

15th March, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondents and learned counsel for private respondents present.

Arguments on behalf of private respondents have already been submitted. Learned counsel for the appellant seeks further time for arguments. Last opportunity is given to learned counsel for the appellant to argue the appeal on the next date positively. To come up for arguments on 12.05.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
PESH PESH



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman


14.02.2023

Mr. Muhammad Kamran, Advocate for the appellant present.
Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

In view of order dated 20.01.2023, the appeal in hand to be fixed before the bench comprising of worthy Chairman and Ms. Fareeha Paul learned Member (Executive). To come up for arguments on 01.03.2023 before the concerned D.B.


SCANNED
BY
Peshawar


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

1st Mar, 2023

None for the appellant present. Mr. Umair Azam,
Addl: AG for respondents present.

Counsel are on strike. To come up  on
15.03.2023 before D.B. P.P given to the parties.

(Rozina Rehman)
Member(Judicial)



(Kalim Arshad Khan)
Chairman

29th Nov. 2022

Junior to counsel for the appellant present. Appellant present in person. Mr. Muhammad Adeel Butt, Addl. Advocate General for the official respondents and counsel for private respondent No. 5 & 6 present.

SCANNED
KPST
Peshawar

Arguments of learned counsel for private respondents heard. To come up for remaining arguments on 20.01.2023 before this D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Nhan)
Chairman


20.01.2023


Junior to counsel for the appellant present.

Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

SCANNED
KPST
Peshawar

Partial arguments were heard by a bench comprising Learned Chairman and Hon'ble Member Executive (Ms. Fareeha Paul) therefore, a request was made for adjournment with a request to fix the case before the concerned bench for further arguments. Request is acceded to and case is adjourned to 14.02.2023 for arguments before the concerned D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

10.05.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Asstt. AG for the official respondent No. 1 to 4 present. Mr. Ali Azim Afridi, Advocate present and submitted Vakalatnama on behalf of private respondents No. 5 & 6, which is placed on file.

Request for adjournment was made on behalf of both the parties. Last opportunity is granted to both the parties. To come up for arguments before the D.B on 22.07.2022.


(Fareeha Paul)
Member (E)



Chairman


22.07.2022

Appellant present through counsel.

Naseer Ud Din Shah learned Assistant Advocate General alongwith Wajid Khan ASI for official respondents No.1 to 4 present. Counsel for private respondents No.5 & 6 present.

Request for adjournment was made on behalf of learned counsel for appellant in order to prepare the brief. Adjourned. To come up for arguments on 26.09.2022 before D.B.


(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

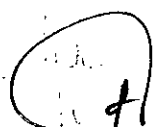
26.09.2022

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for official respondents No.1 to 4 present. Private respondents No.5 & 6 present through counsel.

Former made a request for adjournment as he has not prepared the brief; granted. To come up for arguments on 29.11.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

06.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Wajid, ASI for the official respondents and counsel for private respondents present.

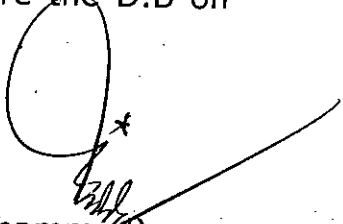
Respondents have submitted their respective reply/comments. The appeal is entrusted to D.B for arguments on 17.11.2021.


Chairman

17.11.2021

Learned counsel for the appellant present. Mr. Wajid Ali, ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 and learned counsel for private respondents No. 5 & 6 present.


The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 01.02.2022.


(Mian Muhammad)
Member (E)

01.02.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Gul Zad Khan, SI (L) for the official respondents and counsel for private respondents No. 5 & 6 present.

Due to paucity of time arguments could not be heard. To come up for arguments on 10.05.2022 before the D.B.


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


Chairman

05.01.2021

Counsel for the appellant, Addl. AG alongwith Wajid, ASI for official respondents and counsel for private respondents No. 5 & 6 present.

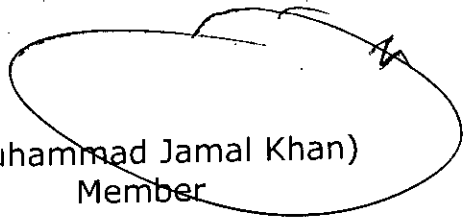
Request for further time is made on behalf of the respondents for submission of written reply/comments. Adjourned to 17.02.2021 on which date the requisite reply/comments shall positively be furnished.


Chairman

17.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Wajid, ASI (CTD) for official respondents and counsel for private respondents No. 5 & 6, are also present.

Written reply on behalf of respondents not submitted. Representative of official respondents as well as learned counsel for private respondents are seeking further time for filing of written reply/comments. Last chance is given to the respondents for filing of written reply/comments on 08.04.2021 before S.B.


(Muhammad Jamal Khan)
Member

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 06.07.2021 for the same as before.


READER

18.09.2020

Counsel for the appellant present.

It is the case of appellant that he was promoted to BPS-18 w.e.f. April, 2014 while private respondent No. 5 was given such promotion in September, 2014. The appellant was, therefore, senior to private respondents because of his early date of promotion to BPS-18, however, in the seniority list of officers of BS-18, of Information Technology Officers of Khyber Pakhtunkhwa Police, issued on 27.04.2020, the name of appellant was placed below the names of private respondents. The settlement of impugned seniority list was in disregard to the rules relevant for the purpose.

Subject to all just exceptions, instant appeal is admitted to 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 16.11.2020 before S.B.

Appellant Deposited
Security Process Fee


Chairman

16.11.2020

Junior to counsel for the appellant, Addl. AG alongwith Wajid ASI for official respondents present. Private respondents No. 5 & 6 in person present and furnished Wakalatnama in favour of Mr. Muhammad Ishaq, Advocate. Placed on record.

Representative of the official respondents as well as private respondents No. 5 & 6 seek time to furnish reply/comments. Adjourned to 05.01.2021 on which date the requisite reply/comments shall positively be furnished.

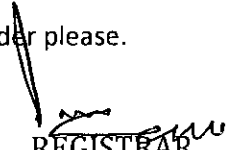


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 8827/2020 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2020 SCANNED KP&T Peshawar	<p>The appeal of Mr. Muhammad Aftab.resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Muhammad Aftab Deputy Director I.T Counter Terrorism Department received today i.e. on 16.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of rejection order of departmental appeal in respect of appellant mentioned in the heading of the appeal is not attached with the appeal.

No. 1676 /S.T,

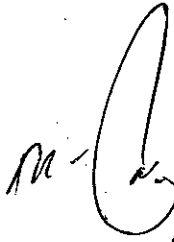
Dt. 17-07 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Sir,

Copy of rejection is attached as annexure X on page No. 84. Hence re-submitted today dated 05/08/2020.


05/8/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 8827 /2020

MUHAMMAD AFTAB

VS

~~POLICE~~ DEPTT:

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 8827 /2020

Diary No. 7229
Dated 16/7/2020

Mr. Muhammad Aftab, Deputy Director I.T (BPS-18),
Counter Terrorism Department, Peshawar **APPELLANT**

VERSUS

- 1- The Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3- The Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.
- 4- The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
- 5- Mr. Johar Ali, Deputy Director IT (BPS-18), Police Department, Peshawar.
- 6- Mr. Muhammad Ashfaq, Deputy Director IT (BPS-18), Police Department, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED JOINT SENIORITY LIST OF BPS-18 OFFICERS OF THE INFORMATION TECHNOLOGY DATED 27-04-2020 WHEREBY THE APPELLANT HAS WRONGLY BEEN PLACED/ ENLISTED AT SERIAL NO.3 OF THE SAID SENIORITY LIST WHILE PRIVATE RESPONDENTS BEING JUNIORS TO THE APPELLANT HAVE BEEN PLACED SENIOR TO THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 29-06-2020 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned appellate order dated 29.6.2020 may kindly be set aside and the impugned seniority list dated 27-04-2020 may kindly be modified/corrected to the extent of appellant by directing the respondents to place the appellant at the top of the seniority list dated 27.4.2020 being senior most employee of the respondent Department OR the respondents may kindly be directed to issue/circulate separate seniority lists for the cadres of appellant and private respondents. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

Filed to-day
Registrar

16/7/20
Re-submitted to-day
and filed.
Registrar 5/8/2020

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

- 1- That Public Service Commission had advertised a post of Data Base Administrator in Police Department vide advertisement No. 08/2009, the appellant being eligible applied to the post and recommended by the Public Service Commission. That in light of the recommendation of the Police Service Commission the appellant was appointed as Data Base Administrator (BPS-17) vide order dated 10-12-2010 in the respondent department. That the appellant had assumed the charge of his post on 10-01-2011. Copies of the advertisement no. 08/2009, appointment order dated 10-12-2010 and charge assuming report are attached as annexure.....**A,B & C.**
- 2- That service rules of the department as well as service structure was framed and published on 28-03-2014, and according to the Appendix attached with the service structure, the scale for the post of Data Base Administrator/ Deputy Director/ System Analyst was declared as BPS-18. Similarly in the Public Order and Safety Affairs wing scale for the said post also carries BPS-18 which is mentioned in the Budget estimates/ expenditure of 2007-08 and 2018-19 of the police department. Copies of the service rules/ structure and budget estimates are attached as annexure**D&E.**
- 3- That initially the respondent department issued a joint seniority list of System Programmer, Data Processing Officer and Data Base Administrator on 11-06-2014 and later on 22-04-2015 again a joint seniority list of Data Processing Officer, Data Base Administrator and Network Administrator was issued. That appellant feeling aggrieved from the joint seniority list dated 22-04-2015 preferred an application before the Deputy Inspector General of Police Traffic, Khyber Pakhtunkhwa and the same was properly forwarded through covering letter dated 22-09-2015. Copies of the joint seniority list dated 11-06-2014, dated 22-04-2015, application and covering letter are attached as annexure.....**F,G,H&I)**
- 4- That it is pertinent to mention here that private respondent, namely, Johar Ali (System Programmer) (BPS-17) had been promoted to the post of Director Computer (BPS-18) w-e-f 24-09-2014 vide order dated 24-09-2014. Copy of the promotion order dated 24-09-2014 is attached as annexure.....**J.**
- 5- That it is important to mention here that the respondent department vide letter dated 29-01-2015 asked the Finance department that as the post of the Data Base Administrator is reflected in BPS-18 w-e-f from the service rules 28-03-2014 therefore the same may be upgraded to BPS-18. That in a meeting of the Up gradation committee dated 21-09-2015 the post

of Data Base Administrator was up graded to BPS-18. Copies of the letter dated 29-01-2015 and minutes of the meeting dated 21-09-2015 are attached as annexure.....**K&L.**

- 6-** That vide notification dated 02-12-2015 the appellant was promoted/ up graded to the same post in BPS-18 on acting charge basis along with other officials/ officers and later on vide order dated 06-08-2017 the appellant was promoted on regular basis. Copies of the notification dated 02-12-2015 and promotion order dated 06-08-2017 are attached as annexure.....**M&N.**
- 7-** That a summery for up grading the post of appellant with effect from notifying the service rules i.e. 02-04-2014 with all back benefits was put before the Chief Minister and the dame was approved by the Chief Minister on 15-02-2019. Copy of the summery is attached as annexure.....**O.**
- 8-** That it is worth to mentioning here that finance department vide letter dated 24-05-2019 up graded the post of Data Base Administrator from BPS-17 to BPS-18 in Home department w-e-f 02-04-2014 to 01-12-2015 (1 year and 8 months) to regularize the bridging period and in light of this letter the home department vide notification dated 28-05-2019 regularize the same period. Copies of the letter dated 24-05-2019 and notification dated 28-05-2019 are attached as annexure.....**P&Q.**
- 9-** That private respondents without any justifiable reason felt aggrieved from the notification dated 28-05-2019 preferred representation before the worthy Inspector General of Police, Khyber Pakhtunkhwa on 10-07-2019. Copy of the representations is attached as annexure.....**R.**
- 10-** That the private respondents representations were accepted and vide order dated 15-11-2019 again a joint seniority was issued wherein the appellant was once again placed at bottom and in-listed as junior to the private respondents despite the fact that the groups of private respondents and that of the appellant are different. Copy of the order dated 15-11-2019 is attached as annexure.....**S.**
- 11-** That Home department vide letter dated 10-02-2020 informed the respondent department of its order dated 29-01-2020 that appellant being appointed later than the private respondents therefore he cannot supersede his senior although he can avail the financial benefits. Copy of the order dated 29-01-2020 along with covering letter dated 10-02-2020 is attached as annexure.....**T.**
- 12-** That appellant feeling dissatisfied from the order dated 29-01-2020 preferred a representation before the worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, wherein the appellant again submitted that he is from a different group and the group of the private respondents and that of the appellant is

not of the same. Copy of the representation is attached as annexure.....**U.**

- 13-** That the respondents by ignoring the representation of the appellant, issued the impugned joint seniority list on 27-04-2020 whereby the appellant has been enlisted at serial No. 3 as junior to the private respondents. Copy of the impugned seniority list is attached as annexure.....**V.**
- 14-** That appellant feeling aggrieved from the impugned joint seniority list, preferred a departmental appeal. Copy of the departmental appeal is attached as annexure..... **W.**
- 15-** That departmental appeal of the appellant was filed/ regretted vide order dated 29-06-2020 in light of the order dated 29-01-2020 of the Home and Tribal Affair department. Copies of the rejection order dated 29-06-2020 and order dated 29-01-2020 of the home department are attached as annexure.....**X&Y.**
- 16-** That having no other remedy the appellant prefers the instant appeal on the following grounds amongst others.

GROUND:

- A- That the impugned seniority list dated 27-04-2020 and the appellate order dated 29-06-2020 in light of order dated 29-01-2020 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by issuing the impugned joint seniority list dated 27-04-2020 and rejecting/ filing the departmental appeal/ representation vide order dated 29-02020 in light of the order dated 29-01-2020.
- D- That the act and action of the respondents is discriminatory in nature as the private respondents belonging to other group and the appellant has no concern with the group of the private respondents therefore the appellant seniority be separated from the private respondents as well as seniority of the appellant be counted w-e-f 02-04-2014 with all back benefits.
- E- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.

F- That no chance of personal hearing and personal defense has been provided to the appellant before merging the seniority of the appellant with that of the private respondents.

G- That the impugned seniority list is violative of section-8 of the civil servant Act, 1973 read with rule 17 of the appointment, promotion and transfer Rules, 1989.

