

12.11.2019

Counsel for the appellant present. Asst: AG alongwith Mr. Sagheer Musharraf, AD for official respondents no. 1 to 3 and counsels for private respondents no. 4,6,7,8,10 and 11 present. Arguments heard. To come up for order on 09.12.2019 before D.B.


Member

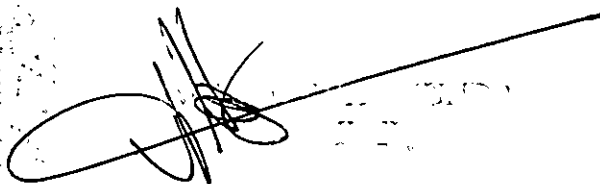

Member

09.12.2019

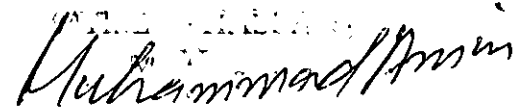
Appellant in person present. Asst: AG alongwith Mr. Sagheer Musharraf, AD for official respondents no. 1 to 3 present. This case was heard by this Tribunal on 12.11.2019 and fixed for order today. However, vide application dated 05.12.2019, learned counsel for the appellant apprised that his legitimate grievances have been redressed at departmental level and requested for withdrawal of the instant service appeal.

Application is allowed and the appeal in hand is therefore, dismissed, as withdrawn. File be consigned to the record room.

ANNOUNCED:
09.12.2019



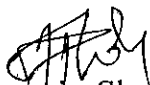
(AHMAD HASSAN)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

01.11.2019


Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG on behalf of official respondents No. 1 to 3 and private respondents No. 4 & 11 in person present. Private respondents No. 4 & 11 requested for adjournment on the ground that their counsel is not available today. Last chance is granted to private respondents for arguments. Adjourned to 08.11.2019 for arguments before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

08.11.2019

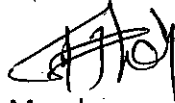
Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Sagheer Musharraf AD for official respondents present. Learned counsel for private respondents No.4, 7, 10 & 11 present. Private respondent No.11 seeks adjournment on behalf of respondent No.6 on the ground that learned counsel for private respondent No.6 is not available. Learned counsel for the appellant raised reservation over further adjournment, hence last opportunity is granted and adjourned for a short date. To come up for arguments on 12.11.2019 before D.B.

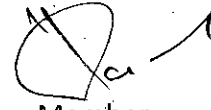

Member


Member

17.06.2019

Learned counsel for the appellant and Mr. Riaz Paidakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.08.2019 before D.B.


Member


Member

07.08.2019


Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Masroor Ahmad J.C present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 26.09.2019 before D.B.


Member


Member

26.09.2019

Junior counsel for the appellant present. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 and Syed Iqbal Shah, Advocate on behalf of private respondent No. 6 present and submitted Vakalatnama. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 01.11.2019 for arguments before D.B.

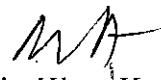

(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

14.01.2019

Counsel for the appellant present. Mr. Sagheer Musharraf, AD (Lit) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Rejoinder on behalf of the appellant submitted which is placed on file. Case to come up for arguments on 07.03.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

07.03.2019 Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for arguments on 26.04.2019 before D.B



Member



Member

26.04.2019

Clerk to counsel for the appellant and Adll: AG for the respondents present. Rejoinder on behalf of the appellant submitted, which is placed on file.

Due to general strike on the call of Bar Association instant matter is adjourned to 17.06.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

09.08.2018

Mr. Taimur Ali Khan, Advocate counsel for the appellant present. Mr. Sagheer Musharraf, AD alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. The latter requested for adjournment. Granted. To come up for written reply on 08.10.2018 before S.B.


Chairman

08.10.2018

Counsel for the appellant Mr. Timur Ali Advocate present. Mr. Saghir Musharraf, A.D alongwith Mr. Usman Ghani, District Attorney for the official respondent present and reply submitted. None present on behalf of private respondents. To come up for written reply of private respondents on 26.11.2018 before S.B.


Chairman

26.11.2018

Counsel for the appellant present. . Addl. AG alongwith Saghir Musharraf, AD for the respondents present. None present on behalf of the private respondents.

The matter is adjourned for hearing before a Division Bench on 14.1.2019. The private respondents are allowed further time for furnishing their written reply, if they so wish. The same shall be submitted within 15 days otherwise, the matter would be heard on available record.


Chairman

223/2018

16.05.2018

Clerk of counsel for the appellant, Mr. Kabirullah Khattak, Addl. A.G alongwith Saghir Musharaf, Assistant Director (Litigation) for the official respondents present. Mr. Muhammad Taif Khan, Advocate for private respondents No. 4, 7, 8, 10 and 11 present. Learned Addl. AG and counsel for private respondents requested for time to submit written reply. Request is accepted. Fresh notices be issued to other private respondents. To come up for written reply/comments on 09.07.2018 before S.B.


Chairman

09.07.2018

Junior counsel for the appellant and Mr. Sardar Shoukat Hayat, Addl: AG alongwith Mr. Sagheer Musharraf, AD (Lit) for official respondents No. 1 to 3 and counsel for private respondents No. 4, 7, 8, 10 & 11 present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 9.08.2018 before S.B.


Member

26.03.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in District Population Welfare Department BPS-17 on contract basis. It was further contended that the appellant alongwith other were regularized by the respondent-department on the basis of 2009 Regularization Act. It was further contended that the respondent-department sought opinion from the Law Department about seniority and the Law Department furnished its opinion. It was further contended that the Law Department gave its opinion that the seniority is to be determined in accordance with the sub-rule 2 of Section-4 of the Act and their seniority shall be determined on the basis of their continuous officiation in such service. It was further contended that the appellant was appointed earlier than the private respondents therefore, the name of the appellant was to be shown senior than the private respondents but the respondent-department has shown the appellant junior to the private respondents therefore, the said seniority list is illegal and liable to be rectified.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 16.05.2018 before S.B.




Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 223/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/02/2018	<p>The appeal of Mr. Sannullah presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.03.2018	<p>Junior counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 26.03.2018 S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 223 /2018

Sanaullah ~~& others~~

V/S

Govt: of KPK & others.

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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. 223 /2018

Mr. Sana Ullah, District Population Welfare Officer,
Charsadda.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 231

Dated 16-2-2018

(Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

2. The Secretary Population Welfare Department, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.

3. The Director General Population Welfare Department Government of Khyber Pakhtunkhwa, Peshawar.

4. Mr. Muhammad Tariq Khan, District Population Welfare Officer, Nowshera.

5. Mr. Ayatullah, District Population Welfare Office, Swabi.

Filed to-day 6. Mr. Khurshid Ali, District Population Welfare Office, Chitral.

Registrar 7. Mr. Iftikhar Ahmad, Deputy Demographer, District Population Welfare Office, Hangu.
16/2/18

8. Mr. Amjad Ali Khan, District Population Welfare Office, Nowshera.

9. Mr. Badshah Muhammad, District Population Welfare Office, Dir Lower.

10. Mr. Asif Mehmood, Tehsil Population Welfare Office, Karak.

11. Mr. Fahad Sarwar, District Population Welfare Office, Nowshera.

12. Mr. Asghar Khan, District Population Welfare Office, Nowshera.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE FINAL SENIORITY LIST DATED 04.10.2017 WHEREIN THE APPELLANT HAS BEEN SHOW WRONGLY AT SR. No. 34 OF THE LIST AND AGAINST NOT ACTION OF THE DEPARTMENTAL APPEAL OF THE APPELLANT WHICH WAS NOT RESPONDED WITHIN THE STATUTORY PERIOD 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENT MAY BE DIRECTED TO CORRECTLY DRAW THE SENIORITY LIST AND CORRECTLY MENTION THE NAME OF THE APPELLANT PROPERLY AT SR. 25 BY DECLARING THE IMPUGNED SENIORITY LIST AS INCORRECT AND WRONGLY DRAWN AND AGAINST THE SPIRIT OF SECTION 4 KHYBER PAKHTUNKHW REGULARIZATION OF SERVICE ACT, 2009. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

- 1. That the appellant was appointed as Population Welfare Department in BS-17 on adhoc/contract basis and was subsequently regularized into service after promulgation of the Khyber Pakhtunkhwa Regularization of Service Act, 2009. (Copy of the Act is attached as annexure-A.)**
- 2. That after the regularization of the appellant the respondent department had issued a tentative list in the year 2015 wherein the appellant was at Sr. No. 28. (Copy of the tentative list is attached as annexure-B).**
- 3. That when the issue of seniority was raised for the first time, the department was compelled to seek advice from the Law Department which in clear terms responded that clearly *Employees regularized under Regularization Act of 2009, the seniority is to be determined in accordance with sub-section-2 of section-4 of the Act and their***

seniority shall be determined on the basis of their continuous officiation in such service or cadre provided that if the date of continuous officiation in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one.
(Copy of the legal opinion is attached as Annexure-C).

4. That in utter disregard to the opinion of the Law Department, the respondents issued final seniority list on 04.10.2017 which was not drawn as a spirit of Section-4 (2) of the Regularization Act of 2009.
(Copy of list is attached as Annexure-D).
5. That feeling aggrieved from the above list the appellant filed representation on 03.11.2017 which was not responded within statutory period of 90 days. Hence the instant appeal on the following grounds amongst the others. **(Copy of departmental appeal is attached as Annexure-E).**

GROUND:

- A) That the impugned seniority list dated 04.10.2017 and not deciding the representation of the appellant within the statutory period of 90 days is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) *That sub section-2 of section-4 of the Act, 2009 provides, the inter-seniority of the Employees, whose services are regularized under this Act within the same service or cadre shall be determined on the basis of their continuous officiation in such case service or cadre provided that if the date of continuous officiation in the case of two or more Employees is the same, the Employee older in age shall rank senior to the other one.* The respondent has drawn the impugned seniority list in total violation of sub section 2 of section 4 of the Act, 2009.
- C) That the private respondent from Sr. No. 4 to 12 have started officiating their service much after the appellant therefore as per spirit of section 4 (2) of the Regularization Act of 2009 the appellant is required to be shown senior to the private respondents.
- D) That the respondent by drawing a wrong seniority list in violation of Act 2009, affected the seniority of the appellant in an arbitrary and fanciful manner and the same will also affect future prospect of promotion and service rights of the appellant.


- E) That even the respondents have violated of the opinion of the Law Department given vide dated: 28.11.2016 just to favour of blue eyed person for extending them promotion in a colorful exercise of powers.
- F) That the appellant has not been treated in accordance with law and rules governing the issue of seniority.
- G) 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

Sanallah.

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

Sanallah

V/S

Govt: of KPK & others.

**APPLICATION FOR RESTRAINING THE RESPONDENT
FROM MAKING PROMOTION ON THE BASIS OF
DISPUTED AND WRONGFULLY DRAWN SENIORITY
DATED 04.10.2017**

R. SHEWETH.



1. That the above appeal has been filed before this august Tribunal in which no date is fixed so for.
2. That the appellatant has a good prima facie case and all the ingredients for stay are in favour of appellatant.
3. That if the respondents are not restrained from making promotion on the basis of disputed seniority list then the appellatant will suffer a lot and the same will also give rise to unnecessary further litigation.
5. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that on acceptance of this application the respondents may be restrained from the making of promotions on the basis of disputed seniority list till the disposal of main appeal.

APPELLANT


Sanallah

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

AFFIDAVIT

It is affirmed and declared that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able Tribunal.



DEPONENT

THE ¹[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(²[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Regularization of services of certain employees.
4. Determination of seniority.
- 4A. Overriding effect.
5. Repeal.

TESTED
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THE ³[KHYBER PAKHTUNKHWA]
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.
(⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

[First published after having received the assent of the Governor of the ⁵[Khyber Pakhtunkhwa] in the Gazette of ⁶[Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN
ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

ATTESTED

- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

3. **Regularization of services of certain employees.**---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected

4. **Determination of seniority.**---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

ATTESTED




ATTESTED

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. **Overriding effect.**---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. **Repeal.**---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

ATTESTED

B

10

**Tentative Seniority list of Assistant Directors/Tehsil Population Welfare Officers/Dy. District Population Welfare Officers (N.T) & Dy. Demographers
BPS-17 updated on 08-04-2015**

S.No.	Name of Officer	Qualification	Date of birth	Domicile	Date of first entry into Govt. service	Lower Grade (BPS-16)	present grade (BPS-17)	Method of recruitment	Date of Regularization	Present place of posting	Remarks
1	2	3	4		5	6	8	9	10	11	12
1	Mr.Sohail Imran AD/DDPWO/TPWO	M.Sc (Stats)	30.12.1975	Abbottabad	12.01.2004 Contract	--	12.01.2004	Direct	23.07.2005	DDPWO, Haripur	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
2	Mr.Izhar Khan AD/DDPWO/TPWO	M.A.(Pol.Sc)	15.04.1972	Bunner	12.01.2004 Contract	--	12.01.2004	Direct	23.07.2005	Agency Population Welfare Officer Khyber agency	-do-
3	Mr.Shamsur Rehman Dawar AD/DDPWO/TPWO	M.A.(Pol.Sc)	15.05.1977	N.W Agency	12.01.2004 Contract	--	12.01.2004	Direct	23.07.2005	DPW Officer, Swabi	-do-
4	Mr.Saifur Rehman AD/DDPWO/TPWO	M.B.A. (Marketing)	15.04.1970	Abbottabad	12.01.2004 Contract	--	12.01.2004	Direct	23.07.2005	DDPWO, Abbottabad	-do-
5	Mr.Israr Muhammad Khan AD/DDPWO/TPWO	M.Sc (Stats)	03.01.1974	L.Marwat	12.01.2004 Contract	--	12.01.2004	Direct	12.01.2004	DDPWO, L.Marwat	He was recommended for appointment on contract basis along with his batch mates at S. No. 08 to 25 by the PSC but being already in regular Govt. service, he was appointed on regular basis under circular letter No. SOR-VI(E&AD) 1-13/2003 dated 16-04-2003 and seniority fixed in accordance with the order of merit assigned by the PSC as provided under Rule 17 (1) (e) of NWFP Civil Servants (APT) Rules, 1989.
6	Mr.Asad Ali Shah AD/DDPWO/TPWO	M.B.A.	03.05.1977	Swat	12.01.2004 Contract	--	12.01.2004	Direct	23.07.2005	Dy.District Population Welfare Officer Swat	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
7	Mr.Ayaz Mehmood AD/DDPWO/TPWO	M.A. (Social Work)	27.11.1971	Abbottabad	12.01.2004 Contract	--	12.01.2004	Direct	23.07.2005	Dy: Principal RTI, Abbottabad	-do-
8	Muhammad Basit Saeed, Deputy Demographer	M.A (Sociology)	29.08.1980	Mansehra	27.03.2004 contract	--	27.03.2004	Direct	23.07.2005	DPW office, Charsadda	-do-
9	Mr.Khalid Mehmood Deputy Demographer	M.A.(Econ)	30.04.1971	L.Marwat	16.08.2004 contract	--	16.08.2004	Direct	23.07.2005	SO, Education Deptt:	-do-
10	Mr.Attullah Khan Deputy Demographer	M.Sc (Econ)	21.07.1977	S.W.Agency	16.08.2004 contract	--	16.08.2004	Direct	23.07.2005	PHQ Peshawar	-do-
11	Mr.Hussain Ahmed Deputy Demographer	M.Sc.	03.09.1977	Mardan	27.03.2004 contract	--	27.03.2004	Direct	23.07.2005	DPW Office Mardan	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
12	Mr.Asif Malik Deputy Demographer	M.Sc	29.09.1979	Nowshera	16.08.2004 contract	--	16.08.2004	Direct	23.07.2005	PHQr, Peshawar	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.

ATTESTED

11

S.No.	Name of Officer	Qualification	Date of birth	Domicile	Date of first entry into Govt. service	Lower Grade (BPS-16)	present grade (BPS-17)	Method of recruitment	Date of Regularization	Present place of posting	Remarks
1	2	3	4		5	6	8	9	10	11	12
13	Miss.Kausar Jabeen Deputy Demographer	M.A.(Econ)	08.06.1978	Haripur	27.03.2004 contract	-	27.03.2004	Direct	23.07.2005	DPW Office Peshawar	-do-
14	Mr.Janat Gul Deputy Demographer	M.A. (Stats)	06.11.1972	Peshawar	16.08.2004 contract	-	16.08.2004	Direct	23.07.2005	PHQ, Peshawar	-do-
15	Mr.Sadiqur Rehman Deputy Demographer	M.Sc(Stats)	10.04.1975	Karak	16.08.2004 contract	-	16.08.2004	Direct	23.07.2005	DPW Officer, Karak	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
16	Mr.Sajid Ahmed Deputy Demographer	M.Sc.	20.04.1975	Malakand	27.03.2004 contract	-	27.03.2004	Direct	23.07.2005	DPW Officer, Bunner	-do-
17	Mr.Salat Khan, Deputy Demographer	M.Sc.	09.03.1955	Mardan	31.08.1980	26-09-1997 join PWD	8/17/2006	Promotee	8/17/2006	DPW Office, Dir (Upper)	-
18	Mr.Tahir Ishaq, AD/DDPWO/TPWO	B.A.	01.04.1962	Mansehra	10.7.1986	9/12/2005	09-08-2007 acting basis	Promotee	4/15/2009	DPW Office Mansehra	-
19	Mr.Zoaq Akhtar, AD/DDPWO/TPWO	M.A.(Econ)	08.06.1962	Mansehra	24.3.1990	9/12/2005	09-08-2007 acting basis	Promotee	4/15/2009	DPW Office Mansehra	-
20	Mr.Gul Hassan, AD/DDPWO/TPWO	B.A.	01.06.1961	Abbottabad	30.1.1983	9/12/2005	09-08-2007 acting basis	Promotee	4/15/2009	DOPWO, Abbottabad	-
21	Mr. Taj Mohammad Deputy Demographer	M.A.(Econ)	16.04.1966	Moh: Agency	25.04.1994	9/12/2005	09-08-2007 acting basis	Promotee	4/15/2009	DOPWO, Bunner	-
22	Mr. Nasim Ullah Deputy Demographer	M.A (Econ)	24.04.1966	Moh: Agency	29.10.1988	9/12/2005	09-08-2007 acting basis	Promotee	4/15/2009	PHQ, Peshawar	-
23	Saeedur Rehman, AD/DDPWO/TPWO	M.A(Pol.Sc)	10.05.1970	Shangla	13.06.2009 (Adhoc basis)	-	13.06.2009 (Adhoc basis)	Direct	24.10.2009	DPW Officer, Shangla	Seniority placed on the basis of their continous officlation insuch service or cadre and subsequently Regularized their services vide notification No.SOE(PWD)4-34/2009 dated 29-03-2010 w.e.f. Commencement of the Act XVI of 2009 dated 24.10.2009
24	Samiullah Khan, AD/DDPWO/TPWO	M.A (Pol.Sc)	02.07.1979	Peshawar	13.06.2009 (Adhoc basis)	-	13.06.2009 (Adhoc basis)	Direct	24.10.2009	DPW Officer, Charsadda	-do-
25	Sidra Nisar, Deputy Demographer	M.Sc(Stats)	21.02.1985	Peshawar	13.6.2009 (Adhoc basis)	-	13.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW office, Charsadda	-do-
26	Ahmed Ali Khan, AD/DDPWO/TPWO	M.A. (Sociology)	21.03.1976	Dir (L)	15.6.2009 (Adhoc basis)	-	15.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Officer, Malakand	-do-
27	Arafat Khan Afridi, AD/DDPWO/TPWO	M.A. (Pol.Sc)	13.05.1977	Khyber Agency	15.6.2009 (Adhoc basis)	-	15.6.2009 (Adhoc basis)	Direct	24.10.2009	Agency PW Officer	-do-
28	Sana Ullah AD/DDPWO/TPWO	M.A (Pol.Sc)	15.09.1980	Charsadda	15.6.2009 (Adhoc basis)	-	15.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW office, Charsadda	-do-

