


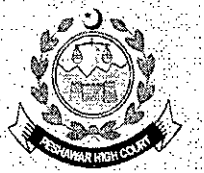
## FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_

1260/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/05/2023	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 16.05.2023 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>02-06-2023</u>.</p> <p>By the Order of Chairman,</p> <p> REGISTRAR</p>



*The*  
**PESHAWAR HIGH COURT**  
*Peshawar*

Ph: No. 091-9210149-58

No. 73844 (1)/3095/2023/WP-MN

Dated: 25-May-2023

From

Deputy Registrar (J),  
Peshawar High Court,  
Peshawar.

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 5740

Dated 31/5/2023

To

✓ The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject:

Writ Petitions W.P 1342/2023 Title: Muhammad Sadiq VS Chief Secretary, Govt of KP  
and others

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and judgment of this Honble Court dated 16.05.2023 for compliance.

12 Deputy Registrar (J)

30/5/23

Encl: As above.

**Before the Peshawar High Court Peshawar**

**CHECK LIST**

Case Title: <u>محمد علی صاحبی.....Versus.....</u> <u>گورکھ سنگھ</u>			
1.	Case is duly signed.	YES	NO
2.	The law under which the case is preferred has been mentioned.	YES	NO
3.	Approved file cover is used.	YES	NO
4.	Affidavit is duly attested and appended.	YES	NO
5.	Case and annexure are properly paged/ numbered according to index.	YES	NO
6.	Copies of annexure are legible and attested. If not, then better copies duly attested have been annexed.	YES	NO
7.	Certified copies of all the requisite documents have been filed.	YES	NO
8.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	YES	NO
9.	Case is within time.	YES	NO
10.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	YES	NO
11.	Court fee in shape of stamp paper is affixed. (for writ Rs.500, for other was required).	YES	NO
12.	Power of attorney is in proper form.	YES	NO
13.	Memo of addresses filed.	YES	NO
14.	List of books mentioned in the petition.	YES	NO
15.	The requisite number of spare copied attached. (Writ Petition-3 Nos, Civil Appeal (SB-1, DB-2) Civil Revision (SB-1, DB-2)).	YES	NO
16.	Case (Revision/appeal/petition etc.) is filed on the prescribed form.	YES	NO
17.	Power of attorney is attested by jail authority (for jail prisoner only).	YES	NO

It is certified that formalities/documents as requires in column 2 to 18 above, have been fulfilled.

Writ Branch  
Date:    /    / 20  

Signature. \_\_\_\_\_

*Siddiq*  
Advocate Peshawar.

For office use only.

Case No. \_\_\_\_\_  
Case received. \_\_\_\_\_  
Complete in all respect; Yes/No (if No the grounds) \_\_\_\_\_

Date in court. \_\_\_\_\_

Signature. \_\_\_\_\_  
(Reader)  
Countersigned \_\_\_\_\_

Date. \_\_\_\_\_  
(Deputy Registrar)

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. 1342-P/2023  
Service Appeal No. 1260/2023

Muhammad Sadiq versus Chief Secretary & Others

**I N D E X**

S.#	Description of Documents	Annex	Page
1.	Opening Sheet		"A"
2.	Memo of Writ Petition		1-4
3.	Affidavit		5
4.	Addresses of parties		6
5.	Notification for promotion to B-21 dated 12-09-22	"A"	7-8
6.	Application for inclusion name before PSB dated 20-10-2022	"B"	9
7.	Meeting of PSB dated 17-11-2022	"C"	10-11
8.	Notification of promotion of others dated 15-12-2022	"D"	12
9.	Seniority list, 31-8-22	"E"	13
10.	W.P. No. 172-P/23 dated 18-02-2023	"F"	14-17
11.	CM <u>18-2-23</u>	"G"	18
12.	Retirement order dated 15-03-2023	"H"	19
13.	Court Fee Rs. 500/-		
14.	Wakalatnama		

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05 APR 2023  
Signature

**FILED TODAY**  
Deputy Registrar

05 APR 2023

Dated 15-03-2023

Petitioner

Through

(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mansion,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676

