

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD.**

Service Appeal No. 792/2018

BEFORE: KALIM ARSHAD KHAN --- CHAIRMAN
FAREEHA PAUL --- MEMBER(E)

**Syed Ibrar Shah, Senior Clerk, Office of District Public
Prosecutor, Torghar.**

..... (Appellant)

VERSUS

1. Govt: of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
2. Director General Prosecution, Khyber Pakhtunkhwa Home & Tribal Affairs Department, Peshawar.
3. District Public Prosecutor, Torghar.
4. Syed Hakeem Shah, Assistant office of the District Public Prosecutor, Buner through Director General Prosecution, Peshawar.
5. Abdul Wahid, Assistant, office of the Deputy Public Prosecutor Bannu through Director General Prosecution Peshawar.

..... (Respondents)

Present:

SARDAR MUHAMMAD AZEEM
Advocate --- For Appellant.

MUHAMAMD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General --- For respondents.

Date of Institution.....12.06.2018
Date of Hearing.....17.05.2022
Date of Decision18.05.2022

JUDGEMENT.

KALIM ARSHAD KHAN, CHAIRMAN:- The service appeal has been instituted under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 for promotion to the post of Senior Clerk (BS-14) with all back benefits and seniority from the date of deferment.



02. Brief facts of the case are as given in the appeal that the appellant was serving as Junior Clerk in the office of respondent No.3. On 22.07.2015 a complaint was lodged against the appellant regarding illegal gratification. On the basis of this application an enquiry was conducted against the appellant. As a result of that enquiry the appellant was deferred from promotion to the post of Senior Clerk (BS-14). Later on the appellant exonerated from the charges leveled against him vide order dated 31.03.2016. That the appellant submitted an application to the respondents for his promotion w.e.f 29.01.2016 to the post of Senior Clerk (BS-14) but of no avail. Feeling aggrieved, the appellant filed departmental appeal to respondent No.2 on 14.02.2018 which was not responded within the stipulated statutory period, hence, the instant service appeal filed in this Tribunal on 12.06.2018.

03. Notices were issued to the respondents who submitted written replies/comments and contested the appeal.

04. We have heard learned counsel for the appellant and Assistant Advocate General and perused the case file with connected documents thoroughly.

05. Learned counsel for the appellant contended that the promotion order of the appellant issued with immediate effect was discriminatory and that justice demand that the appellant might be treated in accordance with law from the date when his juniors were promoted.


18/5/22

06. Learned Additional Advocate General on the other hand submitted that a meeting of Departmental Promotion Committee was convened on 29.01.2016 for the purpose of promotion of Junior Clerks to the posts of Senior Clerks and that the name of the appellant was also included in the working paper however, he was deferred due to pending inquiry against him and after exoneration from the inquiry, the appellant was promoted and that question of superseding the appellant by the junior colleagues did not arise and lastly, he submitted that no discrimination to the appellant was meted out rather he was promoted in accordance with law and rules. He, therefore, requested for dismissal of the instant appeal.


07. Record reveals that the meeting of Departmental Promotion Committee was convened for the purpose of promotion of Junior Clerks (BS-11) to the post of Senior Clerks (BS-14) and the name of the appellant was also included in the working paper, the Committee however, deferred his case due to a pending enquiry against him. The appellant after exoneration from the charges, was promoted to the post of Senior Clerk (BS-14), but with immediate effect and his name was also placed in his due place in the seniority list, whereas the appellant is seeking relief to the effect that his promotion should be made from the date, when his juniors were promoted, as he was deferred and not superseded. The learned Assistant Advocate General when confronted with the proposition conceded to the fact that the appellant was deferred due to an enquiry pending against him and after his exoneration, respondents were required to give effect to his promotion

 18/5/22

from the date i.e 08.01.2016 when his other colleagues were promoted.

08. In the light of foregoing reasons, the appeal in hand is accepted and the respondents are directed that the promotion of the appellant shall be given effect from the date of his deferment. He be also assigned the due place in seniority list. As regard of the other claim for further promotion and seniority of the post of Assistant, the appellant may approach his competent authority in accordance with law and rules. Costs shall follow the event. Consign.

09. *Pronounced in open court in Camp Court Abbottabad and given under our hands and seal of the Tribunal this 18th day of May, 2022.*



(KALIM ARSHAD KAHN)
CHAIRMAN
CAMP COURT ABBOTTABAD



(FAREEHA PAUL)
MEMBER(E)
CAMP COURT ABBOTTABAD

18.05.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is accepted and the respondents are directed that the promotion of the appellant shall be given effect from the date of his deferment. He be also assigned the due place in seniority list. As regard of the other claim for further promotion and seniority of the post of Assistant, the appellant may approach his competent authority in accordance with law and rules. Costs shall follow the event. Consign.

Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal this 18th day of May, 2022.



(KALIM ARSHAD KAHN)
CHAIRMAN
CAMP COURT ABBOTTABAD



(FAREEHA PAUL)
MEMBER(E)
CAMP COURT ABBOTTABAD

16.03.2022


Due to non-functional of the Tribunal, the case is adjourned to 17.05.2022 before D.B at camp court Abbottabad.


Reader

17.05 .2022

Counsel for the appellat present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

Arguments heard. To come up for order on 18.05.2022 before D.B at camp court Abbottabad.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

16.11.2021

Appellant alongwith his counsel present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

On peripheral discussion before opening of the arguments, deficiency in documentation of the appeal was found and discussed at length with the appellant and his learned counsel. They have sought time to come up with proper response as to meet with deficiency of documents for just decision of the appeal. Request is accorded and case is adjourned to 22.12.2021 for hearing before D.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)



Chairman
Camp Court, A/Abad

22.12.2021 Appellant alongwith his counsel Mr. Sardar Muhammad Azeem, Advocate present. Fresh Wakalatnama on behalf of the appellant produced which is placed on file. Mr. Muhammad Riaz Khan Paindakheil, Asst: AG for respondents present

Learned counsel for the appellant requested that as he has been engaged today, therefore time may be granted to him to meet the deficiency of documents as pointed out in previous order sheet dated 16.11.2021. Adjourned. To come for arguments before D.B on 16.03.2022 at camp court Abbottabad.



(Mian Muhammad)
Member(E)



(Salah Ud Din)
Member(J)
Camp Court Abbottabad

21.01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.

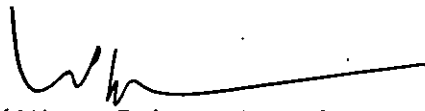

READER


17.02.2021

Nemo for parties.

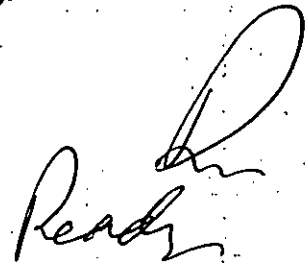
Riaz Khan Paindakheil learned A.A.G for respondents present.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to both the parties for 20.04.2021 for arguments, before D.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

20-4-21 Due to covid-19, case is adjourned to 21-8-2021 for the same.


Reader

21.09.2021

MEMO for the appellant. Mr. Usman Ghani, District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 18.11.2021 at Camp Court Abbottabad.

Both, a proposition has developed that, it would be in fitness of things to postpone the hearing of this case unless the underlying case involving original charge against the appellant is disposed of by the competent authority. Cause of this proposition is to ensure that the appeal is not pending for long period. The appeal is adjourned sine die with liberty to the appellant to seek its restoration as and when the original case is disposed of, if he is so advised.

(Rozina Rehman)
(Member (J))

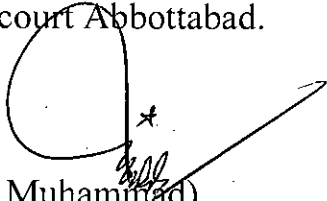
Chairman
Camp Court, Abbottabad

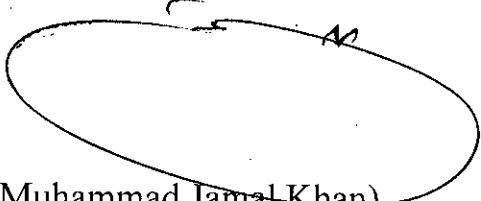
19/11.2020

Appellant is present in person. Mr. Muhammad Naz Khan Paindakhel, Assistant Advocate General for respondents present.

Appellant submitted that his counsel has proceeded to Haripur and is not available at the moment. Requested for adjournment.

Adjourned to 21.01.2021 for arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 1/16
9/120 at camp court abbottabad.

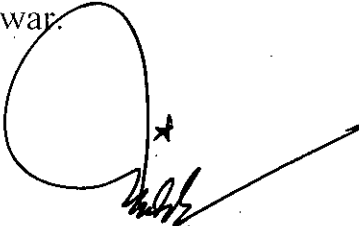

Reader

16.09.2020

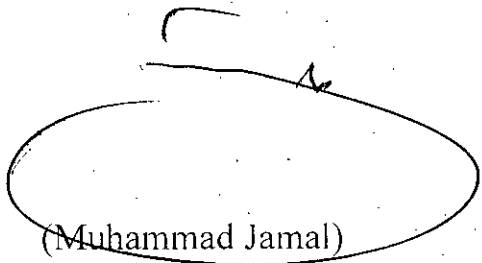
Appellant has not forth come despite making of repeated calls at different interval and the last call in this regard was made on 12:20 PM. Mr. Usman Ghani, District Attorney for respondents present.

The last two adjournments were made on the basis of ^{by} Reader due to spread of disease of Covid-19, therefore, in the circumstances we deemed it appropriate to issue notice to the appellant as well as his respective counsel.

Adjourned to 19.11.2020 for arguments before D.B at Peshawar.




(Mian Muhammad)
Member(E)



(Muhammad Jamal)
Member
Camp Court A/Abad

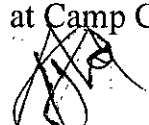
10.07.2019

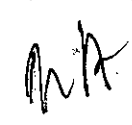
Appellant alongwith his counsel present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Bilal, Public Prosecutor on behalf of official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 & 5 despite issuance of proper notices hence, they are proceeded ex-parte. Written reply on behalf of official respondents No. 1 to 3 already submitted. Case to come up for rejoinder and arguments on 17.09.2019 before D.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

Appellant in person and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Irshad Ullah, Director Legal for official respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Case to come up for rejoinder and arguments on 20.11.2019 before D.B at Camp Court Abbottabad.

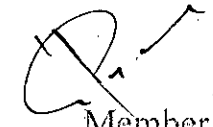

(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

20.11.2019


Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Bilal, APP for respondents present. Appellant submitted rejoinder which is placed on file. Appellant seeks adjournment as his learned counsel is not available. Adjourn. To come up for arguments on 20.01.2020 before D.B at Camp Court, Abbottabad.


Member


Member
Camp Court Abbottabad

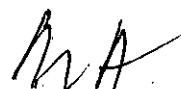
19.03.2019

Appellant in person present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Irshad Ullah, Director Legal for official respondents No. 1 to 3 present and requested for adjournment for filing of written reply. None present on behalf of private respondents No. 4 & 5 therefore, notice be issued to them for attendance and filing of written reply. Adjourned. To come for written reply/comments on 22.05.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.05.2019

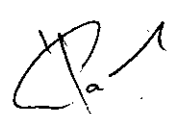
Appellant in person present. Mr. Bashir Ahmad, DPP for official respondents No. 1 to 3 alongwith Mr. Muhammad Bilal, Deputy District Attorney present and submitted written reply. None present on behalf of private respondent No. 4 & 5 therefore notice be issued to them for attendance and filing of written reply. Adjourned. To come up for written reply/comments on behalf of private respondents No. 4 & 5 on 10.07.2019 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

20.01.2020

Appellant in person present. Mr. Muhammad Jan, DDA alongwith Mr. Bashir Ahmad, DPP for respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 19.02.2020 before D.B at camp court Abbottabad.

Member


Member
Camp Court A/Abad

19.10.2018


Appellant Syed Ibrar Shah in person alongwith his counsel Mr. Kamran Ahmad Advocate present heard in limine.

Contends that despite the fact that the appellant was exonerated in the enquiry proceedings, but even then he was dropped from promotion by the respondents rather promoted his junior colleague.

The points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents.

To come up for written reply/comments on 15.01.2019 before S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, A/Abad

15.01.2019

Appellant in person and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Irshad Ullah Director Legal for official respondents present. Private respondent No.5 in person present. No one present on behalf of private respondent No.4. Written reply not submitted. Adjournment requested. Adjourn. To come up for written reply/comments on 19.03.2019 before S.B at camp court Abbottabad. *Notice be issued to respondent No.5 for the date fixed.*



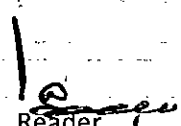

Member

Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 792/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|------------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 12/06/2018 | <p>The appeal of Syed Ibrar Shah presented today by Mr. Kamran Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR- 12/6/18</p> |
| 2- | 13-6-2018 | <p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>31-08-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| 29.08.2018 | | <p>Due to summer vacations, the case is adjourned. To come up for the same on 19.10.2018 at camp court Abbottabad.</p> <p style="text-align: right;"> Reader</p> |

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

Service Appeal No. 792/2018

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

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....APPELLANT

Through

Dated: 9-6- /2018


(KAMRAN AHMAD)
Advocate High Court, Abbottabad

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 792/2018

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

APPELLANT
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1044
Dated 12-6-2018

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
2. Director General Prosecution, Khyber Pakhtunkhwa Home & Tribal Affairs Department, Peshawar.
3. District Public Prosecutor, Torghar.
4. Syed Hakeem Shah, Assistant office of the District Public Prosecutor, Buneer through Director General Prosecution, Peshawar.
5. Abdul Wahid Assistant, office of the Deputy Public Prosecutor Bannu through Director General Prosecution Peshawar.

