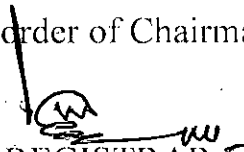


FORM OF ORDER SHEET

Court of _____

Case No.- 1793/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/12/2022	<p>The appeal of Mr. Aman Ullah presented today by Mr. Mian Tajamul Shah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1793 /2022

Aman Ullah.....Appellant

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa Sports
Tourism & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-9
2.	Addresses of parties		10
3.	Copy of the appointment letter dated 29.02.2008	A	11-13
4.	Copy of the Office Order dated 15.12.2010	B	13
5.	Copy of the Transfer Order dated 05.04.2011	C	14-15
6.	Copy of the Notification dated 19.12.2016	D	16-17
7.	Copy of the Service Appeal No.1568/2018	E	18-21
8.	Copy of Judgment	F	22-26
9.	Copy of Order dated 13.06.2022	G	27-28
10.	Copy of Seniority list	H	29-34
11.	Copy of Departmental Appeal is attached alongwith Notification dated 05.12.2017	I	35
12.	Wakalatnama		36


Appellant

Through


Mian Tajamul Shah

&


Muhammad Tariq Khan
Advocate High Court(s)

Dated 12.12.2022

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1793 /2022

Aman Ullah Son of Khyber Khan
Field Officer C/O Directorate of
Archaeology and Museums
Khyber Pakhtunkhwa, Peshawar.....**Appellant**

V E R S U S

1. Secretary to Government of
Khyber Pakhtunkhwa Sports Tourism,
Culture, Archeology, Museums and
Youth Affairs Department
Civil Secretariat, Peshawar
2. Secretary to Government of
Khyber Pakhtunkhwa Finance Department
Civil Secretariat, Peshawar
3. Secretary to Government of
Khyber Pakhtunkhwa, Establishment
Department, Civil Secretariat
Peshawar
4. Director Archaeology and Museums
Khyber Pakhtunkhwa, Peshawar
.....**Respondents**

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974,**

Prayer in Appeal

By accepting this service appeal, the respondents may kindly be directed to constitute departmental promotion committee (DPC) so that to promote the appellant from BPS-16 to Assistant Director Research Officer BPS-17 from date of eligibility

Respectfully Sheweth:

The brief facts giving rise to the instant service Appeal are submitted as under:

1. That the appellant was selected through the Federal Public Service Commission and recruited by the Federal Government, Department of Archaeology and Museums and assumed charge of Assistant Curator (BPS-16) in the Archaeology Museum Saidu Sharif, Swat on 08.01.2008 vide Notification No. 1A/92/2006-Arch (Admin) dated 29th February 2008 (AN). **(Copy of the appointment letter dated 29.02.2008 is attached herewith as Annexure "A").**

2. That the appellant was transferred from = the Archaeology Museum Saidu, Sharif Swat to the Sub Regional Office Peshawar vide Office Order No. 1A/16/2009-Arcjh (Admin) dated 15th December 2010. **(Copy of the Office Order dated 15.12.2010 is attached herewith as Annexure "B").**
3. That in wake of 18th Constitutional Amendment the appellant alongwith other officers and officials transferred from the Federal Department of Archaeology and Museums to the Province of Khyber Pakhtunkhwa, Department of Archaeology and Museums on 05.04.2011. **(Copy of the Transfer Order dated 05.04.2011 is attached herewith as annexure "C").**
4. That the appellant was notified as Civil Servant of the Province of Khyber Pakhtunkhwa by respondent No.1 on 19.12.2016 vide Notification dated 19.12.2016. **(Copy of the Notification dated 19.12.2016 is attached herewith as annexure "D").**
5. That after due procedure the appellant filed Service Appeal No.1568/2018 with prayer that "**by accepting this appeal the respondents may kindly be**

directed to issue the Final Seniority List and it is father prayed to promote the appellant into his due basic pay scale /BPS-17 according to his Seniority and from the date he was eligible for promotion".

(Copy of the Service Appeal No.1568/2018 is attached herewith as annexure "E").

6. That the Hon'ble Tribunal was kind enough to accept the appeal of appellant with the following concluding Para

"In view of the above, the instant appeal seems genuine. The burden of delay on part of respondents in preparation of seniority list and his absorption shall not be shifted to the appellant nor he is reasonable for the act of delay on part of the respondents, hence the instant appeal is remitted to the respondents department to examine his seniority/promotion from the date when he was transferred to this province in 2011 within three months with no order as to costs. File be consigned to the record room" (Copy of judgment is attachment annexure "F").

"In compliance with the judgment of the Tribunal, the respondents have placed on file final seniority list issued vide notification dated 13.06.2022. In reply, the respondents have submitted that the seniority of the petitioner was determined in accordance with the judgment of the Tribunal while following the Service Rules, 2017 of the Directorate the right of promotion was accrued to the petitioner according to the above rules having no retrospective effect. It was added that there was no provision of promotion of the Field Officer to BS-17 in the departmental service rules of 2006. That's why name of the petitioner was not included in the list of Assistant Curators who were already promoted to the post of Assistant Director and Research Officer. The petitioner insisted on the promotion but when confronted with the situation whether any of his junior Field Officer was promoted so far to which he submitted reply in negative. As regard this petition here is nothing more to be done in this matter. The

7. That the appellant filed execution petition No.37/2021 which was disposed of on 13th June 2022 with the following concluding Para

petitioner is, however, at liberty to seek any other remedy under the law. The instant execution petition is disposed off in the above terms. Cosign." (Copy of Order dated 13.06.2022 is attached herewith as annexure "G").

