

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

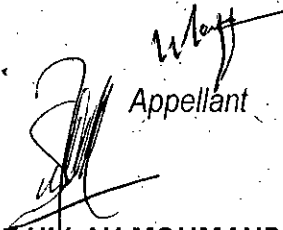
Amended Service Appeal No _____ */2023*

Waqar Ahmad, AAC . *VERSUS* Chief Secretary, KP &
others

I N D E X

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Through


Appellant

SAIF ULLAH MOHMAND

Advocate, Peshawar.

Office

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Moalvi Jee Hospital, Hashtnagri,
Peshawar.

Cell No.

0321-9117280

Dated:- 30.05.2023

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Amended Service Appeal No _____ */2023*

Waqar Ahmad, Additional Assistant Commissioner, *Dassu*, Dassu
Headquarter Kohistan Upper. *Appellant*

VERSUS

1. Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. Mst. Tahreem Shah, (PMS Officer, BPS-17).
5. Mr. Sajid Ullah, (PMS Officer, BPS-17).
6. Mr. Ahmad Nasrullah, (PMS Officer, BPS-17).
7. Mr. Fida Hussain, (PMS Officer, BPS-17).
8. Mr. Faisal Ismail, (PMS Officer, BPS-17).
9. Mr. Syed Mazhar Ali Shah, (PMS Officer, BPS-17).
10. Mr. Muhammad Suhail, (PMS Officer, BPS-17).
11. Mr. Farangis Azam, (PMS Officer, BPS-17).
12. Mr. Atta Ullah, (PMS Officer, BPS-17).
13. Mr. Atif Afridi, (PMS Officer, BPS-17).
14. Mst. Navaira Farooq, (PMS Officer, BPS-17).
15. Mr. Aamir Zeb, (PMS Officer, BPS-17).
16. Mr. Sadiq Ali, (PMS Officer, BPS-17).
17. Mr. Tausif Ur Rehman, (PMS Officer, BPS-17).
18. Mr. Muhammad Amir Khan, (PMS Officer, BPS-17).
19. Mr. Sheroz Rashid Khan, (PMS Officer, BPS-17).
20. Mr. Syed Muhammad Arsalan, (PMS Officer, BPS-17).
21. Mr. Muhammad Bilal Naseer, (PMS Officer, BPS-17).
22. Mr. Muhammad Fayaz, (PMS Officer, BPS-17).
23. Mr. Khalid Imran, (PMS Officer, BPS-17).
24. Mr. Zyed Khan Safi, (PMS Officer, BPS-17).
25. Mr. Muhammad Buraq Awan, (PMS Officer, BPS-17).
26. Mst. Syeda Zainab Naqvi, (PMS Officer, BPS-17).
27. Mr. Anees Ur Rehman, (PMS Officer, BPS-17).

28. Mr. Riaz Ali, (PMS Officer, BPS-17).
29. Mr. Waseem Ullah Khan Khattak, (PMS Officer, BPS-17).
30. Mst. Sonia Naz, (PMS Officer, BPS-17).
31. Mr. Shayam Ali, (PMS Officer, BPS-17).
32. Mr. Kabir Ahmad Khan, (PMS Officer, BPS-17).
33. Mr. Adnan Khan, (PMS Officer, BPS-17).
34. Mr. Sohail Ahmad Shah Bukhari, (PMS Officer, BPS-17).
35. Mr. Fahad Zia, (PMS Officer, BPS-17).
36. Mr. Khayyam Nasir, (PMS Officer, BPS-17).
37. Mr. Haroon Salim, (PMS Officer, BPS-17).
38. Mr. Khizar Faiz, (PMS Officer, BPS-17).
39. Mst. Sana Shah, (PMS Officer, BPS-17).
40. Mr. Asfandyar Khalid, (PMS Officer, BPS-17).
41. Mr. Shahid, (PMS Officer, BPS-17).
42. Mr. Muhammad Ali, (PMS Officer, BPS-17).
43. Mr. Inam Ullah, (PMS Officer, BPS-17).
44. Mr. Awais Khan, (PMS Officer, BPS-17).
45. Mr. Sheraz Mufti, (PMS Officer, BPS-17).
46. Mr. Junaid Akbar, (PMS Officer, BPS-17).
47. Mr. Shahbaz Khan, (PMS Officer, BPS-17).
48. Mr. Irshad Ul Haq, (PMS Officer, BPS-17).
49. Mr. Muhammad Fasih Ishaq Abbasi, (PMS Officer, BPS-17).
50. Mr. Shahab Ahmad Khan, (PMS Officer, BPS-17).
51. Mr. Junaid Khalid, (PMS Officer, BPS-17).
52. Mr. Amir Mustafa, (PMS Officer, BPS-17).
53. Mr. Munir Ahmad Khan, (PMS Officer, BPS-17).
54. Mst. Tania Shaheen, (PMS Officer, BPS-17).
55. Mr. Syed Yasir Ali Shah, (PMS Officer, BPS-17).
56. Mr. Muhammad Sohail Khan, (PMS Officer, BPS-17).
57. Mst. Mariam Hameed, (PMS Officer, BPS-17).
58. Mr. Salim Ullah Khan, (PMS Officer, BPS-17).
59. Mr. Kamran Khan, (PMS Officer, BPS-17).
60. Mr. Muhammad Hamid Siddique, (PMS Officer, BPS-17).
61. Mr. Saad Munir, (PMS Officer, BPS-17).

62. Mst. Sameera Saba, (PMS Officer, BPS-17).
63. Mr. Bilal Nasir, (PMS Officer, BPS-17).
64. Mr. Sultan Noor Ud Din Ahmad, (PMS Officer, BPS-17).
65. Mr. Luqman, (PMS Officer, BPS-17).
66. Mr. Muhammad Ihsan Tahir, (PMS Officer, BPS-17).
67. Mr. Allah Nawaz, (PMS Officer, BPS-17).
68. Mr. Shahid Ullah, (PMS Officer, BPS-17).
69. Mr. Shakeel Ahmad, (PMS Officer, BPS-17).
70. Mr. Hazrat Bilal, (PMS Officer, BPS-17).
71. Mr. Amir Ullah Khan, (PMS Officer, BPS-17).
72. Mr. Riyaz Ahmad, (PMS Officer, BPS-17).
73. Mr. Sikandar Afzaal, (PMS Officer, BPS-17).
74. Mr. Usama Hamza, (PMS Officer, BPS-17).
75. Mr. Aftab Alam, (PMS Officer, BPS-17).
76. Mr. Naseer Abbas Khalil, (PMS Officer, BPS-17).
77. Mr. Muhammad Saqib, (PMS Officer, BPS-17).
78. Mr. Noor Nawaz, (PMS Officer, BPS-17).
79. Mr. Zarak Yar Khan Toru, (PMS Officer, BPS-17).
80. Mr. Baqir Ali, (PMS Officer, BPS-17).
81. Mr. Muhammad Idrees Khan, (PMS Officer, BPS-17).
82. Mr. Adnan Mumtaz, (PMS Officer, BPS-17).
83. Mr. Noman Parvaiz, (PMS Officer, BPS-17).
84. Mr. Mishab Waheed, (PMS Officer, BPS-17).
85. Mr. Syed Aehsan Ali Shah, (PMS Officer, BPS-17).
86. Mr. Junaid Shah, (PMS Officer, BPS-17).
87. Zeeshan Najeeb, (PMS Officer, BPS-17).
88. Mr. Ishtiaq Ahmad, (PMS Officer, BPS-17).
89. Mr. Shah Nawaz Khan, (PMS Officer, BPS-17).
90. Mst. Natasha Sumbal, (PMS Officer, BPS-17).
91. Mr. Naveed Ahmad, (PMS Officer, BPS-17).
92. Mr. Umar Mukhtar, (PMS Officer, BPS-17).
93. Mst. Mariam Burki, (PMS Officer, BPS-17).
94. Mr. Muhammad Faizan Zeb, (PMS Officer, BPS-17).
95. Mr. Fawad Ahmad Khan, (PMS Officer, BPS-17).

96. Mst. Sabeeha Hastam, (PMS Officer, BPS-17).
97. Mr. Aftab Ahmad, (PMS Officer, BPS-17).
98. Mst. Khaula Haqdar, (PMS Officer, BPS-17).
99. Mr. Muhammad Ali, (PMS Officer, BPS-17).
100. Mst. Sohny Saleem, (PMS Officer, BPS-17).
101. Mr. Ramiz Ali Shah, (PMS Officer, BPS-17).
102. Mr. Umer Ahmad Khitran, (PMS Officer, BPS-17).
103. Mr. Aimal Khan, (PMS Officer, BPS-17).
104. Mr. Jamshed Alam Khan, (PMS Officer, BPS-17).
105. Mst. Haseena Khan, (PMS Officer, BPS-17).
106. Mr. Sana Ullah, (PMS Officer, BPS-17).
107. Mst. Brekhna Habib, (PMS Officer, BPS-17).
108. Mr. Nadir Nazar, (PMS Officer, BPS-17).
109. Mr. Nasir Ali, (PMS Officer, BPS-17).
110. Mr Saddam Hussain, (PMS Officer, BPS-17).
111. Mst. Madeeha Khan, (PMS Officer, BPS-17).
112. Mst. Nayab Abbasi, (PMS Officer, BPS-17).
113. Mr. Shah Wali Khan, (PMS Officer, BPS-17).
114. Mr. Waseem Yousuf Khan, (PMS Officer, BPS-17).
115. Mst. Samia Jabeen, (PMS Officer, BPS-17).
116. Mst. Samira Mehsood, (PMS Officer, BPS-17).
117. Mst. Shagufta Sarwar, (PMS Officer, BPS-17).
118. Mst. Sana Fatima, (PMS Officer, BPS-17).
119. Mst. Sahar Anwar Khan, (PMS Officer, BPS-17).
120. Mst. Sanovia Kakar, (PMS Officer, BPS-17).
121. Mst. Misbah Khalid, (PMS Officer, BPS-17).
122. Mst. Sara Hamayoun, (PMS Officer, BPS-17).
123. Mst. Shawana Haleem, (PMS Officer, BPS-17).
124. Mst. Christina Zeb Ul Nisa Feroz, (PMS Officer, BPS-17).
125. Mr. Fawad Ahmad, (PMS Officer, BPS-17).
126. Mr. Adnan Haider Malooki, (PMS Officer, BPS-17).

