



29th Nov, 2022

None for the appellant present. Mr. Kabirullah Khattak: Addl: AG for respondents present.

SCANNED
KPST
Peshawar

This case pertains to camp court Abbottabad, therefore, let it be fixed for 13.12.2022 at camp court Abbottabad for arguments before D.B.


(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman


13th Dec, 2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Zaffar Abbas, District Public Prosecutor for official respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 21.02.2023 before the D.B at Camp Court Abbottabad.

SCANNED
KPST
Peshawar


(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

12.05.2022

Junior to the counsel for the appellant present. Mr. Adeel Butt, Addl. Advocate General for the respondents present.

Due to general strike of the lawyers the case is adjourned. To come up for arguments on 12.07.2022 before D.B.

f



(Fareeha Paul)
Member(E)



Chairman

12-7-2022

*Due to Holidays of Eid Ul Aza
the case is adjourned to 14-9-2022*

*4
Reader*

14.09.2022

Nemo for the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

Previous date was changed on the strength of Reader's Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post. Adjourned. To come up for arguments on 29.11.2022 before the D.B.

*The mentioned file
contact No. on file
said that he had
left that case.*



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

17.01.2022

Appellant in person present. Syed Abdul Mujeeb, AD (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 4 present.

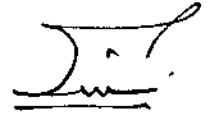
Representative of the department submitted acknowledgement receipts regarding service of the instant appeal upon private respondents No. 5 to 13, however none present on their behalf, therefore, they are placed ex-parte.

Learned District Attorney sought time for arguments on the ground that he has not gone through the brief of the instant appeal.

Appellant requested that the appeal in hand may be fixed for arguments before the D.B at Principal seat Peshawar. Adjourned. To come up for arguments on 26.01.2022 before the D.B at Principal seat Peshawar.



(Rozina Rehman)
Member (J)
Camp Court A/Abad

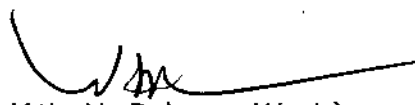


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

26.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Junior to counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B on 12.05.2022.



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



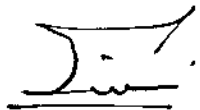
Chairman

23.12.2021

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Syed Abdul Mujeeb, AD (Legal) for official respondents No. 1 to 4 present. Private respondents No. 5 to 13 are absent.

Representative of official respondents No. 1 to 4 present today shall apprise the Directorate of Prosecution to inform private respondents No. 5 to 13 and an acknowledgement receipt shall be positively produced before the Tribunal on the next date. Adjourned. To come for attendance of private respondents No. 5 to 13 as well as submission of reply on their behalf and arguments before D.B on 17.01.2022 at camp court Abbottabad.

(Mian Muhammad)
Member(E)


(Salah Ud Din)
Member(J)
Camp Court Abbottabad

13.10.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Saeed Naeem, Deputy Director Prosecution for the respondents.

Learned AAG on information from the departmental representative submits that reply on behalf of the official respondents is ready for submission. Therefore, they are directed to submit the same in office within 10 days. The private respondents No. 5 to 13 have been arrayed through Director General Prosecution Khyber Pakhtunkhwa. Proper service has so far not been effected upon them. The representative of the official respondents present today has been apprised that the Directorate of Prosecution shall inform all the private respondents mentioned in the heading of appeal for attendance before the Tribunal on next date and for submission of written reply, positively. Case to come up on 18.11.2021 for arguments before the D.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

18.11.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Naeem Saeed Director (Litigation) for respondents present.

Reply on behalf of official respondents No.1 to 4 submitted. Request for adjournment was made on behalf of appellant. Request is accorded. To come up for arguments on 23.12.2021 before D.B at Camp Court, Abbottabad.


(Rozina Rehman)
Member (J)


Chairman
Camp Court, A/Abad

21.10.2020

Appellant in person present.

Usman Ghani learned District Attorney for respondents present.

Written reply/comments on behalf of respondents is still awaited. Notice be issued to respondents for submission of reply/comments, for 16.12.2020 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

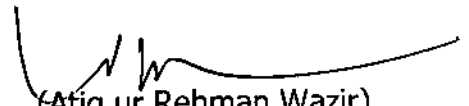
*Due to COVID-19 case is
adjourned to 17-03-2021*



17.03.2021

Junior to counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muhammad Asif Junior Clerk for respondents present.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to respondents for submission of reply/comments on 13/07/2021 before S.B at Camp Court Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader


Due to summer vacation case to come up for the same on / 21
10 / 20 at camp court abbottabad.


Reader

Service Appeal No. 1086/2019

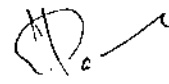
18.12.2019

Appellant in person and Mr. Usman Ghani, District Attorney present. Private respondents No. 8 & 13 in person present and requested for time to file written reply/comments. Representatives of official respondents No. 1 to 4 are absent therefore, notice be issued to official respondents No. 1 to 4 with the direction to direct the representatives to attend the court and submit written reply on the next date positively. Private respondents No. 5 to 7 and 9 to 12 are also absent therefore, notices be also issued to them for attendance and submission of written reply/comments. Adjourned to 22.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.01.2020

Appellant in person present. Written reply not submitted. Bashir Ahmad DPP representative of respondent department present and seeks time to furnish reply. Granted. To come up for reply on 19.02.2020 before S.B at Camp Court Abbottabad.


Member
Camp Court, A/Abad

25.10.2019

Appellant present in person. Learned counsel is not present due to the demise of Haji Faridooon Khan, Advocate. Appellant requested for adjournment. Adjourn. To come up for preliminary hearing on 22.11.2019 before S.B at camp court, Abbottabad.



Member
Camp court, A/Abad

22.11.2019
71/3185

Appellant with counsel present. Preliminary arguments heard.

Appellant (Deputy Public Prosecutor), seeks antedation of his regular promotion as Deputy Public Prosecutor and for placing his name at proper serial number of the seniority list of the Deputy Public Prosecutors.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 18.12.2019 before S.B at Camp Court, A/Abad.

Appellant Deposited
Security & Process Fee

26/11/19



Member
Camp Court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1086/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/08/2019	<p>The appeal of Mr. Iltaf Hussain Akhtar presented today by Mr. Shad Muhammad Khan 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;"><i>[Signature]</i> REGISTRAR 23/8/19</p>
2-	30.8.19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>25-10-2019</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
25.10.2019		<p>Appellant present in person. Counsel for the appellate is not present. General strike of District Bar Association on the member of Mr. Muhammad Faydoon Khan Advocate. Appellant requested for adjournment. Adjournment come up for preliminary hearing on 22.11.2019 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"><i>[Signature]</i> S. Bench Abbottabad</p>

BEFORE THE AUGUST SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1086 / 2019.

ILTAF HUSSAIN AKHTAR.

APPELLANT.

VERSUS

1. THE CHIEF SECRETARY GOVT; OF KPK, PESAWAR.
2. THE SECRETARY ESTABLISHMENT GOVT; OF KPK, PESHAWAR.
3. THE SECRETARY, HOME AND T.A. GOVT; OF KPK, PESHAWAR.
4. THE DIRECTOR GENERAL, PROSECUTION, KPK, PESHAWAR AND OTHERS
RESPONDENTS.

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S.NO.	Description of documents	Date.	Annexure.	Pages.
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3.	Notification.	13.7.2012	B	8
4.	Seniority List.	18.11.2013	C	9-11
5.	Charge assumption BS-18	03.02.2017	D	12
6.	Representation.	23.10.2018.	E	13-15
7.	Application.	22.07.2019	F	16-17
8.	Copy of rejection order.	03.08.2019	G	18-20
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10.	Withdrawal Notification	10.10.18	I	22-25
11.	Status quo application			26.
12.	Wakalat Name			

APPELLANT

THROUGH

SHAD MUHAMMAD KHAN

ADVOCATE.

