

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 12449/2020

Date of Institution ... 21.10.2020

Date of Decision ... 25.02.2021

Kifayatullah, Tehsildar, Peshawar. ... (Appellant)

VERSUSThe Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar and two others. ... (Respondents)Present:MR.KHALID REHMAN, --- For Appellant.
AdvocateMR. MUHAMMAD RASHEED, --- For respondents,
Deputy District AttorneyMR. MIAN MUHAMMAD --- MEMBER(Executive)
MR.HAMID FAROOQ DURRANI, --- CHAIRMANJUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been instituted under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974, against the impugned notification dated 02.07.2020 whereby the appellant stands deferred for promotion to PMS (BS-17) and the impugned appellate order dated 22.09.2020 vide which departmental appeal of the appellant was turned down.

FACTS.

02. Brief facts leading to the service appeal are that the appellant was initially appointed as Naib Tehsildar (BS-14) through Public Service Commission in 2009

who was then promoted to the post of Tehsildar (BS-16) on 17.1.2019. The Provincial Selection Board in its meeting dated 09.06.2020 deferred the promotion case of the appellant on the ground that CPLA of the respondent departments was pending in the Apex court and his promotion will be decided after outcome of the CPLA. The appellant feeling aggrieved with the notification dated 02.07.2020, preferred departmental appeal which was rejected by the competent authority on 22.09.2020, hence, the instant service appeal before the Services Tribunal on 21.10.2020.

03. We have heard the arguments of learned counsel for the appellant as well as Deputy District Attorney for respondents and perused the record thoroughly.



ARGUMENTS.

04. Learned counsel for the appellant contended that Provincial Selection Board has made CPLA as basis for deferment of the appellant's promotion to higher post in BS-17 (PMS). Background of the CPLA is that the appellant had been removed from service on disciplinary proceedings and the Khyber Pakhtunkhwa Services Tribunal reinstated him in service through its judgement dated 20.11.2015 in service appeal No. 1099/2014 against which the respondent-department subsequently filed CPLA in the august Supreme Court of Pakistan and which is still pending there. It was further argued that the PSB could not convene its scheduled meeting on 20.02.2020 when the appellant was on the panel of officers for consideration to be promoted to BS-17 in Provincial Management Service. It was therefore not his fault and as such was eligible for promotion from that date due to availability of vacancy falling in quota reserved for promotion at that very point of time. As a result of not

convening meeting of the PSB, 123 direct recruitees in BS-17 (PMS) recommended by the Public Service Commission were notified on 29.05.2020 rendering the appellant to become junior to them. He pleaded that as per principle, vacancy in a cadre or service group will have to be filled from promotion quota first and then in direct or initial quota. He quoted Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-7(3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 as well as para-V(a) of the Promotion Policy and submitted that deferment is recommended when inter-seniority is disputed/subjudice, disciplinary/departmental proceedings are pending or PER dossier of an officer is incomplete. The appellant was not hit by any of the category of deficiency and as such he was by all means eligible for promotion to BS-17. More so even in subsequent PSB meeting held on 09.06.2020 he was deferred on the ground that CPLA was pending in the Apex court and his earlier promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. This is again an illegal and illogical ground and the appellant has been condemned unheard because no case of litigation could be held as a Bar to deprive him of promotion which is a vested right of the appellant. He quoted some other officers such as Fazal Hussain, Ghulam Habib, Atta Ur Rehman and Habib Arif etc who were recommended by the PSB despite the fact that their CPLA was pending before the Apex court at relevant point of time. To strengthen his arguments the learned counsel for the appellant placed reliance on order No. XX of Supreme Court Rules 1980, 1993 SCMR 2258, 2006 SCMR 1938 and 2010 PLC (C.S) 760.

05. Learned Deputy District Attorney, contrary to the arguments of learned counsel for the appellant, raised preliminary objection on maintainability of the

appeal under Section-4 (b)(i) and contended that determining the suitability of an officer for a particular post falls in the domain of DPC/PSB and as such the Services Tribunal has no jurisdiction on such issues to be adjudicated upon. It was further argued that the appellant has been promoted even to BS-16 as Tehsildar on 17.01.2019 on conditional basis because of pending CPLA in the august Supreme Court of Pakistan and second conditional promotion to BS-17 is not only unreasonable but also not covered under the relevant law, rules and promotion policy. He also raised objection on the contention of learned counsel for appellant with regard to the notification of direct recruitees dated 29.05.2020 mainly on the ground that it has neither been assailed nor impugned in the present memo of appeal. Similarly, 123 private respondents in notification dated 29.05.2020 have not been made party for the purpose of joinder and non-joinder and the service appeal has inner defects and liable to be dismissed even on ground of merits. Reliance was placed on case law reported as 2005 SCMR 1742, PLD 2008 Supreme Court 769. .

CONCLUSION.

06. Without touching the facts, circumstances and merits of the case the question of jurisdiction comes in the way of adjudication under Section-4 (b)(i) which stipulates that:-

(b)“no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining---
(i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade.

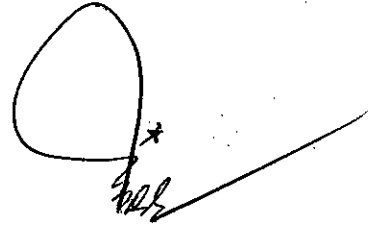
We understand that the Provincial Selection Board met on 09.06.2020 to determine the fitness or otherwise of the officers on penal for consideration to be promoted to next higher scale i.e from BS-16 to BS-17 and scrutiny of the documents/service

record was the prime and sole criteria before the PSB which the forum did take into consideration before making its recommendations to the competent Authority for approval. As this Tribunal is hit by the above mentioned provision of law, the service Appeal in hand is therefore, dismissed. Parties are left to bear their respective costs. File be consigned to the record room.


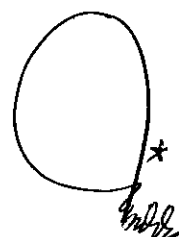
ANNOUNCED
25.02.2021



(HAMID FAROOQ DURRANI)
CHAIRMAN



(MIAN MUHAMMAD)
MEMBER(E)

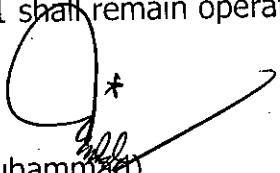
| S.No | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary. |
|------|----------------------------|--|
| 1 | 2 | 3 |
| | 25.02.2021 | <p><u>Present.</u></p> <p>Mr. Khalid Rehman, ... For appellant Advocate</p> <p>Mr. Muhammad Rashid, ... For respondents Deputy District Attorney</p> <p>Vide our detailed judgment of today consisting of five pages placed on file, We understand that the Provincial Selection Board met on 09.06.2020 to determine the fitness or otherwise of the officers on penal for consideration to be promoted to next higher scale i.e from BS-16 to BS-17 and scrutiny of the documents/service record was the prime and sole criteria before the PSB which the forum did take into consideration before making its recommendations to the competent Authority for approval. As this Tribunal is hit by the above mentioned provision of law, the service Appeal in hand is therefore, dismissed. The parties shall, however, bear their respective costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 25.02.2021</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Chairman </div> <div style="text-align: center;">  (Mian Muhammad) Member(E) </div> </div> |

12449/2020

15.02.2021

Mr. Khalid Rehman, Advocate for appellant and Mr. Abdur Rashid, DDA alongwith M/S Tufail, Addl- Secretary (Judicial), Mukaram Khan, S.O (Litigation-I), Irshad Khan S.O (Litigation-III), and Sultan Shah, Superintendent for respondents No. 1 & 2 and Muhammad Ajmal Khan, Assistant Secretary (Litigation) for respondent No. 3 present.

Learned counsel for the appellant as well as learned DDA concluded their respective arguments. To come up for order on 25.02.2021. Order regarding maintenance of status quo passed on 14.01.2021 shall remain operative till next date.


(Mian Muhammad)
Member(E)


Chairman

02.02.2021

Counsel for the appellant and Addl. AG alongwith Zar Muhammad, Asstt. for respondents No. 1 & 2 and Muhammad Ajmal, Assistant Secretary for respondent No. 3 present.

Representatives of respondents have submitted joint parawise comments on behalf of all the respondents. A reply of application for order regarding maintenance of status quo has also been submitted. Placed on record.

Learned AAG referred to the order dated 14.01.2021 and stated that order for maintenance of status quo was passed in favour of the appellant apparently due to the fact that the respondents did not submit the requisite reply on two occasions. It was taken as causing the delay in disposal of the appeal.

The representative of respondents stated that the cases for promotion to the post of PMS (BPS-17) ^{were} ~~was~~ taken up by PSB in its meeting held on 30.12.2020. The recommendations were though handed down by the Board, however, formal notification could not be issued due to the order of maintenance of status quo passed on 14.01.2021. Resultantly, the cases of a number of officers are being delayed.

In view of the facts and circumstances stated by the respondents, it would be most appropriate to adjourn the proceedings for arguments before the Division Bench on an early date. Adjourned to 15.02.2021. The appellant may submit rejoinder to the reply(ies) submitted by the respondents, within ten days, if so advised. Learned counsel for the parties are expected to argue the matter on next date positively. Till next date the order regarding maintenance of status quo dated 14.01.2021 shall remain operative.



Chairman

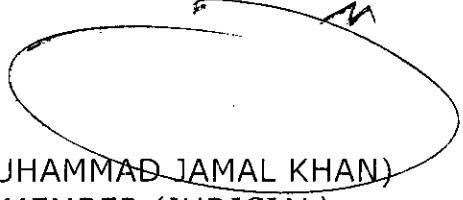
Appeal No. 12449/2020
Kifayatullah vs Govt

14.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Zar Muhammad, Assistant, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for furnishing written reply/comments on the next date of hearing. Adjourned to 02.02.2021, on which date file to come up for written reply/comments before S.B.

Learned counsel for appellant submitted application for restraining the respondents from filling the posts of Provincial Management Service (BPS-17) till the final disposal of the instant appeal. Notice of the said application be issued to the respondents for the date fixed. In the meanwhile status-quo subject to the notice be maintained till the date fixed.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

17.11.2020

Counsel for the appellant present.

Contends that promotion of appellant as PMS BPS-17 was deferred in the meeting of P.S.B dated 09.06.2020. The ground for his deferment, as well as that of order upon departmental appeal of the appellant dated 22.09.2020, was to the effect that there was no justification for two consecutive conditional promotions. Noticeably, a CPLA is pending against the appellant in respect of judgment of this Tribunal passed in Service Appeal No. 1099/2014 on 20.11.2015.

Whether the stance of respondents, in not considering the appellant for promotion, was lawful and in accordance with the promotion rules, is a question to be determined in the instant case. The appeal is, therefore, admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.12.2020 before S.B.

Appellant Deposited
Security & Process Fee

24/11/2020



Chairman

11.12.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naheed Gul Assistant for respondents present.

Written reply was not submitted on behalf of respondents. Representative of respondents made a request for time to furnish reply/comments; granted. To come up for written reply/comments on 14.01.2021 before S.B.

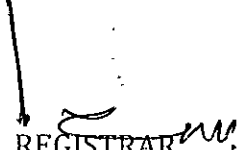


(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 12449 /2020 20

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 21/10/2020 | <p>The appeal of Mr. Kifayatullah presented today by Mr. Khaled Rehman 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| 2- | | |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 12449/2020

Kifayatullah, Tehsildar, Peshawar Appellant

Versus

The Govt. of KPK and others Respondents

INDEX


| S.No. | Description of Documents | Date | Annexure | Pages |
|-------|--|------------|----------|-------|
| 1. | Memo of Service Appeal | | | 1-5 |
| 2. | Judgment in Service Appeal No.1099/2014 | 20.11.2015 | A | 6-9 |
| 3. | Letter regarding Meeting of PSB | 18.02.2020 | B | 10 |
| 4. | Notification of appointment of Public Service Commission nominees as PMS Officers (BPS-17) | 29.05.2020 | C | 11-14 |
| 5. | Impugned Notification | 02.07.2020 | D | 15 |
| 6. | Minutes of PSB | | E | 16-18 |
| 7. | Departmental Appeal | | F | 19-20 |
| 8. | Impugned appellate order | 22.09.2020 | G | 21-23 |
| 9. | Wakalat Nama | | | 24 |

Through


Appellant


Khaled Rahman
Advocate, 
Supreme Court of Pakistan

&


Muhammad Amin
Advocate, High Court

&


Muhammad Ghazanfar Ali
Advocate, High Court
4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: ___/10/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 12449/2020

Mr. Kifayatullah

Tehsildar, Peshawar

Appellant

Versus

Khyber Pakhtunkhwa
Service Tribunal

1. The Govt. of Khyber Pakhtunkhwa

through Chief Secretary,
Civil Secretariat, Peshawar.

Diary No. 11852

Date 21-10-2020

2. The Secretary

Govt. of Khyber Pakhtunkhwa
Establishment Department,
Civil Secretariat, Peshawar.

3. The Senior Member Board of Revenue,

Khyber Pakhtunkhwa, Peshawar.....

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 02.07.2020 WHEREBY APPELLANT WAS DEFERRED FROM PROMOTION AGAINST THE POST OF PMS (BPS-17) AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL BUT THE SAME WAS UNLAWFULLY REGRETTEED VIDE IMPUGNED APPELLATE ORDER DATED 22.09.2020.