A

**IN THE PESHAWAR HIGH COURT, PESHAWAR**  
**OPENING SHEET FOR WRIT BRANCH**

Date of Filing: 22.03.2023

District:

Case Type; Writ Petition

Nature of Original Proceedings:

Category Code

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(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: \

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Writ of:

Heabus  
Corpus

Prohibition

Mandamus  
✓

Qua  
Warranto

Certiorari

If Certiorari:

Forum	Date	Interlocutory/ Final Order	Case Pertains to
			<input type="checkbox"/> SB
			<input checked="" type="checkbox"/> DB

Petitioner Name	Muhammad Sadiq
Mobile No.	0300-5954529
Address	Sorazai Bala, Peshawar.
CNIC No.	17301-0183787-1
Email Address	

Counsel for Petitioner(s)	Saadullah Khan Marwat
Mobile No.	0333-9107737
Address	Office: 21-A Nasir Mansion, Shoba Bazar, Peshawar
CNIC No.	17301-6199616-3
Email Address	handsome9946@gmail.com

Respondents	1. Chief Secretary, Govt. of KP and others
Address	As per WP

**ORIGINAL ORDER/ ACTION/ INACTION COMPLAINED OF:**

To award petitioner notional promotion to the post of Principal B-21 with all consequential benefits.

**PRAYER**

Respondents be directed to award petitioner notional promotion to the post of Principal B-21 with all consequential benefits.

**LAW/ RULES/ GOVERNING THE ORIGINAL PROCEEDINGS/ ACTION/ LOCATION**

Constitution of Pakistan, 1973,

Signature

*[Handwritten Signature]*

**FILED TODAY**

Deputy Registrar

05 APR 2023

Note: Any suggestion to improve the pre-format will be appreciated.

**IN THE PESHAWAR HIGH COURT, PESHAWAR***Service Appeal No. 1260/2023*W.P No. 1342 -P/2023

Muhammad Sadiq S/O M. Tahir  
 R/O Sorazai Bala, Peshawar,  
 Ex-Professor of Physics, Govt.  
 Degree College Hayatabad,  
 Peshawar . . . . . Petitioner

~~Khyber Pakhtunkhwa  
 Service Tribunal  
 Salary  
 ID No.~~

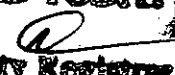
**VERSUS**

1. Chief Secretary, Govt. of KP,  
Peshawar.
2. Secretary, Govt. of KP,  
Establishment Department,  
Peshawar.
3. Secretary, Govt. of KP,  
Higher Education Department,  
Peshawar.
4. Provincial Selection Board,  
Govt. of KP, Peshawar,  
Through R. No. 03.
5. Director, Higher Education  
Department, Rano Ghari  
Chamkani Peshawar. . . . . Respondents

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

**WRIT PETITION UNDER ARTICLE 199 OF  
 THE CONSTITUTION OF ISLAMIC  
 REPUBLIC OF PAKISTAN, 1973:**

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

**FILED TODAY**  
  
 Deputy Registrar  
 05 APR 2023


**Respectfully Sheweth:**

1. That petitioner was initially appointed as Lecturer in B-17 in Physics on 09-06-1988. On satisfactory performances of his official duties, he was directly appointed as Assistant Professor B-18 by the Khyber Pakhtunkhwa Public Service Commission, Peshawar in the year 1991. The said process of appointment was in-vogue, when he was further promoted to the post of Associate Professor B-19 on 26-05-2016, followed by subsequent promotion to the post of Professor B-20 on 21-11-2014.
2. That on 12-09-2022, Govt. of KP, Higher Education Department issued Notification wherein method of promotion to the post of Principal B-21 was enunciated.