1086/19

(1)

BEFORE THE AUGUST SERVICES TRIBUNAL KHYBER

Appeal no. 1086/2019
PAKHTUNKHUWA, PESHAWAR.

ILTAF HUSSAIN AKHTAR, DY PUBLIC PROSECUTOR...1086/19... APPELLANT.

MANSEHRA

VERSUS.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1197

Date: 23/8/2019

1. The Chief Secretary, Govt: of KPK, Peshawar.
2. The Secretary Establishment, Govt: of KPK, Peshawar.
3. The Secretary, Home and T,A. Govt: of KPK Peshawar.
4. The Director General, Prosecution, KPK, Peshawar.
- 5, Mr Zia-ul-Haq Dy:PP, Lower Dir.
Through Director General Prosecution, KPK, Peshawar.
6. Mr Attiq-ur-Rehman DY:PP, Nowshera.
Through Director General, Prosecution, KPK, Peshawar.
7. Mr Zeeshanullah Afridi DY:PP, Swabi.
Through Director General, Prosecution, KPK, Peshawar.
8. Miss Sobia Rasheed Raja DY:PP, Abbottabad.
Through Director General, Prosecution, KPK, Peshawar.
9. Mr Farasatuulah DY:PP, DI Khan.
Through Director General, Prosecution, KPK, Peshawar.
10. Miss Bibi Sumaira, DY:PP, Mansehra.
Through Director General, Prosecution, KPK, Peshawar.
11. Miss Mahjabeen, DY:PP, Mansehra.
Through Director General, Prosecution, KPK, Peshawar.
12. Mr Abdul Qadoos Khan, DY:PP, DI Khan.
Through Director General, Prosecution, KPK, Peshawar.
13. Miss Fari Rafique DY:PP, Abbottabad.
Through Director General, Prosecution, KPK, Peshawar.....

...RESPONDENTS.

Received
23/8/19

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER NO. SOR-III (E&AD) 4-2/2014 DATED 26th June 2019 OF RESPONDENT NO. 2 WHEREBY THE REPRESENTATION OF THE APPELLANT WAS REJECTED AND COMUNICATED BY RESPONDENT NO. 4 VIDE HIS LETTER NO.DP/E 7A /PF/ 7132-33 DATED 25.7.2019 THROUGH DISTRICT PUBLIC PROSECUTOR MANSEHRA ON 3.8.2019 .

PRAYER.

It is humbly prayed that on acceptance of the instant service appeal, the appellant may be declared to have been regularly promoted from the date he took over the charge of the post of Deputy Public Prosecutor and the respondents Nos. 2&3 may very

graciously be directed to issue notification in this respect and place the name of appellant at the proper serial number of seniority list of Deputy Public Prosecutor in accordance with the final seniority list of Dy: PPs issued on 18th Nov 2013 with all consequential benefits and any other relief which this august Tribunal/ Court deems appropriate in the circumstances of the case may also be allowed.

.....
The appellant respectfully submits as under:-

BRIEF FACTS OF THE CASE.

1, That the undersigned along with other fellow prosecutor was appointed as Prosecuting Sub Inspector in the Frontier Police on 1.8.1991 and remained posted there till the year 2002, when a new Prosecution Department was established by the Govt: and the police Prosecution was merged therein as such all the PSIs were re-designated as Assistant Public Prosecutors BPS-14. Which was subsequently upgraded to BPS-16 from 31.5.2007.

2. That in the year 2012 the Prosecution department, KPK, considered the promotion of Assistant Public Prosecutors to the post of Deputy Public Prosecutor BPS-17 and the departmental Promotion Committee recommended the cases of 24 APPs from the seniority list for promotion wherein my name stood at serial no.22.

As 5 year service in BPS 16 required for promotion to BPS 17 fall short for just (4) months in the case of prosecutors falling at serial No. 14 to 24, so they were recommended for promotion on acting charge basis for the said period with immediate effect in the public interest. (Photo copy of notification dated 27.2.2012 is annexure "A") . The issuance of proper notification thereof remained pending for about (5) months and the competent authority finally issued the notification on 13th, July, 2012.(By that time the period falls short by 4 months was already completed.).(Copy of notification is annexure "B").

3. In pursuance to the above mentioned notification the Director General Prosecution, KPK, Peshawar, issued Tentative seniority List of Deputy Public Prosecutors BPS-17, on 17th December 2012, and on the basis of the said tentative

3

seniority list, a final seniority list of the Deputy Public Prosecutor BPS-17 was issued by the Home Department, after the approval of the honorable Chief Secretary, KPK, Peshawar, wherein my name is placed at serial No. 40, along with my other colleagues. (Photo copy is annexure "C") .Its noteworthy that the Prosecution Directorate subsequently whimsically manipulated the said seniority list, which was repeatedly objected to by the appellant but to no avail.

4. That the august Peshawar High Court in a writ of Assistant Public Prosecutors, ordered the provincial Govt: to upgrade all the Assistant Public Prosecutors to the BPS-17 from 2010. For the reason best known the Govt: upgraded the post w.e.from 1.12.2010. The august High Court once again directed the provincial govt: to issue corrigendum so as to order the up - gradation either from the calendar year i.e. 1st January, 2010 or from the financial year i.e. 1st July 2010 because the date of 1.12.2010 smelt some mala fide, but the same is still a dream.

5. That on the orders of august Peshawar High Court Peshawar upgradation of the post of the Deputy Public Prosecutor from BPS-17 to BPS-18 was notified on. 2.2.2017, as such I was accordingly upgraded. (Copy of charge assumption report is annexure "D").

6. That the Govt: has promoted 65 Assistant Public Prosecutor BPS-17 as Deputy Public Prosecutor BPS- 18 vide notifications SO(Prosecution) HD/1-2/2017/ vol-1 and NO.SO(prosecution)HD/1-2/2018/Vol-1.Dt: 29.5.2018 and Dt 10.10.2018 respectively through which, after six year I once again has been promoted as Deputy Public Prosecutor, instead of regularizing my promotion w.e.f the date I was promoted as Dy PP on acting charge i.e. from 27.2.2012. As is held by the august Supreme Court of Pakistan vide judgment "2006SCMR 1938".which reads :-

"The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted to such higher post; Where he was put on the said higher post on officiating or Acting charge basis because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority; and where

4

he was subsequently found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said post but also to all consequential benefits from the very date from which he had been put on acting charge basis and was hold accordingly ". Notification 3 are annexure, H. and 9"

7. That the above notification / order were impugned by the undersigned and a representation was submitted to the department concerned.(Copy is annexure "E"). The request of the undersigned for the correction of the order was acceded to by the home department and a summary in this respect was submitted vide File No. 1-10 of 2019, which was rejected by the establishment department and the file was returned to the Directorate of Prosecution.

It's worth mentioning here that neither the said was communicated to appellant nor despite best effort he was provided the copy thereof. The appellant also submitted an application in accordance with the "Provisions of Access to Information Act 2013". (Copy of the application is annexure "F") and thereafter He was intimated along with the copy of order.(Photo copy thereof is annexure "G").

The only reason for this deliberate and malafide act is that the appellant is qualified to be promoted to BPS 19, according to the rules and promotion formula, but the officials at the helm of affairs mala fidely wants to keep him out of the promotion.

GROUND.

1. That the respondents No.1 to 4 have not treated the appellant in accordance with the law, relevant rules and in violation of article-4 of constitution of Islamic Republic of Pakistan.
2. That the order of "acting charge basis" was only for 4 months, which was completed by the time the posting transfer orders issued by the Home Department vide notification dated.13th July 2012, that is why the said does not carry any prefix of "Acting charge basis", and all the subsequent acts were on basis of malafide and personal grudge of the officials of respondents No. 4.
3. That the final seniority list dated 18th November 2013 issued by the Home department, properly contained the name of

the appellant at serial No. 40, which was subsequently malafidely manipulated by respondents No. 4, in clear violation of internationally accepted principle of Audi altrem partem. The same and all subsequent lists were repeatedly objected to by the appellant but to no avail.

