

13.12.2022

Junior to learned counsel for the appellant present.

Mr. Muhammad Jan, District Attorney for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant in the Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 10.02.2023 before the D.B.


  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)

10.02.2023

Clerk of learned counsel for the appellant present. Mr. Uzair Azam Khan, Additional General alongwith Aris Saleem, Focal Personal for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment due to engagement of learned counsel for the appellant before the Hon'ble Peshawar High Court. Granted. To come up for arguments on 05.04.2023 before the D.B.

  
(FAREEHA PAUL)  
Member (E)

  
(ROZINA REHMAN)  
Member (J)

SCANNED  
KPST  
Peshawar


SCANNED  
KPST  
Peshawar


02.06.2022

Appellant present through representative.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Due to general strike of the bar, case is adjourned to 10.08.2022 for arguments before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

8.10.2022


Proper DB not available the case is adjourned to 2-11-2022


  
Reader

2nd Nov., 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 13.12.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

23.09.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Bilal Ahmad, Librarian for the respondents present.

Learned counsel for the appellant requested for adjournment for preparation and assistance. Case to come up for arguments on 05.11.2021 before the D.B.



(Rozina Rehman)  
Member(Judicial)



Chairman

05.11.2021

Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney alongwith Bilal Ahmad Librarian for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 09.02.2022 before D.B.



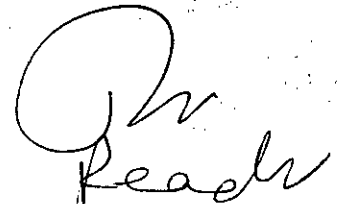
(Rozina Rehman)  
Member (J)



Chairman

9-2-2022

Due to retirement of the Hon'ble Chairman case is adjourned to 02-06-2022 for the same as before.



Chairman

26.01.2021

Due to pandemic of Covid-19, the case is adjourned to 13.04.2021 for the same.

  
Reader

11.03.2021


Due to non availability of Bench, the case is adjourned to 15.06.2021 for arguments before D.B


  
READER

15.06.2021

Clerk of counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B on 04.10.2021.

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

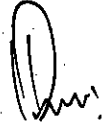
626/2019

27.11.2019

Counsel for the appellant and Addl. AG alongwith Mazhar Abbas, Assistant for the respondents present.

Representative of respondents has furnished parawise reply/comments. Placed on record. The appeal is assigned to D.B for arguments on 29.01.2019. The appellant may submit rejoinder, within one month, if so advised.

Chairman



29.01.2020

Junior to counsel for appellant and Addl. AG alongwith Shareek Computer Operator for the respondents present.

Former requests for adjournment due to general strike of the Bar. Adjourned to 30.03.2020 for arguments before the D.B.



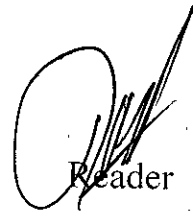
Member



Member

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before D.B.



Reader

18.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 08.09.2020 before D.B



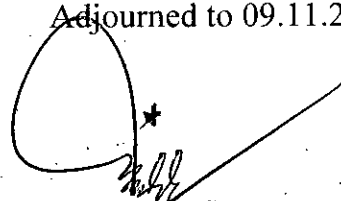
Reader

08.09.2020

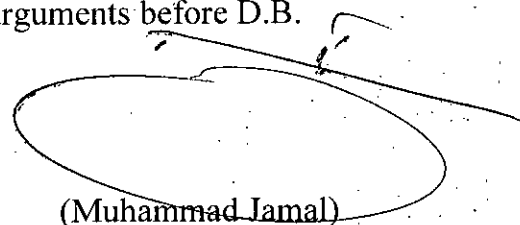
Mr. Bilal Ahmad Kakazai, Advocate for the appellant is present. Mr. Usman Ghani, District Attorney for respondents present.

Formal requests for adjournment due to infection in the eyes of learned counsel, he could not prepared the appeal.

Adjourned to 09.11.2020 for arguments before D.B.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal)  
Member(J)


09.11.2020

Junior to counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 26.01.2021 for hearing before the D.B.



Chairman



(Atiq-ur-Rehman Wazir)  
Member (E)

02.09.2019

Counsel for the appellant and Addl. AG for the respondents present.

No representative of the respondents is in attendance. Learned AAG is required to ensure attendance of representatives of the respondents and submission of written reply/comments on the next date.

Adjourned to 27.09.2019 before S.B.

  
Chairman

27.09.2019

Nemo for appellant. Addl. AG for the respondents present and requests for further time for submission of written reply/comments.

Adjourned to 23.10.2019 on which date the requisite reply shall positively be submitted.

Chairman



23.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mazhar Abbas Senior Clerk for the respondents present.

Representative of respondents seeks time to furnish written reply/comments. Granted by way of last chance. To come up for written reply/comments on 27.11.2019 before S.B.

  
Chairman

626/2019

04.07.2019

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel argued that the appellant was inducted as Manuscript Assistant in the Federal Government through order dated 03.09.1981. After 18<sup>th</sup> Constitutional Amendment his services were placed at the disposal of Provincial Government vide notification dated 05.04.2011. The appellant was the senior most Deputy Director in the Federal Government as well as in the Provincial Government. He submitted an application for grant of promotion to BPS-19 but to no avail. Repeated applications were subsequently submitted by the appellant but without any response. Finally, his departmental appeal was turned down vide order dated 18.08.2017 communicated to him on 04.04.2019 followed by the present service appeal on 06.05.2019. On reaching the age of superannuation he stood retired from government service on 17.03.2016 notified on 14.03.2016. The plea of the appellant is for proforma promotion from the date of availability of vacancy in BPS-19.

Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.09.2019 before S.B.

  
Member

Appellant Deposited  
Security & Process Fee

4/7/19



04.07.2019

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel argued that the appellant was inducted as Manuscript Assistant in the Federal Government through order dated 03.09.1981. After 18<sup>th</sup> Constitutional Amendment his services were placed at the disposal of Provincial Government vide notification dated 05.04.2011. The appellant was the senior most Deputy Director in the Federal Government as well as in the Provincial Government. He submitted an application for grant of promotion to BPS-19 but to no avail. Repeated applications were subsequently submitted by the appellant but without any response. Finally, his departmental appeal was turned down vide order dated 18.08.2017 communicated to him on 04.04.2019 followed by the present service appeal on 06.05.2019. On reaching the age of superannuation he stood retired from government service on 17.03.2016 notified on 14.03.2016. The plea of the appellant is for proforma promotion from the date of availability of vacancy in BPS-19.

Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 02.09.2019 before S.B.

Atyke

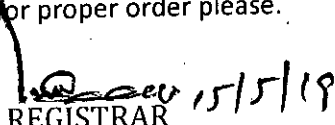


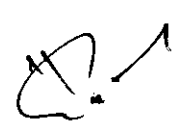
Member

Dep. Dir. Gen. Secy  
after connection

Form- A  
FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 626/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/05/2019	<p>The appeal of Mr. Muhammad Arshad Mughal resubmitted today by Mr. Bilal Ahmad kakaizai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	16/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
<u>Post Script</u>	25.06.2019	<p>Appellant absent. Learned counsel for the appellant absent. Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on <u>07.08.2019</u> before S.B</p> <p style="text-align: right;"> Member</p>
		<p>Later on learned counsel for the appellant put appearance and requested for a short date. Request acceded to. To come up for preliminary hearing on <u>04.07.2019</u> before S.B.</p> <p style="text-align: right;"> Member</p>


SCANNED  
KPST  
PESHAWAR

The appeal of Mr. Muhammad Arshad Mughal Deputy Director Retired received today i.e. on 06.05.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 5- ~~Five~~<sup>3/4</sup> more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 918 /S.T,

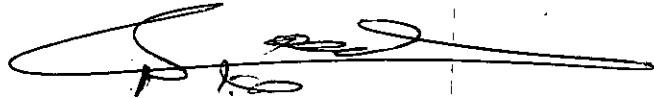
Dt. 10/5 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Bilal Ahmad Kakaizai Adv. Pesh.

10/5/19

Re - Submitted on Completion



خدمت جناب چیرمین صاحب سروس ٹریبونل  
گورنمنٹ آف خیبر پختونخواہ پشاور

عنوان: مقدمہ / اپیل نمبر 626101/2019 بنام گورنمنٹ

خیبر پختونخواہ (ڈپارٹمنٹ آف آرکیالوجی) پشاور

Def + part  
up on the  
date of  
before  
concerned  
branch  
السلام علیکم!  
جناب عالی!

02/12/22

گزارش ہے کہ زبرد ستھلی ڈیپارٹمنٹ آف آرکیالوجی پشاور میں بحیثیت ڈپٹی ڈائریکٹر کام سرانجام دے کر 18 مارچ 2016 کو ریٹائرڈ ہو گیا تھا۔ زبرد ستھلی ایک ضعیف العمر شخص ہے وہ بہاولپور شہر کا مستقل رہائشی ہے۔ میں نے اپنی پرموشن کی اپیل کروائی ہے اس وقت مذکورہ کیس تقریباً تین سال سے زیر بحث پر ہے۔ حضور والا! میری اس وقت عمر تقریباً 66 سال سے زیادہ ہے مجھے پشاور آنے جانے میں بہت دقت پیش آتی ہے۔

آپ سے استدعا ہے کہ برائے کرم میرے کیس کا فیصلہ صادر فرمایا جاوے شکریہ آئندہ پیشی کی تاریخ 13.12.2022 ہے۔ مجھے امید ہے کہ آپ میری درخواست ضرور قبول فرمائیں گے۔ اللہ پاک آپ کا اقبال بلند کرے۔ (آمین)

30-11-2022 درخواست گزار محمد ارشد

ریٹائرڈ ڈپٹی ڈائریکٹر

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

SERVICE APPEAL NO: 626 / 2019

ARSHAD MUGHAL

VS

Government of KPK etc

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<i>Wakalat Nama</i>	nil

  
Appellant,

Through:

  
**BILAL AHMAD KAKAIZAI**

(Advocate, Peshawar)

213, Sunehri Masjid Road,

Peshawar

0300-9020098

①

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

**Khyber Pakhtunkhwa  
Service Tribunal**

SERVICE APPEAL NO: \_\_\_\_\_ / 2019

Diary No. 714

Dated: 06/5/2019

**MUHAMMAD ARSHAD MUGHAL,**  
Deputy Director (Retired),  
R/o Fareed Manzil, Mohallah Bagh Mahi,  
Near Purana Government Abasya High School,  
Bahawalpur.

..... *Appellant*

**VERSUS**

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA ,**  
Through Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. **SECRETARY,**  
Inter-Provincial Co-ordination Department,  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
3. **SECRETARY,**  
Sports, Tourism, Archeology, Museums & Youth Affairs  
Department, Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
4. **DIRECTOR,**  
Directorate of Archeology, Museums,  
Government of Khyber Pakhtunkhwa, Peshawar.

..... *Respondents*

Filed to-day  
6/5/19

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974:

- I. AGAINST IMPUGNED APPELLATE ORDER DATED 18.08.2017 CONVEYED TO THE APPELLANT ALONG WITH ORDER DATED 29.03.2019 ON 04.04.2019.
- II. AGAINST NOTIONAL / PRESUMPTIVE PROMOTION TO THE THAN VACANT POST OF DIRECTOR ARCHIVES AND MUSEUMS BS-19, ON REGULAR BASIS FROM THE DATE WHEN POST BECAME VACANT OR ELSE WHEN APPELLANT FULFILLED THE REQUISITE CRITERIA FOR PROMOTION.

AND

- III. FOR PAYMENT AND CALCULATION OF PENSIONARY BENEFITS TO THE APPELLANT IN BS-19 DUE TO HIS EFFECTIVE RETIREMENT ALONGWITH OTHER RETIRING / TERMINAL BENEFITS & BACK BENEFITS.

