

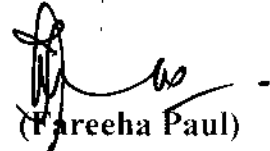
ORDER

28th Nov. 2022

1. Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.
2. Vide our detailed order of today placed in Service Appeal No. 76/2014 titled "Syed Shahin Shah-vs-Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" (copy placed in this file), this appeal is also dismissed. Costs to follow the events. Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 28th day of November, 2022.*



(Kalim Arshad Khan)
Chairman



(Fareeha Paul)
Member(Executive)

11-5-22

Proper DB not available the case is
adjourned on 25-7-22

of
Reader

25th July 2022 Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Hizaz Hassan, Asst: Director for official respondents No. 1 to 5 and private respondent No.7 in person present.

All the cases fixed for arguments in D.B of appellant Shaheen Shah be fixed for 12.09:2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

12.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General alongwith Mr. Riaz Khan, Superintendent and Mr. Aizaz Ul Hassan, Assistant Director for official respondents No. 1 to 5 and private respondents No. 6 & 7 present.

Mr. Mian Muhammad, learned Member (Executive) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 28.11.2022




(Salah-Ud-Din)
Member (J)

30.11.2021

Appellant with counsel present.

Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 5 present. Private respondents No. 6 & 7 present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 15/12/2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

15.12.2021

Appellant in person present. Mr. Muhammad Zain Khan, Assistant Director (Litigation), alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Private respondents No. 6 & 7 in person present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Supreme Court of Pakistan and is unable to attend the Tribunal today. Adjourned. To come up for arguments on 16.02.2022 before the D.B.


(Atiq-ur-Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

16-2-22

*Due to Retirement of the Honorable Chairman
the case is adjourned to come up for the same
as before on 11-5-22*

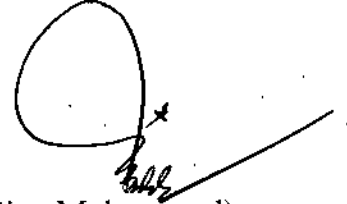
Replez

11.03.2021

Junior to counsel for the appellant present. Addl: AG alongwith Mr. Mukarram Khan, SO (Lit-I) and Mr. Zain, AD for official respondents No. 1 to 5 and private respondents No. 6 and 7 present.

Written reply not submitted. Official respondents as well as private respondents seek time to submit written reply/comments on the next date.

Adjourned to 20.05.2021 before S.B.



(Mian Muhammad)
Member (E)

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.



Reader

07.07.2021

Junior to counsel for the appellant, Mr. Kabirullah Khattak, Addl. AG for the respondents present. Respondent No. 7 present in person.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 30.11.2021.



Chairman

27.01.2021

Appellant is present alongwith his counsel Mr. Bilal-ud-Din Khattak, Advocate.

According to the learned counsel for appellant, appellant was promoted in BPS-18 on 12.10.2018 whereas his junior officers were promoted to the same grade on 07.01.2019, officers placed at serial no. 02 & 03 were promoted by virtue of notification as a result of deferred PSB meeting. Appellant has joined service with effect from 01.07.1991 in the Worker Welfare Board and joined the Local Government Khyber Pakhtunkhwa on 06.05.1996 through the approval via Public Service Commission. Inter-se seniority of the officers of the Director General LG&RDD Khyber Pakhtunkhwa and Service Rules 2018 were already challenged in the Service Tribunal despite that the issue was sub-judice together with the impugned Service Rules 2018 the officers were promoted to BPS-19 through the impugned notification dated 11.11.2019 after conducting fake PSB, appellant alleged. The learned counsel for appellant submitted that appellant was never declared as ex-cadre employee nor any reference was given in the advertisement of Public Service Commission. Respondents did not maintain seniority list nor conveyed the subject list to the appellant violating the provision as contained in Section-8 of the Civil Servants Act, 1973, according to the Fundamental Rule -17 coupled with Section-8 of the Civil Servants Act the pay of an employee commences consequent upon assumption of charge. The impugned notification No. (E)LG/2-178/promotion 2019 dated 11th November 2019 was thus challenged against the promotion policy of 2009 vide section-IV s.s (f) which call for non consideration of the case of officer on probation. The learned counsel contended that the referred to notification is also against section-5 s.s (V) which calls for deferment of cases of civil servant alongwith others whose inter-se seniority is disputed.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 26.04.2021 before S.B.

Appellant Deposited
Security & Process Fee




(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12170 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/10/2020	<p>The appeal of Syed Shahinshah presented today by Mr. Bilal-ud-Din Khattak 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</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-11-2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.11.2020	<p>Appellant is present in person and requests for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Peshawar, and cannot attend the Tribunal today. Adjourned to 03.02.2021 on which date file to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

APPEAL NO _____/2020

Mr. Syed Shahinshah,

Deputy Director (Finance & Accounts), (BPS-18)

Hayatabad, Phase-V,

Peshawar.....APPELLANT

VERSUS

Chief Secretary, Government of Khyber Pakhtunkhwa Civil
Secretariat, Peshawar and Others.....

INDEX

S NO	DESCRIPTION	ANNEXURE	PAGE NO.
1.	Service Appeal with interim relief	-----	1-6
2.	Application for condoned for delay with affidavit		7-8-6a
3.	Impugned (illegal) notification dated 11.11.2010		9
4.	Promotion Orders	"A" & "B"	10-11
5.	Service Certificate Worker Welfare Board	"C"	12
6.	Notification of Local Government Department dated 22.04.1996	-----	13
7.	Letter of Local Government Department dated 4.9.1998	'D'	14
8.	Letter of Establishment Department dated 16.03.2012	'E'	15
9.	Memo of S.A 153/18 Memo of S.A 1443/18	'F' & 'G'	16, 17, 18, 19
10.	Advertisement of Public Service Commission, KP	'H'	20, 21
11.	Fundamental Rule (17)	'I'	22
12.	Promotion Policy, 2009	'J'	23-27
13.	Application for condoned for delay	'K'	28
13	Notification for Corona Pandemic COVID-19	'L'	28
14	Departmental representation dated 13.03.20 and 30.09.20	'M' 'N'	29, 30, 31
15	Addresses for postal parties	'O'	32


(SYED SHAHINSHAH)

APPELLANT

Through:

Advocate Bilal - Ud - Din Khattak

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

APPEAL NO 12170 /2020

Mr. Syed Shahinshah,
Deputy Director (Finance & Accounts), (BPS-18)
Hayatabad, Phase-V,
Peshawar.....**APPELLANT**

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 11649
Dated 16/10/2020

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- ✓2. The Government of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar.
- ✓3. The Secretary, to Local Government and Rural Development Department Khyber Pakhtunkhwa, Secretariat, Peshawar.
- ✓4. The Secretary, to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
5. The SSRC through its Chairman /Secretary to the Government of KPK, , LOCAL Government Department Civil Secretariat , Peshawar
6. The Faiz Muhammad (Deputy Director), BPS-18 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20.
7. The Israr Ullah (Deputy Director), BPS-18 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20

Filed to-day
ew.
Registrar
16/10/2020

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED, 11.11.2019 AND NON-ACTION ON THE DEPARTMENTAL REPRESENTATION DATED 13-3-2020 AND SUBSEQUENT REPRESENTATION DATED 30-09-2020 WHEREIN THE JUNIOR OFFICERS IN PROBATION AND WITH SUBJUDICED SENIORITY WERE PROMOTED THROUGH ILLEGAL PSB MEETING, AND, REVOCATION OF THE IMPUGNED NOTIFICATION.

(2)

PRAYER

That on acceptance of this service appeal the respondents may be directed to revoke the impugned notification no. SO(E) LG/2-178/Promotion /2019 dated 11th November 2019 of promotion of under probationers and junior officers to BPS-19 and to further declare the proceeding of PSB meeting before the issuance of impugned notification dated 11th November, 2019 illegal, void ab initio, malicious, against the Law, without Authority, Unconstitutional and Against the Fundamental Rights of appellant u/a of 183(3) of the Constitution.

Respectively Shweth:

FACTS.

1. The appellant is the citizens of Pakistan and has the right to be protected under articles 4, 10-A, 25, 27, 38 of the Constitution of Islamic Republic of Pakistan.
2. The appellant was promoted by 12th October, 2018 to BPS-18 where the Junior Officers were promoted to BPS-18 dated: 7th January, 2019. The notification are attached as annexures "A" & "B"
3. The officer at S. No 2 & 3 promoted vide Notification Annexure "B" were the result /outcome of deferred PSB meeting and no due and afresh PSB meeting were held for their promotion.
4. The appellant has joined the service w.e.f 01-07-1991 in workers welfare Board, KP (NWP) and joined the Local Government, KP by 06th May, 1996. through proper channel via Public Service Commission. The documents are attached are annexure "C" & "D"
5. That the Establishment Department, KP Govt: issued the letter for regularization & Pay Protection This is attached as annexure "E"

6. That inter-se seniority of the officers of the Directorate General: LGRDD, KP and its service Rules, 2018 were already ✓ challenged in the Leered Service Tribunal vide S. A No 153/18 and S. A No 1443/18. These are attached as annexure "F" & "G"
7. That despite the sub-judiced seniority and impugned service Rules, 2018, the officers were promoted to BPS-19 through the ✓ impugned notification vide SO/E-1/LG/2-1238/promotion / 2019 dated 11th November, 2019 after conducting the fake PSB meeting.
8. That post of appellant was never by the notification declared as ex-cadre nor the advertisement of Public Service Commission mentioned any such reference in 1994 nor the Service Rules in 1994 exhibit such words / terms. The advertisement is attached as Annexure "H"
9. That respondents never prepared maintained the seniority list and conveyed the same list to the appellant which is the requirement u/s Section 8 of the Civil Servant Act, No VIII, 1973.
10. That the according to Fundamental Rule 17 read with section 8 of the civil servant Act No VIII, 1973, the pay begins when the employee assumes the charge of post / responsibilities. It is attached as annexure "I"
11. That impugned notification is against the promotion policy, 2009 vide section IV, s.s (f) which calls for non-consideration of officer still in probation:- It is attached as annexure "J"
12. Likewise their the impugned notification is against the promotion policy, 2009 vide section (V) s.s (1) which calls for deferment of the cases of Civil Servant along with others whose inter-se seniority is disputed and sub-judiced it is attached as Annexure "K"

- 8 Other arguments may be presented with the permission of learned Service Tribunal, KP.

It is, therefore, humbly, prayed That on acceptance of this service appeal the respondents may be directed to revoked the impugned notification no.SO(E) LG/2-178/ Promotion /2019 dated 11th November 2019 of promotion of under probationers and junior officers to BPS-19 and to further declare the proceeding of PSB meeting before the issuance of impugned notification dated 11th November, 2019 illegal, void ib intro, malicious, against the Law, without Authority, Unconstitutional and Against the Fundamental Rights of appellant u/a of 183(3) of the Constitution.


(SYED SHAHINSHAH)

APPELLANT

Through: 

Advocate Bilal - Ud - Din Khattak

Mr. Syed Shahinshah,
Deputy Director (Finance & Accounts), (BPS-18)
Hayatabad, Phase-V,
Peshawar.....
APPELLANT

VERSUS

**Chief Secretary, Government of Khyber Pakhtunkhwa Civil
Secretariat, Peshawar and Others.....**

APPLICATION FOR CONDONATION OF DELAY.

It, is very humbly prayed that the delay, if any due to
Covid-19 may kindly be condoned to the extent deems considered
by the learned Service Tribunal.

(SYED SHAHINSHAH)

APPELLANT

Through:

Advocate Bilal - Ud - Din Khattak

7

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

APPEAL NO _____ /2020

Mr. Syed Shahinshah,
Deputy Director (Finance & Accounts), (BPS-18)
Hayatabad, Phase-V,
Peshawar.....**APPELLANT**

VERSUS

**Chief Secretary, Government of Khyber Pakhtunkhwa Civil
Secretariat, Peshawar and Others.....**

APPLICATION FOR INTERIM RELIEF.

