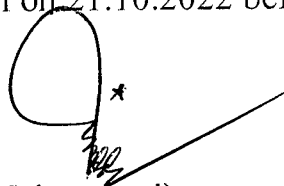


14.10.2022

Appellant in person present. Mr. Imran Akbar, Assistant alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 & 2 present. Private respondent No. 3 also present.

The case is fixed for order, however private respondent No. 3 namely Awais Qureshi submitted an application for setting-aside of ex-parte proceedings initiated against him vide order dated 12.10.2022. Copy of the application handed over to appellant as well as learned Assistant Advocate General. Appellant sought time for submission of reply on the ground that his counsel is unable to appear before the Tribunal today due to strike of lawyers. Learned Assistant Advocate General also sought time for submission of reply. Adjourned. To come up for reply as well as arguments on the application on 21.10.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

21st Oct., 2022

Because of strike of the Bar, this matter is adjourned to 29.12.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

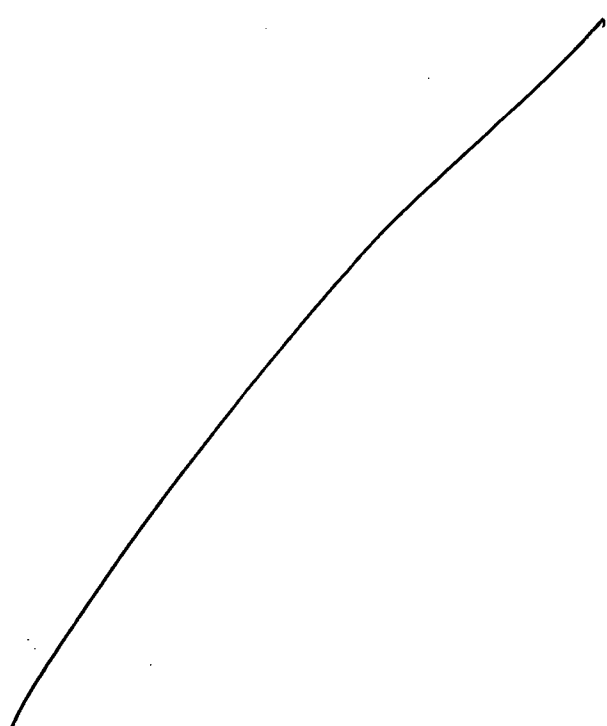
12.10.2022

Appellant alongwith his counsel present. Mr. Sultan Saeed, Assistant Commissioner (Revenue) and Mr. Imran Akbar, Assistant alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 & 2 present. None present on behalf of private respondent No. 3.

Vide previous order sheet dated 14.09.2022, directions were issued that private respondents No. 3 be properly served by all means of communication including his Cell Number, Whatsapp and Email Address. Muharrar of the court has annexed copy of Whatsapp and has submitted report that private respondent No. 3 has been informed through his Cell Number as well as Whatsapp. None is however present on behalf of the said respondent, therefore, he is placed ex-parte. Arguments heard. To come up for order on 14.10.2022 before the D.B.

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)



18.07.2022

Due to non-availability of Bench, case is adjourned to 15.09.2022 for the same as before.


Reader

14.09.2022

Appellant with counsel present.

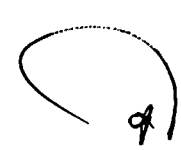
Kabir Ullah Khattak learned Additional Advocate General for official respondents No.1 & 2 present. Nemo for private respondent No.3.

At the very outset an application for placing on file the contact number of private respondent No.3 namely Awais Zahid was submitted for purpose of service. He be served properly by all means of communication including his Cell Number, Whatsapp and Email as well. Office is directed to submit proper report in respect of service upon private respondent No.3 on or before the next date fixed. To come up on 12.10.2022 for further proceedings before D.B.

Private respondent No.3 was informed telephonically as well as through whatsapp for the date fixed. 12/10/2022



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

29.12.2022 Office is directed to... next...


Board as to the weight of the...

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

23.02.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 9.05.2022 for the same before D.B.


Reader

09.05.2022

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Babar Assistant for respondents present.

Representative of respondents submitted reply/comments. Copy of the same was handed over to the learned AAG. To come up for rejoinder, if any, and arguments on 31.05.2022 before D.B.


(Rozina Rehman)
Member (J)

31.05.2022

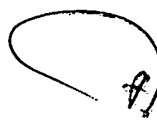
Appellant alongwith his counsel present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

At the very outset an application seeking impleadment of one Awais Qureshi, the then Computer Operator, office of Commissioner Hazara Division, Abbottabad was submitted. This application was not objected to, hence, accepted. Awais Qureshi stands impleaded as respondent. Office is directed to make entries in the memo of appeal as well as in the relevant register. Notice be issued to newly impleaded respondent namely Awais Qureshi for the next date.

Adjourned to 18.07.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

15.10.2021

Appellant in person present. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 19.12.2021 before D.B.

Appellant Deposited
Security Process Fee

15/10/21

(Rozina Rehman)
Member (J)

14.12.2021

Appellant in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Babar, Assistant for respondents present.

Written reply/comments not submitted. Representative of the respondents seeks time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 23.02.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7313 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/08/2021	<p>The appeal of Mr. Abdul Wahab submitted today in person 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> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>15/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 7313/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner Hazara Division
Abbottabad

.....APPELLANT

V E R S U S

Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar
& another.

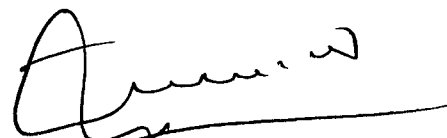
.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1973

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	DATE	ANNEX	PAGES
1.	Memo of appeal alongwith affidavit, certificate			1-13
2.	Address of the parties			14
3.	List of the Book			15
4.	Copy of impugned order issued by Commissioner Hazara Division	31-12-2020	A	16
5.	Copy of Departmental Appeal against impugned order issued by Commissioner Hazara Division		B	17-19
6.	Impugned order issued by Appellate Authority (SMBR Khyber Pakhtunkhwa)	27-07-2021	C	20-21
7.	Other related documents		D	22-37

Dated 24/08/2021


APPELLANT-IN-PERSON

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad

.....APPELLANT

V E R S U S

1. Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa, Peshawar.
2. Commissioner Hazara Division.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1973

Respectfully Sheweth:-

FACTS: -

1. That the appellant joined the respondent department as Junior Scale Stenographer (BS-14) w.e.f 27.02.2018 on regular basis. From the day one of initial appointment, the appellant has been performing his duties with full devotion, dedication, honesty and having unblemished record of his service.
2. That throughout his service, there has been no complaint of any kind against the appellant from any corner whatsoever. He enjoys very good reputation among his colleagues.

3. That brief history of the case is that there are two sanctioned posts of Senior Scale Stenographer (BPS-16) in Commissioner Office Hazara Division. To fill the post of Senior Scale Stenographer through promotion the method prescribed in rules notified by Revenue Department vide Notification No.2074/Esst:I/II 135/SSRC dated:23.01.2015 is:

60% by promotion on the basis of seniority-cum fitness from amongst the Junior Scale Stenographer with at least five years' service as such in the office of Commissioner concerned; and 40% by promotion on the basis of seniority-cum fitness from amongst the computer operators with at least five years' service as such in the office of Commissioner concerned:

Provided that if no suitable candidate would be available for promotion then by initial recruitment.

Copy of impugned order 31-12-2020 is annexed as Annexure "A"

4. That against two posts of Senior Scale Stenographer Mr. Amin-ul-Haq Junior Scale Stenographer under 60% share & private respondent Computer operator under 40% share were promoted as Senior Scale Stenographer on 21.09.2016. At time of above promotion the reserved quota for Junior Scale Stenographer was 1.2 & for Computer Operator was 0.8 However, computer operator was benefited with promotion.
5. That later on Mr. Amin-ul-Haq was promoted as Private Secretary (BS-17) on acting charge basis on 26.04.2019 and thus one post of Senior Scale Stenographer became vacant, against the said vacant post of Senior Scale Stenographer Mr. Muhammad Faisal Junior Scale Stenographer was promoted being the holder of greater share under 60:40 ratio of above mentioned rule.

6. That the other post of senior scale stenographer became vacant when Mrs. Farah Naz objected on the promotion order of Mr. Awais Qureshi and filed appeal against the said order. Upon this Board of Revenue reverted Mr. Awais Qureshi from Senior Scale Stenographer (BPS-16) to the post of Computer Operator (BS-16).
7. That against the other vacant post of Senior Scale Stenographer (BPS-16) Miss Farah Naz the Computer Operator (BPS-16) was promoted on 29.01.2018 although at that time the share of Junior Scale Stenographer under reserved quota was greater than Computer Operator, however again the Computer Operator was benefited.
8. That thereafter, one post of Senior Scale Stenographer again became vacant on 12.11.2020 upon promotion of Miss Farah Naz, to the post of Private Secretary (BPS-17) on acting charge basis and to fill the said vacant post of Senior Scale Stenographer a DPC was convened in the office of Commissioner Hazara Division on 29.12.2020.
9. That the case for promotion of the appellant was also placed before DPC, which was held for promotion against Senior Scale Promotion only on Acting Charge Basis because Miss Farah Naz the incumbent of this post was promoted as Private Secretary on acting charge basis. Working Papers for the said DPC are attached.

10. That the case of appellant for promotion in the said DPC was complete in all respect and was due for promotion under rules. It is evident from aforementioned working papers that for available 01 (one) vacant post of Senior Scale Stenographer the reserved quota for Junior Scale Stenographer (JSS) was "01" and for Computer Operator was "0" as in prescribed rules for promotion of Senior Scale Stenographer under 60:40 ratio for both cadres. Copy of Department appeal and order dated 27-07-2021 are annexed as Annexure "B"

11. That in the said DPC private respondent Computer operator was illegally promoted on *Acting Charge Basis on the basis of length of service* as evident from Minutes of Meeting circulated vide No. 2/3/Estab/ACR/CHD/9738 dated 29-12-2020. Whereas, in prevailing rules criteria was 60:40 ratio for both cadres rather than length of service. Therefore promotion of private respondent vide order No. *2/3-Estab:992-27 dated: 31-12-2020* is illegal and against the prevailing rules.

12. That the recent promotion was on acting charge basis and the appellant was also fulfilling the required service length for promotion on acting charge basis.

13. That the post of Computer Operator has also been upgraded to BPS-16 and illegal promotion of a computer operator from BPS-16 to the same scale of BPS-16 of senior scale stenographer has deprived the actual right of appellant being Junior Scale stenographer in BPS-14.

14. That the appellant time and again approached the respondent department for consideration of his due promotion from the date of his eligibility, but no response whatsoever given to the appellant. Feeling aggrieved the appellant preferred a departmental appeal dated 26.01.2021, for promotion, which has been rejected vide appellate impugned order dated 27.07.2021, hence this appeal, inter alia, on the following grounds:-

GROUND S:-

- a. That the impugned actions/orders of the respondents are void ab-initio, illegal, unlawful and having no legal effects, against the rights of the appellant.
- b. That the appellant being senior with unblemished service record was absolutely eligible and fit for promotion to the post of BPS-16 at the time of convening of DPC.
- c. That the appellant is fulfilling all the criteria for promotion, but the appellant has not been promoted without any fault on his part, therefore, the appellant is entitled for the promotion to the post of BS-16 from the date of his eligibility.
- d. That the act of the respondents is a clear discrimination and against the Article 4 & 25 of the Constitution, because private respondent who is already in BS-16 has been promoted to same grade, but the appellant has been ignored illegally and unlawfully, which is against the above said Article which gives equal protection and equality before the law to all, here the colleagues of the appellant are getting this benefit but appellant is deprived off the same. Reliance is placed on "2002 CMR 71", & "2002 SCMR 82".