According to the judgment of Supreme Court of Pakistan reported in 2012 SCMR 1700, issuance of every seniority list has a recurring cause. 4. That if the order of Acting charge basis was in field, its sheer apathy on the part of the department that it was kept lingering on for a pretty 6 years without any reason and there was no fault on the part of the appellant.

5. That the department was duty bound, as soon as the period falling short was completed they should have completed the task of regularization. 6. That keeping in view the repeated dictum of the supreme Court of Pakistan, the appellant cannot be penalized for the fault of others, ie for the apathy/in efficiency of department and that the department cannot get a reward/premium for its dysfunction in accordance with law and rules.

7. That the recommendation of Home department for the correction of orders by itself supports the case of appellant that his Case was genuine and there was no fault on his part. 8. That the order of establishment department clearly suggests that appellant was properly promoted to BS-17. That he, properly availed/obtained the financial benefits. That he, was properly upgraded to BS-18 and that he has been properly regularized in BS-18. But "Still the request for promotion w.e.f 27th Feb 2012 is rejected". This is astonishing, as well as, against the settled principle of law held by august Supreme Court of Pakistan in repeated judgments. Hence not tenable in eyes of law.

9. That the Respondents No.5 to 13 were neither in the field when the appellant was promoted as Deputy Public Prosecutor in Feb: 2012 nor they figured anywhere in the final seniority list of Deputy Public Prosecutors issued on 18th Nov 2013, even then the seniority list issued by the respondent No. 3 shows them senior to the appellant which is against the law and rules, that is why they have been arrayed as respondents.

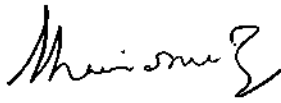
10. That the Prosecution Directorate through Home department is bent upon "processing the promotion case of Deputy

Public Prosecutor^{Same} as the appellant, which will cause irreparable loss to him that why a separate application for injunction is also annexed to restrain the department from processing any promotion case of Deputy Public Prosecutors until the settlement of seniority of the appellant.

11. That the order of the respondents No. 2 is devoid of any legal, moral authority and is in violation of the express judgments of Supreme Court, Hence, not maintainable.

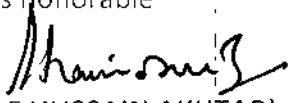
PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal, the appellant may be declared to have been regularly promoted from the date of taking over of charge of the post of Deputy Public Prosecutor and the respondents NO.2&3 may be directed to regularize the promotion and to place the name of the appellant at the proper serial number of the seniority list of Deputy Public Prosecutors ie before respondent No. 5, Mr Zia-ul-Haq DY: PP, Besides, any other relief which this honorable Court deem appropriate in the circumstances of the case, may also be allowed to appellant.

 APPELLANT,
THROUGH
(SHAD MUHAMMAD KHAN)
ADVOCATE, SUPREME COURT.

VERIFICATION.

It is verified that all the contents of instant appeal are correct to best of my knowledge and nothing has been concealed from this honorable tribunal/court.


(ILTAF HUSSAIN AKHTAR)
Deputy Public Prosecutor,
Mansehra

27-02-2012

NOTIFICATION

No. SO (Prosecution) 110/1-10/2011: The Competent Authority on the recommendation of the Departmental Promotion Committee (D.P.C) is pleased to promote the following Assistant Public Prosecutors (BS-16) to the post of Deputy Public Prosecutor (BS-17) from S.No. 1 to 13 on regular basis and from S.No. 14 to 24 on acting charge basis, with immediate effect in the public interest.

S.No.	Name of Officer
1.	Mr. Rab Nawaz
2.	Mr. Sher Zaman
3.	Mr. Muhammad Qaiser
4.	Mr. Kiramatullah
5.	Mr. Abdul Salam
6.	Mr. Ibrahim Khan
7.	Mr. Pervez Khan
8.	Mr. Muhammad Zahoore
9.	Mr. Qazi Atab Ahmad
10.	Mr. Muhammad Saleem
11.	Mr. Inam Shah
12.	Mr. Javed Hussain Mughal
13.	Mr. Abdul Hamid
14.	Mr. Zulfikar Khan
15.	Mr. Pervez Hali
16.	Mr. Israr Ali
17.	Mr. Anis Ahmad Jan
18.	Mr. Altaf Hussain
19.	Mr. Fazale Hadi
20.	Mr. Munir Shah
21.	Mr. Sheikh Zahoore Ahmad
22.	Mr. Hafiz Hussain Akhtar
23.	Mr. Changuiz Khan
24.	Mr. Muhammad Nisar

Original to be
true copy
Main one?

2
10



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Prosecution)/ HD/ 1-2/ 2012
Dated Peshawar the 13th July, 2012

Annexure "B"

(8)

NOTIFICATION.

No. SO (Prosecution)/ HD/ 1-2/ 2012. The Competent Authority is pleased to order the posting/ transfers of the following prosecutors with immediate effect:-

S.NO.	NAME OF OFFICER WITH DESIGNATION AND BPS	FROM	TO	REMARKS
1.	Mr. Muhammad Qaiser Deputy Public Prosecutor (BS-17)	Peshawar	Peshawar	Vice No. 2
2.	Mr. Sifat Ullah, Deputy Public Prosecutor (BS-17)	Peshawar	Dir (Lower)	Against the vacant post of Deputy Public Prosecutor (BS-17)
3.	Mr. Kiramatullah Deputy Public Prosecutor (BS-17)	Lakki Marwat	Lakki Marwat	-do-
4.	Mr. Abdul Salam Deputy Public Prosecutor (BS-17)	Swat	Swat	-do-
5.	Mr. Ibrahim Khan Deputy Public Prosecutor (BS-17)	-do-	-do-	-do-
6.	Mr. Pervez Khan Deputy Public Prosecutor (BS-17)	Swabi	Swabi	-do-
7.	Mr. Muhammad Zahoor Deputy Public Prosecutor (BS-17)	Lakki Marwat	Lakki Marwat	Vice No. 8
8.	Mr. Taj Muhammad Deputy Public Prosecutor (BS-17)	Lakki Marwat	Bannu	Against the vacant post of Deputy Public Prosecutor (BS-17)
9.	Mr. Qazi Aftab Ahmad Deputy Public Prosecutor (BS-17)	Haripur	Haripur	Against the vacant post of Deputy Public Prosecutor (BS-17)
10.	Mr. Muhammad Saleem Deputy Public Prosecutor (BS-17)	Dir (Upper)	Dir (Upper)	-do-
11.	Mr. Imran Shah Deputy Public Prosecutor (BS-17)	Malakand	Malakand	-do-
12.	Mr. Javed Hussain Mughai Deputy Public Prosecutor (BS-17)	Chitral	Chitral	Against the vacant post of Public Prosecutor (BPS-18) in his own pay scale.
13.	Mr. Zulfiqar Khan Deputy Public Prosecutor (BS-17)	Nowshera	Mardan	Vice No. 14
14.	Mr. Malik Aman Deputy Public Prosecutor (BS-17)	Mardan	Buner	Against the vacant post of Deputy Public Prosecutor (BS-17)
15.	Mr. Pervez Ilahi Deputy Public Prosecutor (BS-17)	Peshawar	Peshawar	Vice No. 16
16.	Mr. Qaisar Khan Deputy Public Prosecutor (BS-17)	Peshawar	Dir (Upper)	Against the vacant post of Deputy Public Prosecutor (BS-17)
17.	Mr. Israr Ali Deputy Public Prosecutor (BS-17)	Malakand	Dir (Lower)	-do-
18.	Mr. Anis Ahmad Jan Deputy Public Prosecutor (BS-17)	Mansehra	Mansehra	-do-
19.	Mr. Altaf Hussain Deputy Public Prosecutor (BS-17)	D.I.Khan	D.I.Khan	-do-
20.	Mr. Fazale Hadi Deputy Public Prosecutor (BS-17)	Nowshera	Nowshera	-do-
21.	Mr. Murtaza Shah Deputy Public Prosecutor (BS-17)	Haripur	Battagram	Against the vacant post of Deputy Public Prosecutor (BS-17)
22.	Mr. Sheikh Zahoor Ahmad Deputy Public Prosecutor (BS-17)	Abbottabad	Abbottabad	Vice No. 23
23.	Mr. Bilal Qureshi Deputy Public Prosecutor (BS-17)	Abbottabad	Mansehra	Against the vacant post of Deputy Public Prosecutor (BS-17)
24.	Mr. Iltaf Hussain Akhtar	Abbottabad	Swabi	-do-

