
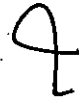


18th April, 2023 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Adjourned. To come up on 21.06.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Adnan Shah, P.A

22.11.2022


Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.01.2022 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



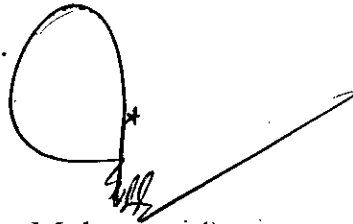
(Salah-Ud-Din)
Member (J)

09.01.2023

Appellant alongwith his counsel present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General for official respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant requested that he was not feeling well, therefore, he has not made proper preparation for arguments. Adjourned. To come up for arguments on 18.04.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

D

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

Stipulated period passed reply not submitted.

24.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Muhammad Saud Assistant for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents sought time for submission of reply/comments. Last opportunity is granted to respondent to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 24.05.2022.

(Atiq-Ur-Rehman Wazir)
Member (E)

24th May, 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present.

Respondents have furnished reply/comments. Placed on file. To come up for arguments on 08.08.2022 before the D.B. Learned counsel for the appellant may submit rejoinder within a fortnight, if so wishes.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

8-8-2022

Due to the Public holidays the case is adjourned to 22-11-2022

Reader

28.05.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections available to the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 27.09.2021.

Appellant Deposited
Security & Process Fee

[Handwritten signature]
11/9/21

[Handwritten signature]

Chairman

27.9.21

DB is on Tan case to come up
for the same on Dated .24-1-22

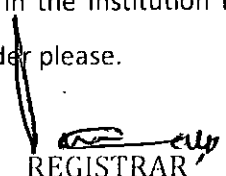

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Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4276 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2021	<p>The appeal of Mr. Saeed-ur-Rehman resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	25/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Saeed-ur-Rehman Accounts Assistant office of the Director Archeology & Museums Peshawar received today i.e. on 18/03/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexure-F of the appeal is illegible which may be replaced by legible/better one.

No. 571 /S.T,


Dt. 18/03 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

The objections has been cleared
→ The annexures of the appeal has been attested.
→ Better Copy of the Annexure-F has been replaced with legible/better one.


Adv. Haider Ali

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 4276 /2021

SAEED UR RAHMAN

VS

**GOVT OF KP &
OTHERS**

INDEX

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4.	Notification dated 02.10.2017	B	7-13
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7.	Letter dated 09.02.2021 & 24.02.2021, & 26.08.2002	D, E & F	16-18
8.	Vakalatnama	19

PETITIONER

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. Saeed Ur Rahman, Accounts Assistant (BPS-12),
O/O the Director, Archaeology & Museums Khyber Pakhtunkhwa,
Peshawar.

.....**APPELLANT**

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Sports, Culture, Tourism, Archaeology, Museums and Youth Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director, Archaeology & Museums Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENT**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT PROMOTING THE APPELLANT UNDER THE 25% QUOTA RESERVED FOR THE CADRE ACCOUNTS ASSISTANT VIDE NOTIFICATION DATED 02-10-2017 AND AGAINST THE APPELLATE ORDER DATED 24-02-2021 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED IN LIGHT OF THE LAW DEPARTMENT LETTER/ORDER DATED 26-08-2002 WITH NO GOOD GROUNDS.

PRAYER:

That on acceptance of this service appeal the impugned appellate order dated 24/02/2021 may kindly be set aside and the respondents may kindly be directed to consider the appellant for promotion to the post of superintendent (BPS-17) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:
ON FACTTS:

- 1- That the appellant is serving in the respondents department as account assistant BPS-12 O/O the Director, Archaeology & Museums Khyber Pakhtunkhwa, Peshawar.

- 2- That the appellant is fit for promotion against the post of superintendent BPS-17 against the reserved 25% quota and is senior most rather the sole employee in the cadre of accounts assistant.
- 3- That the appellant is educationally fit and eligible and is having the educational qualifications required for the post of Superintendent BPS-17 for promotion. Copy of educational testimonials is Attached as annexure.....**A.**
- 4- That according to the notification dated 02-10-2017 issued by respondent No.02 25% service rules quota is reserved for the cadre of accounts assistant and the appellant is serving in the accounts section as accounts assistant and is eligible on the biases of seniority-cum-fitness. Copy of notification is attached as annexure **B.**
- 5- That appellant feeling aggrieved from the inaction of the respondents by not promoting him under the 25% quota preferred departmental appeal before the respondent No.2 on 16-07-2020. Copy of departmental appeal is attached as annexure **C.**
- 6- That the departmental appeal of the appellant was filed/disposed of by the establishment department vide letter dated 09-02-2021 and by the ~~archaeology~~ department vide letter dated 24-02-2021 in light of the opinion of the Law department dated 26-08-2002. Copy of the letter dated 09-02-2021, dated 24-02-2021 and 26-08-2002 are attached as annexure **D, E, F.**
- 7- That feeling aggrieved and having no other remedy the appellant preferred the instant appeal on following grounds inter alia.

GROUND:

- A- That the impugned inaction of the respondents by not promoting the appellant under the 25% quota and regretting departmental appeal of the appellant are against law, facts, norms of natural justice and material on record hence liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That the appellant has been discriminated by the respondents while not promoting under the 25% quota.
- D- That the respondents acted in arbitrary and malafide manner while not promoting the appellant.


E- That the impugned orders are violated to section-9 of the Civil Servant Act, 1973 read with rule 7 of the APT rules, 1989, therefore not tenable and liable to be rectified/ modified.

F- That the impugned orders are also in violation of Article 38(e) of the Constitution of Pakistan, 1973, therefore not tenable and liable to be modified/ rectified.

G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: __.03.2021


APPLEANT

Saeed Ur Rahman

THROUGH:


NOOR MUHAMMAD KHATTAK


Afrasiab Khan Wazir

&

Haider Ali

ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

C.M NO. _____/2021

IN

Appeal No. _____/2021

SAEED UR RAHMAN VS GOVT. OF KPK & OTHERS

APPLICATION FOR SUSPENSION OF THE IMPUGNED
ORDER/CORRIGENDUM DATED 24.02.2021 TILL THE
DISPOSAL OF THE ABOVE MENTIONED APPEAL.

R/SHEWETH:

- 1- That the above titled appeal along has been filed by the appellant before this august Service Tribunal in which no date is fixed so far.
- 2- That all the three ingredients required for the grants of Status Quo are in favor of the appellant.
- 3- That this application/petition may kindly be considered as part and parcel of the main appeal.
- 4- That the impugned order/corrigendum dated 24.02.2021 has been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore, most humbly prayed that on acceptance of this application the operation of the impugned order/corrigendum dated 24.02.2021 may very kindly be suspended till the final disposal of the appeal.