- e. That the treatment of Civil Servant in accordance with law and in just and fair manner in the matter of advancement of their career is of paramount importance for good governance. Otherwise, his commitment to the job, dedications to duty, his power to take decision and even his integrity might be confined to a casualty ward. Reliance is placed on 2004 TD (Service) 49.
- f. That the appellant is entitled for consideration of promotion in BPS-16 when private respondent was promoted i.e. w.e.f 29-12-2020, but ignoring and depriving the appellant from his due promotion is against the provisions of the constitution of the Islamic Republic of Pakistan, 1973. Reliance is placed in judgment of august Supreme Court of Pakistan reported as "2010 SCMR1466" observed as under:-

"S.8.....Promotion...Delay.....Legitimate...expectancy, principle of...civil servant was not promoted despite availability of vacancy...service Tribunal allowed the appeal filed by civil servant and directed the authorities to consider him for promotion from the date when he became eligible for the post as there was vacancy available then...validity...state functionaries were mandated to act with certain amount of reasonableness...such canon of due process of law was not observed in processing civil Servant's promotion matter...Having acquired requisite experience and having authored number of articles required for post in question, the civil servant had legitimate expectancy for the post in question.... Judgment passed by service Tribunal was neither against the rules nor the law declared...Civil servant was eligible to be considered for promotion when substantive vacancy in promotion quota was available.... Judgment passed by Service Tribunal directing the authorities to consider the case of civil servant's promotion to post in question from the date when vacancy in his quota was available was unexceptionable....Supreme Court declined to interfere in the judgment passed by Service Tribunal.....Appeal was dismissed.

- g. That it is an established law that where a civil servant is deprived of holding a post to which he was entitled, such civil servant is entitled to promotion from the due date. On this point, reliance is placed on "1997 SCMR 515", "PLJ 1997 TR.C (Services) 316", "1993 PLC(CS) 1404". For the same of convenience, the following extract of the Supreme Court of Pakistan's judgment reported as "1997 SCMR 515" may be seen:-

"Civil servants' claim that vacancies in BPS-19 being available on specified date, they should have been promoted from that date, was rejected by the departmental authority. Service Tribunal, however, directed Government to promote civil servants with effect from specified date. Government's claim that no civil servant had right to claim that he should be promoted from back date even though vacancy was available on that date was although true, yet there were no orders of Government that civil servant's promotion be held up for some time. Delay in making promotion had occurred entirely due to reason that officers of that department could not carry out fairly simple exercise within reasonable period. Judgment of Service Tribunal directing Government to promote civil servants from specified date would not warrant interference. Leave to appeal was refused in circumstances."

- h. That the appellant has been wrongfully, illegally and unlawfully deprived of the promotion w.e.f. 29-12-2020 when private respondent was promoted, therefore, the appellant is entitled for proforma promotion in terms of law laid down by the august Supreme Court of Pakistan in the judgment reported as "PLD 1991 SC 1118".
- i. That the impugned order of promotion when private respondent was promoted i.e. w.e.f. 29-12-2020 is not based on any rule, law or legitimate philosophy/promotion policy envisaged under the norms of equity and fair play. It is also

against the fundamental rights safeguarded under the Constitution of Islamic Republic of Pakistan, 1973.

- j. That under the impugned order of promotion when private respondent was promoted i.e. w.e.f. 29-12-2020, the acts and omissions on part of the respective authorities are in express violation of Section 24-A of the General Clause Act, 1987, which provides that an authority vested with any power is bound to exercise the same justly, fairly, reasonably and for the advancement of the purpose being vested therein. Reference is made to the judgment reported as "2003 PLC (CS) 503" observed as under:-

"Treatment of the civil servants in accordance with law and in just and fair manner in the matter of advancement of her career is of paramount importance of good governance, otherwise his commitment to the job, dedication to duty, power to take decision and even his integrity might be confined to Casualty Ward". (Page 153).

- k. That the appellant has been deprived of his vested right of objective consideration for promotion, whereas it is the cardinal principle that each and every Civil Servant has legitimate expectation to graduate in the higher echelons of career. The denial of promotion, therefore, being unjust is not warranted as per law as held in a case reported as "2000 PLC (CS) 103". Operative part of the judgment is reproduced herein below:-

"...Even otherwise all employees having been serving since long, principle of locus poenitentia and doctrine of reasonable expectation had created a vested right in them after such a long service with devotion, experience and extra satisfaction of their superiors..."

Reference is also made to the judgments of superior courts reported as "2004 PLC(CS) 62", "2003 PLC (CS) 56", "1994 PLC (CS) 1055" and "1993 PLC (CS) 67".

- l. That the appellant will undergo a recurring financial loss in his pay due to none of his fault and therefore is fully entitled for promotion to the post of BS-16, with effect from the date when private respondent was promoted i.e. w.e.f. 29-12-2020.
- m. That the appellant has not been dealt with in accordance with law, which itself is violative of the provisions under Article 4 of the Constitution of the Islamic Republic of Pakistan. The expression "law" as employed in the said Article is positively of wider import, which also includes the duty of every public functionary to act in the given matter justly, fairly and in accordance with the principles of natural justice.
- n. That it is axiomatic that the matters relating to the terms and conditions of service particularly the question of promotion should always be examined and decided objectively, rationally and without any prejudice so that fair, reasonable and judicious conclusions / decisions free from any unfair inclination or bias could be emerged. In any case, the available facts and underlined references suffice to indicate that the impugned denial to promotion of the appellant to the post of (BS-16) w.e.f. when private respondent was promoted i.e. 29-12-2020 is at an absolute variance from the set principles / yardsticks in the existing promotion policy. The discretion has not been exercised fairly, justly and reasonably. Reference is made to the judgment of the august Supreme Court of Pakistan reported as "1995 SCMR 650".

- o. That denial to promotion under the appellate impugned order is tantamount to depriving the appellant of his livelihood (in shape of benefits attached to higher post and status), which is against the constitutional obligation being imposed upon all the organs/agencies with regard to determination of the rights of the appellant. (*Copy of other document is annexed as Annexure "C"*)
- p. That the impugned action of the respondents are a worst example of colourable exercise of power by the authority and also against the principle of natural justice, fair play and equity.

In view of the above mentioned facts and circumstances, it is respectfully prayed that the instant appeal may graciously be accepted with costs, and the appellate impugned promotion order bearing No. 2/3-Estab:992-27 dated 31-12-2020, may kindly be set aside and in consequence thereof the appellant may kindly be considered for promotion to the post of Senior Scale Stenographer (BS-16) w.e.f. 29-12-2020 when private respondent was promoted with all consequential back benefits in the interest of justice. Any other relief, which this Honorable Tribunal deems fit and appropriate, may also be solicited.

Dated 24/08/2021


Appellant-in-Person

VERIFICATION:-

*Verified that the contents of the instant **appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court*

Dated:- 24/08/2021


...Appellant Inperson

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad

.....APPELLANT

V E R S U S

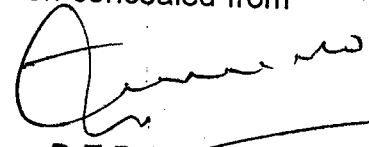
Senior Member Board of Revenue, Government of Khyber
 Pakhtunkhwa, Peshawar & another.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1973

AFFIDAVIT

I, Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad *appellant*, do hereby solemnly affirm and
 declare on Oath that the contents of instant *appeal* are true and correct to
 the best of my knowledge and belief that nothing has been concealed from
 this Hon'ble Court.


 DEPONENT

ATTESTED



24-8-2021

- o. That denial to promotion under the appellate impugned order is tantamount to depriving the appellant of his livelihood (in shape of benefits attached to higher post and status), which is against the constitutional obligation being imposed upon all the organs/agencies with regard to determination of the rights of the appellant. (*Copy of other document is annexed as Annexure "C"*)
- p. That the impugned action of the respondents are a worst example of colourable exercise of power by the authority and also against the principle of natural justice, fair play and equity.

In view of the above mentioned facts and circumstances, it is respectfully prayed that the instant appeal may graciously be accepted with costs, and the appellate impugned promotion order bearing No. 2/3-Estab:992-27 dated 31-12-2020, may kindly be set aside and in consequence thereof the appellant may kindly be considered for promotion to the post of Senior Scale Stenographer (BS-16) w.e.f. 29-12-2020 when private respondent was promoted with all consequential back benefits in the interest of justice. Any other relief, which this Honorable Tribunal deems fit and appropriate, may also be solicited.

INTERIM RELIEF:-

It is therefore humbly prayed that impugned promotion order bearing No. 2/3-Estab:992-27 dated 31-12-2020, may kindly be set aside till the finalization of the instant appeal.

Dated 24/08 /2021


Appellant-in-Person

VERIFICATION:-

Verified that the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court

Dated:- 24/08 /2021


...Appellant Inperson

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad

.....APPELLANT

V E R S U S

Senior Member Board of Revenue, Government of Khyber
 Pakhtunkhwa, Peshawar & another.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1973

AFFIDAVIT

I, Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad **appellant**, do hereby solemnly affirm and
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 the best of my knowledge and belief that nothing has been concealed from
 this Hon'ble Court.


DEPONENT

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
Hazara Division Abbottabad

.....APPELLANT

V E R S U S

Senior Member Board of Revenue, Government of Khyber
Pakhtunkhwa, Peshawar & another.

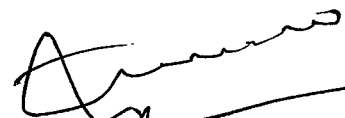
.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1973

CERTIFICATE

*Certified that no such like appeal has earlier been filed before this
Hon'ble Court.*

Dated 24/08 /2021


Appellant-in-Person

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad

.....APPELLANT

V E R S U S

Senior Member Board of Revenue, Government of Khyber
 Pakhtunkhwa, Peshawar & another.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE SERVICE

TRIBUNAL ACT, 1973

ADDRESSES OF THE PARTIES

Respectfully Sheweth;

The addresses of the parties are as under;

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
 Hazara Division Abbottabad

.....APPELLANT

V E R S U S

1. Senior Member Board of Revenue, Government of Khyber
 Pakhtunkhwa, Peshawar.
2. Commissioner Hazara Division.

Dated 24/08 /2021



Appellant-in-Person

BEFORE THE FEDERAL SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. _____/2021

Abdul Wahab, Junior Scale Stenographer, Office of Commissioner
Hazara Division Abbottabad

.....APPELLANT

V E R S U S

Senior Member Board of Revenue, Government of Khyber
Pakhtunkhwa, Peshawar & another.

.....RESPONDENTS

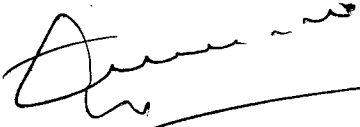
APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1973

WRIT PETITION

LIST OF BOOKS

1. The Constitution of Islamic Republic of Pakistan, 1973.
2. Service Tribunal Act
3. Other case law related books will be cited at the Bar.

Dated 24/08 /2021


Appellant-in-Person

OFFICE OF THE
COMMISSIONER HAZARA DIVISIO
ABBOTTABAD

ORDER

Consequent upon the recommendations of Departmental Promotion Committee of this office in its meeting held on 29.12.2020, Mr. Awais Qureshi, Computer Operator (BPS-16) of this office is promoted as Senior Scale Stenographer (BPS-16) on Acting Charge Basis w.e.f 29.12.2020.

By Order
Commissioner
Hazara Division.

Endst No. 2/3-Estab: 9920-27 Dated Abbottabad the: 31/12/2020.

Copy forwarded to the:-

1. Additional Commissioner, Hazara Division, Abbottabad.
2. Secretary to Commissioner Hazara Division, Abbottabad.
3. District Accounts Officer, Abbottabad.
4. PS to Commissioner Hazara Division, Abbottabad.
5. Accounts Officer, (local).
6. Assistant Budget & Accounts, local.
7. Official Concerned.
8. Personal File.

Assistant to Commissioner (Rev/GA
Hazara Division, Abbottabad.