8. That according to the seniority list filed by the respondent No.4 dated 13.06.2020 the appellant is on top at serial No.1 of the seniority list. **(Copy of Seniority list is attached as annexure "H").**
9. That the appellant filed departmental appeal on 15.08.2022 for his promotion in the light of restoration of seniority of appellant under notification dated 05.12.2017 Para-2 (ii) wherein it is very clearly mentioned that an officer who gets seniority promoted officer in the become senior to already promoted officers in the cadre will be consider for promotion by the relevant board from the date where his juniors got promoted. So according to the above mentioned policy the appellant was eligible for promotion on 07.01.2013. **(Copy of Departmental Appeal is attached alongwith Notification dated 05.12.2017 herewith as annexure "I").**

10. That the appellant being aggrieved from the act of the respondent now prefers the service appeal for the following amongst other grounds

G R O U N D S:

- A. That dropping name of the appellant from the promotion is an act illegal, unlawful, without authority/jurisdiction, as well as being based on the malafide intentions of the respondent department, is liable to be set aside.
- B. That it is very much strange to bring into the kind notice of this Honourable Tribunal that the name of the appellant was brought at Serial No.1 in the Tentative Seniority List, however, juniors to appellant are in BPS-17 and the appellant is in BPS-16.
- C. That the respondents Department is doing all this on the malafide intention to oblige their blue eyed persons, hence after dropping the name of the appellant from the promotion have promoted other persons to the post of Assistant Director/Research Officer (BPS-17), whereas name of the appellant has been dropped even from the above said promotion.

- D. That it is the Constitutional/legal right of the appellant that he should be given his due seniority, as the promotions are made on the Seniority-Cum-Fitness but the appellant has been deprived of his such seniority right without mentioning any cogent/lawful reasons.
- E. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is therefore most humbly prayed that by accepting this service appeal, the respondents may kindly be directed to constitute departmental promotion committee (DPC) so that to promote the appellant from BPS-16 to Assistant Director Research Officer- BPS-17 from date of eligibility

OR.

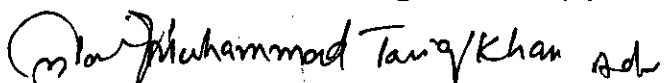
Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed.


Appellant

Through


Mian Tajamul Shah
Advocate High Court(s)

Dated 12.12.2022


Muhammad Tanzeem Khan Adv

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

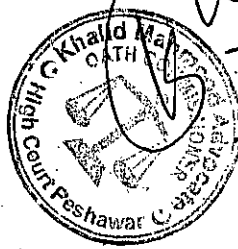
Aman Ullah.....Appellant

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Sports
Tourism & others.....Respondents

AFFIDAVIT

I, Aman Ullah Son of Khyber Khan Field Officer C/O
Directorate of Archaeology and Museums Khyber
Pakhtunkhwa, Peshawar, do hereby solemnly affirm and
declare that the contents of the accompanying **Service
Appeal** are true and correct to the best of my knowledge
and belief and nothing has been concealed from this
Hon'ble Court.



Aman Ullah
12/12/22

Aa
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Aman Ullah.....Appellant

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa Sports
Tourism & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Aman Ullah Son of Khyber Khan Field Officer C/O
Directorate of Archaeology and Museums Khyber
Pakhtunkhwa, Peshawar

R E S P O N D E N T S

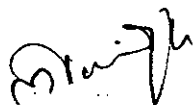
1. Secretary to Government of
Khyber Pakhtunkhwa Sports Tourism,
Culture, Archeology, Museums and
Youth Affairs Department, Civil Secretariat, Peshawar
2. Secretary to Government of
Khyber Pakhtunkhwa Finance Department
Civil Secretariat, Peshawar
3. Secretary to Government of
Khyber Pakhtunkhwa, Establishment
Department, Civil Secretariat, Peshawar
4. Director Archaeology and Museums
Khyber Pakhtunkhwa, Peshawar


Appellant.

Through


Mian Tajamul Shah
Advocate High Court(s)

Dated 12.12.2022


Muhammad Tariq Khan

ndv

A
11

To be published in Part-III of the Weekly Gazette of Pakistan.

Government of Pakistan
Department of Archaeology & Museums
1st & 2nd Floor, Block # 2 Plot # 4, G-7 Markaz, Sitara Market

Islamabad, 28th February, 2008

NOTIFICATION

No. 1A/11/2006-Arch (Admn), consequent upon their appointment vide office orders of even number dated 03-01-2008, the following newly recruited Assistant Curators/Field Officers (BPS-16), have assumed the charge of their posts with effect from the dates mentioned with the place of their posting as detailed below:-

S.No	NAME OF OFFICER	PLACE OF POSTING	CHARGE ASSUMPTION DATED
1.	Mr. Nafees Ahmed	Field Officer, Exploration and Excavation Branch, Karachi.	22-01-2008
2.	Mr. Amanullah.	Assistant Curator, Archaeological Museum, Swat.	08-01-2008
3.	Mr. Asadullah	Assistant Curator, Archaeological Museum, Moenjodaro.	15-01-2008
4.	Mr. Noor Ahmed Khan.	Assistant Curator, National Museum Pakistan, Karachi.	18-01-2008
5.	Syed Abid Ali.	Field Officer, Sub-Regional Officer, Quetta.	15-01-2008
6.	Mr. Muhammad Yameen Saleemi.	Assistant Curator, National Museum Pakistan, Karachi.	14-01-2008

Sd/-
(DR. FAZAL DAD KAKAR)
DIRECTOR GENERAL

The Manager,
Printing Corporation of Pakistan Press,
University Road,
Karachi.

ALISTED

(12)

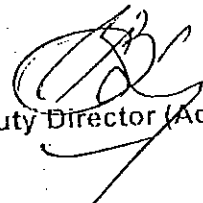
(2)

Islamabad, 28th February, 2008

No. 1A/49/2006-Arch (Admn)

Copy to:

1. Mr. Nafees Ahmed, Field Officer, Exploration and Excavation Branch, Karachi.
2. Mr. Amanullah, Assistant Curator, Archaeological Museum, Swat.
3. Mr. Asadullah, Assistant Curator, Archaeological Museum, Moenjaodaro.
4. Mr. Noor Ahmed Khan, Assistant Curator, NMP, Karachi.
5. Syed Abid Ali, Field Officer, SRO, Quetta.
6. Mr. Muhammad Yameen Saleemi, Assistant Curator, NMP, Karachi.
7. The Director, Exploration and Excavation Branch, Karachi.
8. The Director, Southern Circle of Archaeology, Karachi.
9. The Deputy Director, SRO, Quetta.
10. The Superintendent, NMP, Karachi.
11. The Deputy Director, SRO, Peshawar.
12. The Curator, Archaeological Museum, Moenjodaro.
13. The Deputy Director, SRO, Hyderabad.
14. The Curator, Archaeological Museum, Swat.
15. The Assistant Director (B&A), DOAM, Islamabad.
16. The Section Officer (A. I), Ministry of Culture, Islamabad.
17. The DGPR, Sub-Office of the AGPR, Karachi.
18. The AGPR, Peshawar.
19. The AGPR, Quetta.
20. The District Account Officer, Moenjodaro.
21. The District Account Officer, Swat.
22. Personal file of the officers.


