


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 247/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.04.2023	<p>The execution petition of Syed Shahinshah submitted today by him. It is fixed for implementation report before Single Bench at Peshawar on _____ . Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

*EP No 247/2023*

Service Appeal No. 9624-P/2020

Decided on: 31/01/2023

*APG*

Syed Shahinshah.....(Appellant)

**VERSUS**

Chief Secretary and others.....(Respondents)

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Execution Application		1-3
2.	Affidavit		4
3.	Memo of the appeal	A	5-9
4.	Order dated 31/01/2023	B	10
5.	Attendance Sheet		11

Appellant  
(In person)

Dated: 11/04/2023

*Syed Shahinshah*  
**Syed Shahinshah**  
Cell No. 0334-9006361

①

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

Service Appeal No.9624-P/2020  
Decided on 31.01.2023

Syed Shahinshah.....Applicant  
By my Deputy Director (Finance), C/o Directorate General LG/RDD  
Pkt 20, Phase V, Hayatabad, Pesh.  
Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary to Government, Establishment Department, Government of Khyber Pakhtunkhwa, Peshawar
3. Secretary to Government local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar
4. Director General Local Government & Rural Development Department, Khyber Pakhtunkhwa, Phase-V, Hayatabad, Peshawar
5. Director (Administrator), LG/RDD, Khyber Pakhtunkhwa, Phase-V, Hayatabad, Peshawar
6. SO (PSB) Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.....Respondents

**APPLICATION FOR EXECUTION PROCEEDINGS IN SERVICE**  
**APPEAL NO.9624-P/2020 DECIDED ON 31.01.2023**

**Respectfully Sheweth:**

1. It is certified at the beginning that the applicant never requested for the conduction of inquiry of misplace missing ACRs. To conduct an inquiry it was a decision and resolution of the bench at that time and date.
2. That above titled service appeal was pending before this Hon'ble Tribunal which was decided on

31/01/2023. (Copies of memo of appeal and order dated 31/01/2023 is attached as annexure "A" & "B").

2

3. That in the order of this Hon'ble Tribunal directed to respondents to conducted inquiry which was held in ambiguous manner on 28/02/2023. The inquiry was supposed to the conducting in the Administrative Department for missing and misplace of ACRs from 1996 to 2001 as well as for the year 2003-2004.
4. That the inquiry was conducted by the irrelevant persons including the purported Director Finance of PDA which has no concerned with the busies of the Civil Department and belongs to the statutory body having conflict of interest with the Provincial Government.
5. That all the others parsons were juniors to the appellant with ambiguous designations. Instead of conducting the inquiry regarding misplace/ missing ACRs they asked the questions from the appellant in the insulting manners.

- (3)
6. That no officer of the Administrative Department was present and even no officer of the Directorate who work in Directorate General from 1996 to 2001 as a Reporting Officer and Countersigning Officer were present.
  7. That the inquiry was conducted in the Directorate General instead of the Administrative Department and the inquiry report is not yet handed over to the appellant in a proper custody.

It is, therefore, most humbly prayed that the original prayer in the Service Appeal No. 9624 of 2020 may graciously be accepted.

Appellant  
(In person)

Dated: 11/04/2023

  
Syed Shahinshah

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

4

Service Appeal No. 9624-P/2020

Decided on: 31/01/2023

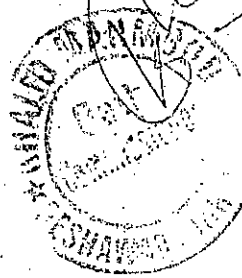
Syed Shahinshah.....(Appellant)

**VERSUS**

Chief Secretary and others.....(Respondents)

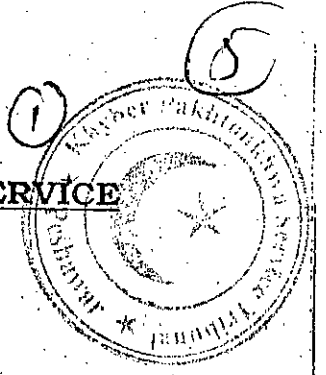
**AFFIDAVIT**

I, **SYED SHAHINSHAH** Former Deputy Director (Finance & Accounts) Directorate General Local Government and Rural Development Department, KP, Plot-20, Phase-V, Hayatabad, Peshawar, do here by solemnly affirm and verify on oath that all the contents of this application are true and correct to the best of my knowledge and that nothing has been concealed from this Hon'ble Tribunal.



