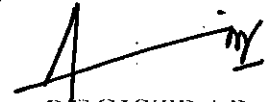


FORM OF ORDER SHEET

Court of _____

Appeal No. 1150/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/05/2023	<p>The appeal of Mr. Sher Afzal resubmitted today by Mr. Amin Ur Rehamn Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on-</p> <p>_____</p> <p>By the order of Chairman  For REGISTRAR.</p>

The appeal of Mr. Sher Afzal Senior Planning Officer Social Welfare Department received today i.e on 17.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Memorandum of appeal is not signed by the appellant.

No. 1435 /S.T.

Dt. 18/5 /2023.

A M

For REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amin ur Rehman yousafzai Adv.
High Court Peshawar.

Res Sir,

objection raised by the competent authority is removed from this appeal. So the appeal may be fixed before first available bench.

Amin ur Rehman

Resubmitted

19/5/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1150 of 2023
(Appeal for Promotion/Upgradation)

Sher Afzal, Senior Planning Officer (BPS-18) Appellant

V E R S U S

Government of Khyber Pakhtunkhwa & 2 others Respondents

I N D E X

S. #.	Description of Documents	Annex	Pages
1.	Grounds with memo of appeal		1-4
2.	Affidavit		5
3.	Addresses of the parties		6
4.	Recent Salary slip (March 2023)	A	7
5.	Judgments dated: 17.06.2010, 04.10.2011 & 23.02.2012 of the Hon'ble Peshawar High Court, Peshawar	B	8-17
6.	Judgments dated: 28.03.2013 & 15.09.2014 of the Hon'ble Supreme Court of Pakistan	C	18-25
7.	Notification dated: 26.05.2021 with better copy	D	26-27
8.	Notification dated: 13.06.2016 alongwith rules	E	28-32
9.	Notification dated: 08.01.2019	F	33
10.	Judgment dated: 05.12.2019 of the Hon'ble Peshawar High Court, Peshawar with memo of Writ Petition No.3722-P/2016	G	34-36
11.	Notification dated: 22.03.2019	H	37
12.	Seniority list	I	38-46
13.	Notification dated: 24.01.2019	J	47
14.	Departmental Appeal dated: 07.02.2023	K	48-49
15.	Wakalatnama		50

APPELLANT
Through

Amin ur Rehman Yusufzai

Khalid Khan Mohammad

&

Muaz Ashraf Khalil

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar

Cell No.0321-9022964 & 0342-9101124

EMAIL: aryusufzai@gmail.com

Dated: 10.05.2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

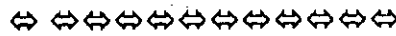
Service Appeal No. 1150 of 2023
(Appeal for Promotion/Upgradation)

SHER AFZAL S/O HAZRAT KHAN
Senior Planning Officer (BPS-18)
Social Welfare Department,
Benevolent Fund Building, Peshawar Cantt:

Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Social Welfare Department, Benevolent Fund Building, Peshawar Cantt: **Respondents**



SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 READ WITH ALL PROVISIONS OF LAW/RULES, GOVERNING THE SUBJECT, AGAINST INACTIONS OF THE RESPONDENT DEPARTMENT BY WAY OF USING DELAYING TACTICS TO GRANT ONE TIME UPGRADATION ON THE BASIS OF LENGTH OF SERVICE OR TO PROMOTE APPELLANT TO THE NEXT HIGHER RANK I.e. BPS-19, IN ACCORDANCE WITH LAW/RULES GOVERNING THE SUBJECT.

Prayer-in-Appeal:

On acceptance of instant Service Appeal, appropriate directions may be issued to the concerned quarters to either upgrade existing post of appellant OR promote him to the next higher rank i.e. BPS-19, against the substantive vacant position and, in case appellant reached to the age of superannuation, during pendency of the titled appeal, he may be granted proforma promotion-cum-upgradation, from the date of eligibility, with all consequential benefits.

Respectfully Sheweth:

1. That Appellant did M.Sc. (Botany), from the University of Peshawar, in the year 1986.
2. That Appellant, being qualified, was appointed as Executive Officer (Finance & Planning) in BPS-18, by the Competent Authority, in due course of law, against the sanctioned post in the erstwhile FATA, vide Office Order No.GS/E/100-19/3345-57, dated: 01.12.2004 and presently posted as Senior Planning Officer (BS-18), Social Welfare Department Peshawar and having more than 19 years **spotless career** at his credit.
(Copy of Recent Salary slip (March 2023) is attached as Annexure "A")
3. That services of Appellant, alongwith others, were unilaterally dispensed with by the then Competent Authority/ACS, erstwhile FATA, vide Notification No.CS/E/100-19 (Officers)/ 5169-79, dated: 14.06.2007.

4. That Appellant, alongwith others, approached the Hon'ble Peshawar High Court, Peshawar through numerous Writ Petitions, for re-instatement & regularization in service, which were allowed, vide consolidated Judgments dated: 17.06.2010 & 04.10.2011, while Review Petition of the Government of Khyber Pakhtunkhwa was dismissed, vide Judgment dated: 23.02.2012.
(Copies Judgments dated: 17.06.2010, 04.10.2011 & 23.02.2012 of the Hon'ble Peshawar High Court, Peshawar are attached as Annexure "B")

5. That Appellant, alongwith others, was re-instated in service, vide order dated: 05.04.2012, in compliance of Judgment dated: 17.06.2010 supra of the Hon'ble Peshawar High Court, Peshawar, subject to final decision of the apex Court of Pakistan in CPLA No.437-P to 450-P of 2010. Needless to add that the Hon'ble Supreme Court of Pakistan dismissed CPLA of the Government of Khyber Pakhtunkhwa, vide Judgment dated: 28.03.2013 and subsequent Review Petition, vide Judgment dated: 15.09.2014. It is worth to mention that the Competent Authority, in continuation of Administration and Coordination Department Orders dated: 27.06.2011, 27.09.2011, 05.04.2012, 11.02.2021 & 19.04.2021, revised Notification of regularization of services of the appellant and given effect from 23.07.2005, vide Notification dated: 26.05.2021.
(Copies of Judgments dated: 28.03.2013 & 15.09.2014 of the Hon'ble Supreme Court of Pakistan and Notification dated: 26.05.2021 are Annexures "C & D" respectively)

6. That the Competent Authority/the worthy Governor Khyber Pakhtunkhwa, in consultation with establishment Department, Law Department, Finance Department and P&D Department Khyber Pakhtunkhwa conquered to by the Chief Secretary Khyber Pakhtunkhwa, was pleased to approve the service status of P&D employees of erstwhile FATA Secretariat as separate entity i.e. Provincial Planning Service (PPS) cadre, and approved the Service Rules/ Service Structure of P&D Department Khyber Pakhtunkhwa for the employees of P&D Department of erstwhile FATA Secretariat, vide Notification No.FS/E/100-37(P&D)/ 9148-53, dated: 13.06.2016.
(Copy of Notification dated: 13.06.2016 alongwith rules is attached as Annexure "E")

7. That, in the wake of 25th Constitution (Amendment) Act, 2018, FATA was merged in the province of Khyber Pakhtunkhwa, resultantly FATA Secretariat Departments & Directorates were shifted and placed under the Administrative Supervision/Control of the Government of Khyber Pakhtunkhwa, therefore, P&D Department of erstwhile FATA was also shifted and merged in P&D Department Khyber Pakhtunkhwa, vide Notification dated: 08.01.2019. Needless to add that P&D Department merged areas (erstwhile FATA) was also placed under the administrative control of P&D Department Khyber Pakhtunkhwa and Secretary P&D Department merged areas (erstwhile FATA) was directed to report to the Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
(Copy of Notification dated: 08.01.2019 is attached as Annexure "F")

8. That appellant, alongwith other colleagues, approached the Hon'ble Peshawar High Court, Peshawar through Writ Petition No.3722-P of 2016, prior to enactment of Act No.XXXVII of 2018, for promotion in accordance with length of service-cum-eligibility-cum-fitness/seniority, which was disposed of, after merger of the erstwhile FATA in the province of Khyber Pakhtunkhwa, vide Judgment dated: 05.12.2019, with the following directions:

"As per order mentioned above, the learned AAG has stated that the Petitioners would be accommodated in the Finance Department though at that time the learned counsel for the Petitioners had objected to this suggestion but today in Court he expressed his willingness to the statement of learned AAG made before the Court, the later undertakes to abide by the commitment so made".

(Copy of Judgment dated: 05.12.2019 of the Hon'ble Peshawar High Court, Peshawar alongwith memo of Writ Petition No.3722-P/2016 is attached as Annexure "G")

9. That the Competent Authority, in compliance of Judgment dated: 05.12.2019 supra of the Hon'ble Peshawar High Court, Peshawar, included name of appellant, alongwith others, in the schedule of Provincial Planning Service (PPS) cadre in BPS-18, vide Notification No.SO(E)P&D/19-37/PPS/2018, dated: 22.03.2019.
(Copy of Notification dated: 22.03.2019 is attached as Annexure "H")
10. That Planning & Development Department Khyber Pakhtunkhwa issued tentative seniority list of BPS-18 Officers on 20.02.2020, despite knowing the fact that F&P Officers of erstwhile FATA were senior amongst all officers in BPS-18, placed appellant at Serial No.30, eventually, he submitted objection petition and, after delay of more than a year, Notification dated: 23.10.2020 was issued, resultantly he was placed at Serial No.1, without rectification of his date of first entry into Government Service and subsequent regularization, which resulted into yet another objection petition, which was finally considered and seniority list was issued on 28.04.2022, wherein he has been placed on top of the seniority list.
(Copy of seniority list is attached as Annexure "I")
11. That, admittedly, appellant joined Government Service in BPS-18 as Executive Officer and was subsequently regularized in service w.e.f. 23.07.2005 and performing duties with zeal/devotion and utmost satisfaction of the superiors, however, always discriminated in service, not only because he has not been benefited from length of service for onward promotion to BPS-19 and compelled to perform duties in BPS-18, but also because much juniors than him were promoted to BPS-19, 20 & even 21 but he has deliberately been deprived of such right of promotion without just cause and reason, which is against the mandate of Articles 4, 10-A, 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973.
12. That consequent upon merger of erstwhile FATA in the province of Khyber Pakhtunkhwa through Act No. XXXVII of 2018 dated: 05.06.2018, Services of Appellant, alongwith others, have **ex post facto** been transferred / merged in P&D Department of Khyber Pakhtunkhwa, however, Notification to this effect was deliberately delayed and, in the intervening period, officers in BPS-18 of P&D Department Khyber Pakhtunkhwa were promoted to BPS-19, vide Notification No.SO(ESTT)P&D/001/078/PSB/2019, dated: 24.01.2019, eventually deprived appellant from right of promotion, which has caused grave miscarriage of justice.
(Copy of Notification dated: 24.01.2019 is attached as Annexure "J")
13. That appellant has legal vested right to be promoted to the next higher rank in accordance with length of service i.e. 19 years in the same scale, coupled with seniority-cum-fitness, moreover he has been deprived from right of promotion to the next higher rank, in violation of law/rules governing the subject, hence indulgence of this Hon'ble Tribunal is solicited for smooth administration of justice.
14. That appellant has neither been treated in accordance with law nor he has been extended equal protection of law, rather has ruthlessly been discriminated in service.

(4)

15. That the Competent Authority, while considering peculiar facts/circumstances of the case of appellant, prepared working paper and recommended him for promotion to BPS-19, against substantive vacant post and submitted the same to Establishment Department Khyber Pakhtunkhwa to convene meeting of Provincial Selection Board for doing the needful, however to no avail so far, although more than three years' time has been elapsed but grievance of the appellant has not so far been redressed, which is detrimental to more than 19 years spotless career of appellant, hence proprietary demands to promote him accordingly, prior to the date of his superannuation i.e. 04.06.2023 or, in alternate, if he reached to the age of superannuation during pendency of the titled appeal, case of appellant may be treated for proforma promotion to the next higher rank of BPS-19 with all consequential benefits.
16. That appellant approached, time and again to the Respondent Department and lastly through departmental appeal dated: 07.02.2023, but all his cries fell on deaf ear.
(Copy of departmental appeal dated: 07.02.2023 is attached as Annexure "K")
17. That any other ground, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant Service Appeal, appropriate directions may be issued to the concerned quarters to either upgrade existing post of appellant OR promote him to the next higher rank i.e. BPS-19, against the substantive vacant position and, in case appellant reached to the age of superannuation, during pendency of the titled appeal, he may be granted proforma promotion-cum-upgradation, from the date of eligibility, with all consequential benefits.

Any other relief, not specifically prayed for and deemed appropriate to this Hon'ble Tribunal in circumstances of the case may also be granted to the appellant.

Appellant
Through

Amin ur Rehman Yusufzai

Khalid Khan Mohmand

Muaz Ashraf Khalil

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar
Cell No.0321-9022964 & 0342-9101124

Dated: 10.05.2023

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2023
(Appeal for Promotion/Upgradation)

Sher Afzal, Senior Planning Officer (BPS-18)Appellant

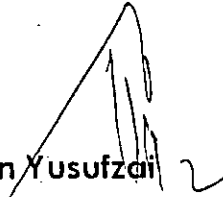
VERSUS

Government of Khyber Pakhtunkhwa & 2 others Respondents

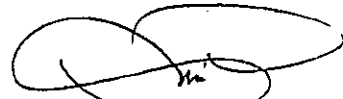
AFFIDAVIT

I, Sher Afzal S/O Hazrat Khan, Senior Planning Officer (BPS-18) Social Welfare Department, Benevolent Fund Building, Peshawar Cantt., do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Identify by:

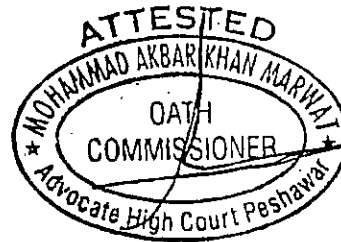


Amin ur Rehman Yusufzai
Advocate, Peshawar



DEPONENT

CNIC: 17301-0864017-5
Cell: 0300-9084255



12-05-23

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2023
(Appeal for Promotion/Upgradation)

Sher Afzal, Senior Planning Officer (BPS-18)Appellant

V E R S U S

Government of Khyber Pakhtunkhwa & 2 others Respondents

ADDRESSES OF PARTIES

A P P E L L A N T:

SHER AFZAL S/O HAZRAT KHAN
Senior Planning Officer (BPS-18)
Social Welfare Department,
Benevolent Fund Building, Peshawar Cantt:

R E S P O N D E N T S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Social Welfare Department, Benevolent Fund Building, Peshawar Cantt:

Appellant
Through

Amin ur Rehman Yusufzai

Khalid Khan Mohmand

&

Muaz Ashraf Khalil

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar
Cell No.0321-9022964 & 0342-9101124

Dated: 10.05.2023

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (March-2023)

Amended "A"



Personal Information of Mr SHER AFZAL W/W/s of HAZRAT KHAN
Personnel Number: 00094986 CNIC: 1730108640175
Date of Birth: 04.06.1963 Entry into Govt. Service: 17.01.1996

NTN:
Length of Service: 27 Years 02 Months 016 Days

Employment Category: Active Permanent

Designation: SENIOR PLANNING OFFICER

80003905-GOVERNMENT OF KHYBER PAKH

DDO Code: PR4357-SECTION OFFICER (G) SOCIAL WELFARE DEPARTMENT PESHAWAR.

Payroll Section: 010

GPF Section: 001

Cash Center:

GPF Act No: IV.PA.MFD.4775 GPF Interest applied

GPF Balance:

1,031,055.00 (provisional)

Vendor Number: 30454807 - SHER AFZAL 1002-8 NBP 230986

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 18

Pay Stage: 20

Wage type		Amount	Wage type		Amount
1001	Basic Pay	142,030.00	0046	Personal Pay(Maxim Grade)	12,780.00
1004	House Rent Allow 45% KP21	13,390.00	1947	Medical Allow 15% (16-22)	4,340.00
2148	Ad 5% Adhoc Relief All-2013	2,125.00	2199	Adhoc Relief Allow (2)10%	1,420.00
2284	Planning Performance Allo	57,525.00	2289	Secretariat Per Allow-30%	40,455.00
2347	Adhoc Rel At 15% 22(PS17)	15,223.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3013	GPF Subscription	-4,471.00	3501	Benevolent Fund	-1,500.00
3609	Income Tax	-30,300.00	4004	R: Benefits & Death Comp:	-1,350.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 368,701.80 Recovered till MAR-2023: 277,804.00 Exempted: 0.55 Recoverable: 90,898.35

Gross Pay (Rs.): 295,550.00 Deductions: (Rs.): -37,621.00 Net Pay: (Rs.): 257,929.00

Payee Name: SHER AFZAL

Account Number: 1002-8

Bank Details: NATIONAL BANK OF PAKISTAN, 230986 CIVIL SECRETARIAT CIVIL SECRETARIAT, PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILLAGE IBRAHIMZAI TEH: AND DISTT: CHARSADDA
City: PESHAWAR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sher.afzalsaheb@gmail.com

ATTENDED
[Signature]

Annex "B"



Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

W.P. No. 917 of 2007

JUDGMENT

Date of hearing: 17-06-2010
Appellant/Petitioner (s) M. Muhammad Masood (Yark) by Qaz-Answer Advocate.

Respondent (s) P. Adell Chief Secretary by Sardar Ali Raza ANS. & Muzamil Khan DAG. & Jehanzeb M. Muhammad Zai IJAZ AFZAL KHAN, C. J. By this single & Shumail

judgment, we propose to decide Writ Petitions *Shumail Adnanul*

Nos. 917, 970, 971, 972, 1002, 1003, 1004, 1005, 1006,

112, 1013, 1072, 1335 of 2007 and 2899 of 2009,

wherein the petitioners have asked for the issuance of an appropriate writ directing the respondents to regularize them in accordance with the requirements of NWFP Civil Servants' (Amendment) Act, 2005 (IX of 2005) adding subsection (2) to section 19 of the Civil Servants Act, 1973.

2. Learned counsel appearing on behalf of the petitioners contended that where the petitioners were appointed on contract against the sanctioned posts and were selected in a prescribed manner, their case clearly and squarely fell within the purview of section 19(2) of the Act, therefore, they are to be regularized at par with those who are

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EXAMINER
Peshawar High Court

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WP3722P2016-ANEX

ATTESTED

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similarly placed and positioned. The learned counsel to support their contentions also placed reliance on the cases of Dr. Rizwanullah and 42 others-Vs-Government of NWFP through Chief Secretary, NWFP, Peshawar and 4 others (2009 PLC (C.S) 389, Miss Shagufta Syed-Vs- Govt. of NWFP through Secretary Zakat, Ushr, Welfare and Women Development Department Peshawar in Writ Petition No.1731/2006 decided on 4.7.2007 and Inayatul Haq etc.-Vs-E.D.O. etc. in Writ Petition 1662/2007 decided on 14.1.2010.

3. As against that, the learned counsel appearing on behalf of the respondents contended that where the law requires that the posts of grade-16 and above are to be filled through Public Service Commission even on contract, the appointments of the petitioners made otherwise cannot be said to have been made in a prescribed manner. The learned DAG by referring to the relevant portion of the order of appointing the petitioners contended that where the petitioners themselves accepted the terms and conditions of their appointments and agreed to be employees on contract, they could not

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WP3722P2016-ANEX

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turn round after a couple of years to say that they be regularized.

7. We have gone through the record carefully and considered the submissions of the learned counsel for the parties.

8. Before we proceed to discuss the case, it is worthwhile to refer to the relevant provision of law which runs as under:-

"19(1)....."

(2) A person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said Act, but appointment on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on a regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servant, except for the purpose of pension or gratuity. Such a civil servant shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund along with the contributions

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WP3722P2016-ANEX

EXAMINER
Peshawar High Court

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[Signature]

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made by Government to his account in the said fund, in the prescribed manner."

Provided

9. A look at the above quoted provision would reveal that if a person is appointed in a prescribed manner to a service or post on or after the 1st day of July, 2001 till the commencement of the Act, 2005 on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on regular basis and he shall be treated as Civil Servant for all intents and purposes except for the purpose of pension or gratuity. Now the question arises whether the case of the petitioners falls within the purview of the provision quoted above. The answer to the question is in the affirmative because it cannot be disputed on the record that they were appointed on contract basis after the crucial date mentioned above against the sanctioned posts and in a prescribed manner.

10. Next comes the question whether the petitioners have been appointed in a prescribed manner, the answer to this question cannot be given

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Handwritten signature/initials

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EXAMINER
Peshawar High Court

WP3722P2016-ANEX

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without referring to section 25 of the Civil Servants Act, 1973 which reads as under:-

"25 Appointment of persons on contract, etc.—The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work-charged basis, or who are paid out of contingencies:
Provided:....."

11. A perusal of section quoted above reveals that the Governor or any other person authorized by him in this behalf can, on such terms and conditions, he may specify in each case, appoint person on contract basis. This is the only provision, which deals with the appointment on contract. The appointment of the petitioner made in conformity with this provision shall be deemed to have been made in a prescribed manner. During the course of arguments, we asked the learned DAG point black whether the contract employees who have been regularized under the Act were also appointed through Public Service Commission and if so, he should cite the case, if any, but he could not cite any. When so, the petitioners are required to be

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EXAMINER
Pashawar High Court

WP3722P2016-ANEX

ATTESTED

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regularized. Quite apart from this, when many other similarly placed and positioned have been regularized under the judgments of this Court rendered in the cases of Dr. Rizwanullah and 42 others-Vs-Government of NWFP through Chief Secretary, NWFP, Peshawar and 4 others (2009 PLC (C.S) 389), Miss Shagufta Syed-Vs- Govt. of NWFP through Secretary Zakat, Ushr, Welfare and Women Development Department Peshawar in Writ Petition No.1731/2006 and Inayatul Haq etc.-Vs-E.D.O. etc. in Writ Petition 1662/2007 (Supra), it would be rather unjust and unfair to deny the same right to the petitioners. We thus allow these writ petitions and direct the respondents to regularize the petitioners.