Deputy Director (Admn)

gm come as per file

28.03.08

ATTESTED



B (13)

No. 1A/16/2009-Arch (Admn)
GOVERNMENT OF PAKISTAN
DEPARTMENT OF ARCHAEOLOGY & MUSEUMS


Islamabad, the 15th December, 2010.

OFFICE ORDER

Mr. Aman ullah, Assistant Curator, Archaeological Museum, Swat is transferred and posted as Field Officer, Sub-Regional Office, Peshawar.

This issues with the approval of the Director General of Archaeology & Museums:

*Noted -
AR & FM
12/15/10*


(ABDUL AZEEM)
Deputy Director (Admn)

Mr. Aman ullah,
Assistant Curator,
Archaeological Museum,
Swat

Copy to:

1. The Director, Northern Circle of Archaeology, Lahore.
2. The Deputy Director, Sub-Regional Office, Peshawar.
3. The Assistant Director, B&A, DOAM, Islamabad.
4. The Curator, Archaeological Museum, Swat.
5. The AGPR, Sub Office, Peshawar
6. The District Accounts Officer, Swat


ATTESTED

C (14)

5-73

Secretary Sports, Culture & Youth Affairs
Dy. No. 691
11-4-2011
Government of Pakistan
Cabinet Secretariat
Establishment Division
Islamabad

Govt. of Khyber Pakhtunkhwa
No. 3172
11-4-2011

No.F:1(2)/DC-I/MSW/2011

DS No. 1676
14-04-11
OFFICE ORDER

Islamabad, the 5th April, 2011

On transfer of Sub-Regional Office, Peshawar of Department of Archaeology & Museums to the Department of Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs, Government of Khyber Pukhtunkhwa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010), the following officials of Sub-Regional Office, Peshawar of Department of Archaeology & Museums are transferred to the Department of Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs, Government of Khyber Pukhtunkhwa under section 10 of Civil Servants Act, 1973 on their existing posts in the same Basic Scales of pay:

Sub-Regional Office, Peshawar of Department of Archaeology & Museums

S: No	Name	Designation	Pay Scale
1	Mr. Muhammad Ismail Khan	Archl. Conservator	16
2	Mr. Amanullah	Field Officer	16
3	Mr. Jamshed Khan	Stenotypist	12
4	Ms. Musarat Naseem	Stenotypist	12
5	Mr. S. Sajid Ali	Photographer	10
6	Mr. Ghulam Haider Khattak	Head Clerk	8
7	Mr. Mazhar Abbas	Technical Assistant	7
8	Mr. S. Mazhar Hussain Shah	LDC	7
9	Mr. Nasir ul Haque	LDC	7
10	Mr. Muhammad Asif	Conservation Foreman	6
11	Mr. S. Husnain Raza Zaidi	2nd Clerk	5
12	Mr. Kashif Tasleem	Photoprinter	5
13	Muhammad Ejaz Khattak	Driver	4
14	Mr. Azizullah	Driver	4
15	Mr. Misri Khan	Lab Attendant	2
16	Mr. Muhammad Sabir	Daftri	2
17	Mr. Ahmed Saeed	Naib Qasid	1
18	Mr. Musafar Khan	Naib Qasid	1
19	Mr. Waqar Ali	Naib Qasid	1
20	Mr. Naseem Khan	Naib Qasid cum Guard	2
21	Mr. Inayatullah	Chowkidar	2
22	Mr. Liaquat Ali	Khalasi	2
23	Mr. Zia uddin	Watchman	1
24	Mr. Jambar Ali	Watchman	1
25	Mr. Shakirullah	Watchman	1
26	Mr. Muhammad Hussain	Watchman	1

P.S. to Chief Secy
Govt. of Khyber Pakhtunkhwa

ing Culture

[Handwritten signatures and notes]

ATTESTED

27	Mr. Daud Khan	Watchman	1
28	Mr. Sanab Gul	Site Attendant	1
29	Mr. Mukhtiar Ahmed	Site Attendant	1
30	Mr. Mujeeb Hussain	Site Attendant	1
31	Mr. Muhammad Iqbal	Site Attendant	1
32	Mr. Ghulam Shabir	Site Attendant	1
33	Mr. Ayaz Khan	Site Attendant	1
34	Mr. Aftikhar Ali	Site Attendant	1
35	Mr. Hazrat Said	Site Attendant	1
36	Mr. Yasir Ali	Site Attendant	1
37	Mr. Gul Bahar	Site Attendant	1
38	Mr. Muhammad Sohail	Site Attendant	1
39	Mr. Saeed Junaid	Site Attendant	1
40	Mr. Aatur Rehman	Site Attendant	1
41	Mr. Jawad Ali	Site Attendant	1
42	Mr. Samiullah	Site Attendant	1
43	Mr. Maseeh Ullah	Site Attendant	1
44	Mr. Gul Muhammad Gullo	Site Attendant	1
45	Mr. Bakht Bahadar	Site Attendant	1
46	Mr. Jahangir Khan	Site Attendant	1
47	Mr. Junaid	Site Attendant	1
48	Mr. Amjad Ali	Site Attendant	1
49	Mr. Mohtamim Khan	Site Attendant	1

(Signature)
 (Dr. Sulman Hameed)
 Section Officer

Distribution:

1. The Chief Secretary, Government of Khyber Pukhtunkhuwa, Peshawar.
2. The Secretary, Inter-Provincial Coordination Division, Islamabad.
3. The Secretary, Cabinet Division, Islamabad.
4. The Secretary, Establishment Division, Islamabad.
5. The Secretary, Finance Division, Islamabad.
6. The Secretary, Planning & Development Division, Islamabad.
7. The Addl. Secretary (Mian Muhammad Younas), Finance Division, Islamabad.
8. The AGPR Islamabad / The AGPR Sub Office, Peshawar.
9. Director General, Management Services Wing, Establishment Division, Islamabad.
10. Joint Estate Officer, Housing & Works, Islamabad.
11. Officer concerned.

(Signature)
ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA;
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169 / 114704

Dated Peshawar, the 19th December, 2016.