....RESPONDENTS

EX parte
10.7.19
Filed to-day
Registrar
12/6/18

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION TO THE EFFECT THAT AFTER EXONERATION OF APPELLANT FROM THE CHARGES IN CONSEQUENCE OF INQUIRY, A RIGHT HAS ACCRUED TO THE APPELLANT TO BE PROMOTED AS ASSISTANT (BPS-16) WITH ALL BACK BENEFITS AND SENIORITY ACCORDING TO THE CRITERIA OF PROMOTION AS PRESCRIBED UNDER THE LAW, WHEREAS, REFUSAL

OF RESPONDENTS TO PROMOTE THE APPELLANT TO BPS-16 AND MAINTENANCE OF SENIORITY FROM THE DATE OF DEFERMENT OF APPELLANT IS, ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, PERVERSE, DISCRIMINATORY AND AGAINST THE PRINCIPLE OF NATURAL JUSTICE AND INEFFECTIVE UPON THE RIGHTS OF APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ACT OF RESPONDENTS IN NOT PROMOTING THE PETITIONER TO BPS-16 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENTS MAY KINDLY BE DIRECTED TO PROMOTE THE APPELLANT TO BPS-16 FROM THE DATE OF HIS DEFERMENT WITH ALL BACK BENEFITS AND HIS SENIORITY BE ALSO MAINTAINED AND CONSIDERED FROM SUCH DATE. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Respectfully Sheweth: -

1. That the appellant was performing his duties in the office of respondent No.3 as Junior Clerk when on an

anonymous application, an inquiry was conducted against the appellant.

2. That as the result of inquiry, the candidature of appellant for promotion to the post of Senior Clerk (BPS-14) had been dropped in the meeting dated 29/01/2016. Copy of seniority list of Junior Clerks is attached as Annexure "A".
3. That the appellant was exonerated from the charges leveled in the application of Mst. Nazish Bibi by competent authority vide letter No.DP/E&A1(60)/3506 dated 03/03/2016. Copies of complaint and exoneration letter are attached as Annexure "B" & "C".
4. That after having been exonerated, the appellant addressed numerous applications to respondents for his promotion w.e.f 29/01/2016 to Senior Clerk and thereafter from 08/01/2018 as Assistant (BPS-16) but the said applications were however shelved. Copies of applications and seniority list of Senior Clerks are attached as Annexure "D" & "E".
5. That faced with the situation, the appellant preferred departmental appeal before respondent No.2.

However, till date no response whatsoever has been received. Copy of departmental appeal is attached as Annexure "F".

6. That in seniority list of Office Assistant BPS-16 vide which respondents No.4 & 5 were placed as senior to petitioner while the respondents No.4 & 5 were junior to petitioner. Copy of seniority list alongwith letter is attached as Annexure "G".
7. That feeling aggrieved, the appellant has now come to this Honourable Tribunal, assailing the impugned act being unwarranted at law and facts, inter-alia, on the following grounds:-

GROUND:-

- a. That the act of respondents in not considering the candidature/ legally accrued right of appellant to be promoted as Senior Clerk from 29/01/2016 and thereafter as Assistant (BPS-16) from 08/01/2018 is illegal, unlawful, without lawful authority, without jurisdiction, perverse, discriminatory and against the principle of natural justice, hence liable to be set aside.
- b. That the respondents are bound to act according to law. It is universally accepted principle of

law that when law prescribe something to be done in a particular manner that must be done in same manner and not otherwise. A proper procedure has been prescribed in the law on the subject which has been violated by respondents and issued a void seniority list which is liable to be reversed.

- c. That the appellant is one of senior most officials than those who have been promoted. Hence, the act of respondents amount to abuse of authority.
- d. That due to the illegal act of respondents, a huge loss has been caused to the appellant with respect to his seniority and the promotion as well.
- e. That there is no lawful justification with the respondents to withheld the promotion of appellant especially when he has been exonerated from the charges leveled in anonymous application, which has otherwise no force or legal footing to stand against the appellant. Hence, withholding of promotion to BPS-16 and non-maintenance of seniority in accordance with the ground reality/ law on the subject is liable to be set aside.

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

Service Appeal No. _____/2018

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

....APPELLANT

VERSUS

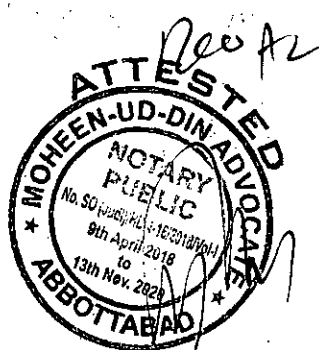
Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



[Signature]

DEPONENT

09/6/18

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

Service Appeal No. _____/2018

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

....APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa, Peshawar.
2. Director General Prosecution, Khyber Pakhtunkhwa Home & Tribal Affairs
Department, Peshawar.
3. District Public Prosecutor, Torghar.
4. Syed Hakeem Shah, Assistant office of the District Public Prosecutor,
Buneer through Director General Prosecution, Peshawar.
5. Abdul Wahid, Assistant office of the Deputy Public Prosecutor Bannu
through Director General Prosecution Peshawar.

....RESPONDENTS



...APPELLANT

Through

Dated: 9-6- /2018


(KAMRAN AHMAD)

Advocate High Court, Abbottabad

Annex
"A"

9

FINAL SENIORITY LIST OF JUNIOR CLERKS (BPS-11), IN DIRECTORATE OF PROSECUTION, KHYBER PAKHTUNKHWA

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|----------------------|---------------|----------------------------|----------------------------------|--|
| 1 | Syed Nazmat Ali Shah | Matric | 19/11/1958 Peshawar | 11-12-1991 | Office of the District Public Prosecutor, Peshawar |
| 2 | Muhammad Hamayoon | B.A. | 28/10/1967 Lakki Marwat | 12-05-1994 | Office of the District Public Prosecutor, Lakki Marwat |
| 3 | Qamar Zaman | B.A. | 20/01/1970 Tank | 12-05-1994 | Office of the District Public Prosecutor, Tank |
| 4 | Shakeel Akhtar | Matric | 15/03/1977 Nowshera | 17-04-1994 | Office of the District Public Prosecutor, Karak |
| 5 | Muslim Khan | Matric | 07/01/1966 Charsadda | 26-07-1994 | Office of the District Public Prosecutor, Peshawar |
| 6 | Sikandar Hayat | Matric | 15/11/1964 Dir Lower | 15-08-1994 | Office of the District Public Prosecutor, Dir Upper |
| 7 | Mubarak Ahmad | F.A. | 04/12/1961 Mardan | 29-11-1987 | Directorate of prosecution |
| 8 | Muhammad Iqbal | B.Com | 05/05/1970 Lakki Marwat | 13-09-1989 | Office of the District Public Prosecutor, Lakki Marwat |
| 9 | Shahid Gul | Matric | 05/05/1963 Kohat | 19-09-2000 | Office of the District Public Prosecutor, Hangu |
| 10 | Mumraiz Khan | Matric | 04/04/1970 Peshawar | 19-09-2000 | Office of the District Public Prosecutor, Peshawar |
| 11 | Syed Ibrar Shah | Matric | 1976 Mansehra | 10-03-2003 | Office of the District Public Prosecutor, Mansehra |
| 12 | Syed Hakeem Shah | Matric | 05/02/1962 Buner | 30-06-1996 | Office of the District Public Prosecutor, Swat |
| 13 | Abdul Wahid | Matric | 16-03-1972 Tank | 10-03-2003 | Office of the District Public Prosecutor, Tank |
| 14 | Sakhawat Shah | B.A. | 10/04/1975 Buner | 10-03-2003 | Office of the District Public Prosecutor, Malakand |

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

Ammer
A
10

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|------------------|---------------|--------------------------|----------------------------------|--|
| 15 | Muhammad Arshad | Matric | 01/06/1977 Mansehra | 10-03-2003 | Office of the District Public Prosecutor, Battagram |
| 16 | Malik Rehmat Ali | Matric | 04/04/1981 Peshawar | 10-03-2003 | Office of the District Public Prosecutor, Peshawar |
| 17 | Yaqoob Khan | D.Com | 01/06/1961 Bannu | 01-01-1987 | Office of the District Public Prosecutor, Bannu |
| 18 | Khairullah Jan | Matric | 01/05/1962 Peshawar | 18-06-1987 | Directorate of Prosecution |
| 19 | Fida Muhammad | Matric | 01/02/1963 Peshawar | 18-06-1987 | Directorate of Prosecution |
| 20 | Muhammad Ali | B.A | 30/04/1964 Swabi | 29-03-1988 | Office of the District Public Prosecutor, Mardan |
| 21 | Muhammad Yousaf | B.A | 24/04/1964 Bannu | 24-04-1988 | Office of the District Public Prosecutor, Bannu |
| 22 | Aurangzeb | Matric | 01/03/1963 Dir. Lower | 17-08-1988 | Office of the District Public Prosecutor, Dir Lower |
| 23 | Musawir Jan | B.A | 15/09/1968 Charsadda | 22-09-1989 | Office of the District Public Prosecutor, Charsadda |
| 24 | Ajmal Khan | Matric | 24/11/1967 Swabi | 03-12-1989 | Office of the District Public Prosecutor, Swabi |
| 25 | Sahibzada | Matric | 25/03/1970 Swabi | 10-09-1990 | Office of the District Public Prosecutor, Swabi |
| 26 | Muhammad Arif | Matric | 12/03/1968 Abbottabad | 04-02-1993 | Office of the District Public Prosecutor, Abbottabad |
| 27 | Said Rehman | F.A. | 20/03/1974 Swat | 26-02-1995 | Office of the District Public Prosecutor, Swat |
| 28 | Tariq Ahmad | Matric | 03/04/1975 Swat | 27-02-1995 | Office of the District Public Prosecutor, Swat |
| 29 | Syed Alam Shah | Matric | 13/02/1974 Mansehra | 15-03-1995 | Office of the District Public Prosecutor, Mansehra |

ATTESTED


ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

Annex
"A"

11

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|-----------------|---------------|--------------------------|----------------------------------|--|
| 30 | Hazrat Muhammad | B.A. | 01/01/1970 Malakand | 23-07-1995 | Office of the District Public Prosecutor, Malakand |
| 31 | Muhammad Saeed | Matric | 12/11/1962 Abbottabad | 01-01-2004 | Office of the District Public Prosecutor, Abbottabad |
| 32 | Jehan Alam | B.A. | 07/03/1984 Shangla | 12-04-2007 | Office of the District Public Prosecutor, Shangla |
| 33 | Sadar Ayub | F.A. | 06/01/1985 Kohistan | 12-04-2007 | Office of the District Public Prosecutor, Kohistan |
| 34 | Waheed Akhtar | D.Com | 28/08/1987 Kohat | 12-04-2007 | Office of the District Public Prosecutor, Kohat |
| 35 | Fazle Rabi | Matric | 10/01/1970 Peshawar | 01-01-1992 | Office of the District Public Prosecutor, Peshawar |
| 36 | Raja Arshad | Matric | 04/02/1974 Abbottabad | 30-11-1995 | Office of the District Public Prosecutor, Abbottabad |
| 37 | Muhammad Ashraf | Matric | 03/04/1978 Peshawar | 07-07-1997 | Office of the District Public Prosecutor, Peshawar |
| 38 | Shamshad Iqbal | Matric | 02/02/1973 Bannu | 30-10-2009 | Office of the District Public Prosecutor, Bannu |
| 39 | Tariq Khan | B.A. LLB | 01/02/1984 Charsadda | 30-10-2009 | Office of the District Public Prosecutor, Charsadda |
| 40 | Akhtar Hussain | M.A. | 12/04/1984 Swat | 30-10-2009 | Office of the District Public Prosecutor, Swat |
| 41 | Waseem Abbas | B.A. | 05/02/1986 D.I.khan | 30-10-2009 | Office of the District Public Prosecutor, D.I.khan |
| 42 | Shah Fahad | F.A. | 31/12/1988 Mardan | 30-10-2009 | Office of the District Public Prosecutor, Mardan |
| 43 | Shah Zeb | F.A. | 17/01/1989 Mardan | 30-10-2009 | Office of the District Public Prosecutor, Mardan |
| 44 | Bakht Pervesh | B.A. | 11/04/1973 Buner | 23-12-2003 | Office of the District Public Prosecutor, Buner |

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

14/11/11

11

Annex
"A"

12

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|---------------------|---------------|--------------------------|----------------------------------|--|
| 45 | Wali-ur-Rehman | B.A. | 12/06/1973 Mansehra | 23-12-2003 | Office of the District Public Prosecutor, Mansehra |
| 46 | Nasir Ali | Matric | 08/02/1974 Swat | 23-12-2003 | Office of the District Public Prosecutor, Swat |
| 47 | Jamshed Ahmad | Matric | 06/01/1976 Chitral | 23-12-2003 | Office of the District Public Prosecutor, Chitral |
| 48 | Muhammad Zarshad | Matric | 18/05/1978 Swabi | 23-12-2003 | Office of the District Public Prosecutor, Swabi |
| 49 | Taj Rehman | B.A. | 24/03/1986 Buner | 14-02-2014 | Office of the District Public Prosecutor, Buner |
| 50 | Noman | B.Com | 26/06/1986 Swat | 14-02-2014 | Office of the District Public Prosecutor, Haripur |
| 51 | Muhammad Tariq Khan | DAE/F.A | 15/03/1991 Buner | 14-02-2014 | Office of the District Public Prosecutor, Lakki Marwat |
| 52 | Ammad Amir | B.Com | 16/12/1992 Peshawar | 14-02-2014 | Directorate of Prosecution |
| 53 | Tufail Khan | B.A. | 26/12/1992 Haripur | 14-02-2014 | Office of the District Public Prosecutor, Nowshera |
| 54 | Muhammad Nasir | B.Com | 30/10/1993 Peshawar | 14-02-2014 | Directorate of Prosecution |
| 55 | Said Nawaz | Matric | 12/12/1978 Buner | 23-12-2003 | Office of the District Public Prosecutor, Mardan |

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

(SHAFIR ULLAH)
DIRECTOR GENERAL PROSECUTION



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/EXA1(36)vo J-1-15/7602

Dated Peshawar 30th day of July, 2015

Office Phone # 091-9212559/ 091-9212542

Fax # 091-9212559

E-mail: kp prosecution@yahoo.com

**Annex
"B"**

13

To

The District Public Prosecutor,
Mansehra.