It, is very humbly prayed that the interim relief may be granted by suspending the operation of impugned (illegal), notification No.SO (E) LG / 2-178/ Promotion /2019 dated 11th November,2019 till the final decision of the instant Service Tribunal.


(SYED SHAHINSHAH)
APPELLANT
Through:
Advocate Bilal - Ud - Din Khattak

8

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

APPEAL NO _____ /2020

Mr. Syed Shahinshah,
Deputy Director (Finance & Accounts), (BPS-18)
Hayatabad, Phase-V,
Peshawar.....**APPELLANT**

VERSUS

**Chief Secretary, Government of Khyber Pakhtunkhwa Civil
Secretariat, Peshawar and Others.....**

AFFIDAVIT.

I, Syed Shahinshah, Deputy Director (Finance
Accounts) BPS-18 hereby solemnly declare that all facts
and figure are correct to the best of my knowledge and
nothing relevant have been concealed



Dated: 15th October, 2020



(DEPONENT)
(SYED SHAHINSHAH)
CNIC: 17301-9406669-3
Mobile No: 0334-9006361



(9)

**Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department**

NOTIFICATION

D.D.C. (E)

Dated Peshawar, the 11th November, 2019

No. SO(E)LG/2-128/Promotion/2019.- The Competent Authority on the recommendations of Provincial Selection Board has been pleased to promote the following Deputy Directors (BPS-18) to the post of Directors (BPS-19) in Directorate General, Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar on regular basis with immediate effect:-

1. Mr. Faiz Muhammad Khan
2. Mr. Israrullah Khan.

2. On their promotion, the Officers will remain on probation, in terms of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.

3. Consequent upon their promotion, they are posted against the vacant posts of Director (BPS-19) in Directorate General, Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar with immediate effect.

**SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG,E&RD DEPARTMENT**

Endst. No. & Date Even :

Copy forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, LG&RDD Khyber Pakhtunkhwa, Peshawar.
4. The Director, LG&RDD Merged Areas Secretariat, Warsak Road, Peshawar.
5. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
6. All District Accounts Officers in Khyber Pakhtunkhwa.
7. The PS to Senior Minister for LG&RDD, Khyber Pakhtunkhwa.
8. The Officers concerned.
9. The Manager Government Printing Press, Peshawar
10. The P.F. of the officers concerned.
11. The PS to Secretary LG,E&RDD Peshawar.
12. The PS to Special Secretary LG,E&RDD Peshawar
13. The PS to Additional Secretary (E&A) LG,E&RDD Peshawar..
14. The Office order file.

(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)

(18)



Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, 12th October, 2018

10
A
3503

No.SO(LG-I)2-128/2018.- The Competent Authority on the recommendations of Provincial Selection Board has been pleased to promote Syed Shahinshah, Accounts Officer (BPS-17) to the post of Deputy Director (Finance and Accounts) BPS-18 in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar with immediate effect.

2. On his promotion, the officer will remain on probation, in terms of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. Consequent upon his promotion, Syed Shahinshah is posted against the vacant post of Deputy Director (Finance & Accounts) BPS-18 in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar with immediate effect.


SECRETARY TO GOVT. OF KHYBER
PAKHTUNKHWA, LG, E&RDD

Endst No. SO(LG-I)2-128/2018

Dated Pesh: 12th October, 2018

Copy is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
4. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
5. Syed Shahinshah, Accounts Officer, Directorate General, LG&RDD, KP, Hayatabad, Peshawar
6. The Manager, Government Printing Press, Peshawar.
7. Personal file of the officer concerned.
8. The PS to Secretary, LG, E&RDD.
9. Office order file.


(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Ph: # 091-9213224



Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, 7th January, 2019

No. SO(LG-I)2-128/2018.- The Competent Authority on the recommendations of Provincial Selection Board has been pleased to promote the following Assistant Directors (BPS-17), I.G.&RDD to the post of Deputy Director / Assistant Director (Senior) BPS-18) in Local Government and Rural Development Department Khyber Pakhtunkhwa on regular basis with immediate effect.

- i. Mr. Muhammad Fahim
- ii. Mr. Faiz Muhammad Khan
- iii. Mr. Israrullah Khan

2. On their promotion, the officers will remain on probation, in terms of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon their promotion, they are posted against the vacant posts of Deputy Director (BPS-18) in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar with immediate effect.

SECRETARY TO GOVT. OF KHYBER
PAKHTUNKHWA, LG, E&RDD

Endst No. SO(LG-I)2-128/2018

Dated Peshawar the 7th January, 2019

Copy is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, I.G.&RDD, Khyber Pakhtunkhwa, Peshawar.
4. The Director merged FATA Secretariat, LG&RDD, Warsak Road, Peshawar.
5. All Assistant Directors, I.G.&RDD in Khyber Pakhtunkhwa.
6. All District Accounts Officers in Khyber Pakhtunkhwa.
7. The officers concerned.
8. The Manager, Government Printing Press, Peshawar.
9. Personal file of the officer concerned.
10. The PS to Secretary, I.G., E&RDD.
11. Office order file.

(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)

Ph: // 091-9213

26

Tele: _____



GOVERNMENT OF N.W.F.P.
INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT,
LABOUR AND TRANSPORT DEPARTMENT.

Dated: Peshawar, the _____

SERVICE CERTIFICATE

It is certified that Syed Shahinshah son of Aftinosh is working as Manager Training of Vocational Training Centre under Workers Welfare Board, NWFP which is under the administrative control of Provincial Government's Labour & Industries Department since July 1st, 1991. The nature of his job is Administrative and ministerial. He has been imparting the knowledge of accounting as well.

He has also served this organization as Senior Instructor of Accounts in (BPS-16) from December 1st, 1990 upto June 30, 1991.

(Signature)
(MR. SAHIB JAN)
Addl. Secretary
Economic Advisor
Economic Advisor/Additional Secy
Government of N.W.F.P.
Industries, Commerce, Mineral
Development, Labour & Transport
Department

13

GOVERNMENT OF N.W.F.P.,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 22ND APRIL, 1996

N O T I F I C A T I O N

NO,SO(LG-I)2-204/96,- In pursuance of this Department Notification No,SO(LG-I)2-204/96, dated the 7th April, 1996, the Provincial Government in the Local Government, Elections and Rural Development Department are pleased to post Syed Shahin Shah S/O Aftinosh of District Peshawar as Accounts Officer in Basic Pay Scale No. 17 (3880-290-7360) in the Directorate General, Local Govt. and Rural Development Department, NWFP Peshawar against a vacant post.

SECRETARY TO GOVERNMENT OF NWFP,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Enclst.No.SO(LG-I)2-204/96 Dated Pesh:the 22nd April, 1996

A copy forwarded to:-

1. The Accountant General, N.W.F.P., Peshawar.
2. The Director General, LG&RDD, NWFP, Peshawar.
3. Syed Shahin Shah S/O Aftinosh r/o Jamal-ud-Din Afghani Road University Town Peshawar.
4. The Manager Govt. Printing Press Peshawar.
5. Personal file of the officer concerned.

ALAM ZEB MALIK
SECTION OFFICER-I

H.M.

19

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
DEVELOPMENT DEPARTMENT

14

NO. EO(LG-I) 10448/96/
Dated Peshawar the 4th April, 1998

To

The Secretary to Govt. of NWFP,
Finance Department, Peshawar.

D

Subject:- GRANT OF EARNED INCREMENTS IN RELAXATION OF FR-22.

Sir,

I am directed to refer to the subject cited above and to state that while working as Manager Secretarial Training Centre in Workers Welfare Board, NWFP, Peshawar, Syed Shahinshah was selected through NWFP Public Service Commission and was appointed as Accounts Officer (PS-17) in the Local Government and Rural Development Department. The above named officer was relieved properly. He had served the Workers Welfare Board NWFP w.e.f. 1-6-1991 to 5-5-1996. The above named officer request for the grant of earned increments since 6-5-1996.

2. I am therefore directed to approach the Finance Department for advice whether the above named officer is entitled for the grant of earned increments w.e.f. 6-5-1996 in relaxation of FR-22 or otherwise.

Your Obedient Servant,

(ARBAB WAHIED ALAM)
SECTION OFFICER-I

Encl. No. & Date Even.

A copy forwarded to the Director General, Local Government and Rural Development Department, NWFP, Peshawar for information pl.

SECTION OFFICER-I

20

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/1-10/2009
Dated Peshawar, the 16th March, 2012

District Coordination Officer,
Mardan,

Subject:

REGULARIZATION OF SERVICE THROUGH PROPER CHANNEL VIA PUBLIC SERVICE COMMISSION

Dear Sir,

I am directed to refer to your letter No.8791-92/DCO(M)/EA-01-A dated 03-08-2011 on the subject and to enclose herewith copy of Finance Department letter No.K/F(SR-I)12-1/2011 dated 29-11-2011 with its enclosures and to request to process the case of pay protection of Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan, in consultation with Local Govt. Rural Development Department (parent department of applicant) and Labour Department (Administrative Department of Workers Welfare Board) in light of the following provision contained in Finance Department letter referred to above..

However, the benefit of Pay protection will be admissible to employees of such autonomous organizations who have adopted scheme of basic Pay Scale in to-to, on their appointment in Govt. offices, provided they have applied for the post through proper channel."

Yours faithfully,

[Ghazi Khan]
SECTION OFFICER (E-V)

Endst: No. & Date Even:-

Copy forwarded for information to:-

1. Section Officer (SR-I) Finance Department w/r to his letter quoted above.
2. Section Officer (Estt) Local Govt. & Rural Dev. Department w/r to this No.SO(LG-I)10-458/2008 dated 05-03-2012.
3. Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan.

SECTION OFFICER (E-V)

23

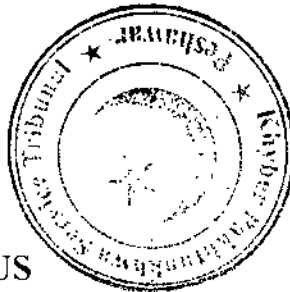
16

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 153 /2018

of
Khyber Pakhtunkhwa
Service Tribunal
Date: 28/12/2017
Case No: 464

Mr. Syed Shahinshah,
Account Officer: DG LG&RDD KPK,
Peshawar.



(Appellant)

VERSUS

1. The Government of KPK through Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
3. The Secretary to the Government of KPK, Establishment Department, Civil Secretariat, Peshawar.
4. The Secretary Local Government and Rural Development Department KPK, Civil Secretariat, Peshawar.
5. The DG Local Government & Rural Development Department, KPK, Hayatabad Phase-V Peshawar.
6. The Secretary Local Council Board, Peshawar.

(Respondents)

Submitted to -day
Registrar
29/12/17

Submitted to -day
Registrar
31/1/18

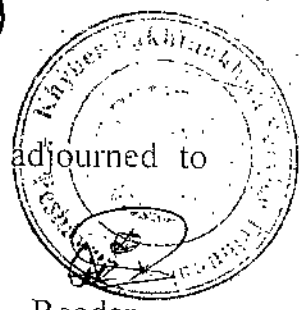
APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE FINAL SENIORITY LIST DATED 22.08.2017 AS STOOD ON 30.12.2016 WHEREIN THE NAME OF THE APPELANT WAS NOT MENTIONED IN SENIORITY LIST OF (BPS-17 OFFICIALS) ASSISTANT DIRECTORS/PLANNING OFFICER OF LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPARTMENT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Certified to be true copy

[Signature]
Peshawar

17

20.08.2020 Due to summer vacation, the case is adjourned to
22.10.2020 before D.B.



Reader

Certified to be true copy

[Signature]
K. M. ...
Peshawar

Date of Presentation of Application 21-8-20
 Number of Words 800
 Copying Fee 10/-
 Urgent
 Total 10/-
 Name of Court
 Date of Court 01-9-2020
 Date of Delivery of copy 01-9-2020

(18)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

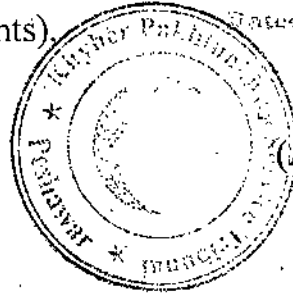
APPEAL NO. 1443 /2018

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1689

Dated: 29-11-2018

Mr. Syed Shahinshah,
Deputy Director (BPS-18) (Finance & Accounts),
Hayatabad Phase-V, Peshawar.