CTC
[Handwritten signature]
24/08/21

original case placed in 2/5

The Honorable Senior Member Board of Revenue,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **APPEAL AGAINST IMPUGNED ORDER NO. 9920-27**
DATED: 31/12/2020 ISSUED BY COMMISSIONER
HAZARA DIVISION

Respectfully Sheweth,

With most deferentially the appellant submits the following facts leading to the instant appeal:

1. That the appellant is a regular Junior Scale Stenographer (BPS-14) of Commissioner Office Hazara Division & was appointed on 27.02.2018.
2. That there are two sanctioned posts of Senior Scale Stenographers (BPS-16) in Commissioner Office Hazara Division.
3. That to fill the post of Senior Scale Stenographers through promotion the method prescribed in rules notified by Revenue Department vide Notification No. 2074/Esstt:I/II135/SSRC dated: 23/01/2015 is:

60% by promotion on the basis of seniority-cum fitness from amongst the Junior Scale Stenographer with at least five years' service as such in the office of Commissioner concerned; and

40% by promotion on the basis of seniority-cum fitness from amongst the Computer Operators with at least five years' service as such in the office of Commissioner concerned:

Provided that if no suitable candidate would be available for Promotion then by initial recruitment.

4. That against two posts of Senior Scale Stenographer Mr. Amin-ul-Haq Junior Scale Stenographer under 60% share & Mr. Awais Qureshi, Computer operator under 40% share were promoted as Senior Scale Stenographer on 21-9-2016. (Annex A&B).
5. That at that time for above promotion the reserved quota for Junior Scale Stenographer was **1.2** & for Computer Operator was **0.8**. However, computer operator was benefitted with the promotion.

CTC
Amin
24/08/21

6. That later on Mr. Amin-ul-Haq was promoted as Private Secretary (BS-17) on ACB on 26/04/2019 & thus one post of Senior Scale Stenographer became vacant.
7. That against the said vacant post of Senior Scale Stenographer Mr. Mr. Muhammad Faisal junior Scale Stenographer was promoted being the holder of greater share under 60:40 ratio of above mentioned rule.
8. That the other post of senior Scale stenographer became vacant when Mrs. Farah Naz objected on the promotion order of Mr. Awais Qureshi and filed appeal against the said order. Upon this Board of Revenue reverted Mr. Awais Qureshi from senior scale stenographer (BPS-16) to the post of Computer Operator (BPS-16).
9. That against the other vacant post of Senior Scale Stenographer (BPS-16) Miss Farah Naz the Computer Operator (BPS-16) was promoted on 29.01.2018 although at that time the share of Junior Scale Stenographer under reserved quota was greater than computer operator however again the computer operator was benefitted.
10. That thereafter, one post of Senior Scale Stenographer again became vacant on 12-11-2020 upon promotion of Miss Farah Naz, to the post of Private Secretary (BPS-17) on ACB.
11. That to fill the vacant post of Senior Scale Stenographer a DPC was convened in the office of commissioner Hazara Division on 29.12.2020.
12. That the case for promotion of the appellant was also placed before DPC. Working papers are annexed as.....
13. That the said DPC was held for promotion against Senior Scale Stenographer only on Acting Charge Basis because Miss Farah Naz the incumbent of this post was promoted as PS on ACB.
14. That the case of appellant for promotion was complete in all respects and was due for promotion under rules.
15. That it is evident from above quoted rules that for promotion of Senior Scale Stenographer 60% ratio for Junior Scale Stenographer cadre & 40% ratio for Computer Operator cadre has been set. Till date cadre of Computer Operator observed quota 2 times (despite of less share and allocation of only 1 post) and cadre of JSS also availed quota two times (due share).

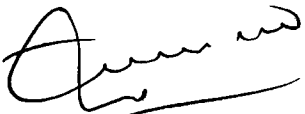
etc

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24/08/20


16. That now the available 1 vacant post of Senior Scale Stenographer was meant for promotion of Junior Scale Stenographer for being quota reserved 0.6 (say 1) as compared to Computer operator reserved quota 0.4 under 60:40 ratio for both cadres.
17. That in the said DPC Mr. Awais Qureshi Computer operator was promoted on **Acting Charge Basis on the basis of length of service** whereas in rules criteria was 60:40 ratio for both cadres rather than length of service. Therefore promotion of Mr. Awais Qureshi was illegal and against the prevailing rules.
18. That the recent promotion was on ACB and the appellant was also fulfilling the required service length for promotion on ACB.
19. That the post of Computer operator has also been upgraded to BPS-16 and illegal promotion of a computer operator from BPS-16 to the same scale of BPS-16 of Senior Scale stenographer has deprived the actual right of appellant being Junior Scale Stenographer in BPS-14.

It is, therefore, respectfully prayed that on acceptance of the appeal of the appellant the impugned order No. 9920-27. Dated: 31.12.2020 may please be set aside and appellant may be promoted as Senior Scale Stenographer being eligible under the prevailing rules of promotion.

CTC
Awais Qureshi
24/08/21


(Abdul Wahab)
Junior Scale Stenographer
In the Office of
Commissioner Hazara Division
Abbottabad

20

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
	091-9213989	091-9214208
No. Estt:II/D.Appeal/Abdul Wahab/ 18302-03		Peshawar Dated the 27 /07/2021

To

Mr. Abdul Wahab, Junior Scale Stenographer,
Commissioner office Abbottabad.

**SUBJECT: APPEAL AGAINST IMPUGNED ORDER NO. 9920-27 DATED 31.12.2020 ISSUED
BY COMMISSIONER HAZARA DIVISION.**

Your Departmental Appeal dated 26.01.2021 has been examined and dismissed
by the Competent Authority.


Assistant Secretary (Estt.)

No. & Date Even.

Copy forwarded to Commissioner Hazara Division, Abbottabad with reference
to his letter No. CHD/HVC/Reader/2/3/5639-41 dated 08.04.2021.


Assistant Secretary (Estt.)

CTC
Quinn
24/08/21

3996
05/8/21

21

BEFORE THE SENIOR MEMBER BOARD OF REVENUE
KHYBER PAKHTUNKHWA

Mr. Abdul Wahab Junior Scale Stenographer, Commissioner Office
Abbottabad

---VERSUS---

Commissioner Hazara Division Abbottabad

ORDER

This is an appeal/representation filed by Mr. Abdul Wahab Junior Scale Stenographer in Commissioner Office Abbottabad against promotion order dated 31.12.2020 whereby Mr. Awais Qurashi Computer Operator was promoted as Senior Scale Stenographer.

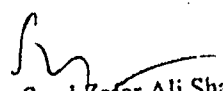
Facts of the case are that the appellant was appointed as Junior Scale Stenographer in Commissioner Office Abbottabad on 28.02.2018 while Mr. Awais Qurashi was appointed as Computer Operator on 08.10.2011.

According to Divisional Cadre Ministerial Service Rules, notified on 23.01.2015, the post of Senior Scale Stenographer shall be filled under 60% from amongst Junior Scale Stenographer having at least five years service as such while under 40% from amongst Computer Operator with at least five years service as such in the office of Commissioner concerned. It is pertinent to mention here that there are two sanctioned posts of Senior Scale Stenographer in Commissioner Office Abbottabad. For promotion against these two posts, under 60% share comes to 1.20=01 against which one Mr. Faisal was promoted as Senior Scale Stenographer from the post of Junior Scale Stenographer, while Mr. Awais Qurashi Computer Operator has recently been promoted as Senior Scale Stenographer under 40% share which comes to 0.80=01.

Perusal of comments received from Commissioner Abbottabad reveals that each cadre has rightly availed their respective share strictly in accordance with rules. No discrimination has been done with the appellant. The appeal of the appellant for promotion as Senior Scale Stenographer is devoid of force, and is therefore dismissed and the order dated 31.12.2020 is maintained.

Announced

15/17/2021


Syed Zafar Ali Shah
Senior Member Board of Revenue
Board of Revenue

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE/REVENUE AND ESTATE DEPARTMENT

NOTIFICATION
Peshawar, dated 23/01/2015

Ref: BPS/SSRC/2033

In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West-West Frontier Province Civil Services (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the said appendix.

in the Appendix:-

AMENDMENTS

S.No	Nomenclature of post with pay scale	prescribed qualification	Age	Method of recruitment
1.	Superintendent (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned
2.	Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Steno-graphers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned
3A.	Accounts Officer (BPS-16)			By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

etc
[Signature]
24/02/21

18

Name of post with pay scale	prescribed qualification	Age	Method of recruitment
Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology (BCS/BIT four years), from a recognized university; or ii. At least Second Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology; from a recognized Board of Technical Education.	18-25 Years	By initial recruitment
48A Carstaker (BPS-11)	At least second class Bachelor Degree or equivalent qualification from recognized university alongwith Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment
R Junior Clerk (BPS - 11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18 - 30	a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the Division concerned with two years service as such, who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment. Note: For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment. Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment. Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9 Driver (BPS - 4)	Literate having LTV driving license issued by the competent authority. preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 - 32 years	By initial recruitment.

CTC

[Signature]

24/08/21

Grade	Prescribed qualification	Age	Method of recruitment
Senior Scale (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Seventy percent by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years service as Junior and Senior Clerk in the Office of Commissioner of Division concerned; and (b) twenty five percent by initial recruitment.
Senior Scale Stenographer (BPS-16)	(i) At least Second Class Bachelor's Degree, from a recognized University; (ii) A speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion on the basis of seniority-cum-fitness from amongst Stenographers with atleast five years service as such in the offices of Commissioners concerned; and (b) forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
5. Stenographer (BPS-14)	(i) At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
6. Senior Clerk (BPS-14)			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such.
7. Head Vernacular Clerk / Head Clerk (BPS-14)			(a) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Land acquisition matters; or (b) Naib Tehsildars (BPS-14) of the Division concerned.

CTC
[Signature]
 24/08/21

	Name of post with pay scale	prescribed qualification	Age	Method of recruitment
10A	Cook / Waiter (BPS-4)	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years.	By initial recruitment.
10B	Qasid		---	By promotion on the basis of seniority, non-fitness, from amongst the Naib Qasids with two years service as such, and
10.	Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years.	By initial recruitment.

18-40 years
 No. Estt-2/Amendment/38425, dated 25-11-2016 under notification of BCR, Peshawar. See at page no. 6.

CTC
 [Signature]
 24/08/21

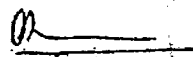
Sd/-
 SECRETARY TO GOVERNMENT
 REVENUE AND ESTATE DEPARTMENT

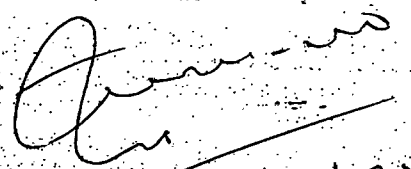
SRK/2034-75

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Copy forwarded for information and necessary action to the:-

- 1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
- 2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- 3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
- 4. Secretary Khyber Pakhtunkhwa Public Service Commission.
- 5. Registrar Peshawar High Court.
- 6. Accountant General Khyber Pakhtunkhwa.
- 7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
- 8. All Deputy Commissioners, Khyber Pakhtunkhwa.
- 9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
- 10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.


 DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
 REVENUE & ESTATE DEPARTMENT

CTC

 24/08/21

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 21/09/2016

NOTIFICATION.

No.Estt:II/DS/Assistance. _____ On the recommendation of Departmental Promotion Committee, the following Junior Scale Stenographer and Computer Operator are promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

S.No	Name & Designation	Office	Promoted
1.	Mr. Amin ul Haq Junior Scale Stenographer (BS-14)	Commissioner, Office Hazara Division.	Senior Scale Stenographer (BS-16).
2.	Mr. Awais Qureshi Computer Operator (BS-16)	Commissioner, Office Hazara Division.	Senior Scale Stenographer (BS-16) (Acting charge basis).

On promotion, they will be on probation for a period of one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Act, 1973 read with rule 15 of Khyber Pakhtunkhwa Civil Servants, Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

By order of
Senior Member

No.Estt:II/DS/Assistance. 23112-15

Copy forwarded to the:-

1. Commissioners, Hazara Divisions Abbottabad.
2. District Accounts Officer, Abbottabad.
3. Officials Concerned.
4. Office order file.

CTC
24/08/21

Secretary-1

Notification:

No. Estt-II/DPC/_____. On the recommendation of Departmental Promotion Committee, Miss Farah Naz Computer Operator is promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

On promotion, she will be on probation for a period of one year in terms of ASection-6 (@) of Khyber Pakhtunkhwa Civil Act, 1973 read weith rules 15 of Khyber Pakhtunkhwa Civil Servants, Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

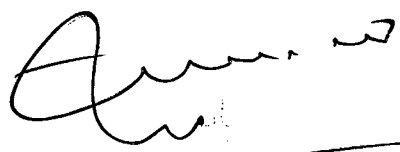
NOTE: Order bearing No. Estt/DS/ Assistance 23112-15 dated: 21-09-2016 to the extent of S. No. 2 is hereby withdrawn. Rest of the order shall remain insert.