PRAYER: THAT ON ACCEPTANCE OF THIS APPEAL THE APPELLANT MAY BE CONSIDERED AND GRANTED NOTIONAL / PRESUMPTIVE PROMOTION TO THE POST OF DIRECTOR BS-19 FROM THE DATE WHEN POST BECAME VACANT OR AT LEAST FROM THE DATE WHEN APPELLANT FULFILLED THE REQUISITE CRITERIA AND BE ALLOWED THE RETIRING AND PENSIONARY BENEFITS ETC IN BPS-19 WITH SUCH OTHER RELIEF AS MAY DEEM FIT IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED.

*Respectfully Sheweth,*

Short facts, giving rise to present Service Appeal, are as under:

- 1. That, Appellant was inducted into the Federal Government Service as Manuscript Asstt on 3rd Sep. 1981 copy of the Appointment Order is attached as Annexure A.

1 promotion. Moreover the Appellant's required length of service  
that according to Rules the post of Director is to be filled by

regards of promotion to the post of Director.

4 Appellant admitted his disservice on many occasions in fact in  
after the retirement of the Appellant despite the fact that  
the meeting of the DPC / B2B was meticulously conducted

Annexure F

C Provincial Government, copies of the legislation is attached as  
discussed by the legislation of Federal Government as well as  
that the services of the Appellant has been assigned to the

Department as per Rules.

to perform duties as Deputy Director in Provincial Government  
service was with Federal Government, therefore he was entitled  
promotion to the Appellant on basis that since the previous  
that the respondents cannot deny the right of consideration for

inter and valid for counting for the purpose of promotion.

3 Islamic Republic of Pakistan, 1973 hence his previous service is  
due to the 18. Constitutional Amendment in the Constitution of  
that Appellant has been devolved to the Provincial Government

purpose of promotion.

D. He will lose his seniority or length of service required for the  
to the Provincial Government on his own request that he should  
that if at all the Appellant would have devolved or transferred

post of Director 82-18.

C. competent fit and eligible for the purpose of promotion to the  
Director in the Respondent No. 4 Department moreover he was  
that before retirement the Appellant was senior most Deputy

B. that the same is against the principles of natural justice, also

is illegal, unlawful, void and ineffective.

A. that not considering the Appellant for promotion he is entitled  
to be promoted to the post of Director in the Respondent No. 4 Department

ANNEXURE

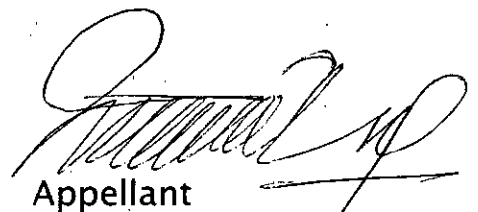




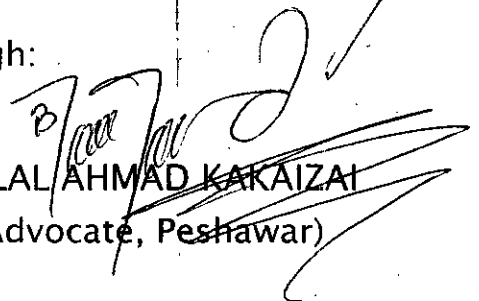
in BPS-17 and above for the purpose of promotion was also completed as such the Appellant fulfilled all the criteria laid down in the rules for promotion.

- J. That, now, Appellant, being retired Civil Servant, is only claiming the notional / presumptive promotion for the purpose of retirement / pensionary benefits / monetary benefits without disturbing the seniority / sequence of the other Officers / Officials.
- K. That, Appellant has not been treated justly and fairly and Article 4, 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973 has been violated.
- L. That, according to dictums laid down by the Superior Courts any Civil Servant can claim notional promotion / presumptive after retirement when the right to be promoted was accrued to him but the Department / Government, due to the reasons best known to it, failed to accommodate the Appellant for the purpose of promotion.

It is, therefore, requested that subject Appeal be accepted as prayed for.

  
Appellant

Through:

  
BILAL AHMAD KAKAIZAI  
(Advocate, Peshawar)

6

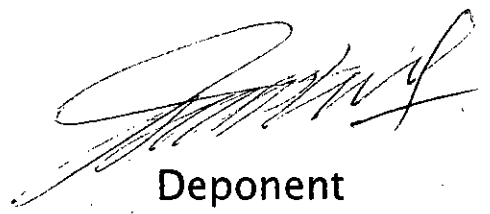
**BEFORE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

SERVICE APPEAL NO: \_\_\_\_\_ / 2019

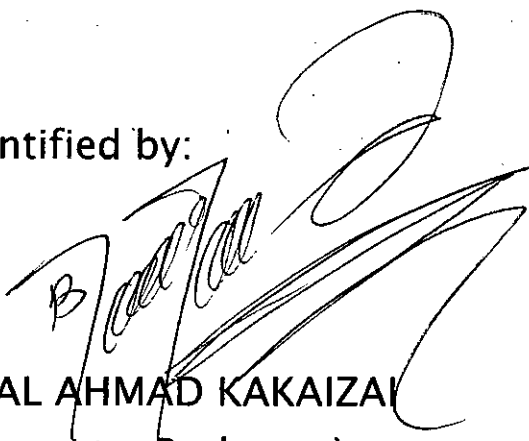
**ARSHAD MUGHAL VS Government of KPK etc**

**AFFIDAVIT**

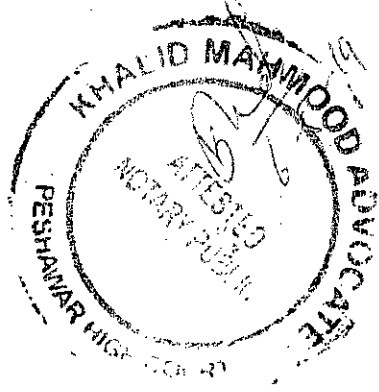
I, MUHAMMAD ARSHAD MUGHAL, Deputy Director (Retired), R/o Fareed Manzil, Mohallah Bagh Mahi, Near Purana Government Abasya High School, Bahawalpur, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

  
Deponent

Identified by:



**BILAL AHMAD KAKAIZAI**  
(Advocate, Peshawar)



7

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

SERVICE APPEAL NO: \_\_\_\_\_ / 2019

**ARSHAD MUGHAL** VS **Government of KPK etc**

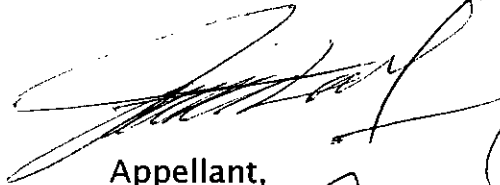
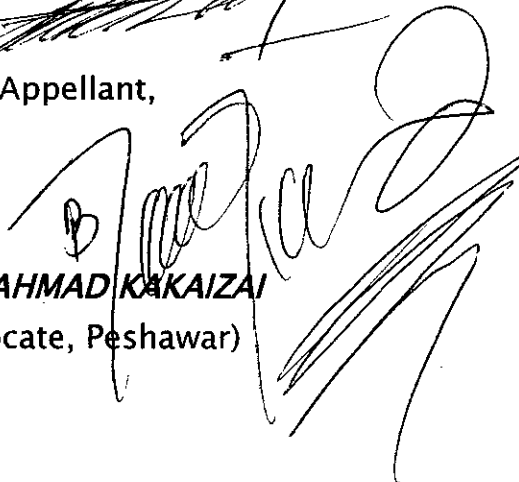
**ADDRESSES OF PARTIES.**

**APPELLANT:**

**MUHAMMAD ARSHAD MUGHAL**, Deputy Director (Retired), R/o Fareed Manzil, Mohallah Bagh Mahi, Near Purana Government Abasya High School, Bahawalpur.

**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Inter-Provincial Co-ordination Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Secretary, Sports, Tourism, Archeology, Museums & Youth Affairs Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Director, Directorate of Archeology, Museums, Government of Khyber Pakhtunkhwa, Peshawar.

  
Appellant,  
Through,  
  
**BILAL AHMAD KAKAIZAI**  
(Advocate, Peshawar)

② - A

GOVERNMENT OF INDIA  
DEPARTMENT OF DEFENSE

1953

OFFICE ORDER

1. The following officers are appointed to the post of Assistant Secretary to Government in the Department of Defense, Ministry of Defense, Government of India, New Delhi, India.

2. The names of the officers are as follows: -  
1. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
2. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
3. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
4. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
5. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
6. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
7. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
8. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
9. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].  
10. Mr. [Name], [Post], [Department], [Ministry], [Government], [City], [State], [India].

1

**Better Copy**

**Annexure "A"**

GOVERNMENT OF PAKISTAN  
DEPARTMENT OF ARCHEALOGY

8

Karachi, the December, 1981.

**OFFICE ORDER NO. 230**

Mr. Muhammad Arshad, Manuscript Assistant (Grade-10) National Museum of Pakistan, Karachi is transferred and appointed in the Public interest as Assistant Custodian (Grade-10) Archaeological Museum, Taxila, District Rawalpindi with Immediate effect. He should relinquish the charge of his post immediately and report for duty in the Archaeological Museum, Taxila after availing usual joining time. He will be entitled to travelling along as admissible under the Rules.

(NO.5A/3/81-ARCH(ALMN)).

(SH. KHURSHID HASSAN)  
DEPUTY DIRECTOR (ALMN)



(9) B

GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.  
13-A Khyber Road, Peshawar. Phone # 091-9211169.

Dated Peshawar, the 14<sup>th</sup> March, 2016.

**NOTIFICATION**

2645-49

**No.50(Arch: )4-51/2011/P.F.-)** In term of provision of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions issued from time to time, sanction is hereby accorded to encashment of leave Preparatory to Retirement, equal to 365 days in favour of Mr. Arshad Mughal, Deputy Director (BPS-18), Directorate of Archaeology & Museums, Khyber Pakhtunkhwa as verified by the Accountant General, Khyber Pakhtunkhwa.

2. In the term of Section-13 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973, the officer will retired from Service on **17.03.2016 (A/N)** on attaining the age of superannuation i.e. sixty years as his date of birth is 18.03.1956.

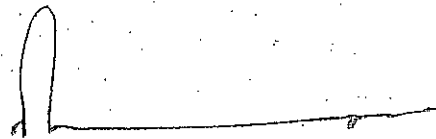
SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

Endst: No.50(Arch: )4-51/2011/P.F.

Dated Peshawar, the 14<sup>th</sup> March, 2016.

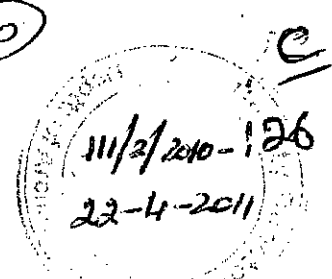
Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Archaeology & Museums, Khyber Pakhtunkhwa.
3. P.S to Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
4. P.S to Secretary to Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.
5. The Officer Concerned.

