Abid Hussain, who after having been removed from service on 04.01.2016 in the wake of corruption case followed by his reinstatement on 10.08.2017 sequel to service tribunal's judgment, was determined in absence of latest

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Performance Evaluation Report (PER) as the period between his reinstatement into service i.e. 10.08.2017 and PSB meeting on 28.12.2017 hardly comes to four and half months. This period is insufficient even for earning a part let alone a full PER. The reason for making hurry in this case is beyond comprehension and something indicative of malafide intent.

Hence, the present Departmental Appeal/ representation is inter alia made out on the following grounds:-

**GROUND:**

1. That promotion and seniority are two different phenomena governed under different provisions of law i.e. Sections 9 and 8 of the Civil Servant Act, 1973 and Rule-7 & 17 of the (Appointment, Promotion & Transfer) Rules, 1989 read with Promotion Policy, 2009.
2. That the appellant alongwith other Civil Servants was considered for promotion to the post of PMS (BS-17) and was duly cleared by the PSB but during the course of preparation of Minutes and subsequent process of finalization of the recommendations of PSB, the results/ decisions of the PSB were practically changed for reasons known to the then dealing hands and this practice ultimately ended up in reservation of certain posts for those Civil Servants who were still in the process of receiving 09 weeks mandatory training in STI and were thus ineligible for promotion.
3. That the whole process of promotion was deliberately dragged on to extend the undue benefit of promotion to those employees who had just obtained BA degrees way long after the grace period of 07 years (i.e. 2007 to 2014) provided by the PMS Rules and who remained ineligible due to non-attendance of 09 weeks Mandatory Training Course despite the fact that the posts for promotion (07 in number) had fallen vacant two to three months before the PSB meeting. The details of vacant posts are:-

Sr. N	Date of occurrence	Due to Retirement of
1	30.05.2017	Mr. Zahir Shah
2	17.07.2017	Mr. Meer Bashir
3	20.08.2017	Mr. Iqbal Ahmad
4	27.08.2017	Mr. Mufarrah Shah
5	01.09.2017	Muhammad Tayyab
6	07.09.2017	Mr. Alamgir
7	14.10.2017	Mr. Anwar Shah

4. That from perusal of the vacancy position, it is crystal clear that the vacancy at Sr. No. 06 had inter alia fallen vacant on 07.09.2017 and the process of promotion was deliberately dragged on and on to provide an undue opportunity to the non-eligible candidates to become duly eligible for promotion despite the fact that the appellant had already attended 09 week Advance Mandatory Training w.e.f 10.10.2016 to 09.12.2016 and was awaiting promotion for the last one year.
5. That the Appellant was not promoted notwithstanding the fact that the post(s) had fallen vacant much before the eligibility of the blue eyed persons. Ironically, certain juniors of the wrongly promoted persons namely **Mr. Abdul Shakoor, Anwar Akbar and Inayat-Ullah Superintendents** were promoted 04 months before promotion of the blue eyed (i.e. on **May 31, 2017** copy enclosed as **Annex-IV**) but no such posts were reserved for the blue eyed officials then & there. This clearly shows double standard and malafide on the part of the then dealing hands associated with the process of promotion. So much so that the otherwise quick promotion-drive initiated by the then Chief Secretary, Mr. Azam Khan was slowed down by issuing fresh future schedules for PSB meetings due to internal pressures.
6. That reservation of posts for ineligible incumbents at the cost of eligible ones is a travesty of justice and is thus, a blatant violation of Law/ Rules on the subject. **Section 9(1) of the Civil**

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Servant Act, 1973 states, "A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for time being reserved under rule for departmental promotion in service or cadre to which he belongs". While in the instant case the said Civil Servants had not successfully completed their mandatory training thus they were ineligible for promotion and their consideration by the PSB and reservation of posts for them was not covered under the rules.

