

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Diary No. 5418

Dated 18/5/2023

Service Appeals No. 7588/2021

Mr. Asad Ullah Khan PMS (BS-18) Deputy Secretary Agriculture.....Appellant

VERSUS

Chief Secretary, Khyber Pakhtunkhwa & OthersRespondents

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8 Authority letter

Dated: 11.04.2023


Deponent

CNIC No. 17301-1236590-7
Contact: 0300-9036071

19/5/2023
Peshawar

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No.7588/2021

Asad Ullah Khan PMS (BS-18), Deputy Secretary Agriculture Department
.....(Appellant)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary & others.....Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law and limitation.
5. That this Honourable Tribunal lacks jurisdiction in the matter.
6. That the appellant has suppressed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for mis /non-joinder of necessary parties.

REPLY TO FACTS:

1. **Pertains to record.**
2. **Correct** that the appellant was promoted vide order dated **06.09.2008** to the post of Tehsildar on regular basis.
3. **Correct** that vide order dated **03.03.2009**, within a short span of six months, the appellant was promoted from the post of Tehsildar (BS-16) to the post of PMS (BS-17) on regular basis and his name was reflected at **Serial No.204** in the Tentative Seniority List of PMS (BS-17) officers as stood on **01.02.2010**.
4. **Correct** that under Section 26 of Civil Servant Act, 1973, two Provincial Civil Service Groups/Cadres i.e. (Executive group & Secretariat group), regulated under NWFP Civil Service (EG Rules) 1997 and NWFP Civil Service (SG Rules) 1997, were merged to form a single/unified cadre of PMS officers of the province; for this purpose, Provincial Management Service (PMS) Rules, 2007 were framed and promulgated on **11.05.2007**.

5. **Incorrect as laid.** The answering respondents, in fact, extended the benefit of Hon'ble Tribunal's judgment dated 13.03.2009 and Apex Court's judgment dated 24.05.2012 to PMS Officers like Naimat Ullah, Syed Ismail Ali Shah, Mian Asfandiyar (appellant in Service Appeal No.584/2009) and Rasool Khan because they (the officers) were earlier appointed on Acting Charge Basis as Deputy District Officers (Revenue & Judicial) BS-17 vide notification dated 25.05.2007 (Annex-I) and later on were regularly promoted as PMS (BS-17) on 19.02.2008 (Annex-II). However, being similarly placed persons, they were treated at par with the appellants of the Tribunal judgment dated 13.03.2009, in compliance with the Tribunal's short order dated 09.04.2009 (Annex-III) (a corollary to the said judgment of the Tribunal), passed in a similar nature Service Appeal No.575/2009, filed by Latif Ur Rehman and their promotion was ante dated w.e.f. 26.05.2007 vide notification dated 25.07.2012 (Annex-IV). As regards objection of the appellant that he was similarly placed person with the afore-mentioned officers and was not given ante dated promotion is baseless contention as he was never appointed on Acting Charge Basis as PCS/PMS (BS-17).
6. **Correct to the extent** that PMS Officers like Naimat Ullah, Syed Ismail Ali Shah, Mian Asfandiyar and Rasool Khan were from Tehsildar cadre and were first appointed on Acting Charge Basis as Deputy District Officers (Revenue & Judicial) BS-17 vide notification dated 25.05.2007 and later on, regularly promoted as PMS (BS-17) on 19.02.2008 from Tehsildar (BS-16) to PMS (BS-17) under PMS Rules, 2007. However, by that time the appellant was Niab Tehsildar, and as admitted by him vide "Para-2 of the Facts", he was given promotion to the post of Tehsildar on 06.09.2008. Moreover, within a short span of six months, the appellant was given regular promotion to the post of PMS (BS-17) vide notification dated 03.03.2009, as admitted by the appellant vide "Para-3 of the Facts".
7. Correct to the extent that the appellant filed a time barred Departmental Appeal dated 25.07.2016 requesting therein for extension of the benefits of the said judgments, however, the same was not acceded to in view of the following:-
- i. All the officers whom were given ante dated promotion, from the date of their respective Acting Charge Basis appointment/temporary promotion as PCS (EG) BS-17, in compliance with Hon'ble Tribunal's judgment dated 13.03.2009, Tribunal's short order dated 09.04.2009 and Apex Court's judgment dated 24.05.2012, was mainly due to their earlier Acting Charge Appointment/temporary promotion, whereas the appellant was never appointed on Acting Charge Basis as PCS (EG) BS-17;
 - ii. The Appellant was neither appointed on Acting Charge Basis as PCS/PMS (BS-17) nor was party/appellant in the said judgment of the Hon'ble Tribunal, so how he could have been treated at par with the afore-mentioned officers;