ATTESTED

S.No.	Name of Officer	Qualification	Date of birth	Domicile	Date of first entry into Govt. service	Lower Grade (BPS-16)	present grade (BPS-17)	Method of recruitment	Date of Regularization	Present place of posting	Remarks
1	2	3	4		5	6	8	9	10	11	12
29	Fazal Azeem, AD/DDPWO/TPWO	MBA	25.06.1983	Charsadda	15.6.2009 (Adhoc basis)	--	15.6.2009 (Adhoc basis)	Direct	24.10.2009	PHQr, Peshawar	Seniority placed on the basis of their continuous officiation insuch service or cadre and subsequently.Regularized their services vide notification No.SOE(PWD)4-34/2009 dated 29-03-2010 w.e.f. Commencement of the Act XVI of 2009 dated 24.10.2009
30	Shahid Khan AD/DDPWO/TPWO	M.A (Sociology)	10.04.1984	Malakand	15.6.2009 (Adhoc basis)	--	15.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, M. Band	-do-
31	Bijal Khan Afridi, AD/DDPWO/TPWO	MBA	15.10.1986	Khyber Agency	15.6.2009 (Adhoc basis)	--	15.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Kohistan	-do-
32	Amjad Ali Khan AD/DDPWO/TPWO	MBA	15.09.1976	Peshawar	16.6.2009 (Adhoc basis)	--	16.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Nowshera	-do-
33	Mhammad Tariq Khan, AD/DDPWO/TPWO	M.A.(Anthrology)	28.02.1976	Nowshera	17.6.2009 (Adhoc basis)	--	17.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Officer, Nowshera	-do-
34	Khurshid Ali, AD/DDPWO/TPWO	M.P.A.	01.02.1976	Chitral	17.6.2009 (Adhoc basis)	--	17.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Chitral	-do-
35	Asghar Khan, AD/DDPWO/TPWO	M.A(History)	05.02.1980	Mardan	17.6.2009 (Adhoc basis)	--	17.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Officer, Chitral	-do-
36	Iftikhar Ahmad, Deputy Demographer	M.Sc(Stats)	20.03.1976	Peshawar	18.6.2009 (Adhoc basis)	--	18.6.2009 (Adhoc basis)	Direct	24.10.2009	DPWO, Hangu	-do-
37	Asif Mehmood, AD/DDPWO/TPWO	M.Sc (Chemistry)	20.04.1977	Karak	18.6.2009 (Adhoc basis)	--	18.6.2009 (Adhoc basis)	Direct	24.10.2009	TPWO DPW Office Karak	-do-
38	Ayat Ullah, Deputy Demographer	M.Sc(Stats)	20.09.1975	Nowshera	19.6.2009 (Adhoc basis)	--	19.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Swabi	-do-
39	Ruby Hashim, AD/DDPWO/TPWO	M.A (Anthropology)	28.11.1981	Moh: Agency	20.6.2009 (Adhoc basis)	--	20.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Charsadda	-do-
40	Muhammad Qasim, Deputy Demographer	M.Sc(Econ)	27.02.1982	Haripur	20.6.2009 (Adhoc basis)	--	20.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Haripur	-do-
41	Muhammad Waqar Akhinzada, AD/DDPWO/TPWO	MBA	15.12.1993	Moh: Agency	22.6.2009 (Adhoc basis)	--	22.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW office, Charsadda	-do-
42	Badshah Muhammad, Deputy Demographer	M.A (Socialogy)	12.04.1977	Dir (L)	24.6.2009 (Adhoc basis)	--	24.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office Dir(L)	-do-

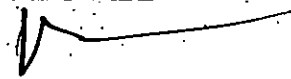
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S.No.	Name of Officer	Qualification	Date of birth	Domicile	Date of first entry into Govt. service	Lower Grade (BPS-16)	present grade (BPS-17)	Method of recruitment	Date of Regularization	Present place of posting	Remarks
1	2	3	4		5	6	8	9	10	11	12
43	Fahad Sarwar AD/DDPWO/TPWO	M.A(Econ)	03.03.1978	Nowshera	24.6.2009 (Adhoc basis)		24.6.2009 (Adhoc basis)	Direct	24.10.2009	DPW Office, Nowshera	Seniority placed on the basis of their continuous officiation insuch service or cadre and subsequently Regularized their services vide notification No.SOE(PWD)4-34/2009 dated 29-03-2010 w.e.f. Commencement of the Act XVI of 2009 dated 24.10.2009
44	Bashir Muhammad, AD/DDPWO/TPWO	MBA	3.6.1982	Hangu	24.6.2009 (Adhoc basis)		24.6.2009 (Adhoc basis)	Direct	24.10.2009	DDPWO(N.T) DPW Office Hangu	-do-
45	Eid-ur-Rehman, Deputy Demographer	M.Sc Sociology	2/14/1975	Karak	25.06.2010		25.06.2010	Direct	25.06.2010	DPW Office, D.I.Khan	Seniority placed as per merit of PSC, KPK vide their recommendation letter No. NWFP-PSC-SR-VI/51126 dated 31-10-2009 and as per Act XVI of 2009 dated 24.10.2009
46	Amin Ullah, Deputy Demographer	M.Sc Sociology	4/10/1979	Karak	25.06.2010		25.06.2010	Direct	25.06.2010	DPW office, Charsadda	Seniority placed as per merit of PSC, KPK vide their recommendation letter No. NWFP-PSC-SR-VI/51126 dated 31-10-2009 and as per Act XVI of 2009 dated 24.10.2009
47	Niaz Ahmad, Deputy Demographer	M.Sc Sociology	4/6/1976	Karak	25.06.2010		25.06.2010	Direct	25.06.2010	DPW Office, Kohat	-do-
48	Rashid Ahmad, AD/DDPWO(N.T)TPWO	M.A	4/20/1981	L.Marwat	25.06.2010		25.06.2010	Direct	25.06.2010	on Deputation IPC Department	Seniority placed as per merit of PSC, KPK vide their recommendation letter No. NWFP-PSC-SR-VI/53315 dated 11-11-2009 and as per Act XVI of 2009 dated 24.10.2009
49	Jehan Badshah, AD/DDPWO(N.T)TPWO	MBA	1/10/1979	Dir (L)	25.06.2010		25.06.2010	Direct	25.06.2010	DPW Office, Dir (Lower)	-do-
50	Muhammad Ashfaq, AD/DDPWO(N.T)TPWO	M.A		Abbottabad	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Peshawar	-do-
51	Sadiq Alam, AD/DDPWO(N.T)TPWO	MBA	1/1/1983	Malakand	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Malakand	-do-
52	Umer Farooq, AD/DDPWO(N.T)TPWO	MBA	3/25/1983	Nowshera	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Nowshera	-do-
53	Abdul Qadeer, AD/DDPWO(N.T)TPWO	M.A	5/1/1975	S.W.Agency	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Hangu	-do-
54	Noor Hakim, AD/DDPWO(N.T)TPWO	M.A	5/13/1980	S.W.Agency	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Bannu	-do-
55	Jehan Zeb Khan, AD/DDPWO(N.T)TPWO	MPA	5/5/1979	S.W.Agency	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Tank	-do-
56	Noor Muhammad, AD/DDPWO(N.T)TPWO	M.A (Pol.Sc)	8/15/1970	S.W.Agency	31.10.2011		31.10.2011	Direct	31.10.2011	DPW Office, Bannu	-do-
57	Sagheer Musharraf, AD/DDPWO(N.T)TPWO	M.A (Pol.Sc)	1/1/1978	Mansehra	31.10.2011		31.10.2011	Direct	31.10.2011	PHQr, Peshawar	-do-

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S.N.	Name of Officer	Qualification	Date of birth	Domicile	Date of first entry into Govt. service	Lower Grade (BPS-16)	present grade (BPS-17)	Method or recruitment	Date of Regularization	Post	Seniority placed as per Act XVI of 2009 dated 24.10.2009
1	2	3	4	5	6	7	8	9	10	11	12
58	Mr. Bakhtiar, AD/DDPWO(N.T)/TPWO	M.A.	15.08.1964	Peshawar	21.6.1983	5/18/2006	1/13/2010	Promotee	13.01.2010	PHQ, Peshawar	
59	Izaz Ahmad, AD/DDPWO(N.T)/TPWO	MA, Sociology	09.04.1962	Charsadda	2.4.1988 2.7.1997 (absorbed in pwd)	17.08.2009	13.08.2011	Promotee	13.08.2011	RTI, Peshawar	
60	Sardar Ali, AD/DDPWO(N.T)/TPWO	M.A Pashto	13.3.1957	Swat	15.05.1985	17.08.2009	13.08.2011	Promotee	13.08.2011	DPW Office, Swat	
61	Kashif Fida, AD/DDPWO(N.T)/TPWO	M.Sc (Hon)	17.5.1974	Peshawar	05.09.2000	17.08.2009	13.08.2011	Promotee	13.08.2011	PHQ, Peshawar	
62	Muhammad Yousaf, Deputy Demographer	MA, Economics	05.01.1974	D.I.Khan	5/5/2000	17.08.2009	13.08.2011	Promotee	13.08.2011	DPW Officer, Tank	
63	Mujeebullah, Deputy Demographer	MPA	08.02.1976	D.I.Khan	3/15/2001	17.08.2009	13.08.2011	Promotee	13.08.2011	TPWO, Kulachi	

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

NO. SO(OP-II)/LD/5-1/2012-VOL-III 36384-85
DATED: PESH: THE 28 NOV, 2016

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Population Welfare Department.

Subject: DETERMINATION OF SENIORITY.

Dear Sir,

I am directed to refer to your Department letter No.SOE(PWD) 4-30/ 2012/ Vol-II/ 3074-76 dated 24.11.2016 on the subject noted above and to state that in accordance with sub-section 2 of section 4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009, the inter se seniority of the Employees, whose services are regularized under this Act within the same service or cadre shall be determined on the basis of the continuous officiation in such service and cadre provided that if the date of continuous officiation in the case of two or more Employees is the same, the Employee older in age shall rank senior to the other one.