Subject: APPLICATION / COMPLAINT.

I am directed to enclose herewith a copy of letter No. nil dated 22-07-2015 received from Nazish Bibi, District Mansehra on the subject noted above, and to state that the competent authority is desirous to endow your comments alongwith reports of officials namely Syed Ibrar Hussain Shah, Syed Pir Shah and Syed Alam Shah regarding the subject matter to this Directorate at the earliest for further necessary action please.

(SAHIBZADI YASMEEN ARA)
Assistant Director Legal

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

Annex
(B)

134

14

بخدمت جناب ڈائریکٹر جنرل پراسیکیوشن

جناب عالی! مودبانہ گزارش ہے کہ سائلہ کا ایک فوجداری مقدمہ تھانہ شی مانسہرہ میں زیر دفعہ 489F تپ درج ہوا میرا ملزم کے ساتھ خانگی طور پر راضی نامہ ہوا، میں راضی نامہ کرنے کے لئے ڈسٹرکٹ پبلک پراسیکیوٹر آفس مانسہرہ میں گئی تو وہاں پرسیڈنٹ برائے حسین شاہ، سید پیر شاہ اور ان کے ماموں سید عالم شاہ نے مجھ سے -5000/- رشوت کا مطالبہ کیا میں نے جب رشوت دینے سے انکار کیا تو انہوں نے کہا کہ DPP صاحب کو ہمیں Daily حساب، حصہ دینا ہوتا ہے ہر تین افراد کے خلاف جب DPP فخری صاحب کو شکایت کی گئی تو انہوں نے کوئی بھی کارروائی نہیں کی۔ بعد ازاں مجھ سے ہر سہ کلرک صاحبان نے -5000/- رشوت لی۔

مورخہ 09-07-2015 اور مورخہ 11-07-2015 کو ہر تین افراد کیلئے خلاف روز نامہ ہزارہ نیوز مانسہرہ میں خبر لگی جب اس متعلق DPP فخری صاحب بتایا گیا تو انہوں نے پھر بھی کوئی ایکشن نہیں لیا اور ہر تین کلرکوں کو بچانے کی پھر سے کوشش کی تو اس طرح ہر تین کلرک صاحب DPP فخری صاحب کے ساتھ مل کر ڈسٹرکٹ مانسہرہ گوث مارکا بازار گرم کیا ہوا ہے اس کے علاوہ جو FIR ہر روز DPP آفس میں موصول ہوتی ہیں تو کلرک صاحبان DPP کی ملی بھگت کیساتھ دو دو سو روپے میں فی FIR فروخت کی جاتی ہے۔ (تفویضات اخباری تراش لے ہیں)۔

اس سے قبل سال 2013 میں سید عالم شاہ مجسٹریٹ صاحب کی عدالت سے رشوت لیتے ہوئے رہ گئے تھے انہوں نے پکڑا گیا مجسٹریٹ صاحب نے اپنے فیصلہ میں سید عالم شاہ کو مجرم قرار دیا اور پراسیکیوشن ڈیپارٹمنٹ کو لکھا کہ اس کے خلاف کارروائی کر کے ملازمت سے فارغ کیا جائے اس وقت فخری صاحب کو انکو انٹری آفس مقرر کیا گیا تھا جس نے -200000/- روپے رشوت لے کر خلاف قانون انکو انٹری کر کے ملازم کو بری کر دیا۔ برطانیق قانون اگر کوئی بھی مجسٹریٹ صاحب اپنے فیصلہ میں کسی بھی شخص کو مجرم قرار دے تو سیشن کورٹ مجسٹریٹ صاحب کے فیصلہ کو اپیل / نگرانی میں Set Aside کر سکتے ہیں جب کہ یہاں پراسیکیوشن نے اپنی انکو انٹری میں عدالت سے مجرم قرار دیئے گئے شخص کو خلاف قانون بری کر دیا اس طرح DPP فخری صاحب تو بہن عدالت کا بھی مرتکب ہوا اور ملزم کو بری کر دیا۔

ہر تین کلرکوں کے علاقہ میں مفروروں اور جرائم پیشہ افراد کے ساتھ تعلق ہیں اگر کوئی بھی شخص ان کے خلاف کوئی بھی آواز اٹھاتا ہے اسے سنگین نتائج کا سامنا کرنا پڑتا ہے اس لئے ان کی کرپشن کے خلاف کوئی بھی آواز نہیں اٹھاتا۔ عالم شاہ کا ایک بھائی پشاور میں منسٹر صاحبان کے ساتھ بطور سیکریٹری کام کر رہا ہے اگر ان کے خلاف کوئی بھی ایکشن لیا جاتا ہے تو وہ اوپر سے منسٹر صاحبان سے فون کروا کر ان کے بچا لیتے ہیں آپ سے گزارش ہے کہ DPP فخری صاحب اور سید ابرار شاہ، سید پیر شاہ، اور سید عالم شاہ کے خلاف کارروائی عمل میں لائی جائے

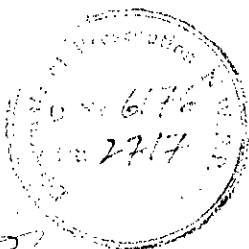
المرقوم: 22-07-2015

[Handwritten Signature]

سماواتا آفس بی بی سنگھ ڈب، مانسہرہ بمقابلہ پھوال چوک مانسہرہ

کاپی نو:۔

- (۱) - چیف سیکریٹری پشاور۔
- (۲) - چیف منسٹر پشاور۔
- (۳) - رجسٹرار پشاور ہائی کورٹ۔
- (۴) - سیکریٹری ہوم پشاور۔
- (۵) - ڈائریکٹر انٹی کرپشن پشاور۔



ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSHERA

Annexure C B

FAX NO. : 0919212559

4 Apr. 2016 11:02PM



DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

15

No. DP/EGAI(60)/3506

Dated Peshawar 31/3/2016

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kp prosecution@yahoo.com

Annex
"C"

To

The District Public Prosecutor,
Manshera.

Subject:- COMPLAINT OF MST. NAZISH BIBI R/O DISTRICT
MANSHERA.

Dear Sir,

I am directed to refer to the subject noted above and to state
that the complaint of Mst. Nazish Bibi against you has filled by the
Competent Authority, please.

Yours obediently,

(Signature)

30/03/16

(Muhammad Muzafar)

Assistant Director Admin/Finance



*mn. wale
re.*

*to be noted by clerks
over n.o. concerned
please on receipt*

*District Public Prosecutor
Manshera.*

4.4.16

*Noted. By P/Suaha
4/4/16*

*Noted pl.
4.4.16*

*(Signature)
4-4-16*

ATTESTED

(Signature)

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

~~Ammanur "D"~~
Ammanur "D"

16

The
District Prosecution
Mansehra

No: /2016/D

Dated Mansehra April

Phone & Fax # 0997- 30813

Email: prosecutionmansehra@yahoo.com

To The Director General Prosecution
Khyber Pakhtunkhwa Home & Tribal
Affairs Department Peshawar.

Subject: - APPLICATIONS FOR PROMOTION ACCORDING TO SENIORITY
LIST ISSUED ON 14.01.2016.

Dear Sir

I have the honour to enclose herewith the applications of Syed Ibrar Shah and Syed Alam Shah Junior Clerks of this office in original alongwith relevant documents for further necessary action please.

Encls:-
(12 Pages)


Faithfully Your's

Fakhr-ul Islam
District Public Prosecutor
Mansehra

No. 318-19 /DPP/16 Dated Mansehra the 23/04/2016.

Copy forwarded to:-

1. The officials concerned.
2. Office record.


District Public Prosecutor
Mansehra

ATTESTED


ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

بجودت جناب ڈائریکٹر جنرل پبلک ریلیشنز ہونے کے بعد پبلک ریلیشنز

عنوان درخواست برائے پبلک ریلیشنز کے مطابق سینارٹی کسٹ 14/76 جاری کر

جناب عالی

گذشتہ سال جناب عالی کے زیر سایہ عمر 22 سال سے بطور جوئینر فلرک

DPP آفس مانیجر میں اپنی ڈیوٹی سرانجام دے رہا ہے

پبلک ریلیشنز کے مطابق سینارٹی کسٹ 14/76 کو جاری فرمائی جس کے مطابق

سائل سریل نمبر 111 پر ہے جبکہ DPP میننگ فورم 29/76 کو منعقد ہوئی۔

جس میں (14) جوئینر فلرکس کے پبلک ریلیشنز کا کسٹ جمع کیا گیا جس میں

سائل کا نام بھی شامل تھا۔ مگر سائل کے خلاف ایک بے بنیاد اور گمنام درخواست

پبلک ریلیشنز جاری ہونے کی وجہ سے عارضی طور پر سائل کی پبلک ریلیشنز نہ ہو سکی

پبلک ریلیشنز کے خلاف درخواست / کمپلینٹ پبلک ریلیشنز کے لئے ہو کر آپ جناب

نے چھٹی صادر فرمائی ہے (جو کہ ساتھ لگا ہے)

لہذا استدعا ہے کہ سائل کو سریل نمبر 111 پر اور DPP میننگ

فورم 29/76 سے پبلک ریلیشنز دے کر سینئر فلرک کے تعینات کرنے کا

حکم صادر فرمایا جائے

تاریخ 23/4

الکھارن

کے

DPP آفس مانیجر

سید ابرار شاہ جوئینر فلرک

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHR

Annex
"D"

(18)

17
میریڈیو جوائی

The
District Prosecution
Mansehra

No: 12017/DPP/MA
Dated Mansehra January 20, 2017
Phone & Fax # 0997- 308132
Email: prosecutionmansehra@yahoo.com

The Director General Prosecution
Khyber Pakhtunkhwa Home &
Tribal Affairs Department Peshawar.

Subject: - APPLICATION FOR PROMOTION ACCORDING TO SENIORITY LIST ISSUED ON 14.01.2016.

Dear Sir,

I have the honour to enclose herewith the application of Syed Ibrar Junior Clerk of this office in original alongwith relevant documents for further necessary action please.

Encls:-
(-Pages)

No. 77-78/2017/DPP/MA

Copy forwarded to the:-

1. The official concerned.
2. Office record.


Fakhru-ur-Rahman
District Public Prosecutor
Mansehra

Dated Mansehra the January 20, 2017


District Public Prosecutor
Mansehra

ATTESTED


ASSISTANT PUBLIC PROSECUTOR
MANSEHRA



*Annexure
"E"
20*

**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/EXA/1(66)/590-

Dated Peshawar 17/1/2018

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kpprosecution@yahoo.com

To

All District Public Prosecutors,
In Khyber Pakhtunkhwa.

Attention: All Senior Clerks.

Subject: - TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BPS-14).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Tentative Seniority List of Senior Clerk, Directorate of Prosecution, Khyber Pakhtunkhwa. The same may be handed over to all the concerned officials working under your kind control for information and further necessary action.

Furthermore, all the Senior Clerks may also be directed to submit their objections, if any, to this Directorate through proper channel for necessary action within 14- days positively, otherwise it will be considered as "Final Seniority List", please.



*V. Im per level
Please inform the
concerned officials
reposit-complaint*

*Naumi
31.01.18
SPP (M)*

Yours faithfully,

17/01/2018

Assistant Director Admin/Finance

Copy forwarded to the:-

- PA to Director General Prosecution, Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- Section Officer (Prosecution), Home and Tribal Affairs Department.

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHR.

Assistant Director Admin/Finance

Answer
"E"
(2)

**TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BPS-14), IN DIRECTORATE OF PROSECUTION,
KHYBER PAKHTUNKHWA**

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|------------------|---------------|--------------------------|----------------------------------|----------------------------|
| 1. | Sakhawat Shah | B.A. | 10/04/1975 Buner | 10-03-2003 | Buner |
| 2. | Muhammad Arshad | Matric | 01/06/1977 Mansehra | 10-03-2003 | Battagram |
| 3. | Malik Rehmat Ali | Matric | 04/04/1981 Peshawar | 10-03-2003 | Peshawar |
| 4. | Yaqoob Khan | D.Com | 01/06/1961 Bannu | 01-01-1987 | Bannu |
| 5. | Khairullah Jan | Matric | 01/05/1962 Peshawar | 18-06-1987 | Directorate of Prosecution |
| 6. | Fida Muhammad | Matric | 01/02/1963 Peshawar | 18-06-1987 | Directorate of Prosecution |
| 7. | Muhammad Yousaf | B.A. | 24/04/1964 Bannu | 24-04-1988 | Karak |
| 8. | Aurangzeb | Matric | 01/03/1963 Dir Lower | 17-08-1988 | Dir Lower |
| 9. | Ajmal Khan | Matric | 24/11/1967 Swabi | 03-12-1989 | Swabi |
| 10. | Sahibzada | Matric | 25/03/1970 Swabi | 10-09-1990 | Swabi |
| 11. | Said Rehman | F.A. | 20/03/1974 Swat | 26-02-1995 | Swat |
| 12. | Tariq Ahmad | Matric | 03/04/1975 Swat | 27-02-1995 | Swat |
| 13. | Hazrat Muhammad | B.A. | 01/01/1970 Malakand | 23-07-1995 | Malakand |
| 14. | Jehan Alam | B.A. | 07/03/1984 Shangla | 12-04-2007 | Shangla |

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

"E" (22)

