

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 12885/2020

Date of Institution ... 21.10.2020

Date of Decision ... 25.02.2021

Mr. Mujahid Ali, Additional Assistant Commissioner, Hangu at Tall.

... (Appellant)

VERSUSThe Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,  
Peshawar and two others. ... (Respondents)

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Present:MR. KHALID REHMAN,  
Advocate

--- For Appellant.

MR. MUHAMMAD RASHEED,  
Deputy District Attorney

--- For respondents.

MR. MIAN MUHAMMAD  
MR. HAMID FAROOQ DURRANI,--- MEMBER (Executive)  
--- CHAIRMANJUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- Notification dated 02.07.2020 and appellate order dated 30.09.2020 on the appeal of appellant have been assailed and impugned under Section-4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974.

FACTS.

02. Brief facts, as per memorandum of appeal, are that the appellant was inducted in service as Naib Tehsildar (BS-14) in 2009 and subsequently promoted as Tehsildar (BS-16) on 06.04.2018. The Provincial Selection Board in its meeting dated 09.06.2020 deferred his promotion on the ground of general reputation of being corrupt, incompetent and indifferent to his official responsibilities.

Recommendations of the PSB in respect of clear cases were notified on 02.07.2020 which was represented by the appellant through a departmental appeal but the competent authority rejected the same on 30.09.2020, hence the instant service appeal on 21.10.2020.

03. We have heard the parties through their authorized legal counsels and gone through the available record minutely and detailed.

**ARGUMENTS.**

04. Learned counsel for the appellant argued that the PSB could not convene its scheduled meeting on 20.02.2020 when the appellant was on the panel of officers for consideration to be promoted to BS-17 in Provincial Management Service. It was therefore not his fault and as such was eligible for promotion from that date due to availability of vacancy falling in quota reserved for promotion at that very point of time. As a result of not convening meeting of the PSB, 123 direct recruits in BS-17 (PMS) recommended by the Public Service Commission were notified on 29.05.2020 rendering the appellant to become junior to them. He pleaded that as per principle vacancy in a cadre or service group will have to be filled from promotion quota first and then in direct or initial quota. He quoted Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-7(3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989 as well as para-V(a) of the Promotion Policy and submitted that deferment is recommended when inter-se-seniority is disputed/subjudice, disciplinary/departmental proceedings are pending or PER dossier of an officer is incomplete. The appellant was not hit by any of the category of deficiency and as such he was by all means eligible for promotion to BS-17. It was further contended that the appellant has been condemned unheard because no formal enquiry has been

conducted against him on the allegation/remarks recorded by the PSB in its minutes of the meeting dated 09.06.2020. The general reputation of being a corrupt officer is unfound and evasive term because there is no evidence in support of the claim against the appellant. His ACR's throughout his service career have no negative or adverse entry and even his reporting officer (Settlement Officer Nowshera) has given him good ACR's for 2018. To strengthen his arguments the learned counsel for the appellant placed reliance on order No. XX of Supreme Court Rules 1980, 1993 SCMR 2258, 2003 PLC (CS)503, 2006 SCMR 1938 and 2010 PLC (C.S) 760.

05. Learned Deputy District Attorney contradicted the arguments of learned counsel for the appellant and raised preliminary objection on maintainability of the service appeal under Section-4 (b)(i) that determining the suitability of an officer for a particular post falls in the domain of DPC/PSB and as such the Services Tribunal has no jurisdiction on such issues to be adjudicated upon. Reliance was placed on case law reported as 2005 SCMR 1742, PLD 2008 Supreme Court 769. .

### CONCLUSION.

06. It is observed that ACR or performance evaluation report is an authentic service document reflecting on the performance of an officer keeping in view objectivity and not subjectivity by the Reporting Officer in such annual reports. In case, there were instances of inefficiency, misconduct or corruption, the same must have been put in black and white and communicated to the officer reported upon as per procedure and instructions contained in para-4.1 and 4.2 on "Instructions on Performance Evaluation Report 2006". In the instant case the officer has been deferred for promotion to BS-17 on the ground of "his general reputation of being corrupt, incompetent and indifferent to his official responsibilities, as reported by the District Collector Nowshera during his posting as Settlement Tehsildar

Nowshera". However, the officer was working under the direct supervision of Settlement Officer Nowshera who in ACR for the period 01.01.2016 to 30.03.2017 has termed him "a trust worthy officer who knows his job". The remarks of PSB are adverse in nature but neither substantiated with valid documents nor duly communicated to the appellant. The general reputation of officer being corrupt is therefore not based on some credible documentary evidence and as such has no ground to be maintained.

7. Without touching the facts, circumstances and merits of the case the question of jurisdiction comes in the way of adjudication under Section-4 (b)(i) which stipulates that:-

**(b) "no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining---**

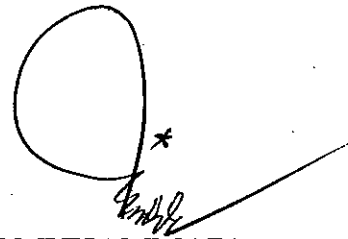
**(i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade.**

We understand that the Provincial Selection Board met on 09.06.2020 to determine the fitness or otherwise of the officers on penal for consideration to be promoted to next higher scale i.e from BS-16 to BS-17 and scrutiny of the documents/service record was the prime and sole criteria before the PSB which the forum did take into consideration before making its recommendations to the competent Authority for approval. As this Tribunal is hit by the above mentioned provision of law, the service Appeal in hand is therefore, dismissed. Parties are left to bear their respective costs. File be consigned to the record room.

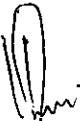

ANNOUNCED  
25.02.2021



(HAMID FAROOQ DURRANI)  
CHAIRMAN



(MIAN MUHAMMAD)  
MEMBER(E)

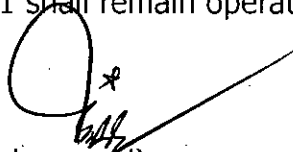
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	25.02.2021	<p><u>Present.</u></p> <p>Mr. Khalid Rehman, ... For appellant Advocate</p> <p>Mr. Muhammad Rashid, ... For respondents Deputy District Attorney</p> <p>Vide our detailed judgment of today consisting of five pages placed on file, We understand that the Provincial Selection Board met on 09.06.2020 to determine the fitness or otherwise of the officers on penal for consideration to be promoted to next higher scale i.e from BS-16 to BS-17 and scrutiny of the documents/service record was the prime and sole criteria before the PSB which the forum did take into consideration before making its recommendations to the competent Authority for approval. As this Tribunal is hit by the above mentioned provision of law, the service Appeal in hand is therefore, dismissed. The parties shall, however, bear their respective costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 25.02.2021</p> <p style="text-align: center;"> Chairman</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

12885/2020

15.02.2021

Mr. Khalid Rehman, Advocate for appellant and Mr. Abdur Rashid, DDA alongwith M/S Tufail, Addl- Secretary (Judicial), Mukaram Khan, S.O (Litigation-I), Irshad Khan S.O (Litigation-III), and Sultan Shah, Superintendent for respondents No. 1 & 2 and Muhammad Ajmal Khan, Assistant Secretary (Litigation) for respondent No. 3 present.

Learned counsel for the appellant as well as learned DDA concluded their respective arguments. To come up for order on 25.02.2021. Order regarding maintenance of status quo passed on 14.01.2021 shall remain operative till next date.

  
(Mian Muhammad)  
Member(E)

  
Chairman

02.02.2021

Counsel for the appellant and Addl. AG alongwith Zar Muhammad, Asstt. for respondents No. 1 & 2 and Muhammad Ajmal, Assistant Secretary for respondent No. 3 present.

Representatives of respondents have submitted joint parawise comments on behalf of all the respondents. A reply of application for order regarding maintenance of status quo has also been submitted. Placed on record.

Learned AAG referred to the order dated 14.01.2021 and stated that order for maintenance of status quo was passed in favour of the appellant apparently due to the fact that the respondents did not submit the requisite reply on two occasions. It was taken as causing the delay in disposal of the appeal.

The representative of respondents stated that the cases for promotion to the post of PMS (BPS-17) <sup>new</sup> ~~was~~ taken up by PSB in its meeting held on 30.12.2020. The recommendations were though handed down by the Board, however, formal notification could not be issued due to the order of maintenance of status quo passed on 14.01.2021. Resultantly, the cases of a number of officers are being delayed.

In view of the facts and circumstances stated by the respondents, it would be most appropriate to adjourn the proceedings for arguments before the Division Bench on an early date. Adjourned to 15.02.2021. The appellant may submit rejoinder to the reply(ies) submitted by the respondents, within ten days, if so advised. Learned counsel for the parties are expected to argue the matter on next date positively. Till next date the order regarding maintenance of status quo dated 14.01.2021 shall remain operative.

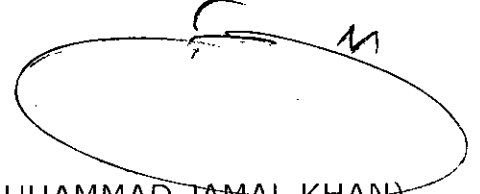
  
Chairman

14.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Zar Muhammad, Assistant, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for furnishing written reply/comments on the next date of hearing. Adjourned to 02.02.2021 on which date file to come up for written reply/comments before S.B.

Learned counsel for appellant submitted application for restraining the respondents from filling the posts of Provincial Management Service (BPS-17) till the final disposal of the instant appeal. Notice of the said application be issued to the respondents for the date fixed. In the meanwhile status-quo subject to the notice be maintained till the date fixed.



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)



17.11.2020

Counsel for the appellant present.

Learned counsel referred to the notification dated 27.02.2020, whereby the appellant, while working as Tehsildar BPS-16, was given responsibilities as Addl. Assistant Commissioner (OPS). On the other hand, the promotion of appellant to PMS BS-17 was deferred in the meeting of PSB held on 09.06.2020, on the ground that he had general reputation of being corrupt, incompetent and indifferent to his official responsibilities. He contended that without proper probe <sup>under</sup> ~~taken~~ <sup>regarding</sup> ~~against~~ the allegations, the appellant could not have been dubbed as corrupt. Furthermore, he was awarded further responsibilities, as stated above, in the same span of time.

In view of arguments of learned counsel as well as available record, instant appeal is admitted to regular hearing subject to all legal/factual objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.12.2020 before S.B.

Appellant Deposited  
Security & Process Fee  
24/11/2020

  
Chairman

11.12.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Naheed Gul Assistant for respondents present.

Written reply was not submitted on behalf of respondents. Representative of respondents made a request for time to furnish reply/comments; granted. To come up for written reply/comments on 14.01.2021 before S.B.



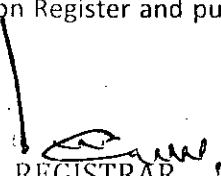

(Rozina Rehman)  
Member (J)

Form- A

### FORM OF ORDER SHEET

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

Case No.- 12885 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/10/2020	<p>The appeal of Mr. Mujahid Ali resubmitted today by Mr. Khaled Rehman 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Mujahid Ali Additional Assistant Commissioner Hangu at Tall received today i.e. on 21.10.2020 is incomplete on the following score which is returned to the counsel for the appelland for completion and resubmission within 15 days.

- 1- Copy of Impugned notification dated 02/07/2020 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of minutes of the PSB mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of order dated 30.09.2020 of the appeal is illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal may be flagged.
- 5- Annexures of the appeal may be attested.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

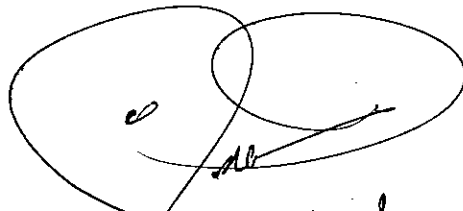
No. 3033 /S.T,

Dt. 22/10 /2020.

  
REGISTRAR,  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr.Khaled Rehman Adv. Pesh.

ذیل کے امور کی ترقی و ترقی کے لئے  
ریورٹ پیش ہے

  
27/10/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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

Mr. Mujahid Ali ..... Appellant

Versus

The Govt. of KPK and others ..... Respondents

**INDEX**

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-5
2.	Letter regarding Meeting of PSB	18.02.2020	A	6
3.	Notification of appointment of Public Service Commission nominees as PMS (BPS-17)	29.05.2020	B	7-10
4.	Impugned Notification	02.07.2020	C	11
5.	Minutes of PSB		D	12-14
6.	Departmental Appeal		E	15-16
7.	Impugned appellate order	30.09.2020	F	17-18
8.	ACRs		G	19-27
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11.	Order of appellant's posting against the post of Additional Assistant Commissioner, Hangu in his own pay and scale	27.02.2020	J	30-31
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Through

Appellant

**Khaled Rahman**

Advocate,  
Supreme Court of Pakistan

&

**Muhammad Amin**

Advocate, High Court

&

**Muhammad Ghazanfar Ali**

Advocate, High Court

4-B, Haroon Mansion

Khyber Bazar, Peshawar

Off: Tel: 091-2592458

Cell # 0345-9337312

Dated: \_\_\_/10/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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

Mr. Mujahid Ali,

Additional Assistant Commissioner,  
Hangu at Tall.....

Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Versus

Diary No. 11853

Dated 21/10/2020

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

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

3. The Senior Member Board of Revenue,  
Khyber Pakhtunkhwa, Peshawar.....

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 02.07.2020 WHEREBY APPELLANT WAS DEFERRED FROM PROMOTION AGAINST THE POST OF PMS (BPS-17) AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL BUT THE SAME WAS UNLAWFULLY REGRETTED VIDE IMPUGNED APPELLATE ORDER DATED

Filed to - d 30/09.2020.

Registrar

21/10/20 PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 02.07.2020 and impugned appellate order dated 30.09.2020 may graciously be set aside and appellant be promoted against the post of PMS (BPS-17) w.e.f. 20.02.2020 with consequential back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

Re-submitted to - day  
and filed.

