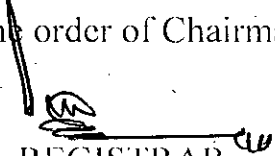


FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1900 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2022	<p>The appeal of Mr. Mir Azam Khan presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 1900/2022

Mir Azam Khan

V/S

Chief Secretary etc

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S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	01-05
02.	Affidavit	-----	06
03.	Copy of the Seniority List of 2018	A	07-12
04.	Copies of the Rules and notification dated 15.01.2018	B&C	13-18
05.	Copy of the order dated 29.11.2018	D	19-20
06.	Copy of Departmental Appeal	E	21
07.	Copies of memo of service appeal, comments, judgments dated 06.07.2009 letter dated 13.07.2010 and letter dated 16.01.2020	F,G,H,I&J	22-33
08.	Copies of Judgment dated 17.10.2022 and rejection order/letter dated 07.12.2022	K&L	34-38
09.	Vakalat Nama	-----	39

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Cell No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1900 /2022

Mr. Mir Azam Khan, Assistant Accountant (BPS-16)
Treasury Establishment, Finance Deptt, Peshawar.

(APPELLANT)

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Ayub Ur Rehman, Assistant Treasury Officer, BPS-17, Office of the District Accounts Officer, Bannu.
5. Mr. Muhammad Ramzan, Assistant Treasury Officer, BPS-17, Office of the District Accounts Office, Tank.
6. Mr. Asad Ali Shah, Assistant Treasury Officer BPS-17, B.I.S.E Abbottabad (On Deputation).
7. Mr. Bilal Ahmad Atif, Assistant Treasury Officer, BPS-17 (Acting Charge Basis), Office of the District Accounts Office, Tor Ghar.
8. Mr. Lal Zada, Assistant Treasury Officer, BPS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Lower).
9. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Upper).
10. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 29.11.2018, WHEREBY
THE PRIVATE RESPONDENTS NO.04 TO 10 BEING
JUNIORS TO THE APPELLANT WERE PROMOTED TO
THE POST OF ASSISTANT TREASURY OFFICERS (BPS-**

17) AND AGAINST THE ORDER DATED 17.12.2022 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.11.2018 & 12.07.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT TREASURY OFFICER BPS-17 FROM THE DATE WHEN HIS JUNIOR WERE PROMOTED, ANY OTHER REMEDY WHICH THIS HON'BLE TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SUBMITTED:

FACTS:

1. That the appellant has appointed in the year 1990, while the private respondents No. 4 was appointed in the year 1993, 5 were appointed in the year 1988, private respondents No. 6, 7 & 8 were appointed in the year 1995 and private respondents No. 9&10 were appointed in the year 2004. The appellant is at Serial No.62, while the private respondents No.4, 5, 6, 7, 8, 9, 10 are at Serial No.78, 85, 90, 92, 99, 125 &129 respectively in the seniority list stood on 31.12.2017 issued on 15.01.2018, of Assistant Accountants (BPS-16), meaning by the appellant is senior to private respondents No.4 to 10. (Copy of the Seniority List is attached as Annexure-A)
2. That the respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer is mentioned as *sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination*. It is pertinent to mention here that the appellant has passed the SAS exam along with other officials on 15.01.2018. (Copies of the Rules and notification dated 15.01.2018 are attached as Annexure-B&C)
3. That the private respondent's No. 4 to 10 were promoted to the post of Assistant Treasury Officers (BPS-17) vide order dated 29.11.2018, while the appellant being senior to respondents No.4 to 10 were deprived from his legal right of promotion to the post of Assistant Treasury Officer (BPS-17) by the respondent department. (Copy of the order dated 29.11.2018 is attached as Annexure-D)

4. That the appellant filed departmental appeal against the impugned promotion order, which was not responded with in the statutory period of 90 days. **(Copy of Departmental Appeal is attached as Annexure-E)**
5. That after the stipulated period of ninety days, the appellant filed service No.952/2019 in this Honorable Tribunal and during the proceeding of the case, the respondent department submitted the comments in which they rely on the judgment dated 16.07.2009 of this Honorable Tribunal rendered in service appeal 301/2009 and other connected appeals as the Honorable Tribunal dispose of those appeals with certain observations about the framing of fresh rules of the department and mentioned that the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of S.A.S examination and not on their simple seniority as Assistant Accountants, however. When the rules were proposed certain observations were made by the Law Department which is evident from the letter dated 13.04.2010 and when the rules were framed and notified on 10.08.2018, the Establishment Department though it letter dated 16.01.2020 to the Finance Department mentioned that the case has been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that existing Service Rules are quite clear and there is no need of further amendments in the Said Rules. **(Copies of memo of service appeal, comments, judgments dated 06.07.2009 letter dated 13.07.2010 and letter dated 16.01.2020 are attached as Annexure-F,G,H,I&J)**
6. That the service appeal of the appellant was heard and decided by the Honorable Tribunal on 17.10.2022. The Honorable Tribunal dispose of the appeal of the appellant with direction to the appellate authority to decide the departmental appeal of the appellant though a speaking order within the period of one month of the receipt of copy of the judgment, but the appellate authority rejected the departmental appeal of the appellant on 07.12.2022 for no good grounds. **(Copies of Judgment dated 17.10.2022 and rejection order/letter dated 07.12.2022 are attached as Annexure-K&L)**
7. That the appellant having no other remedy except to file the instant appeal in this Hon'ble Tribunal for redressal of his grievances on the following grounds amongst others.

GROUND:

- A. That the impugned orders dated 29.11.2018 and rejection order/letter dated 07.12.2022 are against the law, facts, norms of justice and

material on record, therefore, not tenable in the eyes of law and liable to be set aside.

- B. That the appellant is senior to the private respondents No.4 to 10 in the seniority list stood on 31.12.2017 issued on the year 15.01.2018, but despite the private respondents No.4 to 10 being juniors to the appellants were promoted to the post Assistant Treasury Officer (BS-17), which is violation of law & rules.
- C. That although the Honorable Service Tribunal in its judgment dated 16.07.2009 rendered in service appeal No.301/2009 and others gave certain observations about the framing of fresh rules of the department and mentioned that the vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of S.A.S examination and not on their simple seniority as Assistant Accountants, however, the department notified the rules on 08.10.2018 wherein promotion to the post of Assistant Treasury Officer/Sub Treasury Officer is mentioned as sixty percent (60%) by promotion on the basis of seniority cum fitness, from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination without mentioning in the rules that seniority of Assistant Accountant will be fix with respect to the dates of their passing of S.A.S examination by observing the judgment dated 16.07.2009 of this Honorable Service Tribunal, which means that the post of Assistant Treasury Officer/Sub Treasury Officer can be filled on the basis seniority sum fitness from amongst the Assistant Accountants, who have qualified PIPFA or SAS examination and as per rules notified on 08.10.2022, the appellant is entitle for promotion to the post of Assistant Treasury Officer as he is senior than the private respondents and have also qualified examination at the time of promotion.
- D. That when the rules of the department framed and notified on 08.10.2022, the Establishment Department itself through the letter dated 16.01.2020 admitted that the case has been examined in light of Service Tribunal judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that existing Service Rules are quite clear and there is no need of further amendments in the Said Rules, which means that the rules notified on 10.08.2018 is final and on the basis of rule notified on 10.08.2018, the appellant has right of promotion to the

post Assistant Treasury Officer (BS-17) which was not granted to the appellant.

- E. That the appellant has good service record, but despite that juniors to the appellant were promoted which is violation of norms of justice and promotion rules notified on 10.08.2018 of the department.
- F. That depriving the appellant from his legal right of promotion to the post of Assistant Treasury Officer BPS-17 will also affects his future promotion, which will cause huge financial loss in shape of pension and other monetary benefits.
- G. That the appellant is not treated in accordance with law and rules and keep deprive from his legal rights of promotion in shape of arbitrary manners & means.
- H. That appellant has not been treated according to the Article 04 of the Constitution of Pakistan 1973, more so it is settled principle of law that where the law requires the things to be done in particular manner, the same is to be done in that manner and not otherwise.
- I. That the appellant seeks permission of this Honorable Tribunal to advance other grounds and proof at the time of hearing.

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

THROUGH:


APPELLANT
MIR AZAM KHAN


(TAIMUR ALI KHAN)

&
(MANSOOR SALAM)
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Mir Azam Khan

V/S

Chief Secretary etc

AFFIDAVIT

I, Mir Azam Khan Assistant Accountant BPS-16, Treasury Establishment, Finance Deptt, Peshawar (appellant) do hereby affirm and declare that the contents of this Service Appeal are true and correct to the best of my knowledge & belief and nothing has been withheld from this Hon'ble Tribunal.