All on the care of Senior Member Board of Revenue Khyber Pakhtunkhwa,
Peshawar

-----Respondents)

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(Amended Appeal)

**AMENDED SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,
AGAINST THE IMPUGNED NOTIFICATION NO.
SOE.II(ED)2(192)2020 DATED 02.07.2020, WHEREBY THE
APPELLANT HAS BEEN PROMOTED TO THE POST OF PMS
OFFICER BPS-17, WITH IMMEDIATE EFFECT INSTEAD OF w.e.f
20.02.2020 AND AGAINST THE APPELLATE ORDER DATED
01.09.2020, WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

=====
PRAYER

**On acceptance of instant appeal, the
impugned appellate order dated
01.09.2020 may very kindly be set aside
and the original impugned Notification
dated 02 .07.2020, may graciously be
modified to the extent of anti-dating the
promotion of the appellant as PMS Officer
(BPS-17) w.e.f 20.02.2020 with all back
benefits including seniority.**

=====
Respectfully Sheweth:-

1. That the appellant is the employee of respondent department and is serving as Additional Assistant Commissioner (BPS-17) at Dassu Headquarter, Kohistan Upper, quite efficiently and up to the entire satisfaction of his superior officers.
2. That the appellant while serving as Tehsildar (BPS-16) in the respondent department, a list/ panel of Tehsildars who were eligible for promotion to the next high scale i.e. Provincial Management Services (hereinafter referred to as

(6)

PMS) BPS-17 was prepared wherein the appellant's name appeared at serial No.46 of the said list/ panel.

(Copy of the list / panel is Annex-A)

3. That for the said purpose working paper was prepared for the Provincial Selection Board, wherein the Tehsildars had 20% share for promotion to the post of PMS BPS-17 and total of 53 posts had to be filled through promotion from amongst the Tehsildars.

(Copy of working paper is Annex-B)

4. That the posts of PMS (BPS-17) were lying vacant in the promotion Quota for Tehsildars and for the said purpose names of the eligible Tehsildars were processed for promotion. The meeting of provincial Selection Board (hereinafter referred to as PSB) was scheduled for 20.02.2020, but unfortunately on the same date, the meeting was postponed due to the decision rendered by worthy Peshawar High Court Peshawar, whereby the Act of provincial Government was declared null and void, in which the retirement age was enhanced from 60 to 63 years.

(Copy of office letter dated 18.02.2020 is Annex-C)

5. That since the appellant was under apprehension that nominees of Khyber Pakhtunkhwa Public Service Commission will be appointed, which will ultimately disturb his seniority, hence request was made to the Establishment Department for rescheduling the meeting of PSB, as soon as possible but the same could not be held.

(Copy of application is Annexed-D)

6. That feeling aggrieved the appellant along-with his colleagues filed WP No.1861-P/2020 before the worthy Peshawar High Court, Peshawar, titled as "Aftab Ahmad & Others Vs Secretary to Govt & others" but during the pendency of the said Writ Petition, the respondents appointed recommendees of Public Service Commission (Private respondents) as PMS Officers (BPS-17) vide Notification dated 29.05.2020.

(Copy WP No.1861-P/2020 is Annexed-E)

(Copy of Notification dated 29.05.2020 is Annexed-F)

7. That during pendency of the Writ Petition mentioned above, the respondents promoted the appellant and his other colleagues of PMS Officers (BPS-17), on regular basis vide impugned Notification dated 02.07.2020 but with immediate effect instead of 20.02.2020 thus affecting the seniority of the appellant very badly, hence the writ Petition mentioned above was withdrawn with permission to approach the proper forum.

(Copy of the impugned notification dated 02.07.2020 is Annexed-G)

(Copy of order of withdrawal is Annexed-H)

8. That on dated 30.07.2020 the appellant moved his departmental appeal for ante-date promotion and against Notification dated 02.07.2020 but the same was rejected vide order dated 01.09.2020.

(Copy of departmental appeal is Annexed-I)

(Copy of rejection order dated 01.09.2020 is Annexed-J)

9. That being aggrieved from the actions and inactions of respondent department the appellant filed Service Appeal before This worthy tribunal, during pendency of which the counsel for the appellant requested for filing amended memo and grounds of appeal, in order to array as party, the officers who are presently senior to the appellant, which was graciously allowed vide order dated 9th May, 2023, hence the amended appeal on the following grounds inter-alia.

(Copy of order dated 9th May 2023 is Annexed-K)

GROUND S:

- A. That impugned Notification dated 02.07.2020, whereby the appellant was promoted to the post of PMS Officer BPS-17, with immediate effect, instead of w.e.f 20.02.2020 and the impugned order dated 01.09.2020 are illegal, unlawful against the law on the subject and natural justice hence not tenable and liable to be modified/rectified and appellant needs to be given promotion w.e.f 20.02.2020, instead of 02.07.2020.
- B. That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 & 25 of the Constitution.
- C. That the respondents acted in arbitrary and malafide manner while issuing the promotion order with immediate effect instead of w.e.f due date 20.02.2020.
- D. That the respondents violated Section-09 of the Civil Servant Act. 1973; r/w rule-07 of the Appointment,

Promotion & Transfer Rules, 1989, by issuing impugned Notification with immediate effect instead of w.e.f 20.02.2020

- E. That the appellant is fully entitled for promotion from the date when the first PSB was scheduled i.e. 20.02.2020.
- F. That the PSB meeting was postponed due to the act of Public functionaries and not due to any fault on the part of the appellant.
- G. That impugned Notification dated 02.07.2020 is violative of Article 38(e) of the Constitution of Islamic Republic of Pakistan.
- H. That more grounds shall be raised with permission of this worthy Tribunal at the time of arguments.

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

Any other relief, with this Honourable Tribunal deemed just and proper may also be granted to the appellant not specifically prayed for herein.

Appellant

Waqar Ahmad

Through

Dated: - 27.05.2023

SAIF ULLAH MOHMAND
Advocate, Peshawar.

CERTIFICATE:

Certified that as per information of my client that this amended appeal is filed as per order dated 9th May, 22023 of this worthy tribunal.

SAIF ULLAH MOHMAND
ADVOCATE

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Amended Service Appeal No _____ */2023*

Waqar Ahmad, AAC

VERSUS

Chief Secretary, KP & others

AFFIDAVIT

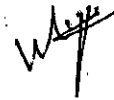
I, Waqar Ahmad, Additional Assistant Commissioner (Revenue), Dassu Headquarters, Kohistan Upper, do hereby solemnly affirm and declare on Oath that the contents of accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

Identified by



Saif Ullah Mohmand

Advocate, Peshawar High Court.



Deponent

Annex A

PANEL OF TEHSILDARS FOR CONSIDERATION. (For Senior Member)

S #	Seniority No.	Name of officers with qualification	Date of birth	Date of 1 st entry into Govt services	Date of appointment/promotion to BS-16	Date of regular appointment/promotion in the present scale	Whether fulfil the prescriptive length of service	Quantified scores	Missing PERs (if any)	Disciplinary proceedings (if any)	Case (if any) in any court of law including NAD/PCA bargaining with NAD	Mandatory training for promotion	Research papers	Present posting	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1.	1.	Mr. Muhammad Ikramullah (M.A)	09.03.1965	01.07.1995	06.09.2008	06.09.2008	Yes		2015 to 2018	Pending Anti-Corruption Case		Yes		Tehsildar Paharpur	Promoted from Naib Tehsildar. Deficient PERs
2.	2.	Mr. Kiramatullah (M.A)	20.01.1961	08.01.1981	06.09.2008	06.09.2008	Yes		11.2018 to 10.6.2018	No	No.	Yes		AAC (OPS)	On 14.11.2017, Opted not to be promoted. Now seek promotion as PMS BS-17 on 10.01.2018.
3.	3.	Mr. Abdul Ghafar (B.A)	15.12.1974	14.02.2004	04.06.2011	04.06.2011	Yes		2018	No	No.	No		Tehsildar Domail	Promoted from Naib Tehsildar. On 07.09.2016 opted not to be promoted
4.	4.	Mr. Hidayatullah (B.A)	28.04.1962	13.03.1991	04.06.2011	04.06.2011	Yes			No	No	Yes		AAC (OPS)	Eligible.
5.	5.	Mr. Shah Nawaz (B.A)	01.10.1959	11.11.1981	04.06.2011	04.06.2011	Yes			Evacuated in VR case		No		Tehsildar Kakki	Promoted from Naib Tehsildar. On 28.06.2016 opted not to be promoted.