  
(SYED NOOR EHSAN SHAH)  
Section Officer (Arch: & Museums)

14/03/2016

No.F.1(2)/DG-I/MSW/2011  
Government of Pakistan  
Cabinet Secretariat  
Establishment Division  
>>><<



Islamabad the 5<sup>th</sup> April, 2011

**NOTIFICATION**

On transfer of **Sub-Regional Office, Peshawar of Department of Archaeology & Museums** to the **Department of Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs** Government of Khyber Pukhtunkhwa in pursuance of Constitution (Eighteenth Amendment) Act, 2010 (Act No.X of 2010), the following officers of Sub-Regional Office, Peshawar of Department of Archaeology & Museums are transferred to the Department of Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Government of Khyber Pukhtunkhwa under section 10 of Civil Servants Act, 1973 on their existing posts in the same Basic Scales of pay:

**Sub-Regional Office, Peshawar of Department of Archaeology & Museums**

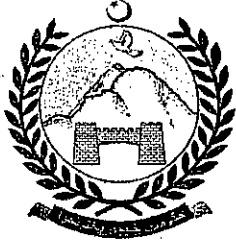
S. No	Name	Designation	Pay Scale
1	Mr. M. Arshad Mughal	Deputy Director	18
2	Mr. Ahmad Nawaz	Asstt. Archl. Engineer	17

  
(Dr. Sulman Hameed)  
Section Officer

The Manager,  
Printing Corporation of Pakistan Press,  
Islamabad.

Copy to:

1. The Chief Secretary, Government of Khyber Pukhtunkhwa, Peshawar.
2. The Secretary, Inter-Provincial Coordination Division, Islamabad.
3. The Secretary, Cabinet Division, Islamabad.
4. The Secretary, Establishment Division, Islamabad.
5. The Secretary, Finance Division, Islamabad.
6. The Secretary, Planning & Development Division, Islamabad.
7. The Addl. Secretary (Mian Muhammad Younas), Finance Division, Islamabad.
8. The AGPR Islamabad / The AGPR Sub Office, Peshawar.
9. Director General, Management Services Wing, Establishment Division, Islamabad.
10. Joint Estate Officer, Housing & Works, Islamabad.
11. Officer concerned.



**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. \_\_\_\_\_ / Archymus

C/O Peshawar Museum Peshawar

Dated: \_\_\_\_\_

Ph. # 091-9211194, 9211488  
Fax # 091-9210690

No.P-2/9/2014

The Director,  
Directorate of Archaeology & Museums,  
Govt of Khyber Pakhtunkhwa, Peshawar.

Through Proper channel

Subject: - **PROMOTION TO DIRECTOR BPS-19 IN RESPECT OF  
MUHAMMAD ARSHAD MUGHAL DEPUTY DIRECTOR  
DEVOLVED BPS-18, DIRECTORATE OF ARCHEOLOGY AND  
MUSEUMS GOVERNMENT OF KHYBER PAKHTUNKHWA,  
PESHAWAR.**

Dear Sir,

It is stated that application for promotion to Director (BPS-19) which is self-explanatory may please be forwarded to the honorable Secretary, Sports, Tourism, Youth Affairs and Archaeology & Museums for further necessary action.

Yours faithfully

*o/c*  
*22/12/2014*  
(Muhammad Arshad Mughal)  
Deputy Director

Encl: As above.

*Received*  
*MM*  
*22/12*





GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS &  
YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO (M)4-51/2011/P.F/1109-11

Dated Peshawar, the 28<sup>th</sup> January, 2015.

To

The Secretary,  
Government of Khyber Pakhtunkhwa,  
Inter Provincial Coordination Department,  
Peshawar.

Subject:- **PROMOTION TO DIRECTOR (BPS-19) IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE, DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA.**

Sir,

I am directed to refer to the subject noted above and to state that Mr. Muhammad Arshad Mughal, Deputy Director (BPS-18) had been devolved / transferred from the Federal Archaeology Department, Government of Pakistan to this Province (Directorate of Archaeology & Museums, Khyber Pakhtunkhwa) in wake of 18th Constitutional Amendment vide Notification received from the Government of Pakistan, Cabinet Secretariat, Establishment Division, Islamabad (copy enclosed).

2. Mr. Muahmmad Arshad Mughal, Deputy Director, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa has requested that he is Senior most among the officers working in the Federal Department of Archaeology, in this time he will stand retired on 18<sup>th</sup> March, 2016. So, he has a heartedly wish to avail advantages before his retirement (copy enclosed).

3. I am further directed to request that his promotion case may kindly be forwarded to Director General, Inter Provincial Coordination Division, Islamabad for consideration of promotion to the post of Director (BPS-19).

Encl: as above.

Yours faithfully,

(SYED NOOR EHSAN SHAH)  
Section Officer (Arch: & Museums)

Endst: number & date even.

Copy is forwarded to:-

1. The Director, Archaeology & Museums, Khyber Pakhtunkhwa, Peshawar w/r to his letter No.FDE/1988/Archymus dated 30.12.2014.
2. Mr. Muhammad Arshad Mughal, Deputy Director, Archaeology & Museums, Khyber Pakhtunkhwa for information, please.



GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS  
& YOUTH AFFAIRS DEPARTMENT.

Dated Peshawar, the 21<sup>st</sup> April, 2015.

**NOTIFICATION**

**No.SO(M)4- 5/2008.** 4555-57 During the absence of Dr. Abdul Samad, Director (BPS-19), Archaeology & Museums, Khyber Pakhtunkhwa, participating in an International Workshop on Culture Heritage, of Pakistan Organized by the Museums of Islamic Art Berlin, Germany, Mr. Arshad Mughal, Deputy Director (BPS-18), Directorate of Archaeology & Museums Department, Khyber Pakhtunkhwa is hereby authorized to look after the work of Director, Archaeology & Museums, Khyber Pakhtunkhwa in addition to his own duties with effect from 21.04.2015 to 28.04.2015.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS  
& YOUTH AFFAIRS DEPARTMENT

Endst. number and date even.

Copy is forwarded to:-

1. The Director, Archaeology & Museums, Khyber Pakhtunkhwa, Peshawar w/r to his Office Order No. A-3/2541/Archymus dated 17.04.2015.
2. The P.S to Secretary to Government of Khyber Pakhtunkhwa, Sports, Tourism, Archaeology, Museums & Youth Affairs Department, Peshawar.
3. The Officer concerned.

  
(SYED NOOR EHSAN SHAH) 21/04/2015  
Section Officer (Arch: & Museums)

14

**REMINDER**



**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.**

13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO (M)4-51/2011/P.F./2577-79  
Dated Peshawar, the 10<sup>th</sup> March, 2016.

To

The Additional Secretary,  
Government of Khyber Pakhtunkhwa,  
Inter Provincial Coordination Department,  
Peshawar.

Diary No 2288  
Date 10-03-2016  
Directorate of Archaeology  
Govt of K.P.K

Subject:-

**PROMOTION TO DIRECTOR (BPS-19) IN RESPECT OF  
MUHAMMAD ARSHAD MUGHAL, DEPUTY DIRECTOR  
(BPS-18) DEVOLVED EMPLOYEE, DIRECTORATE OF  
ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA.**

Dear Sir,

I am directed to refer to this Department letter of even number dated 28.01.2015 on the subject noted above and to state the promotion case may kindly be taken up with the Director General, Inter Provincial Coordination Division, Islamabad for consideration of promotion in respect of Mr. Muhammad Arshad Mughal, Deputy Director (BPS-18) Devolved Employee, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa to the post of Director (BPS-19).

Yours faithfully,

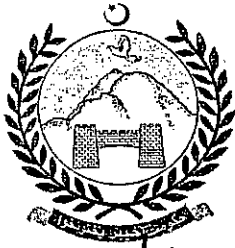
(SYED NOOR EHSAN SHAH)  
Section Officer (Arch: & Museums)

Endst: number & date even.

Copy is forwarded to:-

1. The Director, Archaeology & Museums, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Muhammad Arshad Mughal, Deputy Director, Archaeology & Museums, Khyber Pakhtunkhwa for information, please.

Section Officer (Arch: & Museums) 10/03/2016



*Most immediate matter* (13)

**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS,  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR.**

No. 288/FDE / Archymus

C/O Peshawar Museum Peshawar

Dated: 11-03-2016

Ph. # 091-9211194, 9211488  
Fax # 091-9210690

The Section Officer (A&M),  
Archaeology & Museums Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - PROMOTION TO DIRECTOR (BPS-19) IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, DEPUTY DIRECTOR (BPS-18), DEVOLVED EMPLOYEE, DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA, PESHAWAR.

With reference to your endorsement No.SO(A&M)4-51/2011/P-F/1109-11 dated 28<sup>th</sup> January, 2016 which is addressed to the Secretary to Government of Khyber Pakhtunkhwa, Inter Provincial Coordination Department, Peshawar on the subject cited above. It is stated that the said case in question may please be expedited at an early date as the said officer will stand retired from Government Service w.e.f. 17<sup>th</sup> March, 2016.

(DR. ABDUL SAMAD)  
DIRECTOR.

NO. & DATED EVEN.

Copy to the Muhammad Arshad Mughal, Deputy Director (BPS-18), Directorate of Archaeology & Museums, Khyber Pakhtunkhwa, Peshawar for information.

DIRECTOR.

012

\*/Raza/\*

16

The Accountant General,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject:- REQUEST FOR ISSUANCE OF THE PENSIONER'S IDENTITY CARD  
IN RESPECT OF Mr. MUHAMMAD ARSHAD (MUGHAL) EX-  
DEPUTY DIRECTOR DEPARTMENT OF ARCHAEOLOGY &  
MUSEUMS, PESHAWAR.

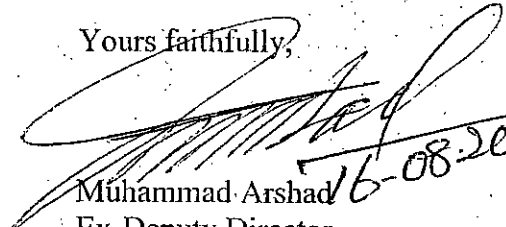
Dear Sir,

It is stated that I have been retired from my service after w.e.f. 17.03.2016 after attaining the age of superannuation and I have also received Pension Role Data sheet and Pension Slip from your respective office.

It is therefore, requested that I may kindly be pensioner's Identity Card at an early date. In this regard the requisite form duly filled and signed by the undersigned along with the retirement order and pension slip are also attached for ready reference.

Enclosed: as above.

Yours faithfully,



Muhammad Arshad 16-08-20  
Ex-Deputy Director  
Fareed Manzal Mahala  
Bagh Mai, near Purana  
Government Abasya High  
School. *Balanced Prov*  
Mob: 03454046914

The Honourable Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject:- PROMOTION TO THE POST OF DIRECTOR BPS-19 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.

Dear Sir,

It is stated that in wake of 18<sup>th</sup> Constitutional Amendment, April, 2011, I alongwith my staff had been devolved / transferred to the Provincial Archaeology Government of Khyber Pakhtunkhwa and I handed over all assets, 91 sites / monuments and museum to the Directorate of Archaeology Peshawar. At that time, I was working as Deputy Director of Sub-Regional Office, Government of Pakistan, Department of Archaeology Peshawar. Before the said devolution, the honorable Secretary, Culture Islamabad Constituted the DSB for promotion of Director in March 2011, but due to transferred to the Provincial Government, my promotion case could not be proceeded for the same. The Secretary, Sports, Culture, Youth Affairs, Archaeology & Museums forwarded may please to IPC Islamabad but no response vide letter No. SO(M)4-51/201/P.F Peshawar dated 28<sup>th</sup> January 2015 copy enclosed.

It is therefore, requested that I may kindly be promoted as Director BPS-19 for giving the financial benefit because I am senior most among the Federal and Provincial officers who are working in the Department of Archaeology. Now, I have been retired from my service w.e.f. 18<sup>th</sup> March, 2016 and I belong to Bahawalpur city Punjab. Kindly my said case may be considered on humanitarian ground basis.

Enclosed: As above.

Postal Address:

Farid Manzil, Mohalla Bagh Mai,  
Old Abbasia Government High School,  
Bahawalpur.

