

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 326/2021

Date of Decision 02.02.2022

Syed Musadiq Shah, Junior Clerk, Estate Office, Administration
Department.

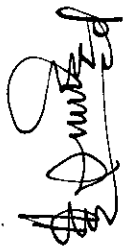
VERSUS

The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat
Peshawar and three others.

ORDER

Learned counsel for the petitioner present. Mr. Mukarram Khan, Section Officer alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

2. Arguments have been heard and record has been perused.
3. The petitioner is pursuing his case for placement of his name in an appropriate seniority with the submissions that he was appointed as Junior Clerk (BS-7) against an existing vacancy in erstwhile Frontier House (Pakhtunkhwa House) Islamabad by the Administration Department vide order dated 11.08.2008 bearing No. E&A(A.D)4(2)/2007. He joined the service in pursuance of the aforementioned appointment order. He during the course of his service, preferred Service Appeal No. 597/2016 on 07.06.2016 against the respondents including the Chief Secretary Khyber Pakhtunkhwa, Secretary Establishment Department and Secretary Administration Department of Khyber Pakhtunkhwa for enlistment of his name in the seniority list of Junior Clerks by the respondents. The said appeal was decided on 29.03.2019 vide judgment of the similar date with the observations in the operative part that the



appellant is a civil servant and is entitled to a place in the seniority list to be drawn by the concerned department in accordance with law and rules and the appeal was allowed to that extent. It was additionally directed that the respondent No. 3 shall cause the preparation of requisite seniority list of appellant and others within a period of ninety days, if not already done so; and that the appellant shall be at liberty to pursue the legal remedy for his grievance arising out of the entries in the seniority list through appropriate proceedings. The Secretary, Administration Department was respondent No. 3 and said department prepared the seniority list on 15.05.2019 in which the name of two Junior Clerks including the present petitioner were placed as Junior Clerk of Household Staff. The said seniority list was communicated to the petitioner by the Administration Department vide letter No. E&A(AD)2(591)2008 dated 28.06.2019. After exhausting the departmental remedy, the petitioner filed Service Appeal No. 1184/2019 before the Tribunal to challenge the said seniority list.

4. The respondents were served with notices of the appeal and they filed their para-wise comments. They admitted in reply of para-1 of the facts that the appellant was appointed by Administration Wing of Establishment & Administration Department as Junior Clerk on 11.08.2008 in Pakhtunkhwa House [erstwhile Frontier House] Islamabad. They added to clarify that as per Khyber Pakhtunkhwa Rules of Business, 1985, Establishment & Administration Department is a single Administrative Department of Civil Secretariat, Peshawar but operationally it comprises of two wings/parts i.e. Administration Wing & Establishment Wing, each wing is separately headed by an Administrative Secretary. It was further added that due to their distinct operational setup,

Administration Wing and Establishment Wing are sometimes also referred to/called as "Administration Department" and "Establishment Department" respectively. In reply to para-3 of the said appeal, it was asserted by respondents that seniority list of Junior Clerks referred to by the appellant has been circulated by the Establishment Wing of E&A Department but the appellant is a Household employee of the Administrative Wing of the E&A. Hence, he has got no right over that seniority. In reply to para-4 of the facts, the respondents stated that request of the appellant for inclusion of his name in the seniority list was processed and regretted being not covered under the rules, with advice to Administration Wing of E&A Department to find out a way for further career progression of the Household Staff. The respondents also admitted the judgment dated 29.03.2019 at credit of the appellant with clarification that the Tribunal had allowed earlier appeal of the appellant to the extent that he being civil servant is entitled to a place in seniority to be caused by respondent No. 3 i.e. Secretary Administration and not Secretary Establishment. The needful in this regard has already been done by Administration Wing of E&A Department.

5. Apropos to the foregoing facts, it is pertinent to point out that the subsequent Service Appeal No. 1184/2019 preferred by the appellant was converted into Execution Petition as evident from the order dated 21.10.2021 on file. So, this order is meant to decide the question whether seniority list dated 15.05.2029 as issued by the Administration Department including name of the petitioner and that of respondent No. 4 stands to satisfy the judgment dated 29.03.2019 in Service Appeal No. 597/2016 in its letter and spirit. Respective factual stance of each party has been noted herein

above in this order. Accordingly, it is assertion of the respondents that direction in the judgment dated 29.03.2019 passed in Service Appeal No. 597/2016 was for the concerned department which in case of the petitioner is the Administration Department, who by issuing the seniority list comprising the petitioner and respondent No. 4 has complied with the judgment dated 29.03.2019. On the other hand, the petitioner submits that instead of causing the seniority as asserted by the respondents, the name of the petitioner should have been included in the seniority list of Establishment Department like other similarly placed officials as evident from the minutes dated 08.05.2018 and subsequent precedents.

6. It is noteworthy that there is no dispute as to the appointment of petitioner as Junior Clerk having been made by the Administration Department in Pakhtunkhwa House vide order dated 11.08.2008 bearing No. E&A(A.D)4(2)/2007 of even date. The denial of respondents to treat the petitioner at par with junior clerks of the Secretariat Departments can be better spelt out from their added view in reply to para-2 of the appeal now converted into execution petition. They thereby explained that the petitioner had already been treated under Sub Section (2) of Section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 which postulates that seniority of Civil Servant shall be reckoned in relation to other Civil Servants belonging to the same service or cadre while the petitioner was appointed as Household Employee under Rule 10 (2) of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion & Transfer) Rules, 1989 against post of junior clerk exclusively for a particular entity i.e. Houses, without observing some parts of the criteria required for filling the post of junior clerk such as zonal quota and advertisement in two newspapers etc. With



the given explanation, the respondents asserted that seniority of the petitioner will be maintained along with other employees of the Houses in Administration Wing of E&A Department being their parent entity but not in Establishment part of E&A Department. The said explanation and assertion of the respondents underpins two points: One that the petitioner by virtue of his appointment holds the post of junior clerk exclusively meant for Houses under control of Administration Department which does not make part of the service/cadre of junior clerks holding such post in Departments of Provincial Civil Secretariat; and second that appointment of the petitioner as junior clerk in Pakhtunkhwa House was made with exceptions provided under Rule 10 (2) cited above. In order to settle the point whether the post held by the petitioner as Junior Clerk is a separate cadre or otherwise it makes part of the cadre of junior clerks of a Secretariat Department, the admitted control of the Houses by Administration Department is workable as determinative factor. The Khyber Pakhtunkhwa Province Government Rules of Business, 1985 define the "Department" as a self-contained administrative unit in the Secretariat responsible for the conduct of business of Government in a distinct and specified sphere, and declared as such by the Government. Attached Department means a Department mentioned in column 3 of Schedule-I which in fact is the attached Department of a Secretariat Department. Needless to say that according to list of the secretariat departments given in 1st schedule of the said Rules of Business, Establishment & Administration Department is a combined unit with specified common business. So, plea of the respondents as to individuality of the Administration Department distinct from the Establishment Department is not acceptable in light of the

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Government Rules of Business. The Houses have not been specifically dealt with for the purpose of responsibility of the Establishment & Administration Department. Rather the Estate Office is enumerated among the business of said department. It is an open secret that management of the Houses rests with the Estate Office directly under control of E&A Department in the Khyber Pakhtunkhwa Civil Secretariat. Thus, all posts in the Estate Office or in the Houses make part of the service of the Khyber Pakhtunkhwa Civil Secretariat. The post of junior clerk in the Estate Office or in the Houses is held as a cadre post for the purposes of notification dated 6th December, 2012 bearing No. SOE.IV(E&AD)/1-35/2012 of the Government of Khyber Pakhtunkhwa Establishment & Administration Department (Establishment Wing). Coming to the second point as to exceptions in appointment of petitioner, suffice it to say that they relate to the method of recruitment and cannot be pressed into service to exclude the petitioner from cadre of junior clerk when his holding of the said post with status as civil servant is admitted by the respondents.

7. Coming to the crucial point of the seniority list circulated by the Administration Department including names of the petitioner and respondent No. 4 for the purpose of compliance with the judgment dated 29.03.2019 passed in Service Appeal No. 597/2016, it is observed that issuance of said list in the given manner is fruitless as far as satisfaction of said judgment is concerned. For proper satisfaction of said judgment of the Tribunal, respondents are directed to treat the post held by petitioner at par with the junior clerks in Khyber Pakhtunkhwa Civil Secretariat for which the reasons have already gone herein above. The Execution

Petition stands disposed of accordingly with liberty to the petitioner to seek its restoration, if this order is not complied with in due course. File be consigned to the record room.

ANNOUNCED
02.02.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN

EP 326/2021

01.02.2022 Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukarram Khan, SO (Litigation) for the respondents present.

Arguments heard. To come up for order on 02.02.2022 before S.B.


Chairman

06.01.2022 Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Mukarram Khan, S.O (Litigation) for the respondents present.

On previous date, representative of the respondents submitted detailed reply and the case was fixed for further proceedings. Today lawyers are on strike, therefore, case to come up for further proceedings/arguments on 25.01.2022 before S.B.



(Rozina Rehman)
Member (J)

25.01.2022 Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Former requests for adjournment due to general strike of the bar. Adjourned. To come up for further proceedings on 31.01.2022 before S.B.



(Mian Muhammad)
Member(E)

31.01.2022 Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukarram Khan, S.O (Litigation) for the respondents present.

Due to paucity of time, the matter is adjourned to 01.02.2022 for further proceedings/arguments before S.B.



Chairman

23.11.2021

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Mukarram Khan, SO and Mr. Sultan Shah, Supdt for official respondents and private respondent No.4 in person present.

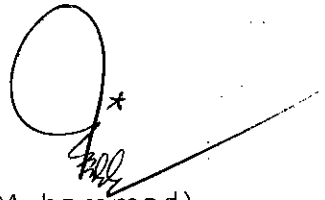
Petitioner seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for further proceedings on 09.12.2021 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

09.12.2021

Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Mukkaram Khan, Section Officer and Mr. Sultan Shah, Superintendent for official respondents No. 1 to 3 present.

Representatives of official respondents submitted a detailed reply. Placed on file and copy of the same handed over to the petitioner as well. To come up for further proceedings on 01.02.2022 before S.B.


(Mian Muhammad)
Member (E)


S.A 1184/19, converted into Execution Petition.

21.10.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukaram Khan, S.O (Litigation-I) for the respondents present.

Arguments were heard at certain length. It seems that the instant service appeal has been filed in extension of the relief given in judgment dated 29.03.2019 in service appeal No. 597/2016 filed by the present appellant. By virtue of sub section (2) of Section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 this Tribunal has got the powers of a civil court to be regulated by the procedure of Civil Procedure Code, 1908. Sub section (1) of Section 47 CPC provides that all questions relating to the execution of a decree shall be determined by the executing court and not by separate suit. The present appeal has been preferred to impugn the seniority list dated 27.06.2019 with the underlying facts among others that Service Appeal No. 597/2016 in this Tribunal was accepted vide judgment dated 29.03.2019 directing the concerned department to prepare and include the name of the appellant in seniority list. According to divergent arguments at the bar, the respondents on one hand assert that direction in the said judgment was for the concerned department which in case of the appellant is the Administration Department. The said department having issued the seniority list comprising the Appellant and Respondent No. 4 has complied with the judgment dated

29.03.2019. On the other hand, the appellant submits that instead of causing the seniority as asserted by the respondents, name of appellant should have been included in the seniority list of Establishment Department like other similarly placed officials as evident from the minutes dated 08.05.2018 and subsequent precedents. A question is apt to arise that which one out of the said views is acceptable. Needless to say that the question made out in light of said divergent views of the parties squarely relates to the execution of judgment dated 29.03.2019 and accordingly, it requires determination in execution of the judgment dated 29.03.2019 instead of a separate appeal. The present appeal involving such position is fit for conversion into execution petition. With the given findings, this appeal is converted into execution petition. The office is directed to delete its number from the register of appeals and register the same in the register of execution petitions. Notices be issued to the respondents for submission of objection, if any, as to execution of the judgment dated 29.03.2019 within 10 days. To come up for implementation report on 23.11.2021 before S.B.


(Salah-ud-Din)
Member(J)


Chairman

01.06.2021

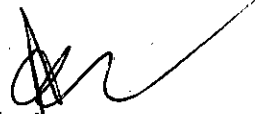
Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General Mukarram Khan Section Officer and Zar Muhammad Assistant for respondents present.

Partial arguments have been heard. Learned A.A.G was required to provide copy of Notification within the meaning of Sub Rule (2) of Rule-3 of Khyber Pakhtunkhwa Government Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 in respect of the post of Secretariat Departments. To come up for record/arguments on 23.08.2021 before D.B.



(Rozina Rehman)
Member (J)

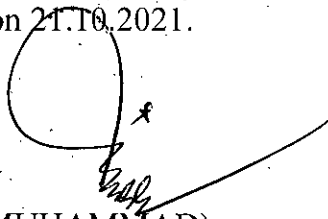


Chairman

23.08.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Mukarram Khan, SO and Mr. Zar Muhammad, Assistant for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has proceeded to his home due to some emergency. Adjourned. To come up for arguments before the D.B on 21.10.2021.



(MIAN MUHAMMAD)
Member(E)

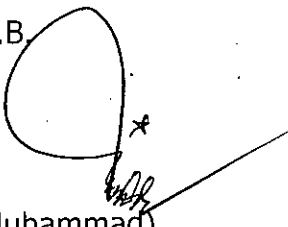


(SALAH-UD-DIN)
Member(J)

23.02.2021

23.02.2021

Appellant with counsel and Addl. AG along with Mukaram Khan, S.O and Zar Muhammad, Assistant for the official respondents present. Nemo on behalf of private respondent No.4e is engaged before the Honorable High Court today in num. Learned AAG states that the issue regarding seniority of household employees has been settled by the Apex Court in more than one case. He, therefore, requests for time to obtain copy and submit the same before the Tribunal. He undertakes to provide one set of such copy to the appellant/counsel. May do so within ten days. Adjoined to 01.06.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)

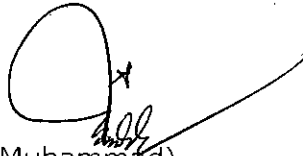

Chairman

14.10.2020

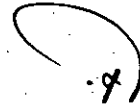
Junior counsel present on behalf of appellant.

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

A request was made for adjournment as senior counsel is not available. Application for adjournment is placed on file and case is adjourned to 04.12.2020 for arguments, before D.B.



(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

04.12.2020

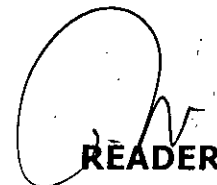
Due to pandemic of Covid-19, the case is adjourned to 25.01.2021 for the same as before.



Reader

15.01.2021

Due to COVID-19, the case is adjourned for the same on 23.02.2021 before D.B.



READER

17.06.2020

Junior to counsel for the appellant, Asst: AG alongwith Mr. Naqeebullah, Stenographer for official respondents No. 1 to 3 and junior to counsel for private respondent No.4 present. Written reply on behalf of official respondents No. 1 to 3 submitted which is placed on file. Junior to counsel for private respondent No. 4 seeks time to submit the same. Last opportunity is granted to private respondent No.4. To come up for written reply/comments of private respondent No.4 on 29.07.2020 before S.B.


MEMBER

29.07.2020

Junior to counsel for the appellant and Addl. AG for the official respondents and junior to counsel for private respondent No. 4 present.

Comments on behalf of private respondent No. 4 also received. The appeal is assigned to D.B for arguments on 14.10.2020. The appellant may furnish rejoinder, within one month, if so advised.


Chairman

30.12.2019

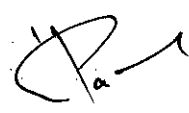
Appellant in person, Mr. Sultan Shah, Superintendent for official respondents present. Mr. Fazal Shah, Advocate for respondent No. 4 present and furnished Wakalatnama in his favour, which is placed on record.

Respondents need further time to furnish reply/comments. Adjourned to 10.02.2020 on which date requisite reply/comments shall positively be furnished.


Chairman

10.02.2020

Appellant absent. Junior to counsel for private respondent No.4 present. Learned counsel for the appellant and learned counsel for private respondent No.4 not available. Sultan Shah Superintendent representative of official respondents absent. Notice be issued to official respondents as well as absent representative of official respondents for reply. Adjourn. To come up for reply of official respondents and private respondent No.4 on 25.03.2020 before S.B.


Member

25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.


Reader

01.11.2019

Counsel for the appellant present.

The appellant is aggrieved from final seniority list of Junior Clerks of Household staff circulated on 27.06.2019. It is the argument of learned counsel that in pursuance to the judgment of this Tribunal passed on 29.03.2019 in Appeal No. 597/2016 a seniority list was though prepared but separately issued for Household staff. There should have been a joint seniority list of Junior Clerks BPS-11 under the administrative control of Administration & Establishment Department. The objections of appellant against tentative seniority list were disregarded through letter dated 26.08.2019, hence the appeal in hand. It is also the argument of learned counsel that the order regarding initial appointment of the appellant did not contain any term ~~or~~ condition distinct to other officials of the same cadre.

In view of arguments of learned counsel and the available record, instant appeal is admitted to regular hearing. The appellant is directed to deposit of security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 30.12.2019 before the S.B.

Appellant Deposited
Security & Process Fee



Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1184/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/09/2019	<p>The appeal of Syed Musadiq Shah presented today by Syed Noman Ali Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 25/9/19</p>
2-	26/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/11/19</u></p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Execution petition no. 326/2021

Appeal No. 1184 /2019

Syed Musadiq Shah

VS

Govt: OF KPK

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5.	Copy of tentative seniority list	D	19-20
6.	Copy of minutes dated 08.05.2018	E	21-28
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Syed Musadiq Shah
APPELLANT

Syed Musadiq Shah

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT

&

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)

ADVOCATE, HIGH COURT

Dated 24.09.2019

CellNo: 03065109438

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition No. 326/2021

Appeal No. 1184/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 300

Date 25/9/2019

Mr. Syed Musadiq Shah, Junior Clerk,
Estate Office, Administration Deptt;

.....Appellant

Appeal is converted into
Execution Petition vide
order dt. 21-10-2021.

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Secretary Administration, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
4. Raza Muhammad Junior Clerk Khyber Pakhtunkhwa House Islamabad.

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE IMPUGNED SENIORITY LIST DATED 27-06-
2019, WHEREBY BY THE SEPARATE SENIORITY LIST WAS
PREPARED FOR THE APPELLANT AND AGAINST THE
REJECTION ORDER DATED 26.08.2019 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

25/9/19

PRAYER:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED
SENIORITY LIST DATED 27-06-2019 MAY PLEASE BE SET
ASIDE BEING NO VALUE/MEANING LESS AND
DISCRIMINATORY BECAUSE THERE IS NO CHANNEL OF
PROMOTION AND THE APPELLANT MAY BE INCLUDED
IN THE SENIORITY MAINTAINED BY THE
ESTABLISHMENT DEPARTMENT FOR CIVIL
SECRETARIAT EMPLOYEES AT HIS PROPER PLACE
WHEREIN OTHER EMPLOYEES OF ADMINISTRATION

DEPTT: OF THE APPELLANT (CLASS-IV) WERE INDUCTED AND GIVEN SENIORITY POSITION TO THEM SO THE APPELLANT MAY ALSO BE TREATED AT PAR, WITH ALL BACKS AND CONSEQUENTIAL BENEFITS AND THE APPELLANT ALSO MAY BE DECLARE SENIOR FROM THE RESPONDENT NO.4. ANY OTHER REMEDY WHICH COURT DEEMS FIT AN APPROPRIATE MAT ALSO AWARDED IN FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant was appointed as junior clerk in frontier house, Islamabad administration deptt: vide order dated 11.8.2008 and since that the appellant has been performing his duty up to the entire satisfaction of his superior and no complaint has ever been filed against him, it is pertinent to mentioned here that, at that time Establishment and Administration Department is headed by the one same secretary. **(Copy of order is attached as annexure-A).**
2. That in appointment order dated 11.8.2008 it was clearly mention in Para (2) That the appellant shall be governed by the (then NWFP)now kpk civil servant act 1973 and all laws applicable to the civil servants and rules made therein ,but despite that the name was the appellant was not enlisted in the seniority list of junior clerk .Therefore the appellant field application for the enlistment of his name in the seniority list of junior clerk in the department as he is serving in deptt:, but the department has not taken any action on his application.
3. That the department circulated the seniority list of senior clerk on 3.2.2016 where in the appellant came to know about the promotion of 83 junior clerks to the post senior clerks who were junior to the appellant. The promotion of the junior clerks is evident from the seniority list s/clerks of 2016. The appointment order of that persons were same as appellant. **Copy of seniority list is attached as annexure-B.**
4. That as the appellant was deprived from the legal right of promotion to the post of senior clerks merely because of non – inclusion of his name in the seniority list of junior clerk maintained by the establishment deptt:, therefore he filed departmental appeal on 9.2. 2016which was not responded within the statutory period of ninety day.