7. That the non-reservation of post for the fourth incumbent i.e. Mr. Abid Hussain in the said PSB meeting and the ensuing benefit of promotion to the next incumbent falling in the line of promotion clearly exposes non-observance of Law and mala fide intent.
8. That after the end of 07-year grace period (2007 to 2014) provided by the PMS Rules for acquiring Degree(s) by the willing incumbents to get promoted to the post(s) of PMS Officer(s), there is no formal policy in the field governing obtainability of such Degree(s) and subsequent issues relating to or arising out of Promotion/ Seniority etc. viz-a-viz other incumbents already holding the required Degrees. The dictate of common sense is that it is they who should be made to suffer for their personal failures, not others. The Appellant cannot be punished for individual's failures. The act of obtaining degrees on the part of the blue eyed for the sake of promotion at the verge of retirement should not be allowed to damage legitimate interests of the Appellant.
9. That three superintendents namely, Mr. Abdul Shakoor, Anwar Akbar Khan & Inayat Ullah, who had also received mandatory training with the appellant, have also been promoted in the PSB meeting(s) held earlier to the impugned one notwithstanding the fact that they all were junior to the wrongly promoted incumbents. But no posts whatsoever were reserved for the holders of impugned promotions in that PSB meeting(s) despite of their being seniors to the incumbents mentioned hereinbefore. This clearly points at a pick-and-choose approach.
10. That the Appellant was promoted to the post of PMS Officer BS-17 on 18.05.2018 with immediate effect (Annex-V) notwithstanding the fact that according to the Judgments of Superior Courts (cited as 1985 SCMR 1158; 2010 PLC C.S 760 and the Service Tribunal Judgment in Appeal No. 1564/2010) a civil servant should be promoted on regular basis from the date he becomes eligible, if vacancies are available in his quota of promotion.
11. That the appellant was eligible for promotion w.e.f 09.12.2016 alongwith his erstwhile colleagues and that the 06<sup>th</sup> vacancy occurred on 07.09.2017 due to retirement of Mr. Alamgir, but the Appellant was not promoted w.e.f 17.11.2017 rather he was promoted 06 months later i.e. on 18.05.2018, one and half year after eligibility.
12. That the Appellant was punished for personal failures of others.

Hence, in light of above facts, it is humbly requested that the departmental appeal of the appellant may kindly be accepted and the impugned Notification dated 18.05.2018 may be modified by anti-dating the promotion of appellant to the post of PMS Officer (BS-17) w.e.f 17.11.2017 against the 06<sup>th</sup> vacancy occurring on 07.09.2017 due to retirement of Mr. Alamgir, please.

Yours faithfully,

20/07/22

(Muhammad Azhar Khan)  
Section Officer (Lit-I)  
Establishment Department

GI (22)

**GOVERNMENT OF THE <sup>1</sup>[Khyber Pakhtunkhwa]  
ESTABLISHMENT DEPARTMENT**

**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 <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servant Act, 1973 (<sup>3</sup>[Khyber Pakhtunkhwa] Act XVIII of 1973), the Chief Minister of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:

**THE <sup>5</sup>[Khyber Pakhtunkhwa] PROVINCIAL MANAGEMENT SERVICE RULES, 2007**

- 1. Short title and commencement.**---(1) These rules may be called the <sup>6</sup>[Khyber Pakhtunkhwa] 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 <sup>7</sup>[Khyber Pakhtunkhwa] Public Service Commission;
- (c) "Department" means the Establishment and Administration Department;
- (d) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;
- (e) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-18 and BS-19;
- (f) "Schedule" means the Schedule appended to these rules;
- (g) "Service" means the Provincial Management Service;
- (h) "Secretariat" means the <sup>8</sup>[Khyber Pakhtunkhwa] Civil Secretariat as defined in rule 2(r) of the <sup>9</sup>[Khyber Pakhtunkhwa] Government Rules of Business, 1985; and
- (i) "share" means the share specified for distribution between All Pakistan Unified Group and Provincial Officers as per Schedule-III.
- 3. Nomenclature of the posts.**---The Service shall consist of the posts as specified in Schedule-I.

