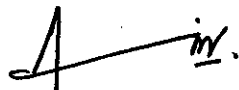


# FORM OF ORDER SHEET

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

**Appeal No. 1370/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/06/2023	<p>The appeal of Mst. Naveelah Asim presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBE PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**APPEAL NO. 1370 /2023**

**NAVEELAH ASIM**

**VS GOVT OF KPK & OTHERS**

**INDEX**

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**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
ADVOCATE, SUPREME COURT

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

Appeal No. 1370 /2023

Mrs. Naveelah Asim, Director Library & Research Officer (BPS-19),  
Provincial Assembly of Khyber Pakhtunkhwa, Peshawar

.....**APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary, Provincial Assembly Khyber Pakhtunkhwa, Peshawar.
- 3- The Speaker Provincial Assembly Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 25.09.2007 PUBLISHED ON 31.12.2007 WHEREBY PROMOTION TO POST OF DIRECTOR LIBRARY AND RESEARCH (BPS-19) THE APPELLANT CADRE HAS BEEN IGNORED AND NOT INCLUDED IN THE COLUMN OF METHOD OF RECRUITMENT AND AGAINST THE INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

That on acceptance of the instant service appeal the respondents may please be directed to include the cadre of the appellant in the column of method of recruitment for the post of Director Library & Research (BPS-19). Any other remedy which this August Tribunal deems fit that may also be awarded in favour of the appellant.

Respectfully Sheweth:

1. That appellant being a law graduate was appointed as Research Officer (BPS-17) on 16.01.1992 and since then appellant is performing her duties honestly and efficiently and to entire satisfaction of her superiors. Copy of the appointment notification No. PA/NWFP/Admin:/92/206 dated 05.01.1992 and was regularized on the recommendation of DRC from the date of their appointment by the notification No PA/NWFP/Admin:/93/13489-94 is attached as Annexure.....A.
2. That during service vide notification dated 10.12.2005, appellant was promoted to (BPS-18) after rendering: 14 years of service in BPS-17 as Senior Most Research Officer. Copy of the Promotion notification dated 10.12.2005 is attached as Annexure.....B.
3. That it is pertinent to mention here that on 05.09.2008, a post of Director (Research & Library) BPS-19 became vacant due to the retirement of Mr. Abdur Rehman. Copy of the Retirement Notification dated 09.09.2008 is attached as Annexure.....C.
4. That, in Khyber Pakhtunkhwa Provincial Assembly Secretariat (Recruitment) Rules, 1974 certain amendments were made vide notification No: PA/NWFP/Adm/2007/19866 dated 25.09.2007, wherein the method of recruitment/promotion to the post of Director (Librarian & Research) is, prescribed as ***by promotion on the basis of seniority from among the librarian with 07 years' service as such or 12 years' service as Librarian in BPS-17.*** That astonishingly without the knowledge of existing employees the name/cadre of Research Officer was omitted for promotion purposes for the post of Director (Librarian & Research) and no where the channel of promotion for the research officer is provided /mentioned. Copies of the Rules & Notification dated 25.09.2007 are attached as Annexure.....D & E.
5. That, the post of Director (Library & Research) BPS-19 reflects that the same is meant for the cadre of Librarian and Research Officers in BPS-18, the nomenclature of the post itself manifest the same methodology but under mala-fide intentions the rules were amended without the knowledge of Research Officer who were blocked by depriving than of their

legitimate right of promotion/progression in their own channel of promotion.

6. That feeling aggrieved from the action and inaction of the respondents by not including the appellant's cadre in the rules preferred W.P No. 1326/2011, copy of the writ petition is Annexure.....F
7. That during the pendency of writ petition, the respondent assured the appellant to redress her grievances by making necessary amendments in the service rules to give career progression to the Research Officers BPS-18, and as a token of there assurance the respondents gave personal scale BPS-19 to the appellant & further committed that not only the rules would be amended for further career progression of the Research Officer BPS-18 but also the appellant would be regularly promoted to BPS-19 on such commitment the appellant was asked to withdraw the writ petition filled by the appellant, and the appellant accordingly withdrew writ petition on 01.10.2014 copy of the order is Annexure.....G.
8. That on 07-05-2021 the appellant was regularly promoted vide notification no PA/KP/Admin:/2021/758-8 dated 07-05-2021 copy is Annexure.....H.  
However, the rules were not amended as per there commitment/assurance.
9. That, the nomenclature of the post of the Director (Library & Research) BPS-19 in Punjab is Director (Research & Publications) BPS-19 and according to Notification/order dated 04.10.1997 of provincial Assembly of Punjab the post of Director (Research & Publications) BPS-19 is to be filled in by way of promotion on the basis of selection on merit from amongst the Deputy Director Research BPS-18 or Librarian. BPS-18 with at least 05 years' service as such or 12 years of service in BPS-17 and above. Copy of notification/order is attached as Annexure.....I.
10. It is pertinent to mention here that WP No. 1326/2011 filed by the appellant for the same relief was not finally decided on merits, therefore bar under rule 23 of the KP Service Tribunal Rules 1974 would not come in the way of the appellant nor the appeal would be hit under the aforementioned rule.
11. That because of not amending the rules & promoting the appellant to post of Director Library & Research BPS-19 paved the way for one Niaz Gul Librarian BPS-17(**who was given personal scale BPS-18 on 22.04.2020**) to challenge the promotion order, notification whereby the appellant was

promoted to the regular post of BPS-19 by filling SA No2436/2021 before the Hon'ble Tribunal which is still pending & is fixed for 07<sup>th</sup> August 2023.

12. That feeling aggrieved from the inaction of the respondents by not including appellant cadre in the services rules/ structure preferred departmental appeal/ representation. Copy of the representation is attached as Annexure.....J.
13. That aggrieved from the inaction and not deciding the departmental appeal within the statutory period of ninety days preferred the instant appeal on the grounds inter alia, which is within time even other wise the appellant has already been promoted in regular BPS-19 which order of promotion as stated above, has been challenged by one Niaz Gul Librarian BPS-18 personal by way of appeal in this August Tribunal which is still pending therefore limitation would not run against the appellant.

**GROUND:**

- A- That, the acts and omission on the part of the respondents by not including the appellant cadre in the services rules/ structure for the promotion are illegal, unlawful, void and against the norms of natural justice and, law on the subject.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the post of Director (Library & Research) BPS-19 reflects that the same is meant for the cadre of Librarians and Research office in BPS-18, the nomenclature of the post itself reflects the same methodology but under malafide intention the Rules were amended and the cadre of Research officer were blocked and deprived of their legitimate right of promotion in their own channel of promotion.
- D- That inaction of the respondents is arbitrary and malafide as the same is violating Section 9 of the Khyber Pakhtunkhwa Service Act 1973, read with Rule 7 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules 1989.
- E- That on the face of it appears that due to some inadvertent mistake or omission the word Research Officer has been leftover because the nomenclature of the post of Director in

BPS-19 is still Library & Research, otherwise it amounts to nepotism and favoritism.

- F- That technically the said amendment is defective because senior Research Officer in BPS-18 are not provided with any channel of promotion in spite the fact that the post of Director in BPS-19 is called as Director (Library & Research) meaning thereby that librarian and Research Officer in BPS-18 are equally eligible, competent and fit for promotion against the said post on the basis Seniority-Cum-Fitness.
- G- That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the instant service appeal may kindly be accepted as prayed for.