5. That thereafter the appellant filed service appeal no. 597/2016 before the KP Service Tribunal Peshawar. Which was decided on 29.03.2019 and the tribunal is kind enough to accept the appeal of the appellant and the concerned department was directed to prepare and include the name of the appellant in seniority list. **Copy of judgment is attached as annexure-C.**

6. That in compliance of judgment Administration Department prepared separate tentative seniority list for the appellant instead of including him in seniority of establishment department like other officials class-iv whom were included in the joint seniority list for the purpose of promotion which is evident from the minutes dated 08.05.2018. Which is discriminatory treatment on the behalf of the depts. (**Copy of tentative seniority list and minutes is attached as annexure-D & E**)

7. The appellant aggrieved from the tentative seniority list filed objection on the tentative seniority list but the objection was not considered and final seniority list dated **27-06-2019** was issued. **Copy of objection and final seniority list attached as annexure-F & G.**

8. That the appellant feeling aggrieved from the impugned seniority list dated 27.06.2019, filed departmental against the same on 25.07.2019 which was rejected vide order dated 26.08.2019 on flimsy ground. Hence present appeal on the following grounds. **Copy of departmental appeal and rejection order are attached as annexure-H & I.**

GROUND:

- A) That the seniority list dated 27.06.2019 and not including the name of appellant in seniority list of junior clerk in establishment deptt/Civil Secretariat and rejection order dated 26.08.2019 is against the law, discriminatory norms of justice and material on record therefore, liable to be set aside.

- B) That in the appointment order of the appellant it was clearly mentioned that the appellant is the employee of administration deptt, therefore it is the legal right of the appellant to have his name in the seniority list of junior clerk maintained by the Establishment deptt for Employees of Civil Secretariat from the date of appointment, as per like the minutes dated 08.05.2018 wherein specifically written that the class-iv employees of administration deptt is also employees of civil

(u)

secretariat also be included in joint seniority of civil secretariat to avail benefit of promotion, and also promoted vide order dated 21.05.2018. So the question there is that Are the junior clerk has no right to avail benefit of promotion? It clearly show the discriminatory attitude of the deptt. **Copy of appointment order of class-iv, establishment department letter 2016 and promotion order is attached as annexure-J, K & L.**


- C) That in compliance of judgment Administration Department prepared separate seniority list for the appellant instead of including him in seniority of establishment department/civil secretariat like other officials. Which is discriminatory treatment on the behalf of the deptt. Further it is added that the in the seniority list dated **27-06-2019** at Sno.1 (Raza Muhammad) is junior to the appellant but malafidely show senior to the appellant. Because the appellant and Raza Muhammad is appointed on the same date but he appellant is older in age. So the appellant is senior **Copy of the appointment order and arrival report is attached as annexure-M & N.**
- D) That the appellant, including in the separate seniority list is meaningless because by doing this the appellant was kick out from the channel of promotion, there is no higher post in the channel list of promotion in separate seniority which badly effect the whole Carrier of the appellant.
- E) That the appellant is discriminated as the appellant was appointed in administration deptt like the other officials who were included in the seniority list of establishment deptt while the appellant was not included in the same but the separate seniority was prepared for the appellant. This is only for the shut the mouth of the appellant because the preparation of seniority for the appellant has no value/meaningless because there is no channel of promotion and against the natural justice and seniority rules.
- F) That the appellant was initially appointed in administration deptt: like the other officials which are place in the establishment deptt: seniority list but the appellant was ignored. Which is clear violation of the rules and constitution.

- 5
- G) That the impugned seniority list is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under law.
- H) That the appellant is discriminated as many junior clerks junior to the appellant were promoted to the post of senior clerk while the appellant was deprived from the same benefits.
- I) That the appellant has punished for his no faults and deprived from his due right of promotion due to non-inclusion of name of appellant in the seniority list of junior clerk which shows the malafide on the part of respondents.
- J) That the appellant has not been treated in accordance with the law and rules as well as fair play and justice.
- K) That the appellant craves permission of this honorable tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of instant service appeal

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


APPELLANT
Syed Musadiq Shah

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
&


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

A (6)
A (5)

GOVERNMENT OF N.W.F.P
ADMINISTRATION DEPARTMENT

Dated Peshawar the 11.08.2008

ORDER

NO.E&A(A.D)4(2)/2007. Under rule 10 sub rule-2 of the N-WFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No.SOR-VI(E&AD)1-3/2003 Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Syed Musaddiq Shah S/O Haji Syed Phool Badshah, resident of Kukar, P.O Bukshu Pul, Teh & Distt: Peshawar is hereby appointed as Junior Clerk (BS-07) (3530-190-9230) against an existing vacancy in Frontier House, Islamabad, Administration Department with immediate effect on the following terms and conditions. His overage limit has also been relaxed:-

- i. He will get pay at the minimum of BS-07 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- ii. (He shall be governed by the N-WFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.)
- iii. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- iv. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
- v. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
- vi. He has to join duties at his own expenses.

2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.

DEPUTY SECRETARY (ADMN)
ADMINISTRATION DEPARTMENT.

ENDST: NO. & DATE EVEN.

Copy forwarded to:-

1. Accountant General, NWFP, Peshawar.
2. P.S to Secretary, Administration Department.
3. P.A to Deputy Secretary (Admn), Admn: Department.
4. Comptroller, Frontier House, Islamabad.
5. Syed Musaddiq Shah S/O Haji Syed Phool Badshah, resident of Kukar, P.O Bukshu Pul, Teh & Distt: Peshawar.
6. P/File.
7. Office Order file.


(EHSAN ELAHI)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar, the 03.02.2016

TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
1	Mr. Raj Wali	Matric	02.02.1972	01.02.2032	Peshawar	19.10.1992	10.04.2007	02.11.2015	Agriculture Deptt.	Senior Clerk
2	Hafiz Muhammad Khalid	M.A	13.03.1982	12.03.2042	Charsadda	23.01.2008	23.01.2008	28.05.2013	Health Deptt.	Senior Clerk
3	Mr. Ashraf Khan	B.A	05.04.1983	04.04.2043	Charsadda	15.01.2008	15.01.2008	28.05.2013	IPC Deptt.	Senior Clerk
4	Syed Masood Shah	M.A	15.04.1978	14.04.2038	Peshawar	15.01.2008	15.01.2008	28.05.2013	E&A Deptt. (O/o ASJ)	Senior Clerk
5	Syed Qaisar Ali Shah.	M.BA	26.10.1980	25.10.2040	Peshawar	15.01.2008	15.01.2008	28.05.2013	On deputation to Gender Equity GRAP Phase-II Project of Social Welfare Deptt for initial period 03 years w.e.f 21.09.2015.	Senior Clerk
6	Mr.Wasim-ur-Rehman.	M.Sc	23.03.1983	22.03.2043	Peshawar	15.01.2008	15.01.2008	28.05.2013	Excise & Taxation Deptt.	Senior Clerk
7	Mr. Rehmanullah.	M.A	13.04.1984	12.04.2044	Mardan	15.01.2008	15.01.2008	28.05.2013	CM Sectt.	Senior Clerk
8	Mis. Nayab Altaf.	M.A	19.08.1985	18.08.2045	Peshawar	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
9	Mr.Hamid Shah S/o Sultan Shah	M.Sc	15.05.1975	14.05.2035	Peshawar	15.01.2008	15.01.2008	28.05.2013	P&D Deptt.	Senior Clerk
10	Mr. Zahid Hussain S/o Ali Muhammad	M.A	16.04.1979	15.04.2039	Mohmand Agy.	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
11	Mr.Abdur Rehman	M.A	21.04.1979	20.04.2039	Peshawar	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
12	Mr.Afzal Khan	M.Sc	20.03.1980	19.03.2040	Mohmand Agy	15.01.2008	15.01.2008	28.05.2013	E&SE Deptt.	Senior Clerk
13	Mr.Masaud Khan S/o Said Afzal	M.A	02.04.1984	01.04.2044	Peshawar	15.01.2008	15.01.2008	28.05.2013	Excise & Taxation Deptt.	Senior Clerk
14	Mr. Muhammad Irshad Khan S/O M. Reshan	M.Sc	05.01.1976	30.04.2036	Karak	15.01.2008	15.01.2008	28.05.2013	ST&IT Deptt.	Senior Clerk
15	Mr.Hamayun Mustafa	M.Com	15.12.1981	14.12.2041	Chitral	15.01.2008	15.01.2008	28.05.2013	E&AD (Min. LG)	Senior Clerk
16	Mian Muhammad Tariq	B.A	19.12.1984	18.12.2044	Swal	22.01.2008	22.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
17	Mr. Yousaf Khan	M.A	07.03.1979	06.03.2039	Bannu	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
18	Mr. Muhammad Adnan Khattak	M.Sc	15.01.1987	14.01.2047	Kohat	15.01.2008	15.01.2008	28.05.2013	On deputation to PDMA extended upto 02 years w.e.f 22.08.2014 to 21.08.2016	Senior Clerk
19	Mr. Muhammad Ashraf Khan	M.A	01.02.1979	31.01.2039	Dir Upper	15.01.2008	15.01.2008	28.05.2013	C&W Deptt.	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt: Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
20	Miss. Noor Begum	M.A	01.01.1981	31.12.2040	Mardan	15.01.2008	15.01.2008	28.05.2013	P&D Deptt.	Senior Clerk
21	Mr. Haider Ali	B.A	6.12.1985	05.12.2045	Khyber Agy.	15.01.2008	15.01.2008	28.05.2013	E&AD (O/o Spl Asstt to CM for Law)	Senior Clerk
22	Mr. Muhammad Sahir	B.A	08.04.1981	07.04.2041	Peshawar	15.01.2008	15.01.2008	28.05.2013	Labour Deptt.	Senior Clerk
23	Mr. Asmat Ullah Khan S/O Taza Gul	B.A	31.08.1982	30.08.2042	Lakki Marwat	15.01.2008	15.01.2008	28.05.2013	E&AD (Adv to CM for Prisons)	Senior Clerk
24	Mr. Imtiaz Khan S/O Abdul Wahid	B.Sc	08.08.1983	07.08.2043	Mohmand Agy.	15.01.2008	15.01.2008	28.05.2013	Housing Deptt.	Senior Clerk
25	Mr. Muhammad Javed Akhtar	B.A	01.08.1979	31.07.2039	D.I.Khan	19.11.2001	15.01.2008	28.05.2013	E&A Deptt. (O/o CS)	Senior Clerk
26	Mr. Muhammad Jehangir Rehman	B.A	04.09.1986	06.09.2046	Khyber Agy.	15.01.2008	15.01.2008	28.05.2013	FATA Sectt.	Senior Clerk
27	Mr. Amjad Ali S/O Nawab Shah	B.A/LLB	25.03.1983	24.03.2043	FR Peshawar	16.01.2008	16.01.2008	28.05.2013	Social Welfare Deptt.	Senior Clerk
28	Miss Shumaila D/O Muhammad Afzal	B.A	04.04.1984	03.04.2044	Mansehra	15.01.2008	15.01.2006	26.02.2015	On deputation to Ministry of Housing & Works, Islamabad w.e.f 29.5.2015.	Senior Clerk
29	Mr. Fahim Ullah	B.Com	20.03.1985	19.03.2045	FR Bannu	15.01.2008	15.01.2008	28.05.2013	Governor House	Senior Clerk
30	Mr. Raza Khan	M.A	01.07.1985	30.06.2045	Mohmand Agy	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
31	Mr. Naveed Alam	B.Sc	15.03.1981	14.03.2041	Malakand Agy.	15.01.2008	15.01.2008	28.05.2013	LGE&RD Deptt.	Senior Clerk
32	Mr. Mazhar-ul-Islam	B.Sc	14.03.1982	13.03.2042	Mansehra	17.01.2008	17.01.2008	28.05.2013	Governor Sectt.	Senior Clerk
33	Mr. Muhammad Zaheer	B.A	15.11.1984	14.11.2044	Abbottabad	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
34	Mr. Khan Zaman	B.A	25.01.1977	24.01.2037	Lakki Marwat	15.01.2008	15.01.2008	28.05.2013	PHE Deptt.	Senior Clerk
35	Mr. Gul Nawaz	B.Com	22.03.1983	21.03.2043	Malakand Agy.	15.01.2008	15.01.2008	28.05.2013	C&W Deptt.	Senior Clerk
36	Miss. Zunaira Rashid	B.A	14.03.1985	13.03.2045	Mansehra	24.01.2008	24.01.2008	28.05.2013	E&AD (E-IV Section)	Senior Clerk
37	Mr. Qasim Ali Awan S/O Shabbir Ahmad Awan	B.A	21.02.1987	20.02.2047	Mansehra	15.01.2008	15.01.2008	28.05.2013	PHE Deptt.	Senior Clerk
38	Mr. Famanullah S/O Tasleem Khan	B.Sc	22.08.1987	21.08.2047	Lakki Marwat	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
39	Syed Mansoor Ahmad	B.A	22.02.1986	21.02.2046	Malakand Agy.	15.01.2008	15.01.2008	28.05.2013	Auqaf Deptt.	Senior Clerk
40	Mr. Aziz-ur-Rehman	B.A	14.04.1974	13.04.2034	Dir Upper	15.01.2008	15.01.2008	28.05.2013	Mineral Dev. Deptt.	Senior Clerk
41	Mr. Nisar Ahmad S/O Abdullah	B.A	04.07.1978	03.07.2038	Chitral	15.01.2008	15.01.2008	28.05.2013	E&AD(DSR-I)	Senior Clerk
42	Said Shah Bacha	M.A	11.04.1979	10.04.2039	Swat	15.01.2008	15.01.2008	28.05.2013	E&AD (Spl. Asstt to CM for Population Welfare)	Senior Clerk
43	Mr. Muhammad Ashraf	B.A	02.03.1981	01.03.2047	Swat	15.01.2008	15.01.2008	28.05.2013	IPC Deptt.	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
44	Mr. Akbar Zaman	B.A	27.03.1984	26.03.2044	Haripur	15.01.2008	15.01.2008	28.05.2013	E&AD (Adv to CM for C&W)	Senior Clerk
45	Sayeed Ahmad Khan	F.Sc	01.01.1987	31.12.2046	Chitral	15.01.2008	15.01.2008	28.05.2013	Law Deptt.	Senior Clerk
46	Mr. Hanifullah	B.A	20.02.1987	19.02.2047	Dir Lower	15.01.2008	15.01.2008	28.05.2013	Agriculture Deptt.	Senior Clerk
47	Mr. Abdur Rashid Khan	MBA (Finance)	18.02.1987	17.02.2047	Chitral	15.01.2008	15.01.2008	28.05.2013	E&AD (E-IV)	Senior Clerk
48	Mr. Ateeque-ur-Rehman S/O Muhammad Shafique	B.A.	27.01.1983	26.01.2043	Mansehra	15.01.2008	15.01.2008	28.05.2013	Food Deptt.	Senior Clerk
49	Syed Azam Shah	M.Com. (one year)	09.10.1986	08.10.2046	Mansehra	15.01.2008	15.01.2008	28.05.2013	CM Sectt.	Senior Clerk
50	Mr. Bilal Khan	B.A	21.06.1985	20.06.2045	Abbottabad	15.01.2008	15.01.2008	28.05.2013	Higher Education Deptt.	Senior Clerk
51	Mr. Muhammad Awais Ali S/O Safi Ullah	M.A	03.02.1980	02.02.2040	Mansehra	15.01.2008	15.01.2008	28.05.2013	E&A Deptt. (R-II Section)	Senior Clerk
52	Mr. Muhammad Arif	F.Sc	07.02.1984	06.02.2044	Mansehra	15.01.2008	15.01.2008	28.05.2013	IPC Deptt.	Senior Clerk
53	Mr. Arsalan Ahmad	B.Com	07.02.1988	06.02.2048	Mansehra	15.01.2008	15.01.2008	28.05.2013	Health Deptt.	Senior Clerk
54	Mr. Farid Khan	Matric	20.03.1986	19.03.2046	Charsadda	28.04.2008	28.04.2008	28.05.2013	Sports Deptt.	Senior Clerk
55	Mr. Vijay Hameed	Matric	16.02.1987	15.02.2047	Peshawar	26.04.2008	26.04.2008	12.02.2014	FATA Sectt.	Senior Clerk
56	Mr. Abdul Basit S/O Muhammad Riaz	Matric	20.05.1989	19.05.2049	Kohat	13.08.2008	13.08.2008	12.02.2014	E&AD (Spl Asst to CM for Sports)	Senior Clerk
57	Mr. Sohail Zafar Amin	F.A	03.02.1988	02.02.2048	Karak	22.11.2008	22.11.2008	23.06.2014	PHE Deptt.	Senior Clerk
58	Mr. Muhammad Shadman Safi	F.Sc	01.04.1990	31.03.2050	Peshawar	22.11.2008	22.11.2008	23.06.2014	Governor Sectt.	Senior Clerk
59	Mr. Naeem Shah S/O Rahmat Shah	B.A	17.11.1990	16.11.2050	Peshawar	22.11.2008	22.11.2008	23.06.2014	Finance Deptt.	Senior Clerk
60	Mr. Sher Aziz	Matric	04.02.1973	03.02.2033	Chitral	11.08.1991	02.12.2008	23.06.2014	ST&IT Deptt.	Senior Clerk
61	Mr. Abdul Haleem	FA	04.09.1974	03.09.2034	D.I.Khan	08.02.1992	02.12.2008	23.06.2014	PHE Deptt.	Senior Clerk
62	Mr. Muhammad Ayaz	Matric	15.03.1969	14.03.2029	Peshawar	01.06.1992	02.12.2008	23.06.2014	E&AD (SO Lit)	Senior Clerk
63	Mr. Ali Gohar	FA	02.07.1972	01.07.2032	Peshawar	09.08.1992	02.12.2008	23.06.2014	C&W Deptt.	Senior Clerk
64	Syed Naseeruddin	Matric	30.12.1974	29.12.2034	Peshawar	07.02.1993	02.12.2008	23.06.2014	Transport Deptt.	Senior Clerk
65	Mr. Fazle Akbar	FA	03.02.1969	02.02.2029	Mardan	24.04.1993	02.12.2008	23.06.2014	Irrigation Deptt.	Senior Clerk
66	Mr. Umar Gul	Matric	05.11.1973	04.11.2033	Peshawar	26.05.1993	02.12.2008	23.06.2014	E&SE Deptt.	Senior Clerk
67	Mr. Tasleem Gul	Matric	02.05.1975	01.05.2035	Charsadda	28.06.1993	02.12.2008	23.06.2014	E&AD (O&M)	Senior Clerk
68	Mr. Ziarat Gul	Matric	01.04.1960	31.03.2020	Swat	03.07.1993	02.12.2008	23.06.2014	PHE Deptt.	Senior Clerk
69	Mr. Aurangzeb S/O Khan Sahib	Matric	21.04.1974	20.04.2034	Peshawar	01.05.1992	01.06.2007	26.02.2015	Excise & Taxation Deptt.	Senior Clerk
70	Mr. Abdul Majeed	FA	01.10.1968	30.09.2028	Bannu	29.07.1993	02.12.2008	26.02.2015	FATA Sectt.	Senior Clerk