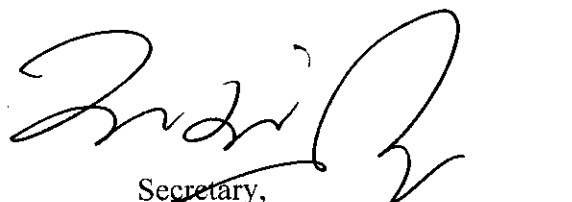
- iii. The appellant was/is not similarly placed person as he was never appointed on Acting Charge Basis as PCS/PMS (BS-17);
 - iv. The instant appeal suffers from a fatal-legal infirmity as nowhere in the whole appeal, the appellant has indicated any date/year or order with effect from which his promotion could be ante dated;
 - v. The benefits of the said judgment were extended only to those officers who were earlier appointed on temporary basis/acting charge basis as PCS/PMS (BS-17);
 - vi. Nowhere in the departmental appeal or in the instant appeal, the appellant indicated that his junior were promoted or the principle of seniority-cum-fitness basis promotion was violated, and
 - vii. The appellant's departmental appeal was barred by law and limitation. However, the answering Respondents were constrained to pass order dated 30.09.2021 on his departmental appeal, filed in 2016, in compliance with the judgment dated 19.09.2017 of the Hon'ble Peshawar High Court.
8. **Correct to the extent** that his departmental appeal dated 25.07.2016, being devoid of any legal merit was regretted/rejected by the competent authority vide order dated 30.09.2021, for the cogent reasons mentioned therein, in compliance with the judgment dated 19.09.2017 (**Annex-V**) of the Hon'ble Peshawar High Court.
9. **Incorrect as laid.** The order dated 30.09.2021, passed on the appellant's departmental appeal was in light of prevailing Acts, Rules and policy. Therefore, the appellant is not entitled for any relief whatsoever and his instant appeal, being devoid of any legal merit, is liable to be dismissed in limine.

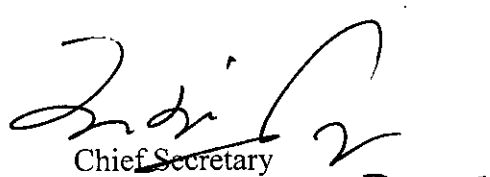
REPLY TO GROUNDS:

- A. **Incorrect as laid.** As already explained in the preceding "Para-5, 6 & 7 of the "Facts".
- B. **Incorrect, misperceived and misinterpreted.** The rest as already explained in the preceding "Para-6 of the "Facts".
- C. **No Comment.**
- D. **Incorrect, misperceived and misinterpreted.** The appellant has been given promotion on his turn upon availability of post in the promotion share of Tehsildar Cadre in PMS (BS-17) and thus the respondents have fulfilled their responsibilities by treating the appellant in accordance with prevailing law and rules.
- E. **Incorrect as laid.** Every case has got its own peculiar facts and circumstances: consequences of a specific case cannot be generalized to all other cases. The rest as already explained in the preceding paras of the "Facts".

Prayer:

In view of the above submissions, it is, therefore, most humbly prayed that the instant appeal has no substance and bereft of any legal merit, may very graciously be dismissed with cost.