DEPONENT

✓ Mir Azam Khan
(APPELLANT)

Directorate of Treasuries & Accounts
Khyber Pakhtunkhwa

Treasury Block, District Courts Compound, Bahadur Janjua Masjid, Khyber Road, Peshawar.
Phone & Fax: 091-9211856

Dated Peshawar 15-01-2018

NOTIFICATION

No. I-45/DT&A/17/S.L/A.A/18cd In pursuance to Sub-Section (1) of Section 8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), Final Seniority list in respect of Assistant Accountants (BPS-16) of the Treasury Establishment Khyber Pakhtunkhwa (As it stood on 31-12-2017) is hereby notified for information of all concerned

FINAL SENIORITY LIST OF ASSISTANT ACCOUNTANT (BPS-16) OF TREASURY ESTABLISHMENT
KHYBER PAKHTUNKHWA AS IT STOOD ON 31-12-2017

S.No	NAME OF OFFICER	DOMICILE	WHETHER SAS QUALIFIED OR OTHERWISE	DATE OF BIRTH	DATE OF 1ST ENTRY INTO GOVERNMENT SERVICE	DATE OF REGULAR APPOINTMENT AS ASSTT. ACCTT.	PLACE OF PRESENT POSTING	REMARKS
1 ✓	Saeed Khan.	D.I.Khan	NIL	03-06-1958	05-09-1981	18-07-1994	DCA D.I.Khan	
2 ✓	Naimat Ullah	D.I.Khan	NIL	10-01-1961	15-09-1981	01-12-1994	DCA D.I.Khan	
3 ✓	Tahir Mehmood	Haripur	NIL	10-02-1958	26-09-1981	08-03-1995	DAO Haripur	
4 ✓	Saif-ur-Rehman	Battagram	NIL	28-06-1958	04-11-1981	08-03-1995	DAO Battagram	
5	Sadat Nawaz	D.I.Khan	NIL	21-03-1960	11-07-1982	03-09-1995	DCA D.I.Khan	
6	S. Mushtaq Ali Shah	Peshawar	NIL	10-03-1961	11-02-1981	20-09-1995	DCA Peshawar	
7 ✓	Sulian Fayyaz	Peshawar	NIL	12-04-1958	29-03-1981	02-12-1995	DAO Swabi	
8 ✓	Usman Sher	Swabi	NIL	12-02-1960	29-03-1982	02-12-1995	DAO Swabi	
9	Noor Muhammad	Dir Lower	NIL	01-03-1960	16-02-1985	07-06-2001	DAO Dir Lower	
10 ✓	Faiz Muhammad	Peshawar	NIL	01-01-1958	09-08-1981	04-06-2002	DAO Charsadda	
11	Amir-ud-Din	Miranshah	NIL	03-03-1959	06-12-1982	04-06-2002	AAO NWA	
12	Tariq Mehmood Abid	Karak	NIL	16-02-1959	11-06-1983	04-06-2002	DAO Hangu	
13 ✓	Abdul Hameed	Charsadda	NIL	20-05-1959	04-03-1982	20-11-2003	DAO Charsadda	
14	Ihsanullah	Peshawar	NIL	05-06-1959	28-09-1982	20-11-2003	DT&A Peshawar as Superintendent	

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15	Muhammad Iqbal	D.I.Khan	NIL	14-03-1958	26-03-1983	20-11-2003	DCA D.I.Khan
16	Niamatullah	Karak	NIL	19-01-1962	01-11-1983	20-11-2003	DAO Karak
17	Imtiaz Ahmad	Mansehra	SAS (2017)	21-06-1961	15-03-1984	20-11-2003	DAO Mansehra
18	Shahid Waqar	Kohat	NIL	24-05-1962	01-11-1984	04-05-2005	AAO Orakzai Agency
19	Ahmad Abbas	Kohat	NIL	21-04-1962	28-04-1985	04-05-2005	DCA Kohat
20	Inam-ul-Haq	Karak	NIL	05-01-1960	23-04-1985	04-05-2005	DCA Kohat
21	Rashid Ali	Hangu	NIL	24-12-1960	31-07-1985	04-05-2005	AAO Kurram
22	Ifikhar Hussain Shah	Haripur	NIL	03-03-1963	29-09-1985	04-05-2005	DAO Haripur
23	M. Naeem	Mansehra	NIL	07-02-1961	23-10-1985	04-05-2005	DAO Kohistan
24	Kohi Noor	Bannu	NIL	06-09-1960	10-07-1982	07-01-2006	DCA Swat
25	Akbar Ali	D.I.Khan	NIL	05-04-1960	07-11-1985	07-01-2006	DCA D.I.Khan
26	Sher Andaz	Bannu	SAS (2015)	15-12-1965	10-11-1981	07-01-2006	DCA Bannu
27	Amanullah	D.I.Khan	NIL	01-05-1960	14-12-1981	07-01-2006	Transferred to Finance Deptt
28	Hakeem Badshah	Karak	NIL	06-05-1961	13-11-1981	07-01-2006	DAO Karak
29	Umar Badshah	Karak	NIL	23-02-1964	13-03-1986	07-01-2006	AAO Orakzai Agency
30	Sultan Kareem	Kurram	NIL	08-02-1958	15-03-1986	07-01-2006	DAO Dir Upper
31	Muhammad Ishaq	Karak	NIL	10-03-1958	16-03-1986	07-01-2006	On deputation to DC Office, Karak
32	Bahroz Khan	Buner	NIL	30-04-1963	02-05-1987	24-01-2008	DAO Buner
33	Saleem Dad	Bannu	SAS (2013)	02-01-1965	20-09-1987	24-01-2008	DAO Buner
34	Noor Nawaz	Bannu	NIL	06-08-1961	22-09-1987	24-01-2008	AAO NWA
35	Said Ali Shah	Mardan	SAS (2013)	09-02-1965	30-09-1987	01-07-2008	DCA Mardan
36	Fazli Akbar	Malakand	NIL	20-01-1958	28-10-1987	01-07-2008	DAO Malakand
37	Fida Mohammad	Swabi	NIL	15-04-1962	01-11-1987	01-11-2010	DAO Swabi
38	Naveed Iqbal	Swat	SAS (2013)	01-01-1959	01-03-1987	01-11-2010	DCA Swat
39	Saleem Gill	Kohat	NIL	02-12-1959	22-10-1985	01-11-2010	DCA Kohat
40	Abdul Saeed	Kohat	NIL	20-05-1962	29-02-1988	01-11-2010	DAO Hangu
41	Mohammad Ayub	Kohat	NIL	04-07-1959	29-02-1988	01-11-2010	DCA Kohat
42	Shah Zaman	Mardan	NIL	11-02-1968	17-08-1988	09-08-2012	DCA Mardan
43	Salim Khan	Mardan	NIL	10-04-1966	17-08-1988	09-08-2012	DAO Buner
44	M. Yasin Shah	Bannu	NIL	24-01-1966	01-09-1988	09-08-2012	DCA Bannu
45	Gohar Zad Khan	Bannu	NIL	06-01-1968	16-08-1989	09-08-2012	DCA Bannu