H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10.7.2020

APPELLANT


MUHAMMAD AFTAB

THROUGH:


NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

&


MIR ZAMAN SAFI
ADVOCATES

NWFP PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 24.10.2009

ADVERTISEMENT No. 08 / 2009. ✓

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of N.W.F.P / F.A.T.A by 21-11-2009 (candidates applying from abroad by 05-12-2009). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected without intimation to the candidates

<u>DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP</u>	
1.	FIVE (05) POSTS OF FEMALE LIBRARIAN IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP. QUALIFICATION: B.A/B.Sc with Diploma in Library Science from a recognized University. NOTE: Bachelor Degree holder in Library Science from A.I.O.U is not eligible. AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Female. ALLOCATION: Two in Zone-1 & Three in Zone-3.....
2.	FOUR (04) POSTS OF FEMALE DPE IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP QUALIFICATION: B.A/B.Sc with Senior Diploma in Physical Education from a recognized University/ Institute. AGE LIMIT: 21 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Female. ALLOCATION: Zone-1
3.	ONE (01) POSTS OF SYSTEM SUPERVISOR IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP QUALIFICATION: 1. M.Sc Computer Science or M.C.S in 2 nd Division from a recognized University; And 2. Two years experience in Government/Semi Government /Reputed Private Organization in the relevant field. AGE LIMIT: 25 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: Zone-1
4.	ONE (01) POST OF ASSISTANT RESEARCH OFFICER IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP QUALIFICATION: Second Class Master degree in History, Pakistan Studies or in Sociology from a recognized University. AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: Zone-1
5.	TWO (02) POSTS OF COMPUTER OPERATOR IN DIRECTORATE OF ARCHIVES & LIBRARIES, NWFP QUALIFICATION: 1. Intermediate Second Class or equivalent from a recognized Board. 2. One year Diploma in Computer Science or Information Technology from a recognized Board. AGE LIMIT: 18 to 28 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Zone-1 & Zone-2

ATTESTED



2

<u>NWFP PUBLIC SERVICE COMMISSION</u>	
32.	<p>ONE (01) POST OF ASSISTANT.</p> <p>QUALIFICATION: Bachelor Degree from a recognized University. AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-14 ELIGIBILITY: Both Sexes. ALLOCATION: Zone -5.</p>
33.	<p>TWO (02) POSTS OF SENIOR SCALE STENOGRAPHER.</p> <p>QUALIFICATION: i) Bachelor Degree or equivalent qualification from a recognized University. (ii) A speed of 100 words per minute in Shorthand in English and 35 words per minute in English typing. AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-15 ELIGIBILITY: Both sexes. ALLOCATION: One each to Zone 2 & 3</p>
34.	<p>TWO (02) POSTS OF JUNIOR SCALE STENOGRAPHER.</p> <p>QUALIFICATION: i) Intermediate or equivalent qualification from a recognized Board. (ii) A speed of 60 words per minute in Shorthand in English and 35 words per minute in typing in English and Knowledge of Computer in using MS Word and MS Excel AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Zone 4 & 5.....</p>
<u>NWFP SERVICE TRIBUNAL PESHAWAR.</u>	
35.	<p>ONE (01) POST OF READER</p> <p>QUALIFICATION: Bachelor Degree from Recognized University. AGE LIMIT: 18 to 25 years. PAY SCALE: BPS-11 ELIGIBILITY: Male. ALLOCATION: Zone-2.</p>
<u>POLICE DEPARTMENT.</u>	
36.	<p>ONE (01) POST OF DATABASE ADMINISTRATOR</p> <p>QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University. (b) Three year (03) post qualification experience of Database Administration. AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
37.	<p>ONE (01) POST OF NETWORK ADMINISTRATOR.</p> <p>QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University. (b) Three year (03) post qualification experience of Network and System Administration. AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
38.	<p>ONE (01) POST OF DATA PROCESSING OFFICER</p> <p>QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University. (b) Three year (03) post qualification experience of Data Processing and Validation. AGE LIMIT: 25 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Merit.</p>
39.	<p>TWO (02) POSTS OF ASSISTANT NET WORK ADMINISTRATOR</p> <p>QUALIFICATION: (a) First Class M.Sc Computer Science/ MCS / MIT or equivalent Degree from HEC recognized University. (b) Two year (02) post qualification experience of Network and System Administration. AGE LIMIT: 23 to 35 years. PAY SCALE: BPS-16 ELIGIBILITY: Both Sexes. ALLOCATION: One each for Merit and Zone-1.</p>

ATTESTED





40.	<p>NINE (09) POSTS OF COMPUTER OPERATOR</p> <p>QUALIFICATION: (a) 2nd Class F.A/F.Sc from recognized Board with one year Diploma of Computer Science or Information Technology. (b) One year (01) Relevant experience.</p> <p>AGE LIMIT: 18 to 30 years. PAY SCALE: BPS-11. ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION:</p> <table border="1"> <thead> <tr> <th>Zone-1</th> <th>Zone-2</th> <th>Zone-3</th> <th>Zone-4</th> <th>Zone-5</th> </tr> </thead> <tbody> <tr> <td>02</td> <td>02</td> <td>02</td> <td>02</td> <td>01</td> </tr> </tbody> </table>	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	02	02	02	02	01
Zone-1	Zone-2	Zone-3	Zone-4	Zone-5							
02	02	02	02	01							
	<p align="center"><u>ZAKAT, USHR SOCIAL WELFARE & WOMEN DEVELOPMENT DEPARTMEN.</u></p>										
41.	<p>ONE (01) POST OF COMPUTER PROGRAMMER.</p> <p>QUALIFICATION: a) 1st Class Master's Degree in Computer Science, Maths, Statistics, Physics, Economics or Engineering and b) Diploma in Computer Science of at least one year duration from a recognized Institute for persons not possessing Master's Degree in Computer Science.</p> <p>AGE LIMIT: 22 to 35 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes.</p> <p>ALLOCATION: Zone-1</p>										

CORRIGENDUM

The conditions for the posts of Sub-Accountant appearing at S.No.9 and 10 of this Commission's Advertisement No.7/2009 may be read as follow: -

Male Sub Accountant

Allocation: - 10 each to Zone-1,2 & 3 and 08 each to Zone-4 & Zone-5. **Age Limit:** - 18 – 30 years.

Female Sub Accountant

Allocation: - Merit. **Age Limit:** - 18 – 30 years.

GENERAL CONDITIONS

- (i) Age shall be reckoned on 21/ 11/ 2009. Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service and upto 3 years for candidates belonging to backward areas specified in the appendix attached to the NWFP Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
 - (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.
- Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.

- (iv) Applications should be on the prescribed application form obtainable from the listed below branches of the **NATIONAL BANK OF PAKISTAN**. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs 15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be

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required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall also be ignored.

- (v) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (vi) Applicants married to Foreigners are considered only on production of the Govt: Relaxation Orders.
- (vii) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (viii) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (x) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xi) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and/or Professional record as the Commission may decide.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

Main Branches of:

- (i) Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra.
- (ii) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch Peshawar.
- (iii) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and city Branch Tank.

Note: - The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.

(ATTA-UR-REHMAN)
Secretary
NWFP Public Service Commission
Peshawar

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**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION


Dated: 10/12/2010

No. 27455 /E-III, **APPOINTMENT AS DATA BASE**

ADMINISTRATION BS-17:- On the recommendation of Secretary KPK Public Service Commission Peshawar vide letter No. KPK/PSC/SR-V/54816 dated: 25.11.2010, Mr. Muhammad Aftab s/o Gouhar Ali r/o Village Daulat pora post office Ambadher Tehsil & District Charsadda is hereby appointed as Data Base Administration BS-17 purely on temporary basis in the KPK Police with effect from the date he actually report for duty at his place of posting subject to medical fitness and verification of character and antecedents.

The term and condition of his service will be as under:-


1. His services are liable to be terminated on 14 days notice without assigning any reason.
2. On appointment the above name candidate is posted to Malakand Region Swat.


(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No. 27456-60 /E-III

Copy of above is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, Malakand Region Swat in continuation of this office Memo No. 24138/E-III dated: 20.10.2010 (his academic certificates may please be verified from his respective Board /University. His application alongwith other documents are also attached.
2. District Police Officer, Swat
3. Secretary, KPK Public Service Commission, Peshawar w/r to his letter quoted above.
4. Office Supdt. Secret CPO
5. Mr. Muhammad Aftab s/o Gouhar Ali r/o Village Daulat pora post office Ambadher Tehsil & District Charsadda


(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

*My location alongwith
their documents*

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CHARGE ASSUMPTION REPORT

In pursuance of the Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar Notification No. 27455/E-III dated 10/12/2010, Muhammad Aftab assume the charge of Data Base Administrator (BPS-17) today on 10th January, 2011 (forenoon).

Aftab
(MUHAMMAD AFTAB)
Data Base Administrator,
(BPS-17)

OFFICE OF THE DEPUTY INSPECTOR GENERAL OF POLICE MALAKAND REGION, SAIDU SHARIF, SWAT.

No. 238-40 /E, dated Saidu Sharif the 10/1 /2011.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar.
2. District Police Officer, Swat.
3. District Accounts Officer, Swat.

Shabuddin
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
POLICE DEPARTMENT**

NOTIFICATION

Peshawar, dated the 28-3-2014.

No. GC1/E-V. In exercise of the powers conferred by Article 112 of the Police Order 2002, the Provincial Police Officer, Khyber Pakhtunkhwa, with approval of the Government of the Khyber Pakhtunkhwa Province, hereby make the following rules, namely:

**THE KHYBER PAKHTUNKHWA POLICE DEPARTMENT
(INFORMATION TECHNOLOGY GROUP)
SERVICE RULES, 2014.**

**PART-I
GENERAL**

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service Rules, 2014.

(2) These rules shall apply to all employees of the Information Technology of Police Department.

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

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

- (a) "Appendix" means the Appendix appended to these rules;
- (b) "Appointing Authority" in relation to a post, means, the persons authorized under rule 4 to make appointment to that post;
- (c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (d) "employee" an employee, who holds a post in the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service;
- (e) "Government" means the Government of the Khyber Pakhtunkhwa.
- (f) "initial recruitment" means appointment made otherwise than by promotion;
- (g) "post" means a post specified in column 2 of the Appendix;

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- (h) "Province" means the Province of the Khyber Pakhtunkhwa;
- (i) "recognized university" means any university incorporated by law in Pakistan; and
- (j) "service" means the Khyber Pakhtunkhwa Police Department (Information Technology Group) Service.

PART-II
METHOD OF APPOINTMENTS

3. **Method of appointment.**---(1) Appointment to posts shall be made by any of the following methods, namely:

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- (a) by initial recruitment, on the recommendation of the Public Service Commission, in accordance with the provisions contained in the Appendix, and every vacant post of any pay scale which falls under initial recruitment quota shall be advertised in news papers; and
- (b) by promotion in accordance with the provisions contained in the Appendix.

4. **Appointing Authority.**---The authorities competent to make appointment to posts in various basic pay scales shall be as follows:

S. No.	Posts.	Appointing Authority.
1.	Posts in Basic Pay Scale 18.	Chief Minister.
2.	Posts in Basic Pay Scale 17.	Provincial Police Officer.
3.	Posts in Basic Pay Scale 16 and below.	Additional Inspector General of Police (Headquarters).

5. **Departmental Promotion Committee and Departmental Promotion Board.**---(1) In Police Department, there shall be a Departmental Promotion Committee or Departmental Promotion Board, as the case may be, the composition of which shall be determined by the Provincial Police Officer from time to time.

(2) The Departmental Promotion Committee or the Departmental Promotion Board, as the case may be, shall consist of at least three members, one of whom shall be appointed as Chairman.

6. **Appointment by promotion.**---(1) Appointment by promotion to posts in BPS-18, in respect whereof the Appointing Authority under rule 4 is the Chief Minister, shall ordinarily be made on the recommendation of the Departmental Promotion Board.

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(2) Appointment by promotion to posts in BPS-17, in respect whereof, the Appointing Authority is the Provincial Police Officer, shall ordinarily be made on the recommendation of the Departmental Promotion Board whereas the posts in BPS-16 and below in respect whereof, the Appointing Authority is the Additional Inspector General of Police (Headquarters), shall ordinarily be made on the recommendation of the Departmental Promotion Committee.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down in the Appendix, for the purpose of promotion to a post, shall be considered by the Departmental Promotion Board or the Departmental Promotion Committee, as the case may be.

(4) No promotion on regular basis shall be made to any post unless the officer concerned has completed such minimum length of service as specified in the Appendix.

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(5) If on an order of promotion or before promotion any employee declines, in writing, to accept promotion, such employee shall not be considered for such promotion for the next four years following order:

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.

7. Eligibility.---(1) Subject to any relaxation in respect of a person or a class of a person, no person shall be appointed to the service by initial recruitment unless he is within age limit prescribed for the post in column 4 of the Appendix and a citizen of Pakistan and a bonafide resident of the Province.

(2) The age shall be reckoned from the last date notified for submission of application.

(3) No person shall be appointed to the service by initial recruitment unless he possesses the qualification specified in column 3 of the Appendix.

(4) No person, not already in Government service, shall be appointed to the service unless:

- (a) he produces a certificate of character from the head of academic institution last attended, and also the certificate of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents; and
- (b) he has appeared before the Standing Medical Board/Civil Surgeon/Medical Superintendent and found fit for the service.

**PART-III
PROBATION AND CONFIRMATION**

8. Probation.---(1) Persons appointed to posts by initial recruitment or by promotion, shall be on probation for a period of one year:

Provided that if his work or conduct during the period of probation has, in the opinion of the Appointing Authority, not been found satisfactory, the

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Appointing Authority may, notwithstanding that the period of probation has not expired:

- (a) dispense with his service, if he has been appointed by initial recruitment; or
- (b) revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his service; or
- (c) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

(2) On the successful completion of probation period, the Appointing Authority, shall by specific order, terminate the probation:

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Provided that if no specific order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended for another one year:

Provided further that if no specific order is issued on the expiry of extended period of probation, the period of probation shall be deemed to have been successfully completed.

9. Confirmation.---(1) After successful completion of the period of probation and on passing such prescribed test or examination or acquisition of any certificate, diploma or degree, as may be prescribed in the letter of appointment, employee shall be eligible for confirmation; provided that he holds a substantive post.

(2) An employee, who during the period of his/her service, was eligible to be confirmed but retires before being confirmed shall not merely by attaining the age of superannuation be refused confirmation or any other benefit accruing there from.

(3) There shall be no confirmation against a temporary post or in case of an employee under enquiry till the inquiry is completed and he is exonerated from the allegations or charges, leveled against him.

**PART-IV
SENIORITY**

10. Seniority.---The seniority inter se of the persons borne on the service shall be determined:

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission: provided that persons selected for appointment to a post in an earlier selections shall rank senior to the person selected on a later selection ; and
- (b) in the case of persons appointed otherwise with reference to the date of their continuous regular appointment to the post; provided that the person selected for promotion to a

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higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**PART - V
PENSION AND GRATUITY**

11. Pension and gratuity.—(1) On retirement from service, an employee shall be entitled to receive such pension or gratuity as may be admissible to him.

(2) In the event of death of an employee, whether before or after retirement, his family shall be entitled to receive such pension or gratuity, or both.

20/11/2014
(3) No pension shall be admissible to an employee, who is dismissed or removed from service for reason of discipline but competent authority may sanction compassionate allowance to such employee, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to an employee is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of an employee, which qualifies for pension or gratuity, and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such employee or his family.

**PART - VI
RETIREMENT, RESIGNATION
AND TERMINATION**

12. Retirement.—(1) An employee shall retire from service—

(a) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits, the Appointing Authority may, in public interest, direct; and

(b) where no direction is given under clause (a) on completion of the sixtieth year of his/her age.

(2) No direction under clause (a) of sub-rule (1), shall be made until the employee has been informed in writing of the grounds on which it is proposed to make the direction and has been given a reasonable opportunity of showing cause against the direction.

13. Resignation.—(1) An employee may resign from service by giving one month's notice in writing. The resignation shall become effective on the expiry of the said period of notice.

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(2) No resignation shall become effective during the pendency of any disciplinary proceedings against an employee.

(3) Unless the resignation becomes effective, the employee shall not absent himself from the duty without prior approval of competent authority. The leave shall be taken in writing and approved by the competent authority if the employee has leave balance in his account.

(4) An employee who is on probation or has been employed on temporary basis may resign his service at seven (7) days prior notice. The resignation shall not become effective unless accepted by the Appointing Authority on such acceptance the service of such employee shall stand discontinued. However the acceptance in any case other than disciplinary proceedings, should be within thirty (30) days of receipt of the resignation by the Appointing Authority.

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14. Termination.--(1) The Appointing Authority may terminate the service of an employee by giving him one month notice with the reasons recorded in writing or by way of punishment duly awarded in accordance with these regulations. Termination is also admissible during probation.

(2) The Appointing Authority shall have the option to pay to the employee at any time during the continuance of the notice a sum equal to his basic pay and allowances for the unexpired period of notice in which case the termination shall become effective on the date such payment is tendered.

(3) The Appointing Authority may terminate the service of any employee, on probation or on a temporary basis at one month notice in writing with the reasons recorded in writing or by way of punishment duly awarded in accordance with these rules.

15. Application of General Rules.--In all other matters not specially provided for in these rules; the holder of posts under these rules shall be governed by any rule made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

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APPENDIX

See rules 2(a), (f), 3,5(1) and 7(1)

S. No.	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of Recruitment.
1.	2.	3.	4.	5.
1.	Deputy Director/ System Analyst/ Database Administrator (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors /Programmers/LAN Administrators/Web Administrators/ Data Processing Officers/Deputy Database Administrators (BPS-17), with five years service as such.
2.	Assistant Director/ Programmer/ LAN Administrator/ Web Administrator/ Data Processing Officer/ Deputy Database Administrator (BPS-17).	Second Class Master Degree in Computer Science or equivalent qualification from a recognized University.	22 to 35 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Programmers/ Assistant LAN Administrator (BPS-16) having five years service as such and having qualification specified in column 3 for initial recruitment ; and (b) fifty per cent by initial recruitment.
3.	Assistant Programmer/ Assistant LAN Administrator (BPS-16)	Second Class Master Degree in Computer Science or four years Bachelor Degree in Information Technology or Computer Science or equivalent qualification from a recognized University.	21 to 30 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors (BPS-14) having qualified mandatory three months Information Technology Course in Database Management, Programming, Web Pages Development and Networking from Staff Training Institute, Establishment Department, Government of the Khyber Pakhtunkhwa; and (b) fifty per cent by initial recruitment.
5.	Data Processing Supervisor (BPS-14).		21 to 30 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Computer Operators (BPS-12) with five years service as such.