Secretary,
Establishment Department
Khyber Pakhtunkhwa
(Respondent No. 2)


Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1&3)

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

Service Appeal: 7588/2021

Mr. Asad Ullah Khan PMS (BS-18) Deputy Secretary Agriculture.....**Appellant**

VERSUS

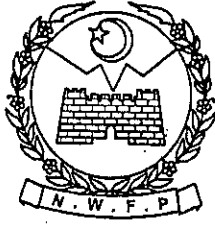
Chief Secretary Khyber Pakhtunkhwa & Others**Respondents**

AFFIDAVIT

I, Riaz Khan, Superintendent (Litigation-III Section) Establishment Department do hereby solemnly affirm and declare that the contents of the accompanying parawise comments is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

DEPONENT

**CNIC No. 17301-6272682-3
Contact: 0315-5737137**



GOVERNMENT OF NWFP ESTABLISHMENT DEPARTMENT

Dated Peshawar the 26.05.2007

NOTIFICATION

NO.SOE-II(ED)2(125)2005:-

The Competent Authority in consultation with the Provincial Selection Board is pleased to appoint the following Tehsildars(BS-16) as Deputy District Officers (Revenue & Judicial) BS-17 on acting charge basis with immediate effect:-

S. No.	Name of Officers
1	Mr. Niamatullah
2	Syed Ismail Ali Shah Gillani
3	Mian Asfandyar
4	Mr. Rasool Khan
5	Mr. Zakir Hussain
6	Mr. Abdus Saeed
7	Mr. Hamesh Gul

21/5/2007

2- Consequent upon their appointment in BPS-17 on acting charge basis, the following postings/transfers are ordered, in the public interest, with immediate effect:-

S. No.	Name of Officer	From	To
1	Mr. Niamatullah	Tehsildar, Bannu	Assistant Coordination Officer, Bannu in his own pay scale.
2	Mian Asfandyar	Deputy District Officer, Revenue, Charsadda.	He will continue as Deputy District Officer, Revenue, Charsadda..
3	Mr. Rasool Khan	APA, Wana, South Waziristan Agency.	He will continue as APA, Wana, South Waziristan Agency.
4	Mr. Zakir Hussain	Deputy District Officer (Judicial), Batagram.	He will continue as Deputy District Officer (Judicial), Batagram.
5	Mr. Abdus Saeed,	Deputy District Officer (Revenue) Kohat.	He will continue as Deputy District Officer (Revenue) Kohat.
6	Mr. Hamesh Gul,	Deputy District Officer (Revenue), Mardan.	He will continue as Deputy District Officer (Revenue), Mardan.

*Attached
Pris*

3- The posting order of Syed Ismail Ali Shah Gillani, Political Tehsildar, Garyum, North Waziristan Agency, on his acting charge appointment in BS-17 will follow.

**CHIEF SECRETARY
NWFP**

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ENDST:NO.SOE-II(ED)2(125)2005

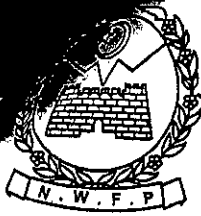
Dated Peshawar the 26.5.2007.

A Copy is forwarded to:-

1. Senior Member, Board of Revenue, NWFP, Peshawar.
2. Secretary to Governor NWFP Peshawar.
3. Principal Secretary to Chief Minister NWFP Peshawar.
4. Accountant General NWFP, Peshawar.
5. District Còordination Officers, Bannu, Charsadda, Batagram, Kohat & Mardan.
6. Political Agents, North Waziristan & South Waziristan Agencies.
7. Agency Accounts Officers, North Waziristan & South Waziristan Agencies.
8. District Accounts Officers, Bannu, Charsadda, Batagram, Kohat & Mardan.
9. SOs(Secret)(Admn)(E-I)/E.O./Librarian, E&A Department.
10. Officers concerned.
11. PS to Chief Secretary, NWFP.
12. PS to Secretary Establishment.
13. PAs to AS(E)/DS(E), Estab: Dept.
14. Office order file.
15. Personal files of the officers concerned.

Attested
By
Govt. Of NWFP

Khalid Ilyas
(KHALID ILYAS)
Section Officer (E-II)



Annex-II 9

**GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the 19th February, 2008

NOTIFICATION:

No: SOE-II(ED)2(192)2007: The Competent Authority, in consultation with the Provincial Selection Board is pleased to order the promotion of the following Tehsildars / temporary EACs, to Provincial Management Service (BS-17) on regular basis with immediate effect:-

