

21.10.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukaram Khan, S.O (Litigation-I) for the respondents present.

Respondents have submitted their joint parawise comments through office on 27.07.2021. This appeal was admitted for full hearing on 01.06.2021 in the analogy of Service Appeal No. 1184/2019, which has now been converted into Execution Petition. If the execution petition is accepted, the benefit will also flow in favour of the appellant. It would be proper to adjourn the appeal at hands sine-die till final outcome of the aforementioned execution petition. Parties are placed at liberty to apply for revival of the appeal as and when required. For the time-being it is placed in safe custody.

  
(Salah-ud-Din)  
Member-J

  
Chairman

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

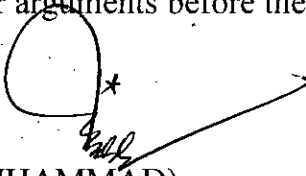
  
Chairman


Stipulated period passed reply not submitted.

23.08.2021

Ms. Rabia Muzaffar, Advocate, Junior to counsel for the appellant present. Mr. Muhammad Rashid, DDA alongwith Mr. Mukarram Khan, SO and Mr. Zar Muhammad, Assistant for respondents present.

Junior to counsel for the appellant sought adjournment on the ground that learned counsel for the appellant has proceeded to his home due to some urgency. Adjourned. To come up for arguments before the D.B on 21.10.2021.

  
(MIAN MUHAMMAD)  
Member(E)

  
(SALAH-UD-DIN)  
Member(J)

5764/20  
12345

DEA

21.10.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukaram Khan, S.O (Litigation-I) for the respondents present.

Respondents have submitted their joint parawise comments through office on 27.07.2021. This appeal was admitted for full hearing on 01.06.2021 in the analogy of Service Appeal No. 1184/2019, which has now been converted into Execution Petition. It would be proper to adjourn the appeal at hands sine-die till final outcome of the aforementioned execution petition. Parties are placed

at liberty to apply for revival of the appeal as and when required. For the time-being it is placed in safe custody.

*If the execution petition is accepted, the benefit will also flow in favor of the appellant.*

(Salah-ud-Din)

Chairman

Member-J

FILE

02/11/2021

09.09.2021

Petitioner alongwith counsel, Mr. Noor Muhammad Khan, Advocate and Mr. Muhammad Adeel Butt, Addl. AG alongwith Gul Bano, A.D.C for the respondents present.

The respondents have not come up with any plausible solution of the issue enabling the adjustment of the present petitioner and others in the connected Execution Petitions. They as usual are pressing into service the excuse of approval of SNE for new posts which is not expeditiously workable to ensure the implementation of the judgment. On quarry from the Bench, whether posts of Kanungo or Patwari are vacant in other districts of the Province for transfer of the later appointees, to the said districts, to make the vacancies available for adjustment of the petitioner and others, the respondents seek time to furnish the list of vacant posts of Patwari/Kanungo in other Districts of the Province after its procurement from the Board of Revenue. The request is accorded. To come up for the needful on 09.09.2021 before S.B.

Chairman

09.09.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith M/S Shahabud Din, AAC Headquarter and Obaidullah, Superintendent for the respondents present.

The list of vacant posts of Patwari & Kanungo has been produced in view of the assurance given on the previous date. The breakup of the sanctioned posts, filled posts and vacant posts has been given which reveals availability of 474

24.03.2021

Appellant present through counsel.

Let pre-admission notice be issued to respondents for reply. To come up for reply and preliminary arguments on 01 / 06 / 2021 before S.B.



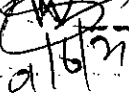
(Rozina Rehman)  
Member (J)

01.06.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Mukaram Khan, S.O (Litigation) for the respondents present. Preliminary arguments heard.

Learned counsel for the appellant states that Appeal No. 1184/2019 involving common questions of facts and law has already been admitted for regular hearing. Subject to all just exceptions, this appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. This appeal be clubbed with service appeal No. 1184/2019 and shall come up for arguments on 23.08.2021 before the D.B.

Appellant Deposited  
Security & Process Fee



Chairman

24.09.2020

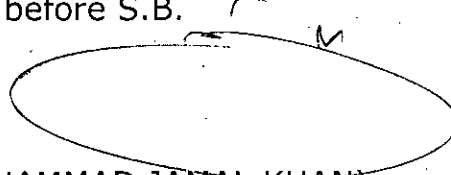
Mr. Ziaud Din, Advocate on behalf of learned counsel for the appellant present.

Requests for adjournment as learned counsel is once again engaged before the Apex Court today. Adjourned to 24.11.2020 but as last chance.

  
Chairman

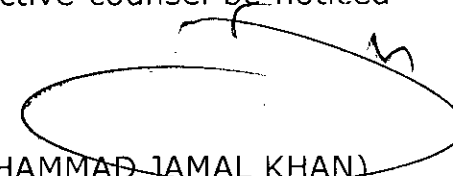
24.11.2020

Learned counsel for appellant is present. He requests for adjournment that he has not prepared the brief of the instant appeal. Adjudgment granted. File to come up for preliminary hearing on 10.02.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

28.12.2020

Appellant has not forth come at the moment i.e 11:30 A.M. despite having been called time and again. The appeal is adjourned to 24.03.2021 on which date file to come up for preliminary arguments before S.B. In the meanwhile appellant and his respective counsel be noticed for the date fixed.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER

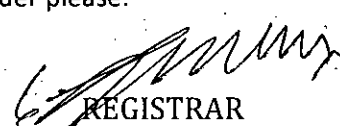

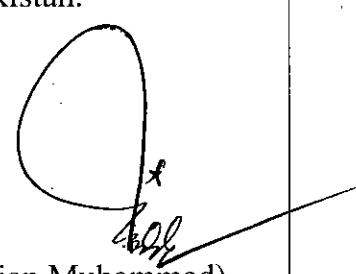
*noted!*  
*12.1.2021*

Form- A

FORM OF ORDER SHEET

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

Case No.- 5764 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2020	<p>The appeal of Mr. Raza Muhammad presented today by Mr. Fazal Shah Muhammad 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-	16.07.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the appellant present. Former requests for adjournment as senior counsel was busy before the august Supreme Court of Pakistan. Adjourned to 24.09.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

Service Appeal No. **5764** /2020

Raza Muhammad.....Appellant

**V E R S U S**

Govt.and Others.....Respondents

**I N D E X**

S.No	Description of documents	Annexure	Pages
1.	Service Appeal		1-4
2.	Appointment Order dated 11-08-2008	A	5
3.	Seniority List dated 27-06-2019	B	6
4.	DSC/DPC Minutes dated 08-05-2018	C	7-14
5.	Copy of Departmental Appeal	D	15-16
6.	Seniority List dated 03-02-2016 of Civil Secretariat & Order dated 21-05-2018	E & F	17-25
7.	Copy of Service card, Pay Roll & Benevolent Fund Cell Form	G	26-28
8.	Vakalat Nama		29

Dated:-10-06-2020

  
Appellant

Through

  
Fazal Shah Mohmand

Advocate Supreme Court

OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

Service Appeal No. 5764 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5042

Dated 19/16/2020

Raza Muhammad, Junior Clerk, Khyber Pakhtunkhwa House Islamabad.

.....**Appellant**

**V E R S U S**

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
2. Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
3. Secreatry Administration, Khyber Pakhtunkhwa, Peshawar.

.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE INACTION OF RESPONDENTS OF NOT INCLUDING NAME OF THE APPELLANT IN THE SENIORITY LIST OF ESTABLISHMENT DEPARTMENT/CIVIL SECRETARIAT AT HIS PROPER PLACE AND OF NOT PROMOTING THE APPELLANT AS PER HIS ENTITLEMENTFOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

**Filed to-day** On acceptance of this appeal the respondents may kindly be directed to include the appellant in the Seniority List of the Establishment Department/Civil Secretariat from the date of his initial appointment at his proper place with promotion as per entitlement/seniority of the appellant with consequential service benefits.

*[Signature]*  
Registrar  
12/6/2020

**Respectfully Submitted:-**

1. That the appellant is highly qualified and has qualified his Master Degree and was appointed initially in Establishment Department as Junior Clerk in Frontier House Islamabad on 11-08-2008 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his

high ups. **(Copy of Appointment Order dated 11-08-2008 is enclosed as Annexure A).**

2. That the appellant is governed by the Khyber Pakhtunkhwa Civil Servant Act 1973 as surfaced from his appointment order and other laws applicable to the Civil Servants however the appellant is not included in the Joint Seniority List like other Class-IV Employees for the purpose of promotion and according to the Seniority List dated 27-06-2019 the appellant has been placed at the top of Seniority List. **(Copy of Seniority List dated 27-06-2019 is enclosed as Annexure B).**
3. That there is no channel for promotion of the appellant and despite serving for about twelve years no promotion has been given to the appellant while as per the DSC/DSC Minutes dated 08-05-2018 the appellant is entitled to the Seniority/Promotion in the Civil Secretariat. **(Copy of DSC/DPC Minutes dated 08-05-2018 is enclosed as Annexure C).**
4. That the appellant preferred departmental appeal for including his name in the Joint Seniority List of Establishment Department/Civil Secretariat at proper place and promotion as per his Seniority but no action has been taken so far despite the lapse of more than the statutory period of ninety days. **(Copy of departmental appeal is enclosed as Annexure D).**
5. That as per the DSC/DSC Minutes dated 08-05-2018 the appellant is entitled to the Seniority/Promotion in the Civil Secretariat where juniors to him have been promoted while such right has been denied to him for no reasons.
6. That this action of the respondents of not including name of the appellant in the Joint Seniority List of Establishment Department/Civil Secretariat at proper place and promotion as per his Seniority, is against the law, facts and principles of justice on grounds inter-alia as follows:

**GROUND:**

- A. That the omission and commissions of the respondents are illegal, unconstitutional, and unlawful, without lawful authority and of no legal effect, therefore need the interference of this honorable Tribunal.

- B.** That the appellant despite long service is given no promotion nor he is included in the joint Seniority List of Establishment Department/Civil Secretariat while he is senior, perfectly fit and eligible and coming up to the criteria as per law and rules have got every right to be promoted from due date.
- C.** That in the present case there is no channel of promotion to the appellant and he being having long spotless service career is entitled for promotion.
- D.** That the appellant was appointed initially in Establishment Department like other officials who are included in the Seniority List of Establishment Department while the appellant is treated differently and as such too he is discriminated.
- E.** That including the name of the appellant in separate Seniority List is meaningless and he is punished for no fault on his part as juniors to him have been promoted as Senior Clerks as evident from the Seniority List of senior Clerks dated 03-02-2016 and order dated 21-05-2018. **(Copy of Seniority List dated 03-02-2016 of Civil Secretariat & Order dated 21-05-2018 is enclosed as Annexure E & F).**
- F.** That the appellant is the employee of Establishment and Administration department as depicted from his Service Card, Pay Roll and Benevolent Fund Cell for. **(Copy of Service card, Pay Roll & Benevolent Fund Cell Form is enclosed as Annexure G).**
- G.** That there is no omission or commission on part of the appellant and he is punished for no fault.
- H.** That the appellant is discriminated and treated unequally in violation of the constitution of the land as in case of the appellant respondents are not ready to shoulder their responsibility.
- I.** That the fundamental rights of the appellant guaranteed in the Constitution are badly violated and he is not treated as per law and rules governing the matter.
- J.** That the appellant is having about twelve years of service on his credit with no stigma during entire service career.

K. That the appellant seeks the permission of this honorable Court for further/additional grounds at the time of arguments.

**It is therefore prayed that Appeal, of the appellant may kindly be accepted, as prayed for.**

**Any other relief not specifically asked for and deemed appropriate in the circumstances of the case, may also be granted in favor of the appellant.**

**Dated:-10-06-2020**

  
**Appellant**

**Through**

  
**Fazal Shah Mohmand**

**Advocate Supreme Court**

"A"

-5-

GOVERNMENT OF N.W.F.P.  
ADMINISTRATION DEPARTMENT

Dated Peshawar the 11.08.2008

**ORDER**

NO.E&A(A.D)4(2)/2007. Under rule 10 sub rule-2 of the N.W.F.P. Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No.SOR.VI(E&AD)1-3/2003 Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Raza Muhammad S/O Janas Khan, resident of Mohallah Arbapan, Matta Mughal Khel, Teh & Distt: Charsadda is hereby appointed as Junior Clerk (BS-07) (3530-190-9230) against an existing vacancy in Frontier House, Islamabad, Administration Department with immediate effect on the following terms and conditions:-

- i. He will get pay at the minimum of BS-07 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- ii. He shall be governed by the N.W.F.P. Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- iv. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
- v. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
- vi. He has to join duties at his own expenses.

2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.

SECRETARY TO GOVT. OF N.W.F.P.  
ADMINISTRATION DEPARTMENT

ENDST. NO. & DATE EVEN.

Copy forwarded to:-

1. Accountant General, NWFP, Peshawar.
2. P.S to Secretary, Administration Department.
3. P.A to Deputy Secretary (Admn), Admn. Department.
4. Comptroller, Frontier House, Islamabad.
5. Mr. Raza Muhammad S/O Janas Khan, resident of Mohallah Matta Mughal Khel, Teh & Distt: Charsadda.

**ATTESTED**

to be true copy  
Advocate

-6-



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated Peshawar, the 27-06-2019

**NOTIFICATION**

**NO:E&A(AD)04(17)2019:-** In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the seniority list of Junior Clerk (BS-11) of House Hold Staff, as stood on 27-06-2019, is hereby notified/circulated for general information.

**FINAL SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 27-06-2019**

S.No	Name of the official	Designation	Academic Qualification	Date of Birth	Date of Entry into Govt. Service	Date of Joining Sectl. Service	Domicile	Department	Date of Retirement	Remarks
1	Reza Muhammad s/o Janas Khan	Junior Clerk	M.A	03-02-1979	12-08-2008	12-08-2008	Charsadda	K.P.K.H.Islamabad	02-02-2039	
2	Syed Musadiq Shah s/o Haji Syed Phool Badshah	Junior Clerk	F.A	23-05-1973	15-08-2008	15-08-2008	Peshawar	Estate Office, Administration Deptt.	22-05-2033	

- 1 None of the official is involved in any departmental proceeding, Anti-corruption case and Judicial enquiry etc.
- 2 Hold the post on regular basis.
- 3 Have not been awarded any penalty.
- 4 Their seniority position is final, undisputed and notified.

**Endst: No. E&A(AD)04(17)2015**

Copy forward to:-

- 1 The Comptroller Khyber Pakhtunkhwa House, Islamabad.
- 2 Estate Office, Administration Department.
- 3 PS to Secretary (Admn), Administration Department
- 4 PA to Deputy Secretary (Admn), Administration Department.

*[Signature]*  
SECTION OFFICER (ADMN) 17/7/19

*[Signature]*  
SECTION OFFICER (ADMN) 17/7/19

ATTACHED  
to be placed in  
Account

"B"



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT**

"C" -7-

**SUBJECT: MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION / PROMOTION COMMITTEE HELD ON 08-05-2018.**

A meeting of Departmental Selection / Promotion Committee was held on 08-05-2018 at 02:00 pm under the chairmanship of Deputy Secretary (Admin) Administration Department in his office. The following attended the meeting (list of attendees also annexed):-

(i)	Mr. Saadullah.	Deputy Secretary (Reg-III) Establishment Dept.
(ii)	Mr. Ilaqat Ali.	Section Officer (SR-II) Finance Department.
(iii)	Muhammad Yousaf Khan.	Section Officer (Ac. III) Administration Department.