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5.	Computer Operator (BPS-12).	Second Class Bachelor's Degree from a recognized University, with one year Diploma in Information Technology from a recognized Board of Technical Education or its equivalent.	18 to 28 years.	By initial recruitment.
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PROVINCIAL POLICE OFFICER,
Government of the Khyber Pakhtunkhwa

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032102 PROVINCIAL POLICE

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2018-2019	2019-2020	2018-2019	2018-2019	2019-2020
			Rs	Rs	Rs
03 PUBLIC ORDER AND SAFETY AFFAIRS					
032 POLICE					
0321 POLICE					
032102 PROVINCIAL POLICE					
PR4086 S P Traffic Police Peshawar					
A01 TOTAL EMPLOYEES RELATED EXPENSES.			<u>1,226,533,000</u>	<u>687,143,000</u>	<u>1,247,944,000</u>
A011 TOTAL PAY	<u>1987</u>	<u>1987</u>	<u>660,750,000</u>	<u>325,788,000</u>	<u>672,147,000</u>
A011-1 TOTAL PAY OF OFFICERS	<u>88</u>	<u>88</u>	<u>35,758,000</u>	<u>27,719,000</u>	<u>36,819,000</u>
A01101 Total Basic Pay Of Officer	<u>88</u>	<u>88</u>	<u>35,758,000</u>	<u>27,719,000</u>	<u>36,819,000</u>
C445 Chief Traffic Officer (BPS-19)	1	1	1,155,000		1,176,000
D378 Database Administrator (BPS-18)	1	1	631,000		651,000
S148 Superintendent Of Police (BPS-18)	1	1	618,000		638,000
S569 Senior Traffic Officer (BPS-18)	2	2	1,263,000		1,303,000
D055 Deputy Superintendent Of Police (BPS-17)	2	2	1,209,000		1,241,000
S166 Superintendent (BPS-17)	2	2	1,176,000		1,208,000
T116 Traffic Officer (BPS-17)	10	10	5,631,000		5,792,000
A057 Assistant (BPS-16)	4	4	1,815,000		1,858,000
A369 Assistant Programmer (BPS-16)	2	2	607,000		628,000
C082 Computer Operator (BPS-16)	30	30	8,009,000		8,328,000
D013 Data Processing Supervisor (BPS-16)	1	1	303,000		314,000
I012 Inspector (BPS-16)	6	6	2,343,000		2,407,000
S061 Senior Scale Stenographer (BPS-16)	1	1	177,000		188,000
S570 Senior Warden (BPS-16)	25	25	10,821,000		11,087,000
A011-2 TOTAL PAY OF OTHER STAFF	<u>1899</u>	<u>1899</u>	<u>624,992,000</u>	<u>298,069,000</u>	<u>635,328,000</u>
A01151 Total Basic Pay Other Staff	<u>1899</u>	<u>1899</u>	<u>624,900,000</u>	<u>298,030,000</u>	<u>635,230,000</u>
S035 Senior Clerk (BPS-14)	8	8	2,856,000		2,922,000
S114 Steno Typist (BPS-14)	4	4	2,310,000		2,343,000
S138 Sub Inspector (BPS-14)	320	320	44,876,000		47,497,000
S553 Sub Inspector Driver (BPS-14)	1	1	140,000		148,000

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**DEMANDS FOR GRANTS
CURRENT EXPENDITURE
FOR 2007-2008**

**VOL-III (PART-A)
PROVINCIAL**

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**GOVERNMENT OF NWFP
FINANCE DEPARTMENT**

NC21004 (003)
FINANCE DEPARTMENT

011204 ADMINISTRATION OF FINANCIAL AFFAIRS

22

FUNCTIONAL CUM-OBJECT CLASSIFICATION
AND PARTICULARS OF THE SCHEME

NUMBER OF
POSTS
2006-2007 2007-2008

BUDGET
ESTIMATES
2006-2007

REVISED
ESTIMATES
2006-2007

BUDGET
ESTIMATES
2007-2008

01 GENERAL PUBLIC SERVICE
011 EXECUTIVE & LEGISLATIVE ORGANS, FINANCIAL
0112 FINANCIAL AND FISCAL AFFAIRS
011204 ADMINISTRATION OF FINANCIAL AFFAIRS

PR6446 Finance Department (HR Database)

				Rₐ	Rₐ	Rₐ
A01	TOTAL EMPLOYEES RELATED EXPENSES			<u>954,000</u>	<u>478,000</u>	<u>1,207,000</u>
A011	TOTAL PAY	6	6	<u>441,000</u>	<u>228,500</u>	<u>531,000</u>
A011-1	TOTAL PAY OF OFFICERS	4	4	<u>369,480</u>	<u>184,740</u>	<u>451,880</u>
A01101	Total Basic Pay Of Officer	4	4	<u>369,480</u>	<u>184,740</u>	<u>451,880</u>
S312	Systems Analyst /Database Administrator (BPS-18)	1	1	112,240		125,080
D370	Data Processing Officer/Dy: Database Admn: (BPS-17)	1	1	85,880		135,100
N036	Net Work Administrator (BPS-17)	1	1	85,680		95,850
W061	Web Administrator (BPS-17)	1	1	85,680		95,850
A011-3	TOTAL PAY OF OTHER STAFF	2	2	<u>71,520</u>	<u>35,760</u>	<u>79,120</u>
A01151	Total Basic Pay Other Staff	2	2	<u>71,520</u>	<u>35,760</u>	<u>79,120</u>
C082	Computer Operator (BPS-11)	2	2	71,520		79,120
A012	TOTAL ALLOWANCES			<u>513,000</u>	<u>257,500</u>	<u>676,000</u>
A012-1	TOTAL REGULAR ALLOWANCES			<u>513,000</u>	<u>257,500</u>	<u>636,000</u>
A01202	House Rent Allowance			345,000	172,500	350,000
A01203	Conveyance Allowance			76,000	38,000	78,000
A01205	Dearness Allowance					106,000
A01226	Computer Allowance			90,000	45,000	90,000
A01244	Adhoc relief					1,000
A01256	Special Adhoc Relief Allowance			1,000	1,000	
A01282	Special Relief Allowance			1,000	1,000	1,000
A012-3	TOTAL OTHER ALLOWANCES(EXCLUDING TA)					<u>50,000</u>
A01274	Medical Charges					30,000
A01278	Leave Salary					20,000

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

F-73

Office of Director Ie
By No. 251
Date 11-06-14
(P.O. S. S. H.)

Dated Peshawar // June 2014.


**SENIORITY LIST OF INFORMATION TECHNOLOGY OFFICERS
(BS-17) OF KHYBER PAKHTUNKHWA POLICE**

No. 2582 /SE-I, Seniority List: - The Seniority List of Information Technology Group Officers (BS-17) of Khyber Pakhtunkhwa Police is hereby published for information to all concerned.

S.No.	Name of Officers	D.O.Birth	Domicile	Qualification	D.O App:	Method of app:	Remarks
1.	Mr. Johar Ali System Programmer	17.03.1968	Swabi	M.S Computer Science	14.09.1995	Through PSC	
2.	Muhammad Ashfaq Data Processing Officer	15.09.1982	Khyber Agency	M.Sc Computer Science MBA Finance	01.11.2010	Through PSC	
3.	Muhammad Aftab Data Base Administrator	16.09.1977	Charsadda	M.S Computer Science	10.01.2011	Through PSC	
4.	Muhammad Saleem Ullah Network Administrator	20.09.1982	Dir Upper	M.S Computer Science	27.07.2012	Through PSC	

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No. 2583-87 /SE-I
Copy to all concerned.


(SYED FIDA HASSAN SHAH)
AIG, Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

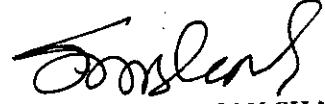
Dated Peshawar 22 April 2015

SENIORITY LIST OF INFORMATION TECHNOLOGY OFFICERS
BS-17 OF KHYBER PAKHTUNKHWA POLICE

No. 2969 /SE-I, Seniority List: - The Seniority List of Information Technology Group Officers BS-17 of Khyber Pakhtunkhwa Police is hereby published for information of all concerned.

S.No	Name of Officers	D.O Birth	Domicile	Qualification	D.O App.	Method of app.	Remarks
1.	Muhammad Ashfaq Data Processing Officer	15.09.1982	Khyber Agency	M. Sc Computer Science MBA Finance	01.11.2010	Through PSC	
2.	Muhammad Aftab Data Base Administrator	16.09.1977	Charsadda	M.S Computer Science	10.01.2011	Through PSC	
3.	Muhammad Saleem Ullah Network Administrator	20.09.1982	Dir Upper	M.S Computer Science	27.07.2012	Through PSC	

ATTESTED


(SYED FIDA HASSAN SHAH)
AIG /Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

Copy to all concerned.

To,

Deputy Inspector General of Police
Traffic, Khyber Pakhtunkhwa,
Peshawar

14 (25)

Subject: -

**SENIORITY LIST OF INFORMATION TECHNOLOGY OFFICER
BS-17 OF KHYBER PAKHTUNKHWA POLICE**

Dear Sir


With due Respect it is stated that seniority List of information technology Officer BS 17 was issued by Central Police Office vide no 2969/SE-1 dated 22/4/2005 which I have received from the Central Police Office personally on dated 29/6/2015.

I submit the following reservations:-

1. I was appointed as Data base administrator Bs 17 through Khyber Pakhtunkhwa Public Service Commission. Annexure "A".
2. A joint seniority list has been prepared for following officers
 - a. Data processing officer
 - b. Data base Administrator
 - c. Network administrator
3. IT personnel rules were framed vide Notification No 601/E-V dated 28-03-2014 in which page 7 SNo 2, the post of Assistant Director/Programmer/LAN Administrator/Web administrator/data processing officer /**Deputy database administrator** (BPS-17) will have join seniority.
4. As per rule, the post of Database administrator does not come in the nomenclature of post mentioned in the S.NO 2 of page 7 of IT personal rules.

It is therefore requested that a separate seniority list may kindly be issued under the laid down rules and regulation.

Yours sincerely


(Muhammad Aftab)
Data base Administrator

Traffic Police Khyber Pakhtunkhwa

ATTESTED




OFFICE OF THE
DY: INSPECTOR GENERAL OF POLICE, TRAFFIC
KHYBER PAKHTUNKHWA, PESHAWAR.

P# 091-9211200 Fax # 091-9211083

No. 1556 /EC, dated 22/09/2015


To

The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- SENIORITY LIST OF INFORMATION & TECHNOLOGY OFFICER BS-17 OF KHYBER PAKHTUNKHWA POLICE.

MEMO.

An application preferred by Mr. Muhammad Aftab, Data Base Administrator, of Traffic Khyber Pakhtunkhwa for your kind consideration, please.


(MOHAMMAD ZAFAR ALI) PSP
DIG/Traffic,
Khyber Pakhtunkhwa, Peshawar

ATTESTED



Humayun



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the September 24, 2014

NOTIFICATION

NO.SO(E-I)E&AD/2-4/2014.

The Competent Authority on recommendations of the Departmental Selection Board is pleased to promote Mr. Johar Ali, **System Programmer (BS-17)** to the rank of **Director Computer** (BS-18) on regular basis with immediate effect.

2. The officer on promotion will remain on probation for a period of one year extendable for another year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Posting/transfer order of the officer will be issued by the concerned Officer, Khyber Pakhtunkhwa.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Home & T.A. Department.
4. Provincial Police Officer, Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director, Information, Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment/PS to SS(E)/SS (Personnel) AS(HRD)/DS(E.)/SO(E.II) Establishment Department.
10. PS to Secretary (Admn.)/D.S(A)/SO(Secretary) Director Protocol, Liaison Officer/ACSO Cypher/Deputy Director (IT) Administration Department, Khyber Pakhtunkhwa.
11. Officer concerned.
12. Manager, Govt. Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (EST-I)
PH: & FAX # 091-9210500

ZIARUL-HAQ

ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. 744-46/A-3, Dated Peshawar 29-1-2015

60

K

28

To : The Section Officer (Budget),
Government of Khyber Pakhtunkhwa
Home & TA's Department, Peshawar.

Subject: **UP GRADATION OF THE POST OF DATA BASE ADMINISTRATOR
FROM BS - 17 TO BS -18.**

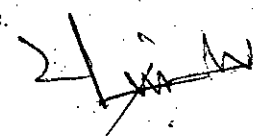
Memo:

I am directed to refer to DIG Traffic Peshawar letter No. 771/EC, dated 04.08.2014 (copy annexed at *F/A*) on the subject cited above and to state that the Provincial Government Finance Department vide notification No. 7/1/BO-III/FD/2006-07, dated 30.05.2007 created 918-Posts (500 posts were created during the year 2006-07 and the remaining 418 Posts through SNE Fresh in 2007-08). Out of which 15 posts were sanctioned for the computerization of Police Stations in District Swat (Photo copy of the SNE fresh is annexed at *F/B* for ready reference). Letter on in the financial year 2011-12, one post of Data Base Administrator BS-17 was shifted to the cost centre of DIG/Traffic Peshawar vide Finance Department letter No. BO-III/FD/7/1/2011-12, dated 27.06.2012 (copy annexed at *F/C*)

2. During the previous financial year 2013-2014, the Finance Department created I.T posts for Counter Terrorism Department Peshawar vide notification No. BO-III/FD/7-1/2013-14 dated 05.05.2014 (copy annexed at *F/D*) in which the post of Data Base Administrator was also created and reflected in BS-18. The service rules for I.T. personnel of Khyber Pakhtunkhwa Police have also been framed vide notification No. 601/E-V, dated 28.03.2014 (copy annexed at *F/E*). After framing service rules, the post of data Administrator has been up graded from BS - 17 to BS - 18.

3. In the light of above facts, the post of Data Base Administrator BS-17 in the cost centre of DIG Traffic is required to be up graded from BS-17 to BS-18 alongwith incumbent.

4. It is therefore requested that the case may please be processed with Finance Department and their sanction conveyed to this office at an early date.



(SABZALI KHAH)
Budget Officer,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No & date of even.

Copy of above is forwarded for information and necessary action to:-

1. The Section Officer (SR - II) Regulation Wing Government of Khyber Pakhtunkhwa Finance Department Peshawar.
2. The Deputy Inspector General of Police Traffic Khyber Pakhtunkhwa Peshawar w/r to his office letter No. quoted above.

ATTESTED


(SABZALI KHAH)
Budget Officer,
For Provincial Police Officer.

Subject:

MINUTES OF THE MEETING OF THE UPGRADATION
SUB COMMITTEE WITH REGARD TO UPGRADATION OF
DATA BASE ADMINISTRATOR POLICE DEPARTMENT.

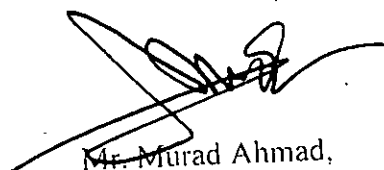
Meeting of the Upgradation sub-Committee Finance Department was held in the office of the Deputy Secretary (Reg-I) Establishment Department under his chairmanship on 21-09-2015 at 1400 PM which was attended by the following:

1. Mr. Murad Ahmad,
Section Officer (FR) Finance Department.
2. Mr. Jan Nisaar,
Representative of Home & Tribal Affairs Department.

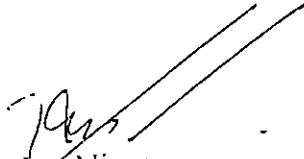
2. The meeting started with the recitation from the Holy Quran. Mr. Murad Ahmad Section Officer (FR) Finance Department apprised the participants about the back-ground, purpose and agenda of the meeting. After that Representative of Home & Tribal Affairs Department stated that the proposed upgradation is due to the re-structuring/re-organisation of the IT cadre posts in Police Department. Mr. Aftab was initially appointed as Data Base Administrator (BS-17) through Khyber Pukhtunkhwa Public Service Commission in the year. However, due to re-structuring/re-organisation of the IT cadre in Police Department, the post of Data Base Administrator is now in BS-18 and no post of Data Base Administrator has been reflected in BS-17 as per audit copy of Home Department bearing No. SO(Budget)/HD/15-15/2014 dated 11-02-2015.

