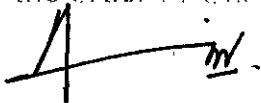


FORM OF ORDER SHEET

Court of _____

Appeal No. 1455/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2023	<p>The appeal of Mr. Abdul Qudoos resubmitted 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  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 1455 of 2023

Abdul Qudoos Versus Govt. of KPK etc.

INDEX

S.NO	PARTICULARS	ANNEXURES	PAGE NO.
1.	Grounds of <i>appeal & C.M.</i> along-with Affidavit		1-13
2.	Copy of appointment order of appellant and prosecution Rules 2010	"A & B"	14-18
3.	Copy of up-gradation notification of Assistant PPs dated 11/11/2014	"C"	19-20
4.	Copy of up-gradation notification of Deputy PPs dated 07/06/2016	"D"	21-22
5.	Copy of impugned Prosecution Service Rules/Notification dated 18/01/2018	E	23-25
6.	Copy of impleadment order and judgment of Honourable Peshawar High Court	"F & G"	26-35
7.	Copy of departmental representation and rejection order dated 02/06/2023	"H & I"	36-40
8.	Copy of seniority list of Deputy PPs issued in the year 2023 <i>and vakalatnama.</i>	"J"	48-55

Your Humble Appellant

22/6/23
Abdul Qudoos

Dated;

22/6/23

22/6/23
Through Counsel

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No 1455 of 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6186

Dated 26/6/2023

Abdul Qudoos Deputy Public Prosecutor in the office of
District Public Prosecutor Dera Ismail Khan.

(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary KPK Civil Secretariat Peshawar.
2. Chief Secretary Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Secretary, Establishment Government of KPK, Civil Secretariat Peshawar.
4. Secretary Home KPK, Civil Secretariat Peshawar.
5. Director General Prosecution, Directorate of Prosecution Civil Secretariat Peshawar.

(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974. AGAINST
ORDER/NO.SO(PROSECUTION)HD/1-29/2023 DATED
PESHAWAR 2ND JUNE, 2023.**

Respectfully Sheweth;

1. That the Appellant, in view of the Prosecution Service Rules, 2005 as amended in 2010, was directly appointed as Deputy Public Prosecutor on 24.05.2016, through Public Service Commission, out of 50% quota of initial recruitment. Under the said Rules of 2010, the post of Deputy Public Prosecutor (Dy:PP) was in BPS-17, whereas, Assistant Public Prosecutors (APP) was in BPS-16. It is pertinent to mention that Assistant Public Prosecutors (APP) were

to be filled through direct recruitment and they were having 50% promotion quota to the post of Deputy Public Prosecutor (Dy:PP). Copies of appointment order of the Appellant and Prosecution Service Rules, 2010 are enclosed as **Mark-A & B** respectively.

2. That thereafter, owing to the decision of Honourable Peshawar High Court vide Judgment dated 21.11.2013 in Writ Petition No.241/2011, the posts of APP was upgraded to BPS-17 with retrospective effect from 01.12.2010 and Notification of upgradation was issued on 11.11.2014. However, it was clarified in the said Notification that the upgradation of APP to BPS-17 shall not affect the seniority of Dy:PPs appointed through public service Commission in BPS17. Copy of Notification dated 11.11.2014 is enclosed as **Mark-C**.
3. That the up-gradation of the post of APP in BPS-17 created anomaly as the higher (promotion-able) post of Dy:PP was still in BPS-17 and was not upgraded. Therefore, the Dy:PPs also filed a Writ Petition No.110-P/2015 before this Honourable Court, which was allowed vide Judgment dated 07.06.2016. Accordingly, vide Notification dated 02.02.2017, the post of Dy:PP stood upgraded to BPS-18, subsequently, the COC Petition No.08-P/2020 (decided on 18.06.2020) was filed and the upgradation to the post of Dy:PP was given effect from 07.06.2016. Copy of Notification is enclosed as **Mark-D**.
4. That the Appellant was directly appointed to the post of Dy:PP (BPS-17) on 24.05.2016, and just after 13 days of his appointment, his post i.e. Dy:PP stood upgraded to BPS-18 w.e.f. 07.06.2016 i.e. date of the Judgment of Honourable High Court; therefore, he being appointed on a higher post carrying higher pay-scale, upgraded to BPS-18, shall be presumed to be in BPS-18 for all purposes from his date of upgradation. It would not be out of place to mention that the post of Dy:PP is always higher than the post of APP.
5. That the number of anomalies were created due to the up-gradation of the posts of APP & DY:PP, therefore, the method of appointments & promotions was amended vide Notification dated 18.01.2018 within the contemplation of Rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. In the said Notification, the post of Dy:PP was completely kept for promotion from amongst the APP with at least five (05) years' service and the scope of direct recruitment has thereby been exterminated. Similarly, according to said amendments, for the purpose of promotion to the post of Senior Public Prosecutor B-19, twelve (12) years' service in BPS-17 & above is required to a Dy:PP. Hence, an

APP with five years' service can be promoted to the post of Dy:PP and then after serving seven years as Dy:PP (i.e. total twelve years' service), he become entitle /eligible for promotion to the post of Senior Public Prosecutor (BPS-19). But, these amended rules (Notification dated 18.01.2018) are silent about the fate of those Dy:PPs who have directly been appointed in view of the previous Service Rules, having no service career as an APP. Copy of Notification dated 18.01.2018 is enclosed as **Mark-E**.