2- At the very outset of the meeting, some background information of the case was shared with attendees of the meeting.

3- The following agenda items were placed before the committee for recommendations.

**ITEM NO.1: RECRUITMENT AS CLASS IV UNDER RULE-10(2) OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.**

4- The forum was informed that the following three (03) candidates have applied for recruitment under Rule 10(04) of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion & Transfer Rules) 1989 :-

No.	Name of Candidate	Candidate's father's name & designation	Date of invalidation of candidates	Post for which candidate has applied	Remark
1	Mr. Bilal Khan	Mr. Zamin Khan. ex- Naib Qasid	22-08-1995	Naib Qasid	Mr. Zamin Khan invalidated as Naib Qasid from this department w.e.f 22-08-1995
2	Muhammad Waseer	Muhammad Saleem. ex-Cook	12-03-2004	Naib Qasid	Muhammad Saleem invalidated as Cook from this department w.e.f 12-03-2004
	Mr. Ijaz Wali	Sher Ali Khan. ex-Naib Qasid	20-12-2017	Naib Qasid	Sher Ali Khan invalidated as Naib Qasid from this department w.e.f 20-12-2017

Page 1/1

**ATTESTED**  
to be true copy  
Advocate

5. In this regard, the meeting recommended the following:

RECOMMENDATION OF THE FORUM	
(i)	Mr. Bilal Khan s/o Mr. Zamin Khan, ex-Naib Qasid (invalidated) Recommended for appointment as Naib Qasid (BPS-03) in E&A Department.
(ii)	Muhammad Wasim s/o Muhammad Saleem, ex-Cook (invalidated) Recommended for appointment as Farash (BPS-03) in E&A Department.
(iii)	Mr. Ijaz Wali s/o Sher Ali Khan ex-Naib Qasid (invalidated) Recommended for appointment as Naib Qasid (BPS-03) in E&A Department.

ITEM NO.2: PROMOTION OF MALI TO THE POST OF HEAD MALI (BPS-04) IN E&A DEPARTMENT.

6. The forum was informed that there are two (2) sanctioned posts of Head Mali (BPS-04) at the strength of E&A Department. One post of Head Mali (BPS-04) is vacant which, as per service rules, is required to be filled by promotion on the basis of seniority-cum-fitness from amongst the Malis having at least twenty years service at his credit.

7. The forum recommended Mr. Nazir Muhammad, Mali, being senior most having more than 20 years service, for promotion to a vacant post of Head Mali (BPS-04) at the strength of E&A Department.

ITEM NO.3: PROMOTION OF MATRICULATE CLASS IV TO THE POST OF DAFTARI (BPS-04) IN CIVIL SECRETARIAT.

8. The forum was informed that there are 269 sanctioned posts of Daftari (BPS-04) at the strength of Civil Secretariat. 20 posts of Daftari (BPS-04) are filled whereas 248 other are vacant which are required to be filled in by promotion on the basis of seniority-cum-fitness from amongst matriculate Class IV.

9. It was brought into notice of the forum that employees at SH7, 8, 11, 12, 13, 18 & 92 of notified seniority list belongs to the category of household staff. Mr. Taj Muhammad, Section Officer (B&D) Administration Department, was especially called to explain to the forum status of those employees. Referring to their appointment orders, Mr. Taj Muhammad contended that the employees in question are civil servants belonging to the general cadres of Civil Secretariat. He said that being civil servants they should be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and the Rules made there-under. He added that they (the employees in question) have every right to be included in the joint seniority list of matriculate Class IV so as to avail the benefit of promotion in Civil Secretariat. After threadbare discussion, the forum unanimously acknowledged the right of seniority / promotion in the Civil Secretariat of the employees at SH7, 8, 11, 12, 13, 18 & 92 of seniority list.

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APPROVED  
to be ( )  
ADVISED



10. The forum recommended the following for promotion to the post of Daftari (BPS-04):

Sl. No.	Name	Designation	Present Posting
1.	Muhammad Farman s/o Munsif	Naib Qasid	Minerals Devlp. Deptt.
2.	Dost Muhammad	Naib Qasid	Minerals Devlp. Deptt.
3.	Imran Khan	Naib Qasid	Governor Sectt.
4.	Khuram Shehzad	Naib Qasid	E&AD
5.	Farooq Khan s/o Abdul Malik	Naib Qasid	E&AD
6.	Fayaz Ahmad Khan	Naib Qasid	LG&RG Deptt.
7.	Sartaj Ali Khan	Chowkidar	E&AD
8.	Imdad Ali	Chowkidar	E&AD
9.	Siraj Khan	Chowkidar	E&AD
10.	Rehman Uddin	Naib Qasid	Environment Deptt.
11.	Rahat Gul*	Mali	E&AD
12.	Akhtar Hussain* s/o Murtaj	Mali	E&AD
13.	Muhammad Adnan Khan*	Mali	Civil Officer Mess
14.	Irshad Ullah s/o Ihsan	Naib Qasid	Finance Deptt.
15.	Muhammad Ibrahim s/o S. Jan	Naib Qasid	Law Deptt.
16.	Kalimullah Jan	Naib Qasid	Law Deptt.
17.	Saleem Ghulam*	Sweeper	Industries Deptt.
18.	Nawaz Khan*	Mali	E&AD
19.	Fazle Wajid	Naib Qasid	Home Deptt.
20.	Ghulam Muhammad	Belshiti	Home Deptt.
21.	Haseeb-ur-Rehman	Naib Qasid	Finance Deptt.
22.	Muhammad Arshad Anwar	Naib Qasid	E&AD
23.	Arshad Khan	Naib Qasid	E&AD
24.	Fazal Gul	Chowkidar	Health Deptt.
25.	Shabir Khan	Naib Qasid	P&D Deptt.
26.	Jan Alam	Naib Qasid	Home Deptt.
27.	Abdullah Jan	Naib Qasid	Higher Education Deptt.
28.	Rizwan Ahmed	Naib Qasid	Chief Minister Sectt.
29.	Waseem Ullah	Naib Qasid	Minerals Devlp. Deptt.
30.	Nawab Ali	Naib Qasid	Energy & Power
31.	Hasan Gul s/o Tar Gul	Naib Qasid	Population
32.	Syed Ibrahim Shah	Naib Qasid	Provincial Services Academy (PSA)
33.	Muhammad Faheem	Naib Qasid	ST & IT Deptt.
34.	Rookhullah	Naib Qasid	Governor Sectt.
35.	Muhammad Ashfaq	Naib Qasid	Home Deptt.
36.	Shah Nawaz	Attendant	Chief Minister Sectt.
37.	Muhammad Mohsin Khan	Naib Qasid	E&AD
38.	Muhammad Arif	Naib Qasid	E&AD
39.	Syed Ayaz Hussain Shah	Naib Qasid	Chief Minister Sectt.
40.	Inayat-ur-Rehman	Naib Qasid	E&SF
41.	Qairn Khan	Naib Qasid	E&AL
42.	Falze Amin	Naib Qasid	Chief Minister Sectt.

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ATTACHED TO COPY

Sl. No.	Name	Designation	Presenting Office
43.	Fayazur Rhman	Naib Qasid	Energy & Power
44.	Gul Faraz	Naib Qasid	Irrigation Deptt
45.	Ajmal	Chowkidar	Labour Deptt
46.	Muhammad Arif	Chowkidar	E&AD
47.	Safi Ullah s/o Habib-Ur-Rehman	Chowkidar	Energy & Power
48.	Muhammad Ijaz	Naib Qasid	P&D Deptt
49.	Muhammad Ashfaq	Chowkidar	E&AD
50.	Sanaullah	Naib Qasid	Social Welfare Deptt
51.	Iqbal	Naib Qasid	ST&IT
52.	Asif Khan	Naib Qasid	Health Deptt
53.	Syed Azhar Abbas Zaidi	Chowkidar	Population Deptt
54.	Riaz Khan	Sweeper	Chief Minister Sectt
55.	Muhammad Imran	Naib Qasid	Home Deptt
56.	Fida Muhammad s/o Taj M	Naib Qasid	Labour Deptt
57.	Hassan Ali	Naib Qasid	Environment Deptt
58.	Imran Ali	Naib Qasid	E&AD
59.	Umar Faraz	Naib Qasid	E&AD
60.	Muhammad Irfan	Naib Qasid	E&AD
61.	Zubair Ahmed	Naib Qasid	PMRU
62.	Shah Jehan	Naib Qasid	Finance Deptt
63.	Ashfaq Ahmed	Naib Qasid	STI
64.	Muhammad Ashraf	Naib Qasid	E&AD
65.	Saleem Khan	Naib Qasid	Auqaf Deptt
66.	Bakht Zada	Naib Qasid	E&AD
67.	Malang Jan	Water Carrier	E&S
68.	Zakirullah	Naib Qasid	Governor Sectt
69.	Noman Ijaz	Naib Qasid	Sport & Culture
70.	Anil Akbar	Sweeper	Higher Education Deptt
71.	Sajid Khan	Naib Qasid	Chief Minister Sectt
72.	Naseemullah	Naib Qasid	Chief Minister Sectt
73.	Muhammad Rizwan	Naib Qasid	Excise & Taxation
74.	Aamir Khan s/o Gul Rehman	Naib Qasid	Excise & Taxation
75.	Shakeel Ahmed	Naib Qasid	C&W Department
76.	Sajjad Ahmad	Naib Qasid	Irrigation Deptt
77.	Sajid Khan	Naib Qasid	E&AD
78.	Bakht Bilal	Naib Qasid	Chief Minister Sectt
79.	Gulfam Ullah	Naib Qasid	Health Deptt
80.	Saddat Islam	Naib Qasid	Health Deptt
81.	Arshad Alam	Chowkidar	Chief Minister Sectt
82.	Faheem Khan	Naib Qasid	Home Deptt
83.	Ikram Khan	Naib Qasid	CM Sectt
84.	Asfandyar Khan	Naib Qasid	Health Deptt
85.	Muhammad Rafi	Naib Qasid	Health Deptt
86.	Shereen Khan	Naib Qasid	E&AD
87.	Rashidullah	Naib Qasid	Chief Minister Sectt
88.	Muhammad Tayyab Shaukat	Naib Qasid	E&AD
89.	Shahid Riaz	Naib Qasid	IPC Department

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Sl. No.	Name	Designation	Present Posting
90.	Adil Babar	Naib Qasid	E&AD
91.	Zarwali	Naib Qasid	Finance Deptt
92.	Sifatullah s/o Awal Khan	Farash	E&AD
93.	Luqman Khan	Naib Qasid	Higher Education Deptt
94.	Gul Zameen Khan	Naib Qasid	Finance Deptt
95.	Yousaf Khan	Naib Qasid	Finance Deptt
96.	Bahar Khan	Naib Qasid	E&SE
97.	Imran Khan	Chowkidar	Health Deptt
98.	Muhammad Zubair	Chowkidar	Health Deptt
99.	Jawad Tanveer	Naib Qasid	Health Deptt
100.	Kachkool Shah s/o Mukammil	Chowkidar	PHE Deptt
101.	Ramazan Hussain	Naib Qasid	P&D Deptt
102.	Abdul Shakoor	Chowkidar	E&AD
103.	Muhammad Sajid	Farash	P&D Deptt
104.	Wahab Ali	Chowkidar	E&AD
105.	Muhammad Abbas Khan	Chowkidar	Housing Deptt
106.	Shah Faisal Jan	Chowkidar	E&AD
107.	Noor Khan	Chowkidar	PHE Deptt
108.	Raveez Khan	Naib Qasid	Minerals Devlp. Deptt
109.	Muhammad Ahsan Jawad	Naib Qasid	Minerals Devlp. Deptt
110.	Afaq Ahmad	Naib Qasid	E&AD
111.	Faisal Zulfiqar s/o Zulfiqar	Naib Qasid	E&AD
112.	Liaqat Khan	Chowkidar	Irrigation Deptt
113.	Naseem Hussain	Naib Qasid	P&D Deptt
114.	Rafaqat Shah	Naib Qasid	Higher Education Deptt
115.	Asad Ali	Naib Qasid	Finance Deptt
116.	Waheed Ullah s/o Faeed Ullah	Naib Qasid	Finance Deptt
117.	Samiullah	Naib Qasid	Finance Deptt
118.	Muhammad Arif	Naib Qasid	Finance Deptt
119.	Hamid Saeed	Dak Masgr	Home Deptt
120.	Muhammad Ikram	Chowkidar	E&SE
121.	Sikandar Khan	Naib Qasid	E&SE
122.	Tariq Iqbal	Naib Qasid	E&SE
123.	Murad Khan s/o Muslim Khan	Naib Qasid	Chief Minister Sectt
124.	Zain Ul Mawasif s/c Javed	Chowkidar	E&SE
125.	Murad Khan s/o Sawab Gul	Farash	FATA Sectt
126.	Niaz Gul	Chowkidar	Staff Training Institute
127.	Rasool Wali	Chowkidar	E&AD
128.	Muhammad Bilal Khan	Farash	E&AD
129.	Aitch Ahmed	Naib Qasid	E&AD
130.	Arshad Ali s/o Fazle Rahman	Naib Qasid	E&AD
131.	Rajesh Chand	Naib Qasid	E&AD
132.	Rahmat Jalil s/o Saif Jalil	Naib Qasid	P&D Deptt
133.	Ismail Khan	Naib Qasid	C&W Department
134.	Muhammad Jehangir Khan	Naib Qasid	E&SE
135.	Muhammad Asif	Naib Qasid	C&W Department
136.	Saif Muhammad	Chowkidar	C&W Department

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Sl. No.	Name	Designation	Department
137.	Zafar Ullah Khan	Naib Qasid	Auqaf Deptt
138.	Rahabat Khan	Naib Qasid	Auqaf Deptt
139.	Abdul Basit	Naib Qasid	Relief & Rehab Department
140.	Imran Khan	Chowkidar	C&W Department
141.	Alamzeb Amir	Naib Qasid	Finance Deptt
142.	Shahab Jehan	Naib Qasid	PMRU
143.	Mubashir Baber	Naib Qasid	E&AD
144.	Aurangzeb	Naib Qasid	Higher Education Deptt
145.	Qaisar Khan s/o Mukarrum	Naib Qasid	E&SE
146.	Fawad Khan	Chowkidar	Population Deptt
147.	Tahir Ali	Naib Qasid	Irrigation Deptt
148.	Sher Ali	Naib Qasid	P&D Department
149.	Zakirullah	Chowkidar	Law Deptt
150.	Izhar Ul Haq s/o Noor Ali	Naib Qasid	Law Deptt
151.	Waqar Khan	Farash	Agriculture Deptt
152.	Hanayun Zia	Naib Qasid	Home Deptt
153.	Noor Zada	Naib Qasid	Home Deptt
154.	Imran Khan	Naib Qasid	Home Deptt
155.	Subna Ullah	Naib Qasid	Home Deptt
156.	Hazrat Hussain	Naib Qasid	Sport & Culture
157.	Adeel Ahmad s/o Malak	Naib Qasid	Excise & Taxation
158.	Adeel Vector s/o Vector Masih	Sweeper	Excise & Taxation
159.	Muhammad Shafiq	Naib Qasid	Finance Deptt
160.	Wajahat Ali	Naib Qasid	Finance Deptt
161.	Saeed Yousaf s/o Yousaf Masih	Sweeper	Finance Deptt
162.	Rafiq Nawab	Naib Qasid	Finance Deptt
163.	Abdul Wahid	Naib Qasid	Finance Deptt
164.	Syed Shoab Ali s/o Muzaffar	Farash	Chief Minister Sectt
165.	Wilson Masih	Sweeper	Chief Minister Sectt
166.	Mawa Khan	Naib Qasid	E&AD
167.	Mumtaz Hussain	Naib Qasid	Higher Education Deptt
168.	Anjac Khan	Naib Qasid	Irrigation Deptt
169.	Zahoor Khan s/o Noor Khan	Naib Qasid	Higher Education Deptt
170.	Aris Gulzar s/o Gulzar Ahmad	Naib Qasid	Housing Deptt
171.	Sajid Ali	Naib Qasid	Home Deptt
172.	Janas Khan s/o Nawab Khan	Naib Qasid	Law Deptt
173.	Muhammad Rashid, s/o SAHIB	Naib Qasid	Law Deptt
174.	Sher Muhammad s/o Hayat	Naib Qasid	Law Deptt
175.	Shahad Gul s/o Hazrat Gul	Naib Qasid	Social Welfare Deptt
176.	Altaf Hussain s/o Ashraf	Naib Qasid	Minerals Develp. Deptt
177.	Patrick Masih	Sweeper	E&AD
178.	Akhtar Ali	Chowkidar	Information Deptt
179.	Adeel Awan	Mali	Finance Deptt
180.	Syed Muhammad Kabir	Naib Qasid	Home Deptt
181.	Aziz Ur Rehman	Naib Qasid	E&AD
182.	Muhammad Basit	Farash	Governor Sett
183.	Sher Ahmed	Naib Qasid	Agriculture