By Order of
Senior Member

No. Estt:II/DPC/3935-37

Copy forwarded to the:-

- 1- Commissioner Hazara Division, Abbottabad.
- 2- District Accounts Officer, Abbottabad.
- 3- Officials Concerned.

CTC

24/08/21

Assistant Secretary (Estt:)

FROM : SMR OFFICE

FAX NO. : 0919213989

2 Feb. 2018 9:24AM P1

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 29/01/2018

NOTIFICATION

No.Est/H/DPC/_____ On the recommendation of Departmental Promotion Committee, Miss. Farah Nuz Computer Operator is promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

On promotion, she will be on probation for a period of one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Act, 1973 read with rules 15 of Khyber Pakhtunkhwa Civil Servants, Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

NOTE:- Order bearing No.Est/DS/ Assistance 23112-15 dated: 21.09.2016 to the extent of S.No:2 is hereby withdrawn. Rest of the order shall remain intact

By order of
Senior Member

No.Est/H/ DPC/

3935-37

Copy forwarded to the:-

1. Commissioner, Hazara Division Abbottabad.
2. District Account Officer Abbottabad.
3. Officials Concerned.

~~Assistant Secretary (Estt)~~

Computer operator

Surplus Pool.

CTC
24/08/21

ORDER

Consequent upon the recommendations of Departmental Promotion Committee of this office in its meeting held on 17-07-2019 Mr. Muhammad Faisal, Junior Scale Stenographer (BPS-14) of this office is promoted as Senior Scale Stenographer (BPS-16) on Acting Charge Basis w.e.f 17-07-2019.

**By Order
Commissioner
Hazara Division**

Endst No. 2/3-Estab: 3125-31

Dated Abbottabad the: 22/07/2019

Copy forwarded to the:-

1. Additional Commissioner, Hazara Division, Abbottabad.
2. District Accounts Officer, Abbottabad.
3. PS to Commissioner Hazara Division, Abbottabad.
4. Accounts Officer (Local).
5. Assistant Budget & Accounts, local.
6. Official Concerned.
7. Personal File.

**Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad**

CTC

[Handwritten Signature]
22/08/21



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

ORDER

Consequent upon the recommendations of Departmental Promotion Committee of this office in its meeting held on 17/07/2019, Mr. Muhammad Faisal, Junior Scale Stenographer (BPS-14) is hereby promoted as Senior Scale Stenographer (BPS-16) in the Hazara Division from 17/07/2019.

By Order
Commissioner
Hazara Division.

Estab: 3125-31 Dated Abbottabad the: 21/07/2019

Refer to the:-

Commissioner, Hazara Division, Abbottabad

Commissioner, Abbottabad.

Commissioner, Hazara Division, Abbottabad

local.

CTC
[Signature]
24/08/21

Commissioner (Rev/GA),
Abbottabad.



GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.

Peshawar dated the 2/11/2020.

NOTIFICATION

No. Estt: II/DPC/Cmr/Kohat/ _____ On the recommendation of Departmental Promotion Committee, the following Senior Scale Stenographers (BS-16) are hereby appointed as Private Secretaries (BS-17) on Acting Charge Basis with immediate effect:-

S.No.	Name and Designation	Name of office	Promoted
1.	Miss. Farah Naz, Senior Scale Stenographer	Commissioner office Hazara	Private Secretary (BS-17)
2.	Mr. Shahid Muhammad Khan, Senior Scale Stenographer	Deputy Commissioner office Kohistan Upper	Private Secretary (BS-17)
3.	Mr. Kamal Nasir, Senior Scale Stenographer	Commissioner office Kohat	Private Secretary (BS-17)
4.	Mr. Saïd Mukhtiar, Senior Scale Stenographer	Deputy Commissioner office Buner	Private Secretary (BS-17)

Consequent upon their appointment as Private Secretaries BS-17 on Acting Charge Basis, the following posting / transfer is hereby ordered with immediate effect:-

S.No.	Name of Private Secretaries	From	To
1.	Miss. Farah Naz	On appointment as Private Secretary (ACB) BS-17	Private Secretary to Deputy Commissioner Mausehra against the vacant post
2.	Mr. Shahid Muhammad Khan	On appointment as Private Secretary (ACB) BS-17	Private Secretary to Deputy Commissioner Kohistan Upper against the vacant post
3.	Mr. Kamal Nasir	On appointment as Private Secretary (ACB) BS-17	Private Secretary to Deputy Commissioner Hangu against the vacant post
4.	Mr. Saïd Mukhtiar	On appointment as Private Secretary (ACB) BS-17	Private Secretary to Deputy Commissioner Buner against the vacant post

By Order of
Senior Member

No. Estt: II/DPC/Cmr/Kohat/ 29203-6
Copy forwarded to the

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. Officials concerned.

[Signature]
Assistant Secretary (Estt)

**WORKING PAPERS FOR THE DEPARTMENTAL PROMOTION COMMITTEE
MEETING FOR PROMOTION TO THE VACANT POST OF SENIOR SCALE
STENOGRAPHER IN THE OFFICE OF COMMISSIONER HAZARA DIVISION.**

There are two posts of Senior Scale Stenographers in this office out of which one post is available for promotion due to promotion order of Miss Farah Naz, Senior Scale Stenographer (BPS-16) to the post of Private Secretary (BPS-17) on ACB.

In pursuance of the provision of Notification No. Estt:I/11/135/SSRC/2033 dated 23/01/2015 for Divisional Ministerial Service Rules (Annex-A) the following method of promotion has been prescribed for the post of Senior Scale Stenographers (BPS-16):

- a. "Sixty percent by promotion, on the basis of Seniority-cum-fitness, from amongst stenographers with at least five years service as such in the office of Commissioners concerned; and
- b. Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the computer operators with at least five year service as such in the office of Commissioner concerned:

Provided that if no suitable candidate is available for promotion, then by initial recruitment."

Since Miss Farah Naz has been promoted as Private Secretary on ACE therefore, at the moment one vacant post of Senior Scale Stenographer (BPS-16) is available for promotion only on the Acting Charge Basis. As the post of Senior Scale Stenographer (BPS-16) is to be filled through promotion amongst Junior Scale Stenographer (BPS-12) and Computer Operators (BPS-16) under 60:40 reserved quotas. Therefore, till date following promotions have been made to the post of senior scale stenographers under this quota.

Promotion of Junior Scale Stenographers (JSS) to the post of Senior Scale Stenographers:

S.#	Name	Date of Promotion	Under Rules	Quota
1	Amin ul Haq	21-9-2016	Under Divisional Ministerial Rules 2015. Under JSS 60% & Computer Operators 40% ratio. (60:40)	60%
2	M. Faisal (ACB)	23-7-2019		

Promotion of Computer Operators (CO) to the post of Senior Scale Stenographers:

S.#	Name	Date of Promotion	Under Rules	Quota
1	Awais Qureshi (ACB)	21-9-2016	Under Divisional Ministerial Rules 2015. Under JSS 60% & Computer Operators 40% ratio. (60:40)	40%
2	Farah Naz	29-1-2018 (against the post becoming vacant due to demotion of Mr. Awais Qureshi)		

For further clarification calculation is as follow:

32
DURING 2016

Posts of Senior Scale Stenographer	Quota	Junior Scale Stenographer	Computer Operator
02	Quota allocated	1.2	0.8
	Quota observed	1	1

Remaining quota for Junior Scale Stenographers (JSS): 1.2 (left over **0.2**) +
(1-1.2=**0.2**)

Remaining quota for Computer Operators (C.O): 0.8 (exceeded **0.2**) -
(1-0.8=**0.2**)

DURING 2018-19

Posts of Senior Scale Stenographer	Quota	Junior Scale Stenographer	Computer Operator
02	Quota allocated	1.2	0.8
	Total allocated quota before promotion	1.4	0.6
	Quota observed	1	1
	After promotion	0.4 left over	0.4 exceeded

Total quota for JSS = 1.2 + (left over 0.2) = 1.2 + 0.2 = **1.4**

Total quota for C.O = 0.8 - (exceeded 0.2) = 0.8 - 0.2 = **0.6**

Remaining quota for Junior Scale Stenographers (JSS): 1.4 (left over **0.4**) +
(1-1.4=**0.4**)

Remaining quota for Computer Operators (C.O): 0.6 (exceeded **0.4**) -
(1-0.6=**0.4**)

NOW,

DURING 2020

Posts of Senior Scale Stenographer	Quota	Junior Scale Stenographer	Computer Operator
01	Quota allocated	0.6	0.4
	Total allocated quota before promotion	0.6 + 0.4 = 1	0.4 - 0.4 = 0

Remaining quota for Junior Scale Stenographers (JSS): _____ = **1** (JSS)

Remaining quota for Computer Operators (C.O): _____ = **0** (C.O)

Among the panel for Junior Scale Stenographer (BPS-14) following officials are included as per their seniority list:

S.No	Name of JSS (BPS-14)	Remarks
1	Muhammad Faisal	Already promoted as Senior Scale Stenographer on ACB.
2	Abdul Wahab	-----

Total length of service in respect of Abdul Wahab as Junior Scale Stenographer is 02 years & 09 months.

Whereas among the panel for Computer Operators (BPS-16) following officials are included as per their seniority list:

S.No	Name of Computer Operator (BPS-16)	Remarks
1	Awais Qureshi	
2	Faiza Abbasi	Service Appeal No. 712/2016 filed by Faiza Abbasi is under proceeding in court.

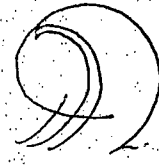
Total length of service in respect of Awais Qureshi is 09 years & 2 months as Computer Operator.

Mr. Awais Qureshi Computer Operator was promoted as Senior Scale Stenographer by BoR on 21-9-2016. However, after acceptance of appeal/objection accepted by then Commissioner Hazara Division, filed by Miss Farah Naz then Computer Operator against the promotion order, BoR demoted Mr. Awais Qureshi after two years & promoted Miss Farah Naz as Senior Scale Stenographer on 29-1-2018.

However, the following documents/papers are placed before committee in respect of Senior-most Junior Scale Stenographer (BPS-14), & Computer Operators (BPS-16) for promotion to the one vacant post of Senior Scale Stenographer (BPS-16) under 60:40 reserved quota as per rules.

1. original ACRs of entire service with synopsis.
2. Non-involvement Certificates
3. Seniority Lists of Junior Scale Stenographers & Computer Operators.
4. Copy of promotion order of Miss Farah Naz bearing No. Estt-II/DPC/Cmr/kohat/29203-06 dated 12-11-2020 as Private Secretary (BS-17) on ACB.

CTC
Amir
24/08/21



(Assad Mehmood Lodhi)
Assistant to Commissioner (Rev/GA),
Hazara Division, Abbottabad.



34

**OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD**

No. 2/3/Estab/ACR/CHD/9738

Dated 29/12/2020

**MINUTES OF DPC MEETING HELD ON DECEMBER 29th, 2020 AT 11:00 AM
UNDER THE CHAIRMANSHIP OF COMMISSIONER HAZARA DIVISION**

Meeting of the Departmental Promotion and Selection Committee of the office of the Commissioner Hazara Division held on December 29th, 2020 in his office for promotion to the available vacant post of Senior Scale Stenographer (BPS-16) only on Acting Charge Basis due to promotion order of Miss Farah Naz, Senior Scale Stenographer (BPS-16) to the post of Private Secretary (BPS-17) on ACB.

The following attended the DPC meeting:

1. **Riaz Khan Mahsud**
Commissioner Hazara Division. In chair
2. **Shabbir Ahmed**
Secretary to Commissioner
Hazara Division, Abbottabad Member
3. **Gul Hassan**
Assistant Secretary, BoR
Representative of Administrative Department. Member
4. **Assad Mehmood Lodhi**
Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad Member

For promotion on the presently vacant post of Senior Scale Stenographer (BPS-16) on ACB following provision of Divisional Ministerial Service rules has been followed:

- a. "Sixty percent by promotion, on the basis of Seniority-cum-fitness, from amongst stenographers with at least five years service as such in the office of Commissioners concerned; and
- b. Forty percent by promotion, on the basis of seniority-cum-fitness, from amongst the computer operators with at least five year service as such in the office of Commissioner concerned:

Provided that if no suitable candidate is available for promotion, then by initial recruitment."