APPLICANT

THROUGH:

NOOR MOHAMMAD KHATTAK

&
HAIDER ALI
ADVOCATES

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

5

Annxave . A

University of Peshawar (Pakistan)

Session ANNUAL 1996

SAEED-UR-REHMAN

SON of

SAAD ULLAH JAN

and a student

of

GOVERNMENT COLLEGE OF COMMERCE, PESHAWAR

having passed the

prescribed Examination held in FEBRUARY, 1997, is this day admitted by the

University of Peshawar to the Degree of

Bachelor of Commerce

in the SECOND Division

The Examination was taken as a whole / in parts

Serial No. 002685

Registered No. 93-P/COM-3351

Roll No. 19

Result Declared on JUNE 17, 1997



Attested

AKHYAR MUNIR
Officer Grade I
National Bank of Pakistan
Regional Office Peshawar

Fazli Hamid

Registrar

Countersigned

M. O. T.
Vice-Chancellor

الجامعة الإسلامية

6

University of Peshawar (Pakistan)

Session ANNUAL 1999

SAEED UR REHMAN

Son

of

SAADULLAH JAN

and a student

DISTRICT PESHAWAR

of

held in JANUARY 2000

having passed the prescribed examination
is this day admitted by the University of Peshawar
to the Degree of

Master of Arts

in SECOND Division

The Subject of Examination being POLITICAL SCIENCE

The Examination was taken as a whole / in parts

Akhtar Munir

AKHTAR MUNIR
Officer Grade I
National Bank of Pakistan
Regional Office Peshawar

[Signature]
Registrar

Countersigned
[Signature]
Vice-Chancellor

Serial No. 045021

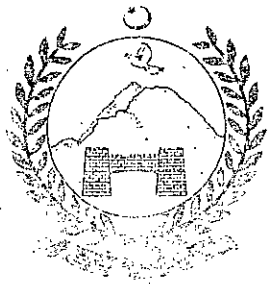


Registration No. 93-P/Com-3351

Roll No. 25289

Result declared on MARCH 03, 2004

EXTRAORDINARY
GOVERNMENT



7

REGISTERED NO. PIII

GAZETTE

Annexure "B"

STATE OF KHYBER PAKHTUNKHWA

Published by Authority

ISSUED ON: MONDAY, 2nd OCTOBER, 2017.

GOVERNMENT OF KHYBER PAKHTUNKHWA, SPORTS, CULTURE, TOURISM, YOUTH AFFAIRS, ARCHAEOLOGY AND MUSEUMS DEPARTMENT

NOTIFICATION

Dated: 2nd October, 2017.

S.O. No. 18/2017/3. Rules - 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 suppression of all previous rules, issued in this behalf, the Department of Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums Department, in consultation with the Establishment Department and the Finance Department is hereby lays down the method of recruitment, qualification and other conditions in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Directorate of Archaeology and Museums, Khyber Pakhtunkhwa, specified in column 2 of the said Appendix.

APPENDIX

S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-19)	-----	-----	By promotion, on the basis of seniority-cum-fitness from amongst the Curator Museum having seven years service as such.

ATTACHED

S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
2	Curator Museum (BPS-18).	At least Second Class Master's Degree In Archaeology or equivalent qualification from a recognized University having at least five years relevant experience.	26 to 35 years.	By promotion, on the basis of seniority-cum-fitness from amongst the Assistant Directors and Research officers, having five years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment. Notes: For the purpose of promotion, there shall be maintained a joint seniority list of the Assistant Directors and Research officers.
3.	Chief Chemist (BPS-18).	At least Second Class Master's Degree In Chemistry (Inorganic or Organic) or equivalent qualification from a recognized University having at least five years relevant experience.	26 to 35 years.	By promotion, on the basis of seniority-cum-fitness from amongst the Chemists having five years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment.
4	Assistant Director/ Research Officer (BPS-17).	At least Second Class Master's Degree In Archaeology or equivalent qualification from a recognized University.	21 to 30 years.	By promotion, on the basis of seniority-cum-fitness from amongst the Assistant Curators, Field Officers, Assistant Research Officers and Field Supervisors having five years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment. Notes: For the purpose of promotion, there shall be maintained a joint seniority list of Assistant Curators, Field Officers, Assistant Research Officers and Field Supervisors.
5	Chemist (BPS-17).	At least Second Class Master's Degree in Chemistry (Inorganic or Organic) or equivalent qualification from a recognized University.	21 to 30 years.	By initial recruitment.
6	Archaeological Engineer (BPS-17).	At least Second Class Bachelor's Degree in Civil Engineering or equivalent qualification from a recognized University. Experience in conservation of historical monuments shall be preferred.	21 to 30 years.	By initial recruitment.
7	Litigation Officer (BPS-17).	At least Second Class LLB from a recognized University with minimum three years experience at the Bar.	24 to 32 years.	By initial recruitment.

~~ATTACHED~~

9

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 2nd OCTOBER, 2017 347

S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
8	Administrative Officer (BPS-17).	-----	-----	By promotion, on the basis of seniority-cum-fitness from amongst the Superintendents having five years service as such.
9	Superintendent (BPS-17).	-----	-----	(i) Seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with five years service as such; and (ii) Twenty five percent by promotion on the basis of seniority-cum-fitness, from amongst the Accounts Assistants with five years service as such. Note: For the purpose of promotion, there shall be maintained a joint seniority list of Assistants and Senior Scale Stenographers.
10	Senior Scale Stenographer (BPS-16).	(a) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (b) a speed of seventy (70) words per minute in short-hand in English and forty five (45) words per minute in typing; and (c) Knowledge of Computer in using of MS Word and MS Excel.	20 to 32 years.	By promotion on the basis of seniority-cum-fitness from amongst the Junior Scale Stenographers with at least five years service as such; Provided that if no suitable candidate is available for promotion, then by initial recruitment.
11	Assistant (BPS-16).	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	20 to 32 years.	(i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Senior Clerk and Junior Clerk; and (ii) Twenty five percent by initial recruitment.
12	Assistant Curator/ Assistant Research Officer/Field Officer/Field Supervisor (BPS-16).	At least Second Class Master's Degree in Archaeology or equivalent qualification from a recognized University.	21 to 30 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Gallery Assistants having five years service as such; and (ii) Fifty percent by initial recruitment.