Dated: 17.6.2010.

sd/ Ejaz Afzal Khan
C.J.
sd/ sardar shaukat Hussain
J

CERTIFIED TO BE TRUE COPY

[Signature]
30/6/2010
Examiner
Peshawar High Court Peshawar
Authorized Under Section 75 Acts Order

17933
Date of Presentation of Application 23/6/10
No of Pages 19-P
Copying Fee 28-5/-
Urgent Fee 22-5/-
Total 50-0/-
Date of Preparation of Copy 30/6/2010
Date of Delivery of Copy 30/6/2010
Received By *[Signature]*

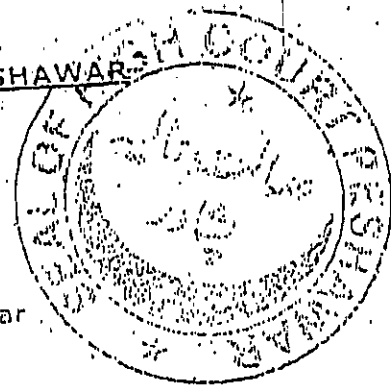
WP3722P2016-ANEX

ATTESTED
[Signature]

IN THE PESHAWAR HIGH COURT, PESHAWAR

14

Writ Petition No. 717 of 2007



Muhammad Masood Afridi S/O Malik Gul Bahadar
Presently posted as Budget & Accounts Officer
Ground Water Hydrogeology Division
Governor's Secretariat (FATA), re-designated as Civil Secretariat
(FATA), Peshawar (Petitioner)

Versus

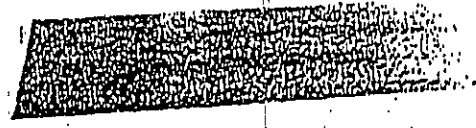
1. Additional Chief Secretary FATA Head of Civil Secretariat
FATA Civil Secretariat (FATA), Warsak Road, Peshawar.
2. Secretary Admin. and Co-ordination Department (Head
of Administration & Co-ordination Department) FATA,
Warsak Road, Peshawar.
3. Deputy Secretary Admn. (FATA) Civil Secretariat FATA,
Warsak Road, Peshawar.
4. Secretary Finance Civil Secretariat (FATA) N.W.F.P.
Peshawar.
5. Secretary Planning & Development, Civil Secretariat
(FATA) Warsak Road, Peshawar.
6. Government of N.W.F.P. through Chief Secretary, Civil
Secretariat, Peshawar.
7. Federation of Pakistan through Secretary States and
Frontier Regions Division, Civil Secretariat, Islamabad
8. Secretary Finance, Finance Division, Islamabad.
9. Accountant General Pakistan Revenue, Fort Road,
Peshawar (Respondents)

=====
PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.
=====

Amir
24 MAY 2007

Yog
30.06.2007

ATTESTED
EXAMINER
Peshawar High Court



WP3722P2016-ANEX

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15

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
4.10.2011	<p>W.P. NO.1999/2011. Present: Mr. Ijaz Anwar, Advocate for the petitioner.</p> <p><u>YAHYA AFRIDI, J.</u> - The petitioner seeks his regularization through the instant petition. It was brought to the notice of this court that in W.P. No.917/2007 decided on 17.6.2010 this court has in case titled "Muhammad Masood Afridi Vs. Addl. Chief Secretary" granted similar relief to 14 other employees of the respondent/department.</p> <p>2. There is no cavil to the proposition advanced by the learned counsel for the petitioner. There can be no discrimination between similarly placed persons, as this is the command of Article 25 of Constitution. Moreover, right in rem once declared by a competent Court of law, has to be applied to all irrespective of whether they are parties to the 'lis' or otherwise. Reliance may be placed on</p>

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the Full Court judgment of Honourable
Supreme Court of Pakistan in "Government
of Punjab vs Samina Parveen" (2009 SCMR
1), (Hamid Akhtar Niaza vs Secretary
Establishment Division" (1996 SCMR 1158)
and "Tara Chand vs. KWSB" (2005 SCMR 199).

Accordingly we direct the
respondents to consider the representation
of the petitioner dated 5.8.2010 and if
the petitioner is found similarly placed
to those who have already been granted
regularization in pursuance of the
judgment of this court, the relief be also
extended to the petitioner. In case the
petitioner does not qualify, then he be
informed in writing stating reasons why
the said relief has been denied to him.

The needful be done by respondent
No.1 within a period of 30 days, if not
earlier, from the date of receipt of this
judgment. The present petition is disposed
of in the above terms.

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JUDGE

JUDGE

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JUDGE

Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

Reg. No. A.L.P. No. 1/01 of 2011
Date of hearing 23.02.2012

JUDGMENT

Appellant/Petitioner (s) Genl. Secy. (Gen. Secy. F.A.A.) by Mehmood Alam Khan
Respondent (s) Motion

AZMATULLAH MALIK J. No error

muchless patent on the face of the impugned judgment has been pointed out so as to justify its review.

2. For the reasons discussed above, this petition being without substance is dismissed.

However, the order dated 4.10.2011 directing the respondents to consider the representation of the respondent in his regularization shall remain intact.

Dated: 20.2.2012

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JUDGE

[Signature]
JUDGE

[Handwritten notes and signatures]

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ATTORNEY

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
Mr. Justice Jawwad S. Khawaja
Mr. Justice Khilji Arif Hussain

Civil Petitions Nos. 437-P to 450-P of 2010
(Against the judgment dated 17.6.2010 of the Peshawar
High Court, Peshawar passed in Writ Petitions Nos. 977,
978, 971, 972, 1002, 1003, 1004, 1005, 1006, 1012, 1013, 1072,
1535 of 2007 and Writ Petition No. 2899 of 2009)

The Additional Chief Secretary FATA and others ... Petitioners in all cases
Versus

Muhammad Masud Afrid and others
Mohib ur Rehman
Muhammad Hamid
Israr Ahmed
Muhammad Rehman
Saïda Asghar
Farid Ullah
Najeeb Ullah
Qaiser Muneer
Hadi Hussain
Faqir Muhammad
Miftah Ullah
Anwar Ali

(Respondent in CP-437-P/2010)
(Respondent in CP-438-P/2010)
(Respondent in CP-439-P/2010)
(Respondent in CP-440-P/2010)
(Respondent in CP-441-P/2010)
(Respondent in CP-442-P/2010)
(Respondent in CP-443-P/2010)
(Respondent in CP-444-P/2010)
(Respondent in CP-445-P/2010)
(Respondent in CP-446-P/2010)
(Respondent in CP-447-P/2010)
(Respondent in CP-448-P/2010)
(Respondent in CP-449-P/2010)

For the Petitioner(s):

Mr. Abdul Latif Yousafzai, Sr. ASC

For Respondent No.1:

Mr. Ijaz Anwar, ASC

For Respondents Nos. 2-4:

N.R.

Date of Hearing:

28.03.2013

ORDER

Jawwad S. Khawaja, J.: The petitioner namely the Additional Chief Secretary FATA impugns the judgment of the High Court dated 17.6.2010. We have heard learned counsel for both sides and have also gone through the record and the law including the North-West Frontier Province Civil Servants (Amendment) Act, 2005. The relevant part of the said statute is contained in Section 19(2) thereof. For ease of reference, the same is reproduced as under:-

"(2) A person though selected for appointment in the prescribed manner in a service or post on or after the 1st day of July, 2001, till the commencement of the said Act, but appointed on contract basis, shall, with effect from the commencement of the said Act, be deemed to have been appointed on regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servant, except for the purpose of pension or gratuity. Such a civil servant shall, in lieu of pension and gratuity, be entitled to such other benefits as may be provided by law towards

Supreme Court of Pakistan
General Counsel

WP3722P2016-ANEX

ATTACHED

18

Annex C

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Mr. Justice Jawad S Khawaja

Mr. Justice Khilji Arif Hussain

Civil Petitions Nos. 437-P to 450-P of 2010.

(Against the judgment dated 17.06.2010 of the Peshawar High Court, Peshawar passed in Writ petitions Nos. 917,970,972,1002,1003,1004,1005,1006,1012,1013,1072,1535 of 2007 and Writ petition No.2899/2009)

The Additional Chief Secretary FATA and others....petitioners in all cases

VERSUS

Muhammad Masud Afridi and others	(Respondent in CP-437-P/2010)
Mohib Ur Rehman	(Respondent in CP-438-P/2010)
Muhammad Hamid	(Respondent in CP-439-P/2010)
Israr Ahmad	(Respondent in CP-440-P/2010)
Muhammad Rehman	(Respondent in CP-441-P/2010)
Saida Asghar	(Respondent in CP-442-P/2010)
Farid Ullah	(Respondent in CP-443-P/2010)
Najeeb Ullah	(Respondent in CP-445-P/2010)
Qaiser Munir	(Respondent in CP-446-P/2010)
Hadi Hussain	(Respondent in CP-447-P/2010)
Faqir Muhammad	(Respondent in CP-448-P/2010)
Miftah Ullah	(Respondent in CP-449-P/2010)
Anwar Ali	(Respondent in CP-449-P/2010)

For the petitioner (s):-

Mr. Abdul Latif Yousafzai, Sr. ASC

For respondent No.1:-

Mr. Ijaz Anwar, ASC

For Respondents Nos, 2-4:-

N/R

Date of hearing:-

28.03.2013

ORDER

Jawwad S. Khawaja, :-The petitioner namely the additional Chief Secretary FATA impugns the judgment of the High Court dated 17.06.2010. we have heard learned counsel for both sides and have also gone through the record and the law including the North West Frontier Province Civil Servant (Amendment) Act, 2005, The Relevant part of the said statute is contained in section 19 (2) thereof for case of reference, the same is reproduced as under:-

" (2) A person through selected for appointment in the prescribed manner to a service of post on or after the 1st day of July, 2001, till the commencement of the said Act, by appointed on contract basis, shall, with effect from the commencement of the said act, be deemed to have been appointed on regular basis. All such person and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said act, shall, for all intents and purposes of civil servant, except for the purpose of pension or gratuity. Such a civil servant shall, in lieu of pension and gratuity be entitled such amount contributed by towards

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WP3722P2016-ANEX

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the Contributory Provident Fund, along with the contribution made by Government to his account in the said Fund, to the prescribed manner".

The petitioner is aggrieved to the extent that the High Court has, while deciding the matter, left some ambiguity in its judgment and it is on account of this that the respondents are claiming regularization in a grade, above the grade in which they were employed on contract. Having gone through the above cited legal provision and the impugned judgment, we are clear that the High Court only allowed the Writ Petition filed by the respondents directing the petitioner to regularize their services in accordance with the above mentioned statute. In this view of the matter, we are of the opinion and make this clarification that the respondents (who were petitioners before the High Court) shall stand regularized in the same grade in which they had been working on contract basis when their contract periods expired. Learned counsel for the respondents does not object to this finding.

2. He does, however, contend that the respondents were entitled to regularization in accordance with Section 19(2) above w.e.f. the date of commencement of the said statute. The law itself was enacted on 23.7.2005. As such the respondents are declared to be entitled to regularization w.e.f. 23.7.2005. They are also entitled to back benefits for the period they were not paid their emoluments, ending on 27.6.2011 when they were reinstated in service. This is the purport of the law which expressly stipulates that contract employees falling within the ambit of Section 19(2) of the Amended Act shall be deemed to have been appointed on regular basis w.e.f. the commencement of the said Act i.e. 23.7.2005. Since the law itself had, through a legal fiction, made the respondents regular employees w.e.f. 23.7.2005 it follows that the respondents were also entitled to emoluments w.e.f. the said date.

3. Learned counsel for the petitioners states that the respondents have already received benefits for the said period. He, therefore, requests that in this order it may be clarified that respondents will not be entitled to receive emoluments in respect of

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WP3722P2016-ANEX

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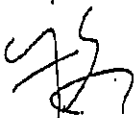
CPs 437-P to 450 of 2010.

The Contributory Provident Fund, along with the contribution made by Government to his account in the said Fund, in the prescribed manner"

The petitioner is aggrieved to the extent date the High Court has : while deciding the matter, left some ambiguity in its judgment and it is on account to this that the respondents are claiming regularization in a grade, above the grade in which they were employed on contract. Having gone through the above cited legal provision and the impugned judgment, we are clear that the High Court only allowed the writ petition filed by respondents directing the petitioner to regularize their services in accordance with the above mentioned statute. In this view of the matter, we are of the opinion and make this clarification that the respondents (who were petitioner before the High Court) shall stand regularized in the same grade in which they had been working on contract basis when their contract periods expired. Learned Counsel for the respondents does not object to this finding.

2. He does, however, contend that the respondents were entitled to regularization in accordance with Section 19(2) above w.e.f the case of the commencement of the said statute. The law itself was enacted on 23.07.2005. as such the respondents are declared to be entitled to regularization w.e.f 23.07.2005, they are also entitled to back benefits for the period they were not paid their emoluments, ending on 27.06.2011 when they were reinstated in service. This is the purport of the law which expressly stipulates that contract employees falling within the ambit of Section 19(2) of the Amended Act shall be deemed to have been appointed on regular basis w.e.f the commencement of the said Act i.e 23.07.2005. since the law itself had, through a legal fiction, made the respondents regular employees w.e.f 23.07.2005 it follows that the respondents were also entitled to emoluments w.e.f the said date.

3. learned counsel for the petitioners states that the respondents have already received benefits for the said period. He therefore, that in this order it may be clarified that respondents will not be entitled to receive emoluments in respect of



WP3722P2016-ANEX

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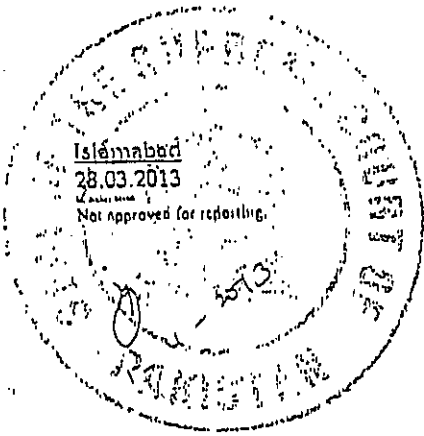
CPs 457-P to 459-P of 2013.doc

the period for which they had already received the same. This is request. A clarification is, therefore, made accordingly.

4. The petitions are disposed of accordingly in the above terms.

Sd/- Jawwad S. Khawaja, J
Sd/- Khilji Arif Hussain, J
C.A. No. 436 of 2013

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17/03/13
Sd/- *[Signature]*
Sd/- *[Signature]*



436/13

Case No. _____
 Date of Presentation _____
 No. of Writs _____
 No. of Petitions _____
 Recitation Fee for _____
 Copy Fee for _____
 Court Fee Stamp _____
 Date of Circulation _____
 Copy: _____
 Date of Order made _____
 Copy: _____
 Composed by _____
 Checked by _____

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17/03/13

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WP3722P2016-ANEX

ATTORNEY

CPs 437-P to 450-P of 2010

The period for which they had already received the same this is request for clarification is, therefore, made accordingly.

4. The petitions are disposed of accordingly in the above terms

YH

ATTORNEY
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IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

Presents
Mr. Justice Jawwad S. Khawaja
Mr. Justice Mushir Alam
Mr. Justice Dost Muhammad Khan

CP Nos. 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

IN
CP Nos. 381 in Civil Petition Nos. 437-P to 450-P of 2014

The Additional Secretary FATA and others ... Petitioner(s)
VERSUS
Muhammad Mansoor Afridi and others ... Respondent(s)

For the applicant(s): Mr. M. Ajmal Khan, ASC/AOR

For the respondent(s): Mr. Ejaz Anwar, ASC
Mr. M. S. Khattak, AOR

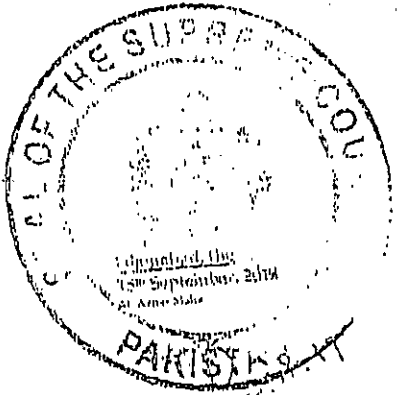
For Govt. of FATA: Ms. Ambreen Abbasi, Addl. AG

Date of Hearing: 15.09.2014

ORDER

Jawwad S. Khawaja, J. We have heard learned counsel for the applicants. These applications are barred by 249 days and no valid reason has been given to justify condonation of delay. In fact it has been stated in para 2 of the application that it is on account of internal meetings and procedures of the government that the filing of these applications was delayed. This can hardly be a ground for condoning delay. Additionally, Mr. Abdul Latif Yousafzai, learned Advocate General while appearing on behalf of the petitioner-government has given a certificate to the effect that these are not cases fit for review. It was Mr. Yousafzai who had appeared in the petitions when the same were dismissed. In view of the foregoing discussion, we find no reason to allow these applications. The same are, therefore, dismissed.

Sd/- Jawwad S. Khawaja, J
Sd/- Mushir Alam, J
Sd/- Dost Muhammad Khan, J



Certified to be True Copy
19/9/14
Superintendent
Supreme Court of Pakistan
Islamabad

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IN THE SUPREME COURT OF PAKISTAN

(Appellate jurisdiction)

35

Present:

Mr. Justice Jawad S Khawaja
Mr. Justice Mushir Alam

Mr. Justice Dost Muhammad Khan

As-133,135,137,139,141,143,145,147,149,151,153,155,157, & 159 of 2014

(for Permission to file CRPs against the judgment of this Court dated 28.03.2014 passed in CP.437-P/2010)

IN

CRP. Nos Nil In Civil Petition Nos.437-P to 450-P of 2010

The additional secretary FATA and other Petitioners

VERSUS

Muhammad Masood Afridi and others Respondents

For the applicants:

Mr. Muhammad Ajmal Khan, ASC/AOR

For the respondents

Mr. Ejaz Anwar ASC.

Mr. M.S Khattak, AOR

For the Govt of KPK:

Ms. Ambareen Abbasi, Addl, AG

Date of hearing:-

15.09.2014

Order

Jawwad S Khawaja,- We have heard learned counsel for the applicants. These applications are barred by 249 days and no valid reason has been given to justify condonation of delay. In fact it has been stated in para 2 of the application that it is on account of internal meetings and procedure of the Government that the filing of these applications was delayed. This can hardly be a ground for condoning delay. Additionally, Mr. Abdul Latif Yousafzai, learned Advocate General while appearing on behalf of the petitioner Government has given a certificate to the effect that these are not cases fit for review. It was Mr. Yousafzai who had appeared in the petitions when the same were dismissed, in view of the foregoing discussion, we find no reason to allow these applications. The same are, therefore, dismissed.

Sd/- Jawwad S. Khawaja J

Sd/- Mushir Alam, J

Sd/- Dost Muhammad Khan, J

NOTIFICATION:

11/20/2012
Athena D 96

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- Mr. Safer, Mr. ...
- Mr. Amogor ...
- Mr. Faf ...
- Mr. M ...
- Mr. F ...
- Mr. ...

SECRETARY
PLANNING & DEVELOPMENT
DEPARTMENT

For information only

Copy forwarded to:

1. Secretary to Govt of Kyrgyz Republic
2. Secretary to Govt of Kyrgyz Republic
3. Ministry of General Education
4. A ...
5. R&D Department
6. R&D Department
7. R&D Department
8. Secretary ...
9. ...

SECRETARY
PLANNING & DEVELOPMENT
DEPARTMENT

(Handwritten signature)

NOTIFICATION

No. SO (E) P7D/ PF/ 087/996/2020: In Continuation of Administration and Coordination Department, earstwhile FATA Secretariat Orders No. FS/E/100-19 (Officers) Vol-4/14805-17, dated 27.09.2011 and No. FS/ E/ 100-19 (officers) VOI 3/7688-98 dated 27.06.2011 and No. FS/ E/100-19(Officers) VOI-3/6439-49 dated 05.04.2012 and in pursuance of advise of Establishment Department vide letter No. SOR III (E&AD)5-15/2014 dated 11.02.2021 as well as Law Department advice vide letter No. SO (OP-II) LD/ 5-2/2012-Vol/ IV/ 4595-97 dated 19.04.2021, the competent authority is pleased to revise/ re-notify the regularization of services of the following PPS Officers with effect from 23.07.2005.

- i. Mr. Sher Afzal (PPS BS-18) Senior Planning Officer, Social Welfare Department.
- ii. Mr. Ahmed Nawaz (PS BS-18) Assistant Chief (Agri) P&D Department.
- iii. Mr. Faridullah Planning Officer, Peshawar,
- iv. Muhammad Hamid, Planning Officer, Social Welfare department.
- v. Muhammad Rehman, Planning Officer, Hangu.
- vi. Mr. Miftahullah, Planning Officer, Tribal District, Bajaur.
- vii. Mr. Faqir Muhammad, Planning Officer, Tribal District Mohamand
- viii. R. Israr Ahmad Khan, Planning Officer, Tank.

Secretary
Planning & Development
Department

Endst of even NO & Date

Copy forwarded to the:-

1. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
2. Secretary to Govt of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
4. All Districts Accounts Officer Concerned.
5. PS to Additional Chief Secretary P7D Department.
6. PS to Secretary P &D Department.
7. PS to Special Secretary, P& D Department.
8. Pas to Additional Secretary II/ Chief Economist, P &D Department.
9. Officers Concerned.

Sd/-
Soria Khan
Section Officer (Estt)

ATTACHED

Annex "F"

28



Establishment Section

FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

NOTIFICATION:-

No. PS/E/100-37 (P&D) 9148-53 The competent authority (Governor Khyber Pakhtunkhwa) in consultation with Establishment Department, Law Department, Finance Department and P&D Department Khyber Pakhtunkhwa duly concurred to by Chief Secretary Khyber Pakhtunkhwa has been pleased to approve the Service Status of P&D Employee of FATA Secretariat as "Separate FATA Entity".

2- The Governor has further been pleased to approve the Service Rules/Service Structure of P&D Department Khyber Pakhtunkhwa for the employees of P&D Department FATA Secretariat as appended to this Notification as Annexure-I.

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 13/06/2016

Copy to:-

1. Principal Secretary to Governor Khyber Pakhtunkhwa
2. All Secretaries in FATA Secretariat
3. Additional Accountant General (PR) Sub Office Peshawar
4. PSO to Chief Secretary Khyber Pakhtunkhwa
5. PS to Secretary A, I&C Department FATA Secretariat
6. PS to Additional Chief Secretary FATA Secretariat

Section Officer (Estab)

ATTESTED

WP3722P2016-ANEX

(5)

(28)

APR 2010

Service Rules of Planning & Development Department FATA (Recruitment, Promotion, Transfer and Qualification etc.)

APPENDIX

S. No	Nomenclature of posts	Minimum qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of Recruitment
1	Chief Section (BS-19)	<p>(a) Master's Degree from a recognized University or equivalent qualification in any of the fields namely Economics, Development, Agriculture Sciences, Health, Industrial Economics, Educational Planning and Management, Geography, Sociology Work, Public Administration, Physical Planning, Statistics, Business Administration, Geology, Commerce, Computer Science, Political Science, Environmental Management, Environmental Engineering, Forestry, Fisheries, Wildlife, Range Science, Watershed Management, Ecology, Chemistry, Physics, Botany, Zoology, Mathematics, International Relation, Development Studies; or</p> <p>(b) B.Sc B.E Degree from a recognized University in Civil Engineering of Electrical Engineering of Architecture of Urban and Regional Planning or City and Regional Planning of Town Planning; or</p> <p>(c) MBBS from a recognized Medical Institute/ University, with 12 years experience work and/ or research relating to Development Economics, Public Finance, Project Management or other Fields of Planning and Development or Engineering, Forestry, Fisheries, Agriculture Sciences, Wildlife, Range Science, Watershed Management, Ecology, Agriculture, Chemistry, Bio-Chemistry, Physics, Botany, Zoology or</p> <p>ii. M-Phil or equivalent qualification from a recognized university in any of the subjects mentioned at 1(a) above with seven years experience in the relevant field /subject mentioned at 1(b) above or</p> <p>iii. Ph.D from a recognized University in any of the subjects mentioned at 1(a) above with one year's experience in the relevant field subjects mentioned at 1(b) above.</p>	30-45 years	<p>(a) 60 per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Chiefs/ Agency Planning Officers with 10 years service as such; and</p> <p>(b) 20 per cent by transfer.</p> <p>(c) 20 per cent by initial recruitment</p>

APPROVED

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Nomenclature of posts	Minimum qualification for appointment by initial recruitment of by transfer.	Age Limit	Method of Recruitment
Assistant Chief/Agency Planning Officer (BS-18)	<p>I. (a) Second Class Master's Degree from recognized University or equivalent qualification in any of the field namely Economics Development, Agriculture, Sciences, Health, Industrial Economic, Educational Planning and Management, Geography, Sociology, Social Work, Public Administration, Physical Planning, Statistics, Business Administration, Geology, Commerce, Computer Science, Political Science, Environmental Management, Environmental Engineering, Forestry, Fisheries, Wildlife, Range Science, Watershed, Management Ecology, Chemistry, Physics, Botany, Zoology, Mathematics, International Relation, Development Studies or</p> <p>Second Class BSc Degree from a recognized University in Civil Engineering or Electrical Engineering or Architecture or Urban and Regional Planning or City and Regional Planning or Town Planning MBBS from a recognized Medical Institute University,</p> <p>(b) with seven years experience of work and or research relating to Development Economics, Public Finance or other Field of Planning and Development or Engineering, Environmental Management, Environmental Engineering, Forestry, Wildlife, Range Science, Physics, Botany, Zoology and Agriculture Science or</p> <p>II. (a) M. Phil or equivalent qualification from a recognized University in any of the subjects mentioned at 1(a) above with.</p> <p>(b) five year's experience in the relevant field / subjects mentioned at 1(b) above or</p> <p>III. Ph. D Second Division from a recognized University in any of the subjects mentioned at 1(a) with two years experience in the relevant field/subject mentioned at 1(b) above.</p>	21-40 years	<p>(a) 80 per cent by promotion on the basis of seniority - cum fitness from amongst Research Officers/planning Officers/Admin Officer and Computer Programmers with five years service in BPS-17 and</p> <p>(b) 20 per cent initial recruitment.</p> <p>(c) By transfer when required.</p>

ATTACHED

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Nomenclature of posts	Minimum qualification for appointment by initial recruitment of by transfer.	Age Limit	Method of Recruitment
<p>Research Officer/Planning Officer/ Technical Officer/Admin Officer/Programmer Officer (BS-17)</p>	<p>1. (a) Second Class Master's Degree from recognized University or equivalent qualification in any of the field namely - Economics Development, Agriculture, Sciences, Health, Industrial Economic, Educational Planning and Management, Geography, Sociology, Social Work, Public Administration, Physical Planning, Statistics, Business Administration, Geology, Commerce, Computer Science, Political Science, Environmental Management, Environmental Engineering, Forestry, Fisheries, Wildlife, Range Science, Watershed, Management Ecology, Chemistry, Physics, Botany, Zoology, Mathematics, International Relation, Development Studies or</p> <p>Second Class BSc Degree from a recognized University in Civil Engineering or Electrical Engineering or Architecture or Urban and Regional Planning or City and Regional Planning or Town Planning MBBS from a recognized Medical Institution University</p> <p>(c) with seven years experience of work and or research relating to Development Economics, Public Finance or other Field of Planning and Development or Engineering, Environmental Management, Environmental Engineering, Forestry, Wildlife, Range Science, Physics, Botany, Zoology and Agriculture Science or</p> <p>II. (a) M. Phil or equivalent qualification from a recognized University in any of the subjects mentioned at 1(a) above with.</p> <p>(c) five year's experience in the relevant field / subjects mentioned at 1(b) above or</p> <p>III. Ph. D Second Division from a recognized University in any of the subjects mentioned at 1(a) with two years experience in the relevant field/subject mentioned at 1(b) above.</p>	21-35 years.	<p>(a) 60 per cent by promotion on the basis of seniority -cum- fitness from amongst Investigator, Assistant Programme Officer, and Progress Officer with 5 year experience in BS-16</p> <p>(b) 20 per cent by transfer</p> <p>(c) 20 per cent by initial recruitment</p>

APPROVED

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Nomenclature of posts	Minimum qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of Recruitment
Computer Operator / Supdt (BS-16)	(i) 2 nd class Master Degree in Computer Science-or equivalent qualification from a recognized University.	21 to 30 Years.	(a) 80 per cent by promotion on the basis of seniority – cum- fitness amongst Data Entry Operator, Assistant, SSS. With 5 years service as such. (b) 20 per cent by initial recruitment and
5. Data Entry Operator / SSS/Assistants (BS-14)	(i) Second Class Bachelor in Computer Science (BCS), or (ii) BA, BSC with one year Diploma in Computer Science from the Board of Technical Education or (iii) (a) FAFSc with Statistics, Economics, Mathematics, Physics as one of the subject with Diploma in Computer Science from the Board of Technical Education with two years experience and (b) A minimum speed of ten thousand key depressions per hour for punching data entry verification.	21 to 30 Years.	By adjustment and promotion on seniority cum fitness amongst the senior clerks with 5 years experience.
6. Senior Clerk (BS-9)	(a) FAFSc with Statistics, Economics, Mathematics, Physics as one of the subject with Diploma in Computer Science from the Board of Technical Education with two years experience and (b) A minimum speed of ten thousand key depressions per hour for punching data entry verification.	21 to 30 Years	By adjustment and promotion on seniority cum fitness amongst the junior clerks with 3 years experience
7. Junior Clerk (BS-7)	(a) Matric with Science with Diploma in Computer Science from the Board of Technical Education with two years experience A minimum speed of 40 words per minutes.	21 to 30 Years	By adjustment and promotion on seniority cum fitness amongst the Daftri with 5 years experience
8. Daftri, (BS-4)	Matric with 2 nd division.	21 to 30 Years	Through promotion from N/Qasid.
9. Naib Qasid (BS-2)	Literate	20 to 25 Years	By initial recruitment

ATTACHED

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar January 8, 2018

Annex "F"

NOTIFICATION

NO. SO(E-I)/E&AD/8-128/2018. In the wake of the 25th Constitutional Amendment in the Constitution of Pakistan 1973, FATA has been merged in Khyber Pakhtunkhwa. Now erstwhile FATA Secretariat Departments and Directorates are to be shifted and placed under the administrative supervision and control of the Khyber Pakhtunkhwa Government Departments to ensure better coordination and seamless transition.

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2. In pursuance of the decision by the Competent Authority in the meeting held on the 31st of December, 2018 that "P&D FATA to cease to exist with all functions shifted to P&D Khyber Pakhtunkhwa" the P&D Department Merged Areas (Erstwhile FATA) is hereby placed under the administrative control of P&D Department Khyber Pakhtunkhwa and Secretary P&D Department Merged Areas (Erstwhile FATA) shall report to the Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.

3. The P&D Department Merged Areas (Erstwhile FATA), comprises of the following:-

A. Regular units of P&D FATA/Merged Areas

- a. P&D Cell.
- b. M&C Cell
- c. Bureau of Statistics
- d. Agency Planning Cell
- e. Agency Finance Cell.

B. Projects of P&D FATA/Merged Areas

- a. M&E Directorate FATA.
- b. Urban Policy & Planning Unit FATA.
- c. Strengthening of P&D
- d. Directorate of Projects.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENCL. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary Merged Areas, Warsak Road, Peshawar
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa
4. Principal Secretary to Governor, Khyber Pakhtunkhwa
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
6. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
7. COS 11 Corps Headquarters, 11 Corps, Peshawar.
8. All Divisional Commissioners in Khyber Pakhtunkhwa
9. Accountant General, Khyber Pakhtunkhwa
10. Accountant General (PR) Sub Office, Peshawar.
11. All Deputy Commissioners in Khyber Pakhtunkhwa,
12. Director General Information, Khyber Pakhtunkhwa
13. PS to Chief Secretary, Khyber Pakhtunkhwa
14. PS to Secretary Establishment/PS to Secretary Administration Departments
15. PS to Special Secretary (E) D.S.(Admn) D.S. (Estt.) SO(Secret)/SO(HRD-I)/SO(E-I)/DD(IT) and ACSO: Cypher E&AD.
16. Manager, Govt. Printing Press Peshawar

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)

ZLA.UL.HAQ

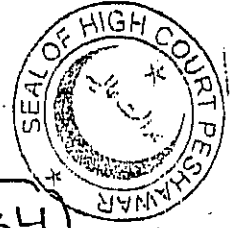
ATTESTED

ATTESTED

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.3722-P of 2016

Muhammad Masood Afridi and others
Versus
Government of Khyber Pakhtunkhwa and others



Date of hearing 05.12.2019

Petitioner (by) Mr. Farooq Arif Khan Advocate

Respondents (by) Mr. Amir Ul Rehman Yousafzai Advocate

JUDGMENT

MUHAMMAD NASIR MAHFOOZ, J.- At the very outset, counsel for the petitioners stated at the Bar that the instant petition may be disposed of in the light of order dated 13.06.2019 passed by this Court. The same is reproduced below:-

“The learned counsel for the petitioner states that eight petitioners have been regularized in P&D Department while fate of the remaining seven is still undecided. The learned A.A.G. on his turn states that they would be accommodated in the Finance Department to which the learned counsel for the petitioners raises his objection with the plea that all the petitioners have all along served in the P&D Department but somehow the remaining seven have been singled out for such discriminatory treatment. The learned A.A.G. is thus directed to take up the matter with the concerned

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EXAMINER
Peshawar High Court

ATTESTED

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authorities and to ensure that a similar treatment is meted out to all the petitioners. Adjourned to a date in office. Meanwhile, the learned A.A.G. may file better statement, if he so desires."

2. As per order mentioned above, the learned A.A.G. had stated that the petitioners would be accommodated in the Finance Department though at that time, the learned counsel for the petitioners had objected to this suggestion but today in Court, he expressed his willingness to the statement of learned A.A.G. made before the Court, the latter undertakes to abide by the commitment so made.

3. In view of the above, the instant petition has served its purpose and thus, is disposed of accordingly.

[Signature]

JUDGE

Announced
05.12.2019

[Signature]

JUDGE

(D.D)
Hon'ble Mr. Justice Muhammad Ibrahim Khan
Hon'ble Mr. Justice Muhammad Nadeem Mahboob
Muradkh, CA

[Signature]
15 NOV 2022

58879

Date of Presentation of Application..... 15-11-22

No of Pages..... 3

Copying fee.....

Total..... 12

Date of Preparation of Affidavit..... 15-11-22

Date of Delivery of Affidavit..... 15-11-22

Received at the *[Signature]*

ATTACHED

36

IN THE PESHAWAR HIGH COURT, PESHAWAR.



W.P No.

3722 P
2016

1. Muhammad Masood Afridi, S.O (Levies & Khasadar) L&O Department, FATA Secretariat, Warsak Road Peshawar.
2. Mohib ur Rehman, Agency Finance Officer, Orakzai Agency.
3. Najeebullah, Agency Finance Officer South Waziristan Agency, FATA Secretariat, Warsak Road Peshawar.
4. Faridullah, Agency Planning Officer Khyber, FATA Secretariat, Warsak Road Peshawar.
5. Sher Afzal Khan DS (Dev) AI&C, F&P, FATA Secretariat, Warsak Road Peshawar
6. Muhammad Hamid, Technical Officer, Khyber, FATA Secretariat, Warsak Road Peshawar.
7. Muhammad Rehman, Agency Planning Officer, Orakzai Agency.
8. Miftahullah, Agency Planning Officer, Kurram Agency.
9. Faqir Muhammad, Agency Planning Officer, NWA.
10. Israr Ahmad Khan, Agency Planning Officer, SWA.
11. Ms. Sadia Asghar, S.O (F-II) Finance, FATA Secretariat, Warsak Road Peshawar.
12. Hadi Hussain, Assistant Agency Finance Officer, Orakzai.
13. Qaisar Munir; Assistant Agency Finance Officer, Khyber.
14. Anwar Ali, Assistant Agency Finance Officer, Kurram.
15. Ahmed Nawaz Assistant Chief (P&D) FATA Secretariat Peshawar.

(Petitioners)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
2. Secretary to Govt of Khyber Pakhtunkhwa Establishment Department Civil Secretariat Peshawar.
3. Additional Chief Secretary, FATA Secretariat, Warsak Road Peshawar.
4. Secretary Ministry of SAFRON, Govt of Pakistan, Pakistan Secretariat, Islamabad.
5. Secretary Cabinet Division Pakistan Secretariat, Islamabad.
6. Secretary Finance Division Govt of Pakistan, Pakistan Secretariat, Islamabad.

(Respondents)

FILED TODAY
Deputy Registrar
30 SEP 2016

WP3722P2016-GROUNDS

ATTESTED
EXAMINED
Deputy Registrar

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Amek H

Dated Peshawar the March 22, 2019.

NOTIFICATION:

NO. SO(E)P&D/19-37/PPS/2018: In pursuance of Order of Peshawar High Court, Peshawar dated 07-11-2018 in writ petition No. 3722-P/2016 titled Muhammad Masood Afridi & Others Versus Government of Khyber Pakhtunkhwa through Chief Secretary & Others and In light of decision of the meeting held on 15.11.2018 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, the Competent Authority is pleased to include the following posts in BS-17 and above of erstwhile Agency Planning Cells, P&D Department, Merged Areas (Tribal Districts) in the schedule of Provincial Planning Service (PPS) Cadre and the Incumbents as Provincial Planning Service Officers in their respective grades, with immediate effect, in the best public interest:-

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Sr. No.	Name	Designation	BS
1.	Mr. Sher Afzal.	Executive Officer, F&P.	BS-18.
2.	Mr. Ahmed Nawaz.	Executive Officer, F&P.	BS-18.
3.	Mr. Faridullah.	Agency Planning Officer	BS-17.
4.	Muhammad Hamid.	-do-	BS-17.
5.	Muhammad Rehman.	-do-	BS-17.
6.	Mr. Miftahullah.	-do-	BS-17.
7.	Mr. Faqir Muhammad	-do-	BS-17.
8.	Mr. Israr Ahmad Khan.	-do-	BS-17.

ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT

Endst: NO. & Date Even.

Copy forwarded to the:-

1. Additional Chief Secretary, Merged Areas Secretariat, Peshawar.
2. Registrar, Peshawar High Court, Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
4. Secretary, P&D Department, Merged Areas Secretariat, Peshawar.
5. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. All Deputy Commissioners concerned of Tribal Districts.
8. All District Account Officers concerned of Tribal Districts.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. Assistant Chief (B&A), P&D Department.
11. Section Officer (General), P&D Department.
12. PS to Additional Chief Secretary, P&D Department.
13. PS to Secretary, P&D Department.
14. PAs to Additional Secretary/ Chief Economist, P&D Department.
15. PA to Deputy Secretary (Admn.), P&D Department.
16. Officers concerned.

Section Officer (Estt.)

ATTESTED

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/3-4/SLs/PPS/2021
Dated Peshawar, April 28, 2022

Annex "I"

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To

1. All concerned Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
2. Executive Director, Urban Policy Unit (UPU), P&D Department.
3. Director General, Sustainable Development Unit (SDU), P&D Department.
4. Director General, M&E, P&D Department.
5. Director General (Projects), P&D Department, Merged Areas.
6. All Senior Chief of Sections/Chief of Sections, P&D Department.

Subject: TENTATIVE SENIORITY LIST OF PROVINCIAL PLANNING SERVICE OFFICERS (PPS BS-18).

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of tentative seniority list of PPS BS-18 Officers alongwith certificate proforma with the request that the same may be circulated amongst the PPS BS-18 Officers working in your respective department/Office.

I am further directed to request you to direct all concerned that the certificate may be returned to this department duly signed, indicating error/omission, if any, for the purpose of rectification, alongwith attested supporting documents within 15 days (upto 13.05.2022) positively. In case of receipt of no response by the due date, it would be presumed that particulars have been accepted as correct.

Yours faithfully,

Encl: As above.

(SONA KHAN) 28/4/2022
Section Officer (Estt:)

Endst: Number & Date even.

Copy forwarded to the:

1. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
2. PS to Secretary, P&D Department.
3. PAs to Additional Secretary-II/Deputy Secretary-II, P&D Department.
4. Incharge, Resource Centre, for uploading the same on the official website of P&D Department.

(SONA KHAN) 28/4/2022
Section Officer (Estt:)

ATTACHED

CERTIFICATE

(39)

Subject: TENTATIVE SENIORITY LIST OF PROVINCIAL PLANNING SERVICE OFFICERS (PPS BS-18).

It is certified that I have gone through my particulars mentioned at Sr. No. _____ of the tentative seniority list of _____ BPS-____ and found them correct, except at the following columns:

S.#	Column No.	Present entry	To be replaced by	Remarks.

The following discrepancies are also brought into the notice:

1. _____
2. _____
3. _____

Note: Additional sheet may be used, if required, please.

Name: _____

BPS: _____


Designation: _____

Date: _____


ATTESTED

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TENTATIVE SENIORITY LIST OF PPS BS-18 OFFICERS.

S #	NAME OF OFFICER WITH ACADEMIC QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE.	DATE OF OFFICIATION	REGULAR APPOINTMENT/PROMOTION TO THE PRESENT POST			REMARKS	
					DATE	BPS	METHOD OF RECRUITMENT/ APPOINTMENT		PRESENT POSTING WITH DATE.
1.	Mr. Sher Afzal, M.Sc.	04.06.1963 Mohmand	23.07.2005		23.07.2005	BS-18	By Initial recruitment	SPO, Social Welfare Department (08.04.2020)	The services of officer were regularized with effect from 23.07.2005. Furthermore, as per advice of Establishment Department, seniorities of Merged Areas employees has been determined from the date of their regular appointment/promotion.
2.	Mr. Ahmad Nawaz, M.B.A.	04.03.1967 Abbottabad	23.07.2005		23.07.2005	BS-18	By Initial recruitment	Assistant Chief (Agri.), P&D Deptt. (13.02.2019)	The services of officer were regularized with effect from 23.07.2005. Furthermore, as per advice of Establishment Department, seniorities of Merged Areas employees has been determined from the date of their regular appointment/promotion.
3.	Mr. Abid Noor, M.Sc. (Civil Engineering).	01.08.1966 Khyber	18.5.2006		18.5.2006	BS-18	By Initial recruitment	Director (Tech), Irrigation Department (01.12.2020).	The services of officer were regularized with effect from 18.05.2006. Furthermore, as per advice of Establishment Department, seniorities of Merged Areas employees has been determined from the date of their regular appointment/promotion.
4.	Mr. Abdul Wajid, M.B.A (Finance), M.Sc (Economics), M.Phil (Finance)	14.04.1981 Mardan	19.08.2016		19.08.2016	BS-18	By Initial recruitment	Chief Planning Officer, Energy & Power Deptt (20.08.2020).	
5.	Mr. Abdul Rehman, M.B.A	10.02.1969 Peshawar	07.03.1990		31.10.2016	BS-18	By promotion	Dy:Secretary-II (Estt. & Admn.) P&D Deptt. (14.01.2020).	As per advice of Establishment Deptt, seniorities of Merged Areas employees has been determined from the

ACCEPTED

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13.	<u>Mr. Asim Riaz Muhammad Ali,</u> MS-Information Technology (IT) BCS Software Engineering.	<u>05.12.1981</u> Peshawar	07.03.2018	27.01.2011	07.03.2018	BS 18	By initial recruitment	Asstt Chief, PSDP, P&D Department. (20.09.2021).
14.	<u>Mr. Hidayat Ullah Khan,</u> M.S (Environmental Engineering)/ BSc. Civil Engineering.	<u>01.10.1970</u> Bannu	07.03.2018	17.02.2011	07.03.2018	BS 18	By initial recruitment	Dy: Director (M&E), Bannu Division. (12.11.2021).
15.	<u>Muhammad Ayaz,</u> M.Sc (Economics).	<u>04.02.1968</u> Dir Lower	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	Asstt Chief (Water), P&D Department (01.12.2020).
16.	<u>Mr. Tehsil Zaman,</u> M.A (Economics)	<u>09.02.1969</u> FR Bannu	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	Asstt Chief (Industries), P&D Dept. (18.12.2020).
17.	<u>Engr. Asif Shahab,</u> M.Sc (Civil Engineering).	<u>25.10.1971</u> Swabi	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	On deputation to Upper SDA. (01.04.2022).
18.	<u>Mr. Amin Khan Bangash,</u> M.Sc (Statistics).	<u>15.03.1975</u> Hangu	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	Assistant Chief, (Rule of Law), P&D Dept. (27.01.2020).
19.	<u>Ms. Palwasha Rehman,</u> M.Sc (Hons).	<u>17.11.1978</u> Peshawar	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	AC, PPP Cell, P&D Dept. (10.12.2020).
20.	<u>Mr. Rafiq Jan,</u> M.B.A.	<u>14.02.1979</u> Charsadda	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	Deputy Director, PHC, Peshawar. (16.07.2021).
21.	<u>Dr. Kashif Nazir,</u> MBBS.	<u>15.09.1979</u> Mardan	07.03.2018	28.02.2012	07.03.2018	BS 18	By initial recruitment	SPO, Health Department. (01.12.2020).
22.	<u>Abdul Aziz Abbasi,</u> M.A (Social Sciences).	<u>20.04.1963</u> Hangu	07.03.2018	04.04.2012	07.03.2018	BS 18	By initial recruitment	Awaiting posting in P&D Dept. (16.03.2021).
23.	<u>Muhammad Imran Khan,</u> B.Sc (Civil Engineering).	<u>20.09.1972</u> Mohmand	07.03.2018	03.09.2012	07.03.2018	BS 18	By initial recruitment	Taxation Analyst/ SPO, Excise & Taxation Dept. (02.11.2020).

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	(MAES) in Urban Planning, - Canada, Master of Environmental Studies (MES) in Environment & Resource Studies, Canada, M.Sc (Urban & Regional Planning), Pakistan and M.Sc (Geography), Pakistan.											P&D Deptt: (09.08.2021)
34.	Mr. Afrasiyab Khattak, M.B.A (Finance), Diploma in Project Management	21.01.1981 Nowshera	07.03.2018	22.09.2015	07.03.2018	BS 18	By initial recruitment	Dy. Director (M&E), (HQ) P&D Deptt: (07.03.2018).				
35.	Engr. Alam Zeb, M.Sc (Hons) Agricultural Economics	06.07.1970 Nowshera	07.03.2018	25.01.2016	07.03.2018	BS 18	By initial recruitment	Economist, Irrigation Department. (18.05.2021).				
36.	Muhammad Hashim, M.Sc (Statistics).	01.01.1967 Karak	24.08.1992		24.01.2019	BS 18	By Promotion	Director (Tech) (OPS), M&E, P&D. (06.12.2021).	The officers at S# 36 to 57 have been assigned seniorities on the basis of their regular promotion in PPS BS-18 as per advice of Establishment Deptt.			
37.	Arch. Abdul Waheed Khan, Bachelor of Archt. M.B.A (Project Management), P.G.D (Inner City Renewal & Urban Heritage and Land Management) The Netherlands.	27.12.1964 Bannu	01.09.1991		24.01.2019	BS 18	By Promotion	Deputy Director, M&E, P&D Department. (16.12.2021).				
38.	Mr. Abdul Ghaffar, Bachelor of Architectural Engineering.	05.05.1962 Bajour	11.12.1991		17.05.2019	BS 18	By Promotion	Deputy Chief Planning Officer, HED. (24.05.2019).				
39.	Mr. Zia-ur-Rehman, M.Sc (Hons).	27.02.1964 Abbottabad	31.12.1991		17.05.2019	BS 18	By Promotion	A.D (Senior), Local Govt. Deptt, Mansehra. (17.06.2020).				
40.	Muhammad Iqbal, B.Sc (Engineering).	25.09.1967 Mohmand	01.11.1993		24.01.2019	BS 18	By Promotion	SPO, Local Govt: Deptt: (08.11.2021).				
41.	Mr. Habib Ullah Khan, M.B.A (Finance)	12.09.1965 Charsadda	05.10.1995		24.01.2019	BS 18	By Promotion	Asslt: Chief (PSDP), P&D. (01.12.2020).				

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54.	<u>Mr. Sami Uddin Bangash.</u> M.S (Finance)	<u>28.11.1984</u> Kurram	16.03.2011		24.01.2019	BS 18	By Promotion	Dy. Director (Planning), Environment Department (08.11.2021).
55.	<u>Muhammad Imran Kazim.</u> Master's in Public Administration, M.A (Economics)	<u>26.11.1976</u> Peshawar	04.06.2011		24.01.2019	BS 18	By Promotion	Sr. Planning Officer, E&SE Department (12.02.2019).
56.	<u>Mr. Farhad Ahmad.</u> M.Sc (Computer Science), M.Sc (Economics)	<u>02.03.1980</u> Malakand	04.06.2011		24.01.2019	BS 18	By Promotion	SPO, Health Department (12.02.2019).

ADMITTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar 16/05/2022

NOTIFICATION.

No. 50(E)P&D/3-4/PPS/SLs/2020: In pursuance of Section-6(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and, Final Seniority List of Officers of Provincial Planning Service BS-19, as it stood on 16.05.2022 is hereby notified/circulated:-

FINAL SENIORITY LIST OF PPS BS-19 OFFICERS:

S #	NAME OF OFFICER WITH ACADEMIC QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	REGULAR APPOINTMENT/PROMOTION TO THE PRESENT POST		PRESENT POSTING WITH DATE.	REMARKS IF ANY.
				DATE	BPS		
1.	Muhammad Tariq Khan, M.A (Economics) LL.B, P.G.D (Public Administration), MA (Health Management Planning & Policy) University of Leeds, UK.	20-01-1963 Abbotabad	06-06-1992	22-10-2019	BS 19	By Promotion Chief of Section (PSDP), P&D Department (16-04-2022)	Regained his Seniority w.e.f. 26-09-2017
2.	Engr. Sher Azam Khan, BSc Civil Engineering and MSc Structural Engineering.	25-11-1965 Karak	07-03-2018	07-03-2018	BS 19	By Initial recruitment Report to P&D Department. (16-05-2022)	—
3.	Muhammad Ayaz, M.Sc (Hons) Horticulture.	18-03-1963 Mansehra	07-03-2018	07-03-2018	BS 19	By Initial recruitment Chief Planning Officer, Sports Department (05-04-2022)	—
4.	Syed Zain Ullah Shah, B.Sc (Electrical Engineering).	05-06-1974 Lakki Marwat	07-03-2016	07-03-2018	BS 19	By Initial recruitment Chief of Section (PP&H), P&D Department (24-01-2020)	Regained his Seniority w.e.f. 24.01.2019
5.	Mr. Shah Nawaz Khan, M.B.A (Finance) Pakistan, M.B.A (Accounts & Finance) U.S.A.	01-12-1977 Mardan	12-05-2008	22-10-2019	BS 19	By promotion Chief Planning Officer, Local Govt. Elections & Rural Development Department (22-01-2020)	—
6.	Mr. Abdul Haleem, M.Sc (Statistics).	15-03-1959 Hangu	07-06-1995	24-01-2019	BS 19	By promotion Director (P&C), Peshawar High Court On deputation basis. (30-01-2017)	—
7.	Mr. Javed Khan, M.B.A.	12-03-1966 Peshawar	29-02-1992	24-01-2019	BS 19	By Promotion Chief of Section (Coordination), P&D Department (26-11-2018)	—

ATTACHED

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8.	Mr. Qaiser Alam Khan, M.Sc (Hons) Agriculture, M.A. Economics, M.S (Envl. Syst. Ana & Mgt) Netherlands.	20-09-1966 Peshawar	30-05-1980	24-01-2019	BS 19	By Promotion	Deputy Chief Planning Officer, Health Deptt. (10-04-2022)	—
9.	Mr. Ilyas Mehmood, M.Sc (Hons) Agriculture.	02-09-1969 Charsadda	22-06-1995	24-01-2019	BS 19	By Promotion	Director (South), M&E System, P&D Department (14-01-2022)	—
10.	Syed Zahir Ali Shah, Master's in Public Administration.	05-09-1970 Peshawar	22-06-1995	24-01-2019	BS 19	By Promotion	DG, PCNA, P&D Deptt (08-01-2019)	—
11.	Mr. Bahrullah Khan, M.A (Economics).	30-11-1970 Mohmand	03-09-2004	24-01-2019	BS 19	By Promotion	Chief of Section (Health), P&D Deptt. (18-04-2022)	—
12.	Muhammad Siraj Munir, M.Sc (Statistics), M.Sc (Maths)	12-10-1978 Peshawar	23-12-2006	22-10-2019	BS 19	By Promotion	Chief M&E Officer E&SE Deptt (22-01-2020)	—
13.	Mr. Hashmat Ali, M.B.A (Finance)	22-03-1978 Savabi	18-05-2007	22-10-2019	BS 19	By Promotion	Economic Advisor, Industries Deptt (01-12-2020)	—

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ATTACHED

Encls: No. & Date even.

Copy forwarded to the:

1. All Administrative Secretaries (concerned) to Government of Khyber Pakhtunkhwa.
2. Registrar, Peshawar High Court, Peshawar.
3. Director General (M&E), P&D Department.
4. Project Director, LSU, SLDR, Peshawar.
5. Officers concerned.
6. In-charge, Resource Centre, P&D Department with the request to upload the same on the official website of P&D Department.
7. PS to Additional Chief Secretary, P&D Department.
8. PS to Secretary, P&D Department.
9. PS to Special Secretary, P&D Department.
10. PA to Additional Secretary-II, P&D Department.
11. PA to Deputy Secretary-II, P&D Department.

(Sonia Khan) 16/10/2022
Section Officer (Establishment)



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar 16/05/2022

NOTIFICATION

No. SO(E)P&D3-4/PPS/SLs/2020:

In pursuance of Section-3(1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and, Final Seniority List of Officers of Provincial Planning Service BS-20, as it stood on 16.05.2022 is hereby notified/circulated :-

FINAL SENIORITY LIST OF PPS BS-20 OFFICERS.

Sr. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	REGULAR APPOINTMENT/PROMOTION TO THE PRESENT POST			REMARKS IF ANY.	
				DATE	BPS	METHOD OF RECRUITMENT/ APPOINTMENT		
1.	Mr. Sher Gul Khan, M.Sc (Statistics), M.A (Health Management, Planning & Policy) U.K	15-11-1962 Mehmand	01-05-1992	26-09-2017	BS 20	By Promotion	Senior Chief of Section (Health), P&D Department (05.12.2021)	---
2.	Dr. Asad Ali Khan, MBBS.	14-03-1966 Kohat	19-03-1992	07-01-2022	BS 20	By Promotion	Senior of Chief Section, P&D Department - (07-01-2022)	---
3.	Mr. Adil Saeed, M.A (Economics), M.Phil (Economics), M.Sc (Disaster Management), PGD (Project Management).	04-04-1981 Mehmand	01-11-2004	07-01-2022	BS 20	By Promotion	Special Secretary, Chief Minister Secretariat (09-05-2022)	---
4.	Mian Khalid Ullah Jan, M.Sc (Economics).	01-11-1967 Charsadda	09-10-1994	07-01-2022	BS 20	By Promotion	Senior Chief of Section (Industries) P&D Department (07-01-2022)	---
5.	Mr. Akhtar Rehman, B.Sc (Civil Engineering).	31-03-1969 F.R Kohat	14-04-1994	07-01-2022	BS 20	By Promotion	Senior Chief of Section (PSDP), P&D Department. (07-01-2022)	---

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Added



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, January 24, 2019.

NOTIFICATION

Annex "J"

NO. SO(ESTT)P&D/001/078/PPSB/2019: On the recommendation of the Provincial Selection Board, the competent authority is pleased to promote the following Provincial Planning Service Officers as per details mentioned against each, with immediate effect:-

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Sr.#	Name of the officer	FROM	TO
1.	Mr. Akhtar Rehman	PPS BS-19 (acting Charge basis)	PPS BS-19 on regular Basis.
2.	Mr. Mustiarraf Khan.	PPS BS-19 (acting charge basis)	PPS BS-19 on regular Basis.
3.	Mr. Abdul Haleem.	PPS BS-19 (acting charge basis)	PPS BS-19 on regular Basis.
4.	Mr. Qaiser Alam.	PPS BS-19 (acting charge basis)	PPS BS-19 on regular Basis.
5.	Mr. Ilyas Mehmood.	PPS BS-19 (acting charge basis)	PPS BS-19 on regular Basis.
6.	Syed Zahir Ali Shah.	PPS BS-19 (acting charge basis)	PPS BS-19 on regular Basis.
7.	Mr. Bahruilah Khan.	PPS BS-19 (acting charge basis)	PPS BS-19 on regular Basis.
8.	Mr. Javed Khan.	PPS BS-18.	PPS BS-19 on regular Basis.

2. The officers on their promotion shall remain on probation for a period of one 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, extendable upto another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of rules ibid..

3. Their posting/ transfer orders will be issued later on.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Encls: No. & Date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. Director General, PERRA, Abbottabad.
6. All Chief of Sections in P&D Department.
7. Assistant Chief (B&A), P&D Department.
8. PSO to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Additional Chief Secretary, P&D Department.
10. PS to Secretary, P&D Department.
11. PA to Additional Secretary, P&D Department.
12. PA to Chief Economist, P&D Department.
13. PA to Deputy Secretary (Admn.), P&D Department.
14. Officers concerned.
15. Manager, Government Printing Press, Peshawar.

ATTESTED

(IHSANULLAH)
Section Officer (Estt:)

ATTESTED

1621 (C/W/E) P
07-02-23

07-02-23
Ammed "K"

BEFORE THE WORTHY CHIEF SECRETARY KHYBER PAKHTUNKHWA, PESHAWAR

(48)

Subject: DEPARTMENTAL APPEAL/REPRESENTATION FOR PROMOTION FROM BPS-18 TO BPS-19 IN ACCORDANCE WITH LAW, SENIORITY-CUM-FITNESS, BEING ON TOP OF THE SENIORITY LIST, AS STOOD ON 31.12.2022, KEEPING IN VIEW HIS DATE OF SUPERANNUATION I.e. 04.06.2023.

Respected Sir,

1. That Appellant did M.Sc. (Botany) from the University of Peshawar, in the year 1986.
2. That Appellant, being qualified, was appointed as Executive Officer (Finance & Planning) in BPS-18, by the Competent Authority. In due course of law, against the sanctioned post in the erstwhile FATA, vide Office Order No.GS/E/100-19/3345-57, dated: 01.12.2004 and presently posted as Senior Planning Officer (BS-18), Social Welfare Department Peshawar and having more than 19 years spotless career at his credit. (Recent Salary slip is attached for kind perusal)
3. That services of Appellant were unilaterally seized by the then Competent Authority / ACS erstwhile FATA, vide Notification No.CS/E/100-19(Officers)/5169-79, dated: 14.06.2007.
4. That Appellant, alongwith others, approached the Hon'ble Peshawar High Court, Peshawar through numerous Writ Petitions, for re-instatement & regularization in service, which were allowed, vide consolidated Judgment dated: 17.06.2010, 04.10.2011, while Review Petition of the Government of Khyber Pakhtunkhwa was dismissed, vide Judgment dated: 23.02.2012.
5. That Appellant, alongwith others, was re-instated in service, vide order dated: 05.04.2012, in compliance of Judgment dated: 17.06.2010 supra of the Hon'ble Peshawar High Court, Peshawar, subject to final decision of the apex Court of Pakistan in CPLA No.437-P to 450-P of 2010. Needless to add that the Hon'ble Supreme Court of Pakistan dismissed CPLA of the Government of Khyber Pakhtunkhwa, vide Judgment dated: 28.03.2013 and subsequent Review Petition, vide Judgment dated: 15.09.2014. It is worth to mention that the Competent Authority, in continuation of Administration and Coordination Department orders dated: 27.06.2011, 27.09.2011, 05.04.2012, 11.02.2021 & 19.04.2021, revised Notification of regularization of services of the appellant and given effect from 23.07.2005, vide Notification dated: 26.05.2021.
6. That the Competent Authority/the worthy Governor Khyber Pakhtunkhwa, in consultation with establishment Department, Law Department, Finance Department and P&D Department Khyber Pakhtunkhwa conquired to by the Chief Secretary Khyber Pakhtunkhwa, was pleased to approve the service status of P&D employees of erstwhile FATA Secretariat as separate entity, i.e. Provincial Planning Service (PPS) cadre, and approved the service rules/ service structure of P&D Department Khyber Pakhtunkhwa for the employees of P&D Department of erstwhile FATA Secretariat, vide Notification No.FS/E/100-37(P&D)/ 9148-53, dated: 13.06.2016.
7. That, in the wake of 25th Constitution (Amendment) Act, 2018, FATA has been merged in Khyber Pakhtunkhwa, resultantly erstwhile FATA Secretariat Departments & Directorates were shifted and placed under the Administrative Supervision/Control of the Government of Khyber Pakhtunkhwa, therefore, P&D Department of erstwhile FATA was also shifted and merged in P&D Department Khyber Pakhtunkhwa, vide Notification dated: 08.01.2019. Needless to add that P&D Department merged areas (erstwhile FATA) was also placed under the administrative control of P&D Department Khyber Pakhtunkhwa and Secretary P&D Department merged areas (erstwhile FATA) was directed to report to the Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.
8. That appellant, alongwith other colleagues, approached the Hon'ble Peshawar High Court, Peshawar through Writ Petition No.3722-P of 2016, prior to enactment of Act No.XXXVII of 2018, for promotion in accordance with length of service-cum-eligibility-cum-fitness/seniorty, which was disposed of, after merger of the erstwhile FATA in the province of Khyber Pakhtunkhwa, vide Judgment dated: 05.12.2019, with the following directions:

"As per order mentioned above, the learned AAG has stated that the Petitioners would be accommodated in the Finance Department though at that time the learned counsel for the Petitioners had objected to this suggestion but today in Court he expressed his willingness to the statement of learned AAG made before the Court, the later undertakes to abide by the commitment so made".
9. That the Competent Authority, in compliance of Judgment dated: 05.12.2019 supra of the Hon'ble Peshawar High Court, Peshawar, included name of appellant, alongwith others, in the schedule of Provincial Planning Service (PPS) cadre in BPS-18, vide Notification No.SO(E)P&D/19-37/PPS/2018, dated: 22.03.2019.

ATTACHED

- 10. That Planning & Development Department Khyber Pakhtunkhwa issued tentative seniority list of BPS-18 Officers on 20.02.2020, despite knowing the fact that F&P Officers of erstwhile FATA were senior amongst all officers in BPS-18, placed appellant at Serial No.30, eventually, he raised objection and after delay of more than a year, Notification dated: 23.10.2020 was issued, wherein he was placed at Serial No.1, without rectification of his date of first entry into Government Service and subsequent regularization, which resulted into yet another objection, which was finally considered and tentative seniority list was issued on 28.04.2022, wherein he has been placed on top of the seniority list.
- 11. That, admittedly, appellant joined Government Service in BPS-18 as Executive Officer and was subsequently regularized in service w.e.f. 23.07.2005 and performing duties with zeal/devotion and utmost satisfaction of the superiors, however, always being discriminated in service, not only because he has not been benefited from length of service for onward promotion to BPS-20 and compelled to perform duties in BPS-18, but also because much juniors than him were promoted to BPS-19, 20 & even 21 but he has deliberately been deprived of such right of promotion without just cause and reason, which is against the mandate of Articles 4, 10-A, 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973, hence the Instant Departmental Appeal / Representation.
- 12. That consequent upon merger of erstwhile FATA in the province of Khyber Pakhtunkhwa through Act No.XXXVII of 2018 dated: 05.06.2018, services of Appellant, along with others, have *ex post facto* been transferred/merged in P&D Department of Khyber Pakhtunkhwa, however, Notification to this effect was deliberately delayed and, in the intervening period, officers in BPS-18 of P&D Department Khyber Pakhtunkhwa were promoted to BPS-19, vide Notification No.SO(ESTT)P&D/001/078/PSB/2019, dated: 24.01.2019, eventually deprived appellant from right of promotion, which has caused grave miscarriage of justice.
- 13. That appellant has legal vested right to be promoted to the next higher rank in accordance with length of service i.e. 19 years in the same scale, coupled with seniority-cum-fitness, moreover he has been deprived from right of promotion to the next higher rank, in violation of law/rules governing the subject, hence indulgence of your esteemed office is solicited for smooth administration of justice.
- 14. That appellant has neither been treated in accordance with law nor he has been extended equal protection of law; rather has ruthlessly been discriminated in service.
- 15. That the Competent Authority, while considering peculiar facts/circumstances of case of appellant, prepared working paper and recommended him for promotion to BPS-19 against substantive vacant post of BPS-19 and submitted to Establishment Department Khyber Pakhtunkhwa for onward convening meeting of Provincial Selection Board for doing the needful however to no avail so far, although more than three years' time has been elapsed but grievance of the appellant has not so far been redressed, which is detrimental to more than 19 years spotless career of appellant, hence proprietary demands to promote him accordingly, prior to the date of his superannuation i.e. 04.06.2023.
- 16. That any other ground, with the permission of your esteemed office, will be taken at the time of personal hearing, if granted.

It is, therefore, most humbly prayed that on acceptance of Instant Departmental Appeal/Representation, Appellant may be granted promotion to BPS-19, from the date of eligibility, with all consequential benefits, including seniority, so as to enable him to continue work with zeal and devotion for uplifting of esteemed Department.

Yours sincerely,



SHER AFZAL (BPS-18)
 Senior Planning Officer
 Social Welfare Department,
 Benevolent Fund Building,
 Khyber Pakhtunkhwa Peshawar.
 Cell: 0300-9084255

ATTESTED

Dated: 19.01.2023

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وکالت نامہ

بعدالت جناب سر سید سید بیونہ ایسٹا
 غیر انصاف نامہ گورنمنٹ
 منجانب ایڈووکیٹ
 دعوئی اجرم
 تھانہ ایف آئی آر / / تاریخ / /

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جواہدی بمقام مسٹر سید

امین الرحمن یوسفزئی و خالد خان مہمند

ایڈووکیٹس ہائی کورٹ

کو بدین شرط و کیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ کیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر سن مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز کیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر سن مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ برداشتہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا کی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے کیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانتا تو ادا پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر کیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند ہے مورخہ _____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

امین الرحمن یوسفزئی
 ایڈووکیٹ ہائی کورٹ ایڈووکیٹس ہائی کورٹ شریعت کورٹ آف پاکستان
 ایڈووکیٹ آئی ڈی نمبر: BC-10-7562
 موبائل نمبر: 0321-9022964
 شناختی کارڈ نمبر: 17301-5813582-3

خالد خان مہمند

ایڈووکیٹ ہائی کورٹ، پشاور

ایڈووکیٹ آئی ڈی نمبر: BC-18-1115

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