<sup>1</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>2</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>3</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>4</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>5</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>6</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>7</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>8</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.  
<sup>9</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.



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

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

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

**10[4-A. Training.**--- On appointment to the post borne on the service in BS-17, whether by initial recruitment or by promotion, every officer so appointed shall successfully complete one and a half year's mandatory training including one year training at the Provincial Services Academy as per Module specified in Schedule-IV and six months training attachment as specified in Schedule-V. The training will be followed by Departmental Examination to be conducted by the Provincial Services Academy as specified in Schedule-VI.

**5. Appointing Authority.**---The Chief Minister, <sup>11</sup>[Khyber Pakhtunkhwa] shall be the appointing authority for posts borne on the Provincial Management Service specified in Schedule-I.]

**6. Saving.**---In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the <sup>12</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to terms and conditions of service made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (<sup>13</sup>[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

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

**8. Repeal.**---The <sup>14</sup>[Khyber Pakhtunkhwa] Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand 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:

<sup>15</sup>[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.]

### SCHEDULE-I

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

<sup>11</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>12</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>13</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>14</sup> Subs. by Khyber Pakhtunkhwa Act No. IV of 2011.

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

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 <sup>nd</sup> 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 Schedule - 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</p>

16. 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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				accordance with the provisions contained in "Schedule-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.
2.	PMS(BS-18) as per detail at Schedule-II	NIL		By promotion, on seniority-cum-fitness basis, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination.
3.	PMS(BS-19) as per detail at Schedule-II.	NIL		By promotion, on the basis of seniority-cum-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.

17. 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



H      26

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT DEPARTMENT**  
(ESTABLISHMENT WING)

Dated Peshawar, the 20.04.2017

**NOTIFICATION**

**No. SOE.IV(E&AD)1-13/2017:-** 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 Superintendents (BPS-17) (as stood on 31.03.2017) Civil Secretariat, Peshawar is hereby notified/circulated for general information.

**FINAL SENIORITY LIST OF SUPERINTENDENT (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 31.03.2017**

S.No.	Name of officer	Academic Qualification	Date of Birth	Date of Retd	Domicile	Date of 1st Entry into Govt: service on regular basis	Date of regular promotion/ apptt: as Assistant	Date of regular promotion As Supdt	Department	Remarks
1	Mr. Sher Hassan	F.A	02.04.1960	01.04.2020	Khyber Agcy	20.08.1979	10.09.1987	16.04.2010	P&D Deptt.	Superintendent
2	Mr. Ajmal Khan S/O Abdul Wahid Khan.	F.A	15.08.1958	14.08.2018	Peshawar	15.10.1979	09.05.1988	16.04.2010	C&W Deptt.	Superintendent
3	Mr. Bashir Khan	Matric	10.03.1959	09.03.2019	Peshawar	10.01.1981	02.12.1989	07.09.2011	Energy & Power	Superintendent
4	Mr. Saeed Ahmad Siddiqui	F.A	04.08.1957	03.08.2017	Peshawar	11.01.1981	13.12.1989	07.09.2011	Governor's Sectt.	Superintendent
5	Mr. Jehan Zeb Khan	F.A	17.04.1958	16.04.2018	Mohmand Agcy	01.02.1979	13.12.1989	07.09.2011	ST&IT Deptt.	Superintendent
6	Mr. Lal Gul	Matric	15.04.1960	14.04.2020	Peshawar	12.01.1981	13.12.1989	07.09.2011	Labour Deptt.	Superintendent
7	Mr. Zahir Ullah	Matric	20.10.1960	19.10.2020	Peshawar	12.01.1981	04.08.1990	13.01.2012	Finance Deptt.	Superintendent
8	Mr. Hussain Gul	Matric	25.04.1960	24.04.2020	Malakand Agcy	08.01.1981	04.08.1990	28.05.2013	STI - E&AD	Superintendent
9	Mr. Mutahir Zeb	Matric	17.04.1958	16.04.2018	Khyber Agcy	09.07.1981	04.08.1990	03.12.2012	Agriculture Deptt.	Superintendent
10	Mr. Jan Ayaz	F.A	03.01.1961	02.01.2021	Peshawar	07.07.1981	04.08.1990	03.12.2012	Health Deptt.	Superintendent
11	Syed Muhammad Nisar	Matric	10.01.1961	09.01.2021	Peshawar	09.07.1981	04.08.1990	28.05.2013	Population	Superintendent
12	Mr. Shakirullah	Matric	15.01.1959	14.01.2019	Peshawar	23.05.1982	04.08.1990	03.12.2012	CM Sectt.	Superintendent
13	Mr. Ajmal Khan S/O Ibrahim Khan	Matric	09.09.1960	08.09.2020	Peshawar	24.04.1982	04.08.1990	23.06.2014	Irrigation Deptt.	Superintendent
14	Mr. Zaid-ur-Rehman	Matric	05.01.1958	04.01.2018	Malakand Agcy	08.05.1982	01.04.1992	28.05.2013	Housing Deptt.	Superintendent

