

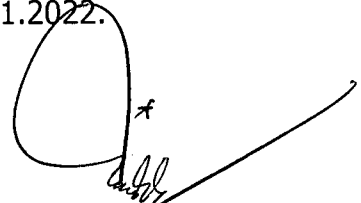
02.09.2022

Syed Noman Ali Bukhari, Advocate learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 01.11.2022.

Rs-100/-  
Appellant Deposited  
Security & Process Fee

*A. J. J. J.*  
9/9/22

  
(Mian Muhammad)  
Member (E)

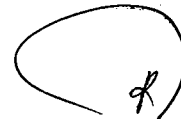
01.11.2022

Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Iftikhar Superintendent for respondents present.

SCANNED  
KPST  
Peshawar

Reply not submitted. Representative of respondents requested for time to submit reply/comments. Opportunity is given. To come up for reply/comments on 09.12.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

17<sup>th</sup> June 2022

Neither appellant nor his counsel is present. However, Syeda Uzma, Advocate junior to counsel for the appellant present and seeks adjournment. Adjourned. Last opportunity is granted failing which it will be decided on the basis of available record without the arguments. To come up for preliminary hearing on 08.08.2022 before S.B.

Q

(Kalim Arshad Khan)  
Chairman

08-08-2022

On account of public holiday the case is adjourned to 2-9-22 for the same as before.

Reader.

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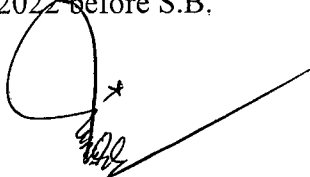
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Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 47/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/01/2022	<p>The appeal of Mr. Fālak Naz submitted today by Syed Noman Ali Bukhari Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>28/2/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	28.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal -is defunct, therefore, case is adjourned to 26.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	26.05.2022	<p>Learned counsel for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 17.06.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

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

Appeal No. 47 /2022

Mr. FALAK NIAZ

VS

Govt: OF KP and Others

**I N D E X**

S.No	Documents	Annexure	P No.
1.	Memo of Appeal & affidavit	-----	1-15
2.	Copy of Rule Of Business of ST&IT	- A -	16-19
3.	Copy of KP Establishment of Information Technology Board (Amendment) Act 2018	- B -	20-22
4.	Copy of absorption notification dated 06/04/2018	- C -	23
5.	Copy of minutes of meeting and seniority list dated 30-06- 2020	D	24-26
6.	Copy of observation raised by respondent No.04 dated 11-12-2020.	E	27
7.	Copy of reply of respondent No. 03 dated 18-12-2020	F	28-29
8.	Final seniority list Notification No.SOE/ST&IT/KP/2-96/2020/582 dated 10-03-2021	G	30-31
9.	Copy of appeal on final seniority list letter No. Nil dated 22-03-2021	H	32-34
10.	Copy of service appeal of appellant, appeal No. 7354/2021 on seniority	I	35-48
11.	Copy of promotion notification of Section Officer Notification No. SOE/ST&IT/KP/2-96/2021 dated 06-08-2021,	J	49
12.	Copy of Section Officer (PSB) Letter No. SO (PSB) ED/1-1/2021/ (9) dated 28-07-2021,	K	50-55
13.	Copy of departmental appeal letter No. Nil 21-09-2021 & 29-10-2021 respectively.	L & M	56-60
14.	Copy of final seniority list of Establishment Deptt of BS-19 officers in the light of PHC	N	61

	judgment dated 19-08-2014		
15.	Copy of Establishment Department Regulation Wing Notification No.SO (Policy)/E&AD/1-16/2017 dated 05-12-2017.	O	62-63
16.	Copy of letter No.SOE/ST&IT/KP/2-55/2021 dated 24-08-2021, Minutes of Meeting up gradation committee of Finance Deptt dated 23-09-2021 and letter No.SOE/ST&IT/KP/2-55/2021 dated 22-12-2021	P, Q & R	64-69
17.	Wakalat Nama	-----	70

  
 APPELLANT  
 Mr. FALAK NIAZ

THROUGH:

Dated 12-1-2022

  
 (SYED NOMAN ALI BUKHARI)  
 ADVOCATES, PESHAWAR

## RESPECTFULLY SHEWETH

### FACTS

1. That the appellant is law abiding citizen of Pakistan and have every legal right to protect under Constitution of Islamic Republic of Pakistan.
2. That appellant was appointed as Assistant Director (BS-17) in the Directorate of Science & Technology on regular basis through Khyber Pakhtunkhwa Public Service Commission dated 20-11-2015 and work with full zeal and zest since appointment.
3. That according to Rule of Business, the Science & Technology and Information Technology Department {(issued, vide No.SO (O&M)/E&A/2-24/2005 dated 22-11-2011 Schedule-I at S.No. 22 (a&b)}, the Directorate of Science & Technology and Directorate of Information Technology were two separate attached /independent department/entities of ST&IT on the Technical, Functional, Administrative, Services rules, Seniority, Financial, Current and developmental budget, PR code, Sanction posts, Regulatory control over all activities etc. **(Copy of Rule of Business of the Science & Technology and Information Technology Department is attached as Annexure-A).**
4. That Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) was promulgated by the Provincial Assembly wherein Section 3 clearly states that "the Directorate of Information Technology, shall cease to be an attached department of Science & Technology and Information Technology Department of Government, and shall be merged into Board" and "All the civil servants serving in the Directorate Of Information Technology, shall be give an option, either to continue to as a civil servants or may opt for the employment of the board. The option will be exercise within thirty days after commencement of Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018). Those employees, who do not opt

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SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED UNCONDITIONAL PROMOTION ORDER/NOTIFICATION DATED 06-08-2021 OF RESPONDENT No.6 MR. MUHAMMAD AKIF KHAN ASSISTANT DIRECTOR (BS-17) TO THE POST OF DEPUTY DIRECTOR (BS-18) ON DISPUTED SENIORITY LIST BEING ILLEGAL AND WRONG. AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF THE NINETY DAYS.

.....

**PRAYER**

ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 06.08.2021 MAY BE DECLARED ILLEGAL AND THE APPELLANT MAY BE DECLARED SENIOR FROM RESPONDENT NO.6 OF ASSISTANT DIRECTOR BS-17 & NETWORK MANAGER BS-17 AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION FROM THE DATE WHEN THE POST OF DEPTUY DIRECTOR BS-18 REMAIN VACANT AND BECOME ELIGIBLE WITH RETROSPECTIVE EFFECT ALONG WITH AREARS AND BACK BENEFITS. GETTING HIS RIGHT OF SENIORITY IN ACCORDANCE WITH LAW THEN AS PER ESTABLISHMENT DEPARTMENT REGULATION WING NOTIFICATION NO.SO (POLICY)/E&AD/1-16/2017 DATED 05-12-2017 AMENDMENTS IN THE KHYBER PAKHTUNKHWA PROMOTION POLICY, 2009. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN THE FAVOR OF THE APPELLANT.

.....

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

Appeal No. \_\_\_\_\_ /2022

Mr. Falak Niaz, Assistant Director BS-17,  
Directorate General of Science & Technology,  
ST&IT Department Govt of KP.

**APPELLANT**

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. Chief Secretary Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar  
**Chairman Provincial Selection Board (PSB).**
3. The Secretary to Govt: of Khyber Pakhtunkhwa, ST&IT Department Civil Secretariat Peshawar  
**Member PSB**
4. The Secretary to Govt: of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar  
**Member/Secretary PSB**
5. The Director General, Directorate General of Science & Technology Govt: of Khyber Pakhtunkhwa.
6. Mr. Muhammad Akif Khan Assistant Director (BS-17), Directorate General of Science & Technology Govt: of Khyber Pakhtunkhwa

.....**RESPONDENTS**



for their absorption in the board, shall be absorbed in the Directorate of Science & Technology where they can continue to be governed and regulated in accordance with the Khyber Pakhtunkhwa civil servants act, 1973 and the rules made under;" After exercising option for absorption by the erstwhile DoIT employees into the Directorate of Science & Technology, the absorption notification No.SOE/ST&IT/KP/1-9/Merging of DoIT-KPITB/17/V-II dated April 06, 2018 of erstwhile Directorate of Information Technology employees into Directorate of Science & Technology was issued. (Copy of Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) and absorption notification No.SOE/ST&IT/KP/1-9/Merging of DoIT-KPITB/17/V-II dated April 06, 2018 Annexure-B&C).

5. That **respondent no.6** was initially appointed as Assistant Director (BPS-17) in the **erstwhile Directorate of Information Technology**, on 07-04-2014 and later on by giving in writing option was **absorbed** in the Directorate of Science and Technology through KPIT Board Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018). The merger/restructuring of erstwhile DoIT take place with Khyber Pakhtunkhwa Information Technology Board, not with the Directorate of Science & Technology and only employees of Ex-DoIT who given written option for absorption, are **absorbed** in the Directorate of Science & Technology.
6. That as in the light of Khyber Pakhtunkhwa Civil Servant Act, 1973 Section 8 and Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 seniority rules 17 and Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8TH June /2001 "Policy for Declaring Government Servant as Surplus and their **Subsequent Absorption/ Adjustment**", Mr. Muhamad Akif Khan, Assistant Director is placed at serial No. 01 in the tentative seniority list of Assistant Directors & Network Manager BPS-17 dated 16.01.2020 without keeping in view the impugned legislation **absorption** of an employee would deprive the seniority and progression of career of meritorious civil servants. The respondent No. 3 issued letter to all officers on 26-06-2020 called meeting on 30-06-2020 at 11:00am which was attended by the following officers:
  - i. Secretary ST&IT Department Chairman
  - ii. Additional Secretary, ST&IT Department

- iii. Director-ST, Directorate of S&T
- iv. SO(E), ST&IT Department
- v. Wiqar Ahmad AD(P&D), DoST
- vi. Falak Niaz AD, DoST
- vii. M.Akif Khan AD, DoST
- viii. Ziaullah Khan N/S Manager, DoST

Proposed final seniority of BS-17 was discussed and rectified/corrected seniority list was issued wherein appellant was bringing to his proper place at S.No. 2. **(Copy of minutes of meeting and seniority list dated 30.06.2020 is attached as annexure-D).**

7. That, the respondent No. 4(Establishment Deptt) returned the seniority list with observations in para 30-31 to respondent No.3 dated 11-12-2020. The respondent No.3(ST&IT Deptt) replied comprehensively clarified the position vide para 32-40 dated 18-12-2020. **(Copy of observation raised by respondent No.04 dated 11-12-2020 & reply of respondent No. 03 dated 18-12-2020 is attached annexure-E & F).**
8. That thereafter, final seniority list dated 10.03.2021 was issued wherein appellant was placed at S.No.3 while respondent no.6 placed at S.No.1 while aggrieved of the same has filed departmental appeal on final seniority list letter No. Nil dated 22-03-2021 and have been requested to be reversed/rectified the final seniority list but after lapse of considerable time there is no outcome of the appeal /representation all went in vain. Hence, the appellant constrained to file this service appeal on final seniority, appeal No. **7354/2021** before this August Tribunal. **(Final seniority list Notification No.SOE/ST&IT/KP/2-96/2020/582 dated 10-03-2021, appeal on final seniority list letter No. Nil dated 22-03-2021 and service appeal, appeal No. 7354/2021 is attached Annexure-G, H & I).**
9. That, two(02) posts of Deputy Director (BPS-18) are lying vacant in the respondent Department and the respondent department ST&IT prepared working paper for filling the said posts on the basis of impugned final seniority list. The respondent No.6 Mr. Muhammad Akif Khan Assistant Director BS-17 was unconditional promoted vide ST&IT deptt Section Officer Notification No. SOE/ST&IT/KP/2-96/2021 dated 06-08-2021 to one post of Deputy Director (BS-18) on the disputed final seniority list in the Provincial Selection Board (PSB) held on 30-07-2021 & 31-07-2021 vide Section Officer (PSB) Letter No. SO (PSB) ED/1-1/2021/ (9) dated 28-07-2021. While one post was kept vacant due to stay granted in

appeal of Ziaullah Khan Network Manager (BS-17) in the honorable service tribunal in service appeal no. 6732/2021. It is further added that in the agenda items of PSB, ST&IT Department agenda item was not included which clearly show extreme discrimination with appellant that case is already disputed and pending before court on the part of respondent departments. Now again two posts of Deputy Directors BS-18 are vacant, one post newly created in the budget and one post vacant due to promotion of Mr. Abid Suhail Deputy Director BS-18 to Additional Director-IT BS-19 in the Provincial Selection Board (PSB) held on 02-12-2021 vide Section Officer (PSB) Letter No. SO (PSB) ED/1-1/2021/ (20) dated 01-12-2021. The impugned action on the part of the respondents vide which the appellant has been deprived of due right is smacked with mala fide, illegal wrong, unlawful against vested right of the appellant, unauthorized and unconditional. While aggrieved of the same the appellant has filed departmental appeal on promotion notification/order letter No. Nil dated 21-09-2021 & 29-10-2021 respectively and have been requested to be set aside the promotion order/notification of respondent No.6 but after lapse of considerable time there is no outcome of the departmental appeal /representation all went in vain. Hence, the appellant strained to file this service appeal before this August Tribunal on the following grounds. (Copy of Section Officer Notification No. SOE/ST&IT/KP/2-96/2021 dated 06-08-2021, Section Officer (PSB) Letter No. SO (PSB) ED/1-1/2021/ (9) dated 28-07-2021, departmental appeal letter No. Nil 21-09-2021 & 29-10-2021 is attached annexure-J, K, L & M).

### GROUNDS

- A. That the impugned actions/inaction on the part of the respondents vide which the appellant has been deprived of due right is smacked with mala fide, illegal wrong, unlawful against vested right of the appellant, unauthorized and unconstitutional.
- B. That not responding on departmental appeal within statutory period of 90 days is against the law, illegal, unlawful, without and lawful authority, thus calling interference of this learned tribunal.
- C. That the Directorate of Science & Technology was not part of the merger as per KPIT Board Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018), Merger of Directorate of IT take place with KPIT Board, while employees are by giving option to be absorbed in Directorate

Science & Technology, they can be adjusted any other department on vacant posts, then why the appellant seniority/promotion is affected in his parent department serving since 20-11-2015.

- D. That, the impugned legislation act the employees of Directorate of Information Technology are directly merged in IT Board and the respondent no.6 was absorbed in Directorate of Science & Technology, directly. The absorption/adjustment is only carried out through Absorption Policy issued by Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8th June, 2001. Government of Khyber Pakhtunkhwa Surplus Pool Policy para-6. clause (a to d) will be followed while determining seniority of the absorbed employees, the only rule covering seniority fixation of absorbed/ adjusted employees under para 6 b (a to d) **"In case, however, he is adjusted in his respective cadre but in department other than his parent department, he shall be placed at the bottom of seniority list of that cadre"**.
- E. That The Supreme Court of Pakistan with direction a copy of this judgment to be sent to the Chief Justice, Sindh High Court through Registrar for circulating it amongst the learned Judges. A copy of this judgment be also sent to all the Chief Secretaries of the Provinces as well as the Secretary, Establishment Division, Government of Pakistan, Islamabad, with the direction to streamline the service structure of civil servants in line with the principles laid down in this judgment. **Whether the deputation, absorption, regularization, out of turn promotions, re-employment, contractual/ adhoc employment which are the subject matter of these proceedings can be validated through the impugned statutes? Any backdated seniority cannot be granted to any absorbee and his inter-se seniority, on absorption in the cadre shall be maintained at the bottom as provided under the rules regulating seniority.** Supreme Court of Pakistan Judgment various constitution Petition No. 89/2011 other petitions on the Sindh Civil Servants (Regularization of absorption) Act 2011 date of hearing 16th to 19th, 29th to 30th April 2013 and 7th, 8th and 9th May 2013).
- F. That in the Writ Petition No. 2942-P/2013 of Mr. Shaukat Ali Yousafzai VS Govt of Khyber Pakhtunkhwa & others. The petitioner Mr. Shaukat Ali Yousafzai was first appointed is a lecturer Zoology BS-17 in education deptt on 23-04-1989 later on appointed as Assistant Director BS-17 in Fishries Deptt Govt of Khyber Pakhtunkhwa through Khyber Pakhtunkhwa Public Service Commission (KPPSC). The petitioner was absorbed from Fisheries Deptt into Establishment Deptt from the date of

Peshawar High Court decision which was announce on 19-08-2014 and seniority was assigned to the petitioner from the judgment announcement date which is clearly reflected in the final seniority list. **(Copy of final seniority list of Establishment Deptt of BS-19 officers in the light of PHC judgment dated 19-08-2014 is attached Annexure-N).**

- G. That, thereafter, final seniority list was issued vide No.SOE/ST&IT/KP/2-96/2020/ 579 dated 10.03.2021 wherein appellant was placed at S.No.3 while respondent no.6 placed at S.No.1 while aggrieved of the same has filed departmental appeal on final seniority list letter No. Nil dated 22-03-2021 and have been requested to be reversed/rectified the final seniority list but after lapse of considerable time there is no outcome of the appeal /representation all went in vain. Hence, the appellant constrained to file service appeal, appeal No. 7354/2021 before this August Tribunal.
- H. The **absorption** has neither been defined by the KP Civil Servant Act 1973 nor by KP Civil Servants (Appointment, Promotion and Transfer) Rules 1989. Therefore the final seniority list is disputed and the Appellant in the final seniority list before absorption was at S.No 02 and after absorption is at S.No 03. In the light of Service Rules Notification vide No.SOE/ST&IT/KP/2018-19/Vol:VI dated 31-01-2020" *By promotion on the basis of seniority-cum-fitness, from amongst Assistant Directors, Internet Information Service Manager & Network Managers having at least Five year service*". Before absorption neither these posts/employees exist in the Directorate of Science & Technology nor reflected in the budget copy of FY-2015-16, 2016-17 and 2017-18 while after KPIT Board amendment Act 2018, in FY2018-19 their posts have been created by Finance Department in the Directorate of Science & Technology. The erstwhile Directorate of Information Technology restructuring/merger did not take place with Directorate of Science & Technology, the merger/re-structuring of DoIT take place in the KP IT Board. Then how/why the seniority of the appellant in the parent attached department is affected by merger? While Mr. Muhammad Akif Khan Assistant Director BS-17 has neither serve a single day in the Directorate of Science & Technology nor made arrival after absorption in the Directorate of Science & Technology. He is on leave/deputation at the office of the Chief Secretary, Performance Management & Reform Unit before and after absorption. The respondent No.6 got unconditional promotion which is clear violation of law and rules. While the appellant is enthusiastically serving in the Directorate of S&T from last six years

and seniority is affected without cogent reason/rules, Now two vacant posts of Deputy Director (BS-18) are available.

- I. That the impugned seniority list is against the norms of service law and principles of natural justice and dictums of the apex courts.
- J. That the impugned seniority list is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under law.
- K. That all persons placed in similar circumstances must be treated alike and the reasonable classification must be based on reasonable ground in a particular set of circumstances but the same in any case must not offend the spirit of Article 25 of the constitution. Person equally placed must be treated alike in the matter of rights, privileges and liabilities under the rules of equal protection of law.
- L. In Dr. Munir Ahmad and 37 others Vs Govt of Pakistan Finance Division, Islamabad and 4 others (2007 PLC(CS) 285) the Honorable Supreme court of Pakistan held as:
 

“Concept of equal protection and equality before law is hallmark of the constitutional scheme recognized by not only the preamble, objective resolution, Article 4, 25 and 27 of the constitution but also the principle of policy contained in Article 37 of the constitution. Equal protection and equal treatment of citizen similarly placed is universally accepted and recognized principle which has been explained by many others in text books and judges in precedents, statutory function in a democratic setup cannot make any individual distinction for any extraneous reason in exercise of discretion must be free of arbitrariness and caprice.”
- M. That according to Section-8 of the Civil Servant Act 1973 and section-17 of APT Rules 1989, it is the legal right of every civil servant to properly placed in seniority list according to his seniority position, but the same benefits was not extended to the appellant which is the violation of law and rules.
- N. That the appellant was not treated according to the law and rules and has been deprived from his legal right of seniority in arbitrary manner without fault on his part.
- O. The Hon'ble Supreme Court has declared the following practice of the respective departments of Federal / Provincial Governments / autonomous / organizations bodies as illegal:

-A civil servant, who after passing the competitive exam in terms of the Recruitments Rules on merits, loses his right to be considered for promotion when an employee from any other organization is absorbed without completing or undertaking competitive process with the backdated seniority and is conferred the status of a Civil servant in complete disregard of recruitment rules.

- i. The **absorption and out of turn promotion** will also impinge on the self-respect and dignity of the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been inducted from other services/cadres regardless of their (inductees) merit and results in the competitive exam (if they have appeared from an exam at all), hence, are violate of the Articles 14 of the Constitution.
  - ii. The principle of locus penitential is the power of receding till a decisive step is taken but is not a principle of law that order once passed becomes an irrecoverable and past and closed transaction. If the order is illegal, then perpetual rights cannot be gained based on an illegal order.
  - iii. **Any backdated seniority cannot be granted to any absorbee and his inter-se-seniority, on absorption in the cadre shall be maintained at the bottom as provided under the rules regulating the seniority.**
- P. In the case of Muhammad Sharif Tareen V/s Government of Baluchistan (2018 SCMR 54), it was held by the Hon'ble Supreme Court that a post which is required by the rules to be filled by initial recruitment cannot be filled by promotion, transfer, absorption, or by any other method which is not provided by the relevant law and rules.
- Q. That an application has been filed along with the memo of appeal seeking interim relief among others for appellant till final outcome of the appeal. Obviously, when the dispute about seniority list is has been admitted for regular hearing, therefore it seems just to direct the respondents in case the appellant succeeded in getting his right of seniority in accordance with law then as per Establishment Department Regulation Wing Notification No.SO(Policy)/E&AD/1-16/2017 dated 05-12-2017 amendments in the Khyber Pakhtunkhwa promotion policy, 2009.

After sub-para(h) of para IV the following sub-para(i) shall be inserted:

The mere fact that the seniority is sub-juiced will not debar the competent forum to make recommendation. However, in such cases following shall be applicable:

- i. All promotion based on sub-judice seniority will be conditional i.e. subject to final outcome of court cases.
- ii. An officer who gets his seniority restored and becomes senior to already promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.
- iii. In case, the officer expired or retires from service and subsequently, his seniority is restored his case will be considered from proforma promotion along with all financial benefits.
- iv. Juniors promoted on sub-judiced seniority list will be assigned seniority as per final court orders and will be reverted in case there is no vacancy.

**(Copy of Establishment Department Regulation Wing Notification No.SO (Policy)/E&AD/1-16/2017 dated 05-12-2017 is attached Annexure-O).**

R. That the respondent No.3 (ST&IT deptt) sent case to Finance Deptt vide letter No.SOE/ST&IT/KP/2-55/2021 dated 24-08-2021 with request to advice this deptt as to whether the up gradation to BS-18 in respect of Mr. Ziaullah Khan Network Manager BS-17 is justified or otherwise. The minutes of the meeting of up gradation committee held in the Finance Deptt on 23-09-2021 and the case of Mr. Ziaullah Khan Network Manager BS-17 was deferred with justification that career progression/service structure is available. Mr. Ziaullah Khan Network Manager BS-17 at Serial No. 4 in the final seniority list trying to overcome and become senior to other officers(including appellant) is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under any law. On one side Mr. Ziaullah Khan Network/System Manager BS-17 file appeal in the Honorable Service Tribunal in Service Appeal No. 6732/2021 and stay was granted in appeal to halt the promotion of the appellant on the other hand up-gradation case is submitted. The preparation and submission of working paper to Finance Deptt in respect of Mr. Ziaullah Khan Network Manager BS-17 to up gradation committee is worst case of favoritism, nepotism and colorful exercise of powers to favored blue eyed person which is not warranted under any law which is admitted by the respondent No.3 (ST&IT deptt) in letter No. SOE/ST&IT/KP/2-55/2021 dated 22-12-2021.




(Copy of letter No.SOE/ST&IT/KP/2-55/2021 dated 24-08-2021, MoM up gradation committee in Finance Deptt date 23-09-2021 and No.SOE/ST&IT/KP/2-55/2021 dated 22-12-2021 is attached Annexure-P, Q & R).

- S. That the appellant craves permission of this honorable tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of instant service appeal.

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

  
**APPELLANT**  
 Mr. FALAK NIAZ

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
 ADVOCATES, PESHAWAR

**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 HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR

In Appeal No. \_\_\_\_\_/2022

Falak Niaz

VERSUS

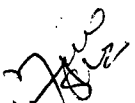
Govt. Khyber Pakhtunkhwa, Peshawar and others.

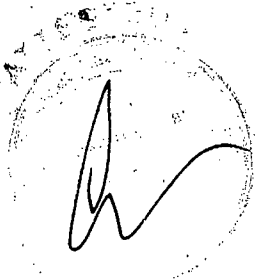
AFFIDAVIT

I, Falak Niaz, Assistant Director, Directorate of Science and Technology, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

  
12/1/2022  
**DEPONENT**

Identified By :

  
Syed Noman Ali Bukhari,  
Advocate, Peshawar.



**GOVERNMENT OF <sup>1</sup>KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
NOTIFICATION**

Peshawar the, dated 6<sup>th</sup> April, 1985.

No. SO(O&M) S&GAD/3-3/1985,---In pursuance of the provision contained in Article 139 of the constitution of the Islamic Republic of Pakistan and in suppression of the <sup>2</sup>Khyber Pakhtunkhwa Government Rules of Business, 1972, the Governor of the <sup>3</sup>Khyber Pakhtunkhwa is pleased to make the following rules:

**PART - A — GENERAL**

**1. SHORT TITLE AND COMMENCEMENT.**

- (1) These rules may be called the <sup>4</sup>Khyber Pakhtunkhwa Government Rules of Business, 1985.
- (2) They shall come into force at once.

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

- (a) "**Assembly**" means the Provincial Assembly of the <sup>5</sup>Khyber Pakhtunkhwa;
- (b) "**Attached Department**" means a Department mentioned in column 3 of *Schedule-I*;
- (c) "**Business**" means all work done by Government;
- (d) "**Cabinet**" means the Cabinet of Ministers appointed under Article 132 of the Constitution and includes the Chief Minister appointed under Article 130 of the Constitution;
- (e) "**Case**" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz: correspondence and notes and also any previous papers on the subject or subjects covered by it or connected with it;
- (f) "**Chief Secretary**" means the officer notified as such in the Gazette, who shall in addition to other Departments and functions that may be allotted to him from time to time, be incharge of the <sup>6</sup>Establishment and Administration Department and shall also be the Secretary to the Cabinet;
- (g) "**Constitution**" means the Constitution of the Islamic Republic of Pakistan;
- (h) "**Department**" means a self-contained administrative unit in the Secretariat responsible for the conduct of business of Government in a distinct and specified sphere, and declared as such by the Government;
- (i) "**Federal Government**" means the Executive Government of the Islamic Republic of Pakistan;
- (j) "**Gazette**" means the official gazette of the <sup>7</sup>Khyber Pakhtunkhwa.

<sup>1</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>3</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>4</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>5</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>6</sup> Substituted vide Establishment & Administration Department letter No. SO(O&M)E&A/8-6/2001, dated 30-05-2001.

<sup>7</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

- (k) "Government" means the Executive Government of the <sup>1</sup>Khyber Pakhtunkhwa.
- (l) "Governor" means the Governor of the <sup>2</sup>Khyber Pakhtunkhwa;
- (m) "Head of Attached Department" means the officer shown in column 4 of *Schedule-I*;
- (n) "Member" means a Member of the Assembly;
- (o) "Minister" means the Minister-in-Charge of the Department to which a particular case pertains;
- (p) "Public Service Commission" or "Commission" means the <sup>3</sup>Khyber Pakhtunkhwa Public Service Commission constituted under any law for the time being in force;
- (q) "Schedule" means a Schedule appended to these rules;
- (r) "Secretariat" means the Departments of Government when referred to collectively;
- (s) "Secretary" means the Secretary to Government and includes the Chief Secretary, and the Additional Chief Secretary;
- (t) "Section" means a basic working unit in a Department as determined by Government; and
- (u) "Speaker" means the Speaker of the Assembly.

3. COMPOSITION OF DEPARTMENTS AND ALLOCATION OF BUSINESS.-

- (1) The Secretariat shall comprise of the Departments specified in column 2 of *Schedule-I*.
- (2) The Chief Minister may in consultation with the Governor, wherever he may deem fit, constitute new Departments or vary the composition or number of the Departments.
- (3) The business of Government shall be distributed amongst several Departments in the manner indicated in *Schedule-II*:

Provided that the Chief Minister may in consultation with the Governor, whenever he may deem fit, transfer any particular subject or matter from the Department, to which it stands assigned in accordance with *Schedule-II*, to any other Department.

- (4) The Chief Minister may, assign.-
  - (a) A Department; or
  - (b) Part of a Department; or
  - (c) Part of different Departments; or
  - (d) More than one Department; or
  - (e) One or more Departments together with part or parts of other Departments;
 to a Minister:

Provided that a Department or Part of a Department not so assigned shall be in the charge of the Chief Minister.

<sup>1</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>2</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>3</sup> Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011

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**SCHEDULE-I**  
[See Rule 3]  
**LIST OF DEPARTMENTS AND ATTACHED DEPARTMENTS**

S.NO	SECRETARIAT DEPARTMENTS	ATTACHED DEPARTMENTS	HEAD OF ATTACHED DEPARTMENTS
1.	<b>Agriculture, Livestock and Cooperation Department.</b>	(a) Directorate General, Agriculture Extension.	(a) Director General, Agriculture Extension.
		(b) Directorate General, Agriculture Research.	(b) Director General, Agriculture Research.
		(c) <sup>1</sup> Directorate General, (Extension) Livestock and Dairy Development.	(c) Director, General, (Extension) Livestock and Dairy Development.
		(cc) <sup>2</sup> Directorate General, (Research), Livestock and Dairy Development.	(cc) Director General, (Research), Livestock and Dairy Development.
		(d) Directorate General On-Farm Water Management.	(d) Director General On-Farm Water Management.
		(e) <sup>3</sup> Directorate of Agriculture Engineering	(e) Director Agriculture Engineering
		<sup>4</sup> (f) Directorate of Soil Conservation.	(f) Director, of Soil Conservation.
		(g) Directorate of Crop Reporting Service.	(g) Director, of Crop Reporting Service.]
		<sup>5</sup> (h) Office of Registrar, Cooperative Societies.	(h) Registrar, Cooperative Societies.]
		<sup>6</sup> (i) Directorate of Fisheries	(i) Director, Directorate of Fisheries]
2.	<b>Auqaf, Hajj, Religious and Minority Affairs Department.</b>	--	--
2(A).	<b><sup>7</sup>Communication and Works Department.</b>	(i) Office of the Chief Engineer Centre	Chief Engineer Centre
		(ii) Office of the Chief Engineer North	Chief Engineer North
		(iii) Office of the Chief Engineer Design Office..	Chief Engineer Design Office.
<sup>8</sup> 2(B).	<b><sup>9</sup>Energy and Power Department.</b>	--	--

1 Substituted vide Establishment Department Notification No. SO(O&M)/E&AD/2-3/2008 Vol III Dated 15-04-2009.

2 Inserted vide Establishment Department Notification No. SO(O&M)/E&AD/2-3/2008 Vol III Dated 15-04-2009.

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

4 Added vide Establishment Department Notification No. SO (O&M)/E&AD/2-3/2008 Vol III, Dated 21th September, 2010.

5 Added vide Establishment Department Notification No. SO (O&M)/E&AD/2-3/2008 Vol III, Dated 19th October, 2010.

6 Added vide Establishment Department Notification No. SO (O&M)/E&AD/2-3/2008 Vol III, 12th November, 2011.

7 Added vide Establishment Department Notification No. SO(O&M)/E&AD/2-22/2006 Vol III Dated 24-11-2009.

8 Renumbered as vide Establishment Department Notification No. SO(O&M)/E&AD/2-22/2006 Vol III Dated 24-11-2009

9 Added vide Establishment Department Notification No. SO(O&M)/E&AD/2-34/2008 Vol III Dated 25-10-2008.

		b. Commissionerate of Mines Labour Welfare. c. Inspectorate of Mines.	b. Commissioner of Mines. c. Chief Inspector of Mines.]
18.	Planning and Development Department.	Bureau of Statistics.	Director, Bureau of Statistics.
19.	Population Welfare Department.	Directorate General, Population Welfare.	Director General, Population Welfare.
19(A)	1Public Health Engineering Department.	(i) Office of Chief Engineer North	Chief Engineer North
		(ii) Office of Chief Engineer South	Chief Engineer South
20.	Relief, Rehabilitation and Settlement Department.	<sup>2</sup> [Directorate of Civil Defence	Director, Civil Defence]
21.	Revenue Department.	Board of Revenue.	Member, Board of Revenue.
22.	Science & Technology & Information Technology Department.	<sup>3</sup> [(a)] Directorate of Science & Technology.	(a) Director, Science & Technology.
		<sup>4</sup> [(b)] Directorate of Information Technology.	(b) Director, Information Technology]
23.	<sup>5</sup> Elementary and secondary Education Department.	(a) <sup>6</sup> Directorate of Elementary and secondary Education.	(a) Director, Elementary and secondary Education.
		(b) Directorate of Curriculum and Teachers' Education.	(b) Director, Curriculum and Teachers' Education.
<sup>7</sup> [24.	Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums Department.	(a) Directorate General of Sports. (b) Directorate of Archaeology and Museums. (c) Directorate of Culture. (d) Directorate of Youth Affairs. (e) Directorate of Tourist Services.	(a) Director General, Sports. (b) Director, Archaeology and Museums. (c) Director, Culture. (d) Director, Youth Affairs. (e) Director Tourist Services.]
<sup>8</sup> [24(A) )	Transport & Mass Transit Department.	Directorate of Transport & Mass Transit.	Director, Transport & Mass Transit]
25.	<sup>9</sup> [...]		
<sup>10</sup> [26.	Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department	Directorate of Social Welfare, Special Education & Women Empowerment Department.	Director, Social Welfare, Special Education & Women Empowerment Department.]

<sup>1</sup> Inserted vide Establishment Department Notification No.SO(O&M)/E&AD/2-22/2006 Vol III Dated 24.11.2009.

<sup>2</sup> Added vide Notification No.SO(O&M)/E&AD/2-40/2010 dated, 21-02-2013.

<sup>3</sup> Renumbered vide Establishment Department Notification No.SO(O&M)/E&AD/2-24/2005 Vol II 22nd September, 2011.

<sup>4</sup> Added vide Establishment Department Notification No.SO(O&M)/E&AD/2-24/2005 Vol II 22nd September, 2011.

<sup>5</sup> Substituted vide Establishment Department Notification No .SO(O&M)/E&AD/2-17/2002 Dated 05.06.2008.

<sup>6</sup> Substituted vide Establishment Department Notification No .SO(O&M)/E&AD/2-17/2006-Vol- I Dated 14.10.2008.

<sup>7</sup> Substituted vide Notification No. SO(O&M)/E&AD/2-23/2007/vol-II, dated 29.09.2016.

<sup>8</sup> Substituted vide Notification No. SO(O&M)/E&AD/2-35/2009/Vol-II, dated 15-01-2014.

<sup>9</sup> Deleted vide Establishment Department Notification No.SO(O&M)/E&AD/2-22/2006 Vol III Dated 24.11.2009.

<sup>10</sup> Substituted vide Establishment Department Notification No .SO(O&M)/E&AD/2-2/2002 Vol-II, 16th August, 2011.

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Annex B

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 5<sup>TH</sup> MARCH, 2018.

**PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA**

**NOTIFICATION**

Dated Peshawar, the 5<sup>th</sup> March, 2018.

No. PA/Khyber Pakhtunkhwa/Bills-170/2018/4835.—The Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 19<sup>th</sup> February, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 28<sup>th</sup> February, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA ESTABLISHMENT OF INFORMATION TECHNOLOGY  
BOARD (AMENDMENT) ACT, 2018**

(KHYBER PAKHTUNKHWA ACT NO. IV OF 2018)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 5<sup>th</sup> March, 2018).*

AN  
ACT

*further to amend the Khyber Pakhtunkhwa  
Establishment of Information Technology Board Act, 2011*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011 (Khyber Pakhtunkhwa Act No. XI of 2011), for the purposes hereinafter appearing;

1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2018.

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(2) It shall come into force at once.

2. **Substitution of Preamble of the Khyber Pakhtunkhwa Act No. XI of 2011.**-- In the Khyber Pakhtunkhwa Establishment of Information Technology Board Act, 2011 (Khyber Pakhtunkhwa Act No. XI of 2011), hereinafter referred to as the said Act, for the existing Preamble, the following shall be substituted, namely:

**"WHEREAS** it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Information Technology Board for promotion, planning, execution, supervision, evaluation and regulation of the Information and Communication Technology, Information and Communication Technology enabled services and education for public and private sectors of the Province of the Khyber Pakhtunkhwa and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:".

3. **Insertion of new section in the Khyber Pakhtunkhwa Act No. XI of 2011.**--In the said Act, after section 3, the following new section 3A shall be inserted namely:

**"3A. Status of the Directorate of Information Technology and its employees.**-On commencement of the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2018,-

- (i) the Directorate of Information Technology, shall cease to be an Attached Department of Science and Technology and Information Technology Department of Government, and shall be merged into Board and the Board shall, take over the functional, administrative, financial and regulatory control over all the activities, offices, projects, centers, etc. of the Directorate of Information Technology, for the disposal of its functions;
- (ii) all the movable and immovable assets and liabilities including furniture, fixture, equipment, vehicles, record, data etc. of the Directorate of Information Technology shall be transferred to the Board and ownership of such assets shall vest in the Board;
- (iii) all the civil servants serving in Directorate of Information Technology, shall be given an option, either to continue to serve as civil servant or may opt for the employment of the Board. The option shall be exercised within a period of thirty days after the commencement of the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2018. Those employees, who do not opt for their absorption in the Board, shall be absorbed in the Directorate of Science and Technology where they can continue to be governed and regulated in accordance with the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there under; and



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**KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 5<sup>th</sup> MARCH, 2018 188**

- (iv) projects of the Directorate of Information Technology along with its employees shall be transferred to the Board for the completion of remaining activities of such projects."

**4. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. XI of 2011.--In the said Act, in section 4,-**

- (i) for sub-section (5), the following shall be substituted, namely:

"(5) Government may at any time terminate the nomination of any member mentioned at clause (h) of sub-section (1), by assigning cogent reasons."; and

- (ii) for sub-section (7), the following shall be substituted, namely:

"(7) The members at clause (h) of sub-section (1), shall be entitled to an amount of rupees twenty thousand as honoraria for attending a meeting of the Board."

**5. Amendment in section 7 of the Khyber Pakhtunkhwa Act No. XI of 2011.--In the said Act, in section 7, in sub-section (2),-**

- (a) in clause (a) for the words "private sector", the words "public and private sectors" shall be substituted;

- (b) in clause (c), the word "and" appearing at the end shall be deleted;

- (c) for clause (d), the following shall be substituted, namely:

"(d) supervise, evaluate and lead telecom regulators, operators and service providers for provision of wide range of high quality, efficient, cost effective and competitive information and communication technology services throughout the Province, in order to reduce broadband bandwidth tariffs, improve access, protect consumer rights and interests and regulate arrangements with the service providers of sharing their revenue with the Board, derived from provision of services in the Province;";

- (d) for clause (e) the following shall be substituted, namely:

"(e) plan, develop and establish Software Technology Parks, Technology Cities for Information and Communication Technology and Electronic manufacturing and Information Technology Parks in the Province;"; and

- (e) in clause (m), the full stop appearing at the end shall be replaced by semicolon and thereafter the following new clauses shall be added, namely:



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ST & IT DEPARTMENT

Dated Peshawar, the 6th April, 2018.

~~23~~ Annex C  
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**NOTIFICATION**

No. SOE/ST&IT/KP/1-9/Merging of DoIT-KP/ITB/17/V-JL. In pursuance of clause (iii) of Section 3A of the Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act, 2018 (Khyber Pakhtunkhwa Act No. IV of 2018), the following officers/officials after exercise of their option to continue as civil servants, are hereby absorbed in Directorate of Science and Technology, Khyber Pakhtunkhwa, with immediate effect:-

S. No.	Name of Officers/officials	Designation/BPS
1-	Mr. Bilal Jabbar	Deputy Director (BPS-18)
2-	Mr. Muhammad Akif	Assistant Director (BPS-17)
3-	Mr. Abdul Basit	IIS Manager (BPS-17)
4-	Mr. Zia Ullah Khan	Network/System Manager (BPS-17)
5-	Mr. Shah Saood	Accountant (BPS-16)
6-	Mr. Naveed Iqbal	Assistant (BS-16)
7-	Mr. Jafar Raza	Computer Operator (BS-16)
8-	Mr. Muhammad Kashif	Computer Operator (BS-16)
9-	Mr. Nazim Khan	Junior Clerk (BS-11)
10-	Mr. Wadan Gul	Driver (BS-7)
11-	Mr. Farhad Ullah	Driver (BS-7)
12-	Mr. Muhammad Waris Khan	Naib Qasid (BS4)
13-	Mr. Abdul Naveed	Naib Qasid (BPS-4)
14-	Mr. Fazal Wahid	Naib Qasid (BPS-03)
15-	Mr. Falak Niaz	Chowkidar (BS-4)
16-	Mr. Shahriyar	Chowkidar (BPS-03)

2- The officers/officials shall be governed and regulated in accordance with the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there under.

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

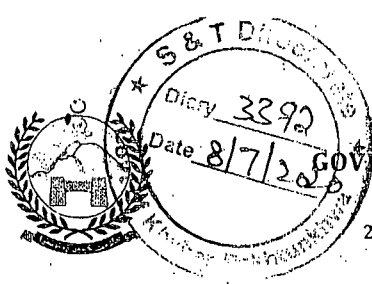
**Endst. No. and date even:-**

Copy forwarded to:-

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- The Secretary to Speaker, Provincial Assembly, Khyber Pakhtunkhwa.
- 3- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4- All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 5- Secretary to govt. of Khyber Pakhtunkhwa, Finance Department w/r to his letter No. BOIV/FD/1-27(C)/2017-18 dated 26-3-2018.
- 6- Chairman, Khyber Pakhtunkhwa Public Service Commission, Fort Road Peshawar.
- 7- PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 8- Manager, Government Printing Press Department, for publication in the Official Gazette
- 9- Director Science & Technology Khyber Pakhtunkhwa
- 10- Director Information Technology, Khyber Pakhtunkhwa
- 11- PS to Senior Minister for -IT, Khyber Pakhtunkhwa.
- 12- PS to Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
- 13- PA to Secretary ST&IT, Khyber Pakhtunkhwa.
- 13- PA to Managing Director KP IT Board.
- 14- Officers/officials concerned.

*Handwritten signature/initials*

SECTION OFFICER (ESTD)



(24)

Annex D

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ST & IT DEPARTMENT PESHAWAR  
2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

**MINUTES OF THE MEETING ON SENIORITY LIST OF THE OFFICERS BPS-17**

A meeting to discuss the final seniority list of BS-17 of the Directorate of Science and Technology was held under the Chairmanship of Secretary to Government of Khyber Pakhtunkhwa, Science & Technology and Information Technology in his office on 30-06-2020 at 11.00 AM so that the final Seniority list could be sent to Establishment Department for approval of competent authority.

2- Meeting was attended by the following:-

- i- Secretary, ST&IT Department. Chairman
- ii- Additional Secretary, ST&IT Department
- iii- Director S&T, Directorate of S&T
- iv- SO(E), ST&IT Department
- v- Wiqar Ahmad Assistant Director (P&D), (BS-17) Directorate of S&T
- vi- Falak Niaz Assistant Director, (BS-17) Directorate of S&T
- vii- Muhammad Akif Khan Assistant Director, (BS-17) Directorate of S&T
- viii- Ziaullah Khan Network/System Manager, (BS-17) Directorate of S&T


3. The Chairman welcomed the participants and detail discussion held on observations/objections of all participants in the light Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018)", section 3 (iii) "All the civil servants serving in the Directorate of Information Technology, shall be give option, either to continue to as a civil servants or may opt for the employment of the Board. The option will be exercise within thirty days after commencement of Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018). Those employees, who do not opt for their absorption in the board, shall be absorbed in the Directorate of Science & Technology where they can continue to be governed and regulated in accordance with the Khyber Pakhtunkhwa Civil Servants Act, 1973 and subsequently Khyber Pakhtunkhwa Adhoc Employees of Directorate of Information Technology (Regularization of Services) Act, 2016 (Khyber Pakhtunkhwa Act No. XIX of 2016) has been promulgated by the Provincial Assembly wherein Section 3&4 (Determination of Pay Scales) and 5 (Determination of Seniority) and regularized their services from the commencement of the Act.

- (215)
4. It was decided to prepare revised/correct seniority lists in light of the existing Acts, Rules, Regulations and Policies. The seniority lists was revised/corrected (copy attached) according to available record i.e. their dates of initial appointment (adhoc as well as regular dates of appointment), absorption of staff of erstwhile IT Directorate into the Directorate of S&T after KP IT Board Amendment Act-2018, Khyber Pakhtunkhwa, Adhoc employees of Directorate of Information Technology (Regularization of Services) Act, 2016 which has been promulgated by the Provincial Assembly wherein Section 4 (Determination of Pay Scales) & 5 (Determination of Seniority) and subsequently to send to Establishment Department for approval of Competent Authority.
5. The meeting ended with a vote of thanks to and from the chair.

-SD-  
Secretary  
ST&IT Department

Encl: as above.  
Endst. of Even No. & Date.  
Copy for Information to:-

1. Director S&T, Directorate of S&T.
2. Wiqar Ahmad Assistant Director (P&D), Directorate of S&T.
3. Falak Niaz Assistant Director, Directorate of S&T.
4. Muhammad Akif Khan Assistant Director, Directorate of S&T/PMRU.
5. Ziaullah Khan Network/System Manager, Directorate of S&T.
6. PS to Secretary, ST&IT Department.
7. P.A to Additional Secretary, ST&IT Department.
8. P.A to Deputy Secretary, ST&IT Department

  
Section Officer (Establishment)  
ST&IT Department



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**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**SCIENCE & TECHNOLOGY AND INFORMATION TECHNOLOGY DEPARTMENT**

2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

Phone No.091-9212400/9212722

Fax No.091-9212401

DATED THE PESHAWAR

**NOTIFICATION:**

**No. 50E/ST&IT/KP/2-96/2020** In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil (Appointment, Promotion & Transfer) Rules, 1989, and keeping in view of their dates of initial appointments (Adhoc as well as regular dates of appointments), abs officers of erstwhile IT Directorate into the Directorate of S&T after KPIT Board amendment act 2018, Khyber Pakhtunkhwa, Adhoc employees of Directorate of Information Technology (Regularization of service act 2016) which has been promulgated by the provincial assembly section 4 (determination pay scales) & 5 (Determination of the final Seniority list of Assistant Directors and Network Manager (as stood on 20-02-2020) Directorate of S&T, Khyber Pakhtunkhwa, is hereby notified/circulated for general information.


S. No	Name Of Officer/ Official	Father Name	Qualification	Domicile	Date Of Birth	Date of 1 <sup>st</sup> entry into Government Service	Date of Appointment to present post	Whether Prom direct appointm (9)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Wiqar Ahmad Assistant Director (P&D) (BS-17)	Noor Muhammad	M.Sc. (Economics)/ MBA (F)	Charsadda	19-05-1979	23-09-2015	23-09-2015	Direct appointm
2.	Falak Niaz Assistant Director (BS-17)	Taj Gul	B.Sc Engg/ MBA	Mohmand	20-2-1986	20-11-2015	20-11-2015	Direct appointm
3.	Muhammad Akif Khan Assistant Director (BS-17)	Atta Ur Rehman	Ph.D	Mardan	26-5-1982	30-06-2011	07-4-2014	Direct appointm
4.	Zia Ullah Khan Network Manager (BS-17)	Aman Ullah Khan	MIT	DI Khan	09-01-1978	30-06-2011	07-12-2016	Direct Appointm

Secretary,  
Science Technology & Information Technology,  
Govt. of Khyber Pakhtunkhwa

P:

30. Note for Secretary Establishment moved by ST&IT Department regarding seniority list of Assistant Directors, Network Manager (BS-17) and Superintendent (BS-17) was earlier examined and returned to the Administrative Department with the observations contained at Paras 20-22 of the Note. The Administrative Department has responded to the observations vide Paras 23-29 of the Note. The observations contained in Para-22 of the Note still exist.

31. Since, seniority will always be considered from the date of regular appointment, therefore, the Administrative Department may resubmit the case after placing the incumbents in their right place of seniority list from the date of their regular appointment in the light of Section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 and rule 17(1)(a) of the (Appointment, Promotion & Transfer) Rules, 1989.

  
 (Mutaher Zeb)  
 Secretary Establishment  
 11<sup>th</sup> December, 2020

Secretary ST&IT Department

Diary No. 7941(B)  
 FTS No. 11-12-20

Reference Paras 30-31:-

32. The observations raised by Establishment Department in paras 20-22 were replied vide paras 23-29 of the note and clarified the entire position.

33. It is reiterated that Directorate of Science & Technology and Directorate of Information Technology were separate attached Departments of ST&IT Department according to Rule of Business vide Notification No. SO (O&M)/E&A/2-24/2005 dated 22-11-2011 Schedule-I S. No 22(a & b) respectively.

34. Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa) has been promulgated by the Provincial Assembly wherein Clause (iii) of Section 3A of the Act necessitates **absorbing** the regular staff of Directorate of Information Technology into the Directorate of Science & Technology who do not opt for employment in the KPIT Board (**Annexure-VIII**).

35. The **absorption** of staff notification No. SOE/ST&IT/KP/1-9/Merging of DoIT-KPITB/17/V-II dated April 06, 2018 of erstwhile of Directorate of Information Technology in Directorate of Science & Technology is at **Annexure-VI**.

36. As **Mr. Wiqar Ahmad** and **Mr. Falak Niaz Assistant Directors** were appointed in the **Directorate of Science & Technology** on regular basis through Khyber Pakhtunkhwa Public Service Commission and separate seniority were maintained under the Khyber Pakhtunkhwa Civil Servant Act, 1973 and APT Rules 1989 under section 8 read with APT 1989 seniority rules 17 and Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8<sup>th</sup> June /2001 "Policy for Declaring Government Servant as Surplus and their Subsequent **Absorption/Adjustment**" and rules made there-under give protection in seniority to the employees of Directorate of S&T.

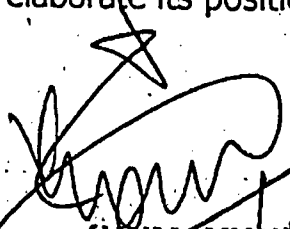
37. It is further stated that the Khyber Pakhtunkhwa Civil Servant Act, 1973 Section 8 and Civil Servants (Appointment, Promotion and Transfer) Rules 1989 are silent regarding determination of the seniority of absorbed employee while Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8<sup>th</sup> June /2001 "Policy for Declaring Government Servant as Surplus and their Subsequent **Absorption/ Adjustment**" the only rule covering seniority fixation of absorbed/adjusted employees under para 6(a-d) of above mentioned notification. Any back dated seniority cannot be granted to any absorbee and his inter-se seniority, on absorption in the cadre shall be maintained at the bottom as provided under the rules regulating seniority. This has further been corroborated in the judgment passed by the Peshawar High Court Peshawar in writ

petition No. 2942-P/2013 dated 19-08-2014 (Shaukat Ali Yousazai Vs Govt. of KP etc and Supreme Court of Pakistan Judgment various constitution petition No.89/2011 other petitions on absorption date of hearing 16<sup>th</sup> to 19<sup>th</sup>, 29<sup>th</sup> to 30<sup>th</sup> April 2013 and 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> May 2013 (judgments are placed on board) (Annex-XI).

38. While Mr. Muhammad Akif Khan, Assistant Director, and Mr. Ziaullah Khan Network/System Manager were initially appointed in the erstwhile Directorate of Information Technology, Mr. Muhammad Akif Khan, Assistant Director, was appointed by initial recruitment in the erstwhile Directorate of IT dated 07-04-2014 and not in the Directorate of Science & Technology and later on was absorbed in Directorate of Science and Technology through the Khyber Pakhtunkhwa Establishment of Information Technology Board (amendment Act 2018) promulgated by the Provincial Assembly wherein Clause (iii) of Section 3A of the Act ibid necessitates absorbing the regular staff of Directorate of Information Technology into the Directorate of Science & Technology who opted for absorption in the Directorate of Science & Technology.

39. As such the seniority lists of the officers BPS-17 have been caused keeping in view date of regular appointment as well as **absorption** of employees from erstwhile Directorate of Information Technology (Annexure-V).

40. If still further clarification is needed, Secretary Establishment may like to convene a meeting wherein the Department will further elaborate its position.

  
(HUMAYUN)  
SECRETARY, ST&IT DEPARTMENT  
2/20/20

SECRETARY, ESTABLISHMENT DEPARTMENT



30

Annex G



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION TECHNOLOGY DEPARTMENT  
2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

Phone No. 091-9212400/9212722

Fax No. 091-9212401

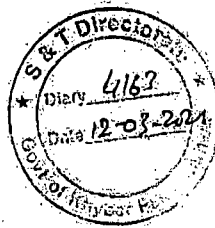
NOTIFICATION:

1579

DATED THE PESHAWAR 10-03-2021

No. SOE/ST&IT/KP/2-96/2020 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 Final Seniority List of Assistant Directors and Network Manager (as stood on 15-02-2021) Directorate of Science and Technology, Khyber Pakhtunkhwa is hereby notified as under:-

S. No	Name Of Officer/ Official	Fathers Name	Qualification	Domicile	Date Of Birth	Date of 1 <sup>st</sup> entry into Government Service	Date of Appointment to present post	Whether Promotee or direct appointment	Place of posting
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Muhammad Akif Khan Assistant Director (BS-17)	Atta Ur Rehman	Ph.D	Mardan	26-05-1982	30-06-2011	07-04-2014	Direct appointment	Deputy Coordinator IT, PMRU office C.S.
2	Wiqar Ahmad Assistant Director (P&D) (BS-17)	Noor Muhammad	M.Sc (Economics)/ MBA (F)	Charsadda	10-05-1979	23-09-2015	23-09-2015	Direct appointment	Directorate of S&T Khyber Pakhtunkhwa
3	Falak Niaz Assistant Director (BS-17)	Taj Gul	B.Sc Engg/ MBA	Mohmand	20-02-1986	20-11-2015	20-11-2015	Direct appointment	Directorate of S&T Khyber Pakhtunkhwa
4	Zia Ullah Khan Network Manager (BS-17)	Aman Ullah Khan	MIT	DI Khan	09-01-1978	30-06-2011	29-09-2016	Direct Appointment	Directorate of S&T Khyber Pakhtunkhwa



Secretary,  
Science Technology & Information Technology,  
Govt. of Khyber Pakhtunkhwa.

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Copy forwarded to the:-

1. Director, Directorate of Science & Technology, Khyber Pakhtunkhwa.
2. Muhammad Arif Khan Assistant Director, Directorate of S&T, Khyber Pakhtunkhwa/PMRU.
3. Wajir Ahmad Assistant Director (P&D), Directorate of S&T, Khyber Pakhtunkhwa.
4. Falak Niaz Assistant Director, Directorate of S&T, Khyber Pakhtunkhwa.
5. Ziaullah Khan Network/System Manager, Directorate of S&T, Khyber Pakhtunkhwa.
6. PS to Secretary, ST&IT Department, Govt. of Khyber Pakhtunkhwa.
7. P.A. to Additional Secretary, ST&IT Department, Govt. of Khyber Pakhtunkhwa.
8. P.A. to Deputy Secretary, ST&IT Department, Govt. of Khyber Pakhtunkhwa.

  
Section Officer (Establishment)

32

24/03/21

Dated 24-03-20

Dated 22-03-2021 Peshawar

Secy Estb

To

The Chief Secretary to Govt: of Khyber Pakhtunkhwa,  
Establishment & Administration Department,  
Peshawar.

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Annex H

THROUGH PROPER CHANNEL

**SUBJECT: APPEAL ON FINAL SENIORITY LIST DATED 22-03-2021 OF ASSISTANT DIRECTORS (BPS-17) AND NETWORK MANAGER (BPS-17).**

Dear Sir,

With due reverence it is brought in to your notice that the undersigned has made an appeal/representation dated 27-01-2020 (**Annexure-I**) and 09-03-2020 (**Annexure-II**) on the tentative seniority list issued by the ST&IT Department vide letter No. SOE/ST&IT/KP/2-36/KC/2018-19/Vol-VI/322-29 dated 16-01-2020 (**Annexure-III**).

Failing to get any relief on the above mentioned observation/objections on the tentative seniority, the undersigned submitted an appeal to Establishment Department for resolving observation/objections on 17-03-2020 (**Annexure-IV**). These observations were forwarded by Establishment Department to ST&IT department for rectification of due position in the seniority list, which was accordingly rectified and issued to the undersigned vide Endst: No.SOE/ST&IT/KP/2-96/2020/2442 dated 12-06-2020 (**Annexure-V**). However, in the final seniority list issued by ST&IT Department vide letter No. SOE/ST&IT/KP/2-96/2020/582 dated 10-03-2021 (**Annexure-VI**), the undersigned was not placed on right position and in my opinion stands disputed due to the following grounds:

1. According to Rule of Business the Science & Technology and Information Technology Department ((issued, vide No.SO (O&M)/E&A/2-24/2005 dated 22-11-2011 Schedule-I at S.No. 22 (a&b)), the Directorate of Science & Technology and Directorate of Information Technology were two separate/independent entities on the **Technical, Functional, Administrative, Services rules, Seniority, Financial, Current and developmental budget, PR code, Sanction posts, Regulatory control over all activities etc.**
2. Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) (**Annexure-VII**) was promulgated by the Provincial Assembly wherein Section 3 clearly states that "the Directorate of Information Technology, shall cease to be an attached department of Science & Technology and Information Technology Department of Government, and shall be **merged into Board**" and "All the civil servants serving in the Directorate Of Information Technology, shall be give an option, either to continue to as a civil servants or may opt for the employment of the board. The option will be exercise within thirty days after commencement of Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018). Those employees, who do not opt for their absorption in the board, shall be absorbed in the Directorate of Science & Technology where they can continue to be governed and regulated in accordance with the Khyber Pakhtunkhwa

4184  
22/3/21

civil servants act, 1973 and the rules made under;" After exercising **option for absorption** by the erstwhile DoIT employees into the Directorate of Science & Technology, the **absorption** notification No.SOE/ST&IT/KP/1-9/Merging of DoIT-KPITB/17/V-II dated April 06, 2018 of erstwhile Directorate of Information Technology employees into Directorate of Science & Technology was issued (**Annexure-VIII**).

3. Before the **absorption** of employees of erstwhile Directorate of Information Technology, the undersigned was appointed as Assistant Director (BS-17) in the Directorate of Science & Technology on regular basis through Khyber Pakhtunkhwa Public Service Commission and separate seniority was maintained by the Directorate of Science & Technology as per Khyber Pakhtunkhwa Civil Servant Act, 1973 and Khyber Pakhtunkhwa Civil Servant Appointment, Promotion and Transfer (APT) Rules 1989 section 8 read with seniority rules 17 that give protection in seniority of the undersigned.
4. It is further stated the Khyber Pakhtunkhwa Civil Servant Act, 1973 Section 8 and Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 are silent regarding determination of the seniority of **absorbed** employee, while as per Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8<sup>th</sup> June, 2001 "Policy for Declaring Government Servant as surplus and their subsequent **Absorption/ Adjustment**" although the employees of erstwhile DoIT were not declared surplus but still Government of Khyber Pakhtunkhwa Surplus Pool Policy para-6 clause (a to d) will be followed while determining seniority of the **absorbed** employees, the only rule covering seniority fixation of absorbed/ adjusted employees under para 6 b(a to d) "**In case, however, he is adjusted in his respective cadre but in department other than his parent department, he shall be placed at the bottom of seniority list of that cadre**". Any backdated seniority cannot be granted to any absorbee and his inter-se seniority, on absorption in the cadre shall be maintained at the **bottom** as provided under the rules regulating seniority.
5. **Mr. Muhammad Akif Khan** was initially appointed as Assistant Director (BPS-17) in the **erstwhile Directorate of Information Technology**, on 07-04-2014 and later on by giving in writing option was **absorbed** in the Directorate of Science and Technology through IT Board Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) and as per Clause (iii) of Section 3A of the ibid Act, it necessitates **absorption** of the regular employees of the Directorate of Information Technology into the Directorate of Science & Technology, who do not opt for employment in the KPIT Board.
6. Since, Mr. Muhammad Akif Khan Assistant Director has been **absorbed** in the Directorate of Science & Technology from erstwhile DoIT, and Rules-17(3) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 Seniority states that "The seniority inter se of civil servants (appointed to a service, cadre or post) shall be determined "**In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post** " in the instant case are not applicable and seniority is intact where merger take place, while in the instant case he is initially appointed in

the Directorate of Information Technology, the merger/restructuring of erstwhile DoIT take place with Khyber Pakhtunkhwa Information Technology Board and only employees who given written option of Ex-DoIT employees are **absorbed** in the Directorate of Science & Technology (**Annexure-IX**).

7. As in the light of Khyber Pakhtunkhwa Civil Servant Act, 1973 Section 8 and Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 seniority rules 17 and Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8TH June /2001 "Policy for Declaring Government Servant as Surplus and their **Subsequent Absorption/ Adjustment**", Mr. Muhammad Akif Khan, Assistant Director is placed at serial No. 01 in the seniority list of Assistant Directors & Network Manager BPS-17 issued vide No.SOE/ST&IT/KP/2-96/2020 dated 10-03-2021 without keeping in view the impugned legislation **absorption** of an employee would deprive the seniority and progression of career of meritorious civil servants. The **absorption** has neither been defined by the KP Civil Servant Act 1973 nor by KP Civil Servants (Appointment, Promotion and Transfer) Rules 1989. Therefore the final seniority list is sub-judice /disputed and the undersigned in the seniority list before absorption was at S.No 02 and after absorption is at S.No 03. Before absorption neither these posts/employees exist in the Directorate of Science & Technology nor reflected in the budget copy of FY-2015-16, 2016-17 and 2017-18 while after KPIT Board amendment Act 2018, in FY2018-19 their posts have been reflected/created/shifted by Finance Department in the Directorate of Science & Technology. The Directorate of Information Technology re-structuring/merger did not take place with Directorate of Science & Technology, the merger/re-structuring of DoIT take place in the KP IT Board (**Annexure-X**). Questions arise then how/why the seniority of the undersigned in the parent attached department is affected by merger?

Thus, in the prevailing circumstances, the final seniority list is disputed & sub-judice. In view of the above reasons it is requested to reconsider the final joint-seniority list of Assistant Directors/Network Manager before holding any Provincial Selection Board (PSB) in the light of appointment orders' keeping in view all existing rules, regulation and policies of **absorption** of employees of erstwhile Directorate of Information Technology into Directorate of Science & Technology please.

(Engr. Falak Niaz)  
Assistant Director (BS-17)  
Directorate of Science & Technology  
Dated 22-03-2021

**Copy for Information:**

- 1) Copy in advance to PSO to Chief Secretary Establishment & Administration Department Govt of Khyber Pakhtunkhwa for further necessary action at your end as Chief Secretary being appointing authority for the posts of BS-17 please.

(Engr. Falak Niaz)  
Assistant Director (BS-17)  
Directorate of Science & Technology  
Dated 22-03-2021

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

Annex I

Appeal No. 7354 /2021

Mr. FALAK NIAZ

VS

Govt: OF KP

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3.	Copy of condonation of delay application		15
4.	Copy of appointment order	- A -	16
5.	Copy of Rule Of Business of ST&IT	- B -	17-19
6.	Copy of KP Establishment of Information Technology Board (Amendment) Act 2018	- C -	20-25
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8.	Copy of tentative Seniority list issued in the Directorate of S&T before absorption of employees	E	27-28
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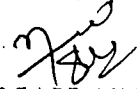
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APPELLANT

Mr. FALAK NIAZ

THROUGH:



(SYED NOMAN ALI BUKHARI)

ADVOCATES, PESHAWAR

Date 23-08-21

37

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

(D)

Appeal No. \_\_\_\_\_ /2021

Mr. Falak Niaz, Assistant Director BS-17,  
Directorate Of Science & Technology,  
ST&IT Department Govt Of KP.

**APPELLANT**

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary to Govt: of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, ST&IT Department Civil Secretariat Peshawar.
4. The Director S&T, Directorate of Science & Technology Govt: of Khyber Pakhtunkhwa.
5. MR. Muhammad Akif Khan, Assistant Director (BPS-17), Directorate of Science and Technology.

.....**RESPONDENTS**

.....  
**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST OF ASSISTANT DIRECTORS BS-17 AND NETWORK MANAGER BS-17 DATED 10.03.2021 BEING ILLEGAL AND WRONG. WHEREIN THE APPELLANT WAS DROPPED FROM SENIORITY NO. 2 TO SENIORITY NO. 3, AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF THE NINETY DAYS.**

.....



PRAYER

ON THE ACCEPTANCE OF THIS APPEAL, THE APPELLANT MAY BE DECLARED SENIOR FROM RESPONDENT NO.5 OF ASSISTANT DIRECTOR BS-17 & NETWORK MANAGER BS-17 AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO CORRECT THE IMPUGNED FINAL SENIORITY LIST DATED 10.03.2021 OF ASSISTANT DIRECTOR BS-17 & NETWORK MANAGER BS-17 AND PLACE THE NAME OF APPELLANT AT PROPER POSITION (S. NO. 2) IN SENIORITY LIST ACCORDING TO SENIORITY RULES. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED THE FAVOR OF THE APPELLANT.

\*\*\*\*\*

RESPECTFULLY SHEWETHFACTS

1. That the appellant is law abiding citizen of Pakistan and have every legal right protect under Constitution of Islamic Republic of Pakistan.
2. That appellant was appointed as Assistant Director (BS-17) in the Directorate of Science & Technology on regular basis through Khyber Pakhtunkhwa Public Service Commission in the year 2015 and work with full zeal and zest since appointment. **Copy of Appointment order attached is Annexure-A.**
3. That according to Rule of Business, the Science & Technology and Information Technology Department {(issued, vide No.SO (O&M)/E&A/2-24/2005 dated 22-11-2011 Schedule-I at S.No. 22 (a&b)}, the Directorate of Science & Technology and Directorate of Information Technology were two separate attached /independent department/entities of ST&IT on the Technical, Functional, Administrative, Services rules, Seniority, Financial, Current and developmental budget, PR code, Sanction posts, Regulatory control over all activities etc. **(copy of Rule of Business of the Science & Technology and Information Technology Department is attached as Annexure-B).**

4. That Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) was promulgated by the Provincial Assembly wherein Section 3 clearly states that "the Directorate of Information Technology, shall cease to be an attached department of Science & Technology and Information Technology Department of Government, and shall be merged into Board" and "All the civil servants serving in the Directorate Of Information Technology, shall be give an option, either to continue to as a civil servants or may opt for the employment of the board. The option will be exercise within thirty days after commencement of Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018). Those employees, who do not opt for their absorption in the board, shall be absorbed in the Directorate of Science & Technology where they can continue to be governed and regulated in accordance with the Khyber Pakhtunkhwa civil servants act, 1973 and the rules made under;" After exercising option for absorption by the erstwhile DoIT employees into the Directorate of Science & Technology, the absorption notification No.SOE/ST&IT/KP/1-9/Merging of DoIT-KPITB/17/V-II dated April 06, 2018 of erstwhile Directorate of Information Technology employees into Directorate of Science & Technology was issued. **(copy of Khyber Pakhtunkhwa Establishment of Information Technology Board (Amendment) Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) and absorption notification No.SOE/ST&IT/KP/1-9/Merging of DoIT-KPITB/17/V-II dated April 06, 2018 is attached as Annexure-C &D).**
5. That before the absorption of employees of erstwhile Directorate of Information Technology, the appellant was appointed as Assistant Director (BS-17) in the Directorate of Science & Technology on regular basis through Khyber Pakhtunkhwa Public Service Commission. Moreover, separate seniority was maintained by the Directorate of Science & Technology as per Khyber Pakhtunkhwa Civil Servant Act, 1973 **(Copy of tentative Seniority issued in the Directorate of S&T Annexure-E).**
6. That Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) (APT) Rules 1989 section 8 read with seniority rules 17 that give protection in seniority of the appellant. It is further stated the Khyber Pakhtunkhwa Civil Servant Act, 1973 Section 8 and Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)



Rules 1989 are silent regarding determination of the seniority of **absorbed** employee, while as per Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8<sup>th</sup> June, 2001 "Policy for Declaring Government Servant as surplus and their subsequent **Absorption/ Adjustment**" although the employees of erstwhile DoIT were not declared surplus but still Government of Khyber Pakhtunkhwa Surplus Pool Policy para-6 clause (a to d) will be followed while determining seniority of the **absorbed** employees, the only rule covering seniority fixation of absorbed/ adjusted employees under para 6<sup>b</sup> (a to d) "**In case, however, he is adjusted in his respective cadre but in department other than his parent department, he shall be placed at the bottom of seniority list of that cadre**". Any backdated seniority cannot be granted to any absorbee and his inter-se seniority, on absorption in the cadre shall be maintained at the **bottom** as provided under the rules regulating seniority. This has further been supported in the judgments passed by Peshawar High Court Peshawar in writ petition No. 2942/2013 dated 19-08-2014 (Shaukat Ali Yousafzai Vs Govt of KP) and Supreme Court of Pakistan Judgment various constitution Petition No. 89/2011 other petitions on the Sindh Civil Servants (Regularization of absorption) Act 2011 date of hearing 16<sup>th</sup> to 19<sup>th</sup>, 29<sup>th</sup> to 30<sup>th</sup> April 2013 and 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> May 2013. (Copy of Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8<sup>th</sup> June, 2001, Peshawar High Court Judgment and Supreme Court of Pakistan Judgment are attached as Annexure-F, G & H).

7. That **Mr. Muhammad Akif Khan** was initially appointed as Assistant Director (BPS-17) in the **erstwhile Directorate of Information Technology**, on 07-04-2014 and later on by giving in writing option was **absorbed** in the Directorate of Science and Technology through KPIT Board Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) and as per Clause (iii) of Section 3A of the ibid Act, it necessitates **absorption** of the regular employees of the Directorate of Information Technology into the Directorate of Science & Technology, who do not opt for employment in the KPIT Board.
8. That Since, Mr. Muhammad Akif Khan Assistant Director has been **absorbed** in the Directorate of Science & Technology from erstwhile DoIT, and Rules-17(3) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 Seniority states that "The seniority inter se of civil servants (appointed to a service,

(41)

(5)

cadre or post) shall be determined. **“In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post”** the mentioned rules 17(3) in the instant case is not applicable because in the instant case respondent no.5 is initially appointed in the Directorate of Information Technology, the merger/restructuring of erstwhile DoIT take place with Khyber Pakhtunkhwa Information Technology Board, not with the Directorate of Science & Technology and only employees of Ex-DoIT who given written option for absorption, are **absorbed** in the Directorate of Science & Technology. So in the instant case Policy of Absorption apply for the purpose of determination of Seniority. **(Copy of Khyber Pakhtunkhwa Civil Servants(Appointment, Promotion & Transfer ) Rules 1989 sub rules 17(3 is attached Annexure-I).**

9. That as in the light of Khyber Pakhtunkhwa Civil Servant Act, 1973 Section 8 and Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 seniority rules 17 and Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8TH June /2001 **“Policy for Declaring Government Servant as Surplus and their Subsequent Absorption/ Adjustment”**, Mr. Muhammad Akif Khan, Assistant Director is placed at serial No. 01 in the tentative seniority list of Assistant Directors & Network Manager BPS-17 dated 16.01.2020 without keeping in view the impugned legislation **absorption** of an employee would deprive the seniority and progression of career of meritorious civil servants. The filed detailed objection dated 27.01.2020 on the tentative seniority list, no response then again submitted On 09.03.2020 and 17.03.2020. The respondent No. 3 issued letter to all officers on 26-06-2020 called meeting on 30-06-2020 at 11:00am which was attended by the following officers:
- i. Secretary ST&IT Department Chairman
  - ii. Additional Secretary, ST&IT Department
  - iii. Director-ST, Directorate of S&T
  - iv. SO(E), ST&IT Department
  - v. Wiqar Ahmad AD(P&D), DoST
  - vi. Falak Niaz AD, DoST
  - vii. M.Akif Khan AD, DoST
  - viii. Ziaullah Khan N/S Manager, DoST

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(A)

Final seniority of BS-17 was discussed and rectified corrected seniority list dated 12.06.2020 was issued wherein appellant was bring to his proper place S.No2, along with minute of the meeting. **Copy of tentative seniority list Notification No.SOE/ST&IT/KP/2-36/KC/2018-19 dated 16-01-2020 and objection on tentative seniority list No.Dirtt/S&T/KP/P.F/AD(FN)/20 dated 27-01-2020, dated 09-03-2020, dated 17-03-2020, minutes of meeting and seniority list dated 30.06.2020 is attached as annexure-J, K, L, M,N & O.**

10.That, the respondent No. 2 returns the case with following observations for clarification & examination to respondent No.3.

**SUBJECT: REFERENCE DIRECTIONS IN PARA 11-12**

S#	Observations
i	The Administrative Department has forwarded seniority lists of BS-19, BS-18 and BS-17 officers for approval of the Chief Secretary, The Administrative Department was required to submit seniority lists separately as the Chief Secretary Khyber Pakhtunkhwa is the competent authority for approval of seniority lists of officers of BS-18 and BS-19 officers whereas Secretary Establishment for BS-17 officers(Annex-XII)
ii	The sanctioned strength of the cadre/posts, copies of budget book of the Financial Year-2020-21, certificate of the Administrative department that seniority lists is final, undisputed and not sub-judice, and place of posting of the incumbents included in the seniority lists have not been found attached with the Note.
iii	As per notification dated 06-04-2018 at (Annex-XIII) on cessation of Directorate of IT 16 employees were absorbed in the Directorate of Science and Technology after opting to remain as civil servants. <b>Although they were not declared surplus but still Government of Khyber Pakhtunkhwa Surplus Pool Policy para-6 clause A to D will be followed while determining seniority of the employees so absorbed.</b> The Administrative Department may were adjusted against initial recruitment quota in the Directorate of Science & Technology or otherwise.
iv	Mr. Akif Khan Assistant Director has been reflected in the tentative seniority lists at S.No.3 of BS-17 officers. He has submitted application (Annex-XIV) for placement of his due position under para-6 of the Surplus Pool Policy and Rules-17(2) of Civil Servants (Appointment, Promotion and Transfer) Rules 1989. The Administrative Department may comment upon his

(43)      (D)

request in light of existing rules.
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the respondent No. 02 return the case with observations in para 30-31 to respondent No. 03 dated 11-12-2020, the respondent No.03 replied comprehensively clarified the position vide para 32-40 dated 18-12-2020 (**Copy of Observation raised by respondent No.02 dated 11-12-2020 & reply of respondent No. 03 date 18-12-2020 is attached annexure-P & Q**).

11. That thereafter, final seniority list dated 10.03.2021 was issued wherein appellant was placed at s.no3 while respondent no.5 placed at s.no.2 while aggrieved of the same has filed departmental appeal on final seniority list No. Nil dated 22-03-2021 and have been requested to be reversed/rectified the final seniority list but after lapse of considerable time there is no outcome of the appeal /representation all went in vain. Hence, the appellant constrained to file this service appeal before this August Tribunal on the following grounds amongst others. **Final seniority list Notification No.SOE/ST&IT/KP/2-96/2020/582 dated 10-03-2021 and appeal on final seniority list No. Nil dated 22-03-2021 is attached Annexure-R & S**).

#### GROUNDS

- A. That the impugned actions/inaction on the part of the respondents vide which the appellant has been deprived of due right is smacked with malafied, illegal wrong, unlawful against vested right of the petitioners, unauthorized and unconstitutional.
- B. That not responding on Departmental appeal within statutory period of 90 days and the impugned seniority list is against the law, illegal, unlawful, without and lawful authority, thus calling interference of this learned tribunal.
- C. That the Directorate of Science & Technology was not part of the merger as per KPIT Board Act 2018 (Khyber Pakhtunkhwa Act No. IV of 2018) , Merger of Directorate of IT take place with KPIT Board, while employees are by giving option to be absorbed in Directorate Science & Technology, they can be adjusted any other department on vacant posts, then why the appellant/ petitioner seniority/promotion is affected in department serving since 20-11-2015.
- D. That, the impugned legislation act the employees of Directorate of IT are directly merged in It Board and the respondent no.5 was absorbed in Directorate of Science & Technology, directly. The

(44)

(8)

absorption/adjustment is only carried out through Absorption Policy issued by Establishment & Administration Department (Regulation Wing) Letter NO. SOR-1(E&AD).1-200/98, Dated: 8th June, 2001. Government of Khyber Pakhtunkhwa Surplus Pool Policy para-6 clause (a to d) will be followed while determining seniority of the absorbed employees, the only rule covering seniority fixation of absorbed/adjusted employees under para 6 b (a to d) **"In case, however, he is adjusted in his respective cadre but in department other than his parent department, he shall be placed at the bottom of seniority list of that cadre"**.

E. That The Supreme Court of Pakistan with direction a copy of this judgment be sent to the Chief Justice, Sindh High Court through Registrar for circulating it amongst the learned Judges. A copy of this judgment be also sent to all the Chief Secretaries of the Provinces as well as the Secretary, Establishment Division, Government of Pakistan, Islamabad, with the direction to streamline the service structure of civil servants in line with the principles laid down in this judgment. **Any backdated seniority cannot be granted to any absorbee and his inter-se seniority, on absorption in the cadre shall be maintained at the bottom as provided under the rules regulating seniority.** (Supreme Court of Pakistan Judgment various constitution Petition No. 89/2011 other petitions on the Sindh Civil Servants (Regularization of absorption) Act 2011 date of hearing 16th to 19th, 29th to 30th April 2013 and 7th, 8th and 9th May 2013).

F. That, it is pertinent to mention here that the respondent No. 03 issue tentative seniority of officers on 16-01-2020 directly without furnished from the head of attached department, while the Service Rules was notified 31-01-2020. As the appellant tentative seniority list may be prepared and sent by Director S&T, of Directorate S&T. Which clearly indicate bad intentions & deprive the appellant from due right in seniority by the respondent No.03, if service rules are not notified then how seniority is issue? As per rules Seniority is always issued on notified service rules.

G. That, the appellant file objection dated 27-01-2020 & 09-01-2020 to respondent No. 3 on tentative seniority list, even a single line reply on the appeal is not given. The appellant file appeal to the respondent No. 2, the respondent No. 02 also returns the case with following observations for clarification & examination to respondent No.3.

**SUBJECT: REFERENCE DIRECTIONS IN PARA 11-12**

S#	Observations
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(Signature)

i	The Administrative Department has forwarded seniority lists of BS-19, BS-18 and BS-17 officers for approval of the Chief Secretary, The Administrative Department was required to submit seniority lists separately as the Chief Secretary Khyber Pakhtunkhwa is the competent authority for approval of seniority lists of officers of BS-18 and BS-19 officers whereas Secretary Establishment for BS-17 officers(Annex-XII)
ii	The sanctioned strength of the cadre/posts, copies of budget book of the Financial Year-2020-21, certificate of the Administrative department that seniority lists is final, undisputed and not sub-judice, and place of posting of the incumbents included in the seniority lists have not been found attached with the Note.
iii	As per notification dated 06-04-2018 at (Annex-XIII) on cessation of Directorate of IT 16 employees were absorbed in the Directorate of Science and Technology after opting to remain as civil servants. <b>Although they were not declared surplus but still Government of Khyber Pakhtunkhwa Surplus Pool Policy para-6 clause A to D will be followed while determining seniority of the employees so absorbed.</b> The Administrative Department may were adjusted against initial recruitment quota in the Directorate of Science & Technology or otherwise.
iv	Mr. Akif Khan Assistant Director has been reflected in the tentative seniority lists at S.No.3 of BS-17 officers. He has submitted application (Annex-XIV) for placement of his due position under para-6 of the Surplus Pool Policy and Rules-17(2) of Civil Servants (Appointment, Promotion and Transfer) Rules 1989. The Administrative Department may comment upon his request in light of existing rules.

the respondent No. 02 return the case with observations in para 30-31 to respondent No. 03 dated 11-12-2020, the respondent No.03 replied comprehensively clarified the position vide para 32-40 dated 18-12-2020.

H. The **absorption** has neither been defined by the KP Civil Servant Act 1973 nor by KP Civil Servants (Appointment, Promotion and Transfer) Rules 1989. Therefore the final seniority list is sub-judice /disputed and the Appellant in the final seniority list before absorption was at S.No 02 and after absorption is at S.No 03. In the light of Service Rules Notification vide No.SOE/ST&IT/KP/2018-19/Vol:VI dated 31-01-2020"By promotion on the basis of seniority-cum-fitness, from amongst Assistant Directors, Internet Information Service Manager & Network



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*Managers having at least Five year service*". Before absorption neither these posts/employees exist in the Directorate of Science & Technology nor reflected in the budget copy of FY-2015-16, 2016-17 and 2017-18 while after KPIT Board amendment Act 2018, in FY2018-19 their posts have been reflected/created/shifted by Finance Department in the Directorate of Science & Technology. The Directorate of Information Technology re-structuring/merger did not take place with Directorate of Science & Technology, the merger/re-structuring of DoIT take place in the KP IT Board. Then how/why the seniority of the appellant in the parent attached department is affected by merger? While Mr. Muhammad Akif Khan Assistant Director BS-17 has neither serve a single day in the Directorate of Science & Technology nor made arrival after absorption in the Directorate of S&T. He is on leave/deputation at the office of the Chief Secretary, Performance Management & Reform Unit before and after absorption. While the appellant is enthusiastically serving in the Directorate of S&T from last five years and eight months and seniority is affected without cogent reason/rules. **Copy of service rules is attached as annexure-T.**

- I. That the impugned seniority list is against the norms of service law and principles of natural justice and dictums of the apex courts.
- J. That the impugned seniority list is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under law.
- K. That All person placed in similar circumstances must be treated alike and the reasonable classification must be based on reasonable ground in a particular set of circumstances but the same in any case must not offend the spirit of Article 25 of the constitution. Person equally placed must be treated alike in the matter of rights, privileges and liabilities under the rules of equal protection of law.
- L. In Dr. Munir Ahmad and 37 others Vs Govt of Pakistan Finance Division, Islamabad and 4 others (2007 PLC(CS) 285) the Honorable Supreme court of Pakistan held as:

"Concept of equal protection and equality before law is hallmark of the constitutional scheme recognized by not only the preamble, objective resolution, Article 4, 25 and 27 of the constitution but also the principle of policy contained in Article 37 of the constitution. Equal protection and equal treatment of citizen similarly placed is universally accepted and recognized principle which has been explained by many others in text books and judges in precedents, statutory function in a democratic

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(H)

setup cannot make any individual distinction for any extraneous reason in exercise of discretion must be free of arbitrariness and caprice.”

- M. That according to Section-8 of the Civil Servant Act 1973 and section-17 of APT Rules 1989, it is the legal right of every civil servant to properly placed in seniority list according to his seniority position, but the same benefits was not extended to the appellant which is the violation of law and rules.
- N. That the appellant was not treated according to the law and rules and has been deprived from his legal right of seniority in arbitrary manner without fault on his part.
- O. That the appellant craves permission of this honorable tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of instant service appeal.

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

APPELLANT  
Mr. FALAK NIAZ

THROUGH:

(SYED NOMAN ALI BUKHARI)  
ADVOCATES, PESHAWAR

**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

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**VAKALATNAMA**

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

IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR

----- Falakh Niaz -----

Appellant  
Petitioner  
Plaintiff

VERSUS

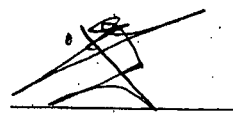
----- Grant of L&P -----

Respondent (s)  
Defendants (s)

I/WE Falakh Niaz

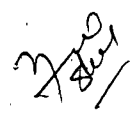
do hereby appoint and constitute the ***SYED NOMAN ALI BUKHARI Advocate High Court*** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf 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**

CELL NO: 0306-5109438

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Annex J



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT

2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

Phone No.091-9212400/9212722

Fax No.091-9212401

Dated the Peshawar 06.08.2021

NOTIFICATION:

NO.SOE/ST&IT/KP/2-96/2021: The Competent Authority on the recommendation of Provincial Selection Board, in its meeting held on 31.07.2021, is pleased to promote Mr. Muhammad Akif, Assistant Director (BS-17) to the post of Deputy Director (BS-18), Directorate of Science & Technology, Khyber Pakhtunkhwa on regular basis, with immediate effect.

2. The officer on promotion will remain on probation for a period of one (01) year extendable for another year by specific order of the Competent Authority within two months of the expiry of first year of probation period, under Rule-15, amended on 07-12-2017 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rule, 1989. He will actualize his promotion in his own cadre in the Directorate of Science & Technology and will report back to PMRU.

SECRETARY, ST&IT DEPARTMENT

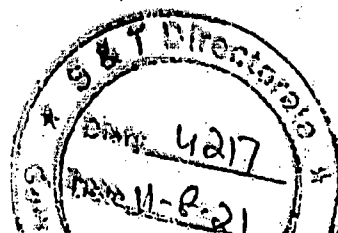
ENDST NO. AND DATE EVEN. 1590-1599

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director, Directorate of Science & Technology, Khyber Pakhtunkhwa.
3. Director General Information, Khyber Pakhtunkhwa, Peshawar.
4. Manager, Govt. Printing Press, Peshawar.
5. PS to Minister ST&IT, Khyber Pakhtunkhwa.
6. PS to Secretary ST&IT Department, Government of Khyber Pakhtunkhwa.
7. PA to Additional Secretary ST&IT Department, Government of Khyber Pakhtunkhwa.
8. PA to Deputy Secretary (Admin) ST&IT Department, Government of Khyber Pakhtunkhwa.
9. Officer concerned.

Section Officer (Establishment)

Handwritten signature and date 11/8

Handwritten signature and date 12/08/21



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Annex K



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

No. SO(PSE)ED/ 1-1/2021/(9)  
Dated Peshawar, the 28.07.2021

To

1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
2. The Senior Member, Board of Revenue,  
Khyber Pakhtunkhwa.

**SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.**

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting as per agenda of the meeting attached.

Yours faithfully,

*[Signature]* 28-7-2021  
SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

*[Signature]*  
SECTION OFFICER (PSB)

P.T.O

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**Endst. of even No. & date.**

A copy is forwarded to: -

1. The Chairman, Provincial Inspection Team, Khyber Pakhtunkhwa,
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
5. The Secretary to Govt. of Khyber Pakhtunkhwa, Zakat & Usher Department.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports, Culture & Tourism Department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Department.
9. The Secretary to Govt. of Khyber Pakhtunkhwa, Labour Department.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Welfare Department.
13. The Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department.
14. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
15. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department.
16. The Secretary to Govt. of Khyber Pakhtunkhwa, Home & TAs Department.
17. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment, Forestry & Wildlife Department.
18. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock, Dairy Development & Cooperative Department.
19. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
20. The Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs department with the request to attend the meeting alongwith Advocate General, Khyber Pakhtunkhwa for legal opinion in litigation cases.

They are requested to kindly attend meeting of the PSB to be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

SECTION OFFICER (PSB)

**Endst. of even No. & date.**

A copy is forwarded to: -

1. The Section Officer (E-I) / (E-II) / (Secret), Establishment Department.
2. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.

SECTION OFFICER (PSB)

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AGENDA OF THE PSB MEETING TO BE HELD ON 30.07.2021 AT 01:30 PM				
ITEM	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of Senior Engineer BS-18 to the post of Member (Technical) BS-19 in Provincial Inspection Team, Khyber Pakhtunkhwa.	1	1	PIT
2.	Promotion of Assistant Treasury Officer BS-17 to the post of District Accounts Officer / Treasury Officer BS-18	24	12	Finance
3.	Promotion of PPS BS-19 officers to the post of PPS BS-20	3	4	P&D
4.	Promotion of Deputy Chief Inspector of Mines BS-19 to the post of Chief Inspector of Mines BS-20	2	1	Minerals Development
5.	Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post of Deputy Administrator / Senior District Zakat Officer BS-18	8	5	Zakat
6.	Promotion of Deputy Director BS-18 to the post of Director General BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa	1	1	Sports
7.	Promotion of Director BS-19 on regular basis in the Directorate of Culture, Khyber Pakhtunkhwa	2	1	Sports
8.	Promotion of Deputy Director / Regional Sports Officer BS-18 to the post of Director BS-19	4	2	Sports
9.	Promotion of Associate Professor BS-19 (Basic Sciences and Humanity Group) to the post of Professor BS-20 (Basic Sciences and Humanity Group)	12	4	Industries
10.	Promotion of Associate Professor BS-19 (Technical Subjects) to the post of Professor BS-20 (Technical Subjects) at Govt. College of Technology / Govt. Polytechnic Institutes	16	6	Industries
11.	Promotion of Principal BS-18 (GTVG Women) to the post of Principal BS-19 GTVG Women	1	4	Industries
12.	Promotion of Accounts Officer BS-17 to the post of Deputy Director Administration BS-18 in the Directorate of Industries & Commerce.	1	1	Industries
13.	Promotion of Assistant Excise & Taxation Officer BS-17 to the post of Excise & Taxation Officer BS-18	28	16	Excise
14.	Promotion of Statistical Officer BS-17 to the post of Deputy Director Labour Planning BS-18	1	1	Labour
15.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18	4	2	Labour
16.	Promotion of Deputy District Attorney BS-18 to the post of District Attorney BS-19	32	16	Law
17.	Promotion of Administrative Officer BS-17 to the post of Senior Administrative Officer BS-18	1	1	Law
18.	Promotion of Librarian BS-17 as Reference and Research Officer BS-18	1	1	Law
19.	Promotion of Chief Librarian BS-18 to the post of Director BS-19	1	1	HED
20.	Promotion of Librarian BS-18 to the post of Librarian (Senior Scale BS-18) on regular basis of College Cadre Higher Education Department	1	1	HED
21.	Promotion of Research Officer BS-17 to the post of Deputy Director BS-18	2	1	HED
22.	Promotion of Additional Director General BS-20 to the post of Director General BS-20	1	1	Population
23.	Promotion of Assistant Director / DDPWO (Non-Tech) / TPWO / Dy. Demographer / Instructor (Non-Tech) / Accounts Officer BS-17 to the post of Deputy Director (Non-Tech) / DPWO (Non-Tech) / Demographer / Senior Instructor BS (Non-Tech) BS-18	6	3	Population
24.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	11	8	PHE
25.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	14	7	Irrigation

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AGENDA OF THE PSB MEETING TO BE HELD ON 30.07.2021 AT 01:30 PM				
ITEM	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
26.	Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18	2	1	Irrigation
27.	Promotion of Director NTFP BS-18 to the post of Additional Director General (Biological Sciences) BS-20 in Pakistan Forest Institute.	1	1	Environment
28.	Promotion of Sub-Divisional Wildlife Officers BS-17 to the post of Deputy Conservator Wildlife / Divisional Wildlife Officers BS-18	20	10	Environment
29.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in NTFP Directorate of Forest Department	2	1	Environment
30.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in I&HRD&M Directorate of Forest Department	2	1	Environment
31.	Appointment of Assistant Director BS-17 to the post of Deputy Director BS-18 on acting charge basis in Research & Development (R&D) Directorate of Forest Department	1	1	Environment



AGENDA OF THE PDB MEETING TO BE HELD ON 31.07.2021 AT 10:30 AM				
ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of PCS (EG) officers from BS-20 to BS-21	5	3	Establishment
2.	Promotion of PCS (EG) / PCS (SG) / PMS officers from BS-19 to BS-20	22	17	Establishment
3.	Promotion of PMS officers from BS-18 to BS-19	44	34	Establishment
4.	Promotion of PMS officers from BS-17 to BS-18	60	38	Establishment
5.	Promotion of Superintendent BS-17 to PMS BS-17	66	24	Establishment
6.	Promotion of Personal Assistant BS-16 to PMS BS-17	32	10	Establishment
7.	Promotion of Tehsildar BS-16 to PMS BS-17	42	19	Establishment
8.	Promotion of Senior Private Secretary BS-18 to Additional Private Secretary BS-19	3	2	Establishment
9.	Promotion of Private Secretary BS-17 to Senior Private Secretary BS-18	10	7	Establishment
10.	Promotion of Deputy Director IT BS-18 to the post of Director IT BS-19	3	1	Establishment
11.	Promotion of SDEO / Assistant Director BS-17 (Management Cadre) (Male) to the post of DDEO / Deputy Director BS-18	9	12	E&SE
12.	Promotion of SDEO / Assistant Director BS-17 to the post of DDEO / Deputy Director (Female) BS-18	1	1	E&SE
13.	Proforma promotion of Mst. Niaz Parwar to BS-19 in pursuance of Service Tribunal order (Court Case)	1	1	E&SE
14.	Proforma promotion of Mr. Mirza Ali Khan Ex Head Master BS-17 to BS-18 (Court Case)	1	1	E&SE
15.	Proforma promotion in r/o Muhammad Niaz Ex Principal BS-18 in pursuance of Peshawar High Court judgment (Court Case)	1	1	E&SE
16.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20	14	6	C&W
17.	Promotion of Executive Engineers BS-18 to the post of Superintending Engineers BS-19	38	19	C&W
18.	Promotion of Assistant Engineer / SDO BS-17 to the post of Executive Engineer BS-18	84	42	C&W
19.	Proforma promotion in respect of Engr. Nazir Ahmad Assistant Engineer BS-17 (Retired) to the post of Executive Engineer BS-18 and Superintending Engineer BS-19 with all back benefits in light of Khyber Pakhtunkhwa Service Tribunal judgment (Court Case)	1	1	C&W
20.	Promotion of Director Research & Analysis BS-19 to the Post of Director General Research Analysis BS-20 (Dr. Ayaz Khan Court Case)	1	1	Home
21.	Promotion of Superintendent Jail (BPS-19) to the post of Inspector General of Prison (BPS-20)	1	1	Home
22.	Promotion of Superintendent District Jail BS-18 to the post of DIG Prisons / Superintendent Central Prison BS-19	3	9	Home
23.	Promotion of Deputy Superintendent Jail (BPS-17) to the post of Superintendent District Jail (BPS-18)	15	10	Home
24.	Promotion of Assistant Director (BPS-17) to the post of Deputy Director (BPS-18)	3	2	Home
25.	Promotion of Senior Probation Officer / Parole Officer BS-17 to the post of Deputy Director Reclamation & Probation BS-18	4	3	Home
26.	Proforma Promotion of Ehtizaz Ahmad Ex Superintendent Jail BS-18 to BS-19 (Court Case)	1	1	Home
27.	Proforma promotion of Mr. Amir-ud-din to the post of Deputy Director Reclamation & Probation BS-18 in pursuance of Peshawar High Court judgment dated 12/02/2020 (Court Case)	1	1	Home
28.	Promotion of BS-19 officers of Agriculture Extension Wing to the post of Director General / Principal Agriculture Training Institute Peshawar BS-20	6	2	Agriculture
29.	Promotion of officers of Agriculture Research Wing from BS-18 to BS-19	36	18	Agriculture

**AGENDA OF THE PMS MEETING  
TO BE HELD ON 21.07.2021 AT 10:30 AM**

<b>DESCRIPTION OF CASE</b>				<b>PANEL</b>	<b>POSTS</b>	<b>DEPARTMENT</b>
30.	Promotion of Senior Research Officer BS-18 to the post of Principal Research Officer BS-19 in L&DD	6	3	Agriculture		
31.	Promotion of Deputy Director Fisheries BS-18 to the post of Additional Director Fisheries / Director Fisheries BS-19	9	4	Agriculture		
32.	Promotion of Assistant Director Fisheries BS-17 to the post of Deputy Director Fisheries BS-18 in Agriculture, Livestock & Cooperative Department	4	2	Agriculture		
33.	Promotion of Research Officer BS-17 to the post of Senior Research Officer BS-18 in L&DD	6	3	Agriculture		
34.	Promotion of Instructor BS-17 to the post of Deputy Registrar / Principal BS-18, Cooperative Department	1	1	Agriculture		
35.	Promotion of Statistical Officer BS-17 to the post of Statistician BS-18 in the Directorate of Crop Reporting Services	1	1	Agriculture		
36.	Promotion of officers of Agriculture Research Wing from BS-17 to BS-18	2	1	Agriculture		
37.	Promotion of Associate Professor Medicine BS-19 to the post of Professor Medicine BS-20 in Saidu Medical College, Swat.	2	1	Health		
38.	Promotion of Associate Professor of Surgery BS-19 to the post of Professor of Surgery BS-20 in Saidu Medical College, Swat.	1	2	Health		
39.	Promotion of Associate Professor ENT BS-19 to the post of Professor ENT BS-20 in Saidu Medical College, Swat	2	1	Health		
40.	Promotion of Associate Professor of Biochemistry BS-19 to the post of Professor of Biochemistry BS-20	1	1	Health		
41.	Promotion of Associate Professor Pathology BS-19 to the post of Professor Pathology BS-20 in Saidu Medical College, Swat	1	2	Health		
42.	Promotion of District Specialist Gynae / OBS: BS-19 to the post of Chief District Specialist Gynae / OBS: BS-20	5	6	Health		
43.	Promotion of Assistant Professor Gynaecology / OBS BS-18 to the post of Associate Professor Gynaecology / OBS BS-19 in Saidu Medical College, Swat.	2	2	Health		
44.	Promotion of Assistant Professor Pharmacology BS-18 to the post of Associate Professor Pharmacology BS-19 in Saidu Medical College, Swat.	1	1	Health		
45.	Promotion of Assistant Professor Pathology BS-18 to the post of Associate Professor Pathology BS-19 in Saidu Medical College, Swat.	2	3	Health		
46.	Promotion of District Specialist Psychiatry BS-18 to the post of Senior District Specialist Psychiatry BS-19	6	2	Health		
47.	Promotion case of Senior Registrar Cardiology (BS-18) to the post of Assistant Professor Cardiology (BS-18) in Saidu Medical College, Swat.	1	1	Health		
48.	Promotion of Senior Registrar Orthopedic BS-18 to the post of Assistant Professor Orthopedic BS-18 in Saidu Medical College, Swat.	2	1	Health		
49.	Promotion of Senior Registrar Pulmonology BS-18 to the post of Assistant Professor Pulmonology BS-18 in Saidu Medical College, Swat	1	1	Health		
50.	Promotion of Senior Clinical / PHC Technologist BS-18 to the post of Chief Clinical / PHC Technologist BS-19	8	9	Health		
51.	Promotion of Clinical / PHC Technologist BS-17 to the post of Senior Clinical / PHC Technologist BS-18	64	148	Health		

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Annex L



**DIRECTORATE OF SCIENCE AND TECHNOLOGY**  
**Khyber Pakhtunkhwa, Peshawar.**  
House No 18, Old Jamrud Road University Town Peshawar  
**091-9216580, 9216046, Fax 9216090**  
<http://www.dost.kp.gov.pk>



Dir: S&T/KP/PF/Falak Niaz/2020-21

Dated 22-10-2021

To

The Section Officer (E),  
ST&IT Department.

4685

Subject: APPEAL AGAINST THE PROMOTION ORDER DATED 06-08-2021 OF MR. MUHAMMAD AKIF ASSISTANT DIRECTOR (BS-17) TO THE POST OF DEPUTY DIRECTOR (BS-18) ON SUBJUDICE/DISPUTED SENIORITY LIST.

I am directed to enclose herewith the appeal of Engr. Falak Niaz, Assistant Director, Directorate of Science & Technology on the subject noted above for onward submission to the quarter concerned please.

Deputy Director (E)

Copy to:

PA to Director General S&T for information please.

Deputy Director (E)

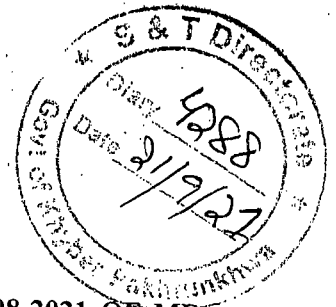
57

198 158

Dated 21-09-2021 Peshawar

To

The Chief Secretary to Govt: of Khyber Pakhtunkhwa,  
Establishment & Administration Department,  
Peshawar.



THROUGH PROPER CHANNEL

**SUBJECT: APPEAL AGAINST THE PROMOTION ORDER DATED 06-08-2021 OF MR. MUHAMMAD AKIF ASSISTANT DIRECTOR (BS-17) TO THE POST OF DEPUTY DIRECTOR (BS-18) ON SUBJUDICE/DISPUTED SENIORITY LIST.**

Dear Sir,

With due reverence it is brought into your notice that the undersigned has made an appeal/representation dated 27-01-2020 (**Annexure-I**) and 09-03-2020 (**Annexure-II**) on the tentative seniority list issued by the ST&IT Department vide letter No. SOE/ST&IT/KP/2-36/KC/2018-19/Vol-VI/322-29 dated 16-01-2020 (**Annexure-III**).

Failing to get any relief on the above mentioned observation/objections on the tentative seniority, the undersigned submitted an appeal to Establishment Department for resolving observation/objections on 17-03-2020 (**Annexure-IV**). These observations were forwarded by Establishment Department to ST&IT department for rectification of due position in the seniority list, which was accordingly rectified and issued to the undersigned vide Endst: No.SOE/ST&IT/KP/2-96/2020/2442 dated 12-06-2020 (**Annexure-V**). However, in the final seniority list issued by ST&IT Department vide letter No. SOE/ST&IT/KP/2-96/2020/582 dated 10-03-2021 (**Annexure-VI**), the undersigned was not placed on right position and in my opinion stands disputed.

That the impugned seniority list dated 10.03.2021 on the basis of which the department prepared working paper for Provincial Selection Board (PSB) for filling two vacant posts (BPS-18) is already filed departmental appeal by appellant on 22-03-2021 and challenge by Ziaullah Khan in this Honorable Tribunal in Service Appeal NO. 6732/2021 and stay was granted in appeal (**Annexure-VII**). Obviously, when the dispute about seniority list is has been admitted for regular hearing; therefore it seems just to direct the respondents in case the appellant succeeded in getting his right of seniority in accordance with law then as per Establishment Department Regulation Wing Notification No.SO(Policy)/E&AD/1-16/2017 dated 05-12-2017 amendments in the Khyber Pakhtunkhwa promotion policy, 2009 (**Annexure-VIII**).

After sub-para(h) of para IV the following sub-para(i) shall be inserted:

The mere fact that the seniority is sub-juiced will not debar the competent forum to make recommendation. However, in such cases following shall be applicable:

- i. *All promotion based on sub-judice seniority will be conditional i.e. subject to final outcome of court cases.*
- ii. *An officer who gets his seniority restored and becomes senior to already promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.*


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- iii. In case, the officer expired or retires from service and subsequently, his seniority is restored his case will be considered from proforma promotion along with all financial benefits.
- iv. Juniors promoted on sub-judiced seniority list will be assigned seniority as per final court orders and will be reverted in case there is no vacancy.

Thus, in the prevailing circumstances, the final seniority list is disputed & sub-judice. In view of the above reasons the unconditional promotion notification SO(E)/ST&IT/KP/2-96/2021 dated 06-08-2021 (Annexure-IX) of Mr. Muhammad Akif Assistant Director BS-17 to the post of Deputy Director BS-18 on the disputed final seniority list in the Directorate of Science & Technology is clear violation of law and rules please.

Prayer:

On the acceptance of this departmental appeal the impugned promotion notification dated 06-08-2021 may please be set aside or may be issued conditionally till the outcome of seniority case according to promotion policy 2009.

  
 (Engr. Falak Niaz)  
 Assistant Director (BS-17)  
 Directorate of Science & Technology  
 Dated 21-09-2021

**Copy for Information:**

- 1) Copy in advance PSO to Chief Secretary Establishment & Administration Department Govt of Khyber Pakhtunkhwa as Chief Secretary being appointing authority for the posts of BS-17 please.

(Engr. Falak Niaz)  
 Assistant Director (BS-17)  
 Directorate of Science & Technology  
 Dated 21-09-2021

Put up on personal file.  
 with DFA. Adil 24/9

Put up on file along with SC covering letter 27-9-21

Supdt. (E) D.N. (E) 24/09/21

*(Handwritten signature)* **59** *(Handwritten signature)*

*Annex M*

Dated 29-10-2021 Peshawar

To

The Chief Secretary to Govt: of KP (Chairman PSB)  
Civil Secretariat Peshawar

**Attention: SO (PSB), Establishment Department Govt: of KP**

**SUBJECT: APPEAL AGAINST THE PROMOTION ORDER/NOTIFICATION DATED 06-08-2021 OF MR. MUHAMMAD AKIF KHAN ASSISTANT DIRECTOR (BS-17) TO THE POST OF DEPUTY DIRECTOR (BS-18) ON SUBJUDICE/DISPUTED SENIORITY LIST.**

Dear Sir,

With due reverence it is brought into your notice that the undersigned has made an appeal/representation dated 27-01-2020 (**Annexure-I**) and 09-03-2020 (**Annexure-II**) on the tentative seniority list issued by the ST&IT Department vide letter No. SOE/ST&IT/KP/2-36/KC/2018-19/Vol-VI/322-29 dated 16-01-2020 (**Annexure-III**).

Failing to get any relief on the above mentioned observation/objections on the tentative seniority, the undersigned submitted an appeal to Establishment Department for resolving observation/objections on 17-03-2020 (**Annexure-IV**). These observations were forwarded by Establishment Department to ST&IT department for rectification of due position in the seniority list, which was accordingly rectified and issued to the undersigned vide Endst: No.SOE/ST&IT/KP/2-96/2020/2442 dated 12-06-2020 (**Annexure-V**). However, in the final seniority list issued by ST&IT Department vide letter No. SOE/ST&IT/KP/2-96/2020/582 dated 10-03-2021 (**Annexure-VI**), the undersigned was not placed on right position and stands disputed.

That the impugned seniority list dated 10.03.2021 on the basis of which the ST&IT department prepared working paper for Provincial Selection Board (PSB) for filling of two vacant posts of Deputy Directors (BPS-18) is already filed departmental appeal by appellant on 22-03-2021 and challenge by Ziaullah Khan Network Manager (BS-17) in the Honorable Service Tribunal in Service Appeal No. 6732/2021 and stay was granted in appeal (**Annexure-VII**). Obviously, when the dispute about seniority list is has been admitted for regular hearing, therefore it seems just to direct the respondents in case the appellant succeeded in getting his right of seniority in accordance with law then as per Establishment Department Regulation Wing Notification No.SO (Policy)/E&AD/1-16/2017 dated 05-12-2017 amendments in the Khyber Pakhtunkhwa promotion policy, 2009 (**Annexure-VIII**).

After sub-para(h) of para IV the following sub-para(i) shall be inserted:

*o/c*

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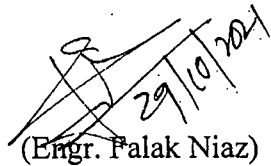
The mere fact that the seniority is sub-judiced will not debar the competent forum to make recommendation. However, in such cases following shall be applicable:

- i. *All promotion based on sub-judice seniority will be conditional i.e. subject to final outcome of court cases.*
- ii. *An officer who gets his seniority restored and becomes senior to already promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.*
- iii. *In case, the officer expired or retires from service and subsequently, his seniority is restored his case will be considered from proforma promotion along with all financial benefits.*
- iv. *Juniors promoted on sub-judiced seniority list will be assigned seniority as per final court orders and will be reverted in case there is no vacancy.*

Thus, in the prevailing circumstances, the final seniority list is disputed & sub-judice. In view of the above reasons the unconditional promotion notification SO (E)/ST&IT/KP/2-96/2021 dated 06-08-2021 (**Annexure-IX**) of Mr. Muhammad Akif Khan Assistant Director BS-17 to the post of Deputy Director BS-18 on the disputed final seniority list in the Directorate of Science & Technology is clear violation of law and rules please. The undersigned already filed departmental appeal vide letter No. nil dated 21-09-2021 (**Annexure-X**) to challenged promotion notification of Mr. Muhammad Akif Khan but after lapse of considerable time no response received yet therefore requested to the Chairman of Provincial Selection Board(PSB) for the remedial.

Prayer:

On the acceptance of this departmental appeal the impugned promotion notification dated 06-08-2021 may please be set aside or may be issued conditionally till the outcome of seniority case according to promotion policy 2009.

  
(Engr. Palak Niaz)

Assistant Director (BS-17)  
Directorate of Science & Technology  
Dated 29-10-2021

(61)

Annex N



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the May 18, 2021

**NOTIFICATION**

NO. SO(E-I)E&AD/6-25/2021. In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, final Seniority list of Officers of Provincial Management Service BS-19, as it stood on 18.05.2021 is notified/circulated:-

S. #	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Shaukat Ali Yousafzai	2.6.1964 Swat	24.4.1989 In Agriculture	19.8.2014	19	Absorbed through Court.	Commissioner Bannu
2.	Mr. Atta-ur-Rehman	03.01.1975 Peshawar	3.2.2002	27.5.2016	19	By promotion	PD, Computerization of Land Record.
3.	Mr. Aamir Afaq	22.09.1974 Peshawar	3.2.2002	27.5.2016	19	-do-	Special Secretary, Health
4.	Mr. Ghazanfar Ali	5.4.1964 Nowshera	1.9.1990 3.2.2002	27.9.2012 15.7.2016	19	-do-	Managing Director, SIDB
5.	Mr. Muhammad Anwar Khan	22.3.1970 Nowshera	22.3.1995 22.1.2002	27.5.2016	19	-do-	Director General M&E P&D
6.	Mrs. Nosheeh Azam	22.3.1970 Charsadda	22.1.2002	15.7.2016	19	-do-	OSD, E&AD
7.	Mr. Barkatullah Khan	1.6.1972 L/Marwat	22.1.2002	15.7.2016	19	-do-	Additional Secretary, Agriculture Department
8.	Syed Muhammad Farrulsaqlain	1.1.1970 Peshawar	23.7.1995 22.1.2002	15.7.2016	19	-do-	Director General, Population Welfare Deptt.
9.	Mr. Muhammad Nadir Khan Rana	30.4.1969 Nowshera	22.1.2002	27.5.2016	19	-do-	Director General, Provincial House Authority
10.	Mr. Imad Ali	16.9.1975 D.I.Khan	22.1.2002	27.5.2016	19	-do-	Managing Director, Frontier Edu. Foundation
11.	Mr. Shahid Sohail Khan	7.8.1969 Malakand	22.1.2002	27.5.2016	19	-do-	Secretary Administration Department

*Jamil Haq*  
18/5/2021



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Annex O



GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT.  
REGULATION WING

Dated: 05.12.2017

NOTIFICATION

No.SO(Policy)/E&AD/1-16/2017. The Competent Authority is pleased to direct that in the "Khyber Pakhtunkhwa Promotion Policy, 2009" circulated vide this department letter No.SOE-III(E&AD)1-3/2008 dated 28.1.2009, the following amendments shall be made, namely:-

AMENDMENTS

1. The following words (in italic form) shall be added after the word and dot "PER." appearing in the 3<sup>rd</sup> line of sub-para (a) of para IV:  
*"The requirement of earning one calendar year report will start from the date the officer joins back and the training period will also be included for completion of the requirement of such PER."*
2. After sub-para (h) of para IV the following sub-para (i) shall be inserted:  
"the mere fact that the seniority is sub-judiced will not debar the competent forum to make recommendation. However, in such cases following shall be applicable:
  - (i) All promotion based on sub-judice seniority will be conditional i.e. subject to final outcome of Court cases.
  - (ii) An officer who gets his seniority restored and becomes senior to already promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.
  - (iii) In case, the officer expires or retires from service and subsequently, his seniority is restored his case will be considered for proforma promotion alongwith all financial benefits.
  - (iv) Juniors promoted on sub-judice seniority list will be assigned seniority as per final Court Orders and will be reverted in case there is no vacancy".
3. Para II (b) shall be substituted as follow:  
"(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing promotion policy. However, for promotion against technical posts in BS-20, which require managerial and administrative skills, the SMC shall be mandatory."

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4. The clause (i) of sub-para (a) of para V shall be deleted and the next below clause (ii) and (iii) shall be re-numbered as (i) and (ii). In sub-para (b) of Para V the word three shall be substituted with the word "two".

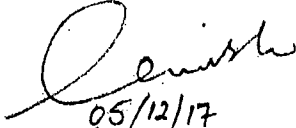
Sd/-

Secretary to Government of Khyber Pakhtunkhwa  
Establishment Department

**ENDST: NO & EVEN DATE**

**Copy is forwarded to:-**

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

  
05/12/17  
(BEENISH IQBAL)  
SECTION OFFICER (POLICY)

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Annex P



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SCIENCE & TECHNOLOGY AND INFORMATION  
TECHNOLOGY DEPARTMENT  
2<sup>nd</sup> Floor, SDU Building, Khyber Road, Peshawar.

Phone No.091-9212400/9212722.

Fax No.091-9212401

No.SOE/ST&IT/KP/2-55/2021

Dated Peshawar, 24.08.2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Finance Department.

Subject: - APPEALS FOR UPGRADTION.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith appeals in respect of the following officers for further necessary action and with the request to advice this department as to whether the upgradation of the following posts is justified or otherwise:-

S.No	Name of Applicants/ Designation	Description
1.	Mr. Ziaullah Khan, Network/System Manager (BPS-17).	The officer was working as Network/System Manager (BPS-17) in the defunct Directorate of Information Technology on adhoc basis. Later-on the service of the officer was regularized under KP Adhoc Employees of Directorate of Information Technology (Regularization of Services) Act, 2016. However, on abolition of the Directorate IT and merger of the employees in the Directorate of Science & Technology, the post was included in the Service Rules of Directorate of Science & Technology as Assistant Director on the recommendation of SSRC.
2.	Mr. Shah Saoud, Accountant (BPS-16).	The officer was working as Accountant (BPS-16) in the defunct Directorate of Information Technology on adhoc basis. Later-on the service of the officer was regularized under KP Adhoc Employees of Directorate of Information Technology (Regularization of Services) Act, 2016. However, on abolition of the Directorate IT and merger of the employees in the Directorate of Science & Technology, the post was included in the Service Rules of Directorate of Science & Technology as Accountant (BS-16) on the recommendation of SSRC.
3.	Mr. Ishtiaq Ahmad & others Network/Hardware Engineers (BPS-16).	The services of the officer alongwith others was regularized under Government of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018. Their case for upgradation was earlier taken up with Finance Department. However, Finance Department returned the case to first notify services rules of the cadre post and then take up the case with Finance Department. The case is resubmitted as framing of service rules is a time consuming process, therefore, their case may be placed before the upgradation Committee for reconsideration.

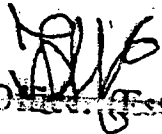
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Encl: as above.

Endst. of Even No. & Date.

Copy to:-

1. The Director General, Directorate General of Science and Technology, Khyber Pakhtunkhwa.
2. PS to Secretary, ST & IT Department Govt. of Khyber Pakhtunkhwa.
3. PA to Additional Secretary, ST & IT Department Govt. of Khyber Pakhtunkhwa.
4. PA to Deputy Secretary (Admin), ST & IT Department Govt. of Khyber Pakhtunkhwa.

  
Section Officer (Establishment)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

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Annex Q

**UPGRADATION COMMITTEE MEETING**

**Subject:-**  
**Date, time & Venue:** 23<sup>rd</sup> September, 2021 at 02:30 PM in the Conference Room of Finance Department  
**In Chair:** Secretary Finance, Khyber Pakhtunkhwa  
**Attendance:** List of participants is attached

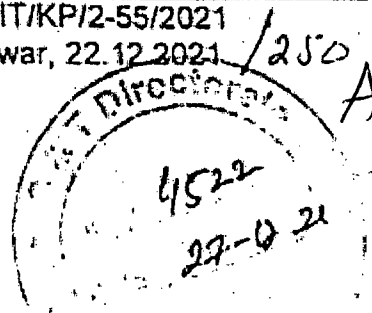
The subject meeting was started from the recitation of the Holy Quran. The Chair welcomed the participants and invited them for discussion. After threadbare discussion and thorough examination of the working papers the Committee unanimously recommended the following: -

S. No.	Department	Agenda Item	Decision of the Upgradation Committee	Responsibility/ Action to be taken
1.	Health Department	Upgradation of two posts of EPI Technicians from BS-06 to BS-12	Mr. Rihan Ali and Saqib Mehmood, EPI Technicians upgraded from BS-6 to 12, subject to verification of their antecedents.	Section Officer (FR)
2.	—do—	Reflection of the post in PHSA in budget book/ Upgradation of the post of Storekeeper	Upgradation of Ms. Zainab Store Keeper (BS-o8) deferred. The cadre has career progression	—do—
3.	—do—	Personal upgradation of Mr. Ijaz Hussain, Clinical Psychologist from BS-17 to BS-18	<ul style="list-style-type: none"><li>The following incumbents are upgraded under para-II of the upgradation policy on the basis of hardships<ul style="list-style-type: none"><li>i. Mr. Salim Ur Rehman, DHQ Hospital Temergara, Dir Lower</li><li>ii. Mr. Ijaz Hussain, Mental Hospital, Peshawar</li><li>iii. Mrs, Uzma Gilani, LRH, Peshawar (Civil Servant)</li><li>iv. Mrs. Fakhrun Nisa, KTH, Peshawar (Civil Servant)</li></ul></li><li>Health Department to provide latest pay-rolls of the incumbents</li><li>Health Department shall frame service rules for the cadre.</li></ul>	Health Department

Department	Agenda Item	Decision of the Upgradation Committee	Responsibility/ Action to be taken
Forestry, Environment & Wildlife Department	Upgradation of the post of Senior Scale Stenographer from BS-16 to BS-17 on individual hardship basis in Budget & Accounts Cell	Deferred. The case to be referred to Law Department for opinion as to whether that one step across the board upgradation bars the incumbents from availing personal upgradation as per policy of the Provincial Government or otherwise.	Forestry, Environment & Wildlife Department
Population	WP No.1811-P/2018, Bakht Zada and others vs Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar (Court Case). (Family Welfare Assistant Male & Female)	Deferred.	Nil
Sports, Tourism Department	i. Upgradation of the post of Accountant from BS-14 BS-16 in Tourism Department	Upgraded. The department shall frame service rules	Sports, Tourism Department
---do---	ii. Upgradation of the post of Constable, Head Constable and Assistant Sub Inspector	Deferred. Due to incomplete working papers and late submission of the case.	---do---
Communication & Works Department	Upgradation of the posts of Accounts Clerk TO BS-15 in respect of Nazar Hussain and others (court case)	Approved. Conditional upgradation be given to the incumbent till the decision of the apex court.	Communication & Works dept.
Science & Technology & Information Technology Department	i. Upgradation of the post of Network/ System Manager from BS-17 to BS-18 on the ground of principal of parity in respect of Mr. Zia Ullah Khan	Deferred. Service structure/career progression is available.	Nil
---do---	ii. Upgradation of the post of Accountant from BS-16 to BS-17 in respect of Mr. Shah Saood.	Deferred. Service structure/career progression is available.	Nil
---do---	iii. Upgradation of the posts of Mr. Ishtiaq Ahmed and others Network Engineer/ Hardware Engineer from BS-16 to BS-17	Approved, upgraded by designation	ST&IT Department
9. Establishment Department	Upgradation of the post of Trainer	Deferred.	Nil
10. Elementary & Secondary Education Department	Upgradation of the post of Assistant Programmers from (BPS-16) to Assistant Director IT (BPS-17)	<ul style="list-style-type: none"> <li>• The post of Assistant Programmer (BS-16) is upgraded to the post of Assistant Programmer (BS-17).</li> <li>• Administrative Department shall provide updated Seniority list and frame service rules for career progression.</li> </ul>	E&SE department

No.SOE/ST&IT/KP/2-55/2021  
Dated Peshawar, 22.12.2021

68



1250  
Anne R

To  
**The Director General,  
Directorate of Science & Technology,  
Khyber Pakhtunkhwa.**

Subject: **UPGRADATION OF THE POSTS OF NETWORK/SYSTEM MANAGER,  
ACCOUNTANT AND NETWORK/HARDWARE ENGINEER.**

I am directed to refer to the subject noted above and to state that the following points may be clarified as per approval of the competent authority on priority basis:-

1. Why the DoST has not included the Data Centre in the Service Rules and seniority list while Data Centre was placed on the strength of DoST on 07-08-2018 whereas Services Rules have been notified on 31-01-2020?
2. Whether the qualification and other credentials officers/officials have been verified by DoST as required under section-3 of the Act?
3. Whether Performance Evaluation Reports in respect of the officers/officials Data Centre have been completed or otherwise?
4. The officers/officials of Data Centre were initially appointed on the project posts which were later-on regularized. However, some of the staff of Data Centre had approached directly to Finance Department for change of Nomenclature i.e. Manager, Web Development and System Engineer. Subsequently FD agreed to the proposed change and also asked for amendments in the service rules through competent forum. Whether the requisite service rules have been amended or otherwise? Whether the nomenclature of posts has been changed or otherwise? What were reasons for the change of nomenclature? Whether the case was routed through Establishment Department as per instructions of Finance Department.
5. The Finance Department had early returned the upgradation case with the advice to first notify service rules of the cadre post and then take up case with this Department to proceed further in the matter. Whether the requisite service rules have been notified or otherwise?
6. Who have prepared working papers for upgradation in respect of M/S Zia Ullah Khan, Shah Saqod and Ishtiaq Ahmad others and submitted to Finance Department?

service  
of put up


28/12-  
Put up draft reply  
AS (E)

AS instructed 28/12/21  
Dra submitted  
AS (E)

AS  
28/12/21  
Please

04/01/22

8. On 03.06.2021, Dy Director Data Centre directly submitted a note to Addl. Secretary, ST&IT Department (in utter violation of the prescribed channel and bypassing the parent department) for taking over the management of the Data Centre to stream-line the affairs of Data Center and got the case approved by the competent authority. Subsequently this department issued a notification to report directly to Administrative Department. A similar notification was also issued on 13.08.2020 but later on withdrawn on 21.10.2020. What were the reasons/causes and what steps have been taken by DoST in this regard?

  
Section Officer (Establishment)

**Indst: No and Date Even:**

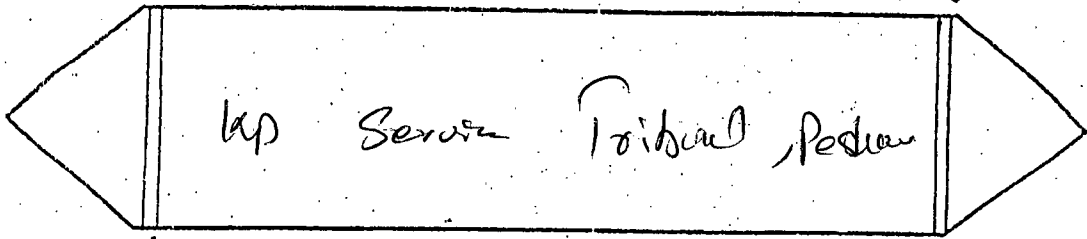
Copy forwarded to:

1. PS to Secretary, ST&IT Department.
2. PA to Additional Secretary, ST&IT Department.
3. PA to Deputy Secretary (Admn), ST&IT Department.

Section Officer (Establishment)



### بعدالت



2 منجانب

بنام Falala Niag

vs

Grant of Kp

سورخه

مقدمه

دعوی

جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام سورخہ کیلئے سورخہ علی بی بی  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سب سے وہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

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المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

\_\_\_\_\_ واہ الع

کے لئے منظور ہے۔

بمقام سورخہ  
 12/11/2022

“B”

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

No.

SB

Appeal No. 47 of 20 22

Falak Niaz Appellant/Petitioner

Versus

Through Chief Secy Respondent

Respondent No. (1)

Notice to: — Govt of KPK through Chief Secy Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 04/11/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

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

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

Given under my hand and the seal of this Court, at Peshawar this 26th

Day of Oct 20 22

For Reply [Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and gazetted holidays.  
2. Always quote Case No. While making any correspondence.

“B”

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

No.

Appeal No. 47 of 2022

Falak Niaz

Appellant/Petitioner

Through Chief Secretary

Respondent

Respondent No. (2)

Notice to:

Chief Secy Govt of KPK Chairman  
Provincial Selection Board (PSB).

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 01/11/2022 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 26th Day of Oct 2022.

For Reply

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

[Signature] 26/10

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

“B”

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

No.

47

SB

Appeal No. .... of 2022

Falok Niaz

Appellant/Petitioner

Through Chief Secy

Respondent

Respondent No. (4)

Notice to:

Secy Establishment Member/Secy PSB

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....01/11/2022.....at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

26th

Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... Oct ..... 20 22

For Reply

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Asst. Secy

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

“B”

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

No.

47

SB

Appeal No.

of 20 22

Falak Miaz

Appellant/Petitioner

Versus

Through Chief Secy

Respondent

Respondent No.

(3)

Notice to: —

Secy SIT Department Member PSB

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....01/11/2022.....at 8.00 A.M. if you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this..... 26/10

Day of..... Oct..... 2022

Received  
Bhad Jomal Shah  
28/10/22

For Regy

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.