47	Sabz Ali	Charsadda	SAS (2013)	02-01-1958	17-09-1989	09-08-2012	DAO Charsadda	ATO (Acting Charge)
48	Q. Sher Afzal	Peshawar	NIL	15-11-1962	17-09-1989	09-08-2012	AAO Khyber	
49	Fayaz Ahmad	Charsadda	NIL	15-03-1964	17-09-1989	09-08-2012	DCA Abbottabad	
50	Zakir Ullah	Peshawar	SAS (2015)	20-02-1966	17-09-1989	09-08-2012	DCA Peshawar	
51	Sheraz Muhammad	Peshawar	NIL	06-09-1966	03-10-1989	09-08-2012	DCA Peshawar	
52	Ahmad Nadeem	Peshawar	NIL	05-04-1960	28-10-1989	09-08-2012	DCA Peshawar	
53	Atiq ur Rahman	Buner	NIL	15-06-1963	22-06-1982	09-08-2012	DAO Buner	
54	Muhammad Halim	Mardan	NIL	01-01-1961	25-10-1981	09-08-2012	DCA Mardan	
55	Hussain Gul	Dir (L)	SAS (2013)	04-04-1962	09-04-1990	09-08-2012	DAO Shangla	ATO (Acting Charge)
56	Muhammad Niaz	Abbot Abad	NIL	25-03-1966	02-06-1984	09-08-2012	DCA Abbottabad	
57	Muhammad Zahir	Dir (L)	SAS (2007)	07-12-1961	06-06-1990	09-08-2012	DAO Malakand	ATO (Acting Charge)
58	Samuil Haq	Dir (L)	NIL	11-01-1963	29-01-1991	09-08-2012	DAO Malakand	
59	Rahmat Ali	Swat		20-01-1963	18-09-1982	09-08-2012	DCA Swat	
60	S. Abid Ali Shah	Peshawar	NIL	25-09-1966	03-02-1991	09-08-2012	DCA Peshawar	
61	Fazal Amin	Peshawar	NIL	01-01-1968	03-02-1991	09-08-2012	DCA Peshawar	
62	Muhammad Hamayun	Malakand	SAS (2013)	05-01-1965	29-01-1991	09-08-2012	On deputation as A.O (CB) Finance Deptt.	ATO (Acting Charge)
63	Mir Azam Khan	Chitral	NIL	10-02-1967	24-01-1990	09-08-2012	On deputation to Forest	
64	Jehangir Khan	Abbottabad	NIL	27-07-1966	18-02-1991	09-08-2012	DCA Abbottabad	
65	Rambel Khan	Bannu	NIL	17-02-1965	05-03-1991	09-08-2012	DCA Bannu	
66	Nazim Hussain	Peshawar	SAS (2013)	07-10-1967	30-04-1991	09-08-2012	DAO Swabi	ATO (Acting Charge)
67	Muhammad Ibrar	Malakand	NIL	15-02-1963	23-07-1992	09-08-2012	DAO Dir Lower	
68	Fazil Mabood	Swat	NIL	10-04-1964	27-07-1992	09-08-2012	DCA Swat	
69	Sher Zaman	L / Marwat	NIL	19-08-1964	26-06-1993	09-08-2012	DAO Lakkhi Marwat	
70	Fakhirul Islam	L / Marwat	NIL	09-01-1969	26-06-1993	09-08-2012	DCA D.I.Khan	
71	Muhammad Mumtaz	L / Marwat	NIL	04-12-1962	27-06-1993	09-08-2012	AAO Bajour Agency	
72	Khalid Mehmood	Mansehra	NIL	15-03-1962	21-07-1993	09-08-2012	DAO Kohistan	
73	Muhammad	Abbot Abad	SAS (2002)	03-04-1966	22-07-1993	09-08-2012	DCA Abbottabad	ATO (Acting Charge)
74	Shamarez	Bannu	NIL	20-09-1971	22-07-1993	09-08-2012	DCA Bannu	
75	Shah Qiaz	Mardan	SAS (2007)	12-02-1967	30-08-1988	09-08-2012	On deputation as A.O in DC, Office Mardan	ATO (Acting Charge)
76	Muhammad Tahir	S. Swabi	SAS (2002)	05-04-1967	17-11-1992	09-08-2012	DAO Swabi	ATO (Acting Charge)

76	Inam ullah	Mardan	NIL	20-01-1966	25-07-1993	09-08-2012	DCA Mardan	
77	Hussain Ahmad	Mardan	NIL	02-04-1968	13-06-1990	09-08-2012	DCA Mardan	
78	Ayub ur Rehman	Bannu	SAS (2009)	01-01-1968	29-07-1993	09-08-2012	DCA Bannu	ATO (Acting Charge)
79	Zameer Murad	Abbot Abad	SAS (2017)	02-06-1970	07-08-1993	09-08-2012	DAO Mansehra	
80	Rahmat ullah	Bannu	NIL	10-02-1964	19-08-1993	09-08-2012	DAO Tank	
81	Akhtar Muneer	Bannu	NIL	05-11-1963	23-08-1993	09-08-2012	DAO Battagram	
82	Imamtaaz Ali	Bannu	SAS (2002)	01-04-1968	01-09-1993	09-08-2012	DCA Bannu	ATO (Acting Charge)
83	Fazal-e-Subhan	Mardan	NIL	09-05-1966	19-10-1993	09-08-2012	DCA Mardan	
84	Hamayun Khan	Mardan	NIL	01-09-1964	19-05-1994	09-08-2012	DCA Mardan	
85	Muhammad Ramzan	D.I.Khan	SAS (2009)	08-01-1965	13-12-1988	09-08-2012	DAO Nowshera	ATO (Acting Charge)
86	Abdul Hakim	D.I.Khan	NIL	28-03-1968	06-11-1991	09-08-2012	DAO Tank	
87	Khyber Ali	Nowshera	NIL	30-03-1965	18-12-1994	09-08-2012	DAO Nowshera	
88	Wilayat Ali	Nowshera	NIL	11-02-1965	18-12-1994	09-08-2012	DAO Nowshera	
89	Wasim Hafiz	Abbot Abad	NIL	23-03-1969	30-04-1995	09-08-2012	DCA Abbottabad	
90	Asad Ali Shah	Abbot Abad	SAS (2007)	12-07-1968	30-04-1995	09-08-2012	On deputation to BISE Abbottabad	ATO (Acting Charge)
91	Amjad Khan	Abbot Abad	SAS (2002)	06-06-1969	30-04-1995	09-08-2012	DCA Abbottabad	ATO (Acting Charge)
92	Bilal Ahmad Atif	Mansehra	SAS (2009)	16-01-1973	30-04-1995	09-08-2012	DAO Tor Ghar	ATO (Acting Charge)
93	Abdul Latif	Karak	SAS (2017)	07-01-1970	19-06-1995	09-08-2012	DCA Kohat	
94	Muhammad Irshad	Kohat	SAS (2013)	18-03-1968	16-08-1995	09-08-2012	On deputation to BOR	ATO (Acting Charge)
95	Muhammad Rafiullah	Tank	NIL	20-11-1969	23-08-1995	09-08-2012	DAO Tank	
96	Qamar ul Ahsan	D.I.Khan	SAS (2015)	09-03-1969	23-08-1995	09-08-2012	DCA D.I.Khan	
97	Shah Alam	D.I.Khan	NIL	04-04-1959	23-08-1995	09-08-2012	AAO SWA Tank	
98	Fazli Wahid	Malakand	NIL	09-03-1973	19-12-1995	09-08-2012	DAO Malakand	
99	Lal Zada	Dir Lower	SAS (2007)	03-04-1972	03-12-1995	09-08-2012	DAO Dir Lower	ATO (Acting Charge)
100	Amir Zaman Shah	Buner	NIL	05-05-1969	29-11-1995	09-08-2012	DAO Buner	
101	Inamullah Khan	Dir Lower	NIL	01-05-1968	03-12-1995	09-08-2012	DAO Dir Lower	
102	Muhammad Usman	Chitral	NIL	12-11-1966	29-11-1995	09-08-2012	DAO Chitral	
103	Mumtaz Ali Shah	Shangla	NIL	25-04-1971	30-11-1995	09-08-2012	DAO Shangla	
104	Wahid Iqbal	Peshawar	SAS (2013)	27-01-1975	26-09-1996	17-05-2013	On deputation to less ail WM	ATO (Acting Charge)
105	Bahedur Shah Zaifur	Nowshera	NIL	15-03-1968	19-09-1996	17-05-2013	DAO Nowshera	
106	Fazal Rahman	Swat	NIL	01-04-1968	12-03-1996	17-05-2013	DCA Swat	