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 02.07.2020 and impugned appellate order dated 22.09.2020 may graciously be set aside and appellant be promoted against the post of PMS (BPS-17) w.e.f. 20.02.2020 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

Filed to-day
21/10/20
Registrar

1. **That** initially the appellant was inducted in the Respondent Department as a Naib Tehsildar way back in the year 2009 on the recommendation of the Khyber Pakhtunkhwa Public Service Commission. Later on, on account of his meritorious services he was promoted to the post of Tehsildar on 17.01.2019 and presently he is serving as Tehsildar and placed at Serial No.45 of the updated Seniority List. He rendered meritorious service in the Department.
2. **That** previously he was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 and was imposed upon major penalty of removal from service which was challenged before this Hon'ble Tribunal in Service Appeal No.1099/2014 which was allowed vide Judgment dated 20.11.2015 (**Annex;-A**). The appellant was reinstated into service. Being aggrieved, the Department had preferred CPLA before the Apex Court which is still pending.
3. **That** PMS posts (BPS-17) were lying vacant in the Promotion quota for Tehsildars, for which the names of eligible Officers were processed for promotion. The meeting of PSB was scheduled on 20.02.2020 but unfortunately on the same day, the meeting was postponed (**Annex;-B**) due to the decision delivered by the Peshawar High Court setting aside the Act of Provincial Assembly enhancing the age of retirement to 63 years. Since the appellant apprehended that the nominees of Public Service Commission may, in the meanwhile be appointed, therefore, a request was made to the Department to re-schedule the PSB as soon as possible but the same could not be held, therefore, a Writ Petition was filed in the High Court which is pending. In the meantime the Public Service Commission nominees were appointed as PMS Officers (BPS-17) vide Notification dated 29.05.2020 (**Annex;- C**).
4. **That** subsequently, another meeting of the PSB was held on 09.06.2020 and vide impugned Notification dated 02.07.2020 (**Annex;-D**) other colleagues of the appellant were promoted to the next higher grade while the appellant was deferred on account of pendency of the CPLA before the Apex Court and that his promotion as Tehsildar on 17.01.2019 was also

conditional subject to the said CPLA. (Minutes of PSB *Annex:-E*)

5. **That** appellant, being aggrieved of the impugned Notification *ibid*, filed Departmental Appeal (*Annex:-F*) before the competent authority which was finally regretted vide impugned appellate order dated 22.09.2020 (*Annex:-G*), hence this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully deprived him from his lawful right of promotion, which is unjust, unfair and hence not sustainable in the eye of law.
- B. **That** as depicted from the above captioned facts that this Hon'ble Tribunal was pleased to allow Service Appeal of the appellant and he was reinstated into service. Now against that very judgment Respondents have approached the Apex Court which is pending adjudication it would not be out of place to aver here that even in case of pendency of inquiry a person cannot be deprived from promotion, therefore, pendency of CPLA before the Hon'ble Apex Court has no valid ground to deprive the appellant from promotion against the next higher grade and therefore, not sustainable in the eye of law.
- C. **That** the Judgment of a forum is fully operative until and unless the same is suspended by a higher forum and pendency of an appeal simplicitor is no ground muchless legal to deprive a person from the benefit of the judgment. Even filing of the appeal before the Supreme Court will not prevent the execution of the Judgment under Order-20 Rule-1 of the Supreme Court Rules, 1980.
- D. **That** previously the appellant was promoted to the post of Tehsildar subject to the decision of the same CPLA, therefore, not promoting him on the same ground is beyond comprehension.

- E. **That** previously other Officers namely Fazal Hussain, Ghulam Habib, Habib Arif, Atta-ur-Rahman were promoted to the next higher grade inspite of the fact that their CPLAs were pending against them in the Apex Court. ✓
- F. **That** promotion is effected under Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section-7(3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 wherein no such conditionality is provided. Similarly, under Para-V(a) of the Promotion Policy, the deferment is only provided where (i) the inter-se seniority is disputed/subjudice; (ii) disciplinary or departmental proceedings are pending; (iii) PER Dossier etc. is incomplete. Thus the non-promotion of the appellant is neither supported by the law nor the Policy governing the promotion.
- G. **That** the removal from service of the appellant was neither factually correct nor legally sustainable. It was a false and concocted case which was subsequently disbelieved by the competent court of law and thus brushed aside, therefore, the same was illegally made ground for the deferral of the appellant.
- H. **That** the appellant was also entitled for promotion on 20.02.2020 when the promotion was not effected due to the decision of the High Court as explained hereinabove. The settled law on the point is that a civil servant is entitled for promotion with effect from the date of occurrence of vacancy and since the vacancies were available on the date of the previous PSB i.e. 20.02.2020, therefore, appellant is entitled for promotion with effect from 20.02.2020.
- I. **That** the non-consideration of the appellant for promotion by the PSB on 20.02.2020 was not due to any act on the part of the appellant, therefore, the appellant may not be made to suffer on that account.
- J. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.


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

Through



Appellant

↓
Khaled Rahman,
Advocate,
Supreme Court of Pakistan

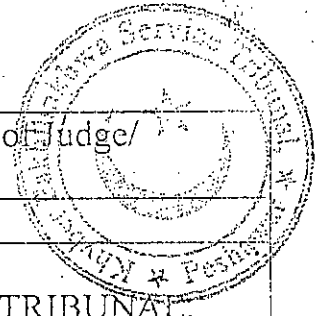
&


Muhammad Amin
Advocate, High Court

&


Muhammad Ghazanfar Ali
Advocate, High Court

Dated: ____/10/2020



| Sr. No. | Date of order/ proceedings | Order or other proceedings with signature of Judge/ Magistrate |
|---------|----------------------------|--|
| 1 | 2 | 3 |
| 1. | 20.11.2015 | <p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p style="text-align: center;">Service Appeal No. 1099/2014 Kifayatullah Versus The Chief Secretary, Khyber Pakhtunkhwa, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Muhammad Jan) with Mukhtiar Ali, Supdt. for the respondents present.</p> <p>2. According to appellant, he was appointed as Naib Tehsildar in the Revenue Department in the year, 2009 after recommendation of Public Service Commission. He was removed from service vide impugned order dated 26.5.2014. His departmental appeal was not responded for the reason that as service appeal of the appellant was pending before this Tribunal. Appellant's this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 is for setting aside of the impugned order with prayer of back benefits.</p> <p>3. The charge sheet & statement of allegations was issued to the appellant and he was put to face a regular enquiry through Commissioner, Peshawar on the basis of</p> |

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

- (a) That you were called to record your statement in an inquiry initiated on complaint of Ms. Qurat-ul-Ain Alam, Advocate, Peshawar High Court on 20.01.2014 to explain your position with regard to the allegation leveled against you before Assistant Commissioner, Charsadda.
- (b) Instead of furnishing your response, you deliberately humiliated the complainant (a female) at 1430 hours on 20.01.2014 in the office of Assistant Commissioner Charsadda by insulting her using abusive language and kicked her in the belly in presence of the staff of Assistant Commissioner Charsadda and general public."

The Enquiry Officer, vide his report dated 21.04.2014 found the appellant guilty and recommended him for major penalty of removal from service. In the memo. of appeal, the appellant has asserted that disciplinary proceedings against him are based on malafide and due to personal grudges of the then Senior Member Board of Revenue with the appellant. The respondent-department in its replies though has denied any such personal grudges but has stated about unruly behavior of the appellant with Member-II of the Revenue Board which shows that truly the appellant had strained relation with his high-ups. Rejoinder of the appellant is also available on the file.

4. In the meanwhile, a lady Advocate Ms. Qurtulain (Advocate, Peshawar High Court, Peshawar) made a

ATTESTED

Ms. A. R. Khan
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

personal complaint against the appellant. The record shows that this personal complaint for the purpose of preliminary enquiry was in the office of Assistant Commissioner, Charsadda. Unfortunately the appellant as well as the complainant lady came face to face in the said office in that enquiry proceedings. The Presiding Officer was not present. According to complainant lady the appellant hurled abuses at her and also kicked her in her stomach. Though this verbatim allegation has been denied by the appellant, however, Deputy Commissioner, Charsadda referred the matter to then SMBR for disciplinary proceedings against the appellant. Resultantly, the appellant was served with charge sheet and statement of allegations. This enquiry was conducted by the Commissioner, Peshawar Division, Peshawar.

5. Arguments heard and record perused.

6. The learned counsel for the appellant submitted that the appellant and the said lady were on intimate terms, therefore, any such acrimony between the two did not ask for any departmental action against the appellant but as the high ups were already against the appellant, therefore, the petty issue was blown out of proportion. It was further submitted that the complainant lady for her personal private reason had made so many other complaints as well against the appellant to various authorities which aspect of

ATTESTED

MAJID R
 Member Peshawar
 Service Tribunal,
 Peshawar

ATTESTED

the matter was not taken into account by the departmental authorities that the lady complainant was trying to damage the appellant by any means. That in the process of the Writ Petition of the appellant, it is on record that once SMBR had also been summoned by the hon'ble High Court in person which was taken as insulting in the minds of the high-ups. Thus, the situation was ripe and the appellant was victimized, evident from the fact that the penalty imposed upon the appellant is too harsh in the circumstances. He requested that the impugned order may be set aside and the appellant may be reinstated into service with all back benefits.

ATTESTED

BY ANJUM PER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

7. The learned Government Pleader resisted the appeal on the ground that all the codal formalities have been fulfilled; that opportunity of defence and personal hearing has been provided to the appellant and the appeal is liable to be dismissed.

8. From perusal of the record it transpired that a lady complainant Ms. Quratulain Advocate having intimate terms with the appellant, turned out against the appellant and had requested so many authorities to take action against the appellant. On the day of incident, she had come to Assistant Commissioner office Charsadda in such like a complaint against the appellant. The two came face to face but unfortunately the Presiding Officer was not present in

ATTESTED

the office. According to the lady complainant, the appellant hurled abuses and also kicked her in her stomach. According to the appellant, he never hurled abuses nor kicked the lady, though furious words had exchanged between the two. Steno and Reader of the court were the eye witnesses but their statements have not been appended by either party. The crucial point for decision of this incident would be as to how the issue reached to this height on that day and who was responsible for that unhappy peak? Since a graphic scene cannot be visualized from the available record which is necessary in view of persistent complaint of the lady against the appellant, and her wish to degrade him as well as the strained relations of the appellant with his high-ups as established on record, therefore, major penalty of removal from service in these circumstances convey to be too harsh. The appellant was recruited as Naib Tehsildar on the recommendations of the Public Service Commission. A long life career was before him. In the light of the foregoing reasons the Tribunal is of the considered view that the penalty imposed on the appellant is disproportionate and the enquiry report lacks depth on the point of true wish and intention of the lady complainant as to whether she wanted to take matter to this height or the appellant only is truly culpable for this misconduct. As such, the Tribunal is inclined to accept the appeal. Hence, the impugned order dated 26.5.2014 is set

ATTESTED

Signature
 Member
 Service Tribunal,
 Patiala

ATTESTED

aside and the appellant is reinstated into service. The interval span of the appellant be treated as his leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.11.2015.

Sdt- Pir Bakhtish Shah,
Member
Sdt- Abdul Latif,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Preparation 8-12-15
Number of W 2400
Copying Fee 14
Urgent 2
Total 16
Name of Copy JWR
Date of Completion 8-12-15
Date of Delivery 8-12-15

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-1/2020/(1)
Dated Peshawar, the 18.02.2020

| |
|-----------------------------|
| PS/SMBR |
| By No. 1340 |
| Date 18/2/2020 |
| Govt. of Khyber Pakhtunkhwa |

To

AS(ESD)

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member,
Board of Revenue, Khyber Pakhtunkhwa

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

19-2-2020 Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 20.02.2020 at 10:00 am under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting is enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

Abdul Hameed
18/2/2020
(Abdul Hameed)
SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Reg.) Establishment Department.
4. The P.S to Special Secretary (Estt) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

SECTION OFFICER (PSB)

ATTESTED

B



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the May 29, 2020

NOTIFICATION

NO.SOE-II(ED)3(81)/2020:- On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, the competent authority is pleased to appoint the following candidates as officers of Provincial Management Service (BPS-17) (Rs.30370-2300-76370) subject to the terms & conditions mentioned hereunder :-

| Sr.# | Name of candidate with father's name | District/Agency of Domicile/Zone |
|------|---|----------------------------------|
| 1. | Ms. Tahreem Shah D/O Saad Sohail Shah | Abbottabad / 5 |
| 2. | Mr. Sajid Ullah S/O Rasool Shah | Karak / 4 |
| 3. | Mr. Ahmad Nasrullah Malik S/O Nasrullah Khan Malik | Hangu / 4 |
| 4. | Mr. Fida Hussain S/O Noor Hani Gul | Swat / 3 |
| 5. | Mr. Faisal Ismail S/O Muhammad Ismail | Swat / 3 |
| 6. | Syed Mehar Ali Shah S/O Syed Muhammad Ali Shah | Dir Lower / 3 |
| 7. | Mr. Muhammad Sohail S/O Muhammad Umer | Malakand / 3 |
| 8. | Ms. Farangis Azim D/O Muhammad Azim Khan | Peshawar / 2 |
| 9. | Mr. Atta Ullah S/O Sultan Mughal | Peshawar / 2 |
| 10. | Mr. Atif Afridi S/O Muhammad Khurshid Afridi | Khyber / 1 |
| 11. | Ms. Navaira Farooq D/O Muhammad Farooq | Haripur / 5 |
| 12. | Mr. Aamir Zeb S/O Alamzeb | Charsadda / 2 |
| 13. | Mr. Sadiq Ali S/O Muhammad Ismail | Charsadda / 2 |
| 14. | Mr. Tauseef ur Rehman S/O Sana ur Rehman | Peshawar / 2 |
| 15. | Mr. Muhammad Amir Khan S/O Sharif Ullah | Nowshera / 2 |
| 16. | Mr. Sheroz Rashid Ahmad Khan S/O Rashid Ahmad Khan | Lakki Marwat / 4 |
| 17. | Syed Muhammad Arslan S/O Mutahir Shah | Charsadda / 2 |
| 18. | Mr. Muhammad Bilal Naseer S/O Nasir Muhammad Khan | Swabi / 2 |
| 19. | Mr. Muhammad Fayaz S/O Muhammad Iqbal | Charsadda / 2 |
| 20. | Mr. Khalid Imran S/O Gul Nawab Khan | South Waziristan / 1 |
| 21. | Mr. Zyed Khan Safi S/O Ihsanullah Khan Safi | Mohmand / 1 |
| 22. | Mr. Muhammad Burq Awan S/O Tariq Awan | Manshara / 5 |
| 23. | Syeda Zainab Naqvi D/O Syed Ali Anjum Naqvi | Peshawar / 2 |
| 24. | Mr. Anis ur Rehman S/O Muhammad Dost | Chitral / 3 |
| 25. | Mr. Riaz Ali S/O Mehmood Khan | South Waziristan / 1 |
| 26. | Mr. Wasim Ullah Khan Khattak S/O Nasim Khan Nasim | Karak / 4 |
| 27. | Ms. Sonia Naz D/O Niaz Muhammad Khan | Nowshera / 2 |
| 28. | Mr. Shayan Ali S/O Muhammad Ali | Peshawar / 2 |
| 29. | Mr. Kabir Ahmad Khan S/O Bakhtyar | Swat / 3 |
| 30. | Mr. Adnan Khan S/O Muhammad Jun Monand | Mohmand / 1 |
| 31. | Mr. Sohail Ahmad Shah Bukhari S/O Sher Ahmad Shah Bukhari | D.I.Khan / 4 |
| 32. | Mr. Fahd Zia S/O Zia ul Islam | Manshara / 5 |
| 33. | Mr. Khayyum Nasir S/O Mirza Khan | Mohmand / 1 |