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|-----------------|---------------|--------------------------|----------------------------------|-----------------|
| 15. | Sadar Ayub | F.A. | 06/01/1985 Kohistan | 12-04-2007 | Kohistan |
| 16. | Waheed Akhtar | D.Com | 28/08/1987 Kohat | 12-04-2007 | Hangu |
| 17. | Fazle Rabi | Matric | 10/01/1970 Peshawar | 01-01-1992 | Peshawar |
| 18. | Raja Arshad | Matric | 04/02/1974 Abbottabad | 30-11-1995 | Abbottabad |
| 19. | Muhammad Ashraf | Matric | 03/04/1978 Peshawar | 07-07-1997 | Peshawar |
| 20. | Shamshad Iqbal | Matric | 02/02/1973 Bannu | 30-10-2009 | Bannu |
| 21. | Tariq Khan | B.A. LLB | 01/02/1984 Charsadda | 30-10-2009 | Charsadda |
| 22. | Akhtar Hussain | M.A. | 12/04/1984 Swat | 30-10-2009 | Swat |
| 23. | Waseem Abbas | B.A. | 05/02/1986 D.I.khan | 30-10-2009 | D.I.khan |
| 24. | Shakeel Akhtar | Matric | 15/03/1977 Nowshera | 17-04-1994 | Nowshera |
| 25. | Syed Ibrar Shah | Matric | 1976 Mansehra | 10-03-2003 | Mansehra |
| 26. | Syed Alam Shah | Matric | 13/02/1974 Mansehra | 15-03-1995 | Mansehra |
| 27. | Shah Fahad | F.A. | 31/12/1988 Mardan | 30-10-2009 | Mardan |
| 28. | Shah Zeb | F.A. | 17/01/1989 Mardan | 30-10-2009 | Mardan |
| 29. | Bakht Pervesh | B.A. | 11/04/1973 Buner | 23-12-2003 | Buner |

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA


23

"E"

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|---------------------|---------------|--------------------------|----------------------------------|----------------------------|
| 30. | Wali-ur-Rehman | B.A. | 12/06/1973 Mansehra | 23-12-2003 | Mansehra |
| 31. | Nasir Ali | Matric | 08/02/1974 Swat | 23-12-2003 | Swat |
| 32. | Jamshed Ahmad | Matric | 06/01/1976 Chitral | 23-12-2003 | Chitral |
| 33. | Muhammad Zarshad | Matric | 18/05/1978 Swabi | 23-12-2003 | Swabi |
| 34. | Muhammad Tariq Khan | DAE/F.A. | 15/03/1991 Buner | 14-02-2014 | Lakki Marwat |
| 35. | Taj Rehman | B.A. | 24/03/1986 Buner | 14-02-2014 | Buner |
| 36. | Ammad Amir | B.Com | 16/12/1992 Peshawar | 14-02-2014 | Directorate of Prosecution |
| 37. | Tufail Khan | B.A. | 26/12/1992 Mardan | 14-02-2014 | Charsadda |
| 38. | Muhammad Nasir | B.Com | 30/10/1993 Peshawar | 14-02-2014 | Directorate of Prosecution |
| 39. | Noman | B.A. | 26/06/1986 Swat | 14-02-2014 | Swat |
| 40. | Said Nawaz | Matric | 12/12/1978 Buner | 23-12-2003 | Swat |

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA


(Adnan Zafar)
Director General Prosecution
Khyber Pakhtunkhwa

0326(11) 10/1/16

Annexure
"F"

(24)

To

Director General Prosecution
Khyber Pakhtunkhwa Home and Tribal Affairs
Department Peshawar.

THROUGH PROPER CHANNEL

Subject:-

APPLICATION FOR PROMOTION TO THE POST OF ASSISTANT (BPS-16) WITH BACK BENEFITS AND SENIORITY.

Dear Sir,

I have the honour to submit as follows.

1. That applicant is serving in the department as Junior Clerk (BPS-11) for the last 23 years having unblemished service record, thus, applicant always performed his duties with dedications and integrity.
2. That as per final Seniority list of Junior Clerks (BPS-11) communicated/circulated vide No. E&A/1(66)/596-620 Dated: 14-01-2016 Directorate of Prosecution Khyber Pakhtunkhwa, Home and Tribal Affairs Department Peshawar, applicant was placed at Serial No.11. Copy of final Seniority list is attached as annexure "A".
3. That applicant was intentionally dragged in an enquiry on pseudonymous complaint of one Nazish Bibi and consequently, applicant was exonerated and complaint was filed by Competent Authority vide letter No. DP/E&A1 (60)/3506 Dated: 03-03-2016. Copy attached as annexure "B".
4. That during the process of said enquiry, Promotion cases of Junior Clerks (BPS-11) were taken up with Departmental Promotion Committee (DPC) and the name of applicant was dropped from promotion cases referred to DPC for being "under enquiry", consequently, all junior Clerks (BPS-11) of the same batch were promoted to the posts of Senior Clerks (BPS-14) and applicant was deprived of his due legal right of promotion to Senior Clerk (BPS-14) under the cover of said enquiry.
5. That having been exonerated from said enquiry, applicant addressed your worthy office for his promotion to the post of Senior Clerk (BPS-14) twice through applications dated: 23-04-2016 and 20-01-2017 with covering letters of DPP Mansehra but request of applicant could not be acceded till date. Copies of covering letters and applications alongwith enclosures are annexed as annexures "C", "D", "E" & "F" respectively.
6. That Junior Clerks (BPS-11) namely Syed Hakim Shah and Abdul wahid at Serial No.12 & 13 of final Seniority list of Junior Clerks (BPS-11) vide No. E&A/1(66)/596-620 Dated:14-01-2016 referred to above were promoted to Senior Clerks (BPS-14) by depriving the applicant of his due right of

ATTESTED

ASSISTANT PUBLIC PROSECUTOR
MANSEHRA

Annex "F" (25)

promotion to the post of Senior Clerk (BPS-14) being Senior to both said Junior Clerks. Likewise, both said Junior Clerks were further promoted to the post of Assistant (BPS-16) by depriving the applicant of his due right of promotion to the post of Assistant (BPS-16) being Senior to said Clerks in service.

7. That applicant has now been promoted to the post of Senior Clerk (BPS-14) vide Notification No. DP/E&A/1(100)/57-84 dated: 03-01-2018. It would not be out of place to mention here that had the applicant been promoted to the post of Senior clerk (BPS-14) well in time in accordance with criteria of promotion as contemplated by law, he would have now been posted as Assistant (BPS-16) as of his batch mates. Thus, depriving the applicant of his due right of promotion amounts to intentionally flout the law governing the subject, hence, applicant deserves to be promoted to the post of Assistant (BPS-16) with back benefits and seniority as required under the law. Copy of order is attached as annexure "G".

Keeping in view of forgoing submissions, it is humbly prayed that applicant may kindly be ordered to be promoted to the post of Assistant (BPS-16) with back benefits and seniority according to the criteria of promotion as prescribed under the law to meet the ends of justice and obliged.

Faithfully Yours

Syed Ibrar Shah
Senior Clerk
DPP Office Torghar

Dated: 14-02-2018.

ATTESTED

**ASSISTANT PUBLIC PROSECUTOR
MANSEHRA**



Annexure
"G"
(26)

**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/EEA/1166/206-30
Dated Peshawar 8/2/2018
Office Phone # 091-9212559
Fax # 091-9212559
E-mail kpprosecution@yahoo.com

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To All District Public Prosecutors,
In Khyber Pakhtunkhwa.

Attention: All Office Assistant.

Subject: - TENTATIVE SENIORITY LIST OF OFFICE ASSISTANT (BPS-16).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Tentative Seniority List of Office Assistant of this Directorate. The same may be handed over to all the concerned officials working under your kind control for information and further necessary action.

Furthermore, all the Office Assistant may also be directed to submit their objections, if any, to this Directorate through proper channel for necessary action within 14- days positively, otherwise it will be considered as "Final Seniority List".



Yours faithfully,

[Signature]
05/01/2018

Assistant Director Admin/Finance

Copy forwarded to the:-

- PA to Director General Prosecution, Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- Section Officer (Prosecution), Home and Tribal Affairs Department.

*Very important
for manual file
to inform and hand-over
the copy of tentative list
to all officials and report
compliance.*

*District Public Prosecutor
Mansehra.*

Assistant Director Admin/Finance

ATTESTED

[Signature]
**ASSISTANT PUBLIC PROSECUTOR
MANSEHR.**

Annex "G" 27

TENTATIVE SENIORITY LIST OF OFFICE ASSISTANT (BPS-16), IN DIRECTORATE OF PROSECUTION, KHYBER PAKHTUNKHWA

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Regular Appointment/Promotion to present post: | | | Present Posting |
|------|-----------------------|---------------|----------------------------|----------------------------------|--|-----|-----------------------|--|
| | | | | | Date | BPS | Method of Recruitment | |
| 1 | Muhammad Ghaffar Khan | B.A. LLB | 20/08/1959 Bannu | 19/02/1980 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Bannu |
| 2 | Muhammad Ali | Matric | 13/03/1964 Mardan | 01/03/1981 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Swabi |
| 3 | Maqsood Ali | B.A. | 12/11/1961 Mardan | 08/04/1981 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Mardan |
| 4 | Sher Ali | F.A. | 13/08/1959 Charsadda | 25/06/1981 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Charsadda |
| 5 | Muhammad Ibrahim | Matric | 11/10/1962 D.I.Khan | 02/02/1982 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, D.I.Khan |
| 6 | Muhammad Iqbal | Matric | 05/11/1960 Peshawar | 15/02/1982 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Peshawar |
| 7 | HabibUllah Jan | Matric | 19/12/1959 Swat | 29/06/1978 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Swat |
| 8 | Tariq Hussain | Matric | 10/05/1964 Manshra | 03/09/1983 | 12/03/2014 | 16 | Promotion | Office of District Public Prosecutor, Battagram |
| 9 | Adnan Liaqat Ali | BBA (Hons.) | 01/01/1986 Tank | 30/05/2014 | 30/05/2014 | 16 | Initial Recruitment | Directorate of Prosecution |
| 10 | Ibrar Bashir | BBA (Hons.) | 02/04/1986 Abbottabad | 30/05/2014 | 30/05/2014 | 16 | Initial Recruitment | Office of District Public Prosecutor, Manshra |
| 11 | Ashraf-ud-Din | D.Com | 03/07/1959 D.I.Khan | 17/10/1981 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, D.I.Khan |
| 12 | Khan Azad | Matric | 01/03/1967 Lakki Marwat | 04/11/1984 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Lakki Marwat |
| 13 | Abdul Sattar | M.A. | 04/01/1966 Malakand | 14/01/1986 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Malakand at Batkhela |
| 14 | Arshid Ali | F.A. | 14/03/1966 Mardan | 03/12/1986 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Mardan |
| 15 | Shah Faisal | M.A. | 12/09/1968 Peshawar | 20/12/1987 | 13/11/2015 | 16 | Promotion | Directorate of Prosecution, Peshawar |
| 16 | Ghulami Habib | Matric | 12/12/1969 Haripur | 10/08/1989 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Haripur |
| 17 | Hidayat Ullah Khan | B.A. | 03/04/1968 Karak | 10/09/1990 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Karak |

ATTACHED

**ASSISTANT PUBLIC PROSECUTOR
MANSEHRA**

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Regular Appointment/Promotion to present post | | | Present Posting |
|------|----------------------|---------------|----------------------------|----------------------------------|---|-----|-----------------------|--|
| | | | | | Date | BPS | Method of Recruitment | |
| 18 | Muhammad Tariq | D.Com | 15/09/1968 Abbottabad | 10/09/1990 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Abbottabad |
| 19 | Haider Ali Khan | B.A. | 01/03/1969 Chitral | 10/09/1990 | 13/11/2015 | 16 | Promotion | Office of the District Public Prosecutor, Chitral |
| 20 | Muhammad Gulzar Ali | B.A. | 05/05/1965 Peshawar | 01/10/1991 | 13/11/2015 | 16 | Promotion | Directorate of Prosecution |
| 21 | Syed Nazmat Ali Shah | Matric | 19/11/1958 Peshawar | 11-12-1991 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Peshawar |
| 22 | Muhammad Hamayoon | B.A. | 28/10/1967 Lakki Marwat | 12-05-1994 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Hangu |
| 23 | Qamar Zaman | B.A. | 20/01/1970 Tank | 12-05-1994 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Tank |
| 24 | Muslim Khan | Matric | 07/01/1966 Charsadda | 26-07-1994 | 17/11/2017 | 16 | Promotion | Directorate of Prosecution, Peshawar |
| 25 | Sikandar Hayat | Matric | 15/11/1964 Dir Lower | 15-08-1994 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Dir Lower |
| 26 | Mubarak Ahmad | F.A. | 04/12/1961 Charsadda | 29-11-1987 | 17/11/2017 | 16 | Promotion | Directorate of prosecution, Peshawar. |
| 27 | Muhammad Iqbal | B.Com | 05/05/1970 Lakki Marwat | 13-09-1989 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Kohat |
| 28 | Shahid Gul | Matric | 05/05/1963 Kohat | 19-09-2000 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Kohat |
| 29 | Mumraiz Khan | Matric | 04/04/1970 Peshawar | 19-09-2000 | 17/11/2017 | 16 | Promotion | Directorate of Prosecution, Peshawar. |
| 30 | Syed Hakeem Shah | Matric | 05/02/1962 Buner | 30-06-1996 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Buner. |
| 31 | Abdul Wahid | Matric | 16/03/1972 Tank | 10-03-2003 | 17/11/2017 | 16 | Promotion | Office of the District Public Prosecutor, Bannu. |


(Bilal Mohyuddin)

DIRECTOR ADMINISTRATION PROSECUTION

وکالت نامہ

کورٹ فیس

بعدالت چیئر مین سروسز ٹریڈ سوسائٹی جسٹون ٹاؤن ریشادر
عنوان: سید ابرار شاہ بنام حکومت جسٹون ٹاؤن ریشادر
منجانب: ڈیشنری سید ابرار شاہ

نوعیت مقدمہ: سروسز ایبل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آں مقام

رضوانہ اسٹریٹ آباد کاسران احمد ریلوے کورٹ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔ لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 11-6-2018

بمقام: ریشادر آباد

سید ابرار شاہ
مدد سید ابرار شاہ

سید ابرار شاہ
مدد سید ابرار شاہ

وقاص نوٹسٹ کچھری (ایبٹ آباد)

KAMRAN AHMAD
Advocate High Court
Abbottabad

Accepted
KAMRAN AHMAD
Advocate High Court

BEFORE THE HONOURABLE SERVICE TRIBUNAL CAMP COURT
ABBOTTABAD

In Service Appeal No. 792/2018

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

..... Appellant

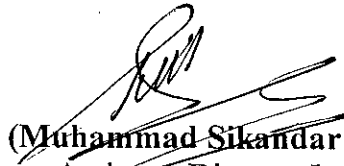
VERSUS

2. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa, Peshawar & Others.....