Since Miss Farah Naz has been promoted as Private Secretary on ACB therefore, at the moment one vacant post of Senior Scale Stenographer (BPS-16) is available for promotion only on the Acting Charge Basis. Moreover the post of Senior Scale Stenographer (BPS-16) is to be filled through promotion amongst Junior Scale Stenographer (BPS-14) and Computer Operators (BPS-16) under 60:40 reserved quotas as per above provision of Rules.

In 2016 two vacant posts of Senior Scale Stenographers were available whereupon 01 Junior Scale Stenographer, Mr. Amin ul Haq was promoted under share of 60% and on other vacant post, Mr. Awais Qureshi, Computer Operator was promoted under share of 40% as per rules. However, after acceptance of

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deal/objection accepted by then Commissioner Hazara Division, filed by Miss Farah Naz then Computer Operator against the promotion order under share of Computer Operator, BoR demoted Mr. Awais Qureshi after two years & promoted Miss Farah Naz as Senior Scale Stenographer on 29-1-2018.

Later on in 2019 one post of Senior Scale Stenographer became available for promotion on ACB. For promotion against this vacant post Mr. Muhammad Faisal, senior-most Junior Scale Stenographer was eligible being the greater share holder of 60% than that of 40% of computer operator at that time & therefore, he was promoted Senior Scale Stenographer on ACB on 23-7-2019.

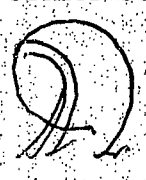
Now, again in 2020 one post of Senior Scale Stenographer for promotion on ACB is available upon promotion of Miss Farah Naz, Senior Scale Stenographer to the post of Private Secretary on ACB.

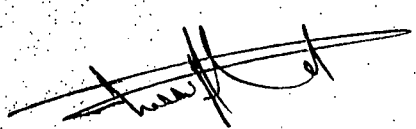
The requisite services record of following officials in panel for promotion as mentioned in the working paper, was placed before the committee for examination, consideration and decision accordingly:


- | | |
|----------------------|------------------------------------|
| 1. Mr. Abdul Wahab | Junior Scale Stenographer (BPS-14) |
| 2. Mr. Awais Qureshi | Computer Operator (BPS-16) |
| 3. Miss Faiza Abbasi | Computer Operator (BPS-16) |

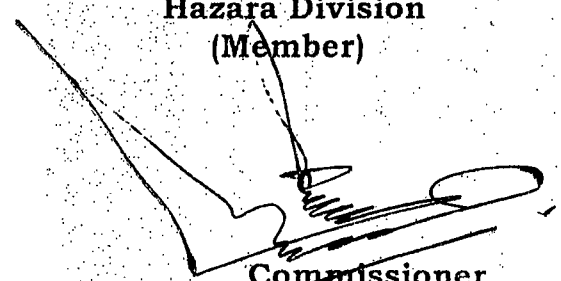
On the basis of seniority-cum-fitness among the cadre of junior Scale Stenographer Mr. Abdul Wahab is eligible and on the basis of seniority-cum-fitness among the cadre of Computer Operator, Mr. Awais Qureshi is eligible as per record Mr. Abdul Wahab has 02 Years 09 months length of service and Mr. Awais Qureshi has 09 Years 02 months length of service.

Since the instant promotion is on the Acting Charge Basis therefore keeping in view length of service, experience and fitness of the official, the committee approved the case of Mr. Awais Qureshi, Computer Operator (BPS-16) for promotion to the post of Senior Scale Stenographer (BPS-16) on acting charge basis.

006
28/08/21

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad
(Member)


Secretary to Commissioner
Hazara Division
(Member)


Assistant Secretary (Receipt),
Rep; of Administrative Department
BoR, Revenue & Estate Department
Peshawar (Member)


Commissioner
Hazara Division
(Chairman)



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No. CHD/HVC/Reader/2/3/ 5639-41
Dated 08/04/2021

To

The Assistant Secretary (Estab),
Board of Revenue,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL AGAINST IMPUGNED ORDER NO. 9920-27
DATED 31-12-2020 ISSUED BY COMMISSIONER
HAZARA DIVISION

I am directed to refer your letter No. EStt-II/DPC/Cmr/3287 dated 04-2-2021 on the subject noted above. The views/comments of this office with reference to appeal of the appellant are as under for kind perusal and further orders of the competent authority, please.

Para-1 Correct.
Para-2 Correct.
Para-3 Correct.
Para-4 Correct.

Para-5

The entitled officials were promoted to the post of Senior Scale Stenographer (BPS-16). The ratio as extracted 1.2 (meant one post), while 1.8 (meant one post) through this way one junior scale stenographer & one computer Operator was promoted.

Para-6

Correct to the extent that Mr. Amin ul Haq was promoted to the post of Private Secretary (BS-17) in 2019, however in the meanwhile Awais Qureshi was deprived of his promotion as a result of the acceptance of an appeal filed by Miss Farah Naz in 2018.

Para-7

Correct Mr. Faisal Junior Scale Stenographer was also promoted to the post of Senior Scale Stenographer against the post vacated as a result of promotion of Mr. Amin ul Haq to the post of PS.

Para-8

Correct. Already replied in para 6.

Para-9

Board of Revenue being the competent authority in the mater promoted Miss Farah Naz, Computer Operator to the post of Senior Scale Stenographer on merit, while deciding her departmental appeal.

Para-10

On promotion of Miss Farah Naz, Senior Scale Stenographer as Private Secretary the post became vacant.

Para-11

Correct.

Para-12

Correct.

Para-13

Correct.

Para-14

Mr. Awais Qurshi being senior in service was fit for promotion.

Para-15

Both the cadres availed their reserved allocated quotas.

Para-16

No Comments.

Para-17

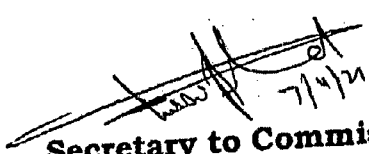
The case of appellant was also placed before DPC for consideration. Length of service of Mr. Awais Qureshi, Computer Operator was more than the appellant. Since, the promotion was on the Acting Charge Basis only therefore, promotion was made by keeping in view length of service, experience and fitness of the senior official.

No Comments

This sentence needs some clarifications:

- The appellant is totally ignored of the rules, framed by the Board of Revenue in the best interest of employees of Revenue & Estate Department.
- The up gradation of any post is the power of Government not on the wish of an employee.
- The promotion of Awais Qureshi is according to rules.


The objections raised by the appellant are baseless & far from facts. It is therefore requested that appeal may be filed/dismissed by the competent authority, please.


Secretary to Commissioner,
Hazara Division Abbottabad

Endst No. 5639-41

Copy forwarded for information to the:

- Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad.
- PS to Commissioner, Hazara Division Abbottabad.


Secretary to Commissioner,
Hazara Division Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7313 of 2021

Abdul Wahab, Junior Scale Stenographer, Office of the Commissioner, Hazara Division, Abbottabad.

.....APPELLANT

VERSUS

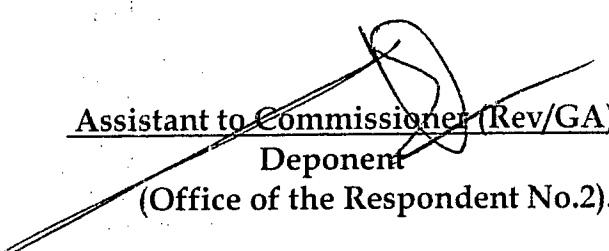
1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Hazara Division, Abbottabad.

.....RESPONDENTS

INDEX

S#	Documents	Page No./ Annexure
1	Joint Para-wise comments alongwith affidavit	1-5
2	Promotion Notification of Mr. Muhammad Faisal.	A
3	Promotion Notification of Mr. Amin-ul-Haq on ACB.	B
4	Promotion Notification of Mr. Amin-ul-Haq on regular basis.	C
5	Withdrawal Notification of Mr. Awais Qureshi.	D
6	Order of Departmental Appeal of appellant.	E
7	Appointment Order of Appellant.	F
8	Service Rules.	G
9	Appointment Order of Private Respondent.	H

Dated:


Assistant to Commissioner (Rev/GA)
Deponent
(Office of the Respondent No.2).

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 7313 of 2021

Abdul Wahab, Junior Scale, Stenographer, Office of the Commissioner, Hazara Division, Abbottabad.

.....APPELLANT

VERSUS

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Commissioner, Hazara Division, Abbottabad.

.....RESPONDENTS

APPEAL UNDER SECTION 1 OF THE SERVICE TRIBUNAL ACT, 1974.

Respectfully Sheweth:

Joint para-wise comments on behalf of respondents are under:

Preliminary objections:

1. That instant service appeal in hand is not maintainable.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has got no locus standi and cause of action to institute the present appeal.
4. That the appellant has not come to this honourable Tribunal with clean hands and there is misrepresentation of facts.
5. That the instant service appeal is badly time barred.

ON FACTS:

1. Pertains to record.
2. Pertains to record.
3. Correct.
4. Pertains to record.
5. Correct to the extent that Mr. Muhammad Faisal, Junior Scale Stenographer (BPS-14) was promoted to the post of Senior Scale Stenographer (BPS-16) on ACB against the post vacated as a result of promotion of Mr. Amin-ul-Haq as Private Secretary (BPS-17) on ACB on 26.4.2019 and regularized on 30.12.2021, orders have been annexed as "A" "B" and "C" respectively.
6. Correct to the extent that Mr. Amin-ul-Haq was promoted to the post of Private Secretary (BPS-17) in 2019, however meanwhile Mr. Awais

an appeal filed by Miss Farah Naz in 2018, with the recovery of all back benefits. Furthermore, it is pertinent to mention that promotion notification of Mr. Awais Qureshi was withdrawn due to acceptance of aforementioned appeal, thus he could not get any benefit of promotion and recovered all back benefits. Copy of order is annexed as "D".

7. **Incorrect.** The Senior Member Board of Revenue, Khyber Pakhtunkhwa (respondent No.1) being competent/appellate authority accepted the appeal of Miss Farah Naz Computer Operator, on basis of merit, resultantly the appellant (in the said appeal) was promoted to the post of Senior Scale Stenographer and Mr. Awais Qureshi had been deprived of his promotion and withdrawn the notification of promotion.
8. **Incorrect.** The appellant is reluctant to place the reality before this honourable court and concealed the true facts of the case as being deficient of required service experience along with requisite quota.
9. **Incorrect.** That DPC meeting was convened for the promotion of a senior most Junior Scale Stenographer in seniority list i.e. Mr. Muhammad Faisal, however the name of appellant was included in the panel for fulfillment the requirements of prevailing Service Rules as alternate in that cadre.
10. **Incorrect.** According to Divisional Ministerial Rules, notified on 23.01.2015, the post of Senior Scale Stenographer shall be filled under 60% from amongst Junior Scale Stenographers having at least five years service as such while under 40% from amongst Computer Operator with at least five years service as such in the office of Commissioner concerned. It is pertinent to mention here that there are two sanctioned posts of Senior Scale Stenographer in office of the Commissioner Hazara Division, Abbottabad. For Promotion against these two posts, under 60% share comes to 1.2=01 against which on Mr. Muhammad Faisal was promoted as Senior Scale Stenographer from the post of Junior Scale Stenographer, while Mr. Awais Qureshi Computer Operator (**Private Respondent in the instant appeal**) was promoted under 40% share which comes to 0.80=01. The name of appellant was included in the panel of promotion, which does not mean that all the officers/officials who included in the panel are also fit for promotion, however the appellant (**in the instant appeal**) was not eligible for the further promotion because he had not completed his required length of service i.e. 5 years, as well as he was junior to Mr. Awais Qureshi, (Private Respondent in the instant appeal) in seniority, Mr. Awais Qureshi was found fit for promotion as he was fulfilling the required code of formalities. It is pertinent to mention that both cadres have availed their respective allocated quotas.