Yours faithfully  
27-01-2017  
(Muhammad Arshad Mughal)  
Ex-Deputy Director  
(Devolved SRO Peshawar)  
Cell No. 0345-4046914  
0301-5447604

**Urgent Matter**

No. P-2/9/2017

Bahawalpur, the dated:28<sup>th</sup> July, 2017

To,

The Secretary,  
National Heritage &  
Government of Pakistan,  
Islamabad.

**SUBJECT:- PROMOTION FOR THE POST OF BPS-19 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX.DEPUTY DIRECTOR, SUB REGIONAL OFFICE, GOVERNMENT OF PAKISTAN, DEPARTMENT OF ARCHAEOLOGY, PESHAWAR**

Dear Sir,


With reference to my letter even number dated 28<sup>th</sup> December, 2016 on the subject cited above. It is stated that my said above case is still pending in your respected ministry but not taken action so far. In this regard, I have already mentioned in my previous letter that I am senior to the officers of the department of archaeology and museum (Copy enclosed for your ready reference).

It is therefore requested with emphasis that my case as said-above in question may kindly be expedited at an early date.

Thanking you.

Enclose as above.

Yours faithfully,

  
**(MUHAMMAD ARSHAD MUGHAL)**  
Ex. Deputy Director Archaeology (KPK)  
0345-4046914  
0301-5447604

**Postal Address:**  
Fareed Manzil Mohallah Pak Mai  
Near Purana Abbasi  
Government High School  
Bahawalpur

19

**Urgent Matter**

No. P-2/9/2017

Bahawalpur, the dated: 28<sup>th</sup> July, 2017

The Honourable Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

**SUBJECT:- PROMOTION TO THE POST OF DIRECTOR BPS-19 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.**

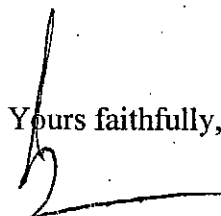
Dear Sir,

With reference to my letter even number dated 27<sup>th</sup> December, 2016 on the subject cited above, it is requested that my said above case in question may kindly be expedited at an early date. My seniority list is enclosed for ready reference.

Thanking you.

Enclose as above.

Yours faithfully,

  
(MUHAMMAD ARSHAD MUGHAL)  
Ex. Deputy Director Archaeology (KPK)  
0345-4046914  
0301-5447604

**Postal Address:**  
Fareed Manzil Mohallah Pak Mai  
Near Purana Abbasi  
Government High School  
Bahawalpur





GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO (M)4-51/2011/P.F / 8689-90  
Dated Peshawar, the 07<sup>th</sup> August, 2017.

To

The Director,  
Archaeology & Museums,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject:- PROMOTION TO THE POST OF DIRECTOR (BPS-19) IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE, DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA.

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No.P-2/9/2017 dated 28<sup>th</sup> July, 2017 alongwith its enclosure in respect of Mr. Muhammad Arshad Mughal, Ex-Deputy Director (BPS-18) Devolved Employee, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa received through Chief Secretary, Khyber Pakhtunkhwa which is self explanatory and to state to furnish your views / comments to proceed further in the matter.

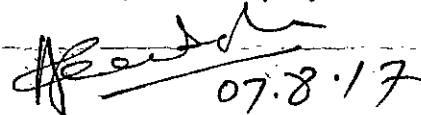
Encl: As above.

( NASEEB SHAH )

Section Officer (Arch: & Museums)

✓ Endst: of even No. & date

Copy is forwarded to Mr. Muhammad Arshad Mughal, Ex-Deputy Director, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa, (Fareed Manzil, Mohallah Pak Mai, Near Purana Abbasi, Govt: High School, Bahawalpur).

  
07.8.17

Section Officer (Arch: & Museums)

No.P-2/9/2017

Bahawalpur dated \_\_\_\_\_ 2017

The Honourable Secretary, Govt. of Khyber Pukhtun Khaw, Deptt. of Sports,  
Youth Affairs, Culture, Archaeology and Museums,  
Peshawar.

**SUB: PROMOTION TO THE POST OF DIRECTOR-BPS-19 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL EX-DEPUTY DIRECTOR-BPS 18 DEVOLVED EMPLOYEES, DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS, KHYBER PUKHTUN KHAW PESHAWAR**

Dear Sir,

With reference to your office letter No.SO(M)4.51/2011/P.F Peshawar, dated 18<sup>th</sup>, August, 2017. It is stated that my request is not conceded under the standing rules and regulations by DOAM Peshawar. In this regard, the following comments are given as under:

1. That, recently, the Govt. of Khyber Pukhtun Khaw has passed a law for devolved employees in which all the liabilities relate to the said employees are prescribed in with detail, wide letter no. SO(O&M)E&AD/2-7/2014/Vol-I dated 10<sup>th</sup> August 2016. But we are not facilitated by our department. As you are well aware, some department's employees have got received the deputation allowance but my case is still pending in the department of finance while the honorable Peshawar High Court has issued an order to pay the deputation allowance who had been devolved/ transferred from federal Govt. to province.
2. That, in this regard, the KPK Govt. has passed a law in which all the devolved employees have been inducted in the provincial departments and accepted as regular employees of this province w.e.f. their initial appointment Besides, regarding the fixation of seniority case is under process in the establishment so far. So, I'm fit for promotion of grade-BPS-19. As such, Mr Haider Khattak, head clerk (devolved employee) has got a relief after near about two and half years of his retirement; it is a case of financial benefit as prescribed in the financial rule(FR-17). Further, for instance, the honorable High Court Peshawar has given a financial benefit to Mr Mofrah, Superintendent DOAM Peshawar who has been recently promoted in BPS-17.
3. That, it is regretted by the department without consultation of ESTA Code and existing financial rules under section-FR-17. Sir I am justified to knock the door of court of law, it's his fundamental right.

It is therefore requested with emphasis that my said above case of FR- 17 may kindly be considered on humanitarian ground basis at an early

Thanking you,

Yours Faithfully

Muhammed Arshad Mughal  
Ex-Deputy Director

Postal Address: Fared Manzal Mohalla Bagh Mai  
Near Old Abbasia Govt. High School, Bahawalpur  
Mob; 0301 5447604

No.P-2/9/2017

Bahawalpur- dated 5/10/2017

The Honourable Secretary, Govt. of Khyber Pukhtun Khaw, Deptt. of Sports,  
Youth Affairs, Culture, Archaeology and Museums,  
Peshawar.

**SUB: PROMOTION TO THE POST OF DIRECTOR-BPS-19 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL EX-DEPUTY DIRECTOR-BPS 18 DEVOLVED EMPLOYEES, DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS, KHYBER PUKHTUN KHAW PESHAWAR**

Dear Sir,

With reference to your office letter No.SQ(M)4.51/2011/P.F Peshawar, dated 18<sup>th</sup> August, 2017. It is stated that my request is not conceded under the standing rules and regulations by DOAM Peshawar. In this regard, the following comments are given as under:

1. That, recently, the Govt. of Khyber Pukhtun Khaw has passed a law for devolved employees in which all the liabilities relate to the said employees are prescribed in with detail, wide letter no. SO(O&M)E&AD/2-7/2014/Vol-I dated 10<sup>th</sup> August 2016. But we are not facilitated by our department. As you are well aware, some department's employees have got received the deputation allowance but my case is still pending in the department of finance while the honorable Peshawar High Court has issued an order to pay the deputation allowance who had been devolved/ transferred from federal Govt. to province.
2. That, in this regard, the KPK Govt. has passed a law in which all the devolved employees have been inducted in the provincial departments and accepted as regular employees of this province w.e.f. their initial appointment Besides, regarding the fixation of seniority case is under process in the establishment so far. So, I'm fit for promotion of grade-BPS-19. As such, Mr Haider Khattak, head clerk (devolved employee) has got a relief after near about two and half years of his retirement; it is a case of financial benefit as prescribed in the financial rule(FR-17). Further, for instance, the honorable High Court Peshawar has given a financial benefit to Mr Mofrah, Superintendent DOAM Peshawar .who has been recently promoted in BPS-17.
3. That, it is regretted by the department without consultation of ESTA Code and existing financial rules under section-FR-17. Sir I am justified to knock the door of court of law, it's his fundamental right.

It is therefore requested with emphasis that my said above case of FR- 17 may kindly be considered on humanitarian ground basis at an early

Thanking you,

Yours Faithfully

Muhammed Arshad Mughal  
Ex-Deputy Director

Postal Address: Fareed Manzal Mohalla Bagh Mai  
Near Old Abbasia Govt. High School, Bahawalpur  
Mob; 0301 5447604

Endt. of even No.& date

1.P.S to Chief Secretary, KP Peshawar for necessary action pl.



123

**GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.**

13-A Khyber Road, Peshawar. Phone # 091-9211169.

No. SO (A&M)4-51/P.F/2011/11689-9  
Dated Peshawar, the 13<sup>th</sup> October, 2017.

To

The Director,  
Archaeology & Museums,  
Khyber Pakhtunkhwa,  
Peshawar.

**Subject:-I. PROMOTION TO THE POST OF DIRECTOR (BPS-19) IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE, DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA.**

**II. CNG BILLS OF VEHICLE NO.7891 AND GP-3176 FROM APRIL 2011 TO UPTILL IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR**

Kindly refer to the subject noted above and to enclose herewith two applications i.e. one for Promotion and another pending CNG Bills submitted by Mr. Muhammad Arshad Mughal, Retired Deputy Director, Devolved Employee of the Directorate of Archaeology & Museums, Khyber Pakhtunkhwa for further necessary action as per rules / policy.

Encl: As above

/

**(NASEEB SHAH)**

Section Officer (Arch: & Museums)

Endst: of even No. & date

Copy is forwarded to Mr. Muhammad Arshad Mughal, Ex-Deputy Director, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa, Freed Mabanzil, Mohallah Bagh Mai, Near Old Govt: Abbasia High School, Bahawalpur.

*Raidi* 13.10.17  
Section Officer (Arch: & Museums)

(24)

PS/C.S Khyber Pakhtunkhwa  
Diary No: 2646/1661  
Date 12-03-2018

The Chief Secretary,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject:- APPEAL FOR PROFORMA PROMOTION FROM BPS-18 TO BPS-19 WITH FINANCIAL BENEFITS

Dear Sir,

I have the honour to state is as under:

1. I have been devolved from the Federal Department of Archaeology & Museums, Khyber Pakhtunkhwa under the 18<sup>th</sup> Constitutional Amendment in April, 2011 (Annex-1). Luckily at the time, you were the Secretary to the Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology & Museums Department Peshawar.
2. Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 for absorption/induction of devolved employees on 23<sup>rd</sup> November, 2015 (Annex-2).
3. I have been retired on the superannuation age of 60 years (Annex-3). On 17<sup>th</sup> March, 2016.
4. The Secretary Establishment Department, Khyber Pakhtunkhwa held a meeting constituted under the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015 section 11B (3) for removal of difficulties, if any in implementation of this section and discussed all matters regarding fixing of Seniority Minutes of the meeting were issued to the concerned Administrative Secretaries for fixing seniority of the Federal Government devolved Employees on 31<sup>st</sup> October 2017, (Annex-4).
5. The Establishment Department Regulation Wing of the Government of Khyber Pakhtunkhwa has been Amendment Promotion Policy, 2009 wherein it has been clarified that as and when the seniority is restored the proforma promotion along with all financial benefits will be given to the retired employees on 5<sup>th</sup> December 2017 (Annex-5).

25

Sir, I have repeatedly requested to the Director, Archaeology & Museums and Secretary, Archaeology & Museums Department for my due promotion to BPS-19 as I remained on the same post i.e. Deputy Director BPS-18 from 2000 to till my retirement (17<sup>th</sup> March, 2016) but every time delayed on the pretext, you have not been inducted.

It is, therefore, requested that now all the desired process have been completed as stated above and they kindly direct the quarter concerned to consider my case for proforma promotion to BPS-19 along with the financial benefits at an early date.