Dated: 19-6-23

**APPELLANT**

*Navvallah Asim*  
**Mrs. NAVEELAH ASIM**

Director Library & Research (BPS-19)

Through:

*M*  
**NOOR MUHAMMD KHATTAK**  
ADVOCATE SUPREME COURT

*W*  
**KAMRAN KHAN**  
**WALEED ADNAN**  
**UMAR FAROOQ**  
**MUHAMMAD AYUB**

*& M*  
**MAHMOOD JAN ADVOCATES**

AFFIDAVIT

○ I Naveela Asim, Director Library & Research Officer (BPS-19), Provincial Assembly of Khyber Pakhtunkhwa, Peshawar., do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this hon'ble tribunal.

*Naveela Asim*

DEPONENT



NOTIFICATION

Annex: "A" - 7-

Dated Peshawar, the 5 /1/1992.

No.PA/NWFP/Admn:/92/206 - As ordered by  
Mr. Speaker, Miss Saima Nawaz Gandapur D/O Mr. Javaid  
Nawaz Gandapur of District Dera Ismail Khan is  
hereby appointed as Research Officer in BPS No. 17,  
on trial basis for a period of six (6) months,  
from the date of assumption of her charge, with  
usual allowances as admissible under the rules.

During the period of her service she  
will be governed as temporary employee of this  
Secretariat under the provisions of the North West  
Frontier Province Provincial Assembly Secretariat  
(Recruitment) Rules, 1974.

BY ORDER OF MR. SPEAKER.

(ABDUL HAMEED KHATTAK)  
SECRETARY,

PROVINCIAL ASSEMBLY OF N.W.F.P.

Endst: No.PA/NWFP/Admn:/92/207-12 Dated 5 /1/1992.

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

- 1- The Accountant-General, NWFP, Peshawar.
- 2- The Director, Health Services, NWFP, Peshawar.
- 3- The Manager, Government Printing Press,  
Peshawar, for publication in the next  
issue of Government Gazette. Seven  
copies of the Gazette may be sent to  
this Secretariat.
- 4- Miss: Saima Nawaz Gandapur D/O Mr. Javaid  
Nawaz Gandapur, G-9 Old Jamrud Road,  
University Town, Peshawar.
- 5- Pay Bill Clerk,  
Provincial Assembly of N.W.F.P.
- 6- Personal file of the officer concerned.

(Signature)  
SECRETARY,

PROVINCIAL ASSEMBLY OF N.W.F.P.

NOTIFICATION

Dated Peshawar, the 20/6/1993.

NO.PA/NWFP/Admn:/93/13488 - On the advice of the Departmental Recruitment Committee, the services of the following temporary Research Officers in BPS-17 of the Provincial Assembly Secretariat of N.W.F.P., are hereby regularised in their own scales from the date of their appointments as noted against each of their names :-

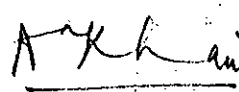
<u>S.NO.</u>	<u>NAME.</u>	<u>DATE OF APPOINTMENT.</u>
1. /	Miss Saima Nawaz Gandapur.	6-1-1992
2.	Miss Safia Sultana.	13-1-1993

Sd/-  
Secretary,  
Provincial Assembly of N.W.F.P.

Endst. NO.PA/NWFP/Admn:/93/13489-94 Dated 20/6/1993.

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

- 1- The Accountant-General, N.W.F.P.
- 2- The Manager, Government Printing Press, Peshawar, for publication in the next issue of Government Gazette.
- 3- The above named officers concerned.
- 4- Personal files of the officers concerned.
- 5- Pay Bill Clerk, Provincial Assembly of N.W.F.P.

  
Assistant Secretary,  
Provincial Assembly of N.W.F.P.

(801)

-9-

NOTIFICATION

Dated Peshawar, the 01/11/2003.

No.PA/NWFP/Admn:/2003/ 039 Consequent upon the acceptance of her application, the name of Mrs.saima Asim, Research Officer (BPS-17), Provincial Assembly Secretariat of N.W.F.P., is hereby changed as Naveelah Asim, with immediate effect .

Necessary entries shall be made in all official documents accordingly.

BY ORDER OF MR.SPEAKER.

SD/=  
SECRETARY,  
PROVINCIAL ASSEMBLY OF NWFP.

E.No.PA/NWFP/Admn:/2003/ 040-45 Dated 01/11/2003.

- 1) The Accountant-General, NWFP, Peshawar, with the request to make the above alteration in her history of service and other documents maintained by his office.
- 2) Mrs.Naveelah Asim, Research Officer, Provincial Assembly of NWFP.
- 3) The Manager, Government Printing Press, Peshawar.
- 4) The Superintendent (Accounts), Provincial Assembly of NWFP.
- 5) Pay Bill Clerk, Provincial Assembly of NWFP.
- 6) Personal file of the officer concerned.

ASSISTANT SECRETARY,  
PROVINCIAL ASSEMBLY OF N.W.F.P.

Annex: "B"

-10-

⑨ A LA

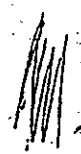
PROVINCIAL ASSEMBLY OF N-W.F.P.

NOTIFICATION

Dated Peshawar, the 10/12/2005.

No. PA/NWFP/Admn./2005/ 30204 In exercise of the powers conferred on him by Rule-10 of the North West Frontier Province Provincial Assembly Secretariat (Recruitment) Rules, 1974, Mr. Speaker has been pleased to promote the following Research Officers from BPS-17 to BPS-18 against the upgraded two posts with immediate effect:-

1. Mrs. Naveelah Asim, Research Officer.
2. Mr. Aziz-ur-Rehman, Research Officer.


  
Secretary,  
Provincial Assembly of NWFP

E. No. PA/NWFP/Admn./2005/ 30205-9

Dated 10/12/2005

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

1. The Accountant General, NWFP, Peshawar.
2. The Officers concerned.
3. The Manager, Government Printing Press, Peshawar.
4. Pay Bill Clerk, Provincial Assembly of NWFP.
5. Personal files of the officers concerned.



Annex: "C"

-11-


(12)

PROVINCIAL ASSEMBLY OF N.W.F.P.

NOTIFICATION

Dated Peshawar, the 9/09/2008

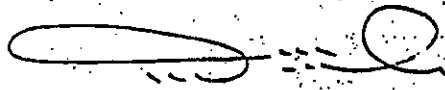
NO. PA/NWFP/Admn./2008/ 20750 On attaining the age of superannuation.  
Mr. Yasir Rehman (Director (Research & Library) BPS-19, Provincial Assembly  
Secretariat of NWFP), shall stand retired from service with effect from 05/09/2008  
(After-noon).

  
(MUHAMMAD MUSHTAQ)  
SECRETARY  
PROVINCIAL ASSEMBLY OF N.W.F.P.

NO. PA/NWFP/Admn./2008/ 2079-59 Dated 9/09/2008.

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

- 1) The Accountant General, NWFP, Peshawar.
- 2) The Secretary to Mr. Speaker, Provincial Assembly of NWFP.
- 3) The Manager, Government Printing Press, Peshawar.
- 4) The Deputy Director (Finance & Accounts), Provincial Assembly of NWFP.
- 5) The Librarian, Provincial Assembly of NWFP.
- 6) The Estate Officer, Provincial Assembly of NWFP.
- 7) The Cashier, Provincial Assembly of NWFP.
- 8) Pay Bill Clerk, Provincial Assembly of NWFP.
- 9) Personal file of the officer concerned.



DEPUTY SECRETARY,  
PROVINCIAL ASSEMBLY OF N.W.F.P.



**BETTER COPY OF THE PAGE NO. 11**  
**PROVINCIAL ASSEMBLY OF N.W.F.P**

**NOTIFICATION**

Dated Peshawar, the 09/09/2008

No. PA/NWFP/Admn/2008/ 20750. On attaining the age of superannuation Mr. Abdur Rehman (Director Research & Library) BPS-19, Provincial Assembly Secretariat of NWFP), shall retired from service with effect from 05/09/2008 (After-Noon)

(MUHAMMAD MUSHTAQ)  
SECRETARY  
PROVINCIAL ASSEMBLY OF N.W.F.P

No. PA/NWFP/Admn/20751-59 dated 09/09/2008

Copy of the above is forwarded for information of NWFP

1. The Accountant General, NWFP, Peshawar.
2. The Secretary to Mr. Speaker, Provincial Assembly of NWFP.
3. The Manager, Government Printing Press, Peshawar.
4. The Deputy Director (Finance & Accounts), Provincial Assembly of NWFP.
5. The Librarian, Provincial Assembly of NWFP.
6. The Estate Officer, Provincial Assembly of NWFP.
7. The Cashier, Provincial Assembly of NWFP.
8. Pay Bill Clerk, Provincial Assembly of NWFP.
9. Personal file of the officer concerned.

DEPUTY SECRETARY  
PROVINCIAL ASSEMBLY OF N.W.F.P

Annex: "D"

-12-

**THE NORTH-WEST FRONTIER PROVINCE  
PROVINCIAL ASSEMBLY SECRETARIAT (RECRUITMENT) RULES,  
1974.**

(as amended up to date)

**PART—I**

**PRELIMINARY.**

**1. Short title and commencement:—**(1) These rules may be called the North-West Frontier Province Provincial Assembly Secretariat (Recruitment) Rules, 1974.

(2) They shall come into force at once.

**2. Definition:—**(1) In these rules, unless there is anything repugnant in the subject or context:—

- (a) "ad hoc appointment" means appointment of duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
- (b) "appointing authority" means the authority competent to make an appointment under rule 10;
- (c) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (d) "deputation" means the temporary transfer or loan of the services of an officer from or to the Secretariat to or from any office outside the Secretariat;
- (e) "employee" means a person appointed to a post but does not include a person who is on deputation to the Secretariat;
- (f) "Finance Committee" means the Finance Committee of the Provincial Assembly constituted under Article 83, read with Article 127, of the Constitution;
- (g) "post" means a post in the Secretariat;
- (h) "Provincial Assembly" means the Provincial Assembly of the North-West Frontier Province;
- (i) "Provincial Secretariat" means the Secretariat Department of the Provincial Government when referred to collectively;
- (j) "Schedule" means a Schedule appended to these rules;
- (k) "Secretary" means the Secretary of the Provincial Assembly, and includes any person for the time being performing the duties of the Secretary; and
- (l) "Secretariat" means the North-West Frontier Province Provincial Assembly Secretariat.

(2) All words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

PART—II

THE SECRETARIAT.

3. Secretariat:—There shall be a Secretariat headed by the Secretary.

4. Strength and composition of the Secretariat:—(1) The Secretariat shall consist of such permanent and temporary posts as are respectively specified in Schedule I and Schedule II and such other temporary posts as the Speaker may, from time to time, by order, sanction:

Provided that no order sanctioning the creation of a post in Grade No. 17 and above for a period exceeding six months, shall be made except after consultation with the Finance Committee.

(2) The Speaker may from time to time, amend Schedule I so as to increase or reduce the number of posts specified therein or to add there to any new category of post or posts:

Provided that where such amendment relates to a post in Grade No. 17 and above it shall not be made except after consultation with the Finance Committee.

PART—III

RECRUITMENT.

5. Methods of recruitment:—(1) Recruitment to a post or class of post may be made by one or more of the following methods, namely:—

- (a) by promotion of a person employed in the Secretariat;
- (b) by transfer on deputation of a person serving outside the Secretariat in connection with the affairs of the Federation or the Province; and
- (c) by direct recruitment.

(2) The Speaker may, from time to time by general or special order:—

- (a) specify the method or methods by which recruitment to a post or class of post shall be made; and
- (b) fix the percentage of vacancies to be filled by each method.

(3) Where a percentage has been fixed under sub-rule (2), for departmental promotion and direct recruitment, promotion against the posts reserved for departmental promotion shall be made first and posts reserved for direct recruitment shall be filled later.



Annex: "D"

-12-

**THE NORTH-WEST FRONTIER PROVINCE  
PROVINCIAL ASSEMBLY SECRETARIAT (RECRUITMENT) RULES,  
1974.**

(as amended up to date)

**PART—I**

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**1. Short title and commencement:—**(1) These rules may be called the North-West Frontier Province Provincial Assembly Secretariat (Recruitment) Rules, 1974.

(2) They shall come into force at once.

**2. Definition:—**(1) In these rules, unless there is anything repugnant in the subject or context:—

- (a) "ad hoc appointment" means appointment of duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
- (b) "appointing authority" means the authority competent to make an appointment under rule 10;
- (c) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (d) "deputation" means the temporary transfer or loan of the services of an officer from or to the Secretariat to or from any office outside the Secretariat;
- (e) "employee" means a person appointed to a post but does not include a person who is on deputation to the Secretariat;
- (f) "Finance Committee" means the Finance Committee of the Provincial Assembly constituted under Article 83, read with Article 127, of the Constitution;
- (g) "post" means a post in the Secretariat;
- (h) "Provincial Assembly" means the Provincial Assembly of the North-West Frontier Province;
- (i) "Provincial Secretariat" means the Secretariat Department of the Provincial Government when referred to collectively;
- (j) "Schedule" means a Schedule appended to these rules;
- (k) "Secretary" means the Secretary of the Provincial Assembly, and includes any person for the time being performing the duties of the Secretary; and
- (l) "Secretariat" means the North-West Frontier Province Provincial Assembly Secretariat.

(2) All words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

PART—II

THE SECRETARIAT.

3. Secretariat:—There shall be a Secretariat headed by the Secretary.

4. Strength and composition of the Secretariat:—(1) The Secretariat shall consist of such permanent and temporary posts as are respectively specified in Schedule I and Schedule II and such other temporary posts as the Speaker may, from time to time, by order, sanction:

Provided that no order sanctioning the creation of a post in Grade No. 17 and above for a period exceeding six months, shall be made except after consultation with the Finance Committee.

(2) The Speaker may from time to time, amend Schedule I so as to increase or reduce the number of posts specified therein or to add there to any new category of post or posts:

Provided that where such amendment relates to a post in Grade No. 17 and above it shall not be made except after consultation with the Finance Committee.

PART—III

RECRUITMENT.

5. Methods of recruitment:—(1) Recruitment to a post or class of post may be made by one or more of the following methods, namely:—

- (a) by promotion of a person employed in the Secretariat;
- (b) by transfer on deputation of a person serving outside the Secretariat in connection with the affairs of the Federation or the Province; and
- (c) by direct recruitment.

(2) The Speaker may, from time to time by general or special order:—

- (a) specify the method or methods by which recruitment to a post or class of post shall be made; and
- (b) fix the percentage of vacancies to be filled by each method.

(3) Where a percentage has been fixed under sub-rule (2), for departmental promotion and direct recruitment, promotion against the posts reserved for departmental promotion shall be made first and posts reserved for direct recruitment shall be filled later.

(4) Notwithstanding anything contained in these rules:—

- (a) short term vacancies reserved for direct appointment may be filled by any other method of recruitment prescribed in these rules; and
- (b) if no suitable person is available for promotion or transfer, the vacancy may be filled by direct appointment.

6. Recruitment by promotion:—(1) Promotion to a post may be made:—

- (a) in the case of selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

(2) Appointment to posts from one grade to another and from one category of posts to another within a grade shall be made on the recommendation of a Departmental Promotion Committee, consisting of not less than three members, to be constituted:—

- (a) in the case of posts in Grade No. 17 and above by the Speaker; and
- (b) in the case of all other posts, by the Secretary.

(3) No employee shall have any claim for promotion as a matter of right.

7. Recruitment by transfer:—(1) Appointment of officers in Grade No. 17 and above by transfer shall be made on a tenure basis for a maximum period of three years which may, from time to time, be extended by the appointing authority.

(2) In any exceptional case, the Secretariat may, after consultation with the Federal Government or, as the case may be, the Provincial Government, revert an officer to his parent department to which he belongs or his original post before the expiry of the period of his tenure.

8. Appointment by direct recruitment:—(1) Appointment by direct recruitment to posts in Grade No. 17 and above shall be made upon the recommendation of a Selection Committee, consisting of not less than three members, to be constituted by the Speaker.

(2) Appointment by direct recruitment to post other than those referred to in sub-rule (1) shall be made upon the recommendation of a Recruitment Committee, consisting of not less than three members, to be constituted by the Secretary.

9. Qualification, etc. for appointment:—The qualification, experience and age for appointment to various categories of posts by departmental promotion or otherwise shall be:—

- (a) the same as required for appointment to the corresponding posts in the Provincial Secretariat subject to such modifications, variations or exceptions as the Speaker may, from time to time, by order, specify; and
- (b) the qualifications, experience and age required for appointment to any post which has no corresponding post in the Provincial Secretariat shall be such as the Speaker may specify.

10. **Appointing authority:**—Appointment to all posts in Grade No. 17 and above shall be made by the Speaker and appointment to all other posts shall be made by the Secretary or by any other officer of the Secretariat authorised by the Secretary in this behalf.

11. **Probation:**—(1) An initial appointment to a post, not being an *ad hoc* appointment, shall be on probation for a period of two years, or for such lesser period as may be determined by the appointing authority:

Provided that the appointing authority may, for good and sufficient reasons to be recorded in writing, extend the period of probation or terminate it before two years.

(2) If, in the opinion of the appointing authority, the work or conduct of an employee on probation is not satisfactory or shows that he is not likely to become efficient, such authority may order that:—

- (a) his probation be extended for such period not exceeding one year, as he may think fit; or
- (b) if he was appointed to such post by direct recruitment, be discharged; or
- (c) if he was appointed to such post by promotion or transfer, be reverted to the post from which he was promoted or transferred and against which he holds a lien; or
- (d) if there be no such post, be discharged.

(3) On the satisfactory completion of the period of probation, the appointing authority may confirm a probationer in his appointment provided a clear vacancy exists.

(4) If no action is taken under sub-rule (2) or sub-rule (3), the period after the prescribed period of probation shall be treated as temporary engagement until further orders.

(5) Any person appointed to a post by promotion or transfer may also be placed on probation in accordance with the provisions of sub-rule (1).

(6) Where, in respect of any post, the satisfactory completion of the period of probation includes the passing of an examination, test or course, a person appointed on probation to such post who, before the expiry of the original or extended period of his probation, fails to pass such examination or test or to successfully complete the course, may:—

- (a) if he was appointed to such post by direct recruitment, be discharged; or
- (b) if he was appointed to such post by promotion or transfer, be reverted to the post from which he was promoted or transferred and against which he holds a lien; or
- (c) if there be no such post, be discharged:

Provided that, in the case of initial appointment to a post, an employee shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

**11-A. Termination of service:—**(1) The service of an employee may be terminated without notice:—

- (i) during the initial or extended period of his probation:—

Provided that, where such employee is appointed by promotion on probation or, as the case may be, is transferred from one grade, cadre or post to another grade, cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such grade or cadre, but he shall be reverted to his former grade, cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made *Ad hoc* terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or grade, the services of an employee are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-rule (1) above, but subject to the provisions of sub-rule (2) above, the service of an employee in temporary employment or appointed on *ad hoc* shall be liable to termination on fourteen day's notice or pay in lieu thereof.

**11-B. Reversion to a lower grade or service:—**An employee appointed to a higher post or grade *ad hoc* or on temporary or officiating basis shall be liable to reversion to his lower post of grade without notice.

**11-C. Retirement from service:—**An employee shall retire from service:—

- (i) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct; or

- (ii) where no direction is given under clause (i), on the completion of the Sixty years of his age.

**Explanation:**—In this section, “competent authority” means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank than the employee concerned.

12. **Matters not specifically provided for:**—In respect of all other matters, including recruitment policy, eligibility for appointment to a post and the rank, status, seniority, prospects of promotion and privileges of the employees for which no provision has been made in these rules, the employees shall be governed by such rules and orders for the time being in force and applicable to the employees holding corresponding posts in the Provincial Secretariat, subject to such modifications, variations or exceptions, if any, in such rules and orders, as the Speaker may, from time to time, by order, specify.

13. **Relaxation of rules:**—Where the Speaker is satisfied that the operation of any provision of these rules causes undue hardship in any particular case, he may, with the approval of the Finance Committee, by order, dispense with, or relax the requirements of that provision to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

#### PART—IV

#### RE-EMPLOYMENT.

14. **Re-employment:**—(1) A retired employee shall not ordinarily be re-employed in the Secretariat unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the Speaker, such re-employment may be ordered with the approval of the Finance Committee.

(2) Subject to the provisions of sub-section (1) of section 3 of Ex-Government Servants (Employment with Foreign Government) (Prohibition) Act, 1966, an employee may during leave preparatory to retirement, or after retirement from service, seek any private employment:

Provided that, where employment is sought by an employee on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the appointing authority for the post from which he retired from service.

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7

PART—V

MISCELLANEOUS.

15. **Residuary powers:**—All matters not specifically provided for in these rules or in the rules and orders referred to in rule 12 shall be regulated in accordance with such orders as the Speaker may make.

16. **Interpretation:**—All questions relating to the interpretation of these rules shall be referred to the Speaker whose decision thereon shall be final.

By order of Mr. Speaker.

MUHAMMAD AFZAL SARWAR KHAN,  
Secretary,  
Provincial Assembly Secretariat of the  
North-West Frontier Province.

(8)

(AS AMENDED UP TO 31st JANUARY, 1992).

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SCHEDULE-I

PERMANENT POSTS

BPS-20	Secretary.	1
BPS-19	Additional Secretary.	1
BPS-19	Secretary to Mr. Speaker.	1
BPS-18	Deputy Secretary.	1
BPS-18	Chief Reporter. 160 w.p.m. in Urdu and if the Officer pertains to the category of English Reporters then 180 w.p.m. in English.	1
BPS-17	Assistant Secretaries.	2
BPS-17	Reporters. Whose Shorthand Speed is 120 w.p.m. in Urdu and 140 w.p.m. in English shall be eligible for this grade. In case the candidates of the desired speed may not be available, the post may be temporarily down-graded to B-16 and candidates having 100 w.p.m. in Urdu and 130 w.p.m. in English may temporarily be recruited against the post till they attain the desired speed.	7
BPS-17	Librarian.	1
BPS-17	Editor of Debates.	1
BPS-17	Private Secretary to Mr. Speaker.	1
BPS-17	Estate Officer.	1
BPS-17	Public Relations Officer.	1
BPS-17	Superintendent (Selection Grade B-16).	1
BPS-16	Head Translator (B-17 personal to the present incumbent)	1
BPS-16	Private Secretary to Secretary.	33% posts in Selection Grade B-17 i.e. one post.
BPS-16	Private Secretary to Deputy Speaker.	1
BPS-16	Superintendent.	1
BPS-16	Supervisor Sound System.	1
BPS-15	Stenographer/Personal Assistant to Mr. Speaker.	33% posts in Selection Grade B-16 i.e. one post.
BPS-15	Stenographer/Personal Assistant to Additional Secretary.	1
BPS-15	Stenographer/Personal Assistant to Deputy Secretary.	1
BPS-15	Stenographer/Personal Assistant to Leader of Opposition.	1



Annex: "E"

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EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
G A Z E T T E

**North-West Frontier Province**

Published by Authority

PESHAWAR, MONDAY, 31st DECEMBER, 2007

**PROVINCIAL ASSEMBLY SECRETARIAT**

**NOTIFICATION**

Dated Peshawar, the 25th September, 2007

No. PA/NWFP/Admn/2007/19866.—In exercise of the powers conferred on him under rule 5(2) of the North-West Frontier Province Provincial Assembly Secretariat Recruitment Rules, 1974, Speaker Provincial Assembly of NWFP, is pleased to make the following order namely:-

1. This order may be called the North West Frontier Province Provincial Assembly Secretariat Recruitment Order, 2007.
2. It shall come into force at once.
3. The method of recruitment and minimum qualification for the posts of Secretary, Sr. Additional Secretary, Additional Secretaries, Deputy Secretaries, Assistant Secretaries, Secretary to Mr. Speaker, Chief Editor of Debates, Chief Reporter, Director Library and Research, Librarian and Assistant Librarian shall be as indicated in the schedule given hereunder.

**SCHEDULE**

S. No.	Name of Posts	Minimum qualification for appointment		Method of Recruitment
		By direct recruitment	By Promotion	
1	Secretary BPS-21		By Promotion	By Promotion on the basis of seniority cum fitness amongst the senior Additional Secretaries and Additional Secretaries with three years service as such or 22 years service in BPS-17 and above.
2	Senior Additional Secretary-BPS-20		By Promotion	By Promotion on the basis of seniority cum fitness amongst the Additional Secretaries with two years service as such or 17 years service in BPS-17 and above.

**BETTER COPY OF THE PAGE NO. 20**

EXTRAORDINARY  
GOVERNMENT

REGISTERED NO. PIII  
GAZETTE

**North-West Frontier Province**

PUBLISHED BY AUTHORITY

PESHAWAR, MONDAY 31<sup>ST</sup> DECEMBER 2007

**PROVINCIAL ASSEMBLY SECRETARIAT**

**NOTIFICATION**

Dated Peshawar, the 25<sup>th</sup> September, 2007

No. PA/NWFP/Admn/2007/19866- In exercise of the powers conferred on him under the rule 5(2) of the North West Frontier Province, Provincial Assembly Secretariat, Recruitment Rules 1974, Speaker Provincial Assembly of NWFP is pleased to make the following order namely:-

1. This order may be called the North West Frontier Province Provincial Assembly Secretariat Recruitment Order 2007.
2. It shall come into force at once.
3. The method of recruitment and minimum qualification for the posts of Secretary. Sr: Additional Secretary, Additional Secretaries, Deputy Secretaries, Assistant Secretaries, Secretary to Mr. Speaker, Chief Editor of Debates, Chief Reporter, Director Library and Research Librarian and Assistant Librarian shall be as indicated in the schedule given hereunder.

**SCHEDULE**

S. No.	Name of Posts	Minimum qualification for appointment		Method of Recruitment
		By direct recruitment	By Promotion	
1	2	3	4	5
1	Secretary BPS-21		By Promotion	By Promotion on the basis of seniority - cum fitness amongst the senior Additional Secretaries and Additional Secretaries with three years service as such or 22 years service in BPS-17 and above.
2	Senior Additional Secretary BPS-20			By Promotion on the basis of seniority cum fitness amongst the Additional Secretaries with two years service as such or 17 years service in BPS-17 and above.



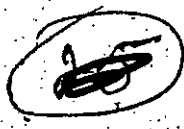
	Additional Secretary BPS-19		By Promotion	By Promotion on the basis of seniority cum fitness amongst the Deputy Secretaries with five years service as such or 12 years service in BPS-17 and above.
4.	Deputy Secretary BPS-18		By Promotion	By Promotion on the basis of seniority cum fitness amongst the Assistant Secretaries with five years service in BPS-17 and above.
5.	Assistant Secretary-BPS-17	BA/BSc from a recognized University preference be given to Master degree holder in social sciences with LLB (50% direct recruitment)	50% By Promotion & 50% by direct recruitment	By Promotion (50%) on the basis of seniority cum fitness amongst the Superintendents with 10 years service in BPS-16 and below.
6.	Secretary to Mr. Speaker BPS-19		By Promotion	By Promotion on the basis of seniority cum fitness amongst the private secretaries with 5 years service in BPS-18 or 12 years service in BPS-17 and above.
7.	Chief Editor of Debate BPS-19		By Promotion	By Promotion on the basis of seniority cum fitness amongst the Editors with 7 years service in BPS-18 or 12 years service in BPS-17 and above.
8.	Chief Reporter BPS-18		By Promotion	By Promotion on the basis of seniority cum fitness amongst the Reporters with 5 years experience of service in BPS-17.
9.	Director Library and Research BPS-19		By Promotion	By Promotion on the basis of seniority from Librarians with 5 years service as such or 10 years service as Librarian in BPS-17 and above.
10.	Librarian BPS-18		By Promotion	By Promotion on the basis of seniority cum fitness from Assistant Librarians with 5 years service.

Attended  
*[Signature]*

4118 NWFP GOVERNMENT GAZETE, EXTRAORDINARY, 31<sup>ST</sup> December 2007

1	2	3	4	5
3.	Additional Secretary BPS-19		By promotion	By promotion on the basis of seniority cum fitness amongst the Deputy Secretaries with five years service as such or 12 years service in BPS-17 and above.
4.	Deputy Secretary BPS-18		By promotion	By promotion on the basis of seniority cum fitness amongst the Assistant Secretaries with five years service in BPS-17.
5.	Assistant Secretary BPS-17	BA/BSc from a recognized University preference be given to Master degree holder in social sciences with LLB (50% direct recruitment)	50% by Promotion & 50% by direct recruitment	By promotion (50%) on the basis of seniority cum fitness amongst the Superintendents with 10 years service in BPS-16 and below.
6.	Secretary to Mr. Speaker BPS-19		By promotion	By promotion on the basis of seniority cum fitness amongst the private secretaries with 5 years service in BPS-17 and above.
7.	Chief Editor of		By promotion	By promotion on the basis of seniority cum fitness amongst the Editors with 7 years service in BPS-18 or 12 years service in BPS-17.
8.	Chief Reporter BPS-18		By promotion	By promotion on the basis of seniority cum fitness amongst the Reporters with 5 years experience of service of service in BPS-17.
9.	Director Library and Research BPS-19		By promotion	By promotion on the basis of seniority from Librarians with 7 years service as such or 12 years service as Librarian in BPS-17 and above.
10.	Librarian BPS-18		By promotion	By promotion on the basis of seniority cum fitness from Assistant Librarians with 5 years service.

*Handwritten signature*



NWFP GOVERNMENT GAZETTE, EXTRAORDINARY, 31st DECEMBER, 2007, 411C

11.	Assistant Librarian BPS 17	Master in Library Science (second division), preference be given to Law graduates as additional qualification.		
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BY ORDER OF MR. SPEAKER

(AMANULLAH)  
Acting Secretary  
Provincial Assembly of NWFP

Printed and published by the Manager,  
State & Pub. Dept., NWFP, Pesh.

*Attested*

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NWFP GOVERNMENT GAZETTE EXTRAORDINARY, 31<sup>ST</sup>  
DECEMBER, 2007. 411C

1	2	3	4	5
11	Assistant Librarian BPS17	Master in Library Sciences (Second Division) preference be given to law, graduates as additional qualification.		

**BY ORDER OF MR. SPEAKER**

(AMANULLAH)  
Acting Secretary  
Provincial Assembly of NWFP

Annex: "F"

-23-

BEFORE PESHAWAR HIGH COURT,

PESHAWAR.

Writ Petition No. 1326/2011

MRS. NAVEELAH ASIM  
Senior Research Officer (BPS-18),  
Provincial Assembly of Khyber P.K.,  
Peshawar.

Petitioner

VERSUS

- 1) Speaker,  
Provincial Assembly, KPK,  
Peshawar.
- 2) Provincial Assembly Secretariat, KPK,  
Through it's Secretary,  
Peshawar.
- 3) Mr. Tilawat Khan,  
Director Library and Research,  
Provincial Assembly of KPK,  
Peshawar.

Respondents

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

Respectfully Sheweth,

Short facts giving rise to the present Writ Petition are as

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Deputy Registrar

22 APR 2011

1. That, Petitioner being a Law Graduate was appointed as Research Officer (BPS-17) on 06.01.1992 and since than she is performing her duties honestly & efficiently while Respondent No. 3 was appointed as Assistant Librarian in BPS-16 on 11.12.1992.
2. That, vide Notification dated 10.12.2005, Petitioner was promoted to BPS-18, after putting in about 14 years of service in BPS-17, as Senior Most Research Officer, copy of the Notification dated 10.12.2005 is attached as Annexure A.
3. That, Respondent No. 3 was promoted from BPS-16 to BPS-17 vide Notification dated 25.04.1998 and from BPS-17 to BPS-18 as Librarian vide Notification dated 18.08.2007, copies of the Notifications dated 25.04.1998 and 18.08.2007 are attached as Annexure B & C.
4. That, on 05.09.2008 a post of Director (Research & Library) BPS-19 became vacant due to the retirement of Mr. Abdul Rehman, copy of the Retirement Notification dated 09.09.2008 is attached as Annexure D.
5. That, the post of Director (Research & Library) remained vacant for a period of about six months and on 03.09.2009 Respondent No. 3 was authorized to act as Director (Research & Library) BPS-19 in addition to his own duties till further order by the Competent Authority, copy of the Notification dated 03.09.2009 is attached as Annexure E.
6. That, thereafter a Departmental Promotion / Recruitment Committee consisting of the Respondent No. 1 & 2 along with two MPAs was constituted for the purpose promotions / Appointments to the posts of BPS-17 and above, copy of the Notification dated 13.11.2009 is attached as Annexure F.
7. That, the committee without considering the name of the Petitioner, promoted Respondent No. 3 to the post of Director (Research & Library) vide Impugned Notification dated 24.11.2009, copy of the said Notification is attached as Annexure G.
8. That, in the KPK Provincial Assembly Secretariat (Recruitment) Rules, 1974 an amendment was made vide Notification

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 22 APR 2011



No.PA/NWFP/Admn/2007/19866 dated 25.09.2007, in which the method of recruitment / promotion to the post of Director (Librarian & Research) is, by promotion on the basis of seniority from amongst the Librarians with 7 years service as such or 12 Years service as Librarian in BPS-17. But without the knowledge of existing employees the name / cadre of Research Officer was omitted for promotion purposes for the post of Director (Librarian & Research) and nowhere the channel of promotion for the poor Research Officers is provided or mentioned / given, copy of the Rules and Impugned Amendment Notification dated 25.09.2007 are attached as Annexure H & I.

9. That, against the Impugned Promotion Notification dated 24.11.2009 Petitioner preferred a Representation before the Governor on 24.12.2009 for the redressal of her grievance, copy of the Representation is attached as Annexure J, through proper channel. It is important to mention here that under Article 248 of the Constitution of Islamic Republic of Pakistan, 1973; Governor cannot be arrayed as party and as such the Departmental Representation was submitted through proper channel and it was incumbent upon the Respondent No.1 to have enquired about the fate of said Representation. The Petitioner twice submitted her reminders on 03.05.2010 & 27.01.2011 through Respondent No.2, copies of the same are attached as Annexure-1/1 to 1/4.
10. That, Appellate Authority (Governor KPK) failed to reply / decide the fate of the Representation according to the norms of justice, hence, this Writ Petition on the following amongst other grounds, as there exist no other alternate, adequate and efficacious remedy to the Petitioner: -

GROUND:

- A. That, the acts & omissions on part of the Respondents are illegal, unlawful, void and ineffective.
- B. That, the same are against the principles of Natural Justice, also.

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22 APR 2011

- C. That, Petitioner was appointed as Research Officer in BPS-17 on 06.01.1992, being a senior most amongst the Research Officers, whereas Respondent No.3 was appointed as Assistant Librarian in BPS-16 on 12.11.1992 and was promoted to BPS-17 on 25.04.1998, hence, he is much junior to Petitioner in respect of initial Appointment as well as in BPS 17.
- D. That, Petitioner was promoted to BPS-18 vide Notification dated 10.12.2005 whereas Respondent No.3 was promoted in BPS-18 vide Notification dated 18.08.2007, which shows that Petitioner is senior to Respondent No. 3 even in BPS-18.
- E. That, the post of Director (Library & Research) BPS-19 reflects that the same is meant for the cadre of Librarians and Research officers in BPS-18, the nomenclature of the post itself reflects the same methodology but under melafide intention the Rules were amended and the Cadre of Research Officer were blocked and deprived of there legitimate right of promotion in there own Channel of Promotion.
- F. That, the nomenclature of the post of Director (Librarian & Research) BPS-19 in Punjab is Director (Research & Publications) BPS-19 and according to Rules dated 04.10.1997 of Provincial Assembly of Punjab the post of Director (Research & Publications) BPS-19 is to be filled in by way of promotion on the basis of selection on merit from amongst the Deputy Director Research B-18 or Librarian B-18 with at least 5 years service as such or 12 years service in B-17 and above, copy of the said Rules are attached as Annexure K.
- G. That, on the face of it appears that due to some inadvertent mistake or omission the word. Research Officer has been leftover because the nomenclature of the post of Director in BPS-19 is still Library & Research, otherwise it amounts to nepotism and favouitism.

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- H. That, vide the subject mentioned Notification dated 24.11.2009 when Respondent No 4, Librarian was promoted to the post of Director (Library & Research) who happens to be junior to the Petitioner, the Petitioner upon inquiry from the office came to know that Recruitment Rules, 1974 were amended on 25.09.2007 without circulating the same amongst the employees.
- I. That, technically the said amendment is defective because Senior Research Officers in BPS-18 are not provided with any channel of promotion in spite of the fact that the Post of Director in BPS-19 is called as Director (Library & Research) meaning thereby that Librarians and Research Officers in BPS-18 are equally eligible, competent and fit for promotion against the said Post, on the basis of seniority-cum-fitness.
- J. That, under Article 8 of the Constitution, all laws inconstant with or in-derogation of fundamental rights to be voided. Moreover, a rounding to Article 8 (2) of the Constitution of Islamic Republic of Pakistan, 1973, the State shall not make any law which takes away or abridges the right so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void. In the instant case the well settle law has been changed / amended and channel of promotion for the Research Officers has been blocked.
- K. That, the amendment as made in the Recruitment Rules and the promotion order dated 24.11.2009 of Respondent No 4 are based on discriminatory treatment and against the legal, fundamental and constitutional rights, for the cadre of Research Officers.
- L. That, the said amendment seems to be against the spirit of the Article 34 of the Constitution of Islamic Republic of Pakistan, 1973, moreover, due to the amendment a junior has been made senior and on the face of it, it seems that Petitioner being a female was deprived of her legitimate rights under melafide intention.

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Deputy Registrar  
22 APR 2011

- M. That, the Impugned Amendment and the promotion Order of Respondent No.3 are void orders in view of the provision of the Constitution of Islamic Republic of Pakistan, 1973, hence, the same can be challenged any time in the interest of justice and fairness.
- N. That, the Petitioner is being discriminated and spirit of the Article 4, 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973 is being violated.

It is therefore, requested that on acceptance of this Writ Petition, the Notification dated 24.11.2009 be set aside / recalled and Petitioner may kindly be promoted as Director (Library & Research) BPS-19 with effect from the date when post became vacant and the Amendments as brought in the Recruitment Rules, 1974 be set aside and rectified by including that the Research Officers are also eligible for promotion as Director (Library & Research) BPS-19 along with Librarians with all back benefits and wages with such other relief as may deem fit in the circumstances of the case may also be granted.

*Naveelah Asim*  
Petitioner

Through,

*WAQAR AHMAD SETH*  
(Advocate, Peshawar)

LAW BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Other Law Books will be produced at the time of arguments.

Certificate: - Certified that no such Writ Petition has been filed earlier by the Petitioner.

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*[Signature]*  
Deputy Registrar

22 APR 2011

BEFORE PESHAWAR HIGH COURT,  
PESHAWAR.

Writ Petition No. 1326/2011.

Miss Naveelah Asim V/s Speaker, KPK Assembly etc

AFFIDAVIT


I, Mrs. Naveelah Asim W/o Asim Imam, Senior<sup>3</sup> Research Officer (BPS-18), Provincial Assembly of Khyber P.K, Peshawar, Petitioner, do hereby on oath affirm and declare that the contents of the Writ Petition are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Court.

Naveelah Asim<sup>o</sup>  
Deponent.

Identified by: -



WAQAR AHMAD SETH  
(Advocate, Peshawar)

No: <u>11.a.f.s.</u> Certified that the above was verified on solemn affirmation before me in office, this <u>9<sup>th</sup></u> St day of <u>April</u> 20 <u>11</u> by <u>Mrs. Naveelah Asim</u> <u>W/o Asim Imam</u> to <u>Peshawar</u> who was identified by <u>Waqar Ahmad Seth</u> who is personally known to me:  Oath Commissioner Peshawar High Court, Peshawar
---

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Deputy Registrar  
22 APR 2011

Annex: "G"


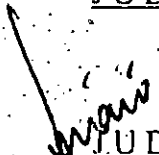
-30-

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
01.10.2014	<p data-bbox="486 606 746 649"><u>W.P.No. 1326/2011</u></p> <p data-bbox="486 700 1189 744">Present: Mr. Ijaz Anwar, Advocate for petitioner.</p> <p data-bbox="651 777 1260 853">Mr. Muhammad Ijaz Khan Sabi, Advocate for respondent No.3.</p> <p data-bbox="651 886 1348 930">Syed Qaiser Ali Shah, AAG for official respondents.</p> <p data-bbox="486 1006 1364 1274"><u>NISAR HUSSAIN KHAN, J:-</u> At the very outset, learned counsel for petitioner stated at the bar that the grievance of petitioner has been redressed and she is under instruction to withdraw the instant petition. Dismissed as such.</p> <p data-bbox="1125 1350 1300 1426"> JUDGE</p> <p data-bbox="1061 1414 1300 1579"> JUDGE</p>

office  
02/10/14

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"H"

**ANNEXURE  
PAGE**

**PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA  
NOTIFICATION**

Dated Peshawar, the 7 /05/2021.

NO. PA/KP/Admn./2021/ 7588 On the recommendation of Departmental Promotion/Recruitment Committee No.1 and in exercise of the powers conferred on him by Rule-10 read with Rule-6 of the Khyber Pakhtunkhwa Provincial Assembly Secretariat (Recruitment) Rules-1974 Mr. Speaker has been pleased to promote the following officers of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa against the posts mentioned against each with effect from 10-05-2021:

Sl. No.	Name with Designation & BPS No.	Post against which promoted
1	Mrs. Naveed Aliy Asim Senior Research Officer BPS-19 (Personal)	Director Librar. BPS-20
2	Mrs. Sami Sultana Research Officer BPS-18 (Personal)	Senior Research Officer BPS-19

Sd/-  
**SECRETARY**  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

E. NO. PA/K. P/Admn./2021/ 2589-93 Dated 7 /05/2021.

Copy of the above is forwarded for information and necessary action to:  
1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.  
2. The Government Printing Press, Peshawar for publication in the Gazette.  
3. The Government of Khyber Pakhtunkhwa, Peshawar for publication in the Gazette.  
4. The Provincial Assembly Secretariat, Peshawar for publication in the Gazette.

**BETTER COPY OF THE PAGE NO. 31**  
**PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**NOTIFICATION**

Dated Peshawar, the 07/05/2021

No. PA/KP/Admn/2021/7588- On the recommendation of Departmental Promotion/Recruitment Committee No.1 and in exercise of the powers confirmed on him by Rule 10 read with Rule-6 of the Khyber Pakhtunkhwa Provincial Assembly Secretariat (Recruitment) Rules, 1974, Mr. Speaker has been pleased to promote the following officers of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa, against the posts as mentioned against each with effect from 10-05-2021.

S.No.	Name with Designation & BPS No.	Post against which promoted
1	Mrs. Naveelah Asim	Director Library (BPS-18)
2	Senior Research Officer BPS-19 (Personal)	Director Library (BPS-18)
3	Mrs. Safia Sultan	Senior Editor
4	Research Officer BPS-18 (Personal)	

Sd/  
SECRETARY  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

E.No. PA/K.P/Admn/2021/7589-93      Dated 07/05/2021

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

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The officer concerned.
3. Director Government Printing Press Peshawar for publication.



Annex: I

K-32-36

(As on 29<sup>th</sup> March 2008)

PROVINCIAL ASSEMBLY OF THE PUNJAB  
NOTIFICATION

4 October 1997

No.PAP/Estb/E-565/101. In exercise of the powers conferred on him under rule 5(2) of the Provincial Assembly of the Punjab Secretariat (Recruitment and Conditions of Service) Rules, 1986, and in supersession of all previous Orders/Notifications in this behalf, the Speaker Provincial Assembly of the Punjab is pleased to make the following Order, namely:-

- (1) This Order may be called the Provincial Assembly of the Punjab (Research and Reference Division) Recruitment Order 1997.
- (2) It shall come into force at once.
- (3) The method of recruitment, minimum qualification, age limit and other matters related thereto for the posts in the Research and Reference Division shall be as indicated in the Schedule given hereunder:-

SCHEDULE

Sl. No.	Name of posts	Minimum qualification for appointment		Method of recruitment	Age for direct recruitment
		By direct recruitment or transfer	By promotion		
1	2	3	4	5	6
<b>A. Research</b>					
1	Director General (Parliamentary Affairs & Research) (BS-20)			(a) by promotion on the basis of selection on merit of Director (Research & Publications) with 3 years service as such or 17 years service in BS-17 and above; or (b) by transfer (on deputation)	
1-A	Director (Research & Publications) (BS-19)	(a) Ph.D. in the relevant substantive disciplines i.e. Law, Political Science, International and Strategic Affairs, Development Economics, Library and Information Science, Business Administration or Public Administration, with 4-years proven professional/research experience in the relevant field; or (b) M.Phil or L.L.M degree or equivalent foreign qualification in the disciplines indicated at (a) with 8-years proven professional/research experience in the relevant field; or		(a) by promotion on the basis of selection on merit from among Deputy Director (Research) (B-18) or Librarian (B-18) with at least 5-year service as such or 12 year service in B-17 and above; or (b) by direct recruitment; or (c) by transfer (on deputation)	30 - 45

*(continued on next page)*

<sup>1</sup> Renumbered vide Notification No.PA/Estb/E-567/780, dated 12 December 2005.

<sup>2</sup> Inserted vide Notification No.PAP/Estb/E-567/924 dated 7<sup>th</sup> June 2007.

<sup>3</sup> Renumbered vide Notification No.PAP/Estb/E-567/924 dated 7<sup>th</sup> June 2007

<sup>4</sup> Substituted vide Assembly Secretariat Notification No:Estb/E-567/599, dated 18 March 2004.

*Attended*

To

Annex: "J" -33-

The Honorable Governor,  
Khyber Pakhtunkhwa, Peshawar.

THROUGH PROPER CHANNEL

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 25.09.2007 PUBLISHED ON 31.12.2007 WHEREBY PROMOTION TO POST OF DIRECTOR LIBRARY AND RESEARCH (BPS-19) THE APPELLANT CADRE HAS BEEN IGNORED AND NOT INCLUDED IN THE COLUMN OF METHOD OF RECRUITMENT.**

Respected Sir,

That appellant being a law graduate was appointed as Research Officer (BPS-17) on 16.01.1992 and since then appellant is performing her duties honestly and efficiently and to entire satisfaction of her superiors.

That during service vide notification dated 10.12.2005, appellant was promoted to (BPS-18) after rendering: 14 years of service in BPS-17 as Senior Most Research Officer.

That it is pertinent to mention here that on 05.09.2008, a post of Director (Research & Library) BPS-19 became vacant due to the retirement of Mr. Abdur Rehman.

That, in Khyber Pakhtunkhwa Provincial Assembly Secretariat (Recruitment) Rules, 1974 certain amendments were made vide notification No: PA/NWFP/Adm/2007/19866 dated 25.09.2007, wherein the method of recruitment/promotion to the post of Director (Librarian & Research) is, prescribed as by promotion on the basis of seniority from among the librarian with 07 years' service as such or 12 years' service as Librarian in BPS-17. That astonishingly without the knowledge of existing employees the name/cadre of Research Officer was omitted for promotion purposes for the post of Director (Librarian & Research) and nowhere the channel of promotion for the research officer is provided /mentioned.

That, the post of Director (Library & Research) BPS-19 reflects that the same is meant for the cadre of Librarian and Research Officers in BPS-18, the nomenclature of the post itself manifest the same methodology but under mala-fide intentions the rules were amended without the knowledge of Research Officer who were blocked by depriving than of their legitimate right of promotion/progression in their own channel of promotion.

That feeling aggrieved from the action and inaction of the respondents by not including the appellant's cadre in the rules preferred W.P. No. 1326/2011.

That during the pendency of writ petition, the department assured the appellant that her grievances would be redressed by making necessary amendments in the service rules to give career progression to the Research Officers BPS-18, and as a token of their assurance the department gave personal scale BPS-19 to the appellant & further committed that not only the rules would be amended for further career progression of the Research Officer BPS-18 but also the appellant would be regularly promoted to BPS-19 on such commitment the appellant was asked to withdraw the writ petition filled by the appellant, and the appellant accordingly withdrew writ petition on 01.10.2014.

That on 07-05-2021 the appellant was regularly promoted vide notification no PA/KP/Admin: /2021/758-8 dated 07-05- 2021. However, the rules were not amended as per their commitment/assurance.

That, the nomenclature of the post of the Director (Library & Research) BPS-19 in Punjab is Director (Research & Publications) BPS-19 and according to Notification/order dated 04.10.1997 of provincial Assembly of Punjab the post of Director (Research & Publications) BPS-19 is to be filled in by way of promotion on the basis of selection on merit from amongst the Deputy Director Research BPS-18 or Librarian BPS-18 with at least 05 years' service as such or 12 years of service in BPS-17 and above.

It is pertinent to mention here that WP No. 1326/2011 filed by the appellant for the same relief was not finally decided on merits, therefore bar under rule 23 of the KP Service Tribunal Rules 1974 would not come in the way of the appellant nor the appeal would be hit under the aforementioned rule.

It is therefore most humbly\* prayed that on acceptance of this departmental appeal/ representation the appellant's cadre may be included/ inserted in the column of method of recruitment for the post of Director Library & Research (BPS-19).

Dated: 09.03.2023

Appellant



Miss. Naveelah Asim,

Director Library & Research Officer (BPS-19),  
Provincial Assembly of Khyber Pakhtunkhwa, Peshawar.

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

Appeal No \_\_\_\_\_ No \_\_\_\_\_ /2023

Naveed Asim

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt of KPK & others

(RESPONDENT)  
(DEFENDANT)

I/We Appellant

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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. \_\_\_\_\_ / \_\_\_\_\_ /202

Naveed Asim

**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK  
ADVOCATE SUPREME COURT**

Waleed Adnan  
**WALEED ADNAN**

Kamran Khan  
**KAMRAN KHAN**

Umar Farooq Mohmand  
**UMAR FAROOQ MOHMAND**

~~WALEED ADNAN~~ Mahmood Jan  
**MAHMOOD JAN**

&

Muhammad Ayub  
**MUHAMMAD AYUB  
ADVOCATES**

**OFFICE:**  
Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)