Sr. #	NAME OF OFFICER	PRESENT POSTING
1.	Mr. Muhammad Iqbal Marwat	DDO (J) Lakki Marwat
2.	Mr. Riaz Muhammad Balouch	DDO (R) Pahar Pur, D I Khan
3.	Mr. Muhammad Farooq	HRDO, Mansehra
4.	Mr. Ahmad Khan Orakzai	APA, Landi Kotal, Khyber Agency
5.	Mr. Muhammad Iqbal Khattak	APA, Khar, Bajaur Agency
6.	Mr. Muhammad Javed	Magistrate, PESCO, Peshawar
7.	Mr. Azam Jan Khalil	Section Officer, LG Dept.
8.	Mr. Ahmed Jan Afridi	Secretary, RTA, Peshawar
9.	Mr. Nazar Gul Mohmand	DDO (R) Peshawar
10.	Mr. Muhammad Hanif	DDO (R) Hangu
11.	Mr. Muhammad Ishaq Mohmand	LAC, NHA
12.	Mr. Tahir Muhammad	LAC, CD&MDD
13.	Mr. Muhammad Rafiq	DDO (J) Abbottabad
14.	Mr. Musharaf Gul	DDO (R) Nowshera
15.	Mr. Farzand Ali	APA, FR, Tank
16.	Mr. Rehmatullah Wazir	DDO (R) Mardan
17.	Mr. Qaisar Khan	DDO (R) Rod Kohi, D I Khan
18.	Mr. Azizullah Khan Mehsood	APA, Central Kurrum, Kurrum Agency
19.	Mr. Naeem Anwar	APA, Upper Orakzai, Orakzai Agency
20.	Mr. Loi Khan	DDO (R) D I Khan
21.	Mr. Damsaz Khan	DDO (J) D I Khan
22.	Mr. Habibullah Wazir	DO (R) Tank
23.	Mr. Zafar Ali Khan	DO (R) Lakk Marwati
24.	Mr. Gul Wahid	DO (R) Dir, Lower
25.	Mr. Akbar Jalal	DO (R) Chitral
26.	Mr. Khaista Rehman	Assistant Political Officer, South Waziristan Agency.
27.	Mr. Shams-ul-Alam	DDO (J) Upper Dir
28.	Mr. Fazal-ur-Rehman	DO (R) Buner
29.	Mr. Latif-ur-Rehman	APA, Razmak, N.W. Agency
30.	Mr. Muhammad Jamil	APA, Nawagai, Bajaur Agency
31.	Mr. Khurshid Anwar	DDO (R) Dargai, Malakand Agency
32.	Mr. Perhezgar Khan	DO (R) Swat

33.	Mr. Mushtaq Ahmed	2	
34.	Mr. Niamatullah		APA, Bezai, Mohmand Agency
35.	Mr. Momin Khan		ACO, Bannu
36.	Syed Ismail Ali Shah		DDO (R) Batkhella, Malakand Agency
37.	Mr. Ahmed Khan		Magistrate, Pak Railways, Peshawar
38.	Mr. Jan Muhammad		APA, Lower Orakzai, Orakzai Agency
39.	Mr. Saeed-ur-Rehman		APA, FR, D I Khan
40.	Mr. Muhammad Israr		DO (R) Batagram
41.	Mr. Arshad Naveed		LAC, Provincial Housing Authority
42.	Mr. Said Ahmed Jan		Section Officer, Leave Reserve, Establishment Dept.
43.	Mr. Abdul Hamid Jan		APA, Ghalanai, Muhmand Agency
44.	Mr. Muhammad Tuhab		APA, FR, Bannu
45.	Mr. Sultanat Khan		DDO (J), Nowshera
46.	Mr. Subhanullah		DDO (R) Matta, Swat
47.	Mr. Muhammad Sadiq		DO (R) Nowshera
48.	Mr. Fakhr-uz-zaman		DDO (J) Lahore, Swabi
49.	Mr. Ibadat Khan		DDO (R) Swabi
50.	Mr. Mian Asfandyar		DDO (R) Poran, Shangla
51.	Mr. Rasool Khan		DO (R) Charsadda
52.	Mr. Fida Muhammad		APA, Jamrud, Khyber Agency
53.	Mr. Dost Muhammad		APA, Upper, Kurrum, Kurrum Agency
54.	Mr. Muhammad Pervesh		Magistrate, Cantt Board Peshawar
55.	Mr. Muntazir Khan		DDO (J) Swat
56.	Mr. Atta-ur-Rehman		LAC, SNGPL
57.	Mr. Shahab Hamid Yousafzai		APA, FR, Peshawar
58.	Mr. Ihsanullah		DDO (R), Abbottabad
59.	Mr. Ghulam Habib		APA, FR, Lakki
60.	Mr. Naeemullah Jan		APA, Bara, Khyber Agency
61.	Mr. Muhammad Naeem		Political Tehsildar, Upper Mohmand
62.	Mr. Tasleem Khan		DDO (R) Mansehra
63.	Mr. Muhammad Iqbal		APO, Miranshah, N.W. Agency
64.	Mr. Riaz Hussain		DO (R) Haripur
65.	Mr. Muhammad Shoaib		DO (R) Abbottabad
66.	Mr. Amir Akbar Khan		DDO (R) Buner
67.	Mr. Abdul Saeed Khattak		DO (R) Shangla
68.	Mr. Hamesh Gul		DDO (R) Kohat
			DDO (R) Mardan