"By promotion on the basis of seniority cum fitness from amongst the holders of the post of Professor B-20 with at least 03 years service as such and have successfully completed mandatory training of 04 months"

Here it would be not out of place to mention that at the time, petitioner is more than 58 years of age and is exempted from such training by virtue of Govt. instruction. (Copy as Annex "A")

3. That process of further promotion to the post of Principal B-21 was carried out and for the purpose, R. No. 04 (PSB) initiated such process of promotion to the aforesaid post and in pursuance of the same, petitioner submitted representation before R. No. 05 to include his name for promotion to the next higher grade / post of B-21 in the coming PSB vide application dated 20-10-2022, however his case was not processed without giving any reason. (Copy as annex "B")
4. That on 17-11-2022, PSB held meeting under the Chairmanship of R. No. 01 for promotion to various disciplines including promotion to the post of Principal B-21. (Copy as Annex "C")

**FILED TODAY**  
  
**Deputy Registrar**  
 05 APR 2023

Here, it would be not out of place to mention that at the same time, 21 posts of male and 15 posts of female were lying vacant in B-21 with the department.

5. That request of petitioner for including his name for promotion to B-21 in the coming PSB was not honored and thereafter R. No. 01 issued Notification on 15-12-2022. Mr. Manzoor-UI-Hassan was promoted to the post of Principal B-21 in the Higher Education Department on regular basis. (Copy as Annex "D")
6. That in the seniority list, the name of petitioner was placed at S. No. 08. 21 posts were lying vacant with the department, so petitioner was only qualified, fit and suitable for promotion to the said post. (Copy as Annex "E")
7. That on 18-02-2023, petitioner filed Writ Petition No. 172-P/23 before this hon'ble court which came up for hearing on 15-02-2023 and then petitioner was directed to submit application for changing the prayer for including his name for the purpose. (Copy as annex "F" & "G")
8. That the Writ Petition was fixed for hearing on 23-02-2023. CM was allowed with direction to file proper Writ Petition in the matter.
9. That on 15-03-2023, petitioner was retired from service on attaining the age of superannuation. (Copy as annex "H")

Hence this Writ Petition, inter alia, on the following grounds:-

**GROUND S:**

- a. That petitioner services was ranging for decades, has a neat and clean service record at his credit and was also qualified for promotion to B-21.
- b. That 21 posts of male and 15 posts of female B-21 were lying vacant with the department, so as per the judgment of the apex court, when qualified person exists, then no justification,

**FILED TODAY**

*[Signature]*  
**Deputy Registrar**

**05 APR 2023**



whatsoever, lies with the department to not to fill up the same as per the mandate of law.

- c. That respondent made pick and choose in promotion in the matter and petitioner was ignored for no legal reason and deprived from future benefits of service.
- d. That no reason, whatsoever, was attributed to petitioner for dropping his name from further promotion to the post of B-21. That he has submitted application to the Board well within time. Such act of the respondents is based on discrimination and malafide as well.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this Hon'ble Court may graciously be pleased to:-

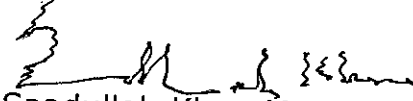
- a. Direct respondents to award petitioner proforma / notional promotion to the post of Principal B-21 with all consequential benefits;

**AND/OR**

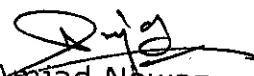
- b. Any other writ/order/direction deemed proper and just in the circumstances of the case, be also issued/ordered/given.

Petitioner

Through

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

  
Amjad Nawaz

Advocates,

Dated: 22-03-2023

**LIST OF BOOKS:**

1. Constitution.

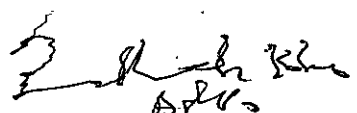
**CERTIFICATE:**

As per instructions of my client, W.P No. 172-P/23 has earlier been filed by the petitioner before this Hon'ble Court which will be withdrawn due to change of nature of the case.

**FILED TODAY**

  
**Deputy Registrar**

**05 APR 2023**

  
Arbab Saif-ul-Kamal

**IN THE PESHAWAR HIGH COURT, PESHAWAR**W.P No. 1342 /2023

Muhammad Sadiq

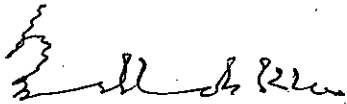
versus

Chief Secretary &amp; Others


**AFFIDAVIT**


I, Muhammad Sadiq S/O Muhammad Tahir, R/O Sorezai Bala, Peshawar Ex-Professor of Physics, Government Degree College, Hayatabad, Peshawar (Petitioner), do hereby solemnly affirm and declare that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief.