108	Muhammad Jamil	Swat	NIL	03-03-1965	30-11-1995	02-02-2015	On deputation to BISE Swat	
109	Asadullah	Dir Lower	SAS (2015)	13-12-1965	12-02-1995	31-01-2014	DAO Dir Lower	
110	Atta-ur-Rehman	Chitral	NIL	04-04-1968	02-10-1996	31-01-2014	DAO Chitral	
111	Syed Farooq Shah	Bannu	NIL	05-01-1960	31-03-1984	31-01-2014	DCA Bannu	
112	Khalid Usman	Karak	NIL	03-03-1970	10-09-1996	31-01-2014	DAO Hangu	
113	Murad Ali	M. Agency	SAS (2017)	07-02-1980	14-06-2004	07-01-2016	On deputation to culture Deptt	
114	Sahibur Rehman	Chitral	NIL	09-03-1974	13-05-2004	07-01-2016	DAO Chitral	
115	Abdullah	Battagram	SAS (2013)	13-08-1969	31-05-2004	07-01-2016	DAO Kohistan	
116	Abdul Qadir	Bannu	SAS (2015)	24-11-1967	26-04-1992	07-01-2016	DCA Bannu	ATO (Acting Charge)
117	Ifkhar Hussain	Mansehra	SAS (2013)	17-04-1983	07-06-2004	07-01-2016	DAO Haripur	ATO (Acting Charge)
118	Khan Zada Zeb	Haripur	SAS (2013)	18-12-1980	27-09-2002	07-01-2016	DAO Haripur	ATO (Acting Charge)
119	Israr Ali	Shangla	NIL	10-04-1981	17-05-2004	07-01-2016	DAO Shangla	ATO (Acting Charge)
120	Shah Hussain	Khyber Agency	SAS (2015)	22-10-1982	01-06-2004	07-01-2016	AAO Khyber	
121	Qudrat Ullah Khan	L. Marwat	SAS (2013)	15-01-1982	31-05-2004	07-01-2016	DAO Laki Marwat	ATO (Acting Charge)
122	Abid Ali	M. Agency	SAS (2015)	11-06-1975	15-07-2004	07-01-2016	On deputation to PDMA	
123	Abdur Rehman	Peshawar	NIL	26-01-1975	14-05-2004	07-01-2016	DCA Peshawar	
124	Alam Said	M. Agency	NIL	11-02-1977	19-07-2004	07-01-2016	AAO Mohmand	
125	Ghaus-ur-Rehman	Dir Lower	SAS (2017)	01-01-1977	08-05-2004	04-05-2016	DAO Dir Lower	
126	Kashif Sultan	MKD Agency	SAS (2013)	21-09-1979	05-06-2004	21-04-2017	DAO Dir Upper	
127	Taugeer Ahmad	Mansehra	NIL	12-10-1976	07-06-2004	21-04-2017	DAO Battagram	
128	Shujaat Khan	Peshawar	NIL	03-03-1977	14-05-2004	21-04-2017	DCA Peshawar	
129	Riaz-ud-Din	Dir (L)	NIL	04-02-1978	29-05-2004	21-04-2017	DAO Dir Lower	
130	Wahaed Ullah	D.I.Khan	SAS (2013)	13-01-1984	01-06-2004	21-04-2017	AAO SWA Tank	
131	Ghulam Farid	Karak	NIL	03-03-1967	24-01-1995	21-04-2017	DAO Karak	
132	Ahmad Ghaffar	Nowshera	NIL	24-06-1979	22-12-2005	21-04-2017	DAO Nowshera	
133	S. Aftab Hussain	Peshawar	NIL	03-04-1981	22-12-2005	21-04-2017	DAO Charsadda	
134	Sultan Wali Khan	Chitral	SAS (2017)	05-04-1976	22-12-2005	21-04-2017	DAO Chitral	
135	Abdul Wahid	Khyber Agency	SAS (2015)	10-10-1976	04-04-2005	21-04-2017	DT&A Peshawar	
	Abid Khan	Nowshera	SAS (2017)	07-01-1983	31-12-2003	21-04-2017	DAO Haripur	

(10)

136 | Fazal Wahab

MKD Agency

NIL

05-10-1978

22-12-2005

07-07-2017

DAO Malakand

Endst No & Date Even

Copy for information and necessary action is forwarded to the:

1. All the District Comptroller of Accounts, District / Agency Accounts Officers & Treasury officer in Khyber Pakhtunkhwa / FATA with the request that all concerned may be informed accordingly.
2. Section Officer (Estt); Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
3. Office order file.

Director
Treasuries & Accounts
Khyber Pakhtunkhwa

Deputy Director
Treasuries & Accounts
Khyber Pakhtunkhwa

B(13)



NOTIFICATION

Recd 15/11/2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
Dated Pesh: the 10-08-2018

NO. SO(EST/FPD/1-16/2014/SSRC/Vol. III/Tr. 1 In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Finance Department, in consultation with Establishment Department, and in supersession of previous notifications issued in this behalf, hereby directs that in the Khyber Pakhtunkhwa Treasuries (Recruitment and Appointment) Rules, 1981, the following further amendments shall be made, namely:-

APPENDIX

S.No.	Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment or by transfer	Minimum qualification prescribed for appointment by promotion	Age limit	Method of recruitment.
1	Director, Treasuries & Accounts.	3	4	5	6 By selection on merit from amongst the District Comptrollers of Accounts having three (03) years service as such: Provided that if no suitable person is available for promotion then by transfer from amongst officers of equivalent grade having three 03 years experience in finance and accounting.
2	District Comptroller of Accounts				By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors, District Accounts Officers and Agency Accounts Officers and Treasury Officer with at least twelve (12) year service in BPS-17 and above. Note: For the purpose of promotion, a joint seniority list of the Officers mentioned above shall be maintained.
3	Deputy Director, Treasuries & Accounts.				By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors Treasuries & Accounts having five (05) years service as such: Provided that if no suitable person is available for promotion then by transfer from amongst the District Accounts Officers, Agency Accounts Officers or Treasury Officers.

Account

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4.	District Accounts Officer / Agency Accounts Officer / Treasury officer.		(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Treasury Officer and Sub-Treasury Officers with at least five (05) year service as such. <u>Note:</u> For the purpose of promotion, a joint seniority list of the Assistant Treasury Officers and Sub-Treasury Officers shall be maintained; and (b) fifty per cent by deputation, for a specified period, from amongst Accounts Officers of the Audit Department of Government of Pakistan.
5.	Assistant Director, Treasuries & Accounts.		By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents having five (05) year service as such: Provided that if no suitable person is available for promotion then by Transfer from amongst the Assistants / Sub-Treasury Officers.
6.	Assistant Treasury Officer / Sub-Treasury Officer.	At least Second Class Master's Degree in Statistics, Economics, Business Administration or Commerce, from a recognized University.	22 to 30 years. (a) Sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants, who have qualified PPF A or SAS Examination; ✓ (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Accountants. ✓ (c) twenty per cent by initial recruitment;
7.	Superintendent.		By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers, having five (05) years service as such.
8.	Assistant Accountant.		<u>Note:</u> For the purpose of promotion a joint seniority list of Assistants and Senior Scale Stenographers shall be maintained. By promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Accountants, having five (05) years service as such.
9.	Senior Scale Stenographer.		By promotion on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five (05) years service as such: Provided that if no suitable candidate is available for promotion then by transfer of a suitable officer.

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10.	Assistant.	At least 2 nd class Bachelor Degree from a recognized University.	20 to 32 years	(a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five (05) years service as Junior Clerk and Senior Clerk; and (b) twenty-five per cent by initial recruitment.
11.	Sub-Accountant.	At least 2 nd Class Bachelor's Degree in Commerce / Business Administration or ACMA or MBA from a recognized University.	21 to 35 years	By initial recruitment.
12.	Junior Scale Stenographer	i. At least 2 nd Division Intermediate or equivalent qualification from a recognized Board; ii. a speed of seventy (70) words short hand in English and forty five (45) words per minute in typing; and iii) knowledge of Computer in using M.S. Words and M.S. Excel.	18 to 30 years	By initial recruitment.
13.	Computer Operator	(i) Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/ BIT four years), from a recognized University, or (ii) Second class Bachelor's Degree from a recognized University with one year diploma in Informatica Technology from a recognized Board of	21 to 32 years	By initial recruitment.

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[Signature]

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14.	Senior Clerk				By promotion, on the basis of seniority-cum-fitness. From amongst the junior clerks with at least three (03) years service as such;
15.	Junior Clerk	i) At least 2 nd division Intermediate or its equivalent qualification from a recognized Board; and ii) a speed of thirty (30) words per minute in typing.		18 to 30 years	i) Thirty three (33) per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris who possess qualification for initial recruitment having at least two (02) years service as such; and ii) sixty seven per cent by initial recruitment.
16.	Driver.	i) Secondary School Certificate from a recognized Board; and ii) Valid LTV/HTV Licence with three years practical experience as Driver. <u>Note:</u> Preference shall be given to those who have sufficient experience in driving, repair and maintenance of vehicles.		18 to 30 years	By initial recruitment.
17.	Daftari	At least second division Secondary School Certificate from a recognized Board.		18 to 30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Naib Qasids and other Class-IV employees of the Department having Secondary School Certificate from a recognized Board: Provided that if no suitable person is available for promotion then by initial recruitment.
18.	Naib Qasid	Literate		18 to 40 Years	By initial recruitment.
19.	Bahishtii	Literate.		18 to 40 Years	By initial recruitment.

[Signature]

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20.	Chowkidar	Literate	18 to 40 years	By initial recruitment.
21.	Sweeper	Literate	18 to 40 years	By initial recruitment.
22.	Mali	Literate	18 to 40 years	By initial recruitment.

SECRETARY
 Government of Khyber Pakhtunkhwa
 Finance Department

Dated 10-08-2018

No. NO.SQ(ESTT)FD/1-16/2014/SSRC/Vol-III/Tr/.

Copy of the above is forwarded for information to:-

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Deptt.; Peshawar.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Law Department, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Secretary Public Service Commission, Peshawar.
5. The Director Treasuries & Accounts, Peshawar.
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
7. PS to Finance Secretary.
8. The Manager, Govt. Printing Press, Peshawar for publication in official Gazette. Fifty copies of the Gazette Notification when published may be supplied.