ATTESTED

10

348 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 2nd OCTOBER, 2017

S. No	Nomenclature of the Posts	Minimum qualification for appointment by Initial recruitment	Age limit	Method of Recruitment
13	Archaeological Conservator (BPS-16)	At least Second Class Bachelor's Degree in Civil Engineering or equivalent qualification from a recognized University. Note: Experience in conservation of historical monuments shall be preferred.	20 to 30 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Conservation Assistants, Surveyors and Work Supervisors having five years service as such; and (ii) Fifty percent by initial recruitment. Note: For the purpose of promotion, there shall be maintained a joint seniority list of Conservation Assistants, Surveyors and Work Supervisors. By initial recruitment.
14	Computer Operator (BPS-16)	(a) At least Second Class Bachelor's Degree in Computer Science, Information Technology (BSC/BIT four years) or equivalent qualification from a recognized University; or (b) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	21 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with two years service as such. By initial recruitment.
15	Senior Clerk (BPS-14)			By initial recruitment.
16	Account Assistant (BPS-12)	At least Second Class Bachelor's Degree in Commerce or Business Administration or equivalent qualification from a recognized University.	20-30 years.	By initial recruitment.
17	Gallery Assistant (BPS-12)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University with Archaeology as one of the subject.	20-30 years.	By initial recruitment.
18	Conservation Assistant (BPS-12)	At least Second Class three years Diploma in Civil Technology or equivalent qualification from a recognized Board of Technical Education.	20-30 years.	By initial recruitment.

~~ATTENDED~~

11

KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 2nd OCTOBER, 2017 349

S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
19	Surveyor (BPS-12).	At least Second Class three years Diploma in Survey or equivalent qualification from a recognized Board of Technical Education.	20-30 years.	By initial recruitment.
20	Library Assistant (BPS-12).	At least Second Class Bachelor's Degree in Library Science (BLS) or equivalent/ qualification from a recognized University.	20-30 years.	By initial recruitment.
21	Junior Clerk (BPS-11).	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board; and (ii) A speed of 35 words per minute in typing.	18-30 years.	(i) Thirty three percent by promotion, on the basis of seniority-cum-fitness from amongst the Qasids, Head Caretakers, Naib Qasids, Library Attendants, Cafeteria Attendants, Museum Attendants, Caretakers, Chowkidars, Tube-well Operators, Night Watchmen, Security Guards, Site Attendants, Cooks and Majis including holders of other equivalent posts in the Directorate with two years service as such, who have passed Secondary School Certificate. (ii) Sixty seven percent by initial recruitment. Notes: For the purpose of promotion, there shall be maintained a joint seniority list of Qasids, Head Caretakers, Naib Qasids, Library Attendants, Cafeteria Attendants, Museum Attendants, Caretakers, Chowkidars, Tube-well Operators, Night Watchmen, Security Guards, Site Attendants, Cooks and Majis including holders of other equivalent posts in the Directorate, with reference to the dates of their acquiring the Secondary School Certificate. Provided that,-- (a) If two or more officials have acquired the Secondary School Certificate in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and (b) Where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior officials.

ATTACHED

S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
22	Work Supervisor (BPS-11)	At least Second Class three years Diploma in Civil Engineering or equivalent qualification from a recognized Board of Technical Education.	20-30 years.	By initial recruitment.
23	Booking Clerk (BPS-10).	At least Second Class Intermediate or equivalent qualification from a recognized Board.	18-30 years.	By promotion, on the basis of seniority-cum-fitness from amongst the Store Keepers having three years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment.
24	Store Keeper (BPS-09)	At least Second Class Intermediate or equivalent qualification from a recognized Board.	18-30 years.	By initial recruitment.
25	Photographer (BPS-09).	At least Second Class Matriculation or equivalent qualification from a recognized Board with five years experience in photography.	24-32 years.	By initial recruitment.
26	Electrician (BPS-09).	At least Second Class Matriculation or equivalent qualification from a recognized Board having one year Certificate as Electrician from a recognized Institute.	18-30 years.	By initial recruitment.
27	Driver (BPS-06).	Having LTV or HTV Driving License.	18-40 years.	By initial recruitment.
28	Qasid / Head Care Taker (BPS-04).	Note: Preferably Middle Pass.		By promotion, on the basis of seniority-cum-fitness, from amongst Naib Qasids, Library Attendants, Museum Attendants, Cafeteria Attendants, Caretakers, Tube-well Operators, Night Watchmans, Security Guards, Site Attendants, Cook, Chowkidars and Malis having three years service as such: Note: For the purpose of promotion, there shall be maintained a joint seniority list of Naib Qasids, Library Attendants, Museum Attendants, Cafeteria Attendants, Caretakers, Tube-well operators, Night Watchmans, Security Guards, Site Attendants, Cook, Chowkidars and Malis.

~~ATTACHED~~

S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	13	Method of Recruitment
29	Naib Qasid/ Library Attendant/ Cafeteria Attendant / Museum Attendant/ Caretaker/ Chowkidar/ Tube-well Operator / Night Watchman/ Security Guard /Site Attendant/ Cook/Mali (BPS-03)	Preferably literate	18-40 years.		By initial recruitment.
30	Sweeper (BPS-01)		18-30 years.		By initial recruitment.

پاکستان کی حکومت کی طرف سے جاری کی جانے والی سرکاری نوکریوں کے لیے درخواستیں قبول کرنے کے لیے جاری ہے۔

Printed and published by the Manager,
 Govt. Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.

~~ATTACHED~~

To

Annexure "C"

14

The Secretary,
Govt. of Khyber Pakhtunkhwa,
Sports, Tourism, Youth Affairs and Archaeology & Museums,
Peshawar.

Through: Proper channel.

Subject: APPEAL FOR PROMOTION TO THE VACANT POST OF SUPERINTENDENT (BPS-17).

Dear Sir,

It is submitted that a post of Superintendent (B - 17) has become vacant in the Directorate of Archaeology & Museums due to the retirement of Syed Ali Anjum Naqvi on 2/6/2020. Necessary recruitment rules for filling the said post under the Service Rules of the Directorate of Archaeology & museums are given as under:-

1. Seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with five years service as such; and
2. Twenty five percent by promotion on the basis of Seniority-cum-fitness, from amongst the Accounts Assistants with five years service as such;
(Copy attached as Annexures A).

2) I was appointed as Accounts Assistant in the Directorate of Archaeology and Museums on 20/5/2007 and still I am working in the same capacity. There are 3 sanctioned posts of Superintendents (B - 17) in the Directorate of Archaeology and Museums. It may be stated that three Office Assistants have been promoted on it and as such more than 75% quota has already given to the Assistants. These Office Assistants are:-

- i. Syed Ali Anjum Naqvi.
- ii. Mr. Gul Bahadur.
- iii. Mr. Zulfiqar Ali.

3) As 75% quota of the Assistant has already been completed, therefore, the post of Superintendent is required to be filled from the Accounts Assistants under the rule 9(2) of the Service Rules.

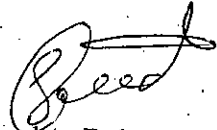
D.No: 8618

dt = 16/7/2020

4) The undersigned has requested the Director Archaeology & Museums twice for my overdue promotion to the vacant post of Superintendent through application vide diary No. 6435 dated 11/6/2020 and application Diary No. 6511 dated 29/6/2020. (Copies enclosed) but no response have been received.

In view of the above it is requested that my promotion case may please be processed and placed before the competent forum for approval.

Yours faithfully



Saeed ur Rehman
Accounts Assistant

Dated: 16/7/2020.