NOTIFICATION

No.SO(M)4-73/2016/Vol-III.- In pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entities, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act ibid:

DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA			
S. No.	NAME OF OFFICERS.	DESIGNATION.	BPS
1.	Mr. Muhammad Ismail	Archl: Conservator.	16
2.	Mr. Amanullah.	Field Officer.	16
3.	Mr. Jamshed Khan.	Stenotypist.	12
4.	Ms. Musarat Naseem	Stenotypist.	12
5.	Syed Sajid Ali.	Photographer	10
6.	Mr. Ghulam Haider Khattak.	Head Clerk.	08
7.	Mr. Mazhar Abbass.	Technical Assistant.	07
8.	Syed Mazhar Hussain Shah.	LDC	07
9.	Mr. Nasir-ul-Haque.	LDC	07
10.	Mr. Muhammad Asif.	Conservation Foreman.	06
11.	Syed Hasnain Raza.	2 nd Clerk.	05
12.	Mr. Muhammad Kashif.	Photoprinter.	05
13.	Mr. Muhammad Ejaz Khattak.	Driver.	04
14.	Mr. Azizullah.	Driver.	04
15.	Mr. Misri Khan.	Library Attendant.	02
16.	Mr. Muhammad Sabir	Daftari	02
17.	Mr. Ahmad Saeed.	Naib Qasid.	01
18.	Mr. Musafar Khan.	Naib Qasid.	01
19.	Mr. Waqar Ali.	Naib Qasid.	01
20.	Mr. Naseem Khan.	Naib Qasid-cum-Guard.	02
21.	Mr. Inayatullah.	Chowkidar.	02
22.	Mr. Liaqat Ali.	Khalasi.	02
23.	Mr. Zia-ud-Din.	Watchman.	01
24.	Mr. Jambar Ali.	Watchman.	01
25.	Mr. Shakirullah.	Watchman.	01
26.	Mr. Muhammad Hussain.	Watchman.	01
27.	Mr. Daud Khan.	Watchman.	01
28.	Mr. Sanab Gul.	Site Attendant.	01
29.	Mr. Mukhtiar Ahmad.	Site Attendant.	01
30.	Mr. Mujeeb Hussain.	Site Attendant.	01
31.	Mr. Muhammad Iqbal.	Site Attendant.	01
32.	Mr. Ghulam Shabir.	Site Attendant.	01
33.	Mr. Ayaz Khan.	Site Attendant.	01
34.	Mr. Iftikhar Ali.	Site Attendant.	01
35.	Mr. Hazrat Said.	Site Attendant.	01

Cont'd Page / 2

ATTESTED

36.	Mr. Yasir Ali.	Site Attendant.	01
37.	Mr. Gul Bahar.	Site Attendant.	01
38.	Mr. Muhammad Sohail	Site Attendant.	01
39.	Mr. Saeed Jamal	Site Attendant.	01
40.	Mr. Ataur Rehman.	Site Attendant.	01
41.	Mr. Jawad Ali.	Site Attendant.	01
42.	Mr. Samiullah.	Site Attendant.	01
43.	Mr. Maseeh Ullah.	Site Attendant.	01
44.	Mr. Gul Muhammad Gullo	Site Attendant.	01
45.	Mr. Bakht Bahadar	Site Attendant.	01
46.	Mr. Jehangir Khan	Site Attendant.	01
47.	Mr. Junaid	Site Attendant.	01
48.	Mr. Amjad Ali	Site Attendant.	01
49.	Mr. Mohtamim Khan.	Site Attendant.	01
50.	Mr. Manzoor Elahi.	Mali Bailder.	01
51.	Vacant	Attendant	02
52.	Mr. Bakhshish Elahi.	Behishti.	01
53.	Mr. Iftikhar Hussain Hashmi.	Site Attendant.	01
54.	Mr. Allah Ditta.	Site Attendant.	01
55.	Mr. Rifaqat Baig.	Site Attendant.	01
56.	Mr. Adnan Khan.	Site Attendant.	01
57.	Mr. Wasib Khan.	Site Attendant.	01
58.	Mr. Muhammad Ramzan.	Site Attendant.	01
59.	Mr. Muhammad Zaman.	Site Attendant.	01
60.	Ms. Ghazala Shaheen.	Site Attendant.	01
61.	Mr. Muhammad Taj.	Site Attendant.	01
62.	Mr. Muhammad Riaz Baig.	Site Attendant.	01

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

Endst: number & date even.

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. The Director, Archaeology & Museums, Khyber Pakhtunkhwa.
4. The Manager, Government Printing Press, Khyber Pakhtunkhwa, with the request to kindly publish in the Gazette of Government of Khyber Pakhtunkhwa.
5. The Section Officer (O&M), Government of Khyber Pakhtunkhwa, Establishment Department w/r to his letter No.SO(O&M)E&AD/2-7/2014/Vol-I dated 10.08.2016.
6. P.S to Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
7. P.S to Secretary to Government of Khyber Pakhtunkhwa, Law Department.
8. P.S to Secretary to Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.

(Signature)
(NASEEB SHAH)

19.12.2016
Section Officer (Arch: & Culture).

(Signature)
ATTESTED

(18)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1568 / of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1768

Dated 20/12/2018

Aman Ullah son of Khyber Khan,
Field Officer C/O Directorate of
Archaeology and Museums,
Khyber Pakhtunkhwa, Peshawar...

Appellant

VERSUS

1. Secretary to Government of
Khyber Pakhtunkhwa Sports, Tourism,
Culture, Archaeology, Museums and
Youth Affairs Department,
Civil Secretariat, Peshawar.
2. Secretary to Government of
Khyber Pakhtunkhwa Finance Department
Civil Secretariat, Peshawar.
3. Secretary to Government of
Khyber Pakhtunkhwa, Establishment
Department, Civil Secretariat,
Peshawar.
4. Director Archaeology and Museums
Khyber Pakhtunkhwa, Peshawar...



Respondents

APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974.

Filed 11 day
20/12/18
Registrar

Respectfully Sheweth:

That the appellant was selected through the Federal Public Service Commission and recruited by the Federal Government, Department of Archaeology and Museums and assumed charge of Assistant Curator (BPS-16) in the Archaeological Museum Saidu Sharif, Swat on

Re-submitted to -day
and filed.