2- On their promotion the above officers will be on probation for a period of one year in terms of section-6(2) of NWFP Civil Servants Act 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. They shall continue working against their present postings except Mr. Naeemullah Jan, at serial No.#60 whose posting order will be issued later on.

ENDST:NO: SOE-II(ED)2(192)2007

Dated Peshawar the 19th February, 2008

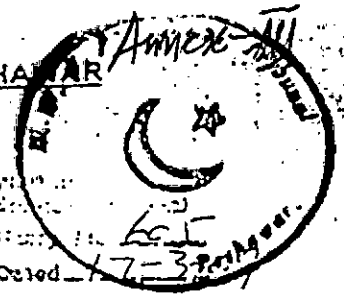
A copy is forwarded to :-

1. Senior Member Board of Revenue, NWFP.
2. Secretary to Governor, NWFP.
3. Secretary (Admn & Coord) Civil Secretariat FATA.
4. Principal Secretary to Chief Minister, NWFP.
5. Secretary to Govt of NWFP, LGE & RD Department.
6. All DCOs in NWFP.
7. All Political Agents in NWFP.
8. Accountant General, NWFP, Peshawar.
9. All District Accounts Officers / Agency Accounts Officers.
10. Director General, CD & MD.
11. Director General, Provincial Housing Authority, NWFP, Peshawar.
12. Executive Officer, Cantonment Board Peshawar.
13. General Manager, SNGPL, Peshawar.
14. General Manager, NHA, Islamabad.
15. Assistant Manager, Office of the Chief Executive PESCO, Peshawar.
16. Divisional Superintendent, Pakistan Railways Peshawar.
17. S.O.(Secret)/(Admn)/E-IV/E.O/Programmer/Librarian, E&A Dept.
18. Officers concerned.
19. P.S. to Chief Secretary NWFP.
20. P.S. to Secretary Establishment NWFP.
21. PA to Addl: Secretary (E) / Dy: Secretary (E) Establishment Department.
22. Personal files of the officers concerned.
23. Office Order file.
24. Manager, Govt Printing Press, Peshawar.

Atty Gen
NY

Khalid Ilyas
(KHALID ILYAS) 19.2.08
SECTION OFFICER (E-II)

Establishment
Govt. of NWFP, Peshawar



Service Appeal No. 575 /2009

Latif-ur-Rehman
A.P.A Razmak, NW Agency.....Appellant

VERSUS

1. Govt of NWFP through Secretary Establishment, Civil Secretariat, Peshawar
2. Govt of NWFP through Chief Secretary, NWFP, Peshawar..... Respondents

Appeal u/s 4 of the NWFP, Service Tribunal Act, 1974 against the impugned Notification No.SOE-II(E&D)2(192)2007 dt. 19.02.2008, whereby the appellant was promoted as Extra-Assistant Commissioner (EAC) on regular basis instead of 27.12.2005 and order dated 06.12.2008 received on 07.03.2009, whereby his departmental appeal was not acceded to.

Counsel for the appellant present. The broad facts and legal issues involved in this case are almost the same as in the cases in Service Appeals No. 612/08 and 613/08. This appeal is also disposed of in limine with the same directions as issued with further directions to the official respondents to ascertain that the appellant of this case is a person similarly placed with the appellants of the mentioned cases and is entitled to the benefits of the judgment in Service Appeal No. 612/08, and

09.04.2009

3. ATTESTED

EXAMINER
NWFP Service Tribunal
Peshawar

Attested by
M.Y.