(C)



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**FINAL SENIORITY LIST OF SUPERINTENDENT (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 31.03.2017**

S.No	Name of officer	Academic Qualification	Date of Birth	Date of Retd	Domicile	Date of 1st Entry into Govt: service on regular basis	Date of regular promotion/ apptt: as Assistant	Date of regular promotion As Supdt	Department	Remarks
15	Mr. Shakeel Ahmad	M.Sc	10.05.1963	09.05.2023	Peshawar	09.04.1992	09.04.1992	28.05.2013	Environment Deptt. (360 days Ex-Pak Leave on half average pay w.e.f 22.09.2016 to 16.09.2017).	Superintendent
16	Mr. Fida Muhammad	Matric	01.08.1959	31.07.2019	Khyber Agency	14.07.1981	17.05.1992	28.05.2013	Law Deptt.	Superintendent
17	Syed Anwar Shah	Matric	01.09.1961	31.08.2021	Abbottabad	01.10.1977	17.05.1992	28.05.2013	Higher Education	Superintendent
18	Syed Shafqat Ali Shah	F.A	10.04.1958	09.04.2018	Peshawar	13.11.1982	31.05.1993	28.05.2013	Mineral Dev. Deptt.	Superintendent
19	Mr. Anjad Ali Khan	F.A	22.04.1962	21.04.2022	Mardan	30.10.1982	31.05.1993	28.05.2013	Energy & Power Deptt.	Superintendent
20	Mr. Muhammad Ayub S/O Molvi Abdul Hakim	Matric	03.09.1957	02.09.2017	Mansehra	16.02.1976	31.05.1993	28.05.2013	Law Deptt.	Superintendent
21	Mr. Muhammad Haroon Iqbal	Matric	18.10.1961	17.10.2021	Peshawar	03.03.1984	25.08.1993	28.05.2013	E&AD (CS Office)	Superintendent
22	Mr. Hamid Ullah	F.A	01.03.1961	28.02.2021	Peshawar	03.03.1984	25.08.1993	28.05.2013	Industries Deptt.	Superintendent
23	Mr. Saleem Ahmad Shah	F.A	25.04.1962	24.04.2022	Peshawar	21.06.1983	25.08.1993	28.05.2013	C&W Deptt.	Superintendent
24	Mr. Noor Wazir Khan	B.A	02.01.1962	01.01.2022	Malakand Agy:	03.03.1984	29.05.1994	28.05.2013	C&W Deptt.	Superintendent
25	Mr. Muhammad Ayub S/O Gul Madeen.	Matric	01.04.1960	31.03.2020	Orakzai	22.02.1984	29.05.1994	28.05.2013	P&D Deptt.	Superintendent
26	<del>Mr. Muhammad Ayub</del>	B.A	27.10.1963	26.10.2023	Karak	07.12.1981	29.05.1994	28.05.2013	E&AD (Admn)	Superintendent
27	Mr. Rasool Khan	F.A	07.05.1961	06.05.2021	Mohmand Agy	03.03.1984	29.05.1994	28.05.2013	E&AD	Superintendent
28	Mr. Hayatullah	Matric	05.09.1960	04.09.2020	Peshawar	01.07.1976	22.01.1995	28.05.2013	LGE&RD Deptt.	Superintendent
29	Mr. Hukmat Khan	Matric	15.09.1959	14.09.2019	Nowshera	13.07.1979	22.01.1995	28.05.2013	E&AD (Admn Branch)	Superintendent
30	Mr. Anwar Shah S/O Miran Shah	F.A	03.07.1959	02.07.2019	Peshawar	01.10.1977	22.01.1995	28.05.2013	C&W Deptt.	Superintendent
31	Mr. Saqib Jan	Matric	02.09.1959	01.09.2019	Peshawar	10.10.1977	22.01.1995	12.02.2014	Home Deptt.	Superintendent

