



**ORDER**

28<sup>th</sup> 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 28<sup>th</sup> day of November, 2022.*

  
(Kalim Arshad Khan)  
Chairman

  
(Fareeha Paul)  
Member(Executive)

11<sup>th</sup> May, 2022

Appellant present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant A.G alongwith Muhammad Riaz Superintendent for the respondents present.

Learned counsel for the appellant is not in attendance. Last opportunity is granted to the appellant to produce his counsel on next date, otherwise, the case will be decided on the basis of available record. To come up for arguments on 18.07.2022 before the D.B.



**(Fareeha Paul)**

**Member(E)**

Appellant alongwith his counsel present.



**(Kalim Arshad Khan)**

**Chairman**

18.07.2022

Muhammad Adeel Butt, learned Additional Advocate General alongwith Irshad Khan S.O for respondents present.

Former requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 12.09.2022 before D.B.



**(Fareeha Paul)**

**Member(E)**



**(Rozina Rehman)**

**Member (J)**

12.09.2022

Appellant in person present. Mr. Muhammad Riaz Khan, Paindakhel, Assistant Advocate General alongwith Mr. Riaz Khan, Superintendent for the respondents 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)**

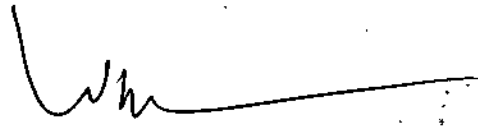
**Member (J)**

10.11.2021

Appellant alongwith his counsel present. Mr. Naheed Gul, Assistant alongwith Mr. Javed Ullah, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment as he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 03.12.2021.

R

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

  
(SALAH-UD-DIN)  
MEMBER (J)

3.12.21

Proper D.B on Text, therefore case  
adjourned to 16-2-22 for same.



16-2-22


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

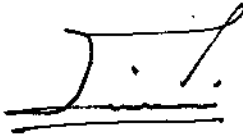
  
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13.07.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 20.08.2021.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

20.08.2021

Due to summer vacations, case is adjourned to 22.10.2021 for the same as before.

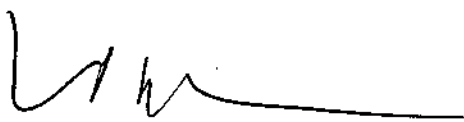
  
READER


22.10.2021

Appellant in person present.

Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Naheed Gul, Assistant for respondents present.

Appellant requested for adjournment as his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 10.11.2021 before D.B.

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

  
(ROZINA REHMAN)  
MEMBER (J)

22.06.2021

Appellant alongwith his counsel Mr. Bilal Ud Din, Khattak, Advocate, present. Mr. Zar Muhammad, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not <sup>made</sup> met preparation for arguments. Adjourned. To come up for arguments before the D.B on 24.06.2021.



(Rozina Rehman)  
Member(Judicial)

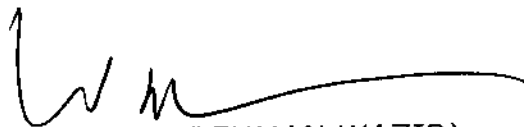


(Salah-ud-Din)  
Member(Judicial)

24.06.2021

Appellant alongwith his counsel present. Mr. Zar Muhammad, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General requested for adjournment on the ground that the brief of the instant appeal was assigned to learned District Attorney namely Usman Ghani, however he has proceeded to his house due to emergency. Adjourned. To come up for arguments before the D.B on 13.07.2021.



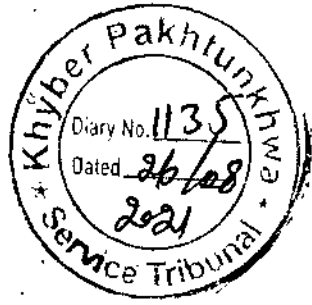
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



Peshawar,  
Dated: 26-7-2021



To The Chairman,  
Services Tribunal, Pesh,  
KP, Pakistan

Subject: Fixation of Case Before the Judicial Bench

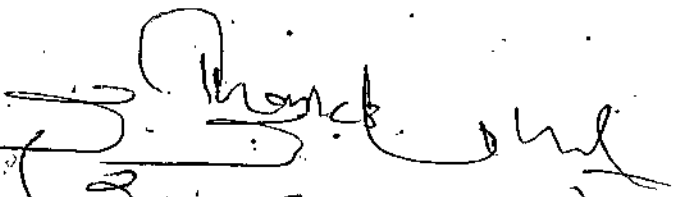
The Service Appeal No S32/16 was fixed arguments on 20-8-21. The date was changed due to un-availability of member concerned. It was fixed before the mixed bench of Judicial and executive members.

The fixation of Judicial bench is requested on the ground that the nature of case is such that it can be easily fixed before the Judicial Bench to decide and the appellant/undersigned would be gratified with the bench. The next date fixed is 22-10-21 in S.A No S32/16. I expect that facility may be granted at large in interest and end of justice.

Put up to the worthy chair-man with relevant report.

Respectfully,  
6/9/2021

6/9/2021

  
(SYED SHAFIQ SHAH)  
Appellant  
06-08-2021  
0334-9006361

Notices for the date fixed.

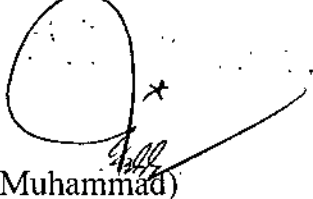
22-10-21

10/9/2021

09.11.2020

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Naheed, Assistant for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 18.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member (E)

18.01.2021

Appellant in person Addl. AG for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged before the Hon'ble High Court in various cases today.

Adjourned to 25.03.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

25.03.2021

Junior to counsel for the appellant present. Mr. Kabirulalh Khattak learned Addl. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case is adjourned to 22.06.2021 for arguments before D.B.

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

29-4.2020

Due to COVID19, the case is adjourned to  
13/7/2020 for the same as before.

  
Reader

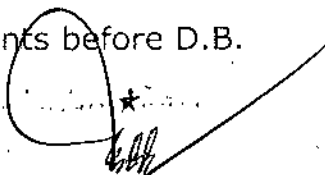
13.07.2020

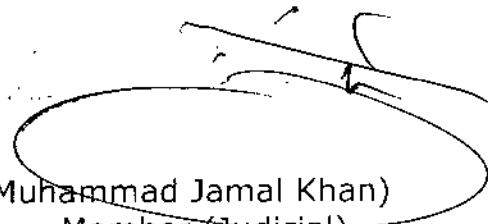
Due to COVID-19, the case is adjourned to 01.09.2020  
for the same.

  
Reader

01.09.2020

Appellant is present in person. Mr. Muhammad Jan,  
Deputy District Attorney alongwith Mr. Naheed Gul, Assistant  
for the respondents are also present. Appellant is seeking  
adjournment that his counsel is engaged before the Hon'ble  
Peshawar High Court, Peshawar and cannot attend the  
Tribunal today. Adjourned to 09.11.2020. File to come up for  
arguments before D.B.

  
(Mian Muhammad)  
Member (Executive)


  
(Muhammad Jamal Khan)  
Member (Judicial)



21.01.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 04.03.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

04.03.2020

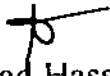
Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment as his counsel was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 29.04.2020 before D.B.


  
Member

  
Member

15.10.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sultan Shah, Assistant for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 13.11.2019 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

13.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Zar Muhammad, Assistant for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 11.12.2019 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

11.12.2019

Appellant in person. Addl: AG for respondents present. Appellant seeks adjournment due to general strike of the Bar the case is adjourned. To come up for arguments on 21.01.2020 before D.B.

  
Member

  
Member

10.06.2019

Appellant in person and Mr. Ziaullah, DDA alongwith Saleem Khan, Superintendent for the respondents present.

Appellant once again requests for adjournment due to non-availability of his learned counsel. The record shows that on previous nine occasions the appeal was adjourned upon request on behalf of appellant. The request of appellant is accepted but on payment of costs of Rs. 1000/- and as last chance.

Adjourned to 23.07.2019 for arguments before the D.B.



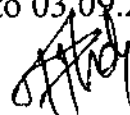
Member




Chairman

23.07.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Saleem Khan, Superintendent for the respondents present. Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned to 03.09.2019 for arguments before D.B.




(HUSSAIN SHAH)  
MEMBER



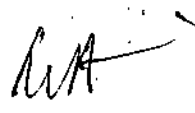
(M. AMIN KHAN KUNDI)  
MEMBER

03.09.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned. Assistant Advocate General alongwith Mr. Saleem Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.10.2019 before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

09.01.2019

Appellant with counsel and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Saleem Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 15.02.2019 before D.B.

  
Member

  
Member

15.02.2019

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Saleem Superintendent for the respondents present. Appellant requested for adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 29.03.2019 before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

29.03.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Saleem, Superintendent for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 10.06.2019 before D.B.

  
(HUSSAIN SHAH)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

03.07.2018

Appellant with counsel and Mr. Sardar Shoukat Hayat, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 29.08.2018 before D.B.



(Ahmad Hassan)  
Member



(Muhammad Amin Kundi)  
Member

29.08.2018

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Seeks adjournment. Adjourned. To come up for arguments on 08.10.2018 before D.B.



(Ahmad Hassan)  
Member



(Muhammad Amin Khan Kundi)  
Member

08.10.2018

Appellant in person present. Mr. Riaz Ahmad Paindakhel, Assistant AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 20.11.2018 before D.B.



(Ahmad Hassan)  
Member



(Muhammad Amin Kundi)  
Member

20.11.2018

Appellant in person and Mr. Riaz Ahmed Paindakhel Assistant Advocate General alongwith Mr. Nazim-ud-din Assistant for the respondent present. Appellant requested for adjournment that his counsel is not in attendance. Adjourn. To come up for arguments on 09.01.2019 before D.B.

  
Member  
Member


29.12.2017

Appellant in person and Usman Ghani, District Attorney  
alongwith Mr. Sultan Shah, Supdt for respondents present.  
Arguments could not be heard due to incomplete bench.  
Adjourned. To come up for arguments on 26.02.2018 before D.B.

  
Member

26.02.2018

Appellant in person and Assistant AG for the  
respondents present. Appellant seeks adjournment as his counsel  
is not available today. Adjourned. To come up for arguments on  
16.04.2018 before D.B.

  
(Gul Zeb Khan)  
Member

  
(M. Hamid Mughal)  
Member

16.04.2018


Appellant in person and Asst: AG for respondents  
present. Appellant seeks adjournment. Adjourned. To come up  
for arguments on 03.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

03.03.2017

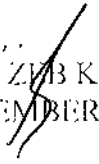
Appellant in person and Mr. Muhammad Jan, GP for respondents present. Rejoinder not submitted. Appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 01.06.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

01.06.2017


Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 26.09.2017 before D.B.


  
(GUL ZIB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

26.09.2017

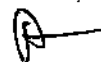
Appellant in person and Mr. Ziaullah, DDA for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. Adjourned. To come up for arguments on 29.12.2017 before D.B.

  
Member

  
Chairman

28.09.2016

Appellant in person and Mr. Sultan Shah, Supdt: and Addl. AG for respondents present. Written reply not submitted. Learned AAG requested for time to submit written reply. Request accepted. To come up for written reply/comments on 28.11.2016.



Member


28.11.2016

Appellant in person and Mr. Sultan Shah, Assistant alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 01.02.2017.

  
Chairman

01.02.2017

Appellant in person and Mr. Sultan Shah, Assistant alongwith Mr. Ziaullah, GP for respondents present. Appellant submitted application for adjournment on the ground that his counsel is not available today. Adjourned. To come up for rejoinder and arguments on 03.03.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER  
(ASHFAQUE TAJ)  
MEMBER




28.07.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant is a civil servant performing his duties as Deputy District Officer (Finance) in BPS-17 at Mardan. That he has put in more than 24 years of service but deprived of his right of promotion to higher scale on the strength of discriminatory rules notified by the provincial government vide notification dated Peshawar the 11<sup>th</sup> May, 2007 as Khyber Pakhtunkhwa Provincial Management Service Rules, 2007, wherein in schedule-I 10% quota has been reserved for selection on merits from amongst persons holding substantive post of Supdt. Private Secretaries etc. i.e. civil servants in same grades and scales to that of appellant while appellant ignored for no legal reason constraining the appellant to prefer departmental appeal/representation dated 18.12.2009 which was not responded constraining the appellant to challenged vires of the said rules before Hon'ble Peshawar High Court in Writ Petition No. 745-P/2012 decided on 23.2.2016 with the direction to the appellant to approach the proper forum for redressal of his grievances and hence the instant service appeal on 19.04.2016.

That the afore-stated service rules are violative of the spirits of the service laws and that the same are therefore liable to be modified and that the appellant is entitled to treatment in accordance with law including his right to promotion to higher post.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.09.2016 before S.B.