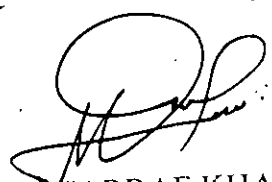
3. After thorough discussion and deliberation the Committee unanimously recommended to upgrade Mr. Muhammad Aftab Data Base Administrator to BS-18 without change of nomenclature of the post. The Committee also recommended that Home Department may prepare working paper for upgradation of all other Data Base Administrators to BS-18, if any, so that all such posts may be brought in line with authenticated audit copy/budget book.

4. The meeting ended with a vote of and from the chair.


Mr. Murad Ahmad,
Section Officer (FR)
Finance Department.

ATTESTED


Mr. Jan Nisaar,
Representative of Home &
Tribal Affairs Department.


(MUSHARRAF KHAN)
Deputy Secretary (Reg-I)
Establishment Department



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

M: 31

Dated Peshawar the December 2, 2015

NOTIFICATION

NO.SO(E-I)E&AD/2-4/2015. The Competent Authority on the recommendations of the Departmental Selection Board is pleased to promote the following officers of Information Technology (IT) Wing Khyber Pakhtunkhwa Police Department, as per details below, with immediate effect:-

S #	NAMES OF OFFICERS WITH PRESENT POST AND BPS	PROMOTED TO THE POST/BPS
1.	Mr. Navid Gul System Analyst (BS-18)	Director, Information Technology BS-19, on regular basis.
2.	Mr. Muhammad Ashfaq Data Processing Officers (BS-17)	Deputy Director IT/System Analyst/Database Administrator BS-18, on regular basis.
3.	Mr. Muhammad Aftab Database Administrator (BS-17)	Deputy Director IT/System Analyst/Database Administrator BS-18, on acting charge basis.
4.	Mr. Muhammad Saleem Ullah Network Administrator (BS-17)	Deputy Director IT/System Analyst/Database Administrator BS-18, on acting charge basis.

2. The officers mentioned at Sr. No. 1, 2, promoted on regular basis, shall remain on probation for a period of one year extendable for another year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Home & T.A. Department.
4. Provincial Police Officer, Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director, Information & Public Relations, Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa
8. PS to Chief Secretary, Khyber Pakhtunkhwa
9. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA AS(HRD)/DS(E.)/SO(E.II) Establishment Department.
10. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/ Director Protocol/ Estate Officer/ACSO Cypher/Deputy Director (IT) Administration Department, Khyber Pakhtunkhwa.
11. Officers concerned.
12. Manager, Govt. Printing Press Peshawar.

ATTESTED

(KASHIF IQBAL JILANI)
SECTION OFFICER (ESTT-I)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

PAKHTUNKHWA

N-32

Dated Peshawar, the 06 Aug, 2017

NOTIFICATION

No. 770 /SE-I. The Honorable Chief Minister Khyber Pakhtunkhwa (Competent Authority) on recommendations of Departmental Selection Board was please to approve the promotion of Mr. Muhammad Aftab of Information Technology Wing to the rank of Deputy Director BPS-18 in light of the Khyber Pakhtunkhwa Police Department (Information Technology Wing) Service Rules, 2014 on regular basis from acting charge basis.

The officer on promotion will remain on probation for a period of one year in terms of Rule 8 of the Khyber Pakhtunkhwa Police Department (Information Technology Wing) Service Rules, 2014, read with Sub-Rule (1) of Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion, & Transfer) 1989.

His promotion will take effect from the date he actually assumes the charge of higher responsibilities.

Sd-

(SALAH-UD-DIN KHAN) PSP
Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

Endst: No. & date even.

Copy of the above is forwarded to:-

- Principal Secretary to Governor Khyber Pakhtunkhwa.
- Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
- Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
- Secretary, Govt: of Khyber Pakhtunkhwa Estt: & Admn: Deptt: Peshawar.
- Secretary, Govt: of Khyber Pakhtunkhwa Finance Deptt: Peshawar.
- Secretary, Govt: of Khyber Pakhtunkhwa Home & T.As Deptt: Peshawar.
- Secretary, Khyber Pakhtunkhwa Public Service Commission Peshawar.
- All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
- Accountant General Khyber Pakhtunkhwa Peshawar.
- Capital City Police Officer Peshawar.
- DIG of Police Traffic Khyber Pakhtunkhwa Peshawar.
- Director IT CPO Peshawar.
- AIG Establishment CPO Peshawar.
- PSO to IGP Khyber Pakhtunkhwa Peshawar
- SSP Traffic Peshawar
- PRO to IGP Khyber Pakhtunkhwa Peshawar.
- Supdt: Secret CPO Peshawar.
- Central Registry CPO.
- U.O.P File.

Muhammad Ali Khan

(MUHAMMAD ALI KHAN) PSP
DIG Headquarters
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar

ATTESTED

[Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

33

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject: UPGRADATION OF THE POST OF DATABASE ADMINISTRATOR
FROM BS-17 TO BS-18.

Mr. Muhammad Aftab was appointed as Database Administrator (BS-17) the Khyber Pakhtunkhwa Police on 10-12-2010 (**Annex-I**). Later on the post of Database Administrator was upgraded from BS-17 to BS-18 and reflected as such in Budget Book 2014-15 (**Annex-II**). The post has also been reflected in BS-18 under the Khyber Pakhtunkhwa Police Department (IT Group) Service Rules 2014 (**Annex-III**).

2. Case for upgradation of the post of Database Administrator held Mr. Muhammad Aftab from BS-17 to BS-18 was taken up with Finance Department. The upgradation Sub Committee recommended to upgrade Mr. Muhammad Aftab, Database Administrator to BS-18 without change of nomenclature (**Annex-IV**). Meanwhile, Police Department instead of upgrading the Post of Database Administrator BS-17 to BS-18 promoted the said officer from Database Administrator BS-17 to Database Administrator BS-18 vide Notification (**Annex-V**).

3. To remove the anomaly, Home Department requested Finance Department to consider the upgradation of Muhammad Aftab Database Administrator from BS-17 to BS-18 with effect from the date of notification of Service Rules of I.T cadre of Police Department i.e. 02-04-2014. Finance Department has advised to move a summary en-route to Finance Department for seeking approval of the competent authority to settle the same accordingly (**Annex-VI**). Hence the instant summary.

4. The Honorable, Chief Minister Khyber Pakhtunkhwa is requested to accord approval of the up-gradation of Mr. Muhammad Aftab working as Database Administrator in Police Department with effect from 02-04-2014 with all back benefits, please.

5. Establishment and Finance Departments may add views en-route.


(Ikram Ullah Khan)
Home Secretary

Secretary Establishment / Finance

ATTESTED



N. P. P.

34

6. Finance Department being custodian of Up-gradation Policy, may offer its comment in the instant case before submission to the competent authority for approval.

[Handwritten signature]

(Arshad Majeed)
Secretary Establishment
December 12, 2018

~~Secretary Finance~~

ATTESTED
[Handwritten signature]

[Handwritten initials]

Subject: UPGRADATION OF THE POST OF DATABASE ADMINISTRATOR
FROM BS-17 TO BS-18

35

07. The summary regarding upgradation of the post of Database Administrator from BPS-17 to BPS-18 has been examined and observed as following:

- i) The incumbent was appointed as Database Administrator (BPS-17) on 10.12.2010 (Annex-I). After that a proper service structure for the cadre was notified on 28.03.2014 wherein the post of database administrator was mentioned in BPS-18. According to the method of recruitment the post is filled in 100% by promotion from amongst Assistant Director / Deputy Database Administrator (BPS-17) with five years service as such.
- ii) The case of the incumbent was placed before sub-committee under the chairmanship of Deputy Secretary Establishment Department for upgradation to BPS-18 which is not the relevant forum for consideration of upgradation cases.
- iii) The aforesaid sub-committee however, recommended to place the case before the main upgradation committee for upgradation of the post of Database Administrator from BPS-17 to BPS-18 which was not placed before the said forum accordingly.
- iv) After that the Establishment Department on recommendation of the Provincial Selection Board promoted Mr. Muhammad Aftab Database Administrator from BPS-17 to BPS-18 on 02.12.2015 (Annex-V).

08. Now, since the Home Department has proposed to upgrade the incumbdnt from BPS-17 to BPS-18 with retrospective effect from the date of his appointment i.e., 02.04.2014 in accordance with the service rules of the cadre, the Establishment Department may resubmit the case before Provincial Selection Board, for reconsideration accordingly.

Shakeel Qadir Khan
23-1-19
Shakeel Qadir Khan
Secretary, Finance Department

9. Chief Secretary

10. Secy/Estab.

Muhammad
24/1

M.P.F.


ATTESTED

[Signature]

36

11. As proposed by the Finance Department vide Para 08 ante, the PSB is not competent forum to consider promotion cases of Police Department as the officer concerned has already been recommended by DSB of Police Department for appointment on acting charge basis to BS-18 (Annex-V). Moreover, as per Promotion Policy of the Provincial Government, promotion is always notified with immediate effect. Furthermore, on the advice of Finance Department (Annex-VI), the summary is being moved by the Administrative Department for consideration of his up-gradation with retrospective effect i.e. from 2014.


12. It is proposed that in order to settle the issue once for all, the case may be placed before the up-gradation committee of Finance Department (competent forum) to consider the up-gradation of the officer with retrospective date i.e. 2014 and then the recommendations of the up-gradation committee may be submitted for approval of the competent authority.


(Arshad Majeed)
Secretary Establishment
February 11, 2019

Chief Secretary Khyber Pakhtunkhwa

13.

Para 12/15 endorsed


12/12
CHIEF SECRETARY
ESTABLISHMENT

Chief Minister

14.

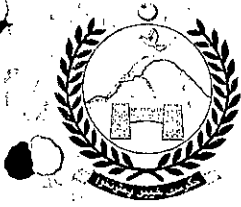
Para 12 is approved

CS


15-2-2019
Chief Minister
Khyber Pakhtunkhwa

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

P-37

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFD](https://www.facebook.com/GoKPFD)

twitter.com/GoKPFD

No.SO(FR)FD/7-8/2018/17430/Home

Dated the Peshawar 24th May 2019

To

The secretary to Govt. of Khyber Pakhtunkhwa,
Home Department Peshawar.

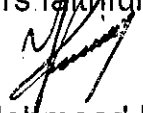
Subject: UPGRADATION OF THE POST OF DATABASE ADMINISTRATOR
FROM BPS-17 TO BPS-18

Dear Sir,

I am directed to refer to the subject noted above and to state that in relaxation of the ban, the competent authority (Chief Minister Khyber Pakhtunkhwa) has been pleased to approve recommendations made in the meeting of the upgradation Committee held on 18-05-2019 and upgrade the post of Database Administrator from BPS-17 to BPS-18 in Home Department w.e.f 02.04.2014 to 01.12.2015 (1Year & 08 Months) to regularize the bridging period of the officer concerned please.

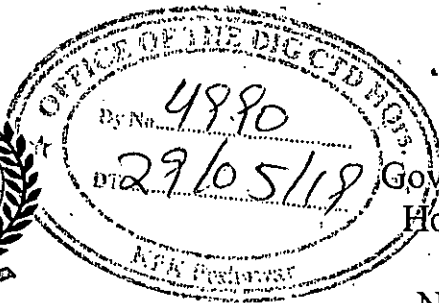
2. Audit copy may be provide to this department for authentication please.

Yours faithfully


(Tariq Mehmood Khattak)
Section Officer (FR)

ATTESTED





Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO (Budget)/HD/5-20/2014

Dated Peshawar the May 28th, 2019

NOTIFICATION

No. SO (Budget)/HD/5-20/2014 In pursuance of the recommendation of Up-gradation committee and Finance Department letter No. SO(FR)FD/7-8/2018/17340/Home dated 24-05-2019. The competent authority has been pleased to upgrade the post of Mohammad Aftab, Database Administrator from BPS-17 to BPS-18 in Khyber Pakhtunkhwa Police w.e.f April 2014 to December 2015 to regularize the bridging period of officer concerned.

2. The expenditure involved is debitable to the function cum object classification "03-Public Order and Safety Affairs 032-Police 0321-Police 032102-Provincial Police.

**Secretary to Govt: of Khyber Pakhtunkhwa,
Home & Tribal Affairs, Department**

Endst: No. SO (FR) FD/7-8/2018/17430

Dated 29 May, 2019

Copy forwarded to the Accountant General Office Khyber Pakhtunkhwa Peshawar for information and necessary action.

**Section Officer (FR)
Finance Department**

Endst: No. SO (Budget)/HD/5-20/2014

Dated 28 May, 2019

Copy of the above is forwarded to the:

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa for information and necessary action.
3. The Section Officer (FR), Finance Department (Regulation Wing) for information with reference to his letter No. SO(FR)FD/7-8/2018/17340/Home
4. The Budget Officer-III, Finance Department for information and necessary action.

Dis: R & A
Accountant

ATTESTED

**Section Officer (Budget)
Home Department**

From The Deputy Inspector General of Police
Special Branch, Khyber Pakhtunkhwa,
Peshawar

PK (39)

To The Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

No. 267 /PA, Peshawar dated 10.07.2019

Subject REPRESENTATION

Representation of Mr. Joher Ali is sent herewith for perusal and
consideration at your end please.

Deputy Inspector General of Police
Special Branch, Khyber Pakhtunkhwa,
Peshawar

ATTESTED

E-1

PK
12/7

DD: 828/85-1
15-7-19

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: **REPRESENTATION**

40

Respected Sir,

With due respect and great reverence the appellant submits representation against the Home and Tribal Affairs Department Notification No.SO(Budget)HD/5-20/2014 dated 28.05.2019 (Annexure-A) vide which post of Muhammad Aftab, Database Administrator (presently posted as Deputy Director IT CTD) was upgraded from BPS-17 to BPS-18 with effect from April 2014. Resultantly this retrospective effect given in the Notification has adversely affected the accrued seniority of the appellant as Muhammad Aftab was earlier junior in all the seniority lists issued by CPO since 2014.

Facts:

1. That the appellant was enlisted as System Programmer (BPS-17) in police department on the recommendations of Khyber Pakhtunkhwa Provincial Public Service Commission vide Home & Tribal Affairs Department Notification No. SO (P.I)HD/3-13/83 dated 29.08.1995. **Annexure-B.**
2. That the appellant, after serving for almost 19 years, was promoted to BPS-18 on the recommendations of Departmental Selection Board vide Government of Khyber Pakhtunkhwa Establishment Department Notification No. SO (E-I) E & AD/2-4/2014 dated 24.9.2014. **Annexure-C.**
3. That Muhammad Aftab was appointed as Database Administrator (BPS-17) on the recommendations of Khyber Pakhtunkhwa Public Service Commission (KPK/PSC/SR-V.54816 dated 25.11.2010) vide CPO Notification No. 27455/E-III dated 10.12.2010. (**Annexure-D**) The officer assumed charge vide No. 238-40/E dated 10.1.2011 in BPS-17. **Annexure-E**

ATTESTED

A

(41)

4. That Muhammad Aftab was promoted to BPS-18 on the recommendations of Departmental Selection Board vide Government of Khyber Pakhtunkhwa Establishment Department Notification No. SO (E-I) E & AD/2-4/2015 dated 02.12.2015 on acting charge basis **Annexure-F**. The promotion was later on made regular on 6.9. 2017. **Annexure-G**
5. That Muhammad Aftab made an application to Provincial Police Officer, while misguiding the high ups regarding "The Khyber Pakhtunkhwa Police (Information Technology Group) Service Rules 2014" that as the post of Database Administrator was of BPS-18 in the new rules, therefore, his post be upgraded to BPS-18. The application was forwarded by CPO to Secretary Home & TAs department for favour of approval vide No.744-46/A-3 dated 29.1.2015 without its legal vetting. **Annexure-H**
6. That the up-gradation committee entertained the application of Muhammad Aftab and straight away issued the impugned notification, at the back of appellant and other aggrieved officers, without adhering to law/Rules. On receipt of the knowledge of impugned Notification on 28.05.2019, the representation is submitted on the following grounds:

Grounds.

- a) That the up-gradation committee has entertained the application of Muhammad Aftab and upgraded the post of Muhammad Aftab from 02.05.2014 with retrospective effect without making reference to any law and rules and issued the impugned notification which badly affects the accrued/vested rights of the appellant and other aggrieved officers being senior to Muhammad Aftab.
- b) That the appellant is senior to Muhammad Aftab as per length of service and appointment order and appellant was promoted earlier to BPS-18, therefore appellant was placed senior to Muhammad Aftab in the seniority lists issued by CPO since 2014. **Annexure-I**.