SECTION OFFICER (ESTT)

Finance Rule 1981 (P/1/62)

~~DP~~
 15/8/18
 453/8
 SMT



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Dated Peshawar, the 15th January, 2018

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NOTIFICATION

NO.SO(ESTT)FD/1-9/08/SAS/Try/2017. The following officers/officials of the Khyber Pakhtunkhwa Treasury Establishment have passed the SAS examination in full held in December, 2017 prescribed vide Government of Khyber Pakhtunkhwa, Finance Department's Notification No.SOSR-III(FD)/9-19/92 dated 16-01-1993 and Notification No.SO(ESTT)FD/1-9/2012/SAS Dated 24-07-2013:

Sl.#	Roll #	Name	Designation
1	103	Nauman Akbar.	Sub-Accountant
2	107	Naila Shoukat.	Sub-Accountant
3	108	Misbah Jabben.	Sub-Accountant
4	111	Tariq Ullah.	Sub-Accountant
5	113	Abid Azeem,	Sub-Accountant
6	114	Shahzad Mehmood.	Sub-Accountant
7	116	Hafeez Ullah.	Sub-Accountant
8	118	Nazir Hussain.	Sub-Accountant
9	119	Riazudin.	Assistant Accountant
10	120	Shahzad Muhammad.	Sub-Accountant
11	121	Rafhan Sana.	Sub-Accountant
12	122	Ghulam Dastagir.	Sub-Accountant
13	123	Umar Badshah.	Assistant Accountant
14	125	Maqbool Ur Rehman.	Sub-Accountant
15	126	Imraz Ali.	Sub-Accountant
16	127	Fazal Wahab'	Assistant Accountant
17	129	Naseh ud Din.	Sub-Accountant
18	130	Mussawer Khan.	Sub-Accountant
19	131	Tanveer.	Sub-Accountant
20	132	Mir Azam Khan.	Assistant Accountant
21	133	Shujaat Khan.	Assistant Accountant
22	135	Abdul Hakim	Assistant Accountant
23	136	Barkat Ullah.	Sub-Accountant
24	137	Israr Ali.	Assistant Accountant

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

Endst: No: & Date even

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16.1.18

Copy forwarded to:-

1. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
2. All District Comptroller of Accounts, Khyber Pakhtunkhwa.
3. All District Accounts Officers, Khyber Pakhtunkhwa.
4. All Agency Accounts Officers, FATA.
5. Treasury Officer, Peshawar.
6. The Manager, Government Printing Peshawar for publication in the next issue of official Gazette and supply of 10 copies of Gazette notification.
7. PS to Finance Secretary.

D(19)

TO BE SUBSTITUTED OF EVEN NO. DATED 28-11-2018



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
Dated Pesh: the 29-11-2018**

NOTIFICATION

NO.SO(ESTT)FD/1-55/Promotion/ATO/2018. On the recommendation of Departmental Promotion Committee, the competent authority has been pleased to promote / appoint the following Assistant Accountants (BS-16) of Khyber Pakhtunkhwa Treasury Establishment to the posts of Assistant Treasury Officers/Sub-Treasury Officers (BS-17) on regular / acting charge basis with immediate effect, in the public interest. Officers at S.No. 01 to 10 will be on probation for one year extendable through specific order by the competent authority:-

Sl.#	Name of Officers	
1	Saadat Nawaz,	on regular basis
2	S.Mushtaq Ali Shah,	on regular basis
3	Noor Muhammad,	on regular basis
4	Amir-ud-Din,	on regular basis
5	Saleem Dad Khan,	on regular basis
6	Ayub ur Rehman,	on regular basis
7	Muhammad Ramzan,	on regular basis
8	Asad Ali Shah,	on regular basis
9	Bilal Ahmad Atif,	on regular basis
10	Lal Zada,	on regular basis
11	Kashif Sultan,	on acting charge basis
12	Waheedullah,	on acting charge basis
13	Sher Andaz,	on acting charge basis
14	Tariq Mehmood Abid,	on acting charge basis
15	Abdul Hameed,	on acting charge basis

2. Consequent upon above, the following posting / transfer are made henceforth:-

S#	Name of officers	From	To	Remarks
1	Saadat Nawaz	District Comptroller of Accounts, DIKhan	District Accounts Office, Nowshera	Against vacant post
2	S.Mushtaq Ali Shah	District Comptroller of Accounts, Peshawar	District Comptroller of Accounts, Peshawar	Against vacant post of Assistant Treasury Officer.
3	Noor Muhammad	District Accounts Office, Dir (L)	District Accounts Office, Chitral	Against vacant post
4	Amir-ud-Din	District Accounts Office, N.W. District Miranshah.	District Accounts Office, N.W. District Miranshah.	Vice S.No.5
5	Saleem Dad Khan	District Accounts Office, NW District Miranshah.	District Comptroller of Accounts, Bannu	Vice S.No.06.
6	Ayub ur Rehman	District Comptroller of Accounts, Bannu.	District Accounts Officer, Kurram	Against vacant post
7	Muhammad Ramzan	District Accounts Office, Tank.	District Accounts Office, Tank	Retained on the same post on regular promotion.
8	Asad Ali Shah	BISE Abbottabad (on deputation)	BISE Abbottabad (on deputation)	Allowed to continue on the same post, till the completion of deputation period.

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9	Bilal Ahmad Alif	District Accounts Office, Tor Ghar	District Accounts Office, Tor Ghar	Retained on the same post on regular promotion.
10	Lal Zada	District Accounts Office, Dir (L)	District Accounts Office, Dir (L)	Retained on the same post on regular promotion.
11	Kashif Sultan	District Accounts Office, Dir (U)	District Accounts Office, Dir (U)	Retained on the same post on acting charge basis.
12	Waheedullah	District Accounts Office, South Waziristan at Tank	District Comptroller of Accounts, Mardan	Vice S.No.16
13	Sher Andaz	District Comptroller of Accounts, Bannu.	District Accounts Office, Shangla.	Against vacant post
14	Tariq Mehmood Abid	District Accounts Office, Hangu.	District Comptroller of Accounts, Kohat.	Against the post of Mr.Qasim Mehmood who proceeded on study leave for one year.
15	Abdul Hameed	District Accounts Office, Charsadda	District Accounts Office, Charsadda	Against vacant post of ATO.
16	Said Ali Shah	District Comptroller of Accounts, Mardan	District Accounts Office, Buner	Against vacant post

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

NO.SO (ESTT)FD/1-55/Promotion/ATO/2018

Dated 29-11-2018.

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. Director Treasuries and Accounts Khyber Pakhtunkhwa.
3. The Chairman, Board of Intermediate, Abbottabad.
4. District Comptroller of Accounts, Bannu, Peshawar, Mardan, DIKhan & Kohat.
5. District Accounts Officers, Dir (L), Kurram, Tank, Tor Ghar, NW District Miranshah, Nowshera, Chitral, Dir (U), Buner, SW at Tank, Shangla, Hangu & Charsadda.
6. PS to Minister for Finance.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Finance.
9. PA to AFS (Admn:) / PCIA), Finance Deptt:.
10. Officers concerned.
11. Office Order file.


Section Officer (Estt)

E (24)
Dated: 27-02-2019

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department

Subject:

Appeal for promotion and against Violation of Seniority & Service Rules

With due respect it is referred to our detailed joint Application submitted on 31-01-2019 to your goodself and simultaneously to the Director T&A (Copy attached) regarding the same subject and to once again request that I am Assistant Accountant in BS-16 of the Treasury Establishment, Finance Department and have qualified-SAS/ Departmental Examination which is qualification for promotion to the post of Assistant Treasury Officer BS-17.

As per Service Rules of the Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa (An attached formation to Finance Department), Promotion of the Assistant Accountants BS-16 to the post of Assistant Treasury Officers BS-17 should be made on the basis of Seniority-cum-fitness which are reproduced as under:

"On the basis of Seniority-cum-fitness from amongst the Assistant Accountants (BS-16) who have qualified SAS (Departmental Examination)" (against 60% quota)

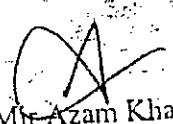
It has been observed by the undersigned that most of the above mentioned promotions are being made by the Treasury Directorate on the basis of the date of passing of the Departmental Examination (SAS), which is quite obvious from The Seniority Lists issued by the Treasury Directorate from time to time (Copy attached).

In order to follow the Service Rules instead, the Treasury Directorate is violating the Service Rules and accordingly my seniority has been disturbed to a great extent quoting the reason that the juniors who have been promoted recently; have qualified the Departmental Examination before me and hence they have been promoted in order of their year of passing of the SAS/ Departmental Examination.

