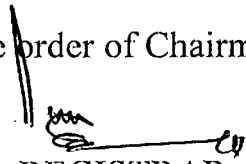


FORM OF ORDER SHEET

Court of _____

Case No. - 1632/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/11/2022	<p>The appeal of Mr. Tafsheen Haider presented today by Mr. Ali Gohar Durrani Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE
HONORABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

IN RE:
S.A. No. 1632 -P /2022

Tashfeen Haider

VERSUS

Government of Khyber Pakhtunkhwa & others

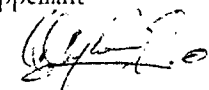
INDEX

Sr.	Description	ANNEX	Page
1.	Index		
2.	Service Appeal along with Affidavit & Address		1-7
3.	Copy of Appointment orders	A	8-10
4.	Copy of Posting orders while in BPS-17	B	11-19
5.	Copy of Posting orders while in BPS-18	C	20-24
6.	Copy of letter dated 30-06-2021 and Notification dated 26-07-2021	D	25
7.	Copy of Letter dated 06-08-2021	E	26-27
8.	Copy of Notification dated 26-07-2021	F	28
9.	Copy of Reply dated 21-10-2021	G	29
10.	Copy of letter dated 10-11-2021	H	30
11.	Copy of Notification dated 22-03-2022	I	31
12.	Copy of the letter dated 19-05-2022	J	32
13.	Copy of letter dated 30-06-2022	K	33
14.	Copy of Appeal dated 21-07-2022	L	34-35
15.	Copy of the judgment in S.A No. 1036/2019	M	40-43
16.	Witness Affidavit		44-45

Date: 14th November 2022

Through

Appellant


ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khaneligohar@yahoo.com
THE LAW FIRM OF
SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)
HOUSE NO. 231-A, STREET NO. 13,
NEW SHAMI ROAD, PESHAWAR.

(2)

BEFORE THE
HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL

IN RE:

SERVICE APPEAL NO. 1632 -P /2022

Tashfeen Haider,
Special Secretary Energy and Power Department,
Government of Khyber Pakhtunkhwa.
R/o NC Flats, Khyber Road Peshawar.

...Appellant

VERSUS

1. **Government of Khyber Pakhtunkhwa**
through Chief Secretary, Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. **Finance Department, Government of Khyber Pakhtunkhwa,**
through Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.
Civil Secretariat Peshawar.
3. **Establishment Department, Government of Khyber Pakhtunkhwa,**
through Secretary Establishment, Government of Khyber Pakhtunkhwa.
Civil Secretariat Peshawar.

...Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974, READ WITH THE KHYBER PAKHTUNKHWA
CIVIL SERVANTS ACT, 1973 AND ARTICLE 212 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973, ALONGWITH ALL OTHER
ENABLING PROVISIONS OF THE LAW FOR THE TIME BEING IN FORCE FOR
REDRESS OF THE GRIEVANCE OF THE APPELLANT AS SOUGHT IN PRAYER.**

Respectfully Sheweth,

The Appellant most earnestly request to submit as under:

That the Appellant is a Provincial Management Service Officer of the province of Khyber Pakhtunkhwa and is working against the designation mentioned against his names in the heading of the petition. The Appellant is a Khyber Pakhtunkhwa Provincial Civil Servant

and is before this Honorable Court for the redress of his grievance in respect of his claim of back benefits of higher post, on the touchstone the Khyber Pakhtunkhwa Civil Servants Act, 1973, the Khyber Pakhtunkhwa Services Tribunal Act, 1974 and the Constitution of the Islamic Republic of Pakistan, 1973.

BRIEF FACTS:

1. That the Appellant is a bonafide law-abiding resident of Khyber Pakhtunkhwa, and being citizen of Pakistan, is entitled to all the constitutional guarantees including but not limited to the fundamental rights of life, right to trade, right to education, due process as well as the right of non-discrimination.
2. That the Appellant is a Provincial Management Service Officer (civil servant) of the Khyber Pakhtunkhwa Province. He was appointed as Section Officer in 27-02-2008 after appearing and clearing in the competitive examination, followed by Psychological assessment/interview and appointment orders.

Copy of the appointment order is Annex-A

3. That the Respondents are governmental entities; performing functions in connection with the affairs of the province of Khyber Pakhtunkhwa, as their activities are regulated by the Constitution and the laws made by the Government of Khyber Pakhtunkhwa and the State of Pakistan and are therefore amenable to the jurisdiction of this Honorable Tribunal, as the grievance raised concerns the terms and conditions of a civil servant.
4. That the Appellant during his service, has remained on various positions, in this regard, he was initially posted to the post of Officer on Special Duty (under training) Establishment Department Khyber Pakhtunkhwa on 18-08-2008. The Appellant was then posted to Deputy District Officer BPS-17 in District Administration, Chitral Lower, Khyber Pakhtunkhwa on 02-09-2009. He was then posted as Section Officer Establishment Department, Khyber Pakhtunkhwa on 12-02-2010 and Section Officer (Admn) on 29-03-2010, Section Officer (E-III) on 21-06-2010, Officer on Special Duty Establishment Department on 27-09-2010, Section Officer Inter Provincial Coordination Department on 22-10-2010. That hereinafter the Appellant though in BPS-17 was posted against posts in BPS_18, and the first such assignment was as Deputy Secretary (BPS-18) FATA Secretariat FATA on 19-04-2011, then as Assistant Chief (BPS-18) Planning & Development on 22-04-2014, Project Director (BPS-18) Local Government Elections and Rural Development Department, Khyber Pakhtunkhwa on 09-10-2015 and Project Director (BPS-18) Administration Department, Khyber Pakhtunkhwa on 20-05-2016 followed by other subsequent postings. The Appellant was promoted to BPS-18 on 10-08-2015.

Copy of Posting Orders in BPS-18 while in BPS-17 are Annex-B.

5. That the Appellant was working against the posts of Project Director MDA & Project Director Housing Department and had been drawing the pay of BPS-18 while working against the post of BPS-19 throughout his tenure from 13-10-2015 till 09-01-2018.

Copy of the posting orders in BPS-19 while posted in BPS-18 are Annex-C.

6. That the Appellant sent a letter to the Secretary to the Government of Khyber Pakhtunkhwa Establishment Department on 30-06-2021 requesting for his claim of back benefits of Higher Post which was turned down on the pretext that his claim is too old vide notification dated 26-07-2021.

Copy of letter dated 30-06-2021 and Notification dated 26-07-2021 is Annex-D

7. That the Appellant sent another letter to the Secretary Finance Department on 06-08-2021 with the same claim of back benefits of Higher Post and the Notification dated 26-07-2021 was withdrawn from the date of its issuance and the Appellant was granted pay of Higher Post from 21-01-2014 till 18-10-2015 against which the Appellant submitted a reply to the Section

Officer Finance Department on 21-10-2021 in which the Appellant sought approval of grant of pay of the higher post for the period of posting in higher grade i.e. BPS-18 from 19-04-2011 till 10-08-2015 while the Appellant was in BPS-17 and also for the period of posting in higher grade i.e. BPS-19 from 13-10-2015 till 09-01-2018 while the Appellant was in BPS-18. In response to the reply of the Appellant, the Section Officer Finance Department issued a letter on 10-11-2021 with the directions to provide certain documents for availing the said benefit which were provided by the Appellant.

Copy of Letter dated 06-08-2021 is Annex-E

Copy of Notification dated 26-07-2021 is Annex-F

Copy of Reply dated 21-10-2021 is Annex-G

Copy of letter dated 10-11-2021 is Annex-H

8. That the Appellant was posted/transferred from the post of Additional Secretary Sports Department to Special Secretary Energy and Power Department (BPS-19) vide notification dated 22-03-2022 and after taking charge of the said post the Appellant provided the additional desired documents to the Section Officer Finance Department vide letter dated 19-05-2022.

Copy of Notification dated 22-03-2022 is Annex-I

Copy of the letter dated 19-05-2022 is Annex-J

9. That to the utmost shock of the Appellant a letter was issued on 30-06-2022 by the Finance Department with regard to the grant of pay of the higher post stating that the Appellant lacks the prescribed/required conditions for higher post benefits and the claim of the Appellant was regretted.

Copy of letter dated 30-06-2022 is Annex-K

10. That being a provincial civil servant and aggrieved of the aforementioned letter dated 30-06-2022, the Appellant approached the office of the Worthy Chief Secretary in appeal on 21-07-2022.

Copy of the Appeal is Annex-L

11. That having no response given by the office of the Worthy Chief Secretary in the statutory time period, the Appellant having no other recourse but to approach this Honorable Court in its Constitutional Jurisdiction amongst others on the following grounds:

Grounds:

- a. **Because** the Appellant are aggrieved person within the meaning of Article 212 of the constitution of the Islamic Republic of Pakistan 1973, read with all the enabling provisions of the law, including but not limited to the Khyber Pakhtunkhwa Services Tribunal Act, 1974 and the Khyber Pakhtunkhwa Civil Servants Act, 1973, as well as the rules made thereunder.
- b. **Because** the Fundamental Rights of the Appellant have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973, which are also affected the terms and conditions of the service of the appellant. This Honorable Tribunal being the custodian of the Fundamental Rights and the terms and conditions of the service of civil servants as enshrined in the Constitution of Islamic Republic of Pakistan, 1973 is the reason the Appellant seeks redress of his grievance in absence of any other competent forum and thus bring to an end the ordeal the Appellant is going through due to the illegal, unlawful and unjust acts and inaction of the Respondents.
- c. **Because** there is a clear case of discrimination against the Appellant, and as the Rights of the Appellant are secured under Article 8, and the entirety of Part II of the Constitution of the Islamic Republic of Pakistan, and the same also are terms and conditions of service of a civil servant, its redress falls solely within the ambit of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, rests with this Honorable Tribunal as per the Dictums laid in LA Sherwani case.

- d. **Because** the law requires that every public functionary fulfills his duty in accordance with the law, however the case of the Appellant reeks with proof of sheer disregard to the letter of the law, and as such the actions of the respondents are required to be condemned.
- e. **Because** the act of commission and omissions of respondents are arbitrary, capricious, Perverse and are worst examples of misuse of authority hence liable to be declare so.
- f. **Because** the Appellant never requested to be posted on a higher post, rather he was selected due to his capabilities, which he has proven to be without any stigma and to the entire satisfaction of the department concerned, every single day of his career.
- g. **Because** for the posting in higher grade the Appellant was competent albeit eligible which makes it abundantly clear that the Appellant was rightfully and legally posted to the higher post without his own request and this fact is enough for the grant of the claim of the Appellant.
- h. **Because** in the case titled *Islamic Republic of Pakistan vs. Qazi Abdul Karim 1978 SCMR 289* the Honourable Supreme Court of Pakistan held the following;

"If an employee is promoted to officiate in a higher post, involving higher responsibility, he must be held to be entitled to the minimum pay of the grade of the said higher office."

In case titled *Sh. Amar Maftoon v. Government of Punjab 1992 SCMR 1869*, it has been laid down:

"that Civil servant worked against post a higher grade and discharged functions of such post, which entitled him to the pay attached to the said posts. Incorporation of condition in civil servant's posting order that he was adjusted against his own pay and grade, would be inconsequential and not a bar for him to claim higher grade pay. Civil Servant was, thus entitled to the pay of higher post during the period he worked against the same"

- i. **Because** the aforesaid view has been reaffirmed and followed in *Abdul Hamid and others v. Chief Secretary, N.W.F.P. and others 1998 PLC (C.S.) 1468; Khurshed Anwar v. Province of N.W.F.P. through Chief Secretary and another 1999 PLC (C.S.) 225 and Abdul Sattar v. District Accounts Officer, Bahawalpur 2012 PLC (C.S.) 65*. In a very recent case titled *Mehboob Sultan Versus MD FDC and others 2019 P L. C (C.S.) 587*, the Honorable Peshawar High Court has held that:

"If employee was promoted to officiate in a higher post involving higher responsibilities Then he would be entitled to the minimum pay of that grade---Nothing was on record that Appellant-employee requested for the higher post nor there was an assertion by the department that employee was not eligible to hold the higher post - Incorporation of condition in civil servant's posting order that he had been adjusted against his own pay and grade, would not be a bar to claim pay for the higher grade---Appellant was entitled to the pay of higher post during the period he worked against the same---Constitutional petition was allowed in circumstances"

- j. **Because** the Circular no. FD(PRC)1-1/2012 Dated: 01-01-2013 has already been decided by this honorable tribunal in Service Appeal No. 1036/2019 on 01-09-2021, whereby it was held that the mistake of the department cannot be attributed to the appellant, and therefore the same remedy needs to be extended to the appellant in this case also.

Copy of the judgment in SA No. 1036/2019 is Annex-M

- k. **Because** as per 2009 SCMR 1, the Honorable Supreme Court has held that similarly placed civil servants be given the same relief as is granted to others. The afore-mentioned precedents clearly make out a strong case beyond any doubt that the Appellant is entitled to the request so made.
- l. **Because** consequent to the afore-mentioned precedents of the Superior Courts and the clear interpretation of the Circular of the Finance Department, it goes without saying that the Appellant is entitled to receive all the fringe benefits, privileges and higher post pay that have been asked through application, which was quite illegally, unlawfully and without

any cogent/legal reasoning being rejected. The said rejection order which was challenged through representation has not been answered in the statutory time period.

- m. **Because** the Impugned letter dated 30-06-2022 is illegal, unlawful and liable to be set aside, and the appeal in hand is well within time.
- n. **Because** the Appellant crave for leave to add further grounds at the time of his oral arguments before this Hon'ble Tribunal highlighting further contraventions of the provisions of the Constitution & Laws.


PRAAYER

It is, therefore, most humbly prayed that upon acceptance of this Writ Petition, this Honorable Tribunal may so kindly:

- a) Declare that the letter dated 30-06-2022 is of no legal effect and therefore liable to be strike down, and further that the Appellant is entitled to the fringe benefits and privileges and grant of pay of the higher post for the period of posting in higher grade i.e. BPS-18 from 19-04-2011 till 10-08-2015 while the Appellant was in BPS-17 and also for the period of posting in higher grade i.e. BPS-19 from 13-10-2015 till 09-01-2018 while the Appellant was in BPS-18;
- b) Direct the Respondents to forthwith release all the fringe benefits, privileges and grant of pay of higher post from 19-04-2011 till 10-08-2015 while the appellant was in BPS-17 and for the period of posting in higher grade i.e., BPS-19 from 13-10-2015 till 09-01-2018 while the Appellant was in BPS-18, and to act in accordance with law; and
- c) Grant any other relief not specifically asked for, deemed appropriate and fit in the interest of justice.


Through

Appellant


ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khaneliegohar@yahoo.com
SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)
HOUSE NO. 231-A, STREET NO.
13,
NEW SHAMI ROAD, PESHAWAR.
www.sdklaw.org

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan 1973
2. CS 11973, KP C.S. 11973, KP Service Tribunal Act, 1974.
3. KPPSC Ordinance 1978
4. Case Laws as per need


Advocate

BEFORE THE
HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL

IN RE:

S.A. No. _____-P /2022

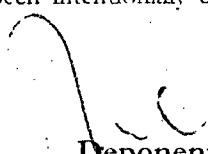
Tashfeen Haider

VERSUS

Government of KP AND OTHERS

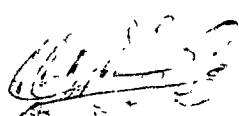
AFFIDAVIT:

I, Tashfeen Haider S/o Nazeer Hussain, Currently Special Secretary Energy and Power Department Culture, Government of Khyber Pakhtunkhwa, R/o NC Flats, Khyber Road, Peshawar do hereby solemnly affirm and declare on oath that the contents of accompanied writ petition are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honorable Court.


Deponent

CNIC No. 14301-0597483-1

Identified by:


ALI GOHAR DURRANI
Advocate High Court

BEFORE THE
HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL

IN RE:

W.P. No. _____ -P /2022

Tashfeen Haider

VERSUS.

Government of KP AND OTHERS

Memo Of Address

Appellant:

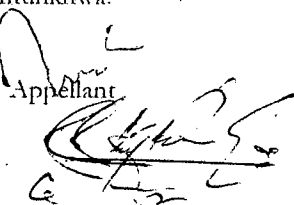
Tashfeen Haider Special Secretary Energy and Power Department Culture, Government of Khyber Pakhtunkhwa,
NC Flats, Khyber Road, Peshawar.

Respondents:

1. **Government of Khyber Pakhtunkhwa**
through Chief Secretary, Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. **Finance Department, Government of Khyber Pakhtunkhwa,**
through Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.
Civil Secretariat Peshawar.
3. **Establishment Department, Government of Khyber Pakhtunkhwa,**
through Secretary Establishment, Government of Khyber Pakhtunkhwa.
Civil Secretariat Peshawar.

Through

Appellant


ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khaneliogohar@yahoo.com
SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)
HOUSE NO. 231-A, STREET NO. 13,
NEW SHAMI ROAD, PESHAWAR.

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

Dated Peshawar the 26.02.2008

NOTIFICATION

NO.SO.E-II(ED)3(81)/2008:- The competent authority in consultation with the NWFP Public Service Commission and in pursuance of the provisions contained in sub-section (2) of section 19 of the North-West Frontier Province Civil Servants Act, 1973 (NWFP Act No.XVIII of 1973), as amended by the North-West Frontier Province, Civil Servants (Amendment) Act, 2005(N.-W.F.P. Act No.IX of 2005) is pleased to order appointment of the following candidates as Officers of Provincial Management Service (BPS-17) (Rs.8210-615-20510) in the Govt. of NWFP, subject to the terms & conditions mentioned hereunder :-

Sr.No.	Name of candidate with father's name
1	Mr. Junaid Khan S/O Muhammad Akram Khan District D.I. Khan
2	Mr. Iftikhar Ahmad S/O Abdul Hameed Khan District Lakki Marwat
3	Mr. Shams-ur-Rehman Wazir S/O Sherin Khan S.W Agency
4	Mr. Tashfeen Haider S/O Nazir Hussain Kurrām Agency
5	Mr. Arif Shahbaz Khan S/O Amir Shahbaz FR Bannu
6	Mr. Iqbal Hussain S/O Ahmad Jan District Swat
7	Miss. Asma Rauf D/O Abdul Rauf District Peshawar
8	Mr. Ainullah S/O Saifal Malook District Dir
9	Mr. Ahmad Zeb S/O Wasal Khan District Peshawar
10	Mr. Farhatullah Khan Marwat S/O Haji Mumtaz Khan District Lakki Marwat
11	Sardar Asad Haroon S/O Haji Muhammad Haroon District Abbottabad
12	Mr. Asfandyar Khattak S/O Aminullah Khattak District Nowshera
13	Mr. Ghulam Saeed Khan S/O Ghulam Faqir District Lower Dir
14	Miss. Irum Nosheen D/O Abdul Jabbar Khan District D.I. Khan
15	Khawaja Faheem Sajjad S/O Khawaja Sajjad Rasheed, District Haripur

~~REJECTED~~

TERMS & CONDITIONS

- a) They shall, for all intents and purposes, be Civil Servants except for purpose of pension or gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount contributed by them towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Govt to their account in the said fund, in the prescribed manner.
- b) They shall be governed by the NWFP Civil Servants Act 1973, all the laws applicable to the Civil Servants and Rules made there-under.
- c) They shall, initially, be on probation for a period of two years extendable upto 3 years.
- d) Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if their performance during this period is not found satisfactory. In such an event, they will be given one month's notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- e) Their services shall be liable to termination during initial/extended period of probation without any notice.
- f) They will not be entitled to any TA/DA on their first appointment as Provincial Management Service (BS-17) officers.


2- If the above terms & conditions are acceptable to them, they should report to the Secretary to Govt: of NWFP, Establishment Department on or before 28.02.2008.

**CHIEF SECRETARY
N.W.F.P.**

ENDST. NO. AND DATE EVEN.

A Copy is forwarded to:-

1. Director, Pakistan Provincial Services Academy, Peshawar.
2. Accountant General, NWFP, Peshawar.
3. Director Examination, NWFP Public Service Commission, Bungalow No.51, Street-3, Sector-EI, Phase-I, Hayatabad, Peshawar w/r to his letter No.NWFP-PSC-Exam: 2006/5130 dated 17.12.2007
4. Deputy Secretary (Admn:) Administration Department.
5. SO(Secret)/SO(Admn)/S.O.(Budget)/E.O/Programmer/Librarian, E&AD.
6. PS to Chief Secretary, NWFP.
7. PS to Secretary Establishment Department.
8. PS to Secretary Administration Department.
9. PAs to all Additional Secretaries/Deputy Secretaries in the Estt. Dept.
10. Manager, Govt. Printing Press Peshawar.
11. All candidates concerned.
12. Office order file.

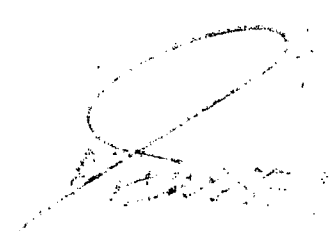

(KHALID ILYAS) 26.2.08
Section Officer(E-II)

PROFILE CARD

NAME	Tashfeen Haider
FATHER NAME	Nazir Hussain
DATE OF BIRTH	05.09.1976
DOMICILE	Kurram Agency
QUALIFICATION	B.A/LLB
PERMANENT ADDRESS	House No.9, Hazara Mohallah Parachinar, Kurram Agency
PRESENT ADDRESS	Dy. Secy (Admn) FATA Secretariat
DATE OF JOINING SERVICE	27.02.2008
SERVICE GROUP	PMS
BASIC PAY SCALE	(BS-17)

POSTINGS

S.#	POSTINGS	FROM	TO
1	SO, Health Deptt:	27.02.2008	17.08.2008
2	SO, Under training	18.08.2008	31.07.2009
3	Awaiting posting in E&AD	01.08.2009	01.09.2009
4	DDO(R), Chitral	02.09.2009	11.02.2010
5	SO(E-III), E&AD	12.02.2010	28.03.2010
6	SO(Admn), Admn: Deptt:	29.03.2010	20.06.2010
7	SO(E-III), E&AD	21.06.2010	26.09.2010
8	PDMA/Awaiting posting in E&AD	27.09.2010	21.10.2010
9	SO, IPC Deptt:	22.10.2010	18.04.2011
10	Dy. Secy (Admn) FATA Secretariat	19.04.2011	Till date



GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT

Dated Peshawar the 27.02.2008



NOTIFICATION

NO.SO.E-II (ED)3(81)2007:- Consequent upon their appointment as officers of Provincial Management Service, BS-17, and their arrival for duty the following officers are hereby posted to the departments as mentioned against their names with immediate effect and till further orders:-


Sr. No	Names of officer	Department
1.	Mr. Iftikhar Ahmad	Civil Secretariat FATA.
2.	Mr. Tashfeen Haider	Health Department.
3.	Mr. Ahmad Zeb	Establishment Department (Regulation Wing).
4.	Mr. Asfandyar Khattak	Home & TAs Department.
5.	Mr. Khawaja Faheem Sajjad	Finance Department.

SECRETARY ESTABLISHMENT

ENDST NO. AND DATE EVEN.

A Copy is forwarded to:-

1. Secretary to Govt of NWFP, Finance Department.
2. Secretary to Govt of NWFP, Home & TAs Department.
3. Secretary to Govt of NWFP, Health Department.
4. Secretary (Administration & Coordination) Civil Secretariat FATA.
5. Accountant General, NWFP, Peshawar.
6. PS to Secretary, Establishment Department.
7. PS to Special Secretary, Regulation, Establishment Department.
8. PS to Chief Secretary, NWFP.
9. Officers concerned.
10. PA to AS(E)/ DS (E) Estt: Dept.
11. Office order file.


(KHALID ILYAS) 27.2.08
Section Officer(E-II)

ATTESTED

GOVERNMENT OF NWFP,
HEALTH DEPARTMENT

Dated Peshawar, the 4th March, 2008.

ORDER.

No. F&A (Health) 2-5/2008. On arrival from Establishment Department vide Notification No. SOE-II(ED)3(81)/2007 dated 27th February 2008, Mr. Tashfeen Haider (PMS BS-17) is hereby posted as Section Officer (General)/D.D.O. in the Health Department with immediate effect till further orders.

2. Syed Wali Khan, Private Secretary is hereby relieved from the additional charge of the post of Section Officer (General)/D.D.O. with immediate effect.

SECRETARY TO GOVERNMENT OF NWFP,
HEALTH DEPARTMENT.

Enclst No. & Date Even.

Copy forwarded to:-

1. The Accountant-General, NWFP, Peshawar.
2. The Manager, State Bank of Pakistan, Peshawar.
3. The Treasury Officer, Peshawar.
4. The S.O. E-II, Establishment Deptt: w/r to his letter referred to above.
5. Officers concerned.
6. The Private Secretary, Health Deptt:
7. The PS to Secretary Health Department.
8. The PA to Additional Secretary (Admn & Estab), Health Deptt:
9. The PA to Additional Secretary (Coord) Health Deptt:
10. The PA to Additional Secretary (Dev), Health Deptt:
11. The PA to Deputy Secretary (Admn), Health Deptt
12. The PA to Deputy Secretary-I, Health Deptt:
13. Personal files.
14. Main file.

(ATTA-UR-REHMAN)
Deputy Secretary (Admn)

Atta-ur-Rehman
10.2.08

S.A

392
11/3/08

ATTACHED

33/1

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

Dated Peshawar the 02.09.2009

NOTIFICATION

NO.SOE-II (ED)2(5)2009:- The competent Authority is pleased to transfer the following officers and to place their services at the disposal of Commissioner Malakand Division, Malakand for further posting against the posts of Deputy District Officer (Revenue) and Deputy District Officer (Judicial) with immediate effect, in the public interest:-

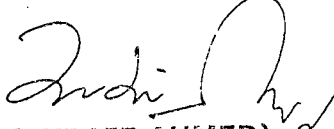
1. Mr. Junaid Khan, PMS BS-17 (awaiting posting)
- ✓ 2. Mr. Tashfeen Haider, PMS BS-17 (awaiting posting)
3. Mian Ainullah, PMS BS-17 (awaiting posting)
4. Mr. Ahmed Zeb Khalil, PMS BS-17 (awaiting posting)
5. Mr. Farhatullah Khan, PMS BS-17 (awaiting posting)
6. Sardar Asad Haroon, PMS BS-17 (awaiting posting)
7. Mr. Asfandyar Khattak, PMS BS-17 (awaiting posting)
8. Mr. Ghulam Saeed Khan, PMS BS-17 (awaiting posting)
9. Khawaja Faheem Sajjad, PMS BS-17 (awaiting posting)
10. Mr. Afsar Ali Shah, DDO (Revenue), Tkhtbhai.
11. Mr. Ahmed Khan Orakzai, DS Governor Secretariat.
12. Mr. Muhammad Fakhruddin, APA FR, Peshawar.
13. Mr. Khalid Mumtaz Kundi, ACO, Peshawar.
14. Mr. Javedullah Mehsood, DDO (J) Mardan.
15. Syed Ismail Ali Shah, DDO (Revenue) Mansehra.
16. Mr. Shahmir Khan Bhutto, ACO, Karak.
17. Mr. Muhammad Ayaz, Additional P.A, Khyber Agency.
18. Mr. Manzar Javed Ali, ACO, Swat.
19. Mr. Muhammad Ahmed Rajwana, ACO, Swabi.
20. Mr. Asad Ali Khan, Additional P.A. Mohmand Agency.

**CHIEF SECRETARY
NWFP**

ENDST NO. AND DATE EVEN.

A Copy is forwarded to:-

1. Secretary to Governor NWFP.
2. Principal Secretary to Chief Minister, NWFP.
3. All Divisional Commissioners in NWFP.
4. Political Agent Khyber Agency.
5. Political Agent Mohmand Agency.
6. District Coordination Officers, Peshawar/ Mardan/ Karak/ Swab/ Mansehra/ Swat.
7. Accountant General, NWFP, Peshawar.
8. District Accounts Officers, Peshawar/ Mardan/ Karak/ Swabi/ Mansehra/ Swat.
9. Agency Accounts Officers, Khyber Agency/ Mohmand Agency.
10. SO (Secret)/ SO (Admn)/ EO/ Librarian, E&A Department.
11. PS to Chief Secretary, NWFP.
12. PS to Secretary Establishment.
13. Officers concerned.
14. PA to AS (E)/ DS (E) Estt: Dept.
15. Office order file.


(ZUBAIR AHMED)
SECTION OFFICER (E-I)
PH: & FAX 091/9210529

NOTIFICATION

NO.SOE-II (ED)2(5)/2010- The Provincial Govt is pleased to order postings/transfers of the following officers, in the public interest, with immediate effect:-

S.NO.	NAME OF OFFICERS	FROM	TO
1	Mr. Khalid Mahmood, PMS BS 17	APO, Tank S.W.Agency	DDO(R), Chitral vice Sr.No.4. He will also hold the additional charge of the post of DDO(J), Chitral
2	Mr. Naeem Anwar, PMS BS 17	APA Upper Orakzai Agency	Report to Establishment Department.
3	Mr. Fazal-e-Qadir, PMS BS-17	APA, Bara Khyber Agency	APA Upper Orakzai Agency vice Sr. No.2.
4	Mr. Tashfeen Haider, PMS BS-17	DDO(R), Chitral	Section Officer (E III), Establishment Deptt. against the vacant post.
5	Mr. Muhammad Nasir Khan, Tehsildar BS 10	Political Tehsildar, Landikotal, Khyber Agency	APA Bara, Khyber Agency (in hiw own pay & Scale) vice Sr. No.3.

CHIEF SECRETARY, NWFP

ENDST NO. AND DATE EVEN.

A Copy is forwarded to:

1. Additional Chief Secretary, FATA.
2. Secretary to Governor, NWFP.
3. Divisional Commissioners, Malakand, Peshawar/Kohat, D.I.Khan.
4. Political Agents, Khyber/ Orakzai/S.W. Agency
5. Accountant General, NWFP, Peshawar.
6. District Coordination Officer, Chitral.
7. District Accounts Officer, Chitral.
8. Agency Accounts Officer, Khyber/ Orakzai/S.W. Agency
9. PS to Chief Secretary, NWFP.
10. PS to Secretary Establishment Department
11. SO(Admin)/ SO(Secret)/EO/Librarian, E&A Department
12. Officers concerned.
13. PA to AS(E)/DS(E)Estt:Deptt.
14. Office order file.

Handwritten:
12/02/10
12:00 pm

Signature
(KALIMULLAH)
Section Officer(E-II)

Signature

54
15

**GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the 29.03.2010

NOTIFICATION

NO.SOE-II (ED)3(29)/2010:- The Provincial Govt is pleased to order postings/transfers of the following officers, in the public interest, with immediate effect:-


S.NO	NAME OF OFFICERS	FROM	TO
1.	Mr. Ehsan Elahi PMS BS-17	Section Officer (Admn) Administration Department	Section Officer(E-III) Establishment Department, vice Sr. No.2
2.	Mr. Tashfeen Haider, PMS BS-17	Section Officer(E-III), Establishment Department.	Section Officer (Admn) Administration Department, vice Sr.No. 1

SECRETARY ESTABLISHMENT

ENDST NO. AND DATE EVEN.

A Copy is forwarded to:-

1. Secretary to Govt. of NWFP, Administration Department.
2. Accountant General, NWFP, Peshawar.
3. PS to Chief Secretary, NWFP.
4. PS to Secretary Establishment Department.
5. SO(Secret)/ EO/Librarian, E&A Department
6. Officers concerned.
7. PA to AS(E)/DS(E)Estt:Deptt.
8. Office order file.


(KALIMULLAH)
Section Officer(E-II)

ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Dated Peshawar the 27th September 2010

NOTIFICATION

NO. SO(E-I)/ E&AD/9-357/2010 The Competent Authority is pleased to direct Mr. Tashfeen Haider (PMS BS-17) to report to Provincial Disaster Management Authority, for emergency duty, on detailment, till further orders.


2. The officer shall report immediately to Director General, PDMA, Peshawar.

**CHIEF SECRETARY,
GOVT: OF KHYBER PAKHTUNKHWA**

Endst. NO. & date even

Copy forwarded to the:-

1. Additional Chief Secretary, P&D
2. Secretary to Governor, Khyber Pakhtunkhwa
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
4. D.G. Disaster Management Authority, Peshawar.
5. Commissioner, Peshawar
6. Accountant General, Khyber Pakhtunkhwa
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment/S.O.(E.II)/S.O. Secret) E&AD
9. Officer concerned
10. Manager, Govt. Printing Press Peshawar


(KHALID IYAS)
DEPUTY SECRETARY (ESTT.)
PH: & FAX# 091-9210529

29/9/10

Amir


ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the April, 19.2008

NOTIFICATION

NO.SOE-II(FD)3(724)/2008:- The Provincial Government is pleased to transfer Mr. Tashteen Haider, PMS BS-17, Section Officer, Inter Provincial Coordination Department and to place his services at the disposal of FATA Secretariat for further service in the public interest, with immediate effect.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

INDEX: NO & DATE EVEN

A copy is forwarded to:-

1. Additional Chief Secretary, FATA.
2. Secretary to Government of Khyber Pakhtunkhwa, Inter Provincial Coordination Department.
3. Accountant General, Khyber Pakhtunkhwa
4. Accountant General(PR), Sub Office, Peshawar.
5. Officer concerned.
6. SO(Secret)/ EC/Librarian, E&A Department.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment.
9. PAs to AS(E)/DS(E) Establishment Department.
10. Office order file.
11. Personal file of the officer.

e/c

Faryal Kazim
19.4.08
(FARYAL KAZIM)
SECTION OFFICER(E-II)

LSAN APR 08

~~ATTESTED~~

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the April, 22.2014

NOTIFICATION


NO.SOE-II(ED) 3(724)/2008- The Provincial Government is pleased to transfer Mr. Tasnfeen Haider, PMS BS-17, Deputy Secretary(Admn) FATA Sectt and post him as Assistant Chief, Capacity Building Project(CBP), P&D Deptt against the vacant post, in the public interest with immediate effect.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST: NO & DATE EVEN

A copy is forwarded to:-

1. Additional Chief Secretary, FATA, FATA Sectt
2. Secretary to Government of Khyber Pakhtunkhwa, P&D Department.
3. Accountant General, Khyber Pakhtunkhwa.
4. AGPP (Sub-office) Peshawar.
5. Officer concerned.
6. SO Secret) /SO(Admn)/ EO/Librarian, E&A Department.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment.
9. PS to Special Secretary (Estt), Establishment Department.
10. PAs to AS(E)/AS(HRD)/DS(E) Establishment Department.
11. Office order file.
12. Personal file of the officer.


(TABASSUM)
SECTION OFFICER (E-II)

ATTESTED



Asst. Secy
C

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar, the August 10, 2015

NOTIFICATION

NO. SC E- 5442 S- 2015. Government of Khyber Pakhtunkhwa on the recommendations of the Provincial Selection Board is pleased to promote the following officers of Provincial Management Service (PMS) from BS-17 to BS-18, on regular basis with immediate effect:-

S. #	NAMES OF OFFICERS
1	Mr. Riaz Hussain
2	Mr. Ifikhar Ahmad
3	Mr. Tashfeen Haider
4	Mr. Ainullah
5	Mr. Farhatullah Khan Marwat
6	Khawaja Faheem Sajjad

The officers on promotion will remain on probation for a period of one year pursuant to Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1973.

Consequent upon the above, the following postings/transfers are made

S. #	NAMES OF OFFICERS	FROM	TO
1	Mr. Riaz Hussain (PMS BS-18)	OSD E&AD	Settlement Officer, Abbottabad against the vacant post.
2	Mr. Ifikhar Ahmad (PMS BS-18)	Project Manager, (Sp&Coord), PMU P&D Deptt.	Project Manager (SP&Coord) PMU P&D Department, against already occupied post.
3	Mr. Tashfeen Haider (PMS BS-18)	Assistant Chief CBP P&D Department.	Assistant Chief CBP P&D Department., against already occupied post.
4	Mr. Ainullah (PMS BS-18)	Assistant Commissioner, Samar Bagh, Dir Lower.	Assistant Commissioner, Samar Bagh, Dir Lower, upgrading the post to BS-18, (personal) till completion of activities of local bodies election 2015.
5	Mr. Farhatullah Khan Marwat (PMS BS-18)	Additional Deputy Commissioner, Shangla.	Additional Deputy Commissioner, Shangla, against already occupied post.
6	Khawaja Faheem Sajjad (PMS BS-18)	Assistant Commissioner, Dir Upper.	Assistant Commissioner, Dir Upper upgrading the post to BS-18 (personal) till completion of activities of local bodies election 2015.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Mr. Riaz Hussain

ATTESTED

(21)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

DATED PESHAWAR THE OCTOBER 2015

NOTIFICATION

GO SC E- E&AD 1-1-2015 V. The Government of Khyber Pakhtunkhwa is pleased to order posting transfer of the following officers in the public interest with immediate effect:-

S.R.#	NAMES OF OFFICERS	FROM	TO
1.	Mr. Zakauallah Khattak (PCS EG BS-19)	Deputy Commissioner, Nowshera	Deputy Commissioner, Dir Upper, against the vacant post.
2.	Mr. Muhammad Abid (PAS BS-18)	Secretary (FIFA), FATA Secretariat	Deputy Commissioner, Karak, in his own pay and scale, against the vacant post.
3.	Mr. Iftikhar Alam (PAS BS-18)	PSO to Chief Minister, Khyber Pakhtunkhwa	Deputy Commissioner, Nowshera, in his own pay and scale, vice Sr. No. 1.
4.	Mr. Tashfeen Haider (PMS BS-18)	Asstt. Chief CBP P&D Department	Project Director, Mardan Development Authority, in his own / pay and scale, on deputation basis. Against the vacant post.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even No. and date.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa, Peshawar.
9. AGPR Sub Office, Peshawar.
10. Secretary (FIFA) FATA Secretariat, Peshawar.
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. All Political Agents in FATA.
13. Director (PD) Establishment Division, Islamabad.
14. Section Officer (E-5/PAS), Establishment Division, Islamabad.
15. Project Director, Mardan Development Authority, Mardan.
16. Director Information & Public Relations, Khyber Pakhtunkhwa.
17. District Accounts Officer, Nowshera, Dir Upper, Mardan and Karak
18. PSO to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Chief Secretary, Khyber Pakhtunkhwa.
20. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E.)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
21. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
22. Officers concerned.
23. Manager, Government Printing Press Peshawar.

ATTESTED

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESIT-I)
PH: & FAX # 091-9210529



GOVERNMENT OF KHYBER PAKHT
FINANCE DEPARTMENT

NA

Finance Department, Secretariat Peshawar

NO. FD/SOSR/1-1-1/2022 Tashfeen Haider
Dated Peshawar the: 30-06-2022

To

The Section Officer (General),
Energy & Power Department,
Peshawar.

Subject: - APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A
POST OF HIGHER GRADE AND GRANT OF PAY OF THE
HIGHER POST.

I am directed to refer to your letter No. SO/EP/SS Tashfeen Haider/2022/612-2 dated 19.05.2022 on the subject noted above and to state that para-2 of Finance Department's letter No.FD(PRC)1-1/2012 dated 01.01.2013 provides that:-

"In cases of officers who are appointed to higher post by the competent authority and who discharge the duties of a higher post in their service/cadre, they would be allowed pay of the higher post only if they fulfill the prescribed conditions of promotion to the higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training (where so prescribed)".

In the instant case, the officer concerned had not completed the required conditions mentioned above at the time of his posting against BPS-19 on OPS basis; therefore the request for higher post benefits is regretted, please.


SECTION OFFICER (SR-1)

SS/AS/A, 6/7

ATTESTED

6/7
M 5/7



4 nica-5
93

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar March 22, 2022

NOTIFICATION

NO. SO(E-I)/E&AD/1-1/2022. The following postings/transfers of officers are hereby ordered in the public interest, with immediate effect:-

SR.#	NAME OF THE OFFICER	FROM	TO
1.	Mr. Javed Anwar (PCS SG BS-20)	Director General (Law & Human Rights) Khyber Pakhtunkhwa	Report to Establishment Department
2.	Muhammad Zia-ul-Haq (PAS BS-19)	Director General, Education Monitoring Authority, E&SE Department.	Secretary, Population Welfare Department (OPS), against the vacant post.
3.	Mr. Zafar-ul-Islam (PAS BS-19)	Special Secretary, Energy & Power Department	Director General, Education Monitoring Authority, E&SE Department (OPS) vice Sr. No. 2.
4.	Mr. Tashfeen Haider (PMS BS-19)	Additional Secretary, Sports Department	Special Secretary, Energy & Power Department (OPS) vice Sr. No. 3.
5.	Mr. Fazl-e-Qadir (PMS BS-19)	Director General, Mines & Mineral, Khyber Pakhtunkhwa	Chairman, Higher Education Regulatory Authority, Peshawar (OPS) vice Sr. No. 6.
6.	Mr. Waqar Ali Khan (PAS BS-18)	Chairman, Higher Education Regulatory Authority, Peshawar.	Report to Establishment Department

Consequent upon above, Mr. Muhammad Naeem Khan (PMS BS-19 a.c.b), Additional Secretary, Minerals Development Department is authorized to hold additional charge of the post of Director General, Mines & Minerals, Khyber Pakhtunkhwa, till further orders

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, P&D Department.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa.
8. Director General, Education Monitoring Authority, E&SE Department.
9. Director General, Mines & Minerals, Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. Director (PD), Establishment Division, Islamabad.
12. Director General, Information & P.Rs Khyber Pakhtunkhwa.
13. Section Officer (E-5/PAS), Establishment Division, Islamabad.
14. PSO & PS to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary (Estt)/Special Secretary (Estt)/ Special Secretary (R)/PA to AS(Estt)/AS (HRD)/ SO(Secret)/ SO(HRD-I) & SO(E-II) Establishment Deptt.
16. PS to Secretary (Admn)/AS(Admn)/D.S.(Admn)/SO(Transport)/Estate Officer/DD(IT) and ACSO Cypher Administration Department.
17. Officers concerned.

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
Energy & Power Department
1st Floor, Block-A, Abdul Wali Khan Multiplex Civil Secretariat Peshawar
Tel. 091-9223630 - Fax 091-9223624

No. SO G.PF SS Tashfeen Haider 2022
Dated Peshawar the 19th May, 2022

To

The Section Officer (SR-I)
Finance Department.

Subject:

APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST.

I am directed to refer to Finance Department letter No.FD (SOSR-I)/1-1/2022/ Tashfeen Haider dated 13.05.2022 on the subject noted above and to forward herewith the following information as desired:-

- Copy of notification of promotion from BS-17 to BS-18.
- Copy of Notification regarding posting on higher post of BS-19.
- Copy of Charge assumption of the higher post.
- Copy of Charge relinquishment of the lower post.
- Copy of Completion of MCMC training certificate.
- Requested Copy of Seniority list of BS-18.
- Regd. Documents.

Encs as stated

Encls. No & Date etc.

Copy to PS to State Bank of Energy & Power Department: Information

SECTION OFFICER GENERAL

SECTION OFFICER GENERAL

ATTESTED



Amir
D

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO (E-I)/E&AD/6-35/2021
Dated Peshawar, the June 30, 2021.

To

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST - CASE OF MR. TASHFEEN HAIDER (PMS BS-19), ADDITIONAL SECRETARY, SPORTS DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith the following documents/certificates in respect of Mr. Tashfeen Haider (PMS BS-19), Additional Secretary, Sports Department for grant of pay of the Higher Post in BS-18 for the period from 22.04.2014 to 08.10.2015:-

1.	Approval of the competent authority and Notification	Since the Establishment Department has issued notification with the approval of competent authority, therefore, there is no need to forward approved summary to Finance Department being a confidential documents. However, the said Notification is annexed at Annex-I
2.	Charge assumption reports	Annex-II
3.	Charge relinquishment reports	Annex-III
4.	Service Statement duly attested	Annex-IV
5.	Completion certificates of mandatory training, where required.	There is no condition of any Training for promotion of PMS BS-17 officers (directly recruited) to BS-18.
6.	PMS BS-17 Seniority list duly attested.	Annex-V
7.	Specific conditions/ requirements if any	He was senior PMS BS-17 Officer, therefore, the Competent Authority has posted him as Assistant Chief, CBP, P&D Department against BS-18 schedule post.
8.	Reference of Recruitment rules etc.	The post of Assistant Chief, CBP, P&D Department is BS-18 Schedule Post, meant for promotion posting/transfer of PAS, PMS Officers.

Yours faithfully,

Encl: As above

Zia ul Haq
(ZIA.UL.HAQ) 30/6/2021
SECTION OFFICER (E-I)

Endst. No. & date even

Copy of the above is forwarded to Mr. Tashfeen Haider, Additional Secretary, Sports Department w/r to his application dated nil for information, please.

Zia ul Haq
SECTION OFFICER (E-I) 30/6/2021

PA
ATTESTED



**GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH
AFFAIRS & MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:**

No: SO(T)2-345/2021/PF/AS-I
Dated Peshawar the, 06th August, 2021.

To

The Secretary to the Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

SUBJECT: CLAIM OF BACK BENEFITS OF HIGHER POST

Dear Sir,

Reference to the undersigned's application/representation submitted in your office on the subject mentioned, and which was responded vide Letter No. FD (SOSR-1)1-1/2021(Tashfeen Haider) dated 26-07-2021. The undersigned had mentioned that while he was drawing the pay of BPS-17 while working against the post of BPS-18 from 19-04-2011 till 10-08-2015 and while being BS-18 working against the Post of BS-19 from 13-10-2015 to 09-01-2018. Request of the undersigned was regretted on the ground that the "claim is too old". In this respect the following is submitted:

The undersigned never requested to be posted on a higher post, rather he was selected due to his capabilities, which he has proven to be without any stigma and to the entire satisfaction of the department concerned, every single day of his career. Similarly, for the posting in higher grade the undersigned was competent albeit eligible, hence no point of eligibility also arises. These facts make it abundantly clear that the undersigned was "rightfully and legally" posted to higher post, without his own request and this fact is enough for the grant of the claim of the undersigned. It is not out of place to mention that this issue has been dilated upon regularly by the Superior Courts also.

In case titled Islamic Republic of Pakistan v. Qazi Abdul Karim 1978 SCMR 289, the Honorable Supreme Court of Pakistan held the following;

"If an employee is promoted to officiate in a higher post, involving higher responsibility, he must be held to be entitled to the minimum pay of the grade of the said higher office."

In case titled Sh. Amar Maftoon v. Government of Punjab 1992 SCMR 1869, it has been laid down:

"that Civil servant worked against post a higher grade and discharged functions of such post, which entitled him to the pay attached to the said posts. Incorporation of condition in civil servant's posting order that he was adjusted against his own pay and grade, would be inconsequential and not a bar for him to claim higher grade pay. Civil Servant was thus entitled to the pay of higher post during the period he worked against the same".

The aforesaid view has been reaffirmed and followed in Abdul Hamid and others v. Chief Secretary, N.W.F.P. and others 1998 PLC (C.S.) 1468; Khurshed Anwar v. Province of N.W.F.P. through Chief Secretary and another 1999 PLC (C.S.) 225 and Abdul Sattar v. District Accounts Officer, Bahawalpur 2012 PLC (C.S.) 65. In a very recent case titled MEHBOOB SULTAN Versus MD FDC and others 2019 P L C (C.S.) 587, the Honorable Peshawar High Court has held that:

"If employee was promoted to officiate in a higher post involving higher responsibilities then he would be entitled to the minimum pay of that grade---Nothing was on record that petitioner-employee requested for the higher post nor there was an assertion by the department that employee was not eligible to hold the higher post---Incorporation of condition in civil servant's posting order that he had been adjusted against his own pay and grade, would not be a bar to claim pay for the higher grade---Petitioner was entitled to the pay of higher post during the period he worked against the same---Constitutional petition was allowed in circumstances."

ACCEPTED

It is also pertinent to mention that letter no. FD(PRC)1-1/2012 Dated: 01-01-2013 and circular letter No. FD(PRC)1-1/2012 Dated: 17-08-2012, of the Regulation wing of Finance Department conveyed that:

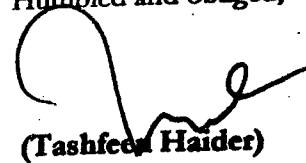
"in cases of officers who are appointed to the higher post by the competent authority and also discharge the duties of a higher post in their service/cadre, they would be allowed pay of higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training."

It shall not be out of place to mention that per 2009 SCMR 1, the Honorable Supreme Court has held that similarly placed civil servants be given the same relief as is granted to others. The afore-mentioned precedents clearly make out a strong case beyond any doubt that the undersigned is entitled to the request so made.

Consequent to the afore-mentioned precedents of the Superior Courts and the Circular of the Finance Department, it goes without saying that the undersigned is entitled to receive the benefits that have been asked through application/representation, which was quite illegally, unlawfully and without any cogent/legal reasoning being rejected. The said rejection order may therefore be so kindly withdrawn and orders be issued as per the application/representation of the undersigned per entitlement.

I shall be greatly obliged please.

Humbled and obliged,

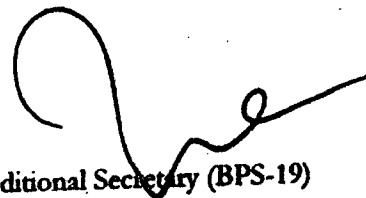


(Tashfeen Haider)

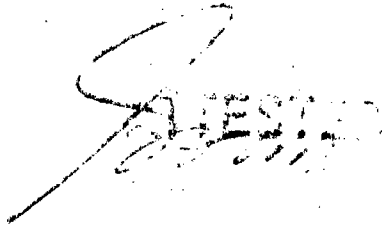
Additional Secretary (BPS-19)
Sports, Culture & Tourism Department

Copy forwarded to the:

1. Section Officer (E-I), Establishment Department.
2. PS to Secretary Sports, Culture & Tourism Department.



Additional Secretary (BPS-19)
Sports, Culture & Tourism Department





**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) [instagram.com/GoKPFD](https://www.instagram.com/GoKPFD)

NO. FD (SOSR-1) 1-1/2021(Tashfeen Haider)
Dated Peshawar the: 26-07-2021

To:

The Section Officer (E-I),
Establishment Department,
Peshawar.

Subject: - APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST - CASE OF MR. TASHFEEN HAIDER (PMS BS-19), ADDITIONAL SECRETARY, SPORTS DEPARTMENT.

I am directed to refer to your letter No.SO(E-I)/E&AD/6-35/2021 dated 30-06-2021 on the subject noted above and to state that Finance Department regrets its ability to accede to the request on the ground that the claim is too old.

MIF

(REHMAT KHAN)
SECTION OFFICER (SR-1)


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS &
MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR
CANTT:

No: SO(T)2-345/2021/PF/AS-I
Dated Peshawar the, 21st October, 2021

To

The Section Officer (SR-I),
Finance Department, Peshawar.

Subject:- **APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF
HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST**

Reference to your letter dated 15-10-2021, NO. FD (SOSR-1) 1-1/2021, on the
subject mentioned above, the following is stated:

1. That the said letter dated 15-10-2021 refers to the letter dated 06-08-2021 of the undersigned but erroneously and for reasons best known to the scribe of the said letter, has skipped mentioning the full tenure of the undersigned for Bps-17 (when the undersigned was posted in higher grade i.e. 19-04-2011 till 10-08-2015). This period needs to be taken as a whole and not as is laid in the letter/dated 15-10-2021, NO. FD (SOSR-1) 1-1/2021, whereby almost three years of the said tenure of higher grade posting has not even been mentioned, while the fact is that the undersigned was posted for this entire time in higher grade (BPS-18)
2. That the letter dated 15-10-2021, has completely adopted silence on the posting terms in bps-18 whereby the undersigned was working in higher grade bps-19 from 13-10-2015 till 09-01-2018. This period cannot be skipped and the period of higher posting cannot be denied under the law to the undersigned.
3. That the letter dated 06-08-2021 of the undersigned clearly mentions not only the afore mentioned details but also the case law/precedents on the point of law of Higher Postings, of the Honorable Supreme Court of Pakistan as well as the Honorable High Courts, the benefit of which cannot be denied to the undersigned.

In light of the aforementioned, the request of the undersigned may be taken in totality and approval be given to the grant of pay of the higher post for the period of Posting in Higher Grade i.e. BPS-18 from 19-04-2011 till 10-08-2015, while the undersigned was in BPS-17 and also for Period of Posting in Higher Grade i.e. BPS-19 from 13-10-2015 till 09-01-2018, while the undersigned was in BPS-18.

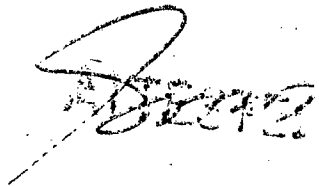

Section Officer (Tourism)

Endst. No. & date even.

Copy forwarded to:-

1. PA to Additional Secretary-I, Sports & Tourism Department.
2. PA to Deputy Secretary-I, Sports & Tourism Department.
3. Master file.


Section Officer (Tourism)





GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKFPD](https://www.facebook.com/GoKFPD)

twitter.com/GoKFPD

NO. FD(SOSR-1)1-1/2021/Tashfeen Haider
Dated Peshawar the: 10-11-2021

To

The Section Officer (Tourism)
Sports, Tourism, Archaeology, Youth Affairs & Museum Department

Subject: - APPOINTMENT OF AN OFFICER OF LOWER TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST

Dear Sir,

I am directed to refer to your Department letter No. SO (T) 2-345/2021/PF/AS-I dated 21-10-2021 on the above noted subject and to state that this Department had processed the case of the Officer in response to Establishment Department letter No. SO (E-I) E&AD/6-35/2021 dated 30-06-2021 which had claimed for higher post benefits from 22-04-2014 to 08-10-2015 (copy enclosed). In order to avail the said benefits from 19-04-2011 to 22-04-2014 the following information may be provided.

- i. Charge assumption report
- ii. Charge relinquish report
- iii. Copy of profile duly attested
- iv. Copy of seniority list duly attested
- v. Copy of mandatory training duly attested
- vi. Specific conditions/requirements if any which necessitated the appointment of officer on higher post.
- vii. Reference of recruitment rules or copy of recruitment rules applicable to the higher pay scale/post.

Yours faithfully,

SECTION OFFICER (SR-1)

12.11.2021

R. provide
SOSR-1

DST 17/11

RECEIVED



Annex
31
I

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar March 22, 2022

NOTIFICATION

NO.SO(E-I)/E&AD/1-1/2022. The following postings/transfers of officers are hereby ordered, in the public interest, with immediate effect:-

SR.#	NAME OF THE OFFICER	FROM	TO
1.	Mr. Javed Anwar (PCS SG BS-20)	Director General (Law & Human Rights) Khyber Pakhtunkhwa	Report to Establishment Department
2.	Muhammad Zia-ul-Haq (PAS BS-18)	Director General, Education Monitoring Authority, E&SE Department.	Secretary, Population Welfare Department (OPS), against the vacant post.
3.	Mr. Zafar-ul-Islam (PAS BS-19)	Special Secretary, Energy & Power Department	Director General, Education Monitoring Authority, E&SE Department (OPS) vice Sr. No. 2.
4.	Mr. Tashfeen Haider (PMS BS-19)	Additional Secretary, Sports Department	Special Secretary, Energy & Power Department (OPS) vice Sr. No. 3.
5.	Mr. Fazl-e-Qadir (PMS BS-19)	Director General, Mines & Mineral, Khyber Pakhtunkhwa	Chairman, Higher Education Regulatory Authority, Peshawar (OPS) vice Sr. No. 6.
6.	Mr. Waqar Ali Khan (PAS BS-18)	Chairman, Higher Education Regulatory Authority, Peshawar.	Report to Establishment Department

2. Consequent upon above, Mr. Muhammad Naeem Khan (PMS BS-19 a.c.b), Additional Secretary, Minerals Development Department is authorized to hold additional charge of the post of Director General, Mines & Minerals, Khyber Pakhtunkhwa, till further orders.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, P&D Department.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa.
8. Director General, Education Monitoring Authority, E&SE Department.
9. Director General, Mines & Minerals, Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. Director (PD), Establishment Division, Islamabad.
12. Director General, Information & P.Rs Khyber Pakhtunkhwa.
13. Section Officer (E-5/PAS), Establishment Division, Islamabad.
14. PSO & PS to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary (Estt)/Special Secretary (Estt)/ Special Secretary (R)/PA to AS(Estt)/AS (HRD)/ SO(Secret)/ SO(HRD-I) & SO(E-II) Establishment Deptt.
16. PS to Secretary (Admn)/AS(Admn)/D.S.(Admn)/SO(Transport)/Estate Officer/DD(IT) and ACSO Cypher Administration Department.

GOVERNMENT OF KHYBER PAKHTUNKHWA

Energy & Power Department

1st Floor, Block-A, Abdul Wali Khan Multiplex Civil Secretariat Peshawar

Tel. 091-9223630 - Fax 091-9223624

No.SO(G)/PF/SS/Tashfeen Haider/2022

Dated Peshawar the 19th May, 2022

To

The Section Officer (SR-I)
Finance Department.

Subject:

APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST.

I am directed to refer to Finance Department letter No.FD (SOSR-I)/1-1/2022/ Tashfeen Haider dated 13.05.2022 on the subject noted above and to forward herewith the following information as desired:-

- i) Copy of notification of promotion from BS-17 to BS-18.
- ii) Copy of Notification regarding posting on higher post of BS-19.
- iii) Copy of Charge assumption of the higher post.
- iv) Copy of Charge relinquishment of the lower post.
- v) Copy of Completion of MCMC training certificate.
- vi) Attested Copy of Seniority list of BS-18.
- vii) Recruitment rules.

SECTION OFFICER (GENERAL)

Encls: as stated.

Endst: No & Date even.

Copy to PS to Special Secretary , Energy & Power Department for information.

SECTION OFFICER (GENERAL)

W 25/5/22

SECTION OFFICER (GENERAL)



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

NO. FD(SOSR-1)1-1/2022/Tashfeen Haider

Dated Peshawar the: 30-06-2022

(K)

To

✓ The Section Officer (General),
Energy & Power Department,
Peshawar.


Subject: - APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A
POST OF HIGHER GRADE AND GRANT OF PAY OF THE
HIGHER POST.

I am directed to refer to your letter No. SO(G)/PF/SS/Tashfeen Haider/2022/612-2 dated 19.05.2022 on the subject noted above and to state that para-2 of Finance Department's letter No.FD(PRC)1-1/2012 dated 01.01.2013 provides that:-

"In cases of officers who are appointed to higher post by the competent authority and who discharge the duties of a higher post in their service/cadre, they would be allowed pay of the higher post only if they fulfill the prescribed conditions of promotion to the higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training (where so prescribed)".

2. In the instant case, the officer concerned had not completed the required conditions mentioned above at the time of his posting against BPS-19 on OPS basis; therefore the request for higher post benefits is regretted, please.


SECTION OFFICER (SR-1)

SS/AS(A) 
4/7/2022

39

Admission

L

To

The Honorable Chief Secretary,
Government of Khyber Pakhtunkhwa.

PS/C.S Khyber Pakhtunkhwa
Diary No. 2291 WIE
Date: 21-7-22

Subject:

REPRESENTATION/APEAL AGAINST THE FINANCE DEPARTMENT
LETTER DATED 30-06-2022.

Dear Sir,

It is submitted that the Appellant is a bonafide law-abiding resident of Khyber Pakhtunkhwa, and being citizen of Pakistan, is entitled to all the constitutional guarantees including but not limited to the fundamental rights of life, right to trade, right to education, due process as well as the right of non-discrimination. The Appellant is a Provincial Management Service Officer of the Khyber Pakhtunkhwa Province. He was appointed as Section Officer in 27-02-2008 after appearing and clearing in the competitive examination, followed by psychological assessment/interview and appointment order (Copy of the appointment order is Annex-A).

2. That after appointment, the appellant was sent for pre-service training and allowed to draw salary as probationer against a pos of Officer on Special Duty, Establishment Department Khyber Pakhtunkhwa on 18-08-2008. On completion of pre-service training the Appellant was transferred and posted as Deputy District Officer BPS-17, Chitral Lower, Khyber Pakhtunkhwa on 02-09-2009. He was posted to Section Officer Establishment Department, Khyber Pakhtunkhwa on 12-02-2010 and Section Officer (Admn) on 29-03-2010, Section Officer (E-III) on 21-06-2010, Officer on Special Duty Establishment Department on 27-09-2010, Section Officer Inter Provincial Coordination Department on 22-10-2010, Deputy Secretary (BPS-18) FATA Secretariat FATA on 19-04-2011, Assistant Chief (BPS-18) Planning & Development on 22-04-2014, Project Director (BPS-18) Mardan Development Authority, Local Government Elections and Rural Development Department, Khyber Pakhtunkhwa on 09-10-2015 and Project Director (BPS-18) Administration Department, Khyber Pakhtunkhwa on 20-05-2016 followed by other subsequent postings (Copy of Posting Orders are Annex-B).

Pl. examine & p.u. view for possible redressal.

Section

T 26/7
Chief Secretary
Govt: of Khyber Pakhtunkhwa

FS

To

The Honorable Chief Secretary,
Government of Khyber Pakhtunkhwa.

① - 8
900-7-35

Subject:

**REPRESENTATION/APPEAL AGAINST THE FINANCE DEPARTMENT
LETTER DATED 30-06-2022.**

Dear Sir,

It is submitted that the Appellant is a bonafide law-abiding resident of Khyber Pakhtunkhwa, and being citizen of Pakistan, is entitled to all the constitutional guarantees including but not limited to the fundamental rights of life, right to trade, right to education, due process as well as the right of non-discrimination. The Appellant is a Provincial Management Service Officer of the Khyber Pakhtunkhwa Province. He was appointed as Section Officer in 27-02-2008 after appearing and clearing in the competitive examination, followed by psychological assessment/interview and appointment order **(Copy of the appointment order is Annex-A)**.

2. That after appointment, the appellant was sent for pre-service training and allowed to draw salary as probationer against a pos of Officer on Special Duty, Establishment Department Khyber Pakhtunkhwa on 18-08-2008. On completion of pre-service training the Appellant was transferred and posted as Deputy District Officer BPS-17, Chitral Lower, Khyber Pakhtunkhwa on 02-09-2009. He was posted to Section Officer Establishment Department, Khyber Pakhtunkhwa on 12-02-2010 and Section Officer (Admn) on 29-03-2010, Section Officer (E-III) on 21-06-2010, Officer on Special Duty Establishment Department on 27-09-2010, Section Officer/Inter Provincial Coordination Department on 22-10-2010, Deputy Secretary (BPS-18) FATA Secretariat FATA on 19-04-2011, Assistant Chief (BPS-18) Planning & Development on 22-04-2014, Project Director (BPS-18) Mardan Development Authority, Local Government Elections and Rural Development Department, Khyber Pakhtunkhwa on 09-10-2015 and Project Director (BPS-18) Administration Department, Khyber Pakhtunkhwa on 20-05-2016 followed by other subsequent postings **(Copy of Posting Orders are Annex-B)**.

~~ATTESIE~~

3. The Appellant was working against the posts of Project Director MDA & Project Director Housing Department and had been drawing the pay of BPS-18 while working against the post of BPS-19 throughout his tenure from 13-10-2015 till 09-01-2018. Therefore, a request was made to the Secretary to the Government of Khyber Pakhtunkhwa Establishment Department on 30-06-2021 requesting for his claim of back benefits of Higher Post which was turned down on the pretext that his claim is too old vide notification dated 26-07-2021 (**Copy of letter dated 30-06-2021 and Notification dated 26-07-2021 is Annex-C&D**). Thereafter, the Appellant made similar request to the Secretary Finance Department on 06-08-2021 with the same claim of back benefits of Higher Post and the Notification dated 26-07-2021 was withdrawn from the date of its issuance. Finance Department allowed grant of pay of Higher post to the Appellant with effect from 24-04-2014 to 18-10-2015.

4. The appellant again requested Finance Department on 21-10-2021, wherein it was explained to them that the Appellant remained on higher post of BS-18 with effect from 19-04-2011 to 10-08-2015 and against higher post of BPS-19 with effect from 13-10-2015 to 09-01-2018. In response to the reply of the Appellant, the Section Officer Finance Department issued a letter on 10-11-2021 with the directions to provide certain documents for availing the said benefit which were provided by the Appellant.

Copy of Letter dated 06-08-2021 is Annex-E
Copy of Notification dated 26-07-2021 is Annex-F
Copy of Reply dated 21-10-2021 is Annex-G
Copy of letter dated 10-11-2021 is Annex-H

5. The desired information were provided to Finance Department from Energy & Power Department as during the period the Appellant was posted/transferred from the post of Additional Secretary Sports Department to Special Secretary Energy and Power Department (BPS-19) vide notification dated 22-03-2022 vide letter dated 19-05-2022.

Copy of Notification dated 22-03-2022 is Annex-I
Copy of the letter dated 19-05-2022 is Annex-J

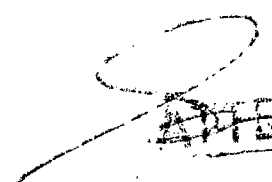

ATTACHED

6. But astonishingly Finance Department informed the Appellant vide letter on 30-06-2022 that the Appellant lacks the prescribed/required conditions for higher post benefits and the claim of the Appellant was regretted (Copy of letter dated 30-06-2022 is Annex-K)

7. In view of the foregoing, the appellant being a provincial civil servant, and aggrieved of the aforementioned letter dated 30-06-2022, having no other recourse but to approach this office in representation/appeal amongst others on the following grounds:

Grounds:

- a. **Because** the Appellant is an aggrieved person and Fundamental Rights of the Appellant's have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. The Appellant seeks redress of his grievance in absence of any other competent forum and thus bring to an end the ordeal the Appellant's agony in going through the illegal, unlawful and unjust acts and inactions.
- b. **Because** there is a clear case of discrimination against the Appellant, and as the Rights of the Appellants are secured under Article 8, and the entirety of Part II of the Constitution of the Islamic Republic of Pakistan, its redress is required to be ensured.
- c. **Because** the law requires that every public functionary fulfills his duty in accordance with the law, however the case of the Appellant reeks with proof of sheer disregard to the letter of the law, and as such the actions of the respondents are required to be condemned.
- d. **Because** the act of commission and omissions in denial of the claim of the appellant are arbitrary, capricious, Perverse and are worst examples of misuse of authority hence liable to be set aside.
- e. Because the Appellant never requested to be posted on a higher post, rather he was selected due to his capabilities, which he has proven to be without any stigma and to the entire satisfaction of the department concerned, every single day of his career.
- f. Because if the Appellant is held to be entitled to higher pay for one time period, then how can he be denied the same for the rest of the time period. The denial is thus illegal and unlawful.
- g. Because for the posting in higher grade the Appellant was competent albeit eligible which makes it abundantly clear that the Appellant was rightfully and legally posted


APPELLED

to the higher post without his own request and this fact is enough for the grant of the claim of the Appellant.

- h. Because in the case titled **Islamic Republic of Pakistan vs. Qazi Abdul Karim 1978 SCMR 289** the Honourable Supreme Court of Pakistan held the following;

"If an employee is promoted to officiate in a higher post, involving higher responsibility, he must be held to be entitled to the minimum pay of the grade of the said higher office."

In case titled **Sh. Amar Maftoon v. Government of Punjab 1992 SCMR 1869**, it has been laid down:

"that Civil servant worked against post a higher grade and discharged functions of such post, which entitled him to the pay attached to the said posts. Incorporation of condition in civil servant's posting order that he was adjusted against his own pay and grade, would be inconsequential and not a bar for him to claim higher grade pay. Civil Servant was, thus entitled to the pay of higher post during the period he worked against the same"

- i. Because the aforesaid view has been reaffirmed and followed in **Abdul Hamid and others**

v. Chief Secretary, N.W.F.P. and others 1998 PLC (C.S.) 1468; Khurshed Anwar v. Province of N.W.F.P. through Chief Secretary and another 1999 PLC (C.S.) 225 and Abdul Sattar v. District Accounts Officer, Bahawalpur 2012 PLC (C.S.) 65. In a very recent case titled **Mehboob Sultan Versus MD FDC and others 2019 P L. C (C.S.) 587**, the Honourable Peshawar High Court has held that:

"If employee was promoted to officiate in a higher post involving higher responsibilities

Then he would be entitled to the minimum pay of that grade---Nothing was on record

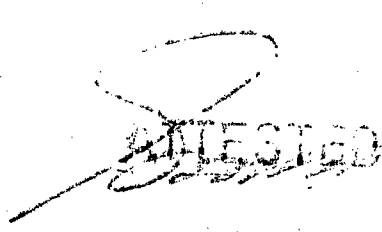
that Appellant-employee requested for the higher post nor there was an assertion by the

department that employee was not eligible to hold the higher post---Incorporation of

condition in civil servant's posting order that he had been adjusted against his own pay

and grade, would not be a bar to claim pay for the higher grade---Appellant was entitled

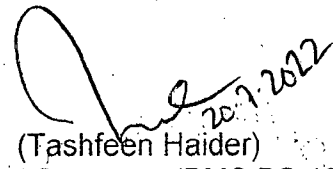
to the pay of higher post during the period he worked against the same---Constitutional petition was allowed in circumstances"



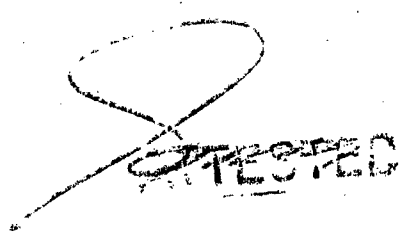
- j. Because the letter no. FD(PRC)1-1/2012 Dated: 01-01-2013 and circular letter No. FD(PRC)1-1/2012 Dated: 17-08-2012, of the Regulation wing of Finance Department conveyed that:
"in cases of officers who are appointed to the higher post by the competent authority and also discharge the duties of a higher post in their service/cadre, they would be allowed pay of higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training."
- k. Because as per 2009 SCMR 1, the Honorable Supreme Court has held that similarly placed civil servants be given the same relief as is granted to others. The afore-mentioned precedents clearly make out a strong case beyond any doubt that the Appellant is entitled to the request so made.
- l. Because consequent to the afore-mentioned precedents of the Superior Courts and the Circular of the Finance Department, it goes without saying that the Appellant is entitled to receive the benefits that have been asked through the instant appeal/representation, and on which subject the appellant's application was quite illegally, unlawfully and without any cogent/legal reasoning being rejected. The said rejection order may therefore be so kindly withdrawn and orders be issued as per the application/representation of the Appellant per entitlement.
- m. **Because** the Impugned letter dated 30-06-2022 is illegal, unlawful and liable to be set aside.

8. It is therefore most humbly requested to so kindly declare the letter dated 30-06-2022 to be of no legal effect and direct approval of grant of pay of the higher post for the period of posting in higher grade i.e. BPS-18 from 19-04-2011 till 10-08-2015 while the Appellant was in BPS-17 and also for the period of posting in higher grade i.e. BPS-19 from 13-10-2015 till 09-01-2018 while the Appellant was in BPS-18.

Yours faithfully



(Tashfeen Haider)
 Special Secretary (PMS BS-19)
 Energy and Power Department



1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR



Appeal No. 1036/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1159

Dated 07-08-2019

Khush Muhammad Khan Section Officer (Litigation) Higher
Education Department

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary
2. Secretary Finance department Khyber Pakhtunkhwa
Peshawar
3. Secretary Establishment Department Khyber Pakhtunkhwa
Peshawar

(Respondent)

Appeal under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act,
1974, whereby the departmental
appeal dated 08/04/2019 has not been
decided within the statutory period of
three months.

Filed to-day

Registrar

7/8/2019

PRAYER IN APPEAL:

On acceptance of this appeal the
appellant may kindly be granted all the
fringe and privileges w.e.f 23/05/2009
till 13/06/2016 with all consequential
benefits.

Any other relief which has not been
specifically asked May also be granted
to the appellant.

ATTESTED
REGISTERED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(41)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1036/2019

Date of Institution ... 07.08.2019

Date of Decision ... 01.09.2021



Khush Muhammad Khan Section Officer (Litigation) Higher Education Department
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Chief Secretary, and two others.

... (Respondents)

ZARTAJ ANWAR
Advocate

... For Appellant

MUHAMMAD RASHEED
Deputy District Attorney

... For Respondents

SALAH-UD-DIN
ATIQ-UR-REHMAN WAZIR

... MEMBER (JUDICIAL)
... MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that

the appellant while serving as assistant BPS-14, was posted as Section Officer (BPS-17) in his own pay and scale vide order dated 23-05-2009 with an additional charge of another section as well. The appellant remained posted against various higher posts until 13-06-2016, when he was regularly promoted to BPS-17 vide order dated 30-06-2016. The appellant filed departmental appeal dated 08-04-2019 for grant of all fringe benefits attached to such posts, which was not responded, hence the instant service appeal with prayers that the appellant may be granted all the fringe and privileges w.e.f 23-05-2009 until 13-06-2016 with all consequential benefits.

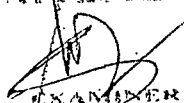
ATTESTED

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law and rule, hence his rights secured and guaranteed under the law were badly violated; that the competent authority is bound under the law to pay all the fringe and privileges attached to the post, but the respondents totally ignored this fact; that section 17 of Civil Servant Act, 1973 provides for fixation of pay in a prescribed manner, when a posting is made on current charge or additional charge basis; that the apex court in various judgments have held that if a civil servant is appointed to perform the function of a higher post involving higher responsibilities, he must be held to be entitled to the pay of that higher post. Reliance was placed on 1984 PLC (CS) 1606, 1986 SCMR 1206 and 1992 SCMR 1869. The learned counsel referred to a plethora of judgments to clarify that the competent authority is bound by law to pay such benefits to the appellant.

03. Learned Deputy District Attorney appearing on behalf of respondents has contended that Home Department internally authorized the appellant to hold the post of section officer in his own pay and scale without getting concurrence of Establishment department being custodian of scheduled posts; that as per instructions contained in circular dated 01-01-2013 issued by Finance Department, only officers appointed to a higher post by the competent authority are entitled for such benefit, whereas the appellant was posted against such post in his own pay and scale by Home Department; that in light of such instructions, the appellant is not entitled for the remunerations which he is seeking through instant appeal.

04. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant remained posted against higher posts for the mentioned period in own pay and scale, but were denied perks and privileges as are admissible to him in light of Finance Department Instructions contained in Circular dated 01-01-2013 under the pretext that he was not posted by the competent authority, which however was not in control of the appellant nor the appellant shall suffer for any fault of the respondents. The apex court in its various

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

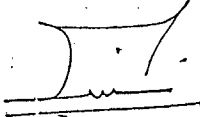


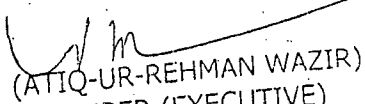
43

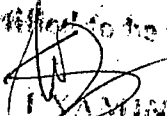
judgments have held that a civil servant shall not suffer for the wrongdoings committed by the department, rather the department should be taken to task for any wrong or unlawful order. Besides that the supreme court of Pakistan in its various judgments have held that even if without formal promotion, a civil servant is appointed to perform the function of a higher post involving higher responsibilities, he must be held entitled to the pay of that higher post. Reliance is placed on 1984 PLC (CS) 1606, 1986 SCMR 1206, 1992 SCMR 1869, 1984 PLC (CS) 398, 1993 PLC (CS) 1057, PLD 1994 SC 233, 1993 PLC 9(CS)1257 and 2018 SCRM 349.

05. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

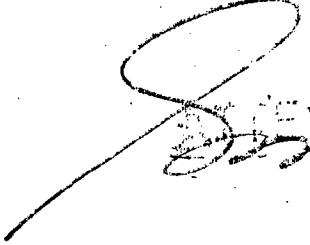
ANNOUNCED
01.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Certified to be true copy

ATIQ-UR-REHMAN WAZIR
Khy. Service Tribunal
Faisalabad

Date of Presentation of Application 13-9-21
Number of Words 1600
Copying Fee 18/-
Urgent 4/-
Total 22/-
Name of Applicant _____
Date of Completion of Copy 13-9-21
Date of Delivery of Copy 13-9-21


ESTD

BEFORE THE
HONORABLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL

IN RE:

W.P. NO. _____ -P /2022

Tashfeen Haider

VERSUS,

Government of KP AND OTHERS

To Respondents:

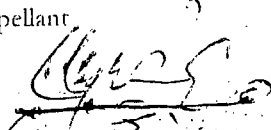
4. **Government of Khyber Pakhtunkhwa**
through Chief Secretary, Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
5. **Finance Department, Government of Khyber Pakhtunkhwa,**
through Secretary Finance, Government of Khyber Pakhtunkhwa, Peshawar.
Civil Secretariat Peshawar.
6. **Establishment Department, Government of Khyber Pakhtunkhwa,**
through Secretary Establishment, Government of Khyber Pakhtunkhwa.
Civil Secretariat Peshawar.

NOTICE:

Please take notice that I am filing the enclosed Service Appeal.

Through

Appellant


ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khanelicgohar@yahoo.com
SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)
HOUSE NO. 231-A, STREET NO. 13,
NEW SHAMI ROAD, PESHAWAR.

POWER OF ATTORNEY

BEFORE THE of Justice Tribunal Peshawar
No. _____ of 2022

Tasbeeh Haider

VERSUS

I/we The Appellant do hereby

appoint & constitute **SHAH | DURRANI | KHATTAK** (a registered law firm) as counsel in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plaint/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:-


- a) To ratify whatever the said Advocates may do in the proceedings in my interest
- b) Not to hold the Advocates responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us.
- c) That the Advocates shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

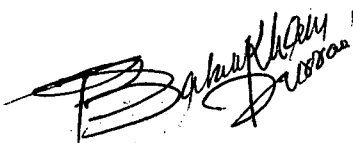
In witness whereof I/We have signed this Power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me /us this 0 day of September at 2022.

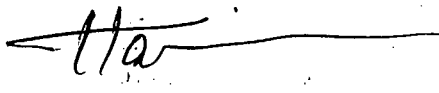

Signature of Executant(s)

Accepted subject to term regarding payment of fee.


ALI GOHAR DURRANI
Advocate High Court
0332-9297427


ZARAK SHAH
Advocate High Court
0333-8335886


BABAR KHAN DURRANI
Advocate High Court


HANNAH ZAHID DURRANI
Advocate

SHAH | DURRANI | KHATTAK (a registered law firm)
House No. 231-A, Street No. 13, New Shami Road, Peshawar.