SAIF ULLAH
Advocate
High Court, Islamabad

		Mr Abdul Hadl (M.A)	18.04.1960	23.06.1983	18.06.2013	18.06.2013	Yes		2018	No	No	Yes		Waiting for posting in BOR.	Promoted from Supty: on 18.06.2013. On 09.08.2016 opted not to be promoted. Now seek promotion as PMS BS-17 on 09.01.2018.
7.	7.	Mr. Gohar Ali (BA)	20.02.1964	19.12.1985	26.03.2019	26.03.2019	No			No	No	No		Settlement Tehsildar Malakand	Promoted from DK. Under probation & length of service not completed.
8.	8.	Mr. Abdur Rehman Shah (DA)	15.02.1985	23.01.2007	10.02.2015	10.02.2015	Yes			No	No	Yes		Tehsildar Jamrud	Deficient PERs.
9.	9.	Mr. Waheed Ahmad (DA)	01.01.1967	29.01.1986	10.02.2015	10.02.2015	Yes			Under enquiry	No	Yes		LAC (OPS) CPEC	
10.	10	Syed Mir Laiq Shah (DA)	27.04.1963	08.07.1983	10.02.2015	10.02.2015	Yes			No	No	Yes		Tehsildar Haripur	Eligible
11.	11.	Mr. Muhammad Junaid (BSC)	10.02.1983	01.02.2016	01.02.2016	01.02.2016	Yes			No.	No.	Yes		Tehsildar Bank of Khyber	Eligible
12.	12.	Mr. Shah Behram (BA)	20.11.1973	28.06.1997	15.12.2016	15.12.2016	Yes			No.	No.	Yes		AAC (OPS)	Eligible
13.	13.	Mr. Fiaz Ahmad Qureshi (BA)	12.04.1962	15.08.1962	15.12.2016	15.12.2016	Yes			No.	No.	Yes		AAC (OPS)	Eligible
14.	14.	Mr. Abdul Musqic (MA)	20.01.1965	23.08.1988	15.12.2016	15.12.2016	Yes			No.	No.	Yes		AAC (OPS)	Eligible
15.	15.	Mr Jehan Said (M.Com)	10.01.1964	28.08.1988	15.12.2016	15.12.2016	Yes			No	No.	Yes		AAC (OPS)	Eligible

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SAIF ULLAH
Advocate
High Court Peshawar

[Signature]

16.	Mr. Sahib Zada (BA)	10.11.1961	04.09.1988	15.12.2016	15.12.2016	Yes			No.	No.	Yes		LAC (OPS) SNGPE	Eligible
17.	Mr. Zahid Kamal (BA)	18.05.1964	01.03.1990	15.12.2016	15.12.2016	Yes			No.	No.	Yes		Tehsildar Khwezai	Eligible
18.	Mr. Habib Ahmad Jan (MA)	01.03.1963	02.07.1987	15.12.2016	15.12.2016	Yes			No.	No.	Yes		AAC(OPS)	Eligible
19.	Mr. Tahir Ashraf (MA)	24.01.1970	28.02.1988	16.11.2017	16.11.2017	No			No.	No.	Yes		RO PESCO Abbottabad	Promoted from Assistant. Length of service not completed
20.	Mr. Asar Khan (BA)	10.04.1964	04.12.1989	06.04.2018	06.04.2018	No		2016 to 2018	No.	No.	No.		Tehsildar Tahibhai	Promoted from Sub Registrar Length of service not completed
21.	Mr. Abdul Qayum (BA)	20.02.1965	20.03.1988	16.11.2017	16.11.2017	No		2001, 2017 & 2018	No.	No.	No.		Tehsildar Razar	Promoted from Sub Registrar Length of service not completed
22.	Mr. Muhammad Azam Khan (BA)	08.12.1959	14.07.1982	16.11.2017	16.11.2017	No		2016 & 2018	No.	No.	Yes		Tehsildar Charsadda	Promoted from Sub-Registrar. Length of service not completed.
23.	Mr. Waheedullah (M/LLB)	10.02.1973	20.09.1995	16.11.2017	16.11.2017	No			No.	No.	Yes		Tehsildar Puran	Promoted from Sub-Registrar. Length of service not completed.
24.	Mr. Ajam Khan (BA)	15.06.1963	07.10.1987	16.11.2017	16.11.2017	No			No.	No.	Yes		Tehsildar Khar Tribal District Bajaur	Promoted from District Karungo. Length of service not completed.
25.	Mr. Muhammad Inveel (BA)	22.04.1966	25.09.1990	16.11.2017	16.11.2017	No			No.	No.	Yes		Tehsildar Haylian	Promoted from District Karungo. Length of service not completed.

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27	Mr. Shah Nadeem (USC)	02.04.1983	09.08.2004	16.11.2017	16.11.2017	No			No.	No.		Tehsildar Nowshera	Promoted from Dk. Length of service not completed.
28	Mr. Ashraf Mehmood (MISC/LLB)	04.02.1967	17.09.1991	16.11.2017	16.11.2017	No			No.	No.		Tehsildar Mansehra	Promoted from Assistant. Length of service not completed.
29	Muhammud Haseel Khan (DA)	15.04.1968	17.09.1991	16.11.2017	16.11.2017	No			No.	No.		Tehsildar Khanpur	Promoted from Assistant. Length of service not completed.
30	Mr. Niamanullah Kundli (DA)	22.09.1965	09.01.1992	16.11.2017	16.11.2017	No		2017, 2018	No.	No.	No.	Tehsildar Jehangira	Promoted from Assistant. Length of service not completed.
31	Mr. Raja Tasawar Khan (DA)	13.04.1968	05.01.1992	16.11.2017	16.11.2017	No		2017, 2018	No.	No.	No.	Tehsildar Chozai	Promoted from Assistant. Length of service not completed.
32	Mr. Ishaq Ali Khan (DA)	14.10.1963	13.09.1992	16.11.2017	16.11.2017	No			No.	No.	No.	Tehsildar Soanwam	Promoted from Assistant. Length of service not completed.
33	Muhammud Zahid (DA)	04.01.1968	23.10.1992	16.11.2017	16.11.2017	No			No.	No.	No.	Settlement Tehsildar Nowshera	Promoted from Assistant. Length of service not completed.
34	Muhammud Imran Zaman (DA)	05.05.1979	23.04.2008	16.11.2017	16.11.2017	No		2018	No.	No.	No.	Tehsildar Swabi	Promoted from Assistant. Length of service not completed.

SAIF ULLAH
 ADVOCATE
 High Court, Peshawar

Mr. Arbab Jambak (Misc)	08.12.1982	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar CLCP Khyber Eligible
Mr. Jambak Jambak (Misc)	04.05.1984	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	AAC (Rev) Chansada Ops NT Promoted from
Mr. Fazalur Rahman (M.A)	10.07.1975	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar Datta NT Promoted from
Muhammad Iqbal (Jambak MHA)	17.03.1982	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar Lora NT Promoted from
Mr. Waqar Ali (M.A)	24.01.1980	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar Inspector Stamps Abbottabad Eligible
Mr. Zulfikar Khan (M Cont)	15.04.1983	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar PDA Eligible
Mr. Faqir Hussain (DA)	10.10.1983	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Settlement Manshra Eligible
Mr. Kiyas Ullah (M.A)	09.01.1977	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar Reconital Promoted as Eligible Tehsildar Peshawar subject to Judgment of Supreme Court of Pakistan.
Mr. Jambak Jambak (Misc)	22.03.1979	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar Inspector Mardan Eligible
Mr. Jambak Jambak (Misc)	08.12.1982	02.02.2009	17.01.2019	17.01.2019	Yes	No	No	No	Yes	Tehsildar CLCP Khyber Eligible

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SAIF ULLAH
Advocate
H.M. Chant Peshawar

45.	AFTAB AHMAD (MSC)	08.12.1982	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHSILDAR CLCP KHYBER	ELIGIBLE
46.	MR DIL NAWAZ KHAN (LLB)	22.03.1979	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHILDAR INSPECTOR STAMPS MARDAN	ELIGIBLE
47.	MR KIFAYAT ULLAH (M.A)	09.01.1977	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHSILDAR RECONCILLATION PESHAWAR	ELIGIBLE, PROMOTED AS TEHILDAR SUBJECT TO CONTRARY JUDGMENT OF SUPREME COURT OF PAKISTAN
48.	MR. FAQIR HUSSAIN (B.A)	10.10.1983	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	SETTLEMENT TEHILDAR MANSEHRA	ELIGIBLE
49.	MR. ZULFIQAR KHAN (M.COM)	15.04.1983	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHSILDAR PDA	ELIGIBLE
50.	MR. WAQAR (M.A)	15.04.1983	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHSILDAR INSPECTOR STAMPS ABBOTTABAD	ELIGIBLE
51.	MUHAMMAD FARAZ (M.A)	24.04.1980	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHSILDAR LORA	PROMOTED FORM NT
52.	FAZAL UR REHMAN (M.A)	17.03.1982	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	TEHSILDAR BAFFA PAKHAL	PROMOTED FORM NT
53.	MR. FARUTKH JADOON (BSC)	10.07.1975	02.02.2009	17.01.2019	17.01.2019	YES			NO	NO	YES	AAC (REV) OPS CHARSADDA	PROMOTED FORM NT

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NOTED

High Court Peshawar

		Mr. Fayaz Ahmad (M.A)	10.03.1982	02.02.2009	17.01.2019	17.01.2019	Yes			No	No	No		Tehsildar LA Abbottabad	Promoted from NT.
	55	Mr. Bilal Ahmad (BA, B.Ed)	10.10.1978	02.02.2009	17.01.2019	17.01.2019	Yes		2018	No	No	No		Tehsildar Torghar	Promoted from NT.
56	56	Mr. Tanveer Shahzad (M.A)	30.12.1977	02.02.2009	17.01.2019	17.01.2019	Yes			No	No	No		Settlement Tehsildar Abbottabad	Promoted from NT.
57	57	Mr. Ejaz Ahmad (M.A)	15.04.1976	02.02.2009	17.01.2019	17.01.2019	Yes		2013 & 2018	No	No	No		Tehsildar Abbottabad	Promoted from NT.
58	58	Muhammad Salim (BSC)	03.05.1978	02.02.2009	17.01.2019	17.01.2019	Yes		2018	No	No	No		Tehsildar Oghi	Promoted from NT.
59	59	Mr. Adil Waseem (BA)	25.12.1988	27.02.2009	17.01.2019	17.01.2019	Yes		2018	No	No	No		Tehsildar Madan	Promoted from NT.
60	60	Mr. Muhammad Yousaf (BA)	12.04.1964	22.04.1991	26.03.2019	26.03.2019	No			No	No	No		Tehsildar Mulkaw	Promoted from Assistant Under probation. Length of service not completed.
61	61	Mr. Tanzil-ur-Rehman	13.02.1988	14.04.2009	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Shah Aiam	Promoted from NT. Under probation