ATTESTED
ATTESTED

- 12

| | | |
|-----|---|----------------------------------|
| 34. | Mr. Haroon Salim S/O Muhammad Salim Khan | South Waziristan / 1 |
| 35. | Mr. Khizar Faiz S/O Faiz ur Rab | Swabi / 2 |
| 36. | Ms. Sana Shah D/O Syed Yousaf Shah | Mansehra / 5 |
| 37. | Mr. Asfandyar Khalid S/O Khalid Khan | Peshawar / 2 |
| 38. | Mr. Shahid S/O Ilam Shah | Kohat / 4 |
| 39. | Mr. Muhammad Ali S/O Mian Bahadar | Malakand / 3 |
| 40. | Mr. Inam Ullah S/O Asul Mir | North Waziristan / 1 |
| 41. | Mr. Awais Khan S/O Hidayat Ullah Khan | Mohmand / 1 |
| 42. | Mr. Sheroze Mufti S/O Mufti Attaullah Jan | Peshawar / 2 |
| 43. | Mr. Junaid Akbar Marwat S/O Muhammad Akbar Khan | Peshawar / 2 |
| 44. | Mr. Muhammad Shahbaz Khan S/O Ghulam Asif Khan | Peshawar / 2 |
| 45. | Mr. Irshad ul Haq S/O Ihsan ul Haq | Malakand / 3 |
| 46. | Mr. Muhammad Fasih Ishaq Abbasi S/O Muhammad Ishaq Abbasi | Abbottabad / 5 |
| 47. | Mr. Shahab Ahmad Khan S/O Shah Naraz Khan | Lakki Marwat / 4 |
| 48. | Mr. Junaid Khalid S/O Muhammad Khalid | Abbottabad / 5 |
| 49. | Mr. Amir Mustafa S/O Abduljabbar | Peshawar / 2 |
| 50. | Mr. Munir Ahmad Khan S/O Sharif Khan | Mohmand / 1 |
| 51. | Ms. Tania Shaheen D/O Muhammad Shaheen | Abbottabad / 5 |
| 52. | Syed Yasir Ali Shah S/O Shoukat Ali Shah | Peshawar / 2 |
| 53. | Mr. Muhammad Sohail Khan S/O Rajwali Khan | Nowshera / 2 |
| 54. | Ms. Mariam Hameed D/O Hameed Khan | Swabi / 2 |
| 55. | Mr. Salimullah Khan Ayubi S/O Amanullah Khan | Chitral / 3 |
| 56. | Mr. Kamran Khan S/O Farman Ullah | Malakand / 3 |
| 57. | Mr. Muhammad Hamid Siddique S/O Muhammad Siddique | Abbottabad / 5 |
| 58. | Mr. Saad Muneer S/O Muneer Ahmad | Mansehra / 5 |
| 59. | Ms. Sameera Saba D/O Wilayat Shah | Peshawar / 2 |
| 60. | Mr. Bilal Nasir S/O Nasir Ali | Mohmand / 1 |
| 61. | Mr. Sultan Noor ud Din Ahmar S/O Sultan Noor Ahmad | D.I.Khan / 4 |
| 62. | Mr. Luqman S/O Abdul Qadus | Tribal Sub Division Bannu / 1 |
| 63. | Mr. Muhammad Ahsan Tahir S/O Muhammad Tahir Farooq | Kohat / 4 |
| 64. | Mr. Allah Nawaz S/O Abdul Haseeb | Bajaur / 1 |
| 65. | Mr. Shahidullah S/O Ghani ur Rehman | Mardan / 2 |
| 66. | Mr. Shakeel Ahmad S/O Shah Zada | Bajaur / 1 |
| 67. | Mr. Hazrat Bilal S/O Hazrat Jamal | Mardan / 2 |
| 68. | Mr. Amir Ullah Khan S/O Shah Teman Khan | Tribal Sub Division Bannu / 1 |
| 69. | Mr. Riyaz Ahmad S/O Abdul Hamid Khan | Chitral / 3 |
| 70. | Mr. Sikandar Afzaal S/O Alamgeer Khan | Charsadda / 2 |
| 71. | Mr. Usman Hamza S/O Yaqoob Khan | Peshawar / 2 |
| 72. | Mr. Aftab Alam S/O Shah Muslim | Malakand / 3 |
| 73. | Mr. Naseer Abbas Khalil S/O Nausherawan | Peshawar / 2 |
| 74. | Mr. Muhammad Sajib S/O Gulzar Muhammad | Mardan / 2 |
| 75. | Mr. Noor Nawaz S/O Zerab Gul | Bajaur / 1 |
| 76. | Mr. Zarak Yar Khan Toru S/O Hanifullah Khan Toru | Mardan / 2 |
| 77. | Mr. Bagir Ali S/O Zulfiqar Ali | Mardan / 2 |
| 78. | Mr. Muhammad Idrees Khan S/O Saeed ur Rehman | Charsadda / 2 |
| 79. | Mr. Adnan Mumtaz S/O Mumtaz Khan | Karak / 4 |
| 80. | Mr. Noman Pervaiz S/O Muhammad Pervaiz | Swat / 3 |
| 81. | Ms. Misbah Waheed D/O Abdul Waheed Khan | Abbottabad / 5 |
| 82. | Syed Ahsan Ali Shah S/O Syed Liaqat Shah | Haripur / 5 |

UNTESTED
ATTESTED

| | | |
|------|---|----------------------|
| 83. | Mr. Junaid Shah S/O Bahramand | Malakand / 3 |
| 84. | Mr. Zeeshan Najeed S/O Najeed Ullah | Peshawar / 2 |
| 85. | Mr. Ishtiaq Ahmad S/O Said Muhammad | Bajaur / 1 |
| 86. | Mr. Shah Nawaz Khan S/O Wali Muhammad | Nowshera / 2 |
| 87. | Ms. Natasha Sumbal D/O Afsar Said | Mardan / 2 |
| 88. | Mr. Naveed Ahmed S/O Azizullah | Chitral / 3 |
| 89. | Mr. Umar Mukhtar S/O Ahmed Mukhtar | Peshawar / 2 |
| 90. | Ms. Mariam Burki D/O Mano Jan | South Waziristan / 1 |
| 91. | Mr. Muhammad Faizan Zeb S/O Aurungzeb | Abbottabad / 5 |
| 92. | Mr. Fawad Ahmad Khan S/O Mohabat Khan | Peshawar / 2 |
| 93. | Ms. Sabecha Hastam D/O Hastam Khan | Mardan / 2 |
| 94. | Mr. Aftab Ahmed S/O Muhammad Shuaib | Swat / 3 |
| 95. | Ms. Khaulia Haqdar D/O Muhammad Haqdar | Charsadda / 2 |
| 96. | Mr. Muhammad Ali S/O Muhammad Khurshid | Abbottabad / 5 |
| 97. | Ms. Sohny Saleem D/O Muhammad Saleem | D.I.Khan / 4 |
| 98. | Mr. Ramiz Ali Shah S/O Rafiqat Shah | Abbottabad / 5 |
| 99. | Mr. Umer Ahmad Khithran S/O Ghulam Ahmad | Tank / 4 |
| 100. | Mr. Aimal Khan S/O Muhammad Ilyas | Dir Lower / 3 |
| 101. | Mr. Jamshed Alam Khan S/O Muhammad Nawaz | Lakki Marwat / 4 |
| 102. | Ms. Haseena Khan D/O Baitullah Khan | Bannu / 4 |
| 103. | Mr. Sanaulah S/O Ghulam Rehman | Dir Lower / 3 |
| 104. | Ms. Brekhna Habib D/O Qazi Habib ul Haq | Nowshera / 2 |
| 105. | Mr. Nadir Nazar S/O Akbar Khan | Chitral / 3 |
| 106. | Mr. Nasir Ali S/O Abdul Ahad | Buner / 3 |
| 107. | Mr. Saddam Hussain S/O Jamshed Khan | Mohmand / 1 |
| 108. | Ms. Madecha Khan D/O Nisar Khan | Swabi / 2 |
| 109. | Ms. Nayab Abbasi D/O Khulig Dad Abbasi | Abbottabad / 5 |
| 110. | Mr. Shah Wali Khan S/O Saif Ullah Khan | South Waziristan / 1 |
| 111. | Mr. Waseem Yousuf Khan Khattak S/O Muhammad Yousuf Khan | Karak / 4 |
| 112. | Ms. Samia Jabeen D/O Muhammad Sharif | Lakki Marwat / 4 |
| 113. | Ms. Samira Mahsood D/O Abdul Hakeem Jun Mahsood | South Waziristan / 1 |
| 114. | Ms. Shagufta Sarwar D/O Hakim Sarwar | Chitral / 3 |
| 115. | Ms. Sana Fatima D/O Syed Wajid Ali | Abbottabad / 5 |
| 116. | Ms. Sahar Anwar Khan D/O Muhammad Anwar | Swabi / 2 |
| 117. | Ms. Sanovia Kakar D/O Shad Pervez | Peshawar / 2 |
| 118. | Ms. Misbah Khalid D/O Khalid Khan | Mansehra / 5 |
| 119. | Ms. Sara Humayoun D/O Muhammad Humayoun | Swat / 3 |
| 120. | Ms. Shawana Haleem D/O Rohaleem Jan | Bajaur / 1 |
| 121. | Ms. Christina Zeb ul Nisa Feroz D/O Sikandar Feroz | Peshawar / 2 |
| 122. | Mr. Fawad Ahmad S/O Khosh Wali | Chitral / 3 |
| 123. | Mr. Adnan Haider Malooki S/O Abdur Rashid Khan | Peshawar / 2 |

TERMS & CONDITIONS

- They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and the Rules made thereunder.
- The appointed officers shall remain on probation for a period of one year, in terms of Section 6(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which is extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of the rules ibid.

3
ATTESTED

ATTESTED

- 14
- c) Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation if their performance during this period is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, pay for one month shall be forfeited.
- d) They will not be entitled to any TA/DA on their first appointment as Provincial Management Service (BS-17) officers.

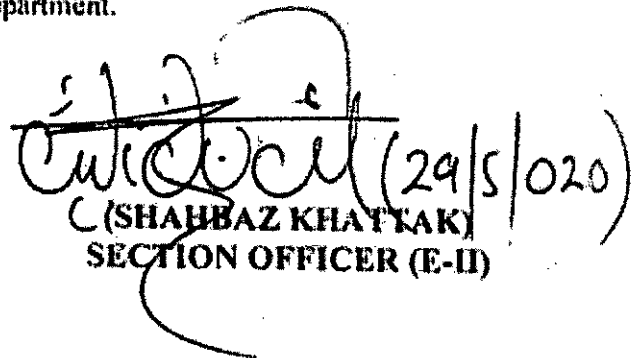
2- If the above terms & conditions are acceptable to them, they should report to the Director General, Pakistan Provincial Services Academy, Peshawar on 02nd June, 2020 (F.N).

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST. NO. AND DATE EVEN.

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Pakistan Provincial Services Academy, Peshawar with reference to letter No. PPSA/TRG/C-86/939, dated: 19.05.2020.
3. Director Examination, Khyber Pakhtunkhwa Public Service Commission, 2 Fort Road Peshawar Cantt with reference to letter No.PSC-PMS-EXAM-2018/004947 dated: 28.02.2020.
4. Deputy Secretary (Admn.), Administration Department.
5. SO(Secret)/SO(Admn)/S.O.(Budget)/E.O/Programmer/Librarian,E&AD.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department.
8. PS to Secretary Administration Department.
9. PS to Secretary Finance Department.
10. PS to Special Secretary(Estt), Establishment Department.
11. PA to Deputy Secretary(Estt) Estt: Dept.
12. Manager, Govt. Printing Press Peshawar.
13. All candidates concerned.
14. Office order file.


C (SHAHBAZ KHATTAK)
SECTION OFFICER (E-II)

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

-15-

Annex D

Dated Peshawar, the July 02, 2020

NOTIFICATION

NO.SO.E.II(ED)2(192)2020: The Competent Authority, on the recommendations of the Provincial Selection Board in its meeting held on 09.06.2020, is pleased to promote the following Tehsildars (BS-16) to the post of Provincial Management Service (BS-17), on regular basis with immediate effect:-

| S.No. | NAME OF OFFICERS | PRESENT POSTING |
|-------|-------------------------|--|
| 01. | Mr. Hidayatullah | Additional Assistant Commissioner-II (OPS), Bannu |
| 02. | Mr. Abdur Rehman Shah | Awaiting for posting in Establishment Department. |
| 03. | Syed Mir Laiq Shah | Tehsildar, Board of Revenue. |
| 04. | Mr. Muhammad Junaid | Additional Assistant Commissioner-III (OPS), Bannu |
| 05. | Mr. Shah Behram | Additional Assistant Commissioner-II (OPS), Daraban, D.I.Khan. |
| 06. | Mr. Faiz Ahmad Qureshi | Additional Assistant Commissioner-II (OPS), Chitral |
| 07. | Mr. Abdul Muqsit | Additional Assistant Commissioner (Razar) (OPS), Swabi. |
| 08. | Mr. Jehan Said | Additional Assistant Commissioner-I (OPS), Charsadda |
| 09. | Mr. Sahib Zada | Land Acquisition Collector (OPS), SNGPL on deputation basis. |
| 10. | Mr. Zahid Kamal | Tehsildar, Board of Revenue. |
| 11. | Mr. Habib Ahmad Jan | Asstt to Commissioner (Pol/Dev:) (OPS), Malakand Division. |
| 12. | Mr. Muhammad Yar | Additional Assistant Commissioner-VIII (Matta), (OPS) Swat. |
| 13. | Syed Sultan Haider Shah | Additional Assistant Commissioner-I (OPS), Lakki Marwat |
| 14. | Mr. Aftab Ahmad | Additional Assistant Commissioner (OPS), Jamrud. |
| 15. | Mr. Dil Nawaz Khan | Additional Assistant Commissioner, Shabqadar (OPS) Charsadda. |
| 16. | Mr. Faqir Hussain | Additional Assistant Commissioner-III (OPS), Charsadda |
| 17. | Mr. Zulfiqar Khan | Additional Assistant Commissioner (Rev) (OPS), Bannu. |
| 18. | Mr. Waqar Ahmad | Additional Assistant Commissioner (OPS), Kolai Pallas. |

Contd....Page-2

ATTESTED

D

2. The Officers on promotion shall remain on probation for a period of one year extendable for another year, in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

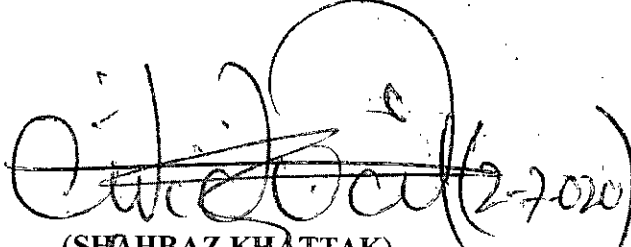
3. The officer mentioned at S.No. 01, 04 to 08 and 11 to 18 are allowed to actualize their promotion against their already occupied posts. However, posting / transfer notification in respect of officers mentioned at S.No. 02, 03, 09 & 10 will be issued later on.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST: NO. & DATE EVEN

A copy is forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Concerned Commissioners.
5. Accountant General, Khyber Pakhtunkhwa.
6. All Concerned Deputy Commissioners.
7. All concerned District Accounts Officers:
5. Deputy Director (I.T), Administration Department with request to upload the Notification on official website.
6. S.O (Secret) / S.O (Admn) / E.O, E&A Department.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary, Establishment Department
9. Officers concerned.
10. Office order file.
11. Personal files of the officers concerned.


(SHAHBAZ KHATTAK)
SECTION OFFICER (E-II)

3/1/2020

ITEM NO (03)

ESTABLISHMENT DEPARTMENT

(Meeting of PSB held on 09.06.2020)

SUBJECT: **PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS BS-17**

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 153 where 98 officers are already working. Hence 55 posts of PMS BS-17 are lying vacant. The Board considered promotion against 53 posts by excluding 02 posts vacated due to conditional retirement of the officers in wake of Peshawar High Court judgment dated 19.02.2020.

2. According to the Provincial Management Service Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute"

3. The service record of the officers included in the panel were discussed as follows:-

| S# | NAME OF OFFICER | RECOMMENDATIONS OF THE BOARD |
|----|--------------------------|--|
| 1. | Mr. Muhammad Ikramullah. | His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that a case is pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available. The Board recommended to defer his promotion. |
| 2. | Mr. Kiramatullah. | His date of birth is 20.1.1961. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that he opted to forego his promotion twice, once on 02.01.2012 and again on 14.11.2017. His case was considered in terms of Rule 7(5) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which provides that if a civil servant declines to avail the benefit of promotion for |

ATTESTED

F

| | | |
|-----|---------------------|---|
| | | <p>prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 43. | Mr. Aftab Ahmed. | <p>His date of birth is 08.12.1982. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 44. | Mr. Dil Nawaz Khan. | <p>His date of birth is 22.03.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 45. | Mr. KifayatUllah. | <p>His date of birth is 09.01.1977. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in a disciplinary proceedings and on acceptance his appeal by Service Tribunal, he was conditionally reinstated into services as Niab Tehsildar subject to the final decision of pending CPLA in the Supreme Court of Pakistan. Similarly his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.</p> |

ATTESTED

| | | |
|-----|--------------------|---|
| | | <p>The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then.</p> |
| 46. | Mr. Faqir Hussain. | <p>His date of birth is 10.10.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 47. | Mr. Zulfiqar Khan. | <p>His date of birth is 15.04.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 48. | Mr. Waqar Ahmad. | <p>His date of birth is 24.04.1980. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |

ATTESTED

To

The worthy Chief Minister,
Khyber Pakhtunkhwa
Chief Minister's Secretariat, Peshawar.

- 19

Annex 'F'

Through Proper Channel

Subject: Departmental Review against the Notification dated 02.07.2020.

Respected Sir,

1. **That** the appellant is serving as Tehsildar and placed at Serial No.45 of the updated Seniority List. He rendered meritorious service in the Department.
2. **That** previously he was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 and was imposed upon major penalty of removal from service which was challenged before the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.1099/2014 which was allowed vide Judgment dated 20.11.2015 (**Annex;- 'A'**). The appellant was reinstated into service. Being aggrieved, the Department had preferred CPLA before the Apex Court which is pending.
3. **That** PMS posts (BPS-17) were lying vacant in the Promotion quota for Tehsildars, for which the names of eligible Officers were processed for promotion. The meeting of PSB was scheduled on 20.02.2020 but unfortunately on the same day, the meeting was postponed (**Annex;- 'B'**) due to the decision delivered by the Peshawar High Court setting aside the Act of Provincial Assembly enhancing the age of retirement to 63 years. Since the appellant apprehended that the nominees of Public Service Commission may, in the meanwhile be appointed, therefore, a request was made to the Department to re-schedule the PSB as soon as possible but the same could not be held, therefore, a Writ Petition was filed in the High Court which is pending. In the meantime the Public Service Commission nominees were appointed as PMS Officers (BPS-17) vide Notification dated 29.05.2020 (**Annex;- 'C'**).
4. **That** subsequently, another meeting of the PSB was held on 09.06.2020 and vide impugned Notification dated 02.07.2020 (**Annex;- 'D'**) other colleagues of the appellant were promoted to the next higher grade while the appellant was deferred on account of pendency of the CPLA before the Apex Court and that his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.
5. **That** being aggrieved, the appellant prefers this Departmental Representation inter-alia on the following grounds:-

GROUND:

- A. **That** the ground of deferment of the appellant for promotion to the next higher grade is not legally correct and therefore, not sustainable in the eye of law.
- B. **That** the Judgment of a forum is fully operative until and unless the same is suspended by a higher forum and pendency of an appeal simplicitor is no ground muchless legal to deprive a person from the benefit of the judgment. Even filing of the appeal before the Supreme Court will not prevent the execution of the Judgment under Order-20 Rule-1 of the Supreme Court Rules, 1980 (**Annex;- 'E'**).
- C. **That** previously the appellant was promoted to the post of Tehsildar subject to the decision of the same CPLA, therefore, not promoting him on the same ground is

ATTESTED

F

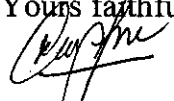
beyond comprehension.

- 20

- D. **That** previously other Officers namely Fazal Hussain, Ghulam Habib, Habib Arif, Atta-ur-Rahman were promoted to the next higher grade inspite of the fact that their CPLAs were pending against them in the Apex Court.
- E. **That** promotion is effected under Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section-7(3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 wherein no such conditionality is provided. Similarly, under Para-V(a) of the Promotion Policy, the deferment is only provided where (i) the inter-se seniority is disputed/subjudice; (ii) disciplinary or departmental proceedings are pending; (iii) PER Dossier etc. is incomplete. Thus the non-promotion of the appellant is neither supported by the law nor the Policy governing the promotion.
- F. **That** the removal from service of the appellant was neither factually correct nor legally sustainable. It was a false and concocted case which was subsequently disbelieved by the competent court of law and thus brushed aside, therefore, the same was illegally made ground for the deferral of the appellant.
- G. **That** the appellant was also entitled for promotion on 20.02.2020 when the promotion was not effected due to the decision of the High Court as explained hereinabove. The settled law on the point is that a civil servant is entitled for promotion with effect from the date of occurrence of vacancy and since the vacancies were available on the date of the previous PSB i.e. 20.02.2020, therefore, appellant is entitled for promotion with effect from 20.02.2020.
- H. **That** the non-consideration of the appellant for promotion by the PSB on 20.02.2020 was not due to any act on the part of the appellant, therefore, the appellant may not be made to suffer on that account.

It is, therefore, respectfully prayed that on acceptance of this Departmental Representation, the appellant may graciously be promoted to PMS Officer (BPS-17) with effect from 20.02.2020 with all back benefits after modifying the impugned Notification dated 02.07.2020.

Yours faithfully


Kifayatullah,
Tehsildar, Peshawar

Dated: 20/07/2020


ATTESTED



- 21

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.**

No. Estt:I/PF/Kifayatullah/ 26422
Peshawar dated the 13 /10/2020.

To

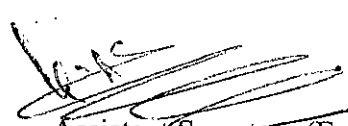
Annex 3

Mr. Kifayatullah,
Tehsildar Reconciliation Peshawar.

Through: Deputy Commissioner Peshawar.


**SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION
DATED 02.07.2020.**

Your Departmental Appeal has been examined and dismissed by the Chief Secretary Khyber Pakhtunkhwa (appellate authority) vide order No. SOE-II/(ED)2 (192)2020 dated 22.09.2020 (copy enclosed).


Assistant Secretary (Estt:)

No. Estt:I/PF/Kifayatullah/ _____

Copy forwarded to the Section Officer (E-II), Establishment Department with reference to his order cited above.


Assistant Secretary (Estt:)

ATTESTED

9

- 82

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**



| |
|----------------|
| PS:SMBR |
| Div No: 4495 |
| Date: 24/9/20 |
| Govt: Peshawar |

Dated Peshawar the September 22, 2020

ORDER

NO.SO.E-11(ED)2(192)2020: WHEREAS Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar filed a departmental appeal wherein he raised the following objections;

- i. That he was at S.No.45 of the seniority list of Tehsildars and was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. But, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again rescheduled on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred on account of pendency of CPLA before the apex court and that his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.
- iii. That previously other officers namely Mr. Fazal Husain, Ghulam Habib, Habib Arif, Atta-ur-Rehman were promoted to the next higher grade inspite of the fact that CPLAs were pending against them in the Apex court.

AND WHEREAS Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

AND WHEREAS PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers.

AND WHEREAS contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service

ATTESTED

AS (GSH)

Secy-I
25-9-20

Secy-I
25/9/20

Secy-I

MBR-III
25/9/20

Secy-I

SMBR
24/9/20

Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

AND WHEREAS contrary to the assertion of the applicant on perusal of the minutes of the PSB meeting held on 09.06.2020 was revealed that *“he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to the Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.*

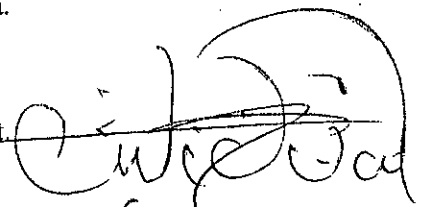
AND WHEREAS the claim of the applicant regarding promotion of other officers to the post of PMS BS-17 despite a pending CPLAs is not justifiable. The working papers and minutes of the PSB meeting held on 29.12.2009 in which the officers who the applicant refer to; were considered for their promotion to the post of PMS BS-17 it is revealed that there was no CPLA pending against any of them.

NOW THEREFORE, after due consideration of all the points voiced in the appeal and record, rules / policies in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst. No. & Date even
Copy forwarded to the:-

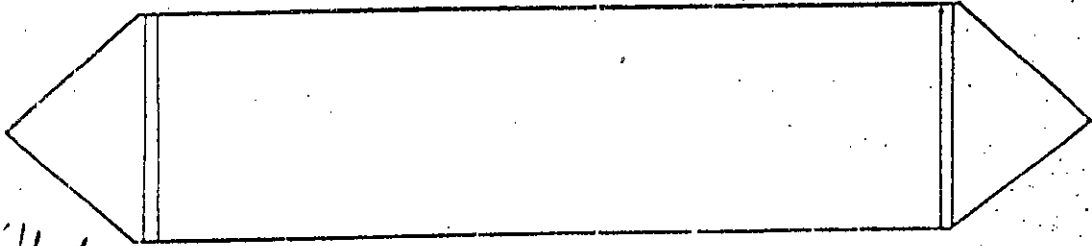
1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department
6. Official concerned.
7. Manager, Government Printing Press.



**(SHAHBAZ KHATTAK)
SECTION OFFICER
(ESTABLISHMENT-II)**

ATTESTED

بعدالت سرسبز پورہ



2020ء پنجاب ایسٹرن

کفایت اللہ بنام حکومت

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام _____ کیلئے حکومت گوانا کے عضو کے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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 کارروائی 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ مندر ہے۔

المرقوم 21 _____ ماہ اکتوبر 2020

_____ واہ العبد

بمقام _____ کے لئے منظور ہے۔

(Handwritten signature)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 12449/2020

KifayatUllahAppellant

Versus

Govt. of Khyber Pakhtunkhwa & OthersRespondents

INDEX

| S. # | Description of Documents | Annex/Flag | Pages |
|-------------|---|-------------------|--------------|
| 1. | Parawise Comments | | 1-5 |
| 2. | Minutes of the PSB Meeting dated 09.06.2020 | I | 6-8 |
| 3. | Order dated 22.09.2021 passed on the Appeal | II | 9-10 |
| 4. | Major Penalty Notification dated 26.05.2014 | III | 11 |
| 5. | Promotion Policy | IV | 12 |

Mr. Kifayatullah,
Tehsildar, Peshawar(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, Establishment Department Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law/time.
5. That this Honourable Tribunal lacks jurisdiction in the matter under Section 4(b)(i) of the Service Tribunal Act, 1974.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for mis /non-joinder of necessary parties.
10. That the instant appeal is hit by Section 4 (b) (i) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.
11. That the appeal is hit by laches.

ON FACTS:

1. **Correct** to the extent that he joined Govt service on 02.02.2009. His claim regarding meritorious performance is not substantiated in his service record. While serving as Naib Tehsildar, he was proceeded against, under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule, 2011, and was penalized with major penalty of *removal from service*. However, after acceptance of his appeal in Honourable Service Tribunal, he was re-instated into service in light of Judgment dated 20.11.2015. Later on, he was conditionally promoted as Tehsildar (BS-16) on 17.01.2019.
2. **Correct** to the extent that the appellant was proceeded against under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 on account of misconduct and major penalty of removal from service was imposed upon

him. However, he filed appeal before Service Tribunal, which was accepted and he was conditionally re-instated into services as Naib Tehsildar subject however, to final decision in the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to Tehsildar on 17.01.2019 was also conditional to final decision of Supreme Court of Pakistan. The Board, therefore, decided to wait for outcome of CPLA and keep him under watch till that time as there existed no rule or logical justification on basis of which two consecutive promotions could be made conditionally (**Annex-I**).

3. **Correct** to the extent that the PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. Consequently, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers. However, the process of recruitment of PMS Officer (BS-17) through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicate that no parallel can be drawn between initial recruitment and promotion of the applicants.
4. **Correct** to the extent that next meeting of PSB was held on 09-06-2020. However, the Provincial Selection Board was informed about his conditional re-instatement as Naib Tehsildar and subsequent conditional promotion as Tehsildar (BS-16) on 17.01.2019. Thus, it was decided to wait for the outcome of CPLA filed in the Supreme Court of Pakistan and keep him under watch till then.
5. **Correct** to the extent that being aggrieved the appellant filed departmental appeal before competent authority for consideration of his promotion to PMS BS-17 w.e.f 20.02.2020. The appeal was processed and after due consideration of all the points

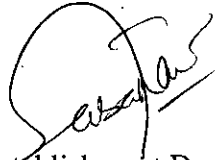
85
raised in the appeal and record, rules / policies in vogue, the competent authority found no reason to accept the request of the applicant, hence regretted the appeal being devoid of merit (Annex-II).

GROUND:

- A. **Incorrect.** The appellant has been treated in accordance with law, rules and policy on subject. Article-4 ensures the protection of law and the appellant has been treated under the Promotion Policy specified for the civil servants for promotion to higher grade clearly saying that *the promotion of a civil servant will be deferred, if the PER dossier is incomplete or any other document/ information required by the PSB / DPC for determining his suitability for promotion is not available for reasons beyond his control.* In the instant case PSB being the competent forum decided to wait for the outcome of CPLA and keep him under watch till then.
- B. **Incorrect.** Filing CPLA against any judgment is the legal right of the respondents. Therefore, the appellant is falsely blaming the department as his promotion has been deferred in light of the Rule-V(a)(ii) of the promotion policy clearly saying *Promotion of the Civil Servant will be deferred if disciplinary or departmental proceedings are pending against him.* Therefore, pendency of CPLA before the Hon'ble Apex Court is a valid ground for deferment of promotion.
- C. **Incorrect.** Contrary to the assertion of the applicant, on perusal of the minutes of the PSB meeting held on 09.06.2020, it revealed that he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to the Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.
- D. **Correct** to the extent that the appellant after acceptance of appeal in Service Tribunal was re-instated in service as Naib-Tehsildar on 15-02-2016 subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Later on, he was conditionally promoted as Tehsildar on 17.01.2019. The Board, therefore, took the decision to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.

- E. **Incorrect.** The claim of the appellant is groundless as the working papers and minutes of the PSB meeting held on 29.12.2009 reveal that the officers referred to by the applicant namely Fazal Hussain, Ghulam Habib, Habib Arif, Atta-ur-Rehman; were considered for their promotion to the post of PMS BS-17 as there was no CPLA pending against any one of them.
- F. **Incorrect.** As per promotion policy of the Khyber Pakhtunkhwa Civil Servants Act, 1973, deferment of the appellant is clear saying therein that *the promotion of a civil servant will be deferred, if the PER dossier is incomplete or any other document/information required by the PSB / DPC for determining his suitability for promotion is not available for reasons beyond his control.* In the instant case PSB being the competent forum, decided to wait for the outcome of CPLA and keep him under watch till then.
- G. **Incorrect.** Board of Revenue & Estate Department had proceeded against the appellant while serving as Naib Tehsildar, Land Acquisition, Charssada under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 while considering the gravity of misconduct i.e abusing and physically assaulting a female as conduct unbecoming of a Government Servant and a gentleman. After having examined the evidence produced, statements of accused official, findings of Inquiry Officer and personal hearing, the charges stood proved against him and major penalty of removal from service was imposed upon him as is evident from the notification dated 26-05-2014 (**Annex-III**).
- H. **Incorrect.** The PSB scheduled on 20-02-2020 was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019 and was not scheduled again till 09.06.2020. The decision of PSB meeting regarding deferment of the appellant from promotion and keeping him under watch was the direct consequence of non-availability of the decision of pending CPLA filed in the Supreme Court of Pakistan; having no concern with vacant position. Moreover, the promotion policy is applicable on eligible civil servants and come into effect immediately.
- I. **Incorrect.** Promotion policy has prescribed eligibility criteria for promotion of the civil servants to higher posts. The appellant whose promotion has been deferred due to pending decision of CPLA; is ought to be considered for promotion as soon as the reason for deferment cease to exist (**Annex-IV**).
- J. No comments.

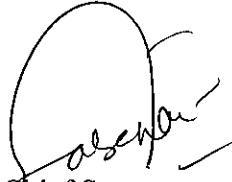
It is, therefore, most humbly prayed that on acceptance of these parawise comments, the instant Appeal may very graciously be dismissed with costs.



Secretary, Establishment Department
Khyber Pakhtunkhwa
(Respondent No. 2)



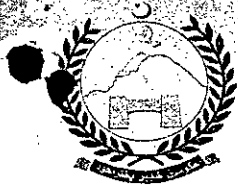
Senior Member Board of Revenue
Khyber Pakhtunkhwa
(Respondent No. 3)



Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

86
17/91



Dated Peshawar the September 22, 2020

ORDER

NO.SOE-II(ED)2(192)2020: WHEREAS Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar filed a departmental appeal wherein he raised the following objections;

- i. That he was at S.No.45 of the seniority list of Tehsildars and was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. But, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again rescheduled on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred on account of pendency of CPLA before the apex court and that his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.
- iii. That previously other officers namely Mr. Fazal Husain, Ghulam Habib, Habib Arif, Atta-ur-Rehman were promoted to the next higher grade inspite of the fact that CPLAs were pending against them in the Apex court.

AND WHEREAS Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

AND WHEREAS PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers.

AND WHEREAS contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service

87/92/
Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

AND WHEREAS contrary to the assertion of the applicant on perusal of the minutes of the PSB meeting held on 09.06.2020 was revealed that *"he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to the Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.*

AND WHEREAS the claim of the applicant regarding promotion of other officers to the post of PMS BS-17 despite a pending CPLAs is not justifiable. The working papers and minutes of the PSB meeting held on 29.12.2009 in which the officers who the applicant refer to; were considered for their promotion to the post of PMS BS-17 it is revealed that there was no CPLA pending against any of them.

NOW THEREFORE, after due consideration of all the points voiced in the appeal and record, rules / polices in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst. No. & Date even

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department.
6. Official concerned.
7. Manager, Government Printing Press.


**(SHAHBAZ KHATTAK)
SECTION OFFICER
(ESTABLISHMENT-II)**



Annex - II
**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the September 22, 2020

86
17/91

ORDER

NO.SOE-II(ED)2(192)2020: WHEREAS Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar filed a departmental appeal wherein he raised the following objections;

- i. That he was at S.No.45 of the seniority list of Tehsildars and was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. But, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again rescheduled on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred on account of pendency of CPLA before the apex court and that his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.
- iii. That previously other officers namely Mr. Fazal Husain, Ghulam Habib, Habib Arif, Atta-ur-Rehman were promoted to the next higher grade inspite of the fact that CPLAs were pending against them in the Apex court.

AND WHEREAS Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

AND WHEREAS PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers.

AND WHEREAS contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service

87/92/
Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

AND WHEREAS contrary to the assertion of the applicant on perusal of the minutes of the PSB meeting held on 09.06.2020 was revealed that "he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to the Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.

AND WHEREAS the claim of the applicant regarding promotion of other officers to the post of PMS BS-17 despite a pending CPLAs is not justifiable. The working papers and minutes of the PSB meeting held on 29.12.2009 in which the officers who the applicant refer to; were considered for their promotion to the post of PMS BS-17 it is revealed that there was no CPLA pending against any of them.

NOW THEREFORE, after due consideration of all the points voiced in the appeal and record, rules / polices in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst. No. & Date even

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department.
6. Official concerned.
7. Manager, Government Printing Press.


**(SHAHBAZ KHATTAK)
SECTION OFFICER
(ESTABLISHMENT-II)**

Peshawar dated 26/05/2014

88
93

NOTIFICATION

No. Estt. V/Kifayatullah/111/19. WHEREAS Mr. Kifayatullah, Naib Tehsildar Land Acquisition, Charsadda was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in Charge Sheet and Statement of Allegations dated 19-02-2014.

AND WHEREAS Capt. (Rtd) Munir Azam, Commissioner Peshawar Division was appointed as Inquiry Officer to probe charges leveled against the said official, and submit findings and recommendations.

AND WHEREAS the Inquiry Officer after having examined the charges, evidence produced before him and statements of accused official, submitted his report whereby the charges of using abusive language and physically assaulting the complainant, a female, while waiting in office of Assistant Commissioner Charsadda in connection with fact finding enquiry, stand proved.

AND WHEREAS I, Waqar Ayub, Senior Member Board of Revenue, after having examined the charges, evidence produced, statements of accused official, findings of Inquiry Officer, and after personal hearing of the accused official concur with the findings and recommendations of the Inquiry Officer.

NOW THEREFORE while considering the gravity of misconduct i.e. abusing and physically assaulting a female as conduct unbecoming of a Government Servant and a gentleman, and prejudicial to service discipline, I as Competent Authority, in exercise of powers conferred under Rule 4(b)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 impose the major penalty of Removal from service upon Mr. Kifayatullah, Naib Tehsildar Land Acquisition Charsadda.

Waqar Ayub

Senior Member

No. Estt: V/Kifayatullah/111/19-26

Copy forwarded for information & appropriate action to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar Cantt.
2. Commissioner Peshawar Division, Peshawar.
3. Deputy Commissioner, Charsadda.
4. District Accounts Officer, Charsadda.
5. Private Secretary to Senior Member Board of Revenue, Peshawar.
6. Official concerned.
7. Personal File.

[Signature]
Assistant Secretary (Estt.)

Annex - IV

Promotion Policy

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

I. Length of service.

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

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

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

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

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

Basic Scale 19 : 7 years' service in BS-18

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

II. Linking of promotion with training:

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

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20
- National Management Course at National Management College, Lahore for promotion to BS-21

(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely

89
—
94
—

pending against him. His PER dossier
service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS
BS-17 on regular basis. He will be on probation for a period
of one year.

24
89

43. Mr. Aftab Ahmed.

His date of birth is 08.12.1982. He joined government
service on 02.02.2009. He was promoted from Naib
Tehsildar as Tehsildar on 17.01.2019. He has undergone
mandatory training for promotion. He has completed
prescribed length of service for promotion. No inquiry is
pending against him. His PER dossier is complete. His
service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS
BS-17 on regular basis. He will be on probation for a period
of one year.

44. Mr. Dil Nawaz
Khan.

His date of birth is 22.03.1979. He joined government
service on 02.02.2009. He was promoted from Naib
Tehsildar as Tehsildar on 17.01.2019. He has undergone
mandatory training for promotion. He has completed
prescribed length of service for promotion. No inquiry is
pending against him. His PER dossier is complete. His
service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS
BS-17 on regular basis. He will be on probation for a period
of one year.

45. Mr. KifayatUllah.

His date of birth is 09.01.1977. He joined government
service on 02.02.2009. He was promoted from Naib
Tehsildar as Tehsildar on 17.01.2019. The Board was
informed that he was removed from service in a disciplinary
proceedings and on acceptance his appeal by Service
Tribunal, he was conditionally reinstated into services as
Niab Tehsildar subject to the final decision of pending CPLA
in the Supreme Court of Pakistan. Similarly his promotion
as Tehsildar on 17.01.2019 was also conditional subject to
the said CPLA.


ATTESTED

-18

90 85 40

| | | |
|-----|--------------------|---|
| | | <p>The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then.</p> |
| 46. | Mr. Faqir Hussain. | <p>His date of birth is 10.10.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 47. | Mr. Zulfiqar Khan. | <p>His date of birth is 15.04.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 48. | Mr. Waqar Ahmad. | <p>His date of birth is 24.04.1980. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 12449/2020

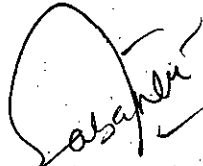
KifayatUllahAppellant

Versus

Govt. of Khyber Pakhtunkhwa & Others Respondents

INDEX

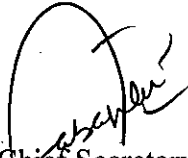
| S. # | Description of Documents | Annex/Flag | Pages |
|-------------|---------------------------------|-------------------|--------------|
| 1. | Stay Application Reply | | 1-2 |



Secretary, Establishment Department
Khyber Pakhtunkhwa
(Respondent No. 2)



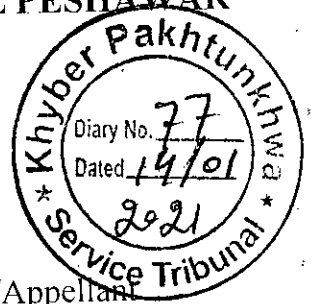
Senior Member Board of Revenue
Khyber Pakhtunkhwa
(Respondent No. 3)



Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020



Kifayatullah, Tehsildar, Peshawar Applicant/Appellant

Versus

The Govt. of KPK and others Respondents

Application for restraining the Respondents from filling the posts of Provincial Management Service (BPS-17) till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is pending before the Hon'ble Tribunal which is fixed for hearing today.
2. That vide impugned Notification dated 02.07.2020 (Annexure-D, Page-15 of the main Service Appeal) whereby appellant was considered for the subject promotion but was not recommended on the misplaced ground of pendency of CPLA before the Hon'ble Supreme Court of Pakistan and juniors to him were promoted against the post of PMS (BPS-17).
3. That now again Respondents have processed the promotion cases of the incumbents wherein appellant was not considered for promotion inspite of the fact as held by the Superior Courts that albeit promotion is not a vested right of a civil servant but consideration for promotion is a vested right.
4. That despite fact that matter is subjudice before this Hon'ble Tribunal wherein reply was also sought from the Respondent Department, the Respondents have again processed the promotion cases of PMS Officers with malafide intention and for the sole purpose to dig the appellant into lengthy litigation.
5. That if the Respondents are not restrained from carrying on selection process then the appellant will suffer irreparable loss as the very purpose of

*Set up to
The court
Request
14/1/2021*

Recd

the instant appeal would fizzle out and the same would become infructuous, as appellant will be rendered junior to his juniors.

6. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/appellant.

It is, therefore, humbly prayed that on acceptance of this application, the Respondents may graciously be restrained from issuing Notification of promotion of PMS Officers (BPS-17) till the final disposal of the instant appeal.

Through.

Applicant

Khaled Rahman

Advocate,
Supreme Court of Pakistan

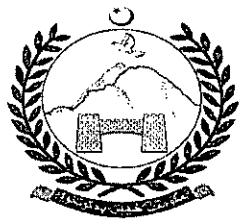
Dated: ____/01/2021

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

[Signature]
Applicant/Appellant

3-



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2020/(5)
Dated Peshawar, the 29.12.2020

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.12.2020 at 1100 hours under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

[Signature] 29/12/2020
SECTION OFFICER (PSB)

[Handwritten initials]

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

[Signature] 29/12/2020
SECTION OFFICER (PSB)

[Handwritten initials]

Endst. of even No. & date.

A copy is forwarded to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Zakat & Usher Department
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Information PRs Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Health department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education department.
5. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation department.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa, Mineral Development department.
9. The Chairman, Provincial Inspection Team, Khyber Pakhtunkhwa.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education department.

They are requested to kindly attend meeting of the PSB to be held on 30.12.2020 at 1100 hours in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

 29/12/2020
SECTION OFFICER (PSB)

Endst of even No. & date.

A copy is forwarded to: -

1. The Section Officer (E-I) / (E-II) / (Secret), Establishment Department.
2. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.

 29/12/2020
SECTION OFFICER (PSB)

**AGENDA OF THE PSB MEETING
TO BE HELD ON 30.12.2020 AT 1100 HOURS.**

| | Description of cases | Panel | Posts | Deptt |
|-------|---|-------|-------|-------------------------|
| 1. | Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post Deputy Administrator/Senior District Zakat Officer BS-18. | 07 | 03 | Zakat |
| 2. | Promotion of Deputy Director Information / PRO to Governor / Station Director BS-18 to the post of Director Information BS-19 on regular basis | 04 | 02 | Information |
| 3. | Promotion of Member of Service Management Cadre BS-18 to the post of Member of Service BS-19 in Health Department | 20 | 52 | Health |
| 4. | Promotion of Assistant Professor Community Medicine BS-18 to the post of Associate Professor Community Medicine BS-19, SMC Swat | 01 | 01 | Health |
| 5. | Promotion of Senior District Specialist Radiology BS-19 to the post of Chief District Specialist Radiology BS-20 | 01 | 04 | Health |
| 6. | Proforma promotion of Mr. Muhammad Sharif (Retired) Associate Professor BS-19 to the post of Professor BS-20, Higher Education Department | 01 | 01 | HED |
| 7. | Proforma promotion in COC No. 623-P/2019 in W.P No.1160-P/2013 Nighat Shehnaz Vs Govt. of Khyber Pakhtunkhwa. | 01 | 01 | HED |
| 8. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 Irrigation Department | 03 | 03 | Irrigation |
| 9. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 02 | 03 | Irrigation |
| 10. | Promotion of Assistant Engineer / Sub Divisional Officer BS-17 to the post of Executive Engineer BS-18 | 06 | 03 | Irrigation |
| 11. | Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18 | 02 | 01 | Irrigation |
| 12. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 | 09 | 04 | PHE |
| 13. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 16 | 7 | PHE |
| 14. | Promotion of Assistant Director BS-17 to the post of Deputy Director R&D BS-18 | 02 | 01 | Environment |
| 15. | Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in EPA | 06 | 04 | Environment |
| 16. | Promotion of GIS Development Officer BS-17 to the post of Deputy Director GIS BS-18. | 02 | 01 | Mineral Dev. Department |
| 17. | Proforma promotion of Muhammad Shoaib, Ex-Deputy Director Exploration BS-18 to the post of Director Exploration BS-19 in pursuance of Services Tribunal judgment dated 17-01-2018 | 01 | 01 | Mineral Dev. Department |
| 18. | Promotion of Mr.Liaqat Ali, Member BS-18 to the post of Member Enquiries BS-19, Provincial Inspection Team | 01 | 01 | PIT |
| 19. | Appointment of Mr.Khalid Khan, Research Officer BS-17 to the post of Member BS-18 on acting charge basis, Provincial Inspection Team | 02 | 01 | PIT |
| 20. | Promotion of BS-17 Officers of Livestock and Dairy Development Department (Extension Wing) to BS-18. | 04 | 02 | Agriculture |
| 21. | Promotion of BS-17 officers to BS-18 of Agriculture Department (Extension Wing) | 10 | 05 | Agriculture |
| 22. | Promotion of Statistical Officer BS-17 to the post of Statistician BS-18, Directorate of Crop Reporting Services | 11 | 08 | Agriculture |
| 23. | Promotion of officers of Agriculture Research Wing from BS-17 to 18. | 09 | 04 | Agriculture |
| 24. | Promotion of Inspector of Boilers BS-17 to the post of Chief Inspector of Boilers BS-18 | 01 | 01 | Industries |
| 25. | Promotion from BS-18 TO BS-19 (Male) (Teaching Cadre) | 114 | 68 | E&SE |
| 26. | Working paper for appointment on acting charge basis of Deputy DEOs / Deputy Directors BS-18 to District Education Officer / Additional Director BS-19 (Management Cadre) | 18 | 17 | E&SE |
| 27. | Promotion of Instructor Physical Education BS-17 to the post of Senior Instructor Physical Education BS-18 | 81 | 66 | E&SE |
| 28. | Promotion of PCS EG BS-19 to BS-20 | 06 | 11 | Establishment |
| 29. | Promotion of PMS BS-18 to BS-19 | 37 | 11 | Establishment |
| 30. | Promotion of PMS BS-17 to BS-18 | 34 | 07 | Establishment |
| 31. | Promotion of Superintendent BS-17 to PMS BS-17 | 58 | 14 | Establishment |
| 32. | Promotion of PA BS-16 to PMS BS-17 | 18 | 07 | Establishment |
| 33. | Promotion of Tehsilidar BS-16 to PMS BS-17 | 59 | 41 | Establishment |
| Add.1 | Promotion of Assistant Professor Cardiology BS-18 to the post of Associate Professor Cardiology BS-19 in Gajju Khan Medical College Swabi | 01 | 01 | Health |
| Add.2 | Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in Gajju Khan Medical College, Swabi. | 02 | 02 | Health |
| Add.3 | Promotion of Mr. Muhammad Yaqoob, Member Technical BS-19 to the post of Member Engineering BS-20, Provincial Inspection Team | 01 | 01 | PIT |
| Add.4 | Promotion from BS-19 to BS-20 (Male) Teaching cadre in E&SE department | 40 | 15 | E&SE |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Kifayatullah, Tehsildar, Peshawar Applicant/Appellant

Versus

The Govt. of KPK and others Respondents

Application for restraining the Respondents from filling the posts of Provincial Management Service (BPS-17) till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is pending before the Hon'ble Tribunal which is fixed for hearing today.
2. That vide impugned Notification dated 02.07.2020 (Annexure-D, Page-15 of the main Service Appeal) whereby appellant was considered for the subject promotion but was not recommended on the misplaced ground of pendency of CPLA before the Hon'ble Supreme Court of Pakistan and juniors to him were promoted against the post of PMS (BPS-17).
3. That now again Respondents have processed the promotion cases of the incumbents wherein appellant was not considered for promotion inspite of the fact as held by the Superior Courts that albeit promotion is not a vested right of a civil servant but consideration for promotion is a vested right.
4. That despite fact that matter is subjudice before this Hon'ble Tribunal wherein reply was also sought from the Respondent Department, the Respondents have again processed the promotion cases of PMS Officers with malafide intention and for the sole purpose to dig the appellant into lengthy litigation.
5. That if the Respondents are not restrained from carrying on selection process then the appellant will suffer irreparable loss as the very purpose of

the instant appeal would fizzle out and the same would become infructuous, as appellant will be rendered junior to his juniors.

6. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/appellant.

It is, therefore, humbly prayed that on-acceptance of this application, the Respondents may graciously be restrained from issuing Notification of promotion of PMS Officers (BPS-17) till the final disposal of the instant appeal.

Through

Applicant

Khaled Rahman

Advocate,
Supreme Court of Pakistan

Dated: /01/2021

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant



-3-

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2020/(5)
Dated Peshawar, the 29.12.2020

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.12.2020 at 1100 hours under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

[Signature] 29/12/2020
SECTION OFFICER (PSB)
87c

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

[Signature] 29/12/2020
SECTION OFFICER (PSB)
87c

**AGENDA OF THE PSB MEETING
TO BE HELD ON 30.12.2020 AT 1100 HOURS.**

| S.# | Description of cases | Panel | Posts | Deptt |
|--------|---|-------|-------|-------------------------|
| 1. | Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post Deputy Administrator/Senior District Zakat Officer BS-18. | 07 | 03 | Zakat |
| 2. | Promotion of Deputy Director Information / PRO to Governor / Station Director BS-18 to the post of Director Information BS-19 on regular basis | 04 | 02 | Information |
| 3. | Promotion of Member of Service Management Cadre BS-18 to the post of Member of Service BS-19 in Health Department | 20 | 52 | Health |
| 4. | Promotion of Assistant Professor Community Medicine BS-18 to the post of Associate Professor Community Medicine BS-19, SMC Swat | 01 | 01 | Health |
| 5. | Promotion of Senior District Specialist Radiology BS-19 to the post of Chief District Specialist Radiology BS-20 | 01 | 04 | Health |
| 6. | Proforma promotion of Mr. Muhammad Sharif (Retired) Associate Professor BS-19 to the post of Professor BS-20, Higher Education Department | 01 | 01 | HED |
| 7. | Proforma promotion in COC No. 623-P/2019 in W.P No.1160-P/2013 Nighat Shehnaz Vs Govt. of Khyber Pakhtunkhwa. | 01 | 01 | HED |
| 8. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 Irrigation Department | 03 | 03 | Irrigation |
| 9. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 02 | 03 | Irrigation |
| 10. | Promotion of Assistant-Engineer / Sub Divisional Officer BS-17 to the post of Executive Engineer BS-18 | 06 | 03 | Irrigation |
| 11. | Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18 | 02 | 01 | Irrigation |
| 12. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 | 09 | 04 | PHE |
| 13. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 16 | 7 | PHE |
| 14. | Promotion of Assistant Director BS-17 to the post of Deputy Director R&D BS-18 | 02 | 01 | Environment |
| 15. | Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in EPA | 06 | 04 | Environment |
| 16. | Promotion of GIS Development Officer BS-17 to the post of Deputy Director GIS BS-18. | 02 | 01 | Mineral Dev. Department |
| 17. | Proforma promotion of Muhammad Shoaib, Ex-Deputy Director Exploration BS-18 to the post of Director Exploration BS-19 in pursuance of Services Tribunal judgment dated 17-01-2018 | 01 | 01 | Mineral Dev. Department |
| 18. | Promotion of Mr.Liaqat Ali, Member BS-18 to the post of Member Enquiries BS-19, Provincial Inspection Team | 01 | 01 | PIT |
| 19. | Appointment of Mr.Khalid Khan, Research Officer BS-17 to the post of Member BS-18 on acting charge basis, Provincial Inspection Team | 02 | 01 | PIT |
| 20. | Promotion of BS-17 Officers of Livestock and Dairy Development Department (Extension Wing) to BS-18. | 04 | 02 | Agriculture |
| 21. | Promotion of BS-17 officers to BS-18 of Agriculture Department (Extension Wing) | 10 | 05 | Agriculture |
| 22. | Promotion of Statistical Officer BS-17 to the post of Statistician BS-18, Directorate of Crop Reporting Services | 11 | 08 | Agriculture |
| 23. | Promotion of officers of Agriculture Research Wing from BS-17 to 18. | 09 | 04 | Agriculture |
| 24. | Promotion of Inspector of Boilers BS-17 to the post of Chief Inspector of Boilers BS-18 | 01 | 01 | Industries |
| 25. | Promotion from BS-18 TO BS-19 (Male) (Teaching Cadre) | 114 | 68 | E&SE |
| 26. | Working paper for appointment on acting charge basis of Deputy DEOs / Deputy Directors BS-18 to District Education Officer / Additional Director BS-19 (Management Cadre) | 18 | 17 | E&SE |
| 27. | Promotion of Instructor Physical Education BS-17 to the post of Senior Instructor Physical Education BS-18 | 81 | 66 | E&SE |
| 28. | Promotion of PCS EG BS-19 to BS-20 | 06 | 11 | Establishment |
| 29. | Promotion of PMS BS-18 to BS-19 | 37 | 11 | Establishment |
| 30. | Promotion of PMS BS-17 to BS-18 | 34 | 07 | Establishment |
| 31. | Promotion of Superintendent BS-17 to PMS BS-17 | 58 | 14 | Establishment |
| 32. | Promotion of PA BS-16 to PMS BS-17 | 18 | 07 | Establishment |
| 33. | Promotion of Tehsildar BS-16 to PMS BS-17 | 59 | 41 | Establishment |
| Adtl.1 | Promotion of Assistant Professor Cardiology BS-18 to the post of Associate Professor Cardiology BS-19 in Gajju Khan Medical College Swabi | 01 | 01 | Health |
| Adtl.2 | Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in Gajju Khan Medical College, Swabi. | 02 | 02 | Health |
| Adtl.3 | Promotion of Mr. Muhammad Yaqoob, Member Technical BS-19 to the post of Member Engineering BS-20, Provincial Inspection Team | 01 | 01 | PIT |
| Adtl.4 | Promotion from BS-19 to BS-20 (Male) Teaching cadre in E&SE department | 40 | 15 | E&SE |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Kifayatullah, Tehsildar, Peshawar Applicant/Appellant

Versus

The Govt. of KPK and others Respondents

Application for restraining the Respondents from filling the posts of Provincial Management Service (BPS-17) till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is pending before the Hon'ble Tribunal which is fixed for hearing today.
2. That vide impugned Notification dated 02.07.2020 (Annexure-D, Page-15 of the main Service Appeal) whereby appellant was considered for the subject promotion but was not recommended on the misplaced ground of pendency of CPLA before the Hon'ble Supreme Court of Pakistan and juniors to him were promoted against the post of PMS (BPS-17).
3. That now again Respondents have processed the promotion cases of the incumbents wherein appellant was not considered for promotion inspite of the fact as held by the Superior Courts that albeit promotion is not a vested right of a civil servant but consideration for promotion is a vested right.
4. That despite fact that matter is subjudice before this Hon'ble Tribunal wherein reply was also sought from the Respondent Department, the Respondents have again processed the promotion cases of PMS Officers with malafide intention and for the sole purpose to dig the appellant into lengthy litigation.
5. That if the Respondents are not restrained from carrying on selection process then the appellant will suffer irreparable loss as the very purpose of

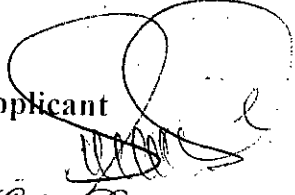
the instant appeal would fizzle out and the same would become infructuous, as appellant will be rendered junior to his juniors.

6. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/appellant.

It is, therefore, humbly prayed that on acceptance of this application, the Respondents may graciously be restrained from issuing Notification of promotion of PMS Officers (BPS-17) till the final disposal of the instant appeal.

Through

Applicant


Khaled Rahman
Advocate,
Supreme Court of Pakistan

Dated: /01/2021

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant



-3-

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2020/(5)
Dated Peshawar, the 29.12.2020

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on **30.12.2020 at 1100 hours** under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

A 29/12/2020
SECTION OFFICER (PSB)

87c

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

A 29/12/2020
SECTION OFFICER (PSB)

87c

**AGENDA OF THE PSB MEETING
TO BE HELD ON 30.12.2020 AT 1100 HOURS.**

| S.# | Description of cases | Panel | Posts | Deptt |
|--------|---|-------|-------|-------------------------|
| 1. | Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post Deputy Administrator/Senior District Zakat Officer BS-18. | 07 | 03 | Zakat |
| 2. | Promotion of Deputy Director Information / PRO to Governor / Station Director BS-18 to the post of Director Information BS-19 on regular basis | 04 | 02 | Information |
| 3. | Promotion of Member of Service Management Cadre BS-18 to the post of Member of Service BS-19 in Health Department | 20 | 52 | Health |
| 4. | Promotion of Assistant Professor Community Medicine BS-18 to the post of Associate Professor Community Medicine BS-19, SMC Swat | 01 | 01 | Health |
| 5. | Promotion of Senior District Specialist Radiology BS-19 to the post of Chief District Specialist Radiology BS-20 | 01 | 04 | Health |
| 6. | Proforma promotion of Mr. Muhammad, Sharif (Retired) Associate Professor BS-19 to the post of Professor BS-20, Higher Education Department | 01 | 01 | HED |
| 7. | Proforma promotion in COC No. 623-P/2019 in W.P No.1160-P/2013 Nighat Shehnaz Vs Govt. of Khyber Pakhtunkhwa. | 01 | 01 | HED |
| 8. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 Irrigation Department | 03 | 03 | Irrigation |
| 9. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 02 | 03 | Irrigation |
| 10. | Promotion of Assistant Engineer / Sub Divisional Officer BS-17 to the post of Executive Engineer BS-18 | 06 | 03 | Irrigation |
| 11. | Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18 | 02 | 01 | Irrigation |
| 12. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 | 09 | 04 | PHE |
| 13. | Promotion of Executive Engineer BS-18. to the post of Superintending Engineer BS-19 | 16 | 7 | PHE |
| 14. | Promotion of Assistant Director BS-17 to the post of Deputy Director R&D BS-18 | 02 | 01 | Environment |
| 15. | Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in EPA | 06 | 04 | Environment |
| 16. | Promotion of GIS Development Officer BS-17 to the post of Deputy Director GIS BS-18. | 02 | 01 | Mineral Dev. Department |
| 17. | Proforma promotion of Muhammad Shoaib, Ex-Deputy Director Exploration BS-18 to the post of Director Exploration BS-19 in pursuance of Services Tribunal judgment dated 17-01-2018 | 01 | 01 | Mineral Dev. Department |
| 18. | Promotion of Mr. Liaqat Ali, Member BS-18 to the post of Member Enquiries BS-19, Provincial Inspection Team | 01 | 01 | PIT |
| 19. | Appointment of Mr. Khalid Khan, Research Officer BS-17 to the post of Member BS-18 on acting charge basis, Provincial Inspection Team | 02 | 01 | PIT |
| 20. | Promotion of BS-17 Officers of Livestock and Dairy Development Department (Extension Wing) to BS-18. | 04 | 02 | Agriculture |
| 21. | Promotion of BS-17 officers to BS-18 of Agriculture Department (Extension Wing) | 10 | 05 | Agriculture |
| 22. | Promotion of Statistical Officer BS-17 to the post of Statistician BS-18, Directorate of Crop Reporting Services | 11 | 08 | Agriculture |
| 23. | Promotion of officers of Agriculture Research Wing from BS-17 to 18. | 09 | 04 | Agriculture |
| 24. | Promotion of Inspector of Boilers BS-17 to the post of Chief Inspector of Boilers BS-18 | 01 | 01 | Industries |
| 25. | Promotion from BS-18 TO BS-19 (Male) (Teaching Cadre) | 114 | 68 | E&SE |
| 26. | Working paper for appointment on acting charge basis of Deputy DEOs / Deputy Directors BS-18 to District Education Officer / Additional Director BS-19. (Management Cadre) | 18 | 17 | E&SE |
| 27. | Promotion of Instructor Physical Education BS-17 to the post of Senior Instructor Physical Education BS-18 | 81 | 66 | E&SE |
| 28. | Promotion of PCS EG BS-19 to BS-20 | 06 | 11 | Establishment |
| 29. | Promotion of PMS BS-18 to BS-19 | 37 | 11 | Establishment |
| 30. | Promotion of PMS BS-17 to BS-18 | 34 | 07 | Establishment |
| 31. | Promotion of Superintendent BS-17 to PMS BS-17 | 58 | 14 | Establishment |
| 32. | Promotion of PA BS-16 to PMS BS-17 | 18 | 07 | Establishment |
| 33. | Promotion of Tehsildar BS-16 to PMS BS-17 | 59 | 41 | Establishment |
| Addl.1 | Promotion of Assistant Professor Cardiology BS-18 to the post of Associate Professor Cardiology BS-19 in Gajju Khan Medical College Swabi | 01 | 01 | Health |
| Addl.2 | Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in Gajju Khan Medical College, Swabi. | 02 | 02 | Health |
| Addl.3 | Promotion of Mr. Muhammad Yaqoob, Member Technical BS-19 to the post of Member Engineering BS-20, Provincial Inspection Team | 01 | 01 | PIT |
| Addl.4 | Promotion from BS-19 to BS-20 (Male) Teaching cadre in E&SE department | 40 | 15 | E&SE |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2020

Kifayatullah, Tehsildar, Peshawar Applicant/Appellant

Versus

The Govt. of KPK and others Respondents

Application for restraining the Respondents from filling the posts of Provincial Management Service (BPS-17) till the final disposal of the instant appeal.

Respectfully Sheweth,

1. That the above titled service appeal is pending before the Hon'ble Tribunal which is fixed for hearing today.
2. That vide impugned Notification dated 02.07.2020 (Annexure-D, Page-15 of the main Service Appeal) whereby appellant was considered for the subject promotion but was not recommended on the misplaced ground of pendency of CPLA before the Hon'ble Supreme Court of Pakistan and juniors to him were promoted against the post of PMS (BPS-17).
3. That now again Respondents have processed the promotion cases of the incumbents wherein appellant was not considered for promotion inspite of the fact as held by the Superior Courts that albeit promotion is not a vested right of a civil servant but consideration for promotion is a vested right.
4. That despite fact that matter is subjudice before this Hon'ble Tribunal wherein reply was also sought from the Respondent Department, the Respondents have again processed the promotion cases of PMS Officers with malafide intention and for the sole purpose to dig the appellant into lengthy litigation.
5. That if the Respondents are not restrained from carrying on selection process then the appellant will suffer irreparable loss as the very purpose of

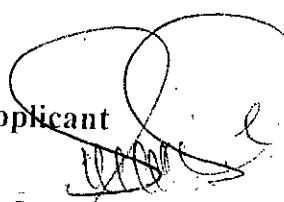
the instant appeal would fizzle out and the same would become infructuous, as appellant will be rendered junior to his juniors.

6. That the facts alleged and grounds taken in the body of main appeal may kindly be taken as an integral part of this application, which make out an excellent prima facie case in favour of applicant/appellant.

It is, therefore, humbly prayed that on acceptance of this application, the Respondents may graciously be restrained from issuing Notification of promotion of PMS Officers (BPS-17) till the final disposal of the instant appeal.

Through

Applicant


Khaled Rahman
Advocate,
Supreme Court of Pakistan.

Dated: ___/01/2021

Verification

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Applicant/Appellant



-3-

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2020/(5)
Dated Peshawar, the 29.12.2020

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT:- MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.12.2020 at 1100 hours under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

[Signature] 29/12/2020
SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to:-

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

[Signature] 29/12/2020
SECTION OFFICER (PSB)

**AGENDA OF THE PSB MEETING
TO BE HELD ON 30.12.2020 AT 1100 HOURS.**

| S.# | Description of cases | Panel | Posts | Deptt |
|-------|---|-------|-------|-------------------------|
| 1. | Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post Deputy Administrator/Senior District Zakat Officer BS-18. | 07 | 03 | Zakat |
| 2. | Promotion of Deputy Director Information / PRO to Governor / Station Director BS-18 to the post of Director Information BS-19 on regular basis | 04 | 02 | Information |
| 3. | Promotion of Member of Service Management Cadre BS-18 to the post of Member of Service BS-19 in Health Department | 20 | 52 | Health |
| 4. | Promotion of Assistant Professor Community Medicine BS-18 to the post of Associate Professor Community Medicine BS-19, SMC Swat | 01 | 01 | Health |
| 5. | Promotion of Senior District Specialist Radiology BS-19 to the post of Chief District Specialist Radiology BS-20 | 01 | 04 | Health |
| 6. | Proforma promotion of Mr. Muhammad Sharif (Retired) Associate Professor BS-19 to the post of Professor BS-20, Higher Education Department | 01 | 01 | HED |
| 7. | Proforma promotion in COC No. 623-P/2019 in W.P No.1160-P/2013 Nighat Shehnaz Vs Govt. of Khyber Pakhtunkhwa. | 01 | 01 | HED |
| 8. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 Irrigation Department | 03 | 03 | Irrigation |
| 9. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 02 | 03 | Irrigation |
| 10. | Promotion of Assistant Engineer / Sub Divisional Officer BS-17 to the post of Executive Engineer BS-18 | 06 | 03 | Irrigation |
| 11. | Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18 | 02 | 01 | Irrigation |
| 12. | Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 | 09 | 04 | PHE |
| 13. | Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19 | 16 | 7 | PHE |
| 14. | Promotion of Assistant Director BS-17 to the post of Deputy Director R&D BS-18 | 02 | 01 | Environment |
| 15. | Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in EPA | 06 | 04 | Environment |
| 16. | Promotion of GIS Development Officer BS-17 to the post of Deputy Director GIS BS-18. | 02 | 01 | Mineral Dev. Department |
| 17. | Proforma promotion of Muhammad Shoaib, Ex-Deputy Director Exploration BS-18 to the post of Director Exploration BS-19 in pursuance of Services Tribunal judgment dated 17-01-2018 | 01 | 01 | Mineral Dev. Department |
| 18. | Promotion of Mr.Liaqat Ali, Member BS-18 to the post of Member Enquiries BS-19, Provincial Inspection Team | 01 | 01 | PIT |
| 19. | Appointment of Mr.Khalid Khan, Research Officer BS-17 to the post of Member BS-18 on acting charge basis, Provincial Inspection Team | 02 | 01 | PIT |
| 20. | Promotion of BS-17 Officers of Livestock and Dairy Development Department (Extension Wing) to BS-18. | 04 | 02 | Agriculture |
| 21. | Promotion of BS-17 officers to BS-18 of Agriculture Department (Extension Wing) | 10 | 05 | Agriculture |
| 22. | Promotion of Statistical Officer BS-17 to the post of Statistician BS-18, Directorate of Crop Reporting Services | 11 | 08 | Agriculture |
| 23. | Promotion of officers of Agriculture Research Wing from BS-17 to 18. | 09 | 04 | Agriculture |
| 24. | Promotion of Inspector of Boilers BS-17 to the post of Chief Inspector of Boilers BS-18 | 01 | 01 | Industries |
| 25. | Promotion from BS-18 TO BS-19 (Male) (Teaching Cadre) | 114 | 68 | E&SE |
| 26. | Working paper for appointment on acting charge basis of Deputy DEOs / Deputy Directors BS-18 to District Education Officer / Additional Director BS-19 (Management Cadre) | 18 | 17 | E&SE |
| 27. | Promotion of Instructor Physical Education BS-17 to the post of Senior Instructor Physical Education BS-18 | 81 | 66 | E&SE |
| 28. | Promotion of PCS EG BS-19 to BS-20 | 06 | 11 | Establishment |
| 29. | Promotion of PMS BS-18 to BS-19 | 37 | 11 | Establishment |
| 30. | Promotion of PMS BS-17 to BS-18 | 34 | 07 | Establishment |
| 31. | Promotion of Superintendent BS-17 to PMS BS-17 | 58 | 14 | Establishment |
| 32. | Promotion of PA BS-16 to PMS BS-17 | 18 | 07 | Establishment |
| 33. | Promotion of Tehsildar BS-16 to PMS BS-17 | 59 | 41 | Establishment |
| Add.1 | Promotion of Assistant Professor Cardiology BS-18 to the post of Associate Professor Cardiology BS-19 in Gajju Khan Medical College Swabi | 01 | 01 | Health |
| Add.2 | Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in Gajju Khan Medical College, Swabi. | 02 | 02 | Health |
| Add.3 | Promotion of Mr. Muhammad Yaqoob, Member Technical BS-19 to the post of Member Engineering BS-20, Provincial Inspection Team | 01 | 01 | PIT |
| Add.4 | Promotion from BS-19 to BS-20 (Male) Teaching cadre in E&SE department | 40 | 15 | E&SE |

IMMEDIATE
CONFIDENTIAL



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO. SO(PSB)ED/1-1/2020/P-543
Dated Peshawar the January 19, 2021

To

The Section Officer (E-II),
Establishment department.