2. The fore referred provision of law clearly provides for determination of seniority on the basis of date of continuous officiation. The provision with regard to older age will be applicable in the eventuality, when the date of continuous officiation of two or more Employees is the same, and not in all cases.

Yours Faithfully,

Section Officer (Opinion-II)

ATTESTED

Endst: of even No. & date.

Copy is forwarded to P.S to Secretary Law Department.

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(Armed III)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

NOTIFICATION: -

Dated Peshawar the 04th October, 2017

No. SOE (PWD) 4-30/2012/Vol-II: - In pursuance of Section-8 of KP, Civil Servants Act, 1973 read with Rules 17 of KP Civil Servants (Appointment, Promotion & Transfer) rules 1989, with the approval of Competent Authority, final seniority list of Assistant Directors/ Tehsil Population Welfare Officers/ DY District Population Welfare Officers (Non-Tech) & Deputy Demographers (BPS-17) Population Welfare, Khyber Pakhtunkhwa as stood on 04-10-2017 is hereby notified/ circulated for general information.

S. No.	Name of Officer	Qualification	Date of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Appointment in present grade		Present place of posting	Remarks
						In BS-17	Method of recruitment		
1	2	3	4	5	6	7	8	9	10
1	Mr. Sohail Imran AD/DDPWO/TPWO	M.Sc (Stats)	30.12.1975	Abbottabad	--	23.07.05	Initial	DPW Officer, Torghar	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
2	Mr. Izhar Khan AD/DDPWO/TPWO	M.A.(Pol.Sc)	15.04.1972	Bunner	--	23.07.05	Initial	Agency PWO Khyber agency	-do-
3	Mr. Shamsur Rehman Dawar AD/DDPWO/TPWO	M.A.(Pol.Sc)	15.05.1977	N.W Agency	--	23.07.05	Initial	By transfer to Local Govt. Department	-do-
4	Mr. Saif ur Rehman AD/DDPWO/TPWO	M.B.A. (Marketing)	15.04.1970	Abbottabad	--	23.07.05	Initial	DPW Officer, Kohistan	-do-
5	Mr. Israr Muhammad Khan AD/DDPWO/TPWO	M.Sc(Stats)	03.01.1974	Lakki Marwat	--	12.01.04	Initial	DPW Officer, Karak	He was recommended for appointment on contract basis along with his batch mates at S. No. 01 to 07 by the PSC but being already in regular Govt. service, he was appointed on regular basis under circular letter No. SOR-VI(E&AD) 1-13/2003 dated 16-04-2003 and seniority fixed in accordance with the order of merit assigned by the PSC as provided under Rule 17 (1) (a) of NWFP Civil Servants (APT) Rules, 1989.

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S. No.	Name of Officer	Qualification	Date of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Appointment in present grade		Present place of posting	Remarks
						In BS-17	Method of recruitment		
6	Mr. Asad Ali Shah AD/DDPWO/TPWO	M.B.A.	03.05.1977	Swat	--	23.07.05	Initial	DPW Office, Swat	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
7	Mr. Ayaz Mehmood AD/DDPWO/TPWO	M.A. (Social Work)	27.11.1971	Abbottabad	--	23.07.05	Initial	DPW Office Kohistan	-do-
8	Mr. Basit Saeed, Deputy Demographer	M.A (Sociology)	29.08.1980	Mansehra	--	23.07.05	Initial	DPW office, Charsadda	-do-
9	Mr. Khalid Mehmood Deputy Demographer	M.A.(Econ)	30.04.1971	Lakki Marwat	--	23.07.05	Initial	On deputation to Education Deptt.	His contract appointment has been regularized w-e-f 23-07-2005 under NWFP Civil Servants (Amendment) Act, 2005.
10	Mr. Hussain Ahmed Deputy Demographer	M.Sc.	03.09.1977	Mardan	--	23.07.05	Initial	DPW Office, Mardan	-do-
11	Mr. Asif Malik Deputy Demographer	M.Sc	29.09.1979	Nowshera	--	23.07.05	Initial	DPW Office, Mardan	-do-
12	Miss. Kausar Jabeen Deputy Demographer	M.A.(Econ)	08.06.1978	Haripur	--	23.07.05	Initial	DPW Office, Peshawar	-do-
13	Mr. Janat Gul Deputy Demographer	M.A. (Stats)	06.11.1972	Peshawar	--	23.07.05	Initial	DG Office, Peshawar	-do-
14	Mr. Sadiq ur Rehman Deputy Demographer	M.Sc(Stats)	10.04.1975	Karak	--	23.07.05	Initial	DPW Office, Karak	-do-
15	Mr. Sajjad Ahmed Deputy Demographer	M.Sc (Stats)	20.04.1975	Malakand	--	23.07.05	Initial	DPW Officer, Bunner	-do-
16	Mr. Tahir Ishaq, AD/DDPWO/TPWO	B.A.	01.04.1962	Mansehra	12/09/05	15/04/09	Promotion	DPW Office Abbottabad	--
17	Mr. Zoaq Akhtar, AD/DDPWO/TPWO	M.A.(Econ)	08.06.1962	Mansehra	12/09/05	15/04/09	Promotion	DPW Office Mansehra	--
18	Mr. Gul Hassan, AD/DDPWO/TPWO	B.A.	01.06.1961	Abbottabad	12/09/05	15/04/09	Promotion	DDPWO, Abbottabad	--
19	Mr. Taj Mohammad Deputy Demographer	M.A.(Econ)	16.04.1966	Mohmand Agency	12/09/05	15/04/09	Promotion	DDPWO, Bunner	--

ATTACHED

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S. No.	Name of Officer	Qualification	Date of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Appointment in present grade		Present place of posting	Remarks
						In BS-17	Method of recruitment		
20	Mr. Nasim Ullah Deputy Demographer	M.A (Econ)	24.04.1966	Mohmand Agency	12/09/05	15/04/09	Promotion	DG Office, Peshawar	
21	Mr. Saeed-ur- Rehman, AD/DDPWO/TPWO	M.A(Pol.Sc)	10.05.1970	Shangla	-	24.09.09	Initial	DPW Officer, Shangla	Adhoc appointments regularized vide promulgation of Ordinance i.e. 24/09/2009.
22	Muhammad Tariq Khan, AD/DDPWO/TPWO	M.A. (Anthropology)	28.02.1975	Nowshera	-	24.09.09	Initial	DPW Officer, Nowshera	-do-
23	AyatUllah, Deputy Demographer	M.Sc(Stats)	20.09.1975	Nowshera	-	24.09.09	Initial	DPW Office, Swabi	-do-
24	Khurshid Ali, AD/DDPWO/TPWO	M.P.A.	01.02.1976	Chitral	-	24.09.09	Initial	DPW Officer, Chitral	-do-
25	Iftikhar Ahmad, Deputy Demographer	M.Sc(Stats)	20.03.1976	Peshawar	-	24.09.09	Initial	DPWO, Hangu	-do-
26	Ahmed Ali Khan, AD/DDPWO/TPWO	M.A. (Sociology)	21.03.1976	Dir (L)	-	24.09.09	Initial	DPW Office, Dir (Lower)	-do-
27	Amjad Ali Khan AD/DDPWO/TPWO	MBA	15.09.1976	Peshawar	-	24.09.09	Initial	DPW Office, Nowshera	-do-
28	Badshah Muhammad, Deputy Demographer	M.A (Sociology)	12.04.1977	Dir (L)	-	24.09.09	Initial	DPW Office, Dir(L)	-do-
29	Asif Mehmood, AD/DDPWO/TPWO	M.Sc (Chemistry)	20.04.1977	Karak	-	24.09.09	Initial	TPWO DPW Office Karak	-do-
30	Arafat Khan Afridi, AD/DDPWO/TPWO	M.A. (Pol.Sc)	13.05.1977	Khyber Agency	-	24.09.09	Initial	Agency PW Officer	-do-
31	Fahad Sarwar AD/DDPWO/TPWO	M.A(Econ)	03.03.1978	Nowshera	-	24.09.09	Initial	DPW Office, Nowshera	-do-
32	Samiullah Khan, AD/DDPWO/TPWO	M.A (Pol.Sc)	02.07.1979	Peshawar	-	24.09.09	Initial	DPW Officer, Charsadda	-do-
33	Asghar Khan, AD/DDPWO/TPWO	M.A History/Pol.Sc	05.02.1980	Mardan	-	24.09.09	Initial	DPW Officer Dir Upper	-do-

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S. No.	Name of Officer	Qualification	Date of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Appointment in present grade		Present place of posting	Remarks
						In BS-17	Method of recruitment		
34	Sana Ullah AD/DDPWO/TPWO	M.A (Pol.Sc)	15.09.1980	Charsadda	--	24.09.09	Initial	DPW office, Charsadda	-do-
35	Ruby Hashim, AD/DDPWO/TPWO	M.A Anthropology	28.11.1981	Moh: Agency	--	24.09.09	Initial	DG Office Peshawar	-do-
36	Muhamamad Qasim, Deputy Demographer	M.Sc(Econ)	27.02.1982	Haripur	--	24.09.09	Initial	DPW Office, Haripur	-do-
37	Bashir Muhammad, AD/DDPWO/TPWO	MBA	3.6.1982	Hangu	--	24.09.09	Initial	DPW Office, Hangu	-do-
38	Fazal Azeem, AD/DDPWO/TPWO	MBA	25.06.1983	Charsadda	--	24.09.09	Initial	DPW Office, Charsadda	-do-
39	M.Waqar Akhunzada, AD/DDPWO/TPWO	MBA	15.12.1983	Moh: Agency	--	24.09.09	Initial	DPW office, Charsadda	-do-
40	Shahid Khan AD/DDPWO/TPWO	M.A (Sociology)	10.04.1984	Malakand	--	24.09.09	Initial	DPW Officer, Malakand	-do-
41	Sidra Nisar, Deputy Demographer	M.Sc(Stats)	21.02.1985	Peshawar	--	24.09.09	Initial	DPW office, Charsadda	-do-
42	Bilal Khan Afridi, AD/DDPWO/TPWO	MBA	15.10.1986	Khyber Agency	--	24.09.09	Initial	DPW Office, Kohistan	-do-
43	Eid-ur-Rehman, Deputy Demographer	M.Sc Sociology	14/02/1975	Karak	--	25.06.10	Initial	DPW Office, D.I.Khan	Seniority placed as per merit order of PSC, KPK vide their recommendation letter No. NWF-PSC-SR-VI/51126 dated 31-10-2009.
44	Amin Ullah, Deputy Demographer	M.Sc Sociology	10/04/1979	Karak	--	25.06.10	Initial	RTI, Peshawar	-do-
45	Niaz Ahmad, Deputy Demographer	M.Sc Sociology	06/04/1976	Karak	--	25.06.10	Initial	DPW Office, Kohat	-do-

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S. No.	Name of Officer	Qualification	Date of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Appointment in present grade		Present place of posting	Remarks
						In BS-17	Method of recruitment		
46	Rashid Ahmad, AD/DDPWO(N.T)/TPWO	M.A (Political Science)	20/04/1981	Lakki Marwat	--	25.06.10	Initial	on Deputation IPC Department	-do-
47	Jehan Badshah, AD/DDPWO(N.T)/TPWO	MBA	10/01/1979	Dir (L)	--	25.06.10	Initial	DPW Office, Dir (Upper)	-do-
48	Muhammad Ashfaq, AD/DDPWO(N.T)/TPWO	M.A (Political Science)	02/04/1973	Abbottabad	--	31.10.11	Initial	DPW Office, Peshawar	-do-
49	Sadiq Alam, AD/DDPWO(N.T)/TPWO	MBA	01/01/1983	Malakand	--	31.10.11	Initial	DPW Office, Malakand	-do-
50	Umer Farooq, AD/DDPWO(N.T)/TPWO	MBA	25/03/1983	Nowshera	--	31.10.11	Initial	DPW Office, Nowshera	-do-
51	Abdul Qadeer, AD/DDPWO(N.T)/TPWO	M.A (Political Science)	01/05/1975	S.W.Agency	--	31.10.11	Initial	DPW Office, Hangu	-do-
52	Noor Hakim, AD/DDPWO(N.T)/TPWO	M.A (Political Science)	13/05/1980	S.W.Agency	--	31.10.11	Initial	DPW Office, Bannu	-do-
53	Jehanzeb Khan, AD/DDPWO(N.T)/TPWO	MPA	05/05/1979	S.W.Agency	--	31.10.11	Initial	DPW Officer, Tank	-do-
54	Noor Muhammad, AD/DDPWO(N.T)/TPWO	M.A (Pol.Sc)	15/08/1970	S.W.Agency	--	31.10.11	Initial	RTI, Abbottabad	-do-
55	Sagheer Musharraf, AD/DDPWO(N.T)/TPWO	M.A (Pol.Sc)	01/01/1978	Mansehra	--	31.10.11	Initial	DG Office, Peshawar	-do-
56	Mr. Bakhtiar Khan, AD/DDPWO(N.T)/TPWO	M.A (Pashto)	15.08.1964	Peshawar	18-05-2006	13.01.10	Promotion	DPW Office, Charsadda	Date of their promotion was subsequent to PSC recommendation of the officers from S.No. 46 to 55
57	Habib-ur-Rehman Sandeela AD/DDPWO(N.T)/TPWO	Matric	13.03.1961	D.I.Khan	13-08-2003	13.01.10	Promotion	DPW Office, Mansehra	--
58	Izaz Ahmad Jan, AD/DDPWO(N.T)/TPWO	MA, Sociology	09.04.1962	Charsadda	17.08.2009	13.08.11	Promotion	RTI, Peshawar	--
59	Muhammad Yousaf, Deputy Demographer	MA, Economics	05.01.1974	D.I.Khan	17.08.09	13.08.11	Promotion	DPW Office, Tank	--

ATTESTED

21

S. No.	Name of Officer	Qualification	Date of birth	Domicile	Date of apptt/promotion in BPS-16	Regular Appointment in present grade		Present place of posting.	Remarks
						In BS-17	Method of recruitment		
60	Kashif Fida, AD/DDPWO(N.T)/TPWO	M.Sc (Hon)	17.05.1974	Peshawar	17.08.09	13.08.11	Promotion	DG Office, Peshawar	
61	Mujeebullah, Deputy Demographer	MPA	08.02.1976	D.I.Khan	17.08.09	13.08.11	Promotion	TPWO, Kulachi, D.I.Khan	
62	Shah Farooq Deputy Demographer	MS Economics	15.04.1986	Khyber Agency	08.02.2016	08.02.16	Initial	DPW Office Hangu	

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

Dated Peshawar the 04th October, 2017

No. SOE (PWD) 4-30/2012/Vol-II

Copy forwarded to the:-

1. Director General, Population Welfare Department Peshawar.
2. All District Population Welfare Officers in Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
4. PS to Secretary Establishment, Govt. of Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary Population welfare Department, Govt. of Khyber Pakhtunkhwa Peshawar.
6. PS to Advisor to CM for PWD, Khyber Pakhtunkhwa Peshawar.
7. Master File.


SECTION OFFICER (Establishment)
Phone No. 091-9223623

ATTACHED

E
(22)

BEFORE THE CHIEF MINISTER, KHYBER PAKHTUNKHWA

Through: Proper Channel

Subject:- **APPEAL AGAINST FIXATION OF SENIORITY OF ADHOC EMPLOYEES IN SHEER VIOLATION OF KP (REGULARIZATION OF SERVICES) ACT 2009**

Dear Sir,

Respectfully it is submitted that Population Welfare Department made 22 adhoc appointments against the post of assistant Director / Deputy Demographer (BPS-17) on need basis in June 2009. They, being adhoc employees, were not kept on the seniority list of the regular employees of the respective cadre. However, every adhoc employee was aware of his inter-se seniority position accrued to him by virtue of date of joining service (date of arrival).

2. Upon promulgation of KP (Regularization of Services) Act 2009 (**Annex-I**) all Provincial Government Departments regularized services of their adhoc employees and fixed their interse seniority from the date of continuous officiation in service (date of joining/arrival) as provided in Section 4(2) of the Act *ibid*. Section 4(2) is reproduced as under:-

Determination of Seniority

Section 4(2)-" The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employees older in age shall rank senior to the younger one".

3. The Population Welfare Department, too, circulated a tentative seniority list of the cadre on 08-04-2015 by fixing interse seniority of the adhoc (regularized) employees on the basis of continuous officiation in service (date of joining/arrival) and age factor where applicable as provided in Section 4(2) of the said Act (**Seniority Annex-II**) at par with the other Departments.

4. However, the Population Welfare Department issued a final seniority list of the service cadre on 04-10-2017 by fixing interse seniority of the adhoc (regularized) employees on the basis of age, contradicting the tentative seniority list and ignoring the continuous officiation in service (**Annex-III**). The instant seniority list has not only dismayed and frustrated the adhoc (regularized) employees but this is also an act of sheer violation of the provisions of the KP (Regularization of Services) Act 2009 on the part of the Department.

ATTESTED


5. According to the Act, fixation of seniority on the basis of age is applicable where date of continuous officiation in service of two or more employees is the same; the employee older in age shall rank senior to the younger one. This provision is **Not Applicable** to the whole lot of the cadre. on a reference by the Population Welfare Department, the Law Department advised vide letter No. SO(OP-II/LD/5-1/2012-VOL-III/26384-85 that:-

"The provision of law clearly provides for determination of seniority on the basis of date of continuous officiation. The provision with regard to older age will be applicable in the eventuality, when the date of continuous officiation of two or more employees is the same, and not in all cases" (Annex-IV).

6. The final seniority list dated 04-10-2017 is disputed and cannot be put into practice on the following grounds:-

- I. It has been issued in violation of Section 4(2) of KP (Regularization of Services) Act 2009.
- II. It has been issued as final without circulating provisionally/tentatively, which is a clear violation of rules.
- III. It clearly speaks of giving undue favours to some favourite.
- IV. Education Department issued seniority list of adhoc (regularized) employees on the basis of date of continuous officiation in service i.e date of arrival of every individual (**Annex-V**)
- V. It is discriminatory and prejudiced to the right of others.

7. In light of the above facts, it is requested that Population Welfare Department may please be directed to withdraw the final seniority list of Assistant Director/Deputy Demographers (BS-17) dated 04-10-2017 and issue the seniority list in accordance with Section 4(2) of the KP (Regularization of Services) Act 2009 as already tentatively issued on 08-04-2015.

Your Faithfully


(MR. SANAULLAH)

Dy. District Population Welfare Officer
Charsadda

ATTESTED



VAKALAT NAMA

NO. _____/2018

IN THE COURT OF Service Tribunal, Peshawar

Sana ullah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Gort. of KPK

(Respondent)
(Defendant)

I/We, Sanaullah

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 16.02 /2018

[Signature]
(CLIENT)

ACCEPTED

[Signature]

M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.

[Signature]

Faimur Ali Khan
Advocate High Court

[Signature]

Syed Nauman Ali Bukhari
Advocate

OFFICE:

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

Before the Service Tribunal Peshawar.

50	 	38807
ایڈوکیٹ: محمد طائف خان	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر: 03339133004		

بعدالت جناب:

مخانب: 4-7-8-10-11	دعوی: Service Appeal
	حکمت نمبر: No. 223
The Chief Sect and Officers بنام اسماعیل	مورخہ:
	جمعہ:
	تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ کو
 آن مقام کیلئے محمد طائف خان اسماعیل علی کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف 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
 کارروائی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ 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 سند رہے

المرقوم: 16-05-2018

المقام: _____ واہ شد _____

مقام: _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹو کاپی نامتائیل قبول ہوگی۔

A
 2
 Waheed

IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

In Appeal No.223/2018

Sana Ullah DDPWO Charsadda (Appellant)

VS

Govt. of Khyber Pakhtunkhwa & others..... (Respondents)

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S.No.	Documents	Annexure	Page
1	Para-wise comments		1-2
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Deponent

Sagheer Musharraf
Assistant Director (Lit)

32

**IN THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

In Appeal No.223/2018.

Sana Ullah DDPWO Charsadda.....(Appellant)

VS

Govt. of Khyber Pakhtunkhwa& others (Respondents)

**JOINT PARA-WISE REPLY/COMMENTS ON BEHALF OF THE
RESPONDENTS NO.2 & 3.**

Respectfully Sheweth,

Preliminary Objections.

1. That the appellant has got not locus standi to file the instant appeal.
2. That no discrimination / injustice has been done to the appellant.
3. That the instant appeal is bad in the eye of law.
4. The appeal is based on distortion of facts and is not maintainable in its present form.
5. That the appellant has come to the Tribunal with un-cleaned hands.
6. That the appellant has been estopped by his own conduct to file the appeal.

On Facts.

1. Pertains to record hence no comments.
2. Pertains to record hence no comments.
3. Incorrect all the Adhoc employees were regularized on 24-10-2009 in pursuance of the employees (Regularization of Service) Act, 2009. The seniority of the regularized employees is determined according to sub section -2 of section-4 of the act. ibid from the date of regularization being the same, the employees older in age shall rank senior to the younger one. The final Seniority list of BPS-17 issued on 04-10-2017 accordingly as per spirit of the act.
4. Incorrect. Every Government Department is bound to act according to law, rules and regulation. While the instant Para has been interpreted by the appellant in his own interest.
5. No comments.

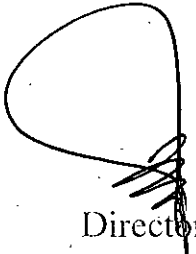
ON GROUNDS.

- A. Incorrect. As explained Para 3 of the facts above.
- B. Incorrect. The seniority was issued according to law rules and regulation.
- C. Incorrect. As explained in Para 3 of the facts above.
- D. Incorrect. As explained in Para 3 & 4 of the facts above.
- E. Incorrect verbatim based on distortion of facts.
- F. Incorrect. A repetition of earlier Para's.

G. Any further grounds raised by the appellant will accordingly be responded in the light of relevant law, rules and record, with the permission of this Hon'able Court.

PRAYER:-

Keeping in view the above, it is prayed that the instant appeal may kindly be dismissed in the public interest.



Director General
Population Welfare,
Respondent No.3



07/09/18

Secretary to Govt. of Khyber
Pakhtunkhwa
Population Welfare Department
Respondent No.2

**IN THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

In Appeal No.223/2018.

Sana Ullah DDPWO Charsadda.....(Appellant)

VS

Govt. of Khyber Pakhtunkhwa& others (Respondents)

Affidavit

I Mr. Sagheer Musharraf, Assistant Director (Litigation), Directorate General of Population Welfare Department do solemnly affirm and declare on oath that the contents of para-wise comments/reply on behalf of respondents No. 2&3 are true and correct to the best of my knowledge and available record and nothing has been concealed from this Honorable Tribunal.



Deponent

Sagheer Musharraf
Assistant Director (Lit)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 223/2018

Sanaullah

vs

Govt: of KPK etc.

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-6) 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 Para-1 of the appeal is admitted correct by the respondent department as service record has already in the custody of respondent department.
- 2 Para-2 of the appeal is admitted correct by the respondent department as service record has already in the custody of respondent department.
- 3 Incorrect while Para-3 of the appeal is correct. Moreover the respondent drawn the impugned seniority list in total violation of sub section 2 of section 4 of the Regularization Act 2009. Further it is added that the respondent No. 4 to 12 have junior to the appellant because they have started officiating service much after the appellant.
- 4 Incorrect while Par-4 of the appeal is correct. Moreover the seniority dated 04.10.2017 is in total violation of the opinion of Law department given vide dated 28.11.2016.
- 5 Need no comments.


GROUND:


- A) Incorrect, while Para-A of the appeal is correct.
- B) Incorrect, while Para-B of the appeal is correct.
- C) Incorrect, while Para-C of the appeal is correct.
- D) Incorrect, while Para-D of the appeal is correct.
- E) Incorrect, while Para-E of the appeal is correct.
- F) Incorrect, while Para-F of the appeal is correct.
- G) Legal.

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

APPELLANT

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT

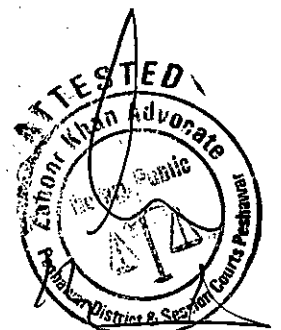

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

& 
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.


DEPONENT



**BEFORE THE KPK SERVICE TRIBUNAL
PESHAWAR**

Sana Ullah

Versus Govt. Of Kpk & Others

Appeal No 223 /2018

MEMO OF APPEARANCE

Respectfully Sheweth:

I am directed by respondent No. 6, Mr. Khursheed Ali District Population welfare officer, Chitral (My Client) telephonically that he is unable to appear before the Honorable Tribunal on 17-06-2019. On next date of hearing, he will attest and submit Wakalatnama positively, hence the memo of appearance.

Through Counsel


Syed Iqbal Shah.

Advocate High Court.

Dated: 17-06-2019

قیمت
50 روپے

17523



ایڈوکیٹ:
بار کونسل/ ایسوسی ایشن نمبر:
رابطہ نمبر: 0333-9196563

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعد اٹ جناب: سر سہیل ٹریبونل پشاور

منجانب: ریسائڈنٹ ٹریبونل	دعویٰ: اپیل
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

شمارہ اللہ بنام حکومت خیبر پختونخواہ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ مقام
آن مقام پشاور کیلئے سید اصال ستاہ + فواد عبدالستار ایڈووکیٹس کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
ذریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز
دائر گزارنے 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 جانب 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 سند رہے
المرقوم
11/9/2019

مقام پشاور کے لیے منظور ہے۔

Attested
Fawad Abdul Sattar
Advocate
District Courts
نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

Dated Peshawar the, 12th June, 2009.

NOTIFICATION.

NO.SOE(PWD) 4-34/07/KC/Vol-II. Consequent upon the recommendations of the Departmental Selection Committee (DSC), the Competent Authority is pleased to appoint the following Assistant Directors / Tehsil Population Welfare Officers / Deputy District Population Welfare Officers (N.T) / Agency Population Welfare Officers (BPS-17) on adhoc basis with immediate effect in the Population Welfare Department, NWFP for a period of one year or till the arrival of selectees of NWFP Public Service Commission, whichever is earlier subject to the terms & condition mentioned here under:-

S.No.	Name of Candidates with Father's name
1	Amjid Ali Khan S/O Taj Muhammd Khan
2	Shahid Khan S/O Faridullah Khan
3	Fahad Sarwar S/O Ahmad Sarwar
4	Sana Ullah S/O Rahim Gul
5	Ruby Hashim D/O Muhammad Hashim
6	Arafat Khan Afridi S/O Noor Khan Afridi
7	Bilal Khan Afridi S/O Shah Mehmood Afridi
8	Muhammad Waqar Akhonzada S/O Muhammad Syar Akhonzada
9	Muhammad Tariq Khan S/O Muhammad Hashim
10	Asehar Khan S/O Gul Sad Burg
11	Fazal Azeem S/O Aziz Ahmed Khan
12	Sami Ullah Khan S/O Amin Ullah Khan
13	Khurshid Ali S/O Zar Muhammad Khan
14	Ahmed Ali Khan S/O Farman Ullah Khan
15	Saced ur Rahman S/O Muhammad Ayaz
16	Asif Mehmood S/O Khan Zada
17	Bashir Muhammad S/O Khan Saced
18	Capt. Malik Tanveer S/O Malik Muhammad Akram

2. Their appointment is subject to the following terms & conditions:-

- The appointment of the above named candidates against Assistant Director / TPWO / DDPWO (N.T) / Agency Population Welfare Officer posts is purely on adhoc basis for a period of one year or till the arrival of NWFP Public Service Commission nominees whichever is earlier.
- The candidates will sign an agreement on stamp paper with the Population Welfare Department, NWFP Peshawar (employer). The services of the employees will be governed under the terms & condition mentioned in each agreement.
- Their salary is subject to execution of agreement deed containing the terms & condition of the employment on adhoc basis.

Disty No. 296
 P. No.
 Dated 12/6/09
 Initial

AD (P.W.D.)
 O. A. W.
 17/6/09

17/6/09

d. Their services will be liable to termination without assigning any reason during the currency of the agreement. In case of resignation one month prior notice will be required, otherwise their one month pay plus usual allowance will be forfeited.

e. The appointees shall join their posts within fifteen (15) days of the issuance of this order otherwise the appointment order will stand cancelled.

f. They shall provide Medical Fitness Certificate from the Medical Superintendent of the DHQ Hospital concerned before joining service.

g. Being adhoc employees, in no way they will be treated as Civil Servants and in the case their performance is found un-satisfactory or found committed any mis-conduct, their service will be terminated with the approval of competent authority without adopting the procedure provided in North West Frontier Province (E&D) Rules, 1973 or North West Frontier Province Removal from Service (Special Powers) Ordinance, 2000 which will not be challengeable in NWFP Service Tribunal / any court of Law.

h. They shall be held responsible for the losses accruing to the Government due to their carelessness or in-efficiency and shall be recovered from them.

i. Their appointment is specific facility based and non-transferable during currency of agreement period.

j. They will get pay in BPS-17 plus usual allowances as admissible under the rules.

k. They will neither be entitled to any pension or gratuity for the service rendered by them nor they will contribute towards GP Fund or CP Fund.

l. This Order / Notification shall not confer any right on them for regularization of their service against the posts occupied by them or any other regular posts in the Department.

m. They will not be posted against administrative posts with Drawing and Disbursing powers utmostly.

n. No TA/DA will be allowed to them for joining the post.

o. Charge reports should be submitted to all concerned.