D. No: 5494

M: 16/7/2020



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(Regulation Wing)

NO. SOR-I (E&AD) 4-3/2018
Dated Peshawar the 9th February, 2021.

SECRETARY
Sports, Culture, Tourism Youth Affairs
& Museums Departments
Khyber Pakhtunkhwa
Date: 9-02-21
8893

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Sports, Culture, Tourism, Archaeology, Museum & Youth Affairs Department

Subject: - APPEAL FOR PROMOTION TO THE POST OF SUPERINTENDENT (BS-17)

Dear Sir,

I am directed to refer to your letter NO.SO(M)4-95/2008/700-01 dated 13th January 2021 on the captioned subject with the request to dispose of the case in light of opinion of Law Department (copy enclosed).

Encl: As above

Yours faithfully,

SECTION OFFICER (R-I)
Phone # 9210860

AS-11

9.2.2021

Dated: 9-2-21
C.P.O
DS-III
DS-IV
SO
SO (S&TA)
SO (ARCHY & CUL)

ATTACHED



Annexure "E" (17)
GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT

13-A Khyber Road, Peshawar

091-9211169

091-9212535

socamu940@gmail.com

No. SO(M)4-95/2008/3399-100

Dated Peshawar, the 24th February, 2021

To,

The Director,
Archaeology & Museums Khyber Pakhtunkhwa.

Diary No 8397
Date 24/02/2021
Directorate of Archaeology
Govt of K.P.K

Subject:- APPEAL FOR PROMOTION TO THE VACANT POST OF SUPERINTENDENT (BPS-17).

I am directed to refer to the subject noted above and to enclose herewith copy of Establishment Department letter No. SOR-I (E&AD)4-3/2018, dated 09/02/2021 alongwith opinion of the Law Department bearing No. OP.15(201)/LD/2002/6381, dated 26/08/2002, with the request to share the same with appellant (Mr. Saeed ur Rahman, Accounts Assistant), please.

Encl: as above

(FAZAL ALI)

Section Officer (Arch: & Museums)

Endst: number & date even.

Copy forwarded to P.S. to Secretary, Sports, Tourism, Culture, Archaeology, Museums & Youth Affairs Department.

Section Officer (Arch: & Museums)

lit. office
M. discum
103/21

ATTACHED

Annexure 'F' Better Copy

Government of N.W.F.P

Law Department.

NO.OP.15 (201)/LD/2002.

Dated Peshawar, the 26th Aug., 2002

To

The Secretary to Govt. of NWFP

Irrigation and Power Department.

SUBJECT: The Promotion of Sub-Engineers and Assistant Engineers.

Dear Sir,

I am directed to refer to you letter No. SO(E)/_____ dated 09.08.2002 on the subject noted above and to state that the promotions made before the amendment or rules would be considered as a closed chapter and the posts which were available at the time of amendment or because available after the amendment would have to be filled in accordance with the rules prevailing at the very moment. The tribunal has also held the same view and the Advocate General also hold the same views.

Yours faithfully,

Section Officer (OP)

Annexure "F"

18

P.

GOVERNMENT OF N.W.F.P.
LAW DEPARTMENT

NO. OP. 15 (201) / 10 / 2002. 6381-

Dated Peshawar, the 26th Aug., 2002.

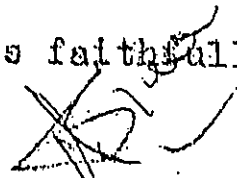
The Secretary to Govt. of JWP, P.
Legislation & Power Department.

RE: PROMOTION OF SUB-ENGINEERS AND ASSISTANT ENGINEERS.

Dear Sir,

As directed to refer to your letter No. SO(E) /
No. 14-1/2001/3178 dated 9.3.2002 on the subject noted
above and to state that the promotions made before the
amendment of rules would be considered as a closed chapter and
the posts which were available at the time of amendment or
became available after the amendment would have to be filled
in accordance with the rules prevailing at the very moment.
The Tribunal has also held the same view and the Advocate
General also hold the same views.

Yours faithfully,


Section Officer (OP)

~~ATTACHED~~

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

SAEED UR RAHMAN

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

SECRETARY ESTABLISHMENT

(RESPONDENT)
(DEFENDANT)

I/We SAEED UR RAHMAN

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020



CLIENT(S)

ACCEPTED

NOOR MOHAMMAD KHATTAK

15401-0705985-5

BC-08-0853

&

KAMRAN KHAN


AFRASIAB KHAN WAZIR


HAIDER ALI
ADVOCATES

OFFICE:

Flat No.4, Upper Floor,

Juma khan plaza near (FATA) Secretariat

Warsak road Peshawar.

Mobile No. **0345-9383141**

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

Service appeal No. _____/2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),
O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa
Peshawar

.....Appellant

Vs

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa etc.

.....Respondents

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03	Copy of Comments to Secretary, Sports	"A"	5-6
03	Copy of Service rules, 2017	"B"	7-19
04	Authority Letter	"C"	20

DEPONENT
CNIC: 17301-8940064-7
Cell No: 03469148978

①

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

Service appeal No. _____/2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),
O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa
Peshawar

.....Appellant

Vs

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa & others.

.....Respondents

REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS NO. 2&4.

Preliminary Objections:-

1. That petitioner has not come to this tribunal with clean hands.
2. That petitioner has no locus standi and cause of action to file the instant appeal.
3. That the instant appeal in its present form is not maintainable.
4. That the petitioner has suppressed material facts.
5. That the case is hit by estoppel.
6. That the petition is time barred and not maintainable. Moreover, departmental enquiry was held, wherein competent authority imposed penalty to withhold the promotion for a period of 3 years for misrepresentation, fraud in the accounts of directorate committed by the appellant. **(Copy enclosed)**
7. That the appeal and representation of the petitioner is pre mature hence liable to be dismissed.

ON FACTS:

- a) Para "1" of the facts needs no comments.
- b) Para "2" of the facts is incorrect, false and baseless. Moreover, the appellant is not fit for promotion. It is important to mention here that according to Service

2

Rules, 2017, first 75 % quota shall be filled from Office Assistant (BPS-16), in presence of Office Assistant in BPS-16, who are also eligible for promotion and having 75% quota in service, the appellant cannot be promoted at this stage his appeal and representation is pre-mature.

(Copy of Comments to Secretary, Sports is attached as Annex-A)

- c) Para "3" of the facts need proof.
- d) Para "4" of the fact is correct to the extent that 25% quota is reserved for the post of Account Assistant, rest of the Para is incorrect. Moreover, as per notification 75% quota is also reserved for the post of Office Assistant. It is further stated, that as per 2017 service rules, no Office Assistant has yet been promoted by the Directorate of Archaeology and Museums, Peshawar (Respondent No. 5)
- e) Para "5" of the facts is false, incorrect and baseless. Moreover, on the departmental appeal of appellant, opinion of Law department was also obtained and in the light of that opinion, his appeal was dismissed.
- f) Para "6" of the facts is correct.
- g) Para "7" of the facts is incorrect, false and baseless, this Hon'able Tribunal has got no jurisdiction to entertain the instant appeal.

GROUNDS

- 1) Para "a" of the grounds is incorrect, false and baseless. Moreover, his departmental appeal is rightly regretted at this stage.
- 2) Para "b" of the grounds is incorrect, false and baseless. Moreover, according to Service Rules, 2017, first Office Assistant BPS-16 shall be promoted, hence presence of eligible and qualified Office Assistant BPS-16, the Account Assistant shall not be promoted until the completion of 75% quota from the Office Assistant.

(Copy of Service rules is attached as Annex-B)

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service appeal No. _____/2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),

O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa

Peshawar

.....Appellant


Vs

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa etc.

.....Respondents

AFFIDAVIT

I, Muhammad Arif, Litigation Officer Directorate of Archaeology & Museums, Peshawar, do hereby solemnly affirm and declare on oath that the contents of Para-wise comments/ reply in the above petition on behalf of Respondents No. 2 and 4 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.


DEPONENT
CNIC: 17301-8940064-7
Cell No: 03469148978

Identified By


24/05/22



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

5

No. 833 / Archymus
Dated: 7-12-2020

C/O Peshawar Museum Peshawar
Ph. # 091-9211194, 9211488
Fax # 091-9210690

To

The Section officer (Arch:& Culture)
Sports, Tourism, Culture, Archaeology & Museums,
Department Peshawar.

Subject:- APPEAL FOR PROMOTION TO THE VACANT POST OF SUPERINTENDENT (BPS-17)

Dear Sir,

I am directed to refer the Section Officer (Arch:& Culture) letter No.SO(M)4-95/2008/8384-85 dated 21st July, 2020 and another letter No. SO(M)4-95/2008/9545-46 dated 12th August, 2020 on the subject cited above.


In this regard, reply/comments of the Directorate of Archaeology & Museums Govt. of Khyber Pakhtunkhwa are as under.

According to the service rules of this Directorate Promotion to the post of Superintendent is based on,

- i. Seventy five percent by promotion on the basis of seniority-cum- fitness from amongst the Assistants and Senior Scale Stenographer with five years service as such; and
- ii. Twenty five percent by promotion on the basis of Seniority-cum-fitness, from amongst the Accounts Assistants with five years service as such.

Therefore, the application of Mr. Saeed ur Rehman is Pre-mature because according to service rules, first Seventy five percent quota is to be filled from Office Assistant and Senior Scale Stenographer and then Twenty five percent quota from the Account Assistant.

In this respect, Comments is submitted for information please.

Yours Faithfully,

Litigation Officer

Endst. No. 833-34 / A-69 / Archymus
Copy to:

Dated 7/12/2020

- i. Director, Archaeology & Museums Govt. of Khyber Pakhtunkhwa for information.


Litigation Officer

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DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS

Diary No 7686
Date 25/11/2020
Directorate of Archaeology
Govt. of K.P.K

REMINDER-II



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT.
13-A Khyber Road, Peshawar. Phone # 091-9211169

No. SO(M)4-95/2008/3052-53
Dated Peshawar, the 24th November, 2020

To

The Director
Archaeology & Museums,
Khyber Pakhtunkhwa.

Subject:-

APPEAL FOR PROMOTION TO THE VACANT POST OF
SUPERINTENDENT (BPS-17).

I am directed to this Department's letter No. SO(M)4-95/2008/8384-85 dated 21-07-2020 followed by reminder dated 12-08-2020 and to request the requisite information is still awaited which may be expedited, please.

[Handwritten signature]
24/11/20

(FAZAL ALI)
Section Officer (Arch: & Museums)

Endst: number & date even.

Copy forwarded for information to the P.S. to Secretary to Government of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archaeology & Museums & Youth Affairs Department.

Section Officer (Arch: & Museums)

Lit. [Signature]

reply 3/12

already send reply

O.A

MAB [Signature]
7/12/2020

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 2nd OCTOBER, 2017.

GOVERNMENT OF KHYBER PAKHTUNKHWA, SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS AND
YOUTH AFFAIRS DEPARTMENT

NOTIFICATION

Dated: 2nd October, 2017.

SO(A&M)4-13/2017/S. Rules.- 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 suppression of all previous rules, issued in this behalf, the Department of Sports, Culture, Tourism, Youth Affairs, Archaeology and Museums Department, in consultation with the Establishment Department and the Finance Department is hereby lays down the method of recruitment, qualification and other conditions in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Directorate of Archaeology and Museums, Khyber Pakhtunkhwa, specified in column 2 of the said Appendix:

APPENDIX

S. No	Nomenclature of the Posts	Minimum qualification for appointment by Initial recruitment	Age limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-19)			By promotion, on the basis of seniority-cum-fitness from amongst the Curator Museum having seven years service as such.

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S. No	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
8	Administrative Officer (BPS-17)			
9	Superintendent (BPS-17)			By promotion, on the basis of seniority-cum-fitness from among the Superintendents having five years service as such. (i) Seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographer with five years service as such; and (ii) Twenty five percent by promotion on the basis of seniority-cum-fitness, from amongst the Accounts Assistants with five years service as such. Note: For the purpose of promotion, there shall be maintained a joint seniority list of Assistants and Senior Scale Stenographers.
10	Senior Scale Stenographer (BPS-16)	(a) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (b) a speed of seventy (70) words per minute in short-hand in English and forty five (45) words per minute in typing; and (c) Knowledge of Computer in using of MS Word and MS Excel.	20 to 32 years.	By promotion on the basis of seniority-cum-fitness from amongst the Junior Scale Stenographers with at least five years' service as such; Provided that if no suitable candidate is available for promotion then by initial recruitment.
11	Assistant (BPS-16)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	20 to 32 years.	(i) Seventy five percent by promotion, on the basis of seniority cum-fitness, from amongst the Senior Clerks with at least five years service as Senior Clerk and Junior Clerk; and (ii) Twenty five percent by initial recruitment.
12	Assistant Curator/ Assistant Research Officer/Field Officer/Field Supervisor (BPS-16)	At least Second Class Master's Degree in Archaeology or equivalent qualification from a recognized University.	21 to 30 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Gallery Assistants having five year service as such; and (ii) Fifty percent by initial recruitment.

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Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
Naib Qasid/ Library Attendant/ Cafeteria Attendant/ Museum Attendant/ Caretaker/ Chowkidar/ Tube-well Operator / Night Watchman/ Security Guard /Site Attendant/ Cook/Mali (BPS-03)	Preferably literate	18-40 years.	By initial recruitment.
Sweeper (BPS-03)		18-40 years.	By initial recruitment.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS
AND YOUTH AFFAIRS DEPARTMENT.



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
MUSEUMS & YOUTH AFFAIRS DEPARTMENT

13-A Khyber Road, Peshawar



091-9211169



091-9212535



socamu940@gmail.com

(23)

(10)

Dir. No 10405
Date 09/12/2021.
Directorate of Archaeology
Govt of K.P.K

Dated Peshawar, the 3rd December, 2021

1843-47

ORDER

No. SO(M)4-95/2008, **Whereas**, an inquiry under Rule-5 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, was initiated by the competent authority against Mr. Saeedu-Ur-Rehman, Accounts Assistant (BPS-11) of Directorate of Archeology and Museums Khyber Pakhtunkhwa.

And whereas, the Inquiry Committee constituted for the purpose, after probing into the facts, proved the charges of irregularities/ misconduct leveled against the accused/ official concerned.

And whereas, in order to meet the ends of justice, the accused was afforded an opportunity of personal hearing under Rule-15 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, on 08-06-2021, who appeared before competent authority on the said date and reiterated his stance taken by him in written defence.

And whereas, the competent authority being unsatisfied of the arguments made/ plea taken by the accused during personal hearing and in written defence, the competent authority imposed on him a minor penalty of withholding promotion for a period of three years under rule-4(1)(ii) of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

Now therefore, I Muhammad Abid Majeed, Secretary Sports, Tourism, Culture, Archeology & Museums and Youth Affairs/ Appellate Authority after perusal of the record / material available in the case file, hearing proceedings and written defence of the appellant, am of the considered view to uphold the penalty imposed by the competent authority and reject the appeal being devoid of merit in exercise of powers vested in me under Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011.

lit. off.
for n.a.
9/12

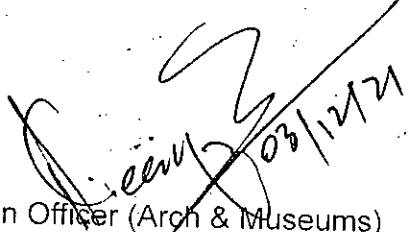
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS,
YOUTH AFFAIRS DEPARTMENT

Share the same with the
concerned official (MA) 15/12

Endst: number & date even.

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Archaeology & Museums Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department
4. Official Concerned.
5. Personal File.


Section Officer (Arch & Museums)

ATM



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

No. 374 / A-34 / Archymus

Dated: 17-6-2021

C/O Peshawar Museum Peshawar

Ph. # 091-9211194, 9211488

Fax # 091-9210690

OFFICE ORDER

Whereas, a committee has been constituted against Mr. Saeed ur Rehman for internal Audit of the regular budget of the Directorate for the last four years vide letter No.1683/A-3/Archymus dated 22-07-2019.

Whereas, the internal audit committee submitted report and discovered miss-representation and fraud in the accounts of Directorate and nominated accused/official Saeed ur Rehman, Account Assistant as a principle accused.

Whereas, on the said report, regular inquiry was directed for misconduct committed by the accused/official. In this reason charge sheet and statement of allegations were served to him.

Whereas, the inquiry report was received in due course, which was properly conducted in accordance with the provisions of Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) rules, 2011 and charges against the accused official were proved. On receiving the inquiry report and going through the evidence recorded by the inquiry committee and the relevant record, the accused official was served with a show cause notice under rule 4 of the rules ibid and was asked to submit reply and was also asked to intimate whether he wants to be heard in person. After receiving reply to the show cause notice accused/ official also opted for personal hearing.

Whereas, the accused/ official was personally heard at length.

Whereas, the inquiry report is a comprehensive document and its findings are proper and clear. The inquiry committee found the accused/official guilty of all the charges except non-reconciliation of expenditure cash book and expenditure statement

...bills which are unnamed and unsigned vouchers.

...delegated power under head A03808-conveyance.

(93)

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which were found to be correct, the inquiry committee have concluded that rest of allegations against the accused official are proved.

Now, while agreeing with the inquiry report, the material on record, his acts/behavior/omission and commission are not required to be forgiven on the record. The charges against the accused official are proved making him liable for maximum minor penalty the proved misconduct.

Therefore, minor penalty is awarded to withhold the promotion of the accused/official for a period of three years under rule 4(1) (ii) of the Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) rules, 2011.

Endst. No. 374-78/A-34
Archymus


DIRECTOR

Dated 17/6/2021

Copy to:

1. PS to Secretary Sports, Cultural, Tourism, Archaeology, Museums & youth affairs for information.
2. Superintendent (Estab), Directorate of Archaeology and Museums, Peshawar.
3. Incharge, City Museum, Gor Khatri, Peshawar.
4. The official concerned.
5. Personal file of the concerned.


DIRECTOR

7. Claims and pared bills which are unnamed and unsigned vouchers.
8. Exceeding from delegated power under head A03808-conveyance.



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

13

317

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

Ph. # 091-9211194, 9211488

Fax # 091-9210690

SHOW CAUSE NOTICE

To

Mr. Saeed Rehman
Account Assistant,
City Museum, Gor Khatri Peshawar.

1. I Dr. Abdul Samad, Director, Directorate of Archaeology & Museums, Peshawar hereby charge you for the illegal act or omissions recommended by Audit Committee (copy enclosed) and confirmed by enquiry committee (Copy enclosed).

That you committed the following acts of gross misconduct.

1. That you up-graded yourself from BPS-12 to BPS-14, through bogus and forged notification.
2. That you had not maintained any stock register for a period of 4 to 5 years.
3. That you had not provided assurance of purchases, repairs and payments to the employees/dealers provided by you regarding contingent charges, bills and vouchers.
4. That you have illegally withdrawn amount from the electricity head No. A03303 for purchase of electronic items.
5. That you withdrawn the amount Rs. 60,000 under head No. A09601 for purchase of furniture without the enlisted bidder of this directorate, neither any furniture was purchased by you nor entered into stock register (for furniture).
6. That you also withdrawn travelling allowance under head No. A03805, the amount of Rs. 1,24,963 as a TA but you did not submit any report; supporting documents or justification etc.
7. Claims and pared bills which are unnamed and unsigned vouchers.
8. Exceeding from delegated power under head A03808-conveyance.

By reason of the above, you appear to be guilty of gross misconduct under rule (IV) (VI) (V) read with rule 3(b) of the Khyber Pakhtunkhwa government servant (Efficiency and Discipline) Rules, 2011, and the enquiry committee recommended the following penalties.

- i. Censure;
 - ii. Withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:
Provide that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale;
 - iii. Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;
3. Intimate whether you wish to be heard in person.
 4. Your written reply to the Show Cause Notice should reach the undersigned within 14 days of this Notice, failing which ex-parte decision shall be taken against you.

Endst. No. 818-20/A-57
Copy to:- Archymus

1. Superintendent (Estab), Directorate of Archaeology & Museums, Peshawar.
2. Incharge, City Museum Gor Khatri, Peshawar.

DIRECTOR
Dated 4/12/2020

DIRECTOR
(Signature)

15

6

Diary No. 6648
Date 21/7/2020
Directorate of Archaeology
Govt. of Khyber Pakhtunkhwa

The Director,
Archaeology & Museums
Govt. Of Khyber Pakhtunkhwa.

Subject: - AUDIT REPORT.

Dear Sir,

In compliance of this Directorate Office Order No.1683/A-3/Archymus dated 22-07-2019 (Copy enclosed as Annexure-A), the undersigned submitted audit report with the following mentioned detail:-

- 1- During the audit of pay bills of the Directorate, it is appear that Mr. Saeed-ur-Rehman, Account Assistant has upgraded hiself from BPS-12 to BPS-14, through bogus Notification, connected with the Rules & Regulation Wing of Finance Department (Copy enclosed as annexure-B). However, it should also be clarified that as per objection by the Pay Fixation party, after three years and six months he again downgraded himself from BPS 14 to BPS-12. under made to the proper recovery (Copy enclosed as Annexure-C).
- 2- During the audit of Stock Register, it is also disclosed that the stock register has not been maintained for the last five years and stock Register is an important and authentic process/ document for assurance of all purchases and the said negligence will be made to the proper cause of the objection of an external audit party.
- 3- During the audit of contingent charges, bills and vouchers, it is revealed that all amounts have been received by Account Assistant, instead of the concerned officials, dealers and mechanics.
- 4- During the audit of Cash Books, Contingency Files and monthly expenditure statement, it is also raised that vouchers and files are not reconciled with Cash Book and expenditure statement and it means that vouchers of doubtful purchases and repairs have been wasted by Account Assistant intentionally for concealment of his theft.
- 5- During the audit of vouchers files for the year, 2016-17, it is confirmed that amount of Rs.31500/- has been drawn under head A03303-Electricity charges (through bill No. 168) on the justification of purchase of Electronic items, however the said head is only fixed for monthly electricity bills and this action of the Accounts Assistant is also come into the fraud and imposture process.
- 6- During the above mentioned year, it is also cleare that the amount of Rs. 60000/- has been utilized under head A09601-Purchase of Furniture vide bill No.176, however, no furniture has been purchased nor the items entered in the furniture stock register, it means that the said amount confirmed to the own sweet of Accounts Assistant.

Comment
22/07

20/7/2020

20/07/2020

Contd: to Page 02

Directorate of Archaeology & Museums
Govt. of Khyber Pakhtunkhwa

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During the audit for the whole years, it is also appeared that Mr. Saeed Rehman, Accounts Assistsnt claimed for the amount of Rs. 124963/- under the head A03805-Travelling Allowance, however, no supporting documents i.e. attendance certificates and TA memos are enclosed with his TA bills.

8- During the audit it is also reflected that the large number passed contingent charges, bills are not only unsigned by concerned dealers but also unnames and undates.

9- It is also appeared that Mr. Saeedur Rehman, Accounts Assistant has been claimed the amount of Rs.11400/- under head A03808-Conveyance Charges in the year,2015-16,through one sanction and date, however, during in the said year, the Director was authorized to give the sanction for only Rs. 5000/- similarly, he exceeded from the delegated powers.

Due to the above mentioned facts, it is proposed that an un-partisan inquiry committee may please be arranged for confirmation to the imposed allegations and in case of confirmation, the following few penalties should be given to the concerned in the best interest of good administration please.

- i- In the crime of Sr.No-1, action under para No. 2/a/k. By the rules of Establishment Department Government of Khyber Pakhtunkhwa should be given to him(Copy enclosed as annexure-D).
- ii- No. financial and purchases responsibilities should be given to him in coming future.
- iii- Complete ban for further promotion should be imposed him accordingly.
- iv- misappropriated amount in purchase of furniture and etc: should be recovered from the Account Assistant.

[Signature]
120/7/2020

(GulBahadar)
Superintendent(Budget).

[Signature]
20/7/2020

(Samiullah Khan)
Junior Clerk.

Contd: to Page 02

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GOVT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

No. KC/ED/SO (PR)/7-20/2015
Dated Peshawar, the 01-12-2015

NOTIFICATION

Subject: Up-gradation of the Posts of Statistical Assistant/Account Assistant/Sub Accountant from BPS-11 to BPS-14

The undersigned is directed to convey the concurrence of the Finance Department to up-gradation of the posts of Statistical Assistants/Account Assistants/ Sub Accountants from BPS-11 to BPS-14 in Ministries/Divisions/Departments with immediate effect.

Secretary to Govt of Khyber Pakhtunkhwa
Finance Department

File No. & Date given

Copy of the above is forwarded for information and necessary action to the:

RECEIVED

21/12/15

- 1) PS to Additional Chief Secretary, F.M.A.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa
- 3) Senior Member Board of Revenue, Khyber Pakhtunkhwa Peshawar
- 4) Accountant General Khyber Pakhtunkhwa Peshawar
- 5) Secretary to Government Khyber Pakhtunkhwa, Peshawar
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa
- 9) Registrar, Peshawar High Court, Peshawar
- 10) All Deputy Commissioners - Political Agents, District & Sessions Judges / Executive Magistrate in Khyber Pakhtunkhwa
- 11) Chairman, Khyber Pakhtunkhwa Public Service Commission, Peshawar
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa
- 13) Secretary to Govt of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Hyderabad
- 14) The District Comptroller of Accounts Peshawar, Mardan, Kamal, Bannu, Dera Ismail Khan, Khan
- 15) The Senior District Accounts Officers Nowshera, Swabi, Charsadda, Haripur, Mardan, Dera Ismail Khan
- 16) The Treasury Officer, Peshawar
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA
- 18) PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa
- 19) PS to Chief Secretary, Khyber Pakhtunkhwa
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar
- 21) PS to Finance Secretary
- 22) PAS to All Additional Secretaries/Deputy Secretaries in Finance Department
- 23) All Section Officers in Finance Department

(SIGNED) (INITIALS)
SECRETARY (FINANCE)

FORM PAYD3

DATE: 05-10-2019

FORM NO. 10-2015-AG RA.S.O. (MAY 2015)

PERSONNEL SYSTEM
MULTIPLE EMPLOYEE ENTRY

DATE OF ENTRY: 05-10-2019

EMPLOYEE NAME: RAJESH K

EMPLOYEE ID: 184895

ACCOUNT: 184895

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EMPLOYEE DETAILS		GENERAL DATA CHANGE		CHANGE IN PAYMENT DEDUCTIONS	
EMPLOYEE NUMBER	EMPLOYEE NAME	NO. PAYD	NO. PAID	WAGE TYPE	AMOUNT
184895	RAJESH K			RECOVERY OF OVER PAYMENT	RS 4332.00
					RS 4332.00

Due to upgrading of software from 10-12-18 through 05-10-19, the data of employees was migrated from old system to new system. The amount of Rs. 4332.00 should be recovered @ Rs. 2166.00 per month and recovery should be made for the month of October, 2019 accordingly.

Please see recovery of over payment of Rs. 4332.00 for month of October, 2019. In the month of October, 2019.

Reported By: [Signature]
Archaeological Conservator
Museum of Archaeology & Museum

Approved/Checked By: [Signature]

Entered/Issued By: [Signature]

OVER PAYMENT OF PAY AND ALLOWANCES

IN RESPECT OF MR SAIED UR REHMAN
ACCOUNT ASSISTANT RPS-12 IN THE DIRECTORATE
OF ARCHAEOLOGY AND MUSEUMS GOVT OF KPK

DRAWN	AMOUNT	DATE	DUE	AMOUNT	RATE	AMOUNT
	105560	15080	104535	11905	15080	1225
	93000	18600	91700	18340	18600	1300
	137060	19580	133980	19140	19580	3080
	116850	23370	114600	22930	23370	2250
	294480	24540	286560	23880	24540	7920
	25710	25710	24840	24840	25710	8700
	1004050	97955	97955			24475
	68634	2214	60760	1960	2214	7874
	49815	3321	44100	2946	3321	5715
	118449		104860		118449	13589
	17342	377	17158	373	17342	184
	6572	1958	6572	1914	6572	9496
	75812		74246		75812	1626
	11685	2337	11460	2292	11685	225
	29448	2454	28656	2388	29448	792
	25710	2571	24840	2484	25710	870
	66843		64956		66843	1887
	10270	2454	11940	2388	10270	330
	25710	2571	24840	2484	25710	870
	37980		36780		37980	1200
	261	2571, 7713	2484	2484	261	

Directorate of Archaeology & Museums
Govt of Khyber Pakhtunkhwa



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**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. 1014/lit-68 / Archymus

C/O Peshawar Museum Peshawar

Dated: 01/01/2022

Ph. # 091-9211194, 9211488
Fax # 091-9210690

AUTHORITY LETTER

Mr. Muhammad Arif, Litigation Officer, Directorate of Archaeology & Museums Govt. of Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar, in connection with the case title **"Mr. Saeed ur Rehman Vs Government of Khyber Pakhtunkhwa through Chief Secretary & others"**.


DIRECTOR

MARY

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

Service appeal No. _____/2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),

O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa

Peshawar

.....Appellant


Vs

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa etc.

.....Respondents

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S.No	PARTICULAR	ANNEXURE	PAGES
01	Para-wise comments		
02	Affidavit		
03	Copy of Comments to Secretary, Sports	"A"	
03	Copy of Service rules,2017	"B"	
04	Authority Letter	"C"	


DEPONENT
CNIC: 17301-8940064-7
Cell No: 03469148978

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

Service appeal No. _____/2021

Mr. Saeed ur Rahman, Accounts Assistant (BPS-12),
O/O of the Director, Archaeology & Museums, Khyber Pakhtunkhwa
Peshawar

.....Appellant

Vs

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber
Pakhtunkhwa & others.

.....Respondents

REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS NO. 3&4.

Preliminary Objections:-

1. That petitioner has not come to this tribunal with clean hands.
2. That petitioner has no locus standi and cause of action to file the instant appeal.
3. That the instant appeal in its present form is not maintainable.
4. That the petitioner has suppressed material facts.
5. That the case is hit by estoppel.
6. That the petition is time barred and not maintainable. Moreover, departmental enquiry was held, wherein competent authority imposed penalty to withhold the promotion for a period of 3 years for misrepresentation, fraud in the accounts of directorate committed by the appellant. **(Copy enclosed)**
7. That the appeal and representation of the petitioner is pre mature hence liable to be dismissed.

ON FACTS:

- a) Para "1" of the facts needs no comments.
- b) Para "2" of the facts is incorrect, false and baseless. Moreover, the appellant is not fit for promotion. It is important to mention here that according to Service

Rules, 2017, first 75 % quota shall be filled from Office Assistant (BPS-16), in presence of Office Assistant in BPS-16, who are also eligible for promotion and having 75% quota in service, the appellant cannot be promoted at this stage his appeal and representation is pre-mature.

(Copy of Comments to Secretary, Sports is attached as Annex-A)

- c) Para "3" of the facts need proof.
- d) Para "4" of the fact is correct to the extent that 25% quota is reserved for the post of Account Assistant, rest of the Para is incorrect. Moreover, as per notification 75% quota is also reserved for the post of Office Assistant. It is further stated, that as per 2017 service rules, no Office Assistant has yet been promoted by the Directorate of Archaeology and Museums, Peshawar (Respondent No. 5)
- e) Para "5" of the facts is false, incorrect and baseless. Moreover, on the departmental appeal of appellant, opinion of Law department was also obtained and in the light of that opinion, his appeal was dismissed.
- f) Para "6" of the facts is correct.
- g) Para "7" of the facts is incorrect, false and baseless, this Hon'able Tribunal has got no jurisdiction to entertain the instant appeal.

GROUNDS

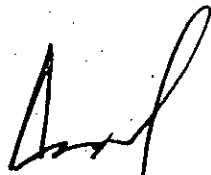
- 1) Para "a" of the grounds is incorrect, false and baseless. Moreover, his departmental appeal is rightly regretted at this stage.
- 2) Para "b" of the grounds is incorrect, false and baseless. Moreover, according to Service Rules, 2017, first Office Assistant BPS-16 shall be promoted, hence presence of eligible and qualified Office Assistant BPS-16, the Account Assistant shall not be promoted until the completion of 75% quota from the Office Assistant.

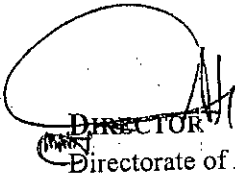
(Copy of Service rules is attached as Annex-B)



- 3) Para "c" of the grounds is incorrect, false and baseless. Moreover, it would be highly discrimination at this stage with the Office Assistant if the petitioner was promoted.
- 4) Para "d" of the grounds is incorrect, false and baseless, as explain above in detail.
- 5) Para "e" of the grounds is incorrect, false and baseless, as explain above in detail.
- 6) Para "f" of the grounds is incorrect, false and baseless, as explain above in detail.
- 7) Para "g" of the grounds is incorrect, false and baseless, as explain above in detail.

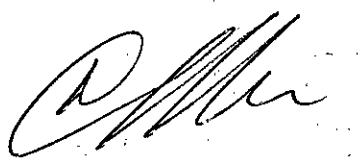
It is therefore humbly prayed that on acceptance of these comments, the instant appeal may kindly be dismissed with cost in the best public interest.


SECRETARY
Sports, Tourism, Culture,
Archaeology & Museums, Peshawar
(Respondent No. 2)


DIRECTOR
Directorate of Archaeology
& Museums Peshawar.
(Respondent No. 4)

Please see

DAU



Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar