

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1667/2022

Shamsa Afridi,
Assistant Professor Commerce,
Government College of Management Sciences (W) Arbab Road Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4763

Dated 6/4/22

..... Appellant.

VERSUS

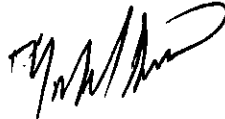
**Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar and others.**

..... Respondents.

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 To 3.

I N D E X

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO. 1667/2022

Shamsa Afridi,

Assistant Professor Commerce,

Government College of Management Sciences (W) Arbab Road Peshawar

..... *Appellant.*

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary,

Civil Secretariat, Peshawar and others.

..... *Respondents.*

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 To 3.

Respectfully Sheweth: -

Preliminary Objections: -

1. That the Appellant does not fall within the definition of an aggrieved person and has no locus standi to file the appeal in hand.
2. That the Appellant has got no cause of action to file the instant case.
3. That the Appellant is estopped by his own conduct to file the instant appeal.
4. That filing of this appeal is futile exercise and wastage of precious time of this Honorable Service Tribunal, liable to be dismissed forthwith.
5. That the instant appeal is barred by law and not maintainable.
6. That the appeal in hand is a time barred case by 10 years.
7. That the instant appeal is not maintainable in its present form.
8. That the instant appeal is bad for non-joinder and mis-joinder of necessary parties.
9. That the appellant has concealed material facts in the instant appeal.

On Facts: -

1. Para No.01 Pertains to record, no comments required.
2. Para No.02 Pertains to record, no comments required.
3. Para No.03 Pertains to record, however the appellant applied in Advertisement No. 02/2011, issued by the KPPSC, one of the appellant namely Muhammad Jalib Sikandar was recommended on 19-Dec-2013, vide Notification No. SOIII(IND)3-6/2013 Dated 19th December 2013, as (**Annex-A**),

(2)

and the private respondents No. 04 to 26 are regularized by the Hon'ble Peshawar High Court judgment dated 08-03-2012, under the NWFP Regularization of Services Act 2009 with immediate effect from 31-12-2012.

4. Para No. 04 is correct.

5. Para No. 05 is correct to the extent that private respondents were regularized under the NWFP Regularization of Services Act 2009, w.e.f 31-12-2012, Notification of regularization dated 31-12-2012, is at **(Annex-B)**, however they filed Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar with the prayers that "to treat the Appellant as Regular from 1st January, 2009 and to Release him the salary from 1st January, 2009 till the issuance of the Notification dated 31-12-2012, and accordingly determination of his seniority".

But the same was dismissed by the Hon'ble Tribunal that the private respondents are regularized with immediate effect from 31-12-2012, under the NWFP Regularization of Services Act 2009, does not mean to be regularize from the date of regularization Act as came into force on 24-10-2009.

6. Para No. 06 is correct to the extent that private respondents files CPs with the intensions to be regularized from the date of regularization of Service Act, 2009 and will get back benefits as well, instead of Notification date 31-12-2012. The CPs of the private respondents were dismissed and leave was refused does not mean that there regularization and Seniority should not be determine from their regularization date i.e 31-12-2012.

The appellant filed observations and representations on Seniority in response the respondent No. 03 has constituted committee, vide office order date 01-03-2022, is at **(Annex-C)**. The committee thoroughly examined all the observations one by one and submits a comprehensive report in light of the relevant rule and law.

Recommendation of the committee report are as under.

"The Seniority issue of lecturers named Miss. Shamsa Afridi, Mr. Wahid Gul, Muhammad Tufail, Mr. Jalib Sikandar, Mr. Hafiz Ajmal Saeed has been examined in detail. Their plea does not seem to be sustainable in the face of rule 17 (2) APT rules 1989. Moreover their notification of regular appointment was issued on different dated in 2013, whereas the services of contract employees were regularized on 31st December 2012. Hence, their claim does not seem to be valid and sustainable. The employees (Regularization of Services) Act, 2009 came into force on 24-10-2009, which provides shelter to all contract employees whose services were regularized w.e.f 31st of December 2012".
(committee report is at annexed D).

7. Para No. 07 is incorrect. The respondent No. 03 has constituted proper Committee to resolve the grievances of the appellants. The committee scrutinize/examined all observation in detail, and submit a comprehensive report in light of the rule 17 (2) of APT rules 1989, that *"Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided*

that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment".

The said seniority list has been rightly been issued keeping in view findings of the inquiry report and the laws on the said matter.

The Appellant should have been placed junior to the answering respondents in the seniority list, in accordance with the above-mentioned facts.

8. Para No. 8 pertains to record. Moreover, the representation and the appeal are badly time barred.
9. Para No. 09 of the instant appeal is incorrect. The Appellant is not aggrieved and has been rightly placed in the seniority list, in accordance with law. The Appellant bereft of any cause, legal grounds and standing before this Honourable Tribunal, the whole premise of the Appellant's case is based on contradictions and falsifications

GROUND:-

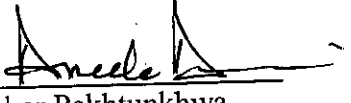
- A- It is incorrect and misconceived. The Seniority list was rectified in accordance with law and the appellant was placed in right position in the Seniority list issued by the respondent No. 03. As the private respondents were regularized under the NWFP Regularization of Services Act 2009 with immediate effect from 31-12-2012.
- B- It is incorrect hence denied. The appellant namely Shamsa Afridi was recommended on 04-04-2013, vide Notification No. SO-I(A&E) P&LDD/FS/IMTE/3-2/2012/1406-28 Dated 4th of April, 2013, as **(Annex-E)**. The seniority list has been issued in accordance with rule and law. No discrimination has been made with the appellant. The appellant was rightly placed in his correct place in the seniority list. The services of the private respondents were regularized on 31-December, 2012, hence the seniority is always determined from the date of regular appointment.
- C- It is incorrect as laid. As explained above the impugned notification as well as seniority list circulated there under is well in accordance with the law. The said seniority list has been rightly been issued keeping in view findings of the inquiry report and the laws on the said matter.
- D- It is incorrect as already explained in the preceding para on Ground B.
- E- It is correct to the extent that every civil servant to properly placed in the Seniority list according to his seniority position, the same has been followed by the committee and has been given right place to the appellant in seniority list. The appellant is treated in accordance with rules and law.
- F- It is correct. The Appellant has not been subjected to any ulterior motives, but instead the appellant has been subjected lawful procedure of rectifying the impugned seniority list.
- G- It is incorrect. The appellant was treated in accordance with law and rules, and has given right place in the seniority list. Proper committee was constituted to resolve the appeal and grievances of all the concerns in light of the established rules and law.


H- It is incorrect and misconceived. The act of the respondents is legal and according to the law and the appellant has been dealt with in accordance with law/relevant rules. The appellant has concealed material facts and committee report from this Honorable Tribunal and this Appeal is an attempt to mislead this Honorable Tribunal by twisting facts.


I- The respondents may also assist this hon'able court with additional grounds at the time of argument.

Prayer: -

In view of the above submissions, it is humbly prayed that the Service Appeal in hand may graciously be dismissed with costs.

Respondent No. 1. 
Government of Khyber Pakhtunkhwa,
Through its Chief Secretary, Civil
Secretariat, Peshawar.

Respondent No. 2. 
Secretary Higher Education, Archives &
Libraries Department, Government of
Khyber Pakhtunkhwa

Respondent No. 3. 
Director General, Commerce Education &
Management Sciences, Peshawar.

**DIRECTOR GENERAL
COMMERCE, EDUCATION &
MANAGEMENT SCIENCES
PESHAWAR**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1667/2022

Shamsa Afridi,
Assistant Professor Commerce,
Government College of Management Sciences (W) Arbab Road Peshawar

..... *Appellant.*

VERSUS

**Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar and others.**

..... *Respondents.*

AFFIDAVIT

I, Muhammad Anwar Khan Deputy Director (Litigation Section) Directorate General of Commerce Education and Management Sciences, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the parawise comments on behalf of Respondents are true & correct to the best of my knowledge & belief and nothing has been concealed from this Hon'able Court.


Deponent.

Dated: ___ / ___ /2023.



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE & TECHNICAL
EDUCATION, DEPARTMENT

Annex - A
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NOTIFICATION

No. SOH(IND)3-6/2013 On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, and in pursuance of the provisions contained in sub-section(2) of section-19 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), as amended by the Khyber Pakhtunkhwa, Civil Servants (Amendment) Act, 2005 (Khyber Pakhtunkhwa Act No. IX of 2005), the competent Authority is pleased to order the appointment of the following candidates as Male Instructors (Economics) (BPS-17) in the Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa subject to the terms and conditions mentioned hereunder:-

1. Hafiz Ajmal Saeed S/o Muhammad Saeed Khan of Chitral
2. Muhammad Jalib Sikandar S/o Atta Ullah Khan of Lakki Marwat
3. Muhammad Tufail Khan S/o Muhammad Tariq of Mansehra

TERMS AND CONDITIONS

- i. They will, have all rights/privileges contained in Khyber Pakhtunkhwa Civil Servants Acts, 1973 with all amendments made therein including Khyber Pakhtunkhwa, Civil Servants (Amendment) Act 2013, and Rules made thereunder.
- ii. They will, initially, be on probation for a period of one year.
- iii. Their services will be liable to termination at any time without assigning any reasons, before the expiry of the period of probation/extended period of probation, if their work during this period is not found satisfactory. In such an event, they will be given a month's notice of termination from service or one month's pay in lieu thereof. In case they wish to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- vi. In case of disciplinary matters, Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules), 2011 shall be applicable.
- vii. They will not be entitled to any TA/DA on their first appointment as male Instructor (Economics) (BPS-17) in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa.

Continue at Page (2)

(2)

2. On their appointment, the Competent Authority has further been pleased to order the following postings in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa with immediate effect:-

S.No	Name of incumbent	Proposed as
1.	Hafiz Ajmal Saeed S/o Muhammad Saeed Khan	Instructor (Economics) BPS-17 Government College of Management Sciences, Chitral against the vacant post.
2.	Muhammad Jalib Sikandar S/o Atta Ullah Khan	Instructor (Economics) BPS-17 Government College of Management Sciences, Kohat against the vacant post.
3.	Muhammad Tufail Khan S/o Muhammad Tariq	Instructor (Economics) BPS-17 Government College of Management Sciences, Mansehra against the vacant post.

3. If the above terms and conditions are acceptable to them, they should report for duty to the Principal of the Institute noted above within seven days of the receipt of this order.

-Sd-
Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department.

Endst:No.SOIII(IND)3-6/2013

19467

Dated Pesh. the 19th December, 2013

Copy is forwarded to:-

1. The Director General, TE&MT, Khyber Pakhtunkhwa, Peshawar along with all relevant documents (in original) of the Officers for record.
2. The District Accounts Officers, Chitral, Kohat and Mansehra.
3. The Director Recruitment, Khyber Pakhtunkhwa, Public Service Commission, Peshawar/r to his letter No. KPK/PSC/SR.071213 dated 30-07-2013.
4. The Principals, Govt; College of Management Sciences, Chitral, Kohat and Mansehra.
5. The Controller, Printing & Stationery Department, Peshawar
6. Mr. Hafiz Ajmal Saeed S/o Muhammad Saeed Khan, P/O & Village Langa, C/o Saeed Boot House, Tehsil Drosh, District Chitral.
7. Mr. Muhammad Jalib Sikandar S/o Atta Ullah Khan, House No.546, Street No.05, Sector G-II/1, Islamabad.
8. Mr. Muhammad Tufail Khan S/o Muhammad Tariq, Village Dara No.1, Teh & Dist; Mansehra, Post Office, Mansehra.
9. File/office copy.

(TARIQ ALI KHAN)
SECTION OFFICER-III



GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT

L. Ammar B.
7

Dated Peshawar, the _____ 63

NOTIFICATION

No. SOIII(IND)TE/3-9/2012. In pursuance of the Peshawar High Court, Peshawar judgment dated 08-03-2012 announced in Writ Petition No.1289/2010 the Competent Authority has been pleased to regularize the services of the following employees of Technical Education under the NWFP (Regularization of Services) Act 2009 with immediate effect:-

SR#	NAME & FATHER NAME
1	Mr. Shahid Khan Masood S/o Sarfraz
2	Mr. Shahid Alam S/o Mohammad Nisar
3	Mr. Irfanullah S/o Amanullah
4	Mr. Asif Khan S/o Noor Rahim
5	Mr. Rahmat Khan S/o Gulzar Khan
6	Mr. Mohammad Iqbal S/o Ali Rehman
7	Mr. Inam Khan S/o Fazal Manan
8	Mr. Mohammad Iqbal S/o Gul Said
9	Mr. Ahmed Shah S/o Niaz Amin
10	Mr. Altaf Hussain S/o Maqbool Khan
11	Mr. Irfan Qadir S/o Fazal Qadir
12	Mr. Khial Bahadar S/o Bahadar Khan
13	Mr. Rehanud Din S/o Shabud Din
14	Mr. Sajjad Ahmad S/o Abdul Ghafar
15	Mr. Sartaj Aziz S/o Zarabat Khan
16	Mr. Zeenat Shah S/o Mehraban Shan
17	Mr. Istikhar Ali S/o Mohammad Akbar
18	Mr. Ikhtiar Zada S/o Habibul Hassan
19	Mr. Hayat Ullah S/o Wahid Ullah
20	Mr. Abdul Qadoos S/o Mohammad Hazrat
21	Mr. Mohammad Ilyas S/o Khanzada
22	Mr. Mohammad Ibrahim S/o Kabal Khan
23	Muhammad Ilyas S/o Mohammad Akram
24	Mr. Sangeen Khan S/o Khair Mohammad
25	Mr. Sajid Ullah S/o Sher Azam Khan
26	Mr. Jaffar Ali S/o Kashmir Khan
27	Mr. Jamshid Alam S/o Shah Salam
28	Mr. Shafiqur Rehman S/o Qandahar Khan
29	Mohammad Tahir Shah S/o Mohammad Subhan

30	Mr. Noor Hassan Khan S/o Gul Sher Khan
31	Mr. Waqar Ahmed S/o Afsar Shah
32	Mr. Saadat Khan S/o Khanan Khan
33	Mr. Raheem Dad Khan S/o Waris Khan
34	Mr. Mohammad Fayaz Afridi S/o Shad Mohammad
35	Mr. Amjid Ali S/o Shaban Ali
36	Mr. Mohammad Iqbal S/o Mohammad Hazrat
37	Mr. Shoukat Hussain S/o Gulab Hussain
38	Mr. Tahir Ayub S/o Mohammad Usman
39	Mr. Amjid Ali S/o Hussain Ali
40	Mr. Muhammad Iqbal S/o Fazal Rahim
41	Mr. Sallah Ud Din S/o Mohammad Rehman
42	Mr. Mohammad Ayub S/o Abdul Saeed Jan
43	Mr. Abdul Aziz S/o Rahim Badshah
44	Mr. Mumtaz Khan S/o Zahir Shah
45	Mr. Shahan Zeb S/o Sher Bahadar
46	Mr. Fareed Ullah S/o Essar Khan
47	Mr. Ikramullah S/o Noor Nawaz
48	Mr. Mohammad Hamayun S/o Ibrahim Ali
49	Mr. Said Badshah S/o Hazrat Badshah
50	Mr. Shah Zarin Khan S/o Naurang Khan
51	Mr. Noor Zada S/o Haya Khan
52	Mr. Kashif Amin S/o Amin Ul Haq
53	Syed Athar Ali Shah S/o Syed Munawar Ali Shah
54	Syed Hussain Ali Shah S/o Kamran Ali Shah
55	Mr. Asif Ali S/o Ghulam Abbas

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2. Consequent upon their regularization the following posting are hereby made as under:-

SR#	NAME & FATHER NAME	POSTING
1	Mr. Shahid Khan Masood S/o Sarfraz	As Lecturer (Computer Science), BPS-17 GCMS, D.I.Khan.
2	Mr. Shahid Alam S/o Mohammad Nisar	As Lecturer (Computer Science), BPS-17, GCMS Charsadda.
3	Mr. Irfanullah S/o Amanullah	As Lecturer (Commerce) BPS-17, GCMS Bannu.
4	Mr. Asif Khan S/o Noor Rahim	As Lecturer (Physics), BPS-17, GCT Swabi.
5	Mr. Rahmat Khan S/o Gulzar Khan	As Lecturer (Telecom), BPS-17, GTI Khair B/Agency.
6	Mr. Mohammad Iqbal S/o Ali Rehman	As Lecturer (Telecom), BPS-17, GTI Khar(B/Agency)
7	Mr. Inam Khan S/o Fazal Manan	As Librarian, BPS-17, GCT Kohat.
8	Mr. Mohammad Iqbal S/o Gul Said	As Lecturer (Commerce), BPS-17, GCMS Charsadda
9	Mr. Ahmed Shah S/o Niaz Amin	As Director Physical Education BPS-17, GCMS Chitral.

	Mr. Altaf Hussain S/o Maqbool Khan	As Lecturer(Computer Science), BPS-17, GCMS Nowshera
11	Mr. Irfan Qadir S/o Fazal Qadir	As Lecturer(Computer Science), BPS-17, GCMS Mardan.
12	Mr. Khial Bahadar S/o Bahadar Khan	As Lecturer(Commerce), BPS-17, GCC No.02 Mardan.
13	Mr. Rehanud Din S/o Shabud Din	As Director Physical Education(DPE) BPS-17, GTI Bara Khyber Agency.
14	Mr. Sajjad Ahmad S/o Abdul Ghafar	As Lecturer(Computer Science), BPS-17, GCMS Sangota Swat.
15	Mr. Sartaj Aziz S/o Zarabat Khan	As Lecturer(Commerce), BPS-17, GCMS Thana
16	Mr. Zeenat Shah S/o Mehraban Shan	As Lecturer(Commerce), BPS-17, GCMS Kohat
17	Mr. Iftikhar Ali S/o Mohammad Akbar	As Lecturer(Physics), BPS-17, GPI Takht Bhai.
18	Mr. Ikhtiar Zada S/o Habibul Hassan	As Lecturer(Commerce), BPS-17, GCMS Sangota Swat.
19	Mr. Hayat Ullah S/o Wahid Ullah	As Lecturer(Physics), BPS-17, GCT Nowshera.
20	Mr. Abdul Qadoos S/o Mohammad Hazrat	As Lecturer(Computer Science), BPS-17, GCMS Chitral.
21	Mr. Mohammad Ilyas S/o Khanzada	As Lecturer(Physics), BPS-17, GTI Miranshah(NWA)
22	Mr. Mohammad Ibrahim S/o Kabal Khan	As Lecturer(English), BPS-17, GCMS Khar B/Agency.
23	Mr. Mohammad Ilyas S/o Mohammad Akram	As Lecturer(Commerce), BPS-17, GCMS Charsadda.
24	Mr. Sangeen Khan S/o Khair Mohammad	As Lecturer(Commerce), BPS-17, GCMS Charsadda.
25	Mr. Sajid Ullah S/o Sher Azam Khan	As Lecturer(English), BPS-17, GCT Peshawar
26	Mr. Jaffar Ali S/o Kashmir Khan	As Lecturer(Commerce), BPS-17, GCMS(NWA)
27	Mr. Jamshid Alam S/o Shah Salam	As Director Physical Education BPS-17, GCMS Parachinar (K/Agency).
28	Mr. Shafiqur Rehman S/o Qandahar Khan	As Lecturer(Economics), BPS-17, GCMS Lakki
29	Mr. Mohammad Tahir Shah S/o Mohammad Subhan	As Lecturer(English), BPS-17, GCMS Kohat
30	Mr. Noor Hassan Khan S/o Gul Sher Khan	As Lecturer(Computer Science), BPS-17, GCMS Bannu.
31	Mr. Waqar Ahmed S/o Afsar Shah	As Lecturer(Computer Science), BPS-17, GCMS Charsadda
32	Mr. Saadat Khan S/o Khanan Khan	As Lecturer(English), BPS-17, GCMS Kohat
33	Mr. Raheem Dad Khan S/o Waris Khan	As Lecturer(Computer Science), BPS-17, GCMS Thana
34	Mr. Mohammad Fayaz Afridi S/o Shad Mohammad	As Lecturer(Computer Science), BPS-17, GCC Hangu.
35	Mr. Amjid Ali S/o Shaban Ali	As Librarian, BPS-17, GCMS Karak
36	Mr. Mohammad Iqbal S/o Mohammad Hazrat	As Lecturer(English), BPS-17, GCT Timergara (Lower Dir)
37	Mr. Shoukat Hussain S/o Gulab Hussain	As Lecturer(Commerce), BPS-17, GCMS Parachinar
38	Mr. Tahir Ayub S/o Mohammad Usman	As Lecturer(English), BPS-17, GTI Sadda K/Agency
39	Mr. Amjid Ali S/o Hussain Ali	As Lecturer(Commerce), BPS-17, GCMS Parachinar
40	Mr. Muhammad Iqbal S/o Fazal Rahim	As Lecturer(Commerce), BPS-17, GCMS Chitral.

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42	Mr. Sallah Ud Din S/o Mohammad Rehman	As Lecturer(Commerce), BPS-17, GCTI, Wnti(Dii Upper)
43	Mr. Mohammad Ayub S/o Abdul Saced Jan	As Lecturer(English), BPS-17, GCMS Nowahem.
44	Mr. Abdul Aziz S/o Rahim Badshah	As Lecturer(Commerce), BPS-17, GCMS Chitral
44	Mr. Mumtaz Khan S/o Zahir Shah	As Lecturer(Computer Science), BPS-17, GCMS Lakki
45	Mr. Shahan Zeb S/o Sher Bahadar	As Lecturer(Commerce), BPS-17, GCMS Khar (D/Agency)
46	Mr. Fareed Ullah S/o Essar Khan	As Lecturer(Computer Science), BPS-17, GCMS D.I.Khan
47	Mr. Ikramullah S/o Noor Nawaz	As Lecturer(Computer Science), BPS-17, GCMS Lakki
48	Mr. Mohammad Hamayun S/o Ibrahim Ali	As Lecturer(Physics), BPS-17, GCMS Parachinar.
49	Mr. Said Badshah S/o Hazrat Badshah	As Junfor Instructor DAE(Telecom), BPS-14 GTI Ekkaghund
50	Mr. Shah Zarin Khan S/o Naurang Khan	As Lecturer(Physics), GCT Tungi
51	Mr. Noor Zada S/o Haya Khan	As Lecturer(Computer Science), BPS-17, GCT Tungi
52	Mr. Kashif Amin S/o Amin Ul Hnq	As Lecturer(Computer Science), GCMS Parachinar
53	Syed Athar Ali Shah S/o Syed Munawar Ali Shah	As Lecturer(Commerce), BPS-17, GCMS Parachinar
54	Syed Hussain Ali Shah S/o Kamran Ali Shah	As Lecturer(Commerce), BPS-17, GCMS Parachinar
55	Mr. Asif Ali S/o Ghulam Abbas.	As Lecturer(Computer Science), BPS-17 GCMS Parachinar.