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Mineral 2



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Prosecution)/ HD/ 1-2/ 2012
Dated Peshawar the 13th July, 2012

S.NO.	NAME OF OFFICER WITH DESIGNATION AND BPS	FROM	TO	REMARKS
25.	Mr. Changaiz Khan Deputy Public Prosecutor (BS-17)	Haripur	Kohistan	-do-
26.	Mr. Muhammad Nisar Deputy Public Prosecutor (BS-17)	Peshawar	Nowshera	Against the vacant post of Deputy Public Prosecutor (BPS-17)
27.	Mr. Anwar Khan Assistant Public Prosecutor (BS-16)	Kohat	Peshawar	Vice No. 28
28.	Mr. Ibad-Ur-Rehman Qurashi Assistant Public Prosecutor (BS-16)	Peshawar	Kohat	Vice.No. 27
29.	Muhammad Afzal Assistant Public Prosecutor (BS-16)	Dir (Upper)	Chitral	Against the vacant post of Assistant Public Prosecutor (BS-16)

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Ends: of Even No. & Date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
3. District Public Prosecutors, Peshawar, Dir (Lower), Lakki Marwat, Swat, Swabi, Bannu, Haripur, Dir (Upper), Malakand, Chitral, Nowshera, Mardan, Mansehra, D.I.Khan, Battagram, Abbottabad, Kohistan & Kohat.
4. District Accounts Officers Dir (Lower), Lakki Marwat, Swat, Swabi, Bannu, Haripur, Dir (Upper), Malakand, Chitral, Nowshera, Mardan, Mansehra, D.I.Khan, Battagram, Abbottabad, Kohistan & Kohat.
5. Officers concerned.
6. P.S to Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.

X
Section Officer (Prosecution) 16/07/2012

*Attended to be true copy
Main copy*

Annexure "C" (9)

FROM :

FAX NO. :

21 Nov. 2013 9:29AM P3



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/EXALL(49) 2013/14096-14
Dated Peshawar November 18, 2013

Office Phone # 091-9212559/ 091-9212542
Fax # 091-9212558
E-mail: kpprosecution@yahoo.com

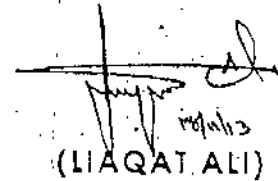
BY FAX

To

All District Public Prosecutors,
In Khyber Pakhtunkhwa.

Subject: - FINAL SENIORITY LIST OF DEPUTY PUBLIC PROSECUTORS (BS-17)

I am directed to enclose herewith copy of final seniority list of Deputy Public Prosecutors (BS-17) of this Directorate for information and circulation among all your subordinate concerned Prosecutors.

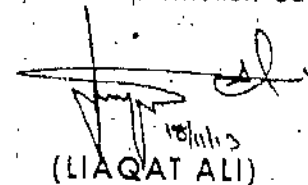


(LIAQAT ALI)

Deputy Director Admin/ Finance

Copy Forwarded for Information to:

1. The Section Officer (Prosecution), Home & Tribal Affairs Department, Khyber Pakhtunkhwa with reference to letter No.SO(Pros)/ HD/ 1-27/ 2011/ Vol-I dated 05-11-2013;
2. Mr. Niamat Ullah Jan, Steno typist/ PA to Director General Prosecution, Khyber Pakhtunkhwa with the direction to process promotion case of the Deputy Public Prosecutors (BS-17).



(LIAQAT ALI)

Deputy Director Admin/ Finance

*Attended to be trace
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**FINAL SENIORITY LIST OF DEPUTY PUBLIC PROSECUTORS (BPS-17)
DIRECTORATE OF PROSECUTION, HOME & TRIBAL AFFAIRS DEPARTMENT, KHYBER PAKHTUNKHWA.**

Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST		METHOD OF RECRUITMENT	PRESENT POSTING
				DATE	BPS		
1.	Sakirullah, B.A. LL.B	31/12/1962 FR, Bannu.	21/09/2010 as Deputy Public Prosecutor (BPS-17)	21/09/2010	(BPS-17)	Through Public Service Commission	Peshawar
2.	Usman Zaman Mohmand B.A. LL.B	04/11/1980 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BPS-17)	-do-	Peshawar (Courts) Home Dept.
3.	Gasim Farooq MA, LL.B	27/12/1979 Abbotabad	05/05/2008 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BPS-17)	-do-	Abbotabad
4.	Hussain Ahmad, B.A. LL.M	10/04/1980 Shigla	17/06/2008 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BPS-17)	-do-	Shargha
5.	Safullah, B.A. LL.B	10/04/1978 Peshawar	21/09/2010 as Deputy Public Prosecutor (BPS-17)	21/09/2010	(BPS-17)	-do-	Peshawar
6.	Tamur Khatek B.A. LL.B	29/12/1980 Nowshera	21-09-2010 as Deputy Public Prosecutor (BPS-17)	21/09/2010	(BPS-17)	-do-	Nowshera
7.	Taj Mohammedi, B.A. LL.B	05/03/1978 Lakki Mawal	21/09/2010 as Deputy Public Prosecutor (BPS-17)	21/09/2010	(BPS-17)	-do-	Lakki Mawal
8.	Bakhtiar Khan, B.A. LL.B	12/01/1978 Mohmand Agency	21/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Charsadda
9.	Wajid Ali, M.A. LL.B	02/04/1980 Charsadda	05/05/2008 as Assistant Public Prosecutor (BPS-16)	21/08/2009	(BPS-17)	-do-	Charsadda
10.	Miss Shabeen Tabasum, B.A. LL.B	12/4/1982 Kohat	11/02/2009 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BPS-17)	-do-	Kohat
11.	Asher Ali, B.A. LL.B	18/04/1983 Peshawar	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Mardan
12.	Jarvis Khan Mahsud, B.A. LL.B	01/09/1977 S.W. Agency	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	D.I.Khan
13.	Qasim Khan, B.A. LL.B	01/01/1980 Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BPS-17)	-do-	Peshawar
14.	Ayaz Zarin, B.A. LL.B	20/04/1983 Chitral	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Chitral
15.	Rewan-ud-Din, B.A. LL.B	19/12/1991 Kohat	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Kohat
16.	Zafar Ali, B.A. LL.B	30/03/1982 Molindand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BPS-17)	-do-	Charsadda
17.	Aras Jamil Khan, B.A. LL.B	21/03/1982 Hangu	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Hangu
18.	Sargeen Shah, B.A. LL.B	12/04/1982 Charsadda	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BPS-17)	-do-	Charsadda
19.	Arnat ul-Ha, M.A. LL.B	15/03/1980 S.W. Agency	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Tank
20.	Mian Aziz Ahmad, M.A. LL.B	05/06/1979 Or (Upper)	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Peshawar
21.	Mulammad Elial Qureshi, B.A. LL.B	01/07/1983 Abbotabad	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Marsotra
22.	Akhtar Nawaz Khan, B.A. LL.B	19/12/1978 Haripur	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BPS-17)	-do-	Haripur

Revised to be true copy.