  
Chairman

Appellant Deposited  
Security & Process Fee

14.06.2016

Counsel for the appellant present. Requested for adjournment. Adjourned for preliminary hearing to 13.07.2016 before S.B.

  
Chairman

  
13.7.2016





Appellant in person present. Appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 28-7-16 before S.B.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 532/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/05/2016	<p>The appeal of Mr. Syed Shahinshah resubmitted 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	23-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23.5.16</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	23.5.2016	<p>None present for the appellant. The appeal be *relisted for preliminary hearing for 2.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	02.06.2016	<p>Appellant present in person and requested for adjournment as his counsel is busy before the Hon'ble High Court. Adjourned for preliminary hearing to 14.06.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The petition of Syed Shahinshah son of Aftinosh Dy. Distt. Officer Finance and Planning received to-day i.e. on 19/04/2016 is incomplete on the following score which is returned to the counsel for the petitioner for completion and resubmission within 15 days.

- 1- There is no provision of the statute for filling a petition in this Tribunal, however service appeal can be preferred under section-4 of the Service Tribunal Act 1974.
- 2- Copy of departmental appeal is not attached with the petition which may be placed on it.
- 3- Copy of departmental appeal representation dated 09.12.2005 mentioned in para-3 of the memo of petition is not attached with the petition which may be placed on it.
- 4- Annexures L, M, N, P, Q, T & U are not attached with the petition which may be placed on file.
- 5- Index may be prepared.
- 6- Annexures of the petition may be flagged.
- 7- Annexures may be got attested.
- 8- Four more copies/sets of the memorandum of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

9- Petition be got signed by the Petitioner as well as counsel.


No. 630 /S.T,

Dt. 20/4 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Bilal ud Din Khattak Advocate Pesh.

All the need of have been done.

  
Advocate Pesh.

BEFORE THE *Services Tribunal Peshawar*

APPEAL No. *538/2016*

Syed Shahinshah

Deputy District Officer (Finance)

Executive District Officer Finance & Planning Mardan,

Petitioner

**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.

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The above contents submitted with Writ petition:

**(SYED SHAHINSHAH)**

Appellant

DDO (F), Mardan, District Govt

Through

Advocate Bilal-ud-Din Kattak

①

**BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR  
SERVICE APPEAL No. 539/2016**

Syed Shahinshah

Deputy District Officer (Finance)

Office Of

Executive District Officer

Finance & Planning District Government Mardan .....

W.P. Provincial  
Service Tribunal  
Entry No. 393  
Dated 19-4-2016

Appellant

**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.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 READ WITH ORDER OF PESHAWAR HIGH COURT IN WRIT PETITION NO. 745-P/2012 DATED 23.2.2016 TO ABOLISH THE IMPUGNED PMS (FORMER (PCS) RULES, 2007, BEING AGAINST THE FUNDAMENTAL RULES, CIVIL SERVANT ACT NO. VIII 1973, NOTIFICATION ISSUED UNDER CIVIL SERVANT ACT 1973 AND AGAINST THE ARTICLE OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.**

**PRAYER**

**THIS APPEAL MAY KINDLY BE ACCEPTED AND IMPLEMENTED ON BASES OF CONSTITUTIONAL PROVISIONS, FUNDAMENTAL RULES, CIVIL SERVANTS ACT NO. XVIII, 1973 TO ABOLISH IMPUGNED PMS/PCS RULES 2007. FAVORING THE INTENT AND CONTENT OF THIS APPEAL 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 OF FEDERAL CIVIL SERVANTS UNCONSTITUTIONAL, ILLEGAL WITHOUT LAWFUL AUTHORITY, VOID IB INITIO, MALICIOUS, AND PREJUDICE TO RIGHT AND 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 FURTHER PROMOTION AND SECURITY OF DIGNITY AND CARRIER OF APPEALANT AS THE GOVERNMENT HAS ALREADY GIVEN ITS APPROVAL BUT RESTRICTED AND NOT IMPLEMENTED BY THE ESTABLISHMENT DEPARTMENT, KPK WHERE EMPLOYEE OF PROVINCIAL MANAGEMENT SERVICE (PMS) ETC QUOTA ARE FUNCTIONING. THE ESTABLISHMENT DEPARTMENT, GOVERNMENT OF KPK MAY BE DIRECTED TO ISSUE THE NOTIFICATION AS PRAYED IN THIS APPEAL.**

19-4-16

As-submitted to-day  
and filed.  
Registrar 19/4/16

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**Respectfully Shewethe:**

**FACTS**

1. The petitioner has joined civil service in Local Government and Rural Development KPK through proper channel on 06/05/1996 as Accounts & Budget Officer in BPS (17) as per Civil Servant Act, 1973 after abdicating the Post Of Training Manager, BPS(17) in Workers Welfare Board, Labor Division (KPK). The services in Workers Welfare Board an autonomous body, was regularized w.e.f 01.07.1991 vide No. SOE-V(E&AD) 1-10/2011-Vol-V dated 21.05.2012. These are attached as **Annexure "A, B,C & D"**.
2. That Petitioner has joined Local Government & Rural Development, Khyber Pakhtunkhwa on recommendation of Khyber Pakhtunkhwa, Public Service Commission. During devolution of Power Plan, Petitioner was adjusted in DCO, Peshawar as per Policy by Chairman, Devolution Committee/Secretary Local Government. These are attached as **Annexure "E&F"**.
3. That Petitioner has passed two degrees in first divisions in Business Administration from the recognized University of Peshawar i.e. Bachelor of Business Administration (BBA) and Master of Business Administration in Finance/Management (MBA). The Petitioner has throughout first divisions in his academic career. Please see degrees as **Annexure "G&H"**.
4. The Petitioner had made representation to the concerned authorities dated 09/12/2004 and 09/12/2005. Please see **Annexure "I&J"**.
5. The responsive to these representation is attached as **Annexure "K"**. However, this letter was denied to applicant due to which he could not pursue the case on proper time.
6. That in 2007 the Provincial Government framed Provincial Management Service Rules (PMS) in which different Quota for promotion and initial appointment was created which directly affect the applicant promotion, which is illegal, against the constitution, based on discrimination and Un-Islamic Provincial Management Service (PMS) including sub quota allocated the Federal Civil Servants are against section 23 of Civil Servant Act, 1973 calling for just & equitable treatment of case of an individual and notification vide No. SORI (S&GAD)1- 2006/74 Vol-IV date 08/04/1989, Whereas rules should made for carrying out purposes of said Act and not against CSA, 1973. These are attached as **Annexure "L&M"**.

### GROUNDS


7. That Petitioner possesses the required experience as per notification vide no SRI (S&GAD) 1-29/75 dated ~~03/08/1983~~ Please see **Annexure "N"**. Through appellant possesses more than 24 years of experience after getting professional qualification which experience in case of appellant should not be more than twelve years being more professionally and highly qualified than the PMS Officers etc including Federal Civil Servants in PMS. The above notification prescribing experience condition is also in concurrence with promotion rule 7(4) and is already attached as **Annexure "L"**.
8. That qualification of employees both Provincial & Federal in Provincial Management Service (PMS) is two yearly B.A (2<sup>nd</sup> ). At the international Standard the B.A degree is four yearly. So consequently, they are undergraduate diploma officers. They are examined/tested and interviewed on bases of this diploma level qualification. Their experience cannot be equaled with that of appellant.
9. That justice in promotion was done & delivered to steno cadre in Civil Secretariat by promoting them to level of Deputy Secretary (BPS-18) and Additional Secretary (BPS-19) after decorating them in PCS Provincial Management Service (PMS) in (BPS-17) S. Naimat Shah and Dildar Khattak etc are vivid examples where petitioner through its representations was ignored persistently. The Hon'ble Court may seek their service record/character roles.
10. The requirement of ACRs having been fulfilled through representation dated 08/01/2005 vide CS dairy No. 264. This is in pursuance of proviso added to FR (17) in 1995. The proviso is that, President may, if satisfied, that civil servant was entitled to be promoted, having been prevented for no fault of his own, directs that such civil servant shall be promoted even on proforma promotion basis, along with past arrears. The FR may also be read with APT Rules 1989, section (3) sub-section (17) of APT rules are attached as **Annexure "O,P & Q"**.
11. That according to SR2(3) Superior Service means service which is not class IV (Scales 1-4) service i.e. at least matriculation is required for Superior Service. So, it is an Education and Selection on basis of such education which determines Public Service is to be Superior or otherwise. This is according to Articles 2-a, 3, 18 and 37-F of constitution regarding education. The SR-2(3) is attached as **Annexure "R"**.
12. That upon the enforcement of Civil Servant Act No. VIII, 1973 as per article 240(b) of Constitution and article 241, all existing laws and quotas, inconsistent with provisions of Constitution, should cease to exist including the posting of all Federal Government Civil Servants, being not the Provincial Civil Servants.



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13. That, Government of Khyber Pakhtunkhwa vide notification SOS-III (S&GAD) II-206/74-II dated 09/04/1975 created Unified Grade Rules for Civil Service in Province under which not only classes were abolished but extent that changes in nomenclature was also made to do and deliver justice in Civil Service of Province by declaring the abolition of all reservation of Posts of appointment, promotion/transfer in favour of persons to hold particular posts. All such reservations have been done away with by giving formal effect to the Prime Minister's announcement of 20<sup>th</sup> August, 1973. The intention was that no individual Civil Servant should claim, with exception of higher education, any post on basis of that time existing rules/instructions. But the Provincial Management Service (PMS) /Former PCS was established even after devolution of Power Plan, 2001 to continue with and perpetuate the same rotten practices that prevailed before the unified Rules and Prime Minister's letter referred above. Please see **Annexure "S"**.
  14. That FR-5A states the case of any person where such case is applicable shall be dealt in manner not less favorable to him please see **Annexure "T"**.
  15. That impugned (PMS)/PCS rules are against the article 4 25,27, 38(E) and 268(C) of the constitutions of Islamic Republic of Pakistan and therefore, liable to be abolished fore with.
  16. Other arguments wii be given at the time of hearing with permission of learned Service Tribunal.

**It is, therefore, prayed that this petition may kindly be accepted and implemented on basis of Constitutional Provisions, Fundamental Rules, Civil Servants Act No. XVIII 1973 and its Rules favouring the intent and content of this Petition as well as on basis of general equity by declaring the scheduled posts quotas in Provincial Management Services (Former PCS) of Section Officers, Executive Group employees and Postings of Federal Civil Servants on deputation unconstitutional, Illegal, without lawful authority, void ab-initio, malicious, and prejudice to right and claim of petitioner, and by ordering the abolition of the impugned PMS/PCS Rules as well as by ordering Promotion of appellant to post of Additional Secretary BPS-19 or Special Secretary etc. in Finance Department and others, Khyber Pakhtunkhwa w.e.f. 01/01/2009 with arear and due promotion, and security of dignity and carrier of appellant.**

**Any other relief which is not specifically asked for, may also be granted in favour of Appellant.**

  
(**SYED SHAHINSHAH**)

Appellant

DDO (F), Mardan, District Govt.

Through

Advocate Bilal-ud-Din Kattak

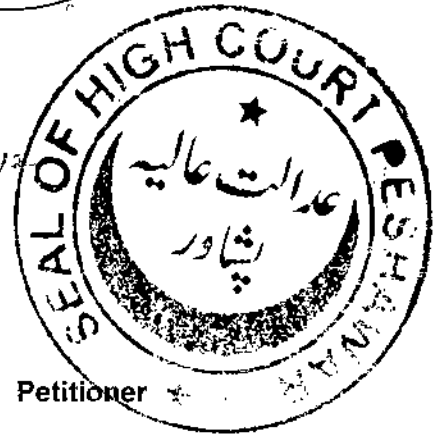
BEFORE THE PESHAWAR HIGH COURT

Write Petition no 745-P/2013

**Syed Shahinshah**

Deputy District Officer (Finance)

Executive District Officer Finance & Planning Mardan.



**VERSUS**

1. The Government Of Khyber Pukhtunkwa Through Chief Secretary, Civil Secretariat, Peshawar.
  2. The Government Of Khyber Pukhtunkwa Through Secretary Establishment, Civil Secretariat, Peshawar.
  3. The Government of Pakistan Through Secretary Establishment Division, Federal Government, Pakistan Secretariat, Islamabad.
- Respondents

Writ petition As per article 199 of constitution of Islamic Republic of Pakistan

Respectively Sheweth,

The writ to abolish the PMS rules /quota being Unconstitutional and illegal, and, to claim promotion to BP S-19 under articles 4 & 25 of Constitution. PMS rules are attached.

**FACTS** in favour, acceptance, judgment / decision and implementation are as:

1. The Petitioner has joined civil service in local Government & Rural Development, KPK through proper channel on 6-5-1996 as Accounts & Budget Officer in BPS (17) of Civil Servant Act, 1973 after abdicating the Post of Training Manager, BPS (17) in Workers Welfare Board, Labour Division, (KPK). Please see annexures "A" & "B".
2. The Petitioner has joined Local Government & Rural Development, KPK on recommendation of KPK, Public Service Commission.
3. During Devolution of Power Plan, Petitioner was adjusted in DCO, Peshawar as per Policy by Chairman, Devolution Committee/ Secretary Local Government.
4. The Petitioner has passed two degrees in first divisions, in Business Administration from the recognized University of Peshawar i.e. Bachelor of Business Administration (BBA) and Master of Business Administration in Finance / Management (MBA). The Petitioner has throughout first divisions in his academic career. Please see degrees as annexures "D" & "E".

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The Petitioner has more than twenty one years professional experience at time of instituting this Writ obtained after Professional master degree. Experience in mandatory requirement as per relevant section of Civil Servant Act and Rules made under this Act. Please see above annexures for experience.

- 6. The Petitioner had made Representations to the concerned authorities dated 8-12-2004 and 9-12-2005. Please see annexure "F" & "G" & "H".
- 7. That recommendations and commendations letters in favour, acceptance and implementation of Petitioner' promotion were issued. However, these letters were denied to the Petitioner on proper time to pursue the case of promotion. These are attached as annexures "I" "J" & "K".
- 8. That above letters of recommendation & commendations irked the officers in PMS group and the Petitioner was issued notice to show causes due to which case is, now, being pursued through this Writ.

**GROUND**s in favour, acceptance, Judgment/ decision and implementation of this Writ are as:

- 9. That provincial Management Service was given do facto from in September, 2007 when Caretaker Government was in force. The Petitioner has already assailed the previous Provincial Civil Service (PCS) through Representations attached as annexure "F"&G.
- 10. That Provincial Management Service (PMS) Rules were made <sup>when</sup> the Secretary Establishment Department govt of KPK was president of section offers Association , KPK before his retirement.
- 11. That a sub-rule(1) of rule 7 was substituted vide notification no SORI (S&GAD) 4-1/8 (vol-11) dated 14-1-92 for the creation of Departmental selection Board to favour the employees of Provincial Management Service ( former PCS) to the effect of exclusion of others professionally qualified and experience persons. The said selection board and promotion Rules therewith in Provincial Management Service (PMS) including sub quota allocated the Federal Civil Servants are against section 23 of Civil Servant Act, 1973 calling for just & equitable treatment of case of an individual, and, consequently notification vide no SORI (S&GAD) 1-2006/74 vol1V dated 8-4-89 whereas rules should made for carrying out purposes of said act and not again CSA, 1973. These are attached as annexures. L&M

Deputy Registrar  
07 MAR 2012

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2. That the petitioner possesses not only the minimum but maximum proof qualification as per section 9 (1) of civil servant Act, 1973. Please see annexure and degrees. "L"

13. That petitioner possesses the required experience as per notification vide no SRI (S&GAD) 1-29/75 dated 3-8-83. Please see annexure "N". Though appellant possesses twenty one years of experience after getting professional qualification, such experience in case of Petitioner should not be more than twelve years being more professionally and highly qualified than the PMS officers etc Including Federal Civil Servants in PMS.

The above notification prescribing experience condition is also in concurrence with promotion rule 7(4) and is already attached as annexure. "L"

14. That qualification of employees both Provincial & Federal in Provincial Management Service (PMS) is two yearly B.A (2<sup>nd</sup>) division. At the international standard the B.A degree is four yearly. So consequently, they are undergraduate diploma officers. They are examined / tested and interviewed on bases of this diploma level qualification.

15. So the experience obtained by the employees both Provincial and Federal in Provincial Management Service (PMS) can not be termed equal or equivalent to that of petitioner.

16. That on bases of above professional qualification and experience obtained thereof the seniority of Petitioner can not equated with that of employees in Provincial Management Service (PMS) with two yearly B.A degree and its associated experience.

17. That in Service Appeal no 613/2008 the Chief Secretary / Secretary of Government of KPK Establishment Department admitted that there is no service rules after Devolution of Power Plan. Please see annexure ~~and~~ degrees. "O<sub>1-2</sub>". However, the Petitioner after adjustment <sup>w</sup> as at the strength of Establishment Department had been ignored from seniority and promotion.

18. That justice in promotion was done & delivered to steno cadre in Civil Secretariat by promoting them to level of Deputy Secretary (BPS 18) and Addition Secretary (BPS-19) after decorating them in Provincial Management Service (PMS) in (BPS-17). S. Naimat Shah and Dildar Khattak etc are vivid examples where Petitioner through its representations was ignored persistently. The Honorable Court may seek their service record / character roles.

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9. The requirement of ACRs having been fulfilled through representation dated 8-1-2005 Vide CS dairy No 264. This is in pursuance of the proviso added to FR (17) and 1995. The proviso is that President may, if satisfied, that civil servant was entitled to be promoted having been prevented for no fault of his own direct that such civil servant shall be promoted even on pro forma promotion basis along with past arrears. The representation and FR (17) are attached as annexure. "P" & "Q".
20. That there is neither any single adverse entry in entire ACRs of Petitioner in each and every capacity nor any thing upheld by any Commission / Tribunal / Court.
21. That Federal Civil Servant on deputation is against section 2 (1) (b) (i) of Civil Servant Act No, VIII, 73, since recruited at two yearly B.A Degree (diploma at international standard) are given training in Pakistan Civil Service Academy and than attachment with the department clearly signifies too many public funds are wasted on them being continuity of the past. After getting training they still behave in lame duck manner. They can still not eligible and qualify the posts reserved for professional qualification in Pakistan or outside.
22. That instant writ is totally according to the Quranic Suras Al-Hadeed and Sura Al-Qasas. In Al-Hadeed Allah commands, "We have sent Prophets with clear proofs and have sent them (Prophets) with Book and equity (Balance) so as to make them (People) on justice (Moderation). Sura Al-Hadeed is refurbished by Sura Al-Qasas in which Allah commands, "Do not forget your share from world" (Public Service). These auspicious Suras are attached as annexures. "R" & "S".

These two Suras alone are sufficient for approval & implementation of this Writ.

23. That according to SR2 (7) Superior Service means service which is not class IV (Scales 1-4) service i.e. at least matriculation is required for Superior Service. So, it is an Education and Selection on basis of such education which determines Public Service is to be Superior or otherwise. This is according to Articles 2-a, 3, 18 and 37-F of the Constitution regarding education.
24. That upon the enforcement of Civil Servant Act No VIII, 1973 as per article 240 (b) of the Constitution and article 241 all existing laws and quotas, Deputy Registrar inconsistent with provisions of Constitution, should cease to exists Including the Posting of all Federal Government Civil Servants.

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- 25. That Government of KPK wide notification SOS-III (S&GAD) II-206/74-III dated 9-4-75 created Unified Grade Rules for Civil Service in Province under which not only classes were abolished but to extent that change in nomenclature was also made to do and deliver justice in Civil Service of Province by declaring the abolition of all reservation of Posts for appointment, Promotion / Transfer in favour of Persons to hold particular post. All such reservations have been done away with by giving formal effect to the Prime Minister's announcement of 20<sup>th</sup> August, 1973. The intention was that no individual Civil Servant should claim, with exception of higher education, any position on basis of that time existing rules / instructions. However, not only that Provincial Management Service (PMS) was also established even after Devolution of Power Plan to continue with and perpetuate the same rotten practices that prevailed before the unified Rules and Prime Minister's letter referred above. Please see annexure "T<sub>1-2</sub>".
- 26. So, the Unified Grade Rules read with FR-5A states that the case of any person where such rules are applicable shall be dealt in manner not less favorable to him. Please see annexure U.
- 27. That Federal Government has amended section 9 for Promotion of all groups and counting their seniority which as attached as precedent as annexure "V".
- 28. That two judgment of Supreme Court of Pakistan bearing Civil Appeal No 840/99 decided in 99 (2000 PSC 236) and CPLA No 85-K/2000 where in employees o Banks, who joined Civil Service through proper Channel, were granted back benefits including Seniority and ~~Seniority~~ Promotion. It shall be produced along with similar precedent of Finance Department, Govt of KPK. and are attached as Annexure "W" "X" and "Y".
- 29. That section 3 as added in the Transfer, Promotion and Appointment Rules, 1989 that Civil Servant affected by the merger / restructuring, their inter se seniority shall be reckoned from the date of regular appointment.

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 Deputy Registrar  
 07 MAR 2016

It is, therefore, prayed that this Writ may kindly be accepted and implemented on bases of Constitutional Provisions, Fundamental Rules, Civil Servants Act No. XVIII, 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

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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 be directed to issue the notification as prayed in this Writ Petition.

Any other remedy if deem Fit by this Honorable Court may also be granted to Petitioner.

Petitioner

Through

Advocate: Bilal Ul Din

Law Books:

- 1: Constitution of Pakistan, 1973
- 2: Services Law
- 3: Any other Law as per need

*Bilal Ul Din*  
Advocate

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Deputy Registrar  
07 MAR 2012

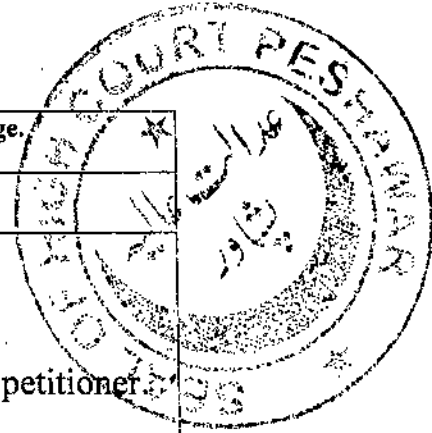
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Bashawar High Court  
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(115)

**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><b><u>W.P.No.745-P/2012.</u></b></p> <p>Present: Mr.Bilal-ud-Din, Advocate for the petitioner</p> <p>Mian Arshad Jan, AAG for the respondents.</p> <p style="text-align: center;">***</p> <p><b><u>YAHYA AFRIDI, J.-</u></b> 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 &amp; 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 &amp; career of petitioner as the government has already given its approval vide annexure “H”, “I” &amp; “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>



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*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

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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 Iqbal 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

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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 *LA 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

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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 by-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)

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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.

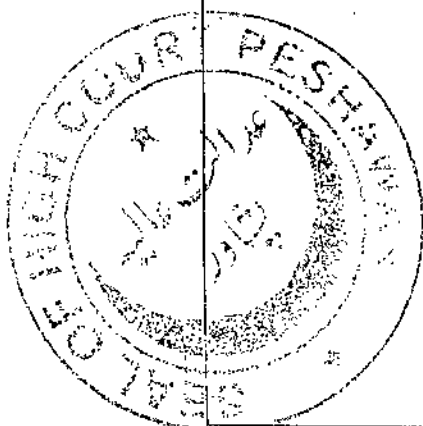
*Service Tribunal was competent to adjudicate on the question of "vires" of rules framed by the department, even if the same were challenged on the basis of violating fundamental rights of the civil servant. The very rules were deemed to be the "final order". Cases in point are Iqan Ahmed Khurram's case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

*sd/ Yaqub Afridi*

*M. Rodul Amin*



**CERTIFIED TO BE TRUE COPY**

**Examiner,  
Peshawar High Court, Peshawar,  
Authorized Under Article 203  
The Qanun-e-Shahadaat**

**08 MAR 2016**

18216

Date of Presentation of Application 23-02-16  
No of Pages 14P  
Copying Fee  
Urgent Fee  
Total 28.00  
Date of Preparation of Copy 03-3-16  
Date Given For Delivery 08-03-16  
Date of Delivery of Copy 12-03-16  
Received By Syed Shehina Shah



17  
GOVERNMENT OF THE  
NORTH-WEST FRONTIER PROVINCE  
ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 11.05.2007

No. SOE.II(ED)2(14)2007: In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servant Act, 1973 (N.-W.F.P. Act XVIII of 1973), the Chief Minister of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE PROVINCIAL MANAGEMENT  
SERVICE RULES, 2007.

1. Short title and commencement.---(1) These rules may be called the North-West Frontier Province Provincial Management Service Rules, 2007.

(2) These rules shall come into force at once.

2. Definitions.---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "appointing authority" means the appointing authority as specified in rule 5 of these rules;
- (b) "Commission" means the North-West Frontier Province Public Service Commission;
- (c) "Department" means the Establishment and Administration Department;
- (d) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;
- (e) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-18 and BS-19;
- (f) "Schedule" means the Schedule appended to these rules;
- (g) "Service" means the Provincial Management Service;
- (h) "Secretariat" means the North-West Frontier Province Civil Secretariat as defined in rule 2(r) of the North-West Frontier Province Government Rules of Business, 1985; and

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*B. J. Khan*

(i) "share" means the share specified for distribution between All Pakistan Unified Group and Provincial Officers as per Schedule-III

3. **Nomenclature of the posts.**---The Service shall consist of the posts as specified in Schedule-I.

