

2nd Nov., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment. Last opportunity is granted. To come up for arguments on 15.12.2022 before the D.B.



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

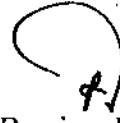
15.12.2022

Due to general strike of the Bar, case is adjourned to 06.03.2023 before D.B. Office is directed to notify the next date on notice board as well as the website of the Tribunal.

**SCANNED**  
**KPST**  
**Peshawar**



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

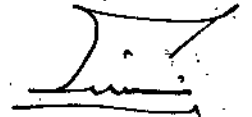
27.06.2022

Learned counsel for the appellant present. Mr. Sultan Shah, Section Officer (Litigation) and Mr. Amjid Ali, Superintendent alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant stated that similar nature Service Appeal bearing No. 7302/2021 titled "Hamayun Zia Versus Government of Khyber Pakhtunkhwa etc, has been adjourned for arguments on 09.08.2022, therefore, the appeal in hand may also be adjourned for the said date. Adjourned. To come up for arguments on 09.08.2022 before the D.B.



(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

9-8-2022

*Due to the Public holiday the case is  
adjourned to 04/10/2022*



*Reader*

04.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General alongwith Majid Khan, Superintendent for respondents present.

Despite direction in order sheet dated 27.06.2022 office has not fixed the instant case with the appeal No. 7302/2021 titled "Hamayun Zia Vs. Government of Khyber Pakhtunkhwa" wherein next date was fixed 02.11.2022. Let it be fixed for arguments on 02.11.2022 before D.B.



(Fareeha Paul)  
Member (I)



(Kalim Arshad Khan)  
Chairman

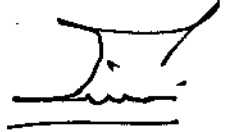
28.01.2022

Learned counsel for the appellant present. Mr. Sultān Shah, Superintendent and Mr. Amjid Ali, Assistant alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment for preparation of arguments. Adjourned. To come up for arguments on 01.03.2022 before the D.B.




(Rozina Rehman)  
Member (J)



(Salah-ud-Din)  
Member (J)

1-3-2

*Due to retirement of the Honble. Chairman the case is adjourned to come up for the same as before on 3-6-22*



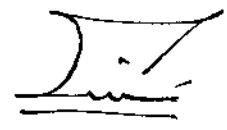
03.06.2022

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant stated that similar nature Service Appeal bearing No. 7302/2021 titled "Hamayun Zia Versus Government of Khyber Pakhtunkhwa", is fixed for arguments on 27.06.2022, therefore, the appeal in hand may also be fixed on the said date. Adjourned. To come up for arguments on 27.06.2022 before the D.B.



(Mian Muhammad)  
Member (E)




(Salah-ud-Din)  
Member (J)

13.01.2022

Learned Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Majid Superintendent for the respondents present.

Learned counsel for the appellant requests for adjournment. Request accorded. To come up for arguments on 19.01.2022 before the D.B.

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

  
Chairman

19.01.2022

Junior to counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Majid, Superintendent for the respondents present.

Former seeks adjournment due to indisposition of senior counsel for the appellant. Request accorded. To come up for arguments on 14.03.2022 before the D.B.


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

  
Chairman

P.S

19.01.2022

Later-on learned counsel for the appellant turned up and requested for short adjournment. Request is accorded. To come up for arguments on 28.01.2022 instead of 14.03.2022 before the D.B. Notices be issued to the respondents for the substituted date.

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

  
Chairman

13.07.2021

Counsel for the appellant and Mr. Adeel Butt, Additional Advocate General for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 24.11.2021 for the same before D.B.



(Rozina Rehman)  
Member (Judicial)



Chairman

1-10-21

DB is on Tour case to come up?  
For the same on Dated. 16-11-21

Recorder

16.11.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 13.01.2022 before the D.B.



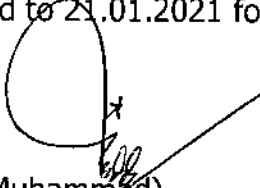
(Mian Muhammad)  
Member (E)


13.11.2020

Junior counsel for appellant present.

Zara Tajwar learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 21.01.2021 for arguments, before D.B.


  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

21.01.2021

Counsel for the appellant and Asstt. AG alongwith Aqib Javed, Senior Clerk for the respondents present.

To come up for arguments before the D.B on 22.04.2021 alongwith Service Appeal No. 146/2019.

  
(Mian Muhammad)  
Member(E)

  
Chairman


10.3.2021

The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for hearing on 17.06.2021 before the D.B.

  
Reader


11.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.

  
Reader

03-4-2020

Due to COVID 19, the case is adjourned  
to 30.6.2020 for the same as before.



30.06.2020

Due to COVID-19, the case is adjourned to 25.08.2020  
for the same.



Reader

25.08.2020

Due to summer vacation case to come up for the  
same on 09.10.2020 before D.B.




Reader

09.10.2020

Appellant present through counsel.

Zara Tajwar, learned Deputy District Attorney for  
respondents present.

Former requests for adjournment; granted. To come up for  
arguments on 13.11.2020 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

17.12.2019

Lawyers are on strike on the call of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 27.01.2020 before D.B.

  
Member

  
Member

27.01.2020

Appellant in person and Mr. Muhammad Jan, DDA alongwith Sajid Superintendent for the respondents present.

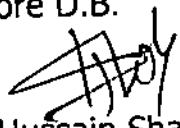
Due to general strike on the call of K.P Bar Council, instant appeal is adjourned to 19.02.2020 for arguments before the D.B.

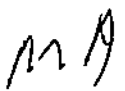
  
Member

  
Member

19.02.2020

Junior to counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant AG alongwith Mr. Sajid Superintendent for respondent No. 4 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 on 03.04.2020 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member



03.07.2019 Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Sajid Superintendent on behalf of the respondent No. 4 present and seeks time to furnish written reply/comments. None present on behalf of the respondent No. 1 to 3 nor written reply submitted, therefore, notice be issued to the representative of the respondent department to attend the court and submitted written reply on the next date positively. Last opportunity is granted. Adjourned. To come up for written reply/comments on 29.08.2019 before S.B.

  
Member

29.08.2019 Counsel for the appellant present. Addl: AG alongwith Mr. Naqeebullah, Stenographer and Mr. Sajid, Supdt for respondents present. Written reply on behalf of respondents no. 1 and 2 submitted while the remaining respondents rely on reply submitted by respondents no. 1 and 2. To come up for rejoinder and arguments on 15.11.2019 before D.B.

  
(Ahmad Hassan)  
Member

15.11.2019 Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondent present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 17.12.2019 before D.B.

  
Member

  
Member

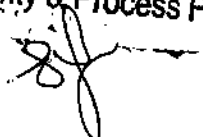
16.04.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, for the issuance of direction to the respondents to include his name in the seniority list of the Computer Operators at a proper place.

Points urged need consideration. The present 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 written reply/comments on 29.05.2019 before S.B.

Appellant Deposited  
Security & Process Fee



Member

29.05.2019

Counsel for the appellant and Sajid Khan, Assistant for respondent No. 4 alongwith Addl. AG for the respondents present.

Except representative of respondent No. 4 no representative is in attendance on behalf of the respondents today. Learned AAG undertakes to procure the reply/comments from the respondents on next date of hearing.




Adjourned to 03.07.2019 before S.B.

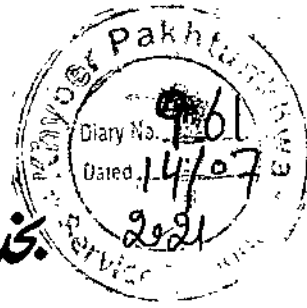
  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 147 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/1/2019	<p>The appeal of Mr. Muhammad Haleem resubmitted today by Mr. Muhammad Asif Yousafzai 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 30/1/19 </p>
2-	12.03.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-3-19</u>.</p> <p style="text-align: right;">   CHAIRMAN </p> <p>Counsel for the appellant present and seeks adjournment. Adjourned to 16.04.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;">   (MUHAMMAD AMIN KHAN KUNDI)  MEMBER </p>



بخدمت جناب چیئر مین صاحب سروس ٹریبونل خیبر پختونخوا پشاور

جناب عالی!

گزارش کی جاتی ہے کہ سائل نے 21 دسمبر 2018ء کو ٹریبونل میں کیس نمبر 19-146 دائر کیا۔ وقتاً فوقتاً کیس کی تاریخیں چلتیں رہی لیکن اچانک کووڈ 19 کی وجہ سے عدالتی نظام بھی رک گیا اس کے بعد ایک تاریخ پر محترم چیئر مین بیمار ہو گئے جبکہ اس سے اگلی تاریخ پر وہ وفات پا گئے اب جبکہ سروس ٹریبونل نے بھی کام شروع کر دیا ہے لیکن اس دفعہ وکلاء کی ہڑتال کی وجہ سے مجھے چار ماہ بعد 24 نومبر کی تاریخ دی گئی ہے جبکہ یہ ہمارے کیس کی آخری تاریخ ہے۔

برائے مہربانی سائل کی تاریخ تبدیل کر کے کچھ کم دنوں کی تاریخ دی جائے تاکہ سائل کی ذہنی پریشانی کم ہو سکے اور کیس بھی اختتام کو پہنچ سکے۔

عین نوازش ہوگی

العارض

سائل عبدالخلیم (کمپیوٹر آپریٹر)

گورنر ہاؤس پشاور

Be fixed in 1st week  
of October, 2021.  
1-10-21

04/1

Put up to the worthy chair-man  
for relevant appeal.

14/7/2021

lw.

بخدمت جناب چیئر مین صاحب سروس ٹریبونل خیبر پختونخوا پشاور



جناب عالی!

گزارش کی جاتی ہے کہ سال نے 21 دسمبر 2018ء کو ٹریبونل میں کیس نمبر 19-146 دائر کیا۔ وقتاً فوقتاً کیس کی تاریخیں چلتیں رہی لیکن اچانک کووڈ 19 کی وجہ سے عدالتی نظام بھی رک گیا اس کے بعد ایک تاریخ پر محترم چیئر مین بیمار ہو گئے جبکہ اس سے اگلی تاریخ پر وہ وفات پا گئے اب جبکہ سروس ٹریبونل نے بھی کام شروع کر دیا ہے لیکن اس دفعہ مجھے ساڑھے تین ماہ بعد 31 اگست 2021ء کی تاریخ دی گئی ہے جبکہ یہ ہمارے کیس کی آخری تاریخ ہے۔

برائے مہربانی سائل کی تاریخ تبدیل کر کے کچھ کم دنوں کی تاریخ دی جائے تاکہ سائل کی ذہنی پریشانی کم ہو سکے اور کیس بھی اختتام کو پہنچ سکے۔

عین نوازش ہوگی

العارض

سائل عبدالحمید (کمپیوٹر آپریٹر)

گورنر ہاؤس پشاور

put up to the worthy chairman  
along with file.

Be fixed in second week  
of July subject to notice  
to respondents.  
1.e. 13-07-2021  
08/07/2021

The appeal of Mr. Muhammad Haleem Computer Operator Governor House Peshawar received today i.e. on 21.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 6- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2440 /S.T.

Dt. 24-12-2018.

*24/12/18*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

*Respected Sir,*

- 1- *Removed*
- 2- *Removed*
- 3- *Removed*
- 4- *Removed*
- 5- *Removed*
- 6- *Removed*

*Resubmitted after compliance*  
*[Signature]*

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 147 /20189

Muhammad Haleem

V/S

Govt: of KPK etc.

**INDEX**

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-03
2.	Copy of order dated 01.03.2010	---A---	04
3.	Copy of order dated 05.08.2010	---B---	05
4.	Copy of order dated 29.07.2016	---C---	06
5.	Copy of Applications	---D---	07-17
6.	Copy of Departmental Appeal	---E---	18-19
7.	Copy of Rejection order	---F---	20
8.	Copy of working paper	---G---	21-22
9.	Copy of relevant documents	---H---	23-27
8.	Vakalat Nama	-----	28

**APPELLANT**

THROUGH:

(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&  
(S. NOMAN ALI BUKHARI)  
ADVOCATE PESHAWAR

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2018

Muhammad Haleem, Computer Operator (BPS-16),  
Governor House Peshawar.

کھنبر پاکھنکھوا  
سرویس ٹریبونل

اپیل نمبر 1786

تاریخ 21-12-2018

(Appellant)

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. Secretary Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Administration Department Government of Khyber Pakhtunkhwa Peshawar.
4. The Secretary Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 27.11.2018, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR INCLUSION HIS NAME IN THE SENIORITY OF COMPUTER OPERATOR BPS-16 AT PROPER PLACE HAS BEEN REJECTED FOR NO GOOD GROUND.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 27.11.2018 MAY BE SET ASIDE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO INCLUDE THE NAME OF THE APPELLANT IN THE SENIORITY LIST OF THE COMPUTER OPERATOR BPS-16 AT PROPER PLACE. ANY OTHER REMEDY WHICH THIS AUGUST

Health-day  
21/12/18



## **RESPECTFULLY SHEWETH:**

### **FACTS:**

1. That different cadre of post in which the post of Key Punch Operator was also included were created in Governor's House Peshawar vide letter dated 28.04.2009 the appellant applied for the post of Key Punch Operator and was appointed as Key Punch Operator BPS-10 on 01.03.2010 and since then performing his duty with great devotion and honesty whatsoever assign to him. **Copy of order dated 01.03.2010 is attached as Annexure-A.**
2. That the KPK Finance Department upgraded the post of Computer Operator on 12.07.2010 and on the basis of that the post of appellant was also upgraded from BPS-10 to BPS-12 with the nomenclature as Computer Operator w.e.f 12.07.2010 vide order dated 05.08.2010. **Copy of order dated 05.08.2010 is attached as Annexure-B.**
3. That the KPK Finance Deptt: further the post of Computer Operator to BS-16 vide notification dated 29.07.2016 due to which the post of the appellant was also upgraded to BPS-16 issued by KP Finance Department. **Copy of notification dated 29.07.2016 is attached as Annexure-C.**
4. That the appellant since from the date of appointment was working as Computer Operator which was upgraded to BPS-12 and then to BPS-16, however the name of the appellant was not included in the seniority list of Computer Operator in BPS-16.
5. That the appellant was not included in the seniority list of Computer Operator, therefore he filed many applications and finally he filed departmental appeal which was rejected, on 27.11.2018 for no good grounds. **(Copies of applications, departmental appeal & rejection order is attached as Annexure-D,E&F)**
6. That the appellant now comes to this august Tribunal on the following grounds amongst others.

### **GROUND:**

- A. That the order dated 27.11.2018 and not including the name of the appellant in the seniority list of Computer Operator BPS-16 are against the law fact, norms of justice and fair play.
- B. That the appellant is a regular Civil Servant and as per section 8 of the Civil Servant Act 1973 and as per Rules 17 of APT Rules 1989 the appellant is entitled to be placed at proper place in the seniority list of Computer in BPS-16.

- C. That the appellant is a Civil Servant and can not be deprived from his legal right of seniority of Computer Operator BPS-16 as mandated in Section-8 of the civil servant Act 1973.
- D. That on the departmental appeal of the appellant, working paper for meeting was prepared, which also endorsed that the appellant is entitled to include his name in the seniority list of the computer Operator. **(Copy of working paper is attached as Annexure-G)**
- E. That the post of the appellant was created by KPK Finance Department with the approval of competent authority and all arrangement for the recruitment of the appellant has done by the provincial Government which means that the appellant has also right of seniority of BPS-16 like other provincial government servant. **(Copy of relevant documents are attached as annexure-H)**
- F. That not giving seniority to the appellant will also affect his future promotion as promotion is also to be made on seniority-cum-fitness basis.
- G. That the appellant has not been treated in accordance with law and rules and has been deprived from his legal right of seniority in an arbitrary manner by the respondent department without giving any reason.
- H. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

||  
||  
**APPELLANT**

THROUGH:

||  
||  
**(MEASIF YOUSAFZAI)**  
**ADVOCATE SUPREME COURT,**

||  
||  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**

**&**  
**(S. NOMAN ALI BUKHARI)**  
**ADVOCATE PESHAWAR**



4

GOVERNOR'S HOUSE  
PESHAWAR

01 March, 2010

**OFFICE ORDER.**

No. SO (MSG)/GH/PF/2009. The Competent Authority is pleased to appoint Mr. Abdul Haleem s/o Sher Muhammad, resident of Dalazak Road, Mohallah Anis Abad No.1, Post Office City Railway Station Peshawar as Key Punch Operator (BPS-10) on the following terms and condition with immediate effect:

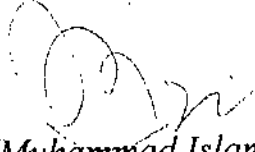
- i. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
- ii. In case he wish to resign from service, 15 days advance notice will be necessary or in lieu thereof 15 days pay shall be forfeited.
- iii. He will be entitled for Conveyance, Medical, House Rent Allowances, TA/DA and leave as per Government rules.
- iv. He will not be entitled to Pension or Gratuity. He shall, however, be entitled to Contributory Provident Fund in terms of Civil Servants Amendment Act 2005 (NWFP Act No.IX of 2005).
- v. His appointment is subject to the production of Medical Fitness Certificate from the Civil Surgeon, Peshawar.

Military Secretary to Governor NWFP

Endst.No. SO(MSG)/GH/PF/2009/324-3 | Dated 01 March, 2010.

Copy forwarded for information and necessary action to:-

1. The Accountant General NWFP Peshawar.
2. The Comptroller, Governor's House, Peshawar.
3. The Section Officer (B&A), Governor's House Peshawar.
4. The Section Officer (Admn), Governor's Sectt. NWFP, Peshawar.
5. The PS to MSG, Governor's House Peshawar.
6. Bill Assistant, Governor's House, Peshawar.
7. Official Concerned.
8. Personal File.

  
(Muhammad Islam)  
Section Officer to MSG



August, 2010

OFFICE ORDER.

No. SO (MSG)/GH/4-71/2010. In pursuance of Government of Khyber Pakhtunkhwa, Finance Department's Notification No.KC/FD/SO(FR)/7-3/2001 dated 12-07-2010, the Competent Authority is pleased to upgrade the following KPOs (BS-10) to (BS-12) with nomenclature as Computer Operator with effect from 12-07-2010:

- 1- Mr. Muhammad Ayub.
- 2- Mr. Abdul Haleem.

2. Terms and Conditions of their appointment will be the same, as issued vide Office Orders No. SOMSG/GH/PF/2009/2152-59 dated 22-8-2009 and No.SOMSG/GH/PF/2009/324-31 dated 01 03-2010.

Military Secretary to Governor  
Khyber Pakhtunkhwa

Endst.No. SO(MSG)/GH/4-71/2010/1707-15 Dated August, 2010.

Copy forwarded for information and necessary action to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Section Officer (FR), Finance Department, KPK, Peshawar w/r to his letter No.SO(FR)/FD/7-11/2008/Vol:I dated 14-07-2010.
3. The Section Officer(E-V), Establishment Department, KPK, Peshawar.
4. The Comptroller, Governor's House, Peshawar.
5. The Section Officer (B&A), Governor's House Peshawar.
6. PS to MSG, Governor's House Peshawar.
7. Bill Assistant, Governor's House, Peshawar.
8. Officials Concerned. (Ayub)
9. Personal File.

(Muhammad Islam)  
Section Officer to MSG

TO BE SUBSTITUTED IN THE SAME NO. AND DATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 29-07-2016

NOTIFICATION

NO.KG/FD/SO(FR)/7-3/2015-16. The Competent Authority has been pleased upgrade and re-designate all the existing posts of Computer Operator and Data Processing Supervisor as Computer Operator (BPS-16) in all the Departments / Offices of the Government of Khyber Pakhtunkhwa with immediate effect as per details given below: -

S.No	Existing Nomenclature	Present BPS	Up-graded to BPS
1	Computer Operator	12	16
2	Data Processing Supervisor	14	16

- i) All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst. No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges/Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt. of Punjab, Sindh and Baluchistan, Finance Deptt. Lahore, Karachi and Quetta.
15. The District Comptroller of Accts, Pesh, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior Distt Accts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PS to Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Director FMIU/All Budget Officer Finance Department to take effect in the budget books.
26. Syed Habibullah, President of Information Technology Staff Association (ITSA), Civil Secretariat, Khyber Pakhtunkhwa.

SECTION OFFICER (FR)



GOVERNOR'S HOUSE  
PESHAWAR

No. MSG/GH/2010/782  
27 April, 2011

To

The Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.

Subject: REQUEST FOR INCLUSION IN THE SENIORITY  
LIST OF COMPUTER OPERATORS.

Dear Sir,

Self explanatory applications of M/s. Muhammad Ayub & Abdul Haleem, Computer Operators of Governor's House, Peshawar on the subject are forwarded with the request to consider their names for inclusion in the seniority list as the officials have been inducted after adhering all the formalities required under the rules.

Yours faithfully;

c/c  
(Syed Abid Ali Shah)  
Military Secretary to Governor

Shahbaz

GOVERNOR'S HOUSE PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/6-36/2011  
Dated Peshawar, the May 14, 2011

To

The Military Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Governor House, Peshawar.


Subject: REQUEST FOR INCLUSION IN THE SENIORITY LIST OF COMPUTER OPERATORS

Dear Sir,

I am directed to refer to your letter No.MSG/GH/2010/782/WE dated 27.04.2011 on the subject noted above and to state that the following points may please be clarified:-

1. Against which posts, the officials (M/s Mohammad Ayub & Abdul Haleem), Computer Operators (B-12) have been appointed viz. House hold posts/Regular posts.
2. Since 02.02.2007, all the regular posts of Computer Operators (B-12) in the Secretariat Departments are being filled in by the Establishment Department under the IT Rules 2006. While these two officials were appointed in 2009-10 without consulting Establishment Department or without observing the IT Rules 2006. It is evident that they were appointed against the household staff. Under which rules or grounds they claim to intrude in seniority list maintained under the IT Rules 2006

Yours faithfully,

  
[Ishfaq Ahmad]  
SECTION OFFICER (E-V)

*claim of M/s Ayub & Haleem for seniority*

*A.1655*  
*M2/16-05-2011*  
*583/16/05*



30 May, 2011

9

To

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



Subject: REQUEST FOR INCLUSION IN THE SENIORITY LIST  
OF COMPUTER OPERATORS.

Dear Sir,

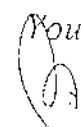
I am directed to refer to your department's letter No. SOE-V  
(E&AD)/6-36/2011 dated 14.05.2011 on the subject and to furnish  
hereunder the desired clarification:-

- i. The officials M/S Muhammad Ayub & Abdul Haleem were initially appointed as Key Punch Operators in BS-10 and subsequently upgraded with standard nomenclature of Computer Operators (BS-12) w.e. from 12.07.2010 vide Finance Department Notification No. KC/FD/SO(FR)/7-3/2001 dated 12.07.2010. These are not Household posts/incumbents as is evident from Finance Department sanction dated 28.04.2009 (copy enclosed).
- ii. As mentioned above, these posts were of Key Punch Operators (BS-10) and were filled with the consent of Administration Department contained in their letter No. E&A(AD)4(5)/2009, dated 27.07.2009 after observing all codal formalities of advertising, conducting test, interviews by Departmental Selection Committee in the presence of representative of Information Technology Directorate and as such the officials deserve to get proper place in the Seniority List maintained in the Establishment Department.

Yours faithfully,

MSG   
GAS 

Rahid

  
(Muhammad Ismail)  
Section Officer to MSG



10



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/6-36/2011  
Dated Peshawar, the June 09, 2011

To


The Section Officer to MSG,  
Governor House, Peshawar.

Subject: REQUEST FOR INCLUSION IN THE SENIORITY LIST OF COMPUTER OPERATORS

Dear Sir,

I am directed to refer to your letter No.SOMSG/GH/2010/941/WE dated 30.05.2011 on the subject noted above and to state that the posts of KPO in Governor House are House hold posts, they cannot be included in the IT cadre. The post of Computer Operator (BPS-12) in IT cadre is initial appointment quota post and is filled through Public Service Commission.

Yours faithfully,

  
[Ishfaq Ahmad]  
SECTION OFFICER (E-V)



GOVERNOR'S HOUSE  
PESHAWAR

No. SOMSG/GH/2012/182,  
24 January, 2012

To

The Secretary to Govt. of  
Khyber Pakhtunkhwa,  
Establishment Department,  
Peshawar.

Attention: Section Officer (E-V).

Subject: REQUEST FOR INCLUDING NAMES IN THE SENIORITY  
LIST OF COMPUTER OPERATORS (BS-12).


Dear Sir,

I am directed to forward an application of M/S  
Muhammad Ayub & Abdul Haleem, Computer Operators on the  
subject for appropriate necessary action please.

Yours faithfully,

to

  
(Muhammad Islam)  
Section Officer to MSG

Kcawid,  
  
24-1-2012

ator



May forward their  
application to Esir Dept



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V.(E&AD)/6-36/2011  
Dated Peshawar, the February 1, 2012

To

Section Officer to Military Secretary to Governor,  
Governor's House, Peshawar.

Subject: REQUEST FOR INCLUDING NAMES IN THE SENIORITY LIST OF COMPUTER OPERATORS (BPS-12)

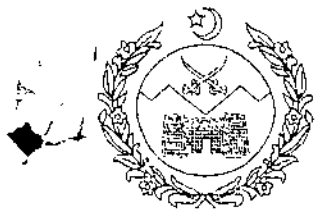
I am directed to refer to your letter No.SOMSG/GH/2012/182/WE dated 24.01.2012 on the subject and to state that the case was earlier referred to this Department by Governor's House vide letter No.SOMSG/GH/2010/941/WE dated 30<sup>th</sup> May, 2011.

2. The case was examine in detail in this Department and reply was given vide this Department letter of even number dated 09.06.2011.
3. Now the Governor House has simply forwarded the applications of Computer Operators without giving comments or cogent reason for consideration of their requests.
4. It is therefore, advised that a self-contained case with detail justification may be furnished if the Governor's House supports their requests.

[Ghazi Khan] :  
SECTION OFFICER (E-V)

MSG	
SO/MSG	
SO (B&A)	
Diary No	99 / 06 / 02

2012



No. SOMSG/GH/2012/413  
21 February, 2012


To

The Section Officer (E-V),  
Govt. of Khyber Pakhtunkhwa,  
Establishment Department.

Subject: REQUEST FOR INCLUDING NAMES IN THE SENIORITY  
LIST OF COMPUTER OPERATORS (BS-12).

I am directed to refer to your letter No. SOE-V(E&AD)/6-36/2011 dated 01.02.2012 on the subject and to state that the officials M/S Muhammad Ayub and Abdul Haleem were initially appointed as Key Punch Operators in BS-10 in Governor's House with the consent of Administration Department letter No. E&A(AD)4(5)2009 dated 27.07.2009 (copy enclosed) after observing all the codal formalities of advertising, conducting test, interview by Departmental Selection Committee in the presence of representative of Information Technology <sup>D</sup> directorate. Subsequently these posts have been upgraded with standard nomenclature of Computer Operator in BS-12 w.e.f 12<sup>th</sup> July, 2010 vide Finance Department Notification No. KC/FD/SO(FR)/7-3/2001 dated 12<sup>th</sup> July, 2010.

2. It is pertinent to mention that these are not Household posts/incumbent as is evident from Finance Department sanction letter No. BOIV/FD/21/2008-09 dated 28.04.2009 (copy attached). Both the officials are drawing salaries etc out of regular budget i.e PR-4009 and as such the officials deserve to get proper place in the seniority list maintained in the Establishment Department. However, if this is not possible then their names may be placed at the bottom of seniority list, keeping in view their options which are annexed herewith please.

  
(Muhammad Islam)  
Section Officer to MSG



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/6-36/2011  
Dated Peshawar, the March 30, 2012

To

Section Officer to Military Secretary to Governor,  
Governor's House, Peshawar.

Subject.

REQUEST FOR INCLUDING NAMES IN THE SENIORITY LIST OF  
COMPUTER OPERATORS (BPS-12)

I am directed to refer to your letter No.SOSG/GH/2012/427 dated 21-02-2012 on  
the subject and convey the following observation for clarification, if any please.

"The Notification of Finance Department bearing No.KC/FD/SO(FR) 7-  
3/2001 dated 12-07-2010 was meant for District Govts, Attached  
Departments, Provl: Autonomous bodies, Sub-ordinate Offices and not  
for civil Secretariat."

[GHAZI KHAN]  
Section Officer (E-V)

Copy forwarded for information to PA to Deputy Secretary (Estt)  
Establishment Department.

Section Officer (E-V)



To

15  
REMINDER

GOVERNOR'S HOUSE  
PESHAWAR

NO.SOMSG/GH/2015/

13 November, 2015/1255/WE

The Section Officer (E-V),  
Govt: of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.

Subject: REQUEST FOR INCLUDING NAMES IN THE SENIORITY LIST OF  
COMPUTER OPERATORS (BS-12)

Dear Sir,

I am directed to refer to your letter No.SOE-V(E&A) /6-36/2011 dated 14.05.2011 (Copy attached) on the subject noted above and to state that the officials M/S. Muhammad Ayub and Abdul Haleem were initially appointed as key Punch Operators in BPS-10 in Governor's House with the consent of Administration Department letter No.E&A(AD)4(5)2009, dated 27.07.2009 (copy enclosed) after observing all the codal formalities of advertising, conducting test, interview by Departmental Selection Committee in the presence of representative of Information Technology Directorate. Subsequently these posts have been upgraded with standard nomenclature of Computer Operator in BPS-12 w.e.f. 12<sup>th</sup> July, 2010 vide Finance Department Notification No.KC/FC/SO(FR)/7-3/2001 dated 12<sup>th</sup> July, 2010.

2. It is pertinent to mention that these are not Household posts/incumbent as is evident from Finance Department sanction letter No BOIV/FD/21/2009-09 dated 28.04.2009 (copy attached). Both the officials are drawing salaries etc out of regular budget i.e. PR-4009 as such the officials deserve to get proper place in the seniority list maintained in the Establishment Department.

Yours faithfully,

Section Officer to MSG  
Governor's House, Peshawar



GOVERNOR'S HOUSE  
PESHAWAR.

No.SOMSG/GH/2009/3093  
10 December, 2009

To

The Director,  
STI, Benevolent Fund Building,  
Peshawar.


Subject: Availability of Halls for Conducting Test for  
Various posts of Governor's House Peshawar.

Dear Sir,

I am directed to refer to the subject noted above and to state that this office has to conduct test for various posts (KPO, Storekeeper and Naib Qasid) but due to security reasons cannot be undergone inside Governor's House Peshawar.

2. I am therefore to request to please arrange availability of Halls and Computer Lab: of STI for 03 days in the 1<sup>st</sup> week of January 2010. Please confirm by return fax (091-9210899) so as to issue call letters to the candidates.

Yours faithfully,

  
(Muhammad Islam)  
Section Officer to MSG

Abdul Halim

E  
18

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

Through Proper Channel

Subject: DEPARTMENTAL APPEAL FOR INCLUSION THE NAME OF APPELLANT IN THE SENIORITY LIST OF COMPUTER OPERATORS (BPS-16) AT PROPER PLACE

Dear Sir,

It is humbly brought into your kind notice that I was appointed as Key Punch Operator (BPS-10) in Governor's House vide order No.SOMSG/GH/PF/2009/324-31 dated 01-03-2010 (**Annex-I**) after observing all codal formalities that advertisement test and interview, conduct by Departmental Selection Committee in the presence of representative of PF Directorate Govt. of KP.

I am further to state that all the posts of Key Punch Operator were upgraded with standard nomenclature of Computer Operators w.e.f 12-07-2010 vide Finance Department Notification No.KC/FD/SO (FR)/7-3/2001 dated 12-07-2010 (**Annex-II**) where in I was adjusted against the post of Computer Operator (BPS-12).

It is pertinent to mention here that in Governor's House Khyber Pakhtunkhwa two types of posts are found which are as below:

- i. Household Staff
- ii. Secretariat/regular staff

The sanctioning authority for creation of new posts of House Hold staff is the Cabinet Division Government of Pakistan and for creation of new posts of secretariat/regular staff, is Finance Department Government of Khyber Pakhtunkhwa. The Household staff draw their salaries under Budget code PR-4010 while the Secretariat regular staff working in Governor House draw their salaries under Budget code PR-4009.

Two posts of KPO and eight others were sanctioned by the Finance Department Khyber Pakhtunkhwa for Governor House Peshawar vide letter No BOIV/FD/2-1/2008-09 dated 28-1-2009 (**Annex-III**) who are draw salaries out of regular budget PR-4009.



Now I once again submit present appeal in your honor on the following grounds:

- i. That I have the fundamental and constitutional right to include his name at the appropriate place of the Seniority list of Computer Operator maintained by Provincial Govt. of KP.
- ii. That my post is a sanctioned post of Finance Department Kyber Pakhtunkhwa and draw salary under the Annual budget code of PR-4009 regular staff of Civil Secretariat, and deserve to get proper place in the seniority list of Computer Operators maintained by the Establishment Department Govt. of KP.
- iii. That I have been selected against the post of Computer Operators through proper procedure set by the provincial govt. and have all the required qualifications according to the required criteria of Provincial Govt. of KP.

In the light of above it is therefore, once again humbly request to kindly include the my name of at proper place in the seniority list of maintained for Computer Operators maintained by Establishment Department Govt. of KP.

Yours Obedient Servant,



Abdul Haleem  
(Computer Operator)  
Governor House Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(Establishment Wing)

PH# 091-9213457 FAX# 091-9210447 Email:sectionofficerv@gmail.com

F. 20.

NO.SOE-V (E&AD)/6-36/2011

Dated Peshawar, the NOVEMBER 27, 2018

To

✓ The Section Officer to MSG,  
Governor's House, Peshawar.

Subject: **DEPARTMENTAL APPEAL FOR INCLUSION THE NAME OF APPELLANT IN THE SENIORITY LIST OF COMPUTER OPERATORS (BS-16) AT PROPER PLACE.**

I am directed to refer to your letter No. SOMSG/GH/2018/979-80, dated 13-09-2018 on the subject noted above and regret to state that subject appeal of Computer Operators (BS-16), Governor's House Khyber Pakhtunkhwa has been regretted by the Competent Authority being not covered under the law, please.

SECTION OFFICER (E-V) 27/11/18

**ENDST: NO. & DATE EVEN.**

Copy forwarded to the:

1. PA to Deputy Secretary (Estt), Establishment Department.
2. Master file.

SECTION OFFICER (E-V)

Subject: DEPARTMENTAL APPEAL FOR INCLUSION THE NAME OF APPELLANT IN THE SENIORITY LIST OF COMPUTER OPERATORS (BS-16) AT PROPER PLACE.

21

Section Officer to MSG, Governor's House, Peshawar has forwarded two applications in respect of Mr. Muhammad Ayub and Mr. Abdul Haleem, Computer Operators (BS-16) of Governor's House for considering their names for inclusion in the seniority list of Computer Operators (BS-16) of Civil Secretariat on the following grounds (Flag-A):-

- i. That they have fundamental and constitutional right to include their names in the Seniority List of Computer Operator.
- ii. That their posts are sanctioned posts of Finance Department and they are drawing salary under the annual budget code of PR-4009 regular staff of Civil Secretariat.
- iii. That they have been selected against the posts of Computer Operator through proper procedure set by the Provincial Govt: and have all the required qualifications according to the required criteria of Provincial Government.

2. Brief history of the case is as under:-

- i. Governor's House Peshawar appointed M/S Muhammad Ayub and Abdul Haleem as Key Punch Operator (BS-10) in 2009 in light of Finance Department letter dated 28-04-2009 and advice from Administration Department after observing all codal formalities (Flag-B, C & D).
- ii. The Khyber Pakhtunkhwa (Provincial Information Technology Group) service Rules, 2006 were framed in the year 2006-07, however, these are silent on the methodology of recruitment of Key Punch Operator (BPS-10) (Flag-E).
- iii. The post of Key Punch Operator in the Governor's House was upgraded and re-designated as Computer Operator (BPS-12) in the Budget for Financial Year 2011-12 under Head PR-4009 (Flag-F). The upgradation of the said post attracts Establishment Department circular letter dated 17-12-2007 where-under the Computer related staff were taken by the Establishment Department within the provisions of I.T Rules (Flag-G). However, Computer

taken by the Establishment Department. It is also evident from the Administration Department letter wherein the request of Military Secretary to Governor for appointment of Key Punch Operator was rejected by Administration Department (**Flag-D**).

22

3. A meeting in the instant case has been scheduled to settle the issue once for all. Hence this Working Paper.

.....

23

GOVERNMENT OF NWFP  
FINANCE DEPARTMENTNo. BOIV/FD/2-1/2008-09  
Dated Pesh: the 28-4-2009

To :

The Military Secretary to Governor,  
Governor's House NWFP, Peshawar.Subject:- CREATION OF POSTS.

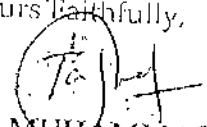
Dear Sir,

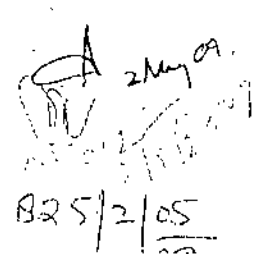
I am directed to refer to your D.O letter No. MSG/GHP/2009/016/WE dated 28-03-2009 on the subject noted above and state that in pursuance of the approval of the Competent Authority, Finance Department agrees to the creation of the following ten (10) posts in the office of Military Secretary to Governor, Governor's House Peshawar with effect from 01-07-2009 subject to observance of all codal formalities.

S.No.	Nomenclature of posts	Grad/BPS	No. of Posts
1	Personal Assistant	15	1 One
2	Assistant	14	2 Two
3	Junior Scale Steno	12	1 One
4	Key Punch Operator	10	2 Two
5	Junior Clerk	07	2 Two
6	Naib Qasid	01	2 Two
	<b>Total</b>		<b>10 Ten</b>

It is requested that SNE (Fresh) of the above posts may be sent to this Department for inclusion in the Budget Estimate 2009-10 accordingly.

Yours faithfully,

  
 (TAJ MUHAMMAD)  
 BUDGET OFFICER-IV

  
 2 May 09  
 B25/2/05

GOVERNMENT OF NWFP  
ESTABLISHMENT DEPARTMENT  
STAFF TRAINING INSTITUTE.

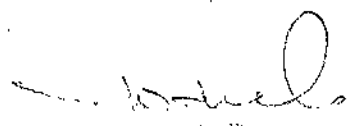
22

No.DD(STI)/STI/Admn/2009  
Dated Peshawar the 15<sup>th</sup> Decr 2009.

Mr Muhammad Islam,  
Section Officer to MSG,  
Government's House,  
Peshawar.

Subject:- AVAILABILITY OF HALLS FOR CONDUCTING TEST FOR  
VARIOUS POSTS OF GOVERNOR'S HOUSE, PESHAWAR.

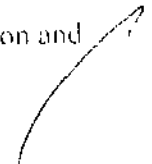
Please refer to your letter No.SOMSG/GH/2009/3093 dated 10<sup>th</sup> December, 2009 on the subject noted above and to confirm availability of Computer Lab for the test of K.P.O on 2nd January, 2010 at 10.00 a.m. at Staff Training Institute as requested today.



(SAID WAHAB)  
SECTION OFFICER (ADMN)

Enclust.No. and date above.

Secretary Benevolent Fund Building for favour of information and  
reaction please.



(SAIDS WAHABI)  
SECTION OFFICER (ADMN)

A-1512  
2378  
15-12-09

Arsalan Khan s/o Muhammad Islam



K.P.O

GOVERNOR'S HOUSE  
PESHAWAR

No.SOMSG/GH/2008/3193-96  
17 December, 2009

25

To

1. The Deputy Secretary (Admn),  
Science and Technology &  
Information Technology Deptt.  
Government of NWFP, Peshawar.
2. The Section Officer (B&A),  
Governor's House, Peshawar.

Subject: Recruitment to the Post of KPO(BPS-10).

Dear Sir,

I am directed to refer to this office order No. SOMSG / GH/ 2009/3144-46 dated 16-12-2009 and to state that test for the subject post is scheduled to be held on 02 January 2010 at 1000 hrs at STI, Benevolent Fund Building Peshawar Cantt.

2. I am further to request to please make it convenient to attend as member of the DSC.

Yours faithfully,

(Muhammad Islam)  
Section Officer to MSG

Endst. No. & Date Even

Copy forwarded to the:

1. The Section Officer (Admn) STI, B.Fund Building Peshawar w/r to his letter No. DD(STI) /STI/ Admn/ 2009 dated 15/12/2009.
2. The P. S to MSG, Governor's House, Peshawar.

Section Officer to MSG

35	Waqas Ahmad s/o Javed Ahmad	26
36	Ghufran Javed s/o Iqbal Javed	36
37	Arhan Ullah s/o Liaqat Ali	28
38	Awais Ali s/o Bahadar Ali	Absent
39	Kamal Ahmad s/o Abid Ali	20
40	Muhammad Imran s/o Saif Ullah Khan	26
41	Rizwan Ullah Khan s/o Gul Zaman	34
42	Muhammad Arsalan Khan s/o Muhammad Islam	32

S No 3, 23, 14 = 39  
Total = 21



GOVERNOR'S HOUSE  
PESHAWAR

16 December, 2009

OFFICE ORDER.

No. SO(MSG)/GH/2009 Pursuant to the advertisement published in the Daily Mashriq dated 08 November 2009 for recruitment to the post of KPO, the following Departmental Selection Committee is hereby constituted:-

- |    |                                                             |                      |
|----|-------------------------------------------------------------|----------------------|
| 1. | Military Secretary to Governor                              | Chairman             |
| 2. | Deputy Secretary (Admn) or Representative from ST&IT Deptt. | Member               |
| 3. | Section Officer (B&A)                                       | Member               |
| 4. | Section Officer (MSG)                                       | Member/<br>Secretary |

Military Secretary to Governor NWFP

Endst.No. SO (MSG)/GH/2009/3144-46 Dated 16 December, 2009.

Copy forwarded to:-

1. The Deputy Secretary (admn), ST & IT Deptt., NWFP, Pesh.
2. The Section Officer (B&A), Governor's House Peshawar.
3. The Private Secretary to MSG, Governor's House, Peshawar.

(Muhammad Islam)  
Section Officer to MSG





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO.SOE-V (E&AD)/6-36/2011  
Dated Peshawar, the December 31, 2015

07

To



The Section Officer to MSG,  
Governor's House, Peshawar.

Subject: REQUEST FOR INCLUDING NAMES IN THE SENIORITY LIST OF  
COMPUTER OPERATOR (BPS-12).

I am directed to refer to your letter No. SOMSG/GH/2015/1255/WE,  
dated 13-11-2015 on the subject and to state that this Department letter of even  
No. dated 09-06-2011 (**Copy enclosed**) still holds good please.


ENCLS: AS ABOVE.

ENDST: NO. & DATE EVEN.

  
SECTION OFFICER (E-V)

Copy forwarded to the:

1. Section Officer (R-IV), Establishment Department.
2. PS to Secretary Establishment Department.
3. PA to Additional Secretary (Estt), Establishment Department.
4. PA to Additional Secretary (Reg), Establishment Department.
5. Master file.

  
SECTION OFFICER (E-V)

MSG		
SO/MSG	✓	✓
SO (B&A)	✓	✓
Diary No	01-01-	2015

21/

**VAKALAT NAMA**

NO. \_\_\_\_\_/2018

IN THE COURT OF Ko-Pok Service Tribunal, Peshawar

Muhammed Haleem

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt of K.P.K

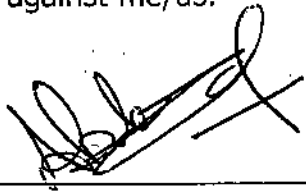
(Respondent)  
(Defendant)

I/We, Muhammed Haleem


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

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

Dated \_\_\_\_\_/20


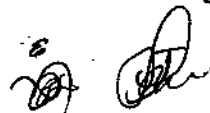
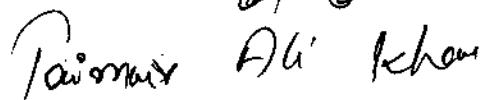
  
\_\_\_\_\_  
(CLIENT)

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
Peshawar.

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell: (0333-9103240)

  
Syed Noman Ali Babbari  
  
Faiz Ahmad  
  
Faiz Ahmad



# بخدمت جناب چیئر مین صاحب سروس ٹریبونل خیبر پختونخوا پشاور

جناب عالی!