Yours faithfully,

*dc*  
*19-03-2018*  
(Muhammad Arshad Mughal)  
(Retired) Deputy Director

Postal Address:

FAREED MANZAL MOHALLAH BAGH  
MALI NEAR OLD ABBASIA GOVT  
HIGH SCHOOL BAHAWAL PUR  
CELL NO 0301-5447604

JB

No.B-2/9/2018  
2018

Bahawalpur the 23<sup>rd</sup> June

The Honourable Chief Secretary  
Govt. of Khyber Pukhtun Khwa.  
Peshawar.

Sub:- **(1) APPEAL FOR PROFORMA PROMOTION FROM BPS-18 TO BPS19 WITH FINANCIAL BENEFIT.**

**(2) FIXING THE SENIORITY OF GRADE 18 IN RESPECT OF MOHAMMAD ARSHAD MUGHAL (RET) DEPUTY DIRECTOR /DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY KHYBER PAKHTON KHWA PESHAWAR.**

Dear Sir,

In continuation of my letter No. Nil dated 12 the March, 2018 on the subject as cited above. It is stated that I, along with the Govt. Employees from BPS 01 to BPS-17, had been devolved/ transferred to the provincial Govt. of KPK Peshawar in April 2011. Recently, a meeting was convened by the competent authority for determining the seniority of the devolved officers and officials under section-8 of Civil Servant Act 1973 read with Rules 17(1) (b) of the Khyber Pukhtun Khwa Civil Servant (Appointment, Promotion and transferred) 1989. After that, the authority of the Department has issued the seniority of Grade -17 but not of grade 18.

Sir, I have been retired from the Govt. service in 18<sup>th</sup> march 2016 but my seniority has not been determined so far. I am sent a letter vide No.SO (M)4-51/2011-P-F-9184-88 Peshawar dated the 18<sup>th</sup> August 2017 in which it is sated, your case shall be handled by the federal Govt. Sir, I was appointed as a Focal Person for handing over the Govt. Assets, Archaeology sites and historic monuments to the provincial Archaeology In this regard, the department of archaeology is not ready for issuing my seniority of Grade 18.

It is, therefore, requested with emphasis that I, may kindly be issued the seniority of Grade-18 under the said admissible Rules and my case of proforma Promotion for the post of Director BPS-19 may kindly be expedited at an early date.

**POSTAL ADDRESS**

Fareed Manzal Mohallah Bagh Mai-  
Near Old Abbasia Govt. High School-  
Bahawalpur  
Cell: 0301-5447604

Yours Faithfully,

*o/c*  
*23-6-2018*

**Muhammad Arshad Mughal**

Rtd. Deputy Director

Directorate of Archaeology

Govt. of Khyber Pukhtun Khwa Peshawar.

Cell: 0301-5447604

27

Urgent matter  
Registered

No:B-2/9/2018

Bahawalpur the 5<sup>th</sup> July, 2018

The Honourable Chief Secretary,  
Govt. of Khyber Pukhtun Khwa,  
Peshawar.

Sub:- (1) APPEAL FOR PROFORMA PROMOTION FROM BPS-18 TO BPS-19 WITH FINANCIAL BENEFIT.

(2) FIXING THE SENIORITY OF GRADE 18 IN RESPECT OF MOHAMMAD ARSHAD MUGHAL (RETD) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY KHYBER PAKHTON KHWA PESHAWAR.

Dear Sir,

In continuation of my letter even number dated 23<sup>rd</sup> June, 2018 on the subject as cited above. It is stated that I, along with the govt. employees from BPS-01 to BPS-17, had been devolved/ transferred to the provincial Archaeology Govt. of KPK Peshawar in April 2011. Recently, a meeting was convened by the competent authority for determining the seniority of the devolved officers and officials under section-8 of Civil Servant Act 1973 read with Rules 17(1) (b) of the Khyber Pukhtun Khwa Civil Servant (Appointment, Promotion and Transferred) 1989. After that, the authority of the Department has issued the seniority of Grade -17 but not of Grade 18.

Sir, I have been retired from the Govt. service in 18<sup>th</sup> march 2016 but my seniority has not been determined so far. I am sent a letter to the Secretary of the Department Peshawar vide No.SO (M)4-51/2011-P-F-9184-88 Peshawar dated the 18<sup>th</sup> August 2017 in which it is stated, "your case shall be handled by the Federal Govt." Sir, I was appointed as a Focal Person by the govt. of Pakistan for handing over the Govt. Assets, Archaeological sites and historic monuments to the provincial Archaeology, then I was working as Deputy Director of Sub Regional Office, Government of Pakistan, Department of Archaeology & Museums, Peshawar. In this regard, the Department of Archaeology is not ready for issuing my seniority of Grade 18, because it is informed me, you have been retired from the department, so you have no right for the said purpose. Sir, In this context, I deserve for proforma Promotion. For your kind information, the post of Director, DOAM Peshawar has been lying vacant due to demise of Mr. Saleh, Ex-Director, DOAM, Peshawar.

It is, therefore, requested that the Honourable Secretary may kindly be directed to expedite the said my case in question at an early date.

Thanking you,

POSTAL ADDRESS

Fareed Manzal Mohallah Bagh Mai-  
Near Old Abbasia Govt. High School  
Bahawalpur  
Cell: 0301-5447604

Yours Faithfully,

o/c - 5-7-2018

**Muhammad Arshad Mughal**

Rtd. Deputy Director

Directorate of Archaeology

Govt. of Khyber Pukhtun Khwa Peshawar.

Cell: 0301-5447604



28

Urgent matter  
Registered

No.B-2/9/2018

Bahawalpur the

28 Aug,2018

The Honourable Chief Secretary,  
Govt. of Khyber Pukhtun Khwa,  
Peshawar.

Sub:- **(1) APPEAL FOR PROFORMA PROMOTION FROM BPS-18 TO BPS-19 WITH FINANCIAL BENEFIT.**

**(2) FIXING THE SENIORITY OF GRADE 18 IN RESPECT OF MOHAMMAD ARSHAD MUGHAL (RETD) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY KHYBER PAKHTON KHWA PESHAWAR.**

Dear Sir,

In continuation of my letter even number dated 23<sup>rd</sup> June, 2018 and 5<sup>th</sup> July, 2018 on the subject as cited above. It is stated that I, along with the govt. employees from BPS-01 to BPS-17, had been devolved/ transferred to the provincial Archaeology Govt. of KPK Peshawar in April 2011. Recently, a meeting was convened by the competent authority for determining the seniority of the devolved officers and officials under section-8 of Civil Servant Act 1973 read with Rules 17(1) (b) of the Khyber Pukhtun Khwa Civil Servant (Appointment, Promotion and Transferred) 1989. After that, the authority of the Department has issued the seniority of Grade -17 but not of Grade 18.

Sir, I have been retired from the Govt. service in 18<sup>th</sup> march 2016 but my seniority has not been determined so far. I am sent a letter to the Secretary of the Department Peshawar vide No.SO (M)4-51/2011-P-F-9184-88 Peshawar dated the 18<sup>th</sup> August 2017 in which it is stated, "your case shall be handled by the Federal Govt." Sir, I was appointed as a Focal Person by the govt. of Pakistan for handing over the Govt. Assets, Archaeological sites and historic monuments to the provincial Archaeology, then I was working as Deputy Director of Sub Regional Office, Government of Pakistan, Department of Archaeology & Museums, Peshawar. In this regard, the Department of Archaeology is not ready for issuing my seniority of Grade 18, because it is informed me, you have been retired from the department, so you have no right for the said purpose. Sir, In this context, I deserve for proforma Promotion. For your kind information, the post of Director, DOAM Peshawar has been lying vacant due to demise of Mr. Saleh, Ex-Director, DOAM, Peshawar.

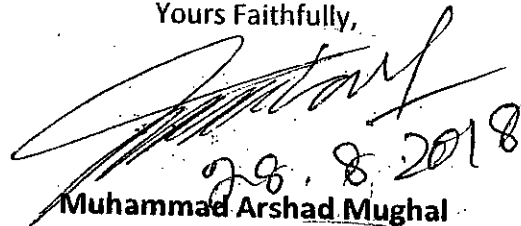
It is, therefore, requested that the Honourable Secretary may kindly be directed to expedite the said my case in question at an early date.

Thanking you,

**POSTAL ADDRESS**

Fareed Manzal Mohallah Bagh Mai-  
Near Old Abbasia Govt. High School  
Bahawalpur  
Cell: 0301-5447604

Yours Faithfully,

  
28.8.2018

**Muhammad Arshad Mughal**

Rtd. Deputy Director

Directorate of Archaeology

Govt. of Khyber Pukhtun Khwa Peshawar.

Cell: 0301-5447604

4<sup>th</sup> REQUEST

Urgent matter  
Registered

No.B-2/9/2018

Bahawalpur the

03 Oct, 2018

The Honourable Chief Secretary,  
Govt. of Khyber Pukhtun Khwa,  
Peshawar.

Sub:- (1) APPEAL FOR PROFORMA PROMOTION FROM BPS-18 TO BPS-19 WITH FINANCIAL BENEFIT.

(2) FIXING THE SENIORITY OF GRADE 18 IN RESPECT OF MOHAMMAD ARSHAD MUGHAL (RETD) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY KHYBER PAKHTON KHWA PESHAWAR.

Dear Sir,

In continuation of my letter even number dated 23<sup>rd</sup> June, 2018, 05<sup>th</sup> July 2018 and 28 Aug, 2018 on the subject as cited above. It is requested with emphasis that my said above case in question may kindly be expedited at an early date.

Thanking you,

POSTAL ADDRESS

Fareed Manzal Mohallah Bagh Mai-  
Near Old Abbasia Govt. High School  
Bahawalpur  
Cell: 0301-5447604

Yours Faithfully,

Personal Copy

3  
10  
2018

Muhammad Arshad Mughal  
Rtd. Deputy Director  
Directorate of Archaeology  
Govt. of Khyber Pukhtun Khwa Peshawar.  
Cell: 0301-5447604



GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169.

No. SO (A&M)4-51/P.F/2011/11795-96

Dated Peshawar, the 13<sup>th</sup> December, 2018.

To

The Director,  
Archaeology & Museums,  
Khyber Pakhtunkhwa,  
Peshawar.

- Subject:-**
- i. APPEAL FOR PROFORMA PROMOTION FROM (BPS-18) TO (BPS-19) WITH FINANCIAL BENEFIT.**
  - ii. FIXING OF SENIORITY OF GRADE BPS-18- IN RESPECT OF MUHAMMAD ARSHAD MUGHAL (RETIRED) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY, KHYBER PAKHTUNKHWA**
  - iii. OLD CLAIM AMOUNTING RS. 185897/- ONLY PENDING IN THE DIRECTORATE OF ARCHEOLOGY AND MUSEUM, PESHAWAR WITHOUT NECESSARY ACTION WHILE THE UNDERSIGNED HAS BEEN RETIRED FROM THE GOVERNMENT SERVICE W.E.F 18<sup>TH</sup> MARCH, 2016.**

I am directed enclose herewith copies of applications bearing No.B-2/9/2018, dated 07-12-2018 in respect of Mr. Muhammad Arshad Mughal (Retired), Deputy Director, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa on the subjects noted above, addressed to Chief Secretary, Khyber Pakhtunkhwa for necessary action as per rules / policy of Provincial Government.

Encl: As above

Section Officer (Arch: & Culture)

Endst: No. & date even.