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AK Khan

23.	Muhammad Qaisar, B.A. LL.B.	20/12/1956, Chacsadda.	01/01/1979 as PSI (BPS-07) in Police Department	27-02-2012	(BPS-17)	By prescription on regular basis	Peshawar
24.	Kiramullah, B.A. LL.B.	02/08/1958, Umarwat.	01/12/1982 as PSI (BPS-07) in Police Department	27-02-2012	(BPS-17)	-do-	Bannu
25.	Abdul Salam, B.A. LL.B.	03/06/1955, Swat.	22/02/1982 as PSI (BPS-07) in Police Department	27-02-2012	(BPS-17)	-do-	Swat
26.	Ibrahim Khan, M.A. LL.B.	20/04/1956, LAKK MARIK	26/01/1982 as PSI (BPS-07) in Police Department	27-02-2012	(BPS-17)	-do-	Swat
27.	Muhammad Zahoor, B.A. LL.B.	05/05/1954, LAKK MARIK	18/01/1987 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	Haripur
28.	Qazi Akbar Ahmad, B.A. LL.B.	14/09/1959, Malakand Agency	01/10/1987 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	Dir (Upper)
29.	Muhammad Saleem, B.A. LL.B.	20/04/1959, Dir	01/10/1987 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	Malakand
30.	Iran Shah, B.A. LL.B.	10/10/1961, Chitral	01/10/1987 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	Chitral
31.	Javed Hussain Mughal, B.A. LL.B.	02/04/1956, Peshawar.	13/03/1988 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	By promotion on acting basis	Mardan
32.	Zafiqar Khan, B.A. LL.B.	01/01/1955, Peshawar.	01/07/1977 as PSI (BPS-07) in Police Department	27-02-2012	(BPS-17)	-do-	Peshawar
33.	Pervez Iqbal, B.Sc. LL.B.	15/02/1957, Dir (Lower)	31/10/1982 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	Dir (Lower)
34.	Istiaq Ali, B.A. LL.B.	26/04/1958, Mansehra	29/01/1984 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	Mansehra
35.	Aamir Ahmad Jan, B.A. LL.B.	12/02/1961, D.I.Khan	17/09/1989 as PSI (BPS-11) in Police Department	27-02-2012	(BPS-17)	-do-	D.I.Khan
36.	Atari Hussain, B.A. LL.B.	09/10/1960, Dir (Upper)	09/12/1990 as PSI (BPS-14) in Police Department	27-02-2012	(BPS-17)	-do-	Nowshera
37.	Fazale Haq, B.A. LL.B.	27/01/1957, Haripur.	31/07/1991 as PSI (BPS-14) in Police Department	27-02-2012	(BPS-17)	-do-	Battagram
38.	Mutazza Shah, B.A. LL.B.	18/02/1958, Abbottabad	31/07/1991 as PSI (BPS-14) in Police Department	27-02-2012	(BPS-17)	-do-	Abbottabad
39.	Sheikh Zahoor Ahmad, B.A. LL.B.	01/04/1962, Mansehra	31/07/1991 as PSI (BPS-14) in Police Department	27-02-2012	(BPS-17)	-do-	Swabi
40.	Muhammad Hussain Akhtar, B.A. LL.B.	01/05/1962, Abbottabad	03/08/1991 as PSI (BPS-14) in Police Department	27-02-2012	(BPS-17)	-do-	Kohistan
41.	Changaz Khan, B.A. LL.B.	20/04/1955, Peshawar	11/04/1992 as PSI (BPS-14) in Police Department	27-02-2012	(BPS-17)	-do-	Nowshera
42.	Muhammad Nisar, B.A. LL.B.						

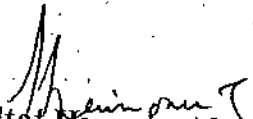
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SECRETARY
 (SYED AKHTAR ALI SHAH)
 Secretary to the Govt. of Khyber Pakhtunkhwa
 Home & Tribal Affairs Department

CHARGE ASSUMPTION REPORT

In compliance with the Notification of the Worthy Secretary to Govt: of Khyber Pakhtunkhwa Home & Tribal Affairs Department Peshawar, bearing No. SO (Prosecution) HD/1-10-UP/2017/ Vol-I, dated 02/02/2017, in pursuance of Finance Department Government of Khyber Pakhtunkhwa letter No. KC/SO(FR)/FD/7-8/APP dated 02/02/2017, wherein post of Deputy Public Prosecutor BPS-17 is up-graded to BPS-18, therefore, I, Altaf Hussain Akhtar, Deputy Public Prosecutor BPS-17 Haripur assume the charge of the post of Deputy Public Prosecutor upgraded to BPS-18 today on 03/02/2017 (forenoon).

Dated: 03/02/2017


(Altaf Hussain Akhtar)
Deputy Public Prosecutor,
Haripur

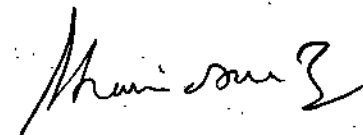
OFFICE OF THE DISTRICT PUBLIC PROSECUTOR, HARIPUR

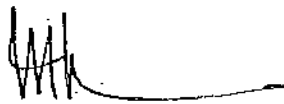
No. 121-26 /DPP/17

Dated Haripur the 03/02/2017.

Copy forwarded to for Information:

1. The PS to Secretary, Home & T.As Department Peshawar.
2. The Director General Prosecution, Govt of Khyber Pakhtunkhwa, Home & T.As Department Peshawar.
3. Accountant General, Govt: of Khyber Pakhtunkhwa Peshawar.
4. The Section Officer (Prosecution), Home & T.As Department Peshawar.
5. The District Accounts Officer, Haripur.
6. Officer concerned.
7. Office Copy

*Mineral to be used
copy*



(Hafiz Muhammad Haroon)
District Public Prosecutor,
Haripur



The
District Prosecution
Mansehra

No: _____ /2018/DPP/MA.

Dated Mansehra October 23, 2018

Annexure "E"

(13)

To

Director General of Prosecution,
Khyber Pakhtunkhwa Home &
Tribal Affairs Department, Peshawar.

Subject:- PROMOTION TO THE POST OF DEPUTY PUBLIC
PROSECUTOR BPS-18

Dear Sir,

I have the honor to enclose herewith application of Mr. Iltaf
Hussain Akhtar, Dy PP in original alongwith enclosures, for perusal and
consideration please.

District Public Prosecutor
Mansehra.

No. 1841-42 /DPP/18 Dated Mansehra the 23-10-2018.

Copy forwarded to the:-

1. Officer concerned w/r to her application dated 23-10-2018.
2. Office record.

District Public Prosecutor
Mansehra.

Attended to Se' Vice Copy.
Munir

To,

The Honorable Secretary,
Home and Tribal Affairs,
Khyber Pakhtunkhwa, Peshawar.

Through: - The Director General Prosecution, Khyber Pakhtunhuwa, Peshawar.

Subject:- PROMOTION TO THE POST OF DEPUTY PUBLIC PROSECUTOR BPS-18.