4. **Method of recruitment.**---(1) The method of recruitment, minimum qualification, age limit and other matters related thereto for the Service shall be as given in Schedule-I.

(2) Fifty per cent of posts in BPS-17 shall be filled in by initial recruitment through Commission and remaining by promotion. Ten percent of Secretariat posts in BPS-17 to 19 shall be reserved for officers of technical departments on reciprocal basis. Government may reserve twenty per cent posts for leave, deputation and training etc in each pay scale.

(3) Posts specified in Schedule-II shall be filled in by Officers borne on Provincial Management Service and All Pakistan Unified Group in the ratio prescribed in Schedule-III.

**4-A. Training.**--- On appointment to the post borne on the service in BS-17, whether by initial recruitment or by promotion, every officer so appointed shall successfully complete one and a half year's mandatory training including one year training at the Provincial Services Academy as per Module specified in Schedule-IV and six months training attachment as specified in Schedule-V. The training will be followed by Departmental Examination to be conducted by the Provincial Services Academy as specified in Schedule-VI.

5. **Appointing Authority.**---The Chief Minister, N.-W.F.P. shall be the appointing authority for posts borne on the Provincial Management Service specified in Schedule-I.

6. **Saving.**---In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to terms and conditions of service made or deemed to have been made under the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973).

7. **Transitional:** The condition of graduation as laid down in para 2(a) and (b) of column-5 against serial No. 1 of Schedule-I shall not apply for a period of seven years from the date of coming into force of these rules to the existing incumbents for promotion against BS-17 posts.

8. **Repeal.**---The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand repealed after the retirement of existing incumbents of both the cadres. Separate seniority lists of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50: 50: <sup>2</sup>[Provided that for the purpose of promotion of both the Secretariat Group and the Executive Group of the said service in different pay scales. -

<sup>1</sup> Rule 4-A added vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

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*[Signature]*



**SCHEDULE-I**

19

S. No.	Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age limit for initial recruitment	Method of recruitment
1	2	3	4	5
1	PMS(BS-17) as per detail at Schedule-II	2 <sup>nd</sup> Division Bachelor Degree from a recognized University.	21-30 year	<p>1) Fifty per cent by initial recruitment on the recommendations of the Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in Schedule - VII.</p> <p>2) Subject to rule 7, by promotion in the following manner:</p> <p>(a) twenty per cent from amongst Tehsildars, who are graduates, on the basis of seniority-com-fitness, having five years service as Tehsildar and have passed the prescribed Departmental Examination; and</p> <p>(b) twenty per cent from amongst Superintendents /Private Secretaries on seniority-cum-fitness basis, who are graduate and have undergone a training course of 9-weeks at the Provincial Management Academy/Provincial Staff Training Institute. A joint seniority list of the Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts.</p> <p>3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in Schedule-VII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks who possess post graduate qualification from a recognized University and have atleast five years service under Government.</p>
2.	PMS(BS-18) as per detail at Schedule-II	NIL	-	By promotion, on seniority-cum-fitness basis, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination.
3.	PMS(BS-19) as per detail at Schedule-II.	NIL	-	By promotion, on the basis of seniority-com-fitness, from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above and have passed the prescribed Departmental Training/Examinations.

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- (i) the incumbents shall continue to be governed by the said service rules till the retirement of the last such incumbent; and
- (ii) the last incumbent of either Group shall rank senior to the first incumbent of the Provincial Management Service.]

**CHIEF SECRETARY**  
Government of the  
North-West Frontier Province.

---

<sup>2</sup> Amended vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

03

1.	2.	3.	4.	5.
4.	PMS(BS-20) as per detail at Schedule-II.	NIL	-	By promotion on the basis of selection-on-merit, from amongst PMS officers holding posts in BS-19 and having at least 17 years service against posts in BS-17 and above and have undergone Advance Training Course from NIPA or any other training course prescribed by Government.
5.	PMS(BS-21) as per detail at Schedule-II.	NIL	-	By promotion, on the basis of selection-on-merit from amongst PMS officers holding posts in BS-20 and having at least 22 years service against posts in BS-17 and above and have undergone Course from Pakistan Administrative Staff College/National Defence College or from any other training Institute prescribed by Government.

*Attached to be  
 done by  
 R. Q. J.*

<sup>3</sup> The Word Schedule-IV replaced by Schedule VII vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007  
<sup>4</sup> The Word Schedule-IV replaced by Schedule VII vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

SCHEDULE - III

The share for distribution between APUG & PMS Officers is as under:-

GRADE/BPS	APUG	PROVINCIAL OFFICERS.
B-21	65%	35%
B-20	60%	40%
B-19	50%	50%
B-18	40%	60%
B-17	25%	75%

Note

- I. The share of other services of the Province in the Secretariat posts will be 10% in BPS-17 to BS-19 on reciprocal basis which mean that the officers of PMS will also be entitled for posting against equivalent posts @ 10% as reserved for the officers of other services in Secretariat.
- II. The Government may reserve 20% of posts in BS-17 and above for deputation/training/ leave.
- III. Government may resize the Schedule from time to time.

*Admitted to be true copy*  
*R. J. D. Jay*

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

PESHAWAR THE 22ND APRIL 1995

NOTIFICATION

NO. SO(LG-I)2-204/95,-- In pursuance of this Department  
Notification No. SO(LG-I)2-204/95, dated the 7th April,  
1995, 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  
(2880-290-7360) 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

Endt. No. SO(LG-I)2-204/95 Dated Pesh: the 22nd April, 1995

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, c/o Jamal-ud-Din  
Afghani Road University Town Peshawar.
4. The Manager Govt. Printing Press Peshawar.
5. Personal file of the officer concerned.

ALAM ZER MALIK  
SECTION OFFICER-I

Attached to be  
true copy

*[Signature]*



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

Dated Peshawar the .....

EXPERIENCE CERTIFICATE.

It is certified that Syed Shahinshah son of Aftinosh has worked from 1st July, 1991 to 5th May, 1996 as Manager Training of Vocational Training Centre under NWFP, Workers Welfare Board which is under the administrative control of Government of N.W.F.P. Labour and Industries Department. The nature of his job was 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.

Attested.

( PRINCE ABBAS KHAN )  
ADDL. SECRETARY IND./  
SECRETARY NWFP, WORKERS  
WELFARE BOARD PESHAWAR.

ACCOUNTS OFFICER

Attested to be true copy

*[Signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/1-10/2011-Vol-V  
Dated Peshawar, the May 21, 2013

C 24

Government of K.P.K
Dairy No <u>2705</u>
Date <u>23-5-13</u>
Local Govt: & F.D.D.

To  
The Deputy Commissioner,  
Mardan.

Subject: REGULARIZATION OF SERVICES THROUGH PROPER CHANNEL VIA  
PUBLIC SERVICE COMMISSION

Dear Sir,

I am directed to refer to your letter No.233-34/DC(M)EA-14 dated 19-01-2013 on the subject cited above and to enclose herewith copy of Finance Department, Govt. of Khyber Pakhtunkhwa letter No.FD(SOSR-1)12-1/2013 dated 25-04-2013 & its enclosures with the request to process the case in light of the same.

2. This Department letter of even number dated 16-03-2012 is hereby recalled. Inconvenience so caused is highly regretted, please.

Yours faithfully,

(IFFAT AMBREEN)  
Section Officer (E-V)

Encls: As Above

Endst: No. & Date Even:-

- Copy forwarded to:-
1. The Secretary to Govt. of Khyber Pakhtunkhwa, Local Govt. Elections & Rural Dev. Department w/r to this Department Endst: of even number dated 17-04-2013.
  2. Section Officer (SR-I), Finance Department, Govt. of Khyber Pakhtunkhwa w/r to his letter No.FD(SOSR-1)12-1/2013 dated 25-04-2013.
  3. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.

21-5-13  
Section Officer (E-V)

Approved to be  
23/5/13



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

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

To

District Coordination Officer,  
Mardan,

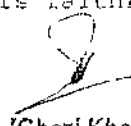
Subject. REGULARIZATION OF SERVICE THROUGH PROPER CHANNEL VIA PUBLIC SERVICE COMMISSION

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:-

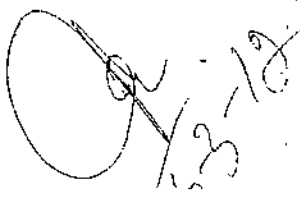
Copy forwarded for information to:-

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 letter No.SO(LG-I)10-458/2008 dated 05-03-3012.
3. Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan.

  
SECTION OFFICER (E-V)

Attended to be  
the copy







Dated Peshawar the 30-10-1999.

SERVICE CERTIFICATE.

This is to certify that Syed Shahin Shah joined the Department of Local Government and Rural Development Govt: of NWFP Peshawar as Accounts Officer(BPS-17) on the recommendation of NWFP Public Service Commission on 6th May 1996 and is still holding the post.

*Sarfraz Khan*  
( Cap(R) Sarfraz Khan )

DIRECTOR(HQ/ADMN)  
LOCAL GOVT: & RURAL DEV: DEPTT:  
NWFP Peshawar  
Director of Local Govt:  
& Rural Dev:  
NWFP, Peshawar

Attested:

*S S H. Kasbi*  
ACCOUNTS OFFICER

Attested to  
True copy

*R. D. Khan*

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

DATED PESHAWAR THE 18<sup>TH</sup> 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 Shabir Shah,  
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  
CC.

Dated Peshawar 18<sup>th</sup> August, 2001

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), Estt. & Admn. Department.
7. The Officers concerned.

SECTION OFFICER (ESTAB.)

Attested  
S. S. [Signature]  
OFFICER

Checked to be  
true copy.

[Signature]



Handwritten signature or initials in Urdu script.

Handwritten signature or initials in Urdu script.

# UNIVERSITY OF PESHAWAR

(Pakistan)

Certified that \_\_\_\_\_  
Sayed Shahinshah

Son / Daughter of \_\_\_\_\_  
Aftinooch and \_\_\_\_\_ Student

of the University of Peshawar having met all the requirements under the Semester System during the Session(s) \_\_\_\_\_ 1995 to \_\_\_\_\_ 1997

is this day admitted to the Degree of

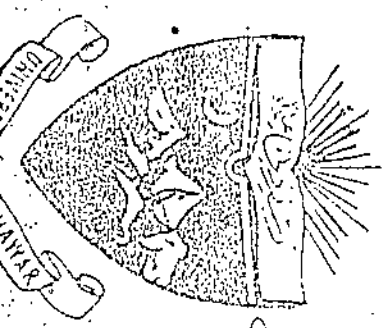
## MASTER OF BUSINESS ADMINISTRATION

Serial No 000194

Registered No. 03 - 004 - 1979

Enrollment No. 12

15TH SEPTEMBER, 19 89



Accounts Office  
Accounts Officer  
S. N. Khan  
Registrar

M. K. Mulla  
Vice-Chancellor

Approved to be  
for entry  
B. S. Khan



امتحان

H 29

# UNIVERSITY OF PESHAWAR (Peshawar)

Session ANNUAL 1986

SYED SHAHJAHAN SON OF AFTIMOSH P1178 B1

of Quaid-e-Stam College of Commerce, having passed the prescribed exam  
in Accountant 1985, is this day admitted by the University of  
to the degree of

## DEGREE OF BUSINESS ADMINISTRATION in the First Division

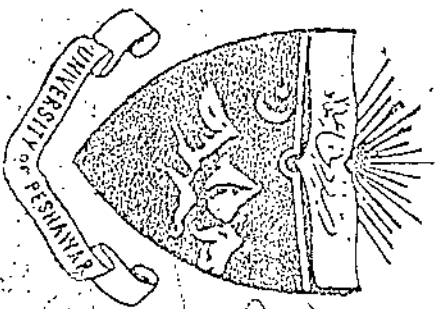
The examination was taken as a whole / etc. Handwritten

Serial No. 000130

Registered No. 1979

Roll No. 62

10TH MARCH 1987



*Handwritten signature*

ACCOUNTS OFFICER

Committee

STICCO



SYED SHAHINSHAH  
Account Officer  
Local Government &  
Rural Development, NWFP  
Peshawar Dated: 2-12-2009

To

THE PRESIDENT OF PAKISTAN  
THE PRIME MINISTER OF PAKISTAN  
THE GOVERNOR OF NWFP  
THE CHIEF MINISTER OF NWFP

THROUGH: PROPER CHANNEL WHERE-EVER APPLICABLE.

Subject: THE RIGHT TO PROMOTION TO POST OF ADDITIONAL  
SECRETARY (BPS-19) IN FINANCE DEPARTMENT ETC BY  
REPATRIATING FEDERAL GOVERNMENT EMPLOYEES AND  
PROHIBITION OF INDUCTION OF GENERAL CADRE  
OFFICERS IN CIVIL SERVICE UNDER GOOD GOVERNANCE.