Copy to: - Muhammad Arshad Mughal Ex- Deputy Director Archaeology  
Government of Khyber Pakhtunkhwa Peshawar Fareed Manzal Mohallah Bagh  
Mai-near Old Abbasia Government High School Bahawalpur Cell  
No. 0301-5447604

Section Officer (Arch: & Culture)



GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO (A&M)4-51/P.F/2011 / 2748-5  
Dated Peshawar, the 05<sup>th</sup> March 2019.

To

The Director,  
Archaeology & Museums,  
Khyber Pakhtunkhwa,  
Peshawar.

- Subject:- I. APPEAL FOR PROFORMA PROMOTION FROM (BPS-18) TO (BPS-19) WITH FINANCIAL BENEFIT.  
II. FIXING OF SENIORITY OF GRADE BPS-18- IN RESPECT OF MUHAMMAD ARSHAD MUGHAL (RETIRED) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY, KHYBER PAKHTUNKHWA  
III. OLD CLAIM AMOUNTING RS. 185897/- ONLY PENDING IN THE DIRECTORATE OF ARCHEOLOGY AND MUSEUM, PESHAWAR WITHOUT NECESSARY ACTION WHILE THE UNDERSIGNED HAS BEEN RETIRED FROM THE GOVERNMENT SERVICE W.E.F 18<sup>TH</sup> MARCH, 2016.

I am directed to refer to this Department letter of even No. dated 03-09-2019 on the subject noted above and enclose herewith copy of self-explanatory application dated 25-02-2019 in respect of Mr. Muhammad Arshad Mughal (Retired), Deputy Director, Directorate of Archaeology & Museums, Khyber Pakhtunkhwa, addressed to Chief Secretary, Khyber Pakhtunkhwa for necessary action as per rules / policy of Provincial Government, under intimation to this Department please.

Encl: As above

Endst: No. & date even.

Section Officer (Arch: & Culture)

Copy to: - Muhammad Arshad Mughal Ex- Deputy Director Archaeology  
Government of Khyber Pakhtunkhwa Peshawar Fareed Manzal Mohallah Bagh  
Mai-near Old Abbasia Government High School Bahawalpur Cell  
No. 0301-5447604

Section Officer (Arch: & Culture)



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO (M)4-51/2011/P.F / 9184-88

Dated Peshawar, the 18<sup>th</sup> August, 2017.

To

Mr. Muhammad Arshad Mughal,  
Ex-Deputy Director, Directorate of Archaeology &  
Museums, Khyber Pakhtunkhwa,  
(Fareed Manzil, Mohallah Pak Mai, Near Purana Abbasi, Govt: High School,  
Bahawalpur).

Subject:- PROMOTION TO THE POST OF DIRECTOR (BPS-19) IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE, DIRECTORATE OF ARCHAEOLOGY & MUSEUMS, KHYBER PAKHTUNKHWA.

I am directed to refer to your numerous applications dated 27.09.2011, 22.12.2017, 28.12.2016 and 28.07.2016 respectively addressed to Chief Secretary, Khyber Pakhtunkhwa and other high ups and detail discussion of your good self with the Department and to say that as you have already been informed that the case is not fit for promotion and regretted on the following grounds:-

- i. The case of your promotion relates to pre-devolution period and the IPC Department has already approached the Federal Government (Secretary M/O IPC) Islamabad.
  - ii. You have been devolved/transferred from Federal Government to Provincial Government under 18<sup>th</sup> Constitutional Amendment and serve in the Directorate of Archaeology & Museum, Khyber Pakhtunkhwa w.e.f April, 2011 to March 2016 (less than five years) and as per rules, for promotion to BPS-19, the required length of service is seven years.
  - iii. You have retired from service on attending the age of superannuation i.e. 60 years on 18.03.2016 and have already received pension and other benefits etc.
2. You are, therefore, directed to process your case with your parent Ministry / Department, Government of Pakistan, Islamabad.

*Arshad*  
18.8.17

Section Officer (Arch: & Museums)

Endst: of even No. & date

Copy is forwarded to:-

1. P.S to Chief Secretary, Khyber Pakhtunkhwa w/r to his diary No. 5414 dated 02.08.2017.
2. Director Archaeology & Museums, Khyber Pakhtunkhwa w/r to his letter No.A-69/1735/Archymus dated 16.08.2017.
3. P.S to Secretary, Inter Provincial Coordination Department, Khyber Pakhtunkhwa.
4. P.S to Secretary, Sports, Culture, Tourism, Archaeology & Museums Department, Khyber Pakhtunkhwa.

Section Officer (Arch: & Museums)



GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO (A&M)4-51/P.F/2011 / 3942-4

Dated Peshawar, the 04<sup>th</sup> April 2019.

To

Mr. Muhammad Arshad Mughal,  
Ex-Deputy Director, Directorate of Archaeology &  
Museums, Khyber Pakhtunkhwa,  
(Fareed Manzil, Mohallah Pak Mai, Near Purana Abbasi, Govt: High School,  
Bahawalpur):

- Subject:- I. APPEAL FOR PROFORMA PROMOTION FROM (BPS-18) TO (BPS-19) WITH FINANCIAL BENEFIT.**
- II. FIXING OF SENIORITY OF GRADE BPS-18- IN RESPECT OF MUHAMMAD ARSHAD MUGHAL (RETIRED) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY, KHYBER PAKHTUNKHWA**
- III. OLD CLAIM AMOUNTING RS. 185897/- ONLY PENDING IN THE DIRECTORATE OF ARCHEOLOGY AND MUSEUM, PESHAWAR WITHOUT NECESSARY ACTION WHILE THE UNDERSIGNED HAS BEEN RETIRED FROM THE GOVERNMENT SERVICE W.E.F 18<sup>TH</sup> MARCH, 2016.**

I am directed to refer to the subject noted above and to enclose herewith copy of self-explanatory letter No. 783/A-112 dated 29-03-2019 alongwith its enclosures received from Directorate of Archaeology, & Museums, Khyber Pakhtunkhwa, for information please.

Encl: As above

Endst: No. & date even.

Section Officer (Arch: & Culture)

Copy to the Director Archaeology & Museums, Khyber Pakhtunkhwa, w/r your letter quoted above.

Section Officer (Arch: & Culture)

34



**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. 783/A-112 / Archymus

C/O Peshawar Museum Peshawar

Dated: 28-3-19

Ph. # 091-9211194, 9211488  
Fax # 091-9210690

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Sports, Tourism, Culture, Archaeology & Museums,  
Department Peshawar.

- Subject: i. APPEAL FOR PROFORMA PROMOTION FROM (BPS-18) TO (BPS-19) WITH FINANCIAL BENEFIT.  
 ii. FIXING OF SENIORITY OF GRADE BPS-18 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL (RETIRED) DEPUTY DIRECTOR DEVOLVED AND TRANSFERRED TO THE DEPARTMENT OF ARCHAEOLOGY, KHYBER PAKHTUNKHWA.  
 iii. OLD CLAIM AMOUNTING RS. 185897/- ONLY PENDING IN THE DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS, PESHAWAR WITHOUT NECESSARY ACTION WHILE THE UNDERSIGNED HAS BEEN RETIRED FROM THE GOVERNMENT SERVICE W.E.F. 18<sup>TH</sup> MARCH, 2016.

Dear Sir,

In compliance of your office enclosure No.SO (A&M)4-51//P.F/2011/2749-50 dated 05<sup>th</sup> March, 2019 on the subject noted above.

It is stated that appeal in respect of Mr. Arshad Mughal, Ex-Deputy Director of this Directorate, regarding the subjected title have been examined by the responsible officers of this office and raised the actual facts as per detail given below:-

1. Request of appellant about promotion from BPS-18 to BPS-19 and establishing Seniority of grade BPS-18 was regretted by the department vide enclosure No. SO(M)4-51/2011/P.F/9184-88 dated 18<sup>th</sup> August, 2017 (copy enclosed), because this issue was beyond the jurisdiction of administrative department. He may appeal in the Services Tribunal for getting any legal remedy.
2. After proper examination of appeal, this Directorate conveyed the applicant vide this office enclosure No.626-29/A-12/ Archymus dated 13.03.2019 with the direction that if he submits the authentic and attested vouchers along with fulfilled codel formalities, this office will honour his previous claims / arrears accordingly.
3. Complaint of applicant regarding, misbehavior of Mr. Saeed-ur-Rehman, Accounts Assistant is internal issue of this Directorate and will be settled accordingly.

A.S	
MD TCK	
DG. SPDR	
Dir Youth	
Dir Arch	
Dir Culture	
Dir Tourist	
Dir Sports	
Dir SPO:PO	
Eng: Wing	

Endst. No. \_\_\_\_\_/Archymus  
Copy for information to:-

1. The Superintendent (Budget), Directorate of Archaeology & Museums Peshawar
2. The Admin Officer, Directorate of Archaeology & Museums Peshawar.

Yours Faithfully,

**DIRECTOR**  
Dated \_\_\_\_\_/2019

SO (ARC)  
28/3/19

DS  
For further n/a

28/03/19

**DIRECTOR**

28/3/19

To

The Muhammad Ahmad  
Deputy Director  
Government of Sudan  
Khartoum  
Sudan  
Near old Khartoum  
High school

DISPATCHER  
Civil Service  
General Administration &  
Public Affairs Department



(36)

F

The Director,  
Department of Archaeology and Museums,  
Government of Khyber Pukhtunkhwa,  
Peshawar.

Subject: - **NOTIFICATION - JOINING REPORT.**

Dear Sir,

In pursuance of the Cabinet Secretariat, Establishment Division, Islamabad Notification No.F.1(2)DG-1/MSW/2011 dated 5<sup>th</sup> April, 2011 regarding re-organization of the Federal Ministries/Departments under (18<sup>th</sup> Amendment) Act 2010 (Act-No. X of 2010), the undersigned hereby reports for duty to your good self on 18<sup>th</sup> April, 2011. It is submitted for your kind information and further necessary action please.

Yours faithfully,

*op*

*18-4-2011*  
( Muhammad Arshad )  
Deputy Director  
Department of Archaeology  
& Museum, S.R.O., Peshawar.

37

To The honourable Secretary,  
Sports, Tourism, Archaeology,  
Museums and Youth Affairs Department,  
Government of Khyber Pukhtunkhwa, Peshawar.

Sub:- CIVIL SERVANTS (AMENDMENT) Ordinance, 2013.

Dear Sir,

Please find enclosed herewith a photo-copy of the subject Ordinance promulgated by the President of the Islamic Republic of Pakistan which is self explanatory for your kind information and necessary action please.

Yours faithfully,

MUHAMMAD ARSHAD MUGHAL  
Deputy Director/Focal Person.  
Directorate of Archaeology &  
Museums, Peshawar.

3/e

2-6-2013

2/6/2013

38

ANNEX-VIIAN  
ORDINANCE*further to amend the Civil Servants Act (LXXI of 1973)*

WHEREAS it is expedient further to amend the Civil Servant Act, 1973 (LXXI of 1973), for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session having been dissolved on completion of its term and the Senate is also not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.— (1) This Ordinance may be called the Civil Servants (Amendment) Ordinance, 2013.

(2) It shall come into force at once.

2. Amendment of section 3, Act LXXI of 1973.— In the Civil Servants Act, 1973 (LXXI of 1973), in section 3, after sub-section (2) the following new sub-sections shall be added, namely:-

“(3) The Federal Government may transfer a civil servant of a devolved Ministry or Division, working in an Attached Department or Subordinate Office situated in a Province, to the Province concerned, in consequence of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Province, on the same terms and conditions of service as were applicable to him before such transfer.

39

FROM :

PHONE NO. : 92215840080

Jun. 07 2013 11:00AM P02

(4) The Federal Government may transfer a civil servant working in a Ministry, Division, Attached Department or Subordinate Office located in the Islamabad Capital Territory to any other Ministry, Division, Attached Department or Subordinate Office, in consequence of the abolition of such Ministry, Division, Attached Department or Subordinate Office pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Ministry, Division, Department or Office to which he is so transferred, on the same terms and conditions of service as were applicable to him before such transfer.

(5) The seniority of the civil servants transferred by virtue of sub-sections (3) and (4) shall be determined by the concerned Province, Ministry or Division, as the case may be, in accordance with the rules.

(6) The cases of civil servants of a Ministry, Division, Attached Department or Subordinate Office devolved in pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and working in FATA, Gilgit-Baltistan and AJK shall be dealt with in the manner as may be provided by an Order made by the President in this behalf."

3. Removal of difficulties.— If any difficulty arises in giving effect to any provision of the Civil Servants (Amendment) Ordinance, 2013, the Federal Government may make such Order, not inconsistent with the provisions of the said Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after expiry of one year from the coming into force of the aforesaid Ordinance.

4. Omission of section 12A, Act LXXI of 173.— In the said Act, section 12A shall be omitted.

  
ASIF ALI ZARDARI  
PRESIDENT

40  
ANNEX-VII

AN

## ORDINANCE

*further to amend the Civil Servants Act (LXXI of 1973)*

WHEREAS it is expedient further to amend the Civil Servant Act, 1973 (LXXI of 1973) for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session having been dissolved on completion of its term and the Senate is also not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**— (1) This Ordinance may be called the Civil Servants (Amendment) Ordinance, 2013.

(2) It shall come into force at once.

2. **Amendment of section 3, Act LXXI of 1973.**— In the Civil Servants Act, 1973 (LXXI of 1973), in section 3, after sub-section (2) the following new sub-sections shall be added, namely:-

“(3) The Federal Government may transfer a civil servant of a devolved Ministry or Division, working in an Attached Department or Subordinate Office situated in a Province, to the Province concerned, in consequence of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Province, on the same terms and conditions of service as were applicable to him before such transfer.

(41)

(4) The Federal Government may transfer a civil servant working in a Ministry, Division, Attached Department or Subordinate Office located in the Islamabad Capital Territory to any other Ministry, Division, Attached Department or Subordinate Office, in consequence of the abolition of such Ministry, Division, Attached Department or Subordinate Office pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Ministry, Division, Department or Office to which he is so transferred, on the same terms and conditions of service as were applicable to him before such transfer.

(5) The seniority of the civil servants transferred by virtue of sub-sections (3) and (4) shall be determined by the concerned Province, Ministry or Division, as the case may be, in accordance with the rules.

(6) The cases of civil servants of a Ministry, Division, Attached Department or Subordinate Office devolved in pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and working in FATA, Gilgit-Baltistan and AJK shall be dealt with in the manner as may be provided by an Order made by the President in this behalf."

3. **Removal of difficulties.**— If any difficulty arises in giving effect to any provision of the Civil Servants (Amendment) Ordinance, 2013, the Federal Government may make such Order, not inconsistent with the provisions of the said Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after expiry of one year from the coming into force of the aforesaid Ordinance.

4. **Omission of section 12A, Act LXXI of 173.**— In the said Act, section 12A shall be omitted.

  
ASIF ALI ZARDARI  
PRESIDENT



GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS  
& YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-92111611.

No. SO (M)4-73/2014 / 490-  
Dated Peshawar, the 14<sup>th</sup> January, 2014

To

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

Diary No FDE/420  
Date 14-1-14  
Directorate of Archaeology  
Govt of K.P.K

**SUBJECT: ABSORPTION OF FEDERAL GOVERNMENT EMPLOYEES**

Dear Sir,

I am directed to refer to the subject noted above and to state that 113 employees (BPS-1 to BPS-18) have been transferred / devolved from the Federal Archaeology Department, Government of Pakistan, Islamabad to this Province who were posted at Archaeological Sites / Monuments / Museums as well as in the Directorate of Archaeology & Museums, Khyber Pakhtunkhwa under Section-10 on deputation basis in pursuance of Constitution (18<sup>th</sup> Amendment) Act, 2010.

2. It is further stated that these devolved employees presently working in the Directorate of Archeology & Museums, Khyber Pakhtunkhwa and sub offices in the Provinces are appealing / approaching the Administrative Department for their proper adjustment / absorption, seniority and promotion.

3. I am, therefore, directed to request to kindly advise this Department on the present status of the devolved employees of the Federal Government transferred / devolved to the Province of Khyber Pakhtunkhwa to proceed further in the matter.

Yours faithfully,

(SYED NOOR EHSAN SHAH)  
Section Officer (Arch: & Museums)

Endst: number & date even.

Copy is forwarded to the Director, Archaeology & Museums, Khyber Pakhtunkhwa for information, please.

Section Officer (Arch: & Museums)

Syed. Est  
14/01

Pl: file  
14/01

(43)

FROM :

PHONE NO. : 92215840080

Dec. 29 2014 12:55PM P01

Government of Pakistan  
Establishment Division  
Management Services Wing  
\*\*\*\*\*


SUBJECT: ISSUANCE OF RETIREMENT NOTIFICATIONS OF EMPLOYEES OF DEPARTMENTS/ORGANIZATIONS DEVOLVED TO THE PROVINCES

Reference Devolution Cell, Cabinet Division's O.M. No. F.1-21/2014-D-11 dated 14-11-2014 on the above noted subject.

2. It is stated that consequent upon emission of the Concurrent Legislative list of the Constitution through the 18<sup>th</sup> Constitutional Amendment (Act No. X of 2010) and devolution of the relevant subjects to the Provinces, seventeen Ministries/ Divisions ceased to exist and services of their officers/officials were transferred to the Federal Ministries/Divisions/Organizations as well as to the Provincial Governments on deputation under Section 10 of the Civil Servants Act, 1973. In this process, a total of 6424 employees were transferred to the provincial governments (Punjab: 1484, Sindh: 3473, KPK: 984, Balochistan: 278).

3. In line with the decision of Implementation Commission, other than federal legislation, provincial legislations are also required for permanent absorption of these employees in the respective provincial governments. Recently, Government of the Punjab and Government of Sindh have promulgated the desired legislations by amending their Provincial Civil Servants Act.

4. With this backdrop, out of 6424 employees of federal government as mentioned above, 5162 employees shall become regular provincial civil servants and therefore they have no more connection with the federal government. As regards remaining 1262 employees posted with the government of KPK and Balochistan, which are only 19% of the federal employees transferred to provincial governments, the existing instructions/ practices on the subject may be followed.

  
(Muhammad Abdul Aleem Qazi)  
Director

Cabinet Division (Mr. Javed Iqbal Amer, Joint Secretary (Devolution), Islamabad)  
MS Wing's U.O NO. No.15(5)/2011-MSW-IV, dated 14-11-2014

DS (Devo)  
S.O (MINFA)  
JIP  
14-11-2014

Recd. 18/12/14  
17-11-14

Dy. No. 84/2014  
Date: 14-11-2014



FOR THE EXTRAORDINARY GAZETTE ISSUE OF  
THE KHYBER PAKHTUNKHWA

44

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 23/11/2015.

No.PA/Khyber Pakhtunkhwa/Bills/2015/ 12250 The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 17<sup>th</sup> November, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 20<sup>th</sup> November, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT, 2015**

**(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2015)**

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the /11/2015).

(Here print as in the accompaniment).

*Numerical*

**SECRETARY,**

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

*Numerical*

**SECRETARY,**

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills/2015/ 12251-55 Dated 23/11/2015

A copy of the above is forwarded to :-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.

*Numerical*

**SECRETARY,**

Provincial Assembly of Khyber Pakhtunkhwa

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII

GAZETTE

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 23<sup>RD</sup> NOVEMBER, 2015.

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA.

### NOTIFICATION

Dated Peshawar, the 23<sup>rd</sup> November, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/12250--- The Khyber Pakhtunkhwa Civil Servants (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 17<sup>th</sup> November, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 20<sup>th</sup> November, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

### THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (AMENDMENT) ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2015)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 23/11/2015)*

AN  
ACT

*further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), for the purposes hereinafter appearing:

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015.

(2) It shall come into force at once.

2. **Insertion of new section 11B in the Khyber Pakhtunkhwa Act No. XVIII of 1973.**--- In the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII

264 KHYBER PAKHTUNKHWA GOVT: GAZETTE, EXTRAORDINARY, 23<sup>rd</sup> NOVEMBER, 2015

of 1973), hereinafter referred to as the said Act, after section 11A, the following new section shall be inserted, namely:

"11B. Absorption or appointment of Federal employees.— (1) Notwithstanding anything contained in this Act, all those employees of the Federal Government, who are holding various posts in Federal Government entities on regular basis, before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and the said entities being devolved to Province in pursuance of aforesaid amendment, shall be deemed to be the civil servants of the Province for all intents and purposes under this Act.

- (2) All such Federal Government employees,-
  - (a) if their relevant cadre is available in Government, shall be absorbed in the said cadre in the prescribed manner; and
  - (b) if no relevant cadre is available in Government, shall be deemed to have been appointed on regular basis to various cadres posts to be created for this purpose:

Provided that on such appointment or absorption, as the case may be,-

- (i) their seniority shall be determined in accordance with the provision of this Act; and
- (ii) their liabilities with regard to pension, gratuity, group insurance, benevolent fund and leave encashment shall be proportionally shared between the Federal Government and Government in such a manner as may be agreed upon.

(3) Government shall constitute a committee consisting of Secretary to Government, Establishment Department; Secretary to Government, Finance Department, Secretary to Government, Law, Parliamentary Affairs and Human Rights Department, Secretary to Government, Inter Provincial Coordination Department and Secretary of the concerned Department to remove difficulties, if any, in implementation of this section."

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

(AMANULLAH)

Secretary  
Provincial Assembly of Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA;  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

13-A Khyber Road, Peshawar. Phone # 091-9211169

47

Dated Peshawar, the 31<sup>st</sup> January, 2017.

**NOTIFICATION**

*1918-27*  
**No.SO(M)4-73/2016/Vol-III.** In pursuance of section 11B of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the following devolved employees of the Federal Government, holding various posts in Federal Government entities, on regular basis, before the commencement of the Eighteenth Constitution (Amendment) Act, 2010 (Act No. X of 2010) shall be deemed to be civil servants of the Province for all intents and purposes under the Act *ibid*:

S. No.	NAME OF OFFICERS.	DESIGNATION.	BPS
1.	Mr. M. Arshad Mughal.	Deputy Director	18
2.	Mr. Ahmad Nawaz.	Assistant Archaeological Engineer.	17
3.	Mr. Faiz-ur-Rehman.	Curator	17

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA,  
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

Endst: number & date even.

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. The Director, Archaeology & Museums, Khyber Pakhtunkhwa.
4. The Manager, Government Printing Press, Khyber Pakhtunkhwa, with the request to kindly publish in the Gazette of Government of Khyber Pakhtunkhwa.
5. The Section Officer (O&M), Government of Khyber Pakhtunkhwa, Establishment Department w/r to his letter No.SO(O&M)E&AD/2-7/2014/Vol-I dated 10.08.2016.
6. P.S to Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
7. P.S to Secretary to Government of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department.
8. The Officer concerned.

*Naseeb Shah*  
31.1.2017

(NASEEB SHAH)  
Section Officer (Arch: & Culture).



(48)

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT.  
REGULATION WING**

Dated: 05.12.2017

**NOTIFICATION**

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

**AMENDMENTS**

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

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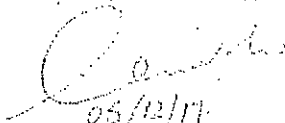
4. The clause (i) of sub-para (a) of para V shall be deleted and the next below clause (ii) and (iii) shall be re-numbered as (i) and (ii). In sub-para (b) of Para V the word three shall be substituted with the word "two".