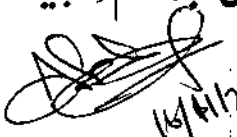
گزارش کی جاتی ہے کہ سائل نے 21 دسمبر 2018ء کو ٹریبونل میں کیس نمبر 19-146 دائر کیا۔ وقتاً فوقتاً کیس کی تاریخیں چلتیں رہی لیکن اچانک کووڈ 19 کی وجہ سے عدالتی نظام بھی رک گیا اب جبکہ سروس ٹریبونل نے بھی کام شروع کر دیا ہے لیکن اس دفعہ مجھے ڈھائی ماہ بعد 21 جنوری 2021ء کی تاریخ دی گئی ہے جبکہ ہمارا کیس بھی آخری مراحل میں ہے۔

برائے مہربانی سائل کی تاریخ تبدیل کر کے کچھ کم دنوں کی تاریخ دی جائے تاکہ سائل کی ذہنی پریشانی کم ہو سکے اور کیس بھی اختتام کو پہنچ سکے۔

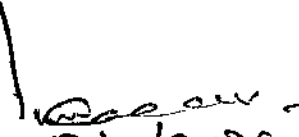
عین نوازش ہوگی

العارض

سائل عبدالحمیم (کمپیوٹر آپریٹر)


  
14/11/2020  
گورنر ہاؤس پشاور

Put up to the court with  
relevant appeal.

  
19/11/2020

Reader

Shall remain on the  
list for 21/11/2021

  
25/11/20

Mr. Abdul Haleem, Computer Operator (BS-16),  
Governor's House, Khyber Pakhtunkhwa, Peshawar..... Appellant

VS

1. The Chief Secretary, Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
2. The Secretary, Establishment Department,  
Govt: of Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Administration Department,  
Govt: of Khyber Pakhtunkhwa, Peshawar.
4. The Secretary, Administration Department,  
Govt: of Khyber Pakhtunkhwa, Peshawar..... Respondents

JOINT PARAWISE COMMENTS FOR / ON BEHALF OF RESPONDENTS NO. 1 & 2.

PRELIMINARY OBJECTIONS:

1. That the Applicant has got no locus standi / cause of action to file the instant appeal.
2. That neither Fundamental nor any legal right of the applicant has been violated and the law has taken its legal course of action.
3. That the applicant has not come to this tribunal with clean hands. Hence, disentitled to any relief whatsoever.
4. That no discrimination / injustice have been done to anyone.
5. That the appeal is not based on facts and is unjustified.

ON FACTS.

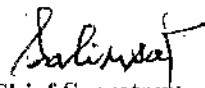
1. **Pertains to record, hence no comments.**
2. **Correct.**
3. **Correct.**
4. **Incorrect.** Since the applicant is not borne at the LT Cadre strength of Establishment Department, therefore, he his name has not been included in the Seniority List of the said cadre.
5. **Incorrect.** Appeals of the applicant were rejected on the ground that he was appointed as "Key Punch Operator (BS-10)" under the terms & conditions, issued by Governors' House in March 2010. Whereas, all the such appointments in Civil Secretariat were being made under Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006, wherein the nomenclature of "Key Punch Operator" is not mentioned (Annex-I). Moreover, all such appointments were / are being made in light of Khyber Pakhtunkhwa Civil Servants Act, 1973.
6. **Need no comments.**


ON GROUNDS:

- A. **Incorrect.** As explained at Para-05 above.
- B. Correct to the extent that he may be allowed proper place in the seniority list of Computer Operator (BS-16) but in his own cadre at Governor's House rather than in the LT Cadre of Civil Secretariat, wherein he is not even appointed.

- C. **Incorrect, misconceived as laid.** The applicant is not entitled to be included in the Seniority List of I.T Cadre of Civil Secretariat being employee of Governor's House rather than Establishment Department. Therefore, the applicant is trying to make an entry into the I.T Cadre of Civil Secretariat by misconceiving the facts before the tribunal.
- D. **Incorrect, misconceived as laid.** It is evident from the said Working Papers that it contained only detail / history of the case to assist all the participants to understand all aspect of the case and nothing therein was mentioned in favour of the applicant (**Annex-II**). Moreover it is pertinent to point out that, in any case, "decision" of a meeting reflects in its "minutes" rather than its "Working Paper".
- E. **Relates to Respondents No 04.**
- F. **Incorrect.** As the applicant is not even employee of Establishment Department, therefore, he has not right of inclusion of his name in the Seniority List as well as of promotion in the I.T Cadre of Civil Secretariat.
- G. **Incorrect.** No discrimination whatsoever has been done to the applicant as explained at Para-F above.
- H. **As explained in the proceedings paras.**

**PRAYER:** In view of the above submissions, it is humbly prayed that the instant appeal, being devoid of any merit, may please be dismissed with cost.

  
Chief Secretary  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

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

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT AND ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

2nd February, 2007.

**No. SOR-IV(ED)/3-2/2007**--- In exercise of the powers conferred by 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 Khyber Pakhtunkhwa (Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA (PROVINCIAL  
INFORMATION TECHNOLOGY GROUP) SERVICE  
RULES, 2006.**

**PART-I**  
**GENERAL**

1. **Short title and commencement.** --- (1) These rules may be called Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rules, 2006.

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

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

- (a) "Appendix" mean the Appendix to these rules;
- (b) "Appointing Authority" means the concerned authority specified in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
- (c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission; (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "initial recruitment" means appointment made otherwise than by promotion or transfer;
- (f) "post" means a post specified in column 2 of the Appendix and such other post as may be added to it from time to time.
- (g) "Province" means the Khyber Pakhtunkhwa;
- (h) "recognized University" means any University incorporated by law in Pakistan or any other University which may be declared as recognized by Government;
- (i) "Secretariat" means the <sup>11</sup>[Khyber Pakhtunkhwa] Civil Secretariat, as defined in rules 2(r) of the <sup>12</sup>[Khyber Pakhtunkhwa] Government Rules of Business, 1985; and
- (j) "Service" means the Khyber Pakhtunkhwa (Provincial Information Technology Group) Service.

**PART-II**  
**RECRUITMENT**

3. **Number and nature of post.** -- (1) The service shall comprise the posts specified in column 2 of the Appendix and such other post as may be added to it from time to time in the Secretariat Departments.\*

(2) Any person appointed to any post specified in the Appendix by any Department before the commencement of these rules shall, on such commencement, be deemed for all intent and purposes, to have been appointed on the authority of the Establishment Department as assigned to it within the meaning of the Khyber Pakhtunkhwa Government Rule of Business, 1985, and their affairs shall onward be administered by the said Department, in accordance with these rules and any other rules for the time being in force and applicable to him in accordance with the said Rules of Business.

4. **Appointing Authority.** -- Appointment to a post shall be made by the concerned appointing authority as defined in rule 2 (b).

5. **Method of recruitment.** -- (1) Appointment to various posts shall be made,—

(a) in In case of post of Director, Deputy Director, System Analyst and Database Administrator by promotion;\*\*\*\*\*

(b) in the case of posts, of Assistant Director, Programmer, LAN Administrator, Web Administrator, Data Processing Officer, Deputy Database Administrator and Assistant Programmer, fifty per cent by initial recruitment and fifty per cent by promotion; and

(c) in the case of other posts, by initial recruitment, in the manner specified in column No. 3 to 5 of the Appendix.

(2) Posts in Basic Scale 12 and above falling to the share of initial recruitment shall be filled on the recommendation of the Khyber Pakhtunkhwa Public Service Commission and posts falling to the share of promotion quota shall be filled on the recommendation of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

6. **Age.**— (1) Subject to any relaxation in respect of a person or class of a person, no person shall be appointed to the service by initial recruitment unless he is within age limit prescribed for the post in column 4 of the Appendix.

(2) The age shall be reckoned from the last date notified for submission of application.

7. **Qualifications.** --(1) No person shall be appointed to the service by initial recruitment unless he possesses the qualification specified in column 3 of the Appendix.

(2) No person, not already in Government service, shall be appointed to the service unless

(a) he produces a certificate of character from the Head of Academic Institution last attended, and also the certificate of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents; and

(b) he has appeared before the Standing Medical Board/Civil Surgeon/Medical Superintendent and found fit for Government service.

\* Words "in the Secretariat Departments" added vide Notification No. SOR-IV(ED)/3-2/07 dated 22-03-2007.

\*\*\*\*\* Clause (a) of Sub-rule (1) of Rule 5 substituted vide Notification No. SOE-V(E&AD)/5-16/2016, dated 21-12-2016.

**PART-III**  
**PROBATION AND CONFIRMATION**

8. **Probation.**— A person appointed to a post on regular basis shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise; provided that if his work or conduct during the period of probation has, in the opinion of the appointing authority, not been found satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired

- (a) dispense with his service, if he has been appointed by initial recruitment; or revert him to his parent department if applied through proper channel; or
- (b) revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his service; or
- (c) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

9. **Confirmation.**— After satisfactory completion of the probationary period, the probationer shall be confirmed; provided that he holds a substantive post; provided further that a probationer shall not be deemed to have satisfactorily completed his period of probation; if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning sub-section (3) of section 6 of the Khyber Pakhtunkhwa Civil Servant Act, 1973.

**PART-IV**  
**SENIORITY**

10. **Seniority.**— The seniority inter se of the persons borne on the service shall be determined—

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission or the Departmental Selection Committee, as the case may be; provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of persons appointed otherwise, with reference to the date of their continuous regular appointment to the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their *inter se* seniority as in the lower post.

**PART-V**

11. **Application of General Rules.**— In all other matters not specifically provided for in these rules, the holder of posts under these rules shall be governed by any rules made or deemed to have been made under the <sup>17</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER  
PAKHTUNKHWA.



**APPENDIX**

See rule 2(a), (f), 3, 5(1), 6(1) and 7(1)

S#	Nomenclature of Posts	Minimum Qualification for Initial Recruitment or by Transfer	Age Limit	Method of Recruitment
1.	2.	3.	4.	5.
1	Director	Ph.D in Computer Science with seven years experience of Programming, System Analysis and Operational Management; or  Second Class Master Degree in Computer Science from a recognized University with twelve years experience of Programming, System Analysis and Operational Management.	35-45 Years	By promotion, on basis of seniority-cum-fitness, from amongst Deputy Directors (System Analyst and Database Administrator) working in the Civil Secretariat with at least seven years service as such or twelve years service in BPS-17 and above. If no suitable person is available for promotion, then by initial recruitment.
2	Deputy Director (System Analyst / Database Administrator).		**	By promotion, on basis of seniority-cum-fitness, from amongst Assistant Director (Programmer / LAN Administrator / Web Administrator / Data Processing Officer / Deputy Database Administrator) with five years experience.
3	Assistant Director (Programmer / LAN Administrator / Web Administrator / Data Processing Officer / Deputy Database Administrator).	Second Class Master Degree or equivalent qualification in Computer Science from a recognized University.	22-35 Years	(a) Fifty per cent by initial recruitment; and  (b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers and Computer Operators, having qualification prescribed for initial recruitment for the post of Computer Operator with five year service as such.*****
4	Assistant Programmer	Second Class Master's Degree in Computer Science or four years Bachelor's Degree in Information Technology or Computer Science or equivalent qualification, from a recognized University.***	21-30 Years	(a) Fifty per cent by initial recruitment; and  (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors having qualified mandatory three months Information Technology Course in Database Management, Programming, Web Pages Development and Networking from Staff Training Institute, Establishment Department.***
5	<b>Deleted*****</b>			

\*\* Age deleted vide Notification No. SOR-IV(E&amp;AD)3-2/2007, dated 08-12-2009.

\*\*\* Qualification substituted vide Notification No. SOE-V(E&amp;AD)5-16/2008, dated 25-07-2012.

\*\*\*\*\* S.No 5 deleted vide Notification No. SOE-V(E&amp;AD)5-16/2016, dated 21-12-2016.

\*\*\*\*\* Clause (b) of Method of Recruitment was substituted vide Notification No. SOE-V(E&amp;AD)5-09/2007, dated 06-04-2018.

6	****Computer Operator****	i. Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/BIT four years), from a recognized university; or  ii. Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education. ****	18-28 Years	By initial recruitment.
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Sd/-xxx  
 (SHARIF HUSSAIN)  
 SECTION OFFICER (REG: IV)

\*\*\*\* Nomenclature of Post and qualification substituted vide Notification No. SOE-V(E&AD)/5-16/2008, dated 15-04-2014.

\*\*\*\*\* BPS-12 deleted vide Notification No. SOE-V(E&AD)/5-16/2016, dated 21-12-2016.

**WORKING PAPER**

**Subject: DEPARTMENTAL APPEAL FOR INCLUSION THE NAME OF APPELLANT IN THE SENIORITY LIST OF COMPUTER OPERATORS (BS-16) AT PROPER PLACE.**

Section Officer to MSG, Governor's House, Peshawar has forwarded two applications in respect of Mr. Muhammad Ayub and Mr. Abdul Haleem, Computer Operators (BS-16) of Governor's House for considering their names for inclusion in the seniority list of Computer Operators (BS-16) of Civil Secretariat on the following grounds **(Flag-A)**:-

- i. That they have fundamental and constitutional right to include their names in the Seniority List of Computer Operator.
- ii. That their posts are sanctioned posts of Finance Department and they are drawing salary under the annual budget code of PR-4009 regular staff of Civil Secretariat.
- iii. That they have been selected against the posts of Computer Operator through proper procedure set by the Provincial Govt: and have all the required qualifications according to the required criteria of Provincial Government.

2. Brief history of the case is as under:-

- i. Governor's House Peshawar appointed M/S Muhammad Ayub and Abdul Haleem as Key Punch Operator (BS-10) in 2009 in light of Finance Department letter dated 28-04-2009 and advice from Administration Department after observing all codal formalities **(Flag-B, C & D)**.
- ii. The Khyber Pakhtunkhwa (Provincial Information Technology Group) service Rules, 2006 were framed in the year 2006-07, however, these are silent on the methodology of recruitment of Key Punch Operator (BPS-10) **(Flag-E)**.
- iii. The post of Key Punch Operator in the Governor's House was upgraded and re-designated as Computer Operator (BPS-12) in the Budget for Financial Year 2011-12 under Head PR-4009 **(Flag-F)**. The upgradation of the said post attracts Establishment Department circular letter dated 17-12-2007 where-under the Computer related staff were taken by the Establishment Department within the provisions of I.T Rules **(Flag-G)**. However, Computer

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 147/2019

Abdul Haleem

VS

Chief Secretary & others.

**REJOINDER ON BEHALF OF APPELLANT**

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

1. Admitted correct by the respondents as the service record of the appellant is present with the department.
2. Admitted correct. Hence no comments.
3. Admitted correct. Hence no comments.
4. Incorrect. The appellant is a civil servant and cannot be deprived from his legal right of seniority of Computer Operator BPS-16 as mandated in Section-8 of Civil Servant Act 1973.
5. Incorrect. The appellant is civil servant and is entitled to be placed at proper place in the seniority list of Computer operator BPS-16.
6. Incorrect. The appellant has god cause of action to file this instant appeal in this Honourable Tribunal which is liable to be accepted.

**GROUND:**

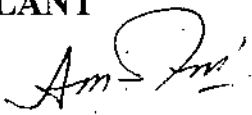

- A) Incorrect, as replied in para 5 above.
- B) Incorrect. While para B of the appeal is correct.
- C) Incorrect. While para B of the appeal is correct.

- D) Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- E) Not replied by the respondents which shows that para E of the appellant is correct.
- F) Incorrect. As replied in para 4&5 above.
- G) Incorrect. While para G of the appeal is correct.
- H) As explained in the proceeding paras.

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

**APPELLANT**

Through:

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

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

  
**DEPONENT**