6. That there were thirty two (32) Deputy public prosecutors serving in the Province including the Appellant at the time of Up-gradation of the post of Dy:PP to BPS 18. The strength of Appellant's batch was seven (7) i.e. 20% of the serving DY.PPs. The respondents were well in knowledge that after upgradation of the post of Dy.PPs to BPS (18), 20 % of upgraded slot of Dy:PPs possess only 13 days service in BPS 17 at their credit. And those 20 percent Deputy Prosecutors neither served 5 years in BPS 17 as Dy.PP under the old rules 2010, nor possess 5 years PERs in BPS 17, but despite of this fact Impugned rules 2018 were left unattended for 20 % upgraded Dy.PPs. In the impugned rules respondents badly ignored the old service rules 2005 as amended in 2010 under which those specific 20% Dy.PPs were recruited.
7. That status of specific set of 20 % upgraded Dy.PPs is badly ignored in amended service rules 2018. Respondents failed to realize the direct recruitment of Appellant in an upper cadre of Dy.PP under old rules 2010 and his new length of service as a result of up-gradation while making impugned service rules 2018. Length of service of Appellant for further promotion to higher pay scale 19 is obviously 7 years in BPS 18, after his upgradation to BPS 18. Respondents wrongfully mentioned upgraded Prosecutors as promoted Dy.PPs under impugned service rules 2018 and mentioned illogical length of service of 12 years, including 5 years service as APP in BPS 17 for their further promotion to BPS 19. It is so strange that 5 years service as APPs in BPS 17 has been made a condition for those officers who were never recruited as APPs. Moreover production of at least 5 PERs is an essential condition for promotion to BPS-19 for an officer who is promoted on the basis of 12 years service in BPS 17 and 18. The Appellant don't have even a single PER in BPS 17 as just after 13 days service in BPS-17 their post was upgraded to BPS-18.

8. That it is well settled principle of law that service rules are always made, modified, and suppressed, whenever any change in the service structure is made specially it is done after up-gradation process in order to bring the existing service rules in conformity with that of upgraded posts/grades/cadres. In the impugned prosecution amended service rules 2018, this was done by the Government to the extent of Assistant public prosecutors who were given antedated upgradation. Their grade has been rightly mentioned as BPS 17 after upgradation and they have been provided further avenues for their promotion to higher pay scales by mentioning their respective length of service. These impugned rules also provide opportunity to twenty six (26) Dy:PPs who were seniors to the Appellant as a result of upgradation. As they fulfill the criteria mentioned in the impugned rules i.e. twelve years (12) service in BPS 17 and 18, because they had already served in BPS 17 as Dy:PP under the old rules 2005/2010 and possess about six years length of service as Dy:PPs in BPS 17 at the time of notification of new rules 2018. In this way these rules provided opportunity to the seniors of the Appellant for their further promotion to the next higher pay scale i.e BPS-19, but unfortunately the impugned amended rules neither defines the status of Appellant nor provide the way of further promotion to higher pay scale rather these rules are mum and complete silent about the promotions of Appellant who possess only 13 days service in BPS-17 as Dy:PPs at the time of upgradation of the post. Impugned rules demand 12 years' service from Appellant by wrongfully considering them as Promoted Deputy Public prosecutor from the post of Assistant Public Prosecutor after serving 5 years in BPS 17.
9. That the Secretary Home & Tribal Affairs Department, sent the case of 45 Dy:PPs, including 23 juniors of Appellant, for their appointment on Acting Charge Basis to BPS 19 as Senior Public Prosecutors on the basis of newly amended prosecution service rules 2018. The Provincial Selection Board (PSB) in its meeting dated 11.06.2020, appointed 45 prosecutors including 23 officers who juniors from the Appellant to the post of Senior Public Prosecutor/District Public Prosecutor BPS-19 on acting charge basis, whereas, the Appellant despite being senior stood discriminated and deprived from the right of appointment on acting charge basis due to newly amended prosecution service rules 2018. As in these rules Appellant were left unattended and their length of service was left ambiguous, therefore Appellant were not considered for appointment on acting charge basis.
10. That Appellant challenged the appointment of 23 junior officers to

the Post of Senior Public Prosecutor on acting charge basis BPS-19 through Service Appeal No.13580/2020 which was allowed vide consolidated Judgment dated 16.09.2021. But the same was challenged by government and 3 junior most Dy.PPs before Supreme Court of Pakistan. Supreme Court set aside the decision of Honorable Service Tribunal by mentioning that **"The question before us is how the appointment on acting charge basis is made to the post of Deputy Public Prosecutor (BPS-19) from amongst the Deputy Public Prosecutors in (BPS-18)"**

Similarly hounrable supreme court did not apply uniform promotion policy 2009 of KPK in the case of Appellant by mentioning in the judgment that promotion policy 2009 **"is not relevant for the purpose of this case as the said policy is a promotion policy whereas the instant case is regarding appointment on acting charge basis and not a case of promotion"**

Moreover Hounrable Supreme Court clearly mentioned in its judgment that admittedly Appellant and his batch mates **"are senior to the DPPs appointed on acting charges basis on 30-6-2020"**. In this way seniority of Appellant has been mentioned and has been admitted by hounrable Supreme Court of Pakistan.