11. **Incorrect.** The case of appellant was also placed before DPC for consideration but due to incomplete required length of service and non availability of quota, his case was deferred and Mr. Awais Qureshi, Computer Operator was promoted to the post of Senior Scale Stenographer by keeping in view length of service, experience and fitness.
12. **Incorrect and refuted.** Already explained in para-9.
13. **Incorrect and refuted.** There is no ambiguity, discrimination, illegality or malafide on the part of respondents. The appellant is going to challenge the rules policy of the Provincial Government like Assistant (BPS-16) is eligible for further promotion as Tehsildar (BPS-16) equal scale. Although, Computer Operator and Senior Scale Stenographer have same scale i.e. BPS-16, however Senior Scale Stenographer is senior post to Computer Operator in hierarchy being next stage/level/cadre.
14. **Incorrect.** The Departmental Appeal was disposed of on merit and strictly in accordance with prevailing Rules/Policy, order annexed as "E".

GROUND:-

- a. **Incorrect.** The respondents have acted as per law and prevailing service rules. Therefore, there is no illegality.
- b. **Incorrect.** As already explained in preceding paras that the appellant has not fulfilled the requirements of the prevailing Service rules, i.e. length of service and seniority due to which his promotion case was deferred by the DPC meeting.
- c. **Incorrect.** Already explained earlier.
- d. **Incorrect.** No discrimination/malafide/irregularity has been done by the respondents. The appellant is trying to conceal the facts and reality of the case that his promotion case was deferred by the DPC meeting on the grounds i.e. he was not fulfilling the required criteria as defined in prevailing Service Rules /Policy. Furthermore, as per rules, Computer Operator (BPS-16) is eligible for promotion to the post of SSS (BPS-16) on the analogy of Assistant (BPS-16) who is eligible for promotion to the post of Tehsildar (BPS-16) same scale.
- e. **Incorrect and refuted.** The respondents are bound to adhere the Service Rules during disposal of any promotion case and the same case was also decided according to law and obeying the norms of justice on fair basis.
- f. **Incorrect.** At that time, appellant was not fulfilling required length of service period and share for promotion of Junior Scale Stenographer to the post of Senior Scale Stenographer was also not available. Appointment order of the appellant and order of the appellate authority indicate the clear position of the

appellant, both orders have been annexed as " F" and "E" respectively while Service Rules have been annexed as " G".

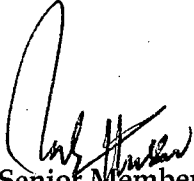
- g. **Incorrect.** The appellant is trying to tangle this honourable Court in different and irrelevant citations/precedents and also making confusion in his appeal, wants to twist the realities too, hence causing wastage of time.
- h. **Incorrect.** No legal and fundamental rights of the appellant have been infringed by the respondents. The appellant tangled his department in unnecessary litigation.
- i. **Incorrect,** Already explained in above paras.
- j. **Incorrect.** The promotion case of the appellant was disposed of in accordance with prevailing service rules and the appeal in hand is just based on concocted and against the facts/reality.
- k. **Incorrect.** The appellant is repeatedly quoting the decisions of honourable Court, which are not applying to his case being just 2 years and 9 months service in comparison with candidate having 9 years and two months service at the time of promotion so negating the basic principles of 'he who seeks equity must do equity' and ' He who seeks equity must come with clean hand". Appointment order of the appellant and private respondent have been annexed as "F" and "H" respectively.
- l. **Incorrect and refuted.** Already explained in para-e.
- m. **Incorrect.** No violation of Rules /Policy has been done by the respondents during disposal of promotion case of the private respondent, as he has not fulfilled the required length of service as defined in Service Rules.
- n. **Not admitted.** As the case was decided by the DPC meeting keeping in view the eligibility criteria as per rules and decision was totally fair and bonafide. There is no malafide and bias in the current case.
- o. **Incorrect.** Appellant was junior to the private respondent, not fulfilling required length of service period and share for promotion of Junior Scale Stenographer to the post of Senior Scale Stenographer was not available.
- p. **Incorrect.** The departmental appellate authority and DPC meeting have acted according to the basic principles/canons of natural justice:
- i. Audi alteram partem.
 - ii. Nemo judex in causa sua.
 - iii. Reasoned decisions.

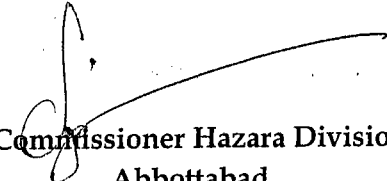
"Alongwith the eminent principle of equity is equality"

"Where there are equal equities law shall prevail".

Furthermore if required, judgements of the honourable Courts/Service Tribunals will be presented at the time of arguments/hearings.

In the light of above facts as well as prevailing service rules framed by the Provincial Government from time to time, the instant Service Appeal of the appellant is not maintainable, which may kindly be dismissed with costs.

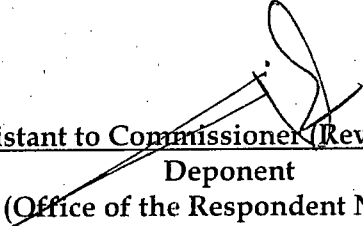

Senior Member Board of Revenue,
Government of Khyber Pakhtunkhwa
Peshawar
(Respondent No.1)


Commissioner Hazara Division,
Abbottabad
(Respondent No.2)

Dated: / /

Affidavit

I, Dr. Adil Ayub, Assistant to Commissioner (Rev/GA) Hazara Division, Abbottabad (BPS-17) do hereby solemnly affirm that contents of the parwise comments are true to the best of my knowledge and nothing has been concealed by this honourable court.


Assistant to Commissioner (Rev/GA)
Deponent
(Office of the Respondent No.2).



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

ORDER

Consequent upon the recommendations of Departmental Promotion Committee of this office in its meeting held on 17.07.2019, Mr. Muhammad Faisal, Junior Scale Stenographer (BPS-14) of this office is promoted as Senior Scale Stenographer (BPS-16) on Acting Charge Basis w.e.f 17.07.2019.

By Order
Commissioner
Hazara Division.

Endst No. 2/3-Estab: 3125-21 Dated Abbottabad the: 23/07/2019.

Copy forwarded to the: -

1. Additional Commissioner, Hazara Division, Abbottabad.
2. District Accounts Officer, Abbottabad.
3. PS to Commissioner Hazara Division, Abbottabad.
4. Accounts Officer, (local).
5. Assistant Budget & Accounts, local.
6. Official Concerned.
7. Personal File.

Assistant to Commissioner (Rev/GA),
Hazara Division, Abbottabad.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT

Peshawar dated the 26/04/2019

NOTIFICATION

No. Estt: II/DPC/_____ On the recommendation of Departmental Promotion Committee, the following Senior Scale Stenographers (BS-16) of the offices mentioned against their names are appointed as Private Secretaries (BS-17) on acting charge basis with immediate effect.

S. No.	Name/ Designation	Office	Promoted/Appointed
1.	Mr. Amin-Ul-Haq, Senior Scale Stenographer	Commissioner office Hazara	Private Secretary (BS-17)
2.	Mr. Nasir-Ud-Din, Senior Scale Stenographer	Deputy Commissioner office Haripur	Private Secretary (BS-17)
3.	Mr. Muhammad Sajjad, Senior Scale Stenographer	Commissioner office DIKhan	Private Secretary (BS-17)

Consequent upon their appointment on acting charge basis, the following posting/transfer is hereby ordered with immediate effect:-

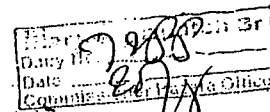
S. No.	Name of official	From	To
1.	Mr. Amin-Ul-Haq	Senior Scale Stenographer office of the Commissioner Hazara	Private Secretary to Deputy Commissioner Manshera.
2.	Mr. Nasir-Ud-Din	Senior Scale Stenographer Deputy Commissioner Haripur	Private Secretary to Deputy Commissioner Battagram.
	Mr. Muhammad Sajjad	Senior Scale Stenographer office of the Commissioner	Private Secretary to Commissioner DIKhan Division

Sd/-
Senior Member

No. Estt: II/DPC/ 17862-61

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioner of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. Officials concerned.



Assistant Secretary (Estt)

NOTIFICATION

No. Estt: II/DPC/Cmr/Hazara/_____ On the recommendation of the Departmental Promotion Committee meeting dated 28.10.2021 and approval of the Competent Authority the following Senior Scale Stenographer (BS-16) of the Divisional Commissioner's offices Peshawar, Hazara and Bannu are hereby promoted/appointed as Private Secretary (BS-17) with immediate effect:-

S.No.	Name and Designation	Name of office	Promoted
1.	Mr. Amin-Ul-Haq, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Abbottabad	Promoted as Private Secretary (BS-17) on regular basis.
2.	Mr. Kifayatullah Khan, Senior Scale Stenographer (BS-16)	Commissioner office Bannu	Promoted as Private Secretary (BS-17) on regular basis
3.	Mr. Shakil-Ur-Rehman, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Bannu	Appointed as Private Secretary (BS-17) on Acting Charge basis
4.	Mr. Zia Ullah Khan, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Nowshera	Appointed as Private Secretary (BS-17) on Acting Charge basis
5.	Mr. Muhammad Wisal, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Charsadda	Appointed as Private Secretary (BS-17) on Acting Charge basis

On promotion, the officers at S. No. 1 and 2 will be on probation for a period of one year in term of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989).

By order of
Competent Authority

No. Estt: II/DPC/Cmr/Hazara/ 34672-78

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. PS to Senior Member, Board of Revenue.
5. PS to Member-III, Board of Revenue.
6. Officers concerned.
7. Office order file.


Assistant Secretary (Estt)
Board of Revenue

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Reshwar dated the 09/01/2018

NOTIFICATION

No Est/H/DPC/_____ On the recommendation of Departmental Promotion Committee, Miss. Farah Nuz computer Operator is promoted as Senior Scale Stenographer (BS-16) on regular basis with immediate effect.

On promotion, she will be on probation for a period of one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Act, 1973 read with rules 15 of Khyber Pakhtunkhwa Civil Servants, Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

NOTE:- Order bearing No.Esu/DS/ Assistance 23112-15 dated: 21/09.2016 to the extent of S.No:2 is hereby withdrawn. Rest of the order shall remain intact

CTC
Amir
24/08/21

No. Est/H/ DPC/ 3935-37

By order of
Senior Member

Copy forwarded to the:-

1. Commissioner, Hazara Division Abbottabad.
2. District Account Officer Abbottabad.
3. Officials Concerned.

~~Signature~~
Assistant Secretary (Estt)

Computer operator

↓
Surplus pool.

D
S

KHYBER PAKHTUNKHWA

Mr. Abdul Wahab Junior Scale Stenographer, Commissioner Office
Abbottabad

---VERSUS---

Commissioner Hazara Division Abbottabad

ORDER

This is an appeal/representation filed by Mr. Abdul Wahab Junior Scale Stenographer in Commissioner Office Abbottabad against promotion order dated 31.12.2020 whereby Mr. Awais Qurashi Computer Operator was promoted as Senior Scale Stenographer.

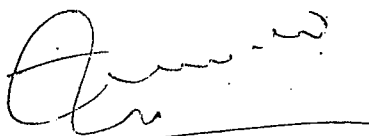
Facts of the case are that the appellant was appointed as Junior Scale Stenographer in Commissioner Office Abbottabad on 21.02.2018 while Mr. Awais Qurashi was appointed as Computer Operator on 08.10.2011.

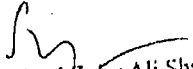
According to Divisional Cadre Ministerial Service Rules, notified on 23.01.2015, the post of Senior Scale Stenographer shall be filled under 60% from amongst Junior Scale Stenographer having at least five years service as such while under 40% from amongst Computer Operator with at least five years service as such in the office of Commissioner concerned. It is pertinent to mention here that there are two sanctioned posts of Senior Scale Stenographer in Commissioner Office Abbottabad. For promotion against these two posts under 60% share comes to 1.20=01 against which one Mr. Faisal was promoted as Senior Scale Stenographer from the post of Junior Scale Stenographer, while Mr. Awais Qurashi Computer Operator has recently been promoted as Senior Scale Stenographer under 40% share which comes to 0.80=01.