Registrar  
21/10/2020

1. **That** the appellant is substantively holding the post of Tehsildar and at present is posted as Additional Assistant Commissioner, Hangu at Tall. He has earned good/excellent ACRs with no adverse entries so far. The appellant is placed at Serial No.36 of the updated Seniority List. He rendered meritorious service in the Department.
2. That PMS posts (BPS-17) were lying vacant in the Promotion quota for Tehsildars, for which the names of eligible Officers were processed for promotion. The meeting of PSB was scheduled on 20.02.2020 but unfortunately on the same day, the meeting was postponed (**Annex;-A**) due to the decision delivered by the Peshawar High Court setting aside the Act of Provincial Assembly enhancing the age of retirement to 63 years. Since the appellant apprehended that the nominees of Public Service Commission may, in the meanwhile be appointed, therefore, a request was made to the Department to re-schedule the PSB as soon as possible but the same could not be held, therefore, a Writ Petition was filed in the High Court which is pending. In the meantime the Public Service Commission nominees were appointed as PMS Officers (BPS-17) vide Notification dated 29.05.2020 (**Annex;-B**).
3. That subsequently, another meeting of the PSB was held on 09.06.2020 and vide impugned Notification dated 02.07.2020 (**Annex;-C**) other colleagues of the appellant were promoted to the next higher grade while the appellant was deferred to be kept under watch for a period of one year on the ground:- *the Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera.* (Minutes of PSB **Annex;-D**)
4. **That** appellant, being aggrieved of the impugned Notification *ibid*, filed Departmental Appeal (**Annex;-E**) before the competent authority which was finally regretted vide impugned appellate order dated 30.09.2020 (**Annex;-F**), hence this appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully deprived him from his lawful right of promotion, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the ground of deferment of the appellant for promotion to the next higher grade is not legally correct and therefore, not sustainable in the eye of law.
- C. That the appellant has earned good/excellent ACRs (**Annex;-G**) and is having no adverse entry so far, therefore, the reason mentioned by the PSB appears to be the result of some misinformation as the Reporting Officer and Countersigning Officer of the appellant have declared him fit for promotion to the next higher grade.
- D. That depriving an Officer from promotion in essence is major penalty and therefore, before such penalty the appellant should have been properly confronted with the reason on the basis of which his promotion was deferred.
- E. That as a matter of fact, the appellant earlier applied for ex-Pakistan leave for performance of Umra which was approved and accordingly, the appellant went to Saudi Arabia for the performance of Umra. While the appellant was out of the Country, the Deputy Commissioner, Nowshera made a complaint against the appellant to the Commissioner which was forwarded to the Senior Member Board of Revenue. The allegation was that appellant bypassed the office of Deputy Commissioner, however, subsequently, the appellant was issued a warning letter on 14.10.2016 by the Senior Member Board of Revenue to be careful in future. (**Annex;-H**).
- F. That the allegations of corrupt reputation, incompetency and inefficiency also appear to be the result of some misunderstanding or disinformation because no such allegation has ever been leveled against the appellant by

his immediate bosses as is evident from the previous ACRs of the appellant. Similarly, barring the above mentioned complaint, there is no complaint, warning etc. regarding such allegations. Additionally, the appellant rendered more than 11 years long service during which period never such allegations have ever been raised against him.

- G. That the appellant on account of his efficient and upto-the-mark performance was promoted to the post of Tehsildar on 06.04.2018 (**Annex;-I**) and subsequently was posted in own pay scale against the higher post of Additional Assistant Commissioner, Hangu at Tall on 27.02.2020 (**Annex;-J**). Had the appellant ever remained indifferent, inefficient and holding corrupt reputation then he would have never been granted such high scale promotion/posting.
- H. That promotion is effected under Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section-7(3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 wherein no such conditionality is provided. Similarly, under Para-V(a) of the Promotion Policy, the deferment is only provided where (i) the inter-se seniority is disputed/subjudice; (ii) disciplinary or departmental proceedings are pending; (iii) PER Dossier etc. is incomplete. Thus the non-promotion of the appellant is neither supported by the law nor the Policy governing the promotion.
- I. That the appellant was also entitled for promotion on 20.02.2020 when the promotion was not effected due to the decision of the High Court as explained hereinabove. The settled law on the point is that a civil servant is entitled for promotion with effect from the date of occurrence of vacancy and since the vacancies were available on the date of the previous PSB i.e. 20.02.2020, therefore, appellant is entitled for promotion with effect from 20.02.2020.
- J. That the non-consideration of the appellant for promotion by the PSB on 20.02.2020 was not due to any act on the part of the appellant, therefore,



the appellant may not be made to suffer on that account.

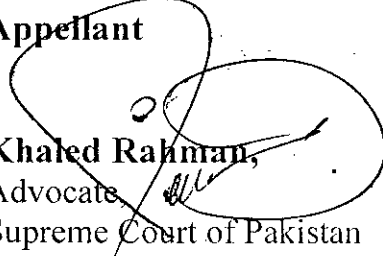
K. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.


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

Through


  
Appellant

  
Khaled Rahman,  
Advocate,  
Supreme Court of Pakistan

&

  
Muhammad Amin  
Advocate, High Court

&

  
Muhammad Ghazanfar Ali  
Advocate, High Court

Dated: \_\_\_\_/10/2020



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-1/2020/(1)  
Dated Peshawar, the 18.02.2020

PS/SMR
By No. 1340
Date 18.2.2020
Govt. of Khyber Pakhtunkhwa

AS(ESR)

- To
1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
  2. The Senior Member,  
Board of Revenue, Khyber Pakhtunkhwa

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

19-2-2020 Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 20.02.2020 at 10:00 am under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting is enclosed.

2. *Sely-I* You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

*18/2/2020*  
(Abdul Hameed)  
SECTION OFFICER (PSB)

*MBR-11*  
*18/2/20*  
Encl. As above  
Endst. of even No. & date.  
A copy is forwarded to:-

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Reg.) Establishment Department.
4. The P.S to Special Secretary (Estt) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

SECTION OFFICER (PSB)

*Attested*  
*[Signature]*

**ATTESTED**

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the May 29, 2020

**NOTIFICATION**

**NO.SOE-HEED/3(81)/2020:-** On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, the competent authority is pleased to appoint the following candidates as officers of Provincial Management Service (BPS-17) (Rs.30370-2300-76370) subject to the terms & conditions mentioned hereunder :-

Sr.#	Name of candidate with father's name	District/Agency of Domicile/Zone
1.	Ms. Tahreem Shah D/O Saad Sohail Shah	Abbottabad / 5
2.	Mr. Sajid Ullah S/O Rasool Shah	Karak / 4
3.	Mr. Ahmad Nasrullah Mulk S/O Nasrullah Khan Malik	Hangu / 4
4.	Mr. Fida Hussain S/O Noor Hani Gul	Swat / 3
5.	Mr. Faisal Ismail S/O Muhammad Ismail	Swat / 3
6.	Syed Mehar Ali Shah S/O Syed Muhammad Ali Shah	Dir Lower / 3
7.	Mr. Muhammad Sohail S/O Muhammad Umer	Malakand / 3
8.	Ms. Farangis Azim D/O Muhammad Azim Khan	Peshawar / 2
9.	Mr. Atta Ullah S/O Sultan Mughal	Peshawar / 2
10.	Mr. Atif Afridi S/O Muhammad Kharshid Afridi	Khyber / 1
11.	Ms. Navaira Farooq D/O Muhammad Farooq	Haripur / 5
12.	Mr. Aamir Zeb S/O Alamzeb	Charsadda / 2
13.	Mr. Sadiq Ali S/O Muhammad Ismail	Charsadda / 2
14.	Mr. Tauseef ur Rehman S/O Sana ur Rehman	Peshawar / 2
15.	Mr. Muhammad Amir Khan S/O Sharif Ullah	Nowshera / 2
16.	Mr. Sheroz Rashid Ahmad Khan S/O Rashid Ahmad Khan	Lakki Marwat / 4
17.	Syed Muhammad Arslan S/O Mutahir Shah	Charsadda / 2
18.	Mr. Muhammad Bilal Naseer S/O Nasir Muhammad Khan	Swabi / 2
19.	Mr. Muhammad Fayaz S/O Muhammad Iqbal	Charsadda / 2
20.	Mr. Khalid Imran S/O Gul Nawab Khan	South Waziristan / 1
21.	Mr. Zyed Khan Sufi S/O Ihsanullah Khan Sufi	Mohmand / 1
22.	Mr. Muhammad Buraq Awan S/O Tariq Awan	Manshra / 5
23.	Syeda Zainab Naqvi D/O Syed Ali Anjum Naqvi	Peshawar / 2
24.	Mr. Anis ur Rehman S/O Muhammad Dost	Chitral / 3
25.	Mr. Riaz Ali S/O Mehmood Khan	South Waziristan / 1
26.	Mr. Wasim Ullah Khan Khattak S/O Nasim Khan Nasim	Karak / 4
27.	Ms. Sonia Naz D/O Niaz Muhammad Khan	Nowshera / 2
28.	Mr. Shayam Ali S/O Muhammad Ali	Peshawar / 2
29.	Mr. Kabir Ahmad Khan S/O Bakhtyar	Swat / 3
30.	Mr. Adnan Khan S/O Muhammad Jun Momand	Mohmand / 1
31.	Mr. Sohail Ahmad Shah Bukhari S/O Sher Ahmad Shah Bukhari	D.I.Khan / 4
32.	Mr. Fahd Zia S/O Zia ul Islam	Manshra / 5
33.	Mr. Khayyam Nasir S/O Mirza Khan	Mohmand / 1

ATTES  
ATTESTED

ATTESTED

B

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34.	Mr. Haroon Salim S/O Muhammad Salim Khan	South Waziristan / 1
35.	Mr. Khizar Falz S/O Falz ur Rab	Swabi / 2
36.	Ms. Sana Shah D/O Syed Yousaf Shah	Munsehra / 5
37.	Mr. Asfandyar Khalid S/O Khalid Khan	Peshawar / 2
38.	Mr. Shahid S/O Ilam Shah	Kohat / 4
39.	Mr. Muhammad Ali S/O Miun Bahadar	Malakand / 3
40.	Mr. Inam Ullah S/O Asul Mir	North Waziristan / 1
41.	Mr. Awais Khan S/O Hidayat Ullah Khan	Mohmand / 1
42.	Mr. Sheroze Mufti S/O Mufti Attaullah Jan	Peshawar / 2
43.	Mr. Junaid Akbar Marwat S/O Muhammad Akbar Khan	Peshawar / 2
44.	Mr. Muhammad Shahbaz Khan S/O Ghulum Asif Khan	Peshawar / 2
45.	Mr. Irshad ul Haq S/O Ihsan ul Haq	Malakand / 3
46.	Mr. Muhammad Fasih Ishaq Abbasi S/O Muhammad Ishaq Abbasi	Abbottabad / 5
47.	Mr. Shahab Ahmad Khan S/O Shah Naraz Khan	Lakki Marwat / 4
48.	Mr. Junaid Khalid S/O Muhammad Khalid	Abbottabad / 5
49.	Mr. Amir Mustafa S/O Abduljabbar	Peshawar / 2
50.	Mr. Munir Ahmad Khan S/O Sharif Khan	Mohmand / 1
51.	Ms. Tania Shaheen D/O Muhammad Shaheen	Abbottabad / 5
52.	Syed Yasir Ali Shah S/O Shoukat Ali Shah	Peshawar / 2
53.	Mr. Muhammad Sohail Khan S/O Rajwali Khan	Nowshera / 2
54.	Ms. Muriam Hameed D/O Hameed Khan	Swabi / 2
55.	Mr. Salimullah Khan Ayubi S/O Amanullah Khan	Chitral / 3
56.	Mr. Kamran Khan S/O Farman Ullah	Malakand / 3
57.	Mr. Muhammad Hamid Siddique S/O Muhammad Siddique	Abbottabad / 5
58.	Mr. Saad Muneer S/O Muneer Ahmad	Munsehra / 5
59.	Ms. Sameera Saba D/O Wilayat Shah	Peshawar / 2
60.	Mr. Bilal Nasir S/O Nasir Ali	Mohmand / 1
61.	Mr. Sultan Noor ud Din Ahmar S/O Sultan Noor Ahmad	D.I.Khan / 4
62.	Mr. Luqman S/O Abdul Qadus	Tribal Sub Division Bannu / 1
63.	Mr. Muhammad Ahsan Tahir S/O Muhammad Tahir Furooq	Kohat / 4
64.	Mr. Allah Nawaz S/O Abdul Haseeb	Bajaur / 1
65.	Mr. Shahidullah S/O Ghani ur Rehman	Mardan / 2
66.	Mr. Shakeel Ahmad S/O Shah Zada	Bajaur / 1
67.	Mr. Hazrat Bilal S/O Hazrat Jamal	Mardan / 2
68.	Mr. Amir Ullah Khan S/O Shah Teman Khan	Tribal Sub Division Bannu / 1
69.	Mr. Riyaz Ahmad S/O Abdul Hamid Khan	Chitral / 3
70.	Mr. Sikandar Afzaal S/O Alamgeer Khan	Charsadda / 2
71.	Mr. Usman Hamza S/O Yaqoob Khan	Peshawar / 2
72.	Mr. Aftab Alam S/O Shah Muslim	Malakand / 3
73.	Mr. Naseer Abbas Khalil S/O Nausherawan	Peshawar / 2
74.	Mr. Muhammad Saqib S/O Gulzar Muhammad	Mardan / 2
75.	Mr. Noor Nawaz S/O Zerab Gul	Bajaur / 1
76.	Mr. Zarak Yar Khan Toru S/O Hanifullah Khan Toru	Mardan / 2
77.	Mr. Bagir Ali S/O Zulfiqar Ali	Mardan / 2
78.	Mr. Muhammad Idrees Khan S/O Saeed ur Rehman	Charsadda / 2
79.	Mr. Adnan Mumtaz S/O Mumtaz Khan	Karak / 4
80.	Mr. Noman Pervaiz S/O Muhammad Pervaiz	Swat / 3
81.	Ms. Misbah Waheed D/O Abdul Waheed Khan	Abbottabad / 5
82.	Syed Ahsan Ali Shah S/O Syed Liaqat Shah	Haripur / 5

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83.	Mr. Junaid Shah S/O Bahramand	Malakand / 3
84.	Mr. Zeeshan Najeeb S/O Najeeb Ullah	Peshawar / 2
85.	Mr. Ishtiaq Ahmad S/O Said Muhammad	Bajaur / 1
86.	Mr. Shah Nawaz Khan S/O Wali Muhammad	Nowshera / 2
87.	Ms. Natasha Sumbal D/O Afsar Said	Mardan / 2
88.	Mr. Naveed Ahmed S/O Azizullah	Chitral / 3
89.	Mr. Umar Mukhtar S/O Ahmed Mukhtar	Peshawar / 2
90.	Ms. Mariam Burki D/O Mano Jan	South Waziristan / 1
91.	Mr. Muhammad Faizan Zeb S/O Aurangzeb	Abbottabad / 5
92.	Mr. Fawad Ahmad Khan S/O Mohabat Khan	Peshawar / 2
93.	Ms. Sabecha Hastam D/O Hastam Khan	Mardan / 2
94.	Mr. Aftab Ahmed S/O Muhammad Shuaib	Swat / 3
95.	Ms. Khaula Haqdar D/O Muhammad Haqdar	Charsadda / 2
96.	Mr. Muhammad Ali S/O Muhammad Khurshid	Abbottabad / 5
97.	Ms. Sohny Saleem D/O Muhammad Saleem	D.I.Khan / 4
98.	Mr. Ramiz Ali Shah S/O Rifaqat Shah	Abbottabad / 5
99.	Mr. Umer Ahmad Khithran S/O Ghulam Ahmad	Tank / 4
100.	Mr. Aimal Khan S/O Muhammad Ilyas	Dir Lower / 3
101.	Mr. Jamshed Alam Khan S/O Muhammad Nawaz	Lakki Marwat / 4
102.	Ms. Haseena Khan D/O Baitullah Khan	Bannu / 4
103.	Mr. Sanullah S/O Ghulam Rehman	Dir Lower / 3
104.	Ms. Brekhna Habib D/O Qazi Habib ul Haq	Nowshera / 2
105.	Mr. Nadir Nazar S/O Akbar Khan	Chitral / 3
106.	Mr. Nasir Ali S/O Abdul Ahad	Buner / 3
107.	Mr. Saddam Hussain S/O Jamshed Khan	Mohmand / 1
108.	Ms. Madecha Khan D/O Nisar Khan	Swabi / 2
109.	Ms. Nayab Abbasi D/O Khaliq Dad Abbasi	Abbottabad / 5
110.	Mr. Shah Wali Khan S/O Saif Ullah Khan	South Waziristan / 1
111.	Mr. Waseem Yousuf Khan Khattak S/O Muhammad Yousuf Khan	Karak / 4
112.	Ms. Samia Jabeen D/O Muhammad Sharif	Lakki Marwat / 4
113.	Ms. Samira Mahsood D/O Abdul Hakeem Jan Mahsood	South Waziristan / 1
114.	Ms. Shagufta Sarwar D/O Hakim Sarwar	Chitral / 3
115.	Ms. Sana Fatima D/O Syed Wajid Ali	Abbottabad / 5
116.	Ms. Sahar Anwar Khan D/O Muhammad Anwar	Swabi / 2
117.	Ms. Sanovia Kakar D/O Shad Pervez	Peshawar / 2
118.	Ms. Misbah Khalid D/O Khalid Khan	Mansehra / 5
119.	Ms. Sara Humayoun D/O Muhammad Humayoun	Swat / 3
120.	Ms. Shawana Haleem D/O Rohaleem Jan	Bajaur / 1
121.	Ms. Christina Zeb ul Nisa Feroz D/O Sikandar Feroz	Peshawar / 2
122.	Mr. Fawad Ahmad S/O Khosh Wali	Chitral / 3
123.	Mr. Adnan Haider Malooki S/O Abdur Rashid Khan	Peshawar / 2

#### TERMS & CONDITIONS

- a) They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and the Rules made thereunder.
- b) The appointed officers shall remain on probation for a period of one year, in terms of Section 6(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which is extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of the rules ibid.

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c) Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation if their performance during this period is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, pay for one month shall be forfeited.

d) They will not be entitled to any TA/DA on their first appointment as Provincial Management Service (BS-17) officers.

2- If the above terms & conditions are acceptable to them, they should report to the Director General, Pakistan Provincial Services Academy, Peshawar on 02<sup>nd</sup> June, 2020 (P.N).

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**ENDST. NO. AND DATE EVEN.**

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Pakistan Provincial Services Academy, Peshawar with reference to letter No. PPSA/TRG/C-86/939, dated: 19.05.2020.
3. Director Examination, Khyber Pakhtunkhwa Public Service Commission, 2 Fort Road Peshawar Cantt with reference to letter No. PSC-PMS-EXAM-2018/004947 dated: 28.02.2020.
4. Deputy Secretary (Admn.), Administration Department.
5. SO(Secret)/SO(Admn)/S.O.(Budget)/E.O/Programmer/Librarian, E&AD.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department.
8. PS to Secretary Administration Department.
9. PS to Secretary Finance Department.
10. PS to Special Secretary(Estt), Establishment Department.
11. PA to Deputy Secretary(Estt) Estt: Dept.
12. Manager, Govt. Printing Press Peshawar.
13. All candidates concerned.
14. Office order file.

*(Signature)*  
(29/5/2020)  
C (SHAHBAZ KHATTAK)  
SECTION OFFICER (E-II)

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~~ATTESTED~~

~~ATTESTED~~



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
BOARD OF REVENUE,  
REVENUE & ESTATE DEPARTMENT.

**NOTE FOR CHIEF SECRETARY**

**SUBJECT:- DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION  
DATED 02.07.2020.**

Attention is invited to Departmental Appeal / Representation (Annexure-A) filed by Mr. Mujahid Ali Additional Assistant Commissioner (OPS) Thall District Hangu against the PSB whereby he was not considered for promotion to the post of PMS BS-17 on regular basis.

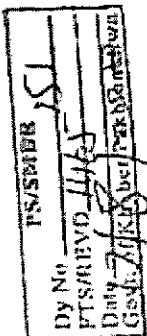
**Parawise comments are as under:-**

1. Pertains to record.
2. Correct to the extent that the request of the appellant for holding Provincial Selection Board (PSB) was forwarded to the Competent Authority i.e. Secretary Establishment Department as holding of Provincial Selection Board (PSB) is the job of Establishment Department (Annexure-B). So far as Writ Petition of the appellant is concerned, the same has also been forwarded to Establishment Department with the request to prepare joint parawise comments and submit the same for signature of Senior Member, Board of Revenue as respondent No. 2 (Annexure-C).
3. It is the decision of the Provincial Selection Board (PSB), therefore, Establishment Department would be in a better position to include their input.
4. Departmental Appeal of the appellant is not maintainable.

**GROUNDS**

- A. Incorrect. It is the decision of the Provincial Selection Board (PSB).
- B. Pertains to record.
- C. Pertains to Establishment Department.
- D. Correct to the extent of Ex-Pakistan leave for the performance of Umra which was granted by the Competent Authority and the case was filed. However, a warning was issued to the appellant to be careful in future and route his application if any through proper channel i.e Deputy Commissioner concerned (Annexure-D & E).
- E. Pertains to record.
- F. Pertains to Establishment Department
- G. Pertains to Establishment Department.
- H. Pertains to Establishment Department.
- I. It is the decision of the Provincial Selection Board (PSB).

Submitted please.



**Secretary Establishment**

**ATTESTED**

Senior Member

12/8/2020

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Annex D

ITEM NO (03)

**ESTABLISHMENT DEPARTMENT**

(Meeting of PSB held on 09.06.2020)

**SUBJECT: - PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS BS-17**

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 153 where 98 officers are already working. Hence 55 posts of PMS BS-17 are lying vacant. The Board considered promotion against 53 posts by excluding 02 posts vacated due to conditional retirement of the officers in wake of Peshawar High Court judgment dated 19.02.2020.

2. According to the Provincial Management Service Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

*"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute".*

3. The service record of the officers included in the panel were discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Ikramullah.	His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that a case is pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available.  The Board recommended to defer his promotion.
2.	Mr. Kiramatullah.	His date of birth is 20.1.1961. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that he opted to forego his promotion twice, once on 02.01.2012 and again on 14.11.2017. His case was considered in terms of Rule 7(5) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which provides that if a civil servant declines to avail the benefit of promotion for

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	<p>The Board, therefore, decided to keep the officer under watch for a period of one year.</p>
Mr. Muhammad Ar.	<p>His date of birth is 02.02.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
36. Mr. Mujahid Ali.	<p>His date of birth is 19.04.1974. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. The Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera.</p> <p>The Board, therefore, decided to keep the officer under watch for a period of one year.</p>
37. Mr. Syed Abdul Akbar Shah.	<p>His date of birth is 11.04.1981. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p>
38. Mr. Rahim Shah.	<p>His date of birth is 13.01.1969. He joined government</p>

**ATTESTED**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated 27/06/2016

ORDER

No. Estt: V/Mujahid/Comm/\_\_\_\_\_ Sanction is hereby accorded to the grant of 19 days Ex-Pakistan Leave (subject to title) in favour of Mr. Mujahid Khan Naib Tehsildar w.e.f 27.06.2016 to 15.07.2016 (Both days inclusive) for performance of Umra.

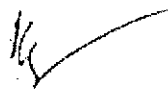
Further Provincial Government has no objection to his proceeding abroad in connection with performance of Umra.

By Order of  
Senior Member

No. Estt: V/Mujahid/Comm/ 17597-602

Copy forwarded to the:-

1. Deputy Commissioner, Nowshera.
2. Settlement Officer Nowshera.
3. District Accounts Officer, Nowshera.
4. Official concerned.
5. Personal file.

  
Assistant Secretary (Estt.)

  
**ATTESTED**

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Annex 'E'

The worthy Chief Minister,  
Khyber Pakhtunkhwa  
Chief Minister's Secretariat, Peshawar.

**Through Proper Channel**

**Subject: Departmental Review against the Notification dated 02.07.2020.**

Respected Sir,

1. **That** the appellant is substantively holding the post of Tehsildar and at present is posted as Additional Assistant Commissioner, Hangu at Tall. He has earned good/excellent ACRs with no adverse entries so far. The appellant is placed at Serial No.36 of the updated Seniority List. He rendered meritorious service in the Department.
2. That PMS posts (BPS-17) were lying vacant in the Promotion quota for Tehsildars, for which the names of eligible Officers were processed for promotion. The meeting of PSB was scheduled on 20.02.2020 but unfortunately on the same day, the meeting was postponed (**Annex;-aa'A**) due to the decision delivered by the Peshawar High Court setting aside the Act of Provincial Assembly enhancing the age of retirement to 63 years. Since the appellant apprehended that the nominees of Public Service Commission may, in the meanwhile be appointed, therefore, a request was made to the Department to re-schedule the PSB as soon as possible but the same could not be held, therefore, a Writ Petition was filed in the High Court which is pending. In the meantime the Public Service Commission nominees were appointed as PMS Officers (BPS-17) vide Notification dated 29.05.2020 (**Annex;-B**).
3. That subsequently, another meeting of the PSB was held on 09.06.2020 and vide impugned Notification dated 02.07.2020 (**Annex;-C**) other colleagues of the appellant were promoted to the next higher grade while the appellant was deferred to be kept under watch for a period of one year on the ground:- *the Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera.*
4. That being aggrieved, the appellant prefers this Departmental Representation inter-alia on the following grounds:-

**GROUND:**

- A. That the ground of deferment of the appellant for promotion to the next higher grade is not legally correct and therefore, not sustainable in the eye of law.
- B. That the appellant has earned good/excellent ACRs (**Annex;-D**) and is having no adverse entry so far, therefore, the reason mentioned by the PSB appears to be the result of some misinformation as the Reporting Officer and Countersigning Officer of the appellant have declared him fit for promotion to the next higher grade.
- C. That depriving an Officer from promotion in essence is major penalty and therefore, before such penalty the appellant should have been properly confronted with the reason on the basis of which his promotion was deferred.
- D. That as a matter of fact, the appellant earlier applied for ex-Pakistan leave for performance of Umra which was approved and accordingly, the appellant went to Saudi Arabia for the performance of Umra. While the appellant was out of the

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Country, the Deputy Commissioner, Nowshera made a complaint against the appellant to the Commissioner which was forwarded to the Senior Member Board of Revenue. The allegation was that appellant bypassed the office of Deputy Commissioner, however, subsequently, the appellant was issued a warning letter on 14.10.2016 by the Senior Member Board of Revenue to be careful in future. (Annex;- 'E').

- E. That the allegations of corrupt reputation, incompetency and inefficiency also appear to be the result of some misunderstanding or disinformation because no such allegation has ever been leveled against the appellant by his immediate bosses as is evident from the previous ACRs of the appellant. Similarly, barring the above mentioned complaint, there is no complaint, warning etc. regarding such allegations. Additionally, the appellant rendered more than 11 years long service during which period never such allegations have ever been raised against him.
- F. That the appellant on account of his efficient and upto-the-mark performance was promoted to the post of Tehsildar on 06.04.2018 (Annex;- 'F') and subsequently was posted in own pay scale against the higher post of Additional Assistant Commissioner, Hangu at Tall on 27.02.2020 (Annex;- 'G'). Had the appellant ever remained indifferent, inefficient and holding corrupt reputation then he would have never been granted such high scale promotion/posting.
- G. That promotion is effected under Section-9 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section-7(3) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 wherein no such conditionality is provided. Similarly, under Para-V(a) of the Promotion Policy, the deferment is only provided where (i) the inter-se seniority is disputed/subjudice; (ii) disciplinary or departmental proceedings are pending; (iii) PER Dossier etc. is incomplete. Thus the non-promotion of the appellant is neither supported by the law nor the Policy governing the promotion.
- H. That the appellant was also entitled for promotion on 20.02.2020 when the promotion was not effected due to the decision of the High Court as explained hereinabove. The settled law on the point is that a civil servant is entitled for promotion with effect from the date of occurrence of vacancy and since the vacancies were available on the date of the previous PSB i.e. 20.02.2020, therefore, appellant is entitled for promotion with effect from 20.02.2020.
- I. That the non-consideration of the appellant for promotion by the PSB on 20.02.2020 was not due to any act on the part of the appellant, therefore, the appellant may not be made to suffer on that account.

It is, therefore, respectfully prayed that on acceptance of this Departmental Representation, the appellant may graciously be promoted to PMS Officer (BPS-17) with effect from 20.02.2020 with all back benefits after modifying the impugned Notification dated 02.07.2020.

Yours faithfully

Mujahid Ali,  
Additional Assistant Commissioner,  
Hangu at Tall

Dated: \_\_\_\_/07/2020





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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT "F"

Annex "F"

Dated Peshawar the September 30, 2020

ORDER

NO.SOE-II(ED)2(192)2020: WHEREAS Mr. Mujahid Ali (Tehsildar, Board of Revenue, Khyber Pakhtunkhwa) presently posted as Additional Assistant Commissioner (OPS), Hangu filed a departmental appeal wherein he has raised the following objections:

- i. That he was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. Moreover, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again reschedule on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred to be kept under watch for a period of one year on the ground that the Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera. Moreover, the allegations of corrupt reputation, incompetency and inefficiency also appear to be the result of some misunderstanding or disinformation because no such allegation has ever been leveled against the applicant by his immediate bosses as is evident from the previous ACRs of the applicant.
- iii. That depriving him from promotion in essence is major penalty and therefore, before such penalty the applicant should have been properly confronted with the reason on the basis of which his promotion was deferred.

AND WHEREAS Mr. Mujahid Ali (Tehsildar, Board of Revenue, Khyber Pakhtunkhwa) presently posted as Additional Assistant Commissioner (OPS), Hangu prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

AND WHEREAS PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. A considerable number of officers included in the panel of PSB got retired by attaining the age of superannuation i.e. 60 years in the light of the said judgment and their names had to be excluded from the working papers. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: S.O.Policy/E&AD 1-13 2019 dated: 16.03.2020. Resultantly, fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous work. Furthermore, PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19

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and closure of all the departments except a few essential ones. These departments, being closed could not prepare the working papers.

AND WHEREAS contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 25.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

AND WHEREAS Provincial Selection Board is not convened to consider a solo cadre promotional agenda but to consider the promotions of officers of various cadres / scales from BS-17 to BS-21 throughout the Province. Therefore, PSB was convened on 09.06.2020 after completion of all local formalities.

AND WHEREAS PSB is the competent forum to decide the promotion of the incumbents therefore, contrary to the assertion of the applicant the minutes of the PSB held on 09.06.2020 reveal that he was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. The Board took notice of his general reputation and difference to his official responsibilities on perusal of his performance evaluation reports. The Board therefore, decided to keep the officer under watch for a period of one year for further assessment for marked improvements in performance before recommendation for promotion.