revised at 55

TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

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S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt: Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
71	Mr. Niaz Ali	FA	01.03.1976	29.02.2036	Peshawar	02.03.1994	02.12.2008	26.02.2015	E&AD (Transport Section)	Senior Clerk
72	Mr. ZahidUllah	Matric	06.04.1962	05.04.2022	Charsadda	10.03.1994	02.12.2008	26.02.2015	Law Deptt.	Senior Clerk
73	Mr. Zar Bad shah	Matric	01.02.1972	31.01.2032	Peshawar	11.07.1994	02.12.2008	26.02.2015	Home Deptt.	Senior Clerk
74	Mr. Raham Daraz	Matric	25.01.1971	24.01.2031	Bannu	02.08.1994	02.12.2008	26.02.2015	P&D Deptt.	Senior Clerk
75	Mr. Shahi Mond	FA	01.11.1971	31.10.2031	Charsadda	09.08.1994	02.12.2008	26.02.2015	Home Deptt.	Senior Clerk
76	Mr. Imran Saeed	B.A	30.03.1974	29.03.2034	Peshawar	28.09.1994	02.12.2008	26.02.2015	Finance Deptt.	Senior Clerk
77	Mr. Mahboob Shah	BA	07.10.1967	06.10.2027	Peshawar	28.09.1994	02.12.2008	26.02.2015	E&AD (PSO to CS)	Senior Clerk
78	Mr. Muhammad Ali	Matric	03.12.1972	02.12.2032	Peshawar	13.11.1994	02.12.2008	26.02.2015	PHE Deptt.	Senior Clerk
79	Mr. Abdul Shakoor	F.A.	23.03.1973	22.03.2033	Abbottabad	01.12.1994	02.12.2008	26.02.2015	E&AD (Spl. Asst to CM for Minority Affairs)	Senior Clerk
80	Mr. Fahad Khan S/O Shamshad Khan	Matric	10.07.1976	09.07.2036	Peshawar	05.12.1994	02.12.2008	26.02.2015	Sports Deptt (365 days long leave w.e.f 11.06.2015).	Senior Clerk
81	Mr. Rambail Gul	Matric	05.02.1972	04.02.2032	Peshawar	14.07.1990	02.12.2008	26.02.2015	Industries Deptt.	Senior Clerk
82	Mr. Muhammad Latif	Matric	30.05.1974	29.05.2034	Peshawar	01.02.1995	02.12.2008	26.02.2015	Irrigation Deptt.	Senior Clerk
83	Mr. Ghulam Akbar	FA	13.08.1964	12.08.2024	Charsadda	06.03.1995	02.12.2008	26.02.2015	C&W Deptt.	Senior Clerk
84	Mr. Fahad Khan	F.A.	12.04.1976	11.04.2036	Peshawar	12.03.1995	02.12.2008	26.02.2015	Governor House	Senior Clerk
85	Mr. Said Naeem	Matric	02.09.1973	01.09.2033	Swabi	19.03.1995	02.12.2008	26.02.2015	Relief Deptt.	Senior Clerk
86	Mr. Malang	F.A.	25.02.1971	24.02.2031	Peshawar	20.03.1995	02.12.2008	26.02.2015	E&AD (Admn)	Senior Clerk
87	Mr. Fayaz Khan	Matric	06.09.1972	05.09.2032	Nowshera	20.03.1995	02.12.2008	02.11.2015	Higher Education Deptt.	Senior Clerk
88	Mr. Noor Wali	Matric	01.03.1974	28.02.2034	Peshawar	20.03.1995	02.12.2008	02.11.2015	Finance Deptt.	Senior Clerk
89	Mr. Shahid Aziz	Matric	24.04.1970	23.04.2030	Peshawar	22.03.1995	02.12.2008	02.11.2015	Governor Sectt.	Senior Clerk
90	Mr. Muhammad Asif	Matric	11.04.1975	10.04.2035	Peshawar	26.03.1995	02.12.2008	02.11.2015	E&SE Deptt.	Senior Clerk
91	Syed Zulfiqar Hussain Shah	Matric	05.07.1958	04.07.2018	Peshawar	16.04.1995	02.12.2008	02.11.2015	LGE&RD Deptt.	Senior Clerk
92	Mr. Ajmal Khan	Matric	05.04.1973	04.04.2033	Peshawar	29.06.1995	02.12.2008	02.11.2015	PHE Deptt.	Senior Clerk
93	Mr. Sawan Das	Matric	07.03.1975	06.03.2035	Peshawar	01.07.1995	02.12.2008	02.11.2015	E&AD (R-I Section)	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt: Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
94	Mr. Mukaram Khan	Matric	11.05.1972	10.05.2032	Peshawar	10.07.1995	02.12.2008	02.11.2015	Social Welfare Deptt.	Senior Clerk
95	Syed Jehangir Shah	Matric	15.05.1977	14.05.2037	Mansehra	13.08.1995	02.12.2008	02.11.2015	Law Deptt.	Senior Clerk
96	Mr. Farmanullah S/O Niaz Majan	FA	20.12.1967	19.12.2027	Karak	12.09.1995	02.12.2008	02.11.2015	CM Sectt.	Senior Clerk
97	Mr. Muhammad Saeed	Matric	05.03.1974	05.03.2034	Swabi	12.12.1995	02.12.2008	02.11.2015	Transport Deptt.	Senior Clerk
98	Mr. Mushtaq Ahmad	FA	01.04.1975	31.03.2035	Peshawar	17.12.1995	02.12.2008	02.11.2015	C&W Deptt.	Senior Clerk
99	Mr. Muhammad Imran Anjum	Matric	01.06.1977	31.05.2037	Peshawar	18.12.1995	02.12.2008	02.11.2015	CM Sectt.	Senior Clerk
100	Mr. Shaukat Ali	Matric	08.04.1975	07.04.2035	Peshawar	01.02.1996	02.12.2008	02.11.2015	Social Welfare Deptt.	Senior Clerk
101	Miss Shumaila D/O Mir Daraz Khan	B.A	11.11.1971	10.11.2031	Peshawar	05.01.2009	05.01.2009	02.11.2015	Finance Deptt.	Senior Clerk
102	Mr. Zafeer Gul	Matric	16.03.1972	17.03.2032	Peshawar	18.09.1995	20.01.2009	02.11.2015	E&AD (Admn Branch)	Senior Clerk
103	Mr. Amjad Ali S/O Feroz Khan	Matric	04.10.1977	03.10.2037	Peshawar	06.02.1996	20.01.2009	02.11.2015	PHE Deptt.	Senior Clerk
104	Mr. Fayyaz Ali	Matric	13.08.1976	12.08.2036	Mardan	03.03.1996	20.01.2009	02.11.2015	Industries Deptt.	Senior Clerk
105	Mr. Victor John	FA	01.12.1973	30.11.2033	Peshawar	10.03.1996	20.01.2009	02.11.2015	E&A Deptt.(Reg-V)	Senior Clerk
106	Mr. Hazrat Khan	Matric	05.06.1970	04.06.2030	Peshawar	18.03.1996	20.01.2009	02.11.2015	Finance Deptt.	Senior Clerk
107	Mr. Amir Bahadar Khan	Matric	24.02.1968	23.02.2028	Dir	01.04.1996	20.01.2009	02.11.2015	Finance Deptt.	Senior Clerk
108	Syed Wisal Ali Shah	FA	04.10.1971	03.10.2031	Peshawar	01.01.1996	20.01.2009	02.11.2015	Governor Sectt.	Senior Clerk
109	Mr. Naheed Gul	Matric	01.04.1971	31.03.2031	Charsadda	01.04.1996	20.01.2009	02.11.2015	E&AD (Lit Section)	Senior Clerk
110	Mr. Ziaullah	Matric	15.04.1978	14.04.2038	Mardan	10.05.1996	20.01.2009	02.11.2015	Information Deptt.	Senior Clerk
111	Mr. Inayat-ur-Rehman S/O Mir Rehman	Matric	04.06.1975	03.06.2035	Peshawar	12.05.1996	20.01.2009	02.11.2015	Governor Sectt.	Senior Clerk
112	Mr. Qaiser Khan	FA	10.04.1978	09.04.2038	Peshawar	13.05.1996	20.01.2009	02.11.2015	Home Deptt.	Senior Clerk
113	Mr. Mumtaz Ali Shah	Matric	01.05.1972	30.04.2032	Nowshera	21.05.1996	20.01.2009	02.11.2015	CM Sectt.	Senior Clerk
114	Mr. Sajjad Ali	Matric	11.12.1976	10.12.2036	Mardan	29.05.1996	20.01.2009	02.11.2015	Energy & Power Deptt.	Senior Clerk
115	Mr. Parvez Khan	M.A.	02.03.1974	01.03.2034	Peshawar	05.06.1996	20.01.2009	02.11.2015	PHE Deptt.	Senior Clerk

TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

12

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
116	Mr. Hameed Khan	MA	12.05.1970	11.05.2030	Peshawar	17.06.1996	20.01.2009	02.11.2015	On deputation to PDMA w.e.f 01.01.2016 to 01.01.2018	Senior Clerk
117	Mr. Abdul Akbar	Matric	17.01.1977	16.01.2037	Mardan	25.10.1995	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
118	Mr. Liaqat Ali Khan	Matric	22.02.1976	21.02.2036	Peshawar	01.07.1996	13.03.2009	28.01.2016	E&AD (Estate Office)	Senior Clerk
119	Mr. Arif Hussain Shah	Matric	12.10.1979	11.10.2039	Haripur	02.07.1996	13.03.2009	28.01.2016	CM Sectt.	Senior Clerk
120	Mr. Zafar Ullah	Matric	30.03.1978	29.03.2038	Mardan	10.07.1996	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
121	Mr. Riaz-ul-Haq	Matric	09.01.1977	08.01.2037	Mardan	11.07.1996	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
122	Mr. Ijaz Khan	Matric	09.05.1972	08.05.2032	Peshawar	05.08.1996	13.03.2009	28.01.2016	Population Welfare Deptt.	Senior Clerk
123	S. Sakhawat Ali Shah	Matric	13.04.1975	12.04.2035	Mansehra	05.08.1996	13.03.2009	28.01.2016	Health Deptt.	Senior Clerk
124	Mr. Farman Ali	FA	10.12.1974	09.12.2034	Peshawar	11.08.1996	13.03.2009	28.01.2016	Governor Sectt.	Senior Clerk
125	Syed Sarwar Shah	Matric	01.01.1972	31.12.2031	Peshawar	01.08.1996	13.03.2009	28.01.2016	FATA Sectt.	Senior Clerk
126	Syed Yousaf Ali Shah	Matric	15.02.1965	14.02.2025	Peshawar	03.09.1996	13.03.2009	28.01.2016	P&D Deptt.	Senior Clerk
127	Mr. Zarshaid	Matric	02.03.1980	01.03.2040	Peshawar	09.10.1996	13.03.2009	28.01.2016	C&W Deptt.	Senior Clerk
128	Mr. Haider Khan	FA	12.09.1975	11.09.2035	Peshawar	29.10.1996	13.03.2009	28.01.2016	Environment Deptt.	Senior Clerk
129	Mr. Muhammad Riaz	FA	20.04.1976	19.04.2036	Mohmand Agy.	01.01.1997	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
130	Mr. Muhammad Wajid	Matric	01.04.1978	31.03.2038	Abbottabad	26.05.1997	13.03.2009	28.01.2016	Agriculture Deptt.	Senior Clerk
131	Mr. Wasi Ahmad	Matric	06.04.1973	05.04.2033	Peshawar	01.07.1997	13.03.2009	28.01.2016	Energy & Power Deptt.	Senior Clerk
132	Mr. Faizanullah S/O Muhammad Zaheer	B.A	04.01.1990	03.01.2050	F.R Kohat	23.04.2009	23.04.2009	28.01.2016	E&AD (Min.Rev)	Senior Clerk
133	Mr. Hameed Ullah	B.A	20.05.1980	19.05.2040	Peshawar	06.07.2009	06.07.2009	28.01.2016	STI - E&AD	Senior Clerk
134	Mr. Muhammad Naveed Tariq	B.A	23.03.1979	22.03.2039	D.I.Khan	18.11.2009	18.11.2009	28.01.2016	Mineral Dev. Deptt.	Senior Clerk
135	Mr. Muhammad Adeel	D.Com	13.03.1987	12.03.2047	Charsadda	04.02.2010	04.02.2010	28.01.2016	P&D Deptt.	Senior Clerk
136	Mr. Muhammad Awais Shafique	Matric	28.08.1987	27.08.2047	Abbottabad	03.05.2010	03.05.2010	28.01.2016	E&AD (SO(Admn)	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

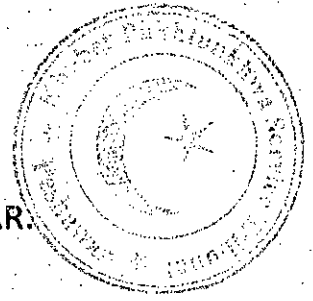
S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
137	Mr. Hasham Ali Khan	Matric	01.01.1976	31.12.2035	Peshawar	02.09.1997	23.04.2010	28.01.2016	Irrigation Deptt.	Senior Clerk
138	Mr. Hazrat Ullah	Matric	05.03.1977	04.03.2037	Khyber Agy.	15.09.1997	23.04.2010	28.01.2016	Governor House	Senior Clerk

SECRETARY ESTABLISHMENT
GOVERNMENT OF KHYBER PAKHTUNKHWA

138
55
—
83 junior
most promoted

ATTACHED

1 C (14)



BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 597 /2016

Khyber Pakhtunkhwa Service Tribunal

Diary No. 574

Dated 07-6-2016

Mr. Musaddiq Shah,
Junior Clerk, Estate Office, Administration Deptt: Peshawar

APPELLANT

VERSUS

1. The Chief Secretary, , KPK, Peshawar.
2. The Secretary, Establishment Department, KPK, Peshawar.
3. The Secretary, Administration Department, KPK, Peshawar

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR DIRECTION THE RESPONDENTS TO INCLUDE THE NAME OF THE APPELLANT IN THE SENIORITY LIST OF JUNIOR CLERK FROM THE DATE OF APPOINTMENT AND TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF SENIOR CLERK W.E.F 12.2.2014 OR FROM THE DATE WHEN HIS JUNIORS WERE PROMOTED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO. INCLUDE THE NAME OF THE APPELLANT IN THE SENIORITY LIST OF JUNIOR CLERKS FROM THE DATE OF THE APPOINTMENT AND TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF SENIOR CLERK W.E.F 12.2.2014 OR FROM THE DATE WHEN HIS JUNIORS WERE PROMOTED WITH ALL BACK AND

Filed to-day

Registrar
5/6/16

ATTESTED

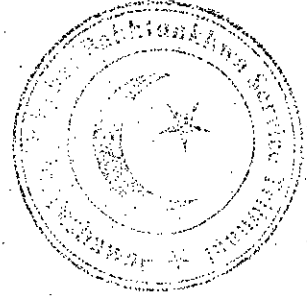
Khyber Pakhtunkhwa Service Tribunal, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 597/2016

Date of Institution ... 07.06.2016

Date of Decision ... 29.03.2019



Mr. Musaddiq Shah, Junior Clerk, Estate Office, Administration
Department, Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa Peshawar and two others.
... (Respondents)

Present.

Mr. Muhammad Asif Yousafzai,
Advocate. ... For appellant

Mr. Muhammad Jan,
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN

... CHAIRMAN
... MEMBER

ATTESTED

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. The appellant is essentially aggrieved from inaction on the part of the respondents regarding inclusion of his name in the seniority list of Junior Clerks of Administration Department. He has further prayed for promotion to the post of Senior Clerk w.e.f. 12.02.2014 or from the date when his juniors were promoted with all back and consequential benefits.

ATTESTED

2. It is stated in the memorandum of appeal that the appellant was appointed as Junior Clerk in Frontier House Islamabad by the Administration Department on 11.08.2008. His appointment order reflected that the appellant shall be governed by N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants Act, 1973 and all other laws applicable to the civil servants including the rules made for the purpose. Despite, his name was not included in the seniority list of the Junior Clerks. The appellant submitted an application for the purpose but the Administration Department did not take any action on the application. The department circulated seniority list of Senior Clerks on 03.02.2016 through which the appellant came to know about the promotion of 83 Junior Clerks to the post of Senior Clerk who happened to be junior to the appellant. The appellant was deprived of his legal right of promotion only because of non-inclusion of his name in the seniority list of Junior Clerks. He submitted departmental appeal on 09.02.2016 which was not responded to, hence the appeal in hand.

ATTESTED

3. At the time of hearing of the appeal, learned DDA referred to the tentative seniority list of Senior Clerks dated 03.02.2016 and contended that the same was issued by Government of Khyber Pakhtunkhwa Establishment Department (Establishment Wing). On the other hand, the appellant was appointed as a Junior Clerk against a post exclusively for the Houses without observing any criteria such as zone quota, advertisement in two newspapers etc. Owing to the said reasons the seniority of the appellant was


ATTESTED

to be maintained alongwith other employees of the Houses in Administration Department being his parent department and not by the Establishment Department. He also referred to the reply of respondents submitted in respect of appeal in hand and contended that in view of reply to Ground-C of the appeal the appellant was not entitled to claim seniority and absorption in the cadre of Junior Clerks of Civil Secretariat (Establishment Department).

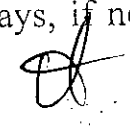
4. We have considered the contentions on behalf of the parties to the appeal and find from the record that the right of appellant to be included in the seniority list of his respective cadre has not been denied by the respondents. Furthermore, it has been stated in the joint reply by the respondents that the relevant seniority list will be maintained and notified by the Administration Department being his parent department.

5. The record is suggestive of the fact that a joint reply by respondents including the Secretary Administration Department, Khyber Pakhtunkhwa was submitted on 22.09.2016, however, the requisite seniority list has not been settled as yet. In the circumstances, the appellant is a civil servant and is entitled to a place in the seniority list to be drawn by the concerned department in accordance with law and rules. The appeal in hand is, therefore, allowed to the said extent. The respondent No. 3 shall cause the preparation of requisite seniority list of appellant and others within a period of ninety days, if not already done so. Needless to note that the appellant

ATTESTED


 Khyber Pakhtunkhwa
 Government
 Peshawar






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shall be at liberty to pursue legal remedy for his grievance arising out of the entries in the seniority list through appropriate proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
29.03.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

19

NO:E&A(AD)2(591)2008
Dated Peshawar the 15-05-2019

To

1. Raza Muhammad (Junior Clerk),
s/o Janas Khan,
Khyber Pakhtunkhwa House Islamabad.
2. Syed Musadiq Shah (Junior Clerk),
s/o Haji Syed Phool Badshah,
Estate Office.

Subject: - TENTATIVE SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS
STOOD ON 15-05-2019.

I am directed to refer to the captioned subject and to enclose copies of tentative seniority lists of Junior Clerk of House Hold Staff as it stood on 15-05-2019 alongwith certificate proforma with the request that certificate may be returned to this Department duly signed, indicating error / omission, if any, for the purpose of rectification alongwith attested supporting documents upto 15-06-2019. In case of receipt of no response by the due date, it would be considered that particulars have been accepted as correct.

SECTION OFFICER (ADMN)
15/5/19

Encl: As above.

ENDST: NO & DATE EVEN

Copy is forwarded to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.
2. Section Officer (Lit-I), Establishment Department with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.

Asenstaur
20/5/19

SECTION OFFICER (ADMN)
15/5/19

TENTATIVE SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 15-05-2019

S.No	Name of the official	Designation	Academic Qualification	Date of Birth	Date of Entry into Govt. Service	Date of Joining Sectt. Service	Domicile	Department	Date of Retirement	Remarks
1	Raza Muhammad s/o Janas Khan	Junior Clerk	M.A	03-02-1979	12-08-2008	12-08-2008	Charsadda	K.P.K.H.Islamabad	02-02-2039	
2	Syed Musadiq Shah s/o Haji Syed Phool Badshah	Junior Clerk	F.A	23-05-1973	15-08-2008	15-08-2008	Peshawar	Estate Office, Administration Deptt.	22-05-2033	

APPROVED
15-05-2019



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

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SUBJECT: MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION / PROMOTION COMMITTEE HELD ON 08-05-2018.

A meeting of Departmental Selection / Promotion Committee was held on 08-05-2018 at 02:00 pm under the chairmanship of Deputy Secretary (Admn) Administration Department in his office. The following attended the meeting (list of attendees also annexed):-

(i)	Mr. Saeedullah.	Deputy Secretary (Reg-III) Establishment Dept.
(ii)	Mr. Liaqat Ali.	Section Officer (SR-II) Finance Department.
(iii)	Muhammad Yousaf Khan.	Section Officer (Admn) Administration Department.

2- At the very outset of the meeting, some background information of the case was shared with attendees of the meeting.

3- The following agenda items were placed before the committee for recommendations.

ITEM NO.1: RECRUITMENT AS CLASS IV UNDER RULE-10(2) OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.

4- The forum was informed that the following three (03) candidates have applied for recruitment under Rule 10(04) of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion & Transfer Rules) 1989 :-

S#	Name of Candidate	Candidate's father name & designation	Date of invalidation / death of candidate's father	Post the candidate has applied for	Remarks
1	Mr. Bilal Khan	Mr. Zamir Khan ex- Naib Qasid	22-08-1995	Naib Qasid	Mr. Zamir Khan invalidated as Naib Qasid from this department w.e.f 22-08-1995
2	Muhammad Waseer	Muhammad Saleem, ex-Cook	12-03-2004	Naib Qasid	Muhammad Saleem invalidated as Cook from this department w.e.f 12-03-2004
3	Mr. Ijaz Wali	Sher Ali Khan, ex Naib Qasid	20-12-2017	Naib Qasid	Sher Ali Khan invalidated as Naib Qasid from this department w.e.f 20-12-2017

Page 1/1

5- In this regard, the meeting recommended the following:-

Sl. No.	NAME OF THE CANDIDATE	REMARKS/RECOMMENDATIONS OF THE COMMITTEE
(i)	Mr. Bilal Khan s/o Mr. Zamin Khan, ex-Naib Qasid (invalidated)	Recommended for appointment as <u>Naib Qasid (BPS-03)</u> in F&A Department.
(ii)	Muhammad Wasim s/o Muhammad Saleem, ex-Cook (invalidated)	Recommended for appointment as <u>Farash (BPS-03)</u> in E&A Department.
(iii)	Mr. Ijaz Mali s/o Sher Ali Khan ex-Naib Qasid (invalidated)	Recommended for appointment as <u>Naib Qasid (BPS-03)</u> in E&A Department.

