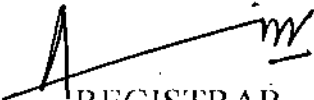


FORM OF ORDER SHEET

Court of _____

Case No. - 303/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2023	<p>The appeal of Mian Shahid ur Rehman resubmitted today by Mr. Tariq Kakar Advocate. It is fixed for preliminary hearing before Single touring Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mian Shahid ur Rehman District Public Prosecutor Battagram received today i.e. on 30.01.2023 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 be got signed by the appellant.
- 2- Sub rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that in every memorandum of appeal, the competent authority whose order is challenged shall be shown as respondent no.1.
- 3- Necessary party be made in the heading of appeal.


No. 420 /S.T.

DL 31-01 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Tariq Kakar Adv.
High Court Pesh.

Due Smeete objection filed


10-2-2023

Scd,

signature of appellant was
obtained on the requisite place
Similarly principal secretary to
the chief minister may please
be arrayed as respondent no.1
and be made as party. Resubmitted
after completion


Tariq Kakar

Asc

10-2-2023

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

Service appeal No:- 303 / 2023

Mian Shahid Ur Rehman **Versus**
..... Appellant

Government of Khyber
Pakhtunkhwa & others
..... Respondents

INDEX

S#	Description of the Documents	Annex	Pages
1.	<i>Grounds of Service Appeal</i>	*	1-5
2.	<i>Affidavit</i>	*	6
3.	<i>Addresses of Parties</i>	*	7
4.	<i>Copy of Seniority list</i>	"A"	8-11
5.	<i>Copy of Notification</i>	"B"	12-13
6.	<i>Copy of departmental appeal/ representation</i>	"C"	14-16
7.	<i>Notice to respondents with acknowledgment receipt</i>		17
8.	<i>Wakalat Nama</i>		18

Dated:- 09/02/2023

hm h.
Appellant

Through:-

Tariq Kakar
Tariq Kakar
Advocate Supreme Court

&

Tasleem Bibi
Tasleem Bibi
Advocate High Court
At Abbottabad

Mian Shahid.dpp@gmail.com

03339126151

03149111011

2. *That the inter se seniority list of the appellant & respondent No 1 vis-à-vis the other employee is maintained by the office of respondent No 2 and in the said seniority list the present appellant is at serial No 24 whereas respondent No 3 is at serial No 27 in the seniority list. (Copy of seniority list is attached as annexure "A")*
3. *That in the prosecution department, the office of Regional Director in the various divisions were created and on those posts being administrative in nature as per rule and criteria, the senior prosecutor were appointed in routine and in the impugned notification the respondent No 3 was appointed vide Notification dated 15/09/2022. (Copy of notification is attached as annexure "B")*
4. *That the appellant aggrieved from the order mentioned above, made departmental representation/appeal to the Chief Minister, but despite the laps of statutory period, no order was passed or communicated or conveyed to the appellant till now. (Copy of departmental appeal/representation is attached as annexure "C")*
5. *That the respondent No 3 being junior from the appellant, was appointed as Regional Director for the Hazara Division and the appellant being the senior in the seniority list, was ignored without any justification.*

6. That the order of the competent authority respondent No 3 on the recommendation of respondent No 2 is illegal, without lawful authority, against the settled principles and norms of justice and the same assailed before this Honourable Tribunal on the following grounds inter alia:-

Grounds:-

- A. That bypassing the seniority list in the appointment at higher scale is not recommended under the law and the exceptional quality and service record and other credential could be taken into consideration, but the seniority list of the employee could not be overlooked at all and as such this exercise on the part of respondents is not only violative of law, but at the same time it is offensive.
- B. That ignoring the seniority list and making posting, transfer do create anguish, incure and acrimony in the employee and this adversely effect and reflect in the function and performance of the department and law demands that due rights are to be given to the employee as per their seniority and fitness.
- C. That respondent No 1 being junior to the appellant, was given the post of Regional Director (BPS-20), who is suppose to make inspection of the performance of the appellant and to submit report to the department/Directorate

Prosecution and writing a report of a senior by the junior official is against the settled principle of law and this is definitely an anomalous situation, hence the indulgence of this Honourable Tribunal has become inevitable.

D. That the existing instruction set out in Esta Code and Rule 8-B of the Civil Servant APT Rules, 1973 appointment against higher post is to be made through regular selection process i.e. with the approval central selection board/departmental promotion committee and the authority competent to made appointment to next grade in which the vacancy exist, however in this case, all the rules and regulations governing the law of service were blatantly violated.

E. That as per the dictum laid down by the superior courts, the practice of appointment of junior in a higher scale has always deprecated and discourage by the superior courts and the present case is also a glaring example of violation of all the relevant rules and law, hence the indulgence of this Honorable Tribunal is inevitable to strike down the impugned order.

F. That the appellant have not been treated in accordance with law rather discriminated, which is against the letter and spirit of the Article 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973.

5

G. That any other grounds will be agitated at the time of hearing of instant departmental appeal.


It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the order of appointment of respondent No 3 as Regional Director vide Notification No SO (PROS) /HD/1-2/POST & Trans/2022 dated 15/09/2022 be struck down and respondent department be directed to appoint the appellant or any Senior Public Prosecutor as Regional Director (BPS-20) for Hazara Division from the date when the post mentioned above fill vacant, ^{and} in case of appointment of appellant all the benefits attached with the said post be also awarded to the appellant with cost throughout.

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

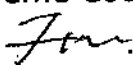
Dated:- 28/01/2023


Appellant

Through:-


Tariq Kakar
Advocate Supreme Court

&


Tasleem Bibi
Advocate High Court
At Abbottabad

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- _____ -P/2023

Mian Shahid Ur Rehman **Versus**
..... Appellant

Government of Khyber
Pakhtunkhwa & others
..... Respondents

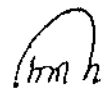
AFFIDAVIT

I, Mian Shahid Ur Rehman, District Public Prosecutor
Battagram (BPS-19), (The appellant) do hereby solemnly affirm
and declare on oath that the contents of this accompanying service
appeal are true and correct to the best of my knowledge and belief
and nothing has been concealed from this Honourable Court.

Identified by


Tariq Kakar
Advocate Supreme Court

03339126151
03149111011


DEPONENT
CNIC No:- 17201-2745248-7
Cell No:- 0336-5633120

ATTESTED

10-2-023

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No:- _____ -P/2023

Mian Shahid Ur Rehman. **Versus**

Government of Khyber

Pakhtunkhwa & others

..... Appellant

..... Respondents

ADDRESSES OF PARTIES

APPELLANT

Mian Shahid Ur Rehman, District Public Prosecutor Battagram (BPS-19).

RESPONDENTS

1. Secretary Home Government of Khyber Pakhtunkhwa, Peshawar
2. Director General Prosecution Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Mr. Saqib Sultan Jadoon, Regional Director Prosecution, Hazara Division at Abbottabad.

Dated:- 09/02/2023

hmr h

Appellant

Through:-

Tariq Kakar
Tariq Kakar
Advocate Supreme Court

&

Tasleem Bibi
Tasleem Bibi
Advocate High Court
At Abbottabad

0333 9126151

0314 9111011

(A)

Annexure 01

**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DP/FA/11(49)7151-95

Dated Peshawar 29/04/2022

Office Phone # 91-9212559

Fax # 091-9212559

E-mail kprosecution@yahoo.com

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To

All Regional Directors Prosecution/District Public Prosecutors,
In Khyber Pakhtunkhwa.

Attention: All Senior Public Prosecutor (BPS-19).

Subject: - TENTATIVE SENIORITY LIST OF DISTRICT PUBLIC
PROSECUTOR/SENIOR PUBLIC PROSECUTOR (BPS-19),

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of Tentative Seniority List of District Public Prosecutor/Senior Public Prosecutor (BPS-19) of the Directorate of Prosecution, Khyber Pakhtunkhwa. The same may be handed over to all the concerned Officers working under your kind control for information, with the request that the said officers may be informed to submit their objections, if any, to this office within 14- days positively for further necessary action, otherwise, the same will be considered as "Final Seniority List", please.

Yours faithfully,

Deputy Director Administration

(Encl: as above)

Copy forwarded for information to the:

1. PA to Director General Prosecution, Khyber Pakhtunkhwa.

Deputy Director Administration

*Scanned
Amir
Dist. P.P. 1st
16/05/22*

ATC



2

**DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA**

No. DPEA/11/49/2106

Dated Peshawar 11/10/2007

Office Phone # 091-9212559

Fax # 091-9212559

E-mail kpprosecution@yahoo.com

To

The Section Officer (Prosecution),
Home & Tribal Affairs, Department
Khyber Pakhtunkhwa, Peshawar

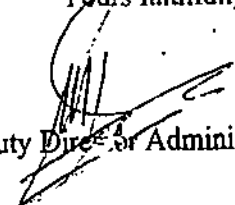
Subject: TENTATIVE SENIORITY LIST OF SENIOR PUBLIC
PROSECUTOR/DISTRICT PUBLIC PROSECUTOR (BS-19).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith the updated tentative Seniority List of Senior Public Prosecutor/District Public Prosecutor (BPS-19) of the Directorate of Prosecution, Khyber Pakhtunkhwa for approval of the Competent Authority and for circulating amongst the officers concerned for their objections, if any, please.

9

Yours faithfully,


Deputy Director of Administration

Copy forwarded to the:-

- PA to Director General Prosecution, Khyber Pakhtunkhwa.


Deputy Director Administration

ATC



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NO. SO (Pros)/HD/1-27/2022
Dated Peshawar the April 22, 2022

To

✓ The Director General Prosecution
Khyber Pakhtunkhwa, Peshawar.

Subject: TENTATIVE SENIORITY LIST OF SENIOR / DISTRICT PUBLIC
PROSECUTORS (BS-19)

Dear Sir,

I am directed to refer to your letter No. ^{7P-82} DP/E&A/1(49)2016, dated 01/02/2022 on the subject noted above and to enclose herewith tentative seniority list of Senior Public Prosecutors (BS-19) duly approved by the competent authority, with the request that the same may be circulated amongst all concerned for inviting objections / reservations, if any, within the prescribed timeframe and a case in this regard be processed for approval of the competent authority for issuance of final seniority list on expiry of the prescribed time limit.

Yours faithfully,

(NASEEM KHAN)
Section Officer (Prosecution)

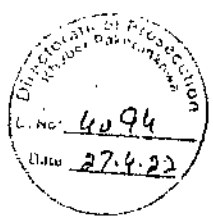
Encl: As above

Endst: No & date Even.

Copy of the Above Forwarded to The:-

1. PS to Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa.
2. Master File:

27-04-2022
DA



Section Officer (Prosecution)

27/4/22

27/4/22
AP/1/P

Supdt:
27/4/22

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3

TENTATIVE SENIORITY LIST OF DISTRICT PUBLIC PROSECUTORS & SENIOR PUBLIC PROSECUTORS (BPS-19).
 DIRECTORATE OF PROSECUTION, HOME & TRIBAL AFFAIRS DEPARTMENT AS STOOD ON 27-01-2022

S. No.	Name of officers with academic qualification	Date of Birth Domicile	Date of first entry into service with BPS-17 Department	Regular appointment/ Promotion to BPS-19 Date	BPS-19 Subpos.	Method of recruitment	Present posting
1.	Muhammad Sultan Mehmood, B.A, LL.B	06/01/1966 D.I.Kharp	17/10/1995 as Add: PP (BPS-17)	12-02-2011	BS-19	By promotion of regular basis.	District Public Prosecutor Peshawar
2.	Mr. Anjid Ali Shah, B.A, LL.B	16/06/1963 Swabi	04/10/1995 as Add: PP (BPS-17)	-do-	-do-	-do-	RD Malakand (OPS)
3.	Muhammad Ibrahim, B.A, LL.B	15/02/1963 Malakand.	04/10/1995 as Add: PP (BPS-17)	-do-	-do-	-do-	RD Mandan (OPS)
4.	Mr. Tariq Bakhtsh, B.A, LL.B	14/02/1966 Kohat	25/11/1998 as Add: PP(BPS-17)	-do-	-do-	-do-	RD Kohat (OPS)
5.	Mr. Shahzada, M.A, LL.B	04/10/1964 Bajour Agency	28/11/1998 as Add: PP(BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Swabi
6.	Mr. Hafiz Muhammad Haroon B.A, LL.B	01/04/1965 Manshra	28/11/1998 as Add: PP(BPS-17)	-do-	-do-	-do-	RD Hazara (OPS)
7.	Mr. Nusratullah Jan, B.A, LL.B	10/10/1965 Peshawar	25/11/1998 as Add: PP(BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Peshawar
8.	Mr. Saleem Muhammad, B.A, LL.B	04/04/1964 Malakand Agency	18/09/1991 as PSI BPS-14 in Police department	-do-	-do-	-do-	Senior public prosecutor peshawar
9.	Mr. Abdul Waqid, B.A, LL.B	10/10/1966 D.I.Khan	27/11/1998 as Add: PP(BPS-17)	-do-	-do-	-do-	RD DI Khan (OPS)
10	Mr. Imtiaz-Ud- Din Mansoor, B.A, LL.B	12/10/1963 D.I.Khan	09/01/2001 as Add: PP (BPS-17)	30/04/2013	-do-	-do-	District Public Prosecutor Bannu
11.	Mr. Gul Waris Khan, B.A, LL.B	10/07/1968 FR Bannu	09/01/2001 as Add: PP (BPS-17)	11-04-2017	-do-	-do-	RD Bannu (OPS)

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Sl. No.	Name of officer with academic qualification	Date of Birth Domicile	Date of first entry into service with BPS	Regular appointment/Promotion to present post		Present Posting
				Date of BPS	Method of recruitment	
18.	Mr. Zufigar Ali Khan, B.A, L.L.B	03/03/1968 Swabi	19/04/2002 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor Peshawar
19.	Mr. Saeed Naeem, M.A, L.L.B	10/03/1966 Dir Lower	19/04/2002 as Add: PP (BPS-17)	-do-	-do-	Director Legal Prosecution
20.	Mr. Kamran Khan Wazir, M.A, L.L.B	04/02/1968 FR Bannu	19/04/2002 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor D.I.Khan
21.	Muhammad Jehanzeb Sheikh, B.Sc, L.L.B	20/09/1967 D.I.Khan	19/04/2002 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor South Waziristan
22.	Mr. Jehanzeb Khan, B.A, L.L.B	25/12/1967 Peshawar	19/04/2002 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor Peshawar
23.	Mr. Shehzad Iqbal, B.A, L.L.B	08/06/1967 Peshawar	04/04/2003 as Add: PP (BPS-17)	-do-	-do-	District Public Prosecutor Abbottabad
24.	Mr. Fazal Noorani, B.A, L.L.B	01/03/1970 Peshawar	04/04/2003 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor ATC Peshawar
25.	Mr. Arif Bilal, M.A, L.L.B	23/03/1968 Peshawar	04/04/2003 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor Peshawar
26.	Mr. Zahid Amin, B.A, L.L.B	20/04/1972 Mardan	04/04/2003 as Add: PP (BPS-17)	02-02-2017	-do-	Senior Public Prosecutor ATC Swat
27.	Mr. Attaullah Shah, B.A, L.L.B	25/11/1968 Lakki Marwat	04/04/2003 as Add: PP (BPS-17)	11-04-2017	By Promotion.	District Public Prosecutor DI Khan
28.	Mr. Faheem Khan, B.Sc, L.L.B	03/03/1969 Kohat	04/04/2003 as Add: PP (BPS-17)	-do-	-do-	District Public Prosecutor Kohat
29.	Mr. Jamshed Khan, M.A, L.L.B	15/08/1965 Charsadda	04/04/2003 as Add: PP (BPS-17)	-do-	-do-	Senior Public Prosecutor Peshawar
30.	Mr. Mian Shaid ur Rehman, B.Sc, L.L.B	06/10/1971 Nowshera	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	District Public Prosecutor Baitagram

Sl. No.	Name of officer with academic qualification	Date of Birth	Date of first entry into service with BPS	Regular Appointment / Promotion to Post			Present posting
				Date	BPS Post	Method of Recruitment	
	Mr. Muhammad Zulfiqar All B.A, LLB	20/04/1968 Peshawar	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Peshawar
	Mr. Muhammad Ayub, B.A, LLB	12/11/1968 D.I.Khan	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	-do-	District Public Prosecutor Tank
	Mr. Saqib Sultan Jadoon, B.A, LLB	27/02/1971 Abbottabad	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	-do-	District Public Prosecutor Mansehra
	Mr. Irshadullah Afridi, B.Sc, LLB	01/01/1966 FR Kohat	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Peshawar
	Mr. Muhammad Irshad, B.A, LLB	05/12/1970 Bajour Agency	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Mardan
	Mr. Muhammad Utaf, B.A, LLB	13/02/1971 Mchmand Agency	16/09/2003 as Add: PP (BPS-17)	02-02-2017	-do-	-do-	Senior Public Prosecutor Charsada
	Mr. Muhammad Khalid, B.A, LLB	20/08/1969 Khyber Agency	16/09/2003 as Add: PP (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Peshawar
	Mr. Alam Zeb Khan, B.A, LLB	12/12/1964 Dir Upper	26/09/1991 as PSI in (BPS-14) and on 14-02-2004 as Add: PP(BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor ATC Mardan
	Mr. Nawab Zareen B.A, LLB	13/11/1968 FR Bannu	14/02/2004 As Add: PP (BS-17)	-do-	-do-	-do-	Senior Public Prosecutor ATC Bannu
	Mr. Raza Khan, B.A, LLB	09/01/1970 Mohmand Agency	14/02/2004 as Add: PP (BPS-17)	-do-	-do-	-do-	District Public Prosecutor Mardan
	Mr. Muhammad Younas Khan, M.A, LLB	10/01/1966 Abbottabad	30/07/1991 as PSI in (BPS-14) and on 14-02-2004 as Add: PP (BPS-17)	-do-	-do-	-do-	District Public Prosecutor Haripur
	Mr. Zafar Abbas Mirza, B.A, LLB	22/11/1973 Peshawar	14-02-2004 as Add: PP (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor Peshawar
	Mr. Nisar Alam, B.A, LLB	17/03/1964 Shangla	14-02-2004 as Add: PP (BPS-17)	-do-	-do-	-do-	District Public Prosecutor Shangla

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PA to Director

Administrative

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Sl. No.	Name of officer with academic qualification	Date of Birth Domicile	Date of first entry into service with BPS	Regular appointment / Promotion to present post		Present posting
				Date	Method of Recruitment	
38.	Mr. Attaur Rehman, B.A, L.L.B	11/01/1970 Peshawar	14-02-2004 as Add: PP (BPS-17)	-do-	-do-	District Public Prosecutor Lower Kohistan
39.	Mr. Anwar Ali, B.Sc, L.L.B	16/04/1968 Swat	17-06-2004 as Add: PP (BPS-17)	-do-	-do-	District Public Prosecutor Swat

Director Administration

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar, the September 15, 2022

NOTIFICATION

No.SO(PROS)/HD/1-2/Post.&Trans/2022: The competent authority (Chief Minister Khyber Pakhtunkhwa) is pleased to order the following postings/transfers of the Senior Public Prosecutors, with immediate effect, in the public interest:-

S#	Name with Designation	From	To
1.	Hafiz Muhammad Haroon, Senior Public Prosecutor (BS-19)	Regional Director Prosecution Hazara Division at Abbottabad	District Public Prosecutor, Kohistan Upper vice Sr. No 17
2.	Mr. Saqib Sultan Jattoon, Senior Public Prosecutor (BS-19)	District Public Prosecutor, Mansehra	Regional Director Prosecution Hazara Division at Abbottabad (OPS) vice Sr. No. 01
3.	Mr. Akhtar Nawaz, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Swabi	District Public Prosecutor, Swabi vice Sr. No. 14
4.	Mr. Javed Iqbal Anwar Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Abbottabad	Senior Public Prosecutor, Haripur vice Sr. No. 05
5.	Mr. Asim Mehmood, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Haripur	Senior Public Prosecutor, Abbottabad vice Sr. No. 04
6.	Mr. Hayat Ullah, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Lakki Marwal	Senior Public Prosecutor, Kohat vice Sr. No. 07
7.	Muhammad Nadeem, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Kohat	Senior Public Prosecutor, Lakki Marwal vice Sr. No. 06
8.	Mr. Zia Ullah Wazir, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Hangu	Senior Public Prosecutor, Mansehra vice Sr. No.18
9.	Mr. Shafi Ullah Wazir, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Peshawar	Senior Public Prosecutor, Khyber vice Sr. No. 10
10.	Mr. Qaiser Khan, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Khyber	Senior Public Prosecutor, Peshawar vice Sr. No. 09
11.	Mr. Javed Ur Rehman, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Mardan	Senior Public Prosecutor, Swabi vice Sr. No. 03
12.	Muhammad Tufail, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Mohmand	Senior Public Prosecutor, Charsadda vice Sr. No. 13
13.	Mr. Bakhtiar Khan, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Charsadda	Senior Public Prosecutor, Mohmand vice Sr. No. 12
14.	Mr. Khalid Khan, Senior Public Prosecutor (BS-19)	District Public Prosecutor, Swabi	Senior Public Prosecutor, Hangu vice Sr. No. 08
15.	Mr. Tasawar Hussain, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, ATC D.I. Khan	Senior Public Prosecutor, Bannu vice Sr. No. 16
16.	Mr. Asmat Ullah, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Bannu	Senior Public Prosecutor, ATC D.I. Khan Vice Sr. 15
17.	Mr. Hussain Ahmad, Senior Public Prosecutor (BS-19)	District Public Prosecutor, Kohistan Upper	District Public Prosecutor, Kolai Palas against vacant post
18.	Mr. Qasim Farooq, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, Mansehra	District Public Prosecutor, Haripur Vice Sr. No 19

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19.	Muhammad Younas, Senior Public Prosecutor (BS-19)	District Public Prosecutor, Haripur	District Public Prosecutor, Manshra Vice Sr. No 02
20.	Mr. Atta Ur Rehman, Senior Public Prosecutor (BS-19)	District Public Prosecutor, Kohistan Lower	Senior Public Prosecutor, Buner against vacant post
21.	Mr. Zeeshan Taj, Deputy Public Prosecutor (BS-18)	Deputy Public Prosecutor, Haripur	District Public Prosecutor, Kohistan Lower OPS vice Sr. No 20
22.	Mr. Sher Bahadar, Senior Public Prosecutor (BS-19)	District Public Prosecutor, North Waziristan	Senior Public Prosecutor, South Waziristan vice Sr. No. 23
23.	Mr. Aman Ullah, Senior Public Prosecutor (BS-19)	Senior Public Prosecutor, South Waziristan	District Public Prosecutor, North Waziristan vice Sr. No. 22

**SECRETARY
HOME & TRIBAL AFFAIRS
DEPARTMENT**

Endst: No. and date even:

1. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa Establishment Department KP.
4. Director General Prosecution Khyber Pakhtunkhwa.
5. PSO to Chief Secretary Khyber Pakhtunkhwa.
6. Regional Directors Prosecution, concerned.
7. All the District Public Prosecutors concerned.
8. All the District Accounts Officers concerned.
9. PS to Secretary Home Department, Khyber Pakhtunkhwa
10. PS to Special Secretary-I Home Department, Khyber Pakhtunkhwa
11. PA to Additional Secretary (Judicial), Home Department, Khyber Pakhtunkhwa.
12. PA to Deputy Secretary (Judicial), Home Department, Khyber Pakhtunkhwa.
13. Officers concerned.
14. Master File.


(UMAR NAWAZ KHAN)
Deputy Secretary (Judicial)


ATC

The
District Public Prosecutor
Battagram

No. 426 28/09/2022/ DPP/BAL
Battagram Phone & Fax # 0997- 511711
Email: ppd@battagram.gov.pk

The Worthy Director General Prosecution
Home & Tribal Affairs Department,
Khyber Pakhtun Khwa, Peshawar.

Subject: DEPARTMENTAL REPRESENTATION.

Respected Sir,

I have the honour to submit departmental representation against
Notification No. SO(PROS) HD 1-2 POST & TRANS/2022 dated
10/09/2022 for onward submission to the quarter concerned
please.

Encls.

10 Pages

District Public Prosecutor
Battagram

O/C

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15

To

The Honorable Chief Minister,
Khyber Pakhtunkhwa.

THROUGH PROPER CHANNEL

Subject: DEPARTMENTAL REPRESENTATION AGAINST NOTIFICATION
NO.SO(PROS)/HD/1-2/POST&TRANS/2022 DATED 15-09-2022

Respectfully Sheweth:

The applicant submits as under:

1. That applicant is serving as District Public Prosecutor (BPS-19) on regular basis and is amongst the senior most officers in BPS-19/DPPs of the province. *(Copy of Seniority List is annexed as "Annexure A")*.
2. That the applicant is serving in BPS-19 since 2014 and is currently placed at serial No. 24 of seniority list of BPS-19 officers issued vide No.DP/E&A/1(49)7151-95 dated 29-04-2022 and as such, is in promotion zone to BPS-20 after completion of Senior Management Course.
3. That posting/transfer to the post of Regional Director Prosecution (BPS-20) is always made on seniority cum fitness basis and as such appointment of Mr. Saqib Sultan Jadoon District Public Prosecutor (BPS-19) reflected at vice No.2 of the subject transfer/posting Notification being a junior most officer, as appearing at Serial No.27 of seniority list referred above, has been posted on the senior most position of the Division as Regional Director (BPS-20) after bypassing the applicant and other senior officers in the Province, that too in OPS i.e. BPS-19, thus subject notifications illegal, unlawful and is in violation of the Judgment passed by the Honorable Supreme Court of Pakistan reported vide 2014 SCMR 1189. *(Copy of Transfer / Posting Order annexed as "Annexure B")*.
4. That existing instructions set out in ESTACODE and Rule 8-B of the Civil Servant (Appointment, Promotion and Transfer) Rules 1973, regarding appointments against higher posts calls for appointments through regular selection process i.e. with the approval of the Central Selection Board/Departmental Promotion Committee and the authority competent to make appointment to the grade in which the vacancy exists.