3. Consequent upon their appointment as Assistant Directors / Tehsil Population Welfare Officers / Deputy District Population Welfare Officers (N.T) / Agency Population Welfare Officers (RPS-17) they are here by posted as under:-

S.No	Name of recruitee	Proposed Place of posting	Remarks
1	Amjid Ali Khan S/O Muhammad Khan	TPWO DPWO Haripur	Against vacant post
2	Shahid Khan S/O Farid Ullah Khan	Deputy Demographer in DPWO Malakand	Vice No.19
3	Fahad Sarwar S/O Ahmad Sarwar	DDPWO (N.T), DPW Office, Bunair.	Against vacant post
4	Sana Ullah S/O Rahim Gui	TPWO, DPW Office, Charsadda	-do-
5	Ruby Hashim D/O Muhammad Hashim	DDPWO (N.T), DPW Office, Kohat.	-do-
6	Bilal Khan Afridi S/o Shah Mehmood Afridi	DDPWO (N.T); DPW Office, Nowshera	-do-
7	Muhammad Waqar Akhonzada S/O Muhammad Sayar Akhonzada	DDPWO (N.T), DPW Office, Karak	-do-
8	Muhammad Tariq Khan S/O Muhammad Hasham	DDPWO (N.T); DPW Office, Mardan	-do-
9	Asghar Khan S/O Gul Sad Burg	TPWO, DPW Office, Swabi	-do-
10	Fazal Azeem S/O Aziz Ahmed Khan	DDPWO (N.T), DPW Office; Abbottabad	-do-
11	Sami Ullah Khan S/O Amin Ullah Khan	DDPWO (N.T), DPW Office, Swabi	-do-
13	Khurshid Ali s/o Zar Muhammad Khan	DDPWO (N.T), DPW Office, Chitral	-do-
13	Ahmed Ali Khan S/O Farman Ullah Khan	DDPWO (N.T), DPW Office, Dir (Lower)	-do-
14	Saeed ur Rahman S/O Muhammad Ayaz	DDPWO (N.T), DPW Office, Shangla	-do-
15	Asif Mehmood S/O Khan Zada	TPWO, DPW Office, Karak	-do-
16	Bashir Muhammad S/O Khan Saeed	DDPWO (N.T), DPW Office, Hangu	-do-
17	Capt. Malik Tanveer S/O Malik Muhammad Akram	DDPWO (N.T), DPW Office, Battagram	-do-
18	Mr. Khalil-ur-Rehman, Accountant (B-16) adjusted against the post of Dy: Demographer (B-17) DPW Office Malakand	Transfer and adjusted against the post of Dy: Demographer (B-17) DPW Office, Dir (Lower).	-do-

4. Posting orders in respect of Mr. Arafat Khan Afridi S/O Noor Khan Afridi at S.No.6 at Para-1 above in FATA will be notified with the approval of the competent authority later on.

5. If the terms & conditions mentioned at Pra-2 above are acceptable to them, they should report for duty to the concerned District Population Welfare Officers within fifteen (15) days otherwise the appointment order will stand cancelled.


5

Endst: NO:SOE(PWD) 4-34/07/KC/Vol-II

Dated Peshawar the, 12th June, 2009.

Copy forwarded for information & necessary action to the:-

1. Secretary (A&C), FATA Secretariat Warsak Road, Peshawar.
2. Accountant General, NWFP, Peshawar.
3. Accountant General, PR Sub office, Peshawar.
4. Director General, Population Welfare, NWFP, Peshawar. He should furnished a certificate within thirty (30) days after issue of this Notification to the effect that have join the posts or otherwise.
5. District Accounts Officers, Malakand , Haripur, Buner, Charsadda, Kohat, Nowshera, Karak , Mardan ,Swabi, Abbottabad , Chitral, Dir (Lower) , Shangla, Hangu and Battagram.
6. District Population Welfare Officers, Malakand , Haripur, Buner, Charsadda, Kohat, Nowshera, Karak , Mardan ,Swabi, Abbottabad , Chitral, Dir (Lower) , Shangla, Hangu and Battagram. They should check original certificates / degrees of the concerned appointees before handing over charge.
7. Deputy Director, Population Welfare FATA.
8. P.S to Chief Secretary, NWFP, Peshawar.
9. P.S. to Minister for Population Welfare, NWFP, Peshawar.
10. P.S to Secretary, Population Welfare, NWFP, Peshawar.
11. Officers concerned.
12. Personal files of officers concerned.


 (USMAN SHAH)
 SECTION OFFICER (ESTT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 56 /2018

Khyber Pakhtunkhwa
Service Tribunal

Zawar Hussain Khan,
Statistical Assistant,
Office of the District Population Welfare,
Mardan.....

Diary No. 34
Dated 12-1-2018

Appellant

Versus

1. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Population Welfare Department, Peshawar.
2. The Director General,
Population Welfare Department,
Khyber Pakhtunkhwa, Peshawar.
3. Khair Muhammad Afridi,
Statistical Assistant,
Office of the District Population Welfare,
District Hangu.
4. Zakir Hussain,
Statistical Assistant,
Office of the District Population Welfare,
District Chitral.
5. Nazar Ali,
Statistical Assistant,
Office of the District Population Welfare,
District Chitral.
6. Shafeeq Alam,
Statistical Assistant,
Office of the District Population Welfare,
District Malakand.
7. Hafiz Nasir Khan,
Office of the Director General,
Population Welfare Department Peshawar.
8. Muhammad Najeem Khan,
Office of the District Population Welfare,
Dir Lower.
9. Fazal Wadood,
Office of the District Population Welfare,
District Bunner.....



ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respondents

Bypet
11-4-18

Filed by
Smt. Maryam
12/1/18

Resubmitted to-day
and filed
Registrar
5/1/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 56/2018

Date of Institution ... 12.01.2018

Date of Decision ... 12.03.2019



Zawar Hussain Khan, Statistical Assistant, office of the District Population Welfare, Mardan. (Appellant)

VERSUS

The Secretary, Govt: of Khyber Pakhtunkhwa Population Welfare Department, Peshawar and eight others. (Respondents)

MR. KHUSH DIL KHAN,
Advocate

--- For appellant.

MR. ZIAULLAH
Deputy District Attorney

--- For official respondents no. 1 & 2

MR. JAVED IQBAL GULBELA,
Advocate

--- For private respondents no: 3 & 4

MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURRANI

--- MEMBER(Executive)
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ARGUMENTS

2. Learned counsel for the appellant argued that he was initially appointed as Statistical Assistant (BPS-11) on adhoc basis vide order dated 27.04.2009. After promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 his services were regularized alongwith other similarly placed employees. The method for determination of seniority was laid down in Section-4 of the above Act. That final seniority list was circulated by the respondent no.2 on 23.05.2010 showed that name of the appellant was reflected at sr. 8, while private

respondents no. 3 to 9 were shown as junior to him as per law/rules. This position was maintained in the seniority list issued on 29.11.2013 and 26.02.2016. Thereafter, another final seniority list was circulated vide office order dated 04.04.2017 in which due place was given to the appellant. Against the laid down procedure another tentative seniority list was notified in 2017 in which his name was brought to sr. no.10, while private respondents 3 to 9 were shown senior to the appellant. Feeling aggrieved, he preferred departmental appeal on 21.11.2017 which was rejected vide order dated 28.12.2017. Respondents have misinterpreted sub-Section-2 of Section-4 of the Act of 2009, while preparing the impugned seniority list. The appellant joined service/assumed charge on 06.05.2009, whereas the private respondents joined duty later on and were rightly placed junior to him. As such by applying the method of continues officiation he was senior to private respondents.

3. On the other hand learned Deputy District Attorney argued that initially the appellant was appointed on adhoc basis and thereafter his services were regularized under the Khyber Pakhtunkhwa (Regularization of Services) Act, 2009. For proper interpretation of the said Act regarding determination of seniority the matter was referred to the Establishment department for advice. In the light of advice of the said department, seniority list was firmed up/notified. Action taken by the respondents was duly backed by law and rules.

4. Learned counsel for private respondents no. 3 and 4 relied on arguments advanced by learned Deputy District Attorney.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CONCLUSION

5. It is not disputed that the appellant was appointed as Statistical Assistant on adhoc basis vide order dated 27.04.2009. After promulgation of Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 his services were regularized. **Attention is invited to Sub-Section-2 of Section-4 of the above Act, wherein it is laid down that the seniority inter-se of the employees whose services were regularized under this Act within the same service or cadre shall be determined on the basis of their continuous officiation in such service or cadre.** On the strength of this principle due place was given to the appellant in the seniority lists notified on 23.08.2010, 29.11.2013, 24.2.2016 and 04.04.2017.

6. The dispute arose after circulation of tentative seniority list dated 15.11.2017 in which his name was not placed at the appropriate place. Sub-Section (1) (5) of Section-8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 provides that seniority list shall be revised atleast once in a calendar year, preferably in the month of January. It is not understandable, why two seniority lists were circulated/notified by the respondents in one calendar year? The grounds given in the rejection order of his departmental appeal are against the spirit of the said Act.

ATTESTED

EXAMINER
Khyber P...
Service T...
Peshawar

7. Attention is also invited to a letter dated 06.08.2017 addressed to the Director General Population Welfare, Khyber Pakhtunkhwa, wherein some guidelines were given for determination of seniority of BPS-11 adhoc employees. It was also directed to fix their seniority on the analogy of BPS-17 employees (non-technical). Through another letter dated 26.10.2017 from respondent no.1

addressed to respondent no.2 directions were conveyed that seniority of adhoc employees be determined from the date of promulgation of ordinance.

8. Learned counsel for the appellant also produced minutes of the DSC held on 03.04.2009 in which the appellant was selected and placed at sr. no.3 of merit assigned to him. Order dated 27.04.2009 through which his appointment was notified showed him at the same place.

9. Respondents in order to properly interpret the relevant section of Act for determination of seniority took up the case with the Establishment Department for advice. The said department vide letter no. SOR-V (E&AD)/4-31/2017 dated 17.08.2017 advised to settle the issue in the light of Section 4(2) of the said Act. However, this advice was not followed by the respondents. Case of the appellant seems genuine and respondents are required to recast the impugned seniority list in the light of the relevant section of the aforementioned act.

10. As a sequel to above, the appeal is accepted and the impugned orders dated 15.11.2017 and 28.12.2017 are set aside. Parties are left to bear their own costs. File be consigned to the record room.

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(HAMID FAROOQ DURRANI)
CHAIRMAN

(AHMAD HASSAN)
MEMBER

ANNOUNCED
12.03.2019

Date of Presentation of Application 6-8-2019
 No. of Copies 2000
 No. of Pages 24
 No. of Exhibits 4
 Total 28
 Name of Copyist af
 Date of Copy/Action of Copy 6-8-2019
 Date of Delivery of Copy 6-8-2019

Order

12.03.2019

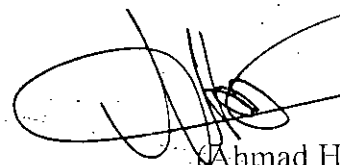
Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Sagheer Musharraf, AD (Lit) for official respondents no. 1 and 2 and counsel for private respondents no. 3 and 4 present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted and the impugned orders dated 15.11.2017 and 28.12.2017 are set aside. Parties are left to bear their own cost. File be consigned to the record room.


Announced:
12.03.2019



(Hamid Farooq Durrani)
Chairman



(Ahmad Hassan)
Member

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 56/2018

Zawar Hussain Khan,
Statistical Assistant DPW, Office, Mardan Appellant

Versus

The Secretary,
Govt. of Khyber Pakhtunkhwa,
Population Welfare Department, Peshawar & others..... Respondents

INDEX

S.N	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-6
2.	Copy of the extracts of the Act 2009.		A	7-10
3.	Covering letter with the final seniority list.	23-08-2010	B	11-12
4.	Copy of final seniority list	29-11-2013	C	0-13
5.	Copy of the covering letter with the provisional seniority list	24-02-2016	D	14-15
6.	Copy of the Office Order whereby final seniority list was issued	04-04-2017	E	16-17
7.	Copy of the impugned seniority list circulated under covering letter Dated 15-11-2017	15-11-2017	F	18-19
8.	Copy of letter there with the departmental appeal dated 21-11-2017 of the appellant was forwarded to respondent No.2	21-11-2017	G	20-22
9.	Copy of the letter whereby departmental appeal of appellant was turned down.	28-12-2017	H	0-23

Through


Appellant

Khush Dil Khan
Advocate,

Supreme Court of Pakistan
9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 091-2213445

Dated: 11/01/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 56 /2018

Khyber Pakhtunkhwa
Service Tribunal

Zawar Hussain Khan,
Statistical Assistant,
Office of the District Population Welfare,
Mardan.....

Diary No. 34

Dated 12-1-2018


Appellant

Versus



1. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Population Welfare Department, Peshawar.
2. The Director General;
Population Welfare Department,
Khyber Pakhtunkhwa, Peshawar.
3. Khair Muhammad Afridi,
Statistical Assistant,
Office of the District Population Welfare,
District Hangu.
4. Zakir Hussain,
Statistical Assistant,
Office of the District Population Welfare,
District Chitral.
5. Nazar Ali,
Statistical Assistant,
Office of the District Population Welfare,
District Chitral.
6. Shafeeq Alam,
Statistical Assistant,
Office of the District Population Welfare,
District Malakand.
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Office of the Director General,
Population Welfare Department Peshawar.
8. Muhammad Najeem Khan,
Office of the District Population Welfare,
Dir Lower.
9. Fazal Wadood,
Office of the District Population Welfare,
District Bunner..... Respondents

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

By Note
11-4-18

Filed by
Sonia
12/1/18
Registrar

Re-submitted to -day
and filed.
Sandilya
15/1/18
Registrar

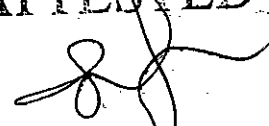
SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED SENIORITY LIST CIRCULATED ON DATED 15-11-2017 VIDE COVERING LETTER NO.F.NO.4 (15)/2016 ADMIN THEREIN RELEGATED APPELLANT IN JUNIOR POSITION AT SR.NO.10 AGAINST WHICH HE FILED DEPARTMENTAL APPEAL ON 21-11-2017 WHICH WAS FORWARDED TO RESPONDENT NO.2 BY THE DPW MARDAN THROUGH COVERING LETTER DATED 21-11-2017 FOR NECESSARY ACTION BUT SAME WAS TURNED DOWN WITHOUT LEGAL JUSTIFICATION BY THE APPELLANT AUTHORITY VIDE LETTER DATED 28-12-2017.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:

1. That appellant was initially appointed on ad hoc basis as Statistical Assistant B-11 on 27-04-2009 vide order No. 4(35)/97-2006/Admn-Vol-VIII and joined the department on 06-05-2009.
2. That meanwhile the Provincial Govt. of Khyber Pakhtunkhwa enacted a law namely the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 and under its Section 3, the appointment of all employees of provincial Government were regularized and similarly the service of appellant was also regularized along with other similar employees while Section 4 of the Act laid down the mechanism of determination of seniority of such employees, the relevant provisions of law is reproduced as under for immediate perusal of this Hon'ble Court.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Section 4. Determination of Seniority:


(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Copy of the extracts of the Act are attached.

(Annexed-A)

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

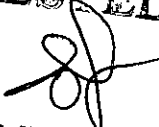
3. That on 23-08-2010, the final seniority list was issued by the respondent No.2 vide office order No. F.No. 4(15)/2009/Admn (Annexed-B) therein the name of appellant placed at serial No.8 while respondent No.3 to 9 assigned to junior position according to law on subject. When the final seniority list issued on 29-11-2013 (Annexed-C) the seniority position remained intact. Similarly in the seniority list issued on 24-02-2016 (Annexed-D) the seniority of appellant remained the same (Annexed-E) Likewise in the final seniority list of the year 2017 the seniority position of appellant remained the same vide office order letter 04-04-2017 (Annexed-F).

4. That in the same year of 2017 a tentative seniority list was issued without legal justification thereby the seniority of appellant was changed and he was relegated to junior position his name placed at serial No.10 while junior to him (respondents 3 to 9) has assigned senior position and their names placed at serial Nos.3,4,5,6,7,8 and 9 of which appellant was aggrieved and filed a departmental appeal on 21-11-2017 (**Annexed-G**) which was forwarded to respondent No.2 by the District Population Welfare Office on the same date which was turned down by the appellate authority vide his letter 28-12-2017 (**Annexed-H**).

Hence the present appeal is submitted on the following amongst other **grounds**:-

- A. That respondent No.2 has acted in arbitrary manner and wrongly assigned senior position to respondents No.3 to 9 while appellant was relegated to junior position in violation of law on subject which is unlawful, malafide of no legal effect and inoperative against the rights of appellant.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar B.

That respondent No.2 has misconceived and misinterpreted the provisions of sub Section 2 of the Section 4 of the Act 2009 and unlawfully changed the final seniority list of 2017 and issued the impugned seniority list assigning the seniority therein on the basis of older in age by deeming the date of continuous officiation being the same which is baseless, incorrect and against the service record. The appellant has joined the service and assumed the charge of his duty on 06-05-2009 while the respondents 3 to 9 joined the service on subsequent dates and thus the date of continuous officiation of the appellant is 06-05-2009 and as such he is senior to the respondents No.3 to 9 in view of the law on subject and he was rightly assigned senior position in the final seniority list of 2017 and thus the impugned seniority list is based on

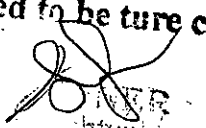
misconception and misinterpretation and not sustainable being framed in violation of law.

- C. That the subsequent changes in the impugned seniority list was made at the back of appellant, no notice was given to him and he was condemned unheard and adversely affected his promotion to higher post/ grade therefore such alteration in the impugned seniority list is not only violative of the mandatory provisions of law but also against the principle of natural justice.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned seniority list dated 15-11-2017 and the appellate order 28-12-2017 may graciously be declared illegal, without lawful authority, invalid, against the rights of appellant and violative of the principle of natural justice and be set aside. Further the final seniority list already circulated on 04-04-2017 be restored in original form and the senior position of appellant be maintained accordingly.

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

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Through


Appellant

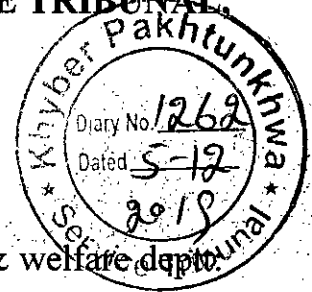
Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

Dated: 11 / 01 / 2018

Date of Presentation of Application 6-8-2019
Number of Words 2800
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Urgent 4
Total 36
Name of Copy [Signature]
Date of Completion of Copy 6-8-2019
Date of Delivery of Copy 6-8-2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 224/2018



Sami Ullah

V/S

Population & welfare dept.

.....
**APPLICATION FOR WITHDRAWAL OF INSTANT APPEAL AS THE
GRIEVANCE OF THE APPELLANT HAS BEEN REDRESSED BY
THE RESPONDENT DEPARTMENT.**
.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal for direction to the respondents to correctly draw the seniority list and correctly mention the name of the appellant according to section-4 of the KP Regularization of Service Act 2009.
2. That the instant was heard by this august Tribunal on 12.11.2019 and next date fixed for order is 09.12.2019, however the grievance of the appellant was redressed by the respondent department as the respondent department revised the disputed seniority according to section 4 of the KP Regularization of Service Act 2009, due to which the name of appellant was properly and correctly placed in the revised seniority list. (Copy of revised seniority list is attached as Annexure-R1.
3. That as the grievance of the appellant was redressed by the respondent department, due to which the instant appeal become infructuous and the appellant wants to withdrawn the instant appeal.

It is, therefore, most humbly prayed that on acceptance of this application, the file may kindly be requisite toady and the appeal may kindly be dismissed as withdrawn.

THROUGH:

[Signature]
APPELLANT

[Signature]
M. ASIF YOUSAFZAI
ASC
& *[Signature]*
TAIMUR ALI KHAN
AHC

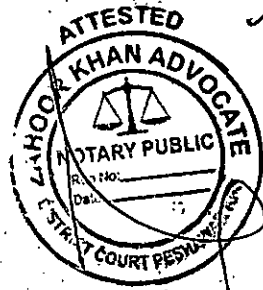
Handwritten notes in Urdu:
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معد ادرجہ
معد ادرجہ
معد ادرجہ
05/12/19

Reads

AFFIDAVIT

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

Deponent



05 DEC 2019