NOW THEREFORE, after due consideration of all the points voiced in the appeal and record, rules / policies in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

Encl. No. & Date even  
Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department.
6. Official concerned, *Mr. Mujahid Ali: Additional Assistant*
7. Manager, Government Printing Press. *Commissioner Hangu*

(30/9/20)

*[Handwritten Signature]*  
(SH. HFAZ KHATTAK)  
SECTION OFFICER  
(ESTABLISHMENT-II)

**ATTESTED**

Performance Evaluation  
Report Form for the Officers BS-16

GOVERNMENT OF KHYBER PAKHTUNKHWA

Revenue & Estate Department <sup>Pakhtunkhwa</sup> Khyber PC 5  
(DEPARTMENT) (Name of Service)

Annual 2018 REPORT FOR THE PERIOD Jan. 2018 TO 31/12/2018  
SPECIAL

PART-I

1. Name (in block letters) MUSAHID ALI (a) Father's Name KHALIL-UR-REHMAN
2. Designation Tehsildar
3. Academic qualifications MA
4. Date of birth 9th April, 1974
5. Total Service 9 YEARS
6. Knowledge of language Pashto, Urdu & English
7. Special training Disaster management & Public administration, Revenue  
CIS (Geographic information system)

Post held during the period

Post	Period	Pay
<u>Tehsildar Peshawar</u>	<u>23/5/18 to 21/8/2019</u>	<u>BPS 16</u>

**ATTESTED**


of the officer by initiating in the appropriate column below:-

Very Good	Good	Average	Below Average	Poor	Remarks on special aptitude, if any, e.g., for Secretariat, Executive, Judicial, Developmental or diplomatic work.
	✓				the officer has found duties, efficient and performed the assigned tasks well.

**FITNESS FOR PROMOTION**  
(Initiate the appropriate box below)

- Recommended for accelerated promotion.
- Fit for promotion.
- Recently promoted, assessment for further promotion premature.
- Not yet fit for promotion, out likely to become fit in course of time.
- Unfit for further promotion, has reached his ceiling.

Pen Picture

Reporting Officer's Signature 

Name (in block letters) SHAHID ALI

Designation ADC - Peshawar **DEPUTY COMMISSIONER PESHAWAR**

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

**PART-IV**

Remarks of the Countersigning Officer

I consider that the assessment made by the Reporting Officer is very good/reasonably good/strict/lenient/biased. The remarks underlined in red ink should be communicated in writing. I have the following remarks to add:-

Agreed with the reporting officer.

Countersigning Officer's Signature Shahab Ali

Name (in block letters) SHAHAB ALI

Designation Deputy Commissioner

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

The name and designation of the Reporting/Countersigning Officer should be typed, written in Block Letters or rubber stamped below the signature.

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

For the Year Ending 1/1/2016 to 30/3/17

Note :- (1) This form should be filled according to the instructions contained in the Services and General Administration Department Letter No.Sr-11/2-56-189, dated 20-03-1987.

Note :- (2) This report is to be written by the Reporting Officer for each calendar year's end and to be initiated in the first week of January unless it is written at any other time on transfer of Reporting Officer.

- 1. Name of Officer. MUSADDID ALI
- 2. Name of Service. Naib Tehsildar
- 3. Qualification. M.A
- 4. Total Service. \_\_\_\_\_
- 5. Scale of Pay with present Pay. BPS 14.
- 6. Post held during the year with period. Settlement Tehsildar (CEB) Peshawar.
- 7. Particular Remarks on: \_\_\_\_\_

- 1. Judgment and Sense of Proportion. good
- 2. Initiative and Drive. good
- 3. Technical Knowledge & Application. good
- 4. Supervision & Control over Subordinates. good
- 5. Integrity. Yes
- 6. Co-operation with other Departments. Best
- 7. Relation with Public. Best
- 8. Suitability for Promotion. Yes.
- 9. Knowledge of Languages. English, Urdu, Pashto

**ATTESTED**


B: GENERAL REMARKS:

Note: - This report which should be in the narrative form should comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality and health, character and ability, making particular mention of his relations with fellow officers and subordinates where necessary.

In case of officers exercising magisterial powers, the report should be written with special reference to Law and Procedure. Promptness in disposal of cases and the quality and clarity of judgment.

A hard working officer who knows his job

Date: \_\_\_\_\_

Signature 


Name: MUHAMMAD ALI SHAH  
(In block letters)

Designation: Settlement Officer  
Mr. Wshea ✓

C: General Remarks by the Countersign Authority

I <sup>am</sup> agree with reporting officer.

Date: \_\_\_\_\_

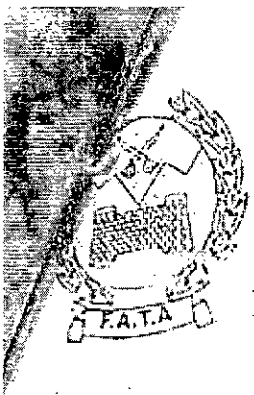
Signature 

Name: TAMIR MOHAMMAD  
(In block letters)

Designation: D.L.R. K.P.K.

**ATTESTED**  


23



TO WHOM IT MAY CONCERN

Certified that Mr. Mujahid Ali, Naib Tehsildar had been waiting for posting w.e.f. 01.04.2017 to 30.10.2017 at FATA Secretariat was not involved in any departmental disciplinary or judiciary proceedings.

*[Handwritten Signature]*  
10/11/18  
Section Officer  
Law & Order  
FATA Secretariat, Peshawar  
Section Officer  
Law & Order Deptt.  
Fata Secretariat Peshawar

**ATTESTED**

*[Handwritten Signature]*  
**ATTESTED**

GENERAL REMARKS:

- 24

Note: - This report which should be in the narrative form should comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality and health, character and ability, making particular mention of his relations with fellow officers and subordinates where necessary.

In case of officers exercising magisterial powers, the report should be written with special reference to Law and Procedure. Promptness in disposal of cases and the quality and clarity of judgment.

The officer is hardworking, obedient and soft spoken.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

*[Handwritten Signature]*

Assistant Political Agent  
Bairai Sub-Division  
Mohmand Agency

Name: \_\_\_\_\_

(In block letters)

Designation: \_\_\_\_\_

C: General Remarks by the Countersign Authority

I Agree.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

*[Handwritten Signature]*

Political Agent  
Mohmand Agency

Name: \_\_\_\_\_

(In block letters)

Designation: P.A. Mohmand

**ATTESTED**

GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

For the Year Ending 2015 Pending year

Note :- (1) This form should be filled according to the instructions contained in the Services and General Administration Department Letter No.Sr-11/2-56-189, dated 20-03-1987.

Note :- (2) This report is to be written by the Reporting Officer for each calendar year's end and to be initiated in the first week of January unless it is written at any other time on transfer of Reporting Officer.

1. Name of Officer. MUSOHID ALI
2. Name of Service. Narb Tehsildar
3. Qualification. M.A
4. Total Service. Six years
5. Scale of Pay with present Pay. BPS 14
6. Post held during the year with period. Settlement Tehsildar (CCB) Nowshera,
7. Particular Remarks on:

1. Judgment and Sense of Proportion. good
2. Initiative and Drive. good
3. Technical Knowledge & Application. good
4. Supervision & Control over Subordinates. good
5. Integrity. good
6. Co-operation with other Departments. Yes
7. Relation with Public. Yes
8. Suitability for Promotion. Yes
9. Knowledge of Languages. English, Urdu, Pashto

**ATTESTED**

B: GENERAL REMARKS:

Note: - This report which should be in the narrative form should comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality and health, character and ability, making particular mention of his relations with fellow officers and subordinates where necessary.

In case of officers exercising magisterial powers, the report should be written with special reference to Law and Procedure, Promptness in disposal of cases and the quality and clarity of judgment.

A responsible officer can be depended upon.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Name: Muhammad Ali Shah  
(In block letters)

Designation: Settlement Officer  
Naushad ✓

C: General Remarks by the Countersign Authority:

I am agree with the reporting officer

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Name: Tahir Mohammad  
(In block letters)

Designation: D.A.O. K.P.K.

**ATTESTED**

T-27

Form-A  
Officers

Secret

GOVERNMENT OF KHYBER PAKHTUNKHWA  
REVENUE AND ESTATE DEPARTMENT

For the Year Ending 2014 Budgeting year

Note :- (1) This form should be filled according to the instructions contained in the Services and General Administration Department Letter No.Sr-11/2-56-189, dated 20-05-1987.

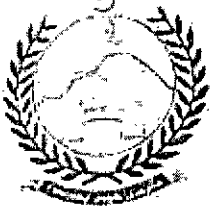
Note :- (2) This report is to be written by the Reporting Officer for each calendar year's end and to be initiated in the first week of January unless it is written at any other time on transfer of Reporting Officer.

- 1. Name of Officer: MUJAHID ALI
- 2. Name of Service: Nauib Tehsildar
- 3. Qualification: M.A
- 4. Total Service: \_\_\_\_\_
- 5. Scale of Pay with present Pay: BPS 14
- 6. Post held during the year with period: PT Baizai Tehsil, mohmand agency
- 7. Particular Remarks on: \_\_\_\_\_

- 1. Judgment and Sense of Proportion. good
- 2. Initiative and Drive. good
- 3. Technical Knowledge & Application: v. good
- 4. Supervision & Control over Subordinates. good
- 5. Integrity. good
- 6. Co-operation with other Departments. v. good
- 7. Relation with Public. v. good
- 8. Suitability for Promotion. yes
- 9. Knowledge of Languages. English, Urdu, Pashto

**ATTESTED**

28 Annex "H"  
GOVERNMENT OF KHYBER PAKHTUN  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT



No. Estt: V/PF/Mujahid/Comm/ 2491  
Peshawar dated the 16/10/2016.

To.

Mr. Mujahid Ali  
Tehsildar Settlement Nowshera (CCB)

Through Settlement Officer Nowshera.

SUBJECT: WARNING.

That you submitted an application for Ex- Pakistan leave through Settlement Officer Nowshera without approval / recommendation of Deputy Commissioner Nowshera. Under the rules the Deputy Commissioner / District Collector was required to recommend your application for ex - Pakistan leave but in the instant case you ignored District Collector and recommended the same from Settlement Officer concerned directly. which comes under mis-conduct and in efficiency on your part.

Taking a lenient view this time, you are hereby warned to be careful in future and follow the law / rules. otherwise strict disciplinary action will be taken against you.

  
Assistant Secretary (Estt.)

  
**ATTESTED**





29 | Annex 'D' I  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 6/04/2018

NOTIFICATION

No. Estt:/DPC/Tehsildar/2017/ \_\_\_\_\_ / Consequent upon the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to order the promotion of the following Naib Tehsildars and Sub - Registrar (BS - 14) to the post of Tehsildar (BS - 16) on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr. Afsar Khan
2.	Mr. Yasir Salman Kundi
3.	Mr. Ahmad Hashmi
4.	Mr. Aminullah Khan
5.	Mr. Zahid Younis
6.	Mr. Niamatullah
7.	Mr. Mohammad Raiz
8.	Mr. Sher Ali Khan
9.	Mr. Munawar Shah
10.	Mr. Ifikhar-ud-Din
11.	Mr. Younis Khan
12.	Mr. Mujahid Ali
13.	Syed Abdul Akbar Shah

2. On promotion, the above officials will be 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 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules - 1989.

By order of  
Senior Member

No. Estt:/DPC/Tehsildar/2017/15396-404,

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Additional Chief Secretary FATA Secretariat Peshawar.
3. Commissioners of the respective Divisions.
4. Political Agents of the respective Agencies
5. Deputy Commissioners of the respective Districts.
6. Agency Accounts Officer of the respective Agencies.
7. District Accounts Officers of the respective Districts.
8. Officials concerned.
9. Personal Files.

Secretary

ATTESTED



3  
Amir J

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the February 27, 2020

**NOTIFICATION**

**NO.SOE-III(ED)116/2019:** The Competent Authority is pleased to order the following posting/transfers of officers with immediate effect in the best public interest: -

No.	Name of Officer	Present Post	Proposed Post
1	Mr. Asad Sarwar (PMS BS-18)	Deputy Director (Estab), IMU Project, E&SE Department	Report to Establishment Department
2	Ms. Sobha Zia (PAS BS-17)	Assistant Commissioner (Takht Bhai), Mardan	Deputy Director PMRU O/O Chief Secretary, Khyber Pakhtunkhwa against the vacant post in her own pay and scale.
3	Mr. Anwar-ul-Haq (PMS BS-17)	Assistant Commissioner (Khur), Tribal District Bajaur	Services placed at the disposal of IMU Project E&SE Department for further posting
4	Mr. Fazal ur Rahim (PMS BS-17)	Section Officer, Health Department	Assistant Commissioner (Khur), Tribal District Bajaur vice S. No 05.
5	Ms. Aneela Fahim (PMS BS-17)	Section Officer, Finance Department	Assistant Commissioner (Takht Bhai), Mardan vice S No. 02
6	Mr. Naveed Akbar (PMS BS-17)	Assistant Commissioner (Matta), Swat	Deputy Director (Estab), IMU Project, E&SE Department in his own pay & scale vice S No 01.
7	Mr. Muhammad Yousaf Kareem (PMS BS-17)	Assistant Commissioner (Mirali), Tribal District S W	Assistant Commissioner (Matta), Swat vice S No 06.
8	Mr. Abdul Samad (PMS BS-17)	Additional Assistant Commissioner (Rev), Bannu	Assistant Commissioner (Mirali), Tribal District S W vice S. No. 07.
9	Mr. Abdul Latif (PMS BS-17)	Additional Assistant Commissioner (Matta), Swat	Assistant Commissioner (Khwazakhela), Swat against the vacant post
10	Mr. Muhammad Kamran Khan (PMS BS-17)	Additional Assistant Commissioner, Tank	Additional Assistant Commissioner, Mardan against the vacant post
11	Mr. Muhammad Zeeshan Khan (PMS BS-17)	Section Officer, Finance Department.	Additional Assistant Commissioner (Rev), Mardan against the vacant post.
12	Ms. Akasha Kiran (PMS BS-17)	Section Officer, E&SE Department	Additional Assistant Commissioner, Abbottabad against the vacant post
13	Mr. Muhammad Ali (PMS BS-17)	Section Officer, Industries Department	Section Officer, E&SE Department Vice S No 12.

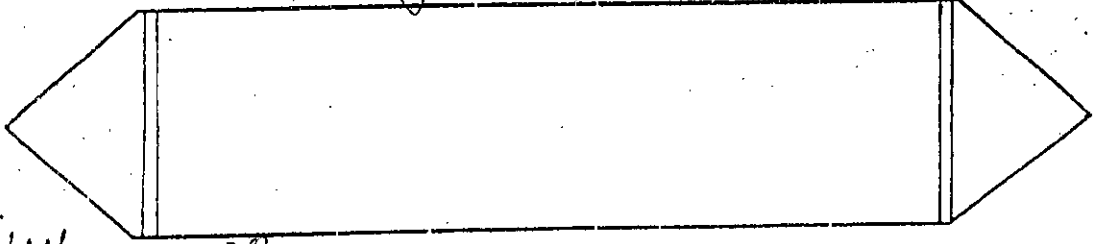
ATTESTED

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14.	Mr. Muhammed Hamayun (PMS BS-17)	Additional Assistant Commissioner, Kotai Palas Kohistan.	Additional Assistant Commissioner Mardan against the vacant post.
15.	Mr. Ghulam Chouse (PMS BS-17)	Section Officer, Higher Education Department.	Additional Assistant Commissioner (Barikot), Swat Vice S. No. 23.
16.	Syed Fahad Irikhar (PMS BS-17)	Additional Assistant Commissioner (Rev), Dir Lower	Additional Assistant Commissioner, Cherradda against the vacant post.
17.	Mr. Farman Ali (PMS BS-17)	Additional Assistant Commissioner (Thakt Bhai), Mardan.	Additional Assistant Commissioner (Rev), Dir Lower, vice S. No 16.
18.	Mr. Noor Zail Khan (PMS BS-17)	Finance Officer, Kohat	Additional Assistant Commissioner, Mardan against the vacant post.
19.	Mr. Shah Wazir (PMS BS-17)	Additional Assistant Commissioner (Parova), D.I.Khan.	Additional Assistant Commissioner, Peshawar against the vacant post. Consequent upon above, Mr. Shah Wazir (PMS BS-17), Additional Assistant Commissioner (Parova), D.I.Khan is hereby relieved from the additional charge of the post of Secretary District Public Safety Commission, D.I.Khan.
20.	Mr Zulfqar Khan, Tehsildar (BS-16)	Tehsildar, Peshawar Development Authority.	Additional Assistant Commissioner (Rev), Bannu in his own pay and scale vice S. No. 08.
21.	Mr. Muhammed Junaid, Tehsildar (BS-16)	Tehsildar, Bank of Khyber.	Additional Assistant Commissioner (OPS), Bannu against the vacant post.
22.	Mr. Waqar Ahmad, Tehsildar (BS-16)	Tehsildar / Inspector Stamps, Abbottabad.	Additional Assistant Commissioner (OPS), Kotai Palas Kohistan vice S. No. 14.
23.	Mr. Habib Ahmad Jan, Tehsildar (BS-16)	Additional Assistant Commissioner (Barikot) (OPS), Swat	Additional Assistant Commissioner (Rev) (OPS), Torghar against the vacant post.
24.	Mr. Zahid Kamal, Tehsildar (BS-16)	Tehsildar, Khwezai, Tribal District Mohmand.	Additional Assistant Commissioner (OPS) (Thakt Bhai), Mardan vice S. No. 17.
25.	Mr. Mujahid Ali, Tehsildar (BS-16)	Awaiting for posting at Board of Revenue.	Additional Assistant Commissioner (OPS), (Thal), Hangu against the vacant post.
26.	Syed Sultan Haider Shah, Tehsildar (BS-16)	Tehsildar / Inspector Stamps, Peshawar	Additional Assistant Commissioner (OPS), Lakki Marwat against the vacant post.

ATTACHED

# بعدالت کا ایک مفروضہ کیس



2020ء منجانب ایڈووکیٹ

طاہد علیہ بی نام کوٹھنٹ

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام کے عدالت کیلئے طاہد علیہ بی نام کوٹھنٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موضوع کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی اچیک در وپسہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیرامی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 21  
ماہ اکتوبر 2020

العبد \_\_\_\_\_ واہ \_\_\_\_\_ العبد

بمقام \_\_\_\_\_ کے لئے منظور ہے۔

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

**Service Appeal No. 12885/2020**

Mujahid Ali .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

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2.	Minutes of the PSB Meeting dated 09.06.2020	I	5-6
3.	Order dated 30.09.2021 passed on the Appeal	II	7-8
4.	Promotion Policy	IV	9

**Service Appeal No.12885/2020**

Mr. Mujahid Ali,  
Addl: Assistant Commissioner, Hangu at Thall .....(Appellant)

**Versus**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, Establishment Department Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS:**

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law/time.
5. That this Honourable Tribunal lacks jurisdiction in the matter under Section 4(b)(i) of the Service Tribunal Act, 1974.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for mis /non-joinder of necessary parties.
10. That the instant appeal is hit by Section 4 (b) (i) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.
11. That the appeal is hit by laches.

**ON FACTS:**

1. **Correct** to the extent that he joined government service on 02.02.2009 and was promoted from Naib Tehsildar to Tehsildar on 06.04.2018. He has completed prescribed length of service and has undergone mandatory training for promotion. However, Provincial Selection Board (PSB) took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities while posted as settlement Tehsildar, Nowshera as reported by the District Collector, and decided to keep the officer under watch for one year.
2. **Correct** to the extent that the PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019: Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. In light of the decision, the Provincial

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Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers. However, the process of recruitment of PMS Officer (BS-17) through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process; Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicate the commitment and resolve of Government towards official responsibilities.

3. **Correct** to the extent that the PSB was scheduled on 09.06.2020 wherein other colleagues of the appellant, being eligible for promotion from all aspects were promoted as PMS BS-17 while he was not recommended for promotion since Provincial Selection Board (PSB) took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities during his posting as settlement Tehsildar, Nowshera as reported by the District Collector concerned and decided to keep the officer under watch for one year (**Annex-I**).
4. **Correct** to the extent that being aggrieved, the appellant filed departmental appeal before competent authority, requesting therein that he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020. After due consideration of all the points raised in the appeal and record, rules / policies in vogue, the competent authority found no ground to accept the request of applicant, thus regretted the same being devoid of merit (**Annex-II**).

**GROUND:**

- A. **Incorrect.** The appellant has been treated in accordance with law, rules and policy on subject. Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 speaks of protection of law and the appellant has been treated under the Promotion Policy specified for the civil servants for promotion to higher grade clearly saying that *the promotion of a civil servant will be deferred, if 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.* In the instant case PSB being the

competent forum took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector during his posting as settlement Tehsildar, Nowshera and decided to keep the officer under watch for one year.

- B. **Incorrect.** The appellant is falsely blaming the department as PSB being competent authority decided to keep the officer under watch for one year on the basis of his general reputation and indifference towards his official responsibilities on perusal of his performance evaluation reports. The Board, therefore, decided to keep the officer under watch for a period of one year for further assessment marked improvements in his performance before recommending him for promotion.
- C. **Incorrect.** PSB has already taken decision to keep the officer under watch for a period of one year upon perusal of his performance evaluation reports. This will last for a year only and he will be considered for promotion after completion of one year, as soon as the reason for deferment ceases to exist.
- D. **Incorrect.** The Provincial Selection Board being competent forum is vested with the right to keenly observe the performance evaluation reports of the candidates on panel for promotion and take decisions accordingly.
- E. **Pertains to record hence, no comments.**
- F. **Pertains to record hence, no comments.**
- G. **Pertains to record hence, no comments.**
- H. **Incorrect.** Promotion policy has laid down clear criteria for promotion of civil servants to higher posts that says, "*the promotion of a civil servant will be deferred, if 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*". In instant case, PSB was not satisfied with reputation of the petitioner and thus, decided to defer his promotion and keep him under watch for one year.
- I. **Incorrect.** PSB meeting scheduled on 20.02.2020 was postponed on account of Peshawar High Court judgment dated 19.02.2020 in W.P No. 5673-P/2019 and could not be re-scheduled till 09.06.2020. Deferment of promotion of appellant had however, nothing to do with vacant positions. It was nevertheless, the direct consequence of appellant's ill-reputation which rendered him ineligible for promotion at least for the time being or till considerable improvement in his



character in the given time. Furthermore, Para V (b) of Promotion Policy states, "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". Likewise, Para VI ibid says, "Promotion will always be notified with immediate effect" (Annex-III).

J. **Incorrect.** Promotion policy has prescribed eligibility criteria for promotion of civil servants to higher posts. The promotion of the appellant was deferred due to his general reputation and PERs. His case for promotion will be considered as soon as the reason for deferment ceases to exist.

It is, therefore, most humbly prayed that on acceptance of these parawise comments, the instant Appeal may graciously be dismissed with costs.

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

Senior Member Board of Revenue,  
Khyber Pakhtunkhwa  
(Respondent No. 3)

Chief Secretary,  
Khyber Pakhtunkhwa  
(Respondent No.1)

MEMO NO (03)

ESTABLISHMENT DEPARTMENT

(Meeting of PSB held on 09.06.2020)

SUBJECT: PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS BS-17

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 153 where 98 officers are already working. Hence 55 posts of PMS BS-17 are lying vacant. The Board considered promotion against 53 posts by excluding 02 posts vacated due to conditional retirement of the officers in wake of Peshawar High Court judgment dated 19.02.2020.

2. According to the Provincial Management Service Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

*"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute".*

3. The service record of the officers included in the panel were discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Ikramullah.	His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that a case is pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available. The Board recommended to defer his promotion.
2.	Mr. Kiramarullah.	His date of birth is 20.1.1961. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that he opted to forego his promotion twice, once on 02.01.2012 and again on 14.11.2017. His case was considered in terms of Rule 7(5) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which provides that if a civil servant declines to avail the benefit of promotion for

The Board, therefore, decided to keep the officer under watch for a period of one year.

Muhammad

His date of birth is 02.02.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.

Mujahid Ali.

His date of birth is 19.04.1974. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. The Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera.

The Board, therefore, decided to keep the officer under watch for a period of one year.

Mr. Syed Abdul kbar Shah.

His date of birth is 11.04.1981. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are not available.

The Board recommended to defer his promotion.

Mr. Rahim Shah.

His date of birth is 13.01.1969. He joined government

LR



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Annex - II

Dated Peshawar the September 30, 2020

**ORDER**

**NO.SOE-II(ED)2(192)2020:** WHEREAS Mr. Mujahid Ali (Tehsildar, Board of Revenue, Khyber Pakhtunkhwa) presently posted as Additional Assistant Commissioner (OPS), Hangu filed a departmental appeal wherein he has raised the following objections;

- i. That he was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. Moreover, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again reschedule on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred to be kept under watch for a period of one year on the ground that the Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera. Moreover, the allegations of corrupt reputation, incompetency and inefficiency also appear to be the result of some misunderstanding or disinformation because no such allegation has ever been leveled against the applicant by his immediate bosses as is evident from the previous ACRs of the applicant.
- iii. That depriving him from promotion in essence is major penalty and therefore, before such penalty the applicant should have been properly confronted with the reason on the basis of which his promotion was deferred.

**AND WHEREAS** Mr. Mujahid Ali (Tehsildar, Board of Revenue, Khyber Pakhtunkhwa) presently posted as Additional Assistant Commissioner (OPS), Hangu prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

**AND WHEREAS** PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. A considerable number of officers included in the panel of PSB got retired by attaining the age of superannuation i.e. 60 years in the light of the said judgment and their names had to be excluded from the working papers. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020. Resultantly, fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous work. Furthermore, PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19

and closure of all the departments except a few essential ones. These departments, being closed could not prepare the working papers.

**AND WHEREAS** contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

**AND WHEREAS** Provincial Selection Board is not convened to consider a solo cadre promotional agenda but to consider the promotions of officers of various cadres / scales from BS-17 to BS-21 throughout the Province. Therefore, PSB was convened on 09.06.2020 after completion of all codal formalities.

**AND WHEREAS** PSB is the competent forum to decide the promotion of the incumbents therefore, contrary to the assertion of the applicant the minutes of the PSB held on 09.06.2020 reveal that he was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. The Board took notice of his general reputation and difference to his official responsibilities on perusal of his performance evaluation reports. The Board therefore, decided to keep the officer under watch for a period of one year for further assessment for marked improvements in performance before recommendation for promotion.

**NOW THEREFORE** after due consideration of all the points voiced in the appeal and record, rules / policies in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

**Endst. No. & Date even**

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department.
6. Official concerned.
7. Manager, Government Printing Press.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**(SHAHBAZ KHATTAK)  
SECTION OFFICER  
(ESTABLISHMENT-II)**

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(30/9/2020)

## 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

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

**Service Appeal No. 12885/2020**

Mujahid Ali .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

**INDEX**

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

**Service Appeal No.12885/2020**

Mr. Mujahid Ali  
Additional Assistant Commissioner, Hangu at Tall.....(Appellant)

**Versus**


1. The Chief Secretary, Khyber Pakhtunkhwa.....(Respondents)
2. The Secretary, Establishment Department, Khyber Pakhtunkhwa.....(Respondents)


**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

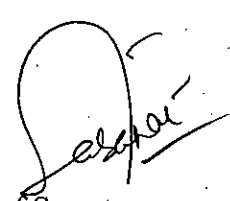
Respectfully Sheweth,

1. Need no comments.
2. **Incorrect.** Contrary to the assertion of the applicant perusal of the minutes of the PSB meeting held on 30.12.2020 reveals that he joined government service on 02.02.2009 and was promoted from Naib Tehsildar to Tehsildar on 06.04.2018. He has completed prescribed length of service and has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera. Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed. Therefore, Board did not consider his promotion. Moreover, claim of the appellant is groundless and he has been treated in accordance with law rules and policy on subject.
3. Need no comments.

It is, therefore, most humbly prayed that on acceptance of these comments on the application of appellant, the Appeal and application of the appellant may very graciously be dismissed with costs.

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

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa  
(Respondent No. 3)

  
Chief Secretary  
Khyber Pakhtunkhwa  
(Respondent No.1)



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

**Service Appeal No. 12449/2020**

KifayatUllah .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

**INDEX**

<b>S. #</b>	<b>Description of Documents</b>	<b>Annex/Flag</b>	<b>Pages</b>
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4.	Major Penalty Notification dated 26.05.2014	III	11
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Service Appeal No.12449/2020

Mr. Kifayatullah,  
Tehsildar, Peshawar .....(Appellant)

**Versus**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, Establishment Department Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law/time.
5. That this Honourable Tribunal lacks jurisdiction in the matter under Section 4(b)(i) of the Service Tribunal Act, 1974.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for mis /non-joinder of necessary parties.
10. That the instant appeal is hit by Section 4 (b) (i) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.
11. That the appeal is hit by laches.

ON FACTS:

1. **Correct** to the extent that he joined Govt service on 02.02.2009. His claim regarding meritorious performance is not substantiated in his service record. While serving as Naib Tehsildar, he was proceeded against, under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule, 2011, and was penalized with major penalty of *removal from service*. However, after acceptance of his appeal in Honourable Service Tribunal, he was re-instated into service in light of Judgment dated 20.11.2015. Later on, he was conditionally promoted as Tehsildar (BS-16) on 17.01.2019.
2. **Correct** to the extent that the appellant was proceeded against under Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 on account of misconduct and major penalty of removal from service was imposed upon

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him. However, he filed appeal before Service Tribunal, which was accepted and he was conditionally re-instated into services as Naib Tehsildar subject however, to final decision in the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to Tehsildar on 17.01.2019 was also conditional to final decision of Supreme Court of Pakistan. The Board, therefore, decided to wait for outcome of CPLA and keep him under watch till that time as there existed no rule or logical justification on basis of which two consecutive promotions could be made conditionally (**Annex-I**).

3. **Correct** to the extent that the PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. Consequently, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers. However, the process of recruitment of PMS Officer (BS-17) through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicate that no parallel can be drawn between initial recruitment and promotion of the applicants.
4. **Correct** to the extent that next meeting of PSB was held on 09-06-2020. However, the Provincial Selection Board was informed about his conditional re-instatement as Naib Tehsildar and subsequent conditional promotion as Tehsildar (BS-16) on 17.01.2019. Thus, it was decided to wait for the outcome of CPLA filed in the Supreme Court of Pakistan and keep him under watch till then.
5. **Correct** to the extent that being aggrieved the appellant filed departmental appeal before competent authority for consideration of his promotion to PMS BS-17 w.e.f 20.02.2020. The appeal was processed and after due consideration of all the points

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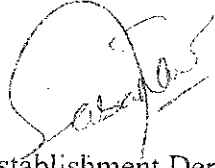
raised in the appeal and record, rules / policies in vogue, the competent authority found no reason to accept the request of the applicant, hence regretted the appeal being devoid of merit (**Annex-II**).

**GROUND:**

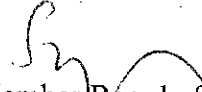
- A. **Incorrect.** The appellant has been treated in accordance with law, rules and policy on subject. Article-4 ensures the protection of law and the appellant has been treated under the Promotion Policy specified for the civil servants for promotion to higher grade clearly saying that *the promotion of a civil servant will be deferred, if 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*. In the instant case PSB being the competent forum decided to wait for the outcome of CPLA and keep him under watch till then.
- B. **Incorrect.** Filing CPLA against any judgment is the legal right of the respondents. Therefore, the appellant is falsely blaming the department as his promotion has been deferred in light of the Rule-V(a)(ii) of the promotion policy clearly saying *Promotion of the Civil Servant will be deferred if disciplinary or departmental proceedings are pending against him*. Therefore, pendency of CPLA before the Hon'ble Apex Court is a valid ground for deferment of promotion.
- C. **Incorrect.** Contrary to the assertion of the applicant, on perusal of the minutes of the PSB meeting held on 09.06.2020, it revealed that he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to the Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.
- D. **Correct** to the extent that the appellant after acceptance of appeal in Service Tribunal was re-instated in service as Naib-Tehsildar on 15-02-2016 subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Later on, he was conditionally promoted as Tehsildar on 17.01.2019. The Board, therefore, took the decision to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.

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- E. **Incorrect.** The claim of the appellant is groundless as the working papers and minutes of the PSB meeting held on 29.12.2009 reveal that the officers referred to by the applicant namely Fazal Hussain, Ghulam Habib, Habib Arif, Atta-ur-Rehman; were considered for their promotion to the post of PMS BS-17 as there was no CPLA pending against any one of them.
- F. **Incorrect.** As per promotion policy of the Khyber Pakhtunkhwa Civil Servant Act, 1973, deferment of the appellant is clear saying therein that *the promotion of a civil servant will be deferred, if 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.* In the instant case PSB being the competent forum, decided to wait for the outcome of CPLA and keep him under watch till then.
- G. **Incorrect.** Board of Revenue & Estate Department had proceeded against the appellant while serving as Naib Tehsildar, Land Acquisition, Charssada under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 while considering the gravity of misconduct i.e abusing and physically assaulting a female as conduct unbecoming of a Government Servant and a gentleman. After having examined the evidence produced, statements of accused official, findings of Inquiry Officer and personal hearing, the charges stood proved against him and major penalty of removal from service was imposed upon him as is evident from the notification dated 26-05-2014 (**Annex-III**).
- H. **Incorrect.** The PSB scheduled on 20-02-2020 was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019 and was not scheduled again till 09.06.2020. The decision of PSB meeting regarding deferment of the appellant from promotion and keeping him under watch was the direct consequence of non-availability of the decision of pending CPLA filed in the Supreme Court of Pakistan; having no concern with vacant position. Moreover, the promotion policy is applicable on eligible civil servants and come into effect immediately.
- I. **Incorrect.** Promotion policy has prescribed eligibility criteria for promotion of the civil servants to higher posts. The appellant whose promotion has been deferred due to pending decision of CPLA; is ought to be considered for promotion as soon as the reason for deferment cease to exist (**Annex-IV**).
- J. No comments.

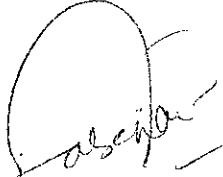
It is, therefore, most humbly prayed that on acceptance of these parawise comments,  
the instant Appeal may very graciously be dismissed with costs.



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



Senior Member Board of Revenue  
Khyber Pakhtunkhwa  
(Respondent No. 3)



Chief Secretary  
Khyber Pakhtunkhwa  
(Respondent No.1)

ITEM NO (03)

**ESTABLISHMENT DEPARTMENT**

(Meeting of PSB held on 09.06.2020)

**SUBJECT: PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS BS-17**

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 153 where 98 officers are already working. Hence 55 posts of PMS BS-17 are lying vacant. The Board considered promotion against 53 posts by excluding 02 posts vacated due to conditional retirement of the officers in wake of Peshawar High Court judgment dated 19.02.2020.

2. According to the Provincial Management Service Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

*"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute".*

3. The service record of the officers included in the panel were discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Ikramullah.	His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that a case is pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available.  The Board recommended to defer his promotion.
2.	Mr. Kiramatullah.	His date of birth is 20.1.1961. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that he opted to forego his promotion twice, once on 02.01.2012 and again on 14.11.2017. His case was considered in terms of Rule 7(5) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which provides that if a civil servant declines to avail the benefit of promotion for

**ATTESTED**

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pending against him. His PER dossier is complete. His service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.

43. Mr. Aftab Ahmed.

His date of birth is 08.12.1982. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.

44. Mr. Dil Nawaz Khan.

His date of birth is 22.03.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.

The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.

45. Mr. KifayatUllah.

His date of birth is 09.01.1977. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in a disciplinary proceedings and on acceptance his appeal by Service Tribunal, he was conditionally reinstated into services as Naib Tehsildar subject to the final decision of pending CPLA in the Supreme Court of Pakistan. Similarly his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.

**ATTESTED**



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		<p>The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then.</p>
46.	Mr. Faqir Hussain.	<p>His date of birth is 10.10.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
47.	Mr. Zulfiqar Khan.	<p>His date of birth is 15.04.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
48.	Mr. Waqar Ahmad.	<p>His date of birth is 24.04.1980. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>

ATTESTED

GOVE

next - II

OF KHYBER PAKHTUNKHWA  
APPOINTMENT DEPARTMENT

Dated Peshawar the September 22, 2020

ORDER

**NO.SOE-II(ED)2(192)2020: WHEREAS** Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar filed a departmental appeal wherein he raised the following objections;

- i. That he was at S.No.45 of the seniority list of Tehsildars and was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. But, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again rescheduled on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred on account of pendency of CPLA before the apex court and that his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA.
- iii. That previously other officers namely Mr. Fazal Husain, Ghulam Habib, Habib Arif, Atta-ur-Rehman were promoted to the next higher grade inspite of the fact that CPLAs were pending against them in the Apex court.

**AND WHEREAS** Mr. Kifayatullah, Tehsildar, Board of Revenue, Peshawar prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

**AND WHEREAS** PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers.

**AND WHEREAS** contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service

Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019, and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

**AND; WHEREAS** contrary to the assertion of the applicant on perusal of the minutes of the PSB meeting held on 09.06.2020 was revealed that "he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of the pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion to the Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.

**AND WHEREAS** the claim of the applicant regarding promotion of other officers to the post of PMS BS-17 despite a pending CPLAs is not justifiable. The working papers and minutes of the PSB meeting held on 29.12.2009 in which the officers who the applicant refer to; were considered for their promotion to the post of PMS BS-17 it is revealed that there was no CPLA pending against any of them.

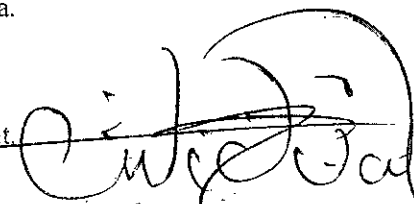
**NOW THEREFORE**, after due consideration of all the points voiced in the appeal and record, rules / policies in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**Endst. No. & Date even**

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department.
6. Official concerned.
7. Manager, Government Printing Press.

  
**(SHAHBAZ KHATTAK)  
SECTION OFFICER  
(ESTABLISHMENT-II)**

Peshawar dated 26/05/2014

NOTIFICATION

No. Estt: V/Kifayatullah/11119 WHEREAS Mr. Kifayatullah, Naib Tehsildar Land Acquisition, Charsadda was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in Charge Sheet and Statement of Allegations dated 19-02-2014.

AND WHEREAS Capt. (Rtd) Munir Azam, Commissioner Peshawar Division was appointed as Inquiry Officer to probe charges leveled against the said official, and submit findings and recommendations.

AND WHEREAS the Inquiry Officer after having examined the charges, evidence produced before him and statements of accused official, submitted his report whereby the charges of using abusive language and physically assaulting the complainant, a female, while waiting in office of Assistant Commissioner Charsadda in connection with fact finding enquiry, stand proved.

AND WHEREAS I, Waqar Ayub, Senior Member Board of Revenue, after having examined the charges, evidence produced, statements of accused official, findings of Inquiry Officer, and after personal hearing of the accused official concur with the findings and recommendations of the Inquiry Officer.

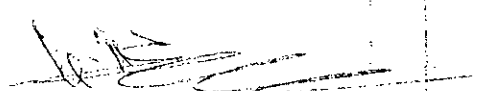
NOW THEREFORE while considering the gravity of misconduct i.e. abusing and physically assaulting a female as conduct unbecoming of a Government Servant and a gentleman, and prejudicial to service discipline, I as Competent Authority, in exercise of powers conferred under Rule 4(b)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 impose the major penalty of Removal from service upon Mr. Kifayatullah, Naib Tehsildar Land Acquisition Charsadda.

  
Senior Member

No. Estt: V/Kifayatullah/11119-26

Copy forwarded for information & appropriate action to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar Cantt.
2. Commissioner Peshawar Division, Peshawar.
3. Deputy Commissioner, Charsadda.
4. District Accounts Officer, Charsadda.
5. Private Secretary to Senior Member Board of Revenue, Peshawar.
6. Official concerned.
7. Personal File.

  
Assistant Secretary (Estt.)

## 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

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

**Service Appeal No. 12449/2020**

KifayatUllah .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

**INDEX**

<b>S. #</b>	<b>Description of Documents</b>	<b>Annex/Flag</b>	<b>Pages</b>
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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No.12449/2020

Mr. Kifayatullah,  
Tehsildar, Peshawar .....(Appellant)

**Versus**


1. The Government of Khyber Pakhtunkhwa and others .....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

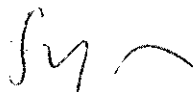
Respectfully Sheweth,

1. Need no comments.
2. **Incorrect.** Contrary to the assertion of the applicant on perusal of the minutes of the PSB meeting held on 09.06.2020 reveals that he was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. The Board was informed that he was removed from service in the disciplinary proceedings and on acceptance of his appeal by the Service Tribunal, he was conditionally re-instated into services as Naib Tehsildar subject to the final decision of CPLA pending in the Supreme Court of Pakistan. Similarly, his promotion to the post of Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then as there was neither any ground nor justification for two consecutive conditional promotions.
3. **Incorrect.** PSB meeting was held on 30.12.2020. The appellant name was included in the panel and was discussed in light of prevailing rules / policy but not considered for promotion to the post of PMS BS-17 due to the reasons mentioned in Para-2 above.
4. **Incorrect.** No malafide has been established on the part of Establishment Department. Provincial Selection Board is not convened to consider a solo cadre promotional agenda but to consider the promotions of officers of various cadres / scales from BS-17 to BS-21 throughout the Province from time to time.
5. **Incorrect.** The claim of the appellant is groundless. The appellant has been treated in accordance with law rules and policy on subject. The PSB consider the promotion cases of officers of various cadres / scales as per merit and proper criteria.
6. Need no comments.

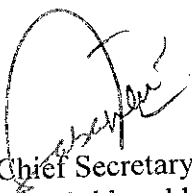
It is, therefore, most humbly prayed that on acceptance of these comments on the application of appellant, the Appeal and application of the appellant may very graciously be dismissed with costs.



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



Senior Member Board of Revenue  
Khyber Pakhtunkhwa  
(Respondent No. 3)



Chief Secretary  
Khyber Pakhtunkhwa  
(Respondent No.1)



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

**Service Appeal No. 12885/2020**

Mujahid Ali .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

**INDEX**

<b>S. #</b>	<b>Description of Documents</b>	<b>Annex/Flag</b>	<b>Pages</b>
1.	Stay Application Reply		1

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

**Service Appeal No.12885/2020**

Mr. Mujahid Ali  
Additional Assistant Commissioner, Hangu at Tall.....(Appellant)

**Versus**

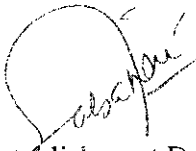
1. The Chief Secretary, Khyber Pakhtunkhwa.....(Respondents)
2. The Secretary, Establishment Department, Khyber Pakhtunkhwa.....(Respondents)


**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

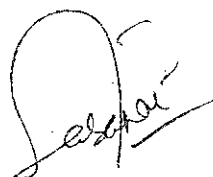
Respectfully Sheweth,

1. Need no comments.
2. **Incorrect.** Contrary to the assertion of the applicant perusal of the minutes of the PSB meeting held on 30.12.2020 reveals that he joined government service on 02.02.2009 and was promoted from Naib Tehsildar to Tehsildar on 06.04.2018. He has completed prescribed length of service and has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera. Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed. Therefore, Board did not consider his promotion. Moreover, claim of the appellant is groundless and he has been treated in accordance with law rules and policy on subject.
3. Need no comments.

It is, therefore, most humbly prayed that on acceptance of these comments on the application of appellant, the Appeal and application of the appellant may very graciously be dismissed with costs.

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

  
Senior Member Board of Revenue  
Khyber Pakhtunkhwa  
(Respondent No. 3)

  
Chief Secretary  
Khyber Pakhtunkhwa  
(Respondent No.1)

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

**Service Appeal No. 12885/2020**

Mujahid Ali .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

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Service Appeal No.12885/2020

Mr. Mujahid Ali,  
Addl: Assistant Commissioner, Hangu at Thall .....(Appellant)

**Versus**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, Establishment Department Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law/time.
5. That this Honourable Tribunal lacks jurisdiction in the matter under Section 4(b)(i) of the Service Tribunal Act, 1974.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for mis /non-joinder of necessary parties.
10. That the instant appeal is hit by Section 4 (b) (i) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.
11. That the appeal is hit by laches.

ON FACTS:

1. **Correct** to the extent that he joined government service on 02.02.2009 and was promoted from Naib Tehsildar to Tehsildar on 06.04.2018. He has completed prescribed length of service and has undergone mandatory training for promotion. However, Provincial Selection Board (PSB) took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities while posted as settlement Tehsildar, Nowshera as reported by the District Collector, and decided to keep the officer under watch for one year.
2. **Correct** to the extent that the PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Resultantly, a considerable number of officers included in the panel of PSB got retired as they attained age of superannuation i.e. 60 years in the light of the said judgment. In light of the decision, the Provincial

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Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020 and fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous task. PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19 and ordered closure of all departments except a few essential ones. These departments, being closed could not prepare the working papers. However, the process of recruitment of PMS Officer (BS-17) through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process; Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicate the commitment and resolve of Government towards official responsibilities.

3. **Correct** to the extent that the PSB was scheduled on 09.06.2020 wherein other colleagues of the appellant, being eligible for promotion from all aspects were promoted as PMS BS-17 while he was not recommended for promotion since Provincial Selection Board (PSB) took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities during his posting as settlement Tehsildar, Nowshera as reported by the District Collector concerned and decided to keep the officer under watch for one year (**Annex-I**).
4. **Correct** to the extent that being aggrieved, the appellant filed departmental appeal before competent authority, requesting therein that he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020. After due consideration of all the points raised in the appeal and record, rules / policies in vogue, the competent authority found no ground to accept the request of applicant, thus regretted the same being devoid of merit (**Annex-II**).

**GROUND:**

- A. **Incorrect.** The appellant has been treated in accordance with law, rules and policy on subject. Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 speaks of protection of law and the appellant has been treated under the Promotion Policy specified for the civil servants for promotion to higher grade clearly saying that *the promotion of a civil servant will be deferred, if 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.* In the instant case PSB being the

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competent forum took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector during his posting as settlement Tehsildar, Nowshera and decided to keep the officer under watch for one year.

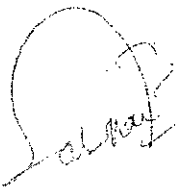
- B. **Incorrect.** The appellant is falsely blaming the department as PSB being competent authority decided to keep the officer under watch for one year on the basis of his general reputation and indifference towards his official responsibilities on perusal of his performance evaluation reports. The Board, therefore, decided to keep the officer under watch for a period of one year for further assessment marked improvements in his performance before recommending him for promotion.
- C. **Incorrect.** PSB has already taken decision to keep the officer under watch for a period of one year upon perusal of his performance evaluation reports. This will last for a year only and he will be considered for promotion after completion of one year, as soon as the reason for deferment ceases to exist.
- D. **Incorrect.** The Provincial Selection Board being competent forum is vested with the right to keenly observe the performance evaluation reports of the candidates on panel for promotion and take decisions accordingly.
- E. **Pertains to record hence, no comments.**
- F. **Pertains to record hence, no comments.**
- G. **Pertains to record hence, no comments.**
- H. **Incorrect.** Promotion policy has laid down clear criteria for promotion of civil servants to higher posts that says, "*the promotion of a civil servant will be deferred, if 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*". In instant case, PSB was not satisfied with reputation of the petitioner and thus, decided to defer his promotion and keep him under watch for one year.
- I. **Incorrect.** PSB meeting scheduled on 20.02.2020 was postponed on account of Peshawar High Court judgment dated 19.02.2020 in W.P No. 5673-P/2019 and could not be re-scheduled till 09.06.2020. Deferment of promotion of appellant had however, nothing to do with vacant positions. It was nevertheless, the direct consequence of appellant's ill-reputation which rendered him ineligible for promotion at least for the time being or till considerable improvement in his

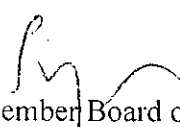
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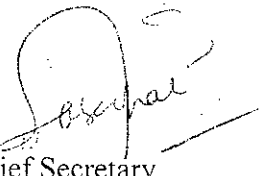
character in the given time. Furthermore, Para V (b) of Promotion Policy states, "The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors". Likewise, Para VI ibid says, "Promotion will always be notified with immediate effect" (Annex-III).

J. **Incorrect.** Promotion policy has prescribed eligibility criteria for promotion of civil servants to higher posts. The promotion of the appellant was deferred due to his general reputation and PERs. His case for promotion will be considered as soon as the reason for deferment ceases to exist.

It is, therefore, most humbly prayed that on acceptance of these parawise comments, the instant Appeal may graciously be dismissed with costs.

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

  
Senior Member Board of Revenue,  
Khyber Pakhtunkhwa  
(Respondent No. 3)

  
Chief Secretary,  
Khyber Pakhtunkhwa  
(Respondent No.1)

EM NO (03)

## ESTABLISHMENT DEPARTMENT

(Meeting of PSB held on 09.06.2020)

**SUBJECT: - PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS BS-17**

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 153 where 98 officers are already working. Hence 55 posts of PMS BS-17 are lying vacant. The Board considered promotion against 53 posts by excluding 02 posts vacated due to conditional retirement of the officers in wake of Peshawar High Court judgment dated 19.02.2020.

2. According to the Provincial Management Service Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

*"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute".*

3. The service record of the officers included in the panel were discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Ikramullah.	His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that a case is pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available.  The Board recommended to defer his promotion.
2.	Mr. Kiramarullah.	His date of birth is 20.1.1961. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board was informed that he opted to forego his promotion twice, once on 02.01.2012 and again on 14.11.2017. His case was considered in terms of Rule 7(5) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which provides that if a civil servant declines to avail the benefit of promotion for



AR

	<p>The Board, therefore, decided to keep the officer under watch for a period of one year.</p>
<p>Muhammad</p>	<p>His date of birth is 02.02.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 17.01.2019. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. No inquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
<p>Mujahid Ali.</p>	<p>His date of birth is 19.04.1974. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. The Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera.</p> <p>The Board, therefore, decided to keep the officer under watch for a period of one year.</p>
<p>Mr. Syed Abdul Akbar Shah.</p>	<p>His date of birth is 11.04.1981. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p>
<p>Mr. Rahim Shah.</p>	<p>His date of birth is 13.01.1969. He joined government</p>

**ORDER**

**NO.SOE-II(ED)2(192)2020:** WHEREAS Mr. Mujahid Ali (Tehsildar, Board of Revenue, Khyber Pakhtunkhwa) presently posted as Additional Assistant Commissioner (OPS), Hangu filed a departmental appeal wherein he has raised the following objections;

- i. That he was eligible for promotion with effect from 20.02.2020 when the PSB was first scheduled and postponed later on due to the decision delivered by Peshawar High Court, Peshawar by setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years. Moreover, the recommendees by Khyber Pakhtunkhwa Public Service Commission were appointed as PMS BS-17 vide notification dated: 29.05.2020 and placed above the Tehsildars who were promoted by PSB in its meeting held on dated: 09.06.2020.
- ii. That PSB meeting was again reschedule on 09.06.2020 whereby his colleagues were promoted to the post of PMS BS-17 vide impugned notification 02.07.2020 while the applicant was deferred to be kept under watch for a period of one year on the ground that the Board took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector, during his posting as Settlement Tehsildar Nowshera. Moreover, the allegations of corrupt reputation, incompetency and inefficiency also appear to be the result of some misunderstanding or disinformation because no such allegation has ever been leveled against the applicant by his immediate bosses as is evident from the previous ACRs of the applicant.
- iii. That depriving him from promotion in essence is major penalty and therefore, before such penalty the applicant should have been properly confronted with the reason on the basis of which his promotion was deferred.

AND WHEREAS Mr. Mujahid Ali (Tehsildar, Board of Revenue, Khyber Pakhtunkhwa) presently posted as Additional Assistant Commissioner (OPS), Hangu prayed that on acceptance of his appeal he may be considered for promotion to the post of PMS BS-17 with effect from 20.02.2020 with all back benefits after modifying the impugned notification dated: 02.07.2020.

AND WHEREAS PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. A considerable number of officers included in the panel of PSB got retired by attaining the age of superannuation i.e. 60 years in the light of the said judgment and their names had to be excluded from the working papers. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020. Resultantly, fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous work. Furthermore, PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of COVID-19

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and closure of all the departments except a few essential ones. These departments, being closed could not prepare the working papers.

**AND WHEREAS** contrary to the claim of the applicant his case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

**AND WHEREAS** Provincial Selection Board is not convened to consider a solo cadre promotional agenda but to consider the promotions of officers of various cadres / scales from BS-17 to BS-21 throughout the Province. Therefore, PSB was convened on 09.06.2020 after completion of all formalities.

**AND WHEREAS** PSB is the competent forum to decide the promotion of the incumbents therefore, contrary to the assertion of the applicant the minutes of the PSB held on 09.06.2020 reveal that he was promoted from Naib Tehsildar as Tehsildar on 06.04.2018. He has undergone mandatory training for promotion. He has completed prescribed length of service for promotion. The Board took notice of his general reputation and difference to his official responsibilities on perusal of his performance evaluation reports. The Board therefore, decided to keep the officer under watch for a period of one year for further assessment for marked improvements in performance before recommendation for promotion.

**NOW THEREFORE**, after due consideration of all the points voiced in the appeal and record, rules / policies in vogue, the competent authority has found no reason to accede to the request of the applicant, which is regretted being devoid of merit.

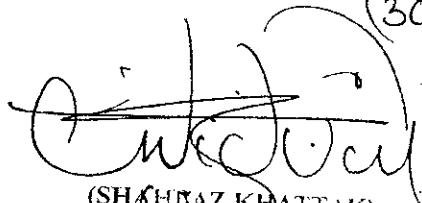
**Endst. No. & Date even**

Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. PS to Secretary Establishment.
5. PS to Special Secretary (Estt.), Establishment Department.
6. Official concerned.
7. Manager, Government Printing Press.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

(30/9/2020)

  
**(SHAHBAZ KHATTAK)  
SECTION OFFICER  
(ESTABLISHMENT-II)**

## 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.

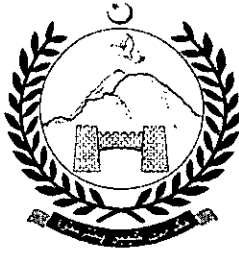
### II. Linking of promotion with training:

(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

**IMMEDIATE**  
**CONFIDENTIAL**



**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT DEPARTMENT**

NO. SO(PSB)ED/1-1/2020/P-543  
Dated Peshawar the January 19, 2021

To

The Section Officer (E-II),  
Establishment department.

SUBJECT: ~~MINUTES OF THE MEETING OF PROVINCIAL SELECTION~~  
~~BOARD HELD ON 30.12.2020.~~

**PROMOTION OF TEHSILDAR BS-16 TO PMS BS-17.**

Dear Sir,

I am directed to refer to Establishment Department letter No. SOE-II(ED)2(192)2020/Tehsildar, dated 23.12.2020 on the subject and to forward herewith an extract of **Agenda Item No (33)** of the minutes/recommendations of the meeting of Provincial Selection Board held on **30.12.2020** as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendation of the PSB, for further necessary action.

Yours faithfully,

*[Signature]*  
SECTION OFFICER (PSB)  
*[Initials]*

**Encl: As Above**

**ITEM NO (33)****ESTABLISHMENT DEPARTMENT**

(Meeting of PSB held on 30.12.2020)

**SUBJECT: - PROMOTION OF TEHSILDARS BS-16 TO THE POST OF PMS  
BS-17**

Secretary Establishment apprised the Board that number of posts falling to the share of Tehsildar to PMS BS-17 is 154 out of which 113 officers are already working. Hence 41 posts of PMS BS-17 are lying vacant out of which four (04) posts have become vacant due to conditional retirement on which the Board did not consider promotion. Therefore, there are 37 clear vacancies against which promotion will be considered.

2. According to the Provincial Management Services Rules, 2007, the posts of PMS in BS-17 falling in the share of Tehsildars are required to be filled as under:-

*"Twenty percent from amongst Tehsildars who are graduates, on the basis of seniority cum fitness having three years service as Tehsildar/ Naib Tehsildar and have undergone a training course of 9 weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute".*

3. The service record of the officers included in the panel were discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Muhammad Ikramullah. M.A	His date of birth is 9.3.1965. He joined government service on 1.7.1995. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board observed that a case was pending against him in Anti Corruption Court. Besides his PER for the year 2015 to 2019 are also not available.  The Board recommended to defer his promotion.
2.	Mr. Kiramatullah. M.A	His date of birth is 20.01.1964. He joined government service on 8.1.1981. He was promoted as Tehsildar BS-16 on 6.9.2008. The Board in its meeting held on 09.06.2020 superseded him in term of Rule 7 (5) of Khyber Pakhtunkhwa Civil Servants APT Rules, 1989 which provides that if a Civil Servant declines the benefit of promotion for the second time then he shall stand superseded permanently for such promotion. The Rule ibid has been deleted vide Establishment department Notification dated 06.08.2020. The Regulation wing of Establishment department in identical case opined vide letter No. SOR-I(E&AD)/1-2/2018(B), dated 05.11.2020 that the declinment of promotion made

		<p>before the amendment in Rule 7 (5) of Khyber Pakhtunkhwa Civil Servants APT Rules, 1989 would be considered as closed chapter and amendment is effective from 06.08.2020 i.e. date of its Notification. The option to forego promotion exercised prior to the said amendment shall be valid, as amendment is not applicable with retrospective effect.</p> <p>The Board did not consider his promotion.</p>
3.	Mr. Abdul Ghafar. B.A	<p>His date of birth is 15.12.1974. He joined government service on 14.02.2004. He was promoted as Tehsildar BS-16 on 04.06.2013. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. His PER dossier is incomplete as his PERs for the year 2018 and 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p>
4.	Mr. Waheed Ahmad. B.A	<p>His date of birth is 01.01.1967. He joined government service on 29.01.1986 and was promoted from Sub Registrar to the post of Tehsildar BS-16 on 10.02.2015. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
5.	Mr. Tahir Ashraf. M.A	<p>His date of birth is 24.01.1970. He joined government service on 28.02.1988. He was promoted from Assistant to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
6.	Mr. Afsar Khan. B.A	<p>His date of birth is 10.04.1964. He joined government service on 04.12.1989. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 06.04.2018. He has not completed</p>

		<p>prescribed length of service for promotion. His PER dossier is incomplete as his PER for the year 2016 (P) and 2017 to 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p>
7.	Mr. Abdul Qayum. B.A	<p>His date of birth is 20.02.1965. He joined government service on 20.03.1988. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
8.	Mr. Waheed Ullah. M.A / L.L.B	<p>His date of birth is 10.02.1973. He joined government service on 20.09.1995. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
9.	Muhammad Rafiq. B.A	<p>His date of birth is 01.03.1964. He joined government service on 06.03.1988. He was promoted from District Kanongo to the post of Tehsildar on 04.07.2019. He has not completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. His PER for the year 2019 are not available.</p> <p>The Board recommended to defer his promotion.</p>
10.	Mr. Gohar Ali. B.A	<p>His date of birth is 20.02.1964. He joined government service on 19.12.1985. He was promoted from District Kanongo to the post of Tehsildar on 26.03.2019. He has not yet completed prescribed length of service for promotion.</p> <p>The Board recommended to defer his promotion.</p>



11.	Mr. Ajam Khan. B.A	<p>His date of birth is 15.06.1963. He joined government service on 07.10.1987. He was promoted from District Knanongo to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
12.	Muhammad Javed. B.A	<p>His date of birth is 22.04.1966. He joined government service on 25.09.1990. He was promoted from District Kanongo to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
13.	Mr. Shah Nadeem. BSc.	<p>His date of birth is 02.04.1983. He joined government service on 09.08.2004. He was promoted from District Kanongo to the post of Tehsildar BS-16 on 16.11.2017. He is already working on acting charge basis. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
14.	Mr. Arshad Mehmood. MSc / L.L.B	<p>His date of birth is 04.02.1967. He joined government service on 17.09.1991. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory</p>

		<p>training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
15.	Muhammad Hasrat Khan. B.A	<p>His date of birth is 15.04.1968. He joined government service on 17.09.1991. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
16.	Mr. Niamatullah. B.A	<p>His date of birth is 22.09.1965. He joined government service on 09.01.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
17.	Mr. Raja Tasawar Khan. B.A	<p>His date of birth is 15.04.1968. He joined government service on 05.03.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. His PERs for the year 2017 to 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p>
18.	Mr. Ishaq Ali Khan. B.A	<p>His date of birth is 14.10.1963. He joined government service on 13.09.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record</p>

		<p>upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
19.	Muhammad Zaman. B.A	<p>His date of birth is 04.01.1968. He joined government service on 25.10.1992. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
20.	Muhammad Imran Zaman. B.A	<p>His date of birth is 05.05.1979. He joined government service on 23.04.2008. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has not undergone mandatory training for promotion. His PERs for the year 2018 and 2019 are also not available.</p> <p>The Board recommended to defer his promotion</p>
21.	Mr. Khalid Mansoor. M.A	<p>His date of birth is 10.03.1974. He joined government service on 12.08.2008. He was promoted from Assistant to the post of Tehsildar on 16.11.2017. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
22.	Mr. Yadullah Khan Khattak. M.A	<p>His date of birth is 23.05.1979. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 was informed that an investigation by NAB against him alongwith others regarding misuse of authority by selling 291 kanal land of Sarfaraz Khan District</p>

		<p>Hospital charity Fund Mardan (MES#114636) vide NAB letter No.1/681/IW-11/NAB(KP)143046 dated 15.02.2019 is under process.</p> <p>His case was discussed in the said meeting of the Board in light of the provision of promotion policy regarding NAB cases, "If there are any NAB investigations being conducted against an officer, the fact of such investigation needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case". Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed.</p> <p>The Board did not consider his promotion.</p>
23.	Mr. Ahmad Hashmi. B.A	<p>His date of birth is 02.04.1983. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 06.04.2018. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. The Board in its meeting held on 09.06.2020 was informed that he had limited capacity and shied away from responsibilities. This was corroborated by his current Supervisory Officer. Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed.</p> <p>The Board did not consider his promotion.</p>
24.	(Mr. Mujahid Ali M.A)	<p>His date of birth is 19.04.1974. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 06.04.2018. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. <u>The Board in its meeting held on 09.06.2020 took notice of his general reputation of being corrupt, incompetent and indifferent to his official responsibilities as reported by the District Collector during his posting as Settlement Tehsildar Nowshera. Thus, the Board decided to keep the officer under watch for a period of one year which has not yet completed.</u></p> <p>The Board did not consider his promotion.</p>
25.	Mr. Syed Abdul Akbar Shah. M.Sc / M.A / M.Phil	<p>His date of birth is 11.04.1981. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 06.04.2018. He has completed</p>

		<p>prescribed length of service for promotion. He has not yet undergone mandatory training for promotion. His PER for the year 2017 to 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p>
26.	Mr. Rahim Shah. B.A	<p>His date of birth is 13.01.1969. He joined government service on 03.09.1990. He was promoted from Assistant to the post of Tehsildar on 06.04.2018. He has not completed prescribed length of service and has not undergone mandatory training for promotion. His PER for the year 2019 is also not available.</p> <p>The Board recommended to defer his promotion.</p>
27.	Muhammad Nawaz. M.A	<p>His date of birth is 25.12.1961. He joined government service on 09.10.1980. He was promoted from Assistant to the post of Tehsildar on 06.04.2018. He has not completed prescribed length of service and has not undergone mandatory training.</p> <p>The Board recommended to defer his promotion.</p>
28.	Mr. Farooq Shah. B.A	<p>His date of birth is 01.04.1961. He joined government service on 01.12.1984. He was promoted from Assistant to the post of Tehsildar on 06.04.2018. He has not completed prescribed length of service and has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p>
29.	Muhammad Ayaz. B.A	<p>His date of birth is 20.02.1983. He joined government service on 30.04.2009. He was promoted from Assistant to the post of Tehsildar on 17.01.2019. He has not completed prescribed length of service and has not undergone mandatory training for promotion. His PER for the year 2018 and 2019 are also not available.</p> <p>The Board recommended to defer his promotion.</p>
30.	Mr. KifayatUllah M.A	<p>His date of birth is 09.01.1977. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar on 17.01.2019. The Board in its meeting held on 09.06.2020 was informed that he was removed from service in a disciplinary proceedings</p>

		<p>and on acceptance his appeal by Service Tribunal, he was conditionally reinstated into services as Naib Tehsildar subject to the final decision of pending CPLA in the Supreme Court of Pakistan. Similarly, his promotion as Tehsildar on 17.01.2019 was also conditional subject to the said CPLA. The Board therefore, decided to wait for the outcome of CPLA and keep him under watch till then.</p> <p>The Board did not consider his promotion.</p>
31.	Muhammad Faraz Qureshi. M.B.A	<p>His date of birth is 17.03.1982. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
32.	Mr. Fazal ur Rehman. M.A	<p>His date of birth is 10.07.1975. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
33.	Mr. Farukh Jadoon. BSc	<p>His date of birth is 04.05.1984. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to</p>

		the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.
34.	Mr. Fayaz Ahmad. M.A	<p>His date of birth is 10.03.1982. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
35.	Mr. Bilal Ahmad. B.A / B.Ed	<p>His date of birth is 10.10.1978. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
36.	Mr. Tanveer Shahzad. M.A	<p>His date of birth is 30.12.1977. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
37.	Mr. Ejaz Ahmad. M.A	<p>His date of birth is 15.04.1976. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No</p>

		<p>enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
38.	Muhammad Salim. BSc	<p>His date of birth is 03.05.1978. He joined government service on 02.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
39.	Mr. Adil Waseem. B.A	<p>His date of birth is 25.12.1988. He joined government service on 27.02.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 17.01.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
40.	Muhammad Yousaf. B.A	<p>His date of birth is 12.04.1964. He joined government service on 22.04.1991. He was promoted from Assistant to the post of Tehsildar BS-16 on 26.03.2019. He has not yet completed prescribed length of service for promotion. He has not yet undergone mandatory training for promotion and his PER for the year 2019 is also not available.</p> <p>The Board recommended to defer his promotion.</p>
41.	Mr. Tanzil-ur-Rehman. B.A	<p>His date of birth is 13.02.1988. He joined government service on 14.04.2009. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has</p>



		<p>undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
42.	Mr. Rab Nawaz. B.A	<p>His date of birth is 12.02.1964. He joined government service on 27.12.1983. He was promoted from Sub Registrar to the post of Tehsildar BS-16 on 26.03.2019. He has not yet completed prescribed length of service for promotion and has also not yet undergone mandatory training for promotion.</p> <p>The Board recommended to defer his promotion.</p>
43.	Mr. Abdul Qayum. B.A	<p>His date of birth is 24.04.1974. He joined government service on 27.12.1993. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
44.	Mr. Qiyanoos Khan. B.A	<p>His date of birth is 14.02.1962. He joined government service on 01.07.1991. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 04.07.2019. He has completed prescribed length of service for promotion. He has not yet undergone mandatory training for promotion and his PER for the year 2019 is also not available.</p> <p>The Board recommended to defer his promotion.</p>
45.	Mr. Sher Bahadar. B.A	<p>His date of birth is 07.04.1965. He joined government service on 10.10.1992. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 04.07.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally</p>

		<p>good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
46.	Mr. Shaukat Iqbal. M.A	<p>His date of birth is 02.11.1973. He joined government service on 19.10.1992. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
47.	Mr. Abdur Rashid. MSc	<p>His date of birth is 05.01.1962. He joined government service on 28.08.1988. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
48.	Sahibzada Ahmad Ali. M.A / B.Ed	<p>His date of birth is 17.04.1962. He joined government service on 28.08.1988. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
49.	Mr. Gohar Ali. B.A	<p>His date of birth is 31.03.1980. He joined government service on 29.05.2009. He was promoted from Naib Tehsildar to the post of</p>

		<p>Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
50.	Mr. Sher Dil. B.A	<p>His date of birth is 24.01.1974. He joined government service on 10.04.1995. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
51.	Muhammad Shoaib. B.A	<p>His date of birth is 01.01.1968. He joined government service on 09.12.1990. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
52.	Mr. Muhamad Arshad. B.A	<p>His date of birth is 20.01.1967. He joined government service on 02.09.1984. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to</p>

		the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.
53.	Mr. Nawab Gul. M.A.	<p>His date of birth is 15.11.1966. He joined government service on 01.01.1995. He was promoted from Naib Tehsildar to the post of Tehsildar BS-16 on 26.03.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2019 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>

**Note: - The remaining officers in the panel are not eligible for promotion.**

Before the WPK Service Tribunal, Dharama

Service Appeal No — 2020

Mujahid Ali vs Govt

Application for restraining the Respondents  
from filing in posts of DMS (BS-17)  
in a final decision of the appeal.

Respectfully submit:

- ① That the appeal is pending before the honorable tribunal today.
- ② That actual promotion cases of the members were considered/discussed by the Respondents in its meeting held on 12<sup>th</sup> (Monday) but applicant was unlawfully not considered in spite of his eligibility.
- ③ That the facts are facts as alleged by the applicant and may only be considered as an integral part of the instant appeal.

It is therefore humbly prayed that by cessation of the applicant the Respondents may be restrained from issuing any notification of promotion of (BS-17) till final decision of the appeal.

Very faithfully,  
Mujahid Ali

④ The costs of the appeal are free and casual.

Applicant/Appellee  
Mujahid Ali  
Counsel.



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2020/(5)  
Dated Peshawar, the 29.12.2020

To

1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
2. The Senior Member, Board of Revenue,  
Khyber Pakhtunkhwa.

**SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.**

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on **30.12.2020 at 1100 hours** under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,

*[Signature]* 29/12/2020  
SECTION OFFICER (PSB)  
87c

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

*[Signature]* 29/12/2020  
SECTION OFFICER (PSB)  
87c

*[Signature]*

AGENDA OF THE PSB MEETING  
TO BE HELD ON 30.12.2020 AT 1100 HOURS.

S.#	Description of cases	Panel	Posts	Deptt
1.	Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post Deputy Administrator/Senior District Zakat Officer BS-18.	07	03	Zakat
2.	Promotion of Deputy Director Information / PRO to Governor / Station Director BS-18 to the post of Director Information BS-19 on regular basis.	04	02	Information
3.	Promotion of Member of Service Management Cadre BS-18 to the post of Member of Service BS-19 in Health Department	20	52	Health
4.	Promotion of Assistant Professor Community Medicine BS-18 to the post of Associate Professor, Community Medicine BS-19, SMC Swat	01	01	Health
5.	Promotion of Senior District Specialist Radiology BS-19 to the post of Chief District Specialist Radiology BS-20	01	04	Health
6.	Proforma promotion of Mr. Muhammad Sharif (Retired) Associate Professor BS-19 to the post of Professor BS-20, Higher Education Department	01	01	HED
7.	Proforma promotion in COC No. 623-P/2019 in W.P No.1160-P/2013 Nighat Shehnaz Vs Govt. of Khyber Pakhtunkhwa.	01	01	HED
8.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20 Irrigation Department	03	03	Irrigation
9.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	02	03	Irrigation
10.	Promotion of Assistant-Engineer / Sub Divisional Officer BS-17 to the post of Executive Engineer BS-18	06	03	Irrigation
11.	Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18	02	01	Irrigation
12.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20	09	04	PHE
13.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	16	7	PHE
14.	Promotion of Assistant Director BS-17 to the post of Deputy Director R&D BS-18	02	01	Environment
15.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in EPA	06	04	Environment
16.	Promotion of GIS Development Officer BS-17 to the post of Deputy Director GIS BS-18.	02	01	Mineral Dev. Department
17.	Proforma promotion of Muhammad Shoaib, Ex-Deputy Director Exploration BS-18 to the post of Director Exploration BS-19 in pursuance of Services Tribunal judgment dated 17-01-2018	01	01	Mineral Dev. Department
18.	Promotion of Mr. Liaqat Ali, Member BS-18 to the post of Member Enquiries BS-19, Provincial Inspection Team	01	01	PIT
19.	Appointment of Mr. Khalid Khan, Research Officer BS-17 to the post of Member BS-18 on acting charge basis, Provincial Inspection Team	02	01	PIT
20.	Promotion of BS-17 Officers of Livestock and Dairy Development Department (Extension Wing) to BS-18.	04	02	Agriculture
21.	Promotion of BS-17 officers to BS-18 of Agriculture Department (Extension Wing)	10	05	Agriculture
22.	Promotion of Statistical Officer BS-17 to the post of Statistician BS-18, Directorate of Crop Reporting Services	11	08	Agriculture
23.	Promotion of officers of Agriculture Research Wing from BS-17 to 18.	09	04	Agriculture
24.	Promotion of Inspector of Boilers BS-17 to the post of Chief Inspector of Boilers BS-18	01	01	Industries
25.	Promotion from BS-18 TO BS-19 (Male) (Teaching Cadre)	114	68	E&SE
26.	Working paper for appointment on acting charge basis of Deputy DEOs / Deputy Directors BS-18 to District Education Officer / Additional Director BS-19 (Management Cadre)	18	17	E&SE
27.	Promotion of Instructor Physical Education BS-17 to the post of Senior Instructor Physical Education BS-18	81	66	E&SE
28.	Promotion of PCS EG BS-19 to BS-20	06	11	Establishment
29.	Promotion of PMS BS-18 to BS-19	37	11	Establishment
30.	Promotion of PMS BS-17 to BS-18	34	07	Establishment
31.	Promotion of Superintendent BS-17 to PMS BS-17	58	14	Establishment
32.	Promotion of PA BS-16 to PMS BS-17	18	07	Establishment
33.	Promotion of Tehsildar BS-16 to PMS BS-17	59	41	Establishment
Addl.1	Promotion of Assistant Professor Cardiology BS-18 to the post of Associate Professor Cardiology BS-19 in Gajju Khan Medical College Swabi	01	01	Health
Addl.2	Promotion of Assistant Professor Medicine BS-18 to the post of Associate Professor Medicine BS-19 in Gajju Khan Medical College, Swabi.	02	02	Health
Addl.3	Promotion of Mr. Muhammad Yaqoob, Member Technical BS-19 to the post of Member Engineering BS-20, Provincial Inspection Team	01	01	PIT
Addl.4	Promotion from BS-19 to BS-20 (Male) Teaching cadre in E&SE department	40	15	E&SE

*AK*