Registrar 20/12/18

(M)
ATTESTED

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

08.01.2008 vide Notification No. 1A/92/2006-Arch (Admin) dated 29th February 2008 (AN). (Copy of the appointment letter dated 29.02.2008 is attached herewith as Annexure 'A').

2. That the appellant was transferred from the Archaeological Museum Saidu Sharif, Swat to the Sub Regional Office Peshawar vide Office Order No. 1A/16/2009-Arcjh (Admin) dated 15 December 2010. (Copy of the Office Order dated 15.12.2010 is attached herewith as annexure 'B').
3. That in wake of 18th Constitutional Amendment the appellant alongwith other officers and officials transferred from the Federal Department of Archaeology and Museums to the Province of Khyber Pakhtunkhwa, Department of Archaeology and Museums on 05.04.2011. (Copy of the Transfer Order dated 05.04.2011 is attached herewith as annexure 'C').
4. That the appellant was notified as Civil Servant of the Province of Khyber Pakhtunkhwa by respondent No.1 on 19.12.2016 vide notification dated 19.12.2016. (Copy of the Notification dated 19.12.2016 is attached herewith as annexure 'D').
5. That as per criteria of the Service Rules of the Directorate Archaeology and Museums the appellant was fit/eligible for promotion in 2013 but was not considered by the Departmental Promotion Committee (DPC) in the year 2013 and 2016. It is very much pertinent to mention that in both the DPCs (2013 and 2016), respondent No.1 promoted officers much junior to the appellant.
6. That in a meeting held by the Establishment Department on 31.10.2017 the Establishment Department resolved the issue of Seniority of all the Devolved Employees from Federal Government Department. (Copy of the Minutes of the Meeting held on 31.10.2017 is attached herewith as annexure 'E').

ATTESTED

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[Signature]
Khyber Pakhtunkhwa
Service Tribunal

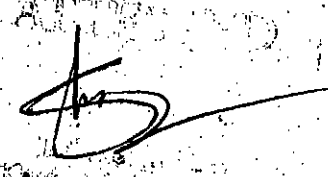
7. That respondent No.4 issued Tentative Seniority List on 03.07.2018 in the light of the meeting discussed in Para 6 and according to that Tentative Seniority List the appellant is at serial No.1 of the Seniority List alongwith Departmental Appeal dated 20.08.2018. (Copy of Seniority List and Departmental Appeal are attached as annexure "F & "F1").

8. That there being no other remedy the appellant now approaches this Honorable Service Tribunal on the following ground amongst the others:-

GROUNDS:

- a. That dropping name of the appellant from the promotion is an act illegal, unlawful, without authority/jurisdiction, as well as being based on the malafide intentions of the respondent department, is liable to be set aside.
- b. That it is very much strange to bring into the kind notice of this Honourable Tribunal that the name of the appellant was brought at Serial No.1 in the Tentative Seniority List, however, juniors to appellant are in BPS-17 and the appellant is in BPS-16.
- c. That the respondents Department is doing all this on the malafide intention to oblige their blue eyed persons, hence after dropping the name of the appellant from the promotion they have promoted other persons to the post of Assistant Director/Research Officer (BPS-17), whereas name of the appellant has been dropped even from the above said promotion.
- d. That it is Constitutional/ legal right of the appellant that he should be given this due seniority, as the promotion are made on the Seniority-Cum-Fitness but the appellant has been deprived of his such seniority right without mentioning any cogent/lawful reasons.

ATTESTED




Secretary

- (21)
- e. That if the name of the appellant is not brought within the Seniority list he will be deprived of his right of promotion and other legal rights.


It is, therefore, humbly prayed that by accepting this appeal the respondents may kindly be directed to issue the Final Seniority List and it is further prayed to promote the appellant into his due Basic pay scale /BPS-17 according to his Seniority and from the date he was eligible for promotion.


Appellant

Through



(Ghulam Nabi Khan)
Advocate
Supreme Court of Pakistan

&


(Barrister Mian Tajamal Shah)
Peshawar
B-17, Haroon Mansion,
Khyber Bazar, Peshawar
Cell No.0300-5845943

Dated 20/12/2018

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

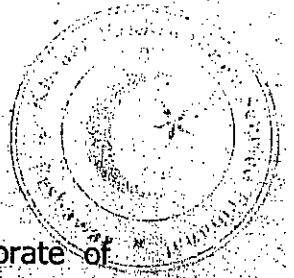

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1568/2018

Date of Institution ... 20.12.2018

Date of Decision ... 30.09.2020



Aman Ullah Khan Son of Khyber Khan, Field Officer C/O Directorate of Archeology and Museums, Khyber Pakhtunkhwa, Peshawar

(Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archeology, Museum & Youth Affairs Department and three others.

(Respondents)

Barrister Mian Tajamal Shah

For Appellant

Mr. Muhammad Jan,
Deputy District Attorney

For Respondents

Mrs. ROZINA REHMAN
Mr. ATIQ UR-REHMAN WAZIR

MEMBER (J)
MEMBER (E)

JUDGEMENT: -

Mr. ATIQ UR REHMAN WAZIR: - Appellant Mr. Aman Ullah Khan, initially appointed as Assistant Curator (BPS-16) has approached this Tribunal with the prayers that respondents be directed to issue the final seniority list and to promote the appellant into his Basic Pay Scale/BPS-17 according to his seniority and from the date he was eligible for promotion.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

2. Brief facts of the case are that the appellant initially appointed as Assistant Curator in the Federal Government Department of Archeology and Museums on 08-01-2008. In the wake of 18th Constitutional amendments, the Department devolved to the Province of Khyber Pakhtunkhwa and resultantly, the appellant alongwith others absorbed into the Khyber Pakhtunkhwa Department of Archeology & Museums on 05-04-2011. The appellant along with others notified as Civil Servant of the province on 19-12-2016 by bringing amendments in Civil Servant Act 2015. The Establishment Department in a meeting on 31-10-2017 resolved the issue of seniority of all devolved employees and tentative seniority list issued by respondent No. 4 on 03-07-2018, where the appellant stands at Serial No. 1 of the tentative seniority list. The appellant preferred departmental appeal on 20-08-2018 with the prayers that his juniors were promoted in 2013 and 2016 and the appellant was equally fit for promotion but was not promoted. The departmental appeal was not responded to, hence the instant appeal with the prayers that respondents may issue his final seniority list and promote him into his due basic pay scale BPS-17 according to his seniority and from the date, he was eligible for promotion.

