

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 840/2015

Date of Institution ... 15.07.2015

Date of Decision ... 10.12.2018

Sher Hassan, Superintendent (BPS-16) Establishment Department, Khyber  
Pakhtunkhwa, Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar and  
others. ... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,  
Advocate. ... For appellant

MR. ZIAULLAH,  
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN  
MR. HUSSAIN SHAH, ... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

This judgment is proposed to dispose of also appeal No. 841/2015 (Ajmal  
Khan Vs. Government of Pakhtunkhwa and others) as similar facts, circumstances  
and propositions are involved in both the appeals.

2. The case of appellants is that they belonged to the cadre of Ministerial Staff  
(Secretariat Group) since 20.08.1979 and at the relevant time they were serving as  
Superintendents (BPS-16) in the Establishment Department. They had participated  
in the mandatory course in Office Procedure and Management which was a pre-

requisite for promotion to Provincial Management Service (PMS) (BPS-17). In the year 2012 total 30 posts of PMS Group (BPS-17) had fallen vacant in the quota reserved for the posts of Superintendent (BPS-16) in a combined quota list for Superintendents and Private Secretaries. That the appellants were qualified and eligible for promotion to the post of PMS (BPS-17) and had provided the ACRs for the year, 2012. Despite, they were ignored and their promotion was deferred for reasons best known to the respondents. Due to deferment of promotion of appellants, private respondents who were junior to them, were promoted to the post of PMS officers (BPS-17) vide notification dated 03.04.2015. Upon which, the appellants preferred departmental appeals but to no avail, hence the appeal in hand.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents at length.

4. It was the assertion of learned counsel for the appellant that despite their seniority and fitness, the appellants were ignored rather deprived of their promotion on flimsy ground. The N.W.F.P Provincial Management Service Rules, 2007, having come into force with immediate effect, stated that the condition of graduation introduced in the said rules for promotion of Superintendents to PMS (BPS-17) was not to be pressed into service against the appellants because in the rules itself a cushion period of 7 years was provided in the said context. The appellants were admittedly intermediate and not graduates. He was of the view that upon acceptance of appeal in hand retrospective promotion could be made in favour of the appellants as the respondents, all along, exhibited malafide on their part. It was also the assertion of learned counsel that in the year 2012, 30 posts were available for promotion of Superintendents to PMS (BPS-17) while the

appellant Sher Hassan (in Appeal No. 840/2015) was shown at S. No. 3 of the seniority list and appellant (in Appeal No. 841/2015) Ajmal Khan was noted at S. No. 18 of the said list. So both the appellants fell within quota available for promotion. He relied on 2017-MLR-1571, PLD 1997-S.C-582 and 1992-SCMR-1652.

5. On the other hand, learned Deputy District Attorney attempted to argue that the appeals in hand were barred by time. He also contended that the seniority list pertaining to the year 2013 was not questioned by the appellants, therefore, they were barred from agitating the issue at the later stage. He referred to para-3 of written reply submitted by respondents and stated that the deferment of appellants was firstly due to non-availability of vacancies and secondly, owing to the order of maintenance of status quo passed on 04.04.2014 in Writ Petition No. 997-P/2014 by the Hon'ble Peshawar High Court.

6. It shall be expedient to reproduce here-under the portions of respective replies submitted in the two appeals by the respondents. In Appeal No. 840/2015 it was, inter-alia noted:-

*"3. Incorrect. The officer was not eligible for promotion to PMS BS-17 in 2012 as he was at Sr. No. 50 of seniority list of Superintendents BS-16 as stood on 01.10.2012. Afterwards, the appellant was at Sr. No. 10 of the seniority list of Superintendents on 13.05.2013. 07 posts were available in the promotion share of Superintendents, hence PSB in its meeting held on 15.05.2013 cleared 07 Superintendents for promotion to PMS BS-17. The appellant was at Sr. No. 3 of final seniority list issued on 15.04.2014, when Peshawar High Court, Peshawar upon Writ Petition No. 997-P/2014, filed by Muhammad Hayat (PS BS-16) S/O Noorul Bashir versus Government of Khyber*

*Pakhtunkhwa ordered status quo on 04.04.2014. Hence, the promotion could not be made. After May 2014, the officer became ineligible for promotion being under graduate.*

4. *Incorrect. Promotion of appellant could not be made due to dispute and status quo ordered by Peshawar High Court, Peshawar.*
5. *Correct to the extent that PSB in its meeting held on March, 2015 has cleared 26 Superintendents for their promotion to the post of PMS BS-17 and the case of appellant was deferred due to not having requisite qualification i.e. graduation. The condition of graduation was implemented in May, 2014 as 07 years grace period granted in 2007 under PMS Rules was expired at that time."*

Similarly, in Appeal No. 841/2015, the following defence was advanced by the respondents.

- “3. *Incorrect. The officer was not eligible for promotion to PMS BS-17 in 2012 as he was at Sr. No. 66 of seniority list of Superintendents BS-16 as stood on 01.10.2012. Afterwards, the appellant was at Sr. No. 26 of the seniority list of Superintendents on 13.05.2013. 07 posts were available in the promotion share of Superintendents, hence PSB in its meeting held on 15.05.2013 cleared 07 Superintendents for promotion to PMS BS-17. The appellant was at Sr. No. 18 of final seniority list issued on 15.04.2014, when Peshawar High Court, Peshawar upon Writ Petition No. 997-P/2014, filed by Muhammad Hayat (P.S BS-16) S/O Noorul Bashir versus Government of Khyber Pakhtunkhwa ordered status quo on 04.04.2014. Hence, the promotion could not be made. After May 2014, the officer became ineligible for promotion being under graduate.*



4. *Incorrect. Promotion of appellant could not be made due to dispute and status quo ordered by Peshawar High Court, Peshawar.*
5. *Correct to the extent that PSB in its meeting held on March, 2015 has cleared 26 Superintendents for their promotion to the post of PMS BS-17 and the case of appellant was deferred due to not having requisite qualification i.e. graduation. The condition of graduation was implemented in May, 2014 as 07 years grace period granted in 2007 under PMS Rules was expired at that time."*

7. The above noted defence of respondents in both the cases appears to have been based on the order of status quo passed in Writ Petition No. 997-P/2014 as during pendency of the said order the grace period available to the appellant, in terms of non-application of condition of graduation for 7 years, had expired. On the other hand, non-availability of quota in terms of numbers of vacancies to include the appellants in the previous years, is not controverted from the record. The only seniority list attached with the appeals and relied upon by the appellants is dated 15.04.2014 while there is nothing on record to support the claim of the appellants that they became entitled for consideration for promotion in the year, 2012. Mere submission of ACRs would, therefore, not cause the accrual of any right to promotion. It is worth-noting that the quota for promotion to the post of PMS BPS-17 was allocated combined for Superintendents and Private Secretaries. It is also pertinent that one Muhammad Hayat son of Noorul Bashir, Private Secretary, Planning & Development Department, Civil Secretariat, Peshawar brought a Constitution Petition (Writ Petition No. 997-P/2014) before the Hon'ble Peshawar High Court with the prayer that the respondents may be directed to act

upon the notification dated 04.10.2012 and in future fill vacancies in accordance with 60:40 ratio, referred in the Amended Rules. The petitioner therein was aggrieved of the ratio proportion given in the combined quota of Private Secretaries and Superintendents for promotion. In the Writ Petition an order was passed on 04.04.2014 requiring maintenance of status quo qua the impugned promotions which the petitioner therein had asked for as interim relief.

The order of restraint issued by the Hon'ble High Court in a case where the appellants or other Superintendents were not even arrayed as parties to the lis, that too, by way of interim relief to the petitioner, was to merge into the final judgment/order passed in the matter or to die natural death upon its vacation, whichever was earlier. On the contrary, the respondents appear to have stretched the said order of status quo to the detriment of appellant in perpetuity while their defence is silent about the fate of Writ Petition No. 997-P/2014. Anyhow, it was for the respondents to have processed the case of appellants for requisite promotion with effect from the date on which it became due after the disposal of Writ Petition or vacation of order of status quo, as the case may be.

8. It is worth noting that an order of court suspending valuable rights of a person temporarily cannot be considered a permanent hurdle unless the matter is finally decided as such. It was, therefore, incumbent upon the respondents to have processed the case of appellants in the light of law, rules and ultimate findings in Writ Petition No. 997-P/2014, by excluding the grace period passed under the operation of order of status quo. The said order, by no means, required the infringement of valuable rights of a civil servant.

9. To meet the objection of learned DDA regarding delay in filing of appeals suffice it to state that the appellants submitted departmental appeal on 07.04.2015 questioning the notification dated 03.04.2015. Thereafter, the appeals in hand were preferred on 15.07.2015 which are well within time.

10. In view of the above, we allow both the appeals and remit the matter back to the respondents for settlement of issue in the light of findings contained herein above as well as in the judgment pronounced in Writ Petition No. 997-P/2014.

It is pertinent to note that in the seniority list dated 15.04.2014 the date of birth of Ajmal Khan appellant (in appeal No. 841/2015) is noted as 15.08.1958. The said civil servant may have superannuated and retired by now, therefore, his case shall be dealt with in the prescribed manner and under the relevant rules, law and the policy. Parties are left to bear their respective costs. File be consigned to the record room.



(HUSSAIN SHAH)  
MEMBER(E)



(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
10.12.2018

840/2015

10.12.2018

Appellant alongwith counsel and Mr. Ziaullah, Deputy District Attorney alongwith Saleem Khan, Superintendent for the respondents present.

Arguments already heard. Record perused.

Vide our detailed judgment of today this appeal is allowed and the matter is remitted to the respondents. Parties are left to bear their respective costs. File be consigned to the record room.

  
Member

  
Chairman

Announced:  
10.12.2018



Jam

17.10.2018

Junior to counsel for the appellant and Mr. /Muhammad learned Deputy District Attorney alongwith Mr. Saleem Superintendent for the respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.11.2018 before D.B.

Member

Member

28.11.2018

Appellant alongwith counsel present. Mr. Ziaullah, Deputy District Attorney alongwith Saleem Khan, Superintendent for the respondents present. Arguments heard. To come up for order on 10.12.2018 before this D.B.

Member

Chairman

~~07/10/2018~~

~~Case heard by learned member  
learned Deputy District Attorney in company of learned  
before the court adjourned. To come up before D.B.  
28/11/2018~~

10/12/18

05.07.2018

Junior counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Member copy of the instant appeal is also not available. Counsel for the appellant is directed to furnish the same on or before the next date of hearing. Adjourned. To come up for arguments on 20.08.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Kundi)  
Member

20.08.2018

Learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Saleem, Superintendent for official respondents No. 1 to 3 present. Member copy of the present appeal is not available. Counsel for the appellant is directed to furnish the same on or before the next date of hearing. Adjourned. To come up for arguments on 11.10.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

11.10.2018


Learned counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 17.10.2018 before D.B.


  
Member

  
Member

10.01.2018


Junior to counsel for the appellant and Asst: AG alongwith Mr. Khan Zad Gul, SO for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available Counsel for the appellant is directed to submit member copy of the instant appeal. Adjourned. To come up for arguments on 21.02.2018 before D.B.

  
(Ahmad Hassan)  
Member(E)

  
(M. Hamid Mughal)  
Member (J)


21.02.2018

Due to non availability of D.B. Adjourned. To come up on 24.04.2018 before D.B.

  
(Gul Zeb Khan)  
Member

24.04.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourn. To come up for arguments on 05.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

14.03.2017

Counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 3 present. Learned counsel for appellant seeks adjournment. Adjourment granted. To come up for arguments on 14.07.2017 before D.B.

14.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourment. To come up for arguments on 17.11.2017 before D.B.

(ASHFAQUE TAJ)  
MEMBER

(MUHAMMAD AAMIR NAZIR)  
MEMBER

14.07.2017

14.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Counsel for the appellant seeks adjournment. Adjourment. To come up for arguments on 17.11.2017 before D.B.

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

17.11.2017

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney alongwith Sultan Shah, Assistant and Muhammad Saleem Khan, Superintendent, for the respondents present. Learned D.D.A seeks adjournment. Last opportunity granted. To come up for arguments on 10.01.2018 before the D.B.

Member

Chairman

21.03.2016

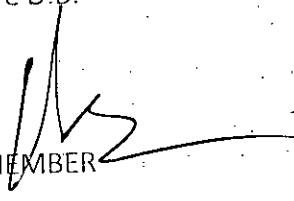
Counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Addl: A.G for respondents present. Written reply by official respondents No. 1 and 2 submitted. The learned Addl: AG relies on the same on behalf of respondent No. 3. None present for private respondents though private respondents No. 10, 14 and 24 were present on the previous date. Private respondents are, therefore, proceeded ex-parte. The appeal is assigned to D.B for rejoinder and final hearing for 29.6.2016.

  
Chairman

29.06.2016

Counsel for the appellant and Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment to file rejoinder. Request accepted. To come up for failing of rejoinder and arguments on 07.11.2016 before D.B.

  
MEMBER

  
MEMBER

07.11.2016

Agent to counsel for the appellant and Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on

14.3.17

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(PIR BAKI SHAH)  
MEMBER

13.08.2015

Agent of counsel for the appellant present. Counsel for the appellant is stated indisposed. Adjourned to 26.8.2015 for preliminary hearing before S.B.

Chairman

26.8.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Superintendent (BPS-16) and was entitled to promotion as PMS Officer (BPS-17) but ignored vide impugned order dated 3.4.2015 vide which officials junior to appellant promoted where against appellant preferred departmental appeal on 7.4.2015 which was not responded and hence the instant service appeal on 15.7.2015.

That the appellant was ignored despite his eligibility in violation of Section-9 of Civil Servants Act, 1973 read with Rule-7 of APT Rules, 1989.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.11.2015 before S.B.

  
Chairman

Appellant Deposited  
Security & Process Fee

25.11.2015

Counsel for the appellant, Mr. Muhammad Anwar Khan, SO alongwith Addl: A.G for official respondents No. 1 to 3 and private respondents No. 10, 14, 24 in person present. Requested for adjournment. To come up for written reply/comments on 21.3.2016 before S.B.

  
Chairman

26.08.2015

Agent Counsel for the appellant present learned counsel for the  
appellant argued that the appellant was serving as Superintendent (BPS-16)  
and was entitled to promotion as PMS Officer (BPS-17) but ignored vide  
impugned order dated 3.4.2015 vide which officials junior to appellant  
promoted where against appellant preferred departmental appeal on  
7.4.2015 which was not responded and hence the instant service appeal on  
15.7.2015.

That the appellant was ignored despite his eligibility in violation of  
Section-9 of Civil Servants Act, 1973 read with Rule-7 of APT Rules, 1989.




Points urged need consideration. Admit. Subject to deposit of  
security and process fee within 10 days, notices be issued to the  
respondents for written reply/comments for 25.11.2015 before S.B.

Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 840/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27.07.2015	<p>The appeal of Mr. Sher Hassan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon. <u>31-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	31.7.2015	<p>Agent of counsel for the appellant present. Counsel for the appellant is stated indisposed. Adjourned to 13.8.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> CHAIRMAN</p>




The appeal of Mr. Sher Hassan superintendent Establishment Department Peshawar received to-day i.e. on 15.07.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 3- Appeal may be page marked with clear ink Pen.
- 4- Wakalat nama in favour of appellant may also be placed on file.
- ⑤ 24 spare copies/sets of the appeal submitted with out annexures are incomplete which may be completed according to the rules i.e. along with annexures complete in all respect.

No. 1088 /S.T,


Dt. 16/7 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,  
That objections from 1 to 4 have been removed  
and objection no. 5 will be remove after  
admission of the appeal.

  
27/7/2015

not removed  
see Reply of the  
counsel.

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

APPEAL NO. 840 /2015

**SHER HASSAN**

**VS**

**GOVT: OF KPK**

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**APPELLANT**

**THROUGH:**

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

①

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

APPEAL NO. 840 /2015

K.W.F. Provincial  
Service Tribunal  
Diary No. 869  
Dated 15-7-2015

Mr. Sher Hassan, Superintendent (BPS-16),  
Establishment Department, Khyber Pakhtunkhwa,  
Peshawar .....

**APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Meer Bashir Khan PMS Officer (BPS-17), Environment Dept, Khyber Pakhtunkhwa, Peshawar.
- 5- Mr. Muhammad Saeed, PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 6- Mr. Shah Muhammad PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 7- Mr. Amanatullah, PMS Officer (BPS-17), Transport Dept, Khyber Pakhtunkhwa, Peshawar.
- 8- Mr. M. Saleem Shah, PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 9- Mr. Muhammad Ismail, PMS Officer (BPS-17), Home & TAS Dept, Khyber Pakhtunkhwa, Peshawar.
- 10- Mr. Haq Nawaz Khan PMS Officer (BPS-17), E&SE Dept, Khyber Pakhtunkhwa, Peshawar.
- 11- Mr. Mir Bad shah, PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 12- Mr. Muhammad Fayaz Khan PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 13- Mr. Hayat-ur-Rehman, Provincial Management Service (BPS-17), IPC Dept, Khyber Pakhtunkhwa, Peshawar.
- 14- Mr. Rafiullah PMS Officer (BPS-17), PHE Dept, Khyber Pakhtunkhwa, Peshawar.
- 15- Mr. Muhammad Ali, PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 16- Mr. Niamatullah, PMS Officer (BPS-17), C&W Dept, Khyber Pakhtunkhwa, Peshawar.
- 17- Mr. Mumtaz Khan, PMS Officer (BPS-17), Local Government, Election & Rural Development Dept, Khyber Pakhtunkhwa, Peshawar.
- 18- Mr. Naeem Tabassum PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 19- Mr. Ghani-ur-Rehman, PMS Officer (BPS-17), Fata Secretariat, Khyber Pakhtunkhwa, Peshawar.

15/7/15

re-submitted to-day  
and filed.

Registrar

29/7/15

- 20- Mr. Sabih-ur-Rehman, PMS Officer (BPS-17), Fata Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 21- Mr. Rizwanullah Khan PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 22- Mr. Sultan Muhammad, PMS Officer (BPS-17), Auqaf Dept, Khyber Pakhtunkhwa, Peshawar.
- 23- Mr. Tanveer Iqbal, PMS Officer (BPS-17), Home & TAs Dept, Khyber Pakhtunkhwa, Peshawar.
- 24- Mr. Irshad Muhammad, PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 25- Mr. Saifullah Khan, PMS Officer (BPS-17), E&A Dept, Khyber Pakhtunkhwa, Peshawar.
- 26- Mr. Daulat Zeb, PMS Officer (BPS-17), Home & TAs Dept, Khyber Pakhtunkhwa, Peshawar.
- 27- Mr. Abdul Saeed PMS Officer (BPS-17), Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 03.04.2015 WHEREBY COLLEAGUES AND JUNIOR COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF PMS OFFICERS (BPS-17) WHILE THE APPELLANT WAS IGNORED FOR PROMOTION TO THE POST OF PMS OFFICER (BPS-17) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 03.04.2015 may very kindly be set aside and the respondents may please be directed to consider the name of the appellant for promotion to post of Provincial Management Services (PMS) Officer (BPS-17) from the date when the promotion of the appellant was due i.e. in the year 2012. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant is belonging to the cadre of Ministerial Staff (Secretariat Group) since 20/08/1979. That right from appointment as junior clerk till promotion to the post of Superintendent (BPS-16) the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of their superiors.

- 2- That appellant while serving as Superintendent (BPS-16) in the Establishment Department, has participated in the mandatory training course in office procedure and management which is requisite training for promotion of Provincial Management Service (PMS) group (BPS-17). That appellant successfully qualified the said course/ training. Copies of the list and passing certificate are attached as annexure ..... **A & B.**
  
- 3- That appellant after undergone through the said requisite course and having senior most Superintendent (BPS-16) amongst his colleagues was perfectly eligible for the post of Provincial Management Service (PMS) group (BPS-17) in the year 2012. That in the year 2012 total 30 posts of Provincial Management Service (PMS) group (BPS-17) have fall vacant in the quota reserved for the Superintendents (BPS-16). Copies of the seniority list and list specifying the vacancies are attached as annexure ..... **C & D.**
  
- 4- That appellant being qualified and eligible for promotion to the post of Provincial Management Service (PMS) group BPS-17, the appellant time and again requested the concerned authorities for his promotion to the post of Provincial Management Service (PMS) group BPS-17. That it is pertinent to mentioned that the concerned Department of appellant has also sought/called ACR from the appellant in the year 2012 but in spite of that the respondents kept pending the case of appellant for promotion to the post of Provincial Management Service (PMS) group BPS-17 on malafidy and arbitrary intentions. Copy of the Notification is attached as annexure ..... **E.**
  
- 5- That recently a Provincial Selection Board (PSB) meeting was held in which astonishingly the case of appellant for promotion to the post of Provincial Management Service (PMS) group BPS-17 has been deferred on the reason that the appellant did not fulfill the requisite qualification for the post of Provincial Management Service (PMS) group BPS-17. That according to the service rules of Provincial Management Service (PMS) group BPS-17 notified on 11/05/2007 it has clearly been mentioned in rule-7 that the condition of graduation as laid down in para-02 sub para A & B of coloumn 5 against S.No.1 of Schedule 1 shall not apply for period of 7 years from the date of coming into force of these rule to the existing incumbents for promotion against BPS-17 posts. Copy of the Notification is attached as annexure ..... **F.**

- 6- That as the promotion of appellant was due in the year 2012 but due to malafidy reason the appellant was lifted/ ignored from promotion to the post of PMS (BPS-17) till the operation of the above mentioned Notification, therefore the appellant can not be ignored from promotion to the post of Provincial Management Service (PMS) (BPS-17) by giving retrospective effect to the said rules.
- 7- That it is pertinent to mention that many other employees belongs to the Secretariat group were promoted to the posts of Provincial Management Service (PMS) Officers (BPS-17) with out the condition of graduation but in the case of appellant the respondents acted differently. Copies of the Notifications and application are attached as annexure ..... **G, H, I & J.**
- 8- That vide Notification dated 3.4.2015 private respondents who were juniors to the appellant was promoted to the post of PMS officer (BPS-17) and the appellant was differed/ ignored in the said promotion on the wrong pretext of not having Graduation Degree. Copy of the impugned Notification dated 3.4.2015 is attached as annexure ..... **K.**
- 9- That feeling aggrieved from the impugned Notification dated 3.4.2015 the appellant filed Departmental appeal but no heed was paid by the respondent No.1 to the said Departmental appeal of the appellant. Copies of the impugned order and Departmental appeal is attached as annexure ..... **L & M.**
- 10- Hence the present appeal inter alia on the following grounds.

**GROUND:**

- A- That the impugned Notification dated 3.4.2015 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That not granting/allowing promotion to the appellant to the post of Provincial Management Service (PMS) Officer (BPS-17) inspite of eligibility and seniority is against the law, facts and norms of natural justice.
- C- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973

- D- That despite of having more than 35 years of service and having requisite qualification/eligibility for promotion to the post of Provincial Management Service (PMS) Officer BPS-17 the respondents ignored the appellant from promotion to the post of PMS (BPS-17) without any reason and rhyme.
- E- That the respondent Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Provincial Management Service (PMS) Officer (BPS-17) inspite of seniority and eligibility.
- F- That many of the appellant colleagues and junior colleagues of Secretarial group have now been working as Provincial Management Service (PMS) Officers (BPS-17) while the appellant still working as superintend (BPS-16), thus the appellant has been discriminated and not been given similar treatment amongst his colleagues.
- G- That as the promotion of appellant was due in the year 2012 but due to malafidy reasons the appellant was lifted/ignored from promotion to the post of PMS (BPS-17) till the operation of the above mentioned Notification, therefore the appellant can not be ignored from promotion to the post of Provincial Management Service (PMS) (BPS-17) by giving retrospective effect to the said rules.
- H- That appellant has been discriminated by the respondents on the subject noted above and as such the impugned order dated 3.4.2015 is not tenable and liable to be set aside.
- I- That it is pertinent to mention that many other employees belongs to the Secretariat group were promoted to the posts of Provincial Management Service (PMS) Officers (BPS-17) with out the condition of graduation but in the case of appellant the respondents acted differently.
- J- That the appellant seek permission to advance other grounds and proofs at the time of hearing.

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

**APPELLANT**

  
**SHER HASSAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

A-6

GOVERNMENT OF K.P.K.  
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT  
STAFF TRAINING INSTITUTE

(Report Generated by Database Programme)

25th Mandatory Training Course in "Office Procedures & Management" for PSs, Supdts, Tehsildars (BS-16) & Newly promoted Section Officers to PMS Posts (BS-17)

With Effect from: 12/12/2011 To 11/2/2012

Confirmation of Addresses

S.No.	Reg. No	Name / Designation	Department/Duty Place/Dist:of Posting	Phone-No.	Signature
1	472	Basir-ud-Din S/O Haji Manawar Din, Private Secretary	Establishment Department, K.P.K.	9212533 03005872406	
2	473	Siraj-ud-Din S/O Mehrab Khan, Private Secretary	Establishment Department, K.P.K.	9218552 03339272377	
3	474	Sajjad Ali S/O Noor-ul-Hassan, Private Secretary	Establishment Department, K.P.K.	03005834148 0923590455	
4	475	Syed Aftab Ullah Shah S/O Syed Anwar Shah, Private Secretary	Establishment Department, K.P.K.	9212366 03239103015	
5	476	Muhammad Sanam Khan S/O Rabnawaz Khan, Superintendent	Establishment Department, K.P.K.	03038245363 03038245363	
6	477	Zahir Shah S/O Abdul Majeed, Superintendent	Establishment Department, K.P.K.	9210712 5333567	
7	478	Alamgir S/O Masal Khan, Superintendent	Establishment Department, K.P.K.	0301-890826 0301-890826	
8	479	Nasrullah S/O Hafizullah, Superintendent	Establishment Department, K.P.K.	9210348 2260511	
9	480	Shah Hassan S/O Mewa Khan, Superintendent	Establishment Department, K.P.K.	9210499 03339279188	
10	481	Meer Bashir S/O Sardar Akbar, Superintendent	Establishment Department, K.P.K.	9210897 9211611	
11	482	Muhammad Saeed S/O Abdul Raziq, Superintendent	Establishment Department, K.P.K.	9210772 03339354505	
12	483	Shah Mohammad S/O Shaiber Khan, Superintendent	Establishment Department, K.P.K.	9213004 9213004	
13	484	Wajid Ali S/O Faqir Gul, Private Secretary	Provincial Inspection Team	9210956 03339255452	
14	485	Amanat Ullah Qureshi S/O Hameed Ullah Qureshi, Superintendent	Establishment Department, K.P.K.	9210415 03469496123	
15	486	Muhammad Ali S/O Abdul Hamid Khan, Superintendent	Establishment Department, K.P.K. PS to Minister for Environment	9213485 0341983738	
16	487	Hayat-ur-Rehman S/O Aziz-ur-Rehman, Superintendent	Establishment Department, K.P.K.	9210180 030009333447	
17	488	Navid Qadir S/O Abdul Qadir, Tehsildar	Revenue & Estate, K.P.K.	9211559 5007976	
18	489	Nowsharwan S/O Mohammad Zarin, Tehsildar	Revenue & Estate, K.P.K. Kohistan	0998405130 03464689015	
19	490	Gowhar Ali S/O Hazrat Gul, Tehsildar	Revenue & Estate, K.P.K. Tehsil Takht Bhai	09379230212 03009330468	
20	491	Kashmir Khan S/O Amir Khan, Tehsildar	Revenue & Estate, K.P.K.	0963-511326 0966790034	
21	492	Khalid Qayyum S/O Abdul Qayyum Shah, Tehsildar	Revenue & Estate, K.P.K.	03005150582 03005150582	
22	493	Muhammad Yousaf Karim S/O Abdul Karim Khan, Tehsildar	Revenue & Estate, K.P.K. Kurram Agency, Parachinar	03459770025 03459770025	
23	494	Muhammad Shah Jamil S/O Sar Zamin Khan, Tehsildar	Revenue & Estate, K.P.K. Pattan	03005444048 03335444048	
24	495	Akbar Shah S/O Maghfoor Shah, Tehsildar	Revenue & Estate, K.P.K.	9210328 03449271322	
25	496	Shah Naseem S/O Saif Malook, Tehsildar	Revenue & Estate, K.P.K. Political Tehsildar Nawagai	2405220 03129441958	

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ESTABLISHMENT AND ADMINISTRATION DEPARTMENT  
STAFF TRAINING INSTITUTE

26th Nine Weeks Advance Mandatory Training Course in "Office Procedure and Management"

& Tehsildars (B-16) & Newly promoted SOs to PMS Posts (B-17)

With Effect from: 1/3/2012 To 28/4/2012

Confirmation of Addresses

S.No.	Reg. No.	Name / Designation	Department/Duty Place/Dist.of Posting	Pbone No.	Signature
1	497	Muhammad Salim Shah S/O Amir Sahib Khan, Superintendent	Establishment Department, K.P.K.	03469149967 03469149967	
2	498	Muhammad Ismail S/O Muhammad, Superintendent	Home & Tribal Affairs K.P.K.	9210386 03005932812	
3	499	Haq Nawaz Khan S/O Saifal Malik, Superintendent	Ele: & Sec: Edu: K.P.K.	03449824470 03449824470	
4	500	Amir Bahadur S/O Khan Ghalib, Superintendent	Establishment Department, K.P.K. Minister's Finance Office	9210505 03009102271	
5	501	Muhammad Fayaz Khan S/O Malik Musharaf Khan, Superintendent	Dir. Gen: Emergency Rescue Service(Rescue-1122)KPK / Peshawar	03028851228 03028851228	
6	502	Rafi Ullah Khan S/O Ghulam Akbar Khan, Superintendent	P.H. Engg., K.P.K.	9214214 03018945356	
7	503	Niamat Ullah Khan S/O Shawar Gul, Superintendent	C&W Department, K.P.K.	9210846 03005884090	
8	504	Sabir Khan S/O Abdul Jabbar, Superintendent	Health. Deptt: K.P.K.	9210487 03005834356	
9	505	Riaz Ullah S/O Mughal Baz, Private Secretary	Housing, K.P.K. / Peshawar	9212430 03469016693	
10	506	Umar Zaman S/O Hukmat Khan, Private Secretary	Ele: & Sec: Edu: K.P.K.	9210049 03009398760	
11	507	Mir Muhammad S/O Pir Muhammad, Private Secretary	Social Welfare Deptt: KPK	9211931 03457919215	
12	508	[Redacted Name], Tehsildar	Revenue & Estate, K.P.K.	03005924176 03005924176	
13	509	Bagh Bostan S/O Shakir Ullah, Tehsildar	Revenue & Estate, K.P.K. Hangu	03349265079 03349265079	
14	510	Amjad Ali S/O Mahmood Khan, Tehsildar	Revenue & Estate, K.P.K. Mardan	03449086854	
15	511	[Redacted Name], Tehsildar	Revenue & Estate, K.P.K.	03068345524 03068345524	
16	512	Abdul Naseer Khan S/O Abdul Baseer Khan, Tehsildar	Revenue & Estate, K.P.K.	03005929001 03005929001	
17	513	Muhammad Riaz Khan S/O Mir Faraz Khan, Tehsildar	Revenue & Estate / Swabi	03333331970 03333331970	
18	514	Gulshan Mahmood S/O Maqbool Ahmad, Tehsildar	Revenue & Estate, K.P.K.	0925622624 03009158417	
19	515	Ajmal Khan S/O Abdul Wahid Khan, Superintendent	C&W Department, K.P.K.	9210850 03329341361	
20	516	Safdar Azam Qureshi S/O Jafar Ali Qureshi, Tehsildar	Revenue & Estate, K.P.K. / Manshra	03339967699 03339967699	
21	517	[Redacted Name], Tehsildar	Revenue & Estate, K.P.K. / Haripur	0992342080 03459557244	
22	518	Liaqat Ali S/O Hasham Ali Khan, Private Secretary	Minerals Development Department, KPK	921346 03329293645	
23	519	Mian Sajid Hussain S/O Mian Ghulam Sarwar, Tehsildar	Revenue & Estate, K.P.K. / Mansehra	03009113441 03009113441	
24	520	Taj Muhammad S/O Nasirullah Khan	Adminstration, Deptt: K.P.K.	03018866123	

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ESTABLISHMENT AND ADMINISTRATION DEPARTMENT  
STAFF TRAINING INSTITUTE

(Report Generated by Database Program)

27th Advance Mandatory Trg: Course in Office Procedures & Management for PSs, Supdts, Tehsildars BS-16  
& Newly promoted Sos to PMS posts BS-17

With Effect from: 3/9/2012 To 2/11/2012

Confirmation of Addresses

S.No.	Reg: No	Name / Designation	Department/Duty Place/Dist:of Posting	Phone No.	Signature
1	524	Mumtaz Khan S/O Farid Khan, Superintendent	Establishment Department, K.P.K. C & W Department	9210846 9210846	
2	525	Saleh Shah S/O Yousuf Shah, Superintendent	Establishment Department, K.P.K. Agriculture Department	9211272 9211272	
3	526	Munif Khan S/O Sadat Khan, Superintendent	Establishment Department, K.P.K. Local Govt: Department	9213225 9213225	
4	527	Shah Jehan S/O Amir Khan, Superintendent	Establishment Department, K.P.K. Administration Department	9210123-24 9210123-24	
5	528	Muhammad Ibrahim S/O Khuda Bakhsh, Superintendent	Establishment Department, K.P.K. Governor's House	0321-9002925 0321-9002925	
6	529	Nacem Tabassum S/O Faqir-ud-Din(Late), Superintendent	Establishment Department, K.P.K.	9210524 0333-9406929	
7	530	Syed Nooran Shah S/O Syed Doran Shah, Private Secretary	Establishment Department, K.P.K.	921043 0314-5555523	
8	531	Mohammad Imran S/O Mohammad Usman, Private Secretary	Establishment Department, K.P.K. Excise & Taxation Department	9213553 2561	
9	532	Irshad Ali S/O Khalil-ur-Rahman, Private Secretary	Establishment Department, K.P.K.	9214069 0300-5770439	
10	533	Zahoor Ahmad S/O Khushal Khan, Private Secretary	Establishment Department, K.P.K. Higher Education Deptt:	0342-9400350 0342-9400350	
11	534	Khadim Hussain S/O Adalat Khan, Superintendent	Establishment Department, K.P.K. Law Department	2591364 0334-9218359	
12	535	Dad Ahmad S/O Muhammad Hassan, Superintendent	Establishment Department, K.P.K. Higher Education Department	03329171023 03329171023	
13	536	Samiullah S/O Wazirullah, Private Secretary	Establishment Department, K.P.K.	9211012 030059422	
14	537	Liaqat Ali S/O Abdul Jabbar, Tehsildar	Board of Revenue, K.P.K. / Nowshera Peshawar	0333-9406096 0333-9106096	
15		[REDACTED]	Board of Revenue, K.P.K. / PESCO Khyber Circle Peshawar	0345-5551799 0345-5551799	
16	539	[REDACTED]	Board of Revenue, K.P.K. / Orakzai Agency Peshawar	03423985833 03339554599	
17	540	[REDACTED]	Board of Revenue, K.P.K. / Balambat Dir Lower Peshawar	03459652361 03459652361	
18	541	[REDACTED]	Board of Revenue, K.P.K. / Shabqadar, Charsadda Peshawar	03365999399 03365999399	
19	542	Bakhtiar Ahmad Khan S/O Baidar Bakht Khan, Tehsildar	Board of Revenue, K.P.K. / Peshawar	9212936 03009112351	
20	543	[REDACTED]	Board of Revenue, K.P.K. / NRSP, Mardan Peshawar	0937800306 03339108761	
21	544	Arshad Jamil S/O Fazali Subhan, Tehsildar	Board of Revenue, K.P.K. / Stamp Inspector Peshawar	6515519 03459120611	

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ESTABLISHMENT AND ADMINISTRATION DEPARTMENT  
STAFF TRAINING INSTITUTE

2<sup>nd</sup> Advance Training Course in Office Procedures & Management for PSs, Supdts, Tehsildars (BS-16) &  
Newly promoted SOs to PMS Post (BS-17)

With Effect from: 25/3/2013 To 24/5/2013

Confirmation of Addresses

S.No.	Reg: No	Name / Designation	Department/Duty Place/Dist:of Posting	Phone No.	Signature
1	551	Naseer Ahmad S/O Gul Ahmad, Superintendent	Auqaf Hajj, Religious & Min: Affairs	2217947 2217947	
2	552	Abdul Latif S/O Abdul Hamid, Superintendent	Irrigation Department, K.P.K.	9210849 03129385817	
3	553	Ghani-ur-Rehman S/O Gul Zanan Khan (Late), Superintendent	FATA Secretariat / Production & Livelihood Dev: Deptt: Peshawar	03149143534 03339226979	
4	554	Bashir Khan S/O Sahib Khan, Superintendent	Energy & Power	9212647 03468123061	
5	555	Saeed Ahmad Siddiqi S/O Sher Ahmad Siddiqi, Superintendent	Governor's Secretariat, K.P.K.	9210440 0334-8400867	
6	556	Lal Gul S/O Gul Zada, Superintendent	Environment Deptt: K.P.K.	9212592 93329248384	
7	557	Syed Mahmood Shah S/O Fazli Raziq, Superintendent	Information	9210425 03149092673	
8	558	Jehanzeb Khan S/O Madar Khan, Superintendent	ST & IT, K.P.K.	9212400 0301-8897348	
9	559	Sardar Muhammad S/O Faqir Muhammad, Private Secretary	ST & IT, K.P.K.	9212400 03339290661	
10	560	Amir Qadar S/O Sher Bahadar, Superintendent	Home & Tribal Affairs K.P.K.	9210284 03348408052	
11	561	Najeebullah S/O Sardar Khan, Superintendent	Minerals Development Department, KPK	9210550 0345-7759102	
12	562	Zahir Ullah S/O Saif Ullah, Superintendent	Finance, Deptt: K.P.K.	9212661 0302-8841565	
13	563	Lal Saeed Khattak S/O Mir Wali Jan, Private Secretary	Finance, Deptt: K.P.K.	9210288 03339206027	
14	564	Sardar Bahadur S/O Samunder Khan, Private Secretary	Finance, Deptt: K.P.K.	9210436 03018923892	
15	565	Mumtaz Khan S/O Abdul Malik, Superintendent	Establishment Department, K.P.K.	0323-9519775 0323-9519775	
16	566	Mohammad Hayat S/O Noor-ul-Bashar, Private Secretary	Ind; Com:& Tech:Education Deptt:KPK	9210418 03339156856	
17	567	Tasleem Khan S/O Baz, Private Secretary	Health, Deptt: K.P.K.	9210571 03009365839	
18	568	Mohammad Anwar Khan S/O Khushal Khan, Private Secretary	Law, Parli:Affairs & HR, K.P.K.	9213788 03139936260	
19	569	Gul Maseen Khan S/O Shams-ul-Huda, Private Secretary	LG, Elec: & RD, K.P.K.	9210523 03449098293	
20	570	Qasim Khan S/O Mir Alam Jan, Private Secretary	Establishment Department, K.P.K.	9210524 03459113254	
21	571	Fazle Rab S/O Gul Mohammad, Personal Assistant	Establishment Department, K.P.K.	9210480 0339156994	
22	572	Fakhr-e-Alam S/O Mohammad Ishaq, Personal Assistant	Ind; Com:& Tech:Education Deptt:KPK		
23	573	Syed Akram Shah S/O Syed Khamin Shah, Tehsildar	Revenue & Estate, K.P.K. PD, GSC, PESCO	0915272339 03469193501	
24	574	Sher Rehman S/O Habib-ur-Rehman, Tehsildar	Revenue & Estate, K.P.K. Presently in	5286983	

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Reg. No: 480

Course No. 25th

# Staff Training Institute



ESTABLISHMENT DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

*This is to certify that*

Mr. Sher Hassan

Designation: Superintendent

Department/Office: Establishment Department, Khyber Pakhtunkhwa, Peshawar

has attended Nine Weeks Mandatory Training Course in " Office Procedures & Management "  
for Private Secretaries, Superintendents, Tehsilidars (BS-16) & newly promoted Section Officers  
to PMS Posts (BS-17) conducted by the Staff Training Institute, Establishment Department,  
Govt. of Khyber Pakhtunkhwa, Peshawar with effect from 12-12-2011 to 11-02-2012.

  
DEPUTY DIRECTOR

  
ATTESTED DIRECTOR

ATTESTED  


Reg. No. 515

Course No. 26th

# Staff Training Institute



ESTABLISHMENT DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA

*This is to certify that*

Mr. Ajmal Khan

Designation. Superintendent

Department/Office. Communication and Works, Department, Khyber Pakhtunkhwa, Peshawar

*has attended* Nine Weeks Advance Mandatory Training Course in "Office Procedures and Management"  
for Supdts, Private Secretaries, Tehsildars (B-16) & Newly promoted Section Officers to PMS Posts (B-17)

of Khyber Pakhtunkhwa, conducted by the Staff Training Institute, Establishment Department,

Govt: of Khyber Pakhtunkhwa, Peshawar with effect from 01-03-2012 to 28-04-2012.

  
DEPUTY DIRECTOR

  
DIRECTOR

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(ESTABLISHMENT WING)

C-12

Dated Peshawar, the 15.04.2014

**NOTIFICATION**

**No.SOE.IV(E&AD)1-13/2013 (Ministerial Cadre):-** In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Seniority list of Superintendents (BPS-16) (as stood on 15.04.2014) Civil Secretariat, Peshawar is hereby notified/circulated for general information.

**FINAL SENIORITY LIST OF SUPERINTENDENT (BS-16) OF CIVIL SECRETARIAT, PESHAWAR AS STOOD ON 15.04.2014**

S.No	Name of officer	Academic Qualification	Date of Birth	Domicile	Date of 1st Entry into Govt: service on regular basis	Date of regular promotion/ apptt: as Assistant (BS-14)	Date of regular promotion As Supdt (BS-16)	Department	Remarks
1	Mr. Alamgir	B.A.	10.02.1960	Mohmand Agy	09.08.1979	10.09.1987	16.04.2010	Minerals Dev: Deptt.	Superintendent
2	Mr. Nasrullah	F.A.	20.01.1958	Peshawar	29.07.1979	10.09.1987	16.04.2010	E&SE Deptt.	Superintendent (SO OPS)
3	Mr. Sher Hassan	F.A.	02.04.1960	Kyber Agcy	20.08.1979	10.09.1987	16.04.2010	E&SE Deptt.	Superintendent
4	Mr. Meer Bashir Khan	B.A.	18.07.1957	Peshawar	02.05.1982	19.09.1987	16.04.2010	Finance Deptt.	Superintendent
5	Mr. Muhammad Saeed	M.A.	09.07.1960	Swat	19.09.1987	19.09.1987	16.04.2010	Finance Deptt.	Superintendent
6	Mr. Shah Muhammad	M.A.	01.03.1956	Dir	03.01.1981	28.09.1987	16.04.2010	Finance Deptt.	Superintendent

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7	Mr. Amanatullah	M.A LLB	14.08.1962	D.I.Khan	27.09.1987	27.09.1987	16.04.2010	Finance Deptt.	Superintendent (SO OPS)
8	Mr. Muhammad Saleem Shah	M.A.	05.04.1961	Bannu	21.07.1980	17.09.1987	16.04.2010	E&AD (R-VI Section)	Superintendent
9	Mr. Muhammad Ismail	B.A.	12.03.1964	Malakand Agy	19.09.1987	19.09.1987	16.04.2010	Home Deptt.	Superintendent
10	Mr. Haq Nawaz Khan	M.A	05.03.1958	Malakand Agy	09.05.1981	21.09.1987	16.04.2010	E&SE Deptt.	Superintendent
11	Mr. Amir Bahadur	M.A.	05.04.1965	Mardan	03.12.1987	03.12.1987	16.04.2010	Finance Deptt.	Superintendent
12	Mr. Muhammad Fayyaz Khan	M.A.	14.04.1962	Peshawar	11.01.1988	01.11.1988	16.04.2010	IPC Deptt.	Superintendent
13	Mr. Hayatur Rehman	M.A.	16.01.1962	Peshawar	02.01.1988	01.11.1988	16.04.2010	Finance Deptt.	Superintendent
14	Mr. Rafiullah	M.A.	10.03.1963	Bannu	17.12.1987	01.11.1988	16.04.2010	PHE Deptt.	Superintendent
15	Mr. Muhammad Ali	M.A. LLB	22.04.1959	Swat	02.12.1987	01.11.1988	16.04.2010	E&AD (HRD Wing)	Superintendent
16	Mr. Niamatullah Khan	B.A. LLB	20.03.1965	Peshawar	01.12.1987	01.11.1988	31.05.2010	C&W Deptt.	Superintendent (SO OPS)
17	Mr. Sabir Khan	Matric	24.06.1955	Peshawar	06.02.1975	09.05.1988	16.04.2010	Health Deptt.	Superintendent
18	Mr. Ajmal Khan S/O Abdul Wahid Khan.	F.A	15.08.1958	Peshawar	15.10.1979	09.05.1988	16.04.2010	C&W Deptt.	Superintendent
19	Mr. Mumtaz Khan	M.A.	01.11.1956	Peshawar	10.10.1979	04.03.1989	12.02.2011	PHE Deptt.	Superintendent
20	Mr. Shah Jehan	Matric	02.02.1956	Peshawar	15.10.1972	04.03.1989	12.02.2011	E&A Deptt.	Superintendent
21	Mr. Muhammad Ibrahim	Matric	01.10.1954	Peshawar	08.03.1975	04.03.1989	12.02.2011	Governor's House	Superintendent (SO OPS)
22	Mr. Naeem Tabasum	M.A	29.03.1959	Peshawar	15.06.1989	15.06.1989	12.02.2011	E&A Deptt.	Superintendent (SO OPS)
23	Mr. Abdul Latif	F.A.	15.11.1959	Peshawar	02.07.1974	02.12.1989	28.06.2011	Irrigation Deptt.	Superintendent
24	Mr. Khadim Hussain	Matric	02.01.1957	Peshawar	01.08.1974	02.12.1989	13.01.2012	Social Welfare Deptt.	Superintendent
25	Mr. Ghani-ur- Rehman	BA	07.03.1959	Peshawar	27.02.1975	02.12.1989	07.09.2011	FATA Sectt.	Superintendent
26	Mr. Saeed Ahmad Siddiqui	F.A.	04.08.1957	Peshawar	11.01.1981	13.12.1989	07.09.2011	Governor's Sectt.	Superintendent
27	Mr. Jehan Zeb Khan	F.A.	17.04.1958	Mohmand Agy	01.02.1979	13.12.1989	07.09.2011	ST&IT Deptt.	Superintendent
28	Mr. Amir Qadir	Matric	02.04.1956	Peshawar	12.01.1981	13.12.1989	07.09.2011	Home Deptt.	Superintendent
29	Mr. Lal Gul	Matric	15.04.1960	Peshawar	12.01.1981	13.12.1989	07.09.2011	Environment Deptt.	Superintendent

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30	Mr. Najeebullah	Matric	12.10.1955	Peshawar	14.01.1981	13.12.1989	13.01.2012	Minerals Dev: Deptt.	Superintendent
31	Syed Mehmood Shah	M.A.	03.03.1955	Mardan	29.07.1979	04.08.1990	13.01.2012	Information Deptt.	Superintendent
32	Mr. Zahir Ullah	Matric	20.10.1960	Peshawar	12.01.1981	04.08.1990	13.01.2012	Finance Deptt.	Superintendent
33	Mr. Mumtaz Khan	Matric	21.02.1955	Peshawar	25.04.1974	04.08.1990	13.01.2012	E&AD (HRD Wing)	Superintendent
34	Mr. Sabih-ur-Rehman Jamil	B.A.	21.12.1957	Peshawar	14.01.1981	04.08.1990	03.12.2012	E&AD (E-V Section)	Superintendent
35	Mr. Hussain Gul	Matric	25.04.1960	Malakand Agy.	08.01.1981	04.08.1990	28.05.2013	STI - E&AD	Superintendent
36	Mr. Muhammad Iqbal	B.A.	01.10.1958	Peshawar	15.01.1981	04.08.1990	12.02.2014	PHE Deptt.	Superintendent
37	Mr. Rizwan Ullah	B.A.	15.08.1959	Peshawar	08.01.1981	04.08.1990	03.12.2012	Finance Deptt.	Superintendent
38	Mr. Sultan Muhammad	B.A.	10.06.1959	Peshawar	13.07.1981	04.08.1990	03.12.2012	C&W Deptt.	Superintendent
39	Mr. Mutahir Zeb	Matric	17.04.1958	Khyber Agy	09.07.1981	04.08.1990	03.12.2012	Agriculture Deptt.	Superintendent
40	Mr. Tanveer Iqbal	BA	19.03.1961	Peshawar	07.07.1981	04.08.1990	03.12.2012	Home Deptt.	Superintendent
41	Mr. Jan Ayaz	F.A.	03.01.1961	Peshawar	07.07.1981	04.08.1990	03.12.2012	Health Deptt.	Superintendent
42	Syed Muhammad Nisar	Matric	10.01.1961	Peshawar	09.07.1981	04.08.1990	28.05.2013	P.W. Deptt.	Superintendent
43	Mr. Shakirullah	Matric	15.01.1959	Peshawar	23.05.1982	04.08.1990	03.12.2012	E&T Deptt.	Superintendent
44	Mr. Irshad Muhammad	B.A.	05.09.1961	Nowshera	04.02.1991	04.02.1991	03.12.2012	Finance Deptt.	Superintendent
45	Mr. Saifullah Khan	M.A.	28.04.1961	Bannu	18.02.1991	18.02.1991	03.12.2012	E&AD (Cypher)	Superintendent
46	Mr. Daulat Zeb	M.A.	11.04.1961	Swabi	07.02.1991	07.02.1991	03.12.2012	Home Deptt.	Superintendent
47	Mr. Abdul Saeed	M.A.	07.08.1958	Karak	02.05.1982	01.04.1992	03.12.2012	C.M's Secretariat.	Superintendent
48	Mr. Zaid-ur-Rehman	Matric	05.01.1958	Malakand Agy.	08.05.1982	01.04.1992	28.05.2013	Housing Deptt.	Superintendent
49	Mr. Fazli Qadeem	M.A.	20.12.1962	FR Peshawar	26.04.1982	01.04.1992	28.05.2013	P&D Deptt.	Superintendent
50	Mr. Hussain Din	B.Sc	20.05.1962	Peshawar	11.04.1992	11.04.1992	28.05.2013	E&Ad (Spl: Asstt to CM for Higher Education)	Superintendent
51	Mr. Hammad Raza.	M.Sc	12.01.1966	Peshawar	09.04.1992	09.04.1992	28.05.2013	Finance Deptt.	Superintendent
52	Mr. Shakeel Ahmad	M.Sc	10.05.1963	Peshawar	09.04.1992	09.04.1992	28.05.2013	Environment Deptt.	Superintendent
53	Mr. Umar Nawaz Khan	M.Sc	03.02.1963	Karak	26.04.1992	26.04.1992	28.05.2013	On deputation to PDMA	Superintendent
54	Mr. Usman Ali Shah	M.A.	14.11.1965	Bannu	09.01.1990	18.04.1992	28.05.2013	E&AD (Asstt: Estate Officer)	Superintendent

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55	Mr. Abdur Rashid Khan	B.A	22.04.1968	Bannu	18.04.1992	18.04.1992	28.05.2013	E&AD (E-I Sec.)	Superintendent
56	Mr. Fida Muhammad	Matric	01.08.1959	Khyber Agency	14.07.1981	17.05.1992	28.05.2013	Transport Deptt.	Superintendent
57	Mr. Mushtaq Ahmad	B.A	01.02.1963	Mansehra	25.04.1982	17.05.1992	28.05.2013	Finance Deptt.	Superintendent
58	Mr. Abbas Khan	B.A	28.05.1956	Mohmand Agy	02.05.1982	17.05.1992	28.05.2013	Home Deptt.	Superintendent
59	Syed Anwar Shah	Matric	01.09.1961	Abbottabad	01.10.1977	17.05.1992	28.05.2013	Higher Edu: Deptt.	Superintendent
60	Mr. Alam Zeb	B.A	12.09.1958	Mansehra	19.08.1982	17.05.1992	28.05.2013	Agriculture Deptt.	Superintendent
61	Mr. Muhammad Javed S/O Gul Bahadur	B.A	15.04.1961	Mardan	21.06.1982	17.05.1992	28.05.2013	Finance Deptt.	Superintendent
62	Mr. Tanveer Ahmad	B.A	01.10.1962	Peshawar	01.12.1980	17.05.1992	28.05.2013	Labour Deptt.	Superintendent
63	Mr. Wasiq	B.A	07.08.1962	Peshawar	02.08.1982	17.05.1992	28.05.2013	Sports Deptt.	Superintendent
64	Mr. Inayatullah S/O Gul Sher	B.A	30.05.1963	Peshawar	25.09.1982	17.05.1992	28.05.2013	E&AD (Issue Branch)	Superintendent
65	Mr. Abdur Rehman S/O Ghulam Jan	Matric	10.06.1958	Peshawar	07.10.1982	31.05.1993	28.05.2013	Higher Edu; Deptt.	Superintendent
66	Syed Shafqat Ali Shah	F.A	10.04.1958	Peshawar	13.11.1982	31.05.1993	28.05.2013	Agriculture Deptt.	Superintendent
67	Mr. Amjad Ali Khan	F.A	22.04.1962	Mardan	30.10.1982	31.05.1993	28.05.2013	Housing Deptt.	Superintendent
68	Mr. Muhammad Ayub S/O Molvi Abdul Hakim	Matric	03.09.1957	Mansehra	16.02.1976	31.05.1993	28.05.2013	Law Deptt.	Superintendent
69	Mr. Muhammad Haroon Iqbal	Matric	18.10.1961	Peshawar	03.03.1984	25.08.1993	28.05.2013	CS Office, E&A Deptt.	Superintendent
70	Mr. Hamid Ullah	F.A	01.03.1961	Peshawar	03.03.1984	25.08.1993	28.05.2013	Industries Deptt.	Superintendent
71	Mr. Saleem Ahmad Shah	F.A	25.04.1962	Peshawar	21.06.1983	25.08.1993	28.05.2013	C&W Deptt.	Superintendent
72	Mr. Muhammad Shoaib	B.A	05.11.1961	Peshawar	03.03.1984	25.08.1993	28.05.2013	Environment Deptt.	Superintendent
73	Mr. Kiramat Ullah	Matric	21.12.1956	Peshawar	18.11.1981	25.08.1993	28.05.2013	Transport Section, E&A Deptt.	Superintendent
74	Mr. Akhtar Ali Shah	M.A (Eng)	04.01.1964	Peshawar	03.03.1984	25.08.1993	28.05.2013	E&AD (Cypher)	Superintendent
75	Mr. Zahir Shah S/O Sher Baz	B.A	05.08.1961	Peshawar	07.03.1984	25.08.1993	28.05.2013	E&T Deptt.	Superintendent
76	Mr. Qasim Jan	B.A	01.01.1959	Peshawar	03.03.1984	25.08.1993	28.05.2013	P&D Deptt.	Superintendent
77	Mr. Noor Wazir Khan	D.Com	02.01.1962	Malakand Agy:	03.03.1984	29.05.1994	28.05.2013	Finance Deptt.	Superintendent
78	Mr. Hidayatullah	M.A	11.04.1959	D.I.Khan	03.03.1984	29.05.1994	28.05.2013	Reg-III, E&A Deptt	Superintendent

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79	Mr. Muhammad Ayub S/O Gul Madeen.	X	Matric	01.04.1960	Orakzai	22.02.1984	29.05.1994	28.05.2013	P&D Deptt.	Superintendent
80	Mr. Mueen-ud-Din	X	F.A	27.10.1963	Karak	07.12.1981	29.05.1994	28.05.2013	E&SE Deptt.	Superintendent
81	Mr. Anwar Shah S/O Arman Shah		B.A LLB	25.10.1957	Khyber Agency	03.03.1984	29.05.1994	28.05.2013	Finance Deptt.	Superintendent
82	Mr. Rasool Khan	X	F.A	07.05.1961	Mohmand Agy	03.03.1984	29.05.1994	28.05.2013	E&A Deptt.	Superintendent
83	Mr. Mufarih Shah		B.A	28.08.1957	Dir	19.08.1982	29.05.1994	28.05.2013	Finance Deptt.	Superintendent
84	Mr. Hayatullah	X	Matric	05.09.1960	Peshawar	01.07.1976	22.01.1995	28.05.2013	LGE&RD Deptt.	Superintendent
85	Mr. Muhammad Amin	X	Matric	30.04.1956	Peshawar	19.01.1976	22.01.1995	28.05.2013	Sports Deptt.	Superintendent
86	Mr. Hazrat Jamal		B.A	01.03.1963	Mardan	29.05.1984	22.01.1995	28.05.2013	E&A Deptt.	Superintendent
87	Mr. Hukmat Khan	X	Matric	15.09.1959	Nowshera	13.07.1979	22.01.1995	28.05.2013	On deputation to TLWM w.e.f 11.06.2013	Superintendent
88	Mr. Anwar Shah S/O Miran Shah	X	F.A	03.07.1959	Peshawar	01.10.1977	22.01.1995	28.05.2013	C&W Deptt.	Superintendent
89	Mr. Saqib Jan	X	Matric	02.09.1959	Peshawar	10.10.1977	22.01.1995	12.02.2014	Home Deptt.	Superintendent
90	Mr. Intizar Ali		B.A	13.05.1957	Peshawar	14.05.1975	22.01.1995	28.05.2013	E&P Deptt.	Superintendent
91	Mr. Muhammad Qasim S/O Hazrat Hassan		B.A	02.01.1965	Peshawar	01.02.1986	22.01.1995	28.05.2013	CM's Sectt.	Superintendent
92	Mr. Muhammad Anwar		M.A	15.04.1968	Buner	27.07.1995	27.07.1995	28.05.2013	LGE&RD Deptt.	Superintendent
93	Mr. Ishtiaq Sultan		B.Com	15.06.1972	Mansehra	27.07.1995	27.07.1995	28.05.2013	Law Deptt.	Superintendent
94	Mr. Muhammad Islam		M.Sc	14.04.1967	Matakand Agy.	27.07.1995	27.07.1995	28.05.2013	On deputation to PDMA	Superintendent
95	Mr. Muazzam Khan		M.A	20.04.1969	Kohat	27.07.1995	27.07.1995	28.05.2013	Finance Deptt.	Superintendent
96	Mr. Fazal Elahi		M.A	21.12.1972	Abbottabad	20.11.1991	27.07.1995	28.05.2013	Law Deptt.	Superintendent
97	Mr. Abid Hussain/S/O Abdul Rauf	X	Matric	11.03.1960	Peshawar	10.10.1979	03.12.1995	28.05.2013	FATA Sectt	Superintendent
98	Mr. Sahib Zadhra		M.A	02.02.1958	Khyber Agy.	19.02.1986	03.12.1995	28.05.2013	LGE&RD Deptt.	Superintendent
99	Mr. Abdul Awal	X	D.Com	10.02.1965	Mardan	20.08.1985	03.12.1995	28.05.2013	E&AD (Estate Office)	Superintendent
100	Mr. Nisar Ahmed	X	D.Com	13.02.1962	Khyber Agency	01.11.1978	03.12.1995	28.05.2013	Law Deptt.	Superintendent
101	Mr. Khan Bahadur		M.A	25.10.1960	Bannu	08.02.1986	03.12.1995	28.05.2013	Auqaf Deptt.	Superintendent
102	Mr. Misbahuddin	X	D.Com	02.03.1966	Peshawar	03.02.1986	03.12.1995	28.05.2013	Health Deptt.	Superintendent

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103	Mr. Fazal Rahman	F.A	X	02.04.1961	D.I.Khan	02.02.1986	03.12.1995	28.05.2013	C.M's Secretariat	Superintendent
104	Mr. Sayed Raza	M.A		15.04.1958	Kohat	05.02.1986	03.12.1995	28.05.2013	E-V Section, E&A Deptt.	Superintendent
105	Mr. Sher Muhammad	B.Sc		18.10.1960	Mohmand Agy	01.02.1986	03.12.1995	28.05.2013	Governor's Sectt.	Superintendent
106	Mr. Zahid Masood.	M.A		21.04.1967	FR Bannu	01.08.1996	01.08.1996	28.05.2013	FATA Sectt.	Superintendent
107	Mr. Muhammad Aleem	M.A		18.02.1962	Swat	04.02.1986	02.12.1996	12.02.2014	Minerals Dev: Deptt.	Superintendent
108	Mr. Bashir-ul-Haq	B.A.		01.09.1960	Malakand Agy.	01.02.1986	02.12.1996	28.05.2013	Higher Education Deptt.	Superintendent
109	Mr. Nasar Ali Khan	D.Com	X	10.10.1962	Peshawar	06.02.1986	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
110	Mr. Sher Bahadur Khan S/O Gul Muhammad	B.A.		04.01.1961	Chitral	04.02.1986	02.12.1996	28.05.2013	Sr. Min. for Finance	Superintendent
111	Mr. Nabi Gul	D.Com.	X	02.01.1961	Mohmand Agy	01.02.1986	02.12.1996	28.05.2013	P&D Deptt.	Superintendent
112	Mr. Muhammad Ilyas S/O Khan Wali	M.A		03.04.1963	Karak	20.09.1982	02.12.1996	28.05.2013	ST&IT Deptt.	Superintendent
113	Mr. Muhammad Qasim S/O Dawa Khan	F.A.	X	18.02.1961	Malakand Agy.	17.04.1986	02.12.1996	28.05.2013	S.W. Deptt.	Superintendent
114	Mr. Abdul Sattar	Matric		07.08.1962	Mohmand Agy	28.04.1986	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
115	Mr. Nausher Khan	F.A.	X	11.12.1963	Sajaur	21.04.1984	02.12.1996	28.05.2013	E&A Deptt. VIP-II	Superintendent
116	Mr. Farhad Khan	D.Com	X	15.12.1964	Peshawar	08.07.1987	02.12.1996	28.05.2013	P&D Deptt.	Superintendent
117	Mr. Abdul Shakoor	B.A.		29.05.1966	Peshawar	11.07.1987	02.12.1996	28.05.2013	C&W Deptt.	Superintendent
118	Mr. Amin Jan	M.A.		24.05.1964	Nowshera	09.07.1987	02.12.1996	12.02.2014	Higher Edu. Deptt.	Superintendent
119	Mr. Bakhtiar Ali	B.A.		20.11.1961	Peshawar	16.07.1987	02.12.1996	28.05.2013	Health Deptt.	Superintendent
120	Mr. Ihsanullah S/O Sher Muhammad	M.A		10.08.1964	Peshawar	21.05.1983	02.12.1996	28.05.2013	CM's Sectt.	Superintendent
121	Mr. Fazle Subhan	B.A.		28.06.1965	Peshawar	19.07.1987	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
122	Mr. Abdullah Shah	Matric	X	03.03.1959	Peshawar	08.03.1986	02.12.1996	28.05.2013	E&S Edu: Deptt.	Superintendent
123	Mr. Masood Ahmed Jan	M.A LLB		01.02.1968	Peshawar	07.07.1987	02.12.1996	28.05.2013	Finance Deptt.	Superintendent
124	Mr. Abid Hussain S/O Bashir Muhammad	Matric	X	10.10.1964	Peshawar	07.07.1987	02.12.1996	28.05.2013	E&A Deptt.	Superintendent
125	Mr. Khalid Khan	M.A		25.04.1965	Peshawar	09.07.1987	02.12.1996	28.05.2013	E&A Deptt.	Superintendent
126	Mr. Sanaullah	D.Com	X	15.09.1967	Bannu	07.07.1987	02.12.1996	28.05.2013	E&A Deptt.	Superintendent

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127	Mr. Muhammad Aslam Khan	Matric	17.03.1964	Bannu	09.07.1987	02.12.1996	28.05.2013	E&AD (Lit Section)	Superintendent
128	Mr. Anwar Akbar Khan	B.A	01.12.1968	Dir	13.07.1987	27.02.1998	28.05.2013	Finance Deptt.	Superintendent
129	Mr. Inayatullah S/O Haji Taza Gul	D.Com.	20.05.1968	Bannu	12.07.1987	27.02.1998	28.05.2013	E&A Deptt. (E-III Sec)	Superintendent
130	Mr. Taj Muhammad	BA	08.03.1967	Khyber Agy	06.07.1987	27.02.1998	28.05.2013	E&AD (SO-Admn)	Superintendent
131	Mr. Abdul Wahab Khalil	MA	04.04.1973	Peshawar	25.03.1998	25.03.1998	28.05.2013	CM Secretariat (Protocol Officer)	Superintendent
132	Syed Waqar Hussain	M.Sc	01.05.1972	Peshawar	21.03.1998	21.03.1998	28.05.2013	Auqaf Deptt.	Superintendent
133	Mr. Saeed Ahmad Khan	MA. LLB	12.01.1972	Chitral	01.08.1991	20.03.1998	28.05.2013	Finance Deptt.	Superintendent
134	Mr. Mukaram Khan	MA. LLB	05.02.1973	Khyber Agency	18.11.1991	21.03.1998	28.05.2013	Finance Deptt.	Superintendent
135	Mr. Muhammad Azhar Khan	BA. LLB	16.08.1972	Haripur	11.05.1992	25.03.1998	28.05.2013	Home Deptt.	Superintendent
136	Mr. Murtaza Khan	B.A	04.02.1962	Mohmand Agy	13.07.1987	16.08.1999	28.05.2013	E&S Edu. Deptt.	Superintendent
137	Mr. Khalid Hassan	Matric.	21.04.1963	Karak	11.07.1987	16.08.1999	12.02.2014	Minerals Dev. Deptt.	Superintendent
138	Mr. Sultan Muhammad	Matric	15.08.1965	Mohmand Agy	07.07.1987	16.08.1999	28.05.2013	Home Deptt.	Superintendent
139	Mr. Muhammad Rafiq S/o Mir Wali	Matric	01.03.1962	Mansehra	07.12.1987	16.08.1999	28.05.2013	E&AD (Adv to CM Haji Abdul Haq)	Superintendent
140	Mr. Hameedur Rehman	B.A	07.02.1965	Karak	12.07.1987	17.05.2000	28.05.2013	Industries Deptt.	Superintendent
141	Mr. Muhammad Yasin S/O Muhammad Amir	B.A.	05.02.1966	Karak	12.05.1987	17.05.2000	28.05.2013	Agriculture Deptt.	Superintendent
142	Mr. Roied Ullah Khan	D.Com	26.11.1966	Bannu	07.07.1987	17.05.2000	28.05.2013	Irrigation Deptt.	Superintendent
143	Mr. Muhammad Afzal S/O Abdul Sattar	Matric	01.04.1956	Peshawar	20.01.1977	17.05.2000	28.05.2013	E&P Deptt.	Superintendent
144	Mr. Murad Ahmad	M.A	02.02.1963	Mardan	01.08.1987	17.05.2000	28.05.2013	Finance Deptt.	Superintendent
145	Mr. Muhammad Irshad S/O Kamal ud Din	Matric	10.01.1957	Peshawar	01.08.1987	17.05.2000	28.05.2013	IPC Deptt.	Superintendent
146	Mr. Jan Nisar	Matric	16.04.1962	Peshawar	01.08.1987	17.05.2000	28.05.2013	Home Deptt.	Superintendent
147	Mr. Mukamil Shah	Matric	09.12.1954	Peshawar	01.08.1987	17.05.2000	28.05.2013	Law Deptt.	Superintendent
148	Mr. Faizul Qadir	Matric	09.04.1957	Peshawar	01.01.1987	17.05.2000	28.05.2013	Governor Sectt.	Superintendent
149	Mr. Mustajab	F.A	25.05.1962	Abbottabad	02.03.1981	17.05.2000	28.05.2013	E&S Edu. Deptt.	Superintendent

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150	Mr. Amanullah S/O Said Ali Jan	Matric	18.04.1962	Peshawar	01.08.1987	17.05.2000	28.05.2013	Information Deptt.	Superintendent
151	Mr. Ijaz Khan	B.Com	21.03.1965	Kohat	10.10.1988	27.07.2000	28.05.2013	E&A Deptt (R-V Sec)	Superintendent
152	Mr. Abdul Aziz	B.A	05.01.1964	Peshawar	31.07.1985	31.10.2000	28.05.2013	Health Deptt.	Superintendent
153	Mr. Dilshad Khan	Matric	15.01.1965	Peshawar	07.04.1988	28.04.2001	28.05.2013	C&W Deptt.	Superintendent
154	Mr. Zulfiqar Ali	Matric	15.05.1966	Peshawar	07.04.1988	28.04.2001	28.05.2013	P.W. Deptt.	Superintendent
155	Mr. Shakoor-ur-Rehman	Matric	01.08.1964	Peshawar	07.04.1988	28.04.2001	28.05.2013	P&D Deptt.	Superintendent
156	Mr. Mukhtiar Ali Shah	Matric	09.02.1956	Peshawar	25.04.1988	28.04.2001	12.02.2014	E&A Deptt.(o/o Secy Estt)	Superintendent
157	Mr. Pervaiz Akhtar	F.A	13.03.1960	Peshawar	25.04.1988	28.04.2001	12.02.2014	Law Deptt.	Superintendent
158	Mr. Shafatullah	Matric	03.02.1960	Peshawar	25.04.1988	28.04.2001	12.02.2014	Finance Deptt.	Superintendent
159	Mr. Abdul Waheed	B.A	09.11.1966	Peshawar	25.04.1988	28.04.2001	12.02.2014	P&D Deptt.	Superintendent

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Dated Peshawar, the 15.05. 2014

Endst: No.SO E.IV(E&AD)1-13/2013 (Ministerial Cadre)

Copy forwarded to:-

- 1 All Administrative Secretaries (except Board of Revenue) to Govt; of Khyber Pakhtunkhwa.
- 2 The Military Secretary to Governor, Khyber Pakhtunkhwa.
- 3 Principal Secretary to Governor Khyber Pakhtunkhwa.
- 4 The Director, Staff Training Institute, Khyber Pakhtunkhwa.

(AKHTAR NAWAZ)  
SECTION OFFICER (E.IV)

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List of Supdts and Private Secretaries Promoted to PMS BS-17 on regular basis during the year 2007-2013 on the basis of joint seniority list:				
S.NO.	YEAR/PROMOTION DATE	No of promotee supdt	No of Promotee PS	TOTAL NO OF PROMOTEE PS/SUPDT
1	22.2.2008(20% combine for supdt & PS)	14	14	28
2	27.05.2008(20% combine for supdt & PS)	5	21	26
3	07.11.2008(20% combine for supdt & PS)	14	6	20
4	03.03.2009(20% combine for supdt & PS)	7	8	15
5	25.01.2010(20% combine for supdt & PS)	14	3	17
6	30.05.2011(20% combine for supdt & PS)	3	8	11
7	21.12.2011(20% combine for supdt & PS)	3	17	20
8	04.10.2012(20% combine for supdt & PS)	5	6	11
9	30.10.2012(20% combine for supdt & PS)	9	1	10
10	21.03.2013(12% only for supdt)	9	0	9
11	28.05.2013(12% only for supdt)	7	0	7
	<b>Total</b>	<b>90</b> ✓	<b>84</b>	<b>174</b>

NOTE:

1	Their share according to 2:8 ratio out total strength of PMS Cadre at present (i.e. 652)	78	52
2	Presently Occupation	48	54
3	Vacant position	30 ✓	2
4	In case their respective share would have been availed since July 2007 to May 2013 (i.e. 174)	104	70

4.10.12 - amended Memo  
12:8

Since 2007 to 2013

ATTESTED

ATTESTED

Bifurcation of 20 % quota jointly meant for Supdt. and Private Secretaries at the ratio 12 % and 8 % was notified with effect from 4-10-2012 (F/A)

2012

E-21

IMMEDIATE



Government of Khyber Pakhtunkhwa  
Establishment Department  
(SECRET SECTION)

No.SOS(ED)CR.1/(10) /2012

Dated: 20/03/2012

To

Mr. Sher Hassan,  
Superintendent P & P,  
Department, C/o SOE

Subject: - Completion of Performance Evaluation Report(s).

Completion of Performance Evaluation Reports is one of the prerequisites for promotion to next higher grade. While scrutinizing your Character Roll Dossiers it was found that your Performance Evaluation Report(s) for the following time period has/have not yet been received in this department.

2010, 2011

You are, therefore, requested to get it completed within three days, failing which your case for promotion cannot be considered.

*Justify that the said persons / petitioner is eligible for promotion to BPS-17*

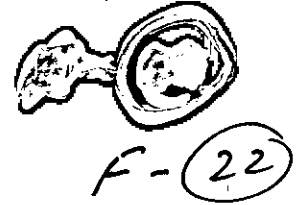
(FARHAD KHAN)  
Section Officer (Secret)

ATTESTED

ATTESTED



GOVERNMENT OF THE  
NORTH-WEST FRONTIER PROVINCE  
ESTABLISHMENT DEPARTMENT



**NOTIFICATION**

Dated Peshawar the 11.05.2007.

**No.SOE.II(ED)2(14)2007:** In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servant Act, 1973 (N.-W.F.P. Act XVIII of 1973), the Chief Minister of the North-West Frontier Province is pleased to make the following rules, namely:

**THE NORTH-WEST FRONTIER PROVINCE PROVINCIAL  
MANAGEMENT SERVICE RULES, 2007.**

1. **Short title and commencement.**---(1) These rules may be called the North-West Frontier Province Provincial Management Service Rules, 2007.

(2) These rules shall come into force at once.

2. **Definitions.**---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "appointing authority" means the appointing authority as specified in rule 5 of these rules;
- (b) "Commission" means the North-West Frontier Province Public Service Commission;
- (c) "Department" means the Establishment and Administration Department;
- (d) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;
- (e) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-18 and BS-19;
- (f) "Schedule" means the Schedule appended to these rules;
- (g) "Service" means the Provincial Management Service;

[www.nwfp.gov.pk](http://www.nwfp.gov.pk)

**ATTESTED**

**ATTESTED**





repealed after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50: 50: <sup>2</sup>[Provided that for the purpose of promotion of both the Secretariat Group and the Executive Group of the said service in different pay scales, -

- (i) the incumbents shall continue to be governed by the said service rules till the retirement of the last such incumbent; and
- (ii) the last incumbent of either Group shall rank senior to the first incumbent of the Provincial Management Service.]

**CHIEF SECRETARY**  
Government of the  
North-West Frontier Province.

**ATTESTED**

**ATTESTED**

<sup>2</sup> Amended vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007



24

**SCHEDULE-I**

S.No.	Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age limit for initial recruitment	Method of recruitment
1	2	3	4	5
1	PMS(BS-17) as per detail at Schedule-II	2 <sup>nd</sup> Division Bachelor Degree from a recognized University.	21-30 year	<p>1) Fifty per cent by initial recruitment on the recommendations of the Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in <sup>3</sup>Schedule - VII.</p> <p>2) Subject to rule 7, by promotion in the following manner:</p> <p>(a) twenty per cent from amongst Tehsildars, who are graduates, on the basis of seniority-cum-fitness, having five years service as Tehsildar and have passed the prescribed Departmental Examination; and</p> <p>(b) twenty per cent from amongst Superintendents /Private Secretaries on seniority-cum-fitness basis, who are graduate and have undergone a training course of 9-weeks at the Provincial Management Academy/Provincial Staff Training Institute. A joint seniority list of the Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts.</p> <p>3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in <sup>4</sup>Schedule-VII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks who possess post graduate qualification from a recognized University and have atleast five years service under Government.</p>
2.	PMS(BS-18) as per detail at Schedule-II	NIL		By promotion, on seniority-cum-fitness basis, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination.

<sup>3</sup> The Word Schedule-IV replaced by Schedule VII vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

<sup>4</sup> The Word Schedule-IV replaced by Schedule VII vide Establishment Department Notification No. SOE-III(E&AD)3-5/2007/(PMS) Dated 12.11.2007

**ATTESTED ATTESTED**



1.	2.	3.	4.	5.
3.	PMS(BS-19) as per detail at Schedule-II.	NIL	-	By promotion, on the basis of seniority-com-fitness, from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above and have passed the prescribed Departmental Training/ Examinations.
4.	PMS(BS-20) as per detail at Schedule-II.	NIL	-	By promotion on the basis of selection-on-merit, from amongst PMS officers holding posts in BS-19 and having at least 17 years service against posts in BS-17 and above and have undergone Advance Training Course from NIPA or any other training course prescribed by Government.
5.	PMS(BS-21) as per detail at Schedule-II.	NIL	-	By promotion, on the basis of selection-on-merit from amongst PMS officers holding posts in BS-20 and having at least 22 years service against posts in BS-17 and above and have undergone Course from Pakistan Administrative Staff College/National Defence College or from any other training Institute prescribed by Government.

ATTESTED

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*

G-26



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(Establishment Wing)

Dated Peshawar, the 24.05.2013.

NOTIFICATION.

NO. SOE-IV(E&AD) 1-7/2013 (SPS):- On recommendations of the Provincial Selection Board Government of Khyber Pakhtunkhwa the competent authority is pleased to appoint the following Private Secretaries (BS-17) to the post of Senior Private Secretaries (BS-18) in the Civil Secretariat, on acting charge basis with immediate effect:-

S.#	NAME	DEPARTMENT OF PRESENT POSTING
1	Mr. Sajjad Rasool.	Elementary & Secondary Education Department
2	Muhammad Nawaz Khan.	Chief Minister's Secretariat.
3	Mr. Basir-ud-Din.	Establishment Department.
4	Mr. Gul Rait Khan.	Industries Department.
5	Mr. Umar Badshah.	Establishment Department.
6	Mr. Siraj-ud-Din.	On deputation to Tanzeem LSWM.
7	Mr. Sajjad Ali.	Science & Technology & Information Technology Department.
8	Syed Arifullah Shah.	Auqaf Department.
9	Syed Abdur Rahim Shah.	Elementary & Secondary Education Department
10	Mr. Riazullah.	Housing Department.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy forwarded to the: -

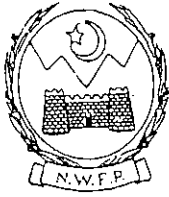
- All Administrative Secretaries concerned/Chairman Tanzeem, LSWM.
- Accountant General, Khyber Pakhtunkhwa Peshawar.
- Section Officer (Admn), E&A Department
- Section Officer (Secret), Establishment Department.
- P.S to Secretary Establishment Department.
- P.S to Special Secretary (E), Establishment Department
- P.A to Addl: Secretary (E), Establishment Department.
- P.A to Addl: Secretary (HRD Wing), Establishment Department.
- P.A to Deputy Secretary (E), Establishment Department.
- Bill Assistant, E&A Department
- Officers concerned
- Personal files of the officers concerned.

**ATTESTED**

*These employees have been promoted without the condition of Bachelor degree.*

(ZAHID USMAN KAKA KHEL)  
SECTION OFFICER (E.IV)

**ATTESTED**



GOVERNMENT OF NWFP  
ESTABLISHMENT DEPARTMENT  
(ESTABLISHMENT WING)

Dated Peshawar, the 11<sup>th</sup> March, 2009

H-27

**NOTIFICATION**

No. SOE.IV (E&AD) 1-7/2009. On the recommendations of the Departmental Promotion Committee, the following Personal Assistants (BS-15)/Acting charge Private Secretaries of the Civil Secretariat, NWFP, are hereby promoted as Private Secretaries (BS-16) on regular basis, with immediate effect: -

S. No	Name	Department
1	Mr. Gul Riat Khan.	Governo.'s Sectt.
2	Mr. Umar Badshah.	Local Government
3	Mr. Siraj-ud-Din.	Tanzeem "Lissaial-e-Wal-Mahroom."
4	Mr. Rehmani Gul.	Governor's House
5	Mr. Iqbal Ahmad.	Governor's Sectt.
6	Mr. Mushtaq Ahmad.	Finance
7	Mr. Ihsanullah.	Inter Provl. Coordination
8	Mr. Arshad Javed.	Establishment
9	Mr. Sajjad Ali.	Energy & Power
10	S.Arifullah Shah.	Auqaf

2. Consequent upon their promotion as Private Secretaries on regular basis, they shall continue to work in their respective Departments as usual.

SECRETARY ESTABLISHMENT


Endst. No. & date even

Copy forwarded to: -

1. The Accountant General, NWFP, Peshawar.
2. The Chairman, Tanzeem Lissaial-e-Wal-Mahroom, Peshawar.
3. The Section Officer (Admn) Administration Department.
4. The Section Officer (Secret) Establishment Department,
5. The Section Officer to MSG, Governor's House, Peshawar,
6. The Section Officer (Admn) Finance Department.
7. The Section Officer (General) I.P.C Department.
8. The Section Officer (General) Energy & Powers Department.
9. The Section Officer (General) Auqaf Department.
10. The Section Officer (General) Local Govt. Department.
11. The Section Officer (Admn) Governor's Secretariat, NWFP.
12. The Manager, Govt. Printing Press, Peshawar for publication in official gazette.
13. The PS to Secretary Establishment Department.
14. Officers concerned.

**ATTESTED**

**ATTESTED**

  
(ABDUL WAHEED)  
SECTION OFFICER (E.IV)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

I-28

Dated Peshawar the March, 21, 2013

**NOTIFICATION**

**NO.SOE.II(ED) 2(192)2012-** Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following PMS BS-17 (Acting Charge)/Tehsildars to the post of Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr. Mr. Iqrar Ali Shah
2.	Mr. Tariq Hassan
3.	Mr. Amanullah Saeed
4.	Mr. Shah Nasim
5.	Mr. Shah Jehan
6.	Mr. Muhammad Pervez
7.	Mr. Pervez Iqbal
8.	Mr. Lal Said
9.	Mr. Abdul Nabi
10.	Mr. Gulshan Mehmood
11.	Mr. Hamid Khan Afridi
12.	Mr. Abdul Samad
13.	Mr. Jayed Anwar Kamal
14.	Mr. Abdur Rehman

2. On promotion, the above officers 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.

3. Consequent upon above, the following postings/transfers are ordered with immediate effect:-

S.#	Name of Officer	From	To
1.	Mr. Iqrar Ali Shah	AAC-II, Karak	Retained on the same post and station
2.	Mr. Tariq Hassan	Finance Officer, Malakand	Retained on the same post and station
3.	Mr. Amanullah Saeed	AAC-I, Batagram	Retained on the same post and station
4.	Mr. Shah Nasim	Tehsildar/, Reader to SMBR	Deputy Secretary-II, Board of Revenue, Khyber Pakhtunkhwa against the vacant post.
5.	Mr. Shah Jehan	Tehsildar, Housing Department	Section Officer, P&D Deptt: against the vacant post.
6.	Mr. Muhammad Pervez	Tehsildar, LA, Abbottabad	Secretary Distt: Public Safety Commission, Batagram against the vacant post.

ATTESTED

ATTESTED

To

J-29

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

Subject: Request for Review of Condition of Graduation for Promotion to PMS (BPS-17) under the PMS Rule 2007.

Respected Sir,

Respectfully it is stated that the Senior Superintendent Community submitted an application on the above subject on 22-10-2014, wherein they explained their promotion case in detail at para-II & III mentioned therein (copy enclosed). The request was submitted for promotion from the retrospective date on the analogy of Establishment Department Notification bearing NO.SOE-II(ED)(423)/2010/volume-II dated 25-07-2012. The Establishment Department did not entertain the request being not on just grounds. It is important to mention, if the Notification issued by the Establishment Department covers under the rules, the department may kindly be asked to process the case in light of the aforementioned Notification.

It is therefore once again requested to kindly issue the order of the senior superintendents on those vacant posts which were available before the implementation of graduation condition i.e. 07<sup>th</sup> May 2014.

I shall be thankful for considering the request.

Faithfully Your's

*6/3/15*  
*6/3/15*  
(SHER HASSAN)  
Superintendent (Foreign Aid)  
P&D Department

*6/3/15*  
Date: 6<sup>th</sup> March, 2015

ATTESTED  
*6/3/15*

ATTESTED  
*6/3/15*

K-30

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT



Dated Peshawar the July, 25, 2012

**NOTIFICATION**

**NO.SOE-II(ED)2(423)/2010/Vol-II:-** In pursuance of Judgment of Supreme Court of Pakistan dated 24.05.2012 in CPLAs No. 860/2010 and 861/2010 titled Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others versus Muhammad Iqbal Khattak and Ahmad Khan and Judgments of Khyber Pakhtunkhwa Services Tribunal dated 13.03.2009 & 09.04.2009 in service appeals No. 612/2008, 613/2008 & 575/2009 titled Muhammad Iqbal Khattak, Ahmad Khan & Latif-ur-Rehman versus Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others, the competent authority is pleased to ante-date the promotion of following PMS BS-17 officers w.e.f the dates as mentioned against each with all back benefits/consequential benefits and re-designate them as PCS(EG) BS-17:-

S.No.	Name of PMS BS-17 officer for ante-dated promotion as PCS (EG) BS-17	Date of ante-dated promotion as PCS (EG)
1.	Mr. Muhammad Iqbal Marwat ( Retired on 31.07.2009	27.12.2005
2.	Mr. Riaz Muhammad Baloch (Retired on 28.02.2011)	26.01.2000
3.	Mr. Muhammad Farooq	27.12.2005
4.	Mr. Zaarmat Ali (Retired on 05.03.2010)	15.05.2000
5.	Mr. Muhammad Zaheer-ud-Din (Retired on 13.08.2011)	29.05.2000
6.	Mr. Ahmad Khan Orakzai	01.06.2000
7.	Mr. Muhammad Iqbal Khattak	07.06.2000
8.	Mr. Muhammad Javed	10.01.2001
9.	Mr. Azam Jan Khalil	10.02.2001
10.	Mr. Ahmad Jan Afridi	08.04.2001
11.	Mr. Nazar Gul Mohmand	09.04.2001
12.	Mr. Muhammad Hanif (died on 31.03.2010)	14.04.2001
13.	Mr. Tahir Muhammad	27.12.2005
14.	Mr. Muhammad Rafiq (Retired on 01.03.2012)	27.12.2005
15.	Mr. Muhammad Fakhruddin	13.11.2001
16.	Mr. Farzand Ali	03.03.2005
17.	Mr. Rehmatullah Khan Wazir	13.11.2001
18.	Mr. Qaiser Khan	13.11.2001
19.	Mr. Abdul Shakoor Dawar	26.12.2001
20.	Mr. Azizullah Khan Mehsud	13.01.2002

**ATTESTED**

*[Signature]*

**ATTESTED**

*[Signature]*

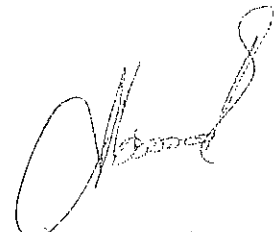


310

**ENDST: NO. & DATE EVEN.**

A copy is forwarded to:-

1. Additional Chief Secretary, Planning & Dev. Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary(FATA), FATA Secretariat.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All District Coordination Officers in Khyber Pakhtunkhwa.
9. All Political Agents in FATA.
10. Accountant General, Khyber Pakhtunkhwa.
11. Accountant General(PR) Sub Office, Peshawar.
12. All District Accounts Officers in Khyber Pakhtunkhwa.
13. All Agency Accounts officers in FATA.
14. Officers concerned.
15. P.S to Chief Secretary, Khyber Pakhtunkhwa.
16. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
17. P.S to Special Secretary(Estt) Establishment Department.
18. PAs to AS(E)/AS(HRD)/DS(E) Establishment Department.
19. Office order file.



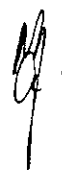
(TABASSUM)  
SECTION OFFICER(E-II)

MUSAN AFRIDI

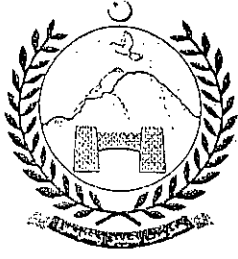
**ATTESTED**



**ATTESTED**



L-32



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the April 03, 2015

NOTIFICATION

NO.SO.E.II(ED)3(45)2012-

Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following Superintendents to the post of Provincial Management Service (BS-17) on regular basis with immediate effect:-

S.NO	NAME OF OFFICER
1.	Mr.Alamgir
2.	Mr.Nasrullah
3.	Mr.Meer Bashar Khan
4.	Mr.Muhammad Saeed
5.	Mr.Shah Muhammad
6.	Mr.Amanatullah
7.	Mr.Muhammad Saleem Shah
8.	Mr.Muhammad Ismail
9.	Mr.Haq Nawaz Khan
10.	Mr.Amir Bahadar
11.	Mr.Muhammad Fayaz Khan
12.	Mr.Hayat-ur-Rehman
13.	Mr.Rafiullah
14.	Mr.Muhammad Ali
15.	Mr.Niamatullah
16.	Mr.Mumtaz Khan
17.	Mr.Naeem Tabasum
18.	Mr.Ghani-ur-Rehman
19.	Mr.Sabih-ur-Rehman Jamil
20.	Mr.Rizwan Ullah
21.	Mr.Sultan Muhammad
22.	Mr.Tanveer Iqbal
23.	Mr.Irshad Muhammad
24.	Mr.Saifullah Khan
25.	Mr.Daulat Zeb
26.	Mr.Abdul Saeed

**ATTESTED**

*[Handwritten signature]*

2. On promotion the above officers 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.

*[Handwritten signature]*

*Attested*  
*[Handwritten signature]*

Contd. on Page.2/-



3. Consequent upon above, the following postings/transfers are ordered with immediate effect:-

S.NO	NAME OF OFFICER	FROM	TO
1.	Mr.Alamgir	Mineral Development Department	Retained as Section Officer in Mineral Development Deptt:
2.	Mr.Nasrullah	E&SE Department	Retained as Section Officer in E&SE Department
3.	Mr.Meer Bashar Khan	Finance Department	Section Officer Environment Department against the vacant post.
4.	Mr.Muhammad Saeed	Finance Department	Retained as Section Officer in Finance Department
5.	Mr.Shah Muhammad	Finance Department	Retained as Section Officer in Finance Department
6.	Mr.Amanatullah	Transport Department	Retained as Section Officer in Transport Department
7.	Mr.Muhammad Saleem Shah	Establishment Deptt:	Retained as Section Officer (Reg-I), E&A Department
8.	Mr.Muhammad Ismail	Home & TAs Department	Retained as Section Officer in Home & TAs Department
9.	Mr.Haq Nawaz Khan	E&SE Department	Retained as Section Officer in E&SE Department against the vacant post.
10.	Mr.Amir Bahadar	Finance Department	Retained as Section Officer in Finance Department
11.	Mr.Muhammad Fayaz Khan	IPC Department	Section Officer (Reg-IV), Establishment Department against the vacant post.
12.	Mr.Hayat-ur-Rehman	Finance Department	Section Officer, IPC Department against the vacant post.
13.	Mr.Rafiullah	PHE Department	Retained as Section Officer, in PHE Department.
14.	Mr.Muhammad Ali	On deputation to Ehtisab Commission	Section Officer (HRD-II), Establishment Department relieving Section Officer (HRD-I) from the additional charge.
15.	Mr.Niamatullah	C&W Department	Retained as Section Officer in C&W Department.
16.	Mr.Mumtaz Khan	PHE Department	Section Officer, Local Government, Election & Rural Development Department against the vacant post.
17.	Mr.Naeem Tabasum	Establishment Department	Retained as Section Officer (E-III), E&A Deptt.
18.	Mr.Ghani-ur-Rehman	FATA Secretariat	Retained as Section Officer in FATA Secretariat.

ATTESTED

Attested  
by



19.	Mr.Sabih-ur-Rehman Jamil	Establishment Department	Retained as Section Officer(E-V), Establishment Department
20.	Mr.Rizwan Ullah	Finance Department	Retained as Section Officer, Finance Deptt: against the post.
21.	Mr.Sultan Muhammad	C&W Department	Section Officer, Auqaf Deptt: (Vice S.No.28)
22.	Mr.Tanveer Iqbal	Home & TAs Department	Retained as Section Officer, Home & TAs Deptt: against the post.
23.	Mr.Irshad Muhammad	Finance Department	Retained as Section Officer, Finance Department against the vacant post.
24.	Mr.Saifullah Khan	E&A Department	Section Officer (Reg-VI), E&A Deptt: (Vice S.No.27)
25.	Mr.Daulat Zeb	Home & TAs Department	Retained as Section Officer in Home & TAs Deptt: against the vacant post.
26.	Mr.Abdul Saeed	Chief Minister's Sectt:	Retained as Section Officer in Chief Minister's Secretariat against the vacant post.
27.	Mst.Saima Jameel (PMS BS-17)	Section Officer (Reg-VI), E&A Deptt:	Section Officer, Chief Minister's Secretariat against the vacant post.
28.	Mst.Hina Saeed (PMS BS-17)	Section Officer, Auqaf Department	Section Officer, Chief Minister's Secretariat against the vacant post.

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**ENDST: NO. & DATE EVEN**

A copy is forwarded to:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Additional Chief Secretary (FATA), Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Accountant General (PR), Sub- Office, Peshawar.
7. Deputy Director (IT), E&A Department.
8. All Section Officers/ EO/Librarian, E&A Department.
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Additional Chief Secretary (P&D), Khyber Pakhtunkhwa.
11. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa
12. PS to Secretary Establishment.
13. PS to S.S(Estt)/S.S(Reg), E&AD.
14. PAs to AS(E)/AS(HRD)/DS(E)/DS(Admn), E&A Deptt:
15. Officers concerned.
16. Office order file.
17. Personal file of the officers concerned.

**ATTESTED**

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*  
SECTION OFFICER(E-II)

To



M-35

The Chief Secretary Khyber Pakhtunkhwa,  
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION DATED 3/4/2015 WHEREBY COLLEAGUES /JUNIOR COLLEAGUES OF THE APPELLANT HAS BEEN PROMOTED TO THE POST OF PMS OFFICERS BPS-17 WHILE THE APPELLANT WAS IGNORED/ DEFERRED ON THE REASON/ CONDITION THAT APPELLANT HAVE NO REQUISITE QUALIFICATION OF GRDUATION

Respected Sir,

Respectfully it is stated that appellant is the senior most Superintendent BPS-16 of the Establishment Department and having seniority position No.3 of the seniority list issued by the establishment Department vide Notification dated 15/4/2014. That appellant has qualified the requisite course for promotion to the post of PMS Officers BPS-17 in the year 2012. That in the year 2012 total 30 posts of PMS Officers BPS-17 were fall vacant in the quota reserved for Superintendent BPS-16. That appellant having the requisite course and seniority cum fitness request the concerned authority time and again for his promotion to the post of PMS Officer BPS-17 but inspite of that the appellant has not been prompted and his promotion has kept pending by the concerned authority wit. malafide intentions.

**ATTESTED**

*Attested*  
*Q*

That vide impugned Notification dated 3/4/2015 colleagues and junior colleagues of the appellant has been promoted to the post of PMS Officers BPS-17 while the appellant has been ignored/differed on the reason that appellant did not fulfill the requisite qualification for the post of PMS Officer BPS-17. That according to the service rules of Provincial Management Service (PMS) group BPS-17 notified on 11/5/2007 it has clearly been mentioned in rule-7 that the condition of graduation as laid down in Para-02 sub Para A & B of column 5 against S. No.1 of Schedule 1 shall not apply for period of 7 years from the date of coming into force of these rule to the existing incumbents for promotion against BPS-17 posts.

It is therefore most humbly prayed that on acceptance of this Departmental appeal the impugned Notification dated 3.4.2015 may very kindly be set aside or modified and the appellent may very kindly be promoted to the post of PMS Officer (BPS-17) with all consequential benefits without the condition of graduation. Any other remedy which your good self deems fit that may also be awarded in favor of the appellent.

Dated: 7.4.2015

APPELLANT

*Sher Hassan*

SHER HASSAN, Superintendent (BPS-16),  
Establishment Department, Khyber Pakhtunkhwa,  
Peshawar.

*Attested*  
*[Signature]*

**ATTESTED**

*[Signature]*

**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Sher Hassan (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt: of KPK (RESPONDENT)  
(DEFENDANT)

I/we Sher Hassan

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

Dated. \_\_\_\_/\_\_\_\_/2015



CLIENT

  
ACCEPTED

NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

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

APPEAL NO. 840 /2015

SHER HASSAN

VS

GOVT: OF KPK

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**APPELLANT**

THROUGH:

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



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

APPEAL NO. 840 /2015

Mr. Sher Hassan, Superintendent (BPS-16),  
Establishment Department, Khyber Pakhtunkhwa,  
Peshawar ..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Meer Bashir Khan PMS Officer (BPS-17), Environment Dept, Khyber Pakhtunkhwa, Peshawar.
- 5- Mr. Muhammad Saeed, PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 6- Mr. Shah Muhammad PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 7- Mr. Amanatullah, PMS Officer (BPS-17), Transport Dept, Khyber Pakhtunkhwa, Peshawar.
- 8- Mr. M. Saleem Shah, PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 9- Mr. Muhammad Ismail, PMS Officer (BPS-17), Home & TAs Dept, Khyber Pakhtunkhwa, Peshawar.
- 10- Mr. Haq Nawaz Khan PMS Officer (BPS-17), E&SE Dept, Khyber Pakhtunkhwa, Peshawar.
- 11- Mr. Mir Bad shah, PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 12- Mr. Muhammad Fayaz Khan PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 13- Mr. Hayat-ur-Rehman, Provincial Management Service (BPS-17), IPC Dept, Khyber Pakhtunkhwa, Peshawar.
- 14- Mr. Rafiullah PMS Officer (BPS-17), PHE Dept, Khyber Pakhtunkhwa, Peshawar.
- 15- Mr. Muhammad Ali, PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 16- Mr. Niamatullah, PMS Officer (BPS-17), C&W Dept, Khyber Pakhtunkhwa, Peshawar.
- 17- Mr. Mumtaz Khan, PMS Officer (BPS-17), Local Government, Election & Rural Development Dept, Khyber Pakhtunkhwa, Peshawar.
- 18- Mr. Naeem Tabassum PMS Officer (BPS-17), Establishment Dept, Khyber Pakhtunkhwa, Peshawar.
- 19- Mr. Ghani-ur-Rehman, PMS Officer (BPS-17), Fata Secretariat. Khyber Pakhtunkhwa Peshawar.

- 20- Mr. Sabih-ur-Rehman, PMS Officer (BPS-17), Fata Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 21- Mr. Rizwanullah Khan PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 22- Mr. Sultan Muhammad, PMS Officer (BPS-17), Auqaf Dept, Khyber Pakhtunkhwa, Peshawar.
- 23- Mr. Tanveer Iqbal, PMS Officer (BPS-17), Home & TAs Dept, Khyber Pakhtunkhwa, Peshawar.
- 24- Mr. Irshad Muhammad, PMS Officer (BPS-17), Finance Dept, Khyber Pakhtunkhwa, Peshawar.
- 25- Mr. Saifullah Khan, PMS Officer (BPS-17), E&A Dept, Khyber Pakhtunkhwa, Peshawar.
- 26- Mr. Daulat Zeb, PMS Officer (BPS-17), Home & TAs Dept, Khyber Pakhtunkhwa, Peshawar.
- 27- Mr. Abdul Saeed PMS Officer (BPS-17), Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 03.04.2015 WHEREBY COLLEAGUES AND JUNIOR COLLEAGUES OF THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF PMS OFFICERS (BPS-17) WHILE THE APPELLANT WAS IGNORED FOR PROMOTION TO THE POST OF PMS OFFICER (BPS-17) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 03.04.2015 may very kindly be set aside and the respondents may please be directed to consider the name of the appellant for promotion to post of Provincial Management Services (PMS) Officer (BPS-17) from the date when the promotion of the appellant was due i.e. in the year 2012. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant is belonging to the cadre of Ministerial Staff (Secretariat Group) since 20/08/1979. That right from appointment as junior clerk till promotion to the post of Superintendent (BPS-16) the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of their superiors.

- 2- That appellant while serving as Superintendent (BPS-16) in the Establishment Department, has participated in the mandatory training course in office procedure and management which is requisite training for promotion of Provincial Management Service (PMS) group (BPS-17). That appellant successfully qualified the said course/ training. Copies of the list and passing certificate are attached as annexure ..... **A & B.**
- 3- That appellant after undergone through the said requisite course and having senior most Superintendent (BPS-16) amongst his colleagues was perfectly eligible for the post of Provincial Management Service (PMS) group (BPS-17) in the year 2012. That in the year 2012 total 30 posts of Provincial Management Service (PMS) group (BPS-17) have fall vacant in the quota reserved for the Superintendents (BPS-16). Copies of the seniority list and list specifying the vacancies are attached as annexure ..... **C & D.**
- 4- That appellant being qualified and eligible for promotion to the post of Provincial Management Service (PMS) group BPS-17, the appellant time and again requested the concerned authorities for his promotion to the post of Provincial Management Service (PMS) group BPS-17. That it is pertinent to mentioned that the concerned Department of appellant has also sought/called ACR from the appellant in the year 2012 but in spite of that the respondents kept pending the case of appellant for promotion to the post of Provincial Management Service (PMS) group BPS-17 on malafidy and arbitrary intentions. Copy of the Notification is attached as annexure ..... **E.**
- 5- That recently a Provincial Selection Board (PSB) meeting was held in which astonishingly the case of appellant for promotion to the post of Provincial Management Service (PMS) group BPS-17 has been deferred on the reason that the appellant did not fulfill the requisite qualification for the post of Provincial Management Service (PMS) group BPS-17. That according to the service rules of Provincial Management Service (PMS) group BPS-17 notified on 11/05/2007 it has clearly been mentioned in rule-7 that the condition of graduation as laid down in para-02 sub para A & B of coloumn 5 against S.No.1 of Schedule 1 shall not apply for period of 7 years from the date of coming into force of these rule to the existing incumbents for promotion against BPS-17 posts. Copy of the Notification is attached as annexure ..... **F.**

- 6- That as the promotion of appellant was due in the year 2012 but due to malafidy reason the appellant was lifted/ ignored from promotion to the post of PMS (BPS-17) till the operation of the above mentioned Notification, therefore the appellant can not be ignored from promotion to the post of Provincial Management Service (PMS) (BPS-17) by giving retrospective effect to the said rules.
- 7- That it is pertinent to mention that many other employees belongs to the Secretariat group were promoted to the posts of Provincial Management Service (PMS) Officers (BPS-17) with out the condition of graduation but in the case of appellant the respondents acted differently. Copies of the Notification and application are attached as annexure ..... **G, H, I & J.**
- 8- That vide Notification dated 3.4.2015 private respondents who were juniors to the appellant was promoted to the post of PMS officer (BPS-17) and the appellant was differed/ ignored in the said promotion on the wrong pretext of not having Graduation Degree. Copy of the impugned Notification dated 3.4.2015 is attached as annexure ..... **K.**
- 9- That feeling aggrieved from the impugned Notification dated 3.4.2015 the appellant filed Departmental appeal but no heed was paid by the respondent No.1 to the said Departmental appeal of the appellant. Copies of the impugned order and Departmental appeal is attached as annexure ..... **L & M.**
- 10- Hence the present appeal inter alia on the following grounds.

**GROUND:**

- A- That the impugned Notification dated 3.4.2015 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That not granting/allowing promotion to the appellant to the post of Provincial Management Service (PMS) Officer (BPS-17) inspite of eligibility and seniority is against the law, facts and norms of natural justice.
- C- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan

- D- That despite of having more than 35 years of service and having requisite qualification/eligibility for promotion to the post of Provincial Management Service (PMS) Officer BPS-17 the respondents ignored the appellant from promotion to the post of PMS (BPS-17) without any reason and rhyme.
- E- That the respondent Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Provincial Management Service (PMS) Officer (BPS-17) inspite of seniority and eligibility.
- F- That many of the appellant colleagues and junior colleagues of Secretarial group have now been working as Provincial Management Service (PMS) Officers (BPS-17) while the appellant still working as superintend (BPS-16), thus the appellant has been discriminated and not been given similar treatment amongst his colleagues.
- G- That as the promotion of appellant was due in the year 2012 but due to malafidy reasons the appellant was lifted/ignored from promotion to the post of PMS (BPS-17) till the operation of the above mentioned Notification, therefore the appellant can not be ignored from promotion to the post of Provincial Management Service (PMS) (BPS-17) by giving retrospective effect to the said rules.
- H- That appellant has been discriminated by the respondents on the subject noted above and as such the impugned order dated 3.4.2015 is not tenable and liable to be set aside.
- I- That it is pertinent to mention that many other employees belongs to the Secretariat group were promoted to the posts of Provincial Management Service (PMS) Officers (BPS-17) with out the condition of graduation but in the case of appellant the respondents acted differently.
- J- That the appellant seek permission to advance other grounds and proofs at the time of hearing.
- It is therefore, most humbly prayed that the appeal the appellant may be accepted as prayed for.

**APPELLANT**

  
**SHER HASSAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

**Service Appeal No. 840/2015**

Sher Hassan (Supdt BS-17)

.....(Appellant)

**Versus**

1. The Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.

.....(Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2.**

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.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Court with clean hands.
8. That the appellant is estopped to file the instant appeal due to their own conduct.
9. That the appeal is bad for 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. Pertains to record.
2. Correct. Pertains to record.
3. Incorrect. The officer was not eligible for promotion to PMS BS-17 in 2012 as he was at Sr. No.50 of seniority list of Superintendents BS-16 as stood on 01.10.2012. Afterwards, the appellant was at Sr. No.10 of the seniority list of Superintendents on 13.05.2013. 07 posts were available in the promotion share of Superintendents, hence, PSB in its meeting held on 15.05.2013 cleared 07 Superintendents for promotion to PMS BS-17. The appellant was at Sr. No.3 of final seniority list issued on 15.04.2014, when Peshawar High Court, Peshawar upon writ petition No. 997-P/2014, filed by Muhammad Hayat (PS BS-16) S/O Noor UI Bashir versus Govt of Khyber Pakhtunkhwa ordered status quo on 04.04.2014. Hence, the promotion could not be made. After May 2014, the officer became ineligible for promotion being under graduate.
4. ~~Incorrect. Promotion of appellant could not be made due to dispute and status quo ordered by Peshawar High Court, Peshawar.~~
5. Correct to the extent that PSB in its meeting held on March, 2015 has cleared 26 Superintendents for their promotion to the post of PMS BS-17 and the case of appellant

was deferred due to not having requisite qualification i.e. graduation. The condition of graduation was implemented in May, 2014 as 07 years grace period granted in 2007 under PMS Rules was expired at that time.

6. Incorrect. The promotion of the appellant was not delayed due to malafide intention. Instead, the promotion of PS & Superintendents to the post of PMS BS-17 has been halted since long first due to dispute among both associations (i.e upon distribution of these posts (PS's Association & Superintendents Association) and later on status quo ordered by Peshawar High Court, Peshawar in the matter upon application of one, Mr. Muhammad Hayat (PS BS-16). Moreover, promotion is always made with immediate effect and retrospective promotion cannot be granted.
7. Incorrect. No undergraduate officer has been promoted to the post of PMS BS-17 after May, 2014 i.e when the condition of graduation was implemented.
8. Incorrect. The appeal of the officer was considered in this department but was filed being devoid of merit.
9. True to the extent that PSB cleared eligible/graduate Superintendents for promotion to the post of PMS BS-17 and the applicant was deferred being not eligible.

**ON GROUNDS:**

- A. Incorrect. The notification under reference is according to law, norms of justice and is liable to be kept intact.
- B. No comments, as earlier explained.
- C. Incorrect. The appellant has been treated as per law & rules. .
- D. Incorrect. Already explained in previous paras. .
- E. Incorrect. The respondents have acted in accordance with law/rules on the subject.
- F. Incorrect. The officer has been dealt fairly and was deferred due to lack of requisite qualification.
- G. Incorrect. As explained earlier.
- H. Incorrect. No discrimination whatsoever has been made in the instant case, rather the Departments have acted in accordance with Law, on the subject.
- I. As explained in Para 7 of facts.
- 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 cost.

Chief Secretary,  
Khyber Pakhtunkhwa  
Respondent No. 1

Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department  
Respondent No. 2

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

**APPEAL NO. 840/2015**

**SHER HASSAN**

**VS**

**GOVT: OF KPK**

**REJOINER ON BEHALF OF THE APPELLANT IN**  
**RESPONSE TO REPLY SUBMITTED BY THE**  
**RESPONDENTS**

**PRELIMINARY OBJECTIONS:**

**1 TO 10:**

All the preliminary objections raised by the respondents are incorrect, baseless and not accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the case.

**ON FACTS:**

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Incorrect and not replied accordingly. That in the year 2012 total thirty posts were available for promotion on the post PMS (BPS-17) reserved for Superintendents (BPS-16). That appellant having the requisite qualification and senior most Superintendent amongst his colleagues was eligible for promotion on the post of PMS (BPS-17) but the respondent Department was totally ignored the appellant from promotion to the post of PMS (BPS-17).
- 4- Incorrect and not replied accordingly. That the status quo has been issued by the Honorable Peshawar High Court Peshawar in the year 2014 while the posts of PMS (BPS-17) have been vacant in the year 2012. That it is very pertinent to mentioned that the concerned Department has also sought/called ACR from the appellant in the year 2012 but inspite of that the respondents kept pending the case of the appellant from promotion to the post of Provincial Management Service (PMS) group BPS-17.
- 5- Admitted correct by the respondents to the extent of PSB meeting held on March, 2015 has cleared 26 Superintendents for promotion to the posts of PMS (BPS-17) while the remaining Para is incorrect. That it also pertinent



to mentioned that according to the service rules of Provincial Management Service (PMS) group BPS-17 notified on 11/05/2007 it has clearly been mentioned in **rule-7** that the condition of graduation as laid down in **Para-02 sub Para A & B of column 5 against S. No. 1 of Schedule 1** shall not apply for period of 7 years from the date of coming into force of these rule to the existing incumbents for promotion against BPS-17 posts. Copy of Notification is attached with the appeal of the appellant as Annexure.....**F.**

- 6- Incorrect and not replied accordingly. That promotion of the appellant was due in the year 2012 but the respondents acted in arbitrary and malafide manner ignored the appellant from promotion to the post PMS (BPS-17 till the operation of the said Notification.
- 7- Incorrect and not replied accordingly. That the respondent Department promoted many other employees promoted to the post of PMS (BPS-17) while the appellant has been ignored by the respondents. That appellant cannot be ignored from promotion to the post of Provincial Management Service (PMS) (BPS-17) by giving retrospective effect to the said rules of the Department.
- 8- Incorrect and not replied accordingly. That juniors from the appellant have been promoted to the post of PMS (BPS-17) and the respondents has not been followed the rules of the Department.
- 9- Incorrect and not replied accordingly. That appellant is eligible for promotion to the post of PMS (BPS-17) in light of Notification dated 11/05/2007 in rule-7. That the respondents malafidely no response has been given on the Departmental appeal of the appellant.

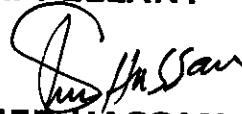
**GROUND:**  
**(A TO J):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless. That despite of having more than 35 years of service and having requisite qualification/eligibility for promotion to the post of Provincial Management Service (PMS) Officer BPS-17 the respondents ignored the appellant from promotion to the post of PMS (BPS-17) without any reason and rhyme. That the respondent Department has acted in arbitrary and malafide manner by not promoting the appellant to the post of Provincial Management Service (PMS) Officer (BPS-17) inspite of seniority and eligibility. That as the promotion of appellant was due in the year 2012 but due to malafide reasons

the appellant was lifted/ignored from promotion to the post of PMS (BPS-17) till the operation of the above mentioned Notification, therefore the appellant can not be ignored from promotion to the post of Provincial Management Service (PMS) (BPS-17) by giving retrospective effect to the said rules. That it is pertinent to mention that many other employees belongs to the Secretariat group were promoted to the posts of Provincial Management Service (PMS) Officers (BPS-17) with out the condition of graduation but in the case of appellant the respondents acted differently.

It is therefore most humbly prayed that on acceptance of this rejoinder of the appellant may be accepted as prayed.

**APPELLANT**



**SHER HASSAN**

**THROUGH:**



**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 8410 /ST

Dated 19/12/2018

To

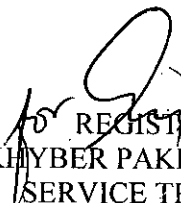
The Secretary Establishment Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 840/2015, MR. SHER HASSAN.

I am directed to forward herewith a certified copy of Judgement dated 10.12.2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR 2/18  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.