Q

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Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
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to conduct and decide the cases of all other similarly placed persons in the same manner as was prescribed and indicated vide judgment mentioned above, otherwise the cost of litigation of such similarly placed persons, who may be compelled to enter into litigation with the official respondents, shall be payable by the official respondents officially and the same may be recovered from the pay and pension, as well as person and property of the concerned delinquent officers after ascertaining their fault/default through inquiry.

This order will ^{also} dispose of Service Appeal No. 574/2009 as well as Service Appeals No. 576/2009 to 597/2009 respectively.

ANNOUNCED
09.04.2009

edf -
Chairman
edf -
Member

Attested
My

Section Officer (Lit-III)
Estab & Adm Dept
Govt. Of Bihar Patna

REGISTERED TO THE GOVT. OF BIHAR
GOVT. SERVICE
PATNA

[Signature]



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the July, 25. 2012

NOTIFICATION

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

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

(Signature)
 Govt. of Khyber Pakhtunkhwa

21.	Mr. Naeem Anwar Khan	09.04.2002
22.	Mr. Loi Khan (Retired on 02.11.2010)	14.04.2002
23.	Mr. Damsaz Khan	29.05.2004
24.	Mr. Habibullah Wazir	23.05.2002
25.	Mr. Zafar Ali Khan	29.05.2004
26.	Mr. Gul Wahid (Retired on 13.03.2011)	31.08.2002
27.	Mr. Abdul Mateen	13.11.2002
28.	Mr. Akbar Jalal	04.03.2003
29.	Mr. Khaista Rehman	24.03.2003
30.	Mr. Shams ul Alam	27.12.2005
31.	Mr. Fazal Rehman	29.05.2004
32.	Mr. Latif ur Rehman (died on 25.10.2010)	27.12.2005
33.	Mr. Rashid Mehood	29.05.2004
34.	Mr. Muhammad Jamil	29.05.2004
35.	Mr. Khurshid Anwar	29.05.2004
36.	Mr. Perhezgar Khan	29.05.2004
37.	Mr. Mushtaq Ahmad	29.05.2004
38.	Mr. Naimatullah (Retired on 24.09.2010)	26.05.2007
39.	Mr. Momin Khan (Retired on 14.06.2010)	27.12.2005
40.	Syed Ismail Ali Shah Gillani	26.05.2007
41.	Mr. Ahmad Khan	09.01.2006
42.	Mr Jan Muhammad	01.02.2005
43.	Mr. Saeed ur Rehman	09.01.2006
44.	Mr. Muhammad Israr (Retired on 02.01.2012)	27.12.2005
45.	Mr. Arshad Naveed	26.03.2005
46.	Mr. Hidayatullah	09.01.2006
47.	Mr. Said Ahmad Jan	17.05.2005
48.	Mr. Abdul Hamid Jan	13.01.2006
49.	Mr. Muhammad Tuhab (Retired on 12.06.2012)	27.04.2006
50.	Mr. Sultanat Khan (Retired on 14.08.2010)	13.04.2006
51.	Mr. Subhanullah (Retired on 12.05.2012)	13.04.2006
52.	Mr. Muhammad Siddique	25.05.2006
53.	Mr Fakhru Zaman	11.09.2006
54.	Mr. Ibadat Khan	11.09.2006
55.	Mian Asfandyar	26.05.2007
56.	Mr. Rasool Khan	26.05.2007
57.	Mr Fida Muhammad (Retired on 30.10.2010)	23.12.2006
58.	Mr. Muntazir Khan	23.12.2006
59.	Mr. Atta-ur-Rehman	31.12.2006
60.	Mr. Shahab Hamid Yousafzai	16.02.2007
61.	Mr. Ihsanullah	16.02.2007
62.	Mr. Ghulam Habib	16.02.2007

Accepted
His

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST: NO. & DATE EVEN.

A copy is forwarded to:-

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

IHSAN AFRIDI

Affected
by
 Section Officer (E-II)
 Estab. & Admin Deptt
 Govt. Of Khyber Pakhtunkhwa

(Signature)
 (TABASSUM)
 SECTION OFFICER(E-II)

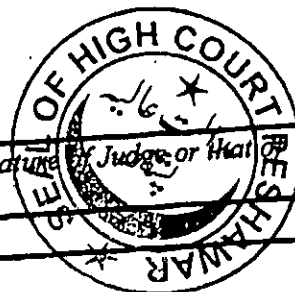
PESHAWAR HIGH COURT PESHAWAR

Annex-V

FORM "A"
FORM OF ORDER SHEET

Court of.....

Case No.....



Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Head of Bench or parties or counsel where necessary
1	2	3
	19.9.2017	<p>WP No. 2041-P/2017.</p> <p>Present:</p> <p>Mr. Amjid Ali Khan, Advocate, for petitioner.</p> <p>*****</p> <p>ROOH-UL-AMIN KHAN, J:- The petitioner was appointed as Naib Tehsildar on 13.7.1998, who was promoted on regular basis to the post of PMS Officer (BPS-17) vide order dated 3.3.2009. the respondent No.1 vide notification dated 25.7.2012 re-designated numerous officers as PCS (E.G) on account of judgment dated 24.5.2012 rendered by the Honourable Supreme Court of Pakistan, but the petitioner being similarly placed was ignored. Hence this petition.</p>

EXAMINER
Peshawar High Court

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Secretary
Govt. Of Punjab
Lahore

2. The petitioner seeks issuance of directions to the respondents for extending the benefit of the judgment dated 11.3.2009 rendered by the Khyber Pakhtunkhwa Services Tribunal, whereby some of the colleagues were promoted to the post of PCS (E.G) (BPS-17), which was subsequently upheld by the august Supreme Court of Pakistan vide judgment dated 24.5.2012.

3. Learned counsel for petitioner when confronted with the proposition as to whether a writ can be issued for the grant of promotion to the petitioner, particularly, when it falls in terms and conditions of service, he candidly conceded however, requested that the petitioner has filed departmental appeal before the respondent No.1 which is yet to be decided, hence the respondents be directed to decide the same enabling the petitioner for approaching the proper forum.

4. Undoubtedly, the case of petitioner falls in terms and conditions of service, wherein jurisdiction of this Court is excluded under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, it is, therefore, we are not going to proceed with the case further and dismiss the same as not maintainable. However, so far the request of counsel for petitioner

ATTESTED
 EXAMINER
 Peshawar High Court
 29 SEP 2017

Attested
M. J.

Section Officer (Lit-III)
 Estab & Adm Deptt
 Govt. Of Khyber Pakhtunkhwa

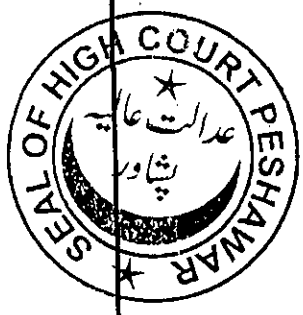
Lockheed

regarding decision of the departmental appeal filed by the petitioner is concerned, it is expected that the worthy Appellate Authority shall decided the same as early as possible in accordance with law and rules through a speaking order, but not later-than one month from today.

Order accordingly.

Announced on;
19th of September, 2017

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CREATED TO BE TRUE COPY
Examiner
Peshawar High Court, Peshawar
Authorized Under Article 67 of
The Sanction & Remuneration Order 1962
29 SEP 2017

6889
Date of Presentation of Application 19/9/17
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Urgent Fee
Total 20/-
Date of Preparation of Copy 28/9/17
Date Given For Delivery 28/9/17
Date of Delivery of Copy 28/9/17

Signature
Sd/- (Type Lit-III)
Establish & Admin Deptt
Govt. Of Khyber Pakhtunkhwa

Zarshad

(DB)

Justice Rooh-Ul-Amin Khan & Justice Muhammad Ghazanfar Khan



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(JUDICIAL WING)

AUTHORITY LETTER

Mr. Riaz Khan, Superintendent (BS-17), Litigation-III Section, Establishment Department is hereby authorized to submit and attend the Khyber Pakhtunkhwa Service Tribunal in connection with all cases of Establishment Department on the behalf of the Secretary, Establishment Department.

SECRETARY,
ESTABLISHMENT DEPARTEMENT.