..... Respondents

INDEX

| S.No. | DESCRIPTION | ANNEXURE | PAGE |
|-------|--------------------------|----------|------|
| 1. | Para wise comments | - | 1-2 |
| 2. | Tentative Seniority List | "A" | 3-7 |


(Muhammad Sikandar Khan)
Assistant Director Legal
Directorate of Prosecution
Khyber Pakhtunkhwa

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL CAMP COURT
ABBOTTABAD

In Service Appeal No. 792/2018

Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor, Torghar.

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs
Department, Khyber Pakhtunkhwa, Peshawar & Others.....

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 1, 2 & 3.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:-

- 1) That, the appellant has got no cause of action.
- 2) That, the instant appeal is not maintainable in the present form.
- 3) That, the appellant has got no locus standi to bring the instant appeal in hand.
- 4) That, the appellant is estopped by his own conduct to file the present appeal.
- 5) That, the appellant has not come to this Hon'ble Court with clean hands.
- 6) That, the appellant has concealed material facts from this Hon'ble Court.
- 7) That, the petition is bad for mis-joinder and non-joinder of necessary parties.
- 8) That, the Hon'ble Court has got no jurisdiction to entertain the instant appeal.

ON FACTS

1. Para pertains to record, hence needs no comments.
2. At the time of meeting of Departmental Promotion Committee ("D.P.C."), name of the appellant could not be considered by the committee for his promotion to the post of the Senior Clerks (BPS-14), as inquiry was pending against him and his promotion case was deferred for the time being.
3. Although, the appellant was exonerated by the Competent Authority from the charges leveled against him on the basis of findings of the inquiry, but his exoneration was made on dated 03-03-2016 i.e. after meeting of the D.P.C., which was convened on dated 29-01-2016.
4. Appellant's Promotion case to the post of Senior Clerk and thereafter to Office Assistant has been properly treated by the replying respondents in accordance with

Promotion Policy and no illegality whatsoever has been committed while treating appellant's promotion cases.

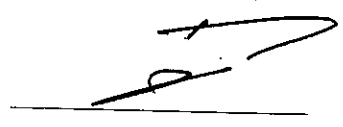
- 5. As replied vide preceding paras.
- 6. Name of the appellant has been placed by the replying respondents in his due place in the Tentative Senior List (**Annexure-A**) and no official i.e. Respondent No. 4 & 5 are made senior to the appellant.
- 7. As the appellant has been treated in accordance with law and promotion policy, therefore, no justification for filing instant appeal.

REPLY TO GROUNDS:-

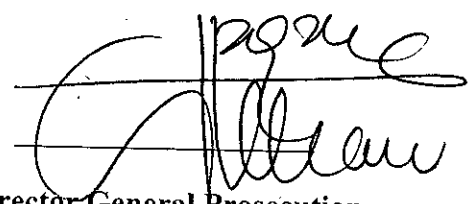
- a. No discrimination to the appellant is committed by the replying respondents rather he has been promoted to the post of Senior Clerk (BPS-14) and Office Assistant (BPS-16) in accordance with law and rules in vogue.
- b. As relied vide preceding paras of the facts and grounds.
- c. As relied vide preceding paras of the facts and grounds.
- d. As relied vide preceding paras of the facts and grounds.
- e. As relied vide preceding paras of the facts and grounds.
- f. As relied vide preceding paras of the facts and grounds.
- g. No reply.

PRAYER:

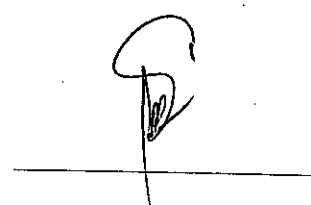
In light of the above facts and circumstances of the case, appeal filed by the appellant is devoid of any merit and legal substance; therefore, may graciously be dismissed with cost, please.



**Secretary Home
(Respondent No.1)**



**Director General Prosecution
(Respondent No.2)**



**District Public Prosecutor Torghar
(Respondent No. 3)**

Annexure - A

3



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/E-2/11(66)4557-82

Dated Peshawar 17/05/2019

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kpprosecution@yahoo.com

To

All District Public Prosecutors,
In Khyber Pakhtunkhwa."

Attention: All Assistants.

Subject: - TENTATIVE SENIORITY LIST OF ASSISTANT (BS-16).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Tentative Seniority List of Assistant (BS-16) of Directorate of Prosecution, Khyber Pakhtunkhwa. The same may be handed over to all the Concerned Officials working under your kind control for information and further necessary action.

Furthermore, it is asked to submit their objections, if any, to this Directorate for necessary action within 14- days positively, otherwise the same will be considered as "Final Seniority List", please.

Yours faithfully,


(Shafiqullah)

Deputy Director Administration



DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/
Dated Peshawar / / , 2019
Office Phone # 091-9212559/ 091-9212542
Fax # 091-9212559
E-mail: kpprosecution@yahoo.com

ORDER:

No. DP/E&A/1(66)/ : In pursuance Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Competent Authority is pleased to notify/circulate Tentative Seniority List of Assistant (BPS-16) of Directorate of Prosecution.

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Regular Appointment/Promotion to present post | | | Present Posting |
|------|-----------------------|---------------|--------------------------|----------------------------------|---|-----|---|---|
| | | | | | Date | BPS | Method of Recruitment | |
| 1. | Muhammad Ghaffar Khan | B.A. LLB | 20/08/1959 Bannu | 19/02/1980 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Bannu |
| 2. | Syed Muhammad Ali | Matric | 13/03/1961 Mardan | 01/03/1981 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Swabi |
| 3. | Maqsood Ali | B.A. | 12/11/1961 Mardan | 08/04/1981 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Mardan |
| 4. | Sher Ali | F.A | 13/08/1959 Charsadda | 25/06/1981 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Charsadda |
| 5. | Muhammad Ibrahim | Matric | 11/10/1962 D.I.Khan | 02/02/1982 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Karak |
| 6. | Muhammad Iqbal | Matric | 05/11/1960 Peshawar | 15/02/1982 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Directorate of Prosecution, Peshawar |

| No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Regular Appointment/Promotion to present post | | | Present Posting |
|-----|---------------------|---------------|--------------------------|----------------------------------|---|-----|---|--|
| | | | | | Date | BPS | Method of Recruitment | |
| 7. | HabibUllah Jan | Matric | 19/12/1959 Swat | 29/06/1978 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Swat |
| 8. | Tariq Hussain | Matric | 10/05/1964 Mansehra | 03/09/1983 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Abbottabad |
| 9. | Adnan Liaqat Ali | BBA (Hons.) | 01/01/1986 Tank | 30/05/2014 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Kohat |
| 10. | Ibrar Bashir | BBA (Hons.) | 02/04/1986 Abbottabad | 30/05/2014 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of District Public Prosecutor, Mansehra |
| 11. | Ashraf-ud-Din | D.Com | 03/07/1959 D.I.Khan | 17/10/1981 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of the District Public Prosecutor, D.I.Khan |
| 12. | Khan Azad | Matric | 01/03/1967 Lakki Marwat | 04/11/1984 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of the District Public Prosecutor, Lakki Marwat |
| 13. | Abdul Sattar | M.A. | 04/01/1966 Malakand | 14/01/1986 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of the District Public Prosecutor, Malakand |
| 14. | Arshid Ali | F.A. | 14/03/1966 Mardan | 03/12/1986 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Office of the District Public Prosecutor, Nowshera |
| 15. | Shah Faisal | M.A. | 12/09/1968 Peshawar | 20/12/1987 | 29-05-2018 | 17 | Promoted on acting charge basis to the post of Superintendent | Directorate of Prosecution, Peshawar |
| 16. | Ghulam Habib | Matric | 12/12/1969 Haripur | 10/08/1989 | 13/11/2015 | 16 | Promoted | Office of the District Public Prosecutor, Haripur |
| 17. | Hidayat Ullah Khan | B.A. | 03/04/1968 Karak | 10/09/1990 | 13/11/2015 | 16 | Promoted | Office of the District Public Prosecutor, Karak |
| 18. | Muhammad Tariq | D.Com | 15/09/1968 Abbottabad | 10/09/1990 | 13/11/2015 | 16 | Promoted | Office of the District Public Prosecutor, Abbottabad |
| 19. | Haider Ali Khan | B.A. | 01/03/1969 Chitral | 10/09/1990 | 13/11/2015 | 16 | Promoted | Office of the District Public Prosecutor, Chitral |
| 20. | Muhammad Gulzar Ali | B.A. | 05/05/1965 Peshawar | 01/10/1991 | 13/11/2015 | 16 | Promoted | Directorate of Prosecution |
| 21. | Muhammad Hamayoon | B.A. | 28/10/1967 Lakki Marwat | 12-05-1994 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Hangu |
| 22. | Qamar Zaman | B.A. | 20/01/1970 Tank | 12-05-1994 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, D.I.Khan |
| 23. | Shakeel Akhtar | Matric | 15/03/1977 Nowshera | 17-04-1994 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Nowshera |

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Regular Appointment/Promotion to present post | | | Present Posting |
|------|------------------|---------------|----------------------------|----------------------------------|---|-----|-----------------------|---|
| | | | | | Date | BPS | Method of Recruitment | |
| 24 | Muslim Khan | Matric | 07/01/1966 Charsadda | 26-07-1994 | 17/11/2017 | 16 | Promoted | Directorate of Prosecution, Peshawar |
| 25 | Sikandar Hayat | Matric | 15/11/1964 Dir Lower | 15-08-1994 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Malakand |
| 26 | Mubarik Ahmad | F.A. | 04/12/1961 Charsadda | 29-11-1987 | 17/11/2017 | 16 | Promoted | Directorate of Prosecution, Peshawar. |
| 27 | Muhammad Iqbal | B.Com | 05/05/1970 Lakki Marwat | 13-09-1989 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Bannu |
| 28 | Shahid Gul | Matric | 05/05/1963 Kohat | 19-09-2000 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Kohat |
| 29 | Mumraiz Khan | Matric | 04/04/1970 Peshawar | 19-09-2000 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Peshawar. |
| 30 | Syed Ibrar Shah | Matric | 1976 Mansehra | 10-03-2003 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Torghar |
| 31 | Syed Hakeem Shah | Matric | 05/02/1962 Buner | 30-06-1996 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Buner. |
| 32 | Abdul Wahid | Matric | 16/03/1972 Tank | 10-03-2003 | 17/11/2017 | 16 | Promoted | Office of the District Public Prosecutor, Tank. |
| 33 | Sakhawat Shah | B.A. | 10/04/1975 Buner | 10-03-2003 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Mardan |
| 34 | Muhammad Arshad | Matric | 01/06/1977 Mansehra | 10-03-2003 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Mansehra |
| 35 | Malik Rehmat Ali | Matric | 04/04/1981 Peshawar | 10-03-2003 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Peshawar |
| 36 | Yaqoob Khan | D.Com | 01/06/1961 Bannu | 01-01-1987 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, D.I.Khan |
| 37 | Khairullah Jan | Matric | 01/05/1962 Peshawar | 18-06-1987 | 11-02-2019 | 16 | Promoted | Directorate of Prosecution .Peshawar |
| 38 | Fida Muhammad | Matric | 01/02/1963 Peshawar | 18-06-1987 | 11-02-2019 | 16 | Promoted | Directorate of Prosecution .Peshawar |
| 39 | Muhammad Yousaf | B.A. | 24/04/1964 Bannu | 24-04-1988 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Bannu |
| 40 | Aurangzeb | Matric | 01/03/1963 Dir Lower | 17-08-1988 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Malakand |

| Sl.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Regular Appointment/Promotion to present post | | | Present Posting |
|-------|-----------------|---------------|--------------------------|----------------------------------|---|-----|-----------------------|---|
| | | | | | Date | BPS | Method of Recruitment | |
| 41. | Ajmal Khan | Matric | 24/11/1967 Swabi | 03-12-1989 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Swabi |
| 42. | Sahibzada | Matric | 25/03/1970 Swabi | 10-09-1990 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Mardan |
| 43. | Said Rehman | F.A. | 20/03/1974 Swat | 26-02-1995 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Swat |
| 44. | Tariq Ahmad | Matric | 03/04/1975 Swat | 27-02-1995 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Swat |
| 45. | Syed Alam Shah | Matric | 13/02/1974 Mansehra | 15-03-1995 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Mansehra |
| 46. | Hazrat Muhammad | B.A. | 01/01/1970 Malakand | 23-07-1995 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Dir Lower |
| 47. | Jehan Alam | B.A. | 07/03/1984 Shangla | 12-04-2007 | 11-02-2019 | 16 | Promoted | Office of the District Public Prosecutor, Shangla |

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(Bilal Mohyuddin)

DIRECTOR ADMINISTRATION PROSECUTION

BEFORE THE HONORABLE SERVICE TRIBUNAL CAMP COURT
ABBOTTABAD

In Service Appeal no. 792/2018

**Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor,
Torghar.**

.....Appellant

Versus

**1. Government of Khyber Pakhtunkhwa through Secretary Home &
Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar &
Others.....**

..... Respondent

Rejoinder on behalf of Appellant.

Respectfully Sheweth;

Preliminary objection:-

1. Para No 1 is incorrect. Appellant has got cause of action.
2. Para No 2 is incorrect. Instant appeal is maintainable in present form.
3. Para No 3 is denied being incorrect. Appellant has got locus standi to file instant appeal.
4. Para No 4 is incorrect. Appellant is not stopped by his own conduct to file instant appeal.
5. Para No 5 is incorrect. Appellant has come to this Honorable court with clean hands.
6. Para No 6 is denied being incorrect. Appellant has not concealed any material fact from this Honorable court.
7. Para No 7 is incorrect. The instant appeal is not bad for misjoinder and non joinder of necessary parties in instant appeal.
8. Para No 8 is denied being not correct. This Honorable court has got jurisdiction to entertain instant appeal.

ON FACTS:-

1. Para No 1 needs explanation that Appellant was performing his duties in office of respondent No 3 as junior clerk when on an anonymous application an inquiry was conducted against Appellant.

2. Para No 2 is correct to the extent that a meeting of the departmental promotion committee was convened. However remaining para is denied for having distorted the facts that despite having been exonerated in inquiry vide letter No DP/E&A (60)/3506 dated 31-03-2016, Appellant was intentionally shown under inquiry and thus Appellant was dropped by the committee from promotion to the post of Senior Clerk BPS 14 and his promotion case was deferred for the time being.
3. Para No 3 is correct and needs explanation that as per law, pendency of an inquiry is no hurdle in way of promotion of Appellant and that too Appellant was subsequently exonerated by the competent authority. Thus Appellant was eligible for promotion, seniority and back benefits from the date 29-01-2016.
4. Para No 4 is correct to the extent that promotion case of Appellant to the post of Senior Clerk BPS 14 and thereafter to the post of Office Assistant BPS 16 has been properly treated by the respondents. However remaining para is denied being incorrect that competent authority was supposed to strictly follow the promotion policy by considering the promotion case of Appellant to the post of Senior Clerk BPS 14 from 29-01-2016 and thus, Appellant has been treated in sheer violation of promotion policy and was deprived of his promotion on 29-01-2016.
5. Para No 5 needs no reply.
6. Para No 6 is correct to the extent of placing the name of Appellant in his due place in tentative seniority list. However, remaining para needs explanation as replied in para No 4.
7. Para No 7 is denied being incorrect. Appellant has not been treated in accordance with law and policy and thus, Appellant was constrained to approach this Honorable court for the redressal of his grievances.

Reply to the Ground:-

- a. Para No a is incorrect. Appellant was denied of his due right of promotion to the post of BPS 14 from 29-01-2016 as pendency of inquiry is no hurdle in the way of promotion, and thus Appellant has been treated with discrimination by respondents.
- b. Para No b is denied for not having specifically mentioned the para of facts and grounds being relied upon by the respondents.
- c. Para No c is denied for not having specifically mentioned the para of facts and grounds being relied upon by the respondents.
- d. Para No d is denied for not having specifically mentioned the para of facts and grounds being relied upon by the respondents.
- e. Para No e is denied for not having specifically mentioned the para of facts and grounds being relied upon by the respondents.
- f. Para No f is denied for not having specifically mentioned the para of facts and grounds being relied upon by the respondents.
- g. Para No g needs no reply.

Prayer:-

It is therefore humbly prayed that on acceptance of instant appeal, impugned act of respondents in not promoting Appellant to the post of Senior Clerk BPS 14 on 29-01-2016 and thereafter to the post of Office Assistant BPS 16 in due time may graciously be set aside and respondents be directed to promote Appellant to BPS 14 from the date of his deferment i.e. 29-01-2016 with all back benefits and his further promotion to BPS 16 be made from his due time of promotion with all back benefits in accordance within law to meet the ends of justice.


...APPELLANT

Through

Dated: 20-11-2019


(KAMRAN AHMAD)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Court.


...APPELLANT

BEFORE THE HONORABLE SERVICE TRIBUNAL CAMP COURT
ABBOTTABAD

In Service Appeal no. 792/2018

**Syed Ibrar Shah, Senior Clerk, Office of District Public Prosecutor,
Torghar.**

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**1. Government of Khyber Pakhtunkhwa through Secretary Home &
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...APPELLANT

Through

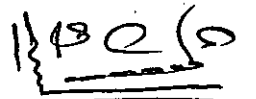
Dated: 20-11-2019


(KAMRAN AHMAD)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Court.


...APPELLANT

وکالت نامہ

کورٹ فیس

بعدالت سروس لٹریٹو نیٹ ورکیمپ کورٹ ایٹ آباد
عنوان: سید ابرار شاہ بنام گورنمنٹ خلیج ٹیٹون تو اور وغیرہ
منجانب: ایڈووکیٹ
نوعیت مقدمہ: سروس ایبل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام
سردار محمد عظیم ایڈووکیٹ ایٹ آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال و دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصدیقہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 22/12/2021

بمقام: ایڈووکیٹ آباد

العب

العب

Accepted
Shahar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

CM No. _____/2022

IN

Service Appeal No.792 /2018

Syed Ibrar Shah Assistant DPP Office Torghar.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary & others

...RESPONDENTS

APPLICATION

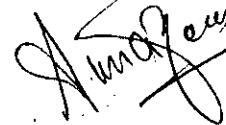
INDEX

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| 1. | Application along with affidavit | 1 to 3 | |
| 2. | Copy of final seniority list of Junior Clerk BPS-11 | 4 to 7 | "A-1" |
| 3. | Copy of minutes of meeting of departmental promotion committee | 8 to 10 | "B-2" |
| 4. | Copy of promotion order dated 08/01/2016 | 11 to 12 | "C-3" |
| 5. | Copy of promotion order of appellant dated 03/01/2018 | 13 to 14 | "D-4" |
| 6. | Copy of judgment of Islamabad High Court, this Honourable Tribunal and Supreme Court of Pakistan | 15 to 21 | "D-5" |

...APPELLANT

SYED IBRAR SHAH

Through



Dated: _____/2022

(SARDAR MUHAMMAD AZEEM)

Advocate High Court, Abbottabad

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

CM No. _____/2022
IN
Service Appeal No. 792/2018

Syed Ibrar Shah Assistant DPP Office Torghar.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhawa through Secretary & others

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUBMISSION OF
ADDITIONAL DOCUMENTS TO REMOVE THE
DEFICIENCY IN ACCORDANCE WITH THE
DIRECTION OF THIS HONOURABLE TRIBUNAL.

Respectfully Sheweth:-

1. That the above titled appeal is pending before this Honourable Tribunal for arguments.
2. That this Honourable Tribunal passed direction to submission of additional documents.

3. That at the time of filing of above titled appeal some necessary documents was not filed with the appeal due to non availability of the said documents.

4. That it is for the interest of justice the following documents is required to be include with the appeal.

i. *Copy of final seniority list of Junior Clerk BPS-11 is Annexed as Annexure "A-1".*

ii. *Copy of minutes of meeting of departmental promotion committee is annexed as Annexure "B-2".*

iii. *Copy of promotion order dated 08/01/2016 is annexed as Annexure "C-3".*

iv. *Copy of promotion order of appellant dated 03/01/2018 is annexed as Annexure "D-4".*

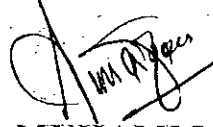
v. *Copy of judgment of Islamabad High Court, this Honourable Tribunal and Supreme Court of Pakistan are annexed as Annexure "E-5".*

5. That the valuable rights of the appellant are involved in this appeal and on the bases of technicalities the appellant cannot be deprive from his lawful rights.

It is therefore, respectfully prayed that the additional documents of the appellant may kindly be placed with the appeal in the interest of justice.

...APPELLANT
SYED IBRAR SHAH

Through

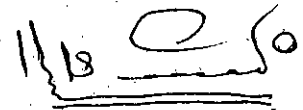


(SARDAR MUHAMMAD AZEEM)
Advocate High Court, Abbottabad

Dated: _____/2022

AFFIDAVIT:-

I, *Syed Ibrar Shah Assistant DPP Office Torghar*, do hereby solemnly affirm and declare on oath that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein.



DEPONENT

4

Annexure A-1

FINAL SENIORITY LIST OF JUNIOR CLERKS (BPS-11), IN DIRECTORATE OF PROSECUTION, KHYBER PAKHTUNKHWA

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|----------------------|---------------|----------------------------|----------------------------------|--|
| 1 | Syed Nazmat Ali Shah | Matric | 19/11/1958 Peshawar | 11-12-1991 | Office of the District Public Prosecutor, Peshawar |
| 2 | Muhammad Hamayoon | B.A. | 28/10/1967 Lakki Marwat | 12-05-1994 | Office of the District Public Prosecutor, Lakki Marwat |
| 3 | Qamar Zaman | B.A. | 20/01/1970 Tank | 12-05-1994 | Office of the District Public Prosecutor, Tank |
| 4 | Shakeel Akhtar | Matric | 15/03/1977 Nowshera | 17-04-1994 | Office of the District Public Prosecutor, Karak |
| 5 | Muslim Khan | Matric | 07/01/1966 Charsadda | 26-07-1994 | Office of the District Public Prosecutor, Peshawar |
| 6 | Sikandar Hayat | Matric | 15/11/1964 Dir Lower | 15-08-1994 | Office of the District Public Prosecutor, Dir Upper |
| 7 | Mubarak Ahmad | F.A. | 04/12/1961 Mardan | 29-11-1987 | Directorate of prosecution |
| 8 | Muhammad Iqbal | B.Com | 05/05/1970 Lakki Marwat | 13-09-1989 | Office of the District Public Prosecutor, Lakki Marwat |
| 9 | Shahid Gul | Matric | 05/05/1963 Kohat | 19-09-2000 | Office of the District Public Prosecutor, Hangu |
| 10 | Mumraiz Khan | Matric | 04/04/1970 Peshawar | 19-09-2000 | Office of the District Public Prosecutor, Peshawar |
| 11 | Syed Ibrar Shah | Matric | 1976 Mansehra | 10-03-2003 | Office of the District Public Prosecutor, Mansehra |
| 12 | Syed Hakeem Shah | Matric | 05/02/1962 Buner | 30-06-1996 | Office of the District Public Prosecutor, Swat |
| 13 | Abdul Wahid | Matric | 16-03-1972 Tank | 10-03-2003 | Office of the District Public Prosecutor, Tank |
| 14 | Sakhawat Shah | B.A. | 10/04/1975 Buner | 10-03-2003 | Office of the District Public Prosecutor, Malakand |

Attested
15/11/10

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| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|------------------|---------------|--------------------------|----------------------------------|--|
| 15 | Muhammad Arshad | Matric | 01/06/1977 Mansehra | 10-03-2003 | Office of the District Public Prosecutor, Battagram |
| 16 | Malik Rehmat Ali | Matric | 04/04/1981 Peshawar | 10-03-2003 | Office of the District Public Prosecutor, Peshawar |
| 17 | Yaqoob Khan | D.Com | 01/06/1961 Bannu | 01-01-1987 | Office of the District Public Prosecutor, Bannu |
| 18 | Khairullah Jan | Matric | 01/05/1962 Peshawar | 18-06-1987 | Directorate of Prosecution |
| 19 | Fida Muhammad | Matric | 01/02/1963 Peshawar | 18-06-1987 | Directorate of Prosecution |
| 20 | Munammad Ali | B.A. | 30/04/1964 Swabi | 29-03-1988 | Office of the District Public Prosecutor, Mardan |
| 21 | Muhammad Yousaf | B.A. | 24/04/1964 Bannu | 24-04-1988 | Office of the District Public Prosecutor, Bannu |
| 22 | Aurangzeb | Matric | 01/03/1963 Dir Lower | 17-08-1988 | Office of the District Public Prosecutor, Dir Lower |
| 23 | Musawir Jan | B.A. | 15/09/1968 Charsadda | 22-09-1989 | Office of the District Public Prosecutor, Charsadda |
| 24 | Ajmal Khan | Matric | 24/11/1967 Swabi | 03-12-1989 | Office of the District Public Prosecutor, Swabi |
| 25 | Sahibzada | Matric | 25/03/1970 Swabi | 10-09-1990 | Office of the District Public Prosecutor, Swabi |
| 26 | Muhammad Arif | Matric | 12/03/1968 Abbottabad | 04-02-1993 | Office of the District Public Prosecutor, Abbottabad |
| 27 | Said Rehman | F.A. | 20/03/1974 Swat | 26-02-1995 | Office of the District Public Prosecutor, Swat |
| 28 | Tariq Ahmad | Matric | 03/04/1975 Swat | 27-02-1995 | Office of the District Public Prosecutor, Swat |
| 29 | Syed Alam Shah | Matric | 13/02/1974 Mansehra | 15-03-1995 | Office of the District Public Prosecutor, Mansehra |

Attested

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| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|-----------------|---------------|--------------------------|----------------------------------|--|
| 30 | Hazrat Muhammad | B.A. | 01/01/1970 Malakand | 23-07-1995 | Office of the District Public Prosecutor, Malakand |
| 31 | Muhammad Saeed | Matric | 12/11/1962 Abbottabad | 01-01-2004 | Office of the District Public Prosecutor, Abbottabad |
| 32 | Jehan Alam | B.A. | 07/03/1984 Shangla | 12-04-2007 | Office of the District Public Prosecutor, Shangla |
| 33 | Sadar Ayub | F.A. | 06/01/1985 Kohistan | 12-04-2007 | Office of the District Public Prosecutor, Kohistan |
| 34 | Waheed Akhtar | D.Com | 28/08/1987 Kohat | 12-04-2007 | Office of the District Public Prosecutor, Kohat |
| 35 | Fazle Rabi | Matric | 10/01/1970 Peshawar | 01-01-1992 | Office of the District Public Prosecutor, Peshawar |
| 36 | Raja Arshad | Matric | 04/02/1974 Abbottabad | 30-11-1995 | Office of the District Public Prosecutor, Abbottabad |
| 37 | Muhammad Ashraf | Matric | 03/04/1978 Peshawar | 07-07-1997 | Office of the District Public Prosecutor, Peshawar |
| 38 | Shamshad Iqbal | Matric | 02/02/1973 Bannu | 30-10-2009 | Office of the District Public Prosecutor, Bannu |
| 39 | Tariq Khan | B.A. LLB | 01/02/1984 Charsadda | 30-10-2009 | Office of the District Public Prosecutor, Charsadda |
| 40 | Akhtar Hussain | M.A. | 12/04/1984 Swat | 30-10-2009 | Office of the District Public Prosecutor, Swat |
| 41 | Waseem Abbas | B.A. | 05/02/1986 D.I.khan | 30-10-2009 | Office of the District Public Prosecutor, D.I.khan |
| 42 | Shah Fahad | F.A. | 31/12/1988 Mardan | 30-10-2009 | Office of the District Public Prosecutor, Mardan |
| 43 | Shah Zeb | F.A. | 17/01/1989 Mardan | 30-10-2009 | Office of the District Public Prosecutor, Mardan |
| 44 | Bakht Pervesh | B.A. | 11/04/1973 Buner | 23-12-2003 | Office of the District Public Prosecutor, Buner |

Attested

15/11/10

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12 41

| S.No | Name | Qualification | Date of Birth & Domicile | Date of first entry into service | Present Posting |
|------|---------------------|---------------|--------------------------|----------------------------------|--|
| 45 | Wali-ur-Rehman | B.A. | 12/06/1973 Mansehra | 23-12-2003 | Office of the District Public Prosecutor, Mansehra |
| 46 | Nasir Ali | Matric | 08/02/1974 Swat | 23-12-2003 | Office of the District Public Prosecutor, Swat |
| 47 | Jamshed Ahmad | Matric | 06/01/1976 Chitral | 23-12-2003 | Office of the District Public Prosecutor, Chitral |
| 48 | Muhammad Zarshad | Matric | 18/05/1978 Swabi | 23-12-2003 | Office of the District Public Prosecutor, Swabi |
| 49 | Taj Rehman | B.A. | 24/03/1986 Buner | 14-02-2014 | Office of the District Public Prosecutor, Buner |
| 50 | Noman | B.Com | 26/06/1986 Swat | 14-02-2014 | Office of the District Public Prosecutor, Haripur |
| 51 | Muhammad Tariq Khan | DAE/F.A. | 15/03/1991 Buner | 14-02-2014 | Office of the District Public Prosecutor, Lakki Marwat |
| 52 | Ammad Amir | B.Com | 16/12/1992 Peshawar | 14-02-2014 | Directorate of Prosecution |
| 53 | Tufail Khan | B.A. | 26/12/1992 Haripur | 14-02-2014 | Office of the District Public Prosecutor, Nowshera |
| 54 | Muhammad Nasir | B.Com | 30/10/1993 Peshawar | 14-02-2014 | Directorate of Prosecution |
| 55 | Said Nawaz | Matric | 12/12/1978 Buner | 23-12-2003 | Office of the District Public Prosecutor, Mardan |

Attested
S/

(SHAFIR ULLAH)

DIRECTOR GENERAL PROSECUTION

MINUTES OF THE MEETING

A meeting of the Departmental Selection Committee (DPC) was held on 29-01-2016 in the office of Director General Prosecution, Khyber Pakhtunkhwa, wherein promotion cases of the Junior Clerks to the next higher rank of Senior Clerks were discussed thread bear one by one.

The Meeting was attended by the following.

- a) Mr. SHAFIR ULLAH (Chairmen)
Director General Prosecution,
Khyber Pakhtunkhwa.
- b) Mr. QAMAR ALI (Member)
Deputy Secretary Judicial
Home & Tribal Affairs Department
Khyber Pakhtunkhwa
- c) Mr. IRSHADULLAH AFRIDI (Member)
Deputy Director Admin/ Finance
Khyber Pakhtunkhwa

The meeting commenced with the recitation of the Holy Quran. Thereafter, the chair welcomed the participants:

It was highlighted by the Deputy Director Administration that forty (40) sanctioned posts of Senior Clerks were lying vacant in the Directorate of Prosecution as well as District Prosecution offices in the Khyber Pakhtunkhwa. Recently Final Seniority list of the Junior Clerks was notified after doing all the needful. It was further highlighted that according to Khyber Pakhtunkhwa, Prosecution Service Rules 2005, amended in 2010, the method of promotion of Junior Clerks to the next higher rank of Senior Clerk is given in Rule-12 of the Rules ibid which is 100% by promotion quota on the basis of Seniority cum fitness from amongst the Junior Clerks (BPS-11). Thus keeping in view vacant sanctioned posts and provision of the Rules ibid, cases of eligible Junior Clerks were discussed one by one for their promotion to next higher rank in the following manner.

| S.No. | NAME OF JUNIOR CLERK | EDUCATIONAL QUALIFICATION | DATE OF FIRST ENTRY INTO SERVICE ON REGULAR BASIS WITH BASIC PAY SCALE | DECISION OF DEPARTMENTAL PROMOTION COMMITTEE |
|-------|----------------------|---------------------------|--|--|
| 1 | Syed Nazmat Ali Shah | Matric | 11-12-1991 | Promoted |
| 2 | Muhammad Hamayoon | B.A. | 12-05-1994 | Promoted |

T/L/16

03/02/16

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7 (9)

| S.No. | NAME OF JUNIOR CLERK | EDUCATIONAL QUALIFICATION | DATE OF FIRST ENTRY INTO SERVICE ON REGULAR BASIS WITH BASIC PAY SCALE | DECISION OF DEPARTMENTAL PROMOTION COMMITTEE |
|-------|----------------------|---------------------------|--|--|
| 3 | Qamar Zaman | B.A. | 12-05-1994 | Promoted |
| 4 | Shakeel Akhtar | Matric | 17-04-1994 | Not promoted due to poor performance as reflected in his PERs |
| 5 | Muslim Khan | Matric | 26-07-1994 | Promoted |
| 6 | Sikandar Hayat | Matric | 15-08-1994 | Promoted |
| 7 | Mubarak Ahmad | F.A. | 29-11-1987 | Promoted |
| 8 | Muhammad Iqbal | B.Com | 13-09-1989 | Promoted |
| 9 | Shahid Gul | Matric | 19-09-2000 | Promoted |
| 10 | Munraiz Khan | Matric | 19-09-2000 | Promoted |
| 11 | Syed Ibrar Shah | Matric | 10-03-2003 | Not promoted due to pending inquiry |
| 12 | Syed Hakeem Shah | Matric | 30-06-1996 | Promoted |
| 13 | Abdul Wahid | Matric | 10-03-2003 | Promoted |
| 14 | Sakhawat Shah | B.A. | 10-03-2003 | Promoted |
| 15 | Muhammad Arshad | Matric | 10-03-2003 | Promoted |
| 16 | Malik Rehmat Ali | Matric | 10-03-2003 | Promoted |
| 17 | Yaqoob Khan | D.Com | 01-01-1987 | Promoted |
| 18 | Khairullah Jan | Matric | 18-06-1987 | Promoted |
| 19 | Fida Muhammad | Matric | 18-06-1987 | Promoted |
| 20 | Muhammad Ali | B.A. | 29-03-1988 | Promoted |
| 21 | Muhammad Yousaf | B.A. | 24-04-1988 | Promoted |
| 22 | Aurangzeb | Matric | 17-08-1988 | Promoted |
| 23 | Musawir Jan | B.A. | 22-09-1989 | Promoted |
| 24 | Ajmal Khan | Matric | 03-12-1989 | Promoted |
| 25 | Sahibzada | Matric | 10-09-1990 | Promoted |
| 26 | Muhammad Arif | Matric | 04-02-1993 | Not promoted due to non-willingness and request by official to forgo promotion |
| 27 | Said Rehman | F.A. | 26-02-1995 | Promoted |
| 28 | Tariq Ahmad | Matric | 27-02-1995 | Promoted |

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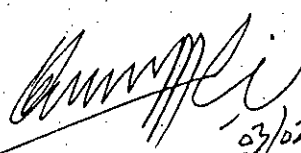
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| S.No. | NAME OF JUNIOR CLERK | EDUCATIONAL QUALIFICATION | DATE OF FIRST ENTRY INTO SERVICE ON REGULAR BASIS WITH BASIC PAY SCALE | DECISION OF DEPARTMENTAL PROMOTION COMMITTEE |
|-------|----------------------|---------------------------|--|--|
| 29 | [Redacted] | Matric | 15-03-1995 | [Redacted] |
| 30 | Hazrat Muhammad | B.A. | 23-07-1995 | Promoted |
| 31 | Muhammad Saeed | Matric | 01-01-2004 | Promoted |
| 32 | Jehan Alam | B.A. | 12-04-2007 | Promoted |
| 33 | Sadar Ayub | F.A. | 12-04-2007 | Promoted |
| 34 | Waheed Akhtar | D.Com | 12-04-2007 | Promoted |
| 35 | Fazle Rabi | Matric | 01-01-1992 | Promoted |
| 36 | Raja Arshad | Matric | 30-11-1995 | Promoted |
| 37 | Muhammad Ashraf | Matric | 07-07-1997 | Promoted |
| 38 | Shamshad Iqbal | Matric | 30-10-2009 | Promoted |
| 39 | Tariq Khan | B.A. LLB | 30-10-2009 | Promoted |
| 40 | Akhtar Hussain | M.A. | 30-10-2009 | Promoted |
| 41 | Waseem Abbas | B.A. | 30-10-2009 | Promoted |

Seats of the official/ Junior Clerk at Serial No. 4, 11, and 29 were left unfilled due to the reason mentioned in the column of decision of the committee.

The meeting ended with a vote of thanks to and from the chair.


03/02/16
QAMAR ALI
Deputy Secretary Judicial
Home & Tribal Affairs
Department
Khyber Pakhtunkhwa
(Member)


12/16
SHAFIR ULLAH
Director General Prosecution
Directorate of Prosecution
Khyber Pakhtunkhwa
(Chairman)


IRSHAD ULLAH AFRIDI
Deputy Director Admin/Finance
Directorate of Prosecution
Khyber Pakhtunkhwa
(Member)

Annexure C, 3 (11)



DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/
Dated Peshawar 08/01/2016

Office Phone # 091-9212559/ 091-9212542
Fax # 091-9212559
E-mail: kpprosecution@yahoo.com

ORDER:

No. DP/E&A/1(100)/1341-1420. On the recommendation of the Departmental Promotion Committee (D.P.C) dated 29-01-2016, the following Junior Clerks (BPS-11) of this Directorate are promoted to the post of Senior Clerk (BPS-14), on regular basis with immediate effect:-

| S.No | Name | Present Posting |
|------|-----------------------|--|
| 1 | Syed Nazmat Ali Shahi | Office of the District Public Prosecutor, Peshawar |
| 2 | Muhammad Hamayoon | Office of the District Public Prosecutor, Lakki Marwat |
| 3 | Qamar Zaman | Office of the District Public Prosecutor, Tank |
| 4 | Muslim Khan | Office of the District Public Prosecutor, Peshawar |
| 5 | Sikandar Hayat | Office of the District Public Prosecutor, Dir Upper |
| 6 | Mubarak Ahmad | Directorate of prosecution |
| 7 | Muhammad Iqbal | Office of the District Public Prosecutor, Lakki Marwat |
| 8 | Shahid Gul | Office of the District Public Prosecutor, Hangu |
| 9 | Mumraiz Khan | Office of the District Public Prosecutor, Peshawar |
| 10 | [Syed Hakeem Shah] | Office of the District Public Prosecutor, Swat |
| 11 | [Abdul Wahid] | Office of the District Public Prosecutor, Tank |
| 12 | Sakhawat Shah | Office of the District Public Prosecutor, Malakand |
| 13 | Muhammad Arshad | Office of the District Public Prosecutor, Battagram |
| 14 | Malik Rehmat Ali | Office of the District Public Prosecutor, Peshawar |
| 15 | Yaqoob Khan | Office of the District Public Prosecutor, Bannu |

Attested



Mr. Tawab Hussain
Office
in favour. all copies
report

| | | |
|----|-----------------|---|
| 16 | Khairullah Jan | Directorate of Prosecution |
| 17 | Fida Muhammad | Directorate of Prosecution |
| 18 | Muhammad Ali | Office of the District Public Prosecutor, Mardan |
| 19 | Muhammad Yousaf | Office of the District Public Prosecutor, Bannu |
| 20 | Aurangzeb | Office of the District Public Prosecutor, Dir Lower |
| 21 | Musawir Jan | Office of the District Public Prosecutor, Charsadda |
| 22 | Ajmal Khan | Office of the District Public Prosecutor, Swabi |
| 23 | Sahibzada | Office of the District Public Prosecutor, Swabi |
| 24 | Said Rehman | Office of the District Public Prosecutor, Swat |
| 25 | Tariq Ahmad | Office of the District Public Prosecutor, Swat |
| 26 | Hazrat Muhammad | Office of the District Public Prosecutor, Malakand |
| 27 | Muhammad Saeed | Office of the District Public Prosecutor, Abbottabad |
| 28 | Jehan Alam | Office of the District Public Prosecutor, Shangla |
| 29 | Sadar Ayub | Office of the District Public Prosecutor, Kohistan |
| 30 | Waheed Akhtar | Office of the District Public Prosecutor, Kohat |
| 31 | Fazle Rabi | Office of the District Public Prosecutor, Peshawar |
| 32 | Raja Arshad | Office of the District Public Prosecutor, Abbottabad |
| 33 | Muhammad Ashraf | Office of the District Public Prosecutor, Peshawar |
| 34 | Shamshad Iqbal | Office of the District Public Prosecutor, Bannu |
| 35 | Tariq Khan | Office of the District Public Prosecutor, Charsadda |
| 36 | Akhtar Hussain | Office of the District Public Prosecutor, Swat |
| 37 | Waseem Abbas | Office of the District Public Prosecutor, D.I.khan |

2. The above senior clerks will be on probation for period of one year in terms of section-6(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

h/ah



Annexure D) - 4

DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

No. DP/

Dated Peshawar 03/01/2018

Office Phone # 091-9212559/ 091-9212542

Fax # 091-9212559

E-mail: kprosecution@yahoo.com

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13

ORDER:

No. DP/E&A/1(100)/57-84 :- On the recommendation of the Departmental Promotion Committee (D.P.C) dated 12-12-2017 the following Junior Clerks (BPS-11) of this Directorate are promoted to the post of Senior Clerk (BPS-14), on regular basis with immediate effect:-

| S.No | Name | Present Posting |
|------|---------------------|---|
| 1 | Shakeel Akhtar | Office of the District Public Prosecutor, Nowshera. ✓ |
| 2 | Syed Ibrar Shah ✓ | Office of the District Public Prosecutor, Mansehra. |
| 3 | Syed Alam Shah ✓ | Office of the District Public Prosecutor, Mansehra. |
| 4 | Shah Fahad | Office of the District Public Prosecutor, Mardan. |
| 5 | Shah Zeb | Office of the District Public Prosecutor, Mardan. |
| 6 | Bakht Pervesh | Office of the District Public Prosecutor, Buner. |
| 7 | Wali-ur-Rehman ✓ | Office of the District Public Prosecutor, Mansehra. |
| 8 | Nasir Ali | Office of the District Public Prosecutor, Swat. ✓ |
| 9 | Jamshed Ahmad | Office of the District Public Prosecutor, Chitral. |
| 10 | Muhammad Zarshad | Office of the District Public Prosecutor, Swabi. |
| 11 | Faj Rehman | Office of the District Public Prosecutor, Buner. |
| 12 | Noman | Office of the District Public Prosecutor, Swat. ✓ |
| 13 | Muhammad Tariq Khan | Office of the District Public Prosecutor, Lakki Marwat. |
| 14 | Amirad Amir | Directorate of Prosecution, Peshawar. |
| 15 | Tufail Khan | Office of the District Public Prosecutor, Charsadda. |
| 16 | Muhammad Nasir | Directorate of Prosecution, Peshawar. |

Signature

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| | | |
|----|------------|---|
| 17 | Said Nawaz | Office of the District Public Prosecutor, Swat. ✓ |
|----|------------|---|

2. The above Senior Clerks will be on probation for period of 01 year in terms of section-6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

--sd/--

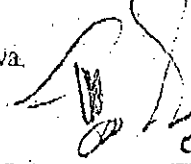
(Director General Prosecution)

Directorate of Prosecution,


Khyber Pakhtunkhwa

Copy forwarded for information to the:-

1. Accountant General Office, Khyber Pakhtunkhwa, Peshawar
2. Concerned District Public Prosecutor Offices.
3. Concerned District Accounts Offices.
4. Officials concerned.
5. P.S to Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
6. PA to Director General Prosecution, Khyber Pakhtunkhwa.
7. Establishment Section of this Directorate.


03/01/2018
(Mian Aziz Ahmad)

Deputy Director Admin./Finance

Attested


at this stage, local posts could only be given to local residents of ICT and not to candidates belonged to other provinces.

18. At last, I am of the view that respondents have not considered the ratio and wisdom of the term "local basis" explained in Rule 16 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 as well as in the advertisement. Even otherwise, they hired only 02 candidates from Islamabad against total 18 vacant posts, which clearly expresses the incorrect approach of the respondent department, who had to give preference to the candidates, who belonged to Islamabad Capital Territory by virtue of their permanent residences as well as domiciles, as the word (مقامی افراد کو ترجیح دی جائے گی). means preference should be given to those, who are resident of Islamabad by virtue of their address in addition to their domiciles, therefore, the instant writ petition is hereby **DISPOSED OF** with direction to the respondent department to reconsider the entire hiring process in light of observations made hereinabove by this Court and appoint candidates having domicile of Islamabad Capital Territory, who have their permanent addresses of Islamabad as at this stage this Court restrains itself from setting aside the appointments while in process of judicial review due to the reason that it is the role and duty of the Government of Pakistan and the concerned respondents, who are sitting at the helm of affairs to apply the law in its correct approach. The respondent department is under obligation to resettle the appointments while considering the law within the period of 03 months, under intimation to this Court.

(Y.A.)

Petition Disposed of.

PLJ 2019 Islamabad 184

Present: AAMER FAROOQ, J.

ASIF HAMEED--Petitioner

versus

FEDERATION OF PAKISTAN through Secretary, Establishment
Division Government of Pakistan Islamabad and
5 others--Respondents

W.P. No. 68 of 2019 heard on 22.2.2019.

Constitution of Pakistan, 1973--

---Art. 199--Constitutional Petition--Civil Servant--Pendency of disciplinary proceedings--Challenge to--Deferment in promotion--

15

Direction to--There is nothing on record to indicate that petitioner was deferred due to pending inquiry, however in Para-4 of preliminary objections of parawise comments it is mentioned that petitioner was recommended for deferment due to pendency of disciplinary proceedings--It is trite law that mere pendency of disciplinary proceedings is no bar for a person to be considered or recommended for promotion--In light of above position of law and fact, decision to defer petitioner is not tenable--For above reasons, decision by respondents to defer petitioner is set-aside with direction that he shall be considered for promotion afresh in forthcoming meeting of Central Selection Board (CSB) notwithstanding pendency of disciplinary proceedings--Petition was allowed. [P. 186] A.& B

Sahibzada Anwar Hamid, Advocate for Petitioner.

Raja. Khalid Mehmood Khan, Learned Deputy Attorney General (DGA) for Respondents.

Syed Muhammad Munawar Naqui, (AAO) on behalf of Respondent No. 3.

Mr. Ahmad Sher, DD (F&I) Islamabad and Muhammad Kamran, (A.O) on behalf of Respondent No. 4.

Date of hearing : 22.2.2019.

JUDGMENT

The petitioner is a civil servant and is currently working in (BS-20). He is aggrieved of his deferment in promotion to (BS-20) in the recently held meeting of Central Selection Board (CSB).

2. Learned counsel for the petitioner, *inter-alia*, contended that no reasons have been advanced by the respondents as to why the petitioner has been deferred, however, in the reply it has been stated that it is due to pending inquiry against the petitioner; that it is a settled proposition that mere pendency of disciplinary proceedings is no bar to defer a person for promotion. It was submitted that the petitioner has been deferred with *malafide* inasmuch as inquiry is based on Whatsapp message circulated against the petitioner.

3. Learned Deputy Attorney General, *inter-alia*, contended that since there is pending inquiry against the petitioner, therefore, he was deferred.

4. Arguments advanced by learned counsels for the parties have been heard and documents placed on record examined with their able assistance.

5. The Central Selection Board (CSB) in its meeting held on 12.12.2018 deferred the petitioner. In this regards an inquiry has been initiated against the petitioner on 15.1.2019. There is nothing on record to indicate that the petitioner was deferred due to pending inquiry, however in Para-4 of the preliminary objections of the parawise comments it is mentioned that the petitioner was recommended for deferment due to pendency of disciplinary proceedings. It is trite law that mere pendency of disciplinary proceedings is no bar for a person to be considered or recommended for promotion. Reliance is placed on case titled as "*Shafqut-ur-Rehman Ranjha Vs. Federation of Pakistan and others*" (W.P No. 3234 of 2017)

In light of above position of law and fact, the decision to defer the petitioner is not tenable.

6. For the above reasons, the decision by the respondents to defer the petitioner is set-aside with direction that he shall be considered for promotion afresh in the forthcoming meeting of the Central Selection Board (CSB) notwithstanding the pendency of disciplinary proceedings.

(MMR)

Petition Allowed.

PLJ 2019 Islamabad 186

Present : MIANGUL HASSAN AURANGZEB, J.

Dr. ALI BAT KHAN--Petitioner

versus

FEDERATION OF PAKISTAN through Secretary, Establishment Division and others--Respondents

W.P. No. 4203 of 2017, decided on 15.5.2019.

Constitution of Pakistan, 1973--

---Art. 199--Civil Servants Act, 1973, S. 14(1)--Petitioner was retired after attaining age of superannuation--Application for temporary post of consultant/advisor--Recommendations of selection board--Contract appointment for two years with additional charge of project director--Deviation of advertisement--Re-employment after superannuation--Contract appointment was extendable--Nine year extension--Issuance of O.M regarding waiver of recruitment rules--Challenge to--It is my view that Respondent No. 2 could not have been appointed for two years given fact that advertisement dated 21.09.2007 clearly mentioned that appointment for post of

Advisor/Consultant would be for one year, which was extendable--It must be borne in mind that if advertisement dated 21.09.2007 had provided for a two-year employment contract for post of Advisor/Consultant, competitive arena may well have been altogether different in that more candidates would have applied for said post--This leads me to form a view that right from inception undue favour was extended to Respondent No. 2--After Respondent No. 2's initial appointment for a period of two years, he was granted yearly extensions in term of his employment contract on nine occasions--There is no law which provides that a contract appointment made against a project post will be extended from time to time for as long as project takes to complete--Since advertisement dated 21.09.2007 had simply provided that term of contract appointment was extendable, this must be read to mean an extension for a reasonable period--Nine yearly extensions can certainly not be termed as reasonable--Establishment Secretary's D.O. letter No. 7/3/89-OMG-II, dated 28.01.1989, set out in Esta Code at Serial No. 20 titled "*Re-employment after superannuation*" provides *inter-alia* that re-employment beyond superannuation should be an exception and not rule, and it may be recommended only in cases where Government considers that experience gained by retiring person is of vital importance and can be gainfully utilized, particularly fields where suitable qualified and experienced persons are not available--Said letter dated 28.01.1989 also sets out criteria for re-employment after superannuation--Respondent No. 2 was appointed as Advisor/Consultant on Development Budget (Operation) after his superannuation, but was so appointed after participating in a competitive process pursuant to an advertisement published by Planning Commission--Respondent No. 2 was not re-employed against same post which he had held prior to retirement--Neither Section 14(1) of Civil Servants Act, 1973 nor does above-mentioned letter dated 28.01.1989 place any embargo on a retired civil servant to compete for appointment on contract basis against a post in a project funded and controlled by Government or any public sector organization--Petition was allowed.

[Pp. 191, 192, 197] A, B, C, D & E

Mr. Mazhar Iqbal, Advocate for Petitioner.

Mr. Shumayl Aziz, learned Assistant Attorney-General with Mahmood Khan Lakho Section Officer Establishment Division and Mr. Niaz Ali Khan Section Officer Ministry of Planning, Development and Reform for Respondents.

Respondent No. 2 in person.

17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No.924/2018



Date of Institution ... 23.07.2018

Date of Decision ... 17.02.2021

Syed Alam Shah son of Sikandar Shah Senior Clerk resident of Post Office Lassan Nawab Tehsil & District Mansehra.

(Appellant)

VERSUS

Secretary of Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department Peshawar and Six others.

(Respondents)

Sardar Muhammad Azeem,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN

... MEMBER (J)

ATIQU-UR-REHMAN WAZIR

... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER.: Brief facts of the case are that appellant was appointed Junior Clerk in BPS-05 in C&W Department on 12.03.1995.

He was adjusted in BPS-07 in the Khyber Pakhtunkhwa Law, Parliamentary

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Sardar Muhammad Azeem
Advocate, Peshawar


ATTESTED
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

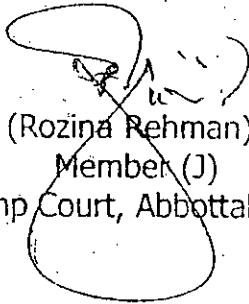
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17/2/21

included in the working paper, the committee however deferred his case due to a pending inquiry against him. The appellant after exoneration from the charges, was promoted to the post of Senior Clerk(BPS-14), but with immediate effect and his name was also placed in his due place in the seniority list, whereas the appellant is seeking relief to the effect that his promotion shall be made effective from the date, when his juniors were promoted, as he was deferred and not superseded. The learned attorney when confronted with the proposition conceded to the fact that he was deferred for an inquiry pending against him and after his exoneration, respondents were required to effect his promotion from the date i.e. 08-01-2016 when his other colleagues were promoted.

5. In the light of foregoing reasons, the appeal in hand is accepted as prayed for. No orders as to costs. File be consigned to record room

ANNOUNCED.
17.02.2021


(Attiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

Certified to be true copy

EMD ANWER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 2-3-2021
 Number of Words 2000
 Copying Fee 32 -
 Urgent 4 -
 Total 26 -
 Name of Copy JK
 Date of Completion of Copy 2-3-2021
 Date of Delivery of Copy 2-3-2021

20

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

MR. JUSTICE GULZAR AHMED, HCJ

MR. JUSTICE MAZHAR ALAM KHAN MIANKHEI,

Civil Petition No.252-P/2021

(Against the judgment dated 17.02.2021
passed by the Khyber Pakhtunkhwa
Service Tribunal, Peshawar in Service
Appeal No.924/18)

Secretary to Govt. of KP. Home and Tribal Affairs Department,
Peshawar and another

...Petitioners

Versus

Syed Alam Shah and others

..Respondents

For the petitioners: Mian Shafaqat Jan, Addl.A.G.
Mr. Saeed Naeem, Dir. Legal,

Respondent No.1: In person

Date of hearing: 14.10.2021

ORDER

GULZAR AHMED, CJ :- The counsel for the petitioners himself

has conceded before the Khyber Pakhtunkhwa Service Tribunal,

Peshawar (the 'Tribunal') (to the proposition that on exoneration of

the respondent from the inquiry and the deferment of his promotion,

the promotion is to be effected ~~from~~ **from the date he was deferred i.e.**

08.01.2016 when his other colleagues were promoted. Where the

stance of the respondent has been conceded by the counsel for the

petitioners before the Tribunal, we see no reason as to why we should

interfere with the impugned judgment. In the peculiar facts and

circumstances of the case, on account of making a conceding

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

21

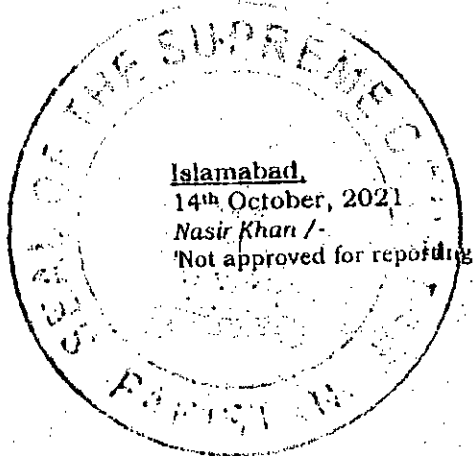
C.P.252-P/21

2

statement by the counsel for the petitioners, we find no merit in this petition. The same is dismissed and leave refused.

Sd/-HCJ

Sd/-J



Certified to be True Copy

[Signature]
 Senior Associate
 Supreme Court of Pakistan
 Islamabad

16280/21
 GR No. _____ Civil/Criminal
 Date of the _____ 14-10-21
 No. of _____
 Name _____
 Rank _____
 Copy to _____
 Court for _____
 Date of _____
 Date of _____
 Completed _____
 Received by _____

[Handwritten notes and signatures]
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 20/10/21
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