Dear Sir,

The constitutional and Legal Heads of the Governments, both Federal and Provincial, would be pleased on enlightenment on the subject case, which is Islamic, constitutional and legal according of the Acts. The need of instant case arises from the Quranic Verse 25 in Sura Al-Hadeed which Sura commands that Allah has sent the Prophets with proven proofs and Allah has sent them (Prophets) with the Book (Quaarn) and Equity (Balance) so as to make the people-(umma) on moderation. The equity in this Sura clearly bring obligation upon the state to do deliver what is due to society and an individual. For society it is the almost need of time to induct Professionally qualified individuals in civil cum public service through public service commissions. To deliver to individual in civil

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true 2008 R.D. Khan*

cum public service it is obligatory upon the state to give him his right of promotion by repatriating the Federal Government employees, each and every, which are <sup>on</sup> deputation to province, drawing pay etc from Provincial exchequer as unislamic, unconstitutional and illegal. This Sura No.25 Al-Hadeed is refurbished by another Sura No.77 Al-Qasas, in which Allah commands that do not forget of your right (Share) from world (Public Service). These Suras are attached as annexures "A" & "B".

That, I, the undersigned in Provincial Civil Servant under section 34 of Civil Servant Act. NWFP, 1973-PI see annexure "C".

That the undersigned possess two master degrees in Finance in first divisions and was the Selectee of Public Service Commission, NWFP. The undersigned also possess instructional experience in accounts. Please see annexures "D", "E", "F" & "G". (DMC can be produced if needed).

That prescribed experience as per Establishment Department letters No.SORI(SEGAD)1-201/75 dated 23.08.1981 is 12 years. This requirement is for general cadre officers. For professional and technical persons it should be less than eight years. Please see annexure "H".

That Establishment Department, NWFP vide circular NO.SORIII (E&AD)1-16/2004, dated 20th September, 2004 re-affirms the professional capabilities and educational qualifications for promotion under section 9 of Civil Servant Act, 1973. please see annexure "I".

That induction of non-professional or General cadre employees, in public interest, ought to be stopped, being less educated or

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*BOJ*

professionally incompetent in respect of their fields. To this effect I produce a copy of OXFORD dictionary about the genesis of Commissionerate and Magistracy System. These commissioners and magistrates worked part time and were not paid even. They were general in their duty which do not need legal qualification or technical qualification and were helped in their duty by the clerk. So as the section officers which embodies the functions of clerks, superintendents etc after 1962. These magistrates/ commissioners latter on organized themselves as CSP, which service label was also prohibited by Government in 1972-1973. These CSP and section officers were assigned the tasks, which were carrying professional qualification in Finance etc, which the CSP lack. So the result was the inefficient handling of Problems. These CSP etc were also expelled from Judicial Services, being not examined on bases of qualification of LLB or LLM etc. These CSP and section officers are now, DCOs or EDOs or Director or Secretaries. Please see annexure "J" and "K" (The book recommended by FPSC for recruitment of officers is, Government and Politics in Pakistan, by Mushtaq Ahmad).

That the state of Pakistan through its constitution clearly assures its citizens about the fundamental principle: "From each accordingly to his ability and to each according to his work". In the instant case the ability is the professional qualification and reward on this as right is immediate promotion. If this is not done, it is exploitation. Please see annexure "M" for article three.

Mustafiz  
True Copy

BOHL



That Government in SR2(17) declares Superior Service which is not class IV services because class IV employees are not matriculate. It clearly means that superior service means who posses the professional qualification, examined and selected through it. General cadre, B.A level are inferior to such professional employees. please see annexure "N".

That both the Federal Government and Provincial Governments, have prohibited the deputation, to Federation and to Province, not included in Civil Servant Category, through Section 2b(i) of Civil Servant Acts. These Federal government employees, being B.A level and general Cadre, draw their pay/ allowance from provincial Exchequer. They ought to be posted in their Federal Departments, if the Federal Government allow them, being all Pakistan Unified Group Service Employees. Please see annexure "D" & "E".

That as per article 241 of the constitution, when the appropriate legislatures make Acts, the former laws will come to an end in effect. The above Civil Servants Acts were passed in 1973, and, is still, unconstitutionally in force. Therefore, the Federal Governments employees, being unislamic, unconstitutional and illegal, ought to be repatriated to its Federal Government Departments. Please see annexure "Q".

That both, the Federal Government and Provincial Governments, should stopped, in Public interest, through Pubic Service Commissions, the appointment of general cadre employees. It is age of specialization.

*Must be the true copy*



34

That Provincial Government vide the notification No.SOS-III(S&EAD)1-206/74-III dated 9th April, 1975, created rules under which services and Civil Posts connected with the affairs of the Province was named as North West Frontier Province Unified Grades for any Service of Province as per provision 2(f) of concerned rules. These rules abolish, with exception of higher and professional qualification, reservation in respect of any appointment, quota, transfer under any rules/ instruction etc to particular service or cadre (Provision 8). The Principle of equity was also followed in abolition of gazetted and non gazetted posts (Provision 6) of the said rules. These bais classes have been done away with to give formal approval to the Prime Minister's speech of 20th August, 1973 to enforce the spirit of the article three of the constitution as expounded in para 7 of the instant representation. Please see the notification as annexure "B".

That all existing quotas, which are unislamic unconstitutional and illegal ought to be <sup>be</sup> abolished to strengthen public interests.

That as per FR(A) the Governor may not be abridged to frame rules in respect of employees which are just and equitable to him. Please see annexure "A".

It is, therefore requested that employees of Federal Government may please be repatriated to Federal Departments, prohibition of the induction of general cadre employee may be stopped, employees with higher and professional qualification may please be appointed and right of the undersigned

Attached to be  
for copy

R.D. Lal

for promotion to post of Additional Secretary (BSP-19) in Finance, industry and P & D etc may please be immediately enforced, and, oblige.

Submitted to strengthen Public Interest in respect of all its aspects.

Thank you.

Faithfully yours.

*SAI*  
(~~SYED SHAHINSHAH~~)  
Accounts Officer  
MBA (Finance) PSC.

Copy forwarded to:-

1. The Secretary to Govt. of Pakistan establishment division, Islamabad to kindly forward the case to the President of Pakistan and Prime Minister of Pakistan.

2. The Chief Secretary to Govt. of NWFP to kindly forward the case to the Governor NWFP and to Chief Minister NWFP.

*ECI No. 1*  
*8/12/04*  
*2687 P/SB*  
*9/10/2004*  
*SSR*  
*10/12/2004*

*S. S. Shah*  
(~~SYED SHAHINSHAH~~)  
Accounts Officer  
MBA (Finance) PSC.

*M. E. Qureshi*  
*21/3/2004*

*Admin. 2*  
*8/12/2004*  
*for CM's Cult. NWFP*  
*M. Iqbal*  
*True Copy*  
*B. Qureshi*

*Day No. 6755 dt 8/12*  
*So (Admin) CM's/1 NWFP/2004*

Government of NWFP.  
Diary No. 14623  
Date 17/12/09  
Local Govt. & R.D.D.

Syed Shahinshah  
Accounts & Budget Officer  
Local Govt. Establishment Deptt.  
NWFP, Peshawar.  
Dated: Dec 16, 2009

36  
17/12/09

To

The Chief Secretary to Govt: of NWFP, Peshawar.

DEPTT: NWFP  
No. 2512  
Date: 17/12/09

Through: Proper Channel

Subject: PROMOTION TO BASIC PAY SCALE (19) IN FINANCE DEPTT. INDUSTRY DEPTT. EXCISE & TAXATION DEPTT. AS ADDITIONAL SECRETARY ETC.

17/12/09

Memo : Reference to No. SO (COE&AD/1(16)(2004) DATED; 26-10-2005 & LETTER NO: SO(LG-1) 10-458/96 DATED : 15<sup>th</sup> Nov. 2005 On the subject of Redresser of Public Grievances etc. Copies attached.

Dear Sir,

With due respect and to state that the subject Case has not been implemented despite there were no Service Rules after the enforcement of devolution power plan as is evident form the reply of the Secretary Establishment in Service Appeal No: 613/2008 on the ground that all Civil Servants were Equal under section nine of Civil Servant act 1973. attached as a annexe: "D".

It is further submitted that under section 22, of the Civil Servant Act, 1973 the case of an individual employ<sup>ee</sup> should be dealt in a just and equitable manner and not less favorable to him. Reading this with subsection (2) of section 26 any rules: regulation shall be made in conformity with provisions of Civil Servant Act, 1973 which stand abolishing the rules/quota of EAC/Section Officers and Posting officers Federal Govt: employees in on provincial Posts.

Submission is further extended that I, the Undersigned has as a service of 18 & 1/2 years in Basic Pay Scale (17) since 1-7-1991 after getting two professional degrees in 1<sup>st</sup> divisions in Business Administration but no promotion chance since 1996. Junior officers of general cadre are being promoted while senior and more professionally qualified officers are ignored. In the instance case I have joined the Civil Service in local Govt: and Ruler Development Deptt: on the recommendation Public Service Commission NWFP on Professional master degree level but joined the service in the attached Deptt: though more qualified than the EAC/Section officers & Federal Govt: employees. To this effects I am enclosing circular No (west Pak: S&GA Deptt.: letter No. S( R) /1-13/57 dated: 23.5.57. attached as annex: "E"

It is, therefore, requested that the request may be honored to avoid further delay in term of fundamental rule 17. and obligé.

Thank you  
Faithfully yours

of  
Syed Shahinshah  
Accounts & Budge Officer  
MBA (Finance)

Mustaf to  
be B. B. ibi

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

No. SO(LG-I)10-458/2008/Vol:III

Dated Peshawar, the 11<sup>th</sup> February, 2010

To

The Secretary to Government of NWFP,  
Establishment Department, Peshawar.

Attention: Section Officer (E-II).

SUBJECT:- PROMOTION TO BASIC PAY SCALE (19) IN FINANCE  
DEPARTMENT, INDUSTRY DEPARTMENT, EXCISE AND  
TAXATION DEPARTMENT AS ADDITIONAL SECRETARY,  
ETC.

Dear Sir,

I am directed to refer to your letter No. SOE-II(ED)1-6/2001/ACS, dated 14-01-2010 on the subject cited above and to inform that Syed Shahinshah, Accounts Officer (BPS-17), LG&RDD presently posted as Deputy District Officer (Finance), District Government, Buner wants promotion to the post to BPS-19 i.e. to the post of Additional Secretary which is the domain of Establishment Department. The applicant belongs to the service of defunct Directorate General, LG&RDD which has been abolished during 2001 in devolution process. However, application of applicant may be disposed in accordance with the method of recruitment prescribed for the post of Additional Secretary (BPS-19) in the Civil Secretariat.

Yours faithfully,

(MUHAMMAD ISMAIL QURESHI)  
SECTION OFFICER (ESTAB)

Attended to be  
true copy.  
B. J. J.

GOVERNMENT OF NWFP  
ESTABLISHMENT DEPARTMENT  
(CABINET WING)

No. SO(CC) E&AD/6160/2004  
Dated Peshawar, the 26-10-2005

To

The Secretary to Govt of NWFP,  
Local Govt & RD Department,  
Peshawar.

Subject: REDRESSAL OF PUBLIC GRIEVANCES ADDRESSED TO THE  
PRIME MINISTER OF PAKISTAN.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a petition (in original) received from Prime Minister's Secretariat (Public), Islamabad addressed to the Prime Minister of Pakistan by Syed Shahinshah of District Peshawar for taking further action.

2. I am further directed to request that the case may please be considered appropriately as per rules policy under intimation to all concerned.

Yours faithfully

Encl: As above

*Misal Khan*  
( MISAL KHAN )  
SECTION OFFICER(CC)

Endst: No. & Date even

A copy is forwarded for information to:-

- 1- Mr. Ali Ahmad Bajwa, Section Officer, Prime Minister's Secretariat (Public), Islamabad w/r to his letter No. F.2/PMS/(NWFP), dated 14-10-2005.
- 2- Syed Shahinshah, Budget & Accounts Officer, Local Govt : Department, Peshawar.

*Sill*  
SECTION OFFICER(CC)

*Alleged to be  
true copy*  
*B. J.*

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

No. SO(L.G)-1110-458/96

Dated Peshawar, the 15<sup>th</sup> Nov, 2005

To

The Section Officer (CC),  
Govt. of NWFP,  
Establishment Department,  
Peshawar.

SUBJECT:- REDRESSAL OF PUBLIC GRIEVANCES ADDRESSED TO THE  
PRIME MINISTER OF PAKISTAN.

Memo:

I am directed to refer to your letter No. SO(CC)/E&AD/1(16)/2004, dated 26-10-2005 on the subject noted above and to state that on the application addressed to the Prime Minister of Pakistan, the petitioner has prayed for promotion to the post of Additional Secretary (B1)-19 in Finance Department etc by repatriating Federal Government employees and prohibition of induction of general cadre officers in Civil service under good governance.

Since the promotion of officers as well as repatriation/requisition of services of Federal Government employees is the subject dealt with by the Establishment Department, therefore, the Establishment Department may process the application of the applicant at its own level.

(DH. MUHAMMAD)  
SECTION OFFICER (ESTAB.)

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True Copy  
B. D. H.

**Provident Fund:-** (1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to including the interest accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the Accounts Officer or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

**21. Benevolent Fund and Group Insurance:-** All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Employees Welfare Fund Ordinance, 1969 (W.P Ordinance of 1969), or the North-West Frontier Province Government Servants Benevolent Fund Ordinance, 1972 (THE KHYBER PAKHTUNKHWA Ordinance VII of 1972), and the rules made thereunder.

**22. Right of Appeal or Representation:-** (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

**MISCELLANEOUS**

**23. Saving:-** Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rules.

**23-A. Indemnity:-** No suit or, prosecution or other legal proceedings shall lie against a civil servant, for any thing done or intended to be done in good faith in his official capacity under this Act or the rules, instructions or direction made or issued thereunder.

**23-B. Jurisdiction barred.-** Save as provided under this Act and the Service Tribunal Act, 1974 (The Khyber Pakhtunkhwa Act No: 1 of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the governor or any other officer authorized by him shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made, or proceedings taken

Altogether to be  
True copy  
B. D. J.

in pursuance of any power conferred by or under this Act or the rules made thereunder.

24. **Removal of difficulties:** - If any difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

25. **Appointment of persons on contract, etc:-** The Governor or any person authorised by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work-charged basis, or who are paid out of contingencies:

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

26. **Rules:** (1) The Governor or any person authorised by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out of the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

27. **Repeal:-** The Khyber Pakhtunkhwa Civil Servants Ordinance, 1973 (KPK Ordinance No. VI of 1973), is hereby repealed.

**Guidelines for review of cases of civil servants under Section 13(1)(a) of the KPK Civil Servants Act, 1973 regarding compulsory retirement.**

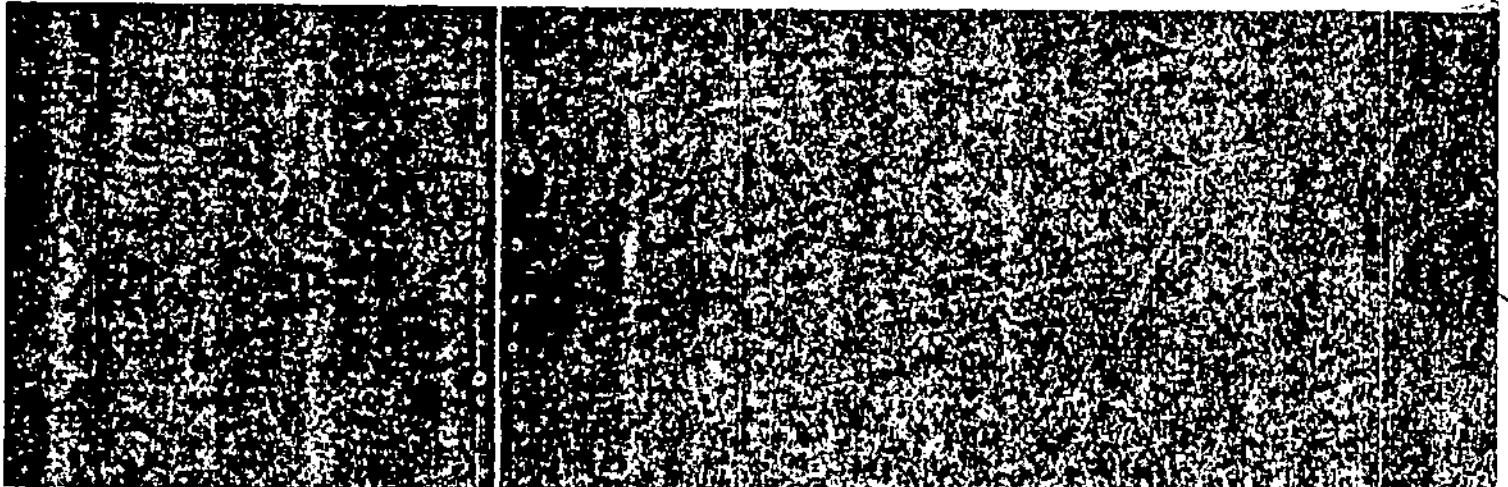
1. "Competent Authority" means the appointing authority prescribed in rule 4 of the KPK Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

2. When it comes to the notice of the competent authority that a civil servant has, prima-facie, ceased to be efficient and that action is warranted against him under Section 13(1)(a) of the KPK Civil Servants Act, 1973, it shall cause the case to be referred to a Review Committee stating the facts of the case alongwith supporting documentary evidence, if any, service record of the person in the form attached as Annexure-I, and such other record as may be considered relevant to a case for the purpose of making a recommendation about his suitability for further retention in service.

3. The Review Committee for officer of BS-17 and above may comprise the following:-

(i)	Chief Secretary	Chairman (By name)
ii)	Addl. Chief Secretary	Member (Ex-officio)
iii)	Senior Member, Board of Revenue	Member (Ex-officio)
iv)	Secretary S&GAD	Member (Ex-officio)
v)	Administrative Secretary of the Department concerned	Member (Ex-officio)
vi)	Additional Secretary S&GAD	Secretary

*Attached to be reviewed*





any categories of Class II posts where merit could be identified as against other posts where such identification would be difficult. Necessary proposals may then be made for amendment of the relevant Class II Rules.

(West Pak: S&GA Deptt. letter

No. SOR-III-2-32/65,

dated 1.5.70).

MINIMUM LENGTH OF SERVICE FOR ELIBILITY FOR VARIOUS GRADES AND ACTING CHAGE APPOINTMENT

I am directed to state that in supersession of all the previous instructions issued from time to time, the Governor, NWFP is pleased to decide that the minimum length of service for promotion to various grades shall be as follows:—

- For Grade-18 .. 5 years in Grade-17.
- For Grade-19 .. 12 years in Grade-17 & above.
- For Grade-20 .. 17 years in Grade-17 & above.
- For Grade-21 .. 22 years in grade-17 & above.

Provided that where initial appointment takes place in Grade 18, 19 & 20, the length of service for promotion to higher Grades shall be as followed:—

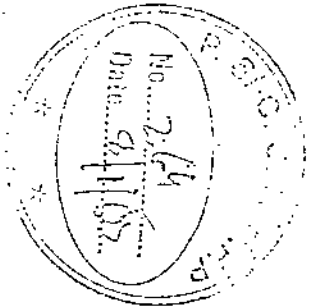
- For Grade-19 .. 7 years in Grade-18.
- For Grade-20 .. 12 years in Grade-18 & above or 5 years in Grade-19.
- For Grade-21 .. 17 years in Grade-18 & above or 5 years in Grade-20.

(NWFP S&GA Deptt. letter  
SOR(S&GAD)-1-29/75,  
dated 23.2.81)

MINIMUM LENGTH OF SERVICE FOR ELICIBILITY FOR VARIOUS GRADES, AND ACTING CHARGE APPOINTMENT

I am directed to refer to the subject cited above and to say that the Government of NWFP is pleased to decide that 1/2 (one half) of the service in Grade-16 and 1/4th (one fourth) of service in Grade-15 and below of persons, already in Government service, will be counted as service in Grade-17 for computing length of service for the purpose of promotion as contained

*Noted to be  
for  
C/W*



Syed Shahinshah  
Accounts Officer  
Local Govt. Elections  
& Rural Development  
NWFP, Peshawar.  
Dated January, 8, 2005.

To

The Chief Secretary,  
Government of NWFP,  
Peshawar.

Through Proper Channel:

Subject: ACR (Performance Evaluation Report)

Dear Sir,

With due veneration, it is brought in the notice of the Government through the office of Chief Secretary, NWFP, the issue of submission of ACR. The ACR is supposed to be submitted by the 15th of January for the preceded year. During the year 2001-2002, the undersigned was posted in the office of DCO, Peshawar. He was illegally transferred due to which his posting remained pending for eight months. During these eight months his salary remained stopped and no cases/ files were submitted to him. Instead of him the files/ cases were being submitted to an employee on deputation from A.G, NWFP. The undersigned had to draw salary in June 2003 instead of June 2002.

Since the requirement of submitting the ACR pertains to performance evaluation and concomitant integrity with it, the issue of ACR needs to be resolved.

It is, therefore, requested to kindly issue an advice to undersigned or exemption certificate in respect of instant case, and, oblige.

Thanking you,

Faithfully yours,

(Syed Shahinshah)  
Accounts Officer  
MBA(Finance) PSC.

Advance copy is forwarded to the Chief Secretary  
for favour of kind action.

(Syed Shahinshah)  
Accounts Officer,  
MBA(Finance) PSC.

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/1/27, 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 \*11

\*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)]

In rule 17, in sub-rule (1) at the end fullstop subs. by colon and thereafter proviso added by the S.R.O. 1092 (I./95, dt. 6th Nov., 1925, Gaz. of Pak., Extra, Pt. II, dt. Nov. 13, 1925.

Handwritten marks: a circled '1443', a circled '13', and a circled '27'.

Handwritten notes: "Noted to be", "fwd. am", and a signature "B.D.M." with a flourish.

Circled number '27' at the bottom of the page.

Q. 45

**GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
(REGULATION WING)**

**NOTIFICATION**

DATED PESHAWAR THE May 28, 2002

**NO.SOR-ICE&AD)4-1/80(VOL-IV)** In exercise of the powers conferred to section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P Act No. XVIII of 1973), the Governor of the North-West Frontier Province is pleased to direct that in the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:-

**AMENDMENTS**

In rule 17, after sub-rule (2), the following new sub-rule shall be added, namely: -

"(3) In the event of merger/restructuring of the Departments, Attached Departments of Subordinate Offices, the Inter-se-seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post."

**Secretary to Government NWFP  
Establishment Department**

**ENDST: NO.SOR-I(ES&AD)4-1/80 (VOL-IV)**

**DATED May 28, 2002**

Copy forwarded for information: -

1. All Administrative Secretaries to Govt. of NWFP.
2. The Secretary to Governor, NWFP
3. All District Coordination Officers/Political Agents in NWFP.
4. All Addl: Secretaries/Deputy Secretaries ES&AD.
5. The Registrar, Peshawar High Court Peshawar.
6. All Head of Attached Departments.
7. All Head of Autonomous/Semi-Autonomous Bodies in NWFP.
8. The Secretary, NWFP Public Service Commission.
9. The Director Anti-Corruption Establishment NWFP Peshawar.
10. All Section Officers ES&AD.
11. PS to Chief Secretary, NWFP.
12. PS to Secretary Establishment ES&AD.
13. Librarian ES&AD.

*Mirzaal to be copied*

*RO*

*[Signature]*  
**(HUSSAIN SHAH)**

Section Officer (Reg-1)  
☎ 9210123-24/231

{Ahad}

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~~Medical~~ *Medical service* means any kind of service which may be specially classed as such by order of the President and any other kind of service on pay not exceeding Rs. 116]

(14) *Local Administration* means the local Government of any province other than a Governor's province.

(15) *Probationer* means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.

(16) *Public conveyance* means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

(17) *Superior Service* means any kind of service which is not Class IV service.

(18) *Transfer* means the movement of a Government servant from one headquarter station in which he is employed to another such station, either

- (a) to take up the duties of a new post, or
- (b) in consequence of change of his headquarters.

**Division III.—Medical certificates of fitness on first entry into Government service.**

*(Rules made under Fundamental Rule 10)*

S. R. 3. A medical certificate of fitness for Government service shall be in the following form :—

“ I hereby certify that I have examined A. B., a candidate for employment in the Department, and cannot discover that he has any disease communicable or otherwise, constitutional weakness, or bodily infirmity except \_\_\_\_\_

I do not consider this a disqualification for employment in the office of \_\_\_\_\_

A. B.'s age is, according to his own statement, \_\_\_\_\_ years, and by appearance about \_\_\_\_\_ years ”.

*Government orders—*

(1) When a candidate for appointment in a non-gazetted post is sent for medical examination the examining Medical Officer or Board should be asked to obtain on the medical certificate the thumb and finger impressions of the candidate. These last impressions should afterwards be verified by the head of the office with those in the Service Book.

G. I. C.I.D., No. 5463-183, dated the 5th January, 1909.]

\* Substituted w.e.f. 1-12-62, vide G. P., 14, F., Notification No. F.3(1)-R2/67, dated 7-3-1967.

Approved  
 W. J. V. C. S. G. J.  
 for  
 [Signature]

INFORMATION SERVICES AND GENERAL  
ADMINISTRATION DEPARTMENT

\*NOTIFICATION

9th April, 1975.