Terms and conditions of their Regular Appointment will be as under:-

- They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increments as per existing policy.
- They shall be governed by the Khyber Pakhtunkhwa, Civil Servants Act, 1973, all the laws applicable to the Civil Servants and rules made there-under.
- They shall for all intents and purposes, be Civil Servants except for purpose of pension & gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount as would be contributed by them towards Contributory Provident Fund(CPF) alongwith the contributions made by Government to their account in the said fund in the prescribed manner.
- Their employments in the department in purely temporary and their services are liable to be terminated without assigning any reason at thirty(30) days notice or on the payment of 30-days salary in lieu thereof. In case they wish to resign at any time, 30-days notice will be necessary or in lieu thereof 30-days pay will be forfeited.
- They shall, initially, be on probation for a period of two years extendable upto 3-years.
- Their seniority shall be determined in accordance with relavant rules but subject to section-4 of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009.

-Sd-

Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department

Endst: No. SOIII(IND)TE/3-9/2012

Dated Pesh, the 31st December, 2012

(11)

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Copy of the above is forwarded to the:-

1. Additional Chief Secretary(FATA), FATA Secretariat, Worsak Road Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
5. Secretary to Governor, Khyber Pakhtunkhwa
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. The Director General, Technical Education & Manpower Training, Khyber Pakhtunkhwa, Peshawar.
8. Director Technical Education, FATA, Khyber Pakhtunkhwa, Warsak Road Peshawar.
9. Director Information Khyber Pakhtunkhwa for wide publicity through media.
10. Agency/Districts Accounts Officers concerned.
11. Registrar Peshawar High Court, Peshawar.
12. Director Recruitment, Khyber Pakhtunkhwa, Public Service Commission Peshawar.
13. Section Officer(FATA), Education Wing, Governor Secretariat(FATA) Worsak Road Peshawar.
14. PS to Secretary, IC&TE Department.
15. P.A to Additional Secretary-1, IC&TE Department.
16. The Officer concerned.
17. O/O file.

(ANWAR-UL-HAQ)
DEPUTY SECRETARY-I

091-9331695



Annex-C
(12)

DIRECTORATE GENERAL OF COMMERCE EDUCATION
& MANAGEMENT SCIENCES, KHYBER PAKHTUNKHWA,
RANO GARHI, PESHAWAR.

OFFICE ORDER.

No. DGCE&MS/Admn/Enquiry Gen:1

A committee consisting of the following officers is hereby constituted for the purpose to examine the observations/objections made against the seniority list of Assistant Professors (Male/Female) BPS-18 and Lecturers (Male/Female) BPS-17 as stood on 31-12-2021. The committee is required to examine all the appeals thoroughly in light of prevailing rules/laws and submit comprehensive report alongwith recommendations to the undersigned within fifteen (15) days positively.

- i. Dr. Muhammad Ayaz, Chairman
Govt. College of Commerce-02, Peshawar.
- ii. Prof: Khalid Khan, Member
Principal, Govt. College of Commerce-02, Peshawar.

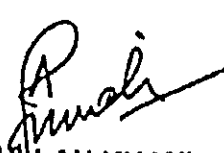
(IHSAN ULLAH)
DIRECTOR GENERAL.

Endst. No. DGCE&MS/Admn/Enquiry Gen:1639(1-5)

Dated: 01/03/2022.

Copy for information to:

1. The Principal, Govt. College of Commerce-02, Ring Road Peshawar.
- 2-3. The Inquiry officers.
4. PA to DGCE&MS, Khyber Pakhtunkhwa Peshawar.
5. Enquiry General file.


(SAMI ULLAH KHAN)
DIRECTOR (ADMN).

9c 33
1/3/2022

Annex D
(13)

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GOVERNMENT COLLEGE OF MANAGEMENT SCIENCES-II

Land Akhoun Ahmad (Opp) Road Peshawar
E-mail: gcms2peshawar@gmail.com



NO. GCMS-2/R-Road/PESHAWAR/11/16
To

Dated: 28/03/2022

The Director General,
Commerce Education & Management Sciences,
Khyber Pakhtunkhwa, Peshawar.

Subject: **SENIORITY ISSUES**

Reference to your letter No. DG/CE&MS/Admin/Enquiry/Gen/1639(1-5) dated 1st of March 2022 on the subject cited above.

- X 1. The seniority issue of lecturers named Miss. Shaukat Afridi, Mr. Waheed Gul, Muhammad Tufail, Mr. Jalib Sikandar, Mr. Haliz Ajmal Saeed has been examined in detail. Their plea does not seem to be sustainable in the face of rule 17(2) APT rules 1989. Moreover their notification of regular appointment was issued on different dates in 2013, whereas the services of contract employees were regularized on 31st of December 2012. Hence, their claim does not seem to be valid & sustainable. The employees (Regularization of Services) Act, 2009 came into force on 24-10-2009, which provides shelter to all contract employees whose services were regularized w.e.f. 31st of December 2012.
- X 2. The claim of Mr. Om Parkash and Zeeshan Pervez apparently seem to be valid. However, their issue relates to KPSC Rules, which may be taken up with Secretary HED by the Director General (CE&MS) office for resolution.
- X 3. The seniority issue of Miss. Nayab Sarfaraz, Miss. Sadia Intiaz, Miss. Nayab Gul, Miss. Hadia Bostan may be dealt with as per provisions contained in para 17 APT Rules 1989.
- X 4. The seniority of Mr. Sajjad Ali Assistant Professor GCMS Peshawar & Muhammad Asif Assistant Professor GCMS Jamrud may be resolved in light of provision contained in para 17 (2) of APT rules 1989. Their plea seems to be sustainable in light of said rule.
- X 5. The seniority issue of Mr. Asif Ali Assistant Professor & Mr. Jalal Uddin Assistant Professor GCMS Talash may be resolved in light of minutes of PSB held in 2004, in which the applicant's promotion was deferred.
- 6. The seniority issues of Assistant Professors named Mr. Ilyas, Mr. Fida Muhammad, Mr. Shamsheer Ali, Mr. Sajjad, Mr. Bahar Alam, Mr. Naimat Ullah, Mr. Hazratullah, Mr. Azhar Nawaz, Mr. Inran, Mr. Talir Khan, Muhammad Dost, Mr. Noorul Hadi & Mr. Khalid Nawaz may be resolved in the light of report dated 21st of Apr 2021 submitted to your office.
- 7. The plea of Mr. Shahid Khan Masood Assistant Professor (GCMS D.I Khan) seems to be genuine. His seniority issue be resolved in conformity to the provisions contained in sub rule 2 of Rule 4 of employees (Regularization of Services) Act 2009.

Seniority

Report is submitted for your perusal and necessary action please.

28/03/22

Dr. Ayaz Khan
Chairman

2/11



28/03/2022
Prof. Khalid Khan Khattak
Member

Annex-E
14



FATA SECRETARIAT
(PRODUCTION & LIVELIHOOD DEVELOPMENT DEPARTMENT)
WARSAK ROAD PESHAWAR

Dated Peshawar the 4th of April, 2013

NOTIFICATION

No. SO-I(A&E)P&L/D/PS/IMTF/3-2/2012/1406-28 Consequent upon the recommendations of Khyber Pakhtunkhwa, Public Service Commission, the Competent Authority has been pleased to appoint the following Male / Female Instructors / Lecturer / Director Physical Education (BPS-17) (Rs.16000-1200-40000) plus usual allowances as admissible under the rules on regular basis with immediate effect on the following terms and conditions: -

S.#	Name of Officers	Place of Posting
1.	Mr. Fahir Jamal S/O Mr. Abdul Jamal House # 256, Street 9, F-7, Phase 6 Hayatabad, Peshawar	Instructor (Mechanical) (BPS-17) at GTI Bara Khyber Agency against the vacant post.
2.	Mr. Muhammad Rasheed Khan S/O Mr. Muhammad Zahir Shah Aurang Zeb Khan, House No. 2316 Mohalla Sarbanan Ramdas Bazar Alaqa Dabgari Peshawar City	Instructor (Electrical) (BPS-17) at GTI Khar Bajaur Agency against the vacant post.
3.	Mr. Kausar Khan S/O Mr. Esar Khan Village Sangar P/O Mian Mandi, Tehsil Ghallanai, Distt: Mohmand Agency	Instructor (Urdu) (BPS-17) at GCMS Miranshah against the vacant post
4.	Mr. Sangin Faris S/O Mr. Gulab Mian Village & P/O Amirabad, Distt: Charsadda, Teh: Tangi	Instructor (Civil) (BPS-17) at GTI Sadda, Kurram Agency against the vacant post
5.	Miss. Shamsa Afridi D/O Mr. Samandar Khan Afridi Village Garhi Afridi Canal Road Abdara, University Town, Peshawar (Tirah House)	Lecturer (Commerce) (BPS-17) at Govt. College No. 2 Hayatabad Peshawar against the vacant post
6.	Mr. Wahid Gul S/O Mr. Khanadan Khan Distt: & Tehsil: Peshawar Village & P.O Khatki Sharif Via Warsak Colony	Instructor (Statistics) (BPS-17), at GTI Sadda, Kurram Agency against the vacant post.
7.	Mr. Wahid Ullah S/O Rashid Ullah, Distt: Account Office Karak C/O Khan Zada.	Director Physical Education (BPS-17) at Govt. College of Commerce and Management Sciences (GCMS) Haripur against the vacant post

TERMS AND CONDITIONS

- They will have all rights / privileges contained in Khyber Pakhtunkhwa Civil Servants Act, 1973 with all amendments made therein including Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 and Rules made thereunder.
- His services will be liable for termination on one month's notice from either side. In case of resignation without notice, one month's pay/allowances shall be forfeited to Government.
- The appointee should join duty within 30-days of the issue of this notification. The Director General, Agriculture Research System, Khyber Pakhtunkhwa would furnish a certificate to the effect that the candidate has joined the post or otherwise, after one month of issue of this Notification, his candidature will expire automatically and no subsequent appeal etc shall be entertained.

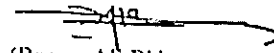
- iv. He will be on probation for a period of two years extendable for another one year.
 - v. He will be governed under such rules and regulations as may be issued from time to time by the Government.
 - vi. His services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he will be proceeded against the Government Servants (Efficiency & Discipline) Rules, 2011 and the Rules framed there under from time to time.
 - vii. Charge report should be submitted by the above named appointee.
- No TA/DA will be allowed to the appointee for joining his duty.
- viii. If he accepts the post on these conditions, he should report for duty to the place of posting within 30 days of the receipt of this notification.

Secretary,
Production & Livelihood Dev;
Deptt; FATA

Enst. No. & date as above

Copy forwarded for information and necessary action to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, PR, Sub Office, Peshawar.
3. The PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. The PS to Additional Chief Secretary FATA, FATA Secretariat, Peshawar.
5. The PS to Secretary Industries, Commerce and Technical Education, Government of Khyber Pakhtunkhwa, Peshawar.
6. The PS to Secretary, P&LDD FATA, FATA Secretariat, Peshawar.
7. The Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar.
8. The Agency Account Officer Khyber Agency, Bara.
9. The Agency Account Officer Bajaur Agency, Khar.
10. The Agency Account Officer North Waziristan Agency, Miranshah.
11. The Agency Account Officer Kurram Agency Sadda.
12. The District Account Officer, Peshawar.
13. The District Account Officer, Haripure.
14. The Accountant, Directorate of Industries, Minerals & Technical Education FATA, FATA Secretariat, Peshawar.
15. The Officers concerned.
16. Personal Files of the Officers.


(Baseer Ali Rehman Khan)
Section Officer-I (Admn:&Estab)

091-9331720



**DIRECTORATE GENERAL OF
COMMERCE EDUCATION AND MANAGEMENT SCIENCES,
KHYBER PAKHTUNKHWA, PESHAWAR.**

AUTHORITY LETTER

Mr. Muhammad Anwar Khan, Deputy Director, (Litigation Section) Directorate General of Commerce Education & Management Sciences, Peshawar, is hereby authorized to vet & submit Para-wise Comments in the Service Tribunal, Khyber Pakhtunkhwa, Peshawar **SERVICE APPEAL NO. 1667/2022 titled Shamsa Afridi Vs Govt.** on behalf of official respondents.


DIRECTOR GENERAL

DIRECTOR GENERAL
COMMERCE, EDUCATION &
MANAGEMENT SCIENCES
PESHAWAR