In view of the above, it is, therefore requested in your honor that the Directorate of Treasuries & Accounts, Khyber Pakhtunkhwa may kindly be directed to issue my promotion Orders immediately and the undersigned may be offered a relief in the instant case.

With Thanks and Regards.

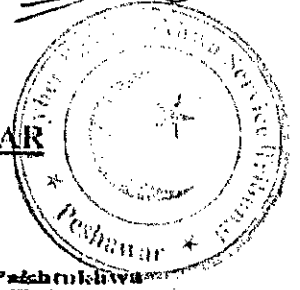
Yours faithfully,


Mr. Azam Khan

Assistant Accountant (BS-16)
Treasury Establishment.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 952/2019



Khyber Pakhtunkhwa
Service Tribunal

Case No. 905

Date 01-07-2019

Mir Azam Khan, Assistant Accountant (BPS-16),
Treasury Establishment, Finance Deptt., Peshawar.

(APPELLANT)

VERSUS

- ✓ 1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- ✓ 2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- ✓ 3. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
- Ex parte* — 4. Mr. Asad Ali Shah, Assistant Treasury Officer, BS-17, B.I.S.E Abbottabad (on Deputation).
- ✓ 5. Mr. Lal Zada, Assistant Treasury Officer, BS-17, Office of the District Accounts Office, Dir (Lower).
- Filed to-day* ✓ 6. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Accounts Office, Dir (Upper).
- Registrar* ✓ 7. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

(RESPONDENTS)

*Re-submitted to -day
and filed.*

Registrar

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.11.2018, WHEREBY THE PRIVATE RESPONDENTS NO.4,5,6&7 BEING JUNIOR TO THE APPELLANT WERE PROMOTED TO THE POST OF ASSISTANT TREASURY OFFICERS (BPS-17) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

ATTESTED

[Signature]
Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.11.2018 MAY KINDLY BE SET ASIDE AND THE RESPONDENT DEPARTMENT MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT TREASURY OFFICERS (BPS-17) FROM THE DATE WHEN HIS JUNIORS WERE PROMOTED. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:**FACTS:**

1. That the appellant was appointed in the year 1990, while the private respondents No.4 & 5 were appointed in the year 1995, while the private respondents No.6&7 were appointed in the year 2004. The appellant is at S. No. 62, while the private respondents No.4,5,6&7 are at S. No.90, 99,125 and 129 respectively in the seniority list issued on 15.01.2018, of Assistant Accountant (BPS-16), meaning by the appellant is senior to private respondents No.4,5,6&7. (Copy of seniority list of 2018 is attached as Annexure-A)
2. That the respondent department issued the rules on 10.08.2018, wherein promotion to the post of Assistant Treasury Officer/Sub Treasury officer is mentioned as *sixty percent by promotion on the basis of seniority cum fitness, from amongst the Assistant Accounts, who have qualified PIPFA or SAS Examination.* (Copy of rules is attached as Annexure-B)
3. That private respondent No.4,5,6&7 were promoted to the post of Assistant Treasury Officer (BS-17) vide order dated 29.11.2018; while the appellant being senior to respondent No.4,5,6&7 was deprived from his legal right of promotion to the post of Assistant Treasury Officer (BS-17) by the respondent department. (Copy of order dated 29.11.2018 is attached as Annexure-C)
4. That the appellant filed departmental against the impugned promotion order, which was not responded within the statutory period of ninety days. (Copy of departmental appeal is attached as Annexure-C)
5. That now the appellant comes to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant and the impugned order dated 29.11.2018 are against the law, facts, norms

RECEIVED
 29/11/2018
 THE TRIBUNAL
 FOR THE
 STATE OF
 WEST BENGAL
 KOLKATA

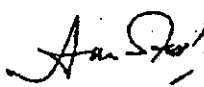

of justice and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant was senior to the appellant in the seniority, but despite that private respondent No.4,5,6&7 being juniors to the appellant were promoted, which is violation of law and rules.
- C) That the appellant has good service record, but despite that juniors to the appellant were promoted which is violation of norms of justice and promotion Rules 2018 of the department.
- D) That depriving the appellant from his legal right of promotion to the post of Assistant Treasury Officer (BS-17) will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits.
- E) That the appellant was not treated in accordance with the law and ruled and has been deprived from his legal right of promotion in arbitrary manner.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
 Mir Azam Khan

THROUGH:


M. ASIF YOUSAFZAI
(ADVOCATE SUPREME COURT)
 & 
TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

&
ASAD MAHMOOD
(ADVOCATE HIGH COURT)

ATTESTED

 Khaydar Hussain
 Secretary
 Islamabad

FD G (25)
BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
JUDICIAL COMPLEX (OLD) KHYBER ROAD
PESHAWAR

APPEAL NO. 952/2019

Mr. Mir Azam Khan, Assistant Accountant (BPS-16),

Treasury Establishment, Finance Department, Peshawar.

.....APPELLANT

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
4. Mr. Asad Ali Shah, Assistant Treasury Officer, BS-17, B.I.S.E Abbottabad (on deputation)
5. Mr. Lal Zada, Assistant Treasury Officer, BS-17, Office of the District Accounts Officer, Dir (Lower).
6. Mr. Kashif Sultan, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Accounts Officer, Dir (Upper).
7. Mr. Waheed Ullah, Assistant Treasury Officer, BS-17 (Acting Charge Basis), Office of the District Comptroller of Accounts, Mardan.

.....RESPONDENTS

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01,
02 & 03.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS

- (i) That without prejudice to the forgoing, the appeal is bad. in form as well in substance.
- (ii) That the appellant neither has any locus standi nor a course of action to approach this Honorable Tribunal.
- (iii) That the appeal is not maintainable in its present form as it is against the facts and rules.
- (iv) That the appellant has tried to twist and bend the facts to his own advantage/benefits.
- (v) That the appellant has willfully withheld to disclose the true attending circumstances and correct picture of the matter in hand and has thus approached this Honorable Tribunal with sallied hands, therefore, disentitle to seek any remedy.
- (vi) That the appellant with malafide intention has concealed the material fact from this honorable Tribunal.
- (vii) That the appeal is badly time barred and not entertainable in its present form.

FACTS

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1. Correct to the extent that the appellant and the private respondents No. 4, 5, 6 & 7 were appointed as Sub Accountants in the Treasury Establishment in the years mentioned in the appeal. Moreover, Service Rules of Treasury Establishment Khyber Pakhtunkhwa as amended time to time provides that post of Assistant Treasury Officer / Sub Treasury officer will be filled in "60% by promotion on the basis of seniority cum fitness basis, from amongst the Assistant Accountant who also have qualified PIPFA or SAS Examination" consequently the private respondents are senior to the appellant in light the batch wise seniority fixed upon qualifying the said department exam. hence, promoted to the post of Assistant Treasury Officer / Sub Treasury Officer and stand senior to the appellant in light of judgement of the honorable Khyber Pakhtunkhwa Service Tribunal dated 16-07-2009. (Copy of judgement at Annex-I)
2. Incorrect. The respondent department has service rules in vogue since 1981 which has been amended from time to time and the amended service rules issued on 10-08-2018 has no concern with the instant appeal. The provisions for promotion to the post of ATO/STO as "60% by promotion on the basis of seniority cum fitness basis, from amongst the Assistant Accountant who also have qualified PIPFA or SAS Examination" had already been there in the service rules before 10-08-2018. (Copy of Service Rules before 10-08-2018 is attached as Annex-II)
3. Incorrect. That the private respondent No. 4, 5, 6 & 7 were promoted to the post of Assistant Treasury Officer (BPS-17) on Regular/ Acting Charge Basis in accordance with the Service Rules of Treasury Establishment and in light of decision of the honorable Khyber Pakhtunkhwa Service Tribunal as a guideline for policy of decision. However, plea of the appellant about his seniority is misleading as he has twisted the facts for his own benefits.
4. Incorrect. The appeal was examined in the Standing Service Rules Committee. The Government of Khyber Pakhtunkhwa. Establishment Department has clarified that the existing Service Rules are quite clear and there is no need of further amendments in the said Service Rules and agreed with the advice already tendered by the Government of Khyber Pakhtunkhwa. Law Department. (Annex-III & IV)

GROUND

- (A). Incorrect. That the Service Rules and adoption of decision of the Khyber Pakhtunkhwa Service Tribunal as a guideline for policy decision is in accordance with law, fact, norms of justice and material on record.