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	DESIGNATION	PLACE OF RESIDENCE	POSTING
184.	Tajveer Ghulam s/o Ghulam	Sweeper	Chief Minister Sectt
185.	Israr Ahmed	Gate Msgr	E&AD
186.	Shahid Jan	Mali	E&AD
187.	Faheem Khan	Chowkidar	STI
188.	Shahab-ud-Din	Chowkidar	E&AD
189.	Uzair Naveed	Naib Qasid	E&AD
190.	Aqel Khan	Gate Msgr	E&AD
191.	Qazi Farooq	Naib Qasid	E&AD
192.	Sheheryar Akhtar s/o Javed	Cleaner	E&AD
193.	Syed Jawadur Rehman	Naib Qasid	E&AD
194.	Faiz Ahmad s/o Yousaf Khan	Naib Qasid	PMRU
195.	Anisur Rehman	Gate Msgr	E&AD
196.	Taimur Khan	Naib Qasid	E&AD
197.	Zia Ur Rehman s/o M. Shah	Chowkidar	E&AD
198.	Yousaf Ali	Naib Qasid	E&AD
199.	Adnan Almas	Mali	E&AD
200.	Ishfaq Ahmed	Naib Qasid	E&AD
201.	Aftab Gul	Naib Qasid	Irrigation Deptt
202.	Syed Sohail Shah	Naib Qasid	STI
203.	Ziaullah Khan	Naib Qasid	E&AD
204.	Muhammad Arif	Naib Qasid	E&A Department
205.	Faheemullah Khan	Naib Qasid	E&AD
206.	Muhammad Nadeem s/o Afsar	Naib Qasid	E&SE
207.	Abdul Haq	Naib Qasid	C&W Department
208.	Sher Taj	Chowkidar	Chief Minister Sectt
209.	Ihsanullah s/o Anwar Gul	Naib Qasid	Finance Deptt
210.	Muhammad Hamayun	Naib Qasid	Local Govt
211.	Waqas Jan	Naib Qasid	Law Deptt
212.	Sajjad Ali	Naib Qasid	E&AD
213.	Rehman Gul s/o Dedar	Naib Qasid	Agriculture
214.	Saifullah	Naib Qasid	Law Deptt
215.	Maqad Khan	Naib Qasid	E&AD
216.	Naveed Khan s/o Nasir Khan	Naib Qasid	Law Deptt
217.	Waqas Khan s/o Inam Ullah Jan	Naib Qasid	Finance Deptt
218.	Muhammad Shahab	Naib Qasid	Law Deptt
219.	Kazim Jan	Naib Qasid	Law Deptt
220.	Asad Jan	Naib Qasid	Law Deptt
221.	Muhammad Faizan	Naib Qasid	Social Welfare Deptt
222.	Syed Saif Ali Shah	Naib Qasid	Social Welfare Deptt
223.	Adnan Khan	Naib Qasid	Social Welfare Deptt
224.	Inayat Ullah s/o Hidayat	Naib Qasid	Agriculture
225.	Iftikhar Ali s/o Ghulam Samdani	Naib Qasid	Energy & Power
226.	Hussain-ur-Rahman	Naib Qasid	P&D Deptt
227.	All Akbar	Naib Qasid	Energy & Power
228.	Safdar Khan s/o Mawas Khan	Naib Qasid	Energy & Power
229.	Usman Naveed s/o Naveed Taj	Naib Qasid	Energy & Power
230.	Saifullah s/o Hameed Ullah	Farash	Law Deptt

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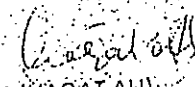
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Sl. No.	Name	Designation	Posting
231.	Tariq	Maji	Chief Minister Sectt
232.	Najeeb	Chowkidar	Chief Minister Sectt
233.	Yasmin Ali	Chowkidar	Chief Minister Sectt
234.	Sohail Ahraad s/o A. Qadeem	Naib Qasid	E&AD
235.	Ashfaq Hussain s/o Gul Karim	Naib Qasid	P&D Deptt
236.	Syed Zafar Ali Jafri	Naib Qasid	Chief Minister Sectt
237.	Wahid Ahmed	Naib Qasid	E&AD
238.	Wanab Shah	Naib Qasid	Transport Department
239.	Muhammad Junaid	Naib Qasid	Transport Department
240.	Nisar Babar	Sweeper	Finance Deptt
241.	Abu Bakar Saddin	Chowkidar	Finance Deptt
242.	Junaid Khan	Chowkidar	Industries Deptt
243.	Khasif Javed	Naib Qasid	E&AD
244.	Syed Tasawar Hussain	Naib Qasid	Information Deptt
245.	Zeesha	Naib Qasid	Social Welfare Deptt
246.	Yousef / Il Shah	Naib Qasid	Chief Minister Sectt
247.	Geeta Ali	Naib Qasid	Chief Minister Sectt
248.	Muhammad Altar	Chowkidar	E&AD

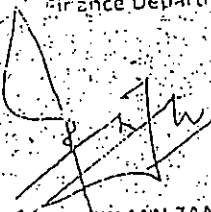
To be adjusted against posts vacated due to promotion.

11- The meeting ended with vote of thanks to & from the chair.

  
 (M. SAIFUR RAHMAN)  
 Deputy Secretary (Reg-III)  
 Establishment Department.

  
 (LIAQAT ALI)  
 Section Officer (SR-II)  
 Finance Department.

  
 (MUHAMMAD YOUSAF KHAN)  
 Section Officer (Admin)  
 Administration Department.

  
 USMAN ZAMAN  
 Deputy Secretary (Admin)  
 Administration Department.

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D/No 1572 SEC' Admin "D"  
04/03/20

BEFORE THE CHIEF SECRETARY KHYBER PAKHTUNKHWA

PESHAWAR.

-15-

**Subject:- Departmental Appeal for inclusion of the appellant in the Seniority List of Establishment Department/Civil Secretariat at his proper place and promotion as per his entitlement with all back benefits.**

**Respectfully Submitted:-**

1. That the appellant is highly qualified and has qualified his Master Degree and was appointed as Junior Clerk in Frontier House Islamabad on 11-08-2008 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. **(Copy of Appointment Order dated 12-08-2008 is enclosed as Annexure A).**
2. That the appellant is governed by the Khyber Pakhtunkhwa Civil Servant Act 1973 as surfaced from his appointment order and other laws applicable to the Civil Servants however the appellant is not included in the Joint Seniority List like other Class-IV Employees for the purpose of promotion and according to the Seniority List dated 27-06-2019 the appellant has been placed at the top of Seniority List. **(Copy of Seniority List dated 27-06-2019 is enclosed as Annexure B).**
3. That there is no channel for promotion of the appellant and despite serving for about twelve years no promotion has been given to the appellant while as per the DSC/DSC Minutes dated 08-05-2018 the appellant is entitled to the Seniority/Promotion in the Civil Secretariat. **(Copy of DSC/DPC Minutes dated 08-05-2018 is enclosed as Annexure C).**
4. That this action of the department of not including the name of the appellant in the Seniority List of Establishment department/Civil Secretariat is illegal and unlawful as in present case there is no channel for promotion to him.


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5. That as per the DSC/DSC Minutes dated 08-05-2018 the appellant is entitled to the Seniority/Promotion in the Civil Secretariat where juniors to him have been prompted while such right has been denied to him for no reasons.
6. That the appellant was appointed initially in Establishment Department like other officials who are included in the Seniority List of Establishment Department as such too he is discriminated.
7. That including the name of the appellant in separate Seniority List is meaningless and he is punished for no fault on his part as juniors to him have been promoted as Senior Clerks as evident from the Seniority List of senior Clerks dated 03-02-2016 and order dated 21-05-2018. **(Copy of Seniority List dated 03-02-2016 of Civil Secretariat & Order dated 21-05-2018 is enclosed as Annexure D & E).**

**It is therefore prayed that on acceptance of this appeal, the name of the appellant may kindly be included in the Seniority List of Establishment Department/Civil Secretariat at his proper place and be given promotion as per his entitlement with all back benefits.**

**Dated:- \_\_\_\_\_-02-2020.**

  
**Raza Muhammad, Junior Clerk,  
Khyber Pakhtunkhwa House  
Islamabad.**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(ESTABLISHMENT WING)

Dated Peshawar, the 03.02.2016

TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
1	Mr. Raj Wali	Matric	02.02.1972	01.02.2032	Peshawar	19.10.1992	10.04.2007	02.11.2015	Agriculture Deptt.	Senior Clerk
2	Hafiz Muhammad Khaid	M.A	13.03.1982	12.03.2042	Charsadda	23.01.2008	23.01.2008	28.05.2013	Health Deptt.	Senior Clerk
3	Mr. Ashraf Khan	B.A	05.04.1983	04.04.2043	Charsadda	15.01.2008	15.01.2008	28.05.2013	IPC Deptt.	Senior Clerk
4	Syed Masood Shah	M.A	15.04.1978	14.04.2038	Peshawar	15.01.2008	15.01.2008	28.05.2013	E&A Deptt. (O/o ASJ)	Senior Clerk
5	Syed Qaisar Ali Shah	M.BA	26.10.1980	25.10.2040	Peshawar	15.01.2008	15.01.2008	28.05.2013	On deputation to Gender Equity GRAP Phase-II Project of Social Welfare Deptt for initial period 03 years w.e.f 21.09.2015	Senior Clerk
6	Mr. Wasim-ur-Rehman	M.Sc	23.03.1983	22.03.2043	Peshawar	15.01.2008	15.01.2008	28.05.2013	Excise & Taxation Deptt.	Senior Clerk
7	Mr. Rehmanullah	M.A	13.04.1984	12.04.2044	Mardan	15.01.2008	15.01.2008	28.05.2013	CM Sectt.	Senior Clerk
8	Mis. Nayab Altaf	M.A	19.08.1985	18.08.2045	Peshawar	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
9	Mr. Hamid Shah S/o Sultan Shah	M.Sc	15.05.1975	14.05.2035	Peshawar	15.01.2008	15.01.2008	28.05.2013	P&D Deptt.	Senior Clerk
10	Mr. Zahid Hussain S/o Ali Muhammad	M.A	16.04.1979	15.04.2039	Mohmand Agy.	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
11	Mr. Abdur Rehman	M.A	21.04.1979	20.04.2039	Peshawar	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
12	Mr. Afzal Khan	M.Sc	20.03.1980	19.03.2040	Mohmand Agy	15.01.2008	15.01.2008	28.05.2013	E&SE Deptt.	Senior Clerk
13	Mr. Masud Khan S/o Said Afzal	M.A	02.04.1984	01.04.2044	Peshawar	15.01.2008	15.01.2008	28.05.2013	Excise & Taxation Deptt.	Senior Clerk
14	Mr. Muhammad Irshad Khan S/O M. Reshan	M.Sc	05.01.1976	30.04.2036	Karak	15.01.2008	15.01.2008	28.05.2013	ST&IT Deptt.	Senior Clerk
15	Mr. Hamayun Mustafa	M.Com	15.12.1981	14.12.2041	Chitral	15.01.2008	15.01.2008	28.05.2013	E&AD (Min. LG)	Senior Clerk
16	Mian Muhammad Tariq	B.A	19.12.1984	18.12.2044	Swat	22.01.2008	22.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
17	Mr. Yousaf Khan	M.A	07.03.1979	06.03.2039	Bannu	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
18	Mr. Muhammad Adnan Khatak	M.Sc	15.01.1987	14.01.2047	Kohat	15.01.2008	15.01.2008	28.05.2013	On deputation to PDMA extended upto 02 years w.e.f 22.08.2014 to 21.08.2016	Senior Clerk
19	Mr. Muhammad Ashraf Khan	M.A	01.02.1979	31.01.2039	Dir Upper	15.01.2008	15.01.2008	28.05.2013	C&W Deptt.	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