ATTESTED

3. Written reply/comments were submitted by respondents.

4. Arguments heard and record perused.

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5. Learned counsel for the appellant contended that in the wake of 18th constitutional amendments, the Federal Department of Archeology & Museums devolved to Provinces and as a result, the appellant along-with others transferred from Federal Government to the Province of Khyber Pakhtunkhwa and absorbed in the Provincial Department of Archeology &

ATTESTED

(24)

Museums on 05-04-2011. The appellant properly posted, drawing his salaries from the provincial exchequer on regular basis. That after absorption in the provincial department, seniority of the appellant was not determined by the respondent, but in the meanwhile in 2013 his other colleague's juniors to him were promoted to the next grade and dropped the name of the appellant under the plea that his seniority is not yet determined. He however was fit/eligible for promotion as well as senior, as per criteria of the service rules of the Directorate of Archeology & Museums. The respondents brought amendments in the Civil Servant Act, 2015 and in light thereof notified the appellant as civil servant on 19-12-2016. Again, on 16-01-2017, the respondents promoted his junior to the next grade inspite of the fact the appellant already notified as civil servant on 19-12-2016. The learned counsel contended that at a belated stage on 03-07-2018, the respondent issued joint tentative seniority list of the employees placing the appellant at serial No. 1 of the seniority list. The learned counsel argued that it was not fault of the appellant nor it was in his control to prepare seniority list, had the respondents issued the seniority list in 2011 after absorption of the appellant, he would have been promoted to Grade-17 and until now he would have been promoted to Grade-18 as he was the senior most amongst his colleagues and senior to those who are already promoted to Grade-17.

ATTESTED

[Signature]
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

the learned counsel further argued that it is the constitutional/legal right of the appellant that he should be given his due seniority, as the promotions are made on seniority cum fitness basis but the appellant has been deprived of such seniority without any lawful reason. He referred to the Establishment Department Notification dated 05-12-2017, wherein an officer who gets his seniority restored and become senior to already promoted officers in the

ATTESTED

cadre will be considered for promotion by relevant board from the date, when his juniors were promoted. The learned counsel prayed that seniority of the appellant be calculated from 05-04-2011, when he was absorbed in the provincial department and he may be promoted placing him senior to his juniors, who are already promoted to Grade-17.

6. Conversely, the learned Deputy District Attorney appeared on behalf of official respondents contended that the appellant alongwith other transferred employees became civil servants of this Province under Civil Servant Amendment Act, 2015 and in the light of this Act, all the Federal transferred employees to this Province were declared Civil Servants on 19-12-2016. The appellant was not declared as civil servant by the respondents in the year 2013, therefore, two junior officers were promoted and he was not considered for promotion. The learned Deputy District Attorney admitted that in 2016, the promotion of a junior officer and declaration of the appellant as civil servant took place simultaneously and he would have been considered by the respondent, but his seniority was not yet determined and tentative joint seniority list was issued on 03-07-2018. The learned Deputy District Attorney agreed to the point that now the appellant is the senior most amongst his colleagues and at serial No. 1 of the seniority list. He agreed to the point that there is no vacant post available on the strength of Directorate and when a vacancy occurs, the appellant will be considered for promotion.

Wm

ATTESTED
7.
[Signature]
C. J. P. Khattar
Service Tribunal
Punjab

We are conscious of the fact that contention of the appellant to the effect that preparation of seniority list or his absorption in the Province were beyond his control and it was responsibility of the respondents to do such well in time. The learned Deputy District Attorney also did not object to the

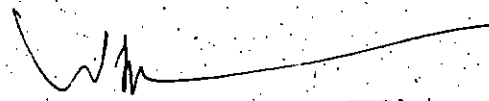
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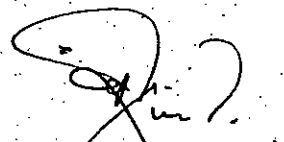
(26)

stance of his seniority amongst his colleagues, which shows the element of truth in his stance, but since nothing is available on record to determine his seniority nor any seniority list of the period of 2013/2016 available to substantiate his contention. The only evidence in support of his contention is his entry into service, which is earlier than those already promoted to the next grade.

8. In view of the above, the instant appeal seems genuine. The burden of delay on part of respondents in preparation of seniority list and his absorption shall not be shifted to the appellant nor he is responsible for the act of delay on part of the respondents, hence the instant appeal is remitted to the respondent department to examine his seniority/promotion from the date when he was transferred to this Province in 2011 within three months. With no order as to costs. File be consigned to the record room.

ANNOUNCED
30.09.2020


(ATTIQ-UR-REHMAN WAZIR)
MEMBER (E)


(ROZINA REHMAN)
MEMBER (J)

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Submission of Application 01/10/2020
Number of Words 2400
Copying Fee 26.00
Urgent
Total 26.00
Name of Copyist
Date of Completion of Copy 12/10/2020
Date of Delivery of Copy 12/10/2020

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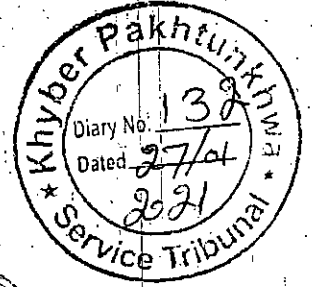
(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Execution Petition No. 37 /2021

In

Service Appeal No. 1568/2018



Aman Ullah S/o Khyber Khan

Field Officer C/o Directorate of Archaeology and Museums,
Khyber Pakhtunkhwa, Peshawar.

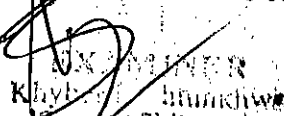
..... Appellant/Petitioner

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archaeology, Museums and Youth Affairs Department, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. Director Archaeology and Museums, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Execution Petition 37/2021

13th June, 2022

Petitioner in person present. Mr. Kabir Ullah Khattak,
Additional Advocate General alongwith Mr. Muhammad Arif,
Litigation Officer and Mr. Bilal Ahmad, Librarian for
respondents present.