- (27)
- (B). Incorrect. The appellant was junior to the private respondents No.4, 5, 6 & 7 as evident from the seniority list issued on 15-01-2018 as his professional qualification of SAS examination is Nil. The private respondents No.4, 5, 6 & 7, being senior, in light of the honorable Khyber Pakhtunkhwa Service Tribunal judgment dated 16-07-2009 and professional qualification, have rightly been promoted to the post of Assistant Treasury Officer/Sub Treasury Officer (BPS-17) and no any violation of law and rules has been committed.
- C. As per para-B of Grounds above.
- D. Incorrect. The appellant has been treated in accordance with the prevailing rules at par with other employees of the cadre.
- E. As per para-D of Grounds above.
- F. Pertains to record.

In view of the above explanation, the instant appeal, being bereft of merit and without any solid substance, may very graciously be dismissed with cost.

Director
Treasuries & Accounts
Khyber Pakhtunkhwa
(Respondent No.3)

Director
Treasuries & Accounts
Khyber Pakhtunkhwa Peshawar

Secretary
Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.2)

SECRETARY
Govt. of Khyber Pakhtunkhwa
Finance Deptt.

Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

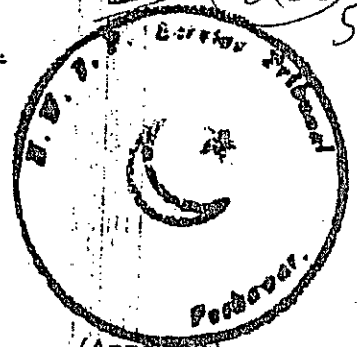
BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 301/2009

Date of Institution. ... 21.2.2009

Date of Decision ... 16.7.2009

Ikramullah, Sub-Accountant,
District Accounts Office, Swabi. ...



(Appellant)

VERSUS

1. The Government of NWFP, through Chief Secretary, NWFP Peshawar.
2. The Secretary Establishment & General Administration Department, NWFP Peshawar.
3. The Secretary, Finance Department, NWFP Peshawar. (Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNALS ACT 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 24.5.1981 AND AMENDED NOTIFICATION DATED 03.11.2006 WHEREBY DISCRIMINATORY AND IRRATIONAL RULES NOTIFIED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate.

For appellant.

MR. JAMAL ABDUL NASIR,
Addl. Government Pleader,

For respondents.

MR. JUSTICE (R) SALIM KHAN,
S. MANZOOR ALI SHAH,

CHAIRMAN.
MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.- This service Appeal No. 301 of 2009 by Ikramullah, and Service Appeals No. 302 of 2009 by Pervez Khan, No. 303 of 2009 by Muhammad Saeed, No. 304 of 2009 by Ashfaq-ur-Rahman, No. 305 of 2009 by Taj Muhammad, No. 306 of 2009 by Wahid Bakhsh, No. 307 of 2009 by Imtiaz Ali, No. 308 of 2009 by Khairullah, No. 309 of 2009 by Zahoor Khan, No. 310 of 2009 by Muhammad Naeem-II, No. 311 of 2009 by Sahibzada Khan, No. 312 of 2009 by Shafiq-ur-Rahman, No. 313 of 2009 by Muhammad Shamrez, No. 314 of 2009 by Noor-ul-Amin, No. 316 of 2009 by M. Saifullah, and No. 317 of 2009 by Amjad Khan, are of the same nature, involving the same legal questions. These appeals are, therefore, taken together for discussion and decision.

2. The appellant of this appeal contended that he was appointed, alongwith other co-appellants, on different dates, in the Treasury Department.

ATTESTED
EXAMINER

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Rules were framed and notified on 24.5.1981, through which 33% quota was prescribed for promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Accountants, and 67% quota was reserved for promotion of (a) Assistant Accountants who have qualified S.A.S Examination and (b) if no Assistant Accountants, who have qualified S.A.S examination, were available, then Sub Accountant, who have qualified S.A.S examination, on the basis of seniority-cum-fitness. The rules were modified on 3.11.2006. 20% quota was reserved for initial recruitment, further 20% quota was reserved for promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Accountants, while the remaining 60% vacancies were left for promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of (a) S.A.S qualified Assistant Accountants and (b) if no such Assistant Accountants were available, then from Sub-Accountant, who have qualified S.A.S Examination. The appellant contended that the rules were irrational and discriminatory. The appellants submitted appeals severally and through their union. Writ Petition No. 1978 of 2006 was filed which was returned vide order dated 27.10.2008. Hence the present appeal.

3. The respondents contested the appeals. They contended that the new rules were neither discriminatory nor irrational nor contradictory, that the appeals are against the provisions of Section 22(2) of the NWFP Civil Servants Act, 1973, and that the appellants have not submitted departmental appeals.

4. We heard the arguments and perused the record.

5. The Writ Petition could be considered as departmental appeal also, as it served the purpose of informing the official respondents regularly regarding the grievances of the appellants, and providing them an opportunity of the prescribed period to consider their grievances. As the Writ Petition has been sent to this Tribunal, the period spent for pursuing the mentioned Writ Petition is condoned. The present appeals are a challenge to the rules themselves and are not regarding the fitness or otherwise of the appellants for holding or for promotion to a post on ascertaining their eligibility for holding a certain post.

6. The learned counsel for the appellants contended that the quota for S.A.S qualified Assistant Accountants has been decreased while 20% quota for initial recruitment and 20% quota for promotion of the Assistant Accountants, who have not qualified S.A.S qualification, has been carved out and prescribed. The

ATTESTED
EXAMINER
NWFP Service Tribunal

(30) 4
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comparative consideration of both the sets of the rules (Rules dated 24.5.1981 and Rules dated 3.11.2006) show that 20% quota has been reserved for initial recruitment, by deducting 13% quota from the Assistant Accountants who have not qualified S.A.S, and by reducing 7% from the quota of S.A.S qualified Assistant Accountants/Sub Accountants. The Government has the prerogative to prescribe the rules prospectively, and to create a place for direct recruitment. The quota of both classes of Assistant Accountants, and, consequently, of Sub Accountants, has been reduced, and no discrimination has been made to any of these classes.

7. It is expected that the system of Roster and Cycles shall be strictly adopted for the purposes of recruitment/appointment to the posts of Assistant Treasury Officer. A set of five vacancies available on, or after, 3.11.2006 shall be declared one cycle, and the first of these five vacancies will be allotted to the direct recruit while the second vacancy will be allotted to the Assistant Accountant, who has not qualified S.A.S examination, on the basis of seniority-cum-fitness; The remaining three vacancies of each Cycle will be reserved for promotion of the S.A.S qualified Assistant Accountants or, if the Assistant Accountants are not available, for the Sub-Accountants, who have passed S.A.S examination. The first vacancy of direct recruits shall not be given to the other two groups, and vice-versa. An Assistant Accountant, on his passing S.A.S examination, shall be given the option to claim vacancy either in the second or in the third category. But once that option is exercised, his category shall not be changed in future. The vacancies of S.A.S qualified Assistant Accountants shall be filled through them on the basis of their seniority fixed with respect to the dates of their passing of the S.A.S examination, and not on their simple seniority as Assistant Accountants.

8. With the above explanations and observations, we have come to the conclusion that the fresh rules could be framed by the Government, which are neither irrational nor discriminatory, nor prejudicial to the rights of the appellants.

9. We, therefore, dispose of the present appeals with the above explanation and observations. The parties are left to bear their own costs.

ANNOUNCED
16.7.2009

Sd/- Justice (R) Salim Abdallah
Chairman
Sd/- Syed Manzoor Ali Shah
Member





GOVERNMENT OF THE N.-W.F.P.,
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT.

Annex-IV
13/2

15/01/2010 No. REG: 1(4)80/ 7658
Peshawar, dated the 13 .04.2010.

To

The Secretary,
Government of the NWFP,
Finance Department.

**SUBJECT: AMENDMENT IN THE NWFP, TREASURIES
(RECRUITMENT AND APPOINTMENT)
RULES, 1981.**

Dear Sir,

I am directed to refer to your letter No. SO(ESTT)FD/1-16/2010/Amend-Rules, dated: 23.02.2010, on the subject noted above and to state that as discussed with your Departmental Representative Mr. Muhammad Amin, Section Officer (Est), the following quarries needs to be solved for finalization of the case:

- (a) that the post of Director Treasury and Accounts is in BS-19 how it could be filled in by promotion from amongst District Comptroller of Accounts who are also in BS-19;
- (b) length of service is also not mentioned which would make them eligible for promotion to the post of Director Treasury. Same problem emerges as shown in above clause (a) with regard to filling of post of Deputy Director/ District Accounts Officer/ Treasury Officers;
- (c) the post of Assistant Treasury Officers are proposed to be filled in on the basis of promotion from amongst the Assistant Accountants but no length of service is mentioned, similarly Assistant Accountants and Sub-Accountants are also made eligible for promotion to the post of Assistant Sub-Treasury Officers, who have passed SAS examination, but no length of service is shown which can make them eligible for promotion on the basis of seniority-cum-fitness;

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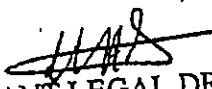
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Peshawar Pak

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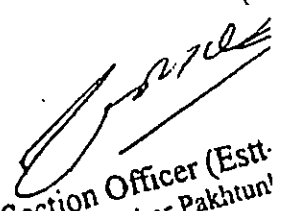
(d) (a proviso in column No. 5 against serial No. 5 is added which is the decision of the Service Tribunal, it may be a guide line for policy decision but can't be included in the service rules.)