SAIF ULLAH
Advocate
High Court Peshawar

		Mr. Rab Nawaz (BA)	12.02.1964	27.12.1983	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Booni	Promoted from SR. Under probation. Length of service not completed
63.	63.	Mr. Abdul Qayum (BA)	24.04.1974	27.12.1993	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Belraun	Promoted from NT. Under probation
64.	64.	Mr. Shaukat Iqbal (M.A)	2/11/1973	19.10.1992	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Tank	Promoted from NT. Under probation
65.	65.	Mr. Abdur Rashid (MSC)	05.01.1962	28.08.1988	26.03.2019	26.03.2019	Yes			No	No	No		At the disposal of Cms Mardan	Promoted from NT. Under probation
66.	66.	Sahibzada Almad Ali M.A (H.ed)	17.04.1962	28.08.1988	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Khedukhel	Promoted from NT. Under probation
67.	67.	Mr. Gohar Ali (B.A)	31.03.1980	29.05.2009	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Lakki Marwat	Promoted from NT. Under probation
68.	68.	Mr. Sher Dil (BA)	24.01.1974	10.04.1995	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Kolai Patis	Promoted from NT. Under probation
69.	69.	Muhammad Shoaib (BA)	01.01.1968	09.12.1990	26.03.2019	26.03.2019	Yes		2000	No	No	No		Tehsildar Kohat	Promoted from NT. Under probation
70.	70.	Mr Muhammad Arshad (BA)	20.01.1967	02.09.1984	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Mahal Kurram	Promoted from NT. Under probation
71.	71.	Mr. Nawab Gul (M.A)	15.11.1966	01.01.1995	26.03.2019	26.03.2019	Yes			No	No	No		Tehsildar Lachi	Promoted from NT. Under probation

SAIF ULLAH
Advocate
10th Court Peshawar

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Annex B

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department:- ESTABLISHMENT DEPARTMENT.

Subject:- FILLING OF 53 POSTS OF PROVINCIAL MANAGEMENT SERVICE BS-17 FALLING TO THE PROMOTION SHARE OF TEHSILDARS BS-16 ON REGULAR BASIS.

1.		Nomenclature of the post / Basic Scale.	Provincial Management Service (BS-17) as detailed in schedule-II (Annex-I)		
2.		Service/Group/Cadre.	Provincial Management Service		
3.		Sanctioned strength of the cadre.	826 (767 schedule posts + 20% DTL subtracting 59 posts in the share of PAS)		
4.	(i)	Percentage of share.	Direct	Promotion	Transfer
			50% by initial recruitment through Public Service Commission & 10% by selection on merit from amongst the graduate Ministerial Staff through Public Service Commission.	20% for Tehsildars.	
		No. of posts allocated to each category.	398 + 80 for selection through Public Service Commission.	153 for Tehsildars.	
		Present occupancy position	119 + 34	100	
		No. of vacancies.	279 + 46	53 on regular basis.	
		How did the vacancy(ies) under promotion quota accrue and since when?	Explanation at (Annex-II).		
(vi)	Recruitment Rules.	<p>According to Provincial Management Service Rules 2007, the following method has been prescribed for recruitment to the posts of PMS BS-17(Annex-III).</p> <p>1) Fifty percent by initial recruitment on the recommendations of the Khyber Pakhtunkhwa Public Service Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in schedule-IV:</p> <p>2) Subject to rule 7, by promotion in the following manner:</p> <p>(a) twenty per cent from amongst Tehsildars, who are graduates, on the basis of seniority-cum-fitness, having three years service as Tehsildar and Naib Tehsildar and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute;</p> <p>(b) twelve per cent, on the basis of seniority-cum-fitness, from amongst Superintendents, who are graduates having three years service as Superintendent and Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute; and</p> <p>(c) eight per cent, on the basis of seniority-cum-fitness, from amongst Personal Assistants and Senior Scale Stenographers, who have opted to join Provincial Management Service and are graduates with three years service as Private Secretary or Personal Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute.</p>			

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SAIF ULLAH
Advocate
High Court Peshawar

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WORKING PAPER FOR PROVINCIAL SELECTION BOARD

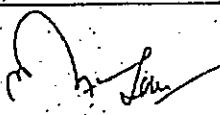
Department **ESTABLISHMENT DEPARTMENT**

Subject: **FILING OF 53 POSTS OF PROVINCIAL MANAGEMENT SERVICE BS17 FALLING TO THE PROMOTION SHARE OF TEHSILDARS BS-16 ON REGULAR BASIS.**


1.		Nomenclature of the post / Basic Scale	Provincial Management Service (BS-17) as detailed in schedule – II (Annex-I)		
2.	I	Service / Group Cadre	Provincial Management Service		
3.		Sanctioned strength of the cadre	826 (767 schedule posts + 20% DTL subtracting 59 posts in the share of PAS).		
4.			Direct	Promotion	Transfer
5.	i.	Percentage of share	50% by initial recruitment through Public Service Commission & 10% by selection on merit from amongst the graduate Ministerial Staff through Public Service Commission	20% for Tehsildars	
6.	ii.	No of posts allocated to each category	385+80 for selection through Public Service Commission	153 for Tehsildars	
7.	iii.	Present occupancy position	119+34	100	
8.	iv	No of vacancies	279+46	53 on regular basis	
9.	V	How did the vacancies under promotion quota accrue and since when?	Explanation at (Annex-II)		
10.	Vi	Recruitment Rules	<p>According to Provincial Management Service Rules 2007, the following method has been prescribed for recruitment to the posts of PMS BS-17 (Annex-III)</p> <p>1. Fifty percent by initial recruitment on the recommendations of the Khyber Pakhtunkhwa Public Service Commission based on the result of competitive examination to be conducted by it in accordance with provisions contained in schedule –iv.</p> <p>2. Subject to rule 7 by promotion in following manner</p> <p>a. twenty per cent from amongst Tehsildars who are graduates on the basis of seniority cum fitness, having three years service as Tehsildar and Naib Tehsildar and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Provincial Institute</p> <p>b. Twelve per cent on the basis of seniority cum fitness, from amongst Superintendents, who are graduates having three years service as Superintendent and Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute and</p> <p>c. eight per cent, on the basis of seniority cum fitness, from</p>		

SAIF ULLAH
Advocate
ATTENDED Court Peshawar

		3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in Schedule-VIII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks borne on the cadres strength of Secretariat who possess 2 nd Class Bachelor's Degree from a recognized University and have at least five years service as such.
(vii)	Required length of service.	03 years as Tehsildar/Najib Tehsildar.
(viii)	Whether to be promoted on regular basis or appointed on acting charge basis?	53 on regular basis.
(ix)	Mandatory training, if any.	09 Weeks mandatory training.
(x)	Minimum required score on EI.	Not applicable.


SENIOR MEMBER
BOARD OF REVENUE

SECRETARY
High Court, Bhopal



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			amongst Personal Assistants and Senior Scale Stenographers, who have opted to join Provincial Management service and are graduates with three years service as Private Secretary or Personal Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute.
			3 Ten per cent by selection on merit, on the basis of competitive examinations, to be conducted by the Commission in accordance with the provisions contained in Schedule-VIII from amongst persons holding substantive posts of superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, computer Operators, Senior and Junior Clerks home on the cadres strength of Secretariat who possess 2 nd Class Bachelor's degree from a recognized University and have at least five years service as such.
	Vii	Required length of service	03 years as Tehsildar / Naib Tehsildar
	Viii	Whether to be promoted on regular basis or appointed on acting charge basis?	53 on regular basis
	Ix	Mandatory training if any	09 weeks mandatory training
	X	Minimum required score on EI	Not applicable

Sd/-
Senior Member
Board of Revenue

SAIF ULLAM
Advocate
High Court, Peshawar
ATTESTED

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Annexure

"C"



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No. SO(PSB)ED/1-1/2020/(1)
Dated Peshawar, the 18.02.2020

To
ASCS (D)

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

PS/SMBR
By No. 1340
Date 18/2/2020
Govt. of Khyber Pakhtunkhwa

19-2-2020

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 20.02.2020 at 10:00 am under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting is enclosed.

2. You are requested to kindly make it convenient to attend the meeting.

Seal
MBR III
MBR IV

MBR III
[Signature]

Yours faithfully,

[Signature]
(Abdul Hameed)
SECTION OFFICER (PSB)

Encl. AS above
Endst. of even No. & date.
A copy is forwarded to:-

SMR 2
18/2/2020

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.S to Special Secretary (Estt) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

SECTION OFFICER (PSB)

Aided
[Signature]

The Worthy Chief Secretary,
Khyber Pakhtunkhwa.

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Annex D

SUBJECT: REPRESENTATION / APPLICATION FOR PROMOTION AS PMS BS-17.

Dear Sir,

Most respectfully it is submitted that we were appointed as Naib Tehsildar in the year 2009 through Public Service Commission. More than half of our batch mates have been promoted to the post of PMS BS-17. The promotion case of the applicants is still pending despite the facts that Board of Revenue has already forwarded the Working Papers of the applicants to the Establishment Department on 05.12.2019.

We were appointed as Naib Tehsildar in the year 2009 and promoted to the post of Tehsildar on 17.01.2019. On 14.10.2019 we were nominated for nine weeks mandatory training which was completed on 13.12.2019, the probation period of one year has been completed on 16.01.2020. Furthermore, the interviews of 122 candidates for PMS on fresh appointment have been completed by the Public Service Commission and the result has been announced on 12.02.2020. If the PSB not considered our case for promotion on regular basis as PMS BS-17 the newly recommended candidates for PMS will become senior and we will become junior to those 122 newly recommended PMS Officers.

In view of the above it is humbly requested to convene the meeting of PSD for considering the promotion case of the applicants on regular basis as PMS BS-17 please.

Yours faithfully

F: 11-64
D: 14-01-2020

- 1. Mujahid Ali Tehsildar
- 2. Sultan Haider Tehsildar
- 3. Kifayatullah Tehsildar
- 4. Zulfiqar Tehsildar and others

Copies forwarded to the:

- 1. Additional Chief Secretary Khyber Pakhtunkhwa.
- 2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
- 4. Special Secretary Establishment Department.
- 5. Section Officer (F-II), Establishment Department.

SAIF ULLAH
Secretary
Establishment Department

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To: The Worthy Chief Secretary
Khyber Pakhtunkhwa

Subject: REPRESENTATION / APPLICATION FOR PROMOTION AS PMS
BS-17

Dear Sir,

Most respectfully it is submitted we were appointed as Naib Tehsildar in the year 2009 through Public Service Commission. More than half of our batch mates have been promoted to the post of PMS BS-17. The promotion case of the applicants is still pending despite the facts that Board of Revenue has already forwarded the Working Papers of the applicants to the Establishment Department on 05.12.2019.

We were appointed as Naib Tehsildar in the year 2009 and promoted to the post of Tehsildar on 17.01.2019. On 14.01.2019 we were nominated for nine weeks mandatory training which was completed on 13.12.2019, the probation period one year has been completed by the Public Service commission and the result has been announced on 12.08.2020. If the PSD not considered our case for promotion on regular basis as PMS BS-17 then newly recommended candidates for PMS will become senior and we will become junior to those 122 newly recommended PMS officers.

In view of the above it is humbly requested to convene the meeting of PSD for considering the promotion case of the applicants on regular basis as PMS BS-17 please.

Yours Faithfully

SD/-

1. Mujalub Ali Tehsildar
2. Sultan Haider Tehsildar
3. Kifayatullah Tehsildar
4. Zulfiar Tehsildar and others

Copy forwarded to the:-

1. Additional Chief Secretary Khyber Pakhtunkhwa.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
4. Special Secretary Establishment Department.
5. Section Officer (F-III) Establishment Department.

SAIF UDDIN AH
Sultan Haider
High Court Peshawar

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Amir E

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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 1861/P/2020



1. Aftab Ahmad S/O Javed Muhammad
Tehsildar, Citizen Loses
Compensation Program,
Bara District Khyber.
2. Faqir Hussain S/O Muhammad Younis,
Tehsildar, Board of Revenue,
Peshawar. Petitioners

VERSUS

1. Secretary, Govt. of KP,
Establishment Department,
Civil Secretariat, Peshawar.
2. Senior Member, Board of
Revenue, KP, Peshawar Respondents

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

Respectfully Sheweth:

1. That petitioner's are performing their duties as Tehsildars B-16 District Khyber and Board of Revenue.
2. That petitioner's have 20% share in their cadre of Tehsildar for promotion to the post of Provincial Management Service (PMS B-17) and are eligible for promotion to the post of PMS B-17 with effect from 17-01-2020, but no process was initiated for the said purpose.

ATTESTED
EXAMINER
Peshawar High Court

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3. That almost all 53 posts of PMS B-17 in their share are lying vacant but due to the change scenario the matter could not be made finalized.
4. That in the seniority list of Board of Revenue, the name of petitioners were figured at S. No. 45 and 48 respectively being eligible and qualified for promotion to the post of PMS B-17. (Copy as annex "A")
5. That working paper for the said purpose were finalized by the department and Meeting of Provincial Selection Board (PSB) was scheduled for 20-02-2020, but the Meeting could not be held due to the fresh development, curtailing the age of superannuation of employees in the KP as 63 years from 60 years. (Copy as annex "B" & "C")

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

GROUND S:

- a. That to fill up the posts of PMS B-17, petitioner's department has 20% quota in their share and the process of promotion requires to be initiated / finalized.
- b. That for the said purpose, Meeting of PSB was scheduled for 20-02-2020 but the same was postponed due to the change scenario of 63 years age.
- c. That petitioner's has no concern with age of superannuation, 60 or 63 years, yet the matter was delayed by the PSB for no legal reason.
- d. That at present petitioner's etc have into their credit 20% quota in the cadre of PMS B-17 fixed for promotion of Tehsildars.
- e. That no reason for none finalizing of quota of promotion of Tehsildars B-16 was given and the one i.e. 60 or 63 years has no concern with the case of petitioner's.

ATTESTED

EXAMINER
Peshawar High Court

SAIF ULLAH

WP1861P2020 AFTAB AHMAD'S SECRETARY OF PG 17
High Court Peshawar

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- f. That at present the departments have 53 vacancies of the post of PMS B-17 which cannot be kept vacant for indefinite period.
- g. That by not holding Meeting of PSB fixed for 20-02-2020 is based on malafide.

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 convene Meeting of PSB for promotion to the post of PMS B-17 with regard to 20% quota of Tehsildars B-17 as soon as possible but not later than a month;

AND/OR

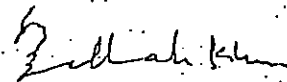
- b. Any other writ/order/direction deemed proper and just in the circumstances of the case, be also issued/ordered/given.

INTERIM RELIEF:


By keeping in view the above facts and circumstance of the case, respondents be restrained from making direct recruitment to the post of PMS B-17 in their share till the final disposal of the case.

Petitioners

Through



Saadullah Khan Marwat


Arbab Saif-ul-Kamal


Amjad Nawaz

Advocates;

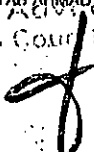
Dated: 03-03-2020

ATTESTED

EXAMINER
Peshawar High Court

WP1861P2020 AFTAB AHMAD VS. SECRETARY CF PG 17

High Court Peshawar



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LIST OF BOOKS:

Constitution.

CERTIFICATE:

As per instructions of my client, no such like Writ Petition has earlier been filed on the same subject. (D.B Case)

Abdullah Khan
Advocate

Saif Ullah
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
AUTHORISED BY ARTICLE 117 of
The Qanun-e-Shahadat Order, 1988
25 SEP 2020

SAIF ULLAH
Advocate
High Court, Peshawar

Saif Ullah



GOVERNMENT OF KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION

Dated Peshawar the May 29, 2020

NOTIFICATION

NO.SOE-II(ED)3(81)/2020:- On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, the competent authority is pleased to appoint the following candidates as officers of Provincial Management Service (BPS-17) (Scale 30370-2300-76370) subject to the terms & conditions mentioned hereunder :-

Sr.#	Name of candidate with father's name	District/Agency of Domicile/Zone
1.	Ms. Tahreem Shah D/O Saad Sohail Shah	Abbottabad / 5
2.	Mr. Sajid Ullah S/O Rasool Shah	Karak / 4
3.	Mr. Ahmad Nasrullah Malik S/O Nasrullah Khan Malik	Hangu / 4
4.	Mr. Fida Hussain S/O Noor Hani Gul	Swat / 3
5.	Mr. Faisal Ismail S/O Muhammad Ismail	Swat / 3
6.	Syed Mehar Ali Shah S/O Syed Muhammad Ali Shah	Dir Lower / 3
7.	Mr. Muhammad Sohail S/O Muhammad Umer	Malakand / 3
8.	Ms. Farangis Azim D/O Muhammad Azim Khan	Peshawar / 2
9.	Mr. Atta Ullah S/O Sultan Mughal	Peshawar / 2
10.	Mr. Atif Afridi S/O Muhammad Khurshid Afridi	Khyber / 1
11.	Ms. Navaira Farooq D/O Muhammad Farooq	Haripur / 5
12.	Mr. Aamir Zeb S/O Alamzeb	Charsadda / 2
13.	Mr. Sadiq Ali S/O Muhammad Ismail	Charsadda / 2
14.	Mr. Tauseef ur Rehman S/O Sana ur Rehman	Peshawar / 2
15.	Mr. Muhammad Amir Khan S/O Sharif Ullah	Nowshera / 2
16.	Mr. Sheroz Rashid Ahmad Khan S/O Rashid Ahmad Khan	Lakki Marwat / 4
17.	Syed Muhammad Arslan S/O Mutahir Shah	Charsadda / 2
18.	Mr. Muhammad Bilal Naseer S/O Nasir Muhammad Khan	Swabi / 2
19.	Mr. Muhammad Fayaz S/O Muhammad Iqbal	Charsadda / 2
20.	Mr. Khalid Imran S/O Gul Nawab Khan	South Waziristan / 1
21.	Mr. Zyed Khan Saft S/O Ihsanullah Khan Saft	Mohmand / 1
22.	Mr. Muhammad Buraq Awan S/O Tariq Awan	Mansehra / 5
23.	Syeda Zainab Naqvi D/O Syed Ali Anjum Naqvi	Peshawar / 2
24.	Mr. Anis ur Rehman S/O Muhammad Dost	Chitral / 3
25.	Mr. Riaz Ali S/O Mehmood Khan	South Waziristan / 1
26.	Mr. Wasim Ullah Khan Khattak S/O Nasim Khan Nasim	Karak / 4
27.	Ms. Sonia Naz D/O Niaz Muhammad Khan	Nowshera / 2
28.	Mr. Shayan Ali S/O Muhammad Ali	Peshawar / 2
29.	Mr. Kabir Ahmad Khan S/O Bakhtyar	Swat / 3
30.	Mr. Adnan Khan S/O Muhammad Jan Momand	Mohmand / 1
31.	Mr. Sohail Ahmad Shah Bukhari S/O Sher Ahmad Shah Bukhari	D.I.Khan / 4
32.	Mr. Fahd Zia S/O Zia ul Islam	Mansehra / 5
33.	Mr. Khayyam Nasir S/O Mirza Khan	Mohmand / 1

Advocate
Peshawar

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34.	Mr. Haroon Salim S/O Muhammad Salim Khan	South Waziristan / 1
35.	Mr. Khizar Faiz S/O Faiz ur Rab	Swabi / 2
36.	Ms. Sana Shah D/O Syed Yousaf Shah	Mansehra / 5
37.	Mr. Asfandyar Khalid S/O Khalid Khan	Peshawar / 2
38.	Mr. Shahid S/O Ilam Shah	Kohat / 4
39.	Mr. Muhammad Ali S/O Mian Bahadar	Malakand / 3
40.	Mr. Inam Ullah S/O Asal Mir	North Waziristan / 1
41.	Mr. Awais Khan S/O Hidayat Ullah Khan	Mohmand / 1
42.	Mr. Sheroze Mufti S/O Mufti Attaullah Jan	Peshawar / 2
43.	Mr. Junaid Akbar Marwat S/O Muhammad Akbar Khan	Peshawar / 2
44.	Mr. Muhammad Shahbaz Khan S/O Ghulam Asif Khan	Peshawar / 2
45.	Mr. Irshad ul Haq S/O Ishaq ul Haq	Malakand / 3
46.	Mr. Muhammad. Fasih Ishaq Abbasi S/O Muhammad Ishaq Abbasi	Abbottabad / 5
47.	Mr. Shahab Ahmad Khan S/O Shah Naraz Khan	Lakki Marwat / 4
48.	Mr. Junaid Khalid S/O Muhammad Khalid	Abbottabad / 5
49.	Mr. Amir Mustafa S/O Abduljabbar	Peshawar / 2
50.	Mr. Munir Ahmad Khan S/O Sharif Khan	Mohmand / 1
51.	Ms. Tania Shaheen D/O Muhammad Shaheen	Abbottabad / 5
52.	Syed Yasir Ali Shah S/O Shoukat Ali Shah	Peshawar / 2
53.	Mr. Muhammad Sohail Khan S/O Rajwali Khan	Nowshera / 2
54.	Ms. Mariam Hameed D/O Hameed Khan	Swabi / 2
55.	Mr. Salimullah Khan Ayubi S/O Amanullah Khan	Chitral / 3
56.	Mr. Kamran Khan S/O Farman Ullah	Malakand / 3
57.	Mr. Muhammad Hamid Siddique S/O Muhammad Siddique	Abbottabad / 5
58.	Mr. Saad Muneer S/O Muneer Ahmad	Mansehra / 5
59.	Ms. Sameera Saba D/O Wilayat Shah	Peshawar / 2
60.	Mr. Bilal Nasir S/O Nasir Ali	Mohmand / 1
61.	Mr. Sultan Noor ud Din Ahmar S/O Sultan Noor Ahmad	D.I.Khan / 4
62.	Mr. Luqman S/O Abdul Qadus	Tribal Sub Division Bannu / 1
63.	Mr. Muhammad Ahsan Tahir S/O Muhammad Tahir Farooq	Kohat / 4
64.	Mr. Allah Nawaz S/O Abdul Haseeb	Bajaur / 1
65.	Mr. Shahidullah S/O Ghani ur Rehman	Mardan / 2
66.	Mr. Shakeel Ahmad S/O Shah Zada	Bajaur / 1
67.	Mr. Hazrat Bilal S/O Hazrat Jamal	Mardan / 2
68.	Mr. Amir Ullah Khan S/O Shah Teman Khan	Tribal Sub Division Bannu / 1
69.	Mr. Riyaz Ahmad S/O Abdul Hamid Khan	Chitral / 3
70.	Mr. Sikandar Afzaal S/O Alamgeer Khan	Charsadda / 2
71.	Mr. Usman Hamza S/O Yaqoob Khan	Peshawar / 2
72.	Mr. Aftab Alam S/O Shah Mustim	Malakand / 3
73.	Mr. Naseer Abbas Khalil S/O Nausherawan	Peshawar / 2
74.	Mr. Muhammad Saqib S/O Gulzar Muhammad	Mardan / 2
75.	Mr. Noor Nawaz S/O Zerab Gul	Bajaur / 1
76.	Mr. Zarak Yar Khan Toru S/O Hanifullah Khan Toru	Mardan / 2
77.	Mr. Baqir Ali S/O Zulfikar Ali	Mardan / 2
78.	Mr. Muhammad Idrees Khan S/O Saeed ur Rehman	Charsadda / 2
79.	Mr. Adnan Mumtaz S/O Mumtaz Khan	Karak / 4
80.	Mr. Noman Pervaiz S/O Muhammad Pervaiz	Swat / 3
81.	Ms. Misbah Waheed D/O Abdul Waheed Khan	Abbottabad / 5
82.	Syed Ahsan Ali Shah S/O Syed Liaqat Shah	Haripur / 5

SAIF ULLAH
Advocate
High Court Peshawar

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83.	Mr. Junaid Shah S/O Bahramand	Malakand / 3
84.	Mr. Zeeshan Najeed S/O Najeed Ullah	Peshawar / 2
85.	Mr. Ishtiaq Ahmad S/O Said Muhammad	Bajuar / 1
86.	Mr. Shah Nawaz Khan S/O Wali Muhammad	Nowshera / 2
87.	Ms. Natasha Sumbal D/O Afsar Said	Mardan / 2
88.	Mr. Naveed Ahmed S/O Azizullah	Chitral / 3
89.	Mr. Umar Mukhtar S/O Ahmed Mukhtar	Peshawar / 2
90.	Ms. Mariam Burki D/O Mano Jan	South Waziristan / 1
91.	Mr. Muhammad Faizan Zeb S/O Aurangzeb	Abbottabad / 5
92.	Mr. Fawad Ahmad Khan S/O Mohabat Khan	Peshawar / 2
93.	Ms. Sabeeha Hastam D/O Hastam Khan	Mardan / 2
94.	Mr. Aftab Ahmed S/O Muhammad Shuaib	Swat / 3
95.	Ms. Khaulia Haqdar D/O Muhammad Haqdar	Charsadda / 2
96.	Mr. Muhammad Ali S/O Muhammad Khurshid	Abbottabad / 5
97.	Ms. Sohny Saleem D/O Muhammad Saleem	D.I. Khan / 4
98.	Mr. Ramiz Ali Shah S/O Razaqat Shah	Abbottabad / 5
99.	Mr. Umer Ahmad Khithran S/O Ghulam Ahmad	Tank / 4
100.	Mr. Aimal Khan S/O Muhammad Ilyas	Dir Lower / 3
101.	Mr. Jamshed Alam Khan S/O Muhammad Nawaz	Lakki Marwat / 4
102.	Ms. Haseena Khan D/O Baitullah Khan	Bannu / 4
103.	Mr. Sanaullah S/O Ghulam Rehman	Dir Lower / 3
104.	Ms. Brekhna Habib D/O Qazi Habib ul Haq	Nowshera / 2
105.	Mr. Nadir Nazar S/O Akbar Khan	Chitral / 3
106.	Mr. Nasir Ali S/O Abdul Ahad	Buner / 3
107.	Mr. Saddam Hussain S/O Jamshed Khan	Mohmand / 1
108.	Ms. Madeeha Khan D/O Nisar Khan	Swabi / 2
109.	Ms. Nayab Abbasi D/O Khaliq Dad Abbasi	Abbottabad / 5
110.	Mr. Shah Wali Khan S/O Saif Ullah Khan	South Waziristan / 1
111.	Mr. Waseem Yousuf Khan Khattak S/O Muhammad Yousuf Khan	Karak / 4
112.	Ms. Samia Jabeen D/O Muhammad Sharif	Lakki Marwat / 4
113.	Ms. Samira Mahsood D/O Abdul Hakeem Jan Mahsood	South Waziristan / 1
114.	Ms. Shagufta Sarwar D/O Hakim Sarwar	Chitral / 3
115.	Ms. Sana Fatima D/O Syed Wajid Ali	Abbottabad / 5
116.	Ms. Sahar Anwar Khan D/O Muhammad Anwar	Swabi / 2
117.	Ms. Sanovia Kakar D/O Shad Pervez	Peshawar / 2
118.	Ms. Misbah Khalid D/O Khalid Khan	Mansehra / 5
119.	Ms. Sara Humayoun D/O Muhammad Humayoun	Swat / 3
120.	Ms. Shawana Haleem D/O Rohaleem Jan	Bajaur / 1
121.	Ms. Christina Zeb ul Nisa Feroz D/O Sikandar Feroz	Peshawar / 2
122.	Mr. Fawad Ahmad S/O Khosh Wali	Chitral / 3
123.	Mr. Adnan Haider Malooki S/O Abdur Rashid Khan	Peshawar / 2

TERMS & CONDITIONS

- They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and the Rules made there-under.
- The appointed officers shall remain on probation for a period of one year, in terms of Section 6(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which is extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation as specified in Rule-15(2) of rules ibid.

Yousuf Khan
Peshawar

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- c) Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation/extended period of probation, if their performance during this period is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay in lieu thereof. In case they wish to resign at any time, one month prior notice shall be necessary or in lieu thereof, pay for one month shall be forfeited.
- d) They will not be entitled to any TA/DA on their first appointment as Provincial Management Service (BS-17) officers:

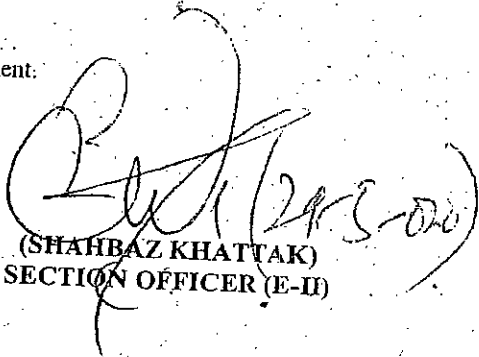
2- If the above terms & conditions are acceptable to them, they should report to the Director General, Pakistan Provincial Services Academy, Peshawar on 02nd June, 2020 (F.N).

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST. NO. AND DATE EVEN.

A copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Pakistan Provincial Services Academy, Peshawar with reference to letter No. PPSA/TRG/C-86/939, dated: 19.05.2020.
3. Director Examination, Khyber Pakhtunkhwa Public Service Commission, 2 Fort Road, Peshawar Cantt with reference to letter No. PSC-PMS-EXAM-2018/004947 dated: 23.02.2020.
4. Deputy Secretary (Admn.), Administration Department.
5. SO(Secret)/SO(Admn)/S.O.(Budget)/E.O/Programmer/Librarian, E&AD.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department.
8. PS to Secretary Administration Department.
9. PS to Secretary Finance Department.
10. PS to Special Secretary(Estt), Establishment Department.
11. PA to Deputy Secretary(Estt) Estt Dept.
12. Manager, Govt. Printing Press Peshawar.
13. All candidates concerned.
14. Office order file.


(SHAHBAZ KHATTAK)
SECTION OFFICER (E-II)

SAIF ULLAH
Advocate
High Court Peshawar

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Annex G



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the July 02, 2020

NOTIFICATION

NO.SOE.II(ED)2(192)2020: The Competent Authority, on the recommendations of the Provincial Selection Board in its meeting held on 09.06.2020, is pleased to promote the following Tehsildars (BS-16) to the post of Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.No.	NAME OF OFFICERS	PRESENT POSTING
01.	Mr. Hidayatullah	Additional Assistant Commissioner-II (OPS), Bannu
02.	Mr. Abdur Rehman Shah	Awaiting for posting in Establishment Department.
03.	Syed Mir Laiq Shah	Tehsildar, Board of Revenue.
04.	Mr. Muhammad Junaid	Additional Assistant Commissioner-III (OPS), Bannu.
05.	Mr. Shah Behram	Additional Assistant Commissioner-II (OPS), Daraban, D.I.Khan.
06.	Mr. Faiz Ahmad Qureshi	Additional Assistant Commissioner-II (OPS), Chitral
07.	Mr. Abdul Muqsit	Additional Assistant Commissioner (Razar) (OPS), Swabi.
08.	Mr. Jehan Said	Additional Assistant Commissioner-I (OPS), Charsadda
09.	Mr. Sahib Zada	Land Acquisition Collector (OPS), SNGPL on deputation basis.
10.	Mr. Zahid Kamal	Tehsildar, Board of Revenue.
11.	Mr. Habib Ahmad Jan	Asstt to Commissioner (Pol/Dev:) (OPS), Malakand Division.
12.	Mr. Muhammad Yar	Additional Assistant Commissioner-VIII (Matta), (OPS) Swat.
13.	Syed Sultan Haider Shah	Additional Assistant Commissioner-I (OPS), Lakki Marwat
14.	Mr. Aftab Ahmad	Additional Assistant Commissioner (OPS), Jamrud.
15.	Mr. Dil Nawaz Khan	Additional Assistant Commissioner, Shabqadar (OPS) Charsadda.
16.	Mr. Faqir Hussain	Additional Assistant Commissioner-III (OPS), Charsadda
17.	Mr. Zulfiqar Khan	Additional Assistant Commissioner (Rev) (OPS), Bannu.
18.	Mr. Waqar Ahmad	Additional Assistant Commissioner (OPS), Kolai Pallas.

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

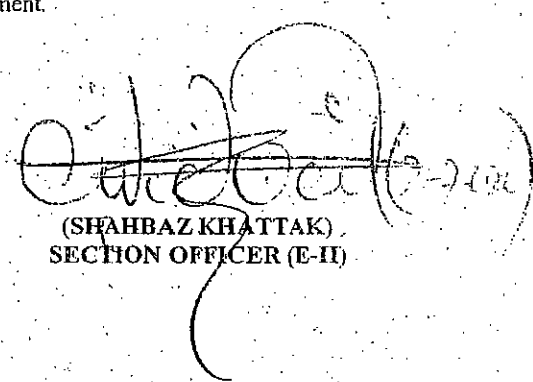
3. The officer mentioned at S.No. 01, 04 to 08 and 11 to 18 are allowed to actualize their promotion against their already occupied posts. However, posting / transfer notification in respect of officers mentioned at S.No. 02, 03, 09 & 10 will be issued later on.

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

ENDST: NO. & DATE EVEN

A copy is forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Concerned Commissioners.
5. Accountant General, Khyber Pakhtunkhwa.
6. All Concerned Deputy Commissioners.
7. All concerned District Accounts Officers.
5. Deputy Director (I.T.) Administration Department with request to upload the Notification on official website.
6. S.O (Secret) / S.O (Admn) / E.O, E&A Department.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary, Establishment Department
9. Officers concerned.
10. Office order file.
11. Personal files of the officers concerned.


(SHAHBAZ KHATTAK)
SECTION OFFICER (E-II)

SAIF ULLAH
Advocate
High Court Peshawar

(36-A)

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

3. The Officers mentioned at S. No. 01, 04 to 08 and 11 to 18 are allowed to actualize their promotion against their already occupied posts. However, posting/transfer notification in respect of officers mentioned at S. No. 02, 03, 09 & 10 will be issued later on.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO & DATE EVEN.

A copy is forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Senior member Board of Revenue, Khyber Pakhtunkhwa.
4. All Concerned Commissioners.
5. Accountant General, Khyber Pakhtunkhwa.
6. All Concerned Deputy Commissioners.
7. All concerned District Accounts Officers.
8. Deputy Director (I.T), Administration Department with request to upload the Notification on official website.
9. S.O (Secret)/S.O (Admn)/E.O, E&A Department.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary, Establishment Department.
12. Officers concerned.
13. Office order file.
14. Personal file of the officers concerned.


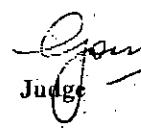
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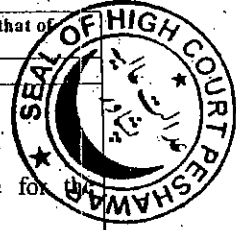
(SHAHBAZ KHATTAK)
SECTION OFFICER (E-II)

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Annex H

**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**

Date of Order or Proceedings 1	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary 2
28.07.2020	<p>WP No: 1861-P/2020.</p> <p>Present: Mr. Khaled Rehman, advocate for petitioners.</p> <p>Mr. Umar Farooq, Addl. AG on behalf of respondents.</p> <p>*****</p> <p>WAQAR AHMAD SETH, CJ:- Requested for withdrawal of the writ petition with the permission to approach the proper forum. Order accordingly.</p> <p style="text-align: right;"> Chief Justice</p> <p style="text-align: center;"> Judge</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"><small>EXAMINED Peshawar High Court, Peshawar Authorized Under Article 57 of The Qanun-e-Shahadat Order, 1984.</small></p> <p style="text-align: center;">25 SEP 2020</p>



No. 9083

Date of Presentation of Application 23/9/2020

No of Pages 59

Copying fee 20

Total 20

Date of Preparation of Copy 25/9/2020

Date of Delivery of Copy 25/9/2020

Received By [Signature]

High Court Peshawar

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3-08-20

Secretary

Peshawar

U339 W/E

3-7-20

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION NO. JOE II (ED)24192)2020 DATED 02.07.2020.

Respected Sir,

I very humbly submit few lines for your kind and sympathetic consideration.

1. That the appellant has been promoted to the post of PMS (PMS-17) on regular basis at serial No. 18 vide impugned notification No. dated of Establishment Department Government of Khyber Pakhtunkhwa Peshawar (Copy of notification dated 02.07.2020 is attached as annexure A).

2. That the post of PMS (PMS-17) were being vacated in the month of April for PMS (PMS-17) for which the name of the eligible officers were processed for promotion. The meeting of the Provincial Selection Board (PSB) was scheduled on 02.07.2020 but unfortunately on the same date the meeting was postponed. (Copy of working paper & minutes of meeting are attached as annexure B & C). Due to decision delivered by the Peshawar High Court, Peshawar, setting aside the order of Provincial Assembly enhancing the age of candidates to 35 years. Since the appellant had already met the minimum age of 35

Joint Secretary to Secretary Establishment

SAHIL ULLAH

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To
The worthy Chief Secretary
Khyber Pakhtunkhwa

Through proper channel

Subject: DEPARTMENTAL APPEAL AGAINST THE
NOTIFICATION NO. SOF.II (ED) 2(192)2020 DATED
02.07.2020

Respected Sir,

I very humbly submit for lines for your kind and sympathetic consideration.

1. That the appellant has been promoted to the post of PMS (BPS-17) on regular basis on serial No. 18 vide impugned notification No. dated of Establishment Department Government of Khyber Pakhtunkhwa Peshawar. (Copy of notification dated 02.07.2020 is attached as annexure A).
2. That the post of PMS (BPS-17) were lying vacant in the promotion quota for Tehsildar for which the name of the eligible officers were processed for promotion. The meeting of the Provincial Selection Board (PSR) was scheduled on 20.02.2020 but unfortunately on the same date the meeting was postponed. (Copy of working paper & minutes of meeting are attached as annexure B&C). Due to decision delivered by the Peshawar High Court, Peshawar setting aside the act of Provincial Assembly enhancing the age of retirement to the years. Since the appellant apprehended that the nominees of the

SAIF ULLAH
Advocate
High Court Peshawar

Public Service Commission, Khyber Pakhtunkhwa, Peshawar. In the meanwhile he is advised that the request was made to Establishment Department to re-schedule the 1861-P/2020 as far as possible but the same could not be held. Therefore the writ petition No. 1861-P/2020 was filed on dated 02.03.2020 before the Peshawar High Court, Peshawar in case titled "Afshar Ahmad & others Vs Secretary to Govt & others" (Copy of writ petition is attached as annexure D).

3. That in the meanwhile the Establishment Department has issued notification No. SO E II (ED) 3(81)2020 dated 29.05.2020 which have appointed the candidates case officer of the Provincial Management Service (BPS-17), Recommenders of the Public Service Commission, Khyber Pakhtunkhwa, Peshawar. This is attached as annexure - F.

4. That the said notification dated 29.05.2020 issued by the Establishment Department in which the seniority of the applicant has been totally affected.

5. That the Writ Petition No. 1861-P/2020 was decided & directed by the Honourable Chief Justice Peshawar High Court Peshawar vide its judgment dated 30.07.2020 to appoint the proper person. (Copy of judgment dated 30.07.2020 is attached as annexure G).

6. That the applicant was entitled for promotion on 20.08.2020. When the promotion was not effected due to the decision of the

SAIF ULLAH 2020.08

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Public Service Commission Khyber Pakhtunkhwa Peshawar in the meanwhile be appointed therefore request was made to Establishment Department to re-schedule the PSB as soon as possible but the same could not be held. Therefore a writ petition No. 1861-P/2020 was filed on dated 02.03.2020 before the Peshawar High Court Peshawar in case titled "Aftab Ahmad & others Vs Secretary to Govt & others" (*Copy of writ petition is attached as annexure D*).

3. That in the meanwhile the Establishment Department vide notification No. SOE II (ED) 3(81) 2020 dated 29.05.2020 have appointed the candidates as officers of Provincial Management Service (BPS-17) Recommendees of the Public Service Commission Khyber Pakhtunkhwa Peshawar is attached as annexure-F.
4. That the said notification dated 29.05.2020 issued by the Establishment Department in which the seniority of the appellant has been badly affected.
5. That the Writ Petition No. 1861-P/2020 was decided / directed by the Honourable Chief Justice Peshawar High Court Peshawar vide its judgment dated 30.07.2020 to approach the proper forum. (*Copy of judgment dated 30.07.2020 is attached as annexure G*).
6. That the applicant was entitled for promotion on 20.02.2020 when the promotion was not affected due to the decision of the

SANJ ULLAH
Advocate
High Court Peshawar
ATTESTE

High Court the settled law on the point is that the Civil Servant is entitled from the date of occurrence of vacancy and since the vacancies were available on the date of the previous P.S. i.e. 20.02.2020, therefore the appellant is entitled for promotion w.e.f. 20.02.2020.

7. That the non consideration of the appellant for promotion by the P.S. on 20.02.2020 due to any act on part of the appellant therefore the appellant may not be made to suffer on that account.

It is therefore respectfully prayed that on acceptance of the departmental appeal, the appellant may graciously be promoted to the P.A.S. Officer (BPS-17) w.e.f. 20.02.2020 with all back benefits.

[Signature]
APPELLANT

Date: 20/07/2020

Name: *[Signature]*
Present Post: A.D.C. Kulu (Pales)
Cell No.:

2020.09.25

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High Court the settled law on the point is that the Civil Servant is entitled from the date of occurrence of vacancy and since the vacancies were available on the date of the previous PSB i.e. 20.02.2020, therefore the appellant is entitled for promotion w.e.f 20.02.2020.

7. That the non consideration of the appellant for promotion by the PSB on 20.02.2020 due to any act on part of the appellant therefore the appellant may not be made to suffer on that account.

It is therefore respectfully prayed that on acceptance of the departmental appeal, the appellant may graciously be promoted to the PMS Officer (BPS-17) w.e.f 20.02.2020 with all back benefits.

Appellant

Name: Hafiz Waqar

Present

Cell No.

Dated: 30.07.2020

SAIFULLAH
Advocate
High Court, Peshawar

ATTESTED

Order
(H)
(33)

(44)

Annex J



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the September 1, 2020

ORDER

NO.SOE-III(ED)2(192)2020:- WHEREAS the applicants Mr. Aftab Ahmad, Mr. Zulfiqar, Mr. Hafiz Waqar, Syed Sultan Haider, Mr. Faqir Hussain and Mr. Dil Nawaz Khan (PMS officers) filed departmental appeals in compliance of the Judgement of Peshawar High Court Peshawar dated: 28.07.2020 in writ petition No: 1861-P/2020, C.M No.1009-P/2020 and Impleadment No.1010-P/2020, wherein the court passed the following order "**requested for withdrawal of the writ petition with the permission to approach the proper forum. Order accordingly**". The applicants therefore via their departmental appeal raised the following objections;

- i. Establishment Department vide notification dated **02.07.2020** promoted the applicants on regular basis with immediate effect on the recommendation of Provincial Selection Board in its meeting held on 09.06.2020, while they were eligible for their promotion with effect from 20.02.2020 and asserted for all back benefits since then.
- ii. Despite the fact that they were eligible for promotion to the post of PMS BS-17 and vacancies were available in the share quota of Tehsildars when PSB was scheduled earlier on 20.02.2020 but was postponed due to the decision of Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019 regarding setting aside the act of Provincial Assembly enhancing the age of retirement to 63 years, which badly affected their seniority.
- iii. Applicants further asserted that due to the postponement of PSB 123 nos. appointment of recommendees of Khyber Pakhtunkhwa Public Service Commission was made against the initial quota and they were placed above in the seniority list.

AND WHEREAS the applicants cannot be promoted with retrospective effect on regular vacancy with effect from 20.02.2020. They were promoted within the parameters of schedule-I Rule-7 of PMS Rules 2007 on regular basis to the post of PMS BS-17 as per the recommendation of PSB meeting held on 09.06.2020.

AND WHEREAS PSB was scheduled on 20.02.2020 but was postponed due to the judgment passed by Peshawar High Court Peshawar dated: 19.02.2020 in writ petition No.5673-P/2019. Number of officers included in the panel of PSB got retired attaining the age of superannuation i.e. 60 years in the light of the said judgement and their names had to be excluded from the working papers. In light of the decision, the Provincial Government decided the retirement cases as per circular letter No: SO(Policy)E&AD/1-13/2019 dated: 16.03.2020. Resultantly, fresh working papers had to be prepared. Working out the new panels and the corresponding quotas of promotion due to retirements turned out to be a voluminous work. Furthermore, PSB was not scheduled again till 09.06.2020 as the Government of Khyber Pakhtunkhwa declared emergency in the wake of the escalation in the transmission of

SAIF ULLAH
Secretary
Peshawar

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CO-19 and closure of all the departments except a few essential ones. These departments, being closed could not prepare the working papers.

AND WHEREAS contrary to the claims of the applicants their case has no similarity to the appointment of the PMS officers under initial quota, as under Article-240(b) of Constitution of Pakistan the process of recruitment of PMS officers through Khyber Pakhtunkhwa Public Service Commission was initiated on 20.10.2017 with the placement of requisition to Khyber Pakhtunkhwa Public Service Commission and after completion of the whole recruitment process, Establishment Department issued their appointment notification dated: 29.05.2020. Meanwhile, promotion process continued unabated and various PSB meetings were held on: 08.11.2017, 28.12.2017, 03.05.2018, 17.09.2018, 26.12.2018, 19.04.2019, 23.09.2019 and 09.06.2020 which clearly indicates that no parallel can be drawn between initial recruitment and promotion of the applicants.

NOW THEREFORE, after due consideration of all the points voiced in the appeals and rules / polices in vogue, the competent authority having found no reason to accede to the request of the applicants, which are regretted being devoid of merit.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN.

A copy is forwarded to the:-

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2. PS to Chief Secretary, Khyber Pakhtunkhwa.
3. Section Officer (Litigation-II), Establishment Department.
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5. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.
6. PS to Special Secretary (Estt), Establishment Department, Khyber Pakhtunkhwa.
7. PA to Deputy Secretary (Estt), Establishment Department, Khyber Pakhtunkhwa.
8. Officers / applicants concerned.
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شہباز خٹاک (01-09-2020)
(SHANBAZ KHATTAK)
SECTION OFFICER
(ESTABLISHMENT-II)

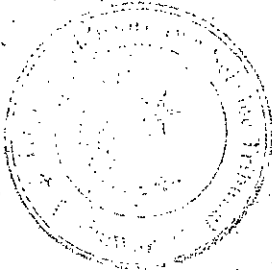
SAIF ULLAH
20/09/2020
Nigro (Unit) Pesnawar

11855/2023

(46)

Annex K

09th May, 2023



1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Riáz Khan, S.O for the respondents present.

2. Learned counsel for the appellant submitted that the claim of the appellant was though clear to the extent of seeking ante-dation of promotion but he also sought such ante-dation of promotion with all consequential benefits including seniority. He says that such claim of the seniority was hidden in the relief of all back benefits, therefore, it is necessary that the officers who are presently senior to the appellant should be arrayed as party and when a respondent is added the appeal requires amendment accordingly. We allow the request of the appellant and directed him to file amended memo and grounds of appeal arraying all those officers as respondents from whom the appellant claims seniority. The amended appeal be filed within seven days, where-after, the private respondents shall be summoned through TCS, the expenses of which shall be deposited by the appellant alongwith the amended memo and grounds of appeal. The official and private respondents may file replies within seven days on or before 13.07.2023 before D.B. P.P given to the parties.

(Fareeha Paul)
Member (E)

copy (Kalim Aashad Khan)
Chairman

Kulleen Ullah

Secretary
Punjab

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