FINAL SENIORITY LIST OF SUPERINTENDENT (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 31.03.2017

S.No	Name of officer	Academic Qualification	Date of Birth	Date of Retd	Domicile	Date of 1st Entry into Govt: service on regular basis	Date of regular promotion/ apptt: as Assistant	Date of regular promotion As Supdt	Department	Remarks
32	Mr. Intizar Ali	F.A	13.05.1957	12.05.2017	Peshawar	14.05.1975	22.01.1995	28.05.2013	Energy & Power Deptt. (Will be retired on 12.05.2017)	Superintendent
(D) → (33)	Mr. Abid Hussain S/O Abdul Rauf	Matric.	11.03.1960	10.03.2020	Peshawar	10.10.1979	03.12.1995	28.05.2013	FATA Sectt.	Superintendent
(34)	Mr. Abdul Awal	B.A	10.02.1965	09.02.2025	Mardan	20.08.1985	03.12.1995	28.05.2013	E&AD (Estate)	Superintendent
35	Mr. Nisar Ahmed	D.Com	13.02.1962	12.02.2022	Khyber Agency	01.11.1978	03.12.1995	28.05.2013	Finance Deptt.	Superintendent
36	Mr. Fazal Rahman	F.A	02.04.1961	01.04.2021	D.I.Khan	02.02.1986	03.12.1995	28.05.2013	CM Sectt.	Superintendent
37	Mr. Nasar Ali Khan	D.Com	10.10.1962	09.10.2022	Peshawar	06.02.1986	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
38	Mr. Nabi Gul	D.Com	02.01.1961	01.01.2021	Mohmand Agy	01.02.1986	02.12.1996	28.05.2013	P&D Deptt.	Superintendent
39	Mr. Abdul Sattar	Matric.	07.08.1962	06.08.2022	Mohmand Agy	28.04.1986	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
40	Mr. Nausher Khan	F.A	11.12.1963	10.12.2023	Bajaur	21.04.1984	02.12.1996	28.05.2013	E&A Deptt. (Avt-II Section)	Superintendent
(41)	Mr. Abdul Shakoor	B.A	29.05.1966	28.05.2026	Peshawar	11.07.1987	02.12.1996	28.05.2013	Auqaf Deptt.	Superintendent
42	Mr. Amin Jan	M.A	24.05.1964	23.05.2024	Nowshera	09.07.1987	02.12.1996	12.02.2014	PHE Deptt.	Superintendent
(A) → (43)	Mr. Abdullah Shah	Matric	03.03.1959	02.03.2019	Peshawar	08.03.1986	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
(44)	Mr. Anwar Akbar Khan	B.A	01.12.1968	30.11.2028	Dir	13.07.1987	27.02.1998	28.05.2013	E&AD (PS to Min for Law)	Superintendent
(45)	Mr. Inayatullah S/O Haji Taza Gul	B.A	20.05.1968	19.05.2028	Bannu	12.07.1987	27.02.1998	28.05.2013	E&AD (E-V Sec)	Superintendent
(46)	Mr. Taj Muhammad	B.A	08.03.1967	07.03.2027	Khyber Agy	06.07.1987	27.02.1998	28.05.2013	E&AD (SO-Admn)	Superintendent
(47)	Mr. Abdul Wahab Khalil	M.A	04.04.1973	03.04.2033	Peshawar	25.03.1998	25.03.1998	28.05.2013	CM Sectt. (Protocol Officer)	Superintendent
(B) → (48)	Syed Waqar Hussain	M.Sc	11.02.1970	10.02.2030	Peshawar	21.03.1998	21.03.1998	28.05.2013	Auqaf Deptt.	Superintendent
(49)	Mr. Saeed Ahmad Khan	M.A. LLB	12.01.1972	11.01.2032	Chitral	01.08.1991	20.03.1998	28.05.2013	Finance Deptt.	Superintendent
(50)	[REDACTED]	M.A. LLB	05.02.1973	04.02.2033	Khyber Agency	18.11.1991	21.03.1998	28.05.2013	Finance Deptt.	Superintendent
(E) → (51)	[REDACTED] Khan	B.A. LLB	16.08.1972	15.08.2032	Haripur	11.05.1992	25.03.1998	28.05.2013	On deputation to PMDA w.e.f 02.11.2015 to 01.11.2018	Superintendent
(52)	Mr. Mustafa Khan	B.A	04.02.1962	03.02.2022	Mohmand Agy	13.07.1987	16.08.1999	28.05.2013	E&SE Deptt.	Superintendent