8

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
20	Miss. Noor Eegum	M.A	01.01.1981	31.12.2040	Mardan	15.01.2008	15.01.2008	28.05.2013	P&D Deptt.	Senior Clerk
21	Mr. Haider Ali	B.A	6.12.1985	05.12.2045	Khyber Agy.	15.01.2008	15.01.2008	28.05.2013	E&AD (O/o Spl. Asstt. to CM for Law)	Senior Clerk
22	Mr. Muhammad Sahir	B.A	08.04.1981	07.04.2041	Peshawar	15.01.2008	15.01.2008	28.05.2013	Labour Deptt.	Senior Clerk
23	Mr. Asmat Ullah Khan S/O Taza Gul	B.A	31.08.1982	30.08.2042	Lakki Marwat	15.01.2008	15.01.2008	28.05.2013	E&AD (Adv to CM for Prisons)	Senior Clerk
24	Mr. Imliaz Khan S/O Abdul Wahid	B.Sc	08.08.1983	07.08.2043	Mohmand Agy.	15.01.2008	15.01.2008	28.05.2013	Housing Deptt.	Senior Clerk
25	Mr. Muhammad Javed Akhtar	B.A	01.08.1979	31.07.2039	D.I. Khan	19.11.2001	15.01.2008	28.05.2013	E&A Deptt. (O/o CS)	Senior Clerk
26	Mr. Muhammad Rehman Jehangir	B.A	04.09.1986	06.09.2046	Khyber Agy.	15.01.2008	15.01.2008	28.05.2013	FATA Sectt.	Senior Clerk
27	Mr. Amjad Ali S/O Nawab Shah	B.A/LLB	25.03.1983	24.03.2043	FR Peshawar	16.01.2008	16.01.2008	28.05.2013	Social Welfare Deptt.	Senior Clerk
28	Miss Shumaila D/O Muhammad Afzal	B.A	04.04.1984	03.04.2044	Mansehra	15.01.2008	15.01.2008	26.02.2015	On deputation to Ministry of Housing & Works, Islamabad w.e.f 29.5.2015.	Senior Clerk
29	Mr. Fahim Ullah	B.Com	20.03.1985	19.03.2045	FR Bannu	15.01.2008	15.01.2008	28.05.2013	Governor House	Senior Clerk
30	Mr. Raza Khan	M.A	01.07.1985	30.06.2045	Kohmand Agy	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
31	Mr. Naveed Alam	B.Sc	15.03.1981	14.03.2041	Malakand Agy.	15.01.2008	15.01.2008	28.05.2013	LGE&RD Deptt.	Senior Clerk
32	Mr. Mazhar-ul-Islam	B.Sc	14.03.1982	13.03.2042	Mansehra	17.01.2008	17.01.2008	28.05.2013	Governor Sectt.	Senior Clerk
33	Mr. Muhammad Zaheer	B.A	15.11.1984	14.11.2044	Abbottabad	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
34	Mr. Khan Zaman	B.A	25.01.1977	24.01.2037	Lakki Marwat	15.01.2008	15.01.2008	28.05.2013	PHE Deptt.	Senior Clerk
35	Mr. Gul Nawaz	B.Com	22.03.1983	21.03.2043	Malakand Agy.	15.01.2008	15.01.2008	28.05.2013	C&W Deptt.	Senior Clerk
36	Miss. Zunaira Rashid	B.A	14.03.1985	13.03.2045	Mansehra	24.01.2008	24.01.2008	28.05.2013	E&AD (E-IV Section)	Senior Clerk
37	Mr. Oasim Ali Awan S/O Shabbir Ahmad Awan	B.A	21.02.1987	20.02.2047	Mansehra	15.01.2008	15.01.2008	28.05.2013	PHE Deptt.	Senior Clerk
38	Mr. Farmanullah S/O Tasleem Khan	B.Sc	22.08.1987	21.08.2047	Lakki Marwat	15.01.2008	15.01.2008	28.05.2013	Finance Deptt.	Senior Clerk
39	Syed Mansoor Ahmad	B.A	22.02.1986	21.02.2046	Malakand Agy.	15.01.2008	15.01.2008	28.05.2013	Auqaf Deptt.	Senior Clerk
40	Mr. Aziz-ur-Rehman	B.A	14.04.1974	13.04.2034	Dir Upper	15.01.2008	15.01.2008	28.05.2013	Mineral Dev. Deptt.	Senior Clerk
41	Mr. Nisar Ahmad S/O Abdullah	B.A	04.07.1978	03.07.2038	Chitral	15.01.2008	15.01.2008	28.05.2013	E&AD (DSR-I)	Senior Clerk
42	Said Shah Bacha	M.A	11.04.1979	10.04.2039	Swat	15.01.2008	15.01.2008	28.05.2013	E&AD (Spl. Asst to CM for Population Welfare)	Senior Clerk
43	Mr. Muhammad Ashraf	B.A	02.03.1981	01.03.2047	Swat	15.01.2008	15.01.2008	28.05.2013	IPC Deptt.	Senior Clerk

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LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rmmt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
44	Mr. Akbar Zaman	B.A.	27.03.1984	26.03.2044	Haripur	15.01.2008	15.01.2008	28.05.2013	E&AD (Adv. to CM for C&W)	Senior Clerk
45	Sayeed Ahmad Khan	F.Sc.	01.01.1987	31.12.2046	Chitral	15.01.2008	15.01.2008	28.05.2013	Law Deptt.	Senior Clerk
46	Mr. Hanifullah	B.A.	20.02.1987	19.02.2047	Dij Lower	15.01.2008	15.01.2008	28.05.2013	Agriculture Deptt.	Senior Clerk
47	Mr. Abdur Rashid Khan	MBA (Finance)	18.02.1987	17.02.2047	Chitral	15.01.2008	15.01.2008	28.05.2013	E&AD (E-IV)	Senior Clerk
48	Mr. Ateeque-ur-Rehman S/O Muhammad Shafiqe	B.A.	27.01.1983	26.01.2043	Mansehra	15.01.2008	15.01.2008	28.05.2013	Food Deptt.	Senior Clerk
49	Syed Azam Shah	M.Com (one year)	09.10.1986	08.10.2046	Mansehra	15.01.2008	15.01.2008	28.05.2013	CM Sectt.	Senior Clerk
50	Mr. Bilal Khan	B.A.	21.06.1985	20.06.2045	Abbottabad	15.01.2008	15.01.2008	28.05.2013	Higher Education Deptt.	Senior Clerk
51	Mr. Muhammad Awwais Ali S/O Safi Ullah	M.A.	03.02.1980	02.02.2040	Mansehra	15.01.2008	15.01.2008	28.05.2013	E&A Deptt. (R-II Section)	Senior Clerk
52	Mr. Muhammad Arif	F.Sc.	07.02.1984	06.02.2044	Mansehra	15.01.2008	15.01.2008	28.05.2013	IPC Deptt.	Senior Clerk
53	Mr. Arsan Ahmad	B.Com	07.02.1988	06.02.2048	Mansehra	15.01.2008	15.01.2008	28.05.2013	Health Deptt.	Senior Clerk
54	Mr. Farid Khan	Matric	20.03.1986	19.03.2046	Charsadda	28.04.2008	28.04.2008	28.05.2013	Sports Deptt.	Senior Clerk
55	Mr. Vijay Hameed	Matric	16.02.1987	15.02.2047	Peshawar	26.04.2008	26.04.2008	12.02.2014	FATA Sectt.	Senior Clerk
56	Mr. Abdul Basil S/O Muhammad-Riaz	Matric	20.05.1989	19.05.2049	Kohat	13.08.2008	13.08.2008	12.02.2014	E&AD (Spl Asst to CM for Sports)	Senior Clerk
57	Mr. Sohail Zafar Amin	F.A.	03.02.1988	02.02.2048	Karak	22.11.2008	22.11.2008	23.06.2014	PHE Deptt.	Senior Clerk
58	Mr. Muhammad Shadman Safi	F.Sc.	01.04.1990	31.03.2050	Peshawar	22.11.2008	22.11.2008	23.06.2014	Governor Sectt.	Senior Clerk
59	Mr. Naeem Shah S/O Rahmat Shah	B.A.	17.11.1990	16.11.2050	Peshawar	22.11.2008	22.11.2008	23.06.2014	Finance Deptt.	Senior Clerk
60	Mr. Sher Aziz	Matric	04.02.1973	03.02.2033	Chitral	11.08.1991	02.12.2008	23.06.2014	ST&IT Deptt.	Senior Clerk
61	Mr. Abdul Haleem	FA	04.09.1974	03.09.2034	D.I.Khan	08.02.1992	02.12.2008	23.06.2014	PHE Deptt.	Senior Clerk
62	Mr. Muhammad Ayaz	Matric	15.03.1969	14.03.2029	Peshawar	01.06.1992	02.12.2008	23.06.2014	E&AD (SO LII)	Senior Clerk
63	Mr. Ali Gohar	FA	02.07.1972	01.07.2032	Peshawar	09.08.1992	02.12.2008	23.06.2014	C&W Deptt.	Senior Clerk
64	Syed Naseeruddin	Matric	30.12.1974	29.12.2034	Peshawar	07.02.1993	02.12.2008	23.06.2014	Transport Deptt.	Senior Clerk
65	Mr. Fazle Akbar	FA	03.02.1969	02.02.2029	Mardan	24.04.1993	02.12.2008	23.06.2014	Irrigation Deptt.	Senior Clerk
66	Mr. Umar Gul	Matric	05.11.1973	04.11.2033	Peshawar	26.05.1993	02.12.2008	23.06.2014	E&SE Deptt.	Senior Clerk
67	Mr. Tasleem Gul	Matric	02.05.1975	01.05.2035	Charsadda	28.06.1993	02.12.2008	23.06.2014	E&AD (O&M)	Senior Clerk
68	Mr. Ziarat Gul	Matric	01.04.1960	31.03.2020	Swal	03.07.1993	02.12.2008	23.06.2014	PHE Deptt.	Senior Clerk
69	Mr. Aurangzeb S/O Khan Sahib	Matric	21.04.1974	20.04.2034	Peshawar	01.05.1992	01.06.2007	26.02.2015	Excise & Taxation Deptt.	Senior Clerk
70	Mr. Abdul Majeed	FA	01.10.1968	30.09.2028	Bannu	29.07.1993	02.12.2008	26.02.2015	FATA Sectt.	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

(10)

S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
71	Mr. Niaz Ali	FA	01.03.1976	29.02.2036	Peshawar	02.03.1994	02.12.2008	26.02.2015	E&AD (Transport Section)	Senior Clerk
72	Mr. Zahid Ullah	Matric	06.04.1962	05.04.2022	Charsadda	10.03.1994	02.12.2008	26.02.2015	Law Deptt.	Senior Clerk
73	Mr. Zar Bad shah	Matric	01.02.1972	31.01.2032	Peshawar	11.07.1994	02.12.2008	26.02.2015	Home Deptt.	Senior Clerk
74	Mr. Raham Daraz	Matric	25.01.1971	24.01.2031	Bannu	02.08.1994	02.12.2008	26.02.2015	P&D Deptt.	Senior Clerk
75	Mr. Shahi Mond	FA	01.11.1971	31.10.2031	Charsadda	09.08.1994	02.12.2008	26.02.2015	Home Deptt.	Senior Clerk
76	Mr. Imran Saeed	B.A	30.03.1974	29.03.2034	Peshawar	28.09.1994	02.12.2008	26.02.2015	Finance Deptt.	Senior Clerk
77	Mr. Mahboob Shah	BA	07.10.1967	06.10.2027	Peshawar	28.09.1994	02.12.2008	26.02.2015	E&AD (PSO to CS)	Senior Clerk
78	Mr. Muhammad Ali	Matric	03.12.1972	02.12.2032	Peshawar	13.11.1994	02.12.2008	26.02.2015	PHE Deptt.	Senior Clerk
79	Mr. Abdul Shakoor	F.A.	23.03.1973	22.03.2033	Abbottabad	01.12.1994	02.12.2008	26.02.2015	E&AD (Spl. Asst to CM for Minority Affairs)	Senior Clerk
80	Mr. Fahad Khan S/O Shamshad Khan	Matric	10.07.1976	09.07.2036	Peshawar	05.12.1994	02.12.2008	26.02.2015	Sports Deptt (365 days long leave w.e.f 11.06.2015).	Senior Clerk
81	Mr. Rambail Gul	Matric	05.02.1972	04.02.2032	Peshawar	14.07.1990	02.12.2008	26.02.2015	Industries Deptt.	Senior Clerk
82	Mr. Muhammad Latif	Matric	30.05.1974	29.05.2034	Peshawar	01.02.1995	02.12.2008	26.02.2015	Irrigation Deptt.	Senior Clerk
83	Mr. Ghulam Akbar	FA	13.08.1964	12.08.2024	Charsadda	06.03.1995	02.12.2008	26.02.2015	C&W Deptt.	Senior Clerk
84	Mr. Fahad Khan	F.A.	12.04.1976	11.04.2036	Peshawar	12.03.1995	02.12.2008	26.02.2015	Governor House	Senior Clerk
85	Mr. Said-Naeem	Matric	02.09.1973	01.09.2033	Swabi	19.03.1995	02.12.2008	26.02.2015	Relief Deptt.	Senior Clerk
86	Mr. Malang	F.A.	25.02.1971	24.02.2031	Peshawar	20.03.1995	02.12.2008	26.02.2015	E&AD (Admn)	Senior Clerk
87	Mr. Fayaz Khan	Matric	06.09.1972	05.09.2032	Nowshera	20.03.1995	02.12.2008	02.11.2015	Higher Education Deptt.	Senior Clerk
88	Mr. Noor Wali	Matric	01.03.1974	28.02.2034	Peshawar	20.03.1995	02.12.2008	02.11.2015	Finance Deptt.	Senior Clerk
89	Mr. Shahid Aziz	Matric	24.04.1970	23.04.2030	Peshawar	22.03.1995	02.12.2008	02.11.2015	Governor Sectt.	Senior Clerk
90	Mr. Muhammad Asif	Matric	11.04.1975	10.04.2035	Peshawar	26.03.1995	02.12.2008	02.11.2015	E&SE Deptt.	Senior Clerk
91	Syed Zulfiqar Hussain Shah	Matric	05.07.1958	04.07.2018	Peshawar	16.04.1995	02.12.2008	02.11.2015	LGE&RD Deptt.	Senior Clerk
92	Mr. Ajmal Khan	Matric	05.04.1973	04.04.2033	Peshawar	29.06.1995	02.12.2008	02.11.2015	PHE Deptt.	Senior Clerk
93	Mr. Sawan Das	Matric	07.03.1975	06.03.2035	Peshawar	01.07.1995	02.12.2008	02.11.2015	E&AD (R-I Section)	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No.	Name of official	Academic Qualification	Date of birth	D.O. Rimit	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
94	Mr. Mukaram Khan	Matric	11.05.1972	10.05.2032	Peshawar	10.07.1995	02.12.2008	02.11.2015	Social Welfare Deptt.	Senior Clerk
95	Syed Jehangir Shah	Matric	15.05.1977	14.05.2037	Manshra	13.08.1995	02.12.2008	02.11.2015	Law Deptt.	Senior Clerk
96	Mr. Farmanullah S/O Niaz Majan	FA	20.12.1967	19.12.2027	Karak	12.09.1995	02.12.2008	02.11.2015	CM Sectt.	Senior Clerk
97	Mr. Muhammad Saeed	Matric	05.03.1975	05.03.2034	Swabi	12.12.1995	02.12.2008	02.11.2015	Transport Deptt.	Senior Clerk
98	Mr. Mushtaq Ahmad	FA	01.04.1975	31.03.2035	Peshawar	17.12.1995	02.12.2008	02.11.2015	C&W Deptt.	Senior Clerk
99	Mr. Muhammad Imran Anjum	Matric	01.06.1977	31.05.2037	Peshawar	18.12.1995	02.12.2008	02.11.2015	CM Sectt.	Senior Clerk
100	Mr. Shaukat Ali	Matric	08.04.1975	07.04.2035	Peshawar	01.02.1996	02.12.2008	02.11.2015	Social Welfare Deptt.	Senior Clerk
101	Miss Shumaila D/O Mir Daraz Khan	B.A	11.11.1971	10.11.2031	Peshawar	05.01.2009	05.01.2009	02.11.2015	Finance Deptt.	Senior Clerk
102	Mr. Zafeer Gul	Matric	18.03.1972	17.03.2032	Peshawar	18.09.1995	20.01.2009	02.11.2015	E&AD (Admin Branch)	Senior Clerk
103	Mr. Amjad Ali S/O Feroz Khan	Matric	04.10.1977	03.10.2037	Peshawar	06.02.1996	20.01.2009	02.11.2015	PHE Deptt.	Senior Clerk
104	Mr. Fayyaz Ali	Matric	13.08.1976	12.08.2036	Mardan	03.03.1996	20.01.2009	02.11.2015	Industries Deptt.	Senior Clerk
105	Mr. Victor John	FA	01.12.1973	30.11.2033	Peshawar	10.03.1996	20.01.2009	02.11.2015	E&A Deptt.(Reg-V)	Senior Clerk
106	Mr. Hazrat Khan	Matric	05.06.1970	04.06.2030	Peshawar	18.03.1996	20.01.2009	02.11.2015	Finance Deptt.	Senior Clerk
107	Mr. Amir Bahadar Khan	Matric	24.02.1968	23.02.2028	Dit	01.04.1996	20.01.2009	02.11.2015	Finance Deptt.	Senior Clerk
108	Syed Wisal Ali Shah	FA	04.10.1971	03.10.2031	Peshawar	01.01.1996	20.01.2009	02.11.2015	Governor Sectt.	Senior Clerk
109	Mr. Naheed Gul	Matric	01.04.1971	31.03.2031	Charsadda	01.04.1996	20.01.2009	02.11.2015	E&AD (Lit Section)	Senior Clerk
110	Mr. Ziaullah	Matric	15.04.1978	14.04.2038	Mardan	10.05.1996	20.01.2009	02.11.2015	Information Deptt.	Senior Clerk
111	Mr. Inayat-ur-Rehman S/O Mir Rehman	Matric	04.06.1975	03.06.2035	Peshawar	12.05.1996	20.01.2009	02.11.2015	Governor Sectt.	Senior Clerk
112	Mr. Oaiser Khan	FA	10.04.1978	09.04.2038	Peshawar	13.05.1996	20.01.2009	02.11.2015	Home Deptt.	Senior Clerk
113	Mr. Mumtaz Ali Shah	Matric	01.05.1972	30.04.2032	Nowshera	21.05.1996	20.01.2009	02.11.2015	CM Sectt.	Senior Clerk
114	Mr. Sajjad Ali	Matric	11.12.1976	10.12.2036	Mardan	29.05.1996	20.01.2009	02.11.2015	Energy & Power Deptt.	Senior Clerk
	Mr. Feroz Khan	M.A.	02.03.1974	01.03.2034	Peshawar	05.06.1996	20.01.2009	02.11.2015	PHE Deptt.	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

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S.No	Name of official	Academic Qualification	Date of birth	D.O. Rtmnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
116	Mr. Hameed Khan	MA	12.05.1970	11.05.2030	Peshawar	17.06.1996	20.01.2009	02.11.2015	On deputation to PDMA w.e.f 01.01.2016 to 01.01.2018	Senior Clerk
117	Mr. Abdul Akbar	Matric	17.01.1977	16.01.2037	Mardan	25.10.1995	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
118	Mr. Liaqat Ali Khan	Matric	22.02.1976	21.02.2036	Peshawar	01.07.1996	13.03.2009	28.01.2016	E&AD (Estate Office)	Senior Clerk
119	Mr. Arif Hussain Shah	Matric	12.10.1979	11.10.2039	Haripur	02.07.1996	13.03.2009	28.01.2016	CM Sectt.	Senior Clerk
120	Mr. Zafar Ullah	Matric	30.03.1978	29.03.2038	Mardan	10.07.1996	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
121	Mr. Riaz-ul-Haq	Matric	09.01.1977	08.01.2037	Mardan	11.07.1996	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
122	Mr. Ijaz Khan	Matric	09.05.1972	08.05.2032	Peshawar	05.08.1996	13.03.2009	28.01.2016	Population Welfare Deptt.	Senior Clerk
123	S. Sakawat Ali Shah	Matric	13.04.1975	12.04.2035	Mansehra	05.08.1996	13.03.2009	28.01.2016	Health Deptt.	Senior Clerk
124	Mr. Farman Ali	FA	10.12.1974	09.12.2034	Peshawar	11.08.1996	13.03.2009	28.01.2016	Governor Sectt.	Senior Clerk
125	Syed Sarwar Shah	Matric	01.01.1972	31.12.2031	Peshawar	01.08.1996	13.03.2009	28.01.2016	FATA Sectt.	Senior Clerk
126	Syed Yousaf Ali Shah	Matric	15.02.1965	14.02.2025	Peshawar	03.09.1996	13.03.2009	28.01.2016	P&D Deptt.	Senior Clerk
127	Mr. Zarshaid	Matric	02.03.1980	01.03.2040	Peshawar	09.10.1996	13.03.2009	28.01.2016	C&W Deptt.	Senior Clerk
128	Mr. Haider Khan	FA	12.09.1975	11.09.2035	Peshawar	29.10.1996	13.03.2009	28.01.2016	Environment Deptt.	Senior Clerk
129	Mr. Muhammad Riaz	FA	20.04.1976	19.04.2036	Mohmand Agy.	01.01.1997	13.03.2009	28.01.2016	Finance Deptt.	Senior Clerk
130	Mr. Muhammad Wajid	Matric	01.04.1978	31.03.2038	Abbottabad	26.05.1997	13.03.2009	28.01.2016	Agriculture Deptt.	Senior Clerk
131	Mr. Wasi Ahmad	Matric	06.04.1973	05.04.2033	Peshawar	01.07.1997	13.03.2009	28.01.2016	Energy & Power Deptt.	Senior Clerk
132	Mr. Faizanullah S/O Muhammad Zaheer	B.A	04.01.1990	03.01.2050	F.R Kohat	23.04.2009	23.04.2009	28.01.2016	E&AD (Min Rev)	Senior Clerk
133	Mr. Hameed Ullah	B.A	20.05.1980	19.05.2040	Peshawar	05.07.2009	06.07.2009	28.01.2016	STI - E&AD	Senior Clerk
134	Mr. Muhammad Naveed Tariq	B.A	23.03.1979	22.03.2039	D.I.Khan	18.11.2009	18.11.2009	28.01.2016	Mineral Dev. Deptt.	Senior Clerk
135	Mr. Muhammad Adeel	D.Com	13.03.1987	12.03.2047	Charsadda	04.02.2010	04.02.2010	28.01.2016	P&D Deptt.	Senior Clerk
136	Mr. Muhammad Awais Shafique	Matric	28.08.1987	27.08.2047	Abbottabad	03.05.2010	03.05.2010	28.01.2016	E&AD (SO(Admn)	Senior Clerk

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TENTATIVE SENIORITY LIST OF SENIOR CLERKS (BS-14) OF CIVIL SECRETARIAT, PESHAWAR

S.No.	Name of official	Academic Qualification	Date of birth	D.O. Promnt	Domicile	Date of 1st entry in Govt. Service	Date of promotion as Junior Clerk	Date of promotion as Senior Clerk	Department	Remarks
137	Mr. Hasham Ali Khan	Matric	01.01.1976	31.12.2035	Peshawar	02.09.1997	23.04.2010	28.01.2016	Irrigation Deptt.	Senior Clerk
138	Mr. Hazrat Ullah	Matric	05.03.1977	04.03.2037	Khyber Agy	15.09.1997	23.04.2010	28.01.2016	Governor House	Senior Clerk

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated Peshawar, the 21<sup>st</sup> May, 2018

**ORDER**

**No.E&A(E&AD)04(17)2015-16:-** On the recommendations of the Departmental Selection / Promotion Committee, the competent authority is pleased to promote the following Matriculate Class-IV of the Civil Secretariat, Khyber Pakhtunkhwa, Peshawar as Daftari (BS-04), on regular basis, with immediate effect:-

Sl. No.	NAME	DESIGNATION	PRESENT POST
1.	Muhammad Farman s/o Munsif	Naib Qasid	Minerals Devlp. Deptt
2.	Dost Muhammad	Naib Qasid	Minerals Devlp. Deptt
3.	Imran Khan	Naib Qasid	Governor Sectt
4.	Khuram Shehzad	Naib Qasid	E&AD
5.	Farooq Khan s/o Abdul Malik	Naib Qasid	E&AD
6.	Fayaz Ahmad Khan	Naib Qasid	LG&RG Deptt
7.	Sartaj Ali Khan	Chowkidar	E&AD
8.	Imdad Ali	Chowkidar	E&AD
9.	Siraj Khan	Chowkidar	E&AD
10.	Rahman Uddin	Naib Qasid	Environment Deptt
11.	Rahat Gul	Malik	E&AD
12.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
13.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
14.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
15.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
16.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
17.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
18.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
19.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
20.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
21.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
22.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
23.	Muhammad Farman s/o Munsif	Naib Qasid	E&AD
24.	Fazal Gul	Chowkidar	Health Deptt
25.	Shabir Khan	Naib Qasid	P&D Deptt
26.	Jan Alam	Naib Qasid	Home Deptt
27.	Abdullah Jan	Naib Qasid	Higher Education Deptt
28.	Rizwan Ahmed	Naib Qasid	Chief Minister Sectt
29.	Waseem Ullah	Naib Qasid	Minerals Devlp. Deptt
30.	Nawab Ali	Naib Qasid	Energy & Power
31.	Hasan Gul s/o Taz Gul	Naib Qasid	Population
32.	Syed Ibrahim Shah	Naib Qasid	Provincial Services Academy (PSA)
33.	Muhammad Feheem	Naib Qasid	ST & IT Deptt
34.	Roohullah	Naib Qasid	Governor Sectt
35.	Muhammad Ashfaq	Naib Qasid	Home Deptt
36.	Shah Nawaz	Attendant	Chief Minister Sectt
37.	Muhammad Mohsin Khan	Naib Qasid	E&AD
38.	Muhammad Arif	Naib Qasid	E&AD
39.	Syed Ayaz Hussein Shah	Naib Qasid	Chief Minister Sectt
40.	Inyatur Rehman	Naib Qasid	E&SE

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1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. PS to Chief Secretary Khyber Pakhtunkhwa
3. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa
4. All Section Officers (Admn/Estt/Gen) \_\_\_\_\_ of the concerned Administrative Department of Civil Secretariat.
5. Budget Officer - IV Finance Department w/r to Finance Department's letters No BOIV/FD/1-5/2017-18 dated 09-03-2018 & 29-03-2018
6. PS to Secretary Finance Department.
7. PS to Secretary Establishment Department.
8. PS to Secretary Administration Department.
9. PA to Deputy Secretary (Admn) Administration Department.
10. Suptt (Accounts) E&A Department.
11. President Class IV Association Civil Sectt.
12. Vice Chairman Class IV Association Civil Sectt.
13. Officials concerned.
14. Personal files.

  
 (MUHAMMAD YOUSAF KHAN)  
 SECTION OFFICER (ADMN)

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CIVIL SECRETARIAT  
EXPIRES: 07/11/2021

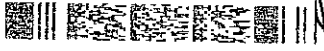
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ISSUING AUTHORITY


**RAZA MUHAMMAD**  
JUNIOR CLERK

ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT



Personnel No.	433314	Issue Date:	07/11/2018
Father/Husband Name:	JANAS KHAN		
CNIC No.	17101-4989526-8	Date of Birth:	02/03/1979
Mark of Identification:	NIL		
Emergency Contact	0336-5858614	Blood Group:	AB+
Present Address:	KHYBER PAKHTUNKHWA HOUSE, F-5/2, AGHA KHAN ROAD, ISLAMABAD.		

Issued by Establishment & Administration Department Govt. of Khyber Pakhtunkhwa.  
 For information - Verification, Please Contact HR Wing Establishment Department 391-9212440  
 If found please drop into the nearest letter box



Atul  
also

Government of Khyber Pakhtunkhwa  
Accountant General Khyber Pakhtunkhwa, Peshawar  
Monthly Salary Statement (December-2019)

-25-  
-27-  
"9"



Personal Information of Mr RAZA MUHAMMAD d/w/s of JANAS KHAN

Personnel Number: 00433314 CNIC: 1710149895269 NTN:  
Date of Birth: 03.02.1979 Entry into Govt. Service: 12.08.2008 Length of Service: 11 Years 04 Months 021 Days

Employment Category: Active Temporary

Designation: JUNIOR CLERK 80003823-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4019-ESTABLISHMENT & ADMINISTRATION DEPARTMENT

Payroll Section: 005 GPF Section: 004 Cash Center:

GPF A/C No: 433314 Interest Applied: Yes GPF Balance: 122,196.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 11 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	20,490.00	1001	House Rent Allowance 45%	2,778.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1966	Special Allowance 30%	6,147.00	2148	15% Adhoc Relief All-2013	422.00
2199	Adhoc Relief Allow @10%	288.00	2211	Adhoc Relief All 2016 10%	1,495.00
2224	Adhoc Relief All 2017 10%	2,049.00	2247	Adhoc Relief All 2018 10%	2,049.00
2264	Adhoc Relief All 2019 10%	2,049.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription	-1,290.00	3501	Benevolent Fund	-600.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
------	-------------	------------------	-----------	---------

Deductions - Income Tax

Payable: 0.00 Recovered till DEC-2019: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 42,123.00 Deductions: (Rs.): -2,490.00 Net Pay: (Rs.): 39,633.00

Payee Name: RAZA MUHAMMAD

Account Number: 0580009

Bank Details: THE BANK OF KHYBER, 080022 ISLAMABAD BRANCH BLUE AREA, ISLAMABAD BRANCH BLUE AREA., ISLAMABAD

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESH. Domicile: - Housing Status: No Official

Temp. Address:

City: Email: muhammadraza046@gmail.com

ATTESTED  
to be true copy  
Advocate

System generated document in accordance with APPM 4.6.12.9 (SERVICES/27.12.2019/17:01:40/v1.1)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted



# -28- BENEVOLENT FUND CELL

Draw Winners of Interest Free Loan Scheme For The Year 2019-2020

Phone #: 091-9210594

Date: 18/12/2019

S. No	File No	Personnel #	Employee Name	Father Name	CNIC	Department	Post / Scale
99	10512	00284632	QADAR GUL	AMANAT GUL	17301-3790459-7	FINANCE	DRIVER (B-7)
100	10556	00039136	QAMAR ZAMAN	MUHAMMAD SAID	17301-4039436-1	PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA	SENIOR WATCH AND WARD ASSISTANT (B-9)
101	10827	00392325	RAHMAN ULLAH	HAMEED ULLAH	16102-5200238-9	CHIEF MINISTER'S SECRETARIAT, KHYBER PAKHTUNKHWA	ASSISTANT (B-16)
102	10954	00382895	RASHID MINHAS	WAJID ALI	17301-1508872-1	HOUSING	JUNIOR CLERK (B-11)
103	10983	00083623	RAZ MUHAMMAD	KHAN MUHAMMAD	17301-7484908-1	FINANCE	ASSISTANT (B-16)
104	10988	00044438	RAZA KHAN	BAHADAR KHAN	16101-4250373-3	PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA	NAIB QASID (B-3)
<del>105</del>	<del>10995</del>	<del>00433314</del>	<del>RAZA MUHAMMAD</del>	<del>JANAS KHAN</del>	<del>17101-4989526-9</del>	<del>ESTABLISHMENT &amp; ADMINISTRATION</del>	<del>JUNIOR CLERK (B-11)</del>
106	10996	00402670	RAZA MUHAMMAD	NEK MUHAMMAD	17301-5048364-7	REVENUE & ESTATE (R&E)	NAIB QASID (B-3)
107	11005	00445234	RAZI MUHAMMAD	DOST MUHAMMAD	15101-0412926-9	ELEMENTARY & SECONDARY EDUCATION	NAIB QASID (B-3)
108	11028	00352633	REHMAN GUL	AWAL GUL	17301-1547388-1	LAW DEPARTMENT	SENIOR SCALE STENOGRAPHER (B-16)
109	11347	00393488	SADAR NAWAZ KHAN	MUHAMMAD NAWAZ	11201-0366839-7	INFORMATION & PUBLIC RELATION	JUNIOR CLERK (B-11)
110	11414	00286060	SAEED AHMAD	NAZIR AHMAD	16101-0953962-3	IRRIGATION	NAIB QASID (B-4)
111	11445	00044035	SAEED ULLAH	TAUS KHAN	17301-8164301-9	CHIEF MINISTER'S SECRETARIAT, KHYBER PAKHTUNKHWA	MALI (B-4)
112	11446	00403134	SAEED ULLAH	TEHSEEN ULLAH	17301-2431224-5	ADMINISTRATION	COOK (B-6)
113	11645	00107593	SAID SHAH	SAID BADSHAH	17101-0489461-3	CHIEF MINISTER'S SECRETARIAT, KHYBER PAKHTUNKHWA	SENIOR CLERK (B-14)
114	11934	00442995	SALEEM KHAN	FAROOO SHAH	17301-6401360-5	AUQAF	DAFTARI (B-4)
115	12293	00391986	SAYEED AHMAD KHAN	HAJI IBRAHIM KHAN	15202-2621255-1	LAW	ASSISTANT (B-16)
116	12422	00361956	SHAFIO UR RAHMAN	MUHAMMAD ASLAM	13101-8147781-5	ADMINISTRATION	SENIOR WAITER (B-6)
117	12426	00352504	SHAFIQ UR REHMAN	GUL REHMAN	17301-3799484-3	FINANCE	SENIOR SCALE STENOGRAPHER (B-16)
118	12618	00200883	SHAHAB HAIDER	HAIDER ZAMAN	17201-9043649-3	PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA	SENIOR CLERK (B-14)
119	12825	00385408	SHAKEEL	TAJ MUHAMMAD	17301-1328653-1	PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA	NAIB QASID (B-2)
120	12883	00310559	SHAKIR ALI SHAH	AURANGZEB SHAH	13503-9189450-3	PLANNING & DEVELOPMENT	JUNIOR CLERK (B-11)
121	12975	00382862	SHAMSHAD KHAN	ALMAS KHAN	17301-1612627-5	INTERPROVINCIAL COORDINATION	NAIB QASID (B-3)

ATTACHED

to be true copy  
of the original

-29-

بعدالت سرویس ٹریبونل پشاور

سروس اپیل نمبر: 5764/2020

2020، منجانب رضا محمد  
رضا محمد بنام گورنمنٹ وغیرہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام پشاور کیلئے فصل پشاور ہمنو A.O.C + رابعہ صفحہ ایدو ٹیٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز  
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک وردیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

Raza Muhammad

7/10

المرقوم 11 ماہ جول 2020

بمقام پشاور کے لئے منظور ہے۔

Accepted

Fakia

Accepted

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

**SERVICE APPEAL NO. 5764/2020**

Mr. Raza Muhammad.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa through Chief Secretary & Others .....Respondents

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<b>S. #</b>	<b>Description of Documents</b>	<b>Annex/ Flag</b>	<b>Pages</b>
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3.	Appointment, Promotion & Transfer Rules, 1989	<b>II</b>	7-8
4.	STP Judgment dated 29.03.2021	<b>III</b>	9-12
5.	Tentative Seniority circulation letter dated 15.05.2019	<b>IV</b>	13-14
6.	Peshawar High Court Order dated 21.01.2021 in W.P No. 6732-P/2019	<b>V</b>	15
7.	Peshawar High Court Order dated 24.02.2021 in W.P No. 1445-P/2020	<b>VI</b>	16-17
8.	Supreme Court Judgment dated 01.02.2021 in C.P No. 712 & 713	<b>VII</b>	18-27
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**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 5764/2020**

Mr. Raza Muhammad.....Appellant

**Versus**

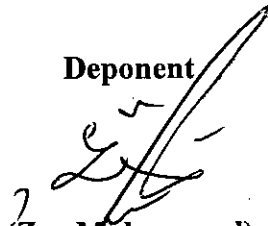
Govt. of Khyber Pakhtunkhwa & Others.....Respondent

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3**

**AFFIDAVIT**

I Zar Muhammad, Assistant (Litigation) Establishment Department do hereby solemnly declare that contents of the Parawise Comments are correct to the best of my knowledge and record and nothing has been concealed from this Honourable Service Tribunal.

**Deponent**

  
**(Zar Muhammad)**  
**Assistant (Lit)**  
**E & A Department**  
**CNIC.21405-4763388-5**

Identified By

Additional Advocate General  
Khyber Pakhtunkhwa

2/5

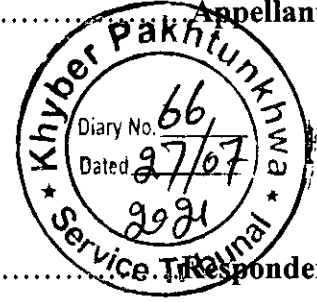
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**SERVICE APPEAL NO. 5764 / 2020**

Mr. Raza Muhammad.....Appellant

Versus

1. Chief Secretary, Government of Khyber Pakhtunkhwa
  2. Secretary Establishment Department, Khyber Pakhtunkhwa
  3. Secretary Administration Department, Khyber Pakhtunkhwa .....
- Respondents



**JOINT PARAWISE COMMENTS FOR / ON BEHALF OF THE RESPONDENTS NO. 1 to 3**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS.**

- 1) The appellant has got no cause of action and locus standi.
- 2) The appeal is not maintainable in the present form. As such this Honorable Tribunal has no jurisdiction to entertain the instant appeal.
- 3) The appeal is barred by law.
- 4) The appellant has not come to the Tribunal with clean hands.
- 5) The appeal is bad for non-joinder and mis-joinder of necessary and proper parties.
- 6) The appellant has concealed material facts from this Honorable Tribunal
- 7) That the appellant is estopped by his own conduct.
- 8) That the appeal is badly time barred.

**REPLY TO FACTS:**

- 1:- Correct to the extent that vide Administration Department's Order No. E&A(A.D)4(2)/2007 dated 11-08-2008, the appellant was appointed as Junior Clerk (BS-7) against a specific household vacancy in Pakhtunkhwa House [erstwhile Frontier House]Islamabad (**Annex-I**).
- 2:- **Incorrect.** The promotion against the post of Junior Clerk (BS-11) is purely made in the light of specified service rules and promotion policy. The petitioner is Household employee, appointed by Secretary Administration under proviso of Rule 10(2) of the *Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion & Transfer) Rules, 1989 (Annex-II)* and being non-secretariat staff. Moreover, seniority is maintained in a service, post or cadre while in the instant appeal the appellant is seeking seniority beyond his service cadre or post which is against the rules and Judgments of the Superior Courts.
- 3:- **Incorrect as laid.** Factual position of the case is as under: -
  - (i). Promotion cannot be claimed as of right. Besides length of service, there are a number of pre-requisites for promotion i.e vacancy for promotion under the reserved quota as per service rules, Performance Evaluation Reports (PERs), seniority, etc.



- 3
- (ii). Regulation Wing, Establishment Department has clear-cut advice that household cadre is a 'non-Secretariat Service'; and that such employees are not supposed to be considered for promotion to the posts of Secretariat Service;
- (iii). It merits mentioning here that in pursuance of Khyber Pakhtunkhwa Service Tribunal's Judgment dated 29-03-2019 (**Annex-III**) in Service Appeal No. 597/2016, a tentative seniority list comprising the appellant and another household Junior Clerk namely Mr. Musadiq Shah was duly circulated vide letter dated 15-05-2019 (**Annex-IV**).
- (iv). Cross cadre induction / absorption is violation of the Judgment of *Supreme Court of Pakistan in CRL-89 of 2011*. He has no right of promotion / seniority outside his own cadre. As such, he is neither entitled to be enlisted in seniority nor can he be elevated to any posts in Civil Secretariat.
- (v). The Hon'ble Peshawar High Court while disposing of the W.P No. 6732-P/2019 titled "Yasir Zeb VS Govt. of Khyber Pakhtunkhwa" has directed the respondents to conclude the process of **formulation of Service Rules for the House Hold Staff** within a period of six (06) months, meaning thereby that the Hon'ble Peshawar High Court considers such staff as the babies of Administration Department (**Annex-V**).
- (vi). In another similar nature of W.P No. 1445-P/2020 filed by Asif Ali & others (Receptionists (BS-07) House Hold Employees), the Hon'ble Peshawar High Court has directed the respondents to **finalize the proposed Service Structure of House Hold Employees** within a period of Two (02) months (**Annex-VI**).
- (vii). The **August Supreme Court of Pakistan** vide its Judgment dated 01.02.2021 (**Annex-VII**) announced in case of one Mr. Zahoor Ahmad Khalil & others, Caretakers (House Hold Employees) while setting aside the judgment dated 22.02.2018 (**Annex-VIII**) of the Hon'ble Peshawar High Court in W.P No. 5304-P and 5305-P/2017 has reached the following conclusion:
- "The Respondents do not constitute ministerial staff and are also not borne on the cadre/ strength of the Provincial Secretariat. These were two additional reasons why the Respondents could not claim the benefit of Rules, 2007 and the criteria laid down for PMS (BS-17) quota posts reserved for a specific class of Government employees. In the circumstance, we find that the learned High Court has failed to appreciate and correctly interpret the relevant Rules on the subject and passed the impugned judgment in a slipshod manner, which is not sustainable and is liable to be set aside."*

4:- **Incorrect as laid.** The departmental appeal submitted by the Appellant was duly processed and regretted by the competent authority due to reasons mentioned in preceding paras. The Appellant was duly informed (**Annex-IX**).

- 5:- **Incorrect as laid.** DPC in its meeting dated 08-05-2018 has recommended promotion of some household Class-IV employees to the post Daftari (BS-04). However, the case of the appellant is entirely different and could not be treated at par with those class-iv employees.
- 6:- **Incorrect as laid.** As explained in detail in preceding paras, the appellant belongs to the household cadre which is a 'Non-Secretariat Service'; and that such employees are not supposed to be considered for promotion to the posts e.g Junior Clerk etc. of *Secretariat Service*.

**REPLY ON GROUNDS:**

- A. **Incorrect as laid.** As explained in detail in preceding paras, the appellant belongs to the household cadre which is a 'Non-Secretariat Service'; and that such employees are not supposed to be considered for promotion to the posts e.g Junior Clerk etc. of *Secretariat Service*. Therefore, the act of respondents are constitutional and lawful in all respects.
- B. **Incorrect as laid.** As explained in detail in preceding paras, the appellant being household is not supposed to be considered for promotion to the posts e.g Junior Clerk etc. of *Secretariat Service*.
- C. **Incorrect as laid.** As at Para 3(i).
- D. **Incorrect as laid.** The appellant was appointed vide Administration Department's Order No. E&A(A.D)4(2)/2007 dated 11-08-2008 as Junior Clerk (BS-7) against a specific household vacancy in Pakhtunkhwa House [erstwhile Frontier House] Islamabad (**Annex-I ibid**). It is clear from his appointment order that the appellant was not appointed by Establishment Department.
- E. **Incorrect as laid.** It was in pursuance of Khyber Pakhtunkhwa Service Tribunal's Judgment dated 29-03-2019 (**Annex-III ibid**) in Service Appeal No. 597/2016 that a separate seniority list comprising the appellant and another household Junior Clerk namely Mr. Musadiq Shah was duly circulated vide letter dated 15-05-2019 (**Annex-IV ibid**). As already contested in preceding paras, the appellant being a household employee has no right whatsoever to be promoted or considered for promotion to the post of Senior Clerk (BS-14) at Secretariat level.
- F. **Incorrect as laid.** The appellant is an employee of Administration Department as per his appointment Order No. E&A(A.D)4(2)/2007 dated 11-08-2008 (**Annex-I ibid**) vide which he was recruited as Junior Clerk (BS-7) against a specific household vacancy in Pakhtunkhwa House [erstwhile Frontier House] Islamabad It will be clearly noticed from this appointment order that he was not appointed by Establishment Department rather by Administration Department. It is also visible from his DDO Code (PR-4019), position-code and personal-number on his ID Card / Pay slip that the appellant is a household employee. Moreover, it is noted here that in order to distinguish them from other Secretariat employees, all the household employees of Administration Department have been assigned a separate and special DDO Code PR-4019-Estate Office.

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- G. **Incorrect as laid.** The appellant has tried his best to conceal material facts from the Court. However, he has been treated in accordance with law /rules and no punishment has been given to him.
- H. **Incorrect as laid.** The appellant has neither been discriminated nor treated unequally. He has been treated in accordance with rules, regulations and Constitution of the land.
- I. **Incorrect as laid.** No fundamental rights of the appellant have been violated. He has been treated in accordance with rules, regulations and Constitution of the land.
- J. Pertains to record. As explained in response to pre-paras.
- K. The respondents seek permission of this Hon'ble Tribunal to adduce further grounds with record during the arguments.

**PRAYER**

It is humbly prayed that appeal, being devoid of any legal merit, may very graciously be dismissed with cost.

  
(CHIEF SECRETARY THROUGH  
SECRETARY ESTABLISHMENT)  
RESPONDENT NO. 1

  
(SECRETARY ESTABLISHMENT)  
RESPONDENTS NO. 2

  
(SECRETARY ADMINISTRATION)  
RESPONDENTS NO. 3

"A"

GOVERNMENT OF N.W.F.P  
ADMINISTRATION DEPARTMENT

-5-

Dated Peshawar the 11.08.2008

**ORDER**

NO.E&A/A.D/4(2)/2007. Under rule 10 sub rule 2 of the N.W.F.P Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No.SOR-VI(E&AD)1-3/2003 Vol.V dated 03.07.2003 and No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Raza Muhammad S/O Janas Khan, resident of Mohallah Arbapan, Matta Mughal Khel, Teh & Distt: Charsadda is hereby appointed as Junior Clerk (BS-07) (3530-190-9230) against an existing vacancy in Frontier House, Islamabad, Administration Department with immediate effect on the following terms and conditions:-

- i. He will get pay at the minimum of BS-07 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- ii. He shall be governed by the N.W.F.P Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- iii. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- iv. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
- v. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
- vi. He has to join duties at his own expenses.

2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.

SECRETARY TO GOVT. OF N.W.F.P.  
ADMINISTRATION DEPARTMENT.

ENDST. NO. & DATE EVEN.

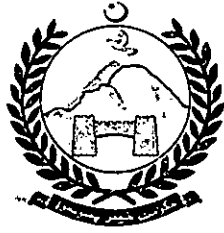
Copy forwarded to:-

- 1. Accountant General, NWFP, Peshawar.
- 2. P.S to Secretary, Administration Department.
- 3. P.A. to Deputy Secretary (Admn), Admn. Department.
- 4. Comptroller, Frontier House, Islamabad.
- 5. Mr. Raza Muhammad S/O Janas Khan, resident of Mohallah Matta Mughal Khel, Teh & Distt: Charsadda.

APPROVED

to be the copy  
Advocate

*For official use*



**GOVERNMENT OF KHYBER PAKHTUNKHWA**

**THE KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(APPOINTMENT, PROMOTION AND TRANSFER)  
RULES, 1989**

Compiled by:

O&M SECTION, REGULATION WING  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

6

8

PART-III

INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment** :- (1) Initial appointment to posts [in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

<sup>2</sup>(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

<sup>3</sup>Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, Khyber Pakhtunkhwa House Islamabad, Khyber Pakhtunkhwa Rest Houses Bannu, Swat and Abbottabad, Khyber Pakhtunkhwa House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

<sup>4</sup>Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, <sup>5</sup>[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] <sup>6</sup>[ ]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) <sup>7</sup>where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

<sup>8</sup>(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the

<sup>1</sup> The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

<sup>2</sup> Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

<sup>3</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

<sup>4</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

<sup>5</sup> Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

<sup>6</sup> 2<sup>nd</sup> Proviso in sub-rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008

dated 09-05-2008 and added again vide Notification No. SOR-VI(I&AD)1-3/2008 dated 03-11-2008.

<sup>7</sup> Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

<sup>8</sup> Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/2011/Vol-VIII, dated 31-08-2012.

9

(15)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 597/2016

Date of Institution ... 07.06.2016

Date of Decision ... 29.03.2019

Mr. Musaddiq Shah, Junior Clerk, Estate Office, Administration  
Department, Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Khyber-Pakhtunkhwa Peshawar and two others.  
... (Respondents)

Present.

Mr. Muhammad Asif Yousafzai,  
Advocate. ... For appellant

Mr. Muhammad Jan,  
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN  
MR. AHMAD HASSAN ... MEMBER

ATTESTED

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

  
HAMID FAROOQ DURRANI  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

1. The appellant is essentially aggrieved from inaction on the part of the respondents regarding inclusion of his name in the seniority list of Junior Clerks of Administration Department. He has further prayed for promotion to the post of Senior Clerk w.e.f. 12.02.2014 or from the date when his juniors were promoted with all back and consequential benefits.

2. It is stated in the memorandum of appeal that the appellant was appointed as Junior Clerk in Frontier House Islamabad by the Administration Department on 11.08.2008. His appointment order reflected that the appellant shall be governed by N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants Act, 1973 and all other laws applicable to the civil servants including the rules made for the purpose. Despite, his name was not included in the seniority list of the Junior Clerks. The appellant submitted an application for the purpose but the Administration Department did not take any action on the application. The department circulated seniority list of Senior Clerks on 03.02.2016 through which the appellant came to know about the promotion of 83 Junior Clerks to the post of Senior Clerk who happened to be junior to the appellant. The appellant was deprived of his legal right of promotion only because of non-inclusion of his name in the seniority list of Junior Clerks. He submitted departmental appeal on 09.02.2016 which was not responded to, hence the appeal in hand.

REGISTERED

3. At the time of hearing of the appeal, learned DDA referred to the tentative seniority list of Senior Clerks dated 03.02.2016 and contended that the same was issued by Government of Khyber Pakhtunkhwa Establishment Department (Establishment Wing). On the other hand, the appellant was appointed as a Junior Clerk against a post exclusively for the Houses without observing any criteria such as zone quota, advertisement in two newspapers etc. Owing to the said reasons the seniority of the appellant was

*[Handwritten signature]*



to be maintained along with other employees of the Houses in Administration Department being his parent department and not by the Establishment Department. He also referred to the reply of respondents submitted in respect of appeal in hand and contended that in view of reply to Ground-C of the appeal the appellant was not entitled to claim seniority and absorption in the cadre of Junior Clerks of Civil Secretariat (Establishment Department).

4. We have considered the contentions on behalf of the parties to the appeal and find from the record that the right of appellant to be included in the seniority list of his respective cadre has not been denied by the respondents. Furthermore it has been stated in the joint reply by the respondents that the relevant seniority list will be maintained and notified by the Administration Department being his parent department.

5. The record is suggestive of the fact that a joint reply by respondents including the Secretary Administration Department, Khyber Pakhtunkhwa was submitted on 22.09.2016, however, the requisite seniority list has not been settled as yet. In the circumstances, the appellant is a civil servant and is entitled to a place in the seniority list to be drawn by the concerned department in accordance with law and rules. The appeal in hand is, therefore, allowed to the said extent. The respondent No. 3 shall cause the preparation of requisite seniority list of appellant and others within a period of ninety days, if not already done so. Needless to note that the appellant

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shall be at liberty to pursue legal remedy for his grievance arising out of the entries in the seniority list through appropriate proceedings.

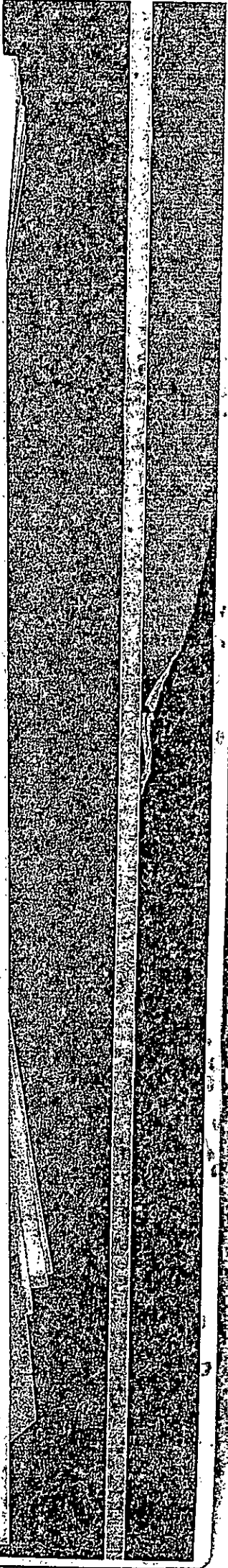
Parties are left to bear their respective costs. File be consigned to the record room.

(HAMID FAROOQ DURRANI)  
CHAIRMAN

(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
29.03.2019

09-04-18  
 12-02  
 14-02  
 09-04-18  
 09-04-18





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

25/5  
13

NO E&A(AD)2(591)2008  
Dated Peshawar the 15-05-2019

To

- 1 Raza Muhammad (Junior Clerk),  
s/o Janas Khan,  
Khyber Pakhtunkhwa House Islamabad
- 2 Syed Musadiq Shah (Junior Clerk),  
s/o Haji Syed Phool Badshah,  
Estate Office

Subject - TENTATIVE SENIORITY LIST OF JUNIOR CLERK OF HOUSE HOLD STAFF AS STOOD ON 15-05-2019.

I am directed to refer to the captioned subject and to enclose copies of tentative seniority lists of Junior Clerk of House Hold Staff as it stood on 15-05-2019 alongwith certificate proforma with the request that certificate may be returned to this Department duly signed, indicating error / omission, if any, for the purpose of rectification alongwith attested supporting documents upto 15-06-2019. In case of receipt of no response by the due date, it would be considered that particulars have been accepted as correct

*[Signature]*  
SECTION OFFICER (ADMN)  
15/5/19

Encl: As above.

ENDST: NO & DATE EVEN

Copy is forwarded to -

- 1 Registrar Khyber Pakhtunkhwa Service Tribunal with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa
- 2 Section Officer (Lit-I), Establishment Department with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.

*[Signature]*  
SECTION OFFICER (ADMN)  
15/5/19

ADMINISTRATION LETTER (LETTER / SENIORITY) / 00

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
While making any correspondence  
Quote Case No.

*[Handwritten notes]*  
15/5/19

**NOTIFICATION**

**NO. E&A(A)**

(Appointment,  
general inform)

S.No	Name
1	Raza Mu Janas KI
2	Syed Mu Haji Sye

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- 3 Have not
- 4 Their seni

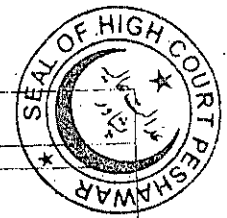
**Endst. No. E&**

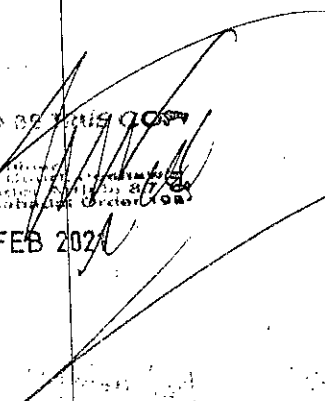
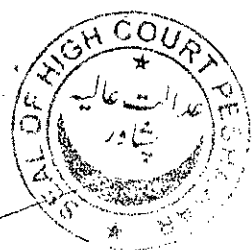
Copy forward to

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- 2 Estate Off
- 3 PS to Sec
- 4 PA to Der

**PESHAWAR HIGH COURT, PESHAWAR**  
FORM OF ORDER SHEET

15



Date of Order or Proceedings	3
	2
21.01.2021	<p><u>W.P No.6732-P/2019.</u></p> <p><b>Present:</b> <i>Mian Muhammad Imran, Advocate, for the petitioners.</i></p> <p><i>Mr. Muahmmad Riaz Khan, AAG alongwith Noor-ul-Haq, Section Officer (Admn) E &amp; AD for respondents.</i></p> <p align="center">*****</p> <p><b>S M ATTIQUE SHAH, J.-</b> The latter, at the very outset stated at the bar that a Special Committee has been constituted vide Notification No.(AD)HOUSE.HOLD/SERVICE.STRUCTURE dated 25.02.2020 to formulate/draft service rules for the household staff of Civil Secretariat and it has already started proceedings which would be completed within a period of 06 months.</p> <p>In view of above, instant writ petition is disposed of with direction to the respondents to conclude the ibid proceedings within the given period of time.</p> <p><b>Announced:</b> 21.01.2021</p> <p align="right">     <b>JUDGE</b> </p>

RECEIVED TO BE THIS COPY

02 FEB 2021

\*Shahid Nawaz\*

(DB) Hon'ble Mr. Justice S M Attique Shah & Hon'ble Mr. Justice Syed Arshad Ali

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated: 25-02-2020

NOTIFICATION

NO(AD)HOUSE.HOLD/SERVICE.STRUCTURE. The competent authority has been pleased to constitute the following committee to formulate / draft service rules for the Household staff of Civil Secretariat:-

1	Additional Secretary-I (Admn), Administration Department	Chair
2	The Comptroller Pakhtunkhwa House, Islamabad	Member
3	Section Officer (Reg-IV), Establishment Department	Member
4	Section Officer (Opinion-I), Law Department	Member
5	Section Officer (SR-I), Finance Department	Member
6	Section Officer (B&D), Administration Department	Member
7	Section Officer (Admn), Administration Department	Secretary

*Handwritten notes and signatures:*  
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ENST OF EVEN NO & DATE

SECRETARY ADMINISTRATION

Copy forwarded to:-

1. The Chair and all members of the Committee
2. Comptroller Pakhtunkhwa House, Islamabad
3. PS to Secretary Administration Department
4. PS to Secretary Establishment Department
5. PS to Secretary, Finance Department
6. PS to Secretary, Law & Human Rights Department
7. PA to Secretary-I, Administration Department
8. PA to Deputy Secretary, Administration Department
9. Official concerned
10. Personal File.

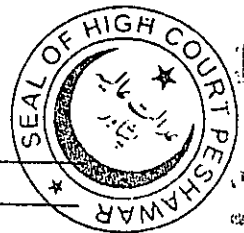
SECTION OFFICER ADMIN

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PESHAWAR HIGH COURT, PESHAWAR  
FORM "A"  
FORM OF ORDER SHEET.



Court of \_\_\_\_\_  
Case No \_\_\_\_\_

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	24.02.2021	<p><u>W.P No. 1445-P/2020</u></p> <p><u>Present:-</u> Mr. Muzamil Khan, advocate for petitioners.</p> <p style="text-align: center;">s****</p> <p><u>IJAZ ANWAR.J.</u> The claim of the petitioner, to some extent has been admitted in para-3 of the comments wherein the respondents have constituted a Committee with a mandate to devise a viable service structure for all Household employees of the Secretariat Service.</p> <p>2. Learned counsel for petitioner while referring to the said para-3 of the comments stated that he would be satisfied provided respondents are directed to finalize the service structure so proposed within a period of two months. Similarly, learned AAG also referred to the same.</p> <p>3. When this being the case, we find that there is no serious contest between the parties.</p>

2/100

Accordingly, respondents are directed to finalize the proposed service structure of the Household employees within a period of two months.

4. The instant petition is disposed of in the above terms.

JUDGE

Announced.  
Dated. 24.2.2021.

JUDGE

*[Signature]*  
CERTIFIED TO BE TRUE COPY  
Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
the Qanun-e-shahadat Order 1988  
15 MAR 2021

No. 29848  
Date of Presentation of Application 15/3/21  
No. of Pages 77  
Copying fee  
Total 20/-  
Date of Preparation of Copy 15/3/21  
Date of Delivery of Copy 15/3/21  
Received By *[Signature]*



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PS/Secy E&AD KP

Diary No. 1297ae

FTS No. \_\_\_\_\_

Date. 16-2-21

**MOST URGENT**  
**SUPREME COURT MATTER**



**OFFICE OF THE ADVOCATE GENERAL KHYBER**  
**PAKHTUNKHWA, HIGH COURT BUILDING, PESHAWAR.**

No. 2053-54 AG/Supreme Court/ Dated Peshawar, the 16/02 /2021  
(Telephone No.091-9210312. Fax No.091-9210270. Islamabad office.051-9217745)

To,

- 1- The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar
- 2- The Chairman Khyber Pakhtunkhwa, Public Service Commission, Peshawar

SUBJECT: **CA NO.712,713/2020.GOV'T OF KPK -VS-ZAHOOR AHMAD, MUHAMMAD ARSHID & GOV'T. OF KPK**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a photocopy of order, passed in the subject matter by the Hon'ble Supreme Court of Pakistan, Islamabad on 01-02-2021 for information and further necessary action.

, Yours Faithfully

*(Signature)*  
**(MUHAMMAD ARSHAD KHAN)**  
**ADMINISTRATIVE OFFICER**

*am*  
File No. 1712  
Secretary, Establishment Department

*ASST*  
*17/2*  
*Secty*

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

19

PRESENT:  
MR. JUSTICE GULZAR AHMED, HCJ  
MR. JUSTICE IJAZ UL AHSAN  
MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

Civil Appeals No. 712 & 713 of 2020  
(Against the judgment dated 22.02.2018 passed by the  
Peshawar High Court, Peshawar in Writ Petitions No. 5304-P  
and 5305-P of 2017).

Government of Khyber Pakhtunkhwa through Chief  
Secretary, Peshawar and others. ...Appellant(s)

VERSUS

Zahoor Ahmed Khalil.  
(in CA 712 of 2020)

Muhammad Arshad.  
(in CA 713 of 2020)

...Respondent(s)

For the Appellant(s):

Mr. Zahid Yousaf Qureshi,  
Addl. A. G. KP.  
Mr. Shahid Iqbal, Litigation  
Officer, KP, PSC.  
Mr. M. Tufail Khattak, Addl.  
Secy., Establishment, KP.  
(in CAs 712 & 713 of 2020)

For the Respondent(s):

In person.  
(in CA 712 of 2020)  
Mr. Ishtiaq Haider, ASC.  
(appeared without filing enter appearance on  
behalf of Respondent but appeared with  
Court permission).  
(in CA 713 of 2020)

Date of Hearing:

01.02.2021.

JUDGMENT

IJAZ UL AHSAN, J.- Through this single  
judgment, we propose to decide Civil Appeal No.712 of 2020  
and Civil Appeal No.713 of 2020 as they both arise out of the

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

same impugned judgment of the Peshawar High Court, Peshawar dated 22.02.2018.

2. These appeals by leave of the Court are directed against a judgment of the Peshawar High Court, Peshawar dated 22.02.2018 through which constitutional petitions filed by the Respondents were allowed.

3. Briefly stated the facts necessary for disposal of this *lis* are that on 01.12.2017 Khyber Pakhtunkhwa Public Service Commission ("*KP Service Commission*") advertised 69 posts of Officers in Provincial Management Service (BS-17). Such posts were required to be filled through competitive examination. However, 10% quota was reserved for in-service candidates. The Respondents who were serving as Caretakers (BS-11) in the Chief Minister's Secretariat, Government of Khyber Pakhtunkhwa were not allowed to participate in the PMS examination on the ground that they were not entitled to avail the benefit of 10% quota reserved for in-service candidates. Aggrieved of such refusal on the part of KP Service Commission to allow them to participate in the competitive examination for appointment against 10% quota, the Respondents approached the High Court in its constitutional jurisdiction. Through the impugned judgment dated 22.02.2018, such constitutional petitions of the Respondents were allowed.

4. Leave to appeal was granted by this Court vide order dated 17.08.2020 in the following terms:

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

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"The Government of Khyber Pakhtunkhwa Public Service Commission (the petitioner) advertised 69 posts of Provincial Management Service (PMS) in BPS-17, for competitive examination. Ten per cent quota was reserved for in-service candidates. Khyber Pakhtunkhwa Provincial Management Service Rules, 2007 (the Rules of 2007) has described the post of 'in service candidates' and such has been enumerated as Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks. The private respondents in C.Ps. No.349-P and 350-P of 2018 were employed as Caretakers (BPS-11) and their posts were not enumerated in the Rules of 2007. They filed writ petitions in the Peshawar High Court which *vide* impugned judgment came to be allowed. The petitioner in C.P. No.260-P of 2019, also filed writ petition in the Peshawar High Court which was disposed of *vide* impugned judgment.

2. The learned AAG contends that there being no mention of post of Caretaker in the Rules of 2007; the respondents in C.Ps. No.349-P and 350-P of 2018 and petitioner in C.P. No.260-P of 2019 could not have been allowed to undertake the competitive examination and further relies upon the judgment of this Court in the case reported as Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others v. Hayat Hussain and others (2016 SCMR 1021).

3. The submissions made by the learned AAG require consideration. Leave to appeal is, therefore, granted in all the petitions to consider, *inter alia*, the same. The appeal stage paper-books be prepared from the available record with liberty to the parties to file additional documents, if any, within a period of one month. As the matter relates to service, the Office is directed to fix these appeals expeditiously, preferably after three months.

5. The learned Additional Advocate General, Khyber Pakhtunkhwa has pointed out that the Khyber Pakhtunkhwa Provincial Management Service Rules, 2007 ("Rules, 2007") describe the posts of in-service candidate as Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks, etc. He

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maintains that the Respondents did not fall in any of the said categories nor were they covered by the Rules, 2007. He maintains that the Respondents fall in the definition of Household staff and in terms of Rule 10(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 they have specifically been excluded from the application of Rules, 2007. He further maintains that the Respondents being attached with the Chief Minister's Secretariat are not borne on the cadre of the Provincial Secretariat. As such, the High Court erred in law in extending the benefit of 10% quota in question to the Respondents. To substantiate his contentions, the learned Law Officer has placed reliance on a judgment of this Court reported as Government of Khyber Pakhtunkhwa v. Hayat Hussain (2016 SCMR 1021) in which the questions involved in these appeals has elaborately been dealt with.

6. The learned ASC for the Respondents on the other hand submits that exclusion of the Respondents constitutes discrimination. He maintains that on their representation the Chief Minister had made a recommendation that they may be allowed to participate in the competitive examination of PMS and avail the benefit of 10% quota. However, such direction was not implemented. The learned counsel further submits that the Respondents have no channel of promotion and it would cause injustice to them in case they are not allowed to avail the benefit of the quota as prescribed in Rules, 2007.

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

7. We have heard the learned Additional Advocate General, Khyber Pakhtunkhwa, learned ASC for the Respondent in Civil Appeal No.713 of 2020, the Respondent in person in Civil Appeal No.712 of 2020 and have gone through the record with their assistance. For ease of reference, it would be appropriate to reproduce hereinbelow Schedule-I of the Rules, 2007 which prescribes the quota in question:

*"Ten percent 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 possesses post graduate qualification from a recognized University and have at least five years service under Government."*

A plain reading of the relevant Rule makes it abundantly clear that it is specific to a certain class of employees of the Government. It is not couched in language which may inclusive in its meaning and content or may permit an expensive and wider interpretation. The Rules, 2007 provide 10% quota for persons holding specific posts and such posts have been spelt out as "Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks". A further condition is that such persons must possess Postgraduate qualification from a recognized University and should have at

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

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... have five years service under the Government. Although, the learned High Court has noticed the said provision, it has misdirected itself in interpreting the Rules, 2007 in a manner which in essence amounts to reading language in the Rules which is not there and a class of employees have specifically, intentionally and deliberately been excluded for policy reasons.

B. It is abundantly clear to us that the Rules, 2007 specifically created a class of Government employees to whom the benefit of 10% quota was provided to the exclusion of others and if the interpretations given by the High Court were to be accepted it would amount to not only reading in something which is not there but also extending and expanding the scope of the Rule which is the domain of the Executive and cannot lightly be interfered with without recording strong, cogent and compelling reasons. Such reasons have neither been recorded nor in our humble opinion were available in the instant matters.

9. We further notice that the High Court has misread the Rules, 2007 and taken them out of context in observing that the Rules do not prescribe as to what should be the nature of experience required to participate in the competitive examination for appointment against the 10% quota posts. We are unfortunately unable to subscribe to that view. It is settled law that provisions of the Statutes and Rules have to be read in their context and unless otherwise provided or

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

there are compelling and lawful reasons to do otherwise the Rule of *ejusdem generis* has to be followed. Even otherwise, the Rule of *ejusdem generis* does not support in any manner the interpretation adopted by the High Court. A plain reading of the relevant Rule read in the context of its ordinary meaning and scope would show that five years experience under the Government was relatable to the titles/job descriptions mentioned in the earlier part of the Rule. Therefore, holding that because there was no specific and elaborate description of the sort of experience that was required, a totally unrelated experience, (in the present case working as a Caretaker, / Household staff), would also count as experience of Government service has appeared to us to be without sound legal basis and for that matter any basis at all. We also note that the Respondents had not altogether been excluded from participating in the competitive examination insofar as if they met the criteria for participation that they are not precluded from doing so by competing in open merit. Further and for the same reason we have not found any discriminatory treatment because the Respondents are not similarly placed vis-à-vis the persons/posts identified and specified in the rules and such persons/posts constitute a separate class, there being qualitative difference between the two fulfilling the requirement of intelligible differentia.

10. The Respondent in the connected matter (*Civil Appeal No. 714 of 2020*) has frankly conceded before us that he had participated in open merit a number of times but

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Senior Court Associate  
Supreme Court of Pakistan  
Islamabad



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could not succeed on account of being placed lower in the merit list as against the available seats. We are afraid that does not constitute justification to expand the scope of the quota to include all members of ministerial staff whether or not they fell in the categories provided in the Rules, 2007.

11. We have also gone through the judgment of this Court in the case of Government of Khyber Pakhtunkhwa (*ibid*) cited by the learned Additional Advocate General, Khyber Pakhtunkhwa and find that the same directly deals with the question of appointment/promotion against the posts of PMS. It has clearly and categorically been held by this Court in the said judgment that determination of eligibility criteria, etc is essentially an administrative matter falling within the exclusive domain and policy decision making of the Government (as in this case) and interference with such matters by the Courts is not warranted. In this context, it has been held as follows:

*"It is a settled proposition of law that the Government is entitled to make rules in the interest of expediency of service and to remove anomalies in Service Rules. It is the Service Rules Committee which has to determine the eligibility criteria of promotion and it is essentially an administrative matter falling within the exclusive domain and policy decision making of the Government and the interference with such matters by the Courts is not warranted and that no vested right of a Government employee is involved in the matter of promotion or the rules determining their eligibility or fitness, and the High Court has no jurisdiction by means of writ to strike it down."*

Further, in the case of Central Board of Revenue, Government of Pakistan v. Asad Ahmed Khan (PLD 1960 SC 81) it was held as follows:

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

"In the circumstances it cannot be said that any rights of the petitioners were infringed, which they could enforce by a writ petition. The Government has every right to make rules to raise the efficiency of the services, and if no vested right is denied to a party, the High Court had no jurisdiction to interfere by means of a writ."

12. Admittedly, the Respondents do not constitute ministerial staff and are also not borne on the cadre/strength of the Provincial Secretariat. These were two additional reasons why the Respondents could not claim the benefit of Rules, 2007 and the criteria laid down for PMS (BS-17) quota posts reserved for a specific class of Government employees. In the circumstance, we find that the learned High Court has failed to appreciate and correctly interpret the relevant Rules on the subject and passed the impugned judgment in a slipshod manner, which is not sustainable and is liable to be set aside.

13. For reasons recorded above, we allow these appeals and set aside the impugned judgment of the Peshawar High Court, Peshawar dated 22.02.2018.



ISLAMABAD.  
01.02.2021.  
ZR/  
*Not Approved For Reporting*

*[Handwritten signatures and initials]*

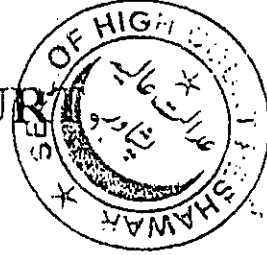
*Sd-CJ*  
*Sd-J*  
*Sd-J*

Certified to be True Copy

*[Signature]*  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

Judgment Sheet

**PESHAWAR HIGH COURT**  
**PESHAWAR**  
(Judicial Department)



Writ Petition No. S304-P/2017

Zahoor Ahmad Khalil

Versus

The Government of Khyber Pakhtunkhwa through Chief  
Secretary and others.

Date of hearing. 22.02.2018

Petitioner By Mian Muhammad Imran Advocate

Respondents By Arshad Ahmad A.O.A.

JUDGMENT

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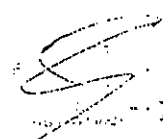
MUSARR AT HILALI:- Through this  
single judgement, we intend to dispose of the instant  
writ petition as well as the connected writ petition No.  
2305-P/2017 titled "Muhammad Arshad vs  
Government of Khyber Pakhtunkhwa through Chief  
Secretary and others" as both have been filed by the  
petitioners under Article 199 of the Islamic Republic  
of Pakistan, 1973 praying for issuance of a writ,

ACCEPTED  
Peshawar High Court  
08 MAR 2018

directing the respondents to treat them equivalent and at par with the other employees who are allowed to take part in the PMS competitive examination (In service quota), keeping in view the fact that the petitioner are permanent civil servant/employee of Chief Minister Secretariat and Establishment & Administration Department respectively, in the capacity of Care Taker BPS-11.

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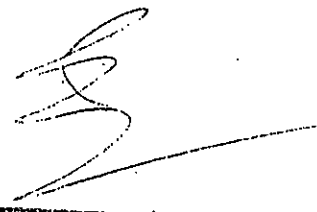
2. Brief facts, as per averments of the writ petitions are that the Khyber Pakhtunkhwa Public Service Commission, (respondent No.4) on 1.12.2017 advertised 69 posts of PMS (BPS-17) competitive examination wherein 10 % quota was reserved for in-service candidates. The petitioners are serving in the Chief Minister Secretariat and Establishment and Administration Department, respectively in the capacity of Care Taker (BPS-11), having no structure of promotion, though, desirous of participating in the PMS exam but as the Khyber Pakhtunkhwa Provincial Management Service Rules, 2007 does not show any

  
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 08/12/2018

mention of the servicemen holding the post of Care Taker, therefore, they have not been allowed to participate in the PMS examination. It has further been averred in the writ petitions that exclusion of the civil servants holding the post of Care Taker from participation in the PMS competitive exam tantamount to unfairness, biasness, partiality, unreasonableness, irrationality and discrimination, that the petitioners alongwith others preferred request to the worthy Chief Minister, Khyber Pakhtunkhwa wherein the Chief Minister was pleased to issue directions on 13.6.2016 and 25.10.2017 but of no avail. Hence these writ petitions.

3. Comments were called from the respondents wherein they admitted the advertisement of 69 posts of PMS (BPS-17) in the 10 % in-service quota by the Public Service Commission, however, stated that as the post of Care Taker does not come in the purview of ministerial staff, therefore, being not

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included in the Schedule-1, the petitioners are not eligible to participate in the competitive examination.

Arguments of learned counsel for the parties heard and record perused.

4. The grievance of the petitioners is that they being civil servants in the capacity of Care Taker (BPS-11) having no structure for promotion to upper position, have got every right to participate in the PMS examination in the 10 % quota reserved for In-Service candidates, however, despite being highly qualified, such right has been denied to the petitioners by the respondents.

5. According to Schedule-1 of the Khyber Pakhtunkhwa Provincial Management Service Rules, 2007, the following criteria has been laid down for PMS (BPS-17).

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"Ten percent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the

~~ATTESTED~~  
Peshawar High Court  
08 MAR 2018

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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 at least five years service under Government."

Provision Rules

The above quoted rule indicates that under the ten (10) % quota reserved for the 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 degrees, can participate in the PMS competitive examination,

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**ATTESTED**  
 EXAMINER  
 Peshawar High Court  
 08, MAR 2018

however the experience required for the post were mentioned to be at least five years experience under government. The rule does not prescribe as to what should be the nature of experience. There should have been some indication as to the nature and requirements of working experience which could be said to be relevant for a candidate, therefore, when there are no restrictions on the nature of experience, the petitioners, serving in capacity of Care Taker, Chief Minister Secretariat and Establishment and Administration Department respectively in BPS-11 having no structure of promotion and keeping in view the fact that they are possessing the required academic qualification having the experience in government department, if not allowed to participate in the PMS examination, they will be deprived of their right to rise to a high position during their service.

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6. For what has been stated above, it is held that the petitioners being civil servants, having highly qualified are entitled to participate in the PMS

~~ATTESTED~~  
 EXAMINER  
 Peshawar High Court  
 08 MAR 2018



competitive examination, therefore, in the best interest of justice, these writ petitions are admitted and allowed with direction to the respondents to let the petitioners participate in the exam in question.

Announced on;  
Dated. 22.02.2018

*[Signature]*  
JUDGE

*[Signature]*  
CERTIFIED TO BE TRUE COPY  
Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 27  
The Qanun-e-Subordinate Act, 1974  
19 MAR 2018

D.D Hon'ble Mr. Justice Waqar Ahmad Seth and Hon'ble Justice Musarrat Hifsi

\*Amir\*

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Date of 23/2/18  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

435

NO: E&A (AD) 2(591)2008  
Dated Peshawar the 28-06-2019

To

1. Raza Muhammad (Junior Clerk),  
s/o Janas Khan,  
Khyber Pakhtunkhwa House Islamabad.
2. Syed Musadiq Shah (Junior Clerk),  
s/o Haji Syed Phool Badshah,  
Estate Office.

Subject: - COMPLIANCE OF ORDERS OF KPK SERVICE TRIBUNAL,  
PESHAWAR IN APPEAL NO. 597/2016 TITLED "MUSADDIQ SHAH  
VS GOVT OF KPK"

I am directed to refer to your applications / objection dated 28-5-2019 and 13-06-2019 respectively on the subject noted above and to inform that in pursuance of judgment of Service Tribunal dated 29-03-2019 in Service Appeal No. 597/2016 Establishment. Department had refused to include you in seniority list of Junior Clerks maintained by that Department. However, Administration Department in pursuance of Judgment ibid, caused a seniority list of its household Junior Clerks (including you). Hence the said judgment of KP Service Tribunal is fully satisfied.

I am therefore, directed to inform that Administration Department regrets its inability to accede to your request being devoid of merit / rules.

  
SECTION OFFICER (ADMIN)

Encl: As above.

ENDST: NO & DATE-EVEN

Copy is forwarded to:

1. Registrar Khyber Pakhtunkhwa Service Tribunal with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.
2. Section Officer (Lit-I), Establishment Department with reference to Judgment dated 29-03-2019 in Service Appeal No. 579/2016 Musadaq Shah VS Government of Khyber Pakhtunkhwa.

  
SECTION OFFICER (ADMIN)