(Appellant)

VERSUS

1. The Government of KPK through Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Civil Secretariat, Peshawar.
- ✓ 3. The Secretary to the Government of KPK, Establishment Department, Civil Secretariat, Peshawar.
- ✓ 4. The Secretary Local Government and Rural Development Department KPK, Civil Secretariat, Peshawar.
- ✓ 5. The Secretary to the Government of KPK, Finance Department, Civil Secretariat, Peshawar.
6. The SSRC through its Chairman/ Secretary to the Government of KPK, Establishment Department, Civil Secretariat, Peshawar.

(Respondents)

Handwritten:
Secretary
29/11/18

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 01.08.2018 WHEREIN THE DESIGNATION OF THE APPELLANT AS ACCOUNT OFFICER WAS NOT MENTIONED IN THE IMPUGNED SERVICE RULES OF DIRECTORATE GENERAL, LOCAL & RURAL DEVELOPMENT DEPARTMENT FOR THE POST OF DIRECTOR WHEREAS ASSISTANT DIRECTOR WITH 12 YEARS REGULAR SERVICE EXPERIENCE AND ASSISTANT DIRECTOR SENIORS ARE MENTIONED.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY PLEASE BE DIRECTED TO CONVENE THE STANDING SERVICE RULES COMMITTEE MEETING (SSRC) OF THE DEPARTMENT FOR THE INCLUSION AND NOTIFYING THE SERVICE DESIGNATION OF ACCOUNT

Certified to be true copy

Handwritten signature and stamp:
Peshawar

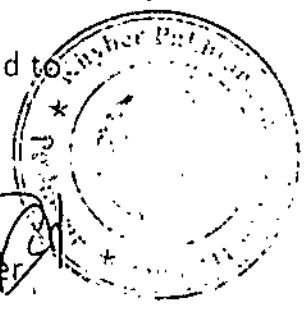
19

11-5 .2020

28/7

Due to COVID19, the case is adjourned to

2020 for the same as before.



Reader [Signature]

28.07.2020

Due to COVID-19, the case is adjourned. To come for the same on 21.09.2020 before D.B.

Reader [Signature]

Com...

[Signature]

Date of Presentation of Application 24-8-20

Number of Words 800

Copying Fee 10/-

Urgent -

Total 10/-

Name of [Signature]

Date of 01-9-2020

Date of Delivery 01-9-2020



Government decision.-- Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F. R. 15.

(G.I., F.D. letter No. F-452-R. I/27, dated the 1st February, 1928.)

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Governor-General may by order prescribe.

F. R. 17. (1) Subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties *[:]

*[Provided that the President may, if satisfied that a civil servant who was entitled to be promoted from a particular date was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid the arrears of pay and allowances of such higher post through pro forma promotion or upgradation arising from the ante-dated fixation of his seniority.]

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[For Administrative Instructions issued by the Governor-General regarding "CHARGE OF OFFICE" and "LEAVING JURISDICTION", see Part II of Appendix No. 3 in Volume II of this Compilation.]

Orders issued by the Governor-General under Fundamental Rule 17(2). - With reference to clause (2) of this rule, the Governor-General has decided that the pay of officers recruited overseas who are entitled to a first class passage to Pakistan, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay. In the case of officers who receive a second class passage, pay shall commence from the date of embarkation for Pakistan.

Audit Instructions --

(1) A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognised practice to pay a Government servant at a higher rate for more important duties performed during a part only of a day.

[Para. 1, Chap. III, Sec. I of Manual of Audit Instructions (Reprint.)]



(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

Linking of promotion with training:

- Basic Scale 20 : 10 years' service in BS-18 and above or 3 years' service in BS-19.
- Basic Scale 19 : 7 years' service in BS-18

shall be reduced as indicated below:
length of service prescribed for promotion to higher Basic Scales

- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:
- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.

as follows:

(b) Service in the lower pay scales for promotion to BP-18 shall be counted

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

- Basic Scale 18 : 5 years' service in BS-17
- Basic Scale 19 : 12 years' service in BS-17 & above
- Basic Scale 20 : 17 years' service in BS-17 & above

will be as under:

(a) Minimum length of service for promotion to posts in various basic scales

Length of service.

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

Dear Sir,

SUBJECT:- NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009

(ESTABLISHMENT WING)

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



23

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24

- (ii) Disciplinary or departmental proceedings are pending against him.
- (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
- (b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.
- (c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.
- (d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.
- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

(f) For promotion against selection posts, the officer on the panel securing maximum marks will be recommended for promotion. Thirty marks placed at the disposal of the Provincial Selection Board in such cases shall be awarded for technical qualification, experience and accomplishments (research publications relevant to the field of specialism).

(g) Since three of the aspects of performance i.e. moral integrity, intellectual integrity, quality and output of work do not figure in the existing PER forms, the grades secured and marks scored by the officer in overall assessment shall be notionally repeated for the other complementary evaluative aspects and form the basis of quantification.

(h) The performance of officers shall be evaluated in terms of the following grades and scores:

		<u>Upto 11th June, 2008</u>	<u>From 12th June, 2008</u>
1.	Outstanding	--	10 Marks
2.	Very Good	10 marks	8 marks
3.	Good	7 marks	7 marks
4.	Average	5 marks	5 marks
5.	Below Average	1 mark	1 mark

(i) The outstanding grading shall be awarded to officers showing exceptional performance but in no case should exceed 10% of the officers reported on. The grading is not to be printed in the PER form but the reporting officer while rating an officer as "outstanding" may draw another box in his own hand in the form, initial it and write outstanding on the descriptive side. Convincing justification for the award shall be recorded by the reporting /countersigning officer. The discretion of awarding "outstanding" is to be exercised extremely sparingly and the award must be merited.

(j) The quantification formula and instructions for working out quantified score are annexed.

IV. Promotion of officers who are on deputation, long leave, foreign training:

a) The civil servants who are on long leave i.e. one year or more, whether within or outside Pakistan, may be considered for promotion on their return from leave after earning one calendar PER. Their seniority shall, however, remain intact.

- 26
- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable to officer on deputation and the officer on return to his/her cadre shall be considered for promotion.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department. However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.
- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

V. Deferment of Promotion:

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if
- (i) His inter-se-seniority is disputed/sub-judice.

27



VI. **Date of Promotion:**

Promotion will always be notified with immediate effect.

VII. **Notional Promotion:**

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

VIII. **Promotion of Civil Servants who are awarded minor penalties.**

(a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.

(b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. **Promotion in case of pending investigations by NAB:**

If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.

2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.

Yours faithfully,

(MUHAMMAD ABID MAJEED)
Special Secretary (Regulations)

(22)

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**GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR**

❖ ❖ ❖

No 111/2020/DS/51

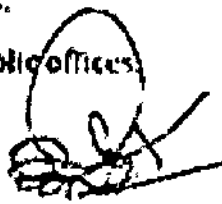
Islamabad, the 19th March 2020

OFFICE MEMORANDUM

Subject - PRECAUTIONARY AND PREVENTIVE MEASURES AGAINST THE SPREAD OF CORONAVIRUS (COVID-19).

As precautionary and preventive measures against the spread of Coronavirus (COVID-19) and to mitigate its adverse effects, the Competent Authority has been pleased to approve "social distancing" of the public sector employees, initially for a period of fifteen (15) days with immediate effect. The Secretary / Additional Secretary (Incharge) of all Ministries / Divisions and Heads of Attached Departments / Organizations have been authorized to prepare a strategy and implement the same, within their respective domains by adopting following measures: -

- i. Identification of essential staff for important tasks and ensuring their presence in office
- ii. The employees over 50-years of age may be allowed to work from home
- iii. Employees with illness (flu, fever, etc) or facing health challenges may also work from home
- iv. Closure of all Day Care Centers in public offices and allowing the female staff (mothers of the children, kept in Day Care Center) to work from home
- v. Closure of all public service delivery offices for public dealings.
- vi. Any other measure essential to ensure social distancing in public offices.


(Falak Sher Virk)
Deputy Secretary (Security)
Tele: 9202149

All Ministries / Divisions.

Copy to :

1. P.S to Secretary to the Prime Minister, Prime Minister's Office, Islamabad
2. Director to Minister for Interior.
3. SPS to Secretary.
4. Additional Secretary-I, MOI

(29)

SYED SHEHINSHAH
DEPUTY DIRECTOR (F/A)
DIRECTORATE GENERAL OF
LOCAL GOVERNMENT & RDD
DATED: 13/03/2020 /16403

To

The Chief Minister
Khyber Pakhtunkhwa
Civil Secretariat, Peshawar

The Chief Secretary
Government of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar

The Secretary
Government of Khyber Pakhtunkhwa
Local Government Election & Rural Development Department
Civil Secretariat, Peshawar

The Director General
Local Government & Rural Development Department
Plot-20, Phase-V, Hayatabad, Peshawar

Through Proper Channel.

Subject;- REPRESENTATION AS PER SECTION 22 OF CIVIL SERVANT ACT, NO VIII, 1973, READ WITH ARTICLE 184(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN AGAINST THE UN-CONSTITUTIONAL AND ILLEGAL NOTIFICATION OF LOCAL GOVERNMENT DEPARTMENT NO.SO(E)LG/2-128/PROMOTION /2019 DATED 11TH NOV. 2019 OF PROMOTION OF PROBATIONAL AND JUNIOR OFFICER TO BPS-17.

With due respect, it is brought in your notice that notification no. SO(E)LG/2-128/Promotion/2019 dated 11th November, 2019 is processed and worked out on basis of malafide, fraud, concealment of natural facts. These maternal facts include, inter alia.

- 1- The officers promoted in the impugned notification are junior in BPS-17 and BPS-18 than the Applicant/Undersigned.
- 2- The officers are in probation in BPS-18 which is not allowed by the Promotion Policy, 2009.

(62)

(30)

- 3- The inter-se seniority and service rules of 2018 were challenged in the learned Service Tribunal, Khyber Pakhtunkhwa. So the challenge seniority & service rules cannot be operated as per the Promotion Policies, 2009.
- 4- The nomenclature of officers varied from Agricultural Officers, Project Manager, Progress Officers and later on to Assistant Directors since, 1972, WHICH shows joint seniority before 1980.
- 5- Since 1988, Planning Officers were also included on dubious manners in joint seniority list.
- 6- The post of Applicant/ Undersigned were never declared by notification as ex-cadre nor the advertisement of Public Service Commission shows any such thing in 1994 nor the Service Rules in 1994 exhibit such terms/words.
- 7- The Applicant/Undersigned was not informed of any such proceedings and was kept aloof to let illegality hatch its output upto 10th March, 2020. The seniority list should conveyed to each and every officers.
- 8- The impugned notification is against social rights, social status and esteem in the department and among the employees and the Psychology regarding these ~~rights~~. The impugned notifications infuriates inside.
- 9- The said notification is against the fundamental rights of the Applicant/Undersigned in service, after retirement and expected death at any time, so, is again the fundamental rights of family too.

It is pertinent to mention that this representation is of personal nature and does not attract the section 39(4) which mandates the Head of attached department to route the case to the Government through administrative department.

It is, therefore, requested that the impugned notification may be revoked, being against the Promotion Policy, Civil Servant Act, against the fundamental rights of the Appellant till the final decision on the impugned Service Rules in the Service Tribunal, Khyber Pakhtunkhwa.

Thank You
Faithfully Yours.

96

Syed Shehri Shah

Deputy Director (F/A)

Directorate General LG&RDD

Plot #20, Phase-V, Hayatabad

Peshawar

(63)



(31)

DIRECTORATE GENERAL
LOCAL GOVERNMENT & RURAL DEVELOPMENT DEPTT:
KHYBER PAKHTUNKHWA
PLOT 20, SECTOR B-3, PHASE V, HAYATABAD, PESHAWAR

No. DD (F&A)/LG&RDD/2020-21 / 17001
Dated the Peshawar; 30th Sep, 2020


To

1. The Chief Minister of Khyber Pakhtunkhwa
Chief Minister Secretariat, Peshawar.
2. The Chief Secretary of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa
LGE&RD Department.
4. The Director General to Govt. of Khyber Pakhtunkhwa
LGE&RD Department.

Subject:

REPRESENTATION AS PER SECTION 22 OF CIVIL SERVANT ACT, NO. VIII, 1973, READ WITH ARTICLE 184(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN AGAINST THE UN-CONSTITUTIONAL AND ILLEGAL NOTIFICATION OF LOCAL GOVT. DEPARTMENT NO.SO(E)/2-128/PROMOTION/2019 DATED 11TH NOV, 2019 OF PROMOTION OF PROBATIONAL AND JUNIOR OFFICER TO BPS-19.

With due respect, it is brought in your kind notice that the above representation No.16403 dated 13.03.2020 has not been processed yet due to Corona pandemic Senior Citizen and Servant were not allowed to attend market, Clinic, and Offices etc to performs their duties and pursue their legal objectives. So the instant representation remain un-attended, therefore it may please be expedited by revoking the illegal notification of Promotion through fake PSB.


(SYED SHAHIN SHAH)
Deputy Director (F&A)
LG&RDD

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

(32)

APPEAL NO _____ /2020

Mr. Syed Shahinshah,

Deputy Director (Finance & Accounts), (BPS-18)

Hayatabad, Phase-V,

Peshawar.....**APPELLANT**

VERSUS

Chief Secretary, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar and Others.....

ADDRESS OF THE PARTIES.

1. The Government of Khyber Pakhtunkhwa **Chief Secretary**, Civil Secretariat, Peshawar.
2. The Government of Khyber Pakhtunkhwa **Secretary Establishment**, Civil Secretariat, Peshawar.
3. The **Secretary**, to **Local Government** and Rural Development Department Khyber Pakhtunkhwa, Secretariat, Peshawar.
4. The **Secretary, Finance**, to Government of Khyber Pakhtunkhwa, Department, Civil Secretariat, Peshawar.
5. The **SSRC, Chairman, /Secretary**, to the Government of KPK, Local Government Department Civil Secretariat , Peshawar
6. **The Faiz Muhammad (Deputy Director)**, BPS-18 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20,Peshawar
7. **The Israr Ullah (Deputy Director)**, BPS-18 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20, Peshawar


APPELLANT

(SYED SHAHINSHAH)

Through:


Advocate Bilal - Ud - Din Khattak

33

GOVERNMENT OF N.W.F.P.,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 18TH AUGUST, 2001

NOTIFICATION

No. SO(LG-I)4-116/DG/2001/KC. Consequent upon the restructuring of the Local Government and Rural Development Department in NWFP, the competent authority has been pleased to adjust the following Officers in the Office of DCO Peshawar with effect from 1-7-2001.

1. ~~Syed Shahinshah,~~
Accounts Officer (BPS-17),
Dte: General, LG & RDD,
NWFP, Peshawar.
2. Mr. Muhammad Salim,
Computer Programmer Officer (B-17),
Dte: General, LG & RDD, Peshawar.

SECRETARY TO GOVT. OF NWFP,
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Endst. No. SO(LG-I)4-116/DG/2001

Dated Peshawar 18th August, 2001

CC:

1. All the Administrative Secretaries to Government of NWFP.
2. The Accountant General, NWFP, Peshawar.
3. The District Coordination Officer, Peshawar.
4. The PS to Secretary LG & RDD, Peshawar.
5. The Director (FATA), LG & RDD, NWFP, Peshawar.
6. The Section Officer (Surplus Pool), Estab. & Admn. Department.
7. The Officers concerned.

SECTION OFFICER (ESTAB.)

Approved
S. Sh. [Signature]
SECTION OFFICER

P/C

24

24



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT

ORDER

Dated Peshawar, the 29th July, 2013

No.SO(LG-D)10-458/2008.- Consequent upon his repatriation by the Government of Khyber Pakhtunkhwa, Establishment & Administration Department Notification No.SOE-II(ED)2(5)2012, dated 31-012-2012 and approval of the Competent Authority, Syed Shahin Shah, Accounts Officer (BS-17) is hereby adjusted against the vacant post of Accounts Officer (BS-17) in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar from the date of his arrival i.e. with effect from 04-01-2013.

SECRETARY TO GOVT.OF KHYBER
PAKHTUNKHWA, LG,E&RDD

Endst No.SO(LG-D)10-458/2008

Dated Peshawar, the 29th July, 2013

Copy is forwarded:-

1. The Secretary to Govt.of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt.of Khyber Pakhtunkhwa, Finance Department.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director Information, Khyber Pakhtunkhwa, Peshawar.
6. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
7. Syed Shahinshah, Accounts Officer, Dte:General, LG&RDD, Peshawar.
8. The Section Officer (E-II), Government of Khyber Pakhtunkhwa, Establishment Department.
9. The PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
10. The PS to Secretary, LG,E&RDD.
11. The PS to Special Secretary, LG,E&RDD.
12. The office order file.

(IZAZ JULLAH)
SECTION OFFICER (ESTAB)

25

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
23.02.2016	<p><u>W.P.No.745-P/2012.</u></p> <p>Present: Mr.Bilal-ud-Din, Advocate for the petitioner.</p> <p>Mian Arshad Jan, AAG for the respondents.</p> <p>***</p> <p><u>YAHYA AFRIDI, J.-</u> Syed Shahinshah, petitioner, seeks the constitutional jurisdiction of this Court praying that:-</p> <p><i>“It is, therefore, prayed that this writ may kind be accepted and implemented on bases of Constitutional Provisions, Fundamental Rules, Civil Servants Act No.XVII, 1973, and its Rules, favouring the intent and content of this writ as well as on basis of general Equity by declaring the scheduled posts Quotas in Provincial Management Services (PMS) of Section Officers, Executive Group Employees and Postings off Federal Civil Servants Unconstitutional, illegal without lawful authority, void ib initio, malicious, and prejudice to right & claim of petitioner, and by ordering the promotion of appellant to post of Additional Secretary (BPS-19) or Special Secretary etc. in Finance Department and others, KPK, w.e.f. 1.1.2009 with due promotion and security of dignity & career of petitioner as the government has already given its approval vide annexure “H”, “I” & “J” but restricted and not implemented by the Establishment Department, KPK where employee of Provincial Management Service (PMS) quota are functioning. The Establishment Department, Government of KPK may</i></p>

ATTEST
EXAMINER
Peshawar High Court
08 MAR 2016

be directed to issue the notification as prayed in this writ petition.

Any other remedy if deem fit by this honourable Court may also be granted to petitioner.

2. In essence, the grievance of the petitioner relates to the vires of the North West Frontier Province Provincial Management Service Rules, 2007 ("Rules") being discriminatory and thus, being in violation of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 ("Constitution").

3. At the very outset, the worthy counsel for the petitioner was confronted whether this Court can take cognizance of this petition and entertain a matter relating to terms and conditions of service of a civil servant as envisaged under Article 212 of the Constitution, he insisted that as the matter related to violation of fundamental rights, this Court had the jurisdiction to entertain the present petition challenging the vires of the Rules.

4. This Court is not in consonance with stance taken by the worthy counsel for the petitioner. It is by now well settled that even vires of law, be it the rules, even if challenged on the touch stone of violation of *fundamental rights*, can only be decided by the Service Tribunal, in view of the bar contained in Article 212 of the Constitution. This Court in the earlier judgment rendered in W.P.No.68-P/2015, decided on 14.04.2015

ATTESTE
EXAMINER
08 MAR 2016

titled "Irfan Aman Yousafzai etc -Vs- Federation of Pakistan" dilated upon the same in terms:-

" The issue of jurisdiction of the High Court and its ouster has recently been elaborately discussed by the Apex Court in Manzoor Ahmad's case (PLD 2015 SCMR 253) in terms that:

"8. We have heard the learned counsel for the parties and have perused the record. Admittedly, respondent No.1 is a Civil Servant and, therefore, he could not have approached the High Court under Article 199 of the Constitution for redressal of his grievance, which pertained to the terms and conditions of his service in view of the Bar created under Article 212(2) of the Constitution. The High Court, therefore, was not competent to adjudicate the issue raised in the Writ Petition. The High Court has fallen in error while proceeding on the erroneous assumption that respondent No.1 had raised the issue of violation of the statutory Rules, therefore, it was competent to decide the issues. This was an incorrect approach of the learned High Court to entertain a Constitution Petition of a Civil Servant on the ground of the statutory violation. Such grievances of a Civil Servant fall within the domain of the Federal Service Tribunal as mandated by the Constitution."

Now to the challenge made to rules on the touch stone of violating the Fundamental Rights of the civil servant and question of malafide of the department are concerned, the Apex Court has also in this regard clearly laid down in Iqan Ahmed Khurram's case (PLD 1980 S.C 153). In the said case, rules relating to appointment were amended through a notification, which altered and enhanced the quota allocated to the inductees, and affected promotes challenged the same before the Apex Court, as it adversely affect their prospects of promotion to the higher post. The Apex Court addressed the issue in terms that:

"As to the ground concerning the non-maintainability of the petition, the High Court has held, and it is also the case of the petitioner, that the effect of the Rules is that it has altered the terms and conditions of service. This being so, the bar of Article 212 of the Constitution would

ATTESTED

EXAMINER
Peshawar High Court

08 MAR 2016

9

be applicable with full force as in that exercise the question of vires of the Rules vis-à-vis section 25 of the Act would necessarily be considered. In this behalf the High Court has relied on the statement of law enunciated in *Muhammad Hashim Khan and others vs Government of the Punjab and others* with which I agree.

This is a common grievance in the other two petitions and they would also be hit by the same bar. We may here point out that a distinction has to be drawn between a case where the eligibility of an officer as to fitness to hold a particular post or to be promoted to a higher grade under the Rules applicable to him and the Rules which by themselves alter the method of recruitment and promotion. In the former case, proviso (b) to section 4 of the Service Tribunals Act, 1973, will be applicable and no appeal will lie to the Service Tribunal. However, this will not be so in the latter case as the Rules per force alter the method of recruitment and promotion in supersession of the existing Rules which provide a cause of action for the grievance qua the alteration of terms and conditions of service and hence an appeal will lie to the Service Tribunal."

The Apex Court has expounded on the principle laid down in the aforementioned case, in *I.A Sherwani's case* (1991 SCMR 1041) in terms that:

"9. From the above quoted Article 212 of the Constitution and section 4 of the Act, it is evident that the jurisdiction of the Courts is excluded only in respect of the cases in which the Service Tribunal under subsection (1) of section 4 has the jurisdiction. It must, therefore, follow that if the Service Tribunal does not have jurisdiction to adjudicate upon a particular type of grievance, the jurisdiction of the Courts remains intact. It may again be pointed out that the Service Tribunal has jurisdiction against a final order, whether original or appellate, made by a departmental authority in respect of any terms and conditions of service. The question, therefore, arises, whether the relevant enactments/notifications containing the provision for payment of enhanced

APPEALS
EXAMINEE
JUDICIAL OFFICE
1976

pension, which have been denied to the pensioners, can be treated as a final order, original or appellate, passed by a departmental authority in respect of any terms and conditions of service."

"10. From the above cited cases, it is evident that it has been consistently held inter alia by this Court that a civil servant if is aggrieved by a final order, whether original or appellate, passed by a departmental authority in respect of his terms and conditions, his remedy, if any, is by way of an appeal before the Service Tribunal even where the case involves vires of a particular Service Rule or a notification or the question, whether an accused civil servant can claim the right to be represented by a counsel before the Enquiry Officer. We are inclined to hold that if a statutory rule or a notification adversely affects the terms and conditions of a civil servant, the same can be treated as an order in terms of subsection (1) of section 4 of the Act in order to file an appeal before the Service Tribunal. However, in the present case, the petitioners' case is founded solely on the ground of discriminatory treatment in violation of Article 25 of the Constitution and not because of any breach of any provision of the Civil Servants Act or any service rule. Furthermore, the question involved is of public importance as it affects all the present and future pensioners and, therefore, falls within the compass of clause (3) of Article 184 of the Constitution. However, we may clarify that a civil servant cannot bye-pass the jurisdiction of the Service Tribunal by adding a ground of violation of the Fundamental Rights. The Service Tribunal will have jurisdiction in a case which is founded on the terms and conditions of the service even if it involves the question of violation of the Fundamental Rights."

(emphasis provided)

The ratio decidendi of the aforementioned judgments has been consistently followed in Khalid Mehmood Watto's case (1998 SCMR 2280), Muhammad Zafar Bhatti's case (PLD 2004 S.C 317) and Pir Muhammad's case (2007 SCMR 54). This Court has also recently followed the said principle in Engineer Musharaf Shah's case (2015 PLC (S.C) 2015)

in terms that:

"It would be interesting to note that the apex Court has in some cases clearly vested the Tribunal with exclusive jurisdiction on matters relating to terms and conditions of a civil servant, wherein the impugned action or inaction of the departmental authority did not have a formal "final order". Some of the leading cases are as follows:-

Vires of Rules.

Service Tribunal was competent to adjudicate on the question of "vires" of rules framed by the department, even if the same were challenged on the basis of violating fundamental rights of the civil servant. The very rules were deemed to be the "final order". Cases in point are Iqan Ahmed Khurram's case (PLD 1980 S.C. 153) and I.A. Sharwani's case (1991 SCMR 1041).
(emphasis provided)

In essence, the principle laid down by the Superior Courts of our jurisdiction is that the Federal Service Tribunal is fully competent to entertain and decide cases, wherein vires of the service rules or notifications have been challenged on the touch stone of being violative of Fundamental Rights of the civil servant, and the malafide of the Executive to frame such Rules, which would adversely affect their prospects of promotion.

5. Accordingly, this petition is disposed of and the petitioner may seek his remedy before the appropriate forum.

Ed. Yousaf Afzali

Cl. Roohul Amin

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar.
Authorized Under Article 230 of
The Constitution of Pakistan, 1973.

08 MAR 2016

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Syed. Shabir Shah

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ایڈوکیٹ: <u>B. Q. Lal</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-10-7992				
رابطہ نمبر: 03239121558				

بعدالت جناب: سروس ٹریڈنگ پشاور

منجانب: <u>ایڈووکیٹ</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
بابت تحریر آگے	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام ایڈووکیٹ ایچ ایم اے سید ارباب اللہ خان جنڈت انڈسٹریز کو وسیلہ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل عمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

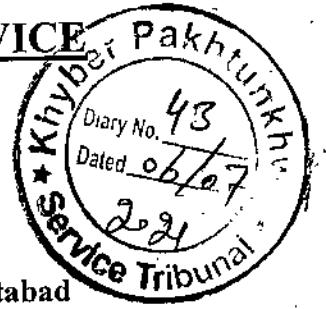
المقام: 16-10-2020

 المقام

کے لیے منظور ہے۔
S. S. C
 16/10/2020
 17301-9406609-3
 AD (P.W.)

نوٹ: اس وکالت نامہ کی فزیکل کاپی باقاعدگی سے منگائی جائے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR



APPEAL NO.12170/2020

Mr.Syed Shahinshah Deputy Director (BPS-18) (Finance & Accounts), Hayatabad Phase-V, Peshawar.

.....**Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary to the Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar
4. The Secretary Local Government Development Department KPK,Civil Secretariat, Peshawar
5. The SSRC through its Chairman/Secretary to the Government of KPK, Local Government Development Department, Civil Secretariat, Peshawar.
6. The Faiz Muhammad Khan (Director, BPS-19 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20)
7. The Israr Ullah Khan (Director, BPS-19 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20)

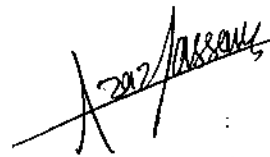
.....**Respondents.**

INDEX

S No.	Description of Documents	Annexure	Page No.
1	Joint Parawise Comments	-	1-4
2	Affidavit	-	5
3	Appointment order of Mr. Faiz Muhmmad & Mr. Israrullah Khan	A	6-9
4	Accounts officer office order	B	10
5	Seniority List	C	11-19
6	Service Rules	D	20-23
7	Promotion Order to BPS-19	E	21
8	Termination of probation by Chief Minister	F	22-24
9	Minutes of PSB Meeting	G	25
10	Judgement in S.A 1182 Akhtar Munir vs Govt	H	26

Respondents

Through


(Azaz-ul-Hassan)

Assistant in Directorate General
LG&RD,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

APPEAL NO.12170/2020

**Mr.Syed Shahinshah Deputy Director (BPS-18) (Finance & Accounts), Hayatabad
Phase-V, Peshawar.**

.....**Appellant**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to the Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar
4. The Secretary Local Government Development Department KPK, Civil Secretariat, Peshawar
5. The SSRC through its Chairman/Secretary to the Government of KPK, Local Government Development Department, Civil Secretariat, Peshawar.
6. The Faiz Muhammad Khan (Director , BPS-19 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20)
7. The Israr Ullah Khan (Director, BPS-19 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase, 5 Plot No, 20)

.....**Respondents.**

JOINT PARA WISE REPLY ON BEHALF OF RESPONDENTS No. 1 to 7

Respectfully Sheweth!

Preliminary Objections;

- i. The Appellant has no locus standi and cause of action.
- ii. The Appellant has not come to the Service Tribunal with clean hands.
- iii. The Appellant has submitted incorrect & irrelevant documents and has tried to conceal the facts & truth from the Honorable Service Tribunal.
- iv. The Appeal is not maintainable and barred by law.
- v. The present appeal is time barred.
- vi. That the instant appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

ON FACTS

1. Pertains to record.
2. It is submitted that Mr.Faiz Muhammad Khan and Mr.Israrullah Khan were appointed on the recommendation of NWFP Public Service Commission against Administrative cadre as **Assistant Directors (BPS-17)**, Local Government & Rural Development vide order No.SO(LG-I)2-204/90 dated **8th March, 1992 (Annex-A)** while the appellant joined Department of Local Govt & Rural Development ,NWFP as **Accounts officer (BPS-17)** vide order No.SO(LG-I)2-204/96 dated **22nd April, 1996, (Annex-B)**. Thus not only the appellant is junior to the respondents but also hailing from separate cadre i.e. Finance & Accounts.

It is also pertinent to mention here that separate seniority lists are maintained for Administrative and Finance & Accounts cadres and the appellant being from Finance & Accounts cadre was never part of the seniority list of Administrative cadre and has never objected to that **(Final & Tentative Seniority List Annex C) Service Rules (Annex D)** are enclosed.

Moreover as mentioned in the summary put up for Honorable Chief Minister Khyber Pakhtunkhwa, the respondents being senior most in the administrative cadre were working on the post of Directors (OPS) in BPS-19 LG&RDD Khyber Pakhtunkhwa from last 3 years to the entire satisfaction of the high ups with excellent performance and were thus promoted to BPS-19 vide order No.SO(E)LG/2-128/Promotion/2019 dated 11th November,2019 **(Annex-E)** on regular basis after rendering more than **29 years service** (in BPS-17 and above) and termination of probation by the Chief Executive of the province i.e **Chief Minister Khyber Pakhtunkhwa** being the competent authority. **(Annex -F)**

3. Mr.Faiz Muhammad Khan and Mr.Israrullah Khan were recommended for promotion to the posts of Director (BPS-19) Local Government & Rural Development Khyber Pakhtunkhwa as per Law/Rule/Policy by the Provincial Selection Board in its meeting held on 23-09-2019 .The Minutes of the PSB Meeting are attached **(Annex-G) .**
4. It^{is} submitted that Workers Welfare Board Khyber Pakhtunkhwa is a semi autonomous body and working there in no way could affect/undermine the seniority of civil servants working in Local Government & Rural Development Department, Government of Khyber Pakhtunkhwa.
5. Pertains to record.
6. The Seniority of Mr.Faiz Muhammad Khan and Mr.Israrullah Khan is unchallenged and final and is validated by the decision of Khyber Pakhtunkhwa Service Tribunal in S.A No.1182 Akhtar Munir vs Govt dated 13-02-2018 **(Annex-H)**

"M/S Muhammad Faheem, Faiz Muhammad Khan and Israrullah Khan, who are respectively placed at S.No.2,3 and 4 of the final seniority list, have moved an application with the prayer that the order of status quo passed in the instant appeal be vacated as far as they are concerned. The application is placed on record.

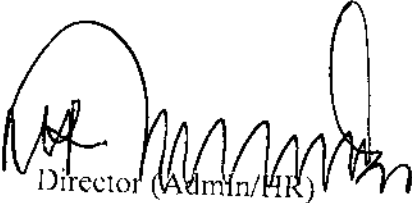
Learned counsel for the appellant frankly concedes that the appellant has no claim against the applicants named herein above and he would not object to the vacation of order of status quo to the extent of applicants /Assistant Directors, LG&RDD. Order accordingly. "

7. Incorrect. Already explained in para 3,4 and 6 above.
8. Incorrect. Already explained above.
9. It is submitted that separate Seniority List for Accounts and Finance Cadre was not issued as the appellant is the only officer in that cadre while the respondents are from Administrative Cadre and their Seniority List is duly maintained in pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act 1973 and is annexed (**Annex C**).
10. Already explained in para 2 above.
11. The summary for termination of probation period in respect of Mr. Faiz Muhammad Khan and Mr. Israr Ullah Khan was approved by the Chief Executive of the province i.e **Chief Minister Khyber Pakhtunkhwa** on 04-11-2019 being the competent authority. (**Annex-F**)
12. Incorrect. In light of position explained in paras 2, 3 and 6 above.

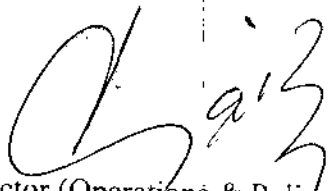
ON GROUNDS

1. In response to para 1, it is submitted that seniority of Mr. Faiz Muhammad Khan and Mr. Israr Ullah Khan is undisputed and is validated by Hon'ble Khyber Pakhtunkhwa Service Tribunal in its judgment in **S.A.No.1182 Akhtar Munir vs Govt of Khyber Pakhtunkhwa** dated 13.12.2018. (**Annex-H**).
2. The promotion order of Mr. Faiz Muhammad Khan and Mr. Israr Ullah Khan to the posts of Director (BPS-19) LG&RDD in Directorate General LG&RD, Khyber Pakhtunkhwa, was issued after fulfillment of all codal formalities as explained in para 2 above and as per Law/Rules/Policy.
3. Incorrect, promotions were made as per Law/Rules/Policy.
4. The appellant has no locus standi and cause of action.
5. Incorrect. The promotion to the post of Director (BPS-19) Local Government & Rural Development Khyber Pakhtunkhwa is made from amongst the senior civil servants in Administration Cadre as per Service Rules (**Annex-D**) while the appellant is from Finance and Accounts cadre.
6. It is submitted that Essential Departments including Local Government & Rural Development were allowed to carry out their functions in greater public interest during the pandemic as per prescribed duty roster.
7. Incorrect. In light of position explained in para 2 above.
8. The respondents seek permission to produce further record and other arguments during the course of arguments.


It is, therefore, humbly prayed that the instant Service Appeal being devoid of merits may be dismissed with cost please.




Director (Admin/HR)
LG&RD, Khyber Pakhtunkhwa
Respondent No.7




Director (Operations & Policy)
LG&RD, Khyber Pakhtunkhwa
Respondent No.6



Secretary LG,E&RDD,
Khyber Pakhtunkhwa
Respondent No.4 & 5



Secretary Finance Department,
Khyber Pakhtunkhwa
Respondent No.3



Secretary Establishment Department,
Khyber Pakhtunkhwa
Respondent No.1 & 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

APPEAL NO.12170/2020

**Mr.Syed Shahinshah Deputy Director (BPS-18) (Finance & Accounts), Hayatabad
Phase-V, Peshawar.**

Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary to the Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
3. The Secretary to the Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar
4. The Secretary, Local Government Development Department KPK, Civil Secretariat, Peshawar
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7. The Israr Ullah Khan (Director, BPS-19 office of Directorate General Local Government Rural Development Department, Hayatabad, Phase,5 Plot No,20)

Respondents.

AFFIDAVIT

I, **Mr.Azaz-ul-Hassan** office Assistant in Directorate General Local Government & Rural Development, Peshawar do hereby solemnly affirm and declare on oath that Para wise reply in **Appeal No.12170/2020 Syed Shahinshah versus Government of Khyber Pakhtunkhwa** are true and correct to the best of my knowledge & belief and nothing has been intentionally concealed from this Honorable Court.

Deponent

CNIC #. **17301-2416976-9**

Cell #. **0336-9170959**

Identified By

**Advocate General
Khyber Pakhtunkhwa**



Amir S/A

GOVERNMENT OF N.W.F.P.,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT.

DATED PESHAWAR THE 8TH MARCH, 1992.

NOTIFICATION

NO.SO(LG-I)2-204/90. Consequent upon the recommendation of the NWFP Public Service Commission, the Governor, NWFP is pleased to appoint the following candidates as Assistant Directors in Basic Pay Scale No.17 (2870-215-5450) on temporary basis with effect from the date of their taking over charge:-

1. ~~Mr. Sher Muhammad Khan S/O~~
Mr. Sher Mohammad Khan,
North Waziristan Agency.
2. ~~Mr. Karimullah S/O~~
Mr. Karimullah,
District Swabi.
3. Mr. Sakhi Jan S/O
Mr. Amir Jan,
District Bannu.

2. Their appointments will be subject to the following terms and conditions:-

- i) They will be governed by the provisions of NWFP Civil Servant Act, 1973 (NWFP Act No.XVII of 1973) and, in matters not specifically mentioned in this Notification, shall be governed by such rules and regulations relating to leave, T.A., Medical Attendance, Seniority etc., as have been or may be prescribed from time to time by Government for the category/status of Government Servants to which they belong.
- ii) They will be governed by the Government Servants Conduct Rules, 1987, the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 and any other instructions on the subject as may be issued by the Government of NWFP from time to time.
- iii) They will initially be on probation for a period of two years. Their services will be liable to termination at any time without assigning any reasons before expiry of the period of probation/extended period of probation if their work and conduct during this period is not found satisfactory. In such an event, they will be given a month's notice of termination of service or one month's pay in lieu thereof. In case they wish to resign at any time without a month's notice, their pay will be forfeited.

- iv) They have not been previously dismissed or debarred from service of Government, Board, Local Body or Autonomous or Semi Autonomous Organization etc.,
- v) Their employment will not in any case confer upon them any claim or right to permanent employment in the department. They will, however, be eligible for continuance and eventual confirmation on satisfactory completion of probation(including the extended period of probation) if and when a regular substantive vacancy in the post is available for them.
- vi) They will not be entitled to any Travelling Allowance/Daily Allowance on their first appointment except in case of permanent Government Servants.
- vii) They will be liable to serve any where within or outside NWFP in any post under the Federal Government or any Provincial Government or Local Authority or a Corporation of Body set up of established by any such Government;
- viii) Their pay will be fixed in the Basic Pay Scales of Rs.2870-215-5450 from the date of their taking over the charge of the post.
- ix) Their inter-se-seniority will be fixed according to the order of merit assigned by the NWFP Public Service Commission.

If the above terms and conditions of appointment are accepted to them, they should immediately communicate their acceptance in writing to this Department and report for duty to the undersigned on or before 30th March, 1992 at the latest, failing which this appointment order may be treated as cancelled in respect of the candidates.


SECRETARY TO GOVERNMENT OF NWFP
LOCAL GOVERNMENT, ELECTIONS &
RURAL DEVELOPMENT DEPARTMENT.

Endst:No.SO(LG-I)2-204/90/ Dated Peshawar, the 8th March, 1992.

Copy forwarded to :-

- 1- The Accountant General, NWFP, Peshawar.
- 2- The Secretary to Government of NWFP, Education Department.
- 3- The Director General, LGRDD, NWFP, Peshawar.
- 4- The Director, Colleges, NWFP, Peshawar.

- 5- The Secretary, NWFP, Public Service Commission, Peshawar with reference to his letter No.PSC-LG-AD/3211, dated 9.12.1991.
- 6- Mr. Faiz Mohammad S/O Sher.MOHammad Khan village Spulga Tehsil and P/O Miranshah, North Waziristan Agency.
- 7- Mr. Israrullah S/O Karimullah, Mohallah Haji Khel Village and P/O Baja, Tehsil and District Swabi.
- 8- Mr. Sakhi Jan S/O Amir Jan Village and P/O Tittar Khel, Tehsil Lakki District Bannu.
- 9- The Manager Printing Press, Peshawar.
- 10- Office Order file.


(FAZAL-UR-REHMAN).
SECTION OFFICER-I

LOCAL GOVERNMENT OF N.W.F.P.,
GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 22ND APRIL, 1996

N O T I F I C A T I O N

NO, SO(LG-I)2-204/96, - In pursuance of this Department Notification No, SO(LG-I)2-204/96, dated the 7th April, 1996, the Provincial Government in the Local Government, Elections and Rural Development Department are pleased to post Syed Shahin Shah S/O Aftinosh of District Peshawar as Accounts Officer in Basic Pay Scale No. 17 (3880-290-7360) in the Directorate General, Local Govt. and Rural Development Department, NWFP Peshawar against a vacant post.

SECRETARY TO GOVERNMENT OF NWFP
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Endst. No. SO(LG-I)2-204/96 Dated Pesh: the 22nd April, 1996

A copy forwarded to:-

1. The Accountant General, N.W.F.P., Peshawar.
2. The Director General, LG&RDD, NWFP, Peshawar.
3. Syed Shahin Shah S/O Aftinosh r/o Jamal-ud-Din Afghani Road University Town Peshawar.
4. The Manager Govt. Printing Press Peshawar.
5. Personal file of the officer concerned.

H.M.

ALAM ZEE MALIK
SECTION OFFICER-II

MOST IMMEDIATE



REGISTERED

Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

No. SO(LG-I)/4-118/ADs/S.List/2019 /1460
Dated Peshawar, the 19.03.2019

To

1. Mr. Sardar-Ul-Mulk, Assistant Director (Sr.), LG&RDD, Swat.
2. Mr. Akhtar Munir, Assistant Director, LG&RDD, Charsadda
3. Mr. Riaz Ahmad, Assistant Director (Sr.), LG&RDD, Peshawar.
4. Mr. Sajid Gul, Secretary Provincial Delimitation Authority, LG&RDD.
5. Mr. Said Rahman, Additional Secretary, LCB, Hayatabad Peshawar.
6. Mr. Muhammad Jehangir, Assistant Director, LG&RD, Merged Area Secretariat, Peshawar.
7. Qazi Noor-ul-Wahab, Assistant Director, LG&RD, Tribal District Khyber.
8. Mr. Sheraz Ahmad, AD, LG&RD, Tribal District Mohmand.
9. Mr. Abudur Rashid, Assistant Director, LG&RDD, Haripur.
10. Mr. Fazlullah, Assistant Director, LG&RDD, Mardan.
11. Mr. Shibli Khan, AD, Directorate General, LG&RDD, Peshawar. (retired)
12. Mr. Asadullah, Assistant Director, LG&RDD, Swabi.
13. Mr. Shams-ul-Arifeen, Assistant Director (Admin / HR), Directorate General, LG&RDD, Peshawar.
14. Mr. Ali Asmat, Assistant Director (Jr.), LG&RDD Peshawar.
15. Mr. Nisar Ahmad, Assistant Director (Litigation), Directorate General, LG&RDD, Peshawar.
16. Mr. Kashif-Ur-Rehman, Assistant Director, LG&RDD D.I.Khan.
17. Mr. Sajid Javed, Assistant Director, Government of Pakistan Intelligence Bureau, Islamabad.
- 18. Mr. Zeeshan Ali Shah, Assistant Director, LG&RDD Nowshera.
- ✓19. Mr. Muhammad Haroon, Assistant Director (Jr.), LG&RDD Haripur.
- ✓20. Mr. Muhammad Naeem, AD, LG&RD District Tribal South Waziristan.
- ✓21. Mr. Mosam Khan, Assistant Director, LG&RDD Tank.
- ✓22. Mr. Muhammad Aleem, Assistant Director (Jr.), LG&RDD Mansehra.
- ✓23. Mr. Dilawar Khan, Assistant Director, LG&RD, Tribal District Bajur
- ✓24. Mr. Abid Zaman, Assistant Director, LG&RDD Hangu.

SUBJECT:- FINAL SENIORITY LIST OF ASSISTANT DIRECTORS (BPS-17) LG&RDD AS STOOD ON 28.02.2019

I am directed to refer to the subject cited above and to state that in implementation of Judgement of Khyber Pakhtunkhwa Services Tribunal, Peshawar in Service Appeal No. 1182/2017- Mr. Akhtar Munir VS Local Government Khyber Pakhtunkhwa and others, the final seniority list of Assistant Directors, LG&RDD as stood on 28.02.2019 is circulated amongst all for your information and record.

Encl: As above.

6572
29-3-2019

SECTION OFFICER (ESTABL)
Phone # 091-9213224

Endst. Even No. & Date

Copy is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. The Director General, LG&RDD Khyber Pakhtunkhwa Peshawar.
3. The Director LG&RD, Merged Area Secretariat, Warsak Road Peshawar.
4. The Manager Government Press Printing Peshawar.
5. The PS to Secretary LG,E&RD Department Peshawar.

SECTION OFFICER (ESTAB)



Government Of Khyber Pakhtunkhwa,
Local Government, Elections & Rural Development Department

NOTIFICATION

Dated Peshawar, the 19th March, 2019

No. SO(LG-D)4-118/ADS/S.LIST/2017/VOL-II- In pursuance of Section-8 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 and Judgement of Khyber Pakhtunkhwa Services Tribunal, Peshawar in Service Appeal No. 1182/2017-Mr. Akhtar Munir VS Local Government Khyber Pakhtunkhwa and others, final seniority list of Assistant Directors, Local Government, Elections & Rural Development Department Khyber Pakhtunkhwa as it stood on 28.02.2019 is notified as under:-

FINAL SENIORITY LIST OF ASSISTANT DIRECTORS (BPS-17) LG&RDD AS STOOD ON 28.02.2019

S#	Name of officer	Edu Quall	Domicile	Date of Birth	Date of 1 st Entry into Service	1 st regular appointment to service / cadre		Promotion to present BPS	Date	Remarks if any	
						Date	BPS				
1	Mr. Sardar-Ul-Mulk	M.Sc (Hons)	Malakand	01.01.1966	07.09.1993	07.09.1993	17	Direct	18 (personally up-graded)	13.09.2011	
2	Mr. Akhtar Munir Umerzai	M.Sc (Agri)	Charsadda	01.04.1961	09.09.1993	09.09.1993	17	-do-	18 (personally up-graded)	13.09.2011	
3	Mr. Riaz Ahmad	M.Sc (Hon: Agri)	Swabi	06.05.1966	07.09.1993	07.09.1993	17	-do-	18 (personally up-graded)	13.09.2011	
4	Mr. Sajid Gul	M.S(Agri)	Dir Lower	09.05.1965	05.09.1993	05.09.1993	17	-do-	18 (personally up-graded)	13.09.2011	
5	Mr. Said Rehman	M.A (P.S)	Mohmand Agency	25.06.1965	13.09.1993	13.09.1993	17	-do-	18 (personally up-graded)	13.09.2011	
6	Mr. Muhammad Jehangir	M.Sc	Peshawar	17.09.1965	25.05.1993	25.05.1993	BS-10 (P.O) Promoted to BS-17 on 26.12.1996	Promotee	18 (personally up-graded)	13.09.2011	

Secretary
Local Government, Elections & Rural Development Department

	Qazi Wahab	Noor-Ul-	M.Sc	Nowshera	16.03.1966	26.05.1993	26.05.1993	BS-16 (P.O) Promoted to BS-17 on 26.12.1996	-do-	17	18 (personally up-graded)	13.09.2011	
8	Mr. Sheraz Ahmad		M.A (Pl. Science)	Swabi	15.09.1960	22.11.1988	22.11.1988	16	-do-	17		16.05.2013	Seniority position maintained intact in light of Para-7 of the S&GAD Circular letter No. SOR-I (S&GAD)1-29/75, dated 13.04.1987
9	Mr. Abdul Rashid		M.A	Haripur	01.01.1961	22.11.1988	22.11.1988	16	-do-	17		27.08.2012	
10	Mr. Fazlullah		M.A (Sociology)	Swabi	08-10-1962	22.11.1988	22.11.1988	16	-do-	17		16-05-2013	Seniority position maintained intact in light of Para-7 of the S&GAD Circular letter No. SOR-I(S&GAD)1-29/75, dated 13.04.1987
11	Mr. Shibli Khan		M.Sc (Hon. Agri)	Swabi	01.05.1965	22.11.1988	22.11.1988	16	-do-	17		16.05.2013	-do-
12	Mr. Asadullah		B.A	Charsadda	28.09.1966	28.02.1990	28.02.1990	BS-9 Supervisor	-do-	17		27.08.2012	

x

22	Mr. Muhammad Aleem	B.A	Tank	30-04-1968	19-01-1993 (Supervisor BS-9) 30-05-2012 (P O)	--	16	Promotee	17	30.12.2015 (Assistant Director)
23	Mr. Dilawar Khan	M.A	SW. Agency	20-07-1966	10-03-1990 (Teacher in Education Deptt)	12-06-1993 (Supervisor B-9) 30-05-2012 (Progress Officer)	16	Promotee	17	30.12.2015 (Assistant Director)
24	Mr. Abid Zaman	B.A	Kohat	11-04-1969	--do--	--	16	Promotee	17	30.12.2015 (Assistant Director)

SECRETARY TO GOVERNMENT OF KP
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Dated Peshawar, the 19th March, 2019

No. SOLG-114-118/ADSS/LIST/2017/VOL-II

Copy forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Services Tribunal Peshawar.
2. The Director General, LG&RDD Khyber Pakhtunkhwa, Peshawar.
3. The Director, LG&RDD Merged Area Secretariat, Warsak Road Peshawar.
4. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa
5. The Manager Government Printing Press Peshawar. He is requested to provide 100 printed copies of the seniority list.
6. The PS to Secretary LG, E&RD Department Peshawar.
7. The personal file of the Officers concerned.
8. The Office order file.

(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Phone # 091-9213224



ANNEXURE (12)
Government Of Khyber Pakhtunkhwa
Local Government Elections & Rural
Development Department

No. SO(LG-I)/4-118/B/2014/Vol-II /1679
Dated Peshawar, October 27, 2015

To,

1. Mrs. Tahira Yasmeen,
Acting Director, LG&RDD
2. Mr. Zahoor, Assistant Director / Planning Officer, Directorate FATA,
LG&RDD Warsak Road, Peshawar
3. Mr. Muhammad Fahim, Assistant Director / Planning Officers,
Directorate FATA, LG&RDD Warsak Road, Peshawar
4. Mr. Faiz Muhammad Khan,
Deputy Director, Directorate General, LG&RDD
5. Mr. Israrullah Khan, Assistant Director, LG&RDD Swabi
6. Mr. Shad Muhammad, Assistant Director, LG&RDD Mangeshra
7. Mr. Sheraz Ahmed, Assistant Director, LG&RDD, Buniar
8. Mr. Abdur Rashid, Assistant Director, LG&RDD, Haripur
9. Mr. Fazlullah, Assistant Director, LG&RDD, Mardan
10. Mr. Shibli Khan, Assistant Director, Directorate General, LG&RDD
11. Mr. Sardarul Mulk, Assistant Director, LG&RDD, Malakand
12. Mr. Akhtar Munir, Assistant Director, LG&RDD, Hangu
13. Mr. Riaz Ahmed, Deputy Director, (Village Council/Neighbourhood
Council)
14. Mr. Syed Khalid Israr Shah, DD, Local Government Commission
15. Mr. Sajid Gul, Secretary Delimitation Authority.
16. Mr. Said Rahman, Assistant Director, LG&RDD (Now DS (Dev)
17. Mr. Syed Hasnain Kazmi, AD, LG&RDD (Now on Ex-Pakistan Leave)
18. Mr. Muhammad Jehangir, Assistant Director, Directorate FATA,
LG&RDD, Warsak Road Peshawar
19. Mr. Qazi Noorul Wahab, Assistant Director, LG&RDD, (Now TMO,
TMA, Nowshera)
20. Mr. Alam Zeb, Assistant Director, Directorate FATA, LG&RDD
Warsak Road, Peshawar
21. Mr. Salim Raza, Assistant Director, LG&RDD, Charsadda
22. Mr. Asadullah, Assistant Director, LG&RDD, Swat

Subject: TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTORS, LG&RDD
AS STOOD ON 30-09-2015.

I am directed to refer to the subject cited above and to say that as a result of departmental appeals submitted by Abdur Rashid, Shad Muhammad, Sheraz Ahmed, Fazlullah, and Shibli Khan, Assistant Directors against the Final Seniority list of Assistant Directors, LG&RDD circulated vide this department letter of even number dated 14th March, 2014, and advice rendered by the Establishment Department, tentative seniority list of Assistant Directors/Planning Officers, LG&RDD is enclosed herewith with the remarks that reservation on the said list, if any, may be conveyed to this department on or before 30/11/2015 for consideration/settlement before final declaration thereof.

Continue page 2

1

14

TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTOR PLANNING OFFICERS (BPS-17)
AS STOOD ON J.G.&RDD ON 30.9.2015

Total Sanctioned Posts of Assistant Directors (BPS-17):- 36

S #	Name of Officer	Educational Qualification	Date of Birth of Domestic	Date of 1 st Appointment to Service	1 st regular appointment to service/grade			Promotion to present BPS		Remarks if any
					Date	BPS	Method of recruitment	BPS	Date	
1					6	7	3	9	10	12
1	Mrs. Tahira Yasmin	M.P.A	1-1-1937 D.LK	25.5.1988	25.5.1984	17	Direct	18	17.12.2007	She has been re-instated in service in implementation of the judgement of the Khyber Pakhtunkhwa Service Tribunal, Peshawar and services regularized from the date of her initial appointment i.e. 25.5.1984
2	Mr. M. Zahoor (PO)	M.A Eco:	9.5.1961 MKD	6.11.1988	6.11.1988	17	-do-	18	25-7-2013	
3	Mr. M. Fahim (PO)	M.B.A	14.2.1963 Swabi	6.11.1988	6.11.1988	17	-do-	18	-do-	
4	Mr. Faiz Muhammad	M.A (PS) & Journalism	17.4.1962 N.W.A	8.3.1992	8.3.1992	17	-do-	18	-do-	
5	Mr. Ishtiaq Khan	M.A Eco:	19.4.1964 Swabi	3.3.1992	3.3.1992	17	Direct	18	-do-	

Attested
Director of Planning
Social Development Dept

15

6	Mr. Shad Muhammad	M.Sc	03-04-1958 Manshra	22-11-1988	22-11-1988	16	Direct	17	27-8-2012	Consequent acceptance of departmental appeals/representati by the Chief Secrt Khyber Pakhtunl (Appellate Autho and advice rendere the Establish Department vide No.SOR-IV(EDY)6-1/2013, dated...11-2014, the of mentioned at SI.No 10 have regained seriority.
7	Mr. Sheraz Ahmad	M.A (P.Science)	13-09-1960 Swabi	22-11-1988	22-11-1988	16	-do-	17	16-5-2013	-do-
8	Mr. Abdul Rashid	M.A	01-01-1961 Haripur	22-11-1988	22-11-1988	16	-do-	17	27-8-2012	-do-
9	Mr. Fazlullah	M.A (Sociology)	08-10-1962 Swabi	22-11-1988	22-11-1988	16	-do-	17	16-5-2013	-do-
10	Mr. Shifir Kharr	M.Sc (Hons. Agri)	01-05-1965 Swabi	22-11-1988	22-11-1988	16	-do-	17	16-5-2013	-do-
11	Mr. Sardarul Mulk	M.Sc. (Hons)	11/1/1966 Malakand	7/9/1993	7/9/1993	17	Direct	18	25-7-2013	
12	Mr. Akhtar Munir Umerzai	M.Sc (Agri)	14/4/1961 Charsadda	9-9/1993	9/9/1993	17	-do-	18	25-7-2013	
13	Mr. Riaz Ahmad	M.Sc (Hons) A.CRI	16.5.1966 Swabi	7.9.1993	7.9.1993	17	-do-	18	25-7-2013	

11/11

SECTION OFFICER
LOCAL GOVERNMENT

14	Mr. Khalid Israr Shah	M.A(P.S)	13.10.1966	1.9.1993	5.9.1993	17	-do-	18	25-7-2013
15	Mr. Sajid Gul	M.Sc.(Agri)	Bannu 9.9.1965 Dir Lower	5.9.1993	5.9.1993	17	-do-	18	25-7-2013
16	Mr. Saib Rehman	M.A.(P.S)	25.6.1965 Mohmand	13.9.1993	13.9.1993	17	-do-	18	25-7-2013
17	Syed Hussain Kazni	M.Sc (AGRI)	10.4.1966 Manshera	7.9.1993	9.9.1993	17	-do-	18	25-7-2013
18	Mr. Muhtarumad Jehangir	M.Sc	17.9.1965 Peshawar	25.5.1993	25/5/1993 Progress Officer	16	Promotee	18	26/11/1996
19	Qazi Noor ul Wahab	M.Sc	16.3.1966 Nowshera	26.5.1993	26.5.1993 Progress Officer	16	Promotee	18	26.12.1996
20	Mr. Akram Zeb	M.A	15.9.1958 Swabi	23.12.1980	23.12.1980	16	Promotee	18	26.12.1996
21	Mr. Salim Raza	M.A	15-12-1964 Charsadda	28-02-2990 (Supervisor BS-9)	28-02-1990	16	Promotee	17	27-8-2012
22	Mr. Asadullah	B.A	28-09-1966 Charsadda	-do-	-do-	16	Promotee	-do-	27-8-2012

16

Attested
MUL

Amended



Government Of Khyber Pakhtunkhwa Local Government, Elections & Rural Development Department

NOTIFICATION

Dated Peshawar, the 01st August, 2018-

No. SO(LG-I)2-188/SSRC/2018.- In exercise of the power conferred by sub-rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa, in consultation with the Establishment & Administration Department and the Finance Department, is pleased to direct that in this Department's Notification No. DG(RWP)7(2)/73, dated 26.01.1978, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

(a) for Serial No. 1 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"1.	Director General.	-	-	-	By transfer from amongst PAS, PCS and PMS officers in BPS-20."

(b) for Serial No. 1A, the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"1A.	Director.	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors and Assistant Directors (Senior) with at least seven (07) years' service as such or twelve (12) years' service as Assistant Director and above. Note: For the purpose of promotion to the post of Director, there shall be maintained a joint seniority list of Deputy Directors and Assistant Directors (Senior).";

Handwritten signature and date 8/22/18

(c) after Serial No. 1A, as so substituted, the following new entries shall be inserted, in the respective columns, namely:

"1B.	Director (Technical).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Directors (Technical) with at least seven (07) years' service as such or twelve (12) years' service, as Assistant Engineer and Assistant Director (Technical) and above.
1C.	Deputy Director/Assistant Director (Senior).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors with at least five (05) years' service as such.