Sd/-  
Secretary to Government of Khyber Pakhtunkhwa  
Establishment Department

ENDST: NO & EVEN DATE

Copy is forwarded to:-

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

  
05/12/17  
(BEENISH IQBAL)  
SECTION OFFICER (POLICY)

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR**

Suit / Appeal / Claim / Petition / Application No. \_\_\_\_\_

**MUHAMMAD ARSHAD MUGHAL VS Govt of KPK etc**

**On behalf of APPELLANT**

KNOW ALL to whom these present shall come that I / We MUHAMMAD ARSHAD MUGHAL through its legally constituted attorney \_\_\_\_\_ do hereby appoint **BILAL AHMAD KAKAIZAI** (herein after called the advocate) to be my / our Advocate in above noted case.

He is authorized:-

1. To act, appear and plead in the above-noted case in Court / Tribunal / Authority / Commission etc or in any other Court in which the same may be tried or heard.
2. To sign, file verify and present pleadings, appeals cross objections, written statement, comments or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution / disposal of the said case in all its stages.
3. To file and take back documents, to admit and / or deny the documents of opposite party.
4. To withdraw or compromise the said case with my / our prior approval.
5. To take execution proceedings.
6. To do all other acts and things, which may be necessary to be one for the progress and in the course of prosecution / proceedings of the said case.
7. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so.

And I / We the undersigned do hereby agree to ratify and confirm all acts done by Advocate or his substitute in the matter as my / our own acts, as if done by me / us to all intents and purposes.

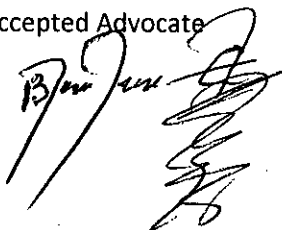
And I / We undertake that I / we or my / our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I / We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

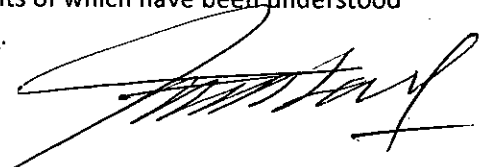
And I / We undersigned do hereby agree that in event of the whole or part of the fee agreed by me / us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution / proceedings of the said case until the same is paid up. The fee settled is only for the above case and above Court. I / We hereby agree that once the fee is paid. I / we will not be entitled for the refund of the same in any case whatsoever.

I / we do hereunto set my / our hand to these presents the contents of which have been understood by me / us on this \_\_\_\_\_ day of \_\_\_\_\_.

Accepted Advocate



Client:



**Service Appeal No. 626/of 2019**

**Muhammad Arshid Mughal .....Petitioner**

**Versus**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Secretary, Inter-Provincial Co-ordination Department.
3. Secretary, to Govt. of Khyber Pakhtunkhwa, Sports & Tourism Department
4. The Director, Archeology & Museums Department, Peshawar

**(Respondents)**

**PARAWISE REPLY / COMMENTS ON BEHALF OF  
RESPONDENTS NO. 01 TO 04.**

**Respectfully Sheweth:-**

**Preliminary objections**

1. That the Honourable Tribunal has no jurisdiction in the matter.
2. That the petition is time barred.
3. That the appeal is bad due to non-joinder & misjoinder of necessary parties.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to this Honourable Tribunal with clean hands.

**PARAWISE FACTS/ COMMENTNS ARE SUMMARIZED AS UNDER**

1. It is correct.
2. It is correct that the Appellant attained the age of superannuation on 17-03-2016.
3. It is correct that after 18<sup>th</sup> Amendment in the Constitution 1973 his services devolved to Provincial Govt. of Khyber Pakhtunkhwa.
4. Pertains to the record of Federal Government.
5. Incorrect. The appellant was a devolved employee and was well aware that he had no right of promotion in the Provincial Govt., therefore, he wrote a reminder dated 28-07-2017 to the Secretary National Heritage Govt. of Pakistan referring to his letter dated 28-12-2016 stating therein that he is senior most officer & emphasized for expedition of his promotion case (Annex-A).



- 6: Correct to the extent that the appellant submitted applications to competent Authority, however as claimed by him in para-5 of the Appeal that prior to devolution from the Federal Govt. to Provincial Govt. a Departmental Selection Board was constituted for his promotion from BPS-18 to BPS-19, which means that, if any promotion was due, it was at the part of Federal Govt. and in the hierarchy available to him there. After devolution to Provincial Govt, he has to accept the hierarchy, service Rules & other policies of the Provincial Govt. in light of which his case for promotion was not mature till the date of his retirement.
7. Incorrect. The letter dated 18-08-2017 was sent on his residence address situated at Bahawelpur.

**Grounds:**

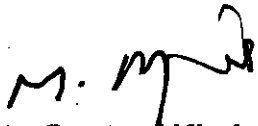
- A. Incorrect. As explained against Para 5 & 6 of the facts.
- B. Incorrect. The appellant knew that he had no right of promotion in the provincial Government.
- C. Incorrect. As explained against Para-6 of the facts.
- D. Incorrect. After devolution he become Provincial Govt. employee, therefore, the appellant has to obey Rules, Regulations & Policies of the Provincial Govt.
- E. Incorrect. His previous service can only be considered for pay, allowances & pensionary benefits and the Provincial Govt. has neither objected the same nor denied, that is why he received pay, allowances & pensionary benefits accordingly.
- F. Incorrect. As explained against Para-5 & 6 of the facts and Para-D of the Grounds.
- G. Incorrect. As explained against Para-E of the Grounds.
- H. Incorrect. The appellant has no right of promotion as explained against Para-5 & 6 of the facts.
- I. Incorrect. As explained against Para-5 & 6 of the facts.
- J. Incorrect. The appellant is claiming the benefits which were not allowed to him under the Rules, Regulations & Policy of the Provincial Govt.
- K. Incorrect. The case of the appellant was decided in light of Provincial Govt. Policy Rules & Regulations, therefore, no

violation of any article of constitution of Islamic republic of Pakistan has been violated by this Department.


L. Incorrect. The appellant is not entitled to any promotion, therefore, he cannot justify his claim under the umbrella of orders passed by superior Courts.

**Prayers:**

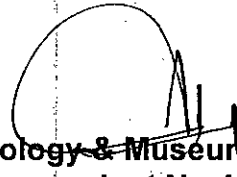
Keeping in view the above facts, it is humbly prayed that by accepting the instant reply, the case may please dismissed with cost.



Secretary to Govt. of Khyber Pakhtunkhwa,  
Inter-Provincial  
Co-ordination Department Peshawar.  
Respondent No.2



Secretary to Govt. of Khyber  
Pakhtunkhwa,  
Sports, Tourism, Tourism, Culture,  
Archaeology, Museums & Youth  
Affairs Department, Peshawar.  
Respondent No.3



Director, Archaeology & Museums Department  
Respondent No.4

The Honourable Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject:- PROMOTION TO THE POST OF DIRECTOR BPS-1 IN RESPECT OF MUHAMMAD ARSHAD MUGHAL, EX-DEPUTY DIRECTOR (BPS-18) DEVOLVED EMPLOYEE DIRECTORATE OF ARCHAEOLOGY & MUSEUMS GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR.

Dear Sir,

It is stated that in wake of 18<sup>th</sup> Constitutional Amendment, April, 2011, I alongwith my staff had been devolved / transferred to the Provincial Archaeology Government of Khyber Pakhtunkhwa and I handed over all assets, 91 sites / monuments and museum to the Directorate of Archaeology Peshawar. At that time, I was working as Deputy Director of Sub-Regional Office, Government of Pakistan, Department of Archaeology Peshawar. Before the said devolution, the honorable Secretary, Culture Islamabad Constituted the DSB for promotion of Director in March 2011, but due to transferred to the Provincial Government, my promotion case could not be proceeded for the same. The Secretary, Sports, Culture, Youth Affairs, Archaeology & Museums forwarded may please to IPC Islamabad but no response vide letter No. SO(M)4-51/201/P.F Peshawar dated 28<sup>th</sup> January 2015 copy enclosed.

It is therefore, requested that I may kindly be promoted as Director BPS-19 for giving the financial benefit because I am senior most among the Federal and Provincial officers who are working in the Department of Archaeology. Now, I have been retired from my service w.e.f. 18<sup>th</sup> March, 2016 and I belong to Bahawalpur city Punjab. Kindly my said case may be considered on humanitarian ground basis.

Enclosed: As above.

Postal Address:

Farid Manzil, Mohalla Bagh Mai,  
Old Abbasia Government High School,  
Bahawalpur.

Yours faithfully

*o/e*  
*27-01-2017*  
(Muhammad Arshad Mughal)  
Ex-Deputy Director  
(Devolved SRO Peshawar)  
Cell No. 0345-4046914  
0301-5447604

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

Service Appeal No: 626 / 2019

Muhammad Arshad Mughal      Versus      Government of KPK etc.

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO COMMENTS**  
**OFFERED BY RESPONDENT NO. 1 TO 3**

*Respectfully Sheweth,*

Rejoinder on behalf of Appellant is as under: -

**REJOINDER ON PRELIMINARY OBJECTIONS:**

1. Preliminary Objections No. 1 to 5, as raised, by the Respondents 1 to 3, in their Comments, are routine objections having no nexus with the facts of the case moreover the same are not supported by any documentary evidence hence the same are refuted and negated by the Appellant.

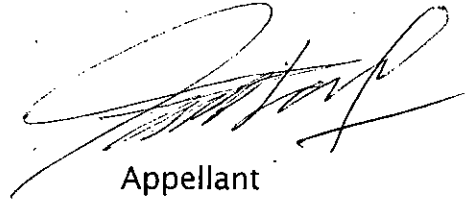
**REJOINDER ON FACTS:**

1. Para-1 needs no rejoinder.
2. Para 2 needs no rejoinder.
3. Para 3 needs no rejoinder.
4. Para 4 of the Appeal is legal, lawful and factual.
5. Para 5 of the comments as offered are not legal and proper hence denied. The Respondents cannot deny a right to consideration for promotion mere on the fact that Appellant was devolved employee. It is important to mention here that as per the Amendment in Civil Servants Act, the terms and conditions of devolved employees are secured.
6. Incorrect hence denied. Appellant was competent, fit and eligible person to be considered for promotion even before or after retirement in accordance with the Rules of Federal as well as Provincial Government.
7. Incorrect. the letter dated 18.08.2017 was never received by the Appellant in Bahawalpur. Infact the same was never sent to the Appellant.

**REJOINDER TO THE GROUNDS**

Grounds as taken by the Appellant in its Appeal are just and proper while that of comments as filed by the Respondents are unjust, illegal, unlawful and mere repudiations without any proof hence same are denied in Toto.

It is, therefore, requested that Appeal of the Appellant be accepted as prayed for.



Appellant

Through:

**BILAL AHMAD KAKAIZAI**  
(Advocate, Peshawar)

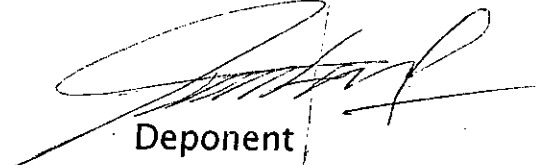
**BEFORE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No: 626 / 2019

Muhammad Arshad Mughal Versus Government of KPK etc.

**COUNTER AFFIDAVIT**

I, MUHAMMAD ARSHAD MUGHAL, Deputy Director (Retired), R/o Fareed Manzil, Mohallah Bagh Mahi, Near Purana Government Abasya High School, Bahawalpur, Appellant, do hereby on oath affirm and declare that the contents of the Rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

  
Deponent

Identified by:

BILAL AHMAD KAKAIZAI  
(Advocate, Peshawar)