Identified By:



**Saadullah Khan**  
Advocate,


  
**DEPONENT**  
CNIC #: 17301-0183787-1  
Cell No. 0300-5954529

**FILED TODAY**
  
Deputy Registrar

05 APR 2023

39204

Certified that the above was verified on solemnly affirmation before me in office, this 22 day of March 2023 by Mr Sadiq s/o Mr Tahir r/o Peshawar who was identified by Saadullah Khan  
Who is personally known to me:

  
Commissionaire  
Peshawar High Court, Peshawar

**IN THE PESHAWAR HIGH COURT, PESHAWAR**W.P No. 1342 /2023

Muhammad Sadiq

versus

Chief Secretary &amp; Others

**ADDRESSES OF THE PARTIES****PETITIONER:**

Muhammad Sadiq S/O M. Tahir  
R/O Sorezai Bala, Peshawar.  
Ex-Professor of Physics, Govt.  
Degree College Hayatabad,  
Peshawar.


**RESPONDENTS:**

1. Chief Secretary, Govt. of KP,  
Peshawar.
2. Secretary, Govt. of KP,  
Establishment Department,  
Peshawar.
3. Secretary, Govt. of KP,  
Higher Education Department,  
Peshawar.
4. Provincial Selection Board,  
Govt. of KP, Peshawar,  
Through R. No. 03.
5. Director, Higher Education  
Department, Rano Ghari  
Chamkani Peshawar

**FILED TODAY****Deputy Registrar****05 APR 2023**

Petitioner

Through

  
Saadullah Khan Marwat  
Advocate,

Dated: 15-03-2023

12-9-22



# GOVERNMENT OF KHYBER PAKHTUNKHWA HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

Dated Peshawar the 12<sup>th</sup> September, 2022

## NOTIFICATION

(C-IV/HED/2-5/2022/SSRC) In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous Notifications issued in this behalf, the Higher Education, Archives and Libraries Department, in consultation with the Establishment Department and the Finance Department hereby lays down the method of appointment, qualification and other conditions specified in the column No. 3 to 5 of the APPENDIX which shall be applicable to the posts in the faculty of General College Cadre as specified in column No. 2 of the APPENDIX:

### APPENDIX

Nomenclature of Post	Minimum Qualification for appointment by initial recruitment	Age Limit	Method of Recruitment
Principal (BPS-21)	—	—	By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of the Professors (BPS-20) with at least three years' service in such and have successfully completed mandatory training of four (04) months.
Principal (BPS-20)/ Principal (BPS-19)	—	—	By transfer from amongst the Professors (BPS-20) or Associate Professor (BPS-19), as the case may be.

Section Officer (C.I.)  
Govt. of Khyber Pakhtunkhwa  
Higher Education,  
Archives & Libraries Department

A

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Assistant Professor BPS-18 8/	(i) Ph.D in the relevant subject from a recognized University with three (03) years teaching/research experience in a recognized College/University; or (ii) MS/M.Phil. or equivalent qualification in the relevant subject from a recognized University with five (05) years teaching/research experience in a recognized College/University; or (iii) Second Class Master's degree or equivalent qualification in the relevant subject from a recognized University with seven (07) years' experience in a College Cadre or recognized Universities/DA's.	25-40 years	(a) 80 % by promotion, on seniority-cum-fitness basis, from amongst the Lecturers with at least five (05) years' service in BPS-17 as such and having successful completion of mandatory training prescribed by the Government for College Teachers in BPS-17 from time to time; and (b) 20 % by initial recruitment.
Lecturer (BPS-17) 8/	Second Class Master's degree or equivalent qualification in the relevant subject from a recognized University.	21-30 years	By initial recruitment.

College Cadre Teachers in BPS-19 and BPS-20 shall be exempted from the mandatory training after attaining the age of 58 years or above.

Endst: No.SO(C-II)/HED/2-5/2022/SSRC

Copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Govt. of Khyber Pakhtunkhwa, Establishment, Finance & Law Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
4. Manager Printing Press Khyber Pakhtunkhwa Peshawar with the request for publishing in official gazette.
5. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
6. Director-IT, (HEMIS Cell), Higher Education Department.
7. PS to Minister for Higher Education Department.
8. PS to Secretary Higher Education Department.
9. Master File.

SECRETARY TO GOVT.  
 OF KHYBER PAKHTUNKHWA  
 HIGHER EDUCATION DEPARTMENT

*A. K. L.*  
 SECTION OFFICER (COLLEGES-II)

Section Officer (C.O.)  
 Govt. Of Khyber Pakhtunkhwa  
 Higher Education  
 Archives & Libraries Centre

To

The Director Higher Education,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: REQUEST FOR PROMOTION FROM GRADE 20 TO GRADE 21


Dear Sir,

With due respect it is stated that the applicant has been working as Professor of Physics (BPS-20) since 2014, and is posted at GDC Hayatabad Peshawar. The applicant is going to be retired next year on 14<sup>th</sup> March 2023. Currently, the service rules of all Professors of Higher Education Department, have been approved and notified, which has also created posts of BPS-21.

After the approval of 05 Tier Formula, there exist 21 vacant posts for BPS-21. The applicant is eligible (on seniority cum fitness basis), being at Serial No.08 in the seniority list. Furthermore, the applicant is above 58 year old and is exempted from the mandatory training of HEART.

It is therefore requested to include the name of applicant for promotion into next grade i.e. BPS-21 in the coming PSB.

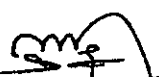
Thanks.

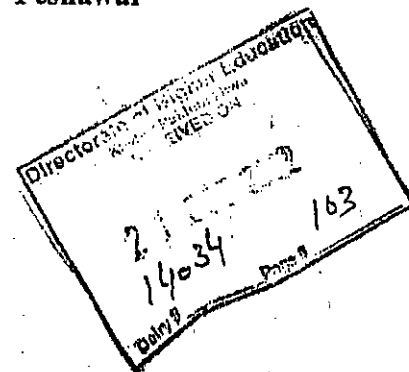
  
(Prof. Muhammad Sadiq)  
Prof. of Physics (BPS-20)  
GDC Hayatabad  
Peshawar

20/10/22

Copy forwarded to:

1. PS to Chief Secretary, Govt. of Khyber Pakhtunkhwa.
2. PS to Secretary Higher Education Department, Govt. of Khyber Pakhtunkhwa.

  
(Prof. Muhammad Sadiq)  
Prof. of Physics (BPS-20)  
GDC Hayatabad  
Peshawar



Rep.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/ 1-25/2022/(21)  
Dated Peshawar, 17.11.2022

To

1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
2. The Senior Member, Board of Revenue,  
Khyber Pakhtunkhwa.

**SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.**

Dear Sir,

I am directed to refer to this department letter of even number dated 16.11.2022 on the subject and to say that the following promotion cases will also be considered in the PSB meeting scheduled to be held on 18.11.2022 at 10:00 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa as Additional agenda items.

Addl. 1	Promotion of Professor (male) BS-20 to the post of Principal BS-21 in GCMS/GCCs	HED
Addl.2	Promotion of Associate Professor BS-19 to the post Professor BS-20 (female)	HED
Addl.3	Promotion of Assistant Professor BS-18 to the post of Associate Professor BS-19 (female)	HED
Addl.4	Promotion of Assistant Professor BS-18 to the post Associate Professor BS-19 (male) of college cadre in HED.	HED
Addl.5	Promotion of Lecturer BS-17 Female to the post of Assistant Professor BS-18 of College Cadre	HED
Addl.6	Promotion of Lecturer (male) BS-17 to the post of Assistant Professor BS-18 of College Cadre	HED
Addl.7	Promotion of Assistant Public Prosecutors BS-17 to the post of Deputy Public Prosecutors BS-18.	Home
Addl.8	Promotion of Assistant Excise & Taxation officer BS-17 to the post of Excise & Taxation officer BS-18	Excise
Addl.9	Promotion of Principal Medical Officer BS-19 to the post of Chief Medical officer BS-20	Health
Addl.10	Promotion of Member of Service BS-19 to the post of Member of Service BS-20 In Health department	Health
Addl. 11	Promotion of Senior Medical officer BS-18 to the post of Principal Medical officer BS-19.	Health

Yours faithfully,

*[Signature]*  
SECTION OFFICER (PSB)  
(PTO)

PS B meeting

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

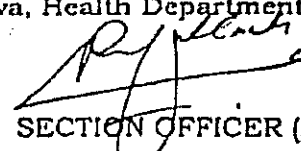
1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Reg.) Establishment Department.
4. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

  
SECTION OFFICER (PSB) 17/11/22

Endst. of even No. & date.

A copy is forwarded to: -

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Home Department
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Excise Department
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department,

  
SECTION OFFICER (PSB) 17/11/22





12  
15-12-22

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

DATED PESHAWAR, THE DECEMBER 15, 2022

**NOTIFICATION**

**NO.SO(E-II)E&AD/9-88/HED/2022** On the recommendations of the Provincial Selection Board in its meeting held on 18.11.2022, Mr. Manzoor-ul-Hassan is hereby promoted from the post of Professor (Male) (BS-20) to the post of Principal (BS-21) (GCMS/GCCS) of Higher Education Department, on regular basis, with immediate effect.

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

3. Posting/transfer order of the Principal will be issued, later on.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**Endst. No. and date even:**

**Copy forwarded to the:-**

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Director General, Commerce, Education & Management Sciences, Khyber Pakhtunkhwa.
6. Director General, Information, Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment/PS to Secretary Administration Departments.
10. PS to Special Secretary (E)/ PA's to AS (Litigation)/D.S.(Admn), D.S. (Estt.)/
11. SO(Secret)/SO(HRD-I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
12. Principal concerned.
13. Manager, Govt. Printing Press Peshawar.

(Z/A-III-BAQ)  
SECTION OFFICER (EST. I)  
PH: # 091-0210329

15/12/2022

*Promotion of Technical cadre*

E 13  
 Seniority List of Professors BS-20  
 Male Corrected up to 31-8-2022.

S.No.	Name of Officers with Qualification	Date of Birth Domicile
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1	Mr. Karimullah M.A Pol:Sc, Principal GDC, Chitral	01.01.1963 Chitral
2	Mr.Saeed-ul-Haq M.Sc.Zoology GPGC, Manshera	28.11.1963 Mansehra
3	Muhammad Sajjad Khan M.Sc.Chemsirty, Principal GPGC, Haripur	02.01.1963 Swabi
4	Mr.Inayatun Rehman M.A Islamiyat, GDC, Totakan (Buner)	03.01.1965 Nowshera
5	Mr.Hidayat Ullah M.A History, GPGC, Kohat	15.01.1965 Karak
6	Syed Abdul Wajid M.Sc Chemistry, G.P/G.C, Mansehra	20.03.1964 Mansehra
7	Mr.S. Zulfiqar Haider M.Sc Botany, G.C, No. 1 D.I.Khan	01.04.1963 Tank
8	Muhammad Saddiq M.Sc Physics, Principal GDC, Badabâr (Peshawar)	15.03.1963 Peshawar
9	Mr.Falak Naz Khan M.A Economics, GPGC, Lakki Marwat	15.09.1964 Lakki Marwat
10	Mr.Irshad Ahmad M.Phil Economics GPGC, Nowshera	02.05.1964 Swabi
11	Muhammad Tariq Saddique M.Sc Computer Sc: GSSC, Peshawar	08.06.1964 Peshawar
12	Mr.Nasrullah Khan M.A Pak Study, Chairman BISE, Peshawar	01.04.1965 Charsadda
13	Mr.Abdul Majid M.Sc Zoology Principal GDC, Balakot (Mansehra)	11.03.1965 Mansehra
14	Dr. Ghulam Mustafa S/O Abdul Ghaffar	25.06.1966

*Attested*

Principal  
Govt Degree College  
Haripur

F 14

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. \_\_\_\_\_ -P/2023

Muhammad Sadiq S/O M. Tahir  
Professor of Physics, Govt.  
Degree College Hayatabad,  
Peshawar ..... Petitioner

**VERSUS**

1. Chief Secretary, Govt. of KP,  
Peshawar.
2. Secretary, Govt. of KP,  
Establishment Department,  
Peshawar.
3. Secretary, Govt. of KP,  
Higher Education Department,  
Peshawar.
4. Provincial Selection Board,  
Govt. of KP, Peshawar,  
Through R. No. 03.
5. Director, Higher Education  
Department, Rano Ghari  
Chamkani Peshawar. .... Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**WRIT PETITION UNDER ARTICLE 199 OF  
THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973:**

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**Respectfully Sheweth:**

1. That petitioner was initially appointed as Lecturer in B-17 in Physics on 09-06-1988. On satisfactory performances of his official duties, he was directly appointed as Assistant Professor B-18 by the Khyber Pakhtunkhwa Public Service Commission, Peshawar in the year 1991. The said process of appointment was in-vogue, when he was further promoted to the post of Associate Professor B-19 on 26-05-2016, followed by subsequent promotion to the post of Professor B-20 on 21-11-2014.
2. That on 12-09-2022, Govt. of KP, Higher Education Department issued Notification wherein method of promotion to the post of Principal B-21 was enunciated.

"By promotion on the basis of seniority cum fitness from amongst the holders of the post of Professor B-20 with at least 03 years service as such and have successfully completed mandatory training of 04 months"

Here it would be not out of place to mention that at the time, petitioner is more than 58 years of age and is exempted from such training by virtue of Govt. instruction. (Copy as Annex "A")

3. That process of further promotion to the post of Principal B-21 was going on and for the purpose, R. No. 04 (PSB) initiated such process of promotion to the aforesaid post and in pursuance of the same, petitioner submitted representation before R. No. 05 to include his name for promotion to the next higher grade / post of B-21 in the coming PSB vide application dated 20-10-2022, however his case was not processed. No reason was ever assigned to petitioner. (Copy as annex "B")
4. That on 17-11-2022, PSB held meeting under the Chairmanship of R. No. 01 for promotion to various disciplines including promotion to the post of Professor male B-20 to the post of Principal B-21. (Copy as Annex "C")

Here, it would be not out of place to mention that at the same time ~~21 posts of male and~~ 15 posts of female were lying vacant in B-21 with the department.

5. That request of petitioner for including his name for promotion to B-21 in the coming PSB was not honored and thereafter R. No. 01 issued Notification on 15-12-2022. One Mr. Manzoor-UI-Hassan was promoted to the post of Principal B-21 in the Higher Education Department on regular basis. (Copy as Annex "D")
6. That in the seniority list the name of petitioner was placed at S. No. 08. 21 posts were lying vacant with the department, so petitioner was only qualified, fit and suitable for promotion to the said post. (Copy as Annex "E")

Hence this Writ Petition, inter alia, on the following grounds:-

### **GROUND S:**

- a. That petitioner services was / is ranging for decades, has a neat and clean service record at his credit and was also qualified for promotion to B-21.
- b. That 21 posts of male and 15 posts of female B-21 were lying vacant with the department, so as per the judgment of the apex court, when qualified person exists, then no justification, whatsoever, lies with the department to not to fill up the same as per the mandate of law.
- c. That respondent made pick and choose in promotion in the matter and petitioner was ignored for no legal reason and deprived from future benefits of service.
- d. That at this time, petitioner ~~is of 59~~ plus years of age and as per Govt. instruction, he is exempted from mandatory training for further promotion to the post of B-21 as he is to be retired from service with effect from 14-03-2023.

- e. That ~~no reason~~ whatsoever, was attributed to petitioner for dropping his name from further promotion to the post of B-21. Such act of the respondents is based on discrimination and malafide as well.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this Hon'ble Court may graciously be pleased to:-

- a. Direct respondents to issue order of promotion of petitioner to the post of Principal B-21 with all consequential benefits.
- b. Direct further respondents that during pendency of the Writ Petition, if retired from service, then be given proforma / notional promotion to B-21 with service benefits;

**AND/OR**

- c. Any other writ/order/direction deemed proper and just in the circumstances of the case, be also issued/ordered/given.

Petitioner

Through

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

  
Amjad Nawaz

Advocates,

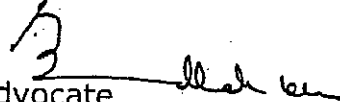
Dated: 11-01-2023

**LIST OF BOOKS:**

1. Constitution.

**CERTIFICATE:**

As per instructions of my client, no such like W.P has earlier been filed by the petitioner before this Hon'ble Court with permission to file fresh one.

  
Advocate

G 18

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

C.M. No. /2023

IN

WP. No. 172-P/2023

Muhammad Sadiq

versus

Chief Secretary & Others

**APPLICATION FOR AMENDMENT IN PRAYER OF THE WRIT PETITION.**

**Respectfully Sheweth,**

1. That on 15-02-2022, the said petition came up for hearing before the hon'ble bench and after deliberation, council for petitioner was directed to amend the prayer of the writ petition and was than fixed on 23-02-2023 which is as under:
  - a. Direct the respondents to include the name of petitioner in the panel for promotion to B-21.
  - b. Direct further respondents to consider / issue order of promotion of petitioner to the post of principal B-21 with all consequential benefits..
  - c. Direct respondents that if petitioner is retired from service during pendency of the writ petition, then he be given proforma / notional promotion to B-21 with all service benefits.

It is therefore most humbly requested that apart from the aforesaid prayer, this prayer be read as part and parcel of the writ petition.

Applicant

Through



Saad Ullah Khan Marwat

Advocate

Date: 18-02-2023



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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated 15/03/2023

**NOTIFICATION**

**NO.SO(C-1)/HED/3-21/Muhammad Sadiq (Prof: Physics 2023)** In pursuance of Sub-Section (1) of Section 13 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII) **Muhammad Sadiq S /O Muhammad Tahir, Professor of Physics (BS-20), Govt: Degree College, Hayatabad, Peshawar, stands retired from Government Service w.e.f. 14.03.2023 (A.N) on attaining the age of superannuation as his date of birth is 15/03/1963.**

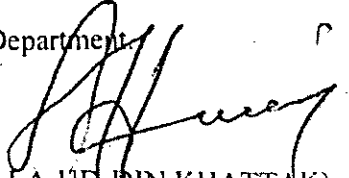
2. In terms of Rule-20 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 and instructions there-under issued from time to time, sanction is hereby accorded to the leave encashment in lieu of LPR equal to 365-days in favour of above named officer, subject to deduction of leave availed during the last year of service and observance of all codel formalities.

**SECRETARY**  
Higher Education Department

**Endst: of Even No. & Date.**

Copy forwarded for information & necessary action to the:

- ✓ 1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education Khyber Pakhtunkhwa, Peshawar w/r to his letter No.1210/CA-I/Estt:Branch/A-12/ Muhammad Sadiq/ Physics dated 28/02/2023.
3. Principal, Govt: Degree College, Hayatabad, Peshawar.
4. Director (HEMIS), Higher Education Archives & Libraries Department.
5. Muhammad Sadiq S /O Muhammad Tahir, Professor of Physics, Govt: Degree College, Hayatabad, Peshawar.
6. PS to Secretary to Govt of Khyber Pakhtunkhwa Higher Education, Archives & Libraries Department.
7. Officer Litigation I, II, Higher Education, Archives & Libraries Department.
8. Master File.

  
**(ALLA-UD-DIN KHATTAK)**  
Section Officer (Colleges-I)