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**FINAL SENIORITY LIST OF SUPERINTENDENT (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 31.03.2017**

S.No	Name of officer	Academic Qualification	Date of Birth	Date of Retd	Domicile	Date of 1st Entry into Govt: service on regular basis	Date of regular promotion/ apptt: as Assistant	Date of regular promotion As Supdt	Department	Remarks
53	Mr. Khalid Hassan	Matric	21.04.1963	20.04.2023	Karak	11.07.1987	16.08.1999	11.07.2001	General Dev. Deptt.	Superintendent
54	Mr. Sultan Muhammad	Matric	15.08.1965	14.08.2025	Mohmand Agy	07.07.1987	16.08.1999	11.07.2001	Home Deptt.	Superintendent
55	Mr. Muhammad Rafiq S/o Mir Wali	Matric	01.03.1962	28.02.2022	Mansehra	07.12.1987	16.08.1999	11.07.2001	E&AD (Adv to CM of IPC)	Superintendent
56	Mr. Hameedur Rehman S/O Rahim Gul	B.A	07.02.1965	06.02.2025	Karak	12.07.1987	17.05.2000	11.07.2001	Industries Deptt.	Superintendent
57	Mr. Muhammad Yasin	B.A	05.02.1966	04.02.2026	Karak	12.05.1987	17.05.2000	11.07.2001	Finance Deptt.	Superintendent
58	Mr. Roied Ullah Khan	B.Com	26.11.1966	25.11.2026	Bannu	07.07.1987	17.05.2000	11.07.2001	General Dev. Deptt.	Superintendent
59	Mr. Murad Ahmad	B.A	02.02.1963	01.02.2023	Mardan	01.08.1987	17.05.2000	11.07.2001	Finance Deptt.	Superintendent
60	Mr. Jan Nisar	Matric	16.04.1962	15.04.2022	Peshawar	01.08.1987	17.05.2000	11.07.2001	Home Deptt.	Superintendent
61	Mr. Faizul Qadir	Matric	09.04.1957	08.04.2017	Peshawar	02.02.1981	17.05.2000	11.07.2001	Governor Sectt. (Will be retired on 08.04.2017)	Superintendent
62	Mr. Mustajab	B.A	25.05.1962	24.05.2022	Abbottabad	02.03.1981	17.05.2000	11.07.2001	E&SE Deptt.	Superintendent
63	Mr. Amanullah	Matric	18.04.1962	17.04.2022	Peshawar	01.08.1987	17.05.2000	11.07.2001	IPC Deptt.	Superintendent
64	Mr. Ijaz Khan	B.Com.	21.03.1965	20.03.2025	Kohat	10.10.1988	27.07.2000	11.07.2001	On deputation to PMDA w.e.f 11.2014	Superintendent
65	Mr. Tahir Khan	M.A	02.01.1971	01.01.2031	Peshawar	19.02.1998	01.09.2000	11.07.2001	Food Deptt.	Superintendent
66	Mr. Abdul Aziz	B.A	05.01.1964	04.01.2024	Peshawar	31.07.1985	31.10.2000	11.07.2001	Health Deptt.	Superintendent
67	Mr. Dilshad Khan	Matric	15.01.1965	14.01.2025	Peshawar	07.04.1988	28.04.2001	11.07.2001	C&W Deptt.	Superintendent
68	Mr. Zulfiqar Ali	Matric	15.05.1966	14.05.2026	Peshawar	07.04.1988	28.04.2001	11.07.2001	Population	Superintendent
69	Mr. Shakoor-ur-Rehman	Matric	01.08.1964	31.07.2024	Peshawar	07.04.1988	28.04.2001	11.07.2001	R&D Deptt.	Superintendent
70	Mr. Pervaiz Akhtar	B.A	13.03.1960	12.03.2020	Peshawar	25.04.1988	28.04.2001	11.07.2001	Law Deptt.	Superintendent
71	Mr. Shafatullah	Matric	03.02.1960	02.02.2020	Peshawar	25.04.1988	28.04.2001	11.07.2001	E&AD (HRD Wing)	Superintendent
72	Mr. Abdul Waheed	B.A	09.11.1966	08.11.2026	Peshawar	25.04.1988	28.04.2001	11.07.2001	Higher Education Deptt.	Superintendent
73	Mr. Muhammad Ayub S/O Mir Ahmad Shah	Matric	01.01.1962	31.12.2021	Peshawar	25.04.1988	28.04.2001	11.07.2001	Environment Deptt.	Superintendent

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**FINAL SENIORITY LIST OF SUPERINTENDENT (BS-17) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 31.03.2017**

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159	Mr. Wilayat Khan	M.A.	04.01.1969	03.01.2029	Khyber Agy.	18.11.1991	29.05.2008	22.12.2016	Health Deptt	Superintendent
160	Mr. Hakim Khan	B.A	01.06.1971	31.05.2031	Chitral	01.12.1991	02.12.2008	22.12.2016	E&AD (CS Office)	Superintendent
161	Mr. Sher Zamin Khan	F.A	01.02.1969	31.01.2029	Swat	23.11.1991	02.12.2008	22.12.2016	Finance Deptt.	Superintendent

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

Dated Peshawar, the 20.04.2017

**Endst: No.SO E.IV(E&AD)1-13/2017**

**Copy forwarded to:-**

- 1 All Administrative Secretaries (except Board of Revenue) to Govt; of Khyber Pakhtunkhwa.
- 2 The Military Secretary to Governor, Khyber Pakhtunkhwa.
- 3 Principal Secretary to Governor Khyber Pakhtunkhwa.
- 4 Secretary (Admn/ Infrastructure & Coordination), FATA Secretariat.
- 5 The Director, Staff Training Institute, Khyber Pakhtunkhwa.
- 6 The Deputy Director (IT), Establishment & Administration Deptt with the request to publish on official website.

(HAZRAT JAMAL)  
SECTION OFFICER (E-IV)



VAKALAT NAMA

(31)

APPEAL NO. \_\_\_\_\_/20

**IN THE COURT OF KP SERVICE TRIBUNAL, PESHAWAR**


Muhammad Azhar Khan Appellant  
Petitioner  
Plaintiff

**VERSUS**


Govt of KP Respondent (s)  
Defendants (s)

I Muhammad Azhar Khan (APPELLANT) do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and al proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE \_\_\_\_\_/20

  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
**SYED NOMAN ALI BUKHARI**  
ADVOCATE HIGH COURT  
BC-15-5643