No. SOS-III (S&CAD) 1-206/74-III.—In exercise of the powers conferred by Section 86 of the North-West Frontier Province Act, 1973 (N.W.F.P. Act XVIII of 1973), the Governor of the North-West Frontier Province is pleased to make the following rules, namely:—

THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS  
(CHANGE IN NOMENCLATURE AND ABOLITION OF CLASSES)  
RULES, 1975.

1. (1) These rules may be called the North-West Frontier Province Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1975.
- (2) They shall come into force at once.
2. In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say—
  - (a) "Classes" means Class-I, Class-II, Class-III, and Class-IV, in which the civil posts and services stand classified immediately before coming into force of these rules;
  - (b) "Government" means the Government of the North-West Frontier Province;
  - (c) "Grade" means a National Scale of Pay in which a post or group of posts is placed;
  - (d) "Province" means the North-West Frontier Province;
  - (e) "North-West Frontier Province Grades" comprise all services and civil posts connected with the affairs of the Province other than those included in the All-Pakistan Unified Grades under the All-Pakistan Services (Change in Nomenclature) Rules, 1973;
  - (f) "Service" means any civil service of the Province.
3. Notwithstanding anything contained in any rule, order or instruction, the names of services shall, with immediate effect, stand changed to the North-West Frontier Province Unified Grades (hereinafter referred to as the Unified Grade) and all references to a service in any rule, order or instruction shall, consistent with the subject and context, be construed as references to the respective Unified Grade.

\*Published in the NWFP Government Gazette, Part-I, dated 25.4.1975 at Page 313

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Noted for  
by Mr. J. J.  
C. J. J.

Approved

*Explanation.*— For the purpose of this rule, "respective Unified Grade" means the Grade to which a civil servant is entitled in respect of his existing post under the National Scales of Pay.

4. A civil post connected with the affairs of the Province, not being post in the All-Pakistan Unified Grades shall belong to one or other of the Unified Grade.

5. All persons, other than the persons appointed on adhoc basis, who immediately before the coming, into force of these rules were members of a service or hold civil post connected with the affairs of the Province, not being a post in the All-Pakistan Unified Grades, shall stand appointed in their existing posts to the respective Unified Grades.

6. Notwithstanding anything contained in any rules or orders for the time being in force, all classes and classifications of services and posts as Gazetted and non-Gazetted shall stand abolished.

7. For the purposes of application of any existing rule, order or instruction, reference to a class or to a post as Gazetted or non-Gazetted shall be construed as reference to the corresponding grade as specified in the table below:—

Class	Corresponding Grade
1. Class-I	Grades 17 to 21.
2. Class-II	Grade-16
3. Class-III	Grade 3 to 15
4. Class-IV	Grades 1 and 2

8. Notwithstanding anything contained in any rule, order or instructions, all reservations of posts for the purposes of appointment, or transfer in favour of persons belonging to a particular service or cadre, or holding a particular post, shall stand abolished.

*M. A. H. Khan*  
*Secretary*

GOVERNMENT OF N.W.F.P.  
INFORMATION, SERVICES AND GENERAL  
ADMINISTRATION DEPARTMENT.

Circular Letter No. SOS. III (S&GAD) 1-306/74-II, dated Peshawar,  
the 9th April, 1975.

Subject— THE NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS  
(CHANGE IN NOMENCLATURE AND ABOLITION OF CLASSES  
RULES, 1975).

A copy (with some spare copies of the above rules) is enclosed for the information and record of your Department. A perusal of rule 6 will indicate that classification of posts/services has been done away with by giving final effect to the Prime Minister's announcement of 20th August, 1973. However, the practice of notifying appointment to Grade 16 and above (or their corresponding existing grades) in Government Gazette will continue to be followed.

Attention is invited to rule 8 of above rules, whereby all reservations of posts for the purposes of initial/direct recruitment, promotion or transfer in favour of persons belonging to a particular posts have been abolished. The intention of this rule is that no individual Government servant should claim promotion or appointment to a particular post as a matter of right on the basis of provision in the existing recruitment rules or instructions. However, in order not to create a vacuum the existing quotas for promotion and initial/direct recruitment for various posts may continue to be followed till further orders.

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BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR

SERVICE APPEAL No. 630/2016

Syed Shahinshah

APPELLANT

Deputy District Officer (Finance)

Office Of

EDO: FINANCE & PLANNING, DISTRICT GOVERNMENT PESHAWAR

ADDRESSES

1. Chief Secretary to Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.

  
(SYED SHAHINSHAH)

Appellant

DDO (F), Mardan, District Govt.

Through

Advocate Bilal-ud-Din Kattak

52  
BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR

SERVICE APPEAL No. 630/2016

Syed Shahinshah

APPELLANT

Deputy District Officer (Finance)

Office Of

EDO: FINANCE & PLANNING, DISTRICT GOVERNMENT PESHAWAR

VERSUS

RESPONDANTS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.

**AFFIDAVIT**

It is solemnly declare that there is no such appeal earlier filed in Service Tribunal KP for abolition of PMS (PCS) Rules. All the relevant contents are annexed before the Tribunal.



  
(SYED SHAHINSHAH)

Appellant


DDO (F), Mardan, District Govt.

Through

Advocate Bilal-ud-Din Kattak

		<p>47332</p>
<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>	<p>ایڈووکیٹ/دستخط: <u>محمد علی احمد</u></p> <p>بار کونسل ابار ایسوسی ایشن خیبر پختونخواہ</p>	<p>رابطہ نمبر: 03339121558</p>

بعدالت جناب: حیدر مین سروس سٹیٹوٹل سنس

<p>Petitioner: منجانب:</p> <p style="text-align: center;">  </p> <p style="text-align: center;"> <u>سید علی محمد خان</u>  <u>بنام حلیہ</u>  <u>KPK</u> </p>	<p>دعویٰ:</p> <p>علت:</p> <p>مورد:</p> <p>جرم:</p> <p>تھانہ:</p>
<p><b>بابت تحریر آگہ</b></p>	

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

آن مقام سید علی محمد خان نے محمد علی احمد کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وہکیل صاحب کو راضی نامہ کرنے و تقرر جانے و فیصلہ برطاعت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق ذریعہ مدد تخطا کرنے کا اختیار ہوگا، نیز ضرورت مدم پیروی بنام محمد علی احمد کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل عمرانی و نظریاتی و پیروی کرنے کا اختیار ہوگا اور ضرورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وہکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی حملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ماضیہ ہر ذمہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے نسبت سے ہوگا وہ وہکیل موصوف و مقرر کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام دوہ یا مد سے باہر ہو تو وہکیل صاحب پابند نہ ہوں گے کہ اپنے پیروی بنام محمد علی احمد کو تقرر، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المقوم:

\_\_\_\_\_

\_\_\_\_\_

مقام پشاور کے لئے منظور ہے۔

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

**Service Appeal No. 532/2016**

Syed Shahinshah ..... (Appellant)

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the Respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in a manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is bared by law/time.
5. That the appellant has suppressed material facts from the Tribunal.
6. That the appellant has not come to the Court with clean hands.
7. That the appellant is estopped to file the instant appeal due to his own conduct.
8. That the appeal is bad for non-joinder of necessary parties.
9. That the instant appeal is hit by Section 4(1) (b) (ii) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.
10. That the appeal is hit by laches.
11. The appellant is not working as Deputy District Officer (Finance) Mardan rather he is an Account Officer of Local Government.
12. That the Civil Services laws does not provide repeated representations.

**ON FACTS:**

1. Needs no comments. Pertains to the record of Local Government Department and other departments.
2. Needs no comments. Pertains to the record of Local Government Department and other departments.
3. Needs no comments.
4. The representations of the appellant were processed and regretted/filed being devoid of merits and not covered under the rules.
5. Incorrect. As explained in para-4 above.
6. Incorrect. Before Devolution Plan 2001, Khyber Pakhtunkhwa Provincial Civil Service comprised of two cadres i.e. PCS (Secretariat) & PCS (Executive). Both the cadres were governed under the NWFP Provincial Civil Service (Secretariat Group) Rules 1997 & NWFP Provincial Civil Service (Executive Group) Rules 1997. After promulgation of Local Government Ordinance, 2001, the posts of PCS (EG) automatically abolished and recruitments to PCS (Executive group) ceased, while induction in Secretariat group continued. This created a vacuum and gave rise to the need for a Unified, multidimensional, all-encompassing provincial service, capable of shouldering challenging responsibilities. PMS was thus conceived to replace the bi-cadre PCS, and was established in 2007 on analogy of Punjab PMS Rules 2004. Moreover, the appellant does not belong to PMS Service, therefore he cannot be absorbed into PMS Service on the basis of his experience as well as qualification because PMS Rules does not provide such like absorption other than the prescribed manner.

**ON GROUNDS:**

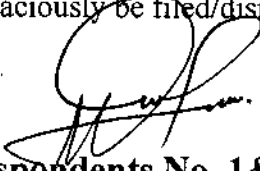
7. Incorrect. According to PMS Rules, 2007 recruitment to the post of PMS BS-17 is made in the following manners:-
- a. **Fifty per cent**, through initial recruitment on the recommendations of Public Service Commission having 2<sup>nd</sup> Division Bachelor Degree from a recognized University based on the result of competitive examination to be conducted by it in accordance with the provisions contained in Schedule-IV (Age 21-30 years).
  - b. **Twenty per cent** from amongst Tehsildars, who are graduates, on the basis of seniority-cum-fitness, having three years service as Tehsildar/Naib Tehsildar and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute.
  - c. **Twelve per cent**, on the basis of seniority-cum-fitness, from amongst Superintendents, who are graduates having three years service as Superintendent or Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute.
  - d. **Eight per cent**, on the basis of seniority-cum-fitness, from amongst Private Secretaries or Personal Assistants, who have opted to join Provincial Management Service and are graduates with three years' service as Private Secretary or Personal Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute."
  - e. **Ten per cent**, by selection from amongst the persons holding substantive posts of Superintendents, Private Secretaries, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior & Junior Clerks borne on the cadre strength of Secretariat who possess 2<sup>nd</sup> Class Bachelor's Degree qualification from a recognized University with at least five years' service as such.

Besides the above provision there is no other way for induction/absorption to PMS BS-17 on the basis of qualification/experience, hence the claim of the appellant is baseless.

8. Incorrect. No one can claim recruitment to the post of PMS BS-17 on the basis of mere qualifications/experience other than prescribed rules stated in para-7 above.
9. Incorrect. No one can be absorbed/promoted into PMS BS-17, 18 and 19 on the basis of qualification, experience and service other than the prescribed rules for these posts. Moreover, Syed Niamat Shah and Dildar Khattak were the part of Secretariat Service and they were promoted to BS-17, 18 and 19 on the basis of their seniority-cum-fitness as well as according to the Rules. While the representations of the appellant were regretted/filed being devoid of merits and not covered under the rules.
10. Incorrect. The appellant cannot claim promotion/absorption in PMS as he is not the part of PMS.
11. Incorrect/need no comments.
12. Incorrect. All the existing service rules are according to the provisions of Constitution. Moreover, Federal Govt. employees are being posted in Provincial Govt. on deputation basis according to rules/policy.
13. Incorrect. As explained in para-6 above.
14. Incorrect. The case of appellant for his absorption/appointment into PMS is not covered under the Rules.
15. Incorrect. PMS Rules, 2007 are according to the provisions of Constitution of Islamic Republic of Pakistan, 1973.

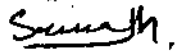
16. Respondents also seek permission to advance additional grounds at the time of arguments.

In the light of the above mentioned submissions, facts, the instant appeal being devoid of merit, legal footing may graciously be filed/dismissed.

  
(Respondents No. 1&2)

**AFFIDAVIT**

It is solemnly affirmed that the contents of foregoing comments are true and correct to the best of my knowledge and record and nothing has been concealed from this court.

  
Deponent

Next date 1-2-2017

**BEFORE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR  
SERVICE APPEAL NO. 532/2016**

Syed Shahinshah .....(Petitioner)

**VERSUS**

Government of Khyber Pakhtunkhwa and others.....(Respondents)

**REJOINDER**

**Respectfully Shewethe:**

**PRELIMINARY REPLIES.**

1. The appellant has got cause of action against the respondents under Civil Servant Act No. VIII 1973.
2. The Appeal is maintainable as order by August High Court Peshawar.
3. The Facts are presented in a due form for the relief that the appeal is based on the order of High Court Peshawar in a W.P.No. 745-P/2012 dated 23.02.2016.
4. That the respondents have suppressed material facts and not by the appellant.
5. That the respondents have not commented on point of law where required and the appellant has appealed on the vires of rules and procedures adapted by respondents.
6. The appeal is according to the law and constitutions.
7. The appeal is not bad for non joinder and necessary parties have been made respondents.
8. The instant appeal is according to the order of August High Court Peshawar in W.P.No. 745-9/2012 dated 23.02.2016.
9. The Appeal is according to the Law and Constitution.
10. The Appellant was working as DDOF at the time of the Writ Petition in 2012.
11. That the Civil Servant Act No. VIII 1973 does not specifically prescribed the number of representation.

**ON FACTS**

1. As prayed in the appeal.
2. As prayed in the appeal.
3. As prayed in the appeal facts not denied
4. As prayed in the appeal the reply is wrong.
5. As prayed in the appeal the reply is wrong.
6. As prayed in the appeal the reply is wrong. The very nature of PCS Secretariat and PCS executive are against the Section 8&9 of the Civil Servant Act read with Section 2 and Section 26(2) and read further under the instructions in Section 23 of the Civil Servant Act No. VIII, 1973.

**ON GROUND**

7. As prayed in the appeal. The reply is incorrect. The principles on which PMS rules 2007 are based are illegal and unconstitutional.
8. As prayed in the appeal. The reply is incorrect.
9. As prayed in the appeal. The reply is wrong. Promotion on the basis of impugned rules cannot be made as a precedent.

to such an extent as is considered necessary, subject to the maximum limit of the pay of that appointment and provided that no special orders are thereby infringed.

76-D. The authority which appoints an officer to a temporary appointment may declare that the officer shall hold the appointment substantively for the purposes of the acting allowance rules. The effect of such a declaration will be that if the officer officiates in another appointment while continuing to retain a lien on the temporary appointment, his emoluments in respect of the temporary appointment will be regarded as his substantive pay for the purpose of calculating his salary.

**Deputation in Pakistan**

77. An officer is said to be on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment.

77-A-78. *Cancelled.*  
 78-A. *See Article 76.*  
 79-80. *Cancelled.*

81. An officer deputed on special duty may be allowed to draw the pay or salary which he is drawing at the time of his deputation, or which he would have drawn from time to time if he had not been so deputed; provided that an officer who, while on deputation, is nominated to an appointment outside the regular line, shall not be admitted to the pay or salary of that appointment until he joins it. The officer may in addition be allowed to draw (1) if the special duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment, a deputation (duty) allowance, or (2) if the special duty involves a change of station, a deputation (local) allowance. If the special duty involves both increased work or responsibility and a change of station, the allowance will be classed as duty or local according as it is given mainly for increased work or responsibility or for a change of station. In either case it may not, except with the special sanction of the

77. Deputation allowances shall include reimbursement of cost of travelling, and an officer who draws deputation allowance is not thereby debarred from drawing any travelling allowance which would be admissible to him, if the duty on which he is deputed were treated as a new permanent appointment.

83. *Cancelled.*

**Famine Duty**

84. The following allowances in addition to salary are granted to an officer deputed to Famine work in a Province other than that in which he is serving, besides the usual travelling allowances both to and from the scene of his labours and while there:—

(i) To a Sub-Engineer in the Public Works Department	
To a Supervisor or an Overseer in the Public Works Department	75
To a Sub-Overseer in the Public Works Department	60
To a Sub-Overseer in the Public Works Department	25

(ii) To a Military officer transferred from Regimental or purely Military duty to Famine work whether in or out of Province—

1. If the officer's service is more than five years	300
2. If the officer's service is not more than five years	200

Rs. (iii) To every other Officer . . . . . 5 a day. Besides the cost of the journeys to and from the famine districts of his



Peshawar  
Date: 1-2-2017

10

Member Service Tribunal,  
K.P, Peshawar.

Subject: ADJOURNMENT OF CASE IN S.A. 532/16

Kindly refer to the subject and to state the  
Case title in S.A. No 532/2016  
Syed Shaukhatul.

VS

The Government of KP through  
Chief Secretary etc.

was fixed for hearing today (1-2-2017),  
but, due to engagement of Advocate:  
Bilal-U-Din Khattak owing to his personal  
problems compelling him from attending the  
tribunal, & the applicant, request for the  
adjournment of case to next week of  
this month.

Thanking you.

S. S. Lehal  
59133 SHANWAZI  
17301-940669-3  
Date: 1-2-2017

POSTEL ADDRESS OF THE RESPONDENTS

- 1) The Chief Secretary Civil Secretariat, Government of Khyber Pukhtunkhawa Peshawar.
- 2) The Secretary Establishment, Civil Government of, Khyber Pukhtunkhawa Secretariat, Peshawar.
- 3) The Secretary Establishment, Division, Federal Government of Pakistan, Pakistan Secretariat, Shahrahy Dastoor, Islamabad

**BEFORE CHAIRMAN SERVICE TRIBUNAL, KHYBER**

**PAKHTUNKHWA, PESHAWAR**

**SERVICE APPEAL NO. 532/2015**

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**VERSUS**

Government of Khyber Pakhtunkhwa and others.....(Respondents)

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**ON FACTS**

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13. As prayed in the appeal. The reply is wrong.
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15. As prayed in the appeal. The reply is wrong.
16. As prayed in the appeal.

In the light of the above it is, therefore, prayed that the replies may set aside and the appeal may be accepted with cost on respondents.

**(SYED SHAHINSHAH)**

Appellant

Through

Advocate Bilal-ud-Din Kattak

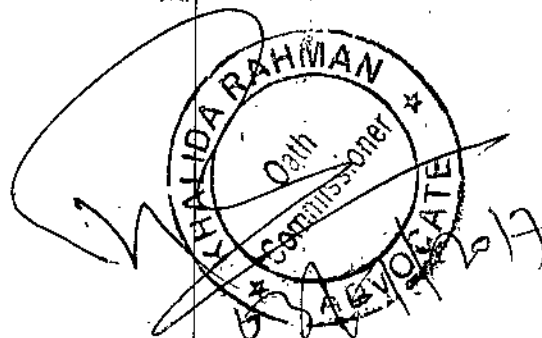
*Bilal*

**AFFIDAVIT**

It is solemnly affirmed that contents of forgoing rejoinder are true and correct to the best of my knowledge and nothing relevant has been concealed from this Tribunal (KP).

**ADMITTED**

Dependent



to such an extent as is considered necessary, subject to the maximum limit of the pay of that appointment and provided that no special orders are thereby infringed.

76-D. The authority which appoints an officer to a temporary appointment may declare that the officer shall hold the appointment substantially for the purposes of the acting allowance rules. The effect of such a declaration will be that if the officer officiates in another appointment while continuing to retain a lien on the temporary appointment, his emoluments in respect of the temporary appointment will be regarded as his substantive pay for the purpose of calculating his salary.

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77-A-78. *Cancelled.*  
 78-A. *See Article 76.*  
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82. Deputation allowance does not include reimbursement of cost of travelling, and an officer who draws deputation allowance is not thereby debarred from drawing any travelling allowance which would be admissible to him, if the duty on which he is deputed were treated as a new permanent appointment.

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84. The following allowances in addition to salary are granted to an officer deputed to Famine work in a Province other than that in which he is serving, besides the usual travelling allowances both to and from the scene of his labours and while there:—

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To a Supervisor or an Overseer in the Public Works Department	60
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(ii) To a Military officer transferred from Regimental or purely Military duty to Famine work whether in or out of Province—	300
1. If the officer's service is more than five years	300
2. If the officer's service is not more than five years	200
(iii) To every other Officer	5

Rs. a day.

Besides the usual sub-division allowance permitted by the rules, and cost of one servant's journey to and from the famine districts.

The travelling allowances of a Military officer are the same as those admissible to a member of the Civil Service Pakistan.

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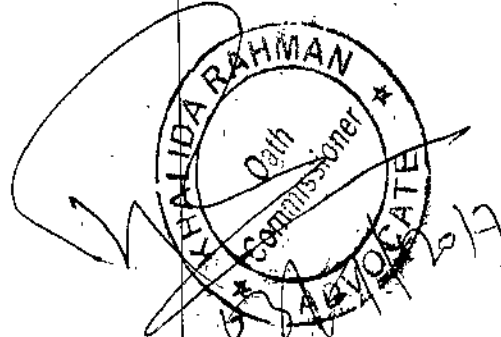
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2. If the officer's service is not more than five years .....	200
(iii) To every other Officer .....	Rs. 5 a day

The travelling allowances of a Military officer are the same as those admissible to a member of the Civil Service Pakistan.

Besides the usual sub-division allowance permitted by the rules, and cost of one servant's journey to and from the famine districts.

Besides the cost of the journeys to and from the famine districts of his

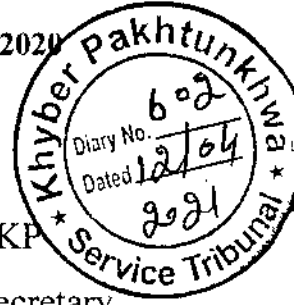


**Syed Shahinshah,**

Deputy Director (Finance & Accounts),

Hayatabad, Phase-V, Peshawar

Dated Peshawar: 08<sup>th</sup> April, 2020



**To.**

1. The Chief Secretary, Civil Secretariat, Forte Road, Cant Peshawar, KP
2. The Government of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Khyber Road, Cant Peshawar, KP
3. The Chairman Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP
4. The Member-I Judicial Service, Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP
5. The Member-I Judicial Service, Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP
6. The Member-I Executive Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP
7. The Member-II Executive Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP
8. Registrar, Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP
9. Superintendent , Service Tribunal , Khyber Pakhtunkhwa, Khyber Road, Cant Peshawar, KP

**Subject: IMPLEMENTATION OF JUDICIAL POLICY FOR  
EXPIDIOUS RELIEF ESTABLISHED &  
DISCRETIONARY:-**

**Dear,**

1. That Government has enacted the Civil Servant Act, No VIII 1973 for the Civil Servant with section 23 specified for appeal or representation or review.
2. That government has also enacted the Service Tribunal, Act, 1974 for the redressal of the grievances of civil servants.
3. That Government further promulgated the Service Tribunal Rules, 1974 for lying an appeal after lapse of 90 days.

4. That Service Tribunal Act, 1974 and the Rules made thereunder are for the purpose of mis-use and over-use of the authority vested in different persons and legal boddies.
5. The judicial policy was also promulgated by the Government in order to expedite the justice delay expressly and discretionary in efficacious and affordable ways.
6. The judicial policy was promulgated to avoid delay in all case ranging from Industrial Relation to Civil Courts and Service Tribunal etc.
7. It is also emphasized that Service Tribunal, KP is a Constitutional Body u/a 212 of the Constitution of Islamic Republic of Pakistan, 1973.
8. The state and Government have already mandated the Service Tribunal, KP to deal the Fundamental Rights of the Civil Servants ... in the chapter -II of the Constitution. The hall mark Judgments of Supreme Court of Afaq Ahmed Khurram, 1981 and I.A Shirani, 1991 are the vivid precedents.
9. However, despite being the quesi judicial body the Service Tribunal fails to deliver the Justice in efficaious and affordable ways.
10. The Service Tribunal, KP manifestedlly delay the relief in Justice by fixing distant dates for hearing, reply, and arguments, especially in case of reply after admission or pre admission notice.
11. In the Judicial Policy the chief Justice took a serious view of the backlog of cases up to a figure of more than 82,00,000/- in 2009.

12. The Service Tribunal, Peshawar, KP was constituted to redresses the grievances of the civil employees which they face in departments under the Government but instead of redressing the grievances through appeals. The Chairman Member and the officers exacerbate their grievances by fixing distant dates which is against the spirit of the Justice in expeditious ways.

13. The Judicial work through the judicial mind of the Chairman , its members and its officers are easily understandable to be apathetic, non emphatic and non- sympathetic to the appellants with distant dates fixing for hearing including Preliminary Hearing with interim order , Reply, Arguments and trial during Execution of its own Judgments. The instant S.A (s) of the Undersigned /Appellant with dates and status are as

S.No	S.A	1st Date	2 <sup>nd</sup> Date	Last Date	Next Date	Remarks
1	9624	11.09.20	5.10.20	30.03.21	17.06.21	Reply waiting for last September, 2020
2	12170	16.10.20	30.11.20	11.03.21		appeal with stay application dragged for too long.

14. It has been revealed by the concerned official that they have been sternly directed not to fix more than 15 cases in preliminary hearing with stay application and replies.

15. It is also noticed with great concerns that members and officers avail two days weekend as well summer vacation & winter vacation which is against rules /regulation and consequently draw cases too long killing the spirit and content of Justice in relief.

16. It is also disclose that they representation, is of personal nature and does not attract the section 39 (D) of the Rules of Business 85 , with all amendments, which mandates for the notified head of attached department to send official case to Government (CM & Cabinet),

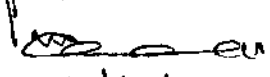
The Government through Chief Secretary the Chairman ,  
Members and officers are , therefore , requested to realize the  
public importance in Principals of policies of the Constitution  
and relief and Justice in Fundamental Rights of citizens/  
appellants for either deciding cases or fixing short dates for  
proper Administration of Justice.

  
(SYED SHAHINSHAH)

Deputy Director (F/A)

Directorate General: LGRDD, KP

Submitted for perusal pls.

  
13/4/2021

Honble Member (E)