1D.	Deputy Director (Finance and Accounts).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Accounts Officers with at least five years' service as such.
1E.	Deputy Director (Technical).	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Engineers and Assistant Directors (Technical) with five (05) years' service as such and having a Bachelor's Degree in Civil Engineering.”; Note: For the purpose of promotion to the post of Deputy Director (Technical), there shall be maintained a joint seniority list of Assistant Engineers and Assistant Directors (Technical).”;

- (d) against Serial No. 2, in column No. 2, the slash and words “/Planning Officer” shall be deleted.
- (e) against Serial No. 3, in columns 3 and 6, the following shall respectively be substituted, namely: -

3.	6.
“At least Second Class Master's Degree in Commerce / Business Administration/BS (Honours) Finance and Accounting or its equivalent qualification from a recognized University.	(i) Fifty (50) per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Accountants with at least five (05) years' service as such: Provided that if no suitable officer is available for promotion then by transfer.; and (ii) fifty (50) per cent by initial recruitment.”.

- (f) against Serial No. 5, in column No. 2, for the words “Sub Divisional Officer”, the words and brackets “Assistant Director (Technical)” shall be substituted.
- (g) against Serial No. 7, in column Nos. 2 and 6, for the existing entries, the following shall respectively be substituted, namely:

2.	6.
“Assistant.	(i) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least three years' service as such; and (ii) twenty-five percent by initial recruitment.”;

- (h) against Serial No. 9, in column No. 6, in clause (iii), the full-stop, appearing at the end shall be replaced by colon and thereafter the following proviso shall be added, namely:
“Provided that if no suitable officer is available for promotion then by transfer.”;
- (i) after Serial No. 9, as so amended, the following new entries shall be inserted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
“9B.	Auto CAD Operator.	(a) At least Second Class Bachelor's Degree from a recognized University;	-	18 to 30 years.	By initial recruitment.”;

		(b) six months Diploma in Civil AutoCAD from a recognized Technical Institute; and (c) at least two years' experience in relevant field.			
--	--	---	--	--	--

(j) for Serial No. 11 the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"11.	Accountant.	At least Second Class Bachelor's Degree in Business Administration or its equivalent qualification, from a recognized University.	-	21 to 30 years.	By initial recruitment; Provided that till the appointment of a suitable person on initial recruitment the post shall be filled by transfer.";

(k) for Serial No. 14, the following shall be substituted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"14.	Computer Operator.	(a) At least Second Class Bachelor's Degree in Computer Science (BCS)/ Information Technology (BIT) (04-years) or its equivalent qualification from a recognized University; or (b) At least Second Class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	--	21 to 32 years.	By initial recruitment.";

Handwritten signature and date: 2/2-8-11

(l) after Serial No. 19, the following new entries shall be inserted, in the respective columns, namely:

1.	2.	3.	4.	5.	6.
"19A.	Driver.	Preferably literate and holding a valid Driving License.	-	18 to 40 years.	By initial recruitment."; and

(m) for Serial No. 20, in column No. 2, after the word and slash "Chowkidar", the word "Sweeper" shall be added.

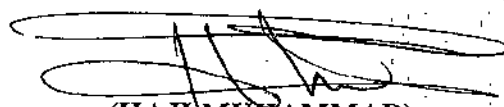
SECRETARY TO GOVERNMENT OF KP
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

No. SO(LG-I)2-188/SSRC/2018.-

Dated Peshawar, the 01st August, 2018

Copy forwarded to:-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. All Divisional Commissioners in Khyber Pakhtunkhwa.
3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
4. The PSO to Chief Minister, Khyber Pakhtunkhwa Peshawar.
5. The PSO to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
6. The Director General, LG,E&RDD, Khyber Pakhtunkhwa Peshawar.
7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. All Head of Attached Departments in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. All District and Session Judges in Khyber Pakhtunkhwa.
12. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
13. The Manager Government printing press, Peshawar for publication in the next Government Gazettee Notification. 40 copies of the Notification may be sent to this Department.
14. The PS to Secretary LG,E&RDD Peshawar.
15. The Office Order file.



(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Phone # 091-9213224

Government Of Khyber Pakhtunkhwa
Local Government, Elections & Rural
Development Department

Amma - B

NOTIFICATION

Dated Peshawar, the 11th November, 2019

No. SO(E)LG/2-128/Promotion/2019.- The Competent Authority on the recommendations of Provincial Selection Board has been pleased to promote the following Deputy Directors (BPS-18) to the post of Directors (BPS-19) in Directorate General, Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar on regular basis with immediate effect:-

1. Mr. Faiz Muhammad Khan
2. Mr. Israrullah Khan.

2. On their promotion, the Officers will remain on probation, in terms of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989.

3. Consequent upon their promotion, they are posted against the vacant posts of Director (BPS-19) in Directorate General, Local Government & Rural Development Department Khyber Pakhtunkhwa, Peshawar with immediate effect.

SECRETARY TO GOVERNMENT OF KHYBER
PAKHTUNKHWA LG, E&RD DEPARTMENT

Enlist. No. & Date Even

Copy forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, LG&RDD Khyber Pakhtunkhwa, Peshawar.
4. The Director, LG&RDD Merged Areas Secretariat, Warsak Road, Peshawar.
5. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
6. All District Accounts Officers in Khyber Pakhtunkhwa.
7. The PS to Senior Minister for LG&RDD, Khyber Pakhtunkhwa.
8. The Officers concerned.
9. The Manager Government Printing Press, Peshawar.
10. The P.F. of the officers concerned.
11. The PS to Secretary LG, E&RDD Peshawar.
12. The PS to Special Secretary LG, E&RDD Peshawar.
13. The PS to Additional Secretary (E&A) LG, E&RDD Peshawar.
14. The Office order file.

(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)

189



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER

Subject: TERMINATION OF PROBATION PERIOD

The promotion case of Assistant Directors to the post of Deputy Directors / Assistant Directors (Senior) BPS-18 lying vacant under promotion quota in LG&RDD was placed before the Provincial Selection Board. The PSB in its meeting held on 26-12-2018 considered their promotion and their promotion to the post of Deputy Director / Assistant Director (Senior) BPS-18 in LG&RDD was notified vide LG&RDD Notification No.SG(I G-1)2-128/2018, dated 07-01-2019(Annex-I). It was mentioned in Para-2 of the said notification that they will be on probation for a period of one year in terms of Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. The probation for a period of one year in their case will be completed on 06-01-2020 (A.N).

2. It is added that two posts of Directors (BPS-19) were sanctioned in the budget during the year, 2015-16 of the Directorate General, LG&RDD. Mr. Faiz Muhammad Khan and Mr. Israrullah, Deputy Directors are working as Directors (BPS-19) in their own pay and scales in the said office for the last three years. However, these officers submitted an appeal to the Chief Secretary, Khyber Pakhtunkhwa for regular promotion to the posts of Directors (BS-19). Request of the applicants was submitted to the Chief Secretary, Khyber Pakhtunkhwa soliciting his orders for termination of their probation period as these officers are already working against these posts in their own pay and scales.

3. The case was examined by the Establishment Department and received with the advice to place the working paper for promotion of the officers to the posts of Directors (BPS-19) before the Provincial Selection Board in its next meeting for consideration (Annex-II).

4. Accordingly, the case was placed before the PSB meeting held on 23-09-2019 vide item No.20 of the Agenda items (Annex-III). The promotion case of the above named officers to the posts of Directors (BPS-19) lying vacant under promotion quota was considered and recommended for promotion with the advice to process case for termination of their remaining probation period for approval of the Competent Authority.

Annex-1 F
7/26

TERMINATION OF PROBATION PERIOD

5. These officers have been performing their duties against the positions of ²⁰⁷ ~~Officers~~ (DPS-10) for the last three years to the entire satisfaction of the higher ups with excellent performance. Therefore, the Chief Minister, Khyber Pakhtunkhwa is requested to terminate the remaining probation period of these officers as advised by the PSB.

6. The proposal contained in Para-5 above is submitted for approval of the Hon'ble Chief Minister, please.

Minister for I.G.E&RD

Chief Secretary, Khyber Pakhtunkhwa

Z.

Secy / Estab
Chief Minister, Khyber Pakhtunkhwa

Pl. examine

4x
Chief Secretary

Zaman 20/9/19
(Zahir Shah)
Secretary, I.G.E&RDD


[Signature]
02/10/19

Minister for Local Government,
Elections & Rural Development
Khyber Pakhtunkhwa

Next page 81.

Summary for Chief Minister, Khyber Pakhtunkhwa submitted by Local Government Department regarding termination of probation periods in respect of Mr. Faiz Muhammad Khan and Mr. Israrullah Deputy Directors (BS-18) Directorate of Local Government Department has been examined.

9. The proposal contain in Para-5 of the summary is in line with the recommendations of the Provincial Selection Board at (Annex-IV) and endorsed for approval of the Chief Minister, Khyber Pakhtunkhwa being appointing authority in terms of Rule-4(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989(Annex-VII).


Syed Jamal-ud-Din Shah
Secretary Establishment
October 17, 2019

Chief Secretary Khyber Pakhtunkhwa

10
11
Chief Minister

Para 09 is approved.


2-11-2019
Chief Minister
(Khyber Pakhtunkhwa)

The post was put to BPS - 19
on PSB with app of capt
auth after term of the
probatio period by Chief Execut

Amerex-G

PSB meeting held on 23.09.2019.

ITEM NO (20)

LOCAL GOVERNMENT ELECTION & RURAL DEVELOPMENT DEPARTMENT

(Meeting of PSB held on 23.09.2019)

SUBJECT: - PROMOTION OF DEPUTY DIRECTOR/ ASSISTANT DIRECTOR(SENIOR) BS-18 TO THE POST OF DIRECTOR BS-19.

Secretary Local Government apprised the Board that due to creation, two posts of Director BS-19 are lying vacant.

2. According to service rules the post is required to be filled as under:-

"By promotion, on the basis of seniority cum fitness, from amongst Deputy Directors and Assistant Directors (Senior) with atleast seven years service as such or twelve (12) years service as Assistant Director and above"

3. The service record of the officers included in the penal was discussed as follows: -

S. #	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Faiz Muhammad Khan	<p>His date of birth is 12.04.1962. He joined government service on 08.03.1992 in BS-17. He was promoted to BS-18 on 07.01.2019. He has not yet completed prescribed probation period. No enquiry is pending against him. His service record upto 2018 is generally good.</p> <p>The Board recommended the officer for promotion to the post of Director BS-19 on regular basis subject to termination of his probation period by the competent authority. He will be on probation for a period of one year.</p>
2.	Mr. Israrullah Khan	<p>His date of birth is 19.04.1964. He joined government service on 08.03.1992 in BS-17. He was promoted to BS-18 on 07.01.2019. He has not yet completed prescribed probation period. No enquiry is pending against him. His service record upto 2018 is generally good.</p> <p>The Board recommended the officer for promotion to the post of Director BS-19 on regular basis subject to termination of his probation period by the competent authority. He will be on probation for a period of one year.</p>

Akhitar Munir

13.12.2018

Counsel for the appellant, Mr. Ziaullah, Deputy District Attorney alongwith Hayatullah, Superintendent for the official respondents, counsel for the private respondents and applicants in person present.


M/S Muhammad Faheem, Faiz Muhammad Khan and Israrullah, who are respectively placed at S.No. 2, 3 and 4 of the final seniority list, have moved an application with the prayer that the order of status quo passed in the instant appeal be vacated as far as they are concerned. The application is placed on record.

Learned counsel for the appellant frankly concedes that the appellant has no claim against the applicants named herein above and he would not object to the vacation of order of status quo to the extent of applicants/Assistant Directors, LG&RDD. Order accordingly.

Arguments on appeal as well as application for interim relief heard. To come up for order on 02.01.2019.

The order of maintenance of status quo shall remain operative till the next date to the extent of private respondents in the appeal.


Member


Chairman