ITEM NO.2: PROMOTION OF MALI TO THE POST OF HEAD MALI (BPS-04) IN E&A DEPARTMENT.

6- The forum was informed that there are two (2) sanctioned posts of Head Mali (BPS-04) at the strength of E&A Department. One post of Head Mali (BPS-04) is vacant which, as per service rules, is required to be filled by promotion on the basis of seniority-cum-fitness from amongst the Malis having at least twenty years service at his credit.

7- The forum recommended Mr. Nazir Muhammad, Mali, being senior most having more than 20 years service, for promotion to a vacant post of Head Mali (BPS-04) at the strength of E&A Department.

ITEM NO.3: PROMOTION OF MATRICULATE CLASS IV TO THE POST OF DAFTARI (BPS-04) IN CIVIL SECRETARIAT.

8- The forum was informed that there are 269 sanctioned posts of Daftari (BPS-04) at the strength of Civil Secretariat. 20 posts of Daftari (BPS-04) are filled where as 248 other are vacant which are required to be filled-in by promotion on the basis of seniority-cum-fitness from amongst matriculate Class IV.

9- It was brought into notice of the forum that employees at S#7,8,11,12,13,18 & 92 of notified seniority list belongs to the category of household staff. Mr. Taj Muhammad, Section Officer (B&D) Administration Department, was especially called to explain to the forum status of those employees. Referring to their appointment orders, Mr. Taj Muhammad contended that the employees in question are civil servants belonging to the general cadres of Civil Secretariat. He said that being civil servants they should be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and the Rules made there-under. He added that they (the employees in question) have every right to be included in the joint seniority list of matriculate Class IV so as to avail the benefit of promotion in Civil Secretariat. After threadbare discussion, the forum unanimously acknowledged the right of seniority / promotion in the Civil Secretariat of the employees at S#7, 8, 11,12,13, 18 & 92 of seniority list.

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ATTESTED

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10- The forum recommended the following for promotion to the post of

Daftari (BPS-04) :-

S.No.	NAME	DESIGNATION	PLACE OF PRESENT POSTING
1.	Muhammad Farman s/o Munsif	Naib Qasid	Minerals Devlp: Deptt:
2.	Dost Muhammad	Naib Qasid	Minerals Devlp: Deptt:
3.	Imren Khan	Naib Qasid	Governor Sectt
4.	Khuram Shehzad	Naib Qasid	E&AD
5.	Farooq Khan s/o Abdul Malik	Naib Qasid	E&AD
6.	Fayaz Ahmad Khan	Naib Qasid	LG&RG Dept
7.	Sartaj Ali Khan	Chowkidar	E&AD
8.	Imdad Ali	Chowkidar	E&AD
9.	Siraj Khan	Chowkidar	E&AD
10.	Rehman Uddin	Naib Qasid	Environment Dept
11.	Rahat Gul*	Mali	E&AD
12.	Akhtar Hussain* s/o Montaj	Mali	E&AD
13.	Muhammad Adnan Khan*	Mali	Civil Officer Mess
14.	Irshad Ullah s/o Ihsan	Naib Qasid	Finance Dept
15.	Muhammad Ibrahim s/o S. Jan	Naib Qasid	Law Dept
16.	Kalimullah Jan	Naib Qasid	Law Dept
17.	Saleem Ghulam*	Sweeper	Industries Dept:
18.	Nawaz Khan*	Mali	E&AD
19.	Fazle Wajid	Naib Qasid	Home Deptt
20.	Ghulam Muhammad	Behshti	Home Deptt
21.	Haseeb-ur-Rehman	Naib Qasid	Finance Deptt
22.	Muhammad Arshad Anwar	Naib Qasid	E&AD
23.	Arshad Khan	Naib Qasid	E&AD
24.	Fazal Gul	Chowkidar	Health Deptt
25.	Shabir Khan	Naib Qasid	P&D Dept.
26.	Jan Alam	Naib Qasid	Home Deptt
27.	Abdullah Jan	Naib Qasid	Higher Education Deptt
28.	Rizwan Ahmed	Naib Qasid	Chief Minister Sectt
29.	Waseem Ullah	Naib Qasid	Minerals Devlp: Deptt:
30.	Nawab Ali	Naib Qasid	Energy & Power
31.	Hasan Gul s/o Taz Gul	Naib Qasid	Population
32.	Syed Ibrahim Shah	Naib Qasid	Provincial Services Academy (PSA)
33.	Muhammad Faheem	Naib Qasid	ST & IT Deptt:
34.	Roohullah	Naib Qasid	Governor Sectt
35.	Muhammad Ashfaq	Naib Qasid	Home Deptt
36.	Shah Nawaz	Attendent	Chief Minister Sectt
37.	Muhammad Mohsin Khan	Naib Qasid	E&AD
38.	Muhammad Arif	Naib Qasid	E&AD
39.	Syed Ayaz Hussain Shah	Naib Qasid	Chief Minister Sectt
40.	Inyatur Rehman	Naib Qasid	E&SE
41.	Qaim Khan	Naib Qasid	E&AD
42.	Falze Amin	Naib Qasid	Chief Minister Sectt

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ATTESTED

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Sl. No.	NAME	DESIGNATION	PRESENT POSTING
43.	Fayazur Rhman	Naib Qasid	Energy & Power
44.	Gul Faraz	Naib Qasid	irrigation Deptt
45.	Ajmal	Chowkidar	Labour Deptt
46.	Muhammad Arif	Chowkidar	E&A
47.	Safi Ullah s/o Habib-Ur-Rehman	Chowkidar	Energy & Power
48.	Muhammad Ijaz	Naib Qasid	P&D Deptt.
49.	Muhammad Ashfaq	Chowkidar	E&AD
50.	Sanaullah	Naib Qasid	Social Welfare Deptt
51.	Iqbal	Naib Qasid	ST&IT
52.	Asif Khan	Naib Qasid	Health Deptt
53.	Syed Azhar Abbas Zaidi	Chowkidar	Population Deptt.
54.	Riaz Khan*	Sweeper	Chief Minister Sectt
55.	Muhammad Imran	Naib Qasid	Home Deptt
56.	Fida Muhammad s/o Taj M	Naib Qasid	Labour Deptt
57.	Hassan Ali	Naib Qasid	Environment Deptt
58.	Imran Ali	Naib Qasid	E&AD
59.	Umar Faraz	Naib Qasid	E&AD
60.	Muhammad Irfan	Naib Qasid	E&AD
61.	Zubair Ahmed	Naib Qasid	PMRU
62.	Shah Jehan	Naib Qasid	Finance Deptt
63.	Ashfaq Ahmed	Naib Qasid	STI
64.	Muhammad Ashraf	Naib Qasid	E&AD
65.	Saleem Khan	Naib Qasid	Auqaf Deptt
66.	Bakht Zada	Naib Qasid	E&AD
67.	Malang Jan	Water Carrer	E&SE
68.	Zakirullah	Naib Qasid	Governor Sett
69.	Noman Ijaz	Naib Qasid	Sport & Culture
70.	Anil Ayyar*	Sweeper	Higher Education Deptt
71.	Sajid Khan	Naib Qasid	Chief Minister Sectt
72.	Naeemullah	Naib Qasid	Chief Minister Sectt
73.	Muhammad Rizwan	Naib Qasid	Excise & Taxation
74.	Aamir Khan s/o Gul Rehman	Naib Qasid	Excise & Taxation
75.	Shakeel Ahmed	Naib Qasid	C&W Department.
76.	Sajjad Ahmad	Naib Qasid	Irrigation Deptt
77.	Sajid Khan	Naib Qasid	E&AD
78.	Bakht Biland	Naib Qasid	Chief Minister Sectt
79.	Gulfam Ullah	Naib Qasid	Health Deptt
80.	Saddar Islam	Naib Qasid	Health Deptt
81.	Arshad Alam	Chowkidar	Chief Minister Sectt
82.	Faheem Khan	Naib Qasid	Home Deptt
83.	Ikram Khan	Naib Qasid	CM Sectt
84.	Asfandyar Khan	Naib Qasid	Health Deptt
85.	Muhammad Rafi	Naib Qasid	Health Deptt
86.	Shereen Khan	Naib Qasid	E&AD
87.	Roozullah	Naib Qasid	Chief Minister Sectt
88.	Muhammad Tayyab Shaukat	Naib Qasid	E&AD
89.	Shahid Riaz	Naib Qasid	IPC Department.

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		DESIGNATION	PLACE OF PRESENT POSTING
90.	Adil Babar	Naib Qasid	E&AD
91.	Zarwali	Naib Qasid	Finance Deptt
92.	Sifatullah s/o Awal Khan	Farash	E&AD
93.	Luqman Khan	Naib Qasid	Higher Education Deptt
94.	Gul Zameen Khan	Naib Qasid	Finance Deptt
95.	Yousaf Khan	Naib Qasid	Finance Deptt
96.	Bahar Khan	Naib Qasid	E&SE
97.	Imran Khan	Chowkidar	Health Deptt
98.	Muhammad Zubair	Chowkidar	Health Deptt
99.	Jawad Tanveer	Naib Qasid	Health Deptt
100.	Kachkool Shah s/o Mukammil	Chowkidar	PHE Dept.
101.	Ramazan Hussain	Naib Qasid	P&D Dept.
102.	Abdul Shakoor	Chowkidar	E&AD
103.	Muhammad Sajid	Farash	P&D Dept.
104.	Wahab Ali	Chowkidar	E&AD
105.	Muhammad Abbas Khan	Chowkidar	Housing Dept
106.	Shah Faisal Jan	Chowkidar	E&AD
107.	Noor Khan	Chowkidar	PHE Dept.
108.	Raveez Khan	Naib Qasid	Minerals Devlp: Deptt:
109.	Muhammad Ahsan Jawad	Naib Qasid	Minerals Devlp: Deptt:
110.	Afaq Ahmad	Naib Qasid	E&AD
111.	Faisal Zulfiqar s/o Zulfiqar	Naib Qasid	E&AD
112.	Liaqat Khan	Chowkidar	Irrigation Deptt
113.	Naseem Hussain	Naib Qasid	P&D Dept.
114.	Rafaqat Shah	Naib Qasid	Higher Education Deptt
115.	Asad Ali	Naib Qasid	Finance Deptt
116.	Waheed Ullah s/o Faeed Ullah	Naib Qasid	Finance Deptt
117.	Samiullah	Naib Qasid	Finance Deptt
118.	Muhammad Arif	Naib Qasid	Finance Deptt
119.	Hamid Saeed	Dak Masgr	Home Deptt
120.	Muhammad Ikram	Chowkidar	E&SE
121.	Sikandar Khan	Naib Qasid	E&SE
122.	Tariq Iqbal	Naib Qasid	E&SE
123.	Murad Khan s/o Muslim Khan	Naib Qasid	Chief Minister Sectt
124.	Zain Ul Mawasif s/c Javed	Chowkidar	E&SE
125.	Murad Khan s/o Sawab gul	Farash	FATA Sectt:
126.	Niaz Gul	Chowkidar	Staff Training Institute
127.	Rasool Wali	Chowkidar	E&AD
128.	Muhammad Bilal Khan	Farash	E&AD
129.	Aftab Ahmed	Naib Qasid	E&AD
130.	Arshad Ali s/o Fazle Rahman	Naib Qasid	E&AD
131.	Rajesh Chand	Naib Qasid	E&AD
132.	Rahmat Jalil s/o Said Jalil	Naib Qasid	P&D Dept.
133.	Ismail Khan	Naib Qasid	C&W Department.
134.	Muhammad Jehangir Khan	Naib Qasid	E&SE
135.	Muhammad Asif	Naib Qasid	C&W Department.
136.	Sakht Muhammad	Chowkidar	C&W Department.

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	DESIGNATION	PLACE OF PRESENT POSTING
137.	Zafar Ullah Khan	Naib Qasid Auqaf Deptt
138.	Rahabat Khan	Naib Qasid Auqaf Deptt
139.	Abdul Basit	Naib Qasid Relief & Rehab Department.
140.	Imran Khan	Chowkidar C&W Department.
141.	Alamzeb Amir	Naib Qasid Finance Deptt
142.	Shahab Jehan	Naib Qasid PMRU.
143.	Mubashir Baber	Naib Qasid E&AD
144.	Aurangzeb	Naib Qasid Higher Education Dept.
145.	Qaisar Khan s/o Mukarrum	Naib Qasid E&SE
146.	Fawad Khan	Chowkidar Population Dept.
147.	Tahir Ali	Naib Qasid Irrigation Deptt
148.	Sher Ali	Naib Qasid P&D Department.
149.	Zakirullah	Chowkidar Law Deptt
150.	Izhar Ull Haq s/o Noor Ali	Naib Qasid Law Deptt
151.	Waqar Khan	Farash Agriculture Dept
152.	Hamayun Zia	Naib Qasid Home Deptt
153.	Noor Zada	Naib Qasid Home Deptt
154.	Imran Khan	Naib Qasid Home Deptt
155.	Subhan Ullah	Naib Qasid Home Deptt
156.	Hazrat Hussain	Naib Qasid Sport & Culture
157.	Adeel Ahmad s/o Malak	Naib Qasid Excise & Taxation
158.	Adeel Vector* s/o Vector Masih	Sweeper Excise & Taxation
159.	Muhammad Shafiq	Naib Qasid Finance Deptt
160.	Wajahat Ali	Naib Qasid Finance Deptt
161.	Saeed Yousaf* s/o Yousaf Masih	Sweeper Finance Deptt
162.	Rafiq Nawab	Naib Qasid Finance Deptt
163.	Abdul Wahid	Naib Qasid Finance Deptt
164.	Syed Shoaib Ali s/o Muzaffar	Farash Chief Minister Sectt
165.	Wilson Masih*	Sweeper Chief Minister Sectt
166.	Nawal Khan	Naib Qasid E&AD
167.	Murmat Hussain	Naib Qasid Higher Education Deptt
168.	Amjad Khan	Naib Qasid Irrigation Deptt
169.	Zahoor Khan s/o Noor Khan	Naib Qasid Higher Education Deptt
170.	Aris Guzar s/o Gulzar Ahmad	Naib Qasid Housing Dept
171.	Sajid Ali	Naib Qasid Home Deptt
172.	Janas Khan s/o Nawab Khan	Naib Qasid Law Deptt
173.	Muhammad Rashid, s/o SAHIB	Naib Qasid Law Deptt
174.	Sher Muhammad s/o Hayat	Naib Qasid Law Deptt
175.	Shahad Gul s/o Hazrat Gul	Naib Qasid Social Welfare Deptt
176.	Altaf Hussain s/o Ashraf	Naib Qasid Minerals Devlp: Deptt:
177.	Patrick Masih*	Sweeper E&AD
178.	Akhtar Ali	Chowkidar Information Dept.
179.	Adeel Awan*	Mali Finance Deptt
180.	Syed Muhammad Kabir	Naib Qasid Home Deptt
181.	Aziz Ur Rehman	Naib Qasid E&AD
182.	Muhammad Bashir	Farashi Governor Sett
183.	Sher Ahmed	Naib Qasid Agriculture

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		DESIGNATION	PLACE OF RESIDENCE
184.	Tanveer Ghulam *s/o Ghulam	Sweeper	Chief Minister Sectt
185.	Israr Ahmed	Gate Msgr	E&AD
186.	Shahid Jan*	Mali	E&AD
187.	Faheem Khan	Chowkidar	STI
188.	Shahab-ud-Din	Chowkidar	E&AD
189.	Uzair Naveed	Naib Qasid	E&AD
190.	Aqeel Khan	Gate Msgr	E&AD
191.	Qazi Farooq	Naib Qasid	E&AD
192.	Sheheryar Akhtar s/o Javed	Cleaner	E&AD
193.	Syed Jawadur Rehman	Naib Qasid	E&AD
194.	Faiz Ahmad s/o Yousaf Khan	Naib Qasid	PMRU
195.	Anisur Rehman	Gate Msgr	E&AD
196.	Taimur Khan	Naib Qasid	E&AD
197.	Zia Ur Rehman s/o M. Shah	Chowkidar	E&AD
198.	Yousaf Ali	Naib Qasid	E&AD
199.	Adnan Almas*	Mali	E&AD
200.	Ishtiaq Ahmed	Naib Qasid	E&AD
201.	Aftab Gul	Naib Qasid	Irrigation Deptt
202.	Syed Sohail Shah	Naib Qasid	STI
203.	Ziaullah Khan	Naib Qasid	E&AD
204.	Muhamamd Arif	Naib Qasid	E&A Department
205.	Faheemullah Khan	Naib Qasid	E&AD
206.	Muhammad Nadeem s/o Afsar	Naib Qasid	E&SE
207.	Abdul Haq	Naib Qasid	C&W Department.
208.	Sher Taj	Chowkidar	Chief Minister Sectt
209.	Ihsanullah s/o Anwar Gul	Naib Qasid	Finance Deptt
210.	Muhammad Hamayun	Naib Qasid	Local Govt;
211.	Waqas Jan	Naib Qasid	Law Deptt
212.	Sajjad Ali	Naib Qasid	E&AD
213.	Rehman Gul s/o Dedar	Naib Qasid	Agriculture
214.	Saifullah	Naib Qasid	Law Deptt
215.	Madad Khan	Naib Qasid	E&AD
216.	Naveed Khan s/o Nasir Khan	Naib Qasid	Law Deptt
217.	Waqas Khan s/o Inam Ullah Jan.	Naib Qasid	Finance Deptt
218.	Muhammad Shahab	Naib Qasid	Law Deptt
219.	Kazim Jan	Naib Qasid	Law Deptt
220.	Asad Jan	Naib Qasid	Law Deptt
221.	Muhammad Faizan	Naib Qasid	Social Welfare Deptt
222.	Syed Saif Ali Shah	Naib Qasid	Social Welfare Deptt
223.	Adnan Khan	Naib Qasid	Social Welfare Deptt
224.	Inayat Ullah s/o Hidayat	Naib Qasid	Agriculture
225.	Iftikhar Ali s/o Ghulam Samdani	Naib Qasid	Energy & Power
226.	Hussain-ur-Rehman	Naib Qasid	P&D Dept.
227.	Ali Akbar	Naib Qasid	Energy & Power
228.	Safdar Khan s/o Mawas Khan	Naib Qasid	Energy & Power
229.	Usman Naveed s/o Naveed Taj	Naib Qasid	Energy & Power
230.	Saifullah s/o Hameed Ullah	Farash	Law Deptt

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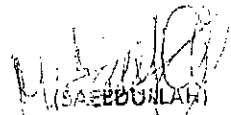
Page 17

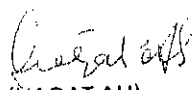
28


		DESIGNATION	PLACEMENT / POSTING
231.	Tariq Ali*	Mali	Chief Minister Sectt
232.	Najeeb	Chowkidar	Chief Minister Sectt
233.	Yasmin Ali	Chowkidar	Chief Minister Sectt
234.	Sohail Ahmad s/o A. Qadeem	Naib Qasid	E&AD
235.	Ashfaq Hussain s/o Gul Karim	Naib Qasid	P&D Dept.
236.	Syed Zafar Ali Jafri	Naib Qasid	Chief Minister Sectt
237.	Waheed Ahmed	Naib Qasid	E&AD
238.	Wanab Shah	Naib Qasid	Transport Department
239.	Muhammad Junaid	Naib Qasid	Transport Department
240.	Nisar Babar*	Sweeper	Finance Deptt
241.	Abu Bakar Saddiq	Chowkidar	Finance Deptt
242.	Junaid Khan	Chowkidar	Industries Deptt:
243.	Khasif Javed	Naib Qasid	E&AD
244.	Syed Tasawar Hussain	Naib Qasid	Information Dept.
245.	Zaeshan	Naib Qasid	Social Welfare Deptt
246.	Yousaf Ili Shah	Naib Qasid	Chief Minister Sectt
247.	Gohar Ali	Naib Qasid	Chief Minister Sectt
248.	Muhammad Altaf	Chowkidar	E&AD

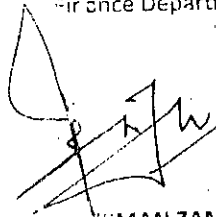
* To be adjusted against posts vacated due to promotion.

11- The meeting ended with vote of thanks to & from the chair.


 (SAADUN NIAZ)
 Deputy Secretary (Reg-III)
 Establishment Department.


 (LIAQAT ALI)
 Section Officer (SR-II)
 Finance Department.


 (MUHAMMAD YOUSAF KHAN)
 Section Officer (Admin)
 Administration Department.


 (USMAN ZAMAN)
 Deputy Secretary (Admin)
 Administration Department

To,

The Secretary Administration, Govt. Of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

Subject: Objection on Tentative Seniority List of house hold staff as stood on 15.05.2019.

Respected Sir,

Most profoundly it is submitted:

1. That I was appointed as Junior Clerk in Frontier House, Islamabad by the Administration Department vide order dated 11.08.2008 because all the house-hold staff are in Khyber Pakhtunkhwa are under full command and control of Administration Department.
2. That as many employees of the household staff were included in the seniority list of the Secretariat by Establishment Department but the name of the appellant was not reflected in those seniority list due to which employees junior to me were promoted and I was ignored all together.
3. That for the redressal of grievances I filed Service Appeal No. 597/2016 in KPK Service Tribunal Peshawar which was finally decided on 29.03.2019 wherein KPK Service Tribunal held that "the record is suggestive of the fact that a joint reply by respondents including the Secretary Administration Department, Khyber Pakhtunkhwa was submitted on 22.09.2016, however, the requisite seniority list has not been settled as yet. In the circumstances, the appellant is a civil servant and is entitled to a place in the seniority list to be drawn by the concerned department in accordance with law and rules. The appeal in hand is, therefore, allowed to the said extent. The respondent No. 3 shall cause the preparation of requisite seniority list of appellant and others within a period of ninety days, if not already done so. Needless to note that the appellant shall be at liberty to pursue

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legal remedy for his grievance arising out of the entries in the seniority list through appropriate proceedings."

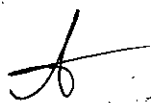
4. That presently Tentative Seniority List has been issued which is against the law because all the other employees are under the control of Administration department has been included in the joint seniority list issued by the Establishment department while other employees of the household staff were also included except me. So as the case with a present seniority list where I was totally excluded / shunt out of the Administration department. **(Copy Enclosed)**

Thus once again the law governing the seniority has been violated. Therefore, it is requested that seniority list dated 15.05.2019 may kindly be corrected by including my name maintained by establishment department for the employees of Administration Department.

Regards


Syed Musaddiq Shah
Junior Clerk, Estate Office

Dated: 28th May, 2019


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GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

NO: E&A(AD)2(591)2008
Dated Peshawar the 28-06-2019

To

1. Raza Muhammad (Junior Clerk),
s/o Janas Khan,
Khyber Pakhtunkhwa House Islamabad.
2. Syed Musadiq Shah (Junior Clerk),
s/o Haji-Syed Phool-Badshah,
Estate Office.

Subject: - **COMPLIANCE OF ORDERS OF KPK SERVICE TRIBUNAL,
PESHAWAR IN APPEAL NO. 597/2016 TITLED "MUSADDIQ SHAH
VS GOVT OF KPK"**

I am directed to refer to your applications / objection dated 28-5-2019 and 13-06-2019 respectively on the subject noted above and to inform that in pursuance of judgment of Service Tribunal dated 29-03-2019 in Service Appeal No. 597/2016 Establishment Department had refused to include you in seniority list of Junior Clerks maintained by that Department. However, Administration Department in pursuance of Judgment ibid, caused a seniority list of its household Junior Clerks (including you). Hence the said judgment of KP Service Tribunal is fully satisfied.

I am therefore, directed to inform that Administration Department regrets its inability to accede to your request being devoid of merit / rules.

Encl: As above.

ENDST: NO & DATE EVEN

Copy is forwarded to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.
2. Section Officer (Lit-I), Establishment Department with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.

SECTION OFFICER (ADMN)

SECTION OFFICER (ADMN)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

Dated Peshawar, the

27-06-2019

NOTIFICATION

NO.E&A(AD)04(17)2019:- In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act,1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the seniority list of Junior Clerk (BS-11) of House Hold Staff, as stood on 27-06-2019 is hereby notified/circulated for general information.

FINAL SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 27-06-2019

S.No	Name of the official	Designation	Academic Qualification	Date of Birth	Date of Ist. Entry into Govt. Service	Date of Joining Sectt. Service	Domicile	Department	Date of Retirement	Remarks
1	Raza Muhammad s/o Janas Khan	Junior Clerk	M.A	03-02-1979	12-08-2008	12-08-2008	Charsadda	K.P.K.H.Islamabad	02-02-2039	
2	Syed Musadiq Shah s/o Haji Syed Phool Badshah	Junior Clerk	F.A	23-05-1973	15-08-2008	15-08-2008	Peshawar	Estate Office, Administration Deptt.	22-05-2033	

- 1 None of the official is involved in any departmental proceeding , Anti-corruption case and Judicial enquiry etc.
- 2 Hold the post on regular basis.
- 3 Have not been awarded any penalty.
- 4 Their seniority position if final, undisputed and notified.

Endst: No. E&A(AD)04(17)2015

Copy forward to:-

- 1 The Comptroller Khyber Pakhtunkhwa House, Islamabad.
- 2 Estate Office, Administration Department.
- 3 PS to Secretary (Admn), Administration Department
- 4 PA to Deputy Secretary (Admn), Administration Department.

SECTION OFFICER (ADMN) 17/7/19

SECTION OFFICER (ADMN) 17/7/19

To

H
The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

(33)
F. Dabbani
25/07/019

Through proper channel:

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED SENIORITY LIST DATED 27-06-2019,
WHEREBY BY THE SEPARATE SENIORITY LIST
WAS PREPARED FOR THE APPELLANT.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS DEPARTMENTAL
APPEAL, THE IMPUGNED SENIORITY LIST DATED
27-06-2019 MAY BE SET ASIDE BEING NO
VALUE/MEANINGLESS BECAUSE THERE IS NO
CHANNEL OF PROMOTION AND THE APPELLANT
BE INCLUDED IN THE SENIORITY LIST
MAINTAINED BY THE ESTABLISHMENT
DEPARTMENT AT HIS PROPER PLACE WHEREIN
OTHER COLEAUGES OF THE APPELLANT WERE
INCLUDED AND GIVEN SENIORITY POSITION TO
THEM SO THE APPELLANT MAY ALSO BE TREATED
AT PAR, WITH ALL BACK AND CONSEQUENTIAL
BENEFITS.

RESPECTFULLY SHEWETH:

1. That the appellant was appointed as junior clerk in Frontier House, Islamabad Administration Deptt: vide order dated 11.8.2008 and since that the appellant has been performing his duty up to the entire satisfaction of his superior and no complaint has ever been filed against him, it is pertinent to mention here that, at that time Establishment and Administration Department was headed by one same secretary, which is

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clear from the appointment order of the appellant. **Copy of order is attached as annexure-A**

2. That in appointment order dated 11.8.2008 it was clearly mentioned in Para (2) that the appellant shall be governed by the (then NWFP) now KPK Civil Servant Act 1973 and all laws applicable to the civil servants and rules made thereunder, but despite that the name of the appellant was not enlisted in the seniority list of junior clerk.
3. That the appellant filed application for the enlistment of his name in the seniority list of junior clerks in the department as he is serving in deptt., but the department has not taken any action on his application (**Copy of application is attached as annexure-B**).
4. That the department circulated the seniority list of senior clerks on 3.2.2016 where in the appellant came to know about the promotion of 83 junior clerks to the post of senior clerks including some of the colleagues who were junior to the appellant and appointed on the same terms and conditions as the appellant.
5. That as the appellant was deprived from the legal and fundamental right of promotion to the post of senior clerk merely because of non – inclusion of his name in the seniority list of junior clerks maintained by the establishment deptt., therefore he filed departmental appeal on 9.2. 2016 which was not respondent within the statutory period of ninety day (**Copy of appeal is attached as annexure-C**).
6. That thereafter the appellant filed service appeal No. 597/2016 before the KP Service Tribunal Peshawar. The same was decided on 29.03.2019 and the tribunal is kind enough to accept the stance/appeal of the appellant and the department was directed to include the name of the appellant in seniority list (**Copy of judgment is attached as annexure-D**).
7. That in compliance of judgment, Administration Department prepared separate tentative seniority list for the appellant instead of including him in seniority list maintained by establishment department like other officials, which is discriminatory treatment on the behalf of the deptt. (**Copy of tentative seniority list is attached as annexure-E**).
8. The appellant aggrieved from the tentative seniority list filed objection on the tentative seniority list but the objection was not considered and final

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seniority list dated 27-06-2019 was issued. **(Copy of objection and final seniority list attached as annexure-F & G).**

- 9. That the appellant being aggrieved filing departmental appeal on the following grounds

GROUNDS:

- A) That not including the name of appellant in seniority list of junior clerks maintained by Establishment Deptt and not considering the appellant for promotion on the post of senior clerk despite being eligible and senior is against the norms of justice and material on record.
- B) That in the appointment order of the appellant it was clearly mentioned that the appellant is the employee of Administration Deptt:, therefore it is the legal right of the appellant to have his name in the seniority list of junior clerks from the date of appointment as the Class-IV of Administration deptt: were included in establishment deptt seniority list. **(Copy of appointment order of class-IV, establishment department letter 2016 and seniority list is attached as annexure-H, J & K).**
- C) That in compliance of judgment, Administration Department prepared separate seniority list for the appellant instead of including him in seniority of establishment department like other officials. Which is discriminatory treatment on behalf of the deptt. Further it is added that in the seniority list dated 27-06-2019 at S. No.1 (Raza Muhammad) is junior to the appellant but has malafidely been shown senior to the appellant **(Copy of the appointment order and arrival report is attached as annexure-L & M).**
- D) That the inclusion of name of appellant in the separate seniority list other than seniority list maintained by Establishment Department, is meaningless because by doing this the appellant was kick out from the channel of promotion, as there is no higher post in the channel of promotion in separate seniority which badly effect the whole Carrier of the appellant.
- E) That in appointment order of the appellant it was also clearly mentioned in Para (2) That the appellant shall be the governed by the (then NWFP) now kpk civil servants act 1973 and all laws applicable to the civil servants and rule made therein, but despite that the name of the appellant was not

enlisted in the seniority list of junior clerk, which is the violation of the civil servants act 1973.

- F) That the appellant is discriminated as the appellant was appointed in Administration Deptt like the other officials who were included in the seniority list of Establishment Deptt while the appellant was not included in the same but the separate seniority was prepared for the appellant. This is only to deceive the appellant because the preparation of separate seniority for the appellant has no value/meaningless because there is no channel of promotion and against the natural justice and seniority rules.
- G) That the appellant was initially appointed in administration deptt: like the other officials which are placed in the establishment deptt: seniority list but the appellant was ignored. Which is clear violation of the rules and constitution.
- H) That the appellant is discriminated as many junior clerks who are junior to the appellant were promoted to the post of senior clerks while the appellant was deprived from the same benefits.
- I) That the appellant has punished for his no fault and deprived from his due right of promotion due to non-inclusion of name of appellant in the seniority list of junior clerks maintained by Establishment Department which shows the malafide intentions on the part of respondents.
- J) That the appellant has not been treated in accordance with the law and rules as well as fair play and justice.

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

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[Signature]
25/7/19

SYED MUSADDIQ SHAH
APPELLANT
JUNIOR CLERK,
ESTATE OFFICE,
ADMINISTRATION DEPARTMENT,
PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

I (37)

No. SOE.IV (E&AD) 1-2/2019
Dated Peshawar, the 26.08.2019

To

Syed Musadiq Shah,
Junior Clerk,
Estate Office, Administration Department

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUNED SENIORITY LIST DATED 27.06.2019, WHEREBY THE SEPARATE LIST WAS PREPARED FOR THE APPELLANT.

I am directed to refer to your departmental appeal No. Nil dated 25.07.2019 on the subject noted above and to state that your appeal has been processed and regretted on the basis that Administration Department in compliance of concluding Para 5 of the Judgement of Service Tribunal dated 29.03.2019 has already circulated separate seniority list on 27.06.2019 (including your name), hence the issue of seniority has been settled/ resolved.

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(HAZRAT JAMAL)
SECTION OFFICER (E-IV)

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

DATED PESHAWAR THE 23.02.2006

ORDER.

NO.E&A(A.D)4(75)/2005. Under rule 10 sub rule 2 of the N-WFP Civil Servants (Appointment, Promotion & Transfers) Rules, 1989 read with amendment vide notification No.SOR.VI(E&AD)1-3/2003.Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Imdad Ali Khan S/O Noor Kareem, resident of Patwar Bala P.O. Mathra Tehsil & District Peshawar is hereby appointed as Chowkidar in BS-01 (2150-65-4100) against an existing vacancy in Frontier House, Islamabad under the administrative control of Administration Department, Govt. of N-WFP in relaxation of ban, with immediate effect on the following terms and conditions.

- i. He will get pay at the minimum of BS-01 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
- ii. His services will be liable to termination with or without any reason on two months notice from either side. In case of termination without notice by the employer or two months notice from the employee for resignation, two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.
- iii. He will not be entitled of pension/gratuity.
- iv. He will not contribute towards G.P.Fund. However, they will contribute C.P.Fund 10% of minimum of pay scale and an equal amount of 10% contribution will be made by the Government as per rules.
- v. His appointment will be purely temporary and will not confer on him any right for regular appointment.
- vi. He will be allowed Conveyance, Medical, House Rent Allowance, Leave and T.A/D.A as per Government rules.
- vii. He will be considered for appointment against higher post, if found eligible and due for promotion.
- viii. He will be entitled to facility of Benevolent Fund as per existing recruitment policy.
- ix. He shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar before reporting himself for duty as required under the rules.

SECRETARY TO GOVT. OF N-WFP
ADMINISTRATION DEPARTMENT.

ENDS: NO. & DATE EVEN.

Copy forwarded to:-

- 1) Accountant General, N-WFP, Peshawar.
- 2) Comptroller, Frontier House, Islamabad.
- 3) P.S to Secretary, Admn: Department.
- 4) P.A to Dy. Secy(Admn), Admn: Deptt.
- 5) Bill Assistant, Admn: Department.
- 6) Mr. Imdad Ali Khan S/O Noor Kareem, resident of Patwar Bala P.O. Mathra Tehsil & District Peshawar.
- 7) Personal file.

Shah Jehan
(SHAH JEHAN)
SECTION OFFICER(ADMN)

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**GOVERNMENT OF N.-W.F.P.
ADMINISTRATION DEPARTMENT**

DATED PESHAWAR THE 23.02.2006

ORDER.

NO.E&A(A.D)4(75)/2005. Under rule 10 sub rule 2 of the N-WFP Civil Servants (Appointment, Promotion & Transfers) Rules, 1989 read with amendment vide notification No.SOR.VI(E&AD)1-3/2003, Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Sartaj Ali Khan S/O Zafar Ali Khan, resident of Kootla Mir Alam Sorani P.O. Toorkha, Tehsil and District Bannu is hereby appointed as Chowkidar in BS-01 (2150-60-4100) against an existing vacancy in Frontier House, Islamabad under the administrative control of Administration Department, Govt. of N-WFP in relaxation of ban, with immediate effect on the following terms and conditions.

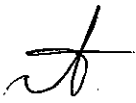
- i. He will get pay at the minimum of BS-01 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
- ii. His services will be liable to termination with or without any reason on two months notice from either side. In case of termination without notice by the employer or two months notice from the employee for resignation, two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.
- iii. He will not be entitled of pension/gratuity.
- iv. He will not contribute towards G.P.Fund. However, they will contribute C.P.Fund 10% of minimum of pay scale and an equal amount of 10% contribution will be made by the Government as per rules.
- v. His appointment will be purely temporary and will not confer on him any right for regular appointment.
- vi. He will be allowed Conveyance, Medical, House Rent Allowance, Leave and T.A/D.A as per Government rules.
- vii. He will be considered for appointment against higher post, if found eligible and due for promotion.
- viii. He will be entitled to facility of Benevolent Fund as per existing recruitment policy.
- ix. He shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar before reporting himself for duty as required under the rules.

SECRETARY TO GOVT. OF N-WFP
ADMINISTRATION DEPARTMENT.

ENDST: NO. & DATE EVEN.

Copy forwarded to:

- 1) Accountant General, N-WFP, Peshawar.
- 2) Comptroller, Frontier House, Islamabad.
- 3) P.S to Secretary, Admn: Department.
- 4) P.A to Dy. Secy(Admn), Admn: Deptt.
- 5) Bill Assistant, Admn: Department.
- 6) Mr. Sartaj Ali Khan S/O Zafar Ali Khan, resident of Kootla Mir Alam Sorani P.O. Toorkha, Tehsil and District Bannu.
- 7) Personal file.


ATTESTED


SECRETARY TO GOVT. OF N-WFP

GOVERNMENT OF PAKISTAN
ADMINISTRATION DEPARTMENT

Dated Peshawar the 10.08.2007

ORDER

NO.E&A(A.D)3(82)/2006. Under rule 10 sub rule-2 of the N-WFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide Notification No.SOR-VI(E&AD)1-3/2003 Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Rahat Gul S/O Khan Poor r/o Mohallah Alam Khel, Nahqi, P.O Harki, Teh & Distt: Charsadda is hereby appointed as Mali (BS-02) (2530-85-5080) against an existing vacancy in Frontier House, Islamabad, in relaxation of ban, with immediate effect on the following terms and conditions:-

- i. He will get pay at the minimum of BS-2 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- ii. His services will be liable to termination with or without any reason on two months notice from either side. In case of termination without notice by the employer or two months notice from the employee for resignation, two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.
- iii. He will not be entitled of pension/gratuity benefits.
- iv. He will not contribute towards G.P.Fund. However, he will contribute C.P.Fund 10% of minimum of pay scale and an equal amount of 10% contribution will be made by the Government as per rules.
- v. His appointment will be purely temporary and will not confer on him any right for regular appointment.
- vi. He will be allowed Conveyance, Medical, House Rent Allowance, Leave and T.A/D.A as per Government rules.
- vii. He will be considered for appointment against higher post, if found eligible and due for promotion.
- viii. He will be entitled to facility of Benevolent Fund as per new recruitment policy.
- ix. He shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar before reporting himself for duty as required under the rules.

DEPUTY SECRETARY (ADMN),
ADMINISTRATION DEPARTMENT.

ENDST: NO. & DATE EVEN.

Copy forwarded to:-

1. Accountant General, N-WFP, Peshawar.
2. Comptroller, Frontier House, Islamabad.
3. P.A to Deputy Secretary, Admn: Department.
4. Bill Assistant Admn: Department.
5. Mr. Rahat Gul S/O Khan Poor r/o Mohallah Alam Khel, Nahqi, P.O Harki, Teh & Distt: Charsadda
6. Personal file.

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M. H. H. H. H.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

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No. E&A(AD)/ 04(17)2015 VOI-IV
Dated Peshawar the 07-09-2016

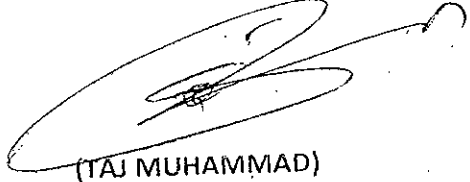
To,


The Section Officer (Reg-IV)
Establishment Department.

Subject:

**REQUEST FOR INCLUSION IN SENIORITY LSIT OF MATRICULATE
CLASS IV.**

I am directed to refer to your letter No. SOR.IV (ED)/1-5/2016 / Vol-II dated 01-09-2016 on the subject noted above and to state that in terms of Establishment Department 's letter No. SOR-IV(E&AD)1-5/2008 dated 04-04-2009, the Governor's House is part and parcel of the Civil Secretariat and all of its posts including House Hold posts reflected in the Budget Book are the Secretariat Posts . In a similar vein, Houses under the administrative control of Administration Department are part and parcel of the Civil Secretariat and all of its posts including House Hold posts reflected in the Budget Book are the Secretariat Posts. The applicants were appointed under Rule 10(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment , Promotion & Transfer) Rules, 1989. Rule -17 of the ibid Rules do not present any bar to include such employees into the seniority list, and there is no distinction of employees appointed under Rule 10(2) of ibid Rules or otherwise. Therefore , the names of the applicant were included in the joint seniority list of matriculate Class IV employees.


(TAJ MUHAMMAD)
SECTION OFFICER (ADMN)


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

42

Dated Peshawar, the 21st May, 2018

ORDER

No.E&A(E&AD)04(17)2015-16:- On the recommendations of the Departmental Selection / Promotion Committee, the competent authority is pleased to promote the following Matriculate Class-IV of the Civil Secretariat, Khyber Pakhtunkhwa, Peshawar as Daftari (BS-04), on regular basis, with immediate effect:-

S#	NAME	DESIGNATION	PLACE OF PRESENT POSTING
1.	Muhammad Farman s/o Munsif	Naib Qasid	Minerals Devlp: Deptt:
2.	Dost Muhammad	Naib Qasid	Minerals Devlp: Deptt:
3.	Imran Khan	Naib Qasid	Governor Sectt
4.	Khuram Shehzad	Naib Qasid	E&AD
5.	Farooq Khan s/o Abdul Malik	Naib Qasid	E&AD
6.	Fayaz Ahmad Khan	Naib Qasid	LG&RG Dept
7.✓	Sartaj Ali Khan	Chowkidar	E&AD
8.✓	Imdad Ali	Chowkidar	E&AD
9.	Siraj Khan	Chowkidar	E&AD
10.	Rehman Uddin	Naib Qasid	Environment Dept
11.✓	Rahat Gul*	Mali	E&AD
12.	Akhtar Hussain* s/o Muntaj	Mali	E&AD
13.	Muhammad Adnan Khan*	Mali	Civil Officer Mess
14.	Irshad Ullah s/o Ihsan	Naib Qasid	Finance Dept
15.	Muhammad Ibrahim s/o S. Jan	Naib Qasid	Law Dept
16.	Kalimullah Jan	Naib Qasid	Law Dept
17.	Saleem Ghulam*	Sweeper	Industries Dept:
18.	Nawaz Khan*	Mali	E&AD
19.	Fazle Wajid	Naib Qasid	Home Deptt
20.	Ghulam Muhammad	Behshti	Home Deptt
21.	Haseeb-ur-Rehman	Naib Qasid	Finance Deptt
22.	Muhammad Arshad Anwar	Naib Qasid	E&AD
23.	Arshad Khan	Naib Qasid	E&AD
24.	Fazal Gul	Chowkidar	Health Deptt
25.	Shabir Khan	Naib Qasid	P&D Dept.
26.	Jan Alam	Naib Qasid	Home Deptt
27.	Abdullah Jan	Naib Qasid	Higher Education Deptt
28.	Rizwan Ahmed	Naib Qasid	Chief Minister Sectt
29.	Waseem Ullah	Naib Qasid	Minerals Devlp: Deptt:
30.	Nawab Ali	Naib Qasid	Engergy & Power
31.	Hasan Gul s/o Taz Gul	Naib Qasid	Population
32.	Syed Ibrahim Shah	Naib Qasid	Provincial Services Academy (PSA)
33.	Muhammad Faheem	Naib Qasid	ST & IT Deptt:
34.	Roohullah	Naib Qasid	Governor Sett
35.	Muhammad Ashfaq	Naib Qasid	Home Deptt
36.	Shah Nawaz	Attendent	Chief Minister Sectt
37.	Muhammad Mohsin Khan	Naib Qasid	E&AD
38.	Muhammad Arif	Naib Qasid	E&AD
39.	Syed Ayaz Hussain Shah	Naib Qasid	Chief Minister Sectt
40.	Inyatur Rehman	Naib Qasid	E&SE

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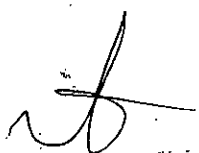
S#	NAME	DESIGNATION	PLACE OF PRESENT POSTING
224.	Inayat Ullah s/o Hidayat	Naib Qasid	Agriculture
225.	Iftikhar Ali s/o Ghulam Samdani	Naib Qasid	Energy & Power
226.	Hussain-ur-Rehman	Naib Qasid	P&D Dept.
227.	Ali Akbar	Naib Qasid	Energy & Power
228.	Safdar Khan s/o Mawas Khan	Naib Qasid	Energy & Power
229.	Usman Naveed s/o Naveed Taj	Naib Qasid	Energy & Power
230.	Saifullah s/o Hameed Ullah	Farash	Law Deptt
231.	Tariq Jan*	Mali	Chief Minister Sectt
232.	Najeeb	Chowkidar	Chief Minister Sectt
233.	Yasmin Ali	Chowkidar	Chief Minister Sectt
234.	Sohail Ahmad s/o A. Qadeem	Naib Qasid	E&AD
235.	Ashfaq Hussain s/o Gul Karim	Naib Qasid	P&D Dept.
236.	Syed Zafar Ali Jafri	Naib Qasid	Chief Minister Sectt
237.	Waheed Ahmed	Naib Qasid	E&AD
238.	Wahab Shah	Naib Qasid	Transport Department
239.	Muhammad Junaid	Naib Qasid	Transport Department
240.	Nisar Babar*	Sweeper	Finance Deptt
241.	Abu Bakar Saddiq	Chowkidar	Finance Deptt
242.	Junaid Khan	Chowkidar	Industries Deptt:
243.	Khasif Javed	Naib Qasid	E&AD
244.	Syed Tasawar Hussain	Naib Qasid	Information Dept.
245.	Zeeshan	Naib Qasid	Social Welfare Deptt
246.	Yousaf Ali Shah	Naib Qasid	Chief Minister Sectt
247.	Gohar Ali	Naib Qasid	Chief Minister Sectt
248.	Muhammad Altaf	Chowkidar	E&AD

2. The above **Daftari (BPS-04)** on their promotion will remain on probation in terms of Rule 6(2) of the Khyber Pakhtunkhwa Civil Servant Act 1973 read with Rule 15(1) & (2) of the Khyber Pakhtunkhwa Govt. Servant (Appointment, Promotion and Transfer) Rules, 1989 for a period of one year extendable to further one year if not terminated through a specific order.

3. Consequent upon their promotion, the following posting/ transfer amongst the **Daftari (BPS-04)** of the Civil Secretariat are hereby made (against existing vacancies and posts newly sanctioned vide Finance Department's letters No BOIV/FD/1-5/2017-18 dated 09-03-2018 & 29-03-2018):-

S#	NAME OF OFFICIAL	FROM	TO
1.	Muhammad Farman s/o Munsif	Minerals Devlp: Deptt:	Retained in Minerals Devlp: Deptt:
2.	Dost Muhammad	Minerals Devlp: Deptt:	Retained in Minerals Devlp: Deptt:
3.	Imran Khan	Governor Sectt	Retained in Governor Sectt
4.	Khuram Shehzad	E&AD	Retained in E&AD
5.	Farooq Khan s/o Abdul Malik	E&AD	Retained in E&AD
6.	Fayaz Ahmad Khan	LG&RG Dept	Retained in LG&RG Dept
7.	Sartaj Ali Khan	E&AD	Retained in E&AD
8.	Imdad Ali	E&AD	Retained in E&AD
9.	Siraj Khan	E&AD	Retained in E&AD
10.	Rehman Uddin	Environment Dept	Retained in Environment Dept
11.	Rahat Gul*	E&AD	Local Govt & RD Dept.
12.	Akhtar Hussain* s/o Muntaj	E&AD	Home Department.
13.	Muhammad Adnan Khan*	E&AD	Agriculture Department
14.	Irshad Ullah s/o Ihsan	Finance Dept	Retained in Finance Dept
15.	Muhammad Ibrahim s/o S. Jan	Law Dept	Retained in Law Dept
16.	Kalimullah Jan	Law Dept	Retained in Law Dept
17.	Saleem Ghulam*	Industries Dept:	Energy & power Dept.

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S#	NAME OF OFFICIAL	FROM	TO
18.	Nawaz Khan*	E&AD	Inter Provincial Coord Dept.
19.	Fazle Wajid	Home Deptt	Retained in Home Deptt
20.	Ghulam Muhammad	Home Deptt	Retained in Home Deptt
21.	Haseeb-ur-Rehman	Finance Deptt	Retained in Finance Deptt
22.	Muhammad Arshad Anwar	E&AD	Retained in E&AD
23.	Arshad Khan	E&AD	Retained in E&AD
24.	Fazal Gul	Health Deptt	Retained in Health Deptt
25.	Shabir Khan	P&D Dept.	Retained in P&D Dept.
26.	Jan Alam	Home Deptt	Home Deptt
27.	Abdullah Jan	Higher Education Deptt	Retained in Higher Education Deptt
28.	Rizwan Ahmed	Chief Minister Sectt	Retained in Chief Minister Sectt
29.	Waseem Ullah	Minerals Devlp: Deptt:	Retained in Minerals Devlp: Deptt:
30.	Nawab Ali	Energy & Power	Retained in Energy & Power
31.	Hasan Gul s/oTaz Gul	Population Welf Dept	Retained in Population Welf Dept
32.	Syed Ibrahim Shah	Provincial Services Academy (PSA)	E&A Department.
33.	Muhammad Faheem	ST & IT Deptt:	Retained in ST & IT Deptt:
34.	Roohullah	Governor Sett	Retained in Governor Sett
35.	Muhammad Ashfaq	Home Deptt	Retained in Home Deptt
36.	Shah Nawaz	Chief Minister Sectt	Retained in Chief Minister Sectt
37.	Muhammad Mohsin Khan	E&AD	Retained in E&AD
38.	Muhammad Arif	E&AD	Agriculture Department.
39.	Syed Ayaz Hussain Shah	Chief Minister Sectt	Retained in Chief Minister Sectt
40.	Inyatur Rehman	E&SE	Retained in E&SE
41.	Qaim Khan	E&AD	Retained in E&AD
42.	Falze Amin	Chief Minister Sectt	Retained in Chief Minister Sectt
43.	Fayazur Rhman	Energy & Power	Retained in Energy & Power
44.	Gul Faraz	Irrigation Deptt	Retained in Irrigation Deptt
45.	Ajmal	Labour Deptt	Retained in Labour Deptt
46.	Muhammad Arif	E&AD	Retained in E&AD
47.	Safi Ullah s/o Habib-Ur-Rehman	Energy & Power	Retained in Energy & Power
48.	Muhammad Ijaz	P&D Dept.	Retained in P&D Dept.
49.	Muhammad Ashfaq	E&AD	Retained in E&AD
50.	Sanaulah	Social Welfare Deptt	Retained in Social Welfare Deptt
51.	Iqbal	ST&IT	Retained in ST&IT
52.	Asif Khan	Health Deptt	Retained in Health Deptt
53.	Syed Azhar Abbas Zaidi	Population Dept.	Retained in Population Dept.
54.	Riaz Khan*	Chief Minister Sectt	ST & IT Department.
55.	Muhammad Imran	Home Deptt	Retained in Home Deptt
56.	Fida Muhammad s/o Taj M	Labour Deptt	Retained in Labour Deptt
57.	Hassan Ali	Environment Deptt	Environment Deptt
58.	Imran Ali	E&AD	Retained in E&AD
59.	Umar Faraz	E&AD	Retained in E&AD
60.	Muhammad Irfan	E&AD	Retained in E&AD
61.	Zubair Ahmed	PMRU	E&A Department.
62.	Shah Jehan	Finance Deptt	Retained in Finance Deptt
63.	Ashfaq Ahmed	STI	Retained in STI
64.	Muhammad Ashraf	E&AD	Retained in E&AD
65.	Saleem Khan	Auqaf Deptt	Retained in Auqaf Deptt
66.	Bakht Zada	E&AD	Retained in E&AD
67.	Malang Jan	E&SE	Retained in E&SE
68.	Zakirullah	Governor Sett	Retained in Governor Sett
69.	Noman Ijaz	Sport & Culture	Retained in Sport & Culture
70.	Anil Anwar*	Higher Education Deptt	Home Department.
71.	Sajid Khan	Chief Minister Sectt	Retained in Chief Minister Sectt
72.	Naeemullah	Chief Minister Sectt	Retained in Chief Minister Sectt
73.	Muhammad Rizwan	Excise & Taxation	Retained in Excise & Taxation
74.	Aamir Khan s/o Gul Rehman	Excise & Taxation	Retained in Excise & Taxation
75.	Shakeel Ahmed	C&W Department.	Retained in C&W Department.
76.	Sajjad Ahmad	Irrigation Deptt	Retained in Irrigation Deptt
77.	Sajid Khan	E&AD	Retained in E&AD

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Sl. No.	NAME OF OFFICIAL	FROM	TO
78.	Bakht Biland	Chief Minister Sectt	Retained in Chief Minister Sectt
79.	Gulfam Ullah	Health Deptt	Retained in Health Deptt
80.	Saddar Islam	Health Deptt	Retained in Health Deptt
81.	Arshad Alam	Chief Minister Sectt	Retained in Chief Minister Sectt
82.	Faheem Khan	Home Deptt	Retained in Home Deptt
83.	Ikram Khan	CM Sectt	Retained in CM Sectt
84.	Asfandyar Khan	Health Deptt	Retained in Health Deptt
85.	Muhammad Rafi	Health Deptt	Retained in Health Deptt
86.	Shereen Khan	E&AD	Retained in E&AD
87.	Roohullah	Chief Minister Sectt	Retained in Chief Minister Sectt
88.	Muhammad Tayyab Shaukat	E&AD	Retained in E&AD
89.	Shahid Riaz	IPC Department.	Retained in IPC Department.
90.	Adil Babar	E&AD	Retained in E&AD
91.	Zarwali	Finance Deptt	Retained in Finance Deptt
92.	Sifatullah s/o Awal Khan	E&AD	Retained in E&AD
93.	Lugman Khan	Higher Education Deptt	Retained in Higher Education Deptt
94.	Gul Zameen Khan	Finance Deptt	Retained in Finance Deptt
95.	Yousaf Khan	Finance Deptt	Retained in Finance Deptt
96.	Bahar Khan	E&SE	Retained in E&SE
97.	Imran Khan	Health Deptt	Retained in Health Deptt
98.	Muhammad Zubair	Health Deptt	Retained in Health Deptt
99.	Jawad Tanveer	Health Deptt	Retained in Health Deptt
100.	Kachkool Shah s/o Mukammil	PHE Dept.	Retained in PHE Dept.
101.	Ramazan Hussain	P&D Dept.	Retained in P&D Dept.
102.	Abdul Shakoor	E&AD	Retained in E&AD
103.	Muhammad Sajid	P&D Dept.	Retained in P&D Dept.
104.	Wahab Ali	E&AD	Retained in E&AD
105.	Muhammad Abbas Khan	Housing Dept	Retained in Housing Dept
106.	Shah Faisal Jan	E&AD	Retained in E&AD
107.	Noor Khan	PHE Dept.	Retained in PHE Dept.
108.	Ravez Khan	Minerals Devlp: Deptt:	Retained in Minerals Devlp: Deptt:
109.	Muhammad Ahsan Jawad	Minerals Devlp: Deptt:	Retained in Minerals Devlp: Deptt:
110.	Afaq Ahmad	E&AD	Retained in E&AD
111.	Faisal Zulfiqar s/o Zulfiqar	E&AD	Retained in E&AD
112.	Liaqat Khan	Irrigation Deptt	Retained in Irrigation Deptt
113.	Naseem Hussain	P&D Dept.	Retained in P&D Dept.
114.	Rafaqat Shah	Higher Education Deptt	Retained in Higher Education Deptt
115.	Asad Ali	Finance Deptt	Retained in Finance Deptt
116.	Waheed Ullah s/o Fareed Ullah	Finance Deptt	Retained in Finance Deptt
117.	Samiullah	Finance Deptt	Retained in Finance Deptt
118.	Muhammad Arif	Finance Deptt	Retained in Finance Deptt
119.	Hamid Saeed	Home Deptt	Retained in Home Deptt
120.	Muhammad Ikram	E&SE	Retained in E&SE
121.	Sikandar Khan	E&SE	Retained in E&SE
122.	Tariq Iqbal	E&SE	Retained in E&SE
123.	Murad Khan s/o Muslim Khan	Chief Minister Sectt	Retained in Chief Minister Sectt
124.	Zain Ul Mawasif s/o Javed	E&SE	Retained in E&SE
125.	Murad Khan s/o Sawab gul	FATA Sectt:	Retained in FATA Sectt:
126.	Niaz Gul	Staff Training Institute	Retained in Staff Training Institute
127.	Rasool Wali	E&AD	Retained in E&AD
128.	Muhammad Bilal Khan	E&AD	Retained in E&AD
129.	Aftab Ahmed	E&AD	Retained in E&AD
130.	Arshad Ali s/o Fazle Rahman	E&AD	Retained in E&AD
131.	Rajesh Chand	E&AD	Retained in E&AD
132.	Rahmat Jalil s/o Said Jalil	P&D Dept.	Retained in P&D Dept.
133.	Ismail Khan	C&W Department.	Retained in C&W Department.
134.	Muhammad Jehangir Khan	E&SE	Retained in E&SE
135.	Muhammad Asif	C&W Department.	Retained in C&W Department.
136.	Bakht Muhammad	C&W Department.	Retained in C&W Department.
137.	Zafar Ullah Khan	Auqaf Deptt	Retained in Auqaf Deptt
138.	Rahabat Khan	Auqaf Deptt	Retained in Auqaf Deptt

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S#	NAME OF OFFICIAL	FROM	TO
139.	Abdul Basit	Relief & Rehab Dept.	Retained in Relief & Rehab Dept.
140.	Imran Khan	C&W Department.	Retained in C&W Department.
141.	Alamzeb Amir	Finance Deptt	Retained in Finance Deptt
142.	Shahab Jehan	PMRU.	E&A Department.
143.	Mubashir Baber	E&AD	Retained in E&AD (Admn Branch)
144.	Aurangzeb	Higher Education Dept.	E&A Department.
145.	Qaisar khan s/o Mukarrum	E&SE	Retained in E&SE
146.	Fawad Khan	Population Dept.	Retained in Population Dept.
147.	Tahir Ali	Irrigation Deptt	Retained in Irrigation Deptt
148.	Sher Ali	P&D Department.	E&A Department.
149.	Zakirullah	Law Deptt	Retained in Law Deptt
150.	Izhar Ul Haq s/o Noor Ali	Law Deptt	Retained in Law Deptt
151.	Waqar Khan	Agriculture Dept	Retained in Agriculture Dept
152.	Hamayun Zia	Home Deptt	Retained in Home Deptt
153.	Noor Zada	Home Deptt	Retained in Home Deptt
154.	Imran Khan	Home Deptt	Retained in Home Deptt
155.	Subhan Ullah	Home Deptt	Retained in Home Deptt
156.	Hazrat Hussain	Sport & Culture	Retained in Sport & Culture Dept
157.	Adeel Ahmad s/o Malak	Excise & Taxation.	Retained in Excise & Taxation Dept
158.	Adeel Vector* s/o Vector Masih	Excise & Taxation	Augaf Department.
159.	Muhammad Shafiq	Finance Deptt	Retained in Finance Deptt
160.	Wajahat Ali	Finance Deptt	Retained in Finance Deptt
161.	Saeed Yousaf* s/o Yousaf Masih	Finance Deptt	Food Department.
162.	Rafiq Nawab	Finance Deptt	Retained in Finance Deptt
163.	Abdul Wahid	Finance Deptt	Retained in Finance Deptt
164.	Syed Shoaib Ali s/o Muzaffar	Chief Minister Sectt	Retained in Chief Minister Sectt
165.	Wilson Masih*	Chief Minister Sectt	Governor's Secretariat.
166.	Nawaz Khan	E&AD	Retained in E&A Dept.
167.	Mumtaz Hussain	Higher Education Deptt	Retained in Higher Education Deptt
168.	Amjad Khan	Irrigation Deptt	Retained in Irrigation Deptt
169.	Zahoor Khan s/o Noor Khan	Higher Education Deptt	Retained in Higher Education Deptt
170.	Aris Gulzar s/o Gulzar Ahmad	Housing Deptt	Retained in Housing Deptt
171.	Sajid Ali	Home Deptt	Retained in Home Deptt
172.	Janas Khan s/o Nawab Khan	Law Deptt	Retained in Law Deptt
173.	Muhammad Rashid, s/o SAHIB	Law Deptt	Retained in Law Deptt
174.	Sher Muhammad s/o Hayat	Law Deptt	Retained in Law Deptt
175.	Shahzad Gul s/o Hazrat Gul	Social Welfare Deptt	Retained in Social Welfare Deptt
176.	Altaf Hussain s/o Ashraf	Minerals Devlp: Deptt:	Retained in Minerals Devlp: Deptt:
177.	Patrick Masih*	E&AD	Information Department.
178.	Akhtar Ali	Information Dept.	Retained in Information Dept.
179.	Adeel Awan*	Finance Deptt	Housing Department.
180.	Syed Muhammad Kabir	Home Deptt	Retained in Home Deptt
181.	Aziz Ur Rehman	E&AD	Retained in E&AD
182.	Muhammad Bashir	Governor Sett	Retained in Governor Sett
183.	Sher Ahmed	Agriculture	Retained in Agriculture Dept.
184.	Tanveer Ghulam *s/o Ghulam	Chief Minister Sectt	Mineral Dev; Dept.
185.	Israr Ahmed	E&AD	Retained in E&A Department.
186.	Shahid Jan*	E&AD	Irrigation Department.
187.	Faheem Khan	STI	Retained in STI
188.	Shahab-ud-Din	E&AD	Retained in E&A Department.
189.	Uzair Naveed	E&AD	Retained in E&A Department.
190.	Aqeel Khan	E&AD	Retained in E&A Department.
191.	Qazi Farooq	E&AD	Retained in E&A Department.
192.	Sheheryar Akhtar s/o Javed	E&AD	Retained in E&A Department.
193.	Syed Jawadur Rehman	E&AD	Retained in E&A Department.
194.	Faiz Ahmad s/o Yousaf Khan	PMRU	E&A Department.
195.	Anisur Rehman	E&AD	Retained in E&A Department.
196.	Taimur Khan	E&AD	Retained in E&A Department.
197.	Zia Ur Rehman s/o M. Shah	E&AD	Retained in E&A Department.
198.	Yousaf Ali	E&AD	Retained in E&A Department.
199.	Adnan Almas*	E&AD	Excise & Taxation Dept.

Handwritten signature

577 (47)

S#	NAME OF OFFICIAL	FROM	TO
200.	Ishtiaq Ahmed	E&AD	Retained in E&A Department.
201.	Aftab Gul	Irrigation Deptt	Retained in Irrigation Deptt
202.	Syed Sohail Shah	STI	Retained in STI
203.	Ziaullah Khan	E&AD	Retained in E&AD
204.	Muhamamd Arif	E&A Department	Retained in E&A Department
205.	Faheemullah Khan	E&AD	Retained in E&AD
206.	Muhammad Nadeem s/o Afsar	E&SE	Retained in E&SE
207.	Abdul Haq	C&W Department.	Retained in C&W Department.
208.	Sher Taj	Chief Minister Sectt	Retained in Chief Minister Sectt
209.	Ihsanullah s/o Anwar Gul	Finance Deptt	Retained in Finance Deptt
210.	Muhammad Hamayun	Local Govt;	Retained in Local Govt;
211.	Waqas Jan	Law Deptt	Retained in Law Deptt
212.	Sajjad Ali	E&AD	Retained in E&AD
213.	Rehman Gul s/o Dedar	Agriculture	Retained in Agriculture Dept.
214.	Saifullah	Law Deptt	Retained in Law Deptt
215.	Madad Khan	E&AD	Retained in E&A Department.
216.	Naveed Khan s/o Nasir Khan	Law Deptt	Retained in Law Deptt
217.	Waqas Khan s/o Inam Ullah Jan	Finance Deptt	Retained in Finance Deptt
218.	Muhammad Shahab	Law Deptt	Retained in Law Deptt
219.	Kazim Jan	Law Deptt	Retained in Law Deptt
220.	Asad Jan	Law Deptt	Retained in Law Deptt
221.	Muhammad Faizan	Social Welfare Deptt	Retained in Social Welfare Deptt
222.	Syed Saif Ali Shah	Social Welfare Deptt	Retained in Social Welfare Deptt
223.	Adnan Khan	Social Welfare Deptt	Retained in Social Welfare Deptt
224.	Inayat Ullah s/o Hidayat	Agriculture	Retained in Agriculture Dept.
225.	Iftikhar Ali s/o Ghulam Samdani	Energy & Power	Retained in Energy & Power Dept
226.	Hussain-ur-Rehman	P&D Dept.	Retained in P&D Dept.
227.	Ali Akbar	Energy & Power	Retained in Energy & Power
228.	Safdar Khan s/o Mawas Khan	Energy & Power	Retained in Energy & Power
229.	Usman Naveed s/o Naveed Taj	Energy & Power	Retained in Energy & Power
230.	Saifullah s/o Hameed Ullah	Law Deptt	Retained in Law Deptt
231.	Tariq Jan*	Chief Minister Sectt	P&D Department.
232.	Najeeb	Chief Minister Sectt	Retained in Chief Minister Sectt
233.	Yasmin Ali	Chief Minister Sectt	Retained in Chief Minister Sectt
234.	Sohail Ahmad s/o A. Qadeem	E&AD	Retained in E&AD
235.	Ashfaq Hussain s/o Gul Karim	P&D Dept.	Retained in P&D Dept.
236.	Syed Zafar Ali Jafri	Chief Minister Sectt	Retained in Chief Minister Sectt
237.	Naveed Ahmed	E&AD	Retained in E&A Dept.
238.	Muhammad Wahab Shah	Transport Department	Retained in Transport Department
239.	Muhammad Junaid	Transport Department	Retained in Transport Department
240.	Nisar Babar*	Finance Deptt	Home Department.
241.	Abu Bakar Saddiq	Finance Deptt	Finance Deptt
242.	Junaid Khan	Industries Deptt:	Retained in Industries Deptt:
243.	Khasif Javed	E&AD	Retained in E&A Dept.
244.	Syed Tasawar Hussain	Information Dept.	Retained in Information Dept.
245.	Zeeshan	Social Welfare Deptt	Retained in Social Welfare Deptt
246.	Yousaf Ali Shah	Chief Minister Sectt	Retained in Chief Minister Sectt
247.	Gohar Ali	Chief Minister Sectt	Retained in Chief Minister Sectt
248.	Muhammad Altaf	E&A Department	E&SE Department.

4. Consequent upon their promotion, the above employees will continue to perform duties/ tasks currently assigned to them till further orders.

-sd-

DEPUTY SECRETARY(ADMN)
GOVT. OF KHYBER PAKHTUNKHWA

ATTESTED

NOTED

M (9) 98

GOVERNMENT OF N.W.F.P
ADMINISTRATION DEPARTMENT

Dated Peshawar the 11.08.2008

ORDER

NO.E&A(A.D)4(2)/2007. Under rule 10 sub rule-2 of the N-WFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No.SOR-VI(E&AD)1-3/2003 Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Raza Muhammad S/O Janas Khan, resident of Mohallah Arbapan, Matta Mughal Khel, Teh & Distt: Charsadda is hereby appointed as Junior Clerk (BS-07) (3530-190-9230) against an existing vacancy in Frontier House, Islamabad, Administration Department with immediate effect on the following terms and conditions:-

- i. He will get pay at the minimum of BS-07 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- ii. He shall be governed by the N-WFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- iv. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited
- v. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
- vi. He has to join duties at his own expenses.

2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.

SECRETARY TO GOVT: OF N-WFP,
ADMINISTRATION DEPARTMENT.

ENDST: NO. & DATE EVEN.

Copy forwarded to:-

1. Accountant General, NWFP, Peshawar.
2. P.S to Secretary, Administration Department.
3. P.A to Deputy Secretary (Admn), Admn: Department.
4. Comptroller, Frontier House, Islamabad.
5. Mr. Raza Muhammad S/O Janas Khan, resident of Mohallah Arbapan, Matta Mughal Khel, Teh & Distt: Charsadda.
6. P/File.
7. Office Order file.

ATTESTED

Ehsan Elahi
(EHSAN ELAHI)
SECTION OFFICER (ADMN)

To

N

(1)

(3)

(49)

The Comptroller
Frontier House
Islamabad.

Arrival Report

In compliance with Secretary to Government
of NWFP Administration Department
order No. EEACA.D.14(2) 2007 Dated
11.8.2008.

I Raza Mohamed s/o Tanas Khan
here by submit my Arrival Report
for duty as Junior clerk in
Frontier House Islamabad.
i.e on. 25.8.08 (P.M.)

R
ATTESTED

Yours, s obediently
Raza

Raza Mohamed

Atkan musaddiq Shah

(1)

(5/8)

To

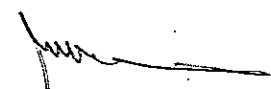
Page 1 to 11

The Comptroller,
Frontier House,
Islamabad.

SUBJECT: ARRIVAL REPORT

In compliance with Secretary to Government of NWFP Administration Department Order No.E&A(AD)4(2)/2007, dated: 11.08.2008, I, Syed Musaddiq Shah S/o Haji Syed Phool Badshah hereby submit my arrival report for duty as Junior Clerk in the Administration Department today i.e on 21.08.2008 (F/noon).

Yours: Obediently



(Syed Musaddiq Shah)
Junior clerk

S
ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal, Peshawar -

Syed Musadiq Shahr (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

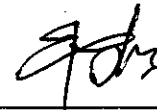
Govt of KP (Respondent)
(Defendant)

I/We, Syed Musadiq Shahr

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20



(CLIENT)

ACCEPTED

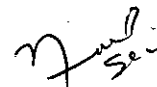


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

B.C NO# 10-7327

CNIC # 17301-5106574-3

E



Syed Noman Ali Bukhari

Advocate

Attested

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

S.A. NO. 1184/2019

Musaddiq ShahAppellant

Versus

Govt. of Khyber Pakhtunkhwa etcRespondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1-3.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1) That the Appellant has got no cause of action and locus standi to file the instant Appeal.
- 2) That the Appeal is not maintainable in the present form. As such this Honorable Tribunal has no jurisdiction to entertain the instant appeal.
- 3) That the Appeal is not based on facts.
- 4) That the Appellant has not come to the Tribunal with clean hands.
- 5) That the Appeal is bad for non-joinder of necessary parties.
- 6) That the Appellant has concealed material facts from this Hon'ble Tribunal
- 7) That the Appellant is estopped by his own conduct.

ON FACTS:

1. Correct to the extent that Appellant was appointed by Administration Department as Junior Clerk on 11-08-2008 in Pakhtunkhwa House [erstwhile Frontier House] Islamabad.
2. Incorrect. The Appellant has already been treated under Sub-Section 8(2) of the Terms & conditions of Seniority, specified in Khyber Pakhtunkhwa Civil Servants Act, 1973, which clearly says that seniority of a Civil Servant shall be reckoned in relation to other Civil Servants belonging to the same service or cadre while the Appellant is appointed as Household Employee under Rule-10 (2) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 against the post of Junior Clerk, exclusively for a particular entity i.e. for the Houses, without observing any criteria, required for filling the post of Junior Clerk such as Zonal Quota + Advertisement in two newspapers etc. Therefore, seniority of the Appellant will be maintained alongwith other employees of the House in Administration Department being their parent department but not in Establishment Department.
3. Incorrect. The Seniority List referred by the Appellant has been circulated by the Establishment Department of Junior Clerks who has been promoted as Senior Clerks, on the Strength of Establishment Department. But the Appellant is a Household Employee of Administration Department.
4. Incorrect. The request of the Appellant for inclusion of his name in the Seniority List was processed and regretted being not covered under the Rule, with advice to Administration Department to find out a way for further career progression of the Household Staff.

5. Correct to the extent that vide judgment dated 29-03-2019 in Service Appeal No. 597/2016 (**Annex-I**), the Khyber Pakhtunkhwa Service Tribunal had allowed earlier Appeal of the Appellant to the extent that he (the Appellant) being a Civil Servant is entitled to a place in seniority to be caused by Respondent No.3 i.e. Secretary Administration and not Secretary Establishment. The needful in this regard has already been done by Administration Department.
6. Correct to the extent that in pursuance of judgment dated 29-03-2019 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 597/2016 (**Annex-I**), the tentative seniority list of the appellant and Respondent No.4 (Raza Muhammad, Junior Clerk BS-11) was duly circulated vide letter dated 15-05-2019 (**Annex-II**). However, Respondent No. 3 i.e. Administration Department has no authority or role whatsoever to include or to advise to include the Appellant in seniority list of Junior Clerks dealt with by Establishment Department/ civil secretariat.
7. Incorrect as laid. As per available record, the Appellant submitted an application / objection on 28-06-2019 (**Annex-III**) with reference to tentative seniority list dated 15-05-2019 whereby he sought that like other household employees his name may also be included in the seniority list maintained by Establishment Department. However, he did not point out or established any flaw / fault in the seniority list of this Department. In fact, he chiefly desired seeing his name in seniority list maintained by Establishment Department. Hence, the seniority list stood final on 27-06-2019 (**Annex-IV**). The Appellant was duly informed of outcome of his application vide letter dated 28-06-2019 (**Annex-V**).
8. Pertains to record.

ON GROUNDS:

- A. Incorrect as laid. It was in pursuance of judgment dated 29-03-2019 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 597/2016 (**Annex-I**) that a tentative seniority list comprising the Appellant and Respondent No. 4 (Raza Muhammad, Junior Clerk BS-11) was duly circulated vide letter dated 15-05-2019 (**Annex-II**). In this regard, the Appellant submitted an application / objection on 28-06-2019 (**Annex-III**) whereby he sought that like other household employees his name may also be included in the seniority list maintained by Establishment Department. He did not point out or established any flaw / fault in the seniority list of this Department. In fact, he chiefly desired seeing his name in seniority list maintained by Establishment Department. Hence, the seniority list stood final. The Appellant was duly informed of outcome of his application vide letter dated 28-06-2019 (**Annex-IV**). However, Respondent No.3 i.e. Administration Department has no authority or role whatsoever to include or to advise to include the Appellant in seniority list of Junior Clerks dealt with by Establishment Department, Civil Secretariat.
- B. Correct to the extent that the appellant is a Household Employee of Administration Department.
- C. Incorrect as laid. It was in pursuance of judgment dated 29-03-2019 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 597/2016 (**Annex-I**) that a tentative seniority list comprising the appellant and Respondent No.4 (Raza Muhammad, Junior Clerk BS-11) was duly circulated vide letter dated 15-05-2019 (**Annex-II**). In this regard, the Appellant submitted an application / objection on 28-06-2019 (**Annex-III**) whereby he sought that

like other Household Employees his name may also be included in the seniority list maintained by Establishment Department. He did not point out or established any flaw / fault in the seniority list of this Department. In fact, he chiefly desired seeing his name in seniority list maintained by Establishment Department Hence, the seniority list stood final. The appellant was duly informed of outcome of his application vide letter dated 28-06-2019.v However, Respondent No.3 i.e. Administration Department has no authority or role whatsoever to include or to advise to include the appellant in seniority list of Junior Clerks dealt with by Establishment Department, Civil Secretariat. Moreover, as per record, age-wise the appellant is older than Respondent No.4 (Raza Muhammad, JC)but service-wise the former cannot be treated as senior to the latter because he (the former) had submitted arrival report on 15-08-2019 while the latter on 12-08-2019. As per rules, generally seniority of an employee is considered from date-of-entry into service i.e. arrival report. However, age-factor is taken into consideration where date of entry into service i.e. arrival report of two or more employees is the same. It is worth mentioning here that Respondent No.3 i.e. Administration Department has no authority or role whatsoever to include or to advise to include the appellant in seniority list of Junior Clerks dealt with by Establishment Department, Civil Secretariat.

- D. Incorrect as laid. It was in pursuance of judgment dated 29-03-2019 of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 597/2016 (Annex-I) that a tentative seniority list comprising the Appellant and Respondent No.4 (Raza Muhammad, Junior Clerk BS-11) was duly circulated vide letter dated 15-05-2019 (Annex-II). Moreover, at present there is no room for creating higher posts in household cadre. Respondent No.3 i.e. Administration Department has no authority or role whatsoever to include or to advise to include the Appellant in seniority list of Junior Clerks dealt with by Establishment Department, Civil Secretariat.
- E. As in Para-D above.
- F. As in Para-D above.
- G. As in Para-D above.
- H. No discrimination has been made as the Appellant is basically an Household Employee, on the strength of Administration Department. While the Junior Clerks promoted as Senior Clerk, having their own seniority list, are on the strength of Establishment Department.
- I. The Appellant is an Household Employee of Administration Department i.e. alien to main cadre of Junior Clerk. His seniority alongwith other staff of the Houses will be maintained by Administration Department instead of Establishment Department.
- J. The Appellant has been treated as per law & rules.
- K. The respondents seek permission to raise additional grounds at the time of arguments.

It is, therefore, most humbly prayed that the instant Appeal being devoid of merit may very graciously be dismissed with costs.


 (Respondents No. 1-3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 597/2016

Date of Institution ... 07.06.2016

Date of Decision ... 29.03.2019



Mr. Musaddiq Shah, Junior Clerk, Estate Office, Administration
Department, Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa Peshawar and two others.
... (Respondents)

Present.

Mr. Muhammad Asif Yousafzai,
Advocate.

... For appellant

Mr. Muhammad Jan,
Deputy District Attorney

... For respondents.

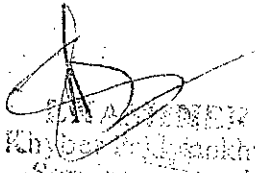
MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN

... CHAIRMAN
... MEMBER

ATTESTED

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-


HAMID FAROOQ DURRANI
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. The appellant is essentially aggrieved from inaction on the part of the respondents regarding inclusion of his name in the seniority list of Junior Clerks of Administration Department. He has further prayed for promotion to the post of Senior Clerk w.e.f. 12.02.2014 or from the date when his juniors were promoted with all back and consequential benefits.

2. It is stated in the memorandum of appeal that the appellant was appointed as Junior Clerk in Frontier House Islamabad by the Administration Department on 11.08.2008. His appointment order reflected that the appellant shall be governed by N.W.F.P. (now Khyber Pakhtunkhwa) Civil Servants Act, 1973 and all other laws applicable to the civil servants including the rules made for the purpose. Despite, his name was not included in the seniority list of the Junior Clerks. The appellant submitted an application for the purpose but the Administration Department did not take any action on the application. The department circulated seniority list of Senior Clerks on 03.02.2016 through which the appellant came to know about the promotion of 83 Junior Clerks to the post of Senior Clerk who happened to be junior to the appellant. The appellant was deprived of his legal right of promotion only because of non-inclusion of his name in the seniority list of Junior Clerks. He submitted departmental appeal on 09.02.2016 which was not responded to, hence the appeal in

hand

ATTACHED

3. At the time of hearing of the appeal, learned DDA referred to the

representative seniority list of Senior Clerks dated 03.02.2016 and contended that the same was issued by Government of Khyber Pakhtunkhwa Establishment Department (Establishment Wing). On the other hand, the appellant was

appointed as a Junior Clerk against a post exclusively for the Houses without observing any criteria such as zone quota, advertisement in two newspapers etc. Owing to the said reasons the seniority of the appellant was


to be maintained alongwith other employees of the Houses in Administration Department being his parent department and not by the Establishment Department. He also referred to the reply of respondents submitted in respect of appeal in hand and contended that in view of reply to Ground-C of the appeal the appellant was not entitled to claim seniority and absorption in the cadre of Junior Clerks of Civil Secretariat (Establishment Department).

4. We have considered the contentions on behalf of the parties to the appeal and find from the record that the right of appellant to be included in the seniority list of his respective cadre has not been denied by the respondents. Furthermore, it has been stated in the joint reply by the respondents that the relevant seniority list will be maintained and notified by the Administration Department being his parent department.

5. The record is suggestive of the fact that a joint reply by respondents including the Secretary Administration Department, Khyber Pakhtunkhwa was submitted on 22.09.2016, however, the requisite seniority list has not been settled as yet. In the circumstances, the appellant is a civil servant and is entitled to a place in the seniority list to be drawn by the concerned department in accordance with law and rules. The appeal in hand is, therefore, allowed to the said extent. The respondent No. 3 shall cause the preparation of requisite seniority list of appellant and others within a period of ninety days, if not already done so. Needless to note that the appellant


shall be at liberty to pursue legal remedy for his grievance arising out of the entries in the seniority list through appropriate proceedings.


Parties are left to bear their respective costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
29.03.2019

Carriage for copy

Khanpur
Secretary
Assistant

Date of Payment: 2019
No. of installments: 12-00
Creating For: 2019
Total: 14-00
Name of Applicant: 
Date of Order: 09-04-19
Date of Delivery of Order: 09-04-19



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

232

NO: E&A(AD)2(591)2008
Dated Peshawar the 15-05-2019

To

1. Raza Muhammad (Junior Clerk),
s/o Janas Khan,
Khyber Pakhtunkhwa House Islamabad.
2. Syed Musadiq Shah (Junior Clerk);
s/o Haji Syed Phool Badshah,
Estate Office.

16/5/19

Subject: - TENTATIVE SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 15-05-2019.

I am directed to refer to the captioned subject and to enclose copies of tentative seniority lists of Junior Clerk of House Hold Staff as it stood on 15-05-2019 alongwith certificate proforma with the request that certificate may be returned to this Department duly signed, indicating error / omission, if any, for the purpose of rectification alongwith attested supporting documents upto 15-06-2019. In case of receipt of no response by the due date, it would be considered that particulars have been accepted as correct.

SECTION OFFICER (ADMN)
15/5/19

Encl: As above.

ENDST: NO & DATE EVEN

Copy is forwarded to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.
2. Section Officer (Lit-I), Establishment Department with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.

9/11

SECTION OFFICER (ADMN)
15/5/19

TENTATIVE SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 15-05-2019

S.No	Name of the official	Designation	Academic Qualification	Date of Birth	Date of 1st Entry into Govt. Service	Date of Joining Sectt; Service	Domicile	Department	Date of Retirement	Remarks
1	Raza Muhammad s/o Janas Khan	Junior Clerk	M.A	03-02-1979	12-08-2008	12-08-2008	Charsadda	K.P.K.H.Islamabad	02-02-2039	
2	Syed Musadiq Shah s/o Haji Syed Phool Badshah	Junior Clerk	F.A	23-05-1973	15-08-2008	15-08-2008	Peshawar	Estate Office, Administration Deptt.	22-05-2033	

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PA.DS (Administration Deptt:)

Dairy No. 1854 Dated 30.05.19

The Secretary Administration, Govt. Of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

S.O. (Admin) Administration Deptt:

Dairy No. 2038

Date 30.5.19

Subject: Objection on Tentative Seniority List of house hold staff as stood on 15.05.2019.

PS. Secy: Administration Deptt:

Dairy No. 2270 Date 29.5.19

Respected Sir,

Most profoundly it is submitted:

1. That I was appointed as Junior Clerk in Frontier House, Islamabad by the Administration Department vide order dated 11.08.2008 because all the house-hold staff are in Khyber Pakhtunkhwa are under full command and control of Administration Department.
2. That as many employees of the household staff were included in the seniority list of the Secretariat by Establishment Department but the name of the appellant was not reflected in those seniority list due to which employees junior to me were promoted and I was ignored all together.
3. That for the redressal of grievances I filed Service Appeal No. 597/2016 in KPK Service Tribunal Peshawar which was finally decided on 29.03.2019 wherein KPK Service Tribunal held that "the record is suggestive of the fact that a joint reply by respondents including the Secretary Administration Department, Khyber Pakhtunkhwa was submitted on 22.09.2016, however, the requisite seniority list has not been settled as yet. In the circumstances, the appellant is a civil servant and is entitled to a place in the seniority list to be drawn by the concerned department in accordance with law and rules. The appeal in hand is, therefore, allowed to the said extent. The respondent No. 3 shall cause the preparation of requisite seniority list of appellant and others within a period of ninety days, if not already done so. Needless to note that the appellant shall be at liberty to pursue

PS to Adml Secy: Admin Deptt:
Dairy No. 1226 Dated 29.5.19

frms

SO(A)

Supervisor

DSA

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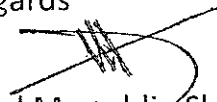
24B

legal remedy for his grievance arising out of the entries in the seniority list through appropriate proceedings.”

4. That presently Tentative Seniority List has been issued which is against the law because all the other employees are under the control of Administration department has been included in the joint seniority list issued by the Establishment department while other employees of the household staff were also included except me. So as the case with a present seniority list where I was totally excluded / shunt out of the Administration department. **(Copy Enclosed)**

Thus once again the law governing the seniority has been violated. Therefore, it is requested that seniority list dated 15.05.2019 may kindly be corrected by including my name maintained by establishment department for the employees of Administration Department.

Regards


Syed Musaddiq Shah
Junior Clerk, Estate Office

Dated: 28th May, 2019



GOVERNMENT OF
ADMINISTRATION

PAKHTUNKHWA
DEPARTMENT

Dated Peshawar, the

27-06-2019

NOTIFICATION

NO.E&A(AD)04(17)2019:- In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the seniority list of **Junior Clerk (BS-11)** of House Hold Staff, as stood on 27-06-2019 is hereby notified/circulated for general information.

FINAL SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 27-06-2019

S.No	Name of the official	Designation	Academic Qualification	Date of Birth	Date of Ist Entry into Govt. Service	Date of Joining Sect; Service	Domicile	Department	Date of Retirement	Remarks
				5	6	7	10		12	13
1	Raza Muhammad s/o Janas Khan	Junior Clerk	M.A	03-02-1979	12-08-2008	12-08-2008	Charsadda	K.P.K.H.Islamabad	02-02-2039	
2	Syed Musadiq Shah s/o Haji Syed Phool Badshah	Junior Clerk	F.A	23-05-1973	15-08-2008	15-08-2008	Peshawar	Estate Office, Administration Deptt.	22-05-2033	

- 1 None of the official is involved in any departmental proceeding Anti-corruption case and Judicial enquiry etc.
- 2 Hold the post on regular basis.
- 3 Have not been awarded any penalty.
- 4 Their seniority position if final, undisputed and notified.

Endst: No. E&A(AD)04(17)2015

Copy forward to:-

- 1 The Comptroller Khyber Pakhtunkhwa House, Islamabad.
- 2 Estate Office, Administration Department.
- 3 PS to Secretary (Admn), Administration Department
- 4 PA to Deputy Secretary (Admn), Administration Department.

SECTION OFFICER (ADMN) 17/01

SECTION OFFICER (ADMN) 17/01



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

NO: E&A(AD)2(591)2008
Dated Peshawar the 28-06-2019

To

1. Raza Muhammad (Junior Clerk),
s/o Janas Khan,
Khyber Pakhtunkhwa House Islamabad.
2. Syed Musadiq Shah (Junior Clerk),
s/o Haji Syed Phool Badshah,
Estate Office.

Subject: - **COMPLIANCE OF ORDERS OF KPK SERVICE TRIBUNAL,
PESHAWAR IN APPEAL NO. 597/2016 TITLED "MUSADDIQ SHAH
VS GOVT OF KPK"**

I am directed to refer to your applications / objection dated 28-5-2019 and 13-06-2019 respectively on the subject noted above and to inform that in pursuance of judgment of Service Tribunal dated 29-03-2019 in Service Appeal No. 597/2016 Establishment Department had refused to include you in seniority list of Junior Clerks maintained by that Department. However, Administration Department in pursuance of Judgment ibid, caused a seniority list of its household Junior Clerks (including you). Hence the said judgment of KP Service Tribunal is fully satisfied.

I am therefore, directed to inform that Administration Department regrets its inability to accede to your request being devoid of merit / rules.

Encl: As above.

ENDST: NO & DATE EVEN

Copy is forwarded to:-

1. Registrar Khyber Pakhtunkhwa Service Tribunal with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.
2. Section Officer (Lit-I), Establishment Department with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.

SECTION OFFICER (ADMN)

SECTION OFFICER (ADMN)

AC

بعدالت سندوس ٹریبونل RP کانسٹیبل

SANo: 1184/19

Respondent No. 4 2 جناب

بنام چیف سیکریٹری گورنمنٹ
سید مصدق شاہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئینک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی دکل کاروائی متعلقہ
آن مقام لکھنؤ کیلئے فضیل رضاہ صہید + A5C راجہ مظفر الدین علی اور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب وہی اور اقبال دعویٰ اور
بہ صورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

صاحب
مقام

Accepted

Adm
20

الرقوم 10
ماہ و 20

مقام لکھنؤ

Accepted
Adm

GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)


Dated Peshawar the 14th January, 2008



OFFER OF APPOINTMENT

No. SOE.IV(E&AD) 1-24/07 On the recommendations of the Department Selection Committee, the Competent Authority is pleased to offer a post of Junior Clerk (BPS-7) to Mr. Qasim Ali Awan S/o Shabbir Ahmad Awan, on the following terms and conditions:-

1. He will get pay at the minimum of BPS-7 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
3. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
4. His employment in the Civil Secretariat, NWFP, is purely temporary and his services are liable to be terminated without assigning any reason at fourteen (14) days notice or on the payment of 14 days salary in lieu of the notice. In case he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
5. He shall, initially, be on probation for a period of two years extendable upto 3 years.
6. He shall produce a Medical Certificate of fitness from Medical Superintendent, Civil Hospital, Peshawar, before reporting himself for duty in the Secretariat, as required under the Rules.
7. He has to join duty at his own expenses.
8. His employment in the NWFP Civil Secretariat NWFP shall, however, be subject to verification of his testimonials/credentials from the Institute (s) wherefrom such documents have been obtained/issued by them.
9. If he accepts the post on these conditions, he should report for duty to the undersigned within 14 days of the receipt of this offer and produce original certificates in connection with his qualifications, domicile and age.


(ABDUL WAHEED)
SECTION OFFICER (E-IV)

Mr. Qasim Ali Awan
S/o Shabbir Ahmad Awan.
C/o Shabbir Ahmad Awan,
SO (G) Higher Education Deptt.

20/1

GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Dated Peshawar the 15th January 2008.



ORDER.

No. SOE(IV)E&AD/1-44/2007 On the recommendation of the Departmental Selection Committee (DPC) and acceptance of the Terms and Conditions laid down in his offer of appointment, Mr. Qasim Ali Awan S/o Shabbir Ahmad Awan is hereby appointed as Junior Clerk (BPS-07) in the NWFP Civil Secretariat, with immediate effect.

2. Consequent upon his appointment as Junior Clerk, he is posted in Civil Secretariat (FATA) Finance Department, in the Public-interest.


Secretary Establishment

Endst: of Even No. & date.

Copy is forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. The Section Officer (Admn/FD) Civil Secretariat (FATA).
3. Section Officer (Secret) Establishment Department.
4. The Estate Officer, Administrative Department
5. Official Concerned.

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601-26
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(ABDUL WAHEED)
SECTION OFFICER (E-IV)

PS/Secy E&AD KP

Diary No. 12974e

FTS No. _____

Date. 16/2/21

MOST URGENT
SUPREME COURT MATTER

OFFICE OF THE ADVOCATE GENERAL KHYBER
PAKHTUNKHWA, HIGH COURT BUILDING, PESHAWAR.

No. 9053-54 AG/Supreme Court/ Dated Peshawar, the 16/02 /2021
(Telephone No.091-9210312. Fax No.091-9210270. Islamabad office.051-9217745)

To,

*Serial number
came later.*

- 1- The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department, Peshawar
- 2- The Chairman Khyber Pakhtunkhwa,
Public Service Commission, Peshawar

SUBJECT: **CA NO.712,713/2020.GOVT OF KPK -VS-ZAHOOR AHMAD,**
MUHAMMAD ARSHID & GOVT, OF KPK

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a photocopy of order, passed in the subject matter by the Hon'ble Supreme Court of Pakistan, Islamabad on 01-02-2021 for information and further necessary action.

Yours Faithfully

(Signature)
(MUHAMMAD ARSHAD KHAN)
ADMINISTRATIVE OFFICER

an

Priority 17/2
Secretary, Establishment

AS/1
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Sait
III

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

Civil Appeals No. 712 & 713 of 2020

(Against the judgment dated 22.02.2018 passed by the
Peshawar High Court, Peshawar in Writ Petitions No.5304-P
and 5305-P of 2017).

Government of Khyber Pakhtunkhwa through Chief
Secretary, Peshawar and others. ...Appellant(s)

Versus

Zahoor Ahmed Khalil.
(in CA.712 of 2020)

Muhamrnad Arshad.
(in CA.713 of 2020)

...Respondent(s)

For the Appellant(s):

Mr. Zahid Yousaf Qureshi,
Addl. A. G. KP.
Mr. Shahid Iqbal, Litigation
Officer, KP, PSC.
Mr. M. Tufail Khattak, Addl.
Secy., Establishment, KP.
(in CA.712 & 713 of 2020)

For the Respondent(s):

In person.
(in CA.712 of 2020)

Mr. Ishtiaq Haider, ASC.
(appeared without filing enter appearance on
behalf of Respondent but appeared with
Court permission).
(in CA.713 of 2020)

Date of Hearing:

01.02.2021.

JUDGMENT

IJAZ UL AHSAN, J.- Through this single
judgment, we propose to decide Civil Appeal No.712 of 2020
and Civil Appeal No.713 of 2020 as they both arise out of the

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Senior Court Associate
Supreme Court of Pakistan
Islamabad

same impugned judgment of the Peshawar High Court, Peshawar dated 22.02.2018.

2. These appeals by leave of the Court are directed against a judgment of the Peshawar High Court, Peshawar dated 22.02.2018 through which constitutional petitions filed by the Respondents were allowed.

3. Briefly stated the facts necessary for disposal of this *lis* are that on 01.12.2017 Khyber Pakhtunkhwa Public Service Commission ("KP Service Commission") advertised 69 posts of Officers in Provincial Management Service (BS-17). Such posts were required to be filled through competitive examination. However, 10% quota was reserved for in-service candidates. The Respondents who were serving as Caretakers (BS-11) in the Chief Minister's Secretariat, Government of Khyber Pakhtunkhwa were not allowed to participate in the PMS examination on the ground that they were not entitled to avail the benefit of 10% quota reserved for in-service candidates. Aggrieved of such refusal on the part of KP Service Commission to allow them to participate in the competitive examination for appointment against 10% quota, the Respondents approached the High Court in its constitutional jurisdiction. Through the impugned judgment dated 22.02.2018, such constitutional petitions of the Respondents were allowed.

4. Leave to appeal was granted by this Court vide order dated 17.08.2020 in the following terms:

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Supreme Court of Pakistan
Islamabad

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"The Government of Khyber Pakhtunkhwa Public Service Commission (the petitioner), advertised 69 posts of Provincial Management Service (PMS) in BPS-17, for competitive examination. Ten per cent quota was reserved for in service candidates. Khyber Pakhtunkhwa Provincial Management Service Rules, 2007 (the Rules of 2007) has described the post of 'in service candidates' and such has been enumerated as Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks. The private respondents in C.Ps. No.349-P and 350-P of 2018 were employed as Caretakers (BPS-11) and their posts were not enumerated in the Rules of 2007. They filed writ petitions in the Peshawar High Court which vide impugned judgment came to be allowed. The petitioner in C.P. No.260-P of 2019, also filed writ petition in the Peshawar High Court which was disposed of vide impugned judgment.

2. The learned AAG contends that there being no mention of post of Caretaker in the Rules of 2007, the respondents in C.Ps. No.349-P and 350-P of 2018 and petitioner in C.P. No.260-P of 2019, could not have been allowed to undertake the competitive examination and further relies upon the judgment of this Court in the case reported as Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others v. Hayat Hussain and others (2016 SCMR 1021).

3. The submissions made by the learned AAG require consideration. Leave to appeal is, therefore, granted in all the petitions to consider, inter alia, the same. The appeal stage paper-books be prepared from the available record with liberty to the parties to file additional documents, if any, within a period of one month. As the matter relates to service, the Office is directed to fix these appeals expeditiously, preferably after three months."

5. The learned Additional Advocate General, Khyber Pakhtunkhwa has pointed out that the Khyber Pakhtunkhwa Provincial Management Service Rules, 2007 ("Rules, 2007") describe the posts of in-service candidate as Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks, etc. He

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Islamabad

maintains that the Respondents did not fall in any of the said categories nor were they covered by the Rules, 2007. He maintains that the Respondents fall in the definition of Household staff and in terms of Rule 10(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 they have specifically been excluded from the application of Rules, 2007. He further maintains that the Respondents being attached with the Chief Minister's Secretariat are not borne on the cadre of the Provincial Secretariat. As such, the High Court erred in law in extending the benefit of 10% quota in question to the Respondents. To substantiate his contentions, the learned Law Officer has placed reliance on a judgment of this Court reported as Government of Khyber Pakhtunkhwa v. Hayat Hussain (2016 SCMR 1021) in which the questions involved in these appeals has elaborately been dealt with.

6. The learned ASC for the Respondents on the other hand submits that exclusion of the Respondents constitutes discrimination. He maintains that on their representation the Chief Minister had made a recommendation that they may be allowed to participate in the competitive examination of PMS and avail the benefit of 10% quota. However, such direction was not implemented. The learned counsel further submits that the Respondents have no channel of promotion and it would cause injustice to them in case they are not allowed to avail the benefit of the quota as prescribed in Rules, 2007.

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Supreme Court of Pakistan
Islamabad

7. We have heard the learned Additional Advocate General, Khyber Pakhtunkhwa, learned ASC for the Respondent in Civil Appeal No.713 of 2020, the Respondent in person in Civil Appeal No.712 of 2020 and have gone through the record with their assistance. For ease of reference, it would be appropriate to reproduce hereinbelow Schedule-I of the Rules, 2007 which prescribes the quota in question:

"Ten percent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in Schedule VII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks who possesses post graduate qualification from a recognized University and have at least five years service under Government."

A plain reading of the relevant Rule makes it abundantly clear that it is specific to a certain class of employees of the Government. It is not couched in language which may be inclusive in its meaning and content or may permit an expansive and wider interpretation. The Rules, 2007 provide 10% quota for persons holding specific posts and such posts have been spelt out as "Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks". A further condition is that such persons must possess Postgraduate qualification from a recognized University and should have at

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Supreme Court of Pakistan
Islamabad

least five years service under the Government. Although, the learned High Court has noticed the said provision, it has misdirected itself in interpreting the Rules, 2007 in a manner which in essence amounts to reading language in the Rules which is not there and a class of employees have specifically, intentionally and deliberately been excluded for policy reasons.

8. It is abundantly clear to us that the Rules, 2007 specifically created a class of Government employees to whom the benefit of 10% quota was provided to the exclusion of others and if the interpretations given by the High Court were to be accepted it would amount to not only reading in something which is not there but also extending and expanding the scope of the Rule which is the domain of the Executive and cannot lightly be interfered with without recording strong, cogent and compelling reasons. Such reasons have neither been recorded nor in our humble opinion were available in the instant matters.

9. We further notice that the High Court has misread the Rules, 2007 and taken them out of context in observing that the Rules do not prescribe as to what should be the nature of experience required to participate in the competitive examination for appointment against the 10% quota posts. We are unfortunately unable to subscribe to that view. It is settled law that provisions of the Statutes and Rules have to be read in their context and unless otherwise provided or

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Supreme Court of Pakistan
Islamabad

there are compelling and lawful reasons to do otherwise the Rule of *ejusdem generis* has to be followed. Even otherwise, the Rule of *ejusdem generis* does not support in any manner the interpretation adopted by the High Court. A plain reading of the relevant Rule read in the context of its ordinary meaning and scope would show that five years experience under the Government was relatable to the titles/job descriptions mentioned in the earlier part of the Rule. Therefore, holding that because there was no specific and elaborate description of the sort of experience that was required, a totally unrelated experience, (in the present case working as a Caretaker / Household staff) would also count as experience of Government service has appeared to us to be without sound legal basis and for that matter any basis at all. We also note that the Respondents had not altogether been excluded from participating in the competitive examination insofar as if they met the criteria for participation that they are not precluded from doing so by competing in open merit. Further and for the same reason we have not found any discriminatory treatment because the Respondents are not similarly placed vis-à-vis the persons/posts identified and specified in the rules and such persons/posts constitute a separate class, there being qualitative difference between the two fulfilling the requirement of intelligible differentia.

10. The Respondent in the connected matter (*Civil Appeal No.714 of 2020*) has frankly conceded before us that he had participated in open merit a number of times but

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Supreme Court of Pakistan
Islamabad

could not succeed on account of being placed lower in the merit list as against the available seats. We are afraid that does not constitute justification to expand the scope of the quota to include all members of ministerial staff whether or not they fell in the categories provided in the Rules, 2007.

11. We have also gone through the judgment of this Court in the case of Government of Khyber Pakhtunkhwa (*ibid*) cited by the learned Additional Advocate General, Khyber Pakhtunkhwa and find that the same directly deals with the question of appointment/promotion against the posts of PMS. It has clearly and categorically been held by this Court in the said judgment that determination of eligibility criteria, etc is essentially an administrative matter falling within the exclusive domain and policy decision making of the Government (as in this case), and interference with such matters by the Courts is not warranted. In this context, it has been held as follows:

"It is a settled proposition of law that the Government is entitled to make rules in the interest of expediency of service and to remove anomalies in Service Rules. It is the Service Rules Committee which has to determine the eligibility criteria of promotion and it is essentially an administrative matter falling within the exclusive domain and policy decision making of the Government and the interference with such matters by the Courts is not warranted and that no vested right of a Government employee is involved in the matter of promotion or the rules determining their eligibility or fitness, and the High Court has no jurisdiction by means of writ to strike it down."

Further, in the case of Central Board of Revenue, Government of Pakistan v. Asad Ahmed Khan (PLD 1960 SC

81) it was held as follows:

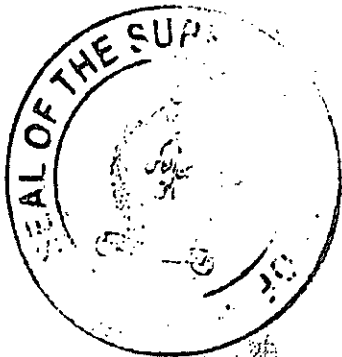
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Supreme Court of Pakistan
Islamabad

"In the circumstances it cannot be said that any rights of the petitioners were infringed, which they could enforce by a writ petition. The Government has every right to make rules to raise the efficiency of the services, and if no vested right is denied to a party, the High Court had no jurisdiction to interfere by means of a writ."

12. Admittedly, the Respondents do not constitute ministerial staff and are also not borne on the cadre/strength of the Provincial Secretariat. These were two additional reasons why the Respondents could not claim the benefit of Rules, 2007 and the criteria laid down for PMS (BS-17) quota posts reserved for a specific class of Government employees. In the circumstance, we find that the learned High Court has failed to appreciate and correctly interpret the relevant Rules on the subject and passed the impugned judgment in a slipshod manner, which is not sustainable and is liable to be set aside.

13. For reasons recorded above, we allow these appeals and set aside the impugned judgment of the Peshawar High Court, Peshawar dated 22.02.2018.



ISLAMABAD.
01.02.2021.

ZR/
~~Not Approved For Reporting~~

Handwritten signature and date

Handwritten signature

Sd-CJ
Sd-J
Sd-J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad