

PSB BY CIRCULATION

SUBJECT: - PROFORMA PROMOTION OF MUHAMMAD HUSSAIN EX-DIRECTOR OUTREACH AGRICULTURE RESEARCH TO BS-19 AND BS-20 W.E.F 20.02.2002 AND 06.02.2006.

Service Tribunal Khyber Pakhtunkhwa vide its judgement dated 28.01.2022 (F/A) directed to consider the Proforma promotion case of Muhammad Hussain to BS-19 w.e.f 20.02.2002 and BS-20 w.e.f 06.02.2006. Agriculture department has filed CPLA against the judgement ibid, which is still pending. The working paper was examined in the Regulation wing and cleared for placement before the PSB.

2. Background of the case is that Muhammad Hussain, Ex-Director BS-19 was appointed in BS-16 on 01.02.1976, regularized/redesignated as Research Officer BS-17 on 07.05.1977. He was promoted to BS-18 and BS-19 on 09.08.2001 and 24.08.2010 respectively and retired from service on 21.10.2011. When he was in service, he filed an appeal in Service Tribunal to consider his seniority on the basis of his appointment in BS-17 instead of separate seniority lists maintained for various groups. The Service Tribunal vide its judgment dated 17.07.2012 decided the case in his favor against which the department called in question the judgment ibid before the Apex Court.

3. The Supreme Court of Pakistan vide its judgement dated 20.06.2013 (F/B) dismissed the CPLA on the grounds that the department has already been doing the needful. The appellant and his colleagues filed an application for implementation of Service Tribunal judgment dated 17.07.2012 which was rejected by stating that execution petition amounts to sheer abuse of the process of Service Tribunal vide its order dated 01.03.2016 (F/C). The appellant once again approached the Supreme Court of Pakistan against the order of Service Tribunal dated 01.03.2016 which was rejected on the grounds that the petition lack merit vide its judgment dated 16.04.2019 (F/D).

4. At last, he filed the instant appeal in Service Tribunal which directed that he is entitled for proforma promotion to BS-19 and BS-20 w.e.f. 20.02.2002 and 06.02.2006 respectively. Last hearing of the case was held on 02.03.2023 in which Service Tribunal directed that if possible and practicable, the Summary may be got approved by circulation. Next date for hearing has been fixed on 02.05.2023 (F/E).

*For
Court
proceedings
only*

5. The case was forwarded to Secretary Law and Advocate General, Khyber Pakhtunkhwa for their opinion who vide para 11 and 14 of the Note endorsed the proposal of Establishment Department regarding consideration of proforma promotion of Muhammad Hussain, Ex-Director to BS-19 w.e.f. 20.02.2002 and BS-20 w.e.f. 06.02.2006 by circulation subject to the final decision of Supreme Court of Pakistan in CPLA No. 315-P/2022.

6. As per seniority list, his date of birth is 22.10.1951. He joined Government service on 01.02.1976 in BS-16. He was promoted to BS-19 on 24.08.2010. According to the department, no inquiry was pending against him at the time of his retirement. He had published the required number of Research papers mandatory for promotion. His PERs dossier was complete. His service record till his retirement was generally good.

7. As per promotion policy 2009, threshold for promotion to BS-20 post is 70 and 30 marks rest with the PSB. His score of quantification of PER is 56 out of 70. In case, the PSB agrees to give him 14 marks or more out of 30, he may be promoted to BS-20.

8. Last PSB meeting was held on 18.11.2022 and next meeting is not expected to be held till next hearing of the case which is fixed on 02.05.2023. The case is therefore, required to be disposed off before the date i.e. 02.05.2023 fixed by the court.

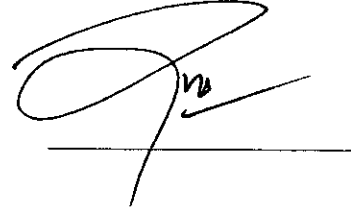
9. The note regarding proforma promotion of Muhammad Hussain Ex-Director to BS-19 w.e.f. 20.02.2002 and BS-20 w.e.f. 06.02.2006 subject to the final decision of Supreme Court of Pakistan in CPLA No. 315-P/2022 is submitted for signature/obtaining approval of Members and Chairman Provincial Selection Board by circulation in compliance of Khyber Pakhtunkhwa Service Tribunal Peshawar judgement referred in Para 01 above. They are also requested to indicate PSB's marks in the relevant column of statement placed at (E/F)

For court proceedings

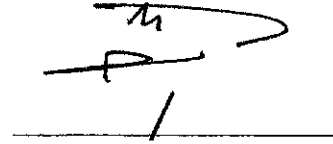
Secretary Establishment Department
Secretary / Member PSB



Secretary Agriculture Department
Co-opted Member PSB



Senior Member, Board of Revenue,
Member PSB

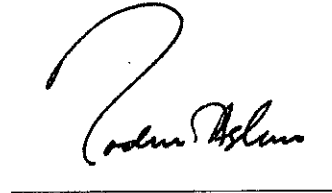


Additional Chief Secretary, P&D
Member PSB



For court proceedings

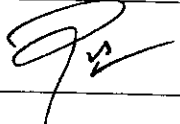

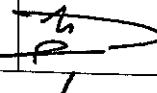


**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA
CHAIRMAN PSB**



*(MUHAMMAD HUSSAIN)
(PROMOTION CASE)*

**STATEMENT SHOWING EFFICIENCY INDEX (E.I), QUANTIFICATION OF PERS AND PSB MARKS
IN RESPECT OF MUHAMMAD HUSSAIN FOR PROFORMA PROMOTION TO BS-19 W.E.F 20.02.2002 AND BS-20
W.E.F 06.02.2006, AGRICULTURE DEPARTMENT**

(Threshold 70 marks)

MARKS OBTAINED										
S. No	Name of officer	Quantification of PERS	PSB MARKS GIVEN BY (OUT OF THIRTY)						TOTAL	
			Secretary Agriculture	Secretary Establishment	SMBR	Add: Chief Secretary	Chief Secretary	Average (Col.4 to 8)		Col. (3 &9)
1	2	3	4	5	6	7	8	9	10	
1.	Muhammad Hussain	56	14	14	14	14	14	14	14	70
	Signatures									

Note:- The above mentioned discretionary marks awarded by Provincial Selection Board are subject to final decision of Supreme Court of Pakistan in CPLA No. 315-P/2022.

For Court proceedings.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

SUBJECT: - **PROFORMA PROMOTION OF MUHAMMAD HUSSAIN EX-DIRECTOR
OUTREACH AGRICULTURE RESEARCH TO BS-19 AND BS-20 W.E.F
20.02.2002 AND 06.02.2006 IN PURSUANCE OF SERVICE TRIBUNAL
JUDGEMENT DATED 28.01.2022.**

The Provincial Selection Board has recommended proforma promotion of Muhammad Hussain, Ex- Director to BS-19 w.e.f. 20.02.2002 and BS-20 w.e.f. 06.02.2006 on the directions of Service Tribunal Khyber Pakhtunkhwa subject to the final decision of Supreme Court of Pakistan in CPLA No. 315-P/2022.

2. It may be added that there is no provision of proforma promotion in the Promotion Policy, 2009 but the Board has considered such cases under the directions of the court on case to case basis. The Provincial Selection Board considered the subject promotion case by way of circulation, minutes thereof are placed at **Annex-I**

3. In terms of Rule 4(1)(a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989, the Chief Minister, Khyber Pakhtunkhwa being competent authority, may like to approve recommendations of the PSB as detailed in the minutes placed below at **Annex-I**.

(AKHTAR SAEED TURK)

Secretary, Establishment

May _____, 2023

**CHIEF SECRETARY,
KHYBER PAKHTUNKHWA**

30/5/23.