

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No. 225 /2023

MUNIR KHAN

... APPELLANT

VERSUS

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
CULTURE, TOURISM, ARCHAEOLOGY & MUSEUMS
DEPARTMENT & OTHERS.**

... RESPONDENTS

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20-7-23

MAN

DEPONENT

CNIC: 17301-8940064-7

Cell No: 03469148978

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6200

Dated 26-06-23

Service appeal No. 225 /2023

MUNIR KHAN

... APPELLANT

VERSUS

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
CULTURE, TOURISM, ARCHAEOLOGY & MUSEUMS
DEPARTMENT & OTHERS.**

... RESPONDENTS

REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS.

PRELIMINARY OBJECTIONS:

1. That appellant has not come to this tribunal with clean hands.
2. That appellant 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 appellant has suppressed the material facts.
5. That the case is hit by estoppel.
6. That the appeal of the appellant is time barred and not maintainable.
7. That the appellant has already two step upgraded vide notification No. SO,FD/SO(FR)7-20/2015 dated 30-06-2015 issued by Finance Department, Government of Khyber Pakhtunkhwa. **(Copy of notification is attached as Annex-A).**

8. That an employee having Service Structure for promotion would not be upgraded according the up-gradation Policy 2010.

ON FACTS:

1. Para "1" of the facts is correct to the extent that the appellant was appointed as a Tube Well Operator (BPS-01) vide Order dated 24-02-2010, while rest of the Para is incorrect. That the appellant from the beginning was very problematic and inconsistent in performing his duties. **(Copy of Explanations and Warnings are attached as Annex-B).**
2. Para "2" of the facts is correct to the extent that the appellant was two step upgraded in light of the ibid. notification, while rest of the Para is incorrect. That the appellant was already upgraded by the respondents hence cannot claim second up-gradation as a right.
3. Para "3" of the facts is false, baseless and wrong. That the appellant has already up-graded and there is no Policy or Rules for second up-gradation.
4. Para "4" of the facts is incorrect. That an employee having Service Structure for promotion would not be upgraded according the up-gradation Policy 2010. Furthermore, the appellant having proper Service Structure and would be promoted to the Post of Junior Clerk (BPS-11) as per his seniority. **(Copies of Up-gradation Policy & Service Rules 2017 are attached as Annex-C & D).**
5. Para "5" of the facts is incorrect, false and baseless. That the appellant is drawing his salary as per Government Policy. Moreover, the appellant is neither aggrieved nor filed departmental appeal.

6. Para "6" of the facts is incorrect. That the appellant have no locus standi to file the instant appeal. Moreover, this Hon'ble Tribunal has got no jurisdiction in cases of up-gradation.

GROUNDS:

- a) Para "a" of the grounds is incorrect, false and baseless. No violation, discrimination and injustice has been done with the appellant.
- b) Para "b" of the grounds is incorrect, false and baseless. That the appellant was treated in accordance with law.
- c) Para "c" of the grounds is incorrect, false and baseless. Moreover, detailed reply has been given in the proceeding Para.
- d) Para "d" of the grounds is incorrect, false and baseless. That the appellant is drawing pay and allowances equal to other employees on the same scale.
- e) Para "e" of the grounds is incorrect, false and baseless. Moreover, detail reply has been given in the proceeding Para.
- f) Para "f" of the grounds is incorrect, false and baseless. No violation of the constitution of Islamic Republic of Pakistan, 1973 has been made.
- g) Para "g" of the grounds is incorrect, false and baseless. Moreover, detailed reply has been given in the proceeding Para.
- h) Para "h" of the grounds is incorrect, false and baseless. That the appellant has already two steps upgraded by the answering respondents.
- i) Para "i" of the grounds is incorrect, false and baseless. Moreover, detailed reply has been given in the proceeding Para.

j) For Para "j" the respondents may also be allowed to rebut each and every grounds of the appellant.

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

SECRETARY
Government of Khyber Pakhtunkhwa,
Culture, Tourism and Archaeology & Museums,
Department.
(Respondent No. 1)

SECRETARY
Government of Khyber Pakhtunkhwa,
Finance Department, Civil Secretariat,
Peshawar.
✓ (Respondent No. 2)

DIRECTOR
Directorate of Archaeology
& Museums, Peshawar.
(Respondent No. 3)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal No. 225 /2023

MUNIR KHAN

... APPELLANT

VERSUS

**SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
CULTURE, TOURISM, ARCHAEOLOGY & MUSEUMS
DEPARTMENT & OTHERS.**

... 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 reply in the above appeal on behalf of Respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court. *it is further stated on oath that in this appeal, the answering Respondents have neither been placed ex-Parte nor their defense has been struck off/cast.*

MARY

DEPONENT

CNIC: 17301-8940064-7

Cell No: 03469148978



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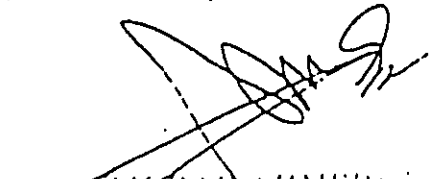
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Order No. & Date even.

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

- 1) PS to Additional Chief Secretary, FATA
- 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 Governor, 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 District Officers 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 Baluchistan, Finance Department, Lahore, Karachi and Quetta
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and Dir Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manshera and Dir Lower
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO 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/Budget Officers in Finance Department.
- 24) Mr. Jubir Hussain Bangash, President, Class-IV Association, Civil Secretariat Khyber Pakhtunkhwa Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa Peshawar
- 26) Mr. Akbar Khan-Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa Peshawar

RECEIVED


(MUGHAMMEDI)
SECTION OFFICER (P)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 30-06-2015

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15.
- c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

3. All the concerned Departments will amend their respective service rules to the effect in the prescribed manner.

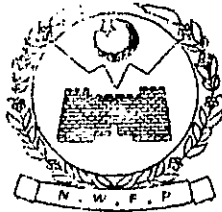
The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.

Explanatory note and subsidiary instructions on the subject will be issued separately.

ATTACHED

wp3462 2019 Muhammad Zakir vs Govt full USB 38 PG

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA



**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVERNMENT OF NWFP. PESHAWAR**

No. _____ / Archymus

C/O Peshawar Museum Peshawar

Dated: _____

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

OFFICE ORDER

On the recommendation of Departmental Promotion and Appointment Committee, held its meeting on 22-02-2010 Mr. Munir Khan S/o Mr. Muhammad Yousaf, is hereby appointed as Tub Well Operator BPS-01 (2970-90-5670) on regular basis in the Peshawar Museum, Peshawar, with immediate effect.

Under para-2 of the North-West Frontier Province Civil Servant (Amendment) Act, 2005 notified vide Establishment Department letter No. SO (Regulation) 6 (E&D)1-13/2005 dated 10/08/2005, the post is non-pensionable and he will be entitled to contributory Provident Fund at the prescribed rate of the Government. He will also be entitled to all those allowances and facilities as admissible to him under the said act and policy of the Provincial Government.

The official concerned will be on probation for a period of one year. During probation period, his service can be terminated any time without assigning any reason.

He should report to the Directorate of Archaeology and Museums Govt of NWFP, Peshawar for duty. He is also required to produce medical fitness certificate from a recognized Medical Officer/Civil Surgeon.

Saleh Muhammad Khan
Director.

Endst: No. 1-37-38/A-73 / Archymus.

Dated: 24-02-2010

Copy forwarded for information and further necessary action to:

1. Accountant General Officer NWFP, Peshawar.
2. Private Secretary to Minister for Archaeology and Museums Govt of NWFP.
3. Assistant Curator, Peshawar Museum, Peshawar.
4. Superintendent, Directorate of Archaeology and Museums Govt of NWFP.
5. Account Section, Directorate of Archaeology and Museums Govt of NWFP.
6. Mr. Munir Khan S/o Mr. Muhammad Yousaf, resident of Mushtaq Abad Sector No. 05 House No. 204, Nouthia Jadeed, Tehsil/District Peshawar.
7. Personal file.

ATTESTED

Director.



Walled City Peshawar
DIRECTORATE OF ARCHAEOLOGY & MUSEUMS
Government of Khyber Pakhtunkhwa, Peshawar

File No. 5178
Date 13/4/23
Archaeology & Museums
Govt. of Khyber Pakhtunkhwa

No. WC-135 /WC

C/O GOR KHATRI COMPLEX

Dated: 13-04-2023

Ph. # 091-9330914

(9)

To

The Director
Archaeology & Museums
Khyber Pakhtunkhwa,
Peshawar.

Subject:- REPORT ON MR. MUNIR KHAN TUBE-WELL OPERATOR IN ACCOUNT OF HIS WILLFUL ABSENTIA, AND IGNORANCE OF DUTY.

Respected Sir,

With great veneration, it is stated that the subject cited employee is not regular in his duty. During my usual visit to Dalazak Tomb, always found him absent. Today on 12-04-2023, I investigated his position of duty, again he was not available on his duty spot. The concern employee suit against the department in the Service Tribunal and attending the dates without informing this office or submitting any prior application for attending the court case. This employee is not taking interest in his duty and disturb the trend of the office and encourages other staff members for violating office norms and discipline.

In this connection, you are therefore, requested that strict disciplinary action may please be initiated against the employee concern, as he violating official rules and norms, ignore his duty and also disturbing the trend of the office.

Yours sincerely

Incharge
Walled City Peshawar

[Handwritten signatures and initials, including 'Lit. AH' and '26/4/23']



PESHAWAR MUSEUM, PESHAWAR

Phone: 091-9210985 Fax: 9210690

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No. 131/PM-4 / PM

Dated: 30/03/2012

To

Mr. Munir Khan
Tube Well Operator
Peshawar Museum, Peshawar.

Subject: EXPLANATION/LAST WARNING.

It has been observed by the undersigned that you are not taking interest in your duty. During duty hours you leave your place of duty and while the tube well machine is on unattended. This act of yours results in wastage of electricity and excessive water flows in the surrounding areas causing damage to the machine, museum and surrounding buildings.

You are therefore directed to explain your position of your irresponsibility and willful absence from your duty and submit your written explanation to this office with in two days failing in case a strict disciplinary action will be initiated against you.

Nidaullah Sehrai
Curator

Copy to:

1. Director, Archaeology & Museums, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Superintendent, Directorate of Archaeology & Museums, Govt. of Khyber Pakhtunkhwa, Peshawar.

Seen

25
31/3/12

Nidaullah

Curator

14/4

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

08

(11)

No. A-57/1695
Archymus
Dated: 9-8-17

C/O Peshawar Museum Peshawar

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

To

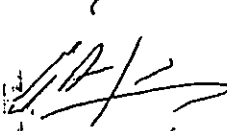
- 1) Mr. Haider Ali
Electrician
- 2) Mr. Munir Khan
Tube well operator
- 3) Mr. Tahir Shah
Naib Qasid
- 4) Mr. Suneel Michal
Sweeper
- 5) Mr. Shehzad Masih
Sweeper

Subject: WARNING

Memo:

Reference your application dated 08-08-2017, your apology is conditionally accepted by the Director Archaeology & Museums that if anyone found absent from duty without prior permission of your Incharge, a strict disciplinary action will be initiated against you.

Director Archaeology further directed and warned that in future there will no compromise on duty timing and all employees will observe office timings strictly.

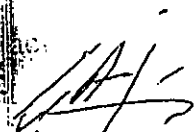

Syed Anjum Naqvi
Superintendent (Admin)

Dated: 9/8/2017

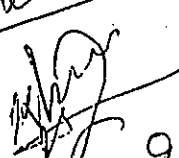
Endst: No. A-57/1695-97
Archymus

Copy to:-

- 1) Director Archaeology & Museum for information
- 2) Incharge Peshawar Museum Peshawar for information and necessary action.
- 3) Officials concerned.


Superintendent (Admin)

o/c.

Received

9/8/17



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS
GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR

No. 1691 / A-57 / Archymus

Dated: 9-8-18

C/O Peshawar Museum Peshawar

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

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Office order

Due to negligence of Mr. Munir Khan Tube Operator Peshawar Museum the Water Tank was not filled on time and due to which the water supply was disconnected to the Peshawar Museum and Directorate buildings from 08:00 am to 01:00 pm on 09-08-2018. His this act cause severe disintegration to the official work in the both offices. He is previously warned so many times to reform yourself but he paid no heed to these warnings.

In light of above Mr. Munir Khan is hereby suspended from service with immediate effect for a period of one month.

The following officers are hereby directed to inquire the causes of above mentioned disorder and submit report with a period of one month.

1. Mr. Noor Khan
Assistant Research Officer Peshawar Museum
2. Mr. Khalid Khan
Office Assistant

No. 1691-95 / A-57

Dated
9-8-18

Moahid Gul
Assistant Director

Copy to:

1. The Director Archaeology & Museums for information.
2. The Assistant Curator Peshawar Museum for entering in Service Book.
3. Mr. Noor Khan, Assistant Research Officer Peshawar Museum.
4. Mr. Khalid Khan Office Assistant, Directorate of Archaeology & Museums.
5. Mr. Munir Khan Tube Operator Peshawar Museum with the direction to appear before the inquiry committee.

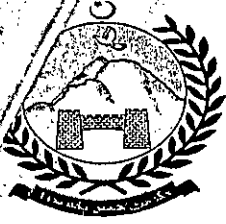
Received
9/8/18

نور خان وصول

Pl. as 1

4/10/18

Assistant Director



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

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Tel# 091-9211194, 9211488

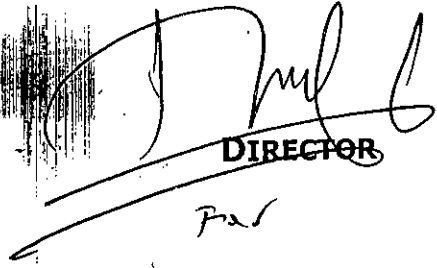
Email: info.archaeology@kp.gov.pk

No. 47-93/Archymus/ 2648

Dated: 03.3.2023

AUTHORITY LETTER

Mr. Muhammad Arif, Litigation Officer (BPS-17), Directorate of Archaeology & Museums Govt. of Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with the case titled "Munir Khan Vs Government of Khyber Pakhtunkhwa & others".


DIRECTOR
Par

GOVT. OF
PUNJAB

PAKISTAN
GOVERNMENT

(REGULATION WING)

NO. SO(FR)/FD/7-2/2008

Dated Peshawar, the 11th October, 2010

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C

To

1. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
6. The Registrar, Peshawar High Court, Peshawar.
7. The Registrar, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
8. The Registrar, Service Tribunal Khyber Pakhtunkhwa.
9. All the Divisional Commissioners, Khyber Pakhtunkhwa.

Subject:

POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of revised Policy/ Criteria for Up-gradation of Posts duly approved by the Provincial Cabinet in its meeting held on 23rd August, 2010 in supersession of the policy and criteria for up-gradation circulated vide Finance Department letter No. SO(FR)FD/7-2/2008 dated 19-01-2009.

2. I am accordingly directed to request that the enclosed policy/ criteria for up-gradation of posts may please be brought into the notice of all concerned and in future proposals for up-gradation may be scrutinized strictly in accordance with the approved policy before submission to the up-gradation committee for consideration.

Yours faithfully,

(SHAUKAT ULLAH)
SECTION OFFICER (FR)

END NO. & DATE BY

Copies forwarded for information to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Section/Budget Officers, in Finance Department.

SECTION OFFICER (FR)

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(15)

REVISED POLICY AND CRITERIA FOR UPGRADATION OF POSTS.

All proposals regarding upgradation of any post in any Provincial Department or of local Govt. shall be placed before the following committee for scrutiny and recommendations:-

- i. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department. Chairman
- ii. Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department. Member
- iii. Additional Finance Secretary (Regulation) Finance Department. Member-cum-Secretary
- iv. Additional Secretary of the concerned Department. Member

Note: - In case the post of Additional Secretary is not sanctioned in concerned department, the Deputy Secretary of the concerned department will represent as member of the up-gradation committee for scrutiny and recommendations of the upgraded posts.

2. No proposal/ request for up-gradation of post(s) to higher pay scale shall be entertained except in following cases:-

(I). UPGRADATION OF POSTS PROPOSED AS PART OF RE-ORGANIZATION/ RE-STRUCTURING OF DEPARTMENTS:

Proposals for upgradation of certain posts as a sequel to the re-organization/ restructuring of the department/ organization will be considered/ scrutinized by the committee on following parameters:-

- i. Objectives set forth for Re-organization.
- ii. Reasons, factors and impediments in the existing structure which led to Re-organization process.
- iii. Why upgradation of some posts are essential for re-organization.
- iv. Proposed changes in method of recruitment as part of re-organization proposed. Provided that before submitting proposals of upgradation of posts to the Finance Department in such cases, the Administrative Department will do proper consultation with Establishment Department for developing a practical and modest Re-organization proposal.

(II). UPGRADATION OF POSTS PROPOSED DUE TO INDIVIDUAL HARDSHIP CASES:

(a) Proposals for upgradation of certain posts due to the reasons that some civil servants do not have further promotion chances and have stayed on one position for reasonably long time, will be placed before the committee for consideration only if the proponent departments provides following information:-

- (i) Reasons due to which concerned Government servant is unable to be promoted in normal procedure.

- (ii) All requisite details about creation of such posts and formulation of service rules with particular reference to the reasons as to why the service rules can not give career progression to the holders of these posts.
 - (iii) Whether organizational structure as well as service rules need revision to avoid recurring of the hardship to the future entrants.
 - (iv) The steps taken by the department concerned to resolve such hardships on permanent basis.
- (b) The committee after proper scrutiny of case in terms of above parameter and if satisfied that the upgradation of certain post(s) is the only solution, may make its recommendations to the competent authority for upgradation on personal basis provided that: -
- (i) There shall be no upgradation of post beyond BPS-19 in such cases.
 - (ii) Such recommendations will only be made in case where there are absolutely no promotion prospects in the service structure for incumbent of said post(s).
 - (iii) No such recommendations will be made in a case where the incumbent has less than 10 years of stay on one and the same position;
 - (iv) The incumbent has not been earlier elevated in the existing pay scale by personal upgradation.
 - (v) The proposed upgradation will be personal to the incumbent and the post shall stand downgraded as and when vacated by such incumbent.

(III) UPGRADATION OF POSTS PROPOSED ON GROUNDS OF PRINCIPLE OF PARITY.

While processing the cases where the proponent department seeks upgradation of certain posts to a higher pay scale on the analogy of similar posts in some other department in this province created with same nomenclature, the committee shall take into account following parameters:

- (i) Ascertainment of full details about all such posts created with same nomenclature by any other department in addition to those departments whose analogy has been quoted by proponent department.
- (ii) Nomenclature shall not be the sole criterion for determining parity/ comparability of post(s). Other details i.e. the job description and prescribed qualification would necessarily be examined.
- (iii) In case of difference of prescribed qualification or the job description (or both) as the case may be, the committee may direct change of nomenclature of post(s) in any department to avoid confusion on this ground.
- (iv) The committee may associate with all such departments having same nomenclature of certain post(s) with same responsibilities and same qualifications to ascertain as to what were reasons for creation of same posts in different departments with different pay scales, and thus make recommendations in respect of all such posts in all concerned departments, whether they took up the case or otherwise, to bring uniformity in pay scales in all departments to avoid future references.

Provided that the committee shall not recommend such proposals for uniformity where prescribed qualifications as well as the qualifications possessed by existing incumbents is not at par with the post(s)/ incumbents cited as precedence.

Provided further that in such cases the committee may recommend change of nomenclature of either those post(s) having higher prescribed qualifications or those having lesser prescribed qualifications as may be deemed appropriate by the committee.

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UPGRADATION PROPOSED FOR RETENTION OF AN OFFICER ON SAME POST AFTER HIS PROMOTION TO HIGHER PAY SCALE.

Retention of an officer on the same post after he has been promoted to next higher position by the competent authority, is against the spirit of the promotion policy, hence shall not be ordinarily allowed. However, in case due to peculiar exigencies of services if it becomes unavoidable to retain a promoted officer on the same position than the concerned department shall move a summary for the Chief Minister, mentioning therein the detailed reasons and justifications in support of their such proposal and route it through the Establishment Department and the Finance Department for obtaining orders of the Chief Minister, Khyber Pakhtunkhwa.

Provided that in such cases the post will be up-graded personally for the incumbent till his stay as such and shall automatically stand downgraded to its original position thereof.

(V). UPGRADATION OF A POST PROPOSED ON THE ANALOGY OF SOME OTHER PROVINCE.

Any order made by any other Province regarding creation of a post with certain nomenclature in certain pay scale does not have any binding effect on any other Province to follow the same. Therefore, in such cases the committee shall examine the proposals totally on its own merit keeping in view the above mentioned guidelines, in general, and shall furnish its recommendations independently.

3. The committee may, however, take any other point into consideration while examining proposed upgradation to ensure effective running of a department/ organization in public interest.
4. The recommendations of the above committee shall be submitted for approval of the competent authority as per table given below: -

Sr. No.	Scale	Competent authority	
1.	BPS-1 to BPS-15	Competent Authority (Finance Department) (In case of Finance Department employees the competent authority shall be Admn: & Establishment Department)	In consultation with the above inter departmental committee.
2.	BPS-16 to BPS-17	Chief Secretary, Khyber Pakhtunkhwa	In consultation with the above inter departmental committee
3.	BPS-18 & above	Chief Minister, Khyber Pakhtunkhwa	In consultation with the above inter departmental committee

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EXTRAORDINARY
GOVERNMENT

REGISTERED NO. PIII
GAZETTE



KHYBER PAKHTUNKHWA

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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

Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
2	3	4	5
Director (SPS-19)			By promotion, on the basis of seniority-cum-fitness from amongst the Curator Museum having seven years service as such.

Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
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. Note: 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. Note: 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.

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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).			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.

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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. (ii) Fifty percent by initial recruitment. Note: For the purpose of promotion, there shall be maintained a seniority list of Conservation Assistants, Surveyors and Work Supervisors.
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 initial recruitment.
15	Senior Clerk (BPS-14).	—	—	By promotion, on the basis of seniority-cum-fitness amongst the Junior Clerks with two years service as such.
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.

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.	<p>(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 Malis including holders of other equivalent posts in the Directorate with two years service as such, who have passed Secondary School Certificate.</p> <p>(ii) Sixty seven percent by initial recruitment.</p> <p>Note: 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, Cook and Malis including holders of other equivalent posts in the Directorate with reference to the dates of their acquiring the Secondary School Certificate.</p> <p>Provided that,—</p> <p>(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</p> <p>(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.</p>

	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	Method of Recruitment
	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. Note: Preferably Middle Pass.	18-40 years.	By initial recruitment.
28	Qasid / Head Care Taker (BPS-04).			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.

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No.	Nomenclature of the Posts	Minimum qualification for appointment by initial recruitment	Age limit	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-03).		18-40 years.	By initial recruitment.

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

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

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No. _____ / Archymus/

Dated: _____

AUTHORITY LETTER

Mr. Muhammad Arif, Litigation Officer (BPS-17), Directorate of Archaeology & Museums Govt. of Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with the case titled **"Munir Khan Vs Government of Khyber Pakhtunkhwa & Others"**.


DIRECTOR