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Yours faithfully,


ASSISTANT LEGAL DRAFTER-II




Section Officer (Estt.)
Govt. of Khyber Pakhtun
Finance Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-VI/E&AD/7-44/2018
Dated Peshawar, the January 16, 2020

J 3312

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT: PROMOTION / SENIORITY OF SAS QUALIFIED ASSISTANT IN THE
LIGHT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
JUDGMENT DATED 16.07.2009

Dear Sir

I am directed to refer to your Department's letter No. SO(ESTT-I)FD/1-16/2018/SAS/S.List, dated 04.12.2019 on the subject noted above and to state that the case has been examined in light of Service Tribunal Judgment dated 16.07.2009 and the new Service Rules of Treasury Establishment of Finance Department notified on 10.08.2018 and to convey that the existing Service Rules are quite clear and there is no need of further amendments in the said Service Rules.

Yours faithfully,

(SAIFULLAH KHAN)
SECTION OFFICER (REG-VI)

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SO (E-1)

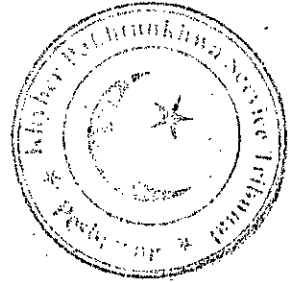
K (34)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 952/2019

Date of Institution ... 01.07.2019

Date of Decision ... 17.10.2022



Mir Azam Khan, Assistant Accountant (BPS-16), Treasury Establishment,
Finance Department, Peshawar,

... (Appellant)

VERSUS

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

... (Respondents)

MR. TAIMUR ALI KHAN,
Advocate

For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

For official respondents.

MR. SALAH-UD-DIN
MR. MIAN MUHAMMAD

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through the instant service
appeal, the appellant has invoked jurisdiction of this Tribunal with
the prayer copied as below:-

*"On acceptance of this appeal, the order dated 29.11.2018
may kindly be set-aside and the respondent-department may further
be directed to consider the appellant for promotion to the post of
Assistant Treasury Officers (BPS-17) from the date when his
juniors were promoted. Any other remedy, which this august
Tribunal deems fit and appropriate that, may also, be awarded in
favour of appellant.*

2. As per averments raised by the appellant in his appeal, he
was appointed in the year 1990, while private respondents No. 4 &
5 were appointed in the year 1995, whereas private respondents

TESTED


Secretary
Tribunal
Peshawar

No. 6 & 7 were appointed in the year 2004 and they are thus junior to the appellant as per the seniority list issued on 15.01.2018. The appellant has qualified SAS examination and as per rules, he was entitled for promotion to the post of Assistant Treasury Officer (BPS-17) on the basis of seniority-cum-fitness. The appellant was however ignored and private respondents No. 4 to 7 were promoted vide impugned order dated 29.11.2018 in utter violation of rules and law. The appellant challenged the promotion order dated 29.11.2018 by way of filing departmental appeal; however the same was not responded within the statutory period, hence the instant service appeal.

3. Official respondents as well as private respondents No. 5 & 6 contested the appeal by way of submitting respective para-wise comments, wherein they refuted the assertions raised by the appellant in his appeal.

4. Learned counsel for the appellant has contended that according to the relevant Service Rules, 60% quota of Assistant Treasury Officers/Sub-Treasury Officers is required to be filled by promotion on the basis of seniority-cum-fitness from amongst the Assistant Accountants (BS-16) who have qualified PIPFA or SAS examination and as such the appellant was entitled to promotion to the post of Assistant Treasury Officer (BPS-17) but he was wrongly and illegally ignored; that as per the seniority list, private respondents No. 4 to 7 were junior to the appellant but they were promoted, while the appellant was not at all considered for

ATTESTED


 Assistant Secretary
 Service Tribunal
 Patna

promotion: that nothing is mentioned in the relevant rules that seniority for the purpose of promotion to the post of Assistant Treasury Officer (BPS-17) shall be counted from the date of qualifying of PIPFA or SAS examination but even then the competent Authority has made promotions on the basis of date of qualifying of PIPFA or SAS examination, which is in utter violation of relevant rules.

5. On the other hand, learned Assistant Advocate General for the respondents has argued that as private respondents No. 4 to 7 had qualified SAS examination prior to passing of the said examination by the appellant, therefore, in view of judgment dated 16.07.2009 passed by this Tribunal in Service Appeal No. 301/2009, private respondents No. 4 to 7 are to be considered as senior to the appellant and were thus granted promotion; that the appellant has been treated in accordance with the prevailing rules at par with other employees of the cadre and no discrimination has been caused to the appellant.

6. Arguments have already been heard and record perused.

7. A perusal of the record would show that the controversy relates to promotion of Assistant Accountants (BS-16) to the post of Assistant Treasury Officers/Sub-Treasury Officers (BS-17). According to contention of the appellant, nothing is mentioned in the relevant rules that seniority of Assistant Accountants (BS-16) shall be considered on the basis of the date of qualifying of PIPFA or SAS examination but the respondent department has made the

TESTED

impugned promotions to the post of Assistant Treasury Officers/Sub-Treasury Officers (BPS-17) on the basis of date of qualifying of SAS examination, which is against the relevant rules. On the other hand, it is the contention of the respondents that in view of judgment dated 16.07.2009 passed by this Tribunal in Service Appeal No. 301/2009, promotions to the post of Assistant Treasury Officers/Sub-Treasury Officers (BPS-17) are made on the basis of date of qualifying of SAS examination. The appellant had agitated the matter before the appellate Authority through filing of departmental appeal, however the same was not at all responded, therefore, keeping in view the controversy in question, it deem appropriate that the appellate Authority shall first decide the departmental appeal filed by the appellant.

8. Consequently, the appellate Authority is directed to decide departmental appeal of the appellant through a speaking order within a period of one month of receipt of copy of this judgment. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.10.2022

[Signature]
★
/

[Signature]
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application	22/12/2022
Number of Words	2800
Copying fee	20/-
Agent	47/-
Total	34/-
Name of	
Date of Receipt of Copy	22/12/2022

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) twitter.com/GoKPFD

KC. No: SO(Estt-I) FD/1-5/2022

Dated Pesh: the 07-12-2022

To

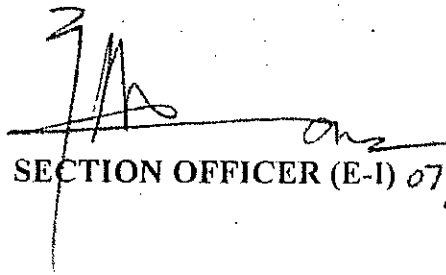
Mir Azam Khan,
Assistant Accountant (BS-16)
Treasury Establishment,

Present posting: Pakistan Forest Institute, Peshawar.

Subject: **Appeal for promotion and against violation of Seniority & Service Rules.**

I am directed to refer to your appeal dated 27.02.2019 on the subject noted above and to state to implement decision of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 952/2019 announced on 17.10.2022 and delivered on 21.11.2022, your appeal has been examined in light of the Hon'ble Khyber Pakhtunkhwa Service Tribunal decision dated 16.07.2009 as well as Government of Khyber Pakhtunkhwa Establishment Department advice tendered vide letter No. SOR-VI/E&AD/7-44/2018 dated 16.01.2020.

2. In view of the above, Finance Department regrets its inability to accede to your request being contrary to the decision of the Hon'ble Khyber Pakhtunkhwa Service Tribunal dated 16.07.2009 and advice of Establishment Department in the matter.


SECTION OFFICER (E-I) 07/12/2022

Endst: No & Date Even

Copy forwarded for information to the: -

1. Director, Treasuries & Accounts, Khyber Pakhtunkhwa w/r to letter No. 1-68/DT&A/22/1296 dated 22.11.2022.
2. Section Officer (Lit-II), Finance Department.
3. PA to Additional Secretary (Regulation), Finance Department.
4. PS to Special Secretary (A&R), Finance Department.


SECTION OFFICER (E-I)

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Mrs Azam Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Chief Secretary & others


(Respondent)
(Defendant)

I/We, Mrs Azam Khan

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


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

Dated _____/2021



(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar