



ORDER  
16.09.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak 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. Yasir Khattak, Advocate for private respondents No. 28 & 29 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

Appellant with counsel present.

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 present. Counsel for private respondents No.28 & 29 present.

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

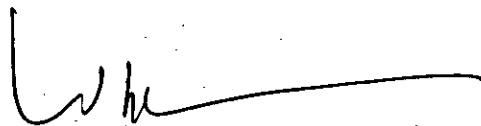
  
(Rozina Rehman)  
Member (J)


  
Chairman

28.07.2021

Clerk of counsel for appellant present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 present. Clerk of counsel for private respondents No. 11, 12, 13, 16, 18 to 25 present. Private respondent No. 29 in person 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 respondents No. 11, 12, 13, 16 and 18 to 25 as well as arguments before the D.B on 23.08.2021. Status-quo be maintained till the date fixed.


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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

23.08.2021

Appellant alongwith clerk of his counsel present. Mr. Naeem Ullah, Assistant Director (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 4 present. 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. 11, 12, 13, 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)

Before The Hon'ble Local Services  
Tribunal, Peshawar.

Fazal Ullah v/s Govt of K.P. & other

Respected Sir,  
I Javed Iqbal Qureshi  
(A.S.C) delience upon the comments  
filled by official respondents.

Dated 16/09/2021

Respondent no  
through

Javed Iqbal Qureshi  
(A.S.C)

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. 28 & 29 alongwith their counsel Mr. Yasir Khattak, Advocate, present. 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, 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.


Private respondents No. 7, 9, 15 and 27 stated that they rely on the comments already submitted by official respondents No. 1 to 4. Learned counsel for private respondents No. 12, 13, 16, 18 to 25 requested for time to file written reply/comments. Adjourned. To come up for written reply/comments on behalf of respondents No. 11, 12, 13, 16 and 18 to 25 as well as arguments before the D.B on 28.07.2021. Status-quo be maintained till the date fixed.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

02.07.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate, 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 while private respondents No. 28 & 29 alongwith their counsel Mr. Yasir Khattak, Advocate, present and stated that they 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)

the date of upgradation of the post of Dy. P.P from BPS-17 to BPS-18?

Learned counsel for the appellant contends that the requirement of formula B is applicable to the appellant and accordingly, four years service at his credit in BPS-18 was there to qualify him 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. Parawise comments on behalf of respondents No. 1 to 4 has already been placed on file. Notices be issued to the private respondent through Director General Prosecution Khyber Pakhtunkhwa for submission of 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

13/6/21

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

09.06.2021

Counsel for the appellant, Mr. Kabirullah Khattak, Addl. AG alongwith Naeemullah, AD for respondents No. 1 to 4 and Private respondents No. 28 and 29 in person present. 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 his 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, he 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 his appointment as Dy. P.P or from



02.06.2021

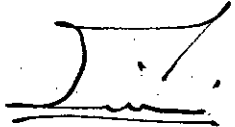
Appellant with counsel, Mr. Muhammad Adeel Butt, Addl. AG alongwith Naeemullah, AD for official respondents and Private respondent No. 28 & 29 in person present. On the request of learned AAG one week time is given to respondent No. 3 for production of minutes of the P.S.B on whose recommendations impugned notification was issued. Adjourned to 09.06.2021 before S.B. The restraint order dated 26.01.2021 shall remain operative till next date.

  
Chairman

22.03.2021

Appellant alongwith Mr. Afrasiyab Khan Wazir, junior of learned counsel for the appellant present. Mr. Naeem Ullah, Assistant Director alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents, while Mr. Yasir Khattak, Advocate for respondents No. 28 & 29 also present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today, due to illness. Adjourned to 08.04.2021 before S.B. Respondents are restrained not to convene the PSB meeting to the extent of promotion of Junior Deputy Public Prosecutor to the post of Senior Public Prosecutor till the date fixed.

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)


08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.05.2021 for the same as before.

  
READER

05.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 02.06.2021 for the same as before.

  
Reader

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.

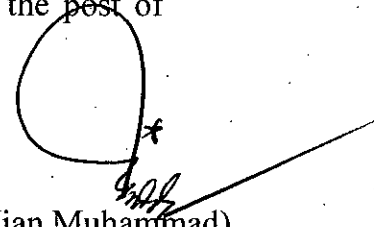
  
Reader

08.03.2021

Counsel for the appellant present. Assistant Advocate General alongwith Mr. Naeem Ullah, ADL for official respondents and counsel for impleaded respondents No. 28 and 29 present.

Learned counsel for the appellant seeks adjournment as he is suffering from chest infection.

Adjourned to 22.03.2021 before S.B. Respondents are constrained to convene the PSB meeting to the extent of promotion of Junior Deputy Public Prosecutor to the post of Senior Public Prosecutor till the date fixed.

  
(Mian Muhammad)  
Member (E)

26.01.2021

Appellant is present alongwith his counsel Mr. Noor Muhammad Khattak, Advocate. Mr. Kabirullah Khattak, Additional Advocate General for official respondents and Mr. Adil Saleem, Advocate, for private respondents No. 19 & 28, are also present.

2. Respondents submitted reply, the same is placed on record. Learned counsel for private respondents No. 19 & 28 is seeking time for submission of reply. Time is allowed. To come up for reply and preliminary arguments before S.B on 15.02.2021.

3. Arguments heard.

4. Learned counsel for the appellant submitted that the session of the Provincial Selection Board is going to be held in the near future and if its proceedings are not suspended to the extent of promotion of Junior Deputy Public Prosecutor to the post of Senior Public Prosecutor appellant has to suffer irreparable loss.

5. Furthermore, the learned counsel for appellant submitted that appellant being senior as compared to the private respondents, has not been appointed to BPS-19 on acting charge basis in contravention of the law and rules on the subject and the principles enunciated therein have been violated. According to appellant he was inducted into service as Deputy Public Prosecutor and acted in BPS-17 for a very short period of time and later on the post of DPP was upgraded to BPS-18 under which grade he served for more than four years. He submitted that for regular promotion a period of seven years service is required in BPS-18 whereas for making appointment in BPS-19 on acting charge basis a period of four years is required and appellant fulfilled the requisite criteria but he was not considered for the subject appointment.

6. On the other hand, the learned Additional Advocate General for respondents submitted that appellant has been recruited as DDP in BPS-17 and according to the promotion policy five years is required to be served in BPS-17 to be promoted to BPS-18 whereas for promotion in BPS-19 service of twelve years is required in BPS-17 and above whereas appellant has been appointed on 24.05.2016 whether his case could be considered for promotion when he has rendered just four years of service, he posed a question? He submitted that due to shortage in the length of service appointment of appellant in BPS-19 on acting charge basis cannot be made.

7. Consequently, respondents are constrained to convene the PSB meeting to the extent of promotion of Junior Deputy Public Prosecutor to the post of Senior Public Prosecutor till 15.02.2021.

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

21.12.2020

Appellant with counsel present.

Kabir Ullah Khattak learned Additional Advocate General present.  
Sahibzadi Yasmin Ara A.D (Legal) bearing CNIC #.17301-8052851-2  
representative of respondents present.

A request was made for adjournment by the respondent department for submission of comments. Last chance is given for submission of reply/comments.

An application for impleading Anwar Khan Afridi and Muhammad Muzaffar Afridi as respondents in the present service appeal was filed which was not objected to, hence both the petitioners stand impleaded in the panel of respondents. Necessary correction be made with red ink in the memo of appeal as well in the relevant register.

An application is annexed with the memo of appeal 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 Prosecutors till final disposal of the instant appeal. Representative namely Sahibzadi Yasmin Ara present on behalf of respondents' department submitted that there is no possibility of PSB meeting in the near future, therefore, requested for adjournment in order to produce authority letter, comments and reply to the instant application; allowed. To come up for submission of comments and reply to application on 26.01.2021 before S.B.

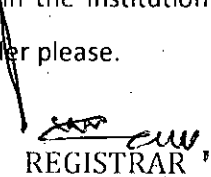

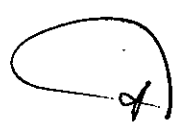
(Rozina Rehman)  
Member (J)

Form- A

FORM OF ORDER SHEET

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

Case No.- 13582 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/11/2020	<p>The appeal of Mr. Farasatullah presented today by Mr. Noor Muhammad Khattak 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>07/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>07.12.2020</p> <p>Appellant in person present.</p> <p>Let pre-admission notice be issued to respondents. To come up for reply and preliminary hearing on 21.12.2020 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

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

Appeal No. \_\_\_\_\_/2020

**FARASAT ULLAH VS GOVT. OF KPK AND OTHERS**

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Dated: 29/10/2020

Appellant

Through:

  
**NOOR MUHAMMAD KHATTAK**  
**ADVOCATE**

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

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. 13582/2020

Diary No. 13888

Dated 03/11/2020

Mr. Farasat Ullah, Deputy Public Prosecutor (BPS-18),  
Office of the District Public Prosecutor Tank.....**APPELLANT**

**VERSUS**

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

Filed to-day  
03/11/2020



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

**RESPONDENTS**

28. Anwar Chan Afridi, Deputy Public Prosecutor, BPS-18.
29. M Muzaffar Afridi, Deputy Public Prosecutor, BPS-18.

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 30.06.2020 WHEREBY JUNIORS TO THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF SPP (BPS-19) ON ACTING CHARGE BASIS WHILE THE APPELLANT HAS BEEN IGNORED AND AGAINST THE APPELLATE ORDER DATED 07.10.2020 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

That on acceptance of the instant service appeal the Impugned Notification dated 30/06/2020 may very kindly be modified/rectified to the extent of 23 juniors of the appellant being Illegal, unjustified without lawful authority and against the settled Rules and Regulations and Rules made under KPK Prosecution Act. Furthermore, the appellant may kindly be considered for promotion 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 other colleagues and junior colleagues of the appellant with

order sheet  
21/12/20

**all back benefits. Any other relief considered just and appropriate under the given circumstances of the case.**

**R/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 Tank. ***(Copy of Appointment Order is enclosed as Annexure..... "A")***.
2. That when appellant joined prosecution department as Deputy Public Prosecutor, at that time post of Assistant Public Prosecutor was upgraded by the respondents on the direction of Hon'ble Peshawar High Court, Peshawar but an upper cadre of Assistant PP i.e. Deputy PP was not upgraded due to fault of respondents. Therefore, at that time both the cadres i.e. lower cadre Assistant Public Prosecutor and upper cadre Deputy Public Prosecutor were working in the same scale i.e. in BPS-17.
3. That as the post of Deputy Public Prosecutor is and was an upper cadre of Assistant Public Prosecutor, therefore, Deputy Public Prosecutor filed write petition in Peshawar High Court, Peshawar which was not up-graded by the faults of respondents and deputy Public Prosecutor had to work in the same BPS in which their lower cadre i.e. Assistant Public Prosecutor were also working. Keeping in view just and fair cause of Deputy Public Prosecutor their writ petition was allowed on 07-06-2016 with immediate effect. ***(Copy Judgment of in Writ Petition No. 110-P/2015 is enclosed as Annexure ..... "B")***.
4. That as appellant joined prosecution department as Deputy Public Prosecutor on 24-05-2016 and just after 13 days, the post of Deputy Public Prosecutor was upgraded to BPS (18) by Hon'ble Peshawar High Court Peshawar on 07-06-2016. Therefore, appellant had worked only for a period of 13 days in BPS-17 as Deputy Public Prosecutor. Therefore, chapter of appellant's service in BPS-17 was closed after up gradation of seat to BPS-18 on the direction of Peshawar High Court, Peshawar.
5. 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 Hon'ble 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 Annexure ..... "C").**

6. 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.
7. 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 and against the rules made under Prosecution Act, hence, the appellants having superior rights over the said juniors. **(Copy of impugned notification No SO-PROS/HD/1-10/Upgr&Prom/2020 dated 30/06/2020 is attached as Annexure ..... "D").**
8. 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 as Annexure .....E & F).**
9. Hence the appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned Notification dated 30.06.2020 and appellate order dated 07.10.2020 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be modified/rectified to the extent of promotion of the appellant to the post of SPP (BPS-19) on acting charge basis.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject

noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

- C- 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.
- D- 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.
- E- 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.
- F- 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 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 Sr: PP, 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 the basis of up gradation. Through it was against prosecution Rules in force at that time.



- G- That as per final Seniority list appellant falls on serial number- 28 as per tentative seniority list issued on 21/09/2020 the name of appellant falls at serial No. 26, 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 and its against the rules made under KPK Prosecution Act. ***(Copies of Final Seniority List along with its better and tentative seniority list are Attached as Annexure "G")***.
- H- 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.
- I- 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.
- J- 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 up-coming 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.
- K- That if analogy of respondents is admitted, even if a person is appointed as Deputy Public Prosecutor in BPS- 18 today i.e. on the date of filing of this service appeal, he would be promoted to be BPS-19 earlier than the appellant, despite of the fact that appellant is serving as Deputy PP in BPS-18 for more than a period of four (4) years.

L- That any other ground, if needed, will be agitated at the time of arguments.

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

Dated: 29/10/2020

Appellant  
  
**FARASAT ULLAH**

Through:  
  
**NOOR MUHAMMAD KHATTAK**  
&  
  
**MIR ZAMAN SAFI**  
**ADVOCATES**

Dated 24-05-2016

**NOTIFICATION**

**NO.SO (Prosecution) HD/1-4/2014/Vol-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	Mansehra
3	Miss Alia Bibi d/o Sulaiman	Haripur
4	Miss Sobia Bibi d/o Abdur Rasheed Raja	Abbottabad
5	Mr. Farasat Ullah S/o Sibghat 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.*

Copy forwarded to:-

- 1.
- 2.
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- 4.
- 5.
- 6.
- 7.

**ATTESTED**  
M

**Section Officer (Prosecution)**



Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Dated 24/05/2016

A-9

NOTIFICATION

NO.SO (Prosecution) HD/1-4/2014/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	Battagram
2.	Miss Bibi Sumera d/o Abdul Qavi	Mansehra
3.	Miss Alia Bibi d/o Sulaiman	Haripur
4.	Miss Sobia Bibi d/o Abdur Rasheed Raja	Abbottabad
5.	Mr. Farasat Ullah s/o Sibghat Ullah	Tank
6.	Mr. Abdul Qudus s/o Abdur Rehman	Bannu

Terms and conditions:

- They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there-under.*
  - They shall, initially, be on probation for a period of one year, extendable for a further period of one year.*
  - 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.*
  - 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.*
  - They will join duty at their own expense.*
  - No TA/DA shall be admissible.*
2. If the above terms & conditions are acceptable to them, they should report to this Department within 45 days, failing which their appointment Notification shall be cancelled.

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

Copy forwarded to:-

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

**ATTESTED**

Section Officer (Prosecution)



BEFORE THE HONOURABLE PESHAWAR HIGH COURT

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- Faimur 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.

FILED TODAY  
Deputy Registrar  
10 JAN 2015

ATTESTED  
EXAMINER  
Peshawar High Court

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.

FILED TODAY

Deputy Registrar,

10 JAN 2015

ATTESTED

EXAMINER  
Peshawar High Court

Judgment  
**BEFORE PESHAWAR HIGH COURT,**  
**PESHAWAR.**

12

*[Handwritten signature]*

Judicial Department.

Writ Petition 110-P of 2015

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

Vs

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

Date of hearing.....7<sup>th</sup> June, 2016.....

Petitioner(s) by *Jehanzeb Mehsood - & - Abdul Latif Ajvide*  
Respondent(s) by *Muhammad Azeem uddin 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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*[Signature]*  
**EXAMINER**  
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.

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

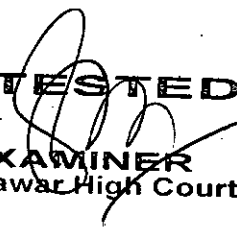
**ATTESTED**  
**EXAMINER**  
Peshawar High Court

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

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Peshawar High Court

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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 fruituous 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

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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.

*(Handwritten scribble)*

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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*(Signature)*  
**EXAMINER**  
 Peshawar High Court

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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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.

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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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

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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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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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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 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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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.

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

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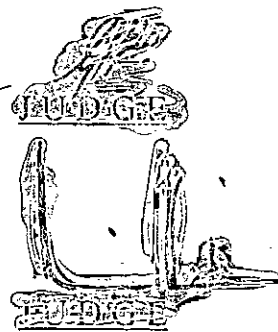
the Court order whereas petitioners being Deputy Public Prosecutors are also in BPS-17 and since in other three provinces the post of Deputy Public Prosecutors has already been upgraded to BPS-18 and petitioners are performing their duties exactly as is done by the Deputy Public Prosecutor in other three 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.

(24)  
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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.  
 7<sup>th</sup> June, 2016  
 Tariq Jan.

Ad - Waqar Ahmad Sethi - J  
 Ad - Qasim Raza - J



CERTIFIED TO BE TRUE COPY  
 EXAMINER  
 Peshawar High Court, Peshawar  
 Authorised Under Article 8.7 of  
 The Muslim-e-Shahadat Order 1980

16 APR 2020

15/6/20

No. 33451  
 Date of Presentation of Application 16/4/2020  
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PESHAWAR HIGH COURT, PESHAWAR.  
FORM "A"  
FORM OF ORDER SHEET.

C = 25

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><b><u>LAL JAN KHATTAK, J:-</u></b> 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>Jain</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

(D-KHAN Court Secretary)

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

**ATTESTED**

*[Signature]*





D - 26

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

Dated Peshawar the 30<sup>th</sup> June, 2020.

**NOTIFICATION**

**No. SO(PROS)/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	ATC D.I. 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, LLB	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, Manselhra.

**ATTESTED**

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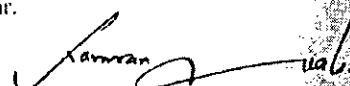
S.#.	Name of Officers	PRESENT POSTING
26.	Muhammad Afzal Khan MA, LLB	Dy; Public Prosecutor, Kohistan Chitral.
27.	Mr. Javid Iqbal Anwar BA, LLB	Dy; Public Prosecutor, Kohistan Haripur.
28.	Muhammad Shakeel Ahmad BA, LLB	Dy; Public Prosecutor, D.I. Khan.
29.	Mr. Attaullah BSc, LLB	Dy; Public Prosecutor, 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 Aiam 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.

  
Section Officer (Prosecution)

Page 02 of 02

**ATTESTED**



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OFFICE OF THE DISTRICT PUBLIC PROSECUTOR  
DERA ISMAIL KHAN

No. 451 /DPP/DIK Dated D.I.Khan the; 06-07-2020

Office Phone & Fax # 0966-9280013  
Email: dppdikhan2013@yahoo.com

To


The Worthy Director General Prosecution,  
Govt. of Khyber Pakhtunkhwa Peshawar.

E-28

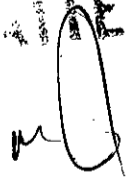
Subject: DEPARTMENTAL REPRESENTATION OF MR. FARASAT  
ULLAH DEPUTY PUBLIC PROSECUTOR (BPS-18)  
D.I.KHAN.

R/Sir,

A departmental representation in respect of Mr. Farasat Ullah Deputy Public Prosecutor (BPS-18) working in the office of undersigned is hereby forwarded to your good office for favourable consideration and further necessary action please.

  
District Public Prosecutor  
Dera Ismail Khan

O/C

TESTED  


**The Worthy Secretary Home & Tribal Affairs,**  
Government of Khyber Pakhtunkhwa,  
Peshawar.

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**Through Proper Channel**

**Subject: REPRESENTATION FOR GRANT OF BPS 19 TO APPLICANT ON ACTING CHARGE BASIS, CORRECTION OF ANNUAL PER 2016 AND OTHER RELEVANT SERVICE RECORD INCLUDING NOTIFICATION DATED 02.02.2017 IN THE LIGHT OF JUDGMENT DATED 07.06.2016 IN WRIT PETITION NO. 110-P/2015 TITLED MIAN AZIZ DEPUTY PP AND OTHERS VS GOVERNMENT OF KHYBER PAKHTUNKHWA AND ORDER OF HONOURABLE PESHAWAR HIGH COURT IN COC NO.08-P/2020 DECIDED ON 18-06-2020**

Respectfully stated,

1. That appellant joined Prosecution Department on 24.05.2016 as Deputy Public Prosecutor after qualifying competitive examination of Public Service Commission Khyber Pakhtunkhwa.
2. That as the post of Deputy Public Prosecutor is an upper cadre 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) with immediate effect by Honorable 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 Khyber Pakhtunkhwa.
3. That in compliance of Judgment of Peshawar High Court, notification dated: 02-02-2017 was issued. But the Hon'ble Peshawar High Court again in COC No.08-P/2020 vide Judgment dated:18-06-2020, directed the respondent to give effect to notification dated: 02-02-2007 from the date of judgment i.e from 07-06-2016 without arrears. Therefore applicant is 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 Khyber Pakhtunkhwa 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 Khyber Pakhtunkhwa 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

**ATTESTED**

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29/A (29)

Public Prosecutor BPS (19) but also Twenty Three (23) juniors were promoted to Senior Public Prosecutor BPS (19) on acting charge basis. But appellant was dropped despite of the fact that appellant was quite eligible and fit for promotion to BPS (19) on acting charge basis.

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 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 was 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.
7. That as par final Seniority list appellant falls on serial number 28 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, and annual PER 2016 along with other relevant service record including notification dated 02.02.2017 may kindly be corrected.

Your's Sincerely

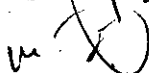
Date: 06/07/2020



**Farasat Ullah**

Deputy Public Prosecutor BPS-18  
District Dera Ismail Khan

**ATTESTED**





**DIRECTORATE OF PROSECUTION  
KHYBER PAKHTUNKHWA**

No. DPE/A11(1)10689-12  
Dated Peshawar 12/10 /2020  
Office phone # 091-9212559  
Fax # 091-9212559  
E-mail kp prosecution@yahoo.com

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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: 06-07-2020, 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

06 10 2020

*See*  
*Inform Mr Abdul Qudus DYPP.*

**ATTESTED**

*[Signature]*

*[Signature]*  
17.10.20



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

80

NO. SO (Pros)/HD/1-10/2020/Vol-1  
Dated Peshawar the 07<sup>TH</sup> October, 2020

To

The Director General Prosecution  
Khyber Pakhtunkhwa.

31

Subject:

DEPARTMENTAL APPEAL AGAINST NOTIFICATION NO. SO (PROS)/HD/1-1-10/UPGRADATION/220/VOL-1 DATED 30-06-2020 MADE BY MR. ABDUL QADOS, BIBI SUMAIRA, MS. MAHIABEEN, MS. SOBIA RASHIED RAJA AND MR. FARASAT ULLAH, DEPUTY PUBLIC PROSECUTORS (BPS-18).

I am directed to refer to your letter No. DP/E&A/1(1)/9014-15, dated 04-09-2020 on the subject noted above and to convey that the competent authority has filed the above appeals.

Section Officer, (Prosecution)

Copy forwarded to PS to Secretary, Home Department, Peshawar.

07/10/20

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Signature

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Subject  
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ASDA

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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-	Shngla
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



8	Bakhtizr 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)

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

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.Attallah, 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	02-09-1665 Mardan	05-04-1999 as PSI (BPS-14) in Police Department	-do-	-do-	-do-	Dir Lower

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.**

**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.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar, the 29/10/2019

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30/10

*Handwritten signatures and notes:*  
30/10  
supdt  
30/10

32

**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, 1969, 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 BPS ENTRY (BPS)	PROMOTION		PRESENT POSTING
				DATE	POST	
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 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 Khattak, 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 Chairsadda	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

ATTESTED

Director General  
All the District  
P.S to

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Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH WITH AGENCY	DATE OF FIRST ENTRY BPS	REGULAR APPOINTMENT PROMOTION TO PRESENT POST			RESERVE POST
				DATE	BS	REASON	
11.	Azhar Ali, B.A, LLB	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, LLB	15/03/1980 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	04/07/1983 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	19/12/1978 Haripur.	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	24/09/2010	(BS-18)	-do-	Swabi
21.	Muhammad Saleem, B.A, LL.B	14/08/1959, 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	20/04/1959, 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	10/10/1961, Chitral	01/10/1987 as PSI (BPS-11) in Police Department.	27-02-2012	(BS-18)	-do-	Chitral
24.	Mr. Zia-ul-Haq BA,LLB	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	(BS-18)	Through Public Service Commission	Dir Lower
25.	Mr. Attiq-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 Usfah 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

ATTESTED

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Sl. No.	NAME OF OFFICER (FULL NAME & CATEGORY)	DATE OF BIRTH (DD/MM/YY)	DATE OF FIRST ENR. (BPS)	REGULAR APPOINTMENT / PROMOTION TO POST (BPS-2021)			PRESENT POSTING
				DATE	POST	REASON	
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-18)	-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. Itaf 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, MA, 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

ATTESTED

*[Handwritten Signature]*

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Sl. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH (DD/MM/YY)	DATE OF APPOINTMENT (DD/MM/YY)	REGULAR APPOINTMENT / PROMOTION TO			DISTRICT
				Grade	Post	From	
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	02/09/1965, 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	12/03/1981, 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.

Ends: 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*

**ATTESTED**

Section Officer (Prosecution)





**DIRECTORATE OF PROSECUTION  
KHYBER PAKHTUNKHWA**

No. DP/EEA/11(49)9758-99

Dated Peshawar 25/9/2020

Office Phone # 091-9212559

Fax # 091-9212559

E-mail [kpprosecution@yahoo.com](mailto:kpprosecution@yahoo.com)

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To

All District Public Prosecutors,  
In Khyber Pakhtunkhwa.

Attention: All Deputy Public Prosecutor (BS-18) and Assistant Public Prosecutors (BS-17).

Subject: - TENTATIVE SENIORITY LIST OF DEPUTY PUBLIC PROSECUTOR (BS-18) AND ASSISTANT PUBLIC PROSECUTORS (BS-17).

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. SO (Pros)/HD/1-27/2019/Vol-I Dated: 21-09-2020 alongwith copies of Tentative Seniority List of Deputy Public Prosecutor (BS-18) and Assistant Public Prosecutor (BS-17), Directorate of Prosecution, Khyber Pakhtunkhwa. The same may be handed over to all concerned officers working under your kind control for information and further necessary action.

Furthermore, all the Deputy Public Prosecutors and Assistant Public Prosecutors may also be directed to submit their objections, if any, to this Directorate through proper channel for necessary action within 14- days positively, otherwise it will be considered as "Final Seniority List", please.

Yours faithfully,

*[Signature]*  
Deputy Director Administration

(Encl: as above)

Copy forwarded for information to the:

- All Regional Directors Prosecution Khyber Pakhtunkhwa.
- PA to Director General Prosecution, Khyber Pakhtunkhwa.
- Office record.

*[Signature]*  
Deputy Director Administration

Received *[Signature]* 7/11/2020

**ATTESTED**

*[Signature]*

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

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	
1.	Shafullah, 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 Prosecutor BS-19 on A.C.B at Kohistan.
4.	Hussain Ahmad, B.A, LL.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 Prosecutor 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 Prosecutor 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 Prosecutor 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 Prosecutor 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 Prosecutor 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 Prosecutor 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 Prosecutor 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 Prosecutor 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 Prosecutor BS-19 on A.C.B at Tank.

ATTESTED

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		PREVIOUS POST
				DATE	BPS-18	
13.	Qaisar Khan, B.A, LL.B	01/01/1960 Peshawar.	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 24/09/2010 as Deputy Public Prosecutor	24/09/2010	BS-18	By promotion Senior Public Prosecutor BS-19 on A.C.B at Khyber.
14.	Ayaz Zarin, B.A, LL.B	20/04/1983 Chitral.	24/09/2010 as Deputy Public Prosecutor (BPS-17)	24/09/2010	-do-	-do- Senior Public Prosecutor BS-19 on A.C.B at 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- Senior Public Prosecutor BS-19 on A.C.B at Mohmand.
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	-do-	-do- Senior Public Prosecutor BS-19 on A.C.B at Malakand.
17.	Asmat ullah, M.A, LL.B	15/03/1980 S.W.Agency.	24/09/2010 as Deputy Public Prosecutor, (BPS-17)	24/09/2010	-do-	-do- Senior Public Prosecutor BS-19 on A.C.B at Bannu.
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	-do-	-do- Senior Public Prosecutor BS-19 on A.C.B at Khyber.
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- Senior Public Prosecutor BS-19 on A.C.B at 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- Senior Public Prosecutor BS-19 on A.C.B at Swabi.
21.	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- Senior Public Prosecutor BS-19 on A.C.B at Chitral.
22.	Mr. Zia-ul-Haq BA,LLB	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-	-do- Dir Lower
23.	Mr. Attiq-ur-Rahman 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	-do-	-do- Director Administrative Directorate of Prosecution.
24.	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	-do-	-do- Senior Public Prosecutor BS-19 on A.C.B at Peshawar.
25.	Miss. Sobia Rasheed-Raja MA,LLB	16/05/1982 Abbottabad	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	Deputy Public Prosecutor (BS-18)	By initial recruitment on 24-05-2016. Abbottabad
26.	Mr. Farsatullah	31/10/1984 Tank	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do- D.I Khan
27.	Miss. Bibi Sumaira MA, LLB	05/05/1979 Manshera	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do- Mansehra
28.	Miss. Mahjabeen MA,LLB	20/02/1980 Battagram	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do- Mansehra
29.	Abdul Qudus Khan	03/10/1987 Bannu	24/05/2016 As Deputy Public Prosecutor (BS-17)	24/05/2016	-do-	-do- DI Khan
30.	Miss. Fari Rafique	21/10/1979 Abbottabad	30/09/2016 As Deputy Public Prosecutor (BS-17)	30/09/2016	-do-	-do- Abbottabad

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Raza

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 Prosec. 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 Prosec. 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	21/08/1965 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 Prosec. 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 Prosec 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 Prosec BS-19 on A.C.B at 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 Prosec 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 Prosec 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 Prosec 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 Prosec 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 Prosec 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 Prosec BS-19 on A.C.B a Swabi.

ATTESTED

122/19  
ADA P.

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*Amir*

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	
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 Prosecutor BS-19 on A.C.B at ATC D.I.Khan
47.	Mr. Amanullah, M.A, LL.B	19/12/1966, Lakki Marwat.	08/04/1999 as PSI (BPS-14) in Police Department.	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at North Waziristan.
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	By Promotion	Senior Public Prosecutor BS-19 on A.C.B at Mardan.
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-	-do-	Senior Public Prosecutor 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 Prosecutor BS-19 on A.C.B at Peshawar.
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 Prosecutor 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 Prosecutor BS-19 on A.C.B at Orakzai.
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 Prosecutor BS-19 on A.C.B at Nowshera.
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 Prosecutor BS-19 on A.C.B at Mohmand.
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 Prosecutor BS-19 on A.C.B at Hangu
56.	Mr. Asim Mehmood, B.A, LL.B	01/04/1980, Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Abbottabad
57.	Mr. Waqas Ashraf, MA, LLB	27/06/1979, Abbottabad.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	08/10/2019	Deputy Public Prosecutor (BS-18)	-do-	Mansehra.
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-	Deputy Director Adr Directorate of Prosecution.
59.	Mr. Rafiullah, BA, LL.B	31/08/1975, Swat.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Swat
60.	Muhammad Muzafar, BA, LL.B.	06/09/1979, Khyber Agency.	26/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Nowshera.
61.	Mr. Bakht Baidar Khan, MA, LL.B	02/05/1980, Buner.	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Buner.
62.	Mr. Anwar Khan, MA, LL.B	25/05/1980, FR Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16)	-do-	-do-	-do-	Peshawar.
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-	Charsadda

ATTACHED

240

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 POSTING
				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, LL.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 PROMYION	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. Yousaf 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

ATTESTED

2

22/19

**VAKALATNAMA**

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

\_\_\_\_\_ OF 2020

Farasat Ullah

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt. of KP & Others

(RESPONDENT)  
(DEFENDANT)

I/We Farasat Ullah

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2020

Farasat Ullah  
CLIENT

Noor Mohammad Khattak  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

Shahzullah Yousafzai  
**SHAHZULLAH YOUSAFZAI**

Mir Zaman Safi  
**MIR ZAMAN SAFI**  
&

**AFRASIAB KHAN WAZIR**  
**ADVOCATES**

OFFICE:

Flat No.4, 2<sup>nd</sup> Floor, Juma Khan  
Plaza, near FATA Secretariat,  
Warsak Road, Peshawar.  
Mobile No.0345-9383141

*MCS*

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE**

**TRIBUNAL, PESHAWAR.**

**Service Appeal No. 13582/2020**

Farasat Ullah, Deputy Prosecutor (BPS-18) office of the District Public Prosecutor,  
Tank.

..... Petitioner

**VERSUS**

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

..... Respondents

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



Dated 24-05-2016

Annex B

**NOTIFICATION**

**NO.SO. (Prosecution) HD/1-4/2014/Vol-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	Manshira
3	Miss Alia Bibi d/o Sulaiman	Haripur
4	Miss Sobia Bibi d/o Abdur Rasheed Raja	Ahbottabad
5	Mr. Farasat Ullah S/o Sibghat 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.

Copy forwarded to:-

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

M-1

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

Service Appeal No. 13582/ 2020

**Farasat Ullah, Deputy Public Prosecutor (BPS-18), office of the District  
Public Prosecutor, Tank.**

..... Petitioner

**VERSUS**

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

..... Respondents

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS 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 misstatement, 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 misleading. Before joining the post of Deputy Public Prosecutor (BS-17) the appellant had remained Assistant Public Prosecutor. The appellant was initially appointed as Assistant Public Prosecutor (BS-16) vide notification No. DP/ E&A/ 1(104) 2014-11104-30 dated 04-12-2014 (**Annexure-A**). Thereafter, the appellant applied for the post of Deputy Public Prosecutor (BPS-17) advertised by the Khyber Pakhtunkhwa, Public Service Commission through proper channel and after qualifying the ability test, the appellant was recruited as Deputy Public Prosecutor in (BS-17) vide Notification dated 24-05-2016 (**Annexure-B**).
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-C**). All posts of Assistant Public Prosecutor were upgraded from (BS-16) to (BS-17) vide Notification dated 11-11-2014 (**Annexure-D**). 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-E**). 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-F**).
3. Para-3 is misleading. As replied above.
4. Para-4 is correct, however, it is to clarify that initial induction of the appellant was made as Deputy Public Prosecutor (BS-17) on 24-05-2016 and he took charge as Deputy Public Prosecutor (BS-17) on 25-05-2016 (**Annexure-G**). The post was later on upgraded in light of the quoted judgment.

5. Para-5 pertains to record. Hence, needs no comments.

6. Para-6 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 are initially recruited in (BS-17) is required to fulfill 12 years' 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-H**). The appellant was initially recruited in (BS-17) and not in (BS-18). Similarly, as per Khyber Pakhtunkhwa Prosecution Service Rules, promotion to the post 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-I**). Under Rule-9(1) of Civil Servants (Appointment, Promotion and Transfer) Rules,1989 (**Annexure-J**):

(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;

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

(2) The length of the service of the petitioner is 04 years 07 month where as he 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.

7. Para-7 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-K). 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.

- 8. Para-8 is correct. However, Departmental appeal of the appellant was disposed of by the Competent Authority in accordance with law and no discrimination has been made with the appellant.
- 9. As no legal right of the appellant has been violated therefore, invoking jurisdiction of this Honorable Tribunal is unjustifiable.


**REPLY TO GROUNDS:-**

- A. Para-A is incorrect. No illegality has been committed by the replying respondents rather the issuance of notification dated 30-06-2020 by respondents has not violated any vested right of the appellant rather the same in accordance with law and rules.
- B. Para-B is incorrect. The appellant has been treated as per Law & Rules and no violation of Article 4 and 25 of the constitution of the Islamic Republic of Pakistan, 1973 has been made by the replying respondents.
- C. Para-C is incorrect, based on gross mis-statement and misrepresentation, hence denied. The appellant is badly failed to append any documentary proof in support of his contention nor mentioned names of prosecutors who have been promoted out of turn or against Law & Rules.
- D. Para-D is incorrect hence denied. Detailed reply has already been furnished in preceding Paras of the Facts & grounds.
- E. Para-E is misconceived hence denied. Detailed reply has already been furnished. 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 he completes the required length of service i.e 09 years.

8. Para-F is incorrect, hence denied. Detailed reply has already been furnished in preceding para.
- G. Para-G 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.
- H. Para-H is incorrect, hence denied although the appellant has completed four year service but he was not considered for promotion due to lack of qualifying service i.e 09 years in (BS 17 & 18).
- I. Para-I 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 his pre mature appointment/promotion to the post of Senior Public Prosecutor (BS-19) on acting charge basis.
- J. Para-J 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.
- K. Para-K is misleading. As per Prosecution Service Rules (as amended), direct recruitment is only made in (BS-17) as Assistant Public Prosecutor and direct appointment/ recruitment of Deputy Public Prosecutor in (BS-18) is out of question, thus, the situation explained by the appellant is not warranted under the law.
- L. That the appellant has got no case at all; let alone, additional grounds.

**PRAYER:**

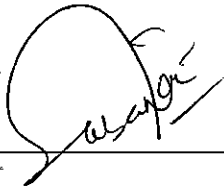
In light of the above facts and circumstances of the case, appeal filed by the appellant is devoid of any merit and legal substance; therefore, may graciously be dismissed with cost, please.



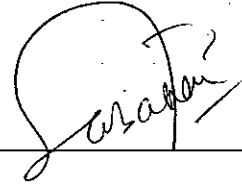
**Director General Prosecution  
Home Department,  
Govt. of Khyber Pakhtunkhwa  
(Respondent No. 4)**



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



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



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

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

Service Appeal No. 13582/ 2020

Farasat Ullah, Deputy Public Prosecutor (BPS-18) office of the District Public Prosecutor, Tank.

..... Petitioner

**VERSUS**

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

.....Respondents

**REPLY TO APPLICATION FOR RESTRAINING THE RESPONDENTS THAT NOT CONVENE THE PSB MEETING TO THE EXTENT OF PROMOTION OF JUNIOR DEPUTY PUBLIC PROSECUTORS TO THE POST OF SENIOR PUBLIC PROSECUTOR TILL THE FINAL DISPOSAL OF THE INSTANT APPEAL.**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS:-**

1. That, the appellant has got no cause of action.
2. That, neither the ingredients, essentials for grant of temporary injunction leans in favour of the appellant, 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 appellant is estopped by his own conduct to file the present application.
5. That, the appellant has got no locus standi to file the instant application.

**ON FACTS**

1. Para-1 needs no comments.



2. Para-2 is incorrect, hence, denied. The appellant 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 appellant 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 appellant 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 appellant is intended to stop promotion of all Junior Prosecutors in (BS-17 & 18) by filing the present application.

**PRAYER:**

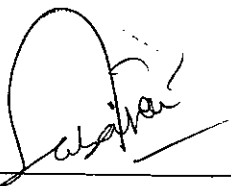
It is therefore, most humbly prayed that on acceptance of the instant reply to the application for restraining the respondents may graciously be dismissed with special cost, please.



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



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

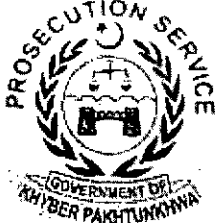


**Secretary to Govt. of Khyber  
Pakhtunkhwa  
Establishment Department  
(Respondent No. 2)**



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

Annex - A



**DIRECTORATE OF PROSECUTION  
KHYBER PAKHTUNKHWA**

**Dated Peshawar 4<sup>th</sup> December, 2014**

Office Phone # 091-9212559 / 091-9212542

Fax # 091-9212559

Email: kpprosecution@yahoo.com

**NOTIFICATION:**


**No. DP/E&A/1(104)2014-11104-30**:- On the recommendation of Khyber Pakhtunkhwa Public Service Commission, the following candidates are appointed in the Directorate of Prosecution Khyber Pakhtunkhwa against the vacant posts of Assistant Public Prosecutors (BPS-16) according to the prevalent policy of the Provincial Government:-

S. No	Name with Father Name	District
1.	Mr. Imtiaz Ali S/O Mukhtiar Hussain	Mansehra
2.	Mr. Kifayatullah Barki S/O Inayatullah Barki	South Waziristan Agency
3.	Mr. Zahid Gul S/O Janat Gul	Mardan
4.	Mr. Farasat Ullah S/O Sibghat Ullah	Tank
5.	Mr. Farooq Hayat S/O Shaukat Hayat	Dir (Lower)
6.	Mr. Mohammad Adil Misal S/O Misal Khan	Mohmand Agency
7.	Mr. Ikram Ullah S/O Sad Ullah	Mardan
8.	Miss. Fozia Nasim D/O Sher Badshah	Karak
9.	Miss. Shabina Khan D/O Darwesh Khan	Mohmand Agency
10.	Miss. Alia Bibi D/O Sulaiman	Abbottabad
11.	Miss. Hina D/O Muhammad Iqbal	Mardan
12.	Miss. Sadia Haroon D/O Sultan Haroon	Abbottabad

**TERMS & CONDITIONS:**

1. Their Services shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Khyber Pakhtunkhwa Prosecution Service (Constitution, Functions and Powers) Act, 2005 and Rules made there under.
2. They shall get pay at the minimum of BPS-16 including usual allowances as admissible under the Rules. They shall also be entitled to annual increment as per existing policy.
3. They shall be initially, on probation for a period of one year extendable for a further period of one year.


4. In case they wish to resign at any time, fourteen days notice shall be necessary or in lieu thereof fourteen days pay shall be forfeited.
5. The appointees would be entitled to all facilities admissible to Civil Servants.
6. Their appointments are liable to be terminated 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.
7. They shall join duty at their own expenses.
8. If the offer of appointment is acceptable to them on above conditions, they should report for duty within 30 days of the issuance of this offer.

  
 (ASMAT ULLAH KHAN GANDAPUR)  
 Director General Prosecution  
 Khyber Pakhtunkhwa

**Endst: of Even No. & Date:**

Copy forwarded for information to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
2. Accountant General Office Khyber Pakhtunkhwa, Peshawar.
3. All District Accounts Officers in Khyber Pakhtunkhwa.
4. Section Officer (Prosecution), Home & Tribal Affairs Department.
5. Section Officer (Media), Home & Tribal Affairs Department.
6. Officers Concerned.
7. Establishment section of this Directorate.

  
 Director General Prosecution  
 Khyber Pakhtunkhwa 4th Dec. 14



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

Page - A

Amended  
28

**NOTIFICATION**

**NO.50 (Prosecution) HD/1-4/2014/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 (DPS-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	Manshera
3	Miss Alis Bibi d/o Sulaiman	Hatipur
4	Miss Sobia Bibi d/o Abdul Rasheed Raja	Abbottabad
5	Mr Farazat Ullah s/o Sibghat Ullah	Tank
6	Mr. Abdul Qudus s/o Abdul Rahman	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) Those candidates 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, whichever is less.
  - d) In case they wish to resign at any time, one month prior notice shall be necessary and the balance one month pay shall be forfeited to the Government.
  - e) They will bear duty at their own expense.
  - f) No T4 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.

**Copies 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 Stationery & 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-V/100026-29 dated 01/01/2016.
6. The PS to Secretary, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
7. The Officers concerned.

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Section Officer (Prosecution)

B

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Anax-C  
B(8)

C

PESHAWAR HIGH COURT ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

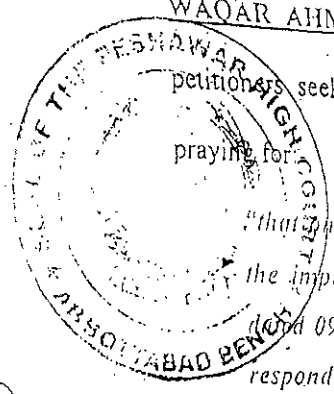
JUDGMENT SHEET

W.P.No. 241 of 2011

Date of hearing 21. 11. 2013

Petitioner J. Waqas Ashraf by M.A. Tahirul Lodi, Advocate

Respondents Chief Secretary et al by Mr. Nadeem Wahid



WAQAR AHMAD SETH, J. Waqas Ashraf and 17 other petitioners seek the constitutional jurisdiction of this Court praying for

"that on acceptance of the instant writ petition, the impugned letter No.KC/SO(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. 29.05.2004".

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 Prosecutor, Senior Public

Certified to be True Copy

12-13  
Responsible Court

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

3- Arguments heard and record perused.

4- The record reveals that initial grade of BPS-10 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 process was undertaken to eliminate such anomaly but despite two times time given in Writ Petition No.1095/2010 decided on 08/10/2010 no effective and final order decision has been made, which shows the attitude of the Government. specially in the circumstances when three other Provinces had 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 order to conduct the case is rather equal to the other involved persons including the Presiding Officer of the Prosecution as the officer who presents the case. The Home & Tribal Affairs Department has prepared the working 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

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25 of the Constitution No doubt, State is not prohibited to 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 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's and adequate livelihood and reduce disparity in income and earnings of individuals.

10- In the case of Government of Baluchistan through Additional Chief Secretary Home Quetta Vs. Azizullah 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 differentia which distinguishes persons or things that are grouped together from others who are left out of groups. Such classification and differentia must be in rational relation to the object sought to be achieved."*

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achieved by legislation. There should be a nexus between classification and objects of legislation. This principle symbolises that persons or things 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 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".

11. 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.

Printed to be True Copy  
06.12.13  
COURT  
LABOR COURT BENCH  
UNDER ART. 25 OF THE CONSTITUTION OF PAKISTAN

S.D. JUDGE

ANIX SE LITE CONF  
ATR P E CAMER

File - C

18.  
337



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

Annex - D

NOTIFICATION

NO.SO (Prosecution) HD/1-10-UP/2013/VOL-I In light of Judgment dated 20/11/2013 of Peshawar High Court (Abbottabad Bench) in writ petition No. 247/2011; the Provincial Government of Khyber Pakhtunkhwa is pleased to upgrade the post of Assistant Public Prosecutor from BPS-16 to BPS-17 with effect from 1<sup>st</sup> 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

9600  
20/11/14

Page (16)

DIRECTOR  
KHYB

PROSECUTION  
KHYB

No. DPP/EA/1(29)09/1527

Dated Peshawar February 4, 2015

Office Phone # 091-9212559/ 091-9212542

Fax # 091-9212559

E-mail: khyprosecution@yahoo.com

Appendix - E

19.

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Pros)/HD/1-10-  
2013 Vol-1 dated 19.01.2015 on the subject noted above and to  
enclose herewith a copy of working paper alongwith financial  
applications for up-gradation of the said posts.

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

Encl: (As above)

Your's faithfully,

(Muhammad Muzafar)

Assistant Director Admn: Finance

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20. 14

**WORKING PAPER FOR RESTRUCTURING/CAREER PROGRESSION OF ALL PROVINCIAL CADERS  
(GAZETTED/NON GAZETTED)**

Name of Administrative Department Home & Tribal Affairs Department  
Name of Attached Department/Office Directorate of Prosecution

S No	Nomenclature of the post/BPS	Entry point of the post	Code/Service	Service Structure	Nature of anomaly in service rules	Remarks	Proposals/Recommendations
1.	Public Prosecutor (BPS-18)	By promotion from the officers of BPS-17	Prosecution Service	By promotion on the basis of seniority-cum-fitness from amongst the Deputy Public Prosecutors with at least 5-years service as such.		The posts of Public Prosecutor are in BPS-19 in other three provinces and the posts of Government Pleaders have also been upgraded one step by this Province.	Recommended to be upgraded from BPS-15 to BPS-19 to remove the anomaly
2.	Deputy Public Prosecutor (BPS-17)	50% By promotion from the officers of BPS-16 and 50% by initial recruitment	-do-	i. 50% by initial recruitment ii. 50% by promotion on the basis of seniority-cum-fitness from amongst the Assistant Public Prosecutors with at least 5 years of service as such, who		The posts of Deputy Public Prosecutor are in BPS-18 in other three provinces and the posts of Additional Government Pleaders have also been upgraded one step by this Province.	Recommended to be upgraded from BPS-17 to BPS-18 to remove the anomaly
3.	Computer Operator (BPS-12)	BPS-12 as computer operator	Technical staff	By initial recruitment	No proper service structure is available for promotion to next higher scale except initial appointment	The Computer Operators working in the Honorable Peshawar High Court, Peshawar has been upgraded to BPS-14	The post of Computer operator may be upgraded from BPS-12 to BPS-14
4.	Driver (BPS-04)	BPS-04	Class-IV	By initial recruitment		As other posts of ministerial staff i.e. Junior Clerk, Senior Clerk, Office Assistant etc have been upgraded by the Provincial Government, so, the same required consideration.	
5.	Naib Qasid (BPS-01)	BPS-01	-do-	By initial recruitment		-do-	
6.	Chowkidar (BPS-01)	BPS-01	-do-	By initial recruitment		-do-	
7.	Sweeper (BPS-01)	BPS-01	-do-	By initial recruitment		-do-	

Financial Implication for up-gradation of following posts

Object/Posts	Public Prosecutor BPS-19		Dy Public Prosecutor BPS-18		Computer Operator BPS-14		Driver BPS-06		Nail Guard BPS 04	Clerk Typist BPS 05		Sweepers BPS 05		
	No of posts 45		No of posts 64		No of posts 64		No of posts 4			No of posts 51		No of posts 22		
	Existing	Up-graded	Existing	Up-graded	Existing	Up-graded	Existing	Up-graded		Existing	Up-graded	Existing	Up-graded	
Basic Pay	1575000	2115000	1792000	2240000	928000	1097600	34600	39800	122800	726600	372300	474300	189000	251100
House Rent	261400	398520	284280	371800	122880	141700	5830	6180	114750	122480	69700	76700	66800	40000
Conveyance Allow:	225000	225000	320000	320000	182780	182780	7140	7730	119940	149940	91040	98530	48200	52200
Medical Allow:	150200	150200	165700	165700	76800	76800	4800	4800	100800	100800	61200	61200	12400	12400
Special Allow:	337500	337500	480000	480000	0	0	0	0	0	0	0	0	0	0
Entertainment	0	22500	0	0	0	0	0	0	0	0	0	0	0	0
Computer Allow	0	0	0	0	48000	48000	0	0	0	0	0	0	0	0
Computer Allow:	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Printing Allow	0	0	0	0	0	0	400	400	25200	25200	0	0	0	0
Adhoc Relief	500400	500400	552300	552300	288200	288200	10700	10700	190500	190500	115700	115700	61300	61300
Adhoc Relief	150200	150200	165700	165700	86500	86500	3200	3200	57200	57200	38500	38500	18400	18400
Adhoc Relief	315000	423000	358400	448000	185600	219600	6920	7960	145200	145200	74460	94860	17800	50200
Adhoc Relief	236250	317250	268860	366000	139200	146640	5200	5970	108900	108900	55800	71150	28400	37700
Adhoc Relief	157500	211500	179200	224000	92800	109760	3460	3980	72650	72650	37230	47430	18900	25110
	3908450	4851070	4566440	5333500	2150760	2397580	82250	90720	1699580	1699580	926130	1088570	476650	574410

Total Existing PAY Per Month= 12639360  
 Total Revised Pay Per Month= 16035430  
 Total Financial Implication per month= 3596070

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 hearing.....7<sup>th</sup> June, 2016.....

Petitioner(s) by *Jahanzai Mirsood - G. - Abdul Aziz Ajvide*  
Respondent(s) by *D. Asimuddin Hainanjiwani A.B.G.*

**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

EXAMINED  
Peshawar  
24/06/16

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. S11-P of 2015, filed by Public Prosecutors are seeking up-gradation from BPS-18 to BPS-19.

*3-3-17*

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 BPS-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 *certainty* in the *State* *and* *petitioners* *are* *not* *getting* *any* *benefit* *at* *all*

*up WP granted*  
*and they*

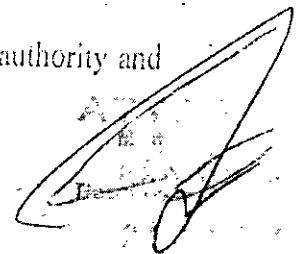
**REGISTERED**  
PUNJAB  
Petitioner's Right Cell  
21/01/2016

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





coram 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 infructuous and as such disposed of.

7. Petitioners who are posted as Deputy Public Prosecutors in various districts of the province are seeking upgradation 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  
Peshawar High Court

24 JUN 2016

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 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".

10. We have before us the order of the Deputy Public Prosecutor

HD / 1-10 / 2009 / V-I-V dated 5.8.2009 whereby sanctioned of

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.

ATTESTED

EXAMINER  
 PUNJAB BAR COUNCIL  
 23/3

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 choiced to counter check all the information pertaining to crimes and crime trends provided by the police. Effective prosecution not

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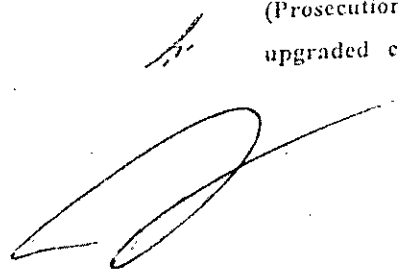
only improves quality of investigation by supervising the process as per the Khyber Pakhtunkhwa, Prosecution services ( Constitution, Function and Powers) Act, 2005, but also acts as a filter to weed out weak cases at an early stage which on one side reduces burden on courts and improves conviction rate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

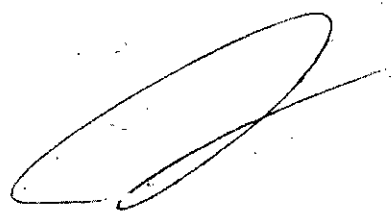


without incumbents, thus, none of the prosecutors was benefitted from the same. In 2011 after 2- years of up-gradation those prosecutors who became otherwise eligible for regular promotions i.e. completing length of service, seniority, PERs etc, their cases for regular promotions were sent to BPS for 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



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 (j) & (k) 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.

ATTESTED

EXAMINER  
Post No. High Court  
2011 2016

Ms. S. Prasad

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 Lordmark Judgment of I.A Sheryani 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.

ATTEST  
 (Signature)  
 27 JUN 2015



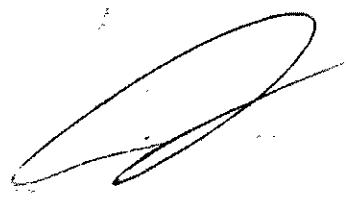
In the case of Government of Baluchistan through Additional Chief Secretary Home Quetta Vs. Azizullah Memo and another reported in NLR 1993 SCJ 527 it was held as under:-

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 in a 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 clothes any statutory authority or functionary with unguided and arbitrary power enabling it to administer it in a discriminatory manner, such law would violate 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, 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.

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.  
7<sup>th</sup> June, 2016  
Tariq Jan.

*Wages Ahmad Sahi*  
*Qaiser Rashid Khan*

JUDGE  
JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Exhibitor  
Peshawar High Court  
Authorized under Article 87 of  
The Constitution of Pakistan Order 1984

21 JUN 2016

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Annex-9

ARRIVAL REPORT

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

  
(Farasat Ullah)  
Deputy Public Prosecutor  
Directorate of Prosecution

Copy forwarded to:-

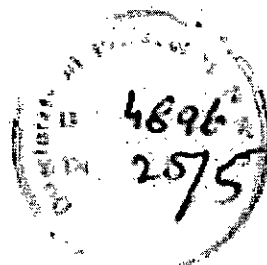
- > PS to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa.
- ✓ > PA to Director General Prosecution, Khyber Pakhtunkhwa.

  
Deputy Public Prosecutor  
Directorate of Prosecution

ofc

of USK  
25/05/16

S-911





GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT.  
REGULATION WING

36.

Annex-H

Dated: 05.12.2017

**NOTIFICATION**

No.SO(Policy)/E&AD/1-16/2017. The Competent Authority is pleased to direct that in the "Khyber Pakhtunkhwa Promotion Policy, 2009" circulated vide this department letter No.SOE-III(E&AD)I-3/2008 dated 28.1.2009, the following amendments shall be made, namely:-

**AMENDMENTS**

1. The following words (in italic form) shall be added after the word and dot "PER." appearing in the 3<sup>rd</sup> line of sub-para (a) of para IV:  
*"The requirement of earning one calendar year report will start from the date the officer joins back and the training period will also be included for completion of the requirement of such PER."*
2. After sub-para (h) of para IV the following sub-para (i) shall be inserted:  
"the mere fact that the seniority is sub-judiced will not debar the competent forum to make recommendation. However, in such cases following shall be applicable:
  - (i) All promotion based on sub-judice seniority will be conditional i.e. subject to final outcome of Court cases.
  - (ii) An officer who gets his seniority restored and becomes senior to already promoted officers in the cadre will be considered for promotion by the relevant board from the date when his junior got promoted.
  - (iii) In case, the officer expires or retires from service and subsequently, his seniority is restored his case will be considered for proforma promotion alongwith all financial benefits.
  - (iv) Juniors promoted on sub-judice seniority list will be assigned seniority as per final Court Orders and will be reverted in case there is no vacancy".
3. Para II (b) shall be substituted as follow:  
"(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing promotion policy. However, for promotion against technical posts in BS-20, which require managerial and administrative skills, the SMC shall be mandatory."

- 4. The clause (i) of sub-para (a) of para V shall be deleted and the next below clause (ii) and (iii) shall be re-numbered as (i) and (ii). In sub-para (b) of Para V the word **three** shall be substituted with the word **"two"**.

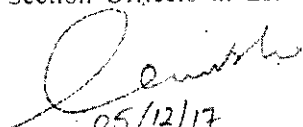
Sd/-

Secretary to Government of Khyber Pakhtunkhwa  
Establishment Department

**ENDST: NO & EVEN DATE**

Copy is forwarded to:-

- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
- 2. Additional Chief Secretary (FATA), FATA Secretariat Peshawar.
- 3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa and Political Agents in FATA.
- 11. The Registrar Peshawar High Court, Peshawar.
- 12. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 13. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 14. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.



05/12/17

(BEENISH IQBAL)

SECTION OFFICER (POLICY)

## Promotion Policy

In order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

### I. Length of service.

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18 :	5 years' service in BS-17
Basic Scale 19 :	12 years' service in BS-17 & above
Basic Scale 20 :	17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19 :	7 years' service in BS-18
Basic Scale 20 :	10 years' service in BS-18 and above. or 3 years' service in BS-19.

### II. Linking of promotion with training:

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20
- National Management Course at National Management College, Lahore for promotion to BS-21

(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely

technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.

(c) The qualifying thresholds of quantification of PERs for nomination to these trainings are as under:

MCMC	60
SMC	70
NMC	75

(d) There will be no exemptions from mandatory trainings. An officer may, however, request for temporary exemption in a particular moment in time but grant of such exemption would be at the discretion of the competent authority. No such request with regard to an officer would be made by the Government Departments concerned.

(e) Three officers shall be nominated for each slot of promotion on the basis of their seniority. Those unwilling to attend will be dropped at their own expense without prejudice to the rights of others and without thwarting or minimizing the chance of improving the quality of service.

(f) Officers failing to undergo mandatory training in spite of two time nominations for a training shall stand superseded if such failure was not for the reasons beyond the control of the officers concerned.

### III. Development of Comprehensive Efficiency Index (CEI) for promotion:

(a) The Comprehensive Efficiency Index to be maintained for the purpose of promotion is clarified as under:

(i) The minimum of aggregate marks for promotion to various grades shall be as follows:

Basic Scale	Aggregate marks of Efficiency Index
18	50
19	60
20	70
21	75

(ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20 and 21 and the officer with the requisite score on the Efficiency Index shall be recommended for promotion.

(iii) The senior most officer(s) on the panel securing the requisite threshold of the Efficiency Index shall be recommended by the Provincial Selection Board for promotion unless otherwise deferred. In case of failure to attain the requisite threshold, he (she)/they shall be superseded and the next officer on the panel shall be considered for promotion.

(b) Marks for quantification of PERs, Training Evaluation Reports and Provincial Selection Board evaluation shall be assigned as under:-

S.No.	Factor	Marks for promotion to BS-18 & 19	Marks for promotion to BS-20 & 21
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60% : 40%	100%	70%
2.	Training Evaluation Reports as explained hereafter.	--	15%
3.	Evaluation by PSB	--	15%
	Total	100%	100%

(c) A total of fifteen (15) marks shall be allocated to the Training Evaluation Reports (Nine marks @ 60% for the training in the existing BPS and Six marks @ 40% in the preceding BS). Evaluation of the reports from the Training Institutions shall be worked out as under:-

- (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied Training Institutions as provided in their reports.
- (ii) Previous reports of old Pakistan Administrative Staff College and old NIPAs where no such percentage has been awarded, points shall be worked out on the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in table-A below:

TABLE-A

Old PASC & NIPAs

Category	Range	Weighted Average	Points of PASC @ 60%=9	Points of NIPAs @ 40%=6
A. Outstanding	91-100%	95.5%	8.60	5.73
B. Very Good	80-90%	85%	7.65	5.10
C. Good	66-79%	72.5%	6.52	4.35
D. Average	50-65%	57.5%	5.17	3.45
E. Below Average	35-49%	42%	3.78	2.52



- (iii) Grades from National Defence University will be computed according to the weighted average based on the Grading Key for the range provided by the NDU as reflected in Table-B below:

TABLE-B  
NATIONAL DEFENCE UNIVERSITY

Category	Range	Weighted Average	Points @ 60%=9
A. Outstanding	76-100%	88%	7.92
B-Plus. Very Good	66-75.99%	71%	6.39
B- High. Good	61-65.99%	63.5%	5.71
B-Average. Average	56-60.99%	58.5%	5.26
B-Low. Below Average	51-55.99%	53.5%	4.81
B-Minus. Below Average	46-50.99%	48.5%	4.36
C. Below Average	40-45.99%	43%	3.87
F. Below Average	35-39.99%	37.5%	3.37

(d) The officers who have been granted exemption from mandatory training having attained the age of 56 years or completed mandatory period of serving in a Training Institution upto 27-12-2005, may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.

(e) Status quo shall be maintained in respect of officers of special cadres such as teachers, doctors, professors, research scholars and incumbents of technical posts for promotion within their own line of specialty. However, for calculation of their CEI, 70% marks shall be assigned to the quantified score of PERs and 30% marks shall be at the disposal of the PSB.

(f) For promotion against selection posts, the officer on the panel securing maximum marks will be recommended for promotion. Thirty marks placed at the disposal of the Provincial Selection Board in such cases shall be awarded for technical qualification, experience and accomplishments (research publications relevant to the field of specialism).

(g) Since three of the aspects of performance i.e. moral integrity, intellectual integrity, quality and output of work do not figure in the existing PER forms, the grades secured and marks scored by the officer in overall assessment shall be notionally repeated for the other complementary evaluative aspects and form the basis of quantification.

(h) The performance of officers shall be evaluated in terms of the following grades and scores:

		Upto 11 <sup>th</sup> June, 2008	From 12 <sup>th</sup> June, 2008
1.	Outstanding	--	10 Marks
2.	Very Good	10 marks	8 marks
3.	Good	7 marks	7 marks
4.	Average	5 marks	5 marks
5.	Below Average	1 mark	1 mark

(i) The outstanding grading shall be awarded to officers showing exceptional performance but in no case should exceed 10% of the officers reported on. The grading is not to be printed in the PER form but the reporting officer while rating an officer as "outstanding" may draw another box in his own hand in the form, initial it and write outstanding on the descriptive side. Convincing justification for the award shall be recorded by the reporting /countersigning officer. The discretion of awarding "outstanding" is to be exercised extremely sparingly and the award must be merited.

(j) The quantification formula and instructions for working out quantified score are annexed.

IV. Promotion of officers who are on deputation, long leave, foreign training:

- a) The civil servants who are on long leave i.e. one year or more, whether within or outside Pakistan, may be considered for promotion on their return from leave after earning one calendar PER. Their seniority shall, however, remain intact.
- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) <sup>78</sup>In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable. The officers on deputation to projects shall be considered for promotion. However, after promotion they will have to actualize their promotion within their cadre.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department.

<sup>78</sup> para 1 (iv)(c) substituted vide circular letter No. SORIV/E&AD/1-16/2006, dated 19.4.2010

However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.

- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

V. Deferment of Promotion:

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if
- (i) His inter-se-seniority is disputed/sub-judice.
  - (ii) Disciplinary or departmental proceedings are pending against him.
  - (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
- (b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.
- (c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.
- (d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.
- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority

within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

VI. Date of Promotion:

Promotion will always be notified with immediate effect.

VII. Notional Promotion:

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

VIII. Promotion of Civil Servants who are awarded minor penalties.

- (a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.
- (b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. Promotion in case of pending investigations by NAB:

If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.

2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.

**ANNEX: I****First Step**

Arithmetic mean will be calculated for each calendar year containing 2 or more CRs to derive the ACR score for that year as follow:

$$M = \frac{\sum M_y}{N_y}$$

**Where**

$M_y$  = marks for each CR recorded in calendar year 'y',

$N_y$  = Number of CRs recorded in year 'y', and  $\sum$  stands for summation.

**Second Step**

Average marks for each level will be calculated according to the following formula:

$$\text{Average marks} = \frac{\sum M}{T}$$

**Where**

$M$  = Marks for ACRs; and

$T$  = Total number of ACRs in posts at that level.

**Third Step**

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 100 marks for promotion:

- |       |                                     |                             |
|-------|-------------------------------------|-----------------------------|
| (i)   | to post carrying basic pay scale 18 | 10 x A                      |
| (ii)  | to post carrying basic pay scale 19 | (6 x B) + (4 x A)           |
| (iii) | to post carrying basic pay scale 20 | (5 x C) + (3 x B) + (2 x A) |
| (iv)  | to post carrying basic pay scale 21 | (5 x D) + (3 x C) + (A + B) |

**Where**

A = Average marks for reports in posts carrying basic pay scale 17

B = Average marks for reports in posts carrying basic pay scale 18

C = Average marks for reports in posts carrying basic pay scale 19

D = Average marks for reports in posts carrying basic pay scale 20

**Fourth Step**

The following additions/deductions shall be made in the total marks worked out in the third step.

**A. Additions:**

(i)	for serving in a Government training institution, including those meant for specialized training in any particular cadre, for a period of 2 years or more	2 marks
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**B. Deductions:**

(i)	for each major penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973	5 marks
(ii)	for each minor penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973	3 marks
(iii)	for adverse remarks (deductions be made for such remarks only as were duly conveyed to the concerned officer and were not expunged on his representation, or the officer did not represent)	1 mark per CR containing adverse remarks

**ANNEX: II**

**Example:** Suppose an officer is being considered for promotion to BS-20. He has served for seven years in BS-17, six years in BS-18 and five years in BS-19. His score of PER is as under:

**Overall Assessment**

BS-17.	1 Very Good, 5 Good, 3 Average of which 2 Good and 1 Average grading are earned in one calendar year. The other gradings cover full calendar year.	
BS-17:	Mean for 2 Good and one Average grading earned in one calendar year.	$\frac{(2 \times 7) + (1 \times 5)}{3} = 6.33$
	Average marks	$\frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 6.33}{7} = 6.76$
BS-18.	5 Good, 2 Average of which 1 Good and 1 Average gradings are earned in one calendar year.	
BS-18	Mean for 1 Good And 1 Average gradings earned in one calendar year.	$\frac{(1 \times 7) + (1 \times 5)}{2} = 6$
	Average marks	$\frac{(4 \times 7) + (1 \times 5) + 6}{6} = 6.50$
BS-19.	1 Very Good, 4 Good and 1 Average of which 1 Very Good and 1 Average are earned in one calendar year.	
BS-19:	Mean for 1 Very Good and 1 Average earned in a calendar year	$\frac{(1 \times 10) + (1 \times 5)}{2} = 7.50$
	Average marks	$\frac{(4 \times 7) + 7.5}{5} = 7.10$

**Quality and Output of Work**

<b>BS-17:</b>	2 Very Good, 6 Good and 1 Average grading of which 2 Good and 1 Average gradings are earned in one calendar year.
---------------	---

$$\text{Mean for 2 Good and 1 Average grading} = \frac{(2 \times 7) + (1 \times 5)}{3} = 6.3$$

$$\text{Average Marks} = \frac{(2 \times 10) + (4 \times 7) + 6.3}{7} = 7.76$$

<b>BS-18:</b>	1 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(1 \times 10) + (4 \times 7) + 6}{6} = 7.33$$

<b>BS-19:</b>	5 Very Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(4 \times 7) + 6}{5} = 6.8$$

**Moral Integrity**

<b>BS-17:</b>	2 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(2 \times 10) + (4 \times 7) + 6}{7} = 7.71$$

<b>BS-18:</b>	1 Very Good, 5 Good and 1 Average grading of which 2 Good grading are earned in one calendar year.
---------------	--

$$\text{Mean for 2 Good grading} = \frac{(1 \times 7) + (1 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + (1 \times 5) + 7}{6} = 7.16$$

<b>BS-19:</b>	1 Very Good, 5 Good of which 2 Good grading are earned in one calendar year.
---------------	--

$$\text{Mean for 2 Good grading} = \frac{(1 \times 7) + (1 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + 7}{5} = 7.6$$

**Intellectual Integrity**

<b>BS-17:</b>	1 Very Good, 4 Good and 4 Average grading of which 1 Good and 2 Average gradings are earned in one calendar year.
---------------	---

$$\text{Mean for 1 Good and 2 Average grading} = \frac{(1 \times 7) + (2 \times 5)}{3} = 5.67$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 5.67}{6} = 6.67$$

<b>BS-18:</b>	5 Good and 2 Average grading of which 2 Good grading are earned in one calendar year.
---------------	---

$$\text{Mean for 2 Good grading} = \frac{(2 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(3 \times 7) + (2 \times 5) + 7}{6} = 6.33$$



<b>BS-19:</b>	2 Very Good, 3 Good and 1 Average grading of which 1 Very Good and 1 Good grading are earned in one calendar year.
---------------	--

$$\text{Mean for 1 Very Good and 1 Good grading} = \frac{(1 \times 10) + (1 \times 7)}{2} = 8.5$$

$$\text{Average Marks} = \frac{(1 \times 10) + (2 \times 7) + (1 \times 5) + 8.5}{5} = 7.5$$

**Quantified Score**

$$\text{BS-17: } \frac{6.76 + 6.76 + 7.71 + 7.76}{4} = 7.22$$

$$\text{BS-18: } \frac{6.50 + 6.33 + 7.16 + 7.33}{4} = 6.83$$

$$\text{BS-19: } \frac{7.50 + 7.50 + 7.60 + 6.80}{4} = 7.35$$

**Quantification**

$$\begin{aligned} &= (5 \times 7.35) + (3 \times 6.83) + (2 \times 7.22) \\ &= 36.75 + 20.49 + 14.44 \\ &= 71.68 \end{aligned}$$

**Deduction**

$$\begin{aligned} \text{On account of adverse entry in BS-18} &= 1 \\ \text{Net quantified score} &= 71.68 - 1 = 70.68 \end{aligned}$$

**Note:** For purpose of efficiency Index, the negative marks shall be deducted from the quantified score of the relevant grade (in the instant case from BS-18 i.e. 20.49-1 = 19.49).

ANNEX: IIIQUANTIFICATION FORM

SENIORITY NO. \_\_\_\_\_

NAME \_\_\_\_\_

NPS NO.	YEAR	O.A	Q&OW	INTEGRITY		NPS NO.	YEAR	O.A	Q&OW	INTEGRITY	
				MORAL	IN TEL:					MORAL	IN TEL
	1965						1978				
	1966						1979				
	1967						1980				
	1968						1981				
	1969						1982				
	1970						1983				
	1971						1984				
	1972						1985				
	1973						1986				
	1974						1987				
	1975						1988				
	1976						1989				
	1977						1990				

QUANTIFICATIONOVER ALL ASSESSMENTQUALITY & OUTPUT OF WORK

NPS NO.	No. of Gradings				Mean Score of broken periods	No. of Gradings				Mean Score of broken periods
	VG	G	A	BA		VG	G	A	BA	
17										
18										
19										
20										
<u>Average Marks:</u>						<b>INTEGRITY (GENERAL/MORAL)</b>				
B - 17						No. of Gradings				Mean Score of broken periods
B - 18						VG	G	A	BA	
B - 19										
B - 20										
Score						Score				
Marks for ACRS:						Score				
Addition for										
Serving in a										
Training institution										
From to :										
Deduction for						No. of Gradings				Mean Score of broken periods
Penalty/adverse						VG	G	A	BA	
Remarks :										
Final Score :										
						Score				

To be signed by the competent authority

ANNEX: IV

Efficiency Index in case of the given example will be as under:-

<u>Marks for quantification of PERs</u>		
42 @ 60% for present grade		70%
28 @ 40% for preceding grades		
Quantified score for BS-17 and BS-18 =	14.44+19.49 = 33.93	
Score out of 28 @ 40%	= $\frac{33.93 \times 28}{50}$	= 19.00
Quantified score for BS-19	= 36.75	
Score out of 42 @ 60%	= $\frac{33.75 \times 42}{50}$	= 30.87
Marks for quantification of PERs =	19.00+30.87 = 49.87	
<u>Total Marks for quantification of PERs</u>	=	<u>49.87</u>

<u>Marks for Training Evaluation Reports</u>		
9 @ 60% for training in the present grade		15%
and 6 @ 40% for trainings in the preceding grades)		

If an officer has earned good reports for SMC, MCMC and pre-service training his marks for training evaluation will be:

Marks for training in BS-19 @ 60%	=	6.53	(As per Table-A of Instructions)
Marks for trainings in BS-18 & BS-17 @ 40%	=	4.35	(As per Table-A of Instructions)
<u>Total score for training evaluation</u>	=	6.53+4.35 = 10.88	
<u>Evaluation by PSB</u>			15%

If an officer is awarded 10 marks by the PSB, his efficiency Index shall be as under:-

$$49.87+10.88+10 = 70.75$$

The minimum required threshold of marks for promotion to BS-20 is 70.

(Authority; letter No. SOE-III (E&AD)I-3/2008 dated 28<sup>th</sup> January, 2009)

Annex-1

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

**CONSOLIDATED PROSECUTION SERVICE RULES.**

**NOTIFICATION**

Dated 06<sup>th</sup> August 2010

**PROSECUTION SERVICE RULES.**

No. SO (Prosecution)/HD/1-5/2005/Vol-II. In pursuance of the provision contained in sub rule-2 of rule-3 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989 and in supersession of all previous rules in this behalf the Home & Tribal Affairs Department. In consultation with the Establishment Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 6 of the Appendix to this Notification which shall be applicable to the post borne in the Directorate of Prosecution, Khyber Pakhtunkhwa specified in column 2 of the said Appendix.

(Faiz Ahmad Khan Toru)  
Additional Chief Secretary Home  
Khyber Pakhtunkhwa  
Province

**Endst: No & Date even.**

Copy forwarded to:-

1. The Secretary Khyber Pakhtunkhwa, Public Service Commission, Peshawar
2. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
3. All the District Public Prosecutor in Khyber Pakhtunkhwa.

(Usman Zaman)  
Section Officer (Prosecution)

409 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY 16<sup>th</sup> February 2018

NOMENCLATURE	SCALE	MINIMUM QUALIFICATION	METHOD OF APPOINTMENT.	Age Limit.
Director General Prosecution <sup>1</sup>	20		By transfer from amongst the officers of PCS/PMS/PAS. <sup>2</sup>	
Regional Director	20		By promotion, on the basis of merit-cum-fitness, from amongst the Senior Public Prosecutors, District Public Prosecutors and Directors in (BPS-19) with at least seventeen (17) years of service in BPS-17 and above subject to successful completion of Senior Management Course <sup>3</sup> .	
Senior Public Prosecutor (BS-19)/ District Public Prosecutor (BS-19) <sup>4</sup>	19		By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Public Prosecutors (BPS-18) with at least twelve (12) years of service in BPS-17 and above <sup>5</sup> .	
Director Legal (BS-19) / Director Admin (BS-19) / Director Monitoring (BS-19) <sup>5</sup>	19		By transfer, from amongst the Senior Public Prosecutors and District Public prosecutor (BS-19). <sup>6</sup>	
Deputy Public Prosecutor (BS-18)	18		By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Public Prosecutor (BS-17) with at least five (05) years of service as such 'and' <sup>7</sup>	

Notification No SO (Prosecution)/HD/1-5/2005/Vol: II dated 6<sup>th</sup> August, 2010  
 Notification No. SO (Prosecution)/HD/1-5/VOI-1/2018 dated 18<sup>th</sup> January, 2018.  
 Notification No. SO (Prosecution)/HD/1-5/VOI-1/2018 dated 18<sup>th</sup> January, 2018  
 Notification No. SO (Prosecution)/HD/1-5/2005/Vol: II dated 6<sup>th</sup> August, 2010.  
 Notification No. SO (Prosecution)/HD/1-5/VOI-1/2018 dated 18<sup>th</sup> January, 2018  
 Notification No. SO (Prosecution)/HD/1-9/2012/VOI-1/ dated 05 September, 2013  
 Notification No SO (Prosecution)/HD/1-5/VOI-1/2018 dated 18<sup>th</sup> January, 2018.  
 Notification No. SO (Prosecution)/HD/1-5/VOI-1/2018 dated 18<sup>th</sup> January, 2018.

OR-1  
 199  
 C.I.D.

Assistant Prosecutor (BS-17)9	17	<p>i. at least Second Class LLB/BS(Law)Honors/BS (Shariah Law) Honors(five years) or its equivalent qualification, from a recognized University; and</p> <p>ii. License from Bar Council</p>	By initial recruitment	25-35
Assistant Director (IT) (BS-17)9	17	-	By promotion, on the basis of seniority-cum-fitness from amongst the Computer Operators with five-years' service as such, having the following qualification: (i) 2 <sup>nd</sup> Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four years) or its equivalent qualification from a recognized university; or (ii) 2 <sup>nd</sup> Class Bachelor's Degree, from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education;	-
Librarian (BPS-16)	16	Bachelor's Degree in at least 2 <sup>nd</sup> division or equivalent qualification from a recognized University. ii) Diploma in Library Science	By initial recruitment	23-32
Librarian (BPS-17)10	17	-	By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 11 five years' service as such;	-
Assistant Accountant (BPS-16)12	16	-	By promotion on the basis of seniority-cum-fitness, from amongst Senior Clerks with five (05) years' Service as Junior Clerk and senior Clerk having Bachelors of Commerce Degree (B.Com) from a recognized University;	-
Librarian (BPS-16)13	16	Bachelor's degrees from a recognized University	<p>a. 75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years' service as Senior Clerk and Junior Clerks and;</p> <p>b. 25% by initial recruitment.</p>	18-30 years.

vide Notification No SO (Prosecution)/HD/1-5/VOL-1/2018 dated 18<sup>th</sup> January, 2018.  
 vide Notification No SO (Prosecution)/HD /1-5/2019 dated 2<sup>nd</sup> October, 2019.  
 vide Notification No SO (Prosecution)/HD/1-5/Rules/2018 dated 21<sup>st</sup> March, 2018  
 vide Notification No SO (Prosecution)/HD/1-9/2012/Vol-I dated 05<sup>th</sup> March, 2013  
 vide Notification No SO (Prosecution)/HD/1-5/2019 dated 2th October, 2019  
 vide Notification No SO (Prosecution)/HD/1-5/Rules/ 2018 dated 21<sup>st</sup> March, 2018

FAUX SCANNER  
 TRIPLE CAMERA

Personal Assistant (BPS-16) <sup>14</sup>	-	-	By promotion on the basis of seniority-cum-fitness from amongst the Senior Scale Stenographer with at least three (03) years' of service as such	-
Senior Scale Stenographer (BPS-16)	16	i. At least Second-class Bachelor's degrees from a recognized University ii. A speed of 70 words per minutes in typing; and iii. Knowledge of Computer in using MS-Word, MS Excel	By promotion on the basis of seniority-cum-fitness from amongst the holder of the post of Stenographer with at least five (05) years' service as such. Provided that if no suitable candidate is available for promotion, then by initial recruitment;	-
Computer Operator (BPS-16) <sup>15</sup>	16	(i) Second Class Bachelor's Degree in Computer Science /Information Technology (BCS/BIT four years) or its equivalent qualification from a recognized university; or (ii) At least Second-Class Bachelor's Degree from a recognized university with one-year Diploma in Information Technology from a recognized Board of Technical Education;	By Initial recruitment;	21-32 Year
Junior Scale Stenographer (BPS-14)	14	i) Intermediate OR equivalent qualification from recognized board; and ii) A speed of 50 words per minutes in shorthand in English and 35 words per minutes in typewriting & Knowledge of Computer in using of MS Word and MS Excel	By initial recruitment	18-30 Year
Entry Operator/Key Punch Operator (BPS-12) Deleted <sup>16</sup>				

Notification No.SD (Prosecution)/11D/1-5/Rule/2018 dated 21<sup>st</sup> March, 2018  
 Notification No.SD (Prosecution)/11D/1-5/Rule/2018 dated 21<sup>st</sup> March, 2018  
 Notification No.SD (Prosecution)/11D/1-5/Rule/2018 dated 21<sup>st</sup> March, 2018

Senior Clerk (BPS-14) <sup>17</sup>	14		By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least two years' service as such	-
Junior Clerk (BPS-11) <sup>18</sup>	11	i) Secondary School Certificate or equivalent from a recognized Board and ii) A speed of 30 words per minute in typing	a) 67% by initial Recruitment. b) 33% by promotion, on the basis of seniority-cum-fitness from amongst the Naib Qasid, Chowkidars & other employees in equivalent scales in the Department with at least two years' service as such having passed Secondary School Certificate"; and <sup>19</sup>	18 to 30 Years; and
Naib Qasid	03	Middle standard	a) Fifty (50) per cent by initial Recruitment. b) Fifty (50) per cent by transfer from other eligible Class IV i.e. Chowkidars & Sweepers.	18-40 Years
	06	Middle standard having valid LTV driving license and three years' experience	By initial recruitment	18-40 Years
	03	Literate	By initial recruitment	18-40 Years
	03	Literate	By initial recruitment	18-40 Years

For the purpose of promotion to the post of Junior Clerk, there shall be maintained a common seniority lists of Naib Qasids, Chowkidar and other employees in equivalent scales in the Department with reference to the dates of their acquiring the Secondary School Certificate provided that:-

Where two or more officials have acquired the SSC in the same session, the official having long service shall rank senior to other officials.  
Where a senior official does not possess the requisite experience at the time of filling up a vacancy the officials next junior to him possessing the requisite experience shall be promoted in preference of the senior or officials.

- 1. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2005/Vol: II dated 6<sup>th</sup> August, 2010.
- 2. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2018 dated 21<sup>st</sup> March, 2018.
- 3. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2019 dated 21<sup>st</sup> October, 2019.
- 4. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2018 dated 21<sup>st</sup> March, 2018.
- 5. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2019 dated 21<sup>st</sup> October, 2019.
- 6. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2018 dated 21<sup>st</sup> March, 2018.
- 7. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2018 dated 21<sup>st</sup> March, 2018.
- 8. Government of Punjab vide Notification No.SO (Prosecution)/HD/1-5/2018 dated 21<sup>st</sup> March, 2018.



(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (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;

<sup>17</sup>Provided that no such appointment shall be made, if the prescribed length of service is short by more than <sup>18</sup>[three years].

*WTD 24/12/2011*  
→ (2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

### PART-III

#### INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment :-**(1) Initial appointment to posts <sup>37</sup>[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

<sup>37</sup> Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993

<sup>38</sup> The words one year substituted by Notification No SOR-I(S&GAD)4-1/80/III, dated 14 3 96

<sup>39</sup> The words in basic pay scale-16 to 21 substituted by Notification No SOR-I(S&GAD)1-117-91 (C) Dated 12-10-1993

Annex - K.

59.

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

Dated Peshawar the 30<sup>th</sup> June, 2020

Annex - K

**NOTIFICATION**

**No. SO(PROS)/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, L.L.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	ATC D.I. 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, LLB	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.

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S.#.	Name of Officers	PRESENT POSTING
26.	Muhammad Afzal Khan MA, LLB	Dy. Public Prosecutor, Kohistan (Central)
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, Manshera.
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.

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

SECRETARY  
HOME DEPARTMENT

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.

  
Section Officer (Prosecution)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE**

**TRIBUNAL, PESHAWAR.**

**Service Appeal No. 13582/2020**

Farasat Ullah, Deputy Prosecutor (BPS-18) office of the District Public Prosecutor,  
Tank.

..... Petitioner

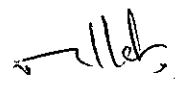
**VERSUS**

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

..... Respondents

**AFFIDAVIT**

I, Naeem Ullah, Assistant Director Legal, Directorate of Prosecution do  
hereby solemnly affirm and declare on oath that the contents of the para wise reply in the  
above cited service appeal No. 13582/2020, are true and correct to the extent of office  
record and belief and nothing has been concealed from this Hon'able court.

  
Deponent

CNIC No. 17301-7860272-7

Cell No. 03159815656

# وکالت نامہ

بعدالت: سروس ٹریبیونل  
فراہمت اللہ بنام حکومت

منجانب Respondent دعویٰ سروس ایبل  
تاریخ 15/7/21

Ms. A. S. Nazim (R22)

Ms. A. S. Nazim (R24)

R.No. 19

Ms. A. S. Nazim (R24)

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی خان  
بمقام۔۔۔۔۔ کیلئے جاوید اقبال گل بیلہ / ایڈووکیٹ ہائی کورٹ کو بدیں شرط وکیل  
مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت 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 ہونگے۔ نیز وکیل صاحب موصوف صدر  
مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ 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 ہونگے۔ 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 اجراء 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 کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل  
کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور  
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتاعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف  
کو بشرط ادا ایگی 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 ہونگے 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 رہے۔  
مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Hang Gul Khan (13)

Ms. A. S. Nazim (R24)

Shahid Ali  
Melli  
15171021  
0300908804  
(16)

M. Nazim (12)

Ref No 2021/5934227

(Adv)

(Adv)

(Adv)

Addresses of Private Respondents

5. Altaf Hussain (Retired), Deputy PP, District Bar Room, District Dera Ismail Khan.
6. Fazal Hadi, DPP (Retired), Distinct Courts, Nowshera
7. Altaf Hussain Akhtar, District PP, District Torghar, oji. courts, District Torghar.
8. Muhammad Afzal, District PP, District PP Office, District Court, District Dir (Upper)
9. Javed Iqbal Anwar, Sr. PP, District PP Office, Abbottabad, District Abbottabad.
10. Muhammad Shakeel Ahmad, Sr. PP, DPP Office, DI Khan.
11. Atta Ullah Khan, District PP District Kurram, c/o District PP Lakki Marwat, Lakki Marwat.
12. Muhammad Nadeem, District PP Lakki Marwat, DPP Office, Lakki Marwat.
13. Hayat Ullah, Sr. PP, District PP, DPP Office District Lakki Marwat, Lakki Marwat.
14. Sher Bahadur, District PP District SW, Political Compound/Court, District Tank.
15. Zia Ullah Wazir, Sr. PP, District PP Office Hangu, District Hangu.
16. Khalid Khan, District PP Swabi, DPP Office, District Courts, Shah Mansoor, District Swabi.
17. Tassawar Abbas, Sr. PP, District PP, Dera Ismail Khan
18. Aman Ullah, District PP North Waziristan, District Courts, Bannu.
19. Muzaffar Ahmad, Sr. PP, District PP Office Mardan.
20. Javed ur Rehman, Sr. PP, District PP, District Mardan.
21. Said Falak Sher, Sr. PP Peshawar, District PP Office Peshawar. District Peshawar.
22. Manzoor Alam Khan, Sr. PP, District PP Office, District Peshawar.
23. Umar Niaz, District PP Orakzai, District Courts Hangu, District Hangu.
24. Rafi Ullah, District PP Nowshera, District PP Office Nowshera, District Nowshera.
25. Muhammad Tufail, Sr. PP, DPP Office, Ghallanai, District Mohmand:
- 26.
27. Asim Mahmood Sr. PP, DPP Office, Abbottabad District Abbotabad.

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