ATTESTED

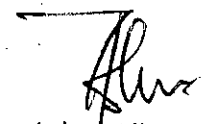
[Signature]

42

- c) That the reasons given in the Minutes of the Up-gradation Committee, that "the post of Muhammad Aftab was up-graded by police department in wake of restructuring IT cadre", are not plausible, hence not sustainable under the eyes of law. Had the post of Muhammad Aftab been upgraded to BS-18, in wake of promulgation of new Rules, there would have no need to approach the provincial government to re-designate the post of Muhammad Aftab, Database Administrator as Assistant Director IT BS-17 vide letter No. 8082-83/A-3 dated 17.08.2015. **Annexure-J**
- d) That it is a celebrated principle of law that any change in the service matter, if it deals with procedure, could be construed retrospectively otherwise the change cannot be allowed to destroy the accrued right of the other officers whose seniority is affected.
- e) That the impugned notification was issued at the back of aggrieved officers including the appellant therefore the notification is worth setting aside.

It is therefore, requested that the impugned notification may be reversed and issued with immediate effect, instead of retrospective effect, in accordance with law and Rules. In the meanwhile further process, within the department, may be suspended till the decision on the representation of the appellant.

Your's obediently,



Johef Ali
Director IT & Technical,
Special Branch, Peshawar.

ATTESTED


To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: **REPRESENTATION**

Respected Sir,

With due respect and great reverence appellant submits representation against the Home & Tribal Affairs Department Notification No. SO(Budget)HD/5-20/2014 dated 28.05.2019 (**Annexure-A**) vide which Muhammad Aftab, Database Administrator (presently posted as Deputy Director IT CTD) post was upgraded from BPS-17 to BPS-18 with effect from April 2014 resultantly this retrospective effect given in the Notification has adversely affected the accrued seniority of the appellant as Muhammad Aftab was earlier junior in the seniority lists of the years 2014 to 2018.

Facts:

1. That the appellant was enlisted as Data Processing Officer (BPS-17) in police department on the recommendations of Khyber Pakhtunkhwa Provincial Public Service Commission vide Provincial Police Officer Notification No. 24138/E-III dated 20.10.2010 (**Annexure-B**).
2. That the appellant, was promoted to BPS-18 on the recommendations of Departmental Selection Board vide Government of Khyber Pakhtunkhwa Establishment Department Notification No. SO(E-I)E&AD/2-4/2015 dated 02.12.2015 (**Annexure-C**).
3. That Muhammad Aftab was appointed as Database Administrator (BPS-17) on the recommendations of Khyber Pakhtunkhwa Public Service Commission vide CPO Notification No. 27455/E-III dated 10.12.2010 (**Annexure-D**). The officer assumed charge vide No. 238-40/E dated 10.1.2011 in BPS-17 (**Annexure-E**).
4. That Muhammad Aftab was promoted to BPS-18 on the recommendations of Departmental Selection Board vide Government of Khyber Pakhtunkhwa

ATTESTED

(44) 91

Establishment Department Notification No. SO(E-I)E&AD/2-4/2015 dated 02.12.2015 on acting charge basis (**Annexure-F**). The promotion was later on made regular on 06.09.2017 (**Annexure-G**).

5. That Muhammad Aftab made an application to Provincial Police Officer, while misguiding the high ups regarding "The Khyber Pakhtunkhwa Police (Information Technology Group) Service Rules 2014" as the post of Database Administrator was of BPS-18 in the new rules, therefore, his post be upgraded to BPS-18. The application was forwarded by CPO to Secretary Home & TAs department for favour of approval vide No.744-46/A-3 dated 29.1.2015 without its legal vetting (**Annexure-H**).
6. That the up-gradation committee entertained the application of Muhammad Aftab and straight away issued the impugned notification, at the back of appellant and other aggrieved officers, without adhering to law/Rules. On receipt of the knowledge of impugned Notification on 28.05.2019, the representation is submitted on the following grounds:

Grounds.

- a) That the up-gradation committee has entertained the application of Muhammad Aftab and upgraded the post of Muhammad Aftab from 02.05.2014 with retrospective effect without making reference to any law and rules and issued the impugned notification which badly affects the accrued/vested rights of the appellant and other aggrieved officers being senior to Muhammad Aftab.
- b) That the appellant is senior to Muhammad Aftab as per length of service and appointment order and appellant was promoted to BPS-18 on regular basis in 2015 while the promotion of Muhammad Aftab was regularized in 2017, therefore appellant was placed senior to Muhammad Aftab in the seniority lists issued during the years 2014 to 2018 (**Annexure-I**).
- c) That the reasons given in the Minutes of the up-gradation committee, that the post of Muhammad Aftab was up-graded by police department in wake

ATTESTED


A

of restructuring IT cadre, are not plausible hence not in the eyes of law. Had the post of Muhammad Aftab upgraded to BS-18, in wake of promulgation of new Rules, there would have no need to approach the provincial government to re-designate the post of Muhammad Aftab, Database Administrator as Assistant Director IT BS-17 vide letter No. 8082-83/A-3 dated 17.08.2015 (Annexure-J). 45

- d) That it is a celebrated principle of law that any change in the service matter, if it deals with procedure, could be construed retrospectively otherwise the change cannot be allowed to destroy the accrued right of the other officers whose seniority is affected.
- e) That the impugned notification was issued at the back of aggrieved officers including appellant therefore the notification is worth setting aside.

It is therefore, requested that the impugned notification may be reversed and issued with immediate effect, instead of retrospective effect, in accordance with law and rules. In the meanwhile further process, within the department, may be suspended till the decision on the representation of the appellant, please.

Your's obediently,


10/07/2019
MUHAMMAD ASHFAQ
DEPUTY DIRECTOR IT
City Traffic Police, Peshawar.

ATTESTED




**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIR DEPARTMENT**

No. SO (Police-II)/HD/Misc/018/ M.Ashfaq and Johar Ali
Dated Peshawar the 15.11.2019

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

Subject:

REPRESENTATIONS

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. CPO/E-I/1056 dated 18/09/2019, alongwith representation of Mr. Muhammad Ashfaq. The case was examined and it revealed that one Mr. Muhammad Aftab, who was initially recruited after appointment of Mr. Joher Ali and Muhammad Ashfaq in BS-17 has been given seniority in BS-18 ahead of both Mr. Joher Ali and Muhammad Ashfaq. The following table shows their date of initial appointments.

S.No	Name	Post	Dated of appointment Through Public Service Commission
1	Mr. Joher Ali	Programmer	August 1995
2	Mr. Muhammad Ashfaq	Data Processing Officer	October 2010
3	Mr. Muhammad Aftab	Database Administrator	December 2010

Based on the above appointment, a joint seniority list was issued in which they had the above interse seniority (F/A). Subsequently the IT Group service rules were notified on 28-03-2014 and on recommendations of the PSB the above named officers were promoted to BS-18 as per following, details.

S.No	Name	From	To	Date of Promotion
1	Mr. Joher Ali	Programmer BS-17	Deputy Director IT BS-18	24-09-2014 on Regular Basis
2	Mr. Muhammad Ashfaq	Data Processing Officer BS-17	Deputy Director IT BS-18	02-12-2015 on Regular Basis
3	Mr. Muhammad Aftab	Database Administrator BS-17	Deputy Director IT BS-18	02-12-2015 on Acting Charge Basis. He was regularized on 06-09-2017.

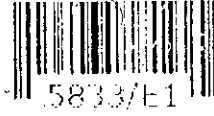
After promotion to the post of Databases Administrator BS-18 Mr. Aftab requested for his up-gradation w.e.f issuance of service rules which were notified on 28-05-2019, which was accordingly done. (F/B)

ATTESTED

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIR DEPARTMENT**

No. SO (Police-II)/HD/Misc/018/ M.Ashfaq and Johar Ali
Dated Peshawar the 29.01.2020

The Provincial Police Officer,
Khyber Pakhtunkhwa.



47

Subject: REPRESENTATIONS

Dear Sir,

I am directed to refer to your letter No. CPO/E-I/1056 dated 18/09/2019 on the subject noted above and state that Establishment Department has advised vide letter No.SOR-III (E&AD)4-2/2019/Vol-II dated 20-12-2019 (Copy attached) to follow section 8 of the Khyber Pakhtunkhwa Civil Servant Act 1973 and Rule 17 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989 the instant case.

02. Provision of the above rules clearly indicate that a person appointed in junior batch cannot become senior to the an officer of the senior batch unless the senior is superseded in promotion. The case reveals that Mr. Muhammad Aftab was recruited later than Mr. Johar Ali and Mr. Muhammad Ashfaq so, he can get financial benefits of up-gradations but he cannot supercede seniority of the two officer recruited and promoted earlier than him.

Yours Faithfully,

ATTESTED

Section Officer (Police-II)
Ph No. 091-9210503 Fax No. 9210291

Encls as Above

Endst: No & date of even

Copy forwarded to:-

1) PS to Secretary Home & TA's Department.

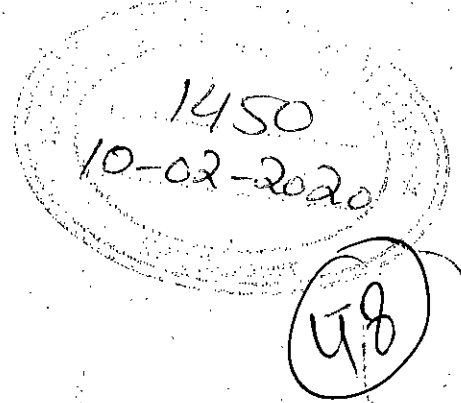


KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
P. No. 091.9212326, Fax: 091-9210927

CPO/E-I/ 344

Dated Peshawar 10 February, 2020

- To
- The Deputy Inspector General of Police,
Special Branch,
Khyber Pakhtunkhwa.
 - The Capital City Police Officer,
Peshawar
 - ✓ The Deputy Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa.



Subject:- **PRESENTATION**

Memo:

Enclosed please find herewith a copy of letter alongwith its enclosure No.SO(Police-II)/HD/Misc/018/M.Ashfaq and Johar Ali dated 29.01.2020 received from the Government of Khyber Pakhtunkhwa, Home and Tribal Department for information.

(Signature) 10/02/2020
(ZAIBULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Additional Inspector General of Police HQrs: Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa.

DD. IT

(Signature)
DIG/CPD
12/02/2020

ATTESTED

(Signature)

Through: Proper Channel
Subject: **PRESENTATION**

Sir,



Please refer to CPO letter No. CPO/E-I/344, dated 10-02-2020 received on 12-02-2020.

It is submitted that vide Home Department Notification No. SO(Budget)/HD/5-20/2014, dated 28-05-2019, the post of undersigned was upgraded from Database Administrator (BPS-17) to BPS-18 w.e.f 2014 (Annex-I). Mr Johar Ali, **Director Computer**, Special Branch and Mr. Muhammad Ashfaq, **Database Administrator**, Peshawar Traffic Police submitted representations in which they requested that the said notification may be reversed (Annex-II), Upon which Home Department vide letter No. SO(Police-II)/HD/Misc/018/M.Ashfaq and Johar Ali, dated 29-01-2020 treat the applications one sided (**without taking my point of view**) and was of the view that "the case reveals that Mr. Muhammad Aftab was recruited later than Mr. Johar Ali and Mr. Muhammad Ashfaq so, he can get financial benefits of up-gradation but he cannot supersede seniority of the two officers recruited and promoted earlier than him" (Annex-III).

I humbly submit the following:-

1. Mr. Johar Ali was appointed as **System Programmer (BPS-17)** (Annex-IV), Muhammad Ashfaq as **Data Processing Officer BS-17** and I, Muhammad Aftab as **Database Administrator (BPS-17)**. Police Department IT Service Rules were framed vide No. 691-701/E-V dated 02-04-2014 in which the post of Database Administrator declared as BPS-18 (Annex-V).
 - a. **IT Officer of BPS-18 have the following distinct and specialized nomenclature which are neither same, similar nor equivalent to each other:-**
 1. Deputy Director
 2. System Analyst
 3. **Database Administrator**
 - b. **IT Officer of BPS-17:-**
 1. Assistant Director
 2. Programmer
 3. LAN Administrator
 4. Web Administrator
 5. Data Processing Officer
 6. **Deputy Database Administrator**
2. After framing and notifying IT Service Rules, the first ever seniority list was issued on 11th June, 2014 in which Mr. Johar Ali, **System Programmer (BS-17)** was shown at Serial No. 1 and Muhammd. Ashfaq **Data Processing Officer** was shown at Serial No 2 (Annex-VI). It is important to mention here that the post of **System Programmer** does not exist in the existing notified IT Service Rules. Furthermore **Data Processing Officer and Database Administrator** are different nomenclature posts.
3. In the seniority list issued for BPS-17, the post of Database Administrator was also included, which was against the notified IT Service Rules. For which the undersigned already submitted an application, for issuing separate seniority list (Annex-VII). It is important to mention here that after framing IT rules two more posts of Database Administrator were created in BS-18 (one in Counter Terrorism Department and other in Peshawar Traffic Police Annex-VIII).
4. To remove the anomaly the case of up-gradation of Database Administrator (from BS-17 to BS-18) was sent through proper channel to Home Department during the year 2015 in which the Up-gradation Committee considered the case and derived the following decision for recommendations (Annex-IX):-

ATTESTED

4. (49)


50

"After thorough discussion and deliberation the committee unanimously recommended to upgrade Mr. Muhammad Aftab, Database Administrator to BPS-18 without change of nomenclature of the post"

5. Meanwhile, Police Department instead of upgrading the post of Database Administrator from BPS-17 to BPS-18 promoted the undersigned from Database Administrator BPS-17 to Database Administrator BPS-18 vide Notification (Annex-X), which was also not in accordance to IT Rules.
6. In light of the minutes of the meeting of Up-gradation Committee and notified IT Service Rules the undersigned moved an application for requesting that he may be upgraded from date of framing of IT Rules i.e April, 2014. The said case of up-gradation was sent through proper channel. In light of the Finance Department letter (Annex-XI) summary was initiated by Home Department in November, 2018, (en-route Finance and Establishment Department), which was approved by the Competent Authority (Honourable Chief Minister, Khyber Pakhtunkhwa) (Annex-XII). In light of the approval of the Competent Authority the Up-gradation Committee again in its meeting held on 18-05-2019 considered the up-gradation of Database Administrator from 02-04-2014 in order to regularize the bridging period of the officer concerned vide Notification No.SO(Budget)HD/5-20/2014 dated 28-05-2019(Annex-XIII).
7. Police Department forward the request of both officers to Home Department and Tribal Affairs Department. The case was forwarded to Law and justice Department for legal opinion upon which the Law department raise the question "Administrative Department may raise specific question along with departmental preposition for further processing of the case".
8. Home & Tribal Affair Department instead of reply of Law Department sent the case to Establishment Department vide letter No SO(police-II)/HD/Misc/018/M.Ashfaq and Johar Ali dated 15-11-2019 (Annex-XIV). upon which I have submitted the following concerns as it violates my fundamental rights:-
 - i. In initial appointment Mr. Johar Ali was shown as programmer but as per initial appointment order he was appointed as System Programmer.
 - ii. In promotion table Mr. johar Ali was shown from Programmer to Deputy Director-IT BPS-18 but as per promotion notification, the said officer was promoted from System Programmer to Director Computer BS-18 (Annex-XV). The nomenclature of posts were confused and wrongly reported, which shows that the Home Department equated the post as similar, which is not the case. Hence, an unjustified results.
 - iii. Rule 17 of Khyber Pakhtunkhwa (Appointment, Promotion, and Transfer) Rules 1989 was quoted which is not related to up-gradation.
 - iv. Police Department IT Service Rules were quoted in which "in a case of person appointed by initial recruitment, in accordance with order of merit assigned by the commission; provided that person selected for appointment to a post in earlier selection shall rank senior to the person selected on a later selection". Home Department ignore the important portion of Police Department notified IT Service Rules i.e nomenclature and designation of posts. All the above said posts have different nomenclature and grades. Furthermore, Public Service Commission advertised these posts distinctively separate in the same advertisement, which shows the clear cut difference amongst the posts.

In light of the above, it is humbly requested that the Home Department letter No. SO(Police-II)/HD/Misc/018/M.Ashfaq and Johar Ali, dated 29-01-2020, may kindly be reviewed and the Notification No.SO(Budget)HD/5-20/2014 dated 28-05-2019 may not be violated/by-passed in the instant case and my seniority may kindly be considered from the date of my upgradation i.e 02-04-2014.

Yours Obediently,


Muhammad Aftab,
Deputy Director IT,
CTD HQrs, Peshawar.

ATTESTED


V - (SI)

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**



Dated Peshawar 27-04-2020

SENIORITY LIST OF OFFICERS BS-18 INFORMATION TECHNOLOGY OF KHYBER PAKHTUNKHWA POLICE

No. 804 /SE-I, The Seniority List of Officers BS-18 Information Technology Group of Khyber Pakhtunkhwa Police is hereby published for information of all concerned.

S.No	Name of Officers	D.O.Birth	Domicile	Qualification	D.O App:	Method of App:	Remarks
1.	Mr. Johar Ali	17.03.1968	Swabi	M.S Computer Science	14.09.1995	Through PSC	
2.	Muhammad Ashfaq	15.09.1982	Khyber Agency	M. Sc Computer Science MBA Finance	01.11.2010	Through PSC	
3.	Mr. Muhammad Aftab	16.09.1977	Charsadda	M.S Computer Science	10.01.2011	Through PSC	
4.	Mr. Muhammad Saleem Ullah	20.09.1982	Dir Upper	M.S Computer Science	27.07.2012	Through PSC	
5.	Mr. Nauman Rafi	27.09.1979	Peshawar	Master in Computer Science	07.03.2018	Regularize through (Regularization of Services) Act, 2018	

DD IT

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police, HQrs,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

R DIGITAL
09105120

Endst: No. & date even.

Copy to all concerned

ATTESTED

To,

Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

W-52

Through: Proper Channel

Subject: - **SENIORITY LIST OF OFFICERS (BPS-18) INFORMATION TECHNOLOGY OF KHYBER PAKHTUNKHWA POLICE**

Sir,

Please refer to CPO letter No. 804/SE-1, dated 27-04-2020, in which seniority list of the subject officers were published for information of all concerned. The undersigned was shown in serial number 3.

I humbly submit the following:-

1. Home and Tribal Affairs Department vide Notification No. SO(Budget)/HD/5-20/2014, dated 28-05-2019, the post of undersigned was upgraded from Database Administrator (BPS-17) to BPS-18 w.e.f 2014 (Annex-I)
2. Mr. Johar Ali was appointed as **System Programmer (BPS-17)** (Annex-II), Muhammad Ashfaq as **Data Processing Officer BS-17** and I, Muhammad Aftab as **Database Administrator (BPS-17)**. Police Department IT Service Rules were framed vide No. 691-701/E-V dated 02-04-2014 in which the post of Database Administrator declared as BPS-18 (Annex-III).
 - a. **IT Officer of BPS-18 have the following distinct and specialized nomenclature which are neither same, similar nor equivalent to each other:-**
 1. Deputy Director
 2. System Analyst
 3. Database Administrator
 - b. **IT Officer of BPS-17:-**
 1. Assistant Director
 2. Programmer
 3. LAN Administrator
 4. Web Administrator
 5. Data Processing Officer
 6. Deputy Database Administrator
3. After framing and notifying IT Service Rules, the first ever seniority list was issued on 11th June, 2014 in which Mr. Johar Ali, **System Programmer (BS-17)** was shown at Serial No. 1 and Muhammad Ashfaq **Data Processing Officer** was shown at Serial No 2 (Annex-IV). It is important to mention here that the post of **System Programmer** does not exist in the existing notified IT Service Rules. Furthermore **Data Processing Officer and Database Administrator** are different nomenclature posts.
4. In the seniority list issued for BPS-17, the post of Database Administrator was also included, which was against the notified IT Service Rules. For which the undersigned already submitted an application, for issuing separate seniority list (Annex-V). It is important to mention here that after framing IT rules two more posts of Database Administrator were created in BS-18 (one in Counter Terrorism Department and other in Peshawar Traffic Police Annex-VI).
5. To remove the anomaly the case of up-gradation of Database Administrator (from BS-17 to BS-18) was sent through proper channel to Home Department during the year 2015, which the Up-gradation Committee considered the case and derived the following decision for recommendations (Annex-VII):-

"After thorough discussion and deliberation the committee unanimously recommended to upgrade Mr. Muhammad Aftab, Database Administrator to BPS-18 without change of nomenclature of the post"

ATTESTED



- (59)
6. Meanwhile, Police Department instead of upgrading the post of Database Administrator from BPS-17 to BPS-18 promoted the undersigned from **Database Administrator BPS-17 to Database Administrator BPS-18** vide Notification (Annex-VIII), which was also not in accordance to IT Rules.
 7. In light of the minutes of the meeting of Up-gradation Committee and notified IT Service Rules the undersigned moved an application for requesting that he may be upgraded from date of framing of IT Rules i.e April, 2014. The said case of up-gradation was sent through proper channel. In light of the Finance Department letter (Annex-IX) summary was initiated by Home Department in November, 2018, (en-route Finance and Establishment Department), which was approved by the Competent Authority (**Honourable Chief Minister, Khyber Pakhtunkhwa**) (Annex-X). In light of the approval of the Competent Authority the Up-gradation Committee again in its meeting held on 18-05-2019 considered the up-gradation of Database Administrator from 02-04-2014 in order to regularize the bridging period of the officer concerned vide Notification No.SO(Budget)HD/5-20/2014 dated 28-05-2019(Annex-XI).
 8. Police Department forwarded the request of both officers to Home Department and Tribal Affairs Department. The case was forwarded to Law and justice Department for legal opinion upon which the Law department raise the question "**Administrative Department may raise specific question along with departmental preposition for further processing of the case**".
 9. Home & Tribal Affairs Department instead of reply of Law Department sent the case to Establishment Department vide letter No SO(police-II)/HD/Misc/018/M.Ashfaq and Johar Ali dated 15-11-2019 (Annex-XII). upon which I have submitted the following concerns as it violates my fundamental rights:-
 - i. In initial appointment Mr. Johar Ali was shown as **programmer** but as per initial appointment order he was appointed as **System Programmer**.
 - ii. In promotion table Mr. Johar Ali was shown from **Programmer to Deputy Director-IT BPS-18** but as per promotion notification, the said officer was promoted from **System Programmer to Director Computer BS-18** (Annex-XV). The nomenclature of posts were confused and wrongly reported, which shows that the Home Department equated the post as similar, which is not the case. Hence, an unjustified results.
 - iii. Rule 17 of Khyber Pakhtunkhwa (Appointment, Promotion, and Transfer) Rules 1989 was quoted which is not related to up-gradation.
 - iv. Police Department IT Service Rules were quoted in which "in a case of person appointed by initial recruitment, in accordance with order of merit assigned by the commission; provided that person selected for appointment to a post in earlier selection shall rank senior to the person selected on a later selection". **Home Department ignore the important portion of Police Department notified IT Service Rules i.e nomenclature and designation of posts.** All the above said posts have different nomenclature and grades. Furthermore, Public Service Commission advertised these posts distinctively separate in the same advertisement, which shows the clear cut difference amongst the posts.

In light of the above, it is humbly requested that my seniority may please be considered from April 2014 in light of Home and Tribal Affairs Department Notification No. SO(Budget)/HD/5-20/2014, dated 28-05-2019.

Yours Obediently,

Muhammad Aftab

Muhammad Aftab,
Deputy Director IT,
CTD HQrs, Peshawar.

ATTESTED

A



53/A

OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT (CTD),
KHYBER PAKHTUNKHWA, PESHAWAR.
Phone No. 091-9212591, Fax. 091-9212530
No. 4601 /HQ Dated 13 /05/2020.

To

Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

**Subject: SENIORITY LIST OF OFFICERS (BPS-18) INFORMATION TECHNOLOGY,
KHYBER PAKHTUNKHWA POLICE**

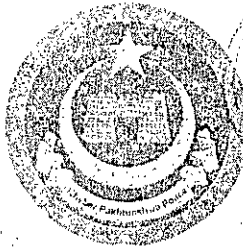
Please refer to the subject cited above.

Enclosed please find reservations on the subject seniority list issued vide CPO office letter No. 804/SE-I, dated 27-04-2020 along with enclosures in respect of Mr. Muhammad Aftab, Deputy Director IT, CTD HQrs, Peshawar.

[Signature]
SP (HQ)

FOR DEPUTY INSPECTOR GENERAL OF POLICE
COUNTER TERRORISM DEPARTMENT
KHYBER PAKHTUNKHWA,
PESHAWAR.

Attested
[Signature]



X-54

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar
Fax No. 091-9210927

No. 1194 /SE-I,

Dated Peshawar 29 June, 2020

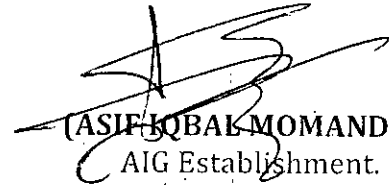
To : The Deputy Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa

Subject: **SENIORITY LIST OF OFFICERS (BS-18) INFORMATION TECHNOLOGY KHYBER PAKHTUNKHWA POLICE**

Memo:

Please refer to your office letter No.4601/HQ, dated 13.05.2020 on the subject noted above.

After perusal the above quoted reference letter, the Competent Authority has filed the subject matter in the light of Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department letter No.SO(Police-II)/HD/Mise/018/M.Ashfaq and Johar Ali, dated 29.01.2020 (Copy enclosed).

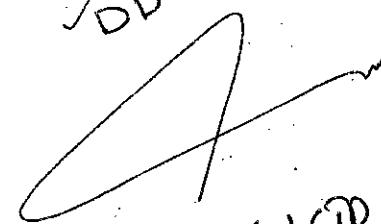

(ASIF IQBAL MOMAND)^{PSP}
AIG Establishment.
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Additional Inspector General of Police, HQrs, Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, HQrs, Khyber Pakhtunkhwa

SP/HO:
✓ DD-IT



ATTESTED

9

R DIG/CD
3-6/2020



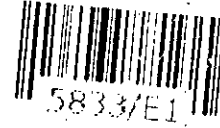
**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIR DEPARTMENT**

No. SO (Police-II)/HD/Misc/018/ M.Ashfaq and Johar Ali
Dated Peshawar the 29.01.2020

To

The Provincial Police Officer,
Khyber Pakhtunkhwa.

Subject: **REPRESENTATIONS**



55

Dear Sir,

I am directed to refer to your letter No. CPO/E-I/1056 dated 18/09/2019 on the subject noted above and state that Establishment Department has advised vide letter No.SOR-III (E&AD)4-2/2019/Vol-II dated 20-12-2019 (Copy attached) to follow section 8 of the Khyber Pakhtunkhwa Civil Servant Act 1973 and Rule 17 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989 the instant case.

02. Provision of the above rules clearly indicate that a person appointed in junior batch cannot become senior to the an officer of the senior batch unless the senior is superseded in promotion. The case reveals that Mr. Muhammad Aftab was recruited later than Mr. Johar Ali and Mr. Muhammad Ashfaq so, he can get financial benefits of up-gradations but he cannot supercede seniority of the two officer recruited and promoted earlier than him.

Yours Faithfully,

Section Officer (Police-II)
Ph No. 091-9210503 Fax No. 9210201

2011

Encls as.Above

Endst: No & date of even

Copy forwarded to:-

ATTESTED

1) PS to Secretary Home & TA's Department.

SE-1
31/01/2020

NO. 112/SB
DT

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Muhammad Afzal

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Afzal

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

Dated. ____/____/2020

Afzal

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

MIR ZAMAN SAFI

&

AFRASIAB KHAN WAZIR
ADVOCATES

Afrasiab Khan Wazir

OFFICE:
Flat No.4, 2nd Floor, Juma Khan
Plaza, near FATA Secretariat,
Warsak Road, Peshawar.
Mobile No.0345-9383141

قیمت
50 روپے

42850



ایڈویکٹ: محمد اسحاق شاہ
بار کونسل ایسوسی ایشن نمبر: BC-10 6879
رابطہ نمبر: 03339102909

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

دعویٰ: سرورس اپیل، 20/27/20	منجانب: مسرور اسلم 6-5
علت نمبر:	محمد آفتاب
مورخہ:	بنام
جرم:	سیدٹری عقوق و عنیدہ
تھانہ:	

بامث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام (پشاور) کیلئے محمد اسحاق شاہ کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے
المرقوم:

ACCEPTED
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

مقام
Accepted

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

جوہر علی
محمد استغاث

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal No. 8827/ 2020.

Muhammad Aftab Deputy Director IT/ Counter Terrorism Department,
Peshawar..... (Appellant)

VERSUS

The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa and
others..... (Respondents)

SUBJECT: **PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1
TO 4.**

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appellant has got no cause of action and locus standi to file present appeal.
- c) That the appeal is bad for non-joinder and miss-joinder of necessary and proper parties.
- d) That the appellant is estopped by his own conduct to file the present appeal.
- e) That the appeal is not maintainable in the present form.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has wrongly invoked the Jurisdiction of this Honorable Tribunal.
- h) That the appeal is barred by law and limitation.

FACTS:-

1. Pertains to record, needs no comments.
2. Correct to the extent that Khyber Pakhtunkhwa Police Department notified the Khyber Pakhtunkhwa Police (Information Technology Group) Service Rules on 28.03.2014. The post of Database Administrator was described as BPS-18 in the said rules. It is pertinent to mention here that before promulgation of the aforesaid rules, posts of IT cadres were

created with different nomenclatures but same ranks, therefore, Police Department approached the Provincial Government that posts of same rank and various nomenclatures be re-designated as per the nomenclature mentioned in the rules. Needless to mention that it also included the post of Mr. Muhammad Aftab, Database Administrator (BS-17). Other posts of Database Administrator, created in BPS-18 after the rules, were requested to be re-designated as Deputy Director IT (BPS-18).

3. Correct to the extent that Joint seniority list of System Programmer, Data Processing Officer, Database Administrator and Network Administrator issued by the respondent department was in accordance with Khyber Pakhtunkhwa Police (Information Technology Group) Service Rules, 2014. The appellant moved an application on baseless and unsound grounds, which was turned down being meritless. Copy annexed as "A".
4. Correct to the extent that after promotion of senior most officer Mr. Johar Ali (Respondent No. 5) System Programmer from BS-17 to BS-18 on 24.09.2014, a joint seniority list of Data Processing Officer, Database Administrator and Network Administrator all of BS-17 was issued on 22.04.2015 and 07.10.2015, respectively. Copies annexed as "B" & "C" respectively.
5. Correct to the extent that respondent department vide Letter No. 744-46/A-3, dated 29.01.2015, addressed to SO(Budget), Government of Khyber Pakhtunkhwa, Home.
6. Incorrect. Vide a Notification dated 02.12.2015, (copy annexed as "F") the appellant was promoted (not upgraded) to BS-18 on acting charge base (due to less period service in BS-17) and was regularized on 06-08-2017 (copy annexed as "G") while respondent No. 6 was also promoted to BS-18 through the same notification on regular basis as being senior than the appellant and completed required length of service for promotion.
7. Incorrect. However, the summary attached dated 15.02.2019, with the appeal reflecting the approval of sending the case to upgradation committee in Finance Department but Para 12 of summary approved by Chief Minister, Khyber Pakhtunkhwa with the remarks to send upgradation issue before upgradation committee of Finance Department being Competent forum.

8. Pertains to record of Finance Department. The relevant minutes and approval of Chief Minister, Khyber Pakhtunkhwa, Peshawar have not been provided to Police Department.
9. Representation of private respondents was forwarded to Home Department and was disposed off with the approval of financial benefit of upgradation and seniority of the private respondents were maintained as they were recruited/ promoted earlier than appellant.
10. As explained in proceeding Para No. 9.
11. After the thorough evaluation of the case and upon the opinion of the Establishment department vide letter dated 29.01.2020, copy annexed as "H" informed police department that the appellant can avail the financial benefits but cannot claim seniority, as private respondents were appointed earlier than the appellant by provision of the rules.
12. Incorrect. Representation of appellant being based on baseless and wrong footing was filed. Copy of Letter dated 29.06.2020 annexed as "I".
13. On 27.04.2020, Police department issued a combined seniority of all the IT Group officers of BS-18 under the decision of the Establishment and Home Department. Besides the appellant was junior to private respondents in previous seniority list of year 2014 and 2015.
14. The departmental appeal of appellant being found baseless, need no comments.
15. Departmental appeal of appellant was filed on cogent reasons and in light of remarks of respondent No. 1
16. Incorrect. The appellant has wrongly challenged the legal and valid orders of respondents department through unsound Grounds.

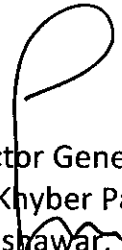
GROUND:-

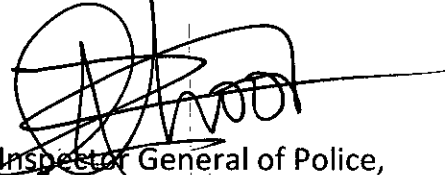
- A. Incorrect. Seniority list and order dated 29.06.2020, issued by the answering respondents are based on facts and in accordance with law/ rules.
- B. Incorrect. Appellant has been treated in accordance with rules and service record of all IT officials serving in BPS-17. Respondents have not violated any provision of Constitution of Islamic Republic of Pakistan, 1973 or other rules while dealing the issue of appellant and others.

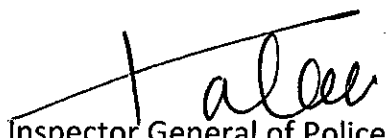
- C. Incorrect. Respondents have dealt the issues of seniority of applicant and others in accordance with existing law/ rules and service record of appointment/ promotion etc.
- D. Incorrect. The appellant and private respondents are serving in IT unit in same scale. Their seniority has been prepared according to first appointment/ promotion which is justified under rules without any discrimination.
- E. Para is legal. Each and every officer shall be dealt in accordance with Law and rules.
- F. Incorrect. Several seniority lists have been issued by the respondent department but the appellant has not raised any objection at that time, meaning thereby that appellant was agreed with old seniority list and assailed 2020 seniority with malicious and preplanned manner.
- G. Incorrect. All the seniority lists have been issued in accordance with facts, Law and rules.
- H. Respondents seek permission of Honorable Tribunal to raise other grounds with record at the time of hearing of appeal.

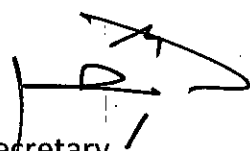
PRAYERS:-

In view of the above narrated facts, it is, humbly prayed that the appeal being not maintainable, may kindly be dismissed with costs, please.


Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 3)


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 4)


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Secretary,
Government of Khyber Pakhtunkhwa,
Home & TAs Department, Peshawar.
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 8827/ 2020.


Muhammad Aftab Deputy Director IT/ Counter Terrorism Department,
Peshawar..... (Appellant)

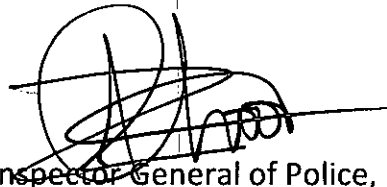
VERSUS

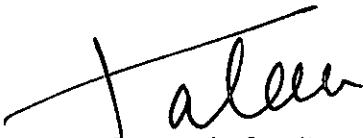
The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa &
others..... (Respondents)

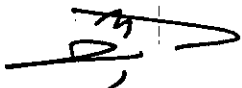
AFFIDAVIT

We, the under mentioned respondents do here by solemnly affirm and declare on oath that the contents of reply submitted is correct and true to the best of our knowledge and believes and that nothing has been kept concealed from this Honorable Court.


Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 3)


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 4)


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Secretary,
Government of Khyber Pakhtunkhwa,
Home & TAs Department, Peshawar.
(Respondent No. 1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 8827/2020.

Muhammad Aftab Versus Government of KPK.

INDEX

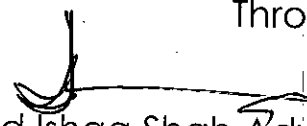
S/N	Description of documents	annexure	Page
1	Reply		1-7
2	Appointment order	I-11-111	8-10
3	Requisition of recruitment	IV	11-15
4	Change of nomenclature	V -VII	16-18

Dated 16/2/2021

Respondents

4 and 5

Through


Muhammad Ishaq Shah Advocate.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 8827/2020.

Muhammad Aftab Deputy Director IT counter terrorism
Department Peshawar

Versus

The secretary Home and tribal Affair Department, Khyber
Pakhtunkhwa and others

Service appeal

Reply on behalf of Respondents no 5 and 6

The respondents No 5 and 6 respectfully submit as under.

Preliminary objections

- a) That the appellant has not come to the court with clean hands
- b) That the appeal is not maintainable in its present form.
- c) That the appellant has got no cause of action to file the instant appeal:
- d) That the appeal in hand does not reflect the true facts.
- e) That the appeal is bad for non joinder and mis joinder.

- f) That the appeal is barred by law and jurisdiction.
- g) That the appellant is estopped by his own conduct to file the instant appeal

Para wise reply.

PARA-WISE COMMENTS AGAINST THE FACTS:

1. The appellant was appointed on 10-12-2010 and assumed the charge of his post as database administrator on 10-01-2011, but the private responders were appointed earlier than him, as Mr. Johar Ali was appointed on 29-08-1995 as System Programmer (BS-17) and Mr. Muhammad Ashfaq on 20-11-2010 as Data Processing Officer (BS-17)(**Annex-I,II,III**).

It may be mentioned that no Service Rules existed at that time; therefore, the enlistment was made under proposed rules approved by Provincial Police Officer at that time (**Annex-IV**). All the posts were reflected in BS-17.

2. Para 2 of the appeal is admitted correct to the extent that Khyber Pukhtunkhwa Police (information technology group) service rules were framed on 28/3/2104,however It is pertinent to mention here that before promulgation of the aforesaid rules, posts of IT cadres were created with different nomenclatures but same ranks, therefore, Police Department approached the provincial government that

posts of same rank and various nomenclature be re-designated as per the nomenclature mentioned in the rules (**Annex-V**). Needless to mention that it also included the post of Mr. Muhammad Aftab, Database Administrator (BPS-17) budget copies attached (**Annex-**), to be re-designated as Assistant Director IT (BPS-17). Other posts of Database Administrator, created in BPS-18 after the rules, were requested to be re-designated as Deputy Director IT (BPS-18).

3. Para 3 of the appeal is admitted correct.
4. Para 4 of the appeal is also admitted correct.
5. Para 5 of the appeal is not correct and misleading the up gradation was not recommended by the up gradation committee rather by the subcommittee and that too without the representation of the police department which is not only illegal but also without jurisdiction and was not competent to do so in fact it is submitted that The Police department vide letter dated 29-01-2015 asked the Finance department regarding the reflection of the post of Database Administrator in BPS-18.

Secondly, the appellant mentioned that upgradation committee on date 21-09-2015 upgraded the post to BS-18 but this is not the fact, the minutes attached of 21-09-2015 is issued by **sub-committee not by up gradation committee** (sub-committee is not the relevant forum for consideration of up gradation cases as per statement of Secretary

Finance Department mentioned in the summary submitted to Chief Secretary in the same case dated 23-01-2019) para 7 (ii) which is based on misleading. Furthermore Police department requested telephonically as well as vide letter date 21-09-2015 to Home department that the sub-committee may fix another date for the meeting so that an officer of the Police department along with a well conversant office hand produce the record and attend the meeting but sub-committee didn't considered the same and conducted meeting without the representative of Police department and Police record which leads the case to favouritism.

6. in reply to para 6 it is submitted that the appellant was promoted to BPS 18 on acting charge basis due to less period of service in BPS 17 vide notification dated 02/12/15 and not upgraded (due to less period of service in BPS-17) and was regularized on 06-08-2017 while private respondent Mr. Muhammad Ashfaq was also promoted to BS-18 through the same notification on regular basis as being senior to the appellant and completed required length of service for promotion.
7. Para 7 of the appeal is misleading hence denied in fact it was proposed that the matter be sent to the competent forum to consider the up gradation and for further submission to the competent authority

8. Para 8 of the appeal is misleading the up gradation notification was issued on 28/5/2019.
9. The private respondents being aggrieved from the notification dated 28/5/2019 rightly and legally filed representation before the Inspector General of Police, Khyber Pakhtunkhwa.
10. Admitted to the extent that the representations were rightly accepted the remaining para is denied, the job description of private responders and of the appellant are the same as they were appointed under the same rule/cadre with same nature of job, qualification and relates to the same field of Information Technology (IT) officers.
11. Para 11 of the appeal admitted correct.
12. Para 12 needs no reply.
13. The appellant was rightly enlisted at serial no 3.
14. The appellant submit a baseless appeal to the department against joint seniority list.
15. Para 15 needs no reply.
16. The appellant has no locus standi to file the instant appeal.

GROUND

A. The official record reveals that Mr. Johar Ali and Mr. Muhammad Ashfaq are senior to Mr. Muhammad Aftab by appointment as well as by promotion hence the seniority list based on facts and record.

- B. No violation of rules and law whatsoever has been committed.
- C. That the seniority list is based on cogent and sound reasons the allegations are baseless.
- D. Denied detailed reply has already been given in para 10 above.
- E. Para E not related to the instant appeal hence denied.
- F. Denied the decision was made on cogent reason It is an established principle of law that any change in the service matter, if it deals with procedure, could be construed retrospectively otherwise the change cannot be allowed to effect the accrued right of the other officers whose seniority is affected. Before making up-gradation the up gradation policy was not fully followed by the committee, as per "section 3 of policy and criteria for up gradation of posts" issued vide Finance department dated 11-10-2010, the up-gradation committee should have considered any other point while examining proposed up gradation to ensure the effective running of a department/organization in public interest, but the committee did not observe this point.
- G. Para 8 of the appeal is not admitted correct reply has already given above.

H. Para_H is legal needs no reply however the appellant has no cause of action to file the instant appeal.

I. PRAYER

It is therefore most Humbly requested that appeal of the appellant is devoid of merits and may kindly be dismissed with heavy cost.

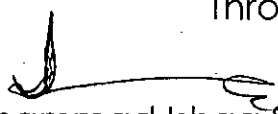
Dated 16/2/2021

Respondents

Jahar Ali

Muhammad Ishfaq

Through

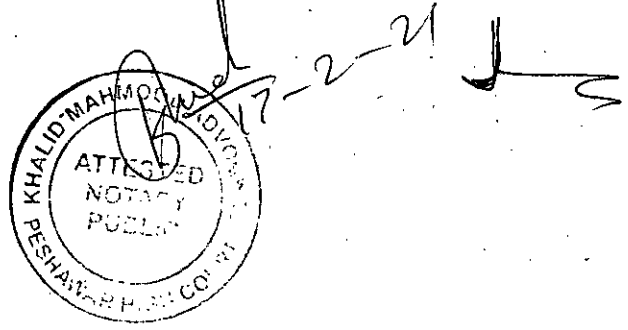


Muhammad Ishaq Shah

Advocate Peshawar.

Verification

Verified on solemn affirmation that the contents of above reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.



Annex-17

(8)

**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA, PESHAWAR**


NOTIFICATION

Dated: 10/12/2010

No. 27455 /E-III, **APPOINTMENT AS DATA BASE
ADMINISTRATION BS-17:-** On the recommendation of Secretary KPK
Public Service Commission Peshawar vide letter No. KPK/PSC/SR-V/54816
dated: 25.11.2010, Mr. Muhammad Aftab s/o Gouhar Ali r/o Village Daulat
pora post office Ambadher Tehsil & District Charsadda is hereby appointed
as Data Base Administration BS-17 purely on temporary basis in the KPK
Police with effect from the date he actually report for duty at his place of
posting subject to medical fitness and verification of character and
antecedents.

The term and condition of his service will be as under:-

1. His services are liable to be terminated on 14 days notice without assigning any reason.
2. On appointment the above name candidate is posted to Malakand Region Swat.



(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No. 27456-60 /E-III

Copy of above is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, Malakand Region Swat in continuation of this office Memo No. 24138/E-III dated: 20.10.2010 (his academic certificates may please be verified from his respective Board /University. His application alongwith other documents are also attached.
2. District Police Officer, Swat
3. Secretary, KPK Public Service Commission, Peshawar w/r to his letter quoted above.
4. Office Supdt: Secret CPO
5. Mr. Muhammad Aftab s/o Gouhar Ali r/o Village Daulatpora post office Ambadher Tehsil & District Charsadda

*Application alongwith
these documents*


(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

Annex-17

9

**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR**

NOTIFICATION

Dated: 20 / 10 / 10

No. 24138 /E-III, **APPOINTMENT AS DATA PROCESSING OFFICER BS-17** On the recommendation of Secretary KPK Public Service Commission Peshawar vide letter No. KPK/PSC/SR-V/48893 dated: 05.10.2010, Mr. Muhammad Ashfaq s/o Fazal Karim Afridi r/o Khyber Agency is hereby appointed as Data Processing Officer BS-17 purely on temporary basis in the KPK Police with effect from the date he actually report for duty at his place of posting subject to medical fitness and verification of character and antecedents.

The term and condition of his service will be as under:-

1. His services are liable to be terminated on 14 days notice without assigning any reason.
2. On appointment the above name candidate is posted to Malakand Region Swat.



(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No. 24139-42 /E-III

Copy of above is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, Malakand Region Swat in continuation of this office Memo No. 21238/E-III dated: 15.09.2010 (his academic certificates may please be verified from his respective Board /University. His application alongwith other documents are also attached.
2. District Police Officer, Swat.
3. Secretary, KPK Public Service Commission, Peshawar w/r to his letter quoted above.
4. Office Supdt: Secret CPO
5. The applicant.

M. Q. Khan
Documents



(FIAZ AHMAD KHAN TORU)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

NOTIFICATION

NO. SO(P.1)HD/3-13/83. On the recommendations of the NWFP Public Service Commission, the Governor, NWFP is pleased to order the appointment of Mr. Johar Ali S/O Abdul Mutalib R/O Village Dagi Mohallah Juna Khel, District Swabi as System Programmer (BPS-17) in the Police Department, NWFP with immediate effect on the following terms and conditions:-

1. He will be governed by such rules & orders relating to leave, T.A & Medical Attendance as may be prescribed by Government for the category of Government servants of his status from time to time.
2. He will be on probation initially for a period of two years extendable upto four years.
3. He will be eligible for continuance and eventual confirmation as System Programmer on satisfactory completion of probation including the extended period of probation if any.
4. His services will be liable to termination at any time without assigning any reason thereof before the expiry of the period of probation/extended period of probation if his work during the period is not found satisfactory. In such an event, he will be given a month's notice of termination from service or one month pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
5. He will be governed by the NWFP Government Servants (Efficiency & Discipline) Rules-1973 and Government Servants (Conduct) Rules-1987 and any other Rules/instructions applicable to officers of his trade/cadre.
6. He will join duty at his own expense.

If the above terms and conditions of appointment are acceptable to him, he should report to Inspector General of Police, NWFP Peshawar within fifteen (15) days of issue of this Notification.

Secretary to Govt of NWFP
Home & TAs Deptt

Date: No. SO(P.1)HD/3-13/83

Dated 29/8/95

10:

1.
2.
3.
4.
5.
6.

Secretary to Govt. of NWFP, S&GA Department, Peshawar.
Secretary to Government of NWFP, Finance Department.
Inspector General of Police, NWFP, Peshawar.
Chairman, NWFP Public Service Commission w/r to his Memo No. 1676 dated 12/7/95.
Mr. Johar Ali S/O Abdul Mutalib District Swabi.
The Manager Govt. Printing Press NWFP Peshawar for publication in the next issue of Govt Gazette.

NWFP PUBLIC SERVICE COMMISSION**Requisition for Recruitment**

The requisition form should be carefully completed, as the Public Service Commission (PSC) will advertise these posts strictly in accordance with the given information. Entries should be neat and alteration, if any, attested by the competent authority. Incomplete requisition invites back reference to the department, which not only delay the process but also empowers PSC to close the case, if the department fails to satisfy the PSC within a fortnight. It should be signed by the Head of the Department, if he is appointing authority. In all other cases it should be signed by the Administrative Secretary.

REQUISITION FOR RECRUITMENT OF STAFF FOR DEVELOPMENT / MAINTENANCE OF AUTOMATION / COMPUTERIZATION PROJECTS OF POLICE DEPARTMENT

- | | | |
|----|---|--|
| 1 | a. Designation and Numbers of Post(s) requisitioned. | Network Administrator (BPS-17) 01.
Database Administrator (BPS-17) 01
Data Processing Officer(BPS-17) 01
Assistant Network Administrator(BPS-16) 02
Computer Operator(BPS-11) 09 |
| | b. Nature of the post (s)
Permanent-Temporary/contract. | Permanent |
| | c. Date(s) vacancy/vacancies occur. | 2007-2008. |
| | d. Percentage of promotion and direct recruitment. | Initial Recruitment |
| | e. Number of direct recruitment vacancies. | The vacancy is meant for initial recruitment. |
| | f. Zonal allocation (Zones are to be specified as Per Govt. Notification NoSOSIII (S&GAD)3(39)70 dated 2 Oct. 73 and read with circular of even No. Dt.19.1.76. | Network Administrator Merit
Database Administrator Merit
Data Processing Officer Merit
Assistant Network Administrator Merit
Computer Operator Merit |
| 2. | a. Grade and Place of Service. | Anywhere within the Province. |
| | b. Service Rules governing recruitment. (In the absence of notified service rules copy of the suggested rules) be attached. | Suggested Rules (Annexure-I) |

- 3. a. Pay Scale See Annexure-I
- b. Any provision for higher initial pay for special qualification or experience. If so, circumstances and limit be specified. No.
- c. Any special concessions such as, rent free, light, water. No.
- d. Prospects of promotion to higher post or higher time-scale of pay.
- 4. a. Duties, Development, Maintenance and Operation of Automation / computerization projects already launched or in pipeline in the Police department.
- b. When required to join. As soon as possible
- c. Place or places where required to serve. Anywhere within the Province.
- 5. Qualifications.
 - a. Academic (If more than one prescribed, specify which is to be given more weight.)
 - b. In case equivalent qualifications acceptable, specify the equivalent. See Annexure-I
 - c. Training and experience.
 - d. Minimum academic qualifications after which the prescribed experience in column 5-c will count.
 - e. Any other qualifications.
- 6. Minimum and Maximum Age. See Annexure-I
- 7. a. Sex. Male / Female.
- b. Nationality and Domicile. Pakistani / N-W.F.P
- 8. Any other conditions for qualifications not covered above. NA
- 9. In case Govt. Servants are eligible which conditions are relax able in their favour. Do they get any special concessions? N.A
- 10. Was the post ever advertised, if so, number and year of PSC's advertisement. No

11. Name or appointment of the Departmental Officer recommended assisting PSC in Advisory capacity during interview.

Provincial Police Officer, NWFP.

12. I certify that:-

- a. The requisition is complete in all respects.
- b. No other requisition has been placed on PSC for the requisitioned posts.
- c. Previous recommendations of PSC for similar posts have been implemented.
- d. No adhoc appointee can claim regular absorption against the requisition post(s).
- e. The vacancy / vacancies fall according to the ratio fixed for initial recruitment and promotion in the Service Rules, to the share of initial recruitment.
- f. Only X vacancies have occurred after 30 June, 1970 of which X have been allocated to promotion quota. The posts are being filled for the first time.
- g. Prior to this regulation the Zonal allocation of posts in this grade, after the promulgation of Zonal allocation formula of 1971 was an under: N.A
- h. It is confirmed that the total number of vacancies indicated in this requisition also include posts which are at present held by ad-hoc appointees. No ad-hoc appointee.

Dated 25-03-2009

M. Hameed Khan
Provincial Police Office
NWFP

**PROPOSED RECRUITMENT RULES IN RESPECT OF APPOINTMENT OF STAFF
FOR DEVELOPMENT / MAINTENANCE OF AUTOMATION / COMPUTERIZATION
PROJECTS OF POLICE DEPARMTNET**

S.No	Nomenclature of Post	Minimum Qualification and Experience for Initial Recruitment	Age limit	Method of Recruitment
1	Network Administrator	(i) First class M.Sc Computer Science / MCS / MIT or equivalent degree from HEC recognized University. (ii) Three years (03) post qualification experience of Network and System Administration.	25-35	By initial recruitment.
2	Database Administrator	(iii) First class M.Sc Computer Science / MCS / MIT or equivalent degree from HEC recognized University. (iv) Three years (03) post qualification experience of Database Administration.	25-35	By initial recruitment.
3	Data Processing Officer	(v) First class M.Sc Computer Science / MCS / MIT or equivalent degree from HEC recognized University. (vi) Three years (03) post qualification Experience of Data Processing and Validation.	25-35	By initial recruitment.
4	Assistant Network Administrator	(vii) First class M.Sc Computer Science / MCS / MIT or equivalent degree from HEC recognized University. (viii) Two years (01) post qualification experience of Network and System Administration.	23-35	By initial recruitment.
5	Computer Operator	(ix) 2 nd division FA / FSc from a recognized board with one year Diploma of Computer Science or Information Technology. (x) One Year (1) Relevant Experience.	18-30	By initial recruitment.

PAY SCALES

S.NO	Post and Grade	PAY SCALE
1	Network Administrator	7140-535-17840
2	Database Administrator	7140-535-17840
3	Data Processing Officers	7140-535-17840
4	Assistant Network Administrator	4375-340-
5	Computer Operator	29-200-8980



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

No. 8082-83 IA-3, Dated Peshawar 17/8/2015 2015

Annex-V

16

To : The Section Officer (Budget),
Government of Khyber Pakhtunkhwa,
Home & TA's Department, Peshawar

Subject: **CHANGE OF NOMENCLATURE OF THE POSTS OF INFORMATION & TECHNOLOGY.**

Memo:

I am directed to refer to the subject cited above and to state that service rules for information technology Group has been framed and approved by the Government of Khyber Pakhtunkhwa in April 2014 (copy enclosed) on the analogy of Provincial IT group rules 2007. There are many posts in police department in different nomenclatures which is against in the Provincial IT group rules. The requisitions have been sent to Public Service Commission for hiring of suitable candidates but the commission returned the case on the ground that the following nomenclature are not adopted the analogy of the Provincial IT Rules, which is required to be changed the nomenclature as per below break up:-

S#	Existing nomenclature	No. of Posts	Cost Centre with DDO codes	Proposed nomenclatures
1.	System Analyst BS-18	01	PR 4093 Peshawar City Police (Law & Order)	Deputy Director IT BS-18
2.	Director Computer BS-18	01	PR 4098 Special Branch	Deputy Director IT BS-18
3.	Data Base Administrator BS-18	01	PR 4913-Counter Terrorism Department.	Deputy Director IT BS-18
4.	Data Base Administrator BS-18	01	PR 4086 SP Traffic Police Peshawar	Deputy Director IT BS-18
5.	Programmer BS-17	01	PR 4088 Direction	Assistant Director IT BS-17
6.	Data Processing Officer BS-17	01	PR 4913-Counter Terrorism Department.	Assistant Director IT BS-17
7.	Hard ware Engineer BS-17	01	PR 4913-Counter Terrorism Department.	Assistant Director IT BS-17
8.	Network Administrator BS-17	01	PR 4913-Counter Terrorism Department.	Assistant Director IT BS-17
9.	Programmer BS-17	01	PR 4913-Counter Terrorism Department.	Assistant Director IT BS-17
10.	Web Developer BS-17	01	PR 4913-Counter Terrorism Department.	Assistant Director IT BS-17
11.	Database Administrator BS-17	01	PR 4914 AIG Traffic Police Peshawar	Assistant Director IT BS-17
12.	Data Processing Officer BS-17	01	SW 4042 Law & Order Swat	Assistant Director IT BS-17
13.	Network Administrator BS-17	01	SW 4042 Law & Order Swat	Assistant Director IT BS-17
14.	Assistant Data base Administrator BS-16	02	PR 4913-Counter Terrorism Department.	Assistant Network Administrator BS-16
15.	Data Entry Operator BS-12	02	PR 4088-Direction	Computer Operator BS-12

It is requested that the case for the above change of nomenclatures may please be processed with Finance Department and their sanction conveyed to this office at an early date.

(SABZALI KHAN)

Budget Officer,

For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

No. & Date of even.

Copy of above is forwarded to Budget Officer-III Government of Khyber Pakhtunkhwa Finance Department Peshawar for information and further necessary action.

1773

NC21014 (010)
POLICE

Amex-VI

17

032102 PROVINCIAL POLICE

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME	NUMBER OF POSTS		BUDGET ESTIMATES	REVISED ESTIMATES	BUDGET ESTIMATES
	2018-2019	2019-2020	2018-2019	2018-2019	2019-2020
			Rs	Rs	Rs
03 PUBLIC ORDER AND SAFETY AFFAIRS					
032 POLICE					
0321 POLICE					
032102 PROVINCIAL POLICE					
PR4914 A I G Traffic Police Peshawar					
A01 TOTAL EMPLOYEES RELATED EXPENSES.			<u>64,626,000</u>	<u>45,181,000</u>	<u>67,710,000</u>
A011 TOTAL PAY	113	113	<u>32,043,000</u>	<u>22,867,000</u>	<u>32,711,000</u>
A011-1 TOTAL PAY OF OFFICERS	10	10	<u>5,624,000</u>	<u>2,882,000</u>	<u>5,765,000</u>
A01101 Total Basic Pay Of Officer	10	10	<u>5,571,000</u>	<u>2,882,000</u>	<u>5,709,000</u>
A110 Assistant Inspector (BPS-18) General Of Police	1	1	812,000		832,000
D055 Deputy Superintendent Of Police (BPS-17)	1	1	772,000		788,000
D378 Database Administrator (BPS-17)	1	1	383,000		399,000
S166 Superintendent (BPS-17)	2	2	1,376,000		1,408,000
A057 Assistant (BPS-16)	1	1	442,000		453,000
I012 Inspector (BPS-16)	4	4	1,786,000		1,829,000
A01102 Personal pay			53,000		56,000
A011-2 TOTAL PAY OF OTHER STAFF	103	103	<u>26,419,000</u>	<u>19,985,000</u>	<u>26,946,000</u>
A01151 Total Basic Pay Other Staff	103	103	<u>26,354,000</u>	<u>19,985,000</u>	<u>26,877,000</u>
S035 Senior Clerk (BPS-14)	2	2	721,000		737,000
S114 Steno Typist (BPS-14)	1	1	205,000		213,000
S138 Sub Inspector (BPS-14)	11	11	4,419,000		4,509,000
A149 Assistant Sub Inspector (BPS-11)	5	5	1,421,000		1,452,000
J013 Junior Clerk (BPS-11)	4	4	832,000		857,000
H015 Head Constable (BPS-09)	18	18	4,637,000		4,729,000
H017 Head Constable Driver (BPS-09)	3	3	874,000		889,000
C088 Constable (BPS-07)	50	50	11,178,000		11,392,000
C089 Constable Driver (BPS-07)	5	5	1,452,000		1,473,000
B006 Behishti (BPS-03)	1	1	175,000		178,000
N005 Naib Qasid (BPS-03)	2	2	265,000		270,000



Annex-VII

(18)

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**

No. 3940 /SE-I,

Dated Peshawar 2\ September, 2015.

To : The Secretary,
Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Peshawar.

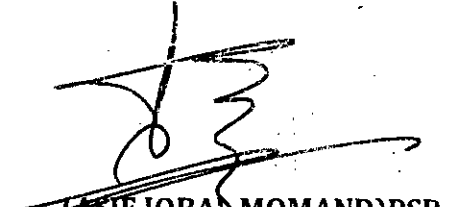
Subject: **UP GRADATION OF THE POST MR. AFTAB AHMED DATA BASE
ADMINISTRATOR**

Memo:

Please refer to telephonic conversation of Section Officer Budget Home & T.As Department with Superintendent Establishment-I CPO dated 21.09.2015 at 1530 hrs.

Mr. Aftab Ahmed Date Base Administrator of Traffic Police has been appointed on the recommendation of Public Service Commission on 10.01.2011. The concerned Section will ascertain the record which will take some time.

Your are, therefore, requested to please fix another date for the meeting so that an Officer of the Police Department alongwith a well conversant office hand produce the record & attend the meeting.


(ASIF IQBAL MOMAND)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

- DIG of Police HQrs: Khyber Pakhtunkhwa Peshawar.
- Director IT Khyber Pakhtunkhwa Peshawar.
- Central Registry CPO Peshawar.

Source App No. 8927/2020

VAKALATNAMA

BEFORE THE SERVICE TRIBUNAL KP

Muhammad Akab

Plaintiff(s)/Appellant(s)
Applicant(s)/Petitioner(s)

VERSUS

Police etc

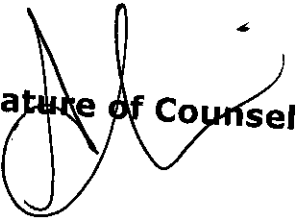
Defendant(s)/Respondent(s)
Accused

FOR Respondent No. 5 (Johar Ali); Respondent No. 8 (M. Ashiq)

I/We, hereby appoint **Mr. Ali Azim Afridi**
(Advocate High Court)

1. To appear, act and plead for me/us in the titled case before the Court/Tribunal in which the same maybe tried or heard, and any other proceedings arising therefrom or ancillary therewith and its stages that I personally could do if this instrument had not been executed.
 2. That fee paid, or agreed to the said Counsel is for this Court alone and no part of the fee is refundable. The Counsel shall be entitled to retain costs payable by the opposite side.
 3. I, we, will make arrangement for attending the Court on every hearing to inform my/our Counsel when the case is called. The Counsel shall in no way be responsible for any loss caused to me/us through my/our failure to inform him.
- AND** hereby agree:-
4. **That** the Counsel shall be entitled to withdraw from the prosecution of the titled case if the whole or any part of the agreed fee remains unpaid.
 5. I/We have read the above terms and conditions and the same have been explained to me/us; and I/We have accepted them in WITNESS WHEREOF; I/We have set my/our hand this ___ day of ___ 20__.

ACCEPTED

Signature of Counsel


Signature of Client



BC-16-6966
Email: - alee_1@live.com
Contact # 0333-9555000

SUMMARY

S#	Description	Mr. Joher Ali	Mr. Muhammad Ashfaq	Mr. Muhammad Aftab
1	Date of Appointment	29-08-1995 as Programmer (BS-17)	01-11-2010 as Data Processing Officer (BS-17)	11-01-2011 as Database Administrator (BS-17)
2	Method of Appointment	Though KP Public Service Commission	Though KP Public Service Commission	The appointment was done through KP Public Service Commission under the proposed service rules in which the post of Database Administrator was reflected in BS-17.
3	Framing of Rules	KP Police Department, IT Wing Rules 2014 (notified on 02-04-2014), The post of Database Administrator (DBA) was reflected in BS-18		
4	Seniority position in seniority list from 2014-18	1 st	2 nd	3 rd
5	Promotion to BS-18	24-9-2014 on regular basis under KP Police IT Wing Rules 2014	02-12-2015 on regular basis under KP Police IT Wing Rules 2014	02-12-2015 on acting charge basis under KP Police IT Wing Rules 2014 (regularized on 06-09-2017)
6	Change of Nomenclature	Police Department moved a letter on 17-08-2015 that posts of same rank and various nomenclature, created before the Notification of the IT rules, be re-designated as per the nomenclature mentioned in the rules. It also included the post of Mr. Muhammad Aftab, DBA, to be re-designated as Assistant Director IT (BPS-17). Other posts of DBA, created after the above rules, are of BPS-18 and were requested to be re-designated as Deputy Director IT (BPS-18).		
7	Upgradation	After the notification of above rules, Mr. Aftab moved an application that as the post of DBA reflected in BPS-18, therefore his post may be upgraded to BPS-18. After a long period of 5 years, Finance Department upgraded the post of Mr. Muhammad Aftab, Database Administrator BS-17 to Database Administrator BS-18 on 28-05-2019 w.e.f April 2014 to December 2015 to cover the bridging period of officer concerned without knowing that either this upgradation will affect the fundamental rights (i.e seniority) of anyone and without the consult of Police Department. The upgradation was made on the recommendation of sub-committee which is not the competent authority as also mentioned in the approval summary. No proper approval was taken from the competent authority i.e Chief Minister KP on the said upgradation.		
8	Pray	This retrospective effect given in the Notification has adversely effected the accrued seniority of Mr. Joher Ali and Muhammad Ashfaq.		

2012 Sum 2971
1991 Sum 1041
2021 Sum 1895
2015 Sum 456

9	Re-Presentation	Mr. Johar Ali and Muhammad Ashfaq submitted an application to Police Department that the impugned notification may be reversed and the post of Mr. Muhammad Aftab not be upgraded with retrospective effect.
10	Reply	The Police Department forwarded the case to Provincial Government through Home Deptt. It was replied that Mr. Aftab can avail the financial benefits of the upgradation but he cannot claim the seniority of the Officers appointed before Mr. Muhammad Aftab under the section 8 of KP Civil Servant Act 1973 and Rule 17 of KP (Appointment, Promotion and Transfer) Rules 1989.
11	Reply	Mr. Muhammad Aftab submitted application to Police department for reconsideration his seniority but Police Department filed that case on the ground of Provincial Government decision and issued seniority list on 27-04-2020 by keeping intact the previous seniority of the offices.
12	Service Tribunal	Mr. Aftab submitted a case against seniority in KP Service Tribunal.