Respected Sir,

The undersigned respectfully sheweth as under:-

1. That undersigned along with other fellow prosecutors was appointed as Prosecuting Sub Inspector in the Frontier Police on 1.8.1991 and remained posted there till the year 2002, when a new Prosecution Department was established by the Govt: and the police Prosecution was merged therein as such all the PSis were re-designated as Assistant Public Prosecutors BPS-14. Which was subsequently upgraded to BPS-16 from 31.5.2007.
2. That in the year 2012 the Prosecution department, KPK, considered the promotion of Assistant Public Prosecutors to the post of Deputy Public Prosecutor BPS-17 and the Departmental Promotion Committee recommended the cases of 24 APPs from the seniority list for promotion wherein my name stood at serial no.17.
As 5 year service in BPS 16 required for promotion to BPS 17 fall short for just (4) months in the case of prosecutors falling at serial No. 14 to 24, so they were recommended for promotion on acting charge basis for the said period with immediate effect in the public interest. (Photo copy of notification dated 13.2.2012 is annexure "A"). The issuance of proper notification thereof remained pending for about (5) months and the competent authority finally issued the notification on 13th, July, 2012. Similarly in pursuance to the above mentioned notification the Director General Prosecution, KPK, Peshawar, issued Tentative seniority List of Deputy Public Prosecutors BPS-17, on 17th December 2012, wherein my name is placed at serial No.36, along with other Deputy Public Prosecutors.
3. That on the basis of the above mentioned tentative seniority list, a final seniority list of the Deputy Public Prosecutor BPS-17 was issued by the Home Department, after the approval of the honorable Chief Secretary, KPK, Peshawar, wherein my name is placed at serial No. 35, along with my other colleagues. (Photo copy is annexure "B").
5. That the august Peshawar High Court ordered the provincial Govt: to upgrade all the Assistant Public Prosecutors to the BPS-17 from 2010. For the reason best known the Govt: upgraded the post w.e.f 1.12.2010. The august High Court once again asked the provincial govt : to issue corrigendum so as to order the up-gradation either from the calendar year i.e. 1st January, 2010 or from the financial year i.e. 1st July 2010 because the date of 1.12.2010 smelt some mala fide, but the same is still a dream.
6. That on the orders of august Peshawar High Court Peshawar upgradation of the post of the Deputy Public Prosecutor from BPS-17 to BPS-18 was notified on. 2.2.2017, as such I was accordingly upgraded.

It is submitted that the Govt: has promoted 65 Assistant Public Prosecutors as Deputy Public Prosecutor BS 18 vide notifications Dt: 29.5.2018 and Dt

*Attested to be true copy,
Munir Khan*

10.10.2018 through which after six year I once again has been promoted as DyPP, instead of regularizing my promotion w.e.f the date I was promoted as DyPP on acting charge i.e. from 27.2.2012. As is held by the august Supreme Court of Pakistan vide judgment " 2006 SCMR 1938 ".


" The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted to such higher post; Where he was put on the said higher post on officiating or Acting charge basis because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority; and where he was subsequently found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said post but also to all consequential benefits from the very date from which he had been put on acting charge basis and was hold accordingly ".

The only reason or the for this deliberate act is that I along with my two colleagues are the only Deputy Public Prosecutors among all the Dy PPs , who are qualified to be promoted to BS 19, according to the rules and promotion formula.

Keeping in view the above facts and the dictum of the Supreme Court of Pakistan the notification in hand may please be corrected so as to regularize the promotion of the under signed from 27.2.2012, the date I took over the charge of Deputy Public Prosecutor on acting charge basis and held the post continuously for the last six years.

I'll be very grateful for this act of kindness.

Thanking you in anticipation


(ILTAF HUSSAIN AKHTAR)
Deputy Public Prosecutor,
Mansehra.

*Attended to be true
Copy. Iltaf Hussain Akhtar*

Annexure "F"

(16)

The

No: 942 /2019/DPP/MA.

District Prosecution
Mansehra

Dated Mansehra July, 22, 2019

To

The Director General of Prosecution,
Khyber Pakhtunkhwa Home &
Tribal Affairs Department, Peshawar.

Subject: -

APPLICATION FOR PROVISION OF COPY OF THE ORDER.

Dear Sir,

I have the honour to enclose herewith self explanatory application of Mr. Iltaf Hussain Akhtar, Deputy Public Prosecutor Mansehra in original for further necessary action at your end please.



District Public Prosecutor
Mansehra

Attended to the case
Copy. *Mansehra*

To,

The Director General of Prosecution,
Govt of Khyber Pakhtunkhwa Home &
Tribal Affairs Department, Peshawar.

Subject: PROVISION OF COPY OF INFORMATION UNDER SECTION 07 OF
INFORMATION ACT 2013 WHEREBY MY REPRESENTATION FOR
REGULARIZATION OF PROMOTION AS DEPUTY PUBLIC PROSECUTOR
W.E.F 27TH FEBRUARY 2012 HAS BEEN REJECTED.

Dear Sir,

The undersigned submits for your kind consideration as under:-

1. That undersigned has submitted an application for regularization of Promotion w.e.f 27th February 2012, from the date I took over charge as Deputy Public Prosecutor.
2. That the undersigned has learnt from reliable sources that my representation has been rejected by the establishment department and file has been returned to the Directorate of Prosecution.
3. Despite my best efforts, I am not being provided the copy of order so I can move the authorities concerned for redressal of my grievance.

It is, therefore, requested that I may please be provided with copy of the order, where my representation has been rejected so I can approach the authorities concerned.

I'll be very grateful for this act of kindness.

Thanking you in anticipation

(ILTAF HUSSAIN AKHTAR)
Deputy Public Prosecutor,
Mansehra

*Attached to be
True Copy
Iltaf Hussain Akhtar*



**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DPPE/A/PE/7132-33

Dated Peshawar 25/07/2019

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kp prosecution@yahoo.com

To

The District Public Prosecutor,
Mansehra.

Subject: - PROMOTION TO THE POST OF DEPUTY PUBLIC PROSECUTOR
BPS-18.

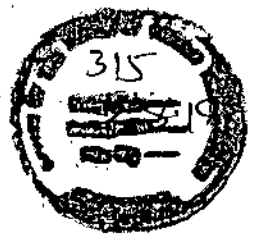
Dear Sir,

I am directed to refer to your letter No. 1841-42/2018/DPP/MA Dated: October 23, 2018 on the subject noted above and to enclose herewith the letter of Section Officer Prosecution alongwith its enclosures with the request to convey the same to the officer concerned.

Yours faithfully,

(Shafiqullah)

Deputy Director Administration



Endst : of even No. dated:

Copy forwarded for information to:

- ✓ 1. Mr. Iltaf Hussain Akhtar, Deputy Public Prosecutor, Mansehra.
- 2. PA to Director General Prosecution, Khyber Pakhtunkhwa.

1
Deputy Director Administration

**District Public Prosecutor
Mansehra.**

Attended to be true
copy.
Munir

(19)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
NO. SO (Pros)/HD/1-10/2018/Vol-I
Dated Peshawar the 15th July, 2019.

The Director General Prosecution
Khyber Pakhtunkhwa Peshawar.

Subject: PROMOTION TO THE POST OF DEPUTY PUBLIC PROSECUTOR (BS-18).

F/B

I am directed to refer to your letter No. DP/E&A/1(100)/11004, dated 05-12-2018 on the subject noted above and to enclose herewith Establishment Department, Khyber Pakhtunkhwa letter No. SOR-III(E&AD)/4-2/014, dated 26-06-2019, which is self-explanatory for information and necessary action, please.

Encl: as above

Section Officer (Prosecution)

Copy forwarded to PS to Secretary, Home Department, Khyber Pakhtunkhwa.

Section Officer (Prosecution)

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17/7/19
17.7.15
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17/07/2019
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Annexure "G" (20)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SOR-III (E&AD) 4-2/2014
Dated Peshawar the June 26, 2019

To

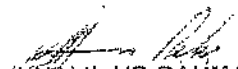
The Secretary to Govt of Khyber Pakhtunkhwa,
Home & T.As Department.

Subject: PROMOTION TO THE POST OF DEPUTY PUBLIC PROSECUTOR (BS-18)

Dear Sir,

I am directed to refer to Home & T.As Department letter No.SO(Pros)/HD/1-10/2018/Vol-I dated 14th January, 2019 on the subject cited above and to say that the request of the officer for anti dated promotion is not covered under the law. Moreover, he has availed/obtained all the financial benefits through acting charge basis in BS-17. Moreover the post has been upgraded to BS-18 in 2017 and the process finalized up to 2018 and he has accordingly been regularized in BS-18 alongwith others. Hence the request of the officer for ante-dated Promotion w.e.f 27th-Feb-2012 is not covered under the rules/policy.

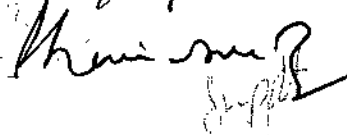
Yours faithfully,


(KHALIL-UR-RAHMAN)
SECTION OFFICER (R-III)
Phone No.9211793

So (Please)

28/6/19

After read to be
True Copy




31/5

Annexure A (2M)

FROM : DCPHAR

FILE NO. : 10885637334

23 Aug. 2018



TO BE SUBSTITUTED FOR THE SAME NUMBER AND DATE

GOVERNMENT OF KHYBER PAKHTUNKHWA

HOME & TRIBAL AFFAIRS DEPARTMENT

Peshawar dated the 29th May, 2018.

NOTIFICATION

NO.SO (Prosecution) : ID/1-10/2017/Vol-I: On the recommendations of the Provincial Selection Board, the Government of Khyber Pakhtunkhwa is pleased to promote the following Assistant Public Prosecutors, BS-17 to the post of Deputy Public Prosecutors, BS-18, on regular basis with immediate effect: -

S.#	Name of the Officers
1.	Mr. Altaf Hussain
2.	Mr. Fazale Hadi
3.	Mr. Itaf Hussain Akhtar
4.	Mr. Muhammad Afzal
5.	Mr. Javed Iqbal Anwar
5.	Mr. Muhammad Shakeel
7.	Mr. Attaullah
8.	Mr. Muhammad Nadeem
9.	Mr. Hayatullah
10.	Mr. Sher Bahadar
11.	Mr. Ziaullah Wazir
12.	Mr. Khalid Khan
13.	Mr. Tasawar Hussain
14.	Mr. Amanullah
15.	Mr. Muzafer Ahmad
16.	Mr. Javed-ur Rehman
17.	Mr. Syed Falak Sair
18.	Mr. Manzoor Alam
19.	Mr. Umar Niaz
20.	Mr. Rafiullah
21.	Mr. Muhammad Tufail
22.	Mr. Ibadur Rehman
23.	Mr. Asim Mehmood

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 & Probation) Rules, 1989.

SECRETARY
HOME DEPARTMENT

Encl: No. even, dated 11th December, 2018.

Copy forwarded to: -

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
2. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Accountant General Khyber Pakhtunkhwa Peshawar.
4. The Advocate General Khyber Pakhtunkhwa, Peshawar.
5. The Director General Prosecution Khyber Pakhtunkhwa.
6. All District Public Prosecutors in Khyber Pakhtunkhwa.
7. All District Accounts Officers in Khyber Pakhtunkhwa.
8. P.S to Secretary Home & Tribal Affairs Department, Peshawar.
9. PS to Special Secretary, Home & Tribal Affairs Department, Peshawar.

Attached to
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R. No 199
17/12/18
Assist

Section Officer (Prosecution)
11/12/18

Annexure 'G' (22)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the October 10, 2018.

NOTIFICATION

NO. 50 (Prosecution) HD/1-2/2018/VOL-1: Consequent upon their promotion to Deputy Public Prosecutor (BS-18), as notified vide this Department's Notification of even number dated 29-05-2018, and appointment of the Assistant Public Prosecutor (BS-17) notification dated 10-09-2018, the Provincial Government of Khyber Pakhtunkhwa is pleased to order following posting/transfer and adjustment with immediate effect in the public interest:-

S.No	Name of Prosecutors with designation	From	To	Remarks
1.	Mr. Altaf Hussain Deputy Public Prosecutor (BS-18)	D.I. Khan	Bannu	Against vacant post of Deputy Public Prosecutor (BS-18)
2.	Mr. Faiz-e-Haq Deputy Public Prosecutor (BS-18)	Nowshera	Nowshera	--do--
3.	Mr. Itaf Hussain Akhtar Deputy Public Prosecutor (BS-18)	Harpur	Manshera	Against vacant post of Senior Public Prosecutor (BS-19) in OPS.
4.	Muhammad Afzal Khan Deputy Public Prosecutor (BS-18)	Chitral	Chitral	Against vacant post of Senior Public Prosecutor (BS-19) in OPS.
5.	Mr. Javed Iqbal Anwar Deputy Public Prosecutor (BS-18)	Abbottabad	Harpur	Against vice No.3
6.	Muhammad Shakeel Ahmad Deputy Public Prosecutor (BS-18)	Lakki Marwat	D.I. Khan	Against vice No.1
7.	Mr. Ataulah Khan Deputy Public Prosecutor (BS-18)	Lakki Marwat	Bannu	Against vacant post of Deputy Public Prosecutor (BS-18)
8.	Muhammad Gadeem Khan Deputy Public Prosecutor (BS-18)	Lakki Marwat	Lakki Marwat	--do--
9.	Mr. Hayatullah Jan Deputy Public Prosecutor (BS-18)	Lakki Marwat	Lakki Marwat	--do--
10.	Mr. Sher Bahadar Khan Deputy Public Prosecutor (BS-18)	D.I. Khan	Tank	--do--
11.	Mr. Ziaullah Waair Deputy Public Prosecutor (BS-18)	Manshera	Manshera	--do--
12.	Mr. Khalid Khan Deputy Public Prosecutor (BS-18)	Mardan	Mardan	--do--
13.	Mr. Tasawar Hussain Deputy Public Prosecutor (BS-18)	Lakki Marwat	D.I. Khan	Against vacant post of Senior Public Prosecutor (BS-19) in OPS.
14.	Mr. Amanullah Deputy Public Prosecutor (BS-18)	Bannu	Kohat	Against vacant post of Senior Public Prosecutor (BS-19) in OPS.
15.	Mr. Muzafar Ahmed Deputy Public Prosecutor (BS-18)	Mardan	Swat	Against vacant post of Deputy Public Prosecutor (BS-18)
16.	Mr. Javed-ur Rehman Deputy Public Prosecutor (BS-18)	Malakand	D.I. Lower	--do--
17.	Mr. Syed Kaleem Saif Deputy Public Prosecutor (BS-18)	Mardan	Chorsadda	Against vacant post of Senior Public Prosecutor (BS-19) in OPS.
18.	Mr. Manzoor Alam Deputy Public Prosecutor (BS-18)			On deputation to FIA
19.	Mr. Umar Niaz Deputy Public Prosecutor (BS-18)	Bannu	Kohat	Against vacant post of Deputy Public Prosecutor (BS-18)