SUBJECT: ~~MINUTES OF THE MEETING OF PROVINCIAL SELECTION~~
~~BOARD HELD ON 30.12.2020.~~

PROMOTION OF TEHSILDAR BS-16 TO PMS BS-17.

Dear Sir,

I am directed to refer to Establishment Department letter No. SOE-II(ED)2(192)2020/Tehsildar, dated 23.12.2020 on the subject and to forward herewith an extract of **Agenda Item No (33)** of the minutes/recommendations of the meeting of Provincial Selection Board held on **30.12.2020** as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendation of the PSB, for further necessary action.

Yours faithfully,

[Signature]
SECTION OFFICER (PSB)

Encl: As Above

ITEM NO (33)**ESTABLISHMENT DEPARTMENT**

(Meeting of PSB held on 30.12.2020).

SUBJECT: PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS, BS-17

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 154 out of which 113 officers are already working. Hence 41 posts of PMS BS-17 are lying vacant out of which four (04) posts have become vacant due to conditional retirement on which the Board did not consider promotion. Therefore, there are 37 clear vacancies against which promotion will be considered.

2. According to the Provincial Management Services Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute".

3. The service record of the officers included in the panel were discussed as follows:-

| S# | NAME OF OFFICER | RECOMMENDATIONS OF THE BOARD |
|----|-----------------------------|---|
| 1. | Muhammad Ikramullah. M.A | His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board observed that a case was pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available. The Board recommended to defer his promotion. |
| 2. | Mr. Kiramatullah. M.A | His date of birth is 20.01.1964. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board in its meeting held on 09.06.2020 superseded him in term of Rule 7 (5) of Khyber Pakhtunkhwa Civil Servants APT Rules, 1989 which provides that if a Civil Servant declines the benefit of promotion for the second time then he shall stand superseded permanently for such promotion. The Rule ibid has been deleted vide Establishment department Notification dated 06.08.2020. The Regulation wing of Establishment department in identical case opined vide letter No. SOR-I(E&AD)/1-2/2018(B), dated 05.11.2020 that the declinment of promotion made |

| | | |
|----|--------------------------|--|
| | | <p>before the amendment in Rule 7 (5) of Khyber Pakhtunkhwa Civil Servants APT Rules, 1989 would be considered as closed chapter and amendment is effective from 06.08.2020 i.e. date of its Notification. The option to forego promotion exercised prior to the said amendment shall be valid, as amendment is not applicable with retrospective effect.</p> <p>The Board did not consider his promotion.</p> |
| 3. | Mr. Abdul Ghafar. B.A | <p>His date of birth is 15.12.1974. He joined government service on 14.02.2004. He was promoted as Tehsildar BS-16 on 04.06.2013. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. His PER dossier is incomplete as his PERs for the year 2018 and 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 4. | Mr. Waheed Ahmad. B.A | <p>His date of birth is 01.01.1967. He joined government service on 29.01.1986 and was promoted from Sub Registrar to the post of Tehsildar BS-16 on 10.02.2015. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 5. | Mr. Tahir Ashraf. M.A | <p>His date of birth is 24.01.1970. He joined government service on 28.02.1988. He was promoted from Assistant to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 6. | Mr. Afsar Khan. B.A | <p>His date of birth is 10.04.1964. He joined government service on 04.12.1989. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 06.04.2018. He has not completed</p> |

| | | |
|-----|----------------------------------|--|
| | | <p>prescribed length of service for promotion. His PER dossier is incomplete as his PER for the year 2016 (P) and 2017 to 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 7. | Mr. Abdul Qayum. B.A | <p>His date of birth is 20.02.1965. He joined government service on 20.03.1988. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 8. | Mr. Waheed Ullah. M.A / L.L.B | <p>His date of birth is 10.02.1973. He joined government service on 20.09.1995. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 9. | Muhammad Rafiq. B.A | <p>His date of birth is 01.03.1964. He joined government service on 06.03.1988. He was promoted from District Kanongo to the post of Tehsildar on 04.07.2019. He has not completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. His PER for the year 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 10. | Mr. Gohar Ali. B.A | <p>His date of birth is 20.02.1964. He joined government service on 19.12.1985. He was promoted from District Kanongo to the post of Tehsildar on 26.03.2019. He has not yet completed prescribed length of service for promotion.</p> <p>The Board recommended to defer his promotion.</p> |

| | | |
|-----|------------------------------------|--|
| 11. | Mr. Ajam Khan. B.A | <p>His date of birth is 15.06.1963. He joined government service on 07.10.1987. He was promoted from District Knanongo to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 12. | Muhammad Javed. B.A | <p>His date of birth is 22.04.1966. He joined government service on 25.09.1990. He was promoted from District Kanongo to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 13. | Mr. Shah Nadeem. BSc. | <p>His date of birth is 02.04.1983. He joined government service on 09.08.2004. He was promoted from District Kanongo to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 14. | Mr. Arshad Mehmood. MSc / L.L.B | <p>His date of birth is 04.02.1967. He joined government service on 17.09.1991. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory</p> |

| | | |
|-----|-------------------------------|--|
| | | <p>training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 15. | Muhammad Hasrat Khan. B.A | <p>His date of birth is 15.04.1968. He joined government service on 17.09.1991. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 16. | Mr. Niamatullah. B.A | <p>His date of birth is 22.09.1965. He joined government service on 09.01.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 17. | Mr. Raja Tasawar Khan. B.A | <p>His date of birth is 15.04.1968. He joined government service on 05.03.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. His PERs for the year 2017 to 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 18. | Mr. Ishaq Ali Khan. B.A | <p>His date of birth is 14.10.1963. He joined government service on 13.09.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record</p> |

| | | |
|-----|-----------------------------------|--|
| | | <p>upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 19. | Muhammad Zaman. B.A | <p>His date of birth is 04.01.1968. He joined government service on 25.10.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 20. | Muhammad Imran Zaman. B.A | <p>His date of birth is 05.05.1979. He joined government service on 23.04.2008. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. His PERs for the year 2018 and 2019 are also not available.</p> <p>The Board recommended to defer his promotion</p> |
| 21. | Mr. Khalid Mansoor. M.A | <p>His date of birth is 10.03.1974. He joined government service on 12.08.2008. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 22. | Mr. Yadullah Khan Khattak. M.A | <p>His date of birth is 23.05.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 was informed that an investigation by NAB against him alongwith others regarding misuse of authority by selling 291 kanal land of Sarfaraz Khan District</p> |

| | | |
|-----|---|---|
| | | <p>Hospital charity Fund Mardan (MES#114636) vide NAB letter No.1/681/IW-11/NAB(KP)143046 dated 15.02.2019 is under process.</p> <p>His case was discussed in the said meeting of the Board in light of the provision of promotion policy regarding NAB cases, "If there are any NAB investigations being conducted against an officer, the fact of such investigation needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case". Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed.</p> <p>The Board did not consider his promotion.</p> |
| 23. | Mr. Ahmad Hashmi. B.A | <p>His date of birth is 02.04.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 06.04.2018. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 was informed that he had limited capacity and shied away from responsibilities. This was corroborated by his current Supervisory Officer. Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed.</p> <p>The Board did not consider his promotion.</p> |
| 24. | Mr. Mujahid Ali. M.A | <p>His date of birth is 19.04.1974. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 06.04.2018. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 took notice of <u>his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector during his posting as Settlement Tehsildar Nowshera. Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed.</u></p> <p>The Board did not consider his promotion.</p> |
| 25. | Mr. Syed Abdul Akbar Shah. M.Sc / M.A / M.Phil | <p>His date of birth is 11.04.1981. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 06.04.2018. He has completed</p> |

35

| | | |
|-----|-------------------------|--|
| | | <p>prescribed length of service for promotion. He has not yet undergone mandatory training for promotion. His PER for the year 2017 to 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 26. | Mr. Rahim Shah. B.A | <p>His date of birth is 13.01.1969. He joined government service on 03.09.1990. He was promoted from Assistant to the post of Tehsildar on 06.04.2018. He has not completed prescribed length of service and has not undergone mandatory training for promotion. His PER for the year 2019 is also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 27. | Muhammad Nawaz. M.A | <p>His date of birth is 25.12.1961. He joined government service on 09.10.1980. He was promoted from Assistant to the post of Tehsildar on 06.04.2018. He has not completed prescribed length of service and has not undergone mandatory training.</p> <p>The Board recommended to defer his promotion.</p> |
| 28. | Mr. Farooq Shah. B.A | <p>His date of birth is 01.04.1961. He joined government service on 01.12.1984. He was promoted from Assistant to the post of Tehsildar on 06.04.2018. He has not completed prescribed length of service and has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 29. | Muhammad Ayaz. B.A | <p>His date of birth is 20.02.1983. He joined government service on 30.04.2009. He was promoted from Assistant to the post of Tehsildar on 17.01.2019. He has not completed prescribed length of service and has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 30. | Mr. KifayatUllah M.A | <p>His date of birth is 09.01.1977. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 17.01.2019. <u>The Board in its meeting held on 09.06.2020 was informed that he was removed from service in a disciplinary proceedings.</u></p> |



| | | |
|-----|----------------------------------|---|
| | | <p>and on acceptance his appeal by Service Tribunal, he was conditionally reinstated into services as Naib Tehsildar subject to the final decision of pending CPLA in the Supreme Court of Pakistan. Similarly his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then.</p> <p>The Board did not consider his promotion.</p> |
| 31. | Muhammad Faraz Qureshi. M.B.A | <p>His date of birth is 17.03.1982. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 32. | Mr. Fazal ur Rehman. M.A | <p>His date of birth is 10.07.1975. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 33. | Mr. Farukh Jadoon. BSc | <p>His date of birth is 04.05.1984. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to</p> |

| | | |
|-----|--------------------------------|---|
| | | the post of PMS BS-17 on regular basis. He will be on probation for a period of one year. |
| 34. | Mr. Fayaz Ahmad. M.A | <p>His date of birth is 10.03.1982. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 35. | Mr. Bilal Ahmad. B.A / B.Ed | <p>His date of birth is 10.10.1978. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 36. | Mr. Tanveer Shahzad. M.A | <p>His date of birth is 30.12.1977. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 37. | Mr. Ejaz Ahmad. M.A | <p>His date of birth is 15.04.1976. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No</p> |

| | | |
|-----|------------------------------|---|
| | | <p>enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 38. | Muhammad Salim. BSc | <p>His date of birth is 03.05.1978. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 39. | Mr. Adil Waseem. B.A | <p>His date of birth is 25.12.1988. He joined government service on 27.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 40. | Muhammad Yousaf. B.A | <p>His date of birth is 12.04.1964. He joined government service on 22.04.1991. He was promoted from Assistant to the post of Tehsildar BS-16 on 26.03.2019. He has not yet completed prescribed length of service for promotion. He has not yet undergone mandatory training for promotion and his PER for the year 2019 is also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 41. | Mr. Tanzil-ur-Rehman. B.A | <p>His date of birth is 13.02.1988. He joined government service on 14.04.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has</p> |

| | | |
|-----|---------------------------|---|
| | | <p>undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 42. | Mr. Rab Nawaz. B.A | <p>His date of birth is 12.02.1964. He joined government service on 27.12.1983. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 26.03.2019. He has not yet completed prescribed length of service for promotion and has also not yet undergone mandatory training for promotion.</p> <p>The Board recommended to defer his promotion.</p> |
| 43. | Mr. Abdul Qayum. B.A | <p>His date of birth is 24.04.1974. He joined government service on 27.12.1993. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 44. | Mr. Qiyanoos Khan. B.A | <p>His date of birth is 14.02.1962. He joined government service on 01.07.1991. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 04.07.2019. He has completed prescribed length of service for promotion. He has not yet undergone mandatory training for promotion and his PER for the year 2019 is also not available.</p> <p>The Board recommended to defer his promotion.</p> |
| 45. | Mr. Sher Bahadar. B.A | <p>His date of birth is 07.04.1965. He joined government service on 10.10.1992. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 04.07.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally</p> |

| | | |
|-----|------------------------------------|---|
| | | <p>good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 46. | Mr. Shaukat Iqbal. M.A | <p>His date of birth is 02.11.1973. He joined government service on 19.10.1992. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 47. | Mr. Abdur Rashid. MSc | <p>His date of birth is 05.01.1962. He joined government service on 28.08.1988. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 48. | Sahibzada Ahmad Ali. M.A / B.Ed | <p>His date of birth is 17.04.1962. He joined government service on 28.08.1988. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 49. | Mr. Gohar Ali. B.A | <p>His date of birth is 31.03.1980. He joined government service on 29.05.2009. He was promoted from Naib Tehsildar to the post of</p> |

| | | |
|-----|----------------------------|---|
| | | <p>Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 50. | Mr. Sher Dil. B.A | <p>His date of birth is 24.01.1974. He joined government service on 10.04.1995. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 51. | Muhammad Shoaib. B.A | <p>His date of birth is 01.01.1968. He joined government service on 09.12.1990. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |
| 52. | Mr. Muhamad Arshad. B.A | <p>His date of birth is 20.01.1967. He joined government service on 02.09.1984. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to</p> |

| | | |
|-----|-----------------------|---|
| | | the post of PMS BS-17 on regular basis. He will be on probation for a period of one year. |
| 53. | Mr. Nawab Gul. M.A | <p>His date of birth is 15.11.1966. He joined government service on 01.01.1995. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p> |

Note: - The remaining officers in the panel are not eligible for promotion.