

ORDER
16.09.2021

Appellant alongwith her counsel Mr. Sabitullah Khan Khalil, Advocate, present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present. Mr. Javed Iqbal Gulbela, Advocate, for private respondents No. 11, 12, 13, 15, 16, 18 to 25 present and submitted in writing that he rely upon the comments submitted by the official respondents. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, ~~of~~ service appeal bearing No. 13581/2020 "titled Abdul Qudus Vs. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar and twenty eights others", the instant appeal is accepted and the impugned notification dated 30-06-2020 is modified to the extent that the appellants as well as other similarly placed employees are held entitled for promotion on acting charge basis from 30.06.2020 with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
16.09.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)




(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

07.09.2021

Mati Ullah Khan Marwat Advocate present and submitted wakalat nama in favor of appellant.

Muhammad Adeel Butt learned Additional Advocate General alongwith Naeem Ullah Assistant Director (Litigation) for official respondents present. Junior to counsel for private respondents No.11 to 13, 16 & 18 to 25.

File to come up alongwith connected Service Appeal No.13581/2020 titled Abdul Qudus Vs. Government of Khyber Pakhtunkhwa on 16.09.2021 before D.B.



(Rozina Rehman)
Member (J)



Chairman

15.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present. Private respondents No. 7, 9, 11, 15 and 27 in person, while private respondents No. 12, 13, 16 and 18 to 25 alongwith their counsel Mr. Tahir Khan Advocate present, who submitted Wakalatnama on behalf of said respondents, which is placed on record. Private respondents No. 5, 6, 8, 10, 14 and 17, were summoned through registered A.D and Assistant Director (Litigation) also produced copies of acknowledgment receipts of notice sent to the said respondents (which are placed in Service Appeal No. 13581/2021), however they are absent, hence placed ex-parte. Private respondent No. 26 was present on the previous date, however he is absent today, hence placed ex-parte.

Representative of official respondents as well as private respondents present today before the Tribunal requested for further time for submission of written reply/comments. Adjourned. To come up for written reply/comments on behalf of official respondents as well as private respondents who are present today before the Tribunal on 28.07.2021 before the D.B. Status-quo be maintained till the date fixed.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

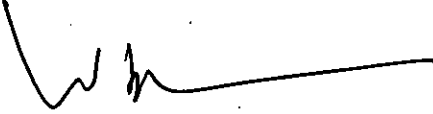


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28.07.2021

Clerk of counsel for the appellant present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present. Clerk of counsel for private respondents No. 12, 13, 16 and 18 to 25 present.

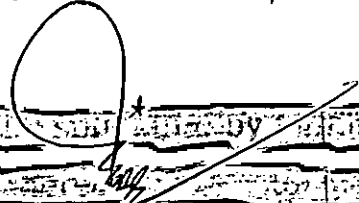
Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for written reply/comments on behalf of official respondents as well as private respondents No. 7, 9, 11, 12, 13, 15, 16, 18 to 25 on 23.08.2021 before the D.B. Status-quo be maintained till the date fixed.

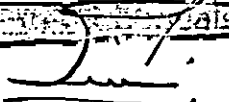

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

23.08.2021

Appellant alongwith her counsel present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present and submitted comments, copy of which handed over to learned counsel for the appellant. Respondent No. 15 in person present. Junior of learned counsel for private respondents No. 11, 12, 13, 16 and 18 to 25 present and requested for adjournment on the ground that the senior counsel is not available today. Adjourned. Last opportunity given. To come up for reply/comments on behalf of respondents No. 7, 9, 11, 12, 13, 15, 16 and 18 to 25 as well as arguments before the D.B on 07.09.2021. Status quo be maintained till the date fixed.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)



02.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present. Private respondents No. 26 in person present and stated that he rely on the comments already submitted by official respondents No. 1 to 4. Rest of private respondents were summoned through Director General Prosecution, however they are absent, therefore, they be summoned again through Director General Prosecution as well as registered AD and to come up for their replies and arguments on 15.07.2021. Status-quo be maintained till the date fixed. Appellant is directed to submit registered AD alongwith copies of appeal within three days.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Appellant contends that the requirement of formula B is applicable to her and accordingly, four years service at her credit in BPS-18 was there to qualify her for promotion to BPS- 19 on acting charge basis, but was erroneously withheld for want of length of service. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, Notices be issued to the respondents. Notices to private respondents be issued through Director General Prosecution Khyber Pakhtunkhwa. The respondents are required to submit written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.07.2021 before the D.B.

Appellant Deposited
Security & Process Fee

15/6/21

The appeal is accompanied by an application for restraining respondents not to convene the PSB meeting to the extent of promotion of Junior Deputy Public Prosecutors to the post of Senior Public Prosecutor. Notice of the application be also given to the respondents. Status-quo be maintained till the date fixed.


Chairman

S.A No. 16020/2020

09.06.2021

Appellant present in person. Preliminary arguments heard.

It is an admitted position that the initial appointment of the appellant took place in BPS-17 as Deputy Public Prosecutor (DPP) and after some time, the same post alongwith incumbency was upgraded from BPS-17 to BPS-18. Accordingly, the incumbency of the appellant on the post of Dy.P.P involves some period in BPS-17 and some period in BPS-18. The respondents are of the view that his length of service was short for promotion to BPS- 19 on acting charge basis when counted from the date of upgradation of the post in BPS-18. On the other hand, the appellant contends that her incumbency on the post of Dy.P.P may be reckoned in BPS-18 from the date of appointment, as far as length of service is concerned. With this stance, she further contends that according to formula-"B" of length of service, in Promotion Policy of the Government, seven years service for regular promotion and four years service in BPS-18 for acting charge service will be applicable in his case. The main question involved in the appeal is that whether the length of service for acting charge promotion in case of the appellant is to be reckoned from date of her appointment as Dy. P.P or from the date of upgradation of the post of Dy. P.P from BPS-17 to BPS-18?

Before The Hon'ble K.P.K Services
Tribunal, Peshawar.

— x ————— x —

Miss Sumaira Versus Govt of K.P.K & others

Respected Sir,

I Javed Iqbal Guibela
(Asst), reliance upon the comments filed
by official respondents.

Dated 16-09-2021

Through

Respondent

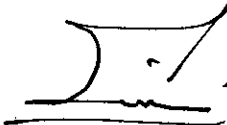
no, 11, 12, 13,
15, 16, 18 to 25

Javed Iqbal Guibela

Guibela
Asst

22.03.2021

Mr. Saadullah Khan as proxy of learned counsel for the appellant present and requested that the case may be adjourned as learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing before S.B on 21.06.2021.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.06.2021

Appellant in person present and submitted an application for fixation of her appeal with Service Appeal No. 13581/2020 titled "Abdul Qudus & others Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar etc." File has been requisitioned for today.

To come up for preliminary hearing on 09.06.2021 alongwith Service Appeal No. 13581 etc. before S.B.


Chairman

15.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 22.02.2021.


Reader

22.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 08.03.2021.

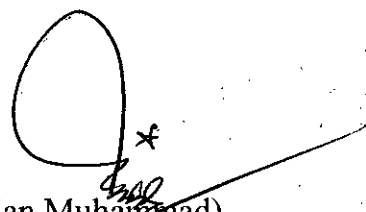

Reader

08.03.2021

Junior to counsel for the appellant present.

Junior to counsel for the appellant seeks adjournment as learned senior counsel is not available today.

Adjourned to 22.03.2021 before S.B.

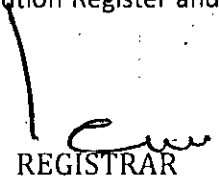

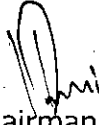

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 16070 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2020 R	<p>The appeal of Mst. Bibi Sumaira resubmitted today by Mr. Sabitullah Khan Khalil Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/02/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>01.02.2021</p> <p>Appellant in person present.</p> <p>Requests for time to prepare the brief and to argue the matter herself. Adjourned to 15.02.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mst. Bibi Sumaira Prosecutor at Model Criminal Trial Court A.Abad received today i.e. on 02.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ② Memorandum of appeal may be got signed by the appellant.
- ③ Copies of order dated 24.05.2016 (Annexure-A) Judgment of PHC (Annexure-B) and judgment in COC (Annexure-C) are not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ⑤ Copy of rejection order of departmental appeal dated 07.10.2020 mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- ⑥ Annexures of the appeal may be flagged.
- ⑦ Annexures of the appeal may be attested.
- ⑧ Sub-rule-4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect, shall also be shown as respondent.
- ⑨ Three copies/sets of the appeal along annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 3786 /S.T,

Dt. 2/11 /2020.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sabitullah Khan Khalil Adv. Pesh.

Re-Submitted with request for extension of
Some Considerable time, as my client is lady
lawyer and seriously ill therefore unable to contact
her and to remove discrepancy and need full.

⑩ days time further extended.

S/Me
16/11/2020

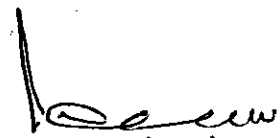
17/11/2020

- Re-submitted instant Service Appeal
for request of further time.

LL

27/11/2020

10 days time further extended.

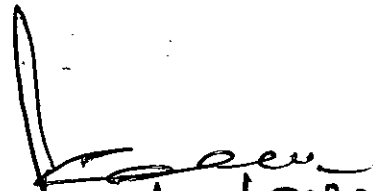

27/11/2020

- Re-submitted
Request for further time.

LL

7/12/2020


10 days time further extended.


7/12/2020

- Note

17.12.2020

Resubmitted after completion


Faisal Mulla
Advocate
17/Dec/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2020

Bi Bi Sumaira

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

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3.	Copy of judgment dated 07/06/2016 <i>along with grounds</i>	B	14-42
4.	Copy of COC No. 8-9/2020	C	43
5.	Copies of Departmental Appeal and order dated 07/10/2020	D	44-48
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7.	Vakalatnama	-----	

Dated: 02/11/2020

Humble Appellant

Bi Bi Sumaira

Through Counsel

Sabit Ullah Khan Khalil
Advocate Supreme Court.

&

Bilal Ahmed Kakazai
Advocate, Peshawar

FILED TODAY
Deputy Registrar
02 NOV 2020

POI

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13843

Appeal No. 16220, 2020.

Dated 02/11/2020

Bibi Sumaira daughter of Mohammad Qavi, serving as
Deputy Public Prosecutor at Model Criminal Trial Court,
Abbottabad.

..... Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.
2. Secretary Establishment, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Home and Tribal Affairs, Govt. of K.P.K.,
Peshawar.
4. Director General Prosecution, Khyber Pakhtunkhwa,
Peshawar.
5. Mr. Altaf Hussain, Deputy Public Prosecutor (BPS-18), Office
of District Public Prosecutor, Distt. Bannu.
6. Mr. Fazale Hadi, Deputy Public Prosecutor (BPS-18), Office
of District Public Prosecutor, Distt. Nowshera.
7. Mr. Altaf Hussain Akhtar, Deputy Public Prosecutor (BPS-18),
Office of District Public Prosecutor, Distt. Mansehra.
8. Mr. Muhammad Afzal Khan, Deputy Public Prosecutor (BPS-
18), Office of District Public Prosecutor, Distt. Kohistan,
Chitral.
9. Mr. Javid Iqbal Anwar, Deputy Public Prosecutor (BPS-18),
Office of District Public Prosecutor, Distt. Kohistan, Haripur.
10. Mr. Muhammad Shakeel Ahmad, Deputy Public Prosecutor
(BPS-18), Office of District Public Prosecutor, Distt. D.I. Khan.
11. Mr. Attaullah, Deputy Public Prosecutor (BPS-18), Office of
District Public Prosecutor, Distt. Bannu.
12. Mr. Muhammad Nadeem, Deputy Public Prosecutor (BPS-
18), Office of District Public Prosecutor, Distt. Lakki Marwat.
13. Mr. Hayat Ullah, Deputy Public Prosecutor (BPS-18), Office
of District Public Prosecutor, Distt. Lakki Marwat.
14. Mr. Sher Bahadar Khan, Deputy Public Prosecutor (BPS-18),
Office of District Public Prosecutor, Distt. South Waziristan.
15. Mr. Ziaullah Wazir, Deputy Public Prosecutor (BPS-18),
Office of District Public Prosecutor, Distt. Mansehra.

Filed to-day

Registrar

2/11/2020

Re-submitted to-day
and filed.

Registrar

17/12/2020

16. Mr. Khalid Khan, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Swabi.
17. Mr. Tassawar Hussain, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. D.I.Khan.
18. Mr. Aman Ullah, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. North Waziristan.
19. Mr. Muzaffar Ahmad, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Mardan.
20. Mr. Javed Ur Reman, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Mardan.
21. Mr. Syed Falak Sair, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Peshawar.
22. Mr. Manzoor Alam Khan, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Peshawar.
23. Mr. Umar Niaz, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Orakzai.
24. Mr. Rafi Ullah, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Peshawar.
25. Mr. Muhammad Tufail, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Malakand.
26. Mr. Ibad Ur Rehman, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Charsadda.
27. Mr. Asim Mehmood, Deputy Public Prosecutor (BPS-18), Office of District Public Prosecutor, Distt. Abbottabad.

..... Respondents).

**Appeal Under Section 04 of Khyber
Pukhtunkhwa Service Tribunal Act, 1974.**

PRAYER; On acceptance of the instant service appeal the impugned notification No. So-PROS/HD/1-10/Upgr & Prom/2020 dated: 30/06/2020 may kindly be modified to the extent of 23 juniors of the appellant being illegal, unjustified, without lawful authority and against the settled Rules and Regulations of the Department. Furthermore, the appellant may kindly be promoted to the post of Senior Public Prosecutor BPS (19) on acting charge basis w.e.f., 30/06/2020 i.e., from the date when the same was granted to the Deputy

PC 3

Public Prosecutors/ juniors of Appellant and may also be ordered that name of appellant be included in the impugned notification.

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth;

Brief Facts:

1. That appellant joined prosecution department on 24.05.2016 as Deputy Public Prosecutor after qualifying competitive examination of public service Commission KPK and now a day's appellant is serving as Dy:PP in district Mansehra, copy of order is enclosed as **Mark-A**
2. That as the post of Deputy Public Prosecutor is and was an upper cader of Assistant Public Prosecutor, therefore, just after 13 days of joining the prosecution department by the Appellant, the post of Deputy Public Prosecutor was upgraded to BPS (18) by Honble Peshawar High Court Peshawar vide judgment dated 07.06.2016 in Writ Petition No. 110-P/2015 Titled Mian Aziz Deputy PP and others vs Government of Khayber Pakhtunkhwa, copy of judgment is enclosed as **Marks-B.**
3. That government issued notification for up gradation of the post of Dy:PP on 07-02-2017 which was challenged in COC No.08-P/2020 and it was again clearly directed by Honble Peshawar High Court Peshawar that post of Dy:PP shall be upgraded from the date of judgment i.e from 07-June-2016 Copy of judgment of CoC No 8-P/2020 is enclosed as **Mark-C**
4. That four (4) year service of appellant was complete on 07.06.2020 and as per promotion policy of KPK government, appellant become entitled for promotion to BPS (19) for the post of Senior Public prosecutor on acting charge basis.

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Deputy Registrar

02 NOV 2020

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5. That provincial government of KPK conducted provincial Selection Board on 11-06-2020 and issued impugned notification No SO-PROS/HD/1-10/Upgr&Prom/2020 dated 30/06/2020, wherein not only Seniors of appellant were promoted to the post of Senior Public Prosecutor BPS (19) but also Twenty Three (23) juniors were promoted to Senior Public Prosecutor BPS (19) on acting charge basis. But astonishingly appellant was mala-fidely and illegally dropped despite of the fact that appellant was quite eligible and fit for promotion to BPS (19) on acting charge basis. The 23 junior most Deputy Public Prosecutors are hereby impugned in the instant service appeal due to their low merit, hence, the appellants having superior rights over the said juniors.
6. That the appellant made a departmental appeal to the quarter concerned for decision in accordance with law which was dismissed vide order dated 07/10/2020. Copies of departmental appeal and order dated 07/10/2020 are jointly annexed as ^{Mark} ~~XXXXXX~~ -D.

Hence, the instant appeal u/s 4 of the KPK Service Tribunal Act, 1974, inter alia, on the following grounds.

GROUND:

1. That decision of respondent No 3, on departmental appeal is not a speaking order is against the law as provided in general Clauses act.
2. That there are some prosecutors in impugned seniority list who were recruited in BPS-16 as Assistant Public Prosecutor and have been promoted by the respondents by extending them benefits of up gradation two times Firstly, when they were working as Assistant PPs in BPS-16 and their post was upgraded to BPS-17. Secondly, when they were working as Deputy PPs in BPS-17 and the post was upgraded to BPS-18 but it seems that benefits of up-gradation are not being given to the appellant which is discrimination pure and simple. Whereas respondents are bound by the Constitution to treat the appellant with same yard stick.

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Deputy Registrar
02 NOV 2020

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3. That it is Pertinent to mention that when above said APPs were upgraded to BPS-17 from BPS-16, at that time in prosecution Rules there was no concept of APP in BPS-17. Rather it was mentioned that APP would be in BPS-16 But, without considering prosecution rules or any other technicality, said APPS enjoyed BPS-17, just after their two year service in BPS-16, because of up gradation. And on the basis of grade 17 obtained through up gradation, paved their way to BPS-19 vide impugned notification. But quite astonishingly the service of appellant in BPS-18 as Dy:PP is not being considered for promotion.
4. That as stated above the post of Deputy PP was upgraded to BPS (18) by High Court, the benefit of same were extended to the prosecutors who are seniors of appellant in their promotion case because the period after the Up-gradation of post of Deputy PP to BPS (18) was considered in their promotion to BPS (19). Though they were neither selected directly in BPS (18) nor they have been promoted to BPS (18). Rather their one post of Deputy PP before Up-gradation in BPS 17 and after Up gradation in BPS (18) was considered in order to fulfill the promotion criteria of nine (9) years service in BPS (17) and 18. In this analogy appellant were also eligible for promotion because after Up-gradation, appellant has completed 4 years service in BPS (18) on the date of PSB . And this is also a criteria for promotion to BPS (19) but appellant was ignored.
5. That if grade on the basis of up gradation is exclude then, even, no Dy:PP from serial No: No 1 to Serial No 55 was entitled for promotion to the post of Senior PP because all the prosecutors in final

FILED TODAY
Deputy Registrar

02 NOV 2020

sonority list enjoyed benefits of up gradation. And their length of service in different grades (i.e in BPS-17 and BPS- 18) for promotion to BPS 19 as SrPP, is result of up gradation. In case of all the promoted senior prosecutors, initial recruitment or promotion in different scales have totally been ignored by respondents and their service in different scales for promotion to BPS-19 was considered on

RG

the basis of up gradation. Through it was against prosecution Rules in force at that time.

6. That as per final Seniority list appellant falls on serial number 29 and as per tentative seniority list issued on 21/09/2020 the name of appellant falls at serial No. 27, but those Deputy PPs whose names falls on serial number 33 to 55 were promoted to BPS (19) on the post of Senior Public Prosecutor by wrongly interpreting the promotion laws. (Copies of Final Seniority List and its better and tentative seniority list are Attached as Annexure-E)
7. That Judgment in Writ petition number 110-P 2015 and Contempt of Court petition No. 08-P/2020 fully endorse that appellant 4 year service in BPS (18) was complete on 07-06-2020 and they were ignored in Provincial Selection Board held on 11/06/2020 without any lawful justification.
8. That appellant entitled for BPS (18) from the date of judgment of Honble High Court as post was upgraded on 07.06.2016 with immediate effect (this fact has also been decided in COC No.08-P/2020) Therefore appellant is entitled for BPS (18) from 07.06.2016 because their four year service has completed on 07/06/2020 in the light of decision of High Court.(Copy of relevant portion of judgment in Writ Petition 110-P/2015 and COC No 8-P/2020 are attached).
9. That it is quite astonishing that a Deputy Public Prosecutor namely Fari Rafique, who was recruited with appellant through the same advertisement on minority quota and is now placed on serial No 32 in the seniority list and is being considered for promotion in the upcoming PSB despite the fact that the said Fari Rafique is junior to appellant in the seniority list. This fact also shows the mala-fide and discriminatory behavior of the respondents.
10. That any other ground, if needed, will be agitated at the time of arguments.

FILED TODAY

Deputy Registrar

02 NOV 2020


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It is, therefore, prayed that on acceptance of the instant service appeal the impugned notification No SO-PROS/HD/1-10/Upgr&Prom/2020 dated 30/06/2020 may kindly be modified to the extent of 23 juniors of the appellant and being Illegal, unjustified without lawful authority and against the settled Rules and Regulations of the Department. Furthermore, the appellant may kindly be promoted to the post of Senior Public Prosecutor BPS (19) on Acting charge basis w.e.f 30/06/2020 i.e from the date when the same was granted to other Deputy Public Prosecutors/ juniors of Appellant and may also be ordered that name of appellant to be included in the impugned notification.

Dated: ___/11/2020


Humble Appellant

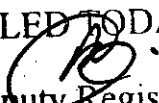
Bi Bi Sumaira


Through Counsel

Sabit Ullah Khan Khalil
Advocate Supreme Court.

&

Bilal Ahmed Kakazai
Advocate, Peshawar

FILED TODAY

Deputy Registrar
02 NOV 2020

P8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2020

Bi Bi Sumaira

.....APPELLANT

VERSUS

Govt. of KPK and others

.....RESPONDENTS

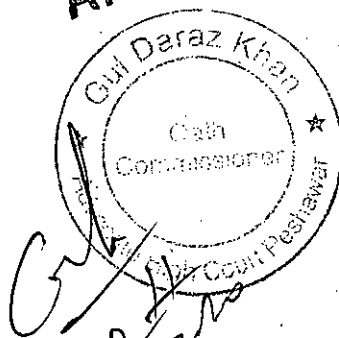
AFFIDAVIT

Ch It is, hereby, solemnly affirm and declare on oath that all the ^{Contents of Appeal} ~~para-wise contents~~ of the appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honorable Tribunal.

[Signature]

Deponent

ATTESTED



FILED TODAY

[Signature]
Deputy Registrar

02 NOV 2020

P(9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2020

Bi Bi SumairaAPPELLANT

VERSUS

Govt. of KPK and othersRESPONDENTS

ADDRESSES OF THE PARTIES


Bi Bi Sumaira wife of _____ resident of _____
.....APPELLANT

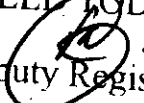
-
1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
 2. Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
 3. Secretary Home & Tribal Affairs, Govt. of K.P.K, Peshawar.
 4. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

Dated: ___/10/2020

Humble Appellant

Bi Bi Sumaira
Through Counsel 
Sabit Ullah Khan Khalil
Advocate Supreme Court.

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02 NOV 2020

&

Bilal Ahmed Kakazai
Advocate, Peshawar

P(10)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

In Appeal No. _____/2020

Bi Bi Sumaira
.....APPELLANT

VERSUS

Govt. of KPK and othersRESPONDENTS

APPLICATION FOR INTERIM RELIEF TO
THE EXTENT THAT THE PROVINCIAL
SELECTION BOARD WHICH IS GOING TO
BE HELD IN NEAR FUTURE BY THE
RESPONDENTS MAY PLEASE BE
RESTRAINED TO NOT CONVENE THE PSB,
TO THE EXTENT OF PROMOTION OF
JUNIOR DEPUTY PUBLIC PROSECUTORS
TO THE POST OF SENIOR PUBLIC
PROSECUTOR AND DIRECTIONS MAY
ALSO BE GIVEN TO THE RESPONDENTS TO
NOT ISSUE ANY PROMOTION ORDERS OF
THE JUNIORS TO THE APPELLANT TILL
THE DECISION OF MAIN APPEAL.

Respectfully Sheweth

1. That the above titled appeal is filling today before this Honorable Tribunal.
2. That the petitioner has got a very good prima facie case on merits, on factual controversy as well as on law and balance of convenience is also in favour of petitioner.

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3. That impugned notification is illegal and the authority wrongly exercised jurisdiction while issued the impugned notification.

P (11)

4. That if the Provincial Selection Board, which is going to be held in near future, to the extent of promotion of Junior Deputy Public Prosecutors to the post of Senior Public Prosecutor is not suspended then the petitioner will suffer irreparable loss.

It is therefore, kindly prayed that the instant application may kindly be accepted as prayed for in the head note and contents of application till the decision of main appeal.

Dated: ___/10/2020

Humble Appellant


Bi Bi Sumaira

Through Counsel


Sabit Ullah Khan Khalil
Advocate Supreme Court.

&

Bilal Ahmed Kakazai
Advocate, Peshawar

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AFFIDAVIT

It is, hereby, solemnly affirm and declare on oath that all the para-wise contents of the application are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honorable Tribunal.


Deponent

ATTESTED





12

Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Dated 24/05/2016

A-9

NOTIFICATION

NO.SO (Prosecution) HD/A-4/2014/Vol-I On the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the Governor of Khyber Pakhtunkhwa, is pleased to order the appointment of the following successful candidates as Deputy Public Prosecutors (BFS-17) in the Directorate of Prosecution, Khyber Pakhtunkhwa, Peshawar against the vacant posts, subject to the terms and conditions as given below:-

S.No	NAME AND PARENTAGE	DOMICILE
1.	Miss Mahjabeen d/o Abdul Rehman	Batagram
2.	Miss Bibi Sumera d/o Abdul Qavi	Mansehra
3.	Miss Alia Bibi d/o Salaiman	Haripur
4.	Miss Sobia Bibi d/o Abdur Rasheed Raja	Abbottabad
5.	Mr. Farasat Ullah s/o Sibghat Ullah	Tank
6.	Mr. Abdur Qadir s/o Abdur Rehman	Bannu

Terms and conditions:

- a) They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there-under.
 - b) They shall, initially, be on probation for a period of one year, extendable for a further period of one year.
 - c) Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation extended period of probation, if their performance, during this period, is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof.
 - d) In case, they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, one month pay shall be forfeited to the Government.
 - e) They will join duty at their own expense.
 - f) No TA/DA shall be admissible.
2. If the above terms & conditions are acceptable to them, they should report to this Department within 15 days, failing which their appointment Notification shall be cancelled.

Secretary to Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
3. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. The Manager, Government Stationary & Printing Department, Khyber Pakhtunkhwa, Peshawar for publication in the Government Gazette.
5. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar w/r to his letter No.PSC/SR-VI/00028-29 dated 01/01/2016.
6. The PS to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
7. The Officers concerned.

ATTESTED

Section Officer (Prosecution)

13

ARRIVAL REPORT

In compliance of Notification No. SO (Prosecution) HD/1-4/2014/Vol-I, dated 24-05-2016, I Miss. Bibi Sumera submit my arrival report at the post of Deputy Public Prosecutor in Home & Tribal Affairs Department, Khyber Pakhtunkhwa today on 25.05.2016 (morning). F/N

[Signature]
25/5/16

[Signature]
(Bibi Sumera)

Deputy Public Prosecutor
Directorate of Prosecution

Copy forwarded to:-

- PS to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
- PA to Director General Prosecution, Khyber Pakhtunkhwa.

[Signature]
25/05
Deputy Public Prosecutor
Directorate of Prosecution

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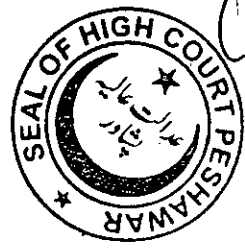
14

Mark (B)

(+)

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 110 P 2015



- 1- Mian Aziz Ahmad,
Deputy Public Prosecutor,
District Peshawar.
- 2- Sifatullah,
Deputy Public Prosecutor,
District Peshawar.
- 3- Wajid Ali,
Deputy Public Prosecutor,
District Charsaddah.
- 4- Zafar Ali,
Deputy Public Prosecutor,
District Charsaddah.
- 5- Taimur Khattak,
Deputy Public Prosecutor,
District Mardan.
- 6- Jamshaid Khan Mahsud,
Deputy Public Prosecutor,
District Dera Ismail Khan.
- 7- Azhar Ali,
Deputy Public Prosecutor,
District Kohat.
- 8- Shafiullah,
Deputy Public Prosecutor,
District Peshawar.
- 9- Usman Zaman Mohmand,
Deputy Secretary Home (Judicial),
Peshawar.

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22/09/16

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Deputy Registrar
10 JAN 2015

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EXAMINER
Peshawar High Court

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10. Qasim Farooq,
Deputy Public Prosecutor,
District Peshawar.

11. Qaisar Khan,
Deputy Public Prosecutor,
District Peshawar.

Respondents

Versus

1- Govt. of Khyber Pakhtunkhawa,
Through Chief Secretary,
Peshawar.

2- Secretary,
Home & Tribal Affairs Department,
Civil Secretariat,
Province of Khyber Pakhtunkhawa,
Peshawar.

3- Secretary,
Finance Department,
Civil Secretariat,
Province of Khyber Pakhtunkhawa,
Peshawar.

4- Secretary,
Establishment & Administration Department
Civil Secretariat,
Province of Khyber Pakhtunkhawa,
Peshawar.

5- Director General,
Prosecution Department,
Civil Secretariat,
Province of Khyber Pakhtunkhawa,
Peshawar.

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Peshawar High Court

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Deputy Registrar,

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6- Deputy Director,
Administration,
Civil Secretariat,
Prosecution Department,
Province of Khyber Pakhtunkhawa,
Peshawar.

RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN, 1973 ("CONSTITUTION")

RESPECTFULLY SHEWETH.

1. That the Khyber Pakhtunkhawa Province Prosecution Institution has been established under section 3 of the Khyber Pakhtunkhawa Prosecution Service (Constitution, Functions and Power) Act, 2005. The Prosecution Institution is headed by Director General of Prosecution under the administrative control of the Provincial Government through Home & Tribal Affairs Department.

True Copies of the Act & Rules are annexed herewith as mark "A-AI"

2. That the Petitioners are employees of Prosecution Department of Khyber Pakhtunkhawa and performing their duties as Deputy Public Prosecutors in various districts of the Province.

3. That the Petitioners were given initial appointment in BPS-17 by the Provincial Government as Deputy Public Prosecutor in the year 2010 and ever since their appointment, they are performing their duties on the said post in different courts throughout the province.

4. That it would be worth-mentioning that Additional Government Pleader/Government Pleader who are possessed of similar qualification and

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Peshawar High Court

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performing same functions as that of Petitioners, and represent the provincial government in civil cases, were appointed by the Law Department in BPS-17. Nevertheless, government of Khyber Pakhtunkhawa, on complaint of one of the Additional Government Pleader before the Human Right Cell of Supreme Court of Pakistan against non up-gradation of their posts by government, up-graded the post of Additional Government Pleader to BPS-18 and to further streamline and rationalize the same, the post of Government Pleader was also up-graded to BPS-19.

True Copy of the Notification dated 9th August, 2012 is annexed herewith as mark "B"

5. That it is of axiomatic importance to mention that Prosecutors/Deputy District Attorney (BPS-17) in province of Punjab has been upgraded to BPS-18 since 2004 and in the Province of Sindh and Baluchistan in the year 2007. It also need to be emphasize that Home Department/Respondent No 2 in order to rationalize this anomaly moved a summary in year 2009 for one-step up-gradation of all posts of Prosecutors, but nothing substantial happened for up-gradation of the post of Dy.PP.

True Copy of the Up-gradation order in other provinces & up-gradation order dated 5.08.2009 are annexed herewith as mark "C1-C4"

6. That the Petitioners also moved complaint before the Human Right Cell of the Honourable Peshawar High Court, Peshawar wherein they asserted all the afore-said facts which advance their case for up-gradation of their post. Resultantly, a committee was constituted by the Respondents to resolve this issue but till date no progress has been made regarding the up-gradation of the post of Dy. PP.

True Copy of the complaint before HC is annexed herewith as mark "D"

7. That recently Assistant Public Prosecutor of the same Directorate filed Writ Petition No 241/2011 before the Honourable Peshawar High Court, Circuit Bench, Abbottabad and highlighted the gross discriminatory treatment meted

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Peshawar High Court

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out to them especially when in other provinces i.e. Punjab, Sindh and Baluchistan the posts of Assistant Public Prosecutors have been upgraded to BPS-17. It was also stated that Additional Government Pleaders, having similar qualification and performing similar functions as that of APPs are allowed BPS-17 on initial appointment.

True Copies of the Writ Petition alongwith comments are annexed herewith as mark "E-E1"

- 8. That the said writ petition was allowed vide order dated 21.11.2013. In paragraph '5' of the judgment, Honourable Court observed, " It is indeed a glaring example of discrimination that person with exactly similar qualification and nature of duties are treated with different yardstick without any plausible, reasonable and justifiable classification. It further astonishes that Additional Govt: Pleaders, having similar qualification and performing with similar functions but in Civil Courts are getting BPS-17."

True Copy of the Judgment/order dated 21.11.2013 is annexed herewith as mark "F"

- 9. That pursuant to the above, Home & Tribal Affairs Department/ Respondent No 2 issued a notification dated 11.11.2014 whereby the post of Assistant Public Prosecutors was upgraded to BPS-17 from 1st December, 2010.

True Copy of the order dated 11.11.2014 is annexed herewith as mark "G"

- 10. That meanwhile C.M No 334-A/2014 was also filed for implementation of the judgment of the Honourable Court which was disposed off with the following observations :-

" The learned Counsel stated at the bar that Petitioners are satisfied with their up-gradation from BPS-16 TO BPS-17 in accordance with judgment of this Court dated 21.11.2013, however, express reservation about up-gradation with effect from 01.12.2010

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Peshawar High Court

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instead 01.01.2010, start of the Calendar year, or at the most from start of Financial year from 01.07.2010.

In view of the above, the Petition is disposed off for having served the purpose, with the direction to the respondents to correct and modify Notification dated 11.11.2014 in the light of the relevant rules applicable to the Petitioners".

True Copies of the Application & Order dated 19.11.2014 is annexed herewith as mark "H-HI"

11. That subsequent to the above, Respondent No 6 quiet surprisingly issued letter dated 15th December, 2014 wherein it is conveyed that the posts of Assistant Public Prosecutors in BPS-16 have been upgraded to BPS-17 besides step/action have been taken/initiated to change the nomenclature of such posts to Deputy Public Prosecutor.

True Copies of the impugned letter dated 15.12.2014 & 30.12.2014 are annexed herewith as mark "I-II"

12. That it is preposterous that the Respondents under garb of the Honourable Court order for up-gradation of posts of APPs to BPS-17 changed the nomenclature of the APPs to Dy.PPs inspite of the fact the Honourable Court order was only in respect of the up-gradation of post and not nomenclature. *Mala fide* is apparent.

13. That the Petitioners are constantly given assurance and re-assurance by the Respondents that their post is also going to be up-graded to BPS-18 in order to bring it in conformity with other similarly placed Additional Government Pleaders representing the provincial government in civil cases and that of Prosecutors in other three provinces. But to no avail.

True Copies of Representations are annexed herewith as mark "J-JI"

14. That the Petitioners feeling aggrieved and dissatisfied from the actions and inactions of the Respondents, and having no other alternate adequate

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F. Because one of most cherished right of modern jurisprudence which is also incorporated in Article 25 of the Constitution of Islamic Republic of Pakistan enjoins that all citizens are equal before law and are entitled to equal protection of law. This

Petitioner is discriminatory, arbitrarily and capricious. Inaction of the Respondents to extend similar benefits to the provinces have already been up-graded to BPS-18 and the F. Because the post of similarly placed Prosecutors in other three qualification and performing similar functions.

D. Because the post of similarly placed Additional Government Pleaders/Government Pleaders who represent the Provincial Government in civil cases have been up-graded to BPS-18 & BPS-19 respectively. However, the Petitioners are not discriminated as the same beneficial considerations are not extended to the Petitioners who are possessed of similar Dy.PPs. *Mala fide* is apparent.

C. Because the Honourable Court directions were only in respect of up-gradation of post of Assistant Public Prosecutor from BPS-16 to BPS-17 and nowhere in the said order it was mentioned that nomenclature of post of the APs be changed to Dy.PPs. *Mala fide* is apparent.

B. Because the impugned letter dated 15.12.2014 passed by Respondent is illegal and without lawful authority being *coram non jure* and suffering from defect of jurisdiction.

A. Because Respondent No 6 had no authority to issue the impugned letter dated 15.12.2014. Indeed, the impugned letter is beyond the authority of its maker.

GRUNDS

amongst other grounds:

remedy, seeks the indulgence of this Honourable Court on the following

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Peshawar High Court

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establish that no discrimination is permitted among the similarly placed citizen, hence the discriminatory treatment meted out to the Petitioners in the grant of pay scale is illegal, highly discriminatory and not sustainable in the eyes of law.

- G. Because** the inaction of the Respondents to up-grade the post of Dy.PP to BPS-18 is not only discriminatory and violative of Article 25 and 27 of the Constitution of Pakistan but also violates principle of "equal pay for equal work".
- H. Because** actions and inactions of the Respondents are highly discriminatory set against the current of Article 4 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. The Petitioners humbly demand to be treated in accordance with policy of equal opportunity as enshrined in the 1973 Constitution. They are entitle to equal treatment with the similar placed Additional Government Pleaders in the province of KPK, and Prosecutors in other three provinces.
- I. Because** the classifications of employees whose posts are up-graded and the Petitioners are not based on any rationale or intelligible differentia. It is a virulent form of discrimination with no rational nexus with logic, equity, conscience or fair play or justice.
- J. Because** the up-gradation of the post of Assistant Public Prosecutors to BPS-17 in the aftermath of judgment of this Honourable Court also vest the Petitioners with right and the Respondents with the duty to up-grade the post of Deputy Public Prosecutors to BPS-18.
- K. Because** the Superior Courts have repeatedly held that where a point of law is decided by the Superior Courts that cover the cases of all those civil servants/employees who have not litigated than the good governance require that the benefit of such judgment should also be given to those who may not be parties to the litigation instead of compelling them to approach any other forum. Reference can be drawn to the case reported

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1996 SCMR 1185 & 2009 SCMR 1. Hence, the action of the Respondents not to up-grade the post of Petitioners on the same ground of discrimination which was deliberated and upheld by the Honourable Court for up-grading the post of Assistant Public Prosecutor is violative of the law laid down by superior courts.

- L. **Because** the Petitioners are unnecessarily and unreasonably ignored from up-gradation of post though similarly placed officers have been extended the benefit. Under the circumstance the Petitioners deserve that their post of DY.PP be up-graded to BPS-18 with effect from the date when similarly placed Prosecutors posts were upgraded in other provinces.
- M. **Because** there is no contemporaneous law in existence empowering the Respondents to allow "Up-gradation of post" by applying different and/or preferential standards among its employees similarly placed and performing similar functions. The action of Respondents is clearly based on discrimination.
- N. **Because** the Superior Courts have also held in plethora of its judgments that state and government has to be forthright, meaningful, protective and loyal to its employees. And promises, representations and commitments made by state and government are always meaningful, serious, responsible, solemn and somber which correspondingly are so received by its employees in particular and the citizens in general. Such representation, promises, commitments and assurances cannot be pretextual, meaningless, non-serious, fraudulent or purposeless.
- O. **Because** the Petitioner crave for leave to add further grounds at the time of their oral arguments before this Hon'ble Court highlighting further contraventions of the provisions of the Constitution which adversely affected the Petitioners.

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PRAYER:

- (i) **Declare** the letter dated 15.12.2014 as illegal, without lawful authority, coram non iudice and patently suffer from defect of jurisdiction.
- (ii) **Restrain** the Respondents from changing the nomenclature of Assistant Public Prosecutor to Deputy Public Prosecutor.
- (iii) **Declare** inaction of the Respondents whereby they refuse to up-grade the post of the Deputy Public Prosecutor to BPS-18 as without any lawful authority and of no legal effect.
- (iv) **Direct** the Respondents to up-grade the post of Deputy Public Prosecutor to BPS-18 as similarly placed Additional Government Pleaders/ Government Pleaders in Khyber Pakhtunkhwa and similarly placed Prosecutors in other three provinces have already been up-graded.
- (vii) **Any** further better relief deemed just and equitable in the circumstances of the case may also kindly be granted.

Interim Relief

The operation of the letter dated 15.12.2014 be suspended till final decision of the present Petition.

Petitioners

Through


Abdul Latif Afridi,

Advocate Supreme Court


Jahanzeb Mahsud

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Peshawar High Court

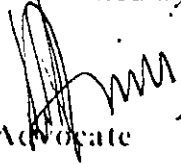
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Certificate

Certified that no writ pertaining to the subject matter had earlier been filed by the Petitioner before this Honourable Court.


Advocate

Books

- The Constitution of Islamic Republic of Pakistan, 1973.
- Khyber Pakhtunkhwa Prosecution Service (Constitution, Functions and Power) Act, 2005





CERTIFIED TO BE TRUE
Examiner
Peshawar High Court, Peshawar
Appointed Under Article 87 of
the Constitution of Pakistan Order 1982

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Deputy Registrar
10 JAN 2015

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Judgment.
BEFORE PESHAWAR HIGH COURT,
PESHAWAR.

Judicial Department.

Writ Petition 110-P of 2015



Mian Aziz Ahmad & others.....Petitioners.

Vs

Govt. of Khyber Pakhtunkhwa and others.....Respondents.

Date of hearing.....7th June, 2016.....

Petitioner(s) by *Jahanzeb Mehsood - & - Abdul Latif Ajaz*
Respondent(s) by *M. Azeemuddin Humayyum AAG*

WAQAR AHMAD SETH, J:- Through this single judgment we intend to dispose of the instant writ petition as well as connected writ petition No. 811-P of 2015, as common question of law and facts are involved therein.

2. Mian Aziz Ahmad & 10 others, hereinafter called the petitioners, have invoked the constitutional jurisdiction of this Court, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the prayer to declare the notification dated 15.12.2014, as illegal, without lawful authority; restrain the respondents from changing the nomenclature of Assistant Public Prosecutor to Deputy Public

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Peshawar High Court

Prosecutor; direct the respondents to upgrade the post of Deputy Public Prosecutor to BPS-18 like others already upgraded in other Provinces, whereas in the connected WP No. 811-P of 2015, filed by Public Prosecutors are seeking up-gradation from BPS-18 to BPS-19. 207

3. Facts, in brief, relevant for the disposal of this writ petition are that, petitioners who were appointed as Deputy Public Prosecutor in BPS-17 are performing their duties since 2010 and are seeking up-gradation of their post to PBS-18 on the analogy that the post of Deputy Public Prosecutor has been up-graded in other Provinces since, 2004/2007 and they are being discriminated. It is averred that the post of Additional Government Pleader / Government Pleader, similar in function and qualification to petitioners has been upgraded from BPS-17 to 18/19. Further averred that through writ petition No. 241 of 2011 this Court while accepting the writ petition directed the respondents to upgrade the post of Assistant Public Prosecutor from BPS-16 to BPS-17 which was upgraded vide notification dated 11-11-2014; that despite CM / complaint before Human Right Cell, constitution of committee and constant assurance for redressal of the grievance, but to no avail, hence, having no

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other efficacious and alternate remedy petitioners have filed the instant writ petition.

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4. Comments were called from respondents which they furnished and denied the assertion of petitioners and stated that the post of Assistant Public Prosecutor BS-16 was upgraded to BPS-17 on the direction of this Court; that the judgment referred to is past and closed transaction and the same has no relevancy with the present writ petition, moreover, the officers benefited by the said judgment have also not been arrayed as party in the writ petition. That the Directorate of Prosecution has already processed a case of up-gradation of officers from BPS-17 to BPS-18 and from BPS-18 to BPS-19 and shortly a high level committee, in Establishment Department constituted under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, notified for the purpose and will decide the up-gradation.

5. We have heard learned counsel for the parties and perused the available record.

6. At the very outset learned counsel for petitioners abandoned his claim regarding the declaration that letter dated 15.12.2014 be declared as illegal, without lawful authority and

ATTESTED

EXAMINER
Peshawar High Court

corum non iudice, confined his arguments only to the extent of upgradation of the post of Deputy Public Prosecutor to BS-18 as similarly placed Additional Government Pleader / Government Pleader in Khyber Pakhtunkhwa and similarly placed Prosecutors in other three Provinces have already been upgraded. In view of which the CM No. 231-P of 2015 filed on behalf of beneficiary of order dated 15.12.2014 have become in fructuous and as such disposed of.

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7. Petitioners who are posted as Deputy Public Prosecutors in various district of the province are seeking up gradation of their post from BPS-17 to 18 as they were initially appointed in BPS-17 in the year 2010 as Deputy Public Prosecutors, whereas, Assistant Public Prosecutors of their department, who were appointed in BPS-16, after the acceptance of their writ petition No. 241-A of 2011 vide judgment dated 21.11.2013 have been upgraded to BPS-17 and presently both the cadres i.e their cadre of Deputy Public Prosecutor and that of Assistant Public Prosecutor are in one and the same grade.

8. Record suggests that Additional Government Pleader / Government Pleaders who are having the same

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EXAMINER
Peshawar High Court

qualification and are performing their functions exactly that of petitioners, while representing the Provincial Government in civil cases have been upgraded to BPS-18 & 19. Record further suggestive that Prosecutor / Deputy District Attorneys in BPS-17 in the Province of Punjab have been upgraded to BPS-18 since 2004 and in the Provinces of Sindh and Baluchistan they have been upgraded to BS-18 in the year 2007. The stance of respondents / government is that they have constituted a Committee to resolve the issue of up gradation of the post of Deputy Public Prosecutor, but since then till today the discriminatory treatment milted out to the petitioners has not been rectified, inspite of the fact that this Court in WP No. 241/2011 decided on 21.11.2013 has dilated upon the core issues which are involved in the present case, as well.

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9. Article-38 (e) of the Constitution of Islamic Republic of Pakistan 1973, reads as under:-

“Reduce disparity in the income and earnings of individuals including person in the various classes or the service of Pakistan”.

10. We have before us, order No. SO (Prosecution) / HD / 1-10 / 2009 / Vol-V dated 5.8.2009 whereby sanctioned of

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the Provincial Government has been accorded to the up gradation of the posts of Directorate of Prosecution Khyber Pakhtunkhwa, with immediate effect and at serial No. 11, 14 posts of Deputy Public Prosecutors to be re-designated as Public Prosecutor from BPS-17 to BPS-18 and even that notification has not been implemented to the extent of petitioners inspite of the fact that the said order to the extent of certain employees have been implemented, as such law of locus poenitentiae would come into play. At present it seems that Assistant Public Prosecutors are also in BPS-17 and petitioners being Deputy Public Prosecutors are also in the same grade which would create great anomaly within their ranks. The qualification and nature of job when compared / equated with other three provinces would justify the claim of petitioner for up gradation to BPS-18 as Deputy Public Prosecutor. Moreover, the constitution of Islamic Republic of Pakistan, 1973, in its article 2, 3, 25, 37 & 38 (e) in particular unequivocally guarantees that equal pay for equal work with no discrimination. The notification dated 5.8.2009 notified one step up-gradation but since then there is no order in practical neither there is anything on record showing that said notification dated 5.8.2009 has been withdrawn or rescinded.

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EXAMINER
Peshawar High Court

The employees of law department who are performing almost similar duties in civil side have been upgraded on 9.8.2012 whereas petitioners have been denied the equal treatment.

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11. The concerned department of the respondents prepared working papers for up-gradation of all the existing posts of the prosecutors in BPS-17 and 18, one step, which are reproduced below and confirmed that they are entitled to one step up-gradation but the government lacks the courage to pass an order in time.

“Prosecution is the main plank in the chain of Criminal Justice System. Effective prosecution links up investigation by the Police with justice delivery by the judiciary and it is the Prosecution which is involved with the criminal justice from the time when a crime is committed to the moment of final verdict delivered and eve therefore. It is the prosecution who assails the decisions in the superior courts if not made in conformity with the provision of law. It supervises the process of investigation, gives opinions to the investigation agencies, issue guidelines for quality investigation, prosecutes criminal in the courts, leads witnesses, produces case laws in support of the prosecution version, assists the courts etc. Thus the job of the prosecution in the criminal justice system is parental and supervisor in nature.

With a vibrant prosecution services, the government has channel to counter check all the information pertaining to crimes and crime trends provided by the police. Effective prosecution not

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**EXAMINER
Peshawar High Court**

only improves quality of investigation by supervising the process as per the Khyber Pakhtunkhwa, Prosecution services (Constitution, Function and Powers) Act, 2005, but also acts as a filter to weed out weak cases at an early stage which on one side reduces burden on courts and improves conviction rate on the other side.

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In a very short span of time the prosecution has recommended thousand of weak cases for discharge, thus the burden upon the courts is reduced on one hand, whereas the other hand, the innocent are protected from the agony of trials. Further in the preceding years, the conviction ratio in the province has considerably been increased not only in the cases before the courts of session or Magistrate but also in the Anti Terrorism cases.

Similarly the cases registered under Anti Terrorism Act 1997 the ratio of conviction has also been improved. To evaluate the performance of the Prosecution a Monitoring Cell is established which vigilantly supervises the operational activities of the prosecution. The information regarding criminal cases is shared with different agencies including the Superior Courts, Provincial government, Donors etc. Further a Reference & Research Cell is also working in the Directorate of Prosecution for the research of the latest case laws supporting the cause of the prosecution and amendments in the statutes.

In the year 2003 the prosecution in Khyber Pakhtunkhwa have conducted the prosecution of more than 100 thousand cases wherein as discussed above, the conviction ratio can be matched with the prosecution service of the Developed Countries.

In the year 2009 the Provincial Government of Khyber Pakhtunkhwa vide notification No. SO (Prosecution) HD/ 1-10/2009/Vol-V dated 5.8.2009, upgraded certain posts of the prosecutors, but

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EXAMINER
Peshawar High Court

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without incumbents, thus, none of the prosecutors was benefitted from the same. In 2011 after 2- years of up-gradation those prosecutors who became otherwise eligible for regular promotions i.e completing length of service, seniority, PERs etc, their cases for regular promotions were sent to BPS for consideration, thus the Criteria for regular promotion was opted. Those who were found eligible for regular promotion their cases were considered for promotion and they were promoted on regular basis.

The provincial Government of Khyber Pakhtunkhwa, has upgraded all posts of District Judiciary twicely. Likewise, in the other three provinces of the country the posts of prosecutors have been upgraded on step. The prosecutors working in different part of the country whose posts have been upgraded one step are having similar qualification and job descriptions with that of the prosecutors working in this province. The Notification of the up gradation of the sister provinces as discussed above are appended.

In the year 2004 vide notification dated 27.9.2004, the provincial government has detached the directorate of Prosecution form law department and placed the same under the administrative control of Home Department as its attached department.

Recently, the Government of the Khyber Pakhtunkhwa, has upgraded al post of Government Pleaders and additional Government pleaders one step vide notification No. E&A (LD)17-17/AGP(II)/2012 dated 9.8.2012. Pertinent to highlight that most of the upgraded Government Pleaders either have worked in subordination to majority of the Prosecutors or were their juniors when the prosecution was the subject of the law

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EXAMINER
Peshawar High Court

department. Further, by the up gradation those Government Pleaders are not in higher ranks than that of those who were earlier their superiors in the law department. The up gradation policy 2010, paragraph III (i) & (ii) provides the following.

III. Up-gradation of post proposed on grounds of principles of parity.

"While processing the cases were the proponent department seeks up gradation of certain posts to a higher pay scale on the analogy of similar posts in some other departments in this province created with same nomenclature the committee shall take into account following parameters;

- i) *Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogy has been quoted by proponent department.*
- ii) *Nomenclature shall not be the sole criterion for determining parity / comparability of posts. Other details i.e the job description and prescribed qualification would necessarily be examined.*

The prosecutors in the province are having the similar qualification with that of the Government Pleaders. Their job is also to defend the cause of the Government in the courts. The duties assigned to the Prosecution are rather more challengeable / demanding.

The total number of posts in PBS-17 required to be upgraded being 42 whereas, in BS-18 the number of such posts being 39.

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EXAMINER
Peshawar High Court

12. The Assistant Public Prosecutors writ petition was allowed by this Court, in which exactly similar discrimination and entitlement, but from BS-16 to 17 was dealt with, whereas in the instant case exactly same reasons and justification, the claim of Deputy Public Prosecutors from BPS-17 to 18 has been made. While allowing the writ petition of Assistant Public Prosecutors was held verbatim as under:-

alw

The Court could not be asked to presume that there must be some undisclosed or unknown reasons for subjecting certain individuals to discriminatory treatment, for in that case courts would be making a travesty of the fundamental right of equality before law enshrined in Article 25 of the Constitution. No doubt, State is not prohibited in treat its citizens on the basis of Article 25 of the Constitution that every citizen is to be treated alike in all circumstances, however, it would be applicable on the persons similarly placed or similarly situated. Reliance in this respect is placed on Lordmark Judgment of I.A Sherwani Vs Government of Pakistan reported as 1991 SCMR 1041.

Under Article 38 of the Constitution the Government would secure will being of the people by raising their standard of living and by ensuring equitable adjustment or rights between the employers and employees and provide for all citizens within available resources of country facilities for works and adequate livelihood and reduce disparity in income and earnings of individuals.

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EXAMINER
 Peshawar High Court

In the case of Government of Baluchistan through Additional Chief Secretary Home Quetta Vs. Azizullah Memo and another reported in NLR 1993 SCJ 527 it was held as under:-

Art. 25. Equal Protection of law forbids class legislation but permits reasonable classification for purpose of legislation. Permissible classification is allowed by Art. 25 provided classification of founded on intelligible differentia which distinguishes persons or things that are grouped together from others who are left out of groups. Such classification and differentia must be an rational relation to the object sought to be achieved by legislation. There should be a nexus between classification and objects of legislation. This principle symbolizes that persons or thing similarly situated cannot be distinguished or discriminated while making or applying law. It has to be applied equally to persons situated similarly and in same situation. Any law made or action taken in violation of these principles sold be liable to be struck down as violative of Art. 25. Law clothes any statutory authority or functionary with unguided and arbitrary power enabling it to administer it in a discriminatory manner, such law would violative equality clause of Art. 25. Substantive and procedural law and action taken under if can be challenged as violative of Arts. 8, 25 on ground of absence of reasonable classification.

The policy of up-gradation of the province is not in line with the legal requirement nor there exists any reasonable classification for not allowing BS-17 to the petitioners, thus it is held that petitioners are discriminated. The writ petition is allowed and respondents are directed to upgrade the post of Assistant Public Prosecutor from BPS-16 to BPS-17 w.e.f 2010.

~~ATTESTED~~
EXAMINER
Peshawar High Court

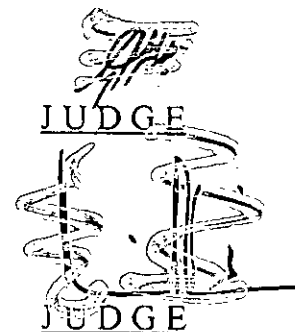
13. Indeed, anomaly has cropped up in the sense that Assistant Public Prosecutor have been upgraded to BPS-17 vide

the Court order whereas petitioners being Deputy Public Prosecutors are also in BPS-17 and since in other three provinces the post of Deputy Public Prosecutors has already been upgraded to BPS-18 and petitioners are performing their duties exactly as is done by the Deputy Public Prosecutor in other three provinces therefore, on the analogy of similarly placed employees with no reasonable element of reasonable classification the petitioners are also entitled for up-gradation to BPS-18.

2/4

14. In view of above this writ petition as well as the connected writ petition are allowed. Respondents are directed to issue the notification of petitioners in BPS-18 as Deputy Public Prosecutor and petitioners of connected writ petition in BPS-19 as Public Prosecutors, with immediate effect.

Announced.
7th June, 2016
 Tariq Jan.



[Handwritten Signature]

CERTIFIED TO BE TRUE COPY

Examiner,
 Sindh High Court, Sukkur
 Authorised Under Article 87 of
 the Quran-e-shahadat Order, 199

25 NOV 2020

No. 16453
 Date of Presentation of Application 25/11/2020
 No of Pages 24
 Copying fee
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 Date of Preparation of Copy 25/11/2020
 Date of Delivery of Copy 25/11/2020
 Received By Ahmad

[Handwritten Signature]
 15/6

38

1

IN THE PESHAWAR HIGH COURT PESHAWAR



COC No. _____/2019
In W.F No. 110-P/2015

Farasat Ullah
Son of Sibghat Ullah
Deputy Public Prosecutor
Presently posted at DI Khan

.....PETITIONER

VERSUS

1. Dr. Kazim Niaz
Chief Secretary KP
Peshawar
2. Ikramullah Khan
Secretary Home & Tribal Affairs
Civil Secretariat
Peshawar
3. Atif Ur Rehman
Secretary Finance
Civil Secretariat
Peshawar
4. Jamal Uddin
Secretary Establishment & Administration Department
Civil Secretariat
Peshawar
5. Akbar Ali Khan
Director General Prosecution
Civil Secretariat
Peshawar

~~ATTESTED~~

~~EXAMINER~~
Peshawar High Court

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6. Zia Ul Qamar Safi
Deputy Director Administration
Civil Secretariat
Peshawar

.....RESPONDENTS

PETITION UNDER ARTICLE 204 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH
SECTION 3 & 12 OF THE CONTEMPT OF COURT ORDINANCE,
2003, FOR SEEKING THIS AUGUST COURT TO DIRECT THE
RESPONDENTS FOR IMPLEMENTATION OF JUDGMENT AND
ORDER DATED 07.06.2016 PASSED IN WRIT PETITION NO.
110-P/2015

Respectfully sheweth:

1. That petitioner herein is serving as Deputy Public Prosecutor and is presently posted in District and Sessions Courts at Dera Ismail Khan.
2. That petitioner was initially appointed against the said post on 24.05.2016. At that point of time the post of Deputy Public Prosecutor was in BPS-17. A writ petition (WP No. 110-P/2015) was filed in this august court by similarly placed Deputy Public Prosecutors and others for seeking upgradation of their post from BPS-17 to BPS-19. This writ petition was allowed and accepted by this august court on 07.06.2016 and a direction was issued to the official respondents to upgrade the posts '*with immediate effect*'.
3. Although the respondents had issued an up-gradation notification whereby the post of Deputy Public Prosecutor has been upgraded to BPS-18 but this order has been issued on 02.02.2017, but not '*with immediate*

ATTESTED
EXAMINER
Peshawar High Court

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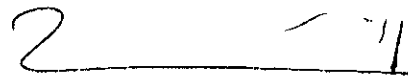
effect as directed in the judgment dated 07.06.2016 of this august court. The true implementation and compliance of the judgment ibid would be that notification of up-gradation should be issued w. e. f. 07.06.2016 i.e. date of judgment.

4. That non-compliance of the judgment supra by respondents as regards the date of giving effect to the up-gradation has prejudiced the petitioner badly. If incase the up-gradation order is issued from the date of judgment (i.e. with immediate effect) the petitioner would by now complete the qualifying service for promotion to the next higher grade. So, enforcement of judgment passed in WP No. 110-P/2015 as regard giving effect to the up-gradation is all the more crucial and important for the petitioner.
5. That petitioner has time and again requested the respondents to do the needful but in vain, hence this petition.

It is, therefore, respectfully prayed that on acceptance of this application this august court may be pleased to direct the respondents to obey and implement the judgment of this august court dated 07.06.2016 passed in WP No. 110-P/2015 by requiring them to formally issue up-gradation notification in question with immediate effect (i.e. from the date of announcement of judgment) as ruled by this august court.

Petitioner

Through



QAZI JAWAD EHSANULLAH
Advocate Supreme Court of Pakistan

ATTESTED

EXAMINER
Peshawar High Court

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IN THE PESHAWAR HIGH COURT PESHAWAR

COC No. _____/2019
In W.P No. 110-P/2015

Farasat Ullah

VERSUS

Dr. Kazim Niaz & Others

MEMO OF PARTIES

PETITIONER

Farasat Ullah
Son of Sibghat Ullah
Deputy Public Prosecutor
Presently posted at DI Khan

RESPONDENTS

1. Dr. Kazim Niaz
Chief Secretary KP
Peshawar
2. Ikramullah Khan
Secretary Home & Tribal Affairs
Civil Secretariat
Peshawar
3. Atif Ur Rehman
Secretary Finance
Civil Secretariat
Peshawar

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EXAMINER
Peshawar High Court

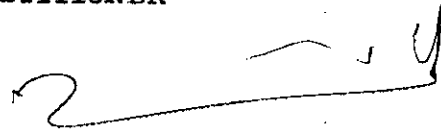
42

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4. Jamal Uddin
Secretary Establishment & Administration Department
Civil Secretariat
Peshawar
5. Akbar Ali Khan
Director General Prosecution
Civil Secretariat
Peshawar
6. Zia Ul Qamar Safi
Deputy Director Administration
Civil Secretariat
Peshawar

PETITIONER

Through


QAZI JAWAD EHSANULLAH
Advocate Supreme Court of Pakistan



~~EXHIBIT TO BE TRUE COPY~~
Examiner
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-shahadat Order 1988

25 NOV 2020

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1

Mark "C"

PESHAWAR HIGH COURT, PESHAWAR.
FORM "A"
FORM OF ORDER SHEET.

Serial No of order or proceeding	Date of Order or Proceeding	Order or other proceedings with Signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
	18.06.2020.	<p><u>COC No.08-P/2020 in W.P.No.110-P/2015 (D).</u></p> <p><u>Present:-</u> Qazi Jawad Ehsanullah, Advocate for the petitioner.</p> <p>Mr.Atif Ali Khan, A.A.G alongwith Shafi Ullah, Deputy Director (Legal) Prosecution.</p> <p>====</p> <p><u>LAL JAN KHATTAK, J:-</u> The former stated that the petitioner would not claim any arrear from the Department in case effect is given to the notification dated 02.02.2017 from 07.06.2016 in light of the judgment dated 07.06.2016 delivered in W.P No.110-P of 2015 to which the latter readily agreed.</p> <p>In view of the above, we dispose of this petition by directing the respondents to give effect to notification dated 02.02.2017 from the date of passing of the judgment dated 07.06.2016 but sans any arrears.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

No. 16455
Date of Presentation of Application 23/11/2020
No of Pages 6-7
Copying fee -
Total 24/-
Date of Preparation of Copy 23/11/2020
Date of Delivery of Copy 23/11/2020
Received By [Signature]

(A-KHAN Court Secretary)

HON'BLE MR.JUSTICE LAL JAN KHATTAK &
HON'BLE MR.JUSTICE IJAZ ANWAR.

[Signature]
-EMULATED TO BE TRUE COPY-

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 67 of
the Constitution of Pakistan

25 NOV 2020

44

Mark 'D'

To

Worthy Chief Secretary kpk

Through proper channel

Subject: **Departmental Appeal against Notification No SO()PROSw/IID/1-10/Upgr&Prom/2020 vide which Juniors of appellant have been promoted to BPS 19 on Acting charge basis and for Grant of BPS 19 to Appellant on acting charge basis from the date when the same was granted to the juniors of Appellant.**

Respectfully stated,

1. That appellant joined prosecution department on 25 .05.2016 as Deputy Public Prosecutor after qualifying competitive examination of public service Commission kpk.

2. That as the post of Deputy Public Prosecutor is an upper cader of Assistant Public Prosecutor, therefore ,just after 13 days of joining the prosecution department by the Appellant, the post of Deputy Public Prosecutor was upgraded to BPS (18) by Honble Peshawar High Court Peshawar vide judgment dated 07.06.2016 in Writ Petition No. 110-P/2015 Titled Mian Aziz Deputy PP and others vs Government of Khayber Pakhtunkhwa.

3. That appellant was entitled for BPS (18) from the date of judgment of Honble High Court as post was upgraded on 07.06.2016 with immediate effect (this fact has also been decided in COC No.08-P/2020) Therefore appellant was entitled for BPS (18) from 07.06.2016.(Copy of relevant portion of judgment in Writ Petition 110-P/2015 and CoC No 8-P/2020 are attached)

4. That four(4) years service of appellant was complete on 07.06.2020 and as per promotion policy of kpk government ,appellant was entitled for promotion to BPS (19) for the post of senior Public prosecutor on acting charge basis. (Promotion Policy Relevant portion is attached)

5) That provincial government of kpk conducted provincial Selection Board on 11-06-2020 and issued impugned notification No SO()PROSw/IID/1-10/Upgr&Prom/2020, wherein not only Seniors of appellant were promoted to the post of Senior Public Prosecutor BPS (19) but also Twenty Three (23) juniors were promoted to Senior Public Prosecutor BPS (19) on acting charge basis. But astonishingly appellant was dropped despite of the fact that appellant was quite eligible and fit for promotion to BPS (19) on acting charge basis.

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6) That as stated above the post of Deputy PP was upgraded to BPS (18) by High Court, the benefit of same were extended to the prosecutors who are seniors of appellant in their promotion case because the period after the Upgradation of post of Deputy PP to BPS (18) was considered in their promotion to BPS (19). Though they were neither selected directly in BPS (18) nor they have been promoted to BPS (18). Rather their one post of Deputy pp before Upgradation in BPS 17 and after Upgradation in BPS (18) was considered in order to fulfill the promotion criteria of nine (9) years service in BPS (17) and 18. In this analogy appellant was also eligible for promotion because after Upgradation, appellant has completed 4 years service in BPS (18) on the date of PSB. And this is also a criteria for promotion to BPS (19) but appellant was ignored.

7) That as par final Seniority list appellant falls on serial number 29 but those Deputy PPs whose names falls on serial number 33 to 55 were promoted to BPS (19) on the post of Senior Public Prosecutor. (Final Sonority List and its better Copy is Attached)

8) That Judgment in Writ petition number 110-P 2015 and Contempt of Court petition No. 08-P/2020 fully endorse that appellant 4 years service in BPS (18) was complete on 07-06-2020.

It is therefore, requested that appellant may kindly be considered for promotion to the post of Senior Public Prosecutor BPS (19) on Acting charge basis from the date when the same was granted to other Deputy Public Prosecutors/ juniors of Appellant.

Your's Sincerely



Bi Bi Sumera

Deputy Public Prosecutor BPS-18

Distract Mansehra

Note: An Advance Copy Of this Departmental Apeel is being sent to worthy Chief Secretary KPK for his kind Perusal.

ATTESTED

46



The
District Prosecution
Mansehra

No: _____ /2020/DPP/MA.
Dated Mansehra July 06, 2020
Phone & Fax # 0997- 308132
Email: prosecutionmansehra@yahoo.com

TO

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

Subject: -

DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO. SO(PROSECUTION)/HD/1-10/UPGR&PROM/2020 DATED 30TH JUNE, 2020 VIDE WHICH JUNIORS OF APPELLANT HAVE BEEN PROMOTED TO BPS-19 ON ACTING CHARGE BASIS AND FOR GRANT OF BPS-19 TO APPELLANT ON ACTING CHARGE BASIS FROM THE DATE WHEN THE SAME WAS GRANTED TO THE JUNIORS OF APPELLANT.

Dear Sir

I have the honour to enclose herewith an departmental appeal in original alongwith enclosures of Miss. Bibi Sumaira Deputy Public Prosecutor Mansehra for further necessary action please.

District Public Prosecutor
Mansehra

Dated Mansehra the July 06, 2020

No. 571-72/2020/DPP/MA

Copy forwarded to the:-

1. Miss. Bibi Sumaira learned Deputy Public Prosecutor Mansehra.
2. Office record.

o/c

ATTESTED

District Public Prosecutor
Mansehra

(47)

The Secretary to Government,
Home & Tribal Affairs, Department
Khyber Pakhtunkhwa, Peshawar

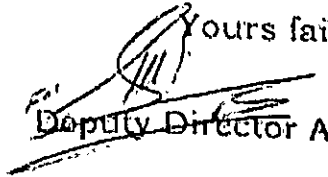
Subject: - DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO. SO (PROS)/HD/1-1-10/UPGRADION/220/VOL-I DATED: 30-06-2020 MADE BY 1. MR. ABDUL QADOS, 2. MS. BIBI SUMAIRA, 3. MS. MAHJABEEN, 4. MS. SOBIA RASHEED RAJA AND 5. Mr. FARASAT ULLAH DEPUTY PUBLIC PROSECUTOR (BS-18).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory Appeals/representation alongwith its enclosures in respect of subject captioned officers, wherein they have requested that they have completed 04 years service in (BS-18) and may be appointed as Senior PP (BS-19) on acting charge basis.

Relevant to mention here that the applicants vide Notification dated: 24-05-2016 (Annex: A) were appointed as Deputy Public Prosecutor in (BS-17) and there after the posts of Deputy Public Prosecutor were upgraded to (BS-18) just after 13 days of their joining of services. As per Rules the minimum length of service for promotion to the post of (BS-19) is 12 years in (BS-17) and above, whereas the required length of service for those officers, who are initially appointed in (BS-18) is 04 years for appointment on acting charge basis. As the aforesaid officers were initially appointed as Dy.PP (BS-17) which is upper grade of APP and they served for more than 04 years in BS-18 after upgradation of the post. Now they are requesting to be appointed/promoted as Senior Public Prosecutor (BS-19) on acting charge basis by considering their initial recruitment in BS-18 on the ground that they have not promoted rather upgraded.

In light of above, it is therefore requested that the matter may kindly be taken up with Establishment Department for seeking their opinion/advice to the effect that as to whether the officers are entitled for appointment in BS-19 on acting charge basis or otherwise.

Yours faithfully,

Deputy Director Administration

(Encl: as above)

Copy forwarded for information to the:

- PA To Director General Prosecution, Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa,
- District Public Prosecutor concerned.
- Office record.


Deputy Director Administration

ATTESTED



DIRECTORATE OF PROSECUTION
KHYBER PAKHTUNKHWA

48

No. 5011/11/11/11/11/11
Dated Peshawar 12/11/2020
Office phone # 091-9212559
Fax # 091-9212559
E-mail Lawprosecution@kpn.gov.pk

30
18

To: The District Public Prosecutors,
Abbottabad, Mansehra, D.I. Khan and Tank.

Attention: Abdul Qudus, Ms. Bibi Sumaira, Ms. Mahjabeen, Sobia Rasheed Raja and Farasat Ullah Deputy Public Prosecutor.

Subject: DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO. SO (PROS)/HD/1-1-10/UPGRADION/220/VOL-I DATED: 30-06-2020 MADE BY MR. ABDUL QUDUS, MS. BIBI SUMAIRA, MS. MAHJABEEN, SOBIA RASHEED RAJA AND FARASAT ULLAH DEPUTY PUBLIC PROSECUTOR (BS-18).

Dear Sir,

I am directed to refer to your letters No. 452/DPP/DIK Dated: 06-07-2020, 571-72/2020/DPP/MA Dated: 05-07-2020, 569-70/2020/DPP/MA Dated: 06-07-2020 and 745/2020/DPP/ATD Dated: 07-07-2020 on the subject noted above and to enclose herewith a copy of letter No. SO (Pros)/HD/1-10/2020/Vol-I Dated: 07-10-2020 received from Section Officer (Prosecution), Home Department, which is self explanatory for information and necessary action please.

Yours faithfully,

[Signature]
Deputy Director Administration

(Encl: as above)

Copy forwarded for information to the:-

01. PA to Director General Prosecution, Khyber Pakhtunkhwa.

[Signature]
Deputy Director Administration

Secy
Infor Mr Abdul Qudus DYPP.

ATTESTED

[Signature]
DYPP
17.10.20

236 (49)

TENTATIVE SENIORITY LIST OF DEPUTY PUBLIC PROSECUTOR (BPS-18) DIRECTORATE OF PROSECUTION

Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT. SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT		PRESENT POST
				DATE	BPS-18	
1.	Shafiqullah, B.A, LL.B	31/12/1982 FR, Bannu.	21/09/2010 as Deputy Public Prosecutor, (BPS-17) The post of Deputy Public Prosecutor was upgraded from BS-17 to BS-18 in light of Peshawar high court order/judgement dated 21-11-2013 vide notification dated 11-11-2014.	21/09/2010	The officer has been promoted to the post of Senior Public Prosecutor (BS-19) on acting charge basis.	By promotion Deputy Director Le Directorate of Prosecution
2.	Usman Zaman Mohmand B.A, LL.B	04/11/1980 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor	21/09/2010	Deputy Public Prosecutor (BS-18)	-do- On Deputation to Establishment Department
3.	Qasim Farooq, M.A, LL.B	27/12/1979 Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor	21/09/2010	The officer has been promoted to the post of Senior Public Prosecutor (BS-19) on acting charge basis.	-do- Senior Public Prosec BS-19 on A.C.B at Kohistan.
4.	Hussain Ahmad, B.A, L.L.M	10/04/1980 Shagla	17/06/2009 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	21/09/2010	-do-	-do- Senior Public Prosec. BS-19 on A.C.B at Kohistan.
5.	Sifatullah, B.A, LL.B	10/04/1978 Peshawar	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Malakand.
6.	Taimur Khattak, B.A, LL.B	25/12/1980 Nowshera	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Swat.
7.	Taj Muhammad, B.A, LL.B	05/03/1978 Lakki Marwat	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Karak
8.	Bakhtiar Khan, B.A, LL.B	12/01/1978 Mohmand Agency.	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Charsadda.
9.	Wajid Ali, M.A, LL.B	02/04/1980 Charsadda.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Dir-Lower
10.	Miss Shaheen Tabasum, B.A, LL.B	12/4/1982 Kohat.	11/03/2009 as Assistant Public Prosecutor (BPS-16) and 27/08/2009 as Deputy Public Prosecutor	27/08/2009	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Kohat
11.	Azhar Ali, B.A, LL.B	18/04.1983 Peshawar	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do- Senior Public Prosecu BS-19 on A.C.B at Anti-Corruption, Peshawar.
12.	Jamshid Khan Mahsud, B.A, LL.B	01/06/1977 S.W.Agency.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do- Senior Public Prosec BS-19 on A. Tank.

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Sl. No.	Name of Officer with Qualification	Date of Birth	Date of First Entry into Govt Service with BPS	Regular Appointment/Promotion to Present Post	Method of Recruitment	Present Post
13	Gaiser Khan, B.A, LL.B	01/01/1980	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	By promotion	BS-18	Senior Public Prosecutor BS-19 on A.C.B at Khyber.
14	Ayaz Zarin, B.A, LL.B	20/04/1983	24/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Chitral
15	Zafar Ali, B.A, LL.B	30/03/1982	26/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Mohmand.
16	Sangeen Shah, B.A, LL.B.	12/04/1982	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Malakand.
17	Asmat ullah, M.A, LL.B	15/03/1980	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Bannu.
18	Mian Aziz Ahmad, M.A, LL.B	05/06/1979	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Khyber.
19	Muhammad Bilal Qureshi, B.A, LL.B	04/07/1983	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Hanpur
20	Akhtar Nawaz Khan, B.A, LL.B	19/12/1978 Hanpur.	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Swabi
21	Javed Hussain Mughal B.A, LL.B	10/10/1961 Chitral	01/10/1987 as PSI (BPS-11) in Police Department.	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Chitral
22	Mr. Zia-ul-Haq BA, LLB	01/08/1978	03/01/2011 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	-do-	-do-	Dir Lower
23	Mr. Attiq-ur-Rehman MA, LLB	01/04/1980	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	-do-	-do-	Director Administration
24	Mr. Zeeshan Ullah Afridi BA, LLB	10/06/1982	03/01/2011 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B a Peshawar.
25	Miss. Sobia Rasheed Raja MA, LLB	16/05/1982	24/05/2016 As Deputy Public Prosecutor (BS-17)	-do-	-do-	Abbottabad
26	Mr. Farsatullah	31/10/1984	24/05/2016 As Deputy Public Prosecutor (BS-17)	By Initial	Deputy Public Prosecutor (BS-18)	D.I Khan
27	Miss. Bibi Sumaira MA, LLB	05/05/1979	24/05/2016 As Deputy Public Prosecutor (BS-17)	-do-	-do-	Mansehra
28	Miss, Mahjabeen MA, LLB	20/02/1980	24/05/2016 As Deputy Public Prosecutor (BS-17)	-do-	-do-	Mansehra
29	Abdul Qudus Khan Bannu	03/10/1987	24/05/2016 As Deputy Public Prosecutor (BS-17)	-do-	-do-	DI Khan
30	Miss. Farf Rafique	21/10/1979	30/09/2016 As Deputy Public Prosecutor (BS-17)	-do-	-do-	Abbottabad

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Sr. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POST IN
				DATE	BPS-18	METHOD OF RECRUITMENT	
31.	Mr. Altaf Hussain, B.A, LL.B	12/02/1961, D.I.Khan	17/09/1989 as PSI (BPS-11) in Police Department.	20/05/2018	The officer has been promoted to the post of Senior Public Prosecutor (BS-19) on acting charge basis.	By promotion	Senior Public Prosecu BS-19 on A.C.B at D.I.Khan.
32.	Mr. Fazale Hadi, B.A, LL.B.	03/10/1960, Dir (Upper)	09/12/1990 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B at Nowshera.
33.	Mr. Iltaf Hussain Akhtar, B.A, LL.B	01/04/1962, Mansehra	31/07/1991 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B at Battagram.
34.	Muhammad Changaiz Khan, BA, LL.B	01/05/1962, Abbottabad	03/08/1991 as PSI(BPS-14) in Police Department.	08/10/2019	Deputy Public Prosecutor (BS-18)	-do-	Haripur
35.	Mr. Qamar Zeb, BA, LL.B.	21/08/19965 Nowshera	18/12/1991 as PSI(BPS-14) in Police Department.	-do-	-do-	-do-	Charsadda.
36.	Mr.Muhammad Afzal Khan, M.A, LL.B	01/05/1965, Chitral	18/06/1992 as PSI (BPS-14) b in Police Department.	20/05/2018	The officer has been promoted to the post of Senior Public Prosecutor (BS-19) on acting charge basis.	By promotion	Senior Public Prosecu BS-19 on A.C.B at Dir-Upper
37.	Muhammad Saeed, BA, LL.B	14/08/1962, Mardan	21/02/1993 as PSI (BPS-14) b in Police Department.	08/10/2019	Deputy Public Prosecutor (BS-18)	-do-	Tank.
38.	Mr. Javid Iqbal Anwar, B.A, LL.B	20/09/1965, Haripur.	29/03/1993 as PSI (BPS-14) in Police Department.	20/05/2018	The officer has been promoted to the post of Senior Public Prosecutor (BS-19) on acting charge basis.	By promotion	Senior Public Prosecu BS-19 on A.C.B at Orakzai.
39.	Mr. Muhammad Shakeel Ahmad B.A, B.Ed. LL.B	02/05/1968, D.I.Khan.	02/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B a DI Khan
40.	Mr. Attaullah, B.Sc, LL.B	20/08/1971, Lakki Marwat.	06/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B a Kuram.
41.	Mr. Muhammad Nadeem, B.A, LL.B	09/04/1969, Lakki Marwat.	06/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B a Karak.
42.	Mr. Hayatullah, B.A, LL.B	02/01/1970, Bannu	08/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B a Lakki Marwat
43.	Mr. Sher Bahadar Khan, B.Sc LL.B	06/09/1973, D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on a A.C.B South Waziristan
44.	Mr. Ziaullah Wazir, B.A, LL.B	26/10/1965, F.R Bannu	08/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B a Hangu.
45.	Mr. Khalid Khan, B.A, LL.B	10/02/1969, Swabi	15/10/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecu BS-19 on A.C.B a Swabi.

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Sr. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POST IN
				DATE	BPS-18	METHOD OF RECRUITMENT	
46.	Mr. Tasawar Hussain, B.A, LL.B	01/04/1970, D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosec
47.	Mr. Amanullah, M.A, LL.B	19/12/1966, Lakka Marwat.	08/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	BS-19 on A.C.B at ATC D.I.Khan
48.	Mr. Muzafar Ahmad, B.A, LL.B	12/02/1968, Dir (Lower)	05/04/1999 as PSI (BPS-14) in Police Department.	-do-	BS-18	-do-	Senior Public Prosec BS-19 on A.C.B at North Waziristan.
49.	Mr. Javed Ur Rehman, B.A, LL.B	02/09/1965, Mardan.	05/09/1999 as PSI (BPS-14) in Police Department	-do-	-do-	By Promotion	Senior Public Prosec BS-19 on A.C.B at Mardan.
50.	Mr. Syed Falak Sair, B.Sc, LL.B	05/12/1964, Dir (Upper)	06/04/1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Mardan.
51.	Mr. Manzoor Alam Khan, B.A, LL.B	27/04/1982, Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Peshawar.
52.	Mr. Umer Niaz, B.A, LL.B	12/03/1981, Karak.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Peshawar
53.	Mr. Rafi Ullah, M.A, LL.B	01/04/1983, Mohmand Agency	26/5/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Orakzai.
54.	Mr. Muhammad Tufail, B.A, LL.B	30/03/1981, Mohammad Agency	26/05/2008-as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Nowshera.
55.	Mr. Ibad-ur-Rehman, B.Sc, LL.B	17/12/1978, Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Mohmand.
56.	Mr. Asim Mehmood, B.A, LL.B	01/01/1980, Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosec BS-19 on A.C.B at Hangu
57.	Mr. Waqas Ashraf, MA, LL.B	27/06/1979, Abbottabad.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	08/10/2019	Deputy Public Prosecutor (BS-18)	-do-	Senior Public Prosec BS-19 on A.C.B at Abbottabad
58.	Mr. Zia Ul Qamar Safi, BA, LL.B	30/01/1978, Mohmand.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Manshra.
59.	Mr. Rafiullah, BA, LL.B	31/08/1975, Swat.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Deputy Director Adr Directorate of Prosecution.
60.	Muhammad Muzafar, BA, LL.B.	06/09/1979, Khyber Agency.	26/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Swat
61.	Mr. Bakht Baidar Khan, MA, LL.B	02/05/1980, Buner.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Nowshera.
62.	Mr. Anwar Khan, MA, LL.B	25/05/1980, FR Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Buner.
63.	Mr. Muhammad Zaib Khan, B.A, LL.B	01/03/1972, Swabi.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Peshawar.
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Sr. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POST
				DATE	BPS-18	METHOD OF RECRUITMENT	
64.	Mr. Muhammad Ilyas Khan, M.A, LL.B	20/09/1976, Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Haripur.
65.	Mr. Syed Asghar Asad, M.A, L.L.M	20/08/1977, Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Peshawar.
66.	Mr. Muhammad Inam, M.A, LL.B	30/05/1979, Mardan.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Mardan.
67.	Mr. Muhammad Naeem, B.A, LL.B	20/02/1980, Malakand Agency	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	BS-18	BY PROMOTION	Kohistan.
68.	Mr. Javed Ali, B.A, LL.B	23/03/1981, Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16)	26/05/2008	-do-	-do-	Peshawar.
69.	Mr. Javed Akhtar Wazir, B.A, LL.B	01/10/1981, S.W. Agency	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Lakki Marwat.
70.	Mr. Noor Salam Khan, B.A, LL.B	13/04/1973, N.W. Agency Miranshah.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Kurram
71.	Mr. Youṣaf Jamal, MA, LL.B	20/04/1981, Karak	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Bannu
72.	Mr. Latif Khan, B.A, LL.B	03/02/1975, Bannu	05/05/2008 as Assistant Public Prosecutor (BPS-16)	05/05/2008	-do-	-do-	Bannu
73.	Mr. Zahoor Khan, B.A, LL.B	04/03/1981, Peshawar	26/05/2008 as Assistant Public Prosecutor (BPS-16)	26/05/2008	-do-	-do-	Kohat
74.	Mr. Sher Alam, M.A, LL.B	10/01/1980, Mansehra	08/07/2009 as Assistant Public Prosecutor (BPS-16)	08/07/2009	-do-	-do-	Mansehra
75.	Mr. Muhammad Sohail, B.A, LL.B	20/05/1985, Battagram.	08/08/2009 as Assistant Public Prosecutor (BPS-16)	08/08/2009	-do-	-do-	Battagram
76.	Miss Haseena Syed, B.A, LL.B	23/03/1984, Peshawar	01/09/2009 as Assistant Public Prosecutor (BPS-16)	01/09/2009	-do-	-do-	Peshawar

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TENTATIVE SENIORITY LIST OF DEPUTY PUBLIC PROSECUTOR (BPS-18) OF DIRECTORATE OF PROSECUTION.

No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH DOMICILE	DATE OF FIRST ENTRY BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
				DATE	BPS	METHOD OF RECRUITMENT	
1.	Nawab Zareen, B.A, LL.B	13/11/1968 FR, Bannu.	14/02/2004 as Addl:PP/Addl:GP (BPS-17)			Reduction to lower grade vide order SO(Com/Enq)/HD/1-31/DPP/2014 dated 10-08.2015	Karak
2.	Shafiullah, B.A, LL.B	31/12/1982 FR, Bannu.	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	Through Public Service Commission	On Deputation Home Department
3.	Usman Zaman Mohmand B.A, LL.B	04/11/1980 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BS-18)	-do-	On Deputation Establishment Department
4.	Qasim Farooq, M.A, LL.B	27/12/1979 Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BS-18)	-do-	Haripur
5.	Hussain Ahmad, B.A, LL.M	10/04/1980 Shagla	17/06/2009 as Assistant Public Prosecutor (BPS-16)	21/09/2010	(BS-18)	-do-	Shangla
6.	Sifatullah, B.A, LL.B	10/04/1978 Peshawar	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do-	Peshawar
7.	Taimur Khattak, B.A, LL.B	25/12/1980 Nowshera	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do-	On Deputation Establishment Depart
8.	Taj Muhammad, B.A, LL.B	05/03/1978 Lakki Marwat	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do-	Lakki Marwat
9.	Bakhtiar Khan, B.A, LL.B	12/01/1978 Mohmand Agency.	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do-	Hangu
10.	Wajid Ali, M.A, LL.B	02/04/1980 Charsadda.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BS-18)	-do-	Charsadda
11.	Miss Shaheen Tabasum, B.A, LL.B	12/4/1982 Kohat.	11/03/2009 as Assistant Public Prosecutor (BPS-16)	27/08/2009	(BS-18)	-do-	Kohat
12.	Azhar Ali, B.A, LL.B	18/04.1983 Peshawar	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Kohat
13.	Jamshid Khan Mahsud, B.A, LL.B	01/06/1977 S.W.Agency.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	D.I.Khan
14.	Qaisar Khan, B.A, LL.B	01/01/1980 Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BS-18)	-do-	Peshawar
15.	Ayaz Zarin, B.A, LL.B	20/04/1983 Chitral.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Chitral
16.	Zafar Ali, B.A, LL.B	30/03/1982 Mohmand Agency.	26/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BS-18)	-do-	Charsadda
17.	Sangeen Shah, B.A, LL.B.	12/04/1982 Charsadda.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BS-18)	-do-	Nowshera
18.	Asmat ullah, M.A, LL.B	15/03/1980 S.W.Agency.	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	24/09/2010	(BS-18)	-do-	Tank
19.	Mian Aziz Ahmad, M.A, LL.B	05/06/1979 Dir (Upper).	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	24/09/2010	(BS-18)	-do-	Directorate of Prosecution

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Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH / DOMICILE	DATE OF FIRST ENTRY / BPS	REGULAR APPOINTMENT / PROMOTION / PRESENT POST			PRESENT POSTING
				DATE	BPS	METHOD OF RECRUITMENT	
20.	Muhammad Bilal Qureshi B.A, LL.B	04/07/1983 Abbottabad.	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	24/09/2010	(BS-18)	-do-	Mansehra
21.	Akhtar Nawaz Khan, B.A, LL.B	19/12/1978 Haripur.	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	24/09/2010	(BS-18)	-do-	Swabi
22.	Kiramatullah, B.A, LL.B	02/08/1958, L/Marwat.	01/12/1982 as PSI (BPS-07) in Police Department.	27-02-2012	(BS-18)	-do-	Bannu
23.	Muhammad Saleem, B.A, LL.B	14/09/1959, Malakand Agency	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	-do-	Dir (Upper)
24.	Imran Shah, M.A, LL.B	20/04/1959, Dir	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	-do-	Malakand
25.	Javeed Hussain Mughal B.A, LL.B	10/10/1961, Chitral	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	-do-	Chitral
26.	Mr. Zia-ul-Haq BA, LLB	01/08/1978, Dir (Lower)	03/01/2011 as Assistant Public Prosecutor (BPS-16)	03/06/2014	(BS-18)	Through Public Service Commission	Dir Lower
27.	Mr. Attiq-ur-Rehman MA, LLB	01/04/1980 Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16)	03/06/2014	(BS-18)	-do-	Directorate of Prosecution
28.	Mr. Zeeshan Ullah Afridi BA, LLB	10/06/1982 FR Kohat	03/01/2011 as Assistant Public Prosecutor (BPS-16)	03/06/2014	(BS-18)	-do-	Swabi
29.	Miss .Sobia Rasheed Raja	Abbottabad	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	Abbottabad
30.	Mr. Farsatullah	Tank	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	D.I Khan
31.	Miss .Bibi Sumaira	Mansehra	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	Mansehra
32.	Miss ,Mahjabeen	Battagram	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	Mansehra
33.	Abdul Qudus Khan	Bannu	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	Swat
34.	Miss. Fari Rafique	Abbottabad	30/09/2016 As Deputy Public Prosecutor (BS-17)	30/09/2016	(BS-18)	-do-	Mansehra

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(Adnan Zafar)
(Adnan Zafar)
 Director General Prosecution
 Khyber Pakhtunkhwa



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GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar, the 29/10/2019

Handwritten signatures and dates: 29/10/19, 30/10/19, 31/10/19

NOTIFICATION

No.SO(PROSECUTION)/1-27/2018/Dy:PP:

In pursuance Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973; read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the competent authority is pleased to notify/circulate Final Seniority List of Deputy Public Prosecutor (BS-18) of Directorate of Prosecution, Khyber Pakhtunkhwa as stood on 30-09-2019.

Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH (DD/MM/YY)	DATE OF FIRST ENTRY (BPS)	REGULAR APPOINTMENT/PROMOTION TO		PRESENT POSTING
				BS	THROUGH	
1.	Shafiqullah, B.A, LL.B	31/12/1982 FR, Bannu.	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	Through Public Service Commission Directorate of Prosecution
2.	Usman Zaman Mohmand B.A, LL.B	04/11/1980 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor	21/09/2010	(BS-18)	-do- On Deputation Establishment Department
3.	Qasim Farooq, M.A, LL.B	27/12/1979 Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor	21/09/2010	(BS-18)	-do- Haripur
4.	Hussain Ahmad, B.A, LL.M	10/04/1980 Shangla	17/06/2009 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor	21/09/2010	(BS-18)	-do- Shangla
5.	Sifatullah, B.A, LL.B	10/04/1978 Peshawar	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do- Peshawar
6.	Taimur Khatik, B.A, LL.B	25/12/1980 Nowshera	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do- Buner
7.	Taj Muhammad, B.A, LL.B	05/03/1978 Lakki Marwat	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do- Karak
8.	Bakhtiar Khan, B.A, LL.B	12/01/1978 Mohmand Agency.	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	-do- Mardan
9.	Wajid Ali, M.A, LL.B	02/04/1980 Charsadda	05/05/2008 as Assistant Public Prosecutor (BPS-16)	24/09/2010	(BS-18)	-do- Nowshera
10.	Miss Shaheen Tabasum, B.A, LL.B	12/4/1982 Kohat	11/03/2009 as Assistant Public Prosecutor (BPS-16) and 27/08/2009 as Deputy Public Prosecutor	27/08/2009	(BS-18)	-do- Kohat

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GOVERNMENT OF KHYBER PAKHTUNKHWA

HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar, the 29/10/2019

In Pursuance Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the competent authority is pleased to notify/circulate Final Seniority List of Deputy Public Prosecutor (BS-18) of Directorate of Prosecution, Khyber Pakhtunkhwa as stood on 30-09-2019.

1	Shafiullah, B.A, LL.B	31/12/1982 FR, Bannu.	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	(BS-18)	Through Public Service Commission	Directorate of
2	Usman Zaman Mohmand B.A, LL.B	04-11-1980 Mohmand Agency	26-05-2008 as Assistant Public Prosecutor (BPS-16) as 21-09-2010 as Deputy Public Prosecutor	21/09/2010	-do-	-do-	On Deputation Establishment Department
3	Qasim Farooq, M.A, LL.B	27-12-1979 Abbottabad	05-05-2008 as Assistant Public Prosecutor (BPS-16) and 21-09-2010 as Deputy Public Prosecutor	21/09/2010	-do-	-do-	Haripur
4	Hussain Ahmad, B.A, LL.M	10-04-1980 Shangla	17-06-2009 as Assistant Public Prosecutor (BPS-16) and 21-09-2010 as Deputy Public Prosecutor	21/09/2010	-do-	-do-	Shingla
5	Sifatullah, B.A, LL.B	10-04-1978 Peshawar	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do-	Peshawar
6	Taimur Khattak B.A, LL.B	25-12-1980 Nowshera	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do-	Buner
7	Taj Muhammad, B.A, LL.B	05-03-1978 Lakki Marwat	21-09-2010 as Deputy Public Prosecutor, (BPS-17)	21/09/2010	-do-	-do-	Karak

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SR. NO.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH (DD/MM/YY)	DATE OF FIRST ENTRY BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
				DATE	BPS	METHOD OF RECRUITMENT	
11.	Azhar Ali, B.A, LL.B	18/04/1983 Peshawar	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Kohat
12.	Jamshid Khan Mahsud, B.A, LL.B	01/06/1977 S.W. Agency.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	D.I.Khan
13.	Qaisar Khan, B.A, LL.B	01/01/1980 Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	24/09/2010	(BS-18)	-do-	Peshawar
14.	Ayaz Zarin, B.A, LL.B	20/04/1983 Chitral.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Chitral
15.	Zafar Ali, B.A, LL.B	30/03/1982 Mohmand Agency.	26/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	24/09/2010	(BS-18)	-do-	Charsadda
16.	Sangeen Shah, B.A, LL.B.	12/04/1982 Charsadda.	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	24/09/2010	(BS-18)	-do-	Peshawar
17.	M.A, LL.B	15/02/1980 S.W. Agency.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	DI Khan
18.	Mian Aziz Ahmad, M.A, LL.B	05/06/1979 Dir (Upper).	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Deputy Director Legal Directorate of Prosecution
19.	Muhammad Bilal Qureshi B.A, LL.B	31/07/1983 Abbottabad.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Haripur
20.	Akhtar Nawaz Khan, B.A, LL.B	19/12/1975 Haripur.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	(BS-18)	-do-	Swabi
21.	Muhammad Saleem, B.A, LL.B	14/01/1959, Malakand Agency	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	Promoted	Dir (Upper)
22.	Imran Shah, M.A, LL.B	10/04/1959, Dir	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	-do-	Malakand
23.	Javeed Hussain Mughal B.A, LL.B	01/10/1961, Chitral	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	-do-	Chitral
24.	Mr. Zia-ur-Haq BA, LLB	1/08/1978, Dir (Lower)	03/01/2011 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	03/06/2014	(BS-18)	Through Public Service Commission	Dir Lower
25.	Mr. Atiq-ur-Rehman MA, LLB	01/04/1980 Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	03/06/2014	(BS-18)	-do-	Nowshera
26.	Mr. Zeeshan Ullah Afridi BA, LLB	10/06/1982 FR Kohat	03/01/2011 as Assistant Public Prosecutor (BPS-16) and 03/06/2014 as Deputy Public Prosecutor	03/06/2014	(BS-18)	-do-	Swabi

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8	Bakhtiz Khan B.A, LL.B	12-01-1978 Momand Agency	21-09-2010 as Deputy Public Prosecutor (BPS-17)	21/09/2010	-do-	-do-	Mardan
9	Wajid Ali B.A, LL.B	02-04-1980 Charsadda	05-05-2006 as Assistant Public Prosecutor (BPS-16)	24/09/2010	-do-	-do-	Nowshera
10	Miss Shaheen Tabssum, B.A, LL.B	12-04-1982 Kohat	11-03-2009 as Assistant Public Prosecutor (BPS-16) and 27-08-2009 as Deputy Public Prosecutor	27/08/2009	-do-	-do-	Kohat
11	Azhar Ali, B.A, LL.B	16-04-1983 Peshawar	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	Kohat
12	Jamshid Khan Mahsud, B.A, LL.B	01-06-1977 S.W. Agency	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	D.I.Khan
13	Qaisar Khan, B.A, LL.B	01-01-1980 Peshawar	05-05-2008 as Assistant Public Prosecutor (BPS-16) and 24-09-2010 as Deputy Public Prosecutor	24/09/2010	-do-	-do-	Pesahwar
14	Ayax Zarin, B.A, LL.B	20-04-1983 Chitral	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	Chitral
15	Zafar Ali, B.A, LL.B	30-03-1982 Mohmand Agency	26-05-2008 as Assistant Public Prosecutor (BPS-16) and 24-09-2010 as Deputy Public Prosecutor	24/09/2010	-do-	-do-	Charsadda
16	Sangeen Shah, B.A, LL.B	12-04-1982 Chrsadda.	05-05-2008 as Assistant Public Prosecutor (BPS-16) and 24-09-2010 as Deputy Public Prosecutor	24/09/2010	-do-	-do-	Peshawar
17	Asmat ullah, B.A, LL.B	15-03-1980 S.W Agency	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	D.I.Khan
18	Mian Aziz Ahmad, M.A, LL.B	05-06-1979 Dir (Lower)	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	Deputy Director Legal Directorate of Prosecution
19	Muhammad Bilal Qureshi B.A, LL.B	04-07-1983 Abbottabad.	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	Haripur
20	Akhtar Nawaz Khan, B.A, LL.B	19-12-1978 Haripur,	24-09-2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do-	Swabi
21	Muhammad Saleem B.A, LL.B	14-09-1959, Malakand Agency	01-10-1987 as PSI (BPS-11) in Police Department.	27/02/2012	-do-	Promoted	Dir (Upper)

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Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & PLACE	DATE OF FIRST ENTRY BPS	REGULAR PROMOTION		METHOD OF PROMOTION TO POST	PRESENT POSTING
				DATE	POST		
27.	Miss. Sobia Rasheed Raja MA, LLB	16-05-1982 Abbottabad	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	Through Public Service Commission	Abbottabad
28.	Mr. Farsatullah	31-10-1984 Tank	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-16)	-do-	D.I Khan
29.	Miss. Bibi Sumera MA, LLB	05-05-1979 Manshera	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	Manshera
30.	Miss, Mahjabeen MA, LLB	20-02-1980 Battagram	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	Manshera
31.	Abdul Qudus Khan	03-10-1987 Bannu	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	(BS-18)	-do-	DI Khan
32.	Miss. Fari Rafique	21-10-1979 Abbottabad	30/09/2016 As Deputy Public Prosecutor (BS-17)	30/09/2016	(BS-18)	-do-	Abbottabad
33.	Mr. Altaf Hussain, B.A, LLB	12/02/1961, D.I.Khan	17/09/1989 as PSI (BPS-11) in Police Department.	20/05/2018	-do-	Promoted	Bannu
34.	Mr. Fazale Hadi, B.A, LLB	03/10/1960, Dir (Upper)	09/12/1990 as PSI (BPS-14) In Police Department.	-do-	-do-	-do-	Nowshera.
35.	Mr. Altaf Hussain Akhtar, B.A, LLB	01/04/1962, Manshera	31/07/1991 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Manshera
36.	Mr. Muhammad Afzal Khan, M.A, LLB	01/05/1965, Chitral	18/06/1992 as PSI (BPS-14) b in Police Department.	-do-	-do-	-do-	Chitral
37.	Mr. Javid Iqbal Anwar, B.A, LLB	20/09/1965, Haripur.	29/03/1993 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Haripur
38.	Mr. Muhammad Shakeel Ahmad B.A, B.Ed. LLB	02/05/1968, D.I.Khan.	02/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	DI Khan
39.	Mr. Attaullah, B.Sc, LLB	20/08/1971, Lakki Marwat	06/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Bannu
40.	Mr. Muhammad Nadeem, B.A, LLB	09/04/1969, Lakki Marwat.	06/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Lakki Marwat
41.	Mr. Hayatullah, B.A, LLB	02/01/1970, Bannu	08/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Lakki Marwat
42.	Mr. Sher Bahadar Khan, B.Sc LLB	06/09/1973, D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Tank
43.	Mr. Ziaullah Wazir, B.A, LLB	26/10/1965, F.R Bannu	08/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Manshera
44.	Mr. Khalid Khan, B.A, LLB	10/02/1969, Swabi.	15/10/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Mardan
45.	Mr. Tasawar Hussain, B.A, LLB	01/04/1970, D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	D.I.Khan

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22	Imran Shah, M.A LL.B	20-04-1959 Dir	01-10-1987 as PSI (BPS-11) in Police Department.	27/02/2012	-do-	-do-	Malakand
23	Javeed Hussain Mughal B.A, LL.B	10-10-1961 Chitral	01-10-1987 as PSI (BPS-11) in Police Department.	27/02/2012	-do-	-do-	Chitral
24	Mr.Zia-ul-Haq B.A, LL.B	01-08-1978 Dir (Lower)	03-01-2011 as Assistant Public Prosecutor (BPS-16) and 03-06-2014 as Deputy Public Prosecutor	03/06/2014	-do-	Through Public Service Commission	Dir Lower
25	Mr. Attiq-ur- Rehman B.A, LL.B	01-04-1980 Peshawar	05-05-2008 as Assistant Public Prosecutor (BPS-16) and 03-06-2014 as Deputy Public Prosecutor	03/06/2014	-do-	-do-	Nowshera
26	Mr. Zeeshan Ullah Afridi B.A, LL.B	10-06-1982 FR Kohat	03-01-2011 as Assistant Public Prosecutor (BPS-16) and 03-06-2014 as Deputy Public Prosecutor	03/06/2014	-do-	-do-	Swabi
27	Miss.Sobia Rasheed Raja M.A, LL.B	16-05-1982 Abbottabad	24-05-2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do-	Abbottabad
28	Mr. Farsatullah	31-10-1984 Tank	24-05-2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do-	D.I.Khan
29	Miss. Bibi Sumera M.A, LL.B	05-05-1979 Manshera	24-05-2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do-	Mansehra
30	Miss, Mahjabeen M.A, LL.B	20-02-1980 Battagram	24-05-2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do-	Mansehra
31	Abdul Qudus Khan	03-10-1987 Bannu	24-05-2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do-	D.I.Khan
32	Miss. Fari Rafique	21-10-1979 Abbottabad	30-09-2016 As Deputy Public Prosecutor (BS-17)	30-09-2016	-do-	-do-	abbottabad
33	Mr. Altaf Hussain, B.A, LL.B	12-02-1961, D.I.Khan	17-09-1989 as PSI (BPS-11) in Police Department	20-05-2018	-do-	Promoted	Bannu
34	Mr.Fazala Hadi B.A, LL.B	03-10-1960 Dir (Upper)	09-12-1990 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Nowshera
35	Mr. Iltaf Hussain Akhtar, B.A, LL.B	01-04-1962 Mansehra	31-07-1991 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Mansehra

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Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH	DATE OF FIRST ENTRY BPS	REGULAR APPOINTMENT / PROMOTION TO			PRESENT POSTING
				PRESENT POSTING	DATE OF	METHOD OF	
46.	Mr. Amanullah, M.A, LLB	19/12/1966, Lakki Marwat	08/04/1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Kohat
47.	Mr. Muzafar Ahmad, B.A, LLB	12/02/1968, Dir (Lower)	05/04/1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Swat
48.	Mr. Javed Ur Rehman, B.A, LLB	02/05/1965, Mardan.	05/04/1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Dir Lower
49.	Mr. Syed Falak Sair, B.Sc, LLB	05/12/1964, Dir (Upper)	06/04/1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Charsadda
50.	Mr. Manzoor Alam Khan, B.A, LLB	27/04/1982, Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Peshawar
51.	Mr. Umer Niaz, B.A, LLB	12/08/1981, Karak	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Kohat
52.	Mr. Rafi Ullah, M.A, LLB	01/04/1983, Mohmand Agency	26/5/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Mardan
53.	Mr. Muhammad Tufail, B.A, LLB	31/03/1981, Mohammad Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Malakand
54.	Mr. Ibad-ur-Rehman, B.Sc, LLB	17/12/1978, Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Hangu
55.	Mr. Asim Mehmood, B.A, LLB	01/04/1980, Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Abbottabad

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT.**

Endst: of Even No. & Date:

Copy forwarded to:-

1. The Chief Secretary, Khyber Pakhtunkhwa.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
3. The Director General Prosecution, Khyber Pakhtunkhwa.
4. All the District Public Prosecutors in Khyber Pakhtunkhwa.
5. P.S to Secretary Home Department, Khyber Pakhtunkhwa.

Secretary

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[Signature]
Section Officer (Prosecution)

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36	Mr. Muhammad Afzal Khan M.A, LL.B	01-05-1965 Chitral	18-06-1992 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Chitral
37	Mr. Javid Iqbal Anwar, B.A, LL.B	20-09-1965 Haripur	29-03-1993 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Haripur
38	Mr, Muhammad Shakeel Ahmad B.A, B.Ed LL.B	02-05-1968 D.I.Khan	02-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	D.I.Khan
39	Mr. Attaullah, B.Sc, LL.B	20-08-1971 Lakki Marwat	06-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Bannu
40	Mr. Muhammad Nadeem, B.A, LL.B	09-04-1969 Lakki Marwat	06-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Lakki Marwat
41	Mr, Hayzullah, B.A, LL.B	02-01-1970 Bannu	08-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Lakki Marwat
42	Mr.Sher Bahadar Khan, B.Sc, LL.B	06-09-1973 D.I.Khan	02-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Tank
43	Mr. Ziaullah Wazir, B.A, LL.B	26-10-1965 FR.Bannu	08-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Manshera
44	Mr.Khalid Khan, B.A, LL.B	10-02-1969 Swabi	15-10-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	Mardan
45	Mr. Tasawar Hussain, B.A, LL.B	01-04-1970 D.I.Khan	02-04-1999 as PSI (BPS-11) in Police Department	-do-	-do-	-do-	D.I.Khan
46	Mr. Amanullah, M.A, LL.B	19-12-1966 Lakki Marwat	08-04-1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Kohat
47	Mr. Muzafar Ahmad, B.A, LL.B	12-02-1968 Dir (Lower)	05-04-1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Swat
48	Mr. Javed Ur Rehman, B.A, LL.B	02-09-1965 Mardan	05-04-1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Dir Lower

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49	Mr. Syed Falak Sair, B.Sc, LL.B	05-12-1964 Dir (Upper)	06-04-1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Charsadda
50	Mr. Manzoor Alam Khan, B.A, LL.B	27-04-1982 Peshawar	05-05-2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Peshawar
51	Mr. Umer Niaz, B.A, LL.B	12-03-1981 Karak	05-05-2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Kohat
52	Mr. Fari Ullah, B.A, LL.B	01-04-1983 Mohmand Agency	26-05-2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Marda
53	Mr. Muhammad Tufail B.A, LL.B	30-03-1981 Momand Agency	26-05-2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Malakand
54	Mr. Ibad-ur-Rehman B.Sc, LL.B	17-12-1978 Peshawar,	05-05-2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Hangu
55	Mr. Asim Mehmood, B.A, LL.B	01-04-1980 Abbottabad	05-05-2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Abbottabad

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT.

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Endst: of Even No. & Date:

Copy forwarded to:-

1. The Chief Secretary, Khyber Pakhtunkhwa.
2. The Secretary to Govt: of Khyber Pakhtunkhwa.
3. The Director General Prosecution, Khyber Pakhtunkhwa.
4. All the District Public Prosecutors in Khyber Pakhtunkhwa.
5. P.S to Secretary Home Department, Khyber Pakhtunkhwa.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 30th June, 2020.

NOTIFICATION

No.SO(PROJ)/HD/1-10/Upgr&Prom/2020;

The Competent Authority, on the recommendations of the Provincial Selection Board, in its meeting held on 12-06-2020, is pleased to order appointment of the following Deputy Public Prosecutors BS-18 as Senior Public Prosecutors/District Public Prosecutors, BPS-19 on acting charge basis, with immediate effect:

S.#.	NAME OF OFFICERS	PRESENT POSTING
1.	Mr. Shafiullah, B.A, LL.B	Deputy Director (Legal), Directorate of Prosecution.
2.	Mr. Qasim Farooq, M.A, LL.B	Dy; Public Prosecutor, Kohistan Lower.
3.	Mr. Hussain Ahmad, B.A, LL.M	Dy; Public Prosecutor, Kohistan Upper.
4.	Mr. Sifatullah, B.A, LL.B	Dy; Public Prosecutor, Peshawar.
5.	Mr. Taimur Khattak, B.A, LL.B	DS (Judicial), Establishment Department.
6.	Mr. Taj Muhammad, B.A, LL.B	Dy; Public Prosecutor, Karak.
7.	Mr. Bakhtiar Khan, B.A, LL.B	Dy; Public Prosecutor, Mohmand.
8.	Mr. Wajid Ali, M.A, LL.B	Dy; Public Prosecutor, Dir Lower.
9.	Miss Shaheen Tabasum, B.A, LL.B	Dy; Public Prosecutor, Kohat.
10.	Mr. Azhar Ali, B.A, LL.B	Sr. Public Prosecutor, Anti-Corruption, Peshawar.
11.	Mr. Jamshid Khan Mahsud, B.A, LL.B	AFC D.J. Khan.
12.	Mr. Qaisar Khan, B.A, LL.B	Dy; Public Prosecutor, Peshawar.
13.	Mr. Ayaz Zarin, B.A, LL.B	District Public Prosecutor, Chitral.
14.	Mr. Zafar Ali, B.A, LL.B	District Public Prosecutor, Mohmand.
15.	Mr. Sangeen Shah, B.A, LL.B.	Dy; Public Prosecutor, Peshawar.
16.	Mr. Asmat Ullah, M.A, LL.B	Dy; Public Prosecutor, South Waziristan.
17.	Mr. Mian Aziz Ahmad, M.A, LL.B	District Public Prosecutor, Khyber.
18.	Muhammad Bilal Qureshi B.A, LL.B	Dy; Public Prosecutor, Haripur.
19.	Mr. Akhtar Nawaz Khan, B.A, LL.B	Dy; Public Prosecutor, Swabi.
20.	Mr. Javeed Hussain Mughal B.A, LL.B	Dy; Public Prosecutor, Chitral.
21.	Mr. Attiq-ur-Rehman MA, LL.B	Dy; Public Prosecutor, Peshawar.
22.	Mr. Zeeshan Ullah Afridi BA, LLB	Dy; Public Prosecutor, Swabi.
23.	Mr. Altaf Hussain BA, LLB	Dy; Public Prosecutor, Bannu.
24.	Mr. Fazale Hadi BA, LLB	Dy; Public Prosecutor, Nowshera.
25.	Mr. Altaf Hussain Akhtar BA, LLB	Dy; Public Prosecutor, Mansehra.

Dr. Arshad

ATTACHED

61

S.#.	Name of Officers	PRESENT POSTING
26.	Muhammad Afzal Khan MA, LLB	Dy; Public Prosecutor, Kohistan Chitral.
27.	Mr. Javid Iqbal Anwar BA, LLB	Dy; Public Prosecutor, Kohistan Haripur.
28.	Muhammad Shakeel Ahmad BA, LLB	Dy; Public Prosecutor, D.I. Khan.
29.	Mr. Attaullah BSc, LLB	Dy; Public Prosecutor, Bannu.
30.	Muhammad Nadeem BA, LLB	Dy; Public Prosecutor, Lakki Marwat.
31.	Mr. Hayatullah BA, LLB	Dy; Public Prosecutor, Lakki Marwat.
32.	Mr. Sher Bahadar Khan BSc, LLB	District Public Prosecutor, South Waziristan.
33.	Mr. Ziaullah Wazir BA, LLB	Dy; Public Prosecutor, Mansehra.
34.	Mr. Khalid Khan BA, LLB	Dy; Public Prosecutor, Swabi.
35.	Mr. Tasawar Hussain BA, LLB	Dy; Public Prosecutor, D.I. Khan.
36.	Mr. Amanullah MA, LLB	Dy; Public Prosecutor, North Waziristan.
37.	Mr. Muzafar Ahmad BA, LL	Dy; Public Prosecutor, Mardan.
38.	Mr. Javed-ur-Rehman BA, LLB	Dy; Public Prosecutor, Mardan.
39.	Syed Falak Sair BSc, LLB	Dy; Public Prosecutor, Peshawar.
40.	Mr. Manzoor Alam Khan BA, LLB	Dy; Public Prosecutor, Peshawar.
41.	Mr. Umer Niaz BA, LLB	District Public Prosecutor, Orakzai.
42.	Mr. Rafiullah MA, LLB	Dy; Public Prosecutor, Peshawar.
43.	Muhammad Tufail BA, LLB	Dy; Public Prosecutor, Malakand.
44.	Mr. Ibad-ur-Rehman BSc, LLB	Dy; Public Prosecutor, Charsadda.
45.	Mr. Asim Mehmood BA, LLB	Dy; Public Prosecutor, Abbottabad.

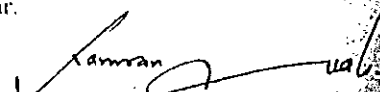
02. The officers on promotion shall remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa, Civil Servants Act, 1973, read with Rule 15(1) of Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

SECRETARY
HOME DEPARTMENT

Endst: No. and date even: -
Copy forwarded to: -

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

ATTESTED


Section Officer (Prosecution)

Before Chairman Service Tribunal Peshawar KP.

Case title:-

Bibi Sumaira vs Govt of KPK etc.

Next date
of hearing
21.06.21

Subject:-

Application for early hearing and fixation
of appellants case with other three identical
cases fixed for today:-

Respectfully Sheweth:

That appellants case was fixed for hearing
along with other three identical cases i-e
Abdul Qadoos & others on 5-5-21-

That inadvertently appellants case fixed for
21.06.21 and those three ~~cases~~ clubbed cases are
fixed for today.

It is therefore requested that case of the
may kindly be replectioned & may be
fixed for today along with other three
identical cases having same issue.


Bibi Sumaira
(Appellant)
2.6.21

وکالت نامہ

بعدالت: سر سہرا بیٹونل KPK

سوائے سمرہ بنام حکومت و سندھ

مجاہد Residents دعویٰ مسروس اسل

تاریخ 15/7/21

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی بمقام _____ کیلئے جاویداقبال گل بیلہ/ ایڈووکیٹ ہائی کورٹ کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا روز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل

کرنے اور ہر قسم کے بیان دینے اور سپروٹالشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔ مورخہ 15/7/21 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Handwritten notes and signatures on the left margin, including names like 'Khaud Khan' and 'Rafiqullah'.

Khaud Khan
15171021
03009088
(16)

Handwritten signature and name 'Javed' with 'R No 2020'.

Handwritten signature and name 'Javed' with 'R No (AS)'.

Accepted by
Handwritten signature and name 'Adul' with '(Adv)'.

Handwritten signature and name 'Adul' with '(Adv)'.

Handwritten signature and name 'Adul' with '(Adv)'.

Handwritten notes on the right margin, including 'R(12)', 'R(24)', and 'Rafiqullah'.

Handwritten notes and signatures on the bottom right margin, including 'R(16)' and 'R(17)'.

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

Service Appeal No. 16020/2020

Bibi Sumaira, Deputy Public Prosecutor (BPS-18), office of the District Public Prosecutor, Abbotabad.

Petitioners.....


VERSUS

Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa and others.

Respondents.....

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(Naeem Ullah)
Assistant Director Legal
Directorate of Prosecution
Khyber Pakhtunkhwa

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

Service Appeal No. 16020/ 2020

**Bibi Sumaira, Deputy Public Prosecutor (BPS-18) office of the District
Public Prosecutor, Abbottabad.**

..... Petitioner

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa & others.....

.....Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:-

- 1) That, the appellant has got no cause of action.
- 2) That, the instant service appeal is not maintainable in its present form.
- 3) That, the appellant has got no locus standi to file the instant service appeal.
- 4) That, the appellant is estopped by his own conduct to file the present service appeal.
- 5) That, the appellant has not approached this Hon'ble Tribunal with clean hands but to waste precious time of this Hon'ble Tribunal.
- 6) That, the appellant has concealed material facts from this Hon'ble Tribunal and based on gross mis-statement, hence bad in law and facts both.
- 7) That, the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 8) That, the Hon'ble Tribunal has got no jurisdiction to entertain the instant appeal.

ON FACTS

1. Para-1 is correct. However, it is to clarify that the appellant was initially recruited as Deputy Public Prosecutor in (BS-17) on 24-05-2016 vide Notification No. SO(Prosecution)/HD/1-4/2014/Vol-I dated 24-05-2016 (**Annexure-A**).
2. Para-2 is misleading and based on misrepresentation. The fact of the matter is that the Assistant Public Prosecutors had filed a writ petition bearing No. 241-A/2013 titled "Waqas Ashraf & others vs Govt of KPK " before the Peshawar High court Abbottabad Bench for up gradation of the post of Assistant Public Prosecutor from (BS-16) to (BS-17), which was allowed by the judgment dated 21-11-2013 (**Annexure-B**). All posts of Assistant Public Prosecutor were upgraded from (BS-16) to (BS-17) vide Notification dated 11-11-2014 (**Annexure-C**). The respondent No. 4 processed case of up-gradation of prosecution officers from (BS-17) to BS-18 and from (BS-18) to (BS-19) vide letter dated 04-02-2015 (**Annexure-D**). In the meanwhile, the Deputy Public Prosecutors had also filed writ petition bearing No. 110-P/2015 titled " Mian Aziz Ahmad & others Vs Govt of KP" before the Peshawar High Court Peshawar for up-gradation of the post of Deputy Public Prosecutor (BS-17) to (BS-18), which was also allowed and accordingly the post of the Deputy Public Prosecutor (BS-17) was upgraded to (BS-18) vide judgment dated 07-06-2016 (**Annexure-E**). Moreover, it is to clarify that initial induction of the appellant was made as Deputy Public Prosecutor (BS-17) on 24-05-2016 and she took charge as Deputy Public Prosecutor (BS-17) on 25-05-2016 (**Annexure-F**). The post was later on upgraded in light of the quoted judgment.
3. Para-3 pertains to record. Hence, needs no comments.
4. Para-4 is correct to the extent that four years' service of appellant has been completed in Prosecution Department as Deputy Public Prosecutor (BS-17) & (BS-18) while the rest of para is based on misinterpretation of policy. Hence denied. As per Khyber Pakhtunkhwa Promotion Policy, 2009, those who were initially recruited in (BS-17) is required to fulfill 12 years approved service in (BS 17 & 18) for promotion to (BS-19) while for those who are directly recruited in (BS-18), are required to complete 07 years' service in (BS-18) (**Annexure-G**). The appellant was initially recruited in (BS-17) and not in (BS-18). Similarly, as per Khyber Pakhtunkhwa Prosecution Service Rules, promotion to the posting of

Senior Public Prosecutor/ District Public Prosecutor (BS-19) is to be made on the basis of seniority-cum-fitness from amongst the Deputy Public Prosecutors (BS-18) with at-least twelve years of service in (BS-17) and above (Annexure-H). Under Rule-9(1) of Civil Servants (Appointment, Promotion and Transfer) Rules,1989 (Annexure-I):

(1) where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

Provided that no such appointment shall be made, if the prescribed length of service is short by more than three years.

The length of the service of the petitioner is 05 years 02 month whereas she requires at least 09 years' service for appointment on acting charge basis. As such the appellant is not entitled to be appointed as Senior Public Prosecutor (BS-19) on acting charge basis specially in circumstances when said policy and Rules are not challenged by the appellant.

- 5. Para-5 is misconceived, the Provincial Selection Board in its meeting dated 11-06-2020 recommended the eligible candidates / prosecutors whose required length of service was more than 09 years for appointment on acting charge basis. As such they were appointed as Senior Public Prosecutor (BS-19) on acting charge basis vide Notification dated 30-06-2020 vide (Annexure-J). More so, no illegality whatsoever has been committed by the replying respondents rather the appellant has been treated in accordance with law and Rules in vogue.
- 6. Para-6 is correct. However, Departmental appeal of the appellant was disposed off by the Competent Authority in accordance with law and no discrimination has been made with the appellant.

As no legal right of the appellant has been violated therefore, invoking jurisdiction of this Honorable Tribunal is unjustifiable.

REPLY TO GROUNDS:-

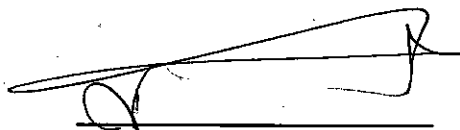
1. Para-1 is incorrect. Hence, denied, decision on departmental appeal has been made in accordance with Law, Rules and Policy and no illegality has been committed by the replying respondents.
2. Para-2 is incorrect, based on gross mis-statement and misrepresentation, hence denied. The appellant is badly failed to append any documentary proof in support of her contention nor mentioned names of prosecutors who have been promoted out of turn or against Law & Rules.
3. Para-3 is incorrect hence denied. Detailed reply has already given in the preceding Paras of the facts & grounds.
4. Para-4 is misconceived hence denied. Detailed reply has already given above. More so, the Provincial Selection Committee has only recommended those eligible candidates whose required length of service was more than 09 years in (BS 17 & 18) and no discrimination has been made with the appellant. The appellant being recruited in (BS-17) will be considered for appointment to the post of Senior Public Prosecutor (BS-19) on acting charge basis when she completes the required length of service i.e 09 years.
5. Para-5 is incorrect, hence denied. Detailed reply has already been furnished in preceding para.
6. Para-6 is incorrect. The promotion case of the appellant was not processed due to lack of qualifying service i.e 09 years in (BS 17 & 18) and this fact has already been discussed in the preceding paras of facts & grounds.
7. Para-7 is incorrect, hence denied although the appellant has completed four year service but she was not considered for promotion due to lack of qualifying service i.e 09 years in (BS 17 & 18).
8. Para-8 is correct to the extent that the Honorable Peshawar High Court, Peshawar vide judgment dated 07-06-2016 in writ petition No. 110-P/2015 and order dated 18-06-2020 in COC petition No. 08-P/2020 has given directions to the replying respondents for issuing of notification regarding up-gradation of the said post with immediate effect, however, the same cannot be used as a tool for promotion to the post of senior Public Prosecutor as the same directions does not confer any right upon the appellant regarding her pre mature appointment/promotion to the post of Senior Public Prosecutor (BS-19) on acting charge basis.

9. Para-9 is incorrect and based on falsehood hence, denied. Miss. Fari Rafique, Deputy Public Prosecutor has never been considered for promotion/appointment to the post of Senior Public Prosecutor (BS-19) rather, she will be considered after fulfilling qualifying service as per Law & Rules.

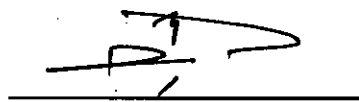
10. That the appellant has got no case at all; let alone, additional grounds.

PRAYER:

In light of the above facts and circumstances, service appeal filed by the appellant is devoid of any merit and legal substance; therefore, the same may graciously be dismissed with special cost, please.



**Director General Prosecution
Home Department,
Govt. of Khyber Pakhtunkhwa
(Respondent No. 4)**




**Secretary to Govt. of Khyber
Pakhtunkhwa
Home & Tribal Affairs Department
(Respondent No. 3)**

**Home Secretary,
Khyber Pakhtunkhwa**



**Secretary to Govt. of Khyber
Pakhtunkhwa
Establishment Department
(Respondent No. 2)**

**SECRETARY ESTABLISHMENT
Establishment & Administration
Department.**



**Chief Secretary
Govt. of Khyber Pakhtunkhwa
(Respondent No. 1)**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 16020/ 2020

Bibi Sumaira, Deputy Public Prosecutor (BPS-18) office of the District Public Prosecutor, Abbottabad.

..... Petitioner

VERSUS

2. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa & others.....

.....Respondents

REPLY TO APPLICATION FOR INTERIM RELIEF TO THE EXTENT THAT THE PROVINCIAL SELECTION BOARD WHICH IS GOING TO BE HELD IN NEAR FUTURE BY THE RESPONDENTS MAY PLEASE BE RESTRAINED TO NOT CONVENE THE PSB, TO THE EXTENT OF PROMOTION OF JUNIOR DEPUTY PUBLIC PROSECUTORS TO THE POST OF SENIOR PUBLIC PROSECUTOR AND DIRECTIONS MAY ALSO BE GIVEN TO THE RESPONDENTS TO NOT ISSUE ANY PROMOTION ORDERS OF THE JUNIORS TO THE APPELLANT TILL THE DECISION OF MAIN APPEAL.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:-

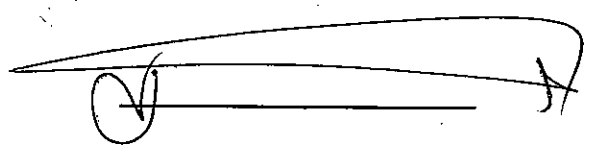
1. That, the applicant has got no cause of action.
2. That, neither the ingredients, essentials for grant of temporary injunction leans in favour of the applicant, what to say of having any prima facia and arguable case.
3. That, this Hon'ble Tribunal has got no jurisdiction to entertain this instant application.
4. That, the applicant is estopped by his own conduct to file the present application.
5. That, the applicant has got no locus standi to file the instant application.

FACTS

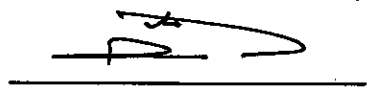
1. Para-1 needs no comments.
2. Para-2 is incorrect, hence, denied. The applicant has badly failed to make out prima facia case as the Law /Rules/ Policy and balance of convenience do not tilt in her favour.
3. Para-3 is incorrect, hence denied. The applicant has never challenged the Notification dated 30-06-2020 being illegal rather to modify / rectify to the extent of respondents No. 5 to 27 in the main service appeal. Moreover, the Notification issued by the competent authority is in accordance with Law/ Rules and no violation of Law/ Rules has been committed by the replying respondents.
4. Para-4 is incorrect, hence, denied. Neither the applicant has got any cause of action, nor having any essential ingredient in her favour so the question of causing irreparable loss in the event of promotion of Junior Deputy Public Prosecutors to the post of Senior Public Prosecutors does not arise at all. More so, the applicant is intended to stop promotion of all Junior Prosecutors in (BS-17 & 18) by filing the present application.

PRAYER:

It is therefore, most humbly prayed that on acceptance of the instant reply to the application for restraining the respondents may graciously be dismissed with special cost, please.



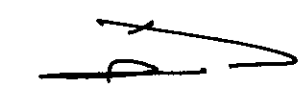
**Director General Prosecution
Home Department,
Govt. of Khyber Pakhtunkhwa
(Respondent No. 4)**



**Secretary to Govt. of Khyber
Pakhtunkhwa
Home & Tribal Affairs Department
(Respondent No. 3)
Home Secretary,
Khyber Pakhtunkhwa**



**Secretary to Govt. of Khyber
Pakhtunkhwa
Establishment Department
(Respondent No. 2)
SECRETARY ESTABLISHMENT
Establishment & Administration
Department.**



**Chief Secretary
Govt. of Khyber Pakhtunkhwa
(Respondent No. 1)**

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~~Annex B~~

NOTIFICATION

NO.SO (Prosecution) IID/1-4/2014/Val-1 On the recommendation of the Khyber Pakhtunkhwa Public Service Commission. The Governor of Khyber Pakhtunkhwa, is pleased to order the appointment of the following successful candidates as Deputy Public Prosecutors (BPS-17) in the Directorate of Prosecution, Khyber Pakhtunkhwa, Peshawar Against the vacant posts, subject to the terms and conditions as given below:-

S.No	Name and Parentage	Domicile
1	Miss Mahjabeen d/o Abdul Rehman	Battagram
2	Miss Bibi Sumera d/o Abdul Qavi	Manshra
3	Miss Alia Bibi d/o Sulaiman	Haripur
4	Miss Sobia Bibi d/o Abdur Rasheed Raja	Abbottabad
5	Mr. Farasat Ullah S/o Sihghat Ullah	Tank
6	Mr. Abdul Qudus S/o Abdur Rehman	Bannu

Terms and conditions:

- a.
- b.
- c.
- d.
- e.
- f.

2. If the above terms & conditions are acceptable to them, they should report to this Department within 15 days. Failing which their appointment Notification shall be cancelled.

Secretary to Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

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WAZIRI HIGHER COURT KARACHI

JUDICIAL DEPARTMENT

JUDGMENT SHEET

W.P. No. 211 of 2011

~~Annex - B~~

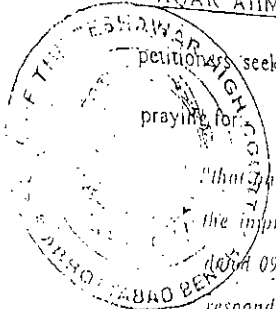
Annex - C

Date of hearing: 21.11.2011 ✓

Petitioner Waqar Ashraf by M.A. Tahirullah, Advocate

Respondents Chief Secretary, Govt. of Sindh by M. Nadeem Akbar, Advocate

WAQAR AHMAD SETH, J. Waqas Ashraf and 17 other



petitioners seek the constitutional jurisdiction of this Court praying for

"that by acceptance of the instant writ petition, the impugned letter No.KC/ISO(FR)FD/7-9/APP dated 09.08.2010 be graciously set-aside and the respondents be kindly directed to allow BPS-17 to the petitioners and their colleagues, Assistant Public Prosecutors w.e.f. 29.05.2005".

2- Brief facts, as per contents of petition, are that petitioners were inducted into service against the posts of Assistant Public Prosecutors BPS-16 and are serving as such whereas in the other three Provinces of the country the posts of Assistant Public Prosecutors were upgraded to BPS-17. It is also averred in the petition that the Govt. of KPK upgraded the posts of District Public Prosecutors, Senior 1st

Certified to be True Copy
12/13
President of the Court

7:6

FORWARDED TO THE COURT
TO BE FILED

Prosecutor, Director Legal, Director Admin: and Director General Prosecution from BPS-18 to BPS-19 and BPS 19 to BPS-20 but petitioners have been meted out discriminatory. Hence, this writ petition.

3. Arguments heard and record perused.

4. The record reveals that initial grade of BPS-16 allowed to Assistant Public Prosecutors was found to be irrational, unfair and against the spirit of Constitution of Islamic Republic of Pakistan, 1973. Even the government undertakes to eliminate such anomaly but despite this time given in Writ Petition No.1095/2010 decided on 05.10.2010 no effective and final order decision has been made, which shows the attitude of the Government. In the circumstances when three other Provinces have removed the said anomaly and the post of Assistant Public Prosecutor had been upgraded in the years 2004 and 2007.

5. It is indeed a glaring example of discrimination that persons with exactly similar qualifications and nature of duties are treated with different yardsticks without any plausible, reasonable and justifiable classification. It is further astonishing that Additional Govt: Pleaders, having similar qualifications and performing with similar functions but in Civil Court are getting BPS-17.

6. The Prosecutors have got an important role in the Administration of Justice in criminal cases. The duties of

The Prosecutor in this case conducted his case against the other involved persons including the President Officer. The Prosecutor is the State who presents the case. Home & Tribal Affairs Department has prepared the material papers in this respect and has supported the upgradation of posts from BPS-16 to BPS-17 on all fours, reference is made to pages 30 to 32 Annexure-F of the writ petition.

7. In the comments submitted by the respondents the only reason for not allowing upgradation is peculiar circumstances and financial resources. The peculiar circumstances as narrated are that upgradation under hardships cases as per policy / criteria is not applicable to the petitioners' case. Under the law the reasons put forward by the respondents could not be termed a reasonable. Article 38(e) of the Constitution of Islamic Republic of Pakistan, 1973 reads:-

"38.(3) reduce disparity in the income and earnings of individuals including persons in the various classes or the service of Pakistan"

8. The Courts could not be asked to presume that there must be some undisclosed or unknown reasons for subjecting certain individuals to discriminatory treatment, for in that case courts would be making a travesty of the fundamental right of equality before law enshrined in Article

25 of the Constitution. No doubt, State is not prohibited to treat its citizens on the basis of Article 25 of the Constitution and every citizen is to be treated alike in all circumstances. However, it would be applicable on the persons similarly placed or similarly situated. Reliance in this respect is placed on Lordmark judgment of I.A. Sherwani Vs. Government of Pakistan reported as 1991 SCMR 1041.

Under Article 38 of the Constitution the Government would secure well being of the people by raising their standards of living and by ensuring equitable adjustment of rights between employers and employees and provide for all citizens within available resources of country facilities for work and adequate livelihood and reduce disparity in income and earnings of individuals.

In the case of Government of Baluchistan through Additional Chief Secretary Home Quetta Vs. Azmatullah Memo and another reported as NLR 1993 SCJ 527, it was held as under:-

Art. 25. Equal Protection of Law forbids class legislation, but permits reasonable classification for purpose of legislation. Permissible classification is allowed by Art. 25 provided classification is founded on intelligible difference, which distinguishes persons or things that are grouped together from others who are left out or placed in a separate class. Such classification is valid if it is based on a reasonable ground.

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OFFICE OF THE CHIEF JUSTICE
 SUPREME COURT

There should be a nexus between classification and objects of legislation. It is a principle of law that persons or things in similar situations cannot be distinguished or discriminated while making or applying law. It has to be applied equally to persons situated similarly and in same situation. Any law made or action taken in violation of these principles would be liable to be struck down as violative of Art. 125. If law clothes any statutory authority or functionary with unguided and arbitrary power enabling it to administer it in a discriminatory manner, such law would violative equality clause of Art. 25. Substantive and procedural law and action taken under it can be challenged as violative of Arts 8, 25 on ground of absence of reasonable classification".

The policy of upgradation of the Province is not in line with the legal requirements nor there exists any reasonable classification for not allowing BPS-17 to the petitioners, thus, it is held that petitioners are discriminated. The Writ Petition is allowed and respondents are directed to upgrade the posts of Assistant Public Prosecutors from BPS-16 to BPS-17 w.e.f. 2010.

Announced
21.11.2013.

There to be True Copy
13/11/13
Court
JUDGE

S.D. JUDGE

STATE OF PUNJAB
HIGH COURT
LUDHIANA

Annex-C

(14)

Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
Dated 11/11/2014

NOTIFICATION

NO.SO (Prosecution) HD/1-10-UP/2013/VOL-I In light of Judgment dated 2013 of Peshawar High Court (Abbottabad Bench) in writ petition No. 1013 of 2013 the Provincial Government of Khyber Pakhtunkhwa is pleased to promote the post of Assistant Public Prosecutor from BPS-16 to BPS-17 with effect from 1st December 2010. However, the seniority of the Deputy Public Prosecutors who are already in BPS-17, appointed through the Public Service Commission shall not be affected by the subject up-gradation.

--SD--

Secretary to Govt. of Khyber Pakhtunkhwa,
Home and Tribal Affairs Department

NO.KC/FD/SO (FR) 5-12/2010

Copy forwarded to the Accountant General Khyber Pakhtunkhwa Peshawar for information and further necessary action.

Section Officer (FR)
Finance Department

NO.SO (Prosecution) HD/1-10-UP/2013/VOL-I

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Registrar, Peshawar High Court, Peshawar.
4. The Additional Registrar, Peshawar High Court, Abbottabad Bench.
5. The Director General Prosecution, Khyber Pakhtunkhwa.
6. The Accountant General, Khyber Pakhtunkhwa.
7. The PS to Chief Minister Khyber Pakhtunkhwa.
8. The PSO to Chief Secretary Khyber Pakhtunkhwa.
9. The PS to Secretary Home, Khyber Pakhtunkhwa.
10. The Section Officer, Media, Home Department.

Section Officer (Prosecution)
Home Department

9680

20/11/14

REAR SECTIVE CAMP
TRIPLE CAMERA

Annex - D

15

~~Annex E~~

16

DIRECTOR
KHYB

PROSECUTION
KHYB

No. DP / 2 / 2015 / 152

Dated: 19/01/2015

The Section Officer (Prosecution),
Home & Tribal Affairs Department.

UP-GRADATION OF ALL THE EXISTING POSTS OF
THE PROSECUTION IN BPS-17 AND BPS-18, ONE
STEP

I am directed to refer to your letter No. SO(Pros)/HD/1-10-
2015 dated 19/01/2015 on the subject noted above and to
enclose a copy of working paper alongwith financial
details for up-gradation of the said posts.

It is therefore, requested to take up the matter with
the relevant Department for placing it before the high level
committee, constitute under the Chairmanship of Chief Secretary so
as to remove the anomaly.

Encl: (As above)

Your's faithfully,

(Muhammad Muzafar)

Assistant Director Admn: Finance

NEAR S5 LIFE COMP
A TRIPLE CAMERA

Financial Implications for UP gradation of show

Description	Estimate 1975-76	1975-76		1976-77		1977-78		Total	Total	Total
		Existing	Up	Existing	Up	Existing	Up			
...	211700	2240000	928700	1097600	34600	19500	...	...	...	...
...	39500	171800	122880	141700	5830	6180	...	...	...	...
...	22500	320000	187780	187780	7140	7730	...	...	...	...
...	150000	165700	76800	76800	4800	4800	...	...	...	...
...	33000	480000	0	0	0	0	...	...	...	...
...	22500	0	0	0	0	0	...	...	...	...
...	0	0	48000	48000	0	0	...	...	...	...
...	0	0	0	0	0	0	...	...	...	...
...	0	0	0	0	400	400	...	...	...	...
...	0	0	0	0	0	0	...	...	...	...
...	506200	552300	288200	238200	10700	10700	...	...	...	...
...	150000	165700	86500	86500	3200	3200	...	...	...	...
...	420000	448000	185600	219600	6920	7960	...	...	...	...
...	317200	366000	135200	146640	5200	5970	...	...	...	...
...	211700	224000	92800	109760	3460	3960	...	...	...	...
...	485000	5333500	2150760	2397560	82250	50720	...	...	...	...
Total Existing		17039360								
Total Proposed		10735430								
Total		27774790								

Annex-E
E

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~~Annex-E~~

Annex-F

Judgment
BEFORE PESHAWAR HIGH COURT,
PESHAWAR.

Judicial Department

Writ Petition 110-P of 2015

Mian Aziz Ahmad & others.....Petitioners.

Vs

Govt. of Khyber Pakhtunkhwa and others.....Respondents.

Date of hearing7th June, 2016..... ✓

Petitioner(s) by *Jahangeer Mehsood - P. - Abdul Aziz Ajmal*
Respondent(s) by *D. G. Khan with Amartya P. B.*

WAQAR AHMAD SETH, J:- Through this single judgment we intend to dispose of the instant writ petition as well as connected writ petition No. 811-P of 2015, as common question of law and facts are involved therein

2. Mian Aziz Ahmad & 10 others, hereinafter called the petitioners, have invoked the constitutional jurisdiction of this Court, under Article 198 of the Constitution of Islamic Republic of Pakistan, 1973, with the prayer to declare the notification dated 15.12.2014, as illegal, without lawful authority; restrain the respondents from changing the nomenclature of Assistant Public Prosecutor to Deputy Public

[Signature]
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Prosecutor, direct the respondents to upgrade the post of Deputy Public Prosecutor to BPS-18 like others already upgraded in other Provinces, whereas in the connected WP No. 811-P of 2015, filed by Public Prosecutors are seeking up gradation from BPS-18 to BPS-19.

Facts, in brief, relevant for the disposal of this writ petition are that, petitioners who were appointed as Deputy Public Prosecutor in BPS-17 are performing their duties since 2010 and are seeking up-gradation of their post to PUS-18 on the analogy that the post of Deputy Public Prosecutor has been upgraded in other Provinces since, 2004-2007 and they are being discriminated. It is averred that the post of Additional Government Pleader / Government Pleader, similar in function and qualification to petitioners has been upgraded from BPS-17 to 18/19. Further averred that through writ petition No. 241 of 2011 this Court while accepting the writ petition directed the respondents to upgrade the post of Assistant Public Prosecutor from BPS-16 to BPS-17 which was upgraded vide notification dated 11-11-2014; that despite CM's complaint before Human Right Cell, constitution of committee and constant assurance for redressal of the grievance, but to no avail, hence, having no

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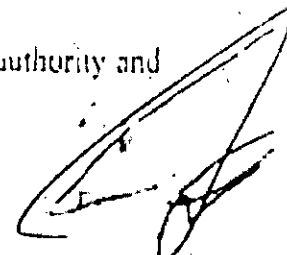
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other efficacious and alternate remedy petitioners have filed the instant writ petition.

4. Comments were called from respondents which they furnished and denied the assertion of petitioners and stated that the post of Assistant Public Prosecutor BS-16 was upgraded to BPS-17 on the direction of this Court; that the judgment referred to is past and closed transaction and the same has no relevancy with the present writ petition, moreover, the officers benefited by the said judgment have also not been arrayed as party in the writ petition. That the Directorate of Prosecution has already processed a case of up-gradation of officers from BPS-17 to BPS-18 and from BPS-18 to BPS-19 and shortly a high level committee, in Establishment Department constituted under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, notified for the purpose and will decide the up-gradation.

5. We have heard learned counsel for the parties and perused the available record.

6. At the very outset learned counsel for petitioners abandoned his claim regarding the declaration that letter dated 15.12.2014 be declared as illegal, without lawful authority and



25

... to the extent of
 upgradation of the post of Deputy Public Prosecutor to BS-18 as
 similarly placed Additional Government Pleader / Government
 Pleader in Khyber Pakhtunkhwa and similarly placed
 Prosecutors in other three Provinces have already been
 upgraded. In view of which the CM No. 231-P of 2015 filed on
 behalf of beneficiary of order dated 15.12.2014 have become in
 fructuous and as such disposed of

7. Petitioners who are posted as Deputy Public
 Prosecutors in various district of the province are seeking up
 gradation of their post from BPS-17 to 18 as they were initially
 appointed in BPS-17 in the year 2010 as Deputy Public
 Prosecutors, whereas, Assistant Public Prosecutors of their
 department, who were appointed in BPS-16, after the
 acceptance of their writ petition No. 241-A of 2011 vide
 judgment dated 21.11.2013 have been upgraded to BPS-17 and
 presently both the cadres i.e their cadre of Deputy Public
 Prosecutor and that of Assistant Public Prosecutor are in one
 and the same grade

8. Record suggests that Additional Government
 Pleader / Government Pleaders who are having the same

ATTESTED
 EXAMINER
 Provincial High Court
 24 JUN 2016

qualification and are performing their functions exactly that of
 respondents while representing the Provincial Government in
 civil cases have been upgraded to BPS-18 & 19. Record further
 suggestive that Prosecutor Deputy District Attorneys in BPS-
 17 in the Province of Punjab have been upgraded to BPS-18
 since 2005 and in the Provinces of Sindh and Balochistan they
 have been upgraded to BS-18 in the year 2007. The stance of
 respondents government is that they have constituted a
 Committee to resolve the issue of up gradation of the post of
 Deputy Public Prosecutor, but since then till today the
 discriminatory treatment meted out to the petitioners has not
 been rectified, inspite of the fact that this Court in WP No.
 241/2011 decided on 21/11/2013 has dilated upon the core
 issues which are involved in the present case, as well.

9 Article-38 (e) of the Constitution of Islamic
 Republic of Pakistan 1973, reads as under:-

"Reduce disparity in the income and
 earnings of individuals including person in
 the various classes or the service of
 Pakistan".

By: Mr. Justice
 HD-1-10-2009 (A) dated 5/8/2009 whereby sanctioned to

the Provincial Government has been accorded to the up gradation of the posts of Directorate of Prosecution Khyber Pakhtunkhwa, with immediate effect, and at serial No. 11, 14 posts of Deputy Public Prosecutors to be re-designated as Public Prosecutor from BPS-17 to BPS-18 and even that notification has not been implemented to the extent of petitioners inspite of the fact that the said order to the extent of certain employees have been implemented, as such law of locus poenitentiae would come into play. At present it seems that Assistant Public Prosecutors are also in BPS-17 and petitioners being Deputy Public Prosecutors are also in the same grade which would create great anomaly within their ranks. The qualification and nature of job when compared / equated with other three provinces would justify the claim of petitioner for up gradation to BPS-18 as Deputy Public Prosecutor. Moreover, the constitution of Islamic Republic of Pakistan, 1973, in its article 2, 3, 25, 37 & 38 (e) in particular unequivocally guarantees that equal pay for equal work with no discrimination. The notification dated 5.8.2009 notified one dep up gradation but since then there is no order in practical neither there is anything on record showing that said notification dated 5.8.2009 has been withdrawn or rescinded.

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The employees of law department who are performing almost similar duties in civil side have been upgraded on 9.8.2012 whereas petitioners have been denied the equal treatment.

11 The concerned department of the respondents prepared working papers for up-gradation of all the existing posts of the prosecutors in BPS-17 and 18, one step, which are reproduced below and confirmed that they are entitled to one step up-gradation but the government lacks the courage to pass an order in time.

"Prosecution is the main plank in the chain of Criminal Justice System. Effective prosecution links up investigation by the Police with justice delivery by the judiciary and it is the Prosecution which is involved with the criminal justice from the time when a crime is committed to the moment of final verdict delivered and eve therefore. It is the prosecution who assails the decisions in the superior courts if not made in conformity with the provision of law. It supervises the process of investigation, gives opinions to the investigation agencies, issue guidelines for quality investigation, prosecutes criminal in the courts, leads witnesses, produces case laws in support of the prosecution version, assists the courts etc. Thus the job of the prosecution in the criminal justice system is parental and supervisor in nature.

With a vibrant prosecution services, the government has stimulated to receive through all the information pertaining to crimes and crime trends provided by the police. Effective prosecution not

only improves quality of investigation by supervising the process as per the Khyber Pakhtunkhwa, Prosecution services (Constitution, Function and Powers) Act, 2005, but also acts as a filter to weed out weak cases at an early stage which on one side reduces burden on courts and improves conviction rate on the other side.

In a very short span of time the prosecution has recommended thousand of weak cases for discharge, thus the burden upon the courts is reduced on one hand, whereas the other hand, the innocent are protected from the agony of trials. Further in the preceding years, the conviction ratio in the province has considerably been increased not only in the cases before the courts of session or Magistrate but also in the Anti Terrorism cases.

Similarly the cases registered under Anti Terrorism Act 1997 the ratio of conviction has also been improved. To evaluate the performance of the Prosecution a Monitoring Cell is established which vigilantly supervises the operational activities of the prosecution. The information regarding criminal cases is shared with different agencies including the Superior Courts, Provincial government, Donors etc. Further a Reference & Research Cell is also working in the Directorate of Prosecution for the research of the latest case laws supporting the cause of the prosecution and amendments in the statutes.

In the year 2003 the prosecution in Khyber Pakhtunkhwa have conducted the prosecution of more than 100 thousand cases wherein as discussed above, the conviction ratio can be matched with the prosecution service of the Developed Countries.

In the year 2009 the Provincial Government of Khyber Pakhtunkhwa vide notification No. SO (Prosecution) HD/ 1-10/2009/Vol-V dated 5.8.2009, upgraded certain posts of the prosecutors, but

without incumbents, thus, none of the prosecutors was benefitted from the same. In 2011 after 2-years of up-gradation those prosecutors who became otherwise eligible for regular promotions i.e. completing length of service, seniority, PERs etc, their cases for regular promotions were sent to RPS for consideration, thus the Criteria for regular promotion was opted. Those who were found eligible for regular promotion their cases were considered for promotion and they were promoted on regular basis.

The provincial Government of Khyber Pakhtunkhwa, has upgraded all posts of District Judiciary twice. Likewise, in the other three provinces of the country the posts of prosecutors have been upgraded on step. The prosecutors working in different part of the country whose posts have been upgraded one step are having similar qualification and job descriptions with that of the prosecutors working in this province. The Notification of the up gradation of the sister provinces as discussed above are appended.

In the year 2004 vide notification dated 27.9.2004, the provincial government has detached the directorate of Prosecution from law department and placed the same under the administrative control of Home Department as its attached department.

Recently, the Government of the Khyber Pakhtunkhwa, has upgraded all post of Government Pleaders and additional Government pleaders one step vide notification No. E&A (LD)17-17/AGP(11)/2012 dated 9.8.2012. Pertinent to highlight that most of the upgraded Government Pleaders either have worked in subordination to majority of the Prosecutors or were their juniors when the prosecution was the subject of the law



Department. Further, by the up gradation those Government Pleaders are not in higher ranks than that of those who were earlier their superiors in the law department. The up gradation policy 2010, paragraph III (b) & (d) provides the following.

III. Up gradation of post proposed on grounds of principles of parity.

"While processing the cases where the proponent department seeks up gradation of certain posts to a higher pay scale on the analogy of similar posts in some other departments in this province created with same nomenclature the committee shall take into account following parameters:

- i) Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogy has been quoted by proponent department.
- ii) Nomenclature shall not be the sole criterion for determining parity comparability of posts. Other details like the job description and prescribed qualification would necessarily be examined.

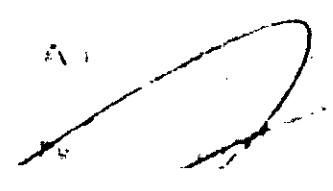
The prosecutors in the province are having the similar qualification with that of the Government Pleaders. Their job is also to defend the cause of the Government in the courts. The duties assigned to the Prosecution are rather more challengeable demanding.

The total number of posts in PBS-17 required to be upgraded being 42 whereas, in BS-18 the number of such posts being 39.

12. The Assistant Public Prosecutors writ petition was allowed by this Court, in which exactly similar discrimination and entitlement, but from BS-16 to 17 was dealt with, whereas in the instant case exactly same reasons and justification, the claim of Deputy Public Prosecutors from BPS-17 to 18 has been made. While allowing the writ petition of Assistant Public Prosecutors was held verbatim as under:-

The Court could not be asked to presume that there must be some undisclosed or unknown reasons for subjecting certain individuals to discriminatory treatment, for in that case courts would be making a travesty of the fundamental right of equality before law enshrined in Article 25 of the Constitution. No doubt, State is not prohibited in treat its citizens on the basis of Article 25 of the Constitution that every citizen is to be treated alike in all circumstances, however, it would be applicable on the persons similarly placed or similarly situated. Reliance in this respect is placed on landmark Judgment of I.A. Sherwani Vs Government of Pakistan reported as 1991 SCMR 1041.

Under Article 38 of the Constitution the Government would secure well being of the people by raising their standard of living and by ensuring equitable adjustment of rights between the employers and employees and provide for all citizens within available resources of country facilities for works and adequate livelihood and reduce disparity in income and earnings of individuals.



In the case of Government of Baluchistan through
Additional Chief Secretary Home Quetta Vs.
Azizullah Memo and another reported in NLR 1993
SCJ 527 it was held as under:-

Art. 25. Equal Protection of law forbids
class legislation but permits reasonable
classification for purpose of legislation.
Permissible classification is allowed by Art. 25
provided classification is founded on
intelligible differentia which distinguishes
persons or things that are grouped together
from others who are left out of groups. Such
classification and differentia must be an
rational relation to the object sought to be
achieved by legislation. There should be a
nexus between classification and objects of
legislation. This principle symbolizes that
persons or thing similarly situated cannot be
distinguished or discriminated while making
or applying law. It has to be applied equally
to persons situated similarly and in same
situation. Any law made or action taken in
violation of these principles shall be liable to
be struck down as violative of Art. 25. Law
which vests any statutory authority or functionary
with unguided and arbitrary power enabling
it to administer it in a discriminatory manner,
such law would violative equality clause of
Art. 25. Substantive and procedural law and
action taken under it can be challenged as
violative of Arts. 8, 25 on ground of absence
of reasonable classification.

The policy of up gradation of the province is not in
line with the legal requirement nor there exists any
reasonable classification for not allowing BS-17 to
the petitioners, thus it is held that petitioners are
discriminated. The writ petition is allowed and
respondents are directed to upgrade the post of
Assistant Public Prosecutor from BPS-16 to BPS-17
w.e.f 2010.

13 Indeed, Unomsky has dropped up in the name that

Assistant Public Prosecutor has been upgraded to BPS-17

the court order whereas petitioners being Deputy Public Prosecutors are also in BPS-17 and since in other three provinces the post of Deputy Public Prosecutor has already been upgraded to BPS-18 and petitioners are performing their duties exactly as is done by the Deputy Public Prosecutor in other three provinces therefore, on the analogy of similarly placed employees with no reasonable element of reasonable classification the petitioners are also entitled for up-gradation to BPS-18.

In view of above this writ petition as well as the connected writ petition are allowed. Respondents are directed to issue the notification of petitioners in BPS-18 as Deputy Public Prosecutor and petitioners of connected writ petition in BPS-19 as Public Prosecutors, with immediate effect.

Announced.
7th June 2016
Tariq Jan.

Justice Waqar Ahmad Siddiqui
Justice Qaiser Rashid Khan

JUDGE
JUDGE

JUDGE

CERTIFIED TRUE COPY

[Signature]
21 JUN 2016

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21-06-16

M. Ashraf

[Handwritten note]

ARRIVAL REPORT

In compliance of Notification No. SO (Prosecution) HD/1-4/2014/Vol-I, dated 24-05-2016, I Miss. Bibi Sumera submit my arrival report at the post of Deputy Public Prosecutor in Home & Tribal Affairs Department, Khyber Pakhtunkhwa today on 25.05.2016 (morning).

(Bibi Sumera)

Deputy Public Prosecutor
Directorate of Prosecution

24/5/16

Copy forwarded to:-

- PS to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
- PA to Director General Prosecution, Khyber Pakhtunkhwa.

Deputy Public Prosecutor
Directorate of Prosecution

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Supt