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20.	Mr. Rafiqul Deputy Public Prosecutor (BS-16)	Mardan	Mardan	-do-
21.	Muhammed Tufail Deputy Public Prosecutor (BS-16)	Kohat	Malakand	-do-
22.	Mr. Isadur Rehman Deputy Public Prosecutor (BS-16)	Nowshera	Manju	-do-
23.	Mr. Asim Mahmood Deputy Public Prosecutor (BS-16)	Abbottabad	Abbottabad	Against vacant post of Senior Public Prosecutor (BS-16) in OPS.
24.	Mr. Shafiqullah Deputy Public Prosecutor (BS-16)	On repatriation from deputation	Directorate of Prosecution	Deputy Director Admin Against vice No.25 in OPS.
25.	Mr. Aliqur Rehman Deputy Public Prosecutor (BS-16)	Deputy Director Legal, Directorate of Prosecution	Nowshera	Mr. Aziz Ahmed presently holding the post of Deputy Director Administration shall work as Deputy Director Legal
26.	Mr. Fozal Masood Assistant Public Prosecutor (BS-17)	Initial Recruitment	Chitral	Against vacant post of Assistant Public Prosecutor (BS-17)
27.	Miss. Asim Assistant Public Prosecutor (BS-17)	Initial Recruitment	Swabi	-do-
28.	Mr. Zahid Ullah Assistant Public Prosecutor (BS-17)	Initial Recruitment	Karak	-do-
29.	Mr. Syeda Azeen Ayub Assistant Public Prosecutor (BS-17)	Initial Recruitment	Manshara	Against the vacant post of Deputy Public Prosecutor (BS-18) in OPS.
30.	Mr. Saah Shafiq Assistant Public Prosecutor (BS-17)	Initial Recruitment	Swabi	Against the vacant post of Deputy Public Prosecutor (BS-18) in OPS.
31.	Mr. Muhammad Ijaz Assistant Public Prosecutor (BS-17)	Initial Recruitment	Malakand	Against vice No.16
32.	Mr. Muhammad Sheraz Assistant Public Prosecutor (BS-17)	Initial Recruitment	Mardan	Against vice No.12
33.	Mr. Imtiaz Ahmad Assistant Public Prosecutor (BS-17)	Initial Recruitment	Buner	Against vacant post of Assistant Public Prosecutor (BS-17)
34.	Mr. Abdus Samad Khan Assistant Public Prosecutor (BS-17)	Initial Recruitment	Swabi Malakand	Against vice No.66
35.	Mr. Shanzab Ahmad Assistant Public Prosecutor (BS-17)	Initial Recruitment	Swabi	Against vacant post of Assistant Public Prosecutor (BS-17)
36.	Mr. Malik Usman Akram Assistant Public Prosecutor (BS-17)	Initial Recruitment	Manju	-do-
37.	Mr. Tahir Ali Assistant Public Prosecutor (BS-17)	Initial Recruitment	Mardan	Against vice No.15
38.	Mr. Sulaiman Khan Assistant Public Prosecutor (BS-17)	Initial Recruitment	Mardan	Against vice No. 17
39.	Mr. Shah Muhammad Assistant Public Prosecutor (BS-17)	Initial Recruitment	Kohat	Against vacant post of Assistant Public Prosecutor (BS-17)
40.	Mr. Majid Ail Assistant Public Prosecutor (BS-17)	Initial Recruitment	Buner	-do-
41.	Mr. Shafiq Ullah Assistant Public Prosecutor (BS-17)	Initial Recruitment	D.I Khan	-do-
42.	Muhammad Tahir Assistant Public Prosecutor (BS-17)	Initial Recruitment	Targhan	Against vice no.51

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SECRETARY
HOME DEPARTMENT

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The CSM,
Islamabad*

43.	Mr. Atiq-ud-Din Younsuzai	Initial Recruitment	Non-Resident	Against vice No.22
44.	Mr. Farman Ullah Khan	Initial Recruitment	Malakand	Against vacant post of Assistant Public Prosecutor (AS-17)
45.	Mr. Imran Khan	Initial Recruitment	Swat	-20-
46.	Mr. Muhammad Harman	Initial Recruitment	Dir Upper	-40-
47.	Mrs. Noveda Naz	Initial Recruitment	Peshawar	-40-
48.	Mrs. Aaliya	Initial Recruitment	Peshawar	Against vice No.53
49.	Mrs. Zahid Nisar	Initial Recruitment	Manshara	Against vice No.13
50.	Mr. Saqib Ahmad	Initial Recruitment	Mardan	Against vice No.20
51.	Mr. Imran Khan	Initial Recruitment	Abbottabad	Against vice No.05
52.	Muhammad Naseem Khan	Initial Recruitment	Haidpur	Abbottabad
53.	Mr. Qamar Zeb	Peshawar	Swabi	Against the vacant post of Deputy Public Prosecutor (AS-17)
54.	Mr. Farman Amir	Kohat	Bannu	Against vice No.14
55.	Muhammad Mujaffar	Hangu	Charsadda	Against vacant post of Assistant Public Prosecutor (AS-17)
56.	Mr. Muhammad Aiz	Dir Upper	Makhdand	-40-
57.	Syed Abdul Mujib	Dir Lower	Mardan	Against vice No.58
58.	Mrs. Sumaira	Mardan	Dir Lower	Against vice No.57
59.	Mr. Abdul Waheed	Chitral	Swat	Against vacant post of Assistant Public Prosecutor (AS-17)
60.	Mr. Azad Muhammad Aftab	Mardan	Peshawar	-40-
61.	Mr. Wahidullah	Chitral	Dir Upper	-40-
62.	Mr. Zulfikar Ali	Swat	Non-Resident	Against vacant post of Assistant Public Prosecutor (AS-17)
63.	Mr. Haroon Khan SSI	Buner	Swat	-40-
64.	Mr. Shikandar Zaman	Dir Upper	Makhdand	-40-
65.	Mr. Noshwan Khan	Swat	Directorate of Prosecution	-40-

11 Oct. 2018 11:24PM F3

FRX NO.: 0915212593

23 Aug. 2019 11:57AM P4

FRX NO.: 0995627934

FROM: DFFH

(24)

(25)

FROM : DFFHR

FAX NO. : 0995627994

23 Aug. 2015 11:57AM P5

FAX NO. : 0519212559

11 Oct. 2018 11:25AM P4

Encl: No. and date event

Copy forwarded to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
5. All the District Public Prosecutors, Khyber Pakhtunkhwa.
6. All the District Accounts Officers, Khyber Pakhtunkhwa.
7. PS to Secretary, Home Department, Peshawar.
8. Officer Concerned.

X
Section Officer (Prosecution)

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pa0-040f04

BEFORE THE AUGUST SERVICES TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR.

ILTAF HUSSAIN AKHTAR, DY PUBLIC PROSECUTOR..... APPELLANT.

VERSUS.

- 1. The Chief Secretary, Govt: of KPK, Peshawar.
- 2. The Secretary Establishment, Govt: of KPK, Peshawar.
- 3. The Secretary, Home and T,A. Govt: of KPK Peshawar.
- 4. The Director General, Prosecution, KPK, Peshawar and others.....Respondents

Subject:- APPLICATION FOR STATUS QUO.

Sir,

The applicant submit as under:-

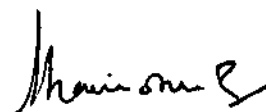
- 1, That the appellant has filed an appeal before this honorable Tribunal and this application may be treated as part and parcel of the said appeal.
- 2 That when the appellant was promoted as Deputy Public Prosecutor, the respondents' No. 5 to 13 were not yet appointed, but for reason best known they have been assigned seniority which is evident from the seniority list.
- 3 That the appellant has a prima facie case and the balance of convenience also tilts in favor of the appellant.
- 4, That the respondents No. 3 & 4 are bent upon processing the promotion case of the Deputy Public Prosecutor sans the appellant, which will cause irreparable loss to the appellant besides seriously jeopardizing the benefits of the appellant and giving undue benefits to the respondents and others, while the case of the appellant is at par with the others and at a better footing than the respondents.

It is, therefore, requested that in light of the above discourse status quo may please be granted and respondents No.3 & 4 may be restrained from processing any promotion case of Deputy Public Prosecutor until the settlement of seniority of the appellant

APPLICANT,
THROUGH
(SHAD MUHAMMAD KHAN)
ADVOCATE, SUPREME COURT.

AFFIDAVIT.

I do hereby solemnly affirm and state that all the contents of this application are correct to the best of knowledge and nothing has been concealed from this august Tribunal/Court.


(ILTAF HUSSAIN AKHTA)
DEPUTY PUBLIC PROSECUTOR,
MANSEHRA.

وکالت نامہ

SERVICES TRIBUNAL 1010, PESHAWAR
بعدالت جناب

دعویٰ یا جرم سروس ریکل منجانب ابیدلہ فیض
باعت تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی بمقام

شاد محمد خان ایڈووکیٹ سپریم کورٹ آف پاکستان

یہ میں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار حاصل شدہ عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا مرد تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ ساعت ہونے پر یا مرد پکھری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل سائنٹہ پر داخستہ صاحب مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل گمرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کارروپیہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپردگاشی و رضی نامہ و فیصلہ بر خلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا مشورگی ڈگری یا کٹرفر درخواست حکم امتناع یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایلی علیحدہ پیروی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختیار نامہ لکھ دیا ہے کہ سندر ہے۔

المقوم 22/8/19

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

آل عبد العبد العبد

ATTESTED & ACCEPTED

SHAD MUHAMMAD KHAN,

Advocate Supreme Court,
of Pakistan.

Shad Muhammad Khan
22/8/19