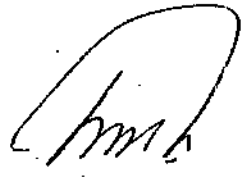
ATC

However, in cases where a vacancy in a higher post occurs for less than two months and it is considered impossible for good reason to make arrangement for day to day work to be carried on otherwise, the current charge of the duties of the post may be given temporarily with approval of the competent authority to the most senior officer in the seniority list, but the subject Notification was made in utter disregard of law and rules available on the subject to the extent of appointment of a junior officer at serial No. 27 of the seniority list to the post of Regional Director BPS-20, which practice of appointment on OPS basis, being not permissible under the law, has always been deprecated by the Superior Courts, as no specific provision in Civil Servants Act, 1973 or rule made there under permits appointment on OPS basis.

5. That appointment of Mr. Saqib Sultan Jadoon being a junior officer in BPS-19 than the applicant & other senior officers, to the post of Regional Director (BPS-20) causes heart burning of the senior officers within the cadre/department, as it does not have any sanction of law, besides it impinges the self-respect and dignity of Senior officers who are forced to work under the rapidly and unduly appointed fellow officer junior to them and as such, transfer/posting of said junior officer vide subject Notification is against the norms of justice and settled principles of law as reported in 2018 SCMR 1411.

It is therefore, requested that on acceptance of instant representation, subject transfer/posting Notification being illegal, unlawful and in violation of the Judgment passed by the Honorable Supreme Court of Pakistan reported vide 2014 SCMR 1189, may graciously be reviewed and examined in its true perspective and appointment of Mr. Saqib Sultan Jadoon to the post of Regional Director (BPS-20) in OPS be cancelled and the senior most officer in the seniority list may be appointed/posted to the said post stringently in the light of ESTACODE and Rule 8-B of the Civil Servant (Appointment, Promotion and Transfer) Rules 1973, to meet the ends of justice.

ATC



Mian Shahid-Ur-Rehman
District Public Prosecutor
Battagram

17

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

Service appeal No:- _____ -P/2023

Mian Shahid Ur Rehman **Versus**
..... Appellant

Government of Khyber
Pakhtunkhwa & others
..... Respondents

**NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL RULES 1974 FOR FILLING OF
SERVICE APPEAL**

To

1. Secretary Home Government of Khyber Pakhtunkhwa, Peshawar
2. Director General Prosecution Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Mr. Saqib Sultan Jadoon, Regional Director Prosecution, Hazara Division at Abbottabad.

Respected Sir

Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, you are hereby informed regarding the filing of Service Appeal.

Dated:- 09/02/2023

Appellant *SMH*

Through:-




[Signature]
Tariq Kakar
Advocate Supreme Court

&

[Signature]
Tasleem Bibi
Advocate High Court
At Abbottabad

03339126151
03149111011

SMH

قیمت 50 روپے	59159			
ایڈوکیٹ: طارق ماکڑ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: 8916-10-13				
رابطہ نمبر: 03339126151				

بعدالت جناب: سر جسٹس بیونل خیبر پختونخواہ پشاور

مخاطب: ایبیلر انسٹی	دعوی:
 <p>بنام شاہد سلطان جبرون</p>	علت نمبر:
	مورثہ
	جرم:
	تھانہ

باعت تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وہ پیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

الرقوم: 28-1-2024
 PESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHA
 واہ

پشاور کے لیے منظور ہے:

نوٹ: اس وکالت نامہ کی ذمہ داری قابل قبول ہوگی۔

Attested
 Advocate Accepted

mianshahid.dpp@gmail.com

شاہد سلطان جبرون