"In compliance with the judgment of the Tribunal, the respondents have placed on file final seniority list issued vide notification dated 13.06.2022. In the reply, the respondents have submitted that the seniority of the petitioner was determined in accordance with the judgment of the Tribunal while following the Service Rules, 2017 of the Directorate the right of promotion was accrued to the petitioner according to the above rules having no retrospective effect. It was added that there was no provision of promotion of the Field Officer to BS-17 in the departmental service rules of 2006. That's why name of the petitioner was not included in the list of Assistant Curators who were already promoted to the post of Assistant Director and Research Officer. The petitioner insisted on the promotion but when confronted with the situation whether any of his junior Field Officer was promoted so far to which he submitted reply in negative. As regard this petition there is nothing more to be done in this matter. The petitioner is, however, at liberty to seek any other remedy under the law. The instant execution petition is disposed off in the above terms. Consign."

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 13th day of June, 2022.



(Signature)
SD/-
(Kalim Arshad Khan)
Chairman

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(Signature)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 21-6-22
Number of Words 200
Copying Fee 60/-
Urgent -
Total 60/-
Name of Clerk -
Date of Completion of Copy 23/6/22
Date of Delivery of Copy 23/6/22

29



**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

Dated: 16th May, 2022

NOTIFICATION

No. A-08/Archymus/ *No-1611/dated 13/06/2022* In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion, transfer) Rules 1989 the Seniority List of Assistant Curators, Assistant Research Officers, Field Officers and Field Supervisors (BPS-16) as stood on 16.05.2022 in the Directorate of Archaeology and Museums Govt. of Khyber Pakhtunkhwa is hereby notified/ circulated for general information.

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
1.	Mr. Aman Ullah.	M.A Anthropology	Khyber	15.12.1979	08.01.2008	-Nil-	FPSC	
2.	Mr. Mir Hayat Khan.	M.A Archaeology	Chitral	04.10.1977	28.11.2007	13.11.2014	Promotion	
3.	Mr. Fawad Khan.	M.A Archaeology	Swabi	04.03.1985	28.11.2007	28.12.2016	Promotion.	
4.	Mr. Ahmad Faraz.	M.A Archaeology	Peshawar	08.03.1982	08.12.2007	28.12.2016	Promotion	
5.	Mr. Muhammad Jehangir.	M.A Archaeology	Peshawar	13.03.1983	08.12.2007	28.12.2016	Promotion	
6.	Mr. Nawaz-ud-Din.	M.A Archaeology	Peshawar	20.06.1981	08.12.2007	28.12.2016	Promotion	
7.	Mr. Akram Hussain.	B.A Archaeology	Chitral	01.12.1983	08.11.2008	28.12.2016	Promotion	
8.	Mr. Noor Khan.	M.A Archaeology	Peshawar	25.03.1986	11.08.2010	28.12.2016	Promotion	
9.	Mian Wahab Shah.	M.A Archaeology	Nowshera	26.04.1982	04.01.2017	-Nil-	KPPSC	

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13/6/2022
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10.	Mr. Ejaz Ali.	M.A Archaeology	Mohmand	05.04.1983	04.01.2017	-Nil-	KPPSC	
11.	Mr. Irfan Ali.	M.A Archaeology	Abbottabad	14.05.1987	04.01.2017	-Nil-	KPPSC	
12.	Mr. Rehman Nawaz.	M.A Archaeology	Karak	15.01.1984	15.02.2017	Nil-	KPPSC	
13.	Miss. Sayed Gul.	M.A Archaeology	Chitral	09.02.1987	11.08.2010	31.03.2017	Promotion	
14.	Mr. Fazl-e-Hadi.	M.A Archaeology	Peshawar	20.03.1982	22.06.2011	31.03.2017	Promotion	
15.	Mr. Maseeh Ullah.	M.A Archaeology	Mardan	09.02.1984	22.06.2011	04.05.2017	Promotion	
16.	Mr. M. Asif Raza.	M.A Archaeology	Peshawar	19.03.1985	22.06.2011	03.11.2017	Promotion	
17.	Mr. Muhammad Adnan Khan	M.A Archaeology	Nowshera	05.03.1990	24.06.2020	-Nil-	KPPSC	
18.	Mr. Saqib Raza	M.A Archaeology	Charsadda	03.06.1992	22.06.2020	-Nil-	KPPSC	
19.	Mr. Niaz Wali	M.A Archaeology	Peshawar	05.03.1987	13.07.2020	-Nil-	KPPSC	
20.	Mr. Muhammad Riaz	M.A Archaeology	Swat	01.04.1979	20.08.2020	-Nil-	KPPSC	
21.	Mr. Ghayyur Shahab	M.A Archaeology	Swabi	11.04.1984	23.10.2020	-Nil-	KPPSC	
22.	Mr. Gul Nabi	M.A Archaeology	Mohmand	01.03.1987	05.11.2020	-Nil-	KPPSC	

ATTESTED

(DR. ABDUL SAMAD)
DIRECTOR, ARCH. &
MUSEUMS



(31)

**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

**FINAL SENIORITY LIST OF ASSISTANT CURATORS, ASSISTANT RESEARCH OFFICERS, FIELD OFFICERS AND
FIELD SUPERVISORS (BPS-16) IN THE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS AS STOOD ON 16.05.2022.**

Total sanctioned strength= (26)

Total posts filled= (22)

Total posts vacant= (04)

S. No	Name	Qualification	Domicile	Date of Birth	Date of First entry into Government Service	Date of Appointment / Promotion on Present Post	Method of Recruitment	Remarks
1.	Mr. Aman Ullah.	M.A Anthropology	Khyber	15.12.1979	08.01.2008	-Nil-	FPSC	
2.	Mr. Mir Hayat Khan.	M.A Archaeology	Chitral	04.10.1977	28.11.2007	13.11.2014	Promotion	
3.	Mr. Fawad Khan.	M.A Archaeology	Swabi	04.03.1985	28.11.2007	28.12.2016	Promotion	
4.	Mr. Ahmad Faraz.	M.A Archaeology	Peshawar	08.03.1982	08.12.2007	28.12.2016	Promotion	
5.	Mr. Muhammad Jehangir.	M.A Archaeology	Peshawar	13.03.1983	08.12.2007	28.12.2016	Promotion	
6.	Mr. Nawaz-ud-Din.	M.A Archaeology	Peshawar	20.06.1981	08.12.2007	28.12.2016	Promotion	
7.	Mr. Akram Hussain.	B.A Archaeology	Chitral	01.12.1983	08.11.2008	28.12.2016	Promotion	
8.	Mr. Noor Khan.	M.A Archaeology	Peshawar	25.03.1986	11.08.2010	28.12.2016	Promotion	
9.	Mian Wahab Shah.	M.A Archaeology	Nowshera	26.04.1982	04.01.2017	-Nil-	KPPSC	
10.	Mr. Ejaz Ali.	M.A Archaeology	Mohmand	05.04.1983	04.01.2017	-Nil-	KPPSC	


ATTESTED

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11.	Mr. Irfan Ali.	M.A Archaeology	Abbottabad	14.05.1987	04.01.2017	-Nil-	KPPSC	
12.	Mr. Rehman Nawaz.	M.A Archaeology	Karak	15.01.1984	15.02.2017	Nil-	KPPSC	
13.	Miss. Sayed Gul.	M.A Archaeology	Chitral	09.02.1987	11.08.2010	31.03.2017	Promotion	
14.	Mr. Fazl-e-Hadi.	M.A Archaeology	Peshawar	20.03.1982	22.06.2011	31.03.2017	Promotion	
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17.	Mr. Muhammad Adnan Khan	M.A Archaeology	Nowshera	05.03.1990	24.06.2020	-Nil-	KPPSC	
18.	Mr. Saqib Raza	M.A Archaeology	Charsadda	03.06.1992	22.06.2020	-Nil-	KPPSC	
19.	Mr. Niaz Wali	M.A Archaeology	Peshawar	05.03.1987	13.07.2020	-Nil-	KPPSC	
20.	Mr. Muhammad Riaz	M.A Archaeology	Swat	01.04.1979	20.08.2020	-Nil-	KPPSC	
21.	Mr. Ghayyur Shahab	M.A Archaeology	Swabi	11.04.1984	23.10.2020	-Nil-	KPPSC	
22.	Mr. Gul Nabi	M.A Archaeology	Mohmand	01.03.1987	05.11.2020	-Nil-	KPPSC	

Certified that the seniority list is final, notified and undisputed.

ATTESTED


(DR. ABDUL SAMAD)
DIRECTOR, ARCH: &
MUSEUMS

Am

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The Director
Archaeology and Museums
Khyber Pakhtunkhwa Peshawar

Diary No 1769
Date 15/08/2022
Directorate of Archaeology,
Govt of K.P.K.

Subject: - REQUEST FOR PROMOTION FROM FIELD OFFICER BPS-16 TO ASSISTANT DIRECTOR/ RESEARCH OFFICER BPS-17 UNDER KHYBER PAKHTUNKHWA POLICY OF 2017.

Dear Sir,

I have the honor to state that my seniority list has been issued in the light of main judgment dated 30th September 2020. From this seniority list the seniority of the undersigned has been restored from date of appointment i.e. 8th January 2008. As per Khyber Pakhtunkhwa policy dated 5th December 2017 Para-2 (ii) wherein very clearly narrated that an officer who gets seniority restored and become senior to already promoted officers in the cadre will be considered for promotion by relevant board from the date where his juniors got promoted (Copy enclosed for ready reference). From the said policy the undersigned was eligible on 7th January 2013.

Keeping in view the above fact it is humbly requested that case of my promotion may please be forwarded to the concerned Board (Departmental Promotion Committee) so that to promote the undersigned from field officer BPS -16 to Assistant Director/Research officer BPS-17 accordingly under the said policy on date of eligibility

Yours truly,

(Amanullah)
Field officer
Dir Museum
Chakdara

15/8/2022

ATTESTED



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.
REGULATION WING

38

Dated: 05/12/2017

NOTIFICATION

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

AMENDMENTS

1. The following words (in italic form) shall be added after the word and dot "PER." appearing in the 3rd line of sub-para (a) of para IV:

"The requirement of earning one calendar year report will start from the date the officer joins back and the training period will also be included for completion of the requirement of such PER."

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

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

- (i). All promotion based on sub-judice seniority will be conditional i.e. subject to final outcome of Court cases.

→ (ii) ~~An officer who gets his seniority restored and becomes senior to a ready promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.~~

- (iii) In case, the officer expires or retires from service and subsequently, his seniority is restored his case will be considered for proforma promotion alongwith all financial benefits.

→ (iv) Juniors promoted on sub-judice seniority list will be assigned seniority as per final Court Orders and will be reverted in case there is no vacancy".

3. Para II (b) shall be substituted as follow:

"(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing promotion policy. However, for promotion against technical posts in BS-20, which require managerial and administrative skills, the SMC shall be mandatory."

ALTESTED

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

38

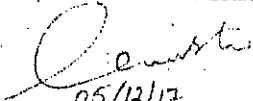
Sd/-

Secretary to Government of Khyber Pakhtunkhwa
Establishment Department

ENDST: NO & EVEN DATE

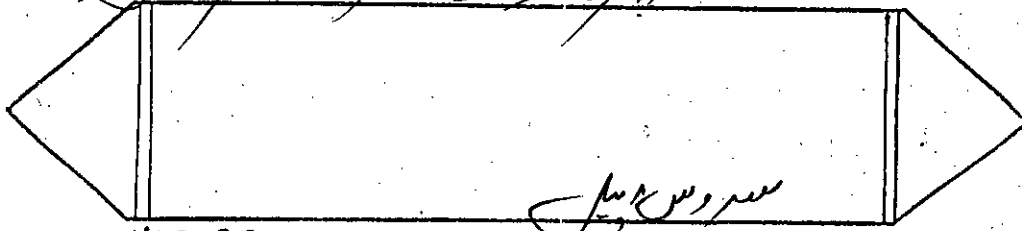
Copy is forwarded to:-

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


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


ATTESTED

بعد التخصیر نکتہ جو اس پروس میں ٹریبونل کے ساتھ



2022ء منجانب

امان اللہ بنام گورنمنٹ آف KP

B.c. 12 - 3904

C.N.I.C = 17301-5605765-9

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ کیا میں ٹیبل شاہ مظاہر خان کے ساتھ آن مقام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

امان اللہ ولد حسین خان
2016/7/3-5
21267

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المرقوم

Attested
امان اللہ بنام گورنمنٹ آف KP

بمقام لستاد

Amang