**DEPONENT**  
CNIC No. 17301-9406669-3  
Cell No. 0334-9006361

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR.**




Service Appeal No. 9624/2020

Syed Shahinshah, Deputy Director (Finance & Accounts)  
Director General LG/ RDD, Phase-V, Hayatabad,  
Peshawar.....(Appellant)

**V E R S U S**

1. Government of Khyber Pakhtunkhwa through Chief Secretary,  
Civil Secretariat, Peshawar.
2. Secretary to Government, Establishment Department  
Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Government, Local Government and Rural  
Development Department, Khyber Pakhtunkhwa, Peshawar.
4. Director General Local Government and Rural Development  
Department, Khyber Pakhtunkhwa, Phase-V, Hayatabad,  
Peshawar.
5. Director (Administrator), LG/RDD, Khyber Pakhtunkhwa,  
Phase-V, Hayatabad, Peshawar.
6. SO (PSB) Establishment Department Government of Khyber  
Pakhtunkhwa, Peshawar.....(Respondents)

**SERVICE APPEAL U/S 4 OF KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT,**  
**1974 AGAINST THE NON ACTION ON THE**

ATTESTED  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(3) 6


DEPARTMENTAL REPRESENTATION OF  
THE APPELLANT AND NON FOLLOWING  
THE RULES/ INSTRUCTION IN RESPECT OF  
PERFORMANCE OF EVALUATION REPORT  
(ACR)

PRAYER:

*On acceptance of this Service Appeal, that the applicant may be exonerated of submitting PER as already served 25 of service or all the ACR's lost by the Department upto 2015 may further be considered as that of other officers in the Department to avoid unfitness for promotion by score and directed the respondents to follow the rules/ instruction in respect of ACRs.*

Respectfully Sheweth:

1. That the appellant is highly qualified having master degree, in Business Administration, Appellant joined service on 01/07/1991 in BPS-17 as Training Manager in BPS-17 and later on selected as Account Officer BPS-17 by Public Service Commission for the Directorate General LG/RDD KPK. After that applicant remained posted in different departments of Khyber Pakhtunkhwa, the applicant was promoted

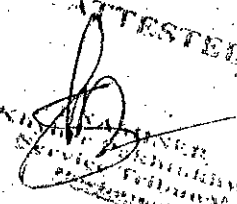
ATTESTED  
  
Secretary, Public Service Commission  
Khyber Pakhtunkhwa  
Peshawar



(3) (7)

as Deputy Director (F&A) Directorate General LG & RDD through Writ Petition No. 1156/2017.

2. That, now the applicant is serving is serving as Deputy Director in the said office. That at the movement there is no senior officer than the applicant. That in each Office/ Department there shall be specific job description given main duties, recommended by the Head of Department for approval of secretary LG and Chief Secretary KP, which is not in the Applicant's case since 2013, specifically from November, 2018 till date.
3. That the situation of writing the PERs by the Junior Officers owing to their posting on higher posts became an irregular custom when the devolution of power plan, 2001 was enforced when so many other services issues remained unresolved.
4. That in the instruction of PER Section (d), it is clearly mentioned that the Reporting Officer should be of higher status. It will not be, therefore proper to allow a Section Officer to write the PER of another Section Officer will holding the current charge of Deputy Secretary i.e. Junior/ Equal scale officers cannot write the PERs. In the said instructions on PER,

ATTESTED  
  
K. S. SINGH  
Secretary (General)  
Service Tribunal  
Lucknow

(4) (8)

Section 1.4 (b) (i) the onus of initiating PER will on the reporting officer, and, its maintenance is the responsibility of the Administrative Department as per Section 6.81. It is also mandate in the instructions that employees with 25 years of services needs to write the PERs Section 3 of the "Instruction on PERs".

5. That respondents department had lost the ACRs of the appellant from May 1996 to 2001 and after words.
6. That respondents may be directed to evaluate the last ACRs not below of the level of very good to avoid unfitness of promotion.
7. That appellant also moved representation to the Chief Secretary through proper channel, whereby no action was taken on that on which the appellant file Writ Petition which dismissed on the ground of jurisdiction the appeal against that order was dismissed by august Supreme Court of Pakistan by directing the appellant to approach proper forum that is this Hon'ble Tribunal.

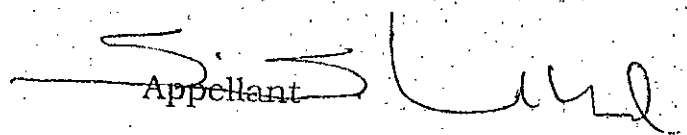
ATTESTED

BY  
[Signature]  
[Stamp]

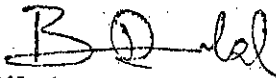
(9) 9

8. That other grounds may be forwarded with the permission of this Hon'ble Court.

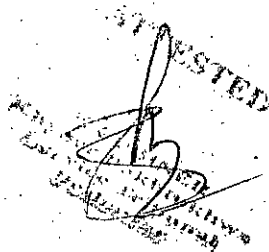
It is, therefore, humbly prayed that on acceptance of this Service Appeal, that the applicant may be exonerated of submitting PER as already served 25 of service or all the ACR's lost by the Department upto 2015 may further be considered as that of other officers in the Department to avoid unfitness for promotion by score and directed the respondents to follow the rules/ instruction in respect of ACRs.

  
Appellant

Through

  
**Bilal ud Din Khattak**  
Advocate, High Court,  
Peshawar.

Dated: 26/08/2020

REGISTERED  
  
High Court of Peshawar



10

31<sup>st</sup> Jan, 2023

Appellant in person present. Syed Naseer Ud Din Shah, Assistant Advocate General alongwith Mr. Aizaz Ul Hassan, Assistant Director for respondents present.

2. After arguing the matter at some length the appellant says that he would be satisfied if a direction is given to the Administrative department of the appellant (i.e. Secretary to the Government of Khyber Pakhtunkhwa Local Government and Rural Development Department) to enquire into the allegation of the appellant regarding misplacement of the ACRs/PERs for the period from 1996 i.e. his induction into the service to 2004. Therefore, the Secretary to the Government of Khyber Pakhtunkhwa Local Government and Rural Development Department shall verify the allegations of misplacement of ACR/PER and if need be, he may conduct an enquiry, within 45 days of receipt of this order. The representative of the respondents present in the court is directed to get copy of this order tomorrow and place before the Secretary to the Government of Khyber Pakhtunkhwa Local Government and Rural Development Department. The date of acknowledgement of order shall be communicated to the Registrar of the Tribunal. After the verification/enquiry, if so conducted, the appellant will be at liberty to resort to proper legal remedy if he feels aggrieved there from. Disposed of in the above terms. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 31<sup>st</sup> day of January, 2023.

Date of Presentation of Application 28/3/23  
Number of Pages Page 6  
Copying Fee 30/-  
Urgent 30/-  
Tribunal 30/-  
Name -  
Date of 10/4/23  
Date of 10/4/23

(Kalim Arshad Khan)  
Chairman

Certified to be true copy  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

# ATTENDANCE SHEET

(11)

**CHAIRD BY:**            **DIRECTOR GENERAL, LG&RDD.**

**SUBJECT:**            **INQUIRY INTO THE ALLEGATIONS OF SYED SHAHINSHAH  
EX-DEPUTY DIRECTOR (BPS-18), LG&RDD REGARDING MISSING  
"ACR/PER" FOR THE PERIOD 1996-2004 AS PER COURT ORDER  
DATED 31/01/2023.**

**VENUE:**                **COMMITTEE ROOM, DIRECTORATE GENERAL, LG&RDD.**

**DATE & TIME:**        **28/02/2023 AT 1100 HOURS.**

S#	NAME	DESIGNATION	CONTACT #	SIGNATURE
01	Saeed Rehman	Dy. Dir. Ops	03005904093	[Signature]
02	M. Haider	Dir. Finance	0314-9682284	[Signature] 28/2/23
03	KALIM ULLAH KHAN	Asst Director (F&A)	0331-9644489	[Signature]
04	Vikash	AO (Admin/HR)	0332-0806937	[Signature]
05	Nisay Ahmad	DI (A/HK)	03409352221	[Signature]
06	Fareed Khan	AD (Ops)		[Signature]
07	Syed Shehryar	AD (Ops) 9624/20	0334-9006361	[Signature]
08				
09				
10				
11				
12				
13				
14				
15				
16				