Perusal of comments received from Commissioner Abbottabad reveals that each cadre has rightly availed their respective share strictly in accordance with rules. No discrimination has been done with the appellant. The appeal of the appellant for promotion as Senior Scale Stenographer is devoid of force, and is therefore dismissed and the order dated 31.12.2020 is maintained.

Announced
15/17/2021

CTC


24/08/21


Syed Zafar Ali Shah
Senior Member Board of Revenue
Board of Revenue



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

1142

On the recommendations of Departmental Selection/Promotion Committee, Mr. Abdul Wahab Son of Mr. Naeem, Gull Resident of Makki, Mohallah, Street No. 1, House No. 3895 Kholakehal, Tehsil & District Abbottabad is offered employment against the vacant post of Junior Scale Stenographer (BPS-14) in Commissioner's Office on the following terms and conditions:-

1. His services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment Act, 2005). He will be entitled to contributory Provident Fund in such manners and at such rates as prescribed by the government.
2. His services will be liable to termination on one-month notice from either side. In case of resignation without notice, his two months pay/allowances shall be forfeited to the government.
3. He will be governed by such rules and regulations as may be issued from time to time by the government.
4. He will remain on probation for a period of one year in terms of Section-6 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1989. His services can be terminated any time in case his performance is found unsatisfactory during probation period. In case of misconduct, he shall be proceeded against under the E&D Rules 2011 and the rules framed by the government by time to time.
5. The appointment offer is subject to verification of his academic documents from the concerned Board/University.
6. He shall be bound to accept his adjustment/absorption in any of the departments/offices in Hazara Division as ordered by the Competent Authority.

Before joining the post he will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHQ Hospital of his district of domicile. (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he is required to report his arrival in the office of the undersigned within seven (7) days of the receipt of this letter, otherwise, the appointment would be considered cancelled.

By the order of
Commissioner Hazara Division
Abbottabad

Endst: No.CHD/Estab:1/2/ 1928-33 Dated Abbottabad the 27/02/2018

Copy forwarded for information to the:-

1. District and Sessions judge, Torghar at Oghi.
2. District Comptroller of Accounts, Abbottabad.
3. PS to SMBR, Borad of Revenue, Revenue and Estate Department, Government of Khyber Pakhtunkhwa, Peshawar.
4. PS to the Commissioner Hazara Division, Abbottabad for information please.
5. Accounts Officer Commissioner Office, Abbottabad.
6. Mr. Abdul Wahab, Son of Mr. Naeem, Gull Resident of Makki, Mohallah, Street No. 1, House No. 3895 Kholakehal Tehsil & District Abbottabad.

Assistant to Commissioner (Rev/GA)
Hazara Division, Abbottabad

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE/REVENUE AND COLLECTOR DEPARTMENT

NOTIFICATION
Peshawar, dated 23/01/2015

1. B-014/15/SSKC/2033.

In pursuance of provisions contained in Sub-Rule (2) of rule 3 of the North West Frontier Province Civil Services (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Revenue Department in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the appendix to the notification which shall be applicable to post born in the cadre of Commissioners Specified in Column 2 of the said appendix.

in the Appendix:-

AMENDMENTS

S No	Nomenclature of post with payable	prescribed qualification	Age	Method of recruitment
1.	Superintendent (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants (BPS-16) with five years service as such in the offices of Commissioners of the Division concerned.
2.	Private Secretary (BPS - 17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers (BPS-16) with at least five years service in the offices of Commissioners, Deputy Commissioners and Political Agents of the Division concerned.
3A.	Accounts Officer (BPS-16)			By transfer from the Treasury Department/ Accountant General Office Khyber Pakhtunkhwa. Provided that an official earlier adjusted from surplus pool will be considered as rightly adjusted.

CTC
[Signature]
23/08/21

Sl. No.	Designation of post with pay scale	prescribed qualification	Age	Method of recruitment
	Computer Operator (BPS - 12)	i. At least second Class Bachelor Degree in Computer Science/ Information Technology (BCS/BIT four years), from a recognized university; or ii. At least Second Class Bachelor's Degree from a recognized university with one year Diploma in Information Technology; from a recognized Board of Technical Education.	18-25 Years	By initial recruitment.
8A	Carpetlayer (BPS-11)	At least second class Bachelor Degree or equivalent qualification from recognized university alongwith Certificate / Diploma in Housekeeping / hotel management from a recognized institute.	18-30 Years.	By initial recruitment.
8	Junior Clerk (BPS - 11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18 - 30	a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Qasids and Naib Qasids including holders of other equivalent posts in the Division concerned with 10 years service or such who have passed Secondary School Certificate Examination; and b) Sixty seven percent by initial recruitment. Note: For the purpose of promotion there shall be maintained a common seniority list of Qasids and Naib Qasids etc with reference to the date of their regular appointment. Provided that no separate seniority list of Matric and non-matric BS-1 (Class-IV) employees can be maintained being single cadre. Their seniority shall be fixed with reference to the date of their regular appointment. Provided further that where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
9	Driver (BPS - 4)	Literate having LTV driving license issued by the competent authority. preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.	18 - 32 years	By initial recruitment.

CTC
 [Signature]
 24/08/21

Grade	Prescribed qualification	Age	Method of recruitment
Senior Scale Stenographer (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Seventy percent by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years service as Junior and Senior Clerks in the offices of Commissioners of Division concerned; and (b) twenty five percent by initial recruitment.
Senior Scale Stenographer (BPS-16)	(i) At least Second Class Bachelor's Degree, from a recognized University; (ii) Speed of 70 words per minute in shorthand in English and 45 words per minutes in typing; and knowledge of computer using MS Word, MS Excel.	20 to 32 years.	(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from amongst Stenographers with atleast five years service as such in the offices of Commissioners concerned; and (b) forty percent by promotion, on the basis of seniority-cum-fitness; from amongst the Computer Operators with atleast five years service as such in the office of Commissioner concerned. Provided that if no suitable candidate is available for promotion, then by initial recruitment.
Stenographer (BPS-14)	(i) At least second class Intermediate or equivalent qualification from a recognized Board (ii) A speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and Knowledge of computer in using MS Word, MS Excel.	18 to 30 years.	By initial recruitment.
Senior Clerk (BPS-14)			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks of the offices of Commissioner concerned with at least two years service as such.
Head Vernacular Clerk / Head Clerk (BPS-14)			(a) By transfer from amongst Senior Clerk (BPS-14) of the offices of Commissioner and Deputy Commissioner having at least one year experience of Revenue and Land acquisition matters or (b) Nalb Tehsildars (BPS-14) of the Division concerned.

CTC
[Signature]
 24/08/21

Sl. No. / Nature of post with pay scale	prescribed qualification	Age	Method of recruitment
10A Cook / Waiter (BPS-1)	Literate with three years practical experience in any hotel or guest house as cook / waiter.	18-32 Years	By initial recruitment.
10B Qasid			By promotion on the basis of seniority and fitness, from amongst the Naib Qasids with 5 years service as such; and
10. Naib Qasid / Chowkidar / Behishti / Mali / Sweeper (BPS - 01)	Literate	18-32 Years	By initial recruitment.

18-40

No. Estt-E/Amendment/38425, dated 25-11-2016
under notification of Govt of Punjab, dated 25-11-2016

etc

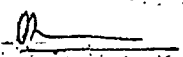
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24/08/21


Sd/-
SECRETARY TO GOVERNMENT
REVENUE AND ESTATE DEPARTMENT

SSRC/2034-75 20

Copies forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.


 DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
 REVENUE & ESTATE DEPARTMENT

etc

24/08/21

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

ORDER

Consequent upon the recommendations of the Departmental Selection/Recruitment Committee the following are hereby appointed as Computer Operator (NPS-12) in the Commissioner's Office Abbottabad on the following terms and conditions:-

SR	Name	FATHER NAME	Address
01	Mrs. Farha Naa	Mohammad Jamoll	Village Gull Nugh Post Office Datta District Mansehra. Lt. 75/1 Mohalla Qad Chitta Post Abbottabad.
02	Azra Qurshi	Wali Muhammad Qurshi	Abbottabad.

1. His/her services will be governed by Section-19 of the NWFP, Civil Servants Act, 1973 as amended vide NWFP Civil Servants (Amendment Act, 2005). His/She will be entitled to contributory Provident Fund in such manner and at such rates as prescribed by the government.
2. His/her services will be liable to termination on one-month notice from either side. In case of resignation without notice, his/her two months pay/allowances shall be forfeited to the government.
3. His/She will be governed by such rules and regulations as may be issued from time to time by the government.
4. His/She will remain on probation for a period of one year in terms of Section-4 of the NWFP, Civil Servants Act, 1973 read with Rule-15 (1) of the NWFP, Civil Servants (Appointment, Promotion and Transfer) Rules 1987. His/her services can be terminated any time in case his/her performance is found unsatisfactory during probation period. In case of misconduct, his/She shall be proceeded against under the NWFP Removal from Service (Special Powers) Ordinance, 2000 and the rules framed by the government from time to time.
5. The appointment offer is subject to verification of his/her academic documents from the concerned Board/University.
6. His/She shall be bound to accept his/her adjustment/absorption in any of the departments/offices in Hazara Division as ordered by the Competent Authority.

Before joining the post he/she will have to provide (a) Medical Fitness Certificate from the Medical Superintendent, DHO Hospital of his/her respective district of domicile. (b) Character Certificate from local Police Station (c) Attested photo copies of academic documents.

In case the above terms and conditions of appointment are acceptable, he/she is required to report his arrival in the office of the undersigned within seven (07) days of the receipt of this letter, otherwise, the appointment would be treated as cancelled.

Sd/-

Commissioner Hazara Division
Abbottabad

Date: Abbottabad the 06 / 10 / 2011

Copy to the
 1. Mr. [Name] [Address]
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 99. Mr. [Name] [Address]
 100. Mr. [Name] [Address]

Assistant Commissioner (Rw/GA)
Hazara Division Abbottabad

قیمت
50 روپے

127693



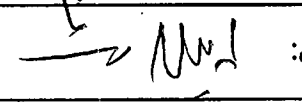
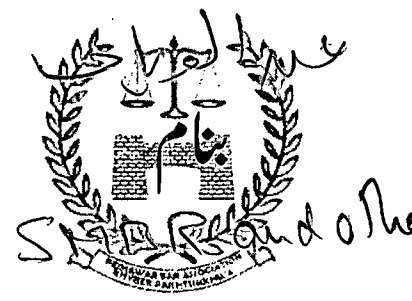
ایڈوکیٹ:

بار کونسل/ایسوسی ایشن نمبر: 3017-20

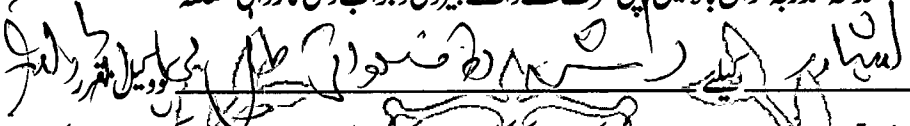
رابطہ نمبر: 8222243
0332-8442207


پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Khyber Pakhtunkhwa Service Tribunal Peshawar

منجانب: 	دعوی: Service Appeal
 S. Raza Raza & Others	علت نمبر:
	موضوع:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام  کی مدد سے
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے براہ راست یا اپنے وکیل کے ذریعے اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جاندا تو اے مقدمہ کے سبب سے ہوگا۔ کوئی تارن پیشی مفاد و درودہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکیل صاحب نامہ لکھ دیا تاکہ سند رہے

الموقع: 
31/05/2020
PUNJAB BAR ASSOCIATION
KHYBER PAKHTUNKHWA

مقام کے لیے منظور ہے۔

وکیل صاحب طلبہ لکھنؤ
13101-1542146-7



**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD**

No. 3411-15 /214-EB

Dated: 30/5/2022

To,

Syed Asif Iqbal
Additional Assistant to Commissioner(Revenue)
Abbottabad

Subject: - Service Appeal No 7313/2021 Titled Abdul Wahab Versus Commissioner Hazara Division And Others.

Memo:

Reference letter No Lit.1/1(A)/5792-96 Dated 20.05.2022 received from Assistant to Commissioner (Rev:GA) Hazara Division Abbottabad on the subject cited above.(copy enclosed).

You are hereby nominated to attend Khyber Pakhtunkhwa Service Tribunal, Peshawar on 31.05.2022 in Service Appeal No 7313/2021 Titled Abdul Wahab Versus Commissioner Hazara Division And Others on behalf of the Commissioner Hazara Division Abbottabad (respondent No.2) and subsequent dates till final decision of the Service Tribunal.


DEPUTY COMMISSIONER
ABBOTTABAD

Endst:No. & Date Even:

Copy to:-

1. Additional Advocate General, Khyber Pakhtunkhwa Service Tribunal, Judicial Complex (old), Khyber Road, Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Judicial Complex (old), Khyber Road, Peshawar
3. PS to the SMBR Government of Khyber Pakhtunkhwa, Board of Revenue, Peshawar.
4. Assistant to Commissioner (Rev:GA) Hazara Division Abbottabad


DEPUTY COMMISSIONER
ABBOTTABAD

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Abdul Wahab

(Appellant/Petitioner)

Versus

**Senior Member Board of Revenue, Government of Khyber Pakhtunkhwa
and another**

(Respondents)

SERVICE APPEAL

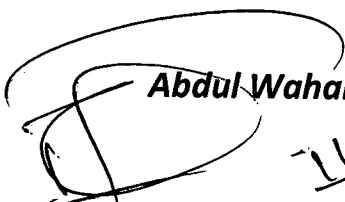
***APPLICATION FOR IMPLEADMENT OF AWAIS QURESHI, THE THEN
COMPUTER OPERATOR, OFFICE OF COMMISSIONER HAZARA DIVISION
ABBOTTABAD, PROMOTED VIDE IMPUGNED NOTIFICATION NO 2/3 ESTAB:
9920-27 DATED 31/12/2020, AS SENIOR SCALE STENOGRAPHER OFFICE OF
RESPONDENT N 2, IN THE PANEL OF RESPONDENTS AS RESPONDENT NO 3***

Respectfully Submitted

- 1.** That subject Service Appeal is pending before this Hon'ble Tribunal and is fixed for arguments for today.
- 2.** That appellant has impugned the notification/order bearing No 2/3- Estab: 9920-27 Dated 31/12/2020 of the respondent No 2 whereby by ignoring the appellant, ***Awais Qureshi the then Computer Operator*** office of respondent No 2 was promoted to the post of ***Senior Scale Stenographer***

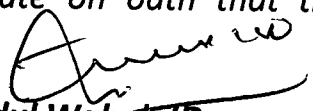
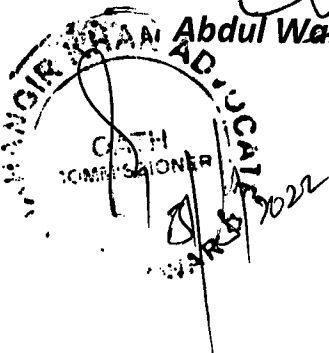
3. That inadvertently said Awais Qureshi was not arrayed a respondent is the appeal though he is necessary and proper party to the appeal in hand
4. That the as Awais Qureshi presently posted as Senior Scale Stenographer is proper and necessary party to the instant Service Appeal therefore this Hon'ble tribunal has ample powers to implead him as party to the Service Appeal which will help the Hon'ble Tribunal to reach to just and proper conclusion as well the requirements of natural justice will be meted out

THEREFORE, IT IS HUMBLY PRAYED THAT ON ACCEPTANCE THE APPLICATION AWAIS QURESHI SENIOR SCALE STENOGRAPHER OFFICE OF COMMISSIONER HAZAR DAVISON ABBOTTABAD MAY GRACIOUSLY BE IMPLEADED AS PARTY TO THE APPEAL IN THE PANEL OF THE RESPONDENTS AND BE SUMMONED


Abdul Wahab (Appellant/Petitioner)
Through
Rashid Rauf Swati and Zele Huma Advocates High Court
31/05/2022

Affidavit

I, Abdul Wahab son of Naeem Gul resident of bearing CNIC No13101-1542146-7 (Appellant/Petitioner) do hereby state on oath that the contents of the petition are true and correct


Abdul Wahab (Deponent)

31/05/2022

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Abdul wahab.....Appellant

Vs

Senior Member Board of Revenue and others..... Respondents

**APPLICATION FOR PLACING ON FILE THE CELL
AND WHATSAPP CONTACT OF RESPONDANT NO
3 AWAIS QURESHI FOR PURPOSE OF SERVICE.**

Respectfully Submitted.

1. That subject appeal is pending before this Hon'ble Tribunal and is fixed for today.
2. That correct address and cell and whatsapp number of respondent No. 3 is submitted for purpose of service.

Awais Qureshi Senior Scale Stenographer Office of
Commissioner Hazara Division Abbottabad.

Cell and Whatsapp Number

0333-5055181

0333-3506069

Email:- aw763693@gmail.com

Abdul Wahab (Appellant)

Through

Dated: 15-09-2022


15.09.2022.
Rashid Rauf Swati

Advocate High Court

Peshawar

Delivery Agent

Delivery List

Print Date : 13/06/2024
 Page No : 1/2
 Delivery List No : 3617-S31

Article ID	Office of Posting	Recipient Name & Address/COD Value	Signature	Remarks
RGLS164467	Peshawar	کتاب خانہ		
RGLS2119659	Abbottabad			
RGLT4773702	Karachi			
RGL91550773	Manshra			
RGL91591459	Peshawar	ادیس ٹریڈنگ / کراچی		
RGLB1714272	Manshra G	COMMISHER HAZARA DIV - ABBOTABAD		
RGLE1577324	Manshra	R-TA		
RGLS9262995	Islamabad	NB12		
RGL25506477	Islamabad	Abdul Ghafoor		

15/6/24

16/6/24

16/6/24

16/6/24

16/6/24

← Awais

3 October 2022

Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them. Tap to learn more.

Due to non-availability of bench, case 15.07.2022 for the same as before.

On Reader

14 09 2022

Appellant with counsel present

Kahr Ullah Khattak learned Additional Advocate General for official respondents No 1 & 2 present. Hereto for private respondent No 3.

At the very outset an application for placing on file the contact number of private respondent No 3 namely Awais Zafar was submitted for purpose of service. It to be served properly by all means of communication including his Cell Number, Whatsapp and Email as well. Office is directed to submit proper report in respect of service upon private respondent No 3 on or before the next date fixed. To come up on 12 10 2022 for further proceedings before D B

(Farhat Poul) Member (E)

(Rozina Fatima) Member (J)

4:08 pm

Yesterday

Assalamoallikum zeshan Bahi 11:48 am

Zeshan bahi do my one favour pl 11:48 am

میں تصدیق کرنا ہوں کہ میں نے او ایس نامی جو کہ اس کیس میں پارٹی ہے اس کو بذریعہ Telephone اور whatsapp کو اطلاع دی تھی۔ شکر ہے۔

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**THE ¹KHYBER PAKHTUNKHWA CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the ²[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the ³[Khyber Pakhtunkhwa] Public Service Commission;

⁴(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

⁵(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

¹ For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011

² Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

⁵ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

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

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

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

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

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

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

S.No. !	Posts !	Appointing Authority
¹⁰ 1. (a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service.	Chief Minister
¹¹ (b)	Posts in Basic Pay Scale 17	Chief Secretary

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

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

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

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

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

¹¹ Substituted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003.

other than those covered by
(a) above and the post of
Deputy Superintendent of
Police; and.

- ¹²(c) Posts of Deputy Superintendents of Police. Provincial Police Officer/
Inspector General of Police.
2. Posts in Basic Pay Scale 16. (a) In the case of Secretariat of the
Government of ¹³[Khyber Pakhtunkhwa],
the Chief Secretary.

¹² Inserted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003.

¹³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (b) In case of High Court, the Chief Justice; and
- (c) In the case of Attached Department:

- (i) the Head of Attached Department concerned; and
- (ii) In any other case the Secretary of the Department concerned.

3. Posts in Basic Pay Scales 3 to 15.

- (a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and
- (b) In other cases
 - (i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or
 - (ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.

4. posts in Basic pay Scale 1 and 2.	Deputy Secretary incharge of Administration or office, , as the care may be
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5. ¹⁴Departmental Promotion & Selection Committee/Board- (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ¹⁵(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Establishment and Administration Department or the Department in consultation with the Establishment and Administration Department.

(2) Each such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

¹⁴ The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

¹⁵ The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

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¹⁶6. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** ¹⁷(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

¹⁸(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following order.

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.

8. **Inter-Provincial Transfer:-**(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;

¹⁶ Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

¹⁷ Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

¹⁸ Sub rule (5) inserted by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

- (iv) the person concerned is a bona fide resident of the ¹⁹[Khyber Pakhtunkhwa].
- (v) a vacancy exists to accommodate the request for such a transfer; and:
- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. Appointment on Acting Charge or current Charge Basis. (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

²⁰Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²¹[three years].

²²[(2)].

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III

INITIAL APPOINTMENT

¹⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁰ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

²¹ The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

²²Sub rule (2) of rule-9 deleted vide by Notification No. SOR-VI(E&AD)1-3/2009/Vol-VIII, dated 22-10-2011.

10. **Appointment by Initial Recruitment :-**(1) Initial appointment to posts ²³[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

²⁴(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

²⁵Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, ²⁶[Khyber Pakhtunkhwa] House Islamabad, ²⁷[Khyber Pakhtunkhwa] Rest Houses Bannu, Swat and Abbottabad, ²⁸[Khyber Pakhtunkhwa] House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

²⁹Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ³⁰[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ³¹[]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) ³²where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

²³ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

²⁴ Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

²⁵ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

²⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁷ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁸ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

²⁹ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

³⁰ Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

³¹ 2nd Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

³² Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

³³(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10:

Provided that the child or the widow/wife as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased civil servant, preference shall be given to the elder widow/wife.

Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale.

Provided further that this shall not apply to any post in BPS-1-10 falling in the purview of the ³⁴[Khyber Pakhtunkhwa] Public Service Commission.

³⁵(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

³⁶(6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battgram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.

³⁷(7) Notwithstanding anything contained in any rule for the time being in force, ³⁸[three] percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

³³ Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/2011/Vol-VIII, dated 31-08-2012.

³⁴ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³⁵ Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

³⁶ Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006

³⁷ Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

³⁸ Subs. vide Notification No. SORIV/E&AD/1-10(Minority)/2008, dated 08.01.2014.

- (i) the percentage of vacancies reserved for recruitment on merit;
- (ii) short term vacancies likely to last for less than one year; and
- (iii) isolated posts in which vacancies occur only occasionally.

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the ³⁹[Khyber Pakhtunkhwa].

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

⁴⁰[(2)]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. **Zonal and Divisional representation:** - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

⁴¹Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be.

(3) Initial recruitment to posts in Basic Pay Scales 1 and 2 or equivalent shall ordinarily be made on local basis.

PART-IV

AD HOC APPOINTMENT

13. **Requisition to Commission:-**When under any rule for the time being in force, a post is

³⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴⁰ Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008

⁴¹ Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

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required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

14. **Ad hoc Appointment:-**(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding ⁴²[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding ⁴³[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

⁴⁴15. **Probation.** ----- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

⁴⁵(3) On the successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed in sub-rule(1):

Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed.”

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the ⁴⁶[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

⁴² The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

⁴³ The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

⁴⁴ Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

⁴⁵ Sub rule (3) substituted vide Notification No. SOR-VI (E&AD)1-3/2012 dated 28-12-2012.

⁴⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

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PART-VI

SENIORITY

17. **Seniority :-** (1) the seniority inter se of civil servants ⁴⁷(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ⁴⁸[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

⁴⁹(3) 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.

⁵⁰(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the

⁴⁷ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

⁴⁸ The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

⁴⁹ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

⁵⁰ Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11- 2009.

lower post is the same, the civil servant older in age, shall be treated senior.

18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal:- The ⁵¹[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

(Authority; No. SORI(S&GAD)4-1/80, dated 13th May, 1989)

⁵¹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.