11. That now Appellant is on one hand Senior to the about forty (40) Deputy Public Prosecutors who are working on acting charge basis (BPS-19) and this seniority is not only laid down on the basis of KPK Civil Servant Act 1973, relevant rules, regulations but also Sonority of Appellant is admitted upto Supreme Court of Pakistan. Appellant cannot be deprived from his seniority by promoting junior most Deputy Public Prosecutors to (BPS-19) on permanent basis to the Post of Senior Public Prosecutor / District Public Prosecutor. Because in this way not only Seniority of Appellant would be effected but also it would be amount to contempt of Hounrable Supreme Court of Pakistan who declared Appellant Senior to those Deputy Public Prosecutors who was working on acting charge basis in BPS-19.
12. That the appellant approached Honorable High court through impleadment petition, in the year 2023, in WP#1837/2018 filed by senior most officers of prosecution department against the impugned service rule, 2018. Honourable High Court dismissed the above said writ petition with observation that varies of law shall be challenged

by civil servant before Service Tribunal and petitioners of WP#1837/2018 along with others (including present appellant) may approach this Honourable Tribunal. Copies of impleadment order and judgment of Honourable Peshawar High Court are annexed as **Annexure-F & G.**

13. That appellant preferred the departmental representation/appeal to respondent No.4 through proper channel which was rejected/refused vide Order/No.SO(Prosecution)HD/1-29/2023 Dated Peshawar 2nd June without any speaking order. (Departmental representation and rejection order are enclosed as **Annexure-H & I** respectively)
14. That being seriously aggrieved from the impugned service rules, 2018 and Order/No.SO(Prosecution)HD/1-29/2023 Dated Peshawar 2nd June, 2023 being illogical, illegal and unconstitutional the appellant approach this Honourable Tribunal inter alia on the following grounds.

GROUND

- A. That after the decision of Honble High Court it was the duty of the department/government to implement the same in letter and spirit by amending service rules in order to bring the service rules in conformity with the directions of Honble High Court. But it is so strange that department/government have notified service rules which clearly contradicted the judgment of Honourable High Court and a specific set of Prosecutors, who were upgraded on the basis of judgment passed by this Honourable Court, had been left unattended and door of their further promotions have been closed for an indefinite period. Icing on the cake, their junior most officers have been provided cover an support for further promotion to BPS 19 due to impugned amended service rules 2018.
- B. That the post of Dy:PP was upgraded by Honourable Peshawar High Court in order to remove the anomaly created as a result of antedated upgradation of lower cadre of APP and this was never meant to create further anomalies by making service rules having no nexus with the upgradation of the post of DY:PP. But unfortunately by notifying impugned rules 2018, department/government badly

crushed the purpose and soul of upgradation granted by High Court to the Appellant.

- C. That 2018 Rules are clear violation of notification dated 11th November, 2014 which clearly stated that seniority of Deputy Public Prosecutors selected through public service commission shall not be affected due to antedated upgradation of Assistant PPs but now department is going to supersede the Appellant by violating the conditions mentioned in the notification issued by the department/government themselves.
- D. That by notifying prosecution service rules 2018; the department/government have created a series of never ended anomalies which has obviously put appellants and department/government in a never ended expensive and troublesome litigation, which is neither in the interest of department/government nor in the interest of Appellant.
- E. That it is an admitted fact that after the judgment of Peshawar High Court, Appellant is serving in BPS 18 as Dy.PPs and this fact is obvious from notification issued by Worthy Secretary Home which clearly says that the post of Dy.PPs has been upgraded to BPS 18 in compliance of judgment dated 7th June, 2016 and COC No. . So in these circumstances, Appellant is serving in BPS-18 since 7th June, 2016 and demand of 12 year's service in BPS-17 and 18 from him for further promotion to the post of Senior Public Prosecutor BPS 19 means that he will have to serve in BPS 18 till 2028 i.e. serve in BPS 18 for a period of 12 years, and this is a clear violation of Uniform promotion policy of Government Of KPK which is still in field and has been made by exercising Constitutional powers under the rules of business 1985. This 12 years service in BPS 18 is again in contrast with promotion policy 2009 which lays down criteria of permanent promotion to BPS 20 on the basis of only 10 years service in BPS 18 and above. So it is quite unjustified that a specific set of Dy.PPs Prosecutors, who have been upgraded by Honourable Peshawar High Court to remove an anomaly in their service structure, should serve for a period for their promotion to BPS 19 for such a long period which is required for promotion to permanent BPS 20.
- F. That 12 years service in BPS 17 and BPS 18 for promotion to BPS 19 has been mentioned in repealed prosecution service rules 2005, prosecution service rules 2010 and impugned amended prosecution

service rules 2018 for those promotee officers who firstly served 5 years in BPS 17 and then promote to BPS 18. This 12 years service cannot be technically, legally and logically apply upon specific set of Prosecutors who have been upgraded to BPS 18 just after 13 days service in BPS-17.

- G. The Appellant cannot be superseded without any fault at his part by promoting his junior most officers to permanent BPS 19 as Senior PPs on the basis of impugned Service Rules 2018. Because these impugned rules does not apply upon Appellant being irrelevant, illogical and stagnant. The status of Appellant has been mentioned as promoted Dy.PPs from amongst the APPs after 5 years service as APP in BPS 17 which is not the actual case. Appellant was directly recruited as Deputy Public Prosecutor. In this way department/government are trying to deprive the Appellant from his fundamental right of promotion before his juniors in impugned amended rules.
- H. That time and again Appellant has been deprived from their right of appointment to BPS 19 on acting charge basis, due to applicability of impugned Service rules 2018 during the meetings of Provincial Selection Board (PSB). Now, due to anomaly created as a result of impugned service rules 2018/notification dated 18-01-2018, even those junior most Assistant Public Prosecutors who were promoted from Assistant PP to the post of Deputy Public Prosecutor in the mid of year 2020, are going to be permanently promoted to BPS-19. It is so strange that still they have been showed Junior most Officers to the Appellant not only by the department but also this fact has been admitted by Honorable Supreme Court. Copy of seniority list issued in the year 2023 is enclosed as **Mark-I**.

It is therefore, humbly prayed that the instant service appeal may kindly be allowed as follows;

- i. One time amendment/modification in the impugned prosecution service rules 2018 to the extent of Appellant his batch mates may be made and their clear status may be mentioned as directly recruited DY: PPs who were later on upgraded to BPS-18.
- ii. Amend/ modify the service rules for One time for clearly mentioning the length of service of Appellant along with his batch mates for their promotion to higher pay scales i.e 7-years service in BPS 18 to 19 and 10 year service in BPS-18 and above for their permanent promotion to BPS-20, from their date of up-gradation.

- iii. 5 years length of service as Assistant PP BPS-17 from Appellant and his batch mates for their further promotion to BPS - 19 under the cover of 12 years service in BPS- 17 and 18 as wrongly mentioned, in the service rules 2018.
- iv. Service rules may be brought in conformity with the soul and object of decision of Honorable High court vide which the post of DY.PPs was upgraded to BPS - 18 and to extend the consequential benefits of up-gradation granted by honorable Peshawar High Court in letter and spirit.
- v. 12 years service in BPS 18 for the purpose of promotion of Appellant and his batch mates may be declared against the uniform promotion policy of KPK.
- vi. Junior most Deputy Public Prosecutors may not be permanently promoted to the post of Senior Public Prosecutor/District Public Prosecutor BPS-19 before the permanent promotion of Appellant and his batch mates to BPS-19 to the post of Senior Public Prosecutor / District Public Prosecutor.
- vii. To implant the notification dated 11/11/2014 in letter and spirit vide which it was clearly mentioned by the respondents that Anti dated up-gradation of Assistant Public Prosecutors from BPS-16 to BPS-17 shall not affect the Seniority of Deputy Public Prosecutor appointed through Public Service Commission.

Your Humble Appellant


22/6/23
Abdul Qudoos


Through Counsel

Dated; 22/6/23

(11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No _____ of 2023

Abdul Qudoos Versus Govt. of KPK etc.

CERTIFICATE

It is certified that the Appellant has not filed any other Service Appeal on the subject matter before this Honourable Tribunal.

Your Humble Appellant

u/qd 22/6/23
Abdul Qudoos

AFFIDAVIT

I Mr. Abdul Qudoos Deputy public prosecutor Dera Ismail Khan do hereby affirm on oath that contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

u/qd 22/6/23
Deponent

Through Counsel

[Signature]

(12)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No _____ of 2023

Abdul Qudoos

VERSUS

Govt. of KPK etc.

APPLICATION FOR INTERIM RELIEF TO THE EFFECT
THAT JUNIOR MOST DY: PPS MAY NOT BE
PERMANENTLY PROMOTED TO THE POST OF SENIOR
PUBLIC PROSECUTORS/ DISTRICT PUBLIC
PROSECUTORS PRIOR TO THE PERMANENT
PROMOTION OF APPELLANT TILL DISPOSAL OF THE
INSTANT SERVICE APPEAL.

Respectfully submitted;

1-That the Appellant is going to file the above titled Service Appeal before the Honourable court and the instant application may kindly be considered as part and parcel of the Service Appeal.

2-That the Appellant has a prima facie case and the balance of convenience is also in favour of the Appellant and the Appellant is very much hopeful that the above Service Appeal will be accepted by this Honourable court.

3-That if the interim relief is not granted and Junior Most Dy: PPs are permanently promoted to BPS-19 it will cause irreparable loss to the appealnt and will create a series of anomalies.

IT IS THEREFORE, HUMBLY REQUESTED THAT IN VIEW OF
THE ABOVE SUBMISSIONS, THE RESPONDENTS MAY BE
DIRECTED NOT TO PERMANENTLY PROMOTE THE JUNIOR
MOST DY: PPS TO THE POST OF SENIOR PUBLIC
PROSECUTORS/ DISTRICT PUBLIC PROSECUTORS
PRIOR TO THE PERMANENT PROMOTION OF
APPELLANT TILL DISPOSAL OF THE INSTANT SERVICE
APPEAL.

Your Humble Appellant

Handwritten signature and date

Abdul Qudoos

Handwritten signature
Through Counsel

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And "A"

15

Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.
Dated 24-05-2016

NOTIFICATION

NO.SO (Prosecution) HD/1-4/2014/Vol-1 On the recommendation of the Khyber Pakhtunkhwa Public Service Commission. The Governor of Khyber Pakhtunkhwa, is pleased to order the appointment of the following successful candidates as Deputy Public Prosecutors (BPS-17) in the Directorate of Prosecution, Khyber Pakhtunkhwa, Peshawar Against the vacant posts, subject to the terms and conditions as given below:-

S.No	Name and Parentage	Domicile
1	Miss Mahjabeen d / o Abdul Rehman	Battagram
2	Miss Bibi Sumera d / o Aboul Qavi	Manshera
3	Miss Alia Bibi d/o Sulaima	Haripur
4	Miss Sobia Bibi d/o Abdur Rasheed Raja	Abbottabad
5	Mr. Farasat Ullah S/o Sitghat Ullah	Tank
6	Mr. Abdul Qudus S/o Abdur Rehman	Bannu

Terms and conditions:

- a.
- b.
- c.
- d.
- e.
- f.

2. If the above terms & conditions are acceptable to them, they should report to this Department within 15 days. Failing which their appointment Notification shall be cancelled.

Secretary to Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

Copy forwarded to:-

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

ATTESTED

Section Officer (Prosecution)



15

NOTIFICATION

NO. SO (Prosecution) 101-42014/Vol-1 On the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the Governor of Khyber Pakhtunkhwa, is pleased to order the appointment of the following successful candidates as Deputy Public Prosecutors (DPS-17) in the Directorate of Prosecution, Khyber Pakhtunkhwa, Peshawar against the vacant posts, subject to the terms and conditions as given below:-

S.No	NAME AND PARENTAGE	DOMICILE
1.	Miss Manjawa s/o Abdul Rehman	Balochistan
2.	Miss Dibi Sumra s/o Abdul Qadir	Manshara
3.	Miss Aina Gili s/o Sulaiman	Haripur
4.	Miss Sabir Dibi s/o Abdul Rasheed Raja	Abbottabad
5.	Mr. Farasatullah s/o Sibghat Ullah	Tank
6.	Mr. Abdul Qadir s/o Asad Rehman	Bannu

Terms and conditions:

- a) They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 and the rules made there-under.
 - b) They shall, initially, be on probation for a period of one year, extendable for a further period of one year.
 - c) Their services will be liable to termination at any time without assigning any reason before the expiry of the period of probation, extended period of probation, if their performance during this period is not found satisfactory. In such an event, they will be given one month prior notice of termination from service or one month pay at their choice.
 - d) In case, they want to resign at any time, one month prior notice shall be necessary or in lieu thereof, one month pay shall be forfeited to the Government.
 - e) They will join duty at their own expense.
 - f) No T.F.Ds shall be admissible.
2. If the above terms & conditions are acceptable to them, they should report to this Department within 15 days, failing which their appointment Notification shall be cancelled.

Secretary to Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
3. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
4. The Manager, Government Stationery & Printing Department, Khyber Pakhtunkhwa, Peshawar for publication in the Government Gazette.
5. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar w.r to his letter No.PSC/SB-VI/0025-29 dated 01/01/2016.
6. The PS to Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
7. The Officers concerned.

TESTED

Section Officer (Prosecution)

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15/A

Radio - 2010



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION.

~~Dated: Peshawar, the 6th August 2010~~

NO. SO(Prosecution)/H.D/1-5/2005/Vol:II. In pursuance of the provision contained in sub rule-2 of rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, and in supersession of all previous rules in this behalf, the Home & Tribal Affairs Department, in consultation with the Establishment Department and Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 6 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate of Prosecution, Khyber Pakhtunkhwa, specified in column 2 of the said Appendix.

**(Fiaz Ahmad Khan Toru),
Additional Chief Secretary Home
Khyber Pakhtunkhwa
Province.**

Ends: No: & date even.
Copy forwarded to:-

1. The Secretary Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
2. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
3. All the Distt: Public Prosecutors in Khyber Pakhtunkhwa.

Office of the Director
General Prosecution

D. No. & Date	1267 27/8
D.O. Prosecution	27/8
By: [Signature]	
A. [Signature]	

Usman Zamun
(Usman Zamun)
Section Officer (Prosecution)

**ATTACHED
ACCEPTED**

Batter Copy

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Notification

Dated Peshawar the 6th August 2010

NO.SO(Prosecution)/H.D/1-5/2005/Vol:II. In pursuance of the provision contained in sub rule-2 of rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and in supersession of all previous rules in this behalf the Home & Tribal Affairs Department in consultation with the Establishment Department and Finance Department hereby lays down the method of recruitment qualification and other conditions specified in column 3 to 6 of the Appendix to this Notification which shall be applicable to the posts home in the Directorate of Prosecution Khyber Pakhtunkhwa specified in column 2 of the said Appendix.

(Fiaz Ahmad Khan Toru)
Additional Chief Secretary Home
Khyber Pakhtunkhwa
Province.

Endst: No: & date even.

Copy forwarded to:-

1. The Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.
2. The Director General Prosecution Khyber Pakhtunkhwa Peshawar
3. All the Distt: Public Prosecutors in Khyber Pakhtunkhwa

Officer of the Director
General Prosecution

(Usman Zaman)
Section Officer (Prosecution)

APPENDIX

S.No	Nomenclature	Minimum qualification for initial recruitment	Age limit for initial recruitment	Method of appointment
1	2	3	4	5
1	Director General Prosecution (BPS-20)			i) By transfer from amongst the Officers of PCS/DMG/PMS. OR ii) By Promotion, on the basis of selection on merit, from amongst the Senior Public Prosecutor/District Public Prosecutor/Director (Admin)/Director (Legal) with at least 17 years' service in BPS-17 and above.
2	Senior Public Prosecutor/District Public Prosecutor/Director (Legal)/Director (Admin) (BPS-19)			By promotion on the basis of seniority cum fitness from amongst the Public Prosecutor/Assistant Director (Admin./Finance) with at least 12 years' service in BPS-17 and above.
3	Public Prosecutor/Assistant Director (Admin./Finance) (BPS-18)			By promotion on the basis of seniority cum fitness from amongst the Deputy Public Prosecutors with at least 5-years' service as such.
4	Deputy Public Prosecutor (BPS-17)	i) LL.B (at least 2 nd division) from recognized University ii) License from the Bar Council and iii) Three years' experience as Lawyer of Lower Courts.	25 to 35 years	i) -50% by initial recruitment. ii) -50% by promotion on the basis of seniority cum fitness from amongst the Assistant Public Prosecutors with at least 5 years of service as such who have qualified the Departmental promotion examination.
5	Assistant Public Prosecutor (BPS-16)	i) LL.B (at least 2 nd division) from recognized University and ii) License from the Bar Council.	23 to 32 years	By initial recruitment
6	Librarian (BPS-16)	i) Bachelor's Degree in at least 2 nd division or equivalent qualification from a recognized University ii) Diploma in Library Science	23 to 32 years	By initial recruitment
7	Office Superintendent-cum Accountant (BPS-16)			By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least five years' service as such.
8	Office Assistant (BPS-14)	Bachelor's Degree in at least 2 nd division from a recognized University.	18 to 30 years	a) 25% by initial recruitment. b) 75% by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years' service as such.

ATTACHED
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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 2ND NOVEMBER, 2017

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated 05/09/2013

No. SO(Pros)HD/1-9/2012/Vol-I:- In pursuance of the provisions contained in the sub-rule(2) of rule 3 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Home & Tribal Affairs Department in consultation with the Establishment Department and the Finance Department is pleased to direct that in this Department's Notification No SO(Prosecution)/HD/1-5/2005/Vol-II, dated: 06-08-2010, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,

(i) Against serial No.4, in column No.5, after clause(i), the following shall be inserted, namely:

"Note: District Public Prosecutors (BPS-17), appointed by initial recruitment shall receive basic training for a period of six months which shall include three months in Provincial Service Academy, Khyber Pakhtunkhwa or Federal Judicial Academy or Khyber Pakhtunkhwa Judicial Academy and three months as attachment in various Courts and office of District Public Prosecutors, Police Stations and Directorate of Prosecution." ;

(ii) Against serial No.5, in column No.5, after the existing entry, the following shall be added, namely:

"Note:--Assistant Public Prosecutors (BPS-16), appointed by initial recruitment shall receive basic training for a period of six month which shall include three months in Provincial Service Academy, Khyber Pakhtunkhwa or Federal Judicial Academy or Khyber Pakhtunkhwa Judicial Academy and three months as attachment in various Courts and office of District Public Prosecutors, Police Stations and Directorate of Prosecution." ; and

(iii) Against serial No.8, in column No.5, for clause (b), the following shall be substituted, namely:

"(b) seventy five percent, by promotion on the basis of seniority-cum-fitness, from amongst the Senior Clerks (BPS-09) with at least five years service as Junior Clerk and Senior Clerk."

Secretary to
Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department.

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APPENDIX

S.No	Nomenclature	Minimum qualification for initial recruitment	Age limit for initial recruitment	Method of appointment.
1	2	3	4	5
1	Director General Prosecution (BPS-20)			i) By transfer from amongst the Officers of PCS/DMG/PMS. OR ii) By Promotion, on the basis of selection on merit, from amongst the Senior Public Prosecutor/District Public Prosecutor/Director (Admin.)/Director (Legal) with at least 17 years' service in BPS-17 and above.
2	Senior Public Prosecutor/District Public Prosecutor/Director (Legal)/Director (Admin) (BPS-19)			By promotion on the basis of seniority cum fitness from amongst the Public Prosecutor/Assistant Director (Admin./Finance) with at least 12 years' service in BPS-17 and above.
3	Public Prosecutor/Assistant Director (Admin./Finance) (BPS-18)			By promotion on the basis of seniority cum fitness from amongst the Deputy Public Prosecutors with at least 5-years' service as such.
4	Deputy Public Prosecutor (BPS-17)	i) L.L.B (at least 2 nd division) from recognized University ii) License from the Bar Council and iii) Three years' experience as Lawyer of Lower Courts.	25 to 35 years	i) -50% by initial recruitment. ii) -50% by promotion on the basis of seniority cum fitness from amongst the Assistant Public Prosecutors with at least 5 years of service as such who have qualified the Departmental promotion examination.
5	Assistant Public Prosecutor (BPS-16)	i) L.L.B (at least 2 nd division) from recognized University and ii) License from the Bar Council.	23 to 32 years	By initial recruitment
6	Librarian (BPS-16)	i) Bachelor's Degree in at least 2 nd division or equivalent qualification from a recognized University ii) Diploma in Library Science	23 to 32 years	By initial recruitment
7	Office Superintendent- cum Accountant (BPS-16)			By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at last five years' service as such.
8	Office Assistant (BPS-14)	Bachelor's Degree in at least 2 nd division from a recognized University.	18 to 30 years	a) 25% by initial recruitment. b) 75% by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five years' service as such.

18

9	Statistical/Data Processing Supervisor (BPS-12)	i) Bachelor's Degree (2nd Class) with Physics, Statistics or Economics as one of the subjects from a recognized University; and ii) Three years' experience in the field of data processing & supervisory experience and data control and punch verifier operation.	21 to 30 years	By initial recruitment
10	Junior Scale Stenographer (BPS-12)	i) Intermediate or equivalent qualification from recognized board; and ii) A speed of 50 words per minutes in shorthand in English and 35 words per minutes in typewriting & knowledge of Computer in using of MS Word and Ms Excel.	18 to 30 years	By initial recruitment
11	Data Entry Operator/Key Punch Operator	i) Intermediate in at least 2 nd division from a recognized Board; and ii) Speed of 10000 key depression by hours for punching/data entry/verification.	18 to 30 years	By initial recruitment
12	Senior Clerk (BPS-9)			By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerks with at least two years' service as such.
13	Junior Clerk (BPS-7)	i) Secondary School Certificate or equivalent from a recognized Board and ii) A speed of 30 words per minute in typing.	18 to 25 years	a) 67% by initial recruitment. b) 33% by promotion on the basis of seniority-cum-fitness from amongst Drivers, Naib Qasid, Chowkidars & other employees in equivalent scales in the Department with at least two years' service as such having passed Secondary School Certificate Examination.
14	Naib Qasid (BPS-2)	Middle standard	18 to 40 years	By initial recruitment
15	Driver (BPS-2)	Middle standard having valid LTV driving license and three years' experience.	18 to 40 years	By initial recruitment
16	Chowkidar (BPS-2)	Literate	18 to 40 years	By initial recruitment
17	Sweeper (BPS-2)	Literate	18 to 40 years	By initial recruitment

NOTE:- For the purpose of promotion to the post of Junior Clerk, there shall be maintained a common seniority list of Drivers, Naib Qasids, Chowkidars and other employees in equivalent scales in the Department with reference to the dates of their acquiring the Secondary School Certificate provided that:-

- i) If two or more officials have acquired the SSC in the same session, the official having long service shall rank senior to other officials.
- ii) Where a senior official does not possess the requisite experience at the time of filling up a vacancy the official next junior to him possessing the requisite experience shall be promoted in reference of the senior or officials.

(2)

(1)

Annex C (19)

NOTIFICATION

NO.50 (Prosecution) HD/1-10-UP/2013/VOL-I in light of judgment dated 21.11.2013 of Peshawar High Court (Abbottabad Bench) in writ petition No 241/2011; the Provincial Government of Khyber Pakhtunkhwa is pleased to upgrade the post of Assistant Public Prosecutor from BPS-16 to BPS-17 with effect from 1st December 2010. However, the seniority of the Deputy Public Prosecutors who are already in BPS-17, appointed through the Public Service Commission shall not be affected by the subject up-gradation.

--SD--
Secretary to Govt. of Khyber Pakhtunkhwa,
Home and Tribal Affairs Department

NO.KC/PD/SO (FR) 5-32/2010

Copy forwarded to the Accountant General Khyber Pakhtunkhwa Peshawar for information and further necessary action.

[Signature]
Section Officer (FR)
Finance Department

NO.50 (Prosecution) HD/1-10-UP/2013/VOL-I

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department
3. The Registrar, Peshawar High Court, Peshawar.
4. The Additional Registrar, Peshawar High Court, Abbottabad Bench.
5. The Director General Prosecution, Khyber Pakhtunkhwa.
6. The Accountant General, Khyber Pakhtunkhwa.
7. The PS to Chief Minister Khyber Pakhtunkhwa.
8. The PSO to Chief Secretary Khyber Pakhtunkhwa.
9. The PS to Secretary Home, Khyber Pakhtunkhwa.
10. The Section Officer, Media, Home Department.

[Signature]
Section Officer (Prosecution)
Home Department

[Signature]
attested

20

Better Copy

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated 11/11/2014

NOTIFICATION

NO.SO (Prosecution) HD/1-10-UP/2013/VOL-I in light of judgment dated 21.11.2013 of Peshawar high Court (Abbottabad Bench) in writ petition No. 241/2011; the provincial Government of Khyber Pakhtunkhwa is pleased to upgrade the post of Assistant Public Prosecutor from BPS-16 to BPS-17 with effect from 1st December 2010. However, the seniority of the Deputy Public Prosecutors who are already in BPS-17, appointed through the Public Service Commission shall not be affected by the subject up-gradation.

SD

Secretary to Govt. of Khyber Pakhtunkhwa
Home and Tribal Affairs Department

NO.KC/FD/SO(FR)5-12/2010

Copy forwarded to the Accountant General Khyber Pakhtunkhwa Peshawar for information and further necessary action.

Section Officer (FR)
Finance Department

NO.SO(Prosecution) HD/1-10-UP/2013/VOL-I

Copy forwarded to:-

1. The secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
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attested


Section Officer (Prosecution)
Home Department

RECEIVED
16.12.2014
Copy



Dated Peshawar 02nd February, 2017

JUSTIFICATION

A.O. (Prosecution) HD/3-10-UP/2017/VOL In pursuance of the consolidated judgment of the Honorable Peshawar High Court, Peshawar dated 07th June, 2016 in Writ Petitions No. 110-P & 811 of 2015, the Government of Khyber Pakhtunkhwa, Finance Department letter No. KC/SC(FR)/FD/2-B/APP dated 02-02-2017, is pleased to order upgradation of the posts of Deputy Public Prosecutors and Public Prosecutors from BPS-17 to 18 and BPS-18 to 19 respectively in the Directorate of Prosecution, with immediate effect, in the public interest.

Secretary to Government of Khyber Pakhtunkhwa
Home and Tribal Affairs Department

(u) KC/SC(FR)/FD/2-B/APP

Copy forwarded to:

- 1. Accountant General, Khyber Pakhtunkhwa, Peshawar for information and further necessary action.
- 2. All District Accounts Officer in Khyber Pakhtunkhwa.

(Hidayat Ullah)
Section Officer (FR)
Finance Department

A.O. (Prosecution) HD/3-10-UP/2017/VOL-I

Dated Peshawar the 02nd February, 2017

Copy forwarded to:-

- 1. The Principal Secretary to Chief Minister, Chief Minister's Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 3. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar.
- 4. The Registrar, Peshawar High Court, Peshawar.
- 5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 6. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
- 7. The Manager, Government Printing & Stationery Department, Shami Road, Peshawar for publication in the official Gazette with the request to kindly supply 50 copies of the Gazetted Notification to this Department.
- 8. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 9. The Section Officer (Media), Home Department, Peshawar.
- 10. The Budget Officer-III, Finance Department, Peshawar for allocation of additional budget, as well as reflection of these upgraded posts in the Budget Book.
- 11. The PS to Secretary Home, Khyber Pakhtunkhwa, Peshawar.
- 12. The PS to Special Secretary Home, Khyber Pakhtunkhwa, Peshawar.

attested

(Muhammad Khan)
Section Officer (Prosecution)

9 Feb 2017

PKK HQ, PESHAWAR

22

Better Copy

Dated Peshawar the 02 February, 2017.

NOTIFICATION.

NO.SO (Prosecution) HD/1-10-UP/2017/VOL-I in pursuance of the consolidated Judgment of the Honorable Peshawar High Court, Peshawar dated 07 June, 2016 in Writ Petitions No. 110-P & 811 P/2015, the Government of Khyber Pakhtunkhwa, Finance Department letter No. KC/SO/FR/FD/7-8/APP/ dated 02-02-2017, is pleased to order upgradation of the posts of Deputy Public Prosecutors and Public Prosecutors from DPS-17 to 18 and DPS-18 to 19 respectively in the Directorate of Prosecution, with immediate effect, in the public interest.

Secretary to Government of Khyber Pakhtunkhwa
Home and Tribal Affairs Department

NO. K.C/SO (FR) / FD /7-8/APP

Copy forwarded to

1. Accountant General Khyber Pakhtunkhwa, Peshawar for information and further necessary Action.
2. All District Accounts Officer in Khyber Pakhtunkhwa

(Hidayat Ullah)

Section Officer (FR)
Finance Department

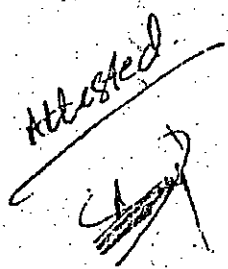
NO SO (Prosecution) HD/1-10-UP/2017/VOL-I.

Dated Peshawar the 02 February 2017

Copy forwarded to

1. The Principal Secretary to Chief Minister, Chief Minister's Secretariat, Khyber Pakhtunkhwa Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar

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- 12.

Attested


Section Officer Prosecution

Aux "E" (23)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16TH FEBRUARY, 2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated Peshawar, the 18th January, 2018

No. SO(PROSECUTION)/HD/1-5/Vol-1/2018: In exercise of the powers conferred by sub-rule(2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants(Appointment, Promotion and Transfer) Rules, 1989, the Home & Tribal Affairs Department in consultation with the Establishment Department and Finance Department, hereby direct that in this Department's Notification No. SO(Pros)/HD/1-9/201/Vol-1, dated:05-09-2013, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (a) Against Serial No. 1 in Column No.5, for the existing entries, the following shall be substituted, namely:

"By transfer from amongst the officers of PCS/PMS/PAS.";

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1080 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 16th FEBRUARY, 2018

(b) After Serial No.1, as so amended, the following new entries shall be inserted in the respective column, namely:

*1A.	Regional Director (BS-20).			By promotion, on the basis of merit-cum-fitness, from amongst the Senior Public Prosecutors, District Public Prosecutors and Directors in (BPS-19) with at least seventeen (17) years of service in BPS-17 and above subject to successful completion of Senior Management Course.”;
------	-------------------------------	--	--	--

(c) For Serial No.2, the following shall be substituted, namely:

*2.	Senior Public Prosecutor/District Public Prosecutor (BS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Public Prosecutors (BPS-18) with at least twelve (12) years' of service in BPS-17 and above.”;
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(d) For Serial No.3 the following shall be substituted, namely:

*3.	Director Legal/ Director Admin/ Director (Monitoring) (BS-19).			By transfer, from amongst the Senior Public Prosecutors and District Public Prosecutor (BPS-19).”;
-----	---	--	--	--

(e) For Serial No.4 the following shall be substituted, namely:

*4.	Deputy Public Prosecutor (BS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Public Prosecutors (BPS-17) with at least five (05) years' of service as such.”; and
-----	--------------------------------------	--	--	--

25

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 16th FEBRUARY, 2018. 1081

(f) For Serial No.5 the following shall be substituted, namely:

"5.	Assistant Public Prosecutor (BS-17).	(i) at least Second Class LLB/BS(Law) Honours/ BS (Shariah Law) Honours(five years) or its equivalent qualification, from a recognized University; and (ii) License from Bar Council	25 to 35 Years.	By Initial recruitment."
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Secretary to
Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Ann F (26)



PESHAWAR HIGH COURT PESHAWAR ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
26.01.2023	<p><u>W.P 1837-P/2018 With IR With CM No. 1622/2018, 102/2021, 45/2023.</u></p> <p>Present: Mr. Muhammad Asif Yousafzai, advocate, for the petitioner and Mr. Noor Muhammad Khattak, advocate, for the applicant. Mr. Niaz Muhammad, AACI, for the official respondents.</p> <p>*****</p> <p>Adjourned to 21.02.2023.</p> <p><u>C.M No.45-P/2023.</u></p> <p>ISHTIAQ IBRAHIM, J.- Through the instant application, applicants seek impicadment in the panel of petitioners. The grounds urged seems genuine which is duly supported by sworn affidavit.</p> <p>2. The instant C.M application is allowed, subject to filing of Court Fee. Office is directed to implead the applicants in the panel of petitioners with red ink.</p>

[Signature]
JUDGE

[Signature]
JUDGE

68737

Date of Presentation of Application: *[Signature]*

Date of Filing: *[Signature]*

Copying fee: *[Signature]*

Date of Preparation of Copy: *[Signature]*

Date of Delivery of Copy: *[Signature]*

[Signature]

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Examiner,
Peshawar High Court Peshawar
Authentic Under Office
The District Registrar

02 FEB 2023

Judgment Sheet
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

Ann G (27)

W.P.No.1837-P/2018

Sikandar Hayat and others
Versus
The Govt: of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar and others



Date of hearing - 05.04.2023

Petitioner (s) by: M/s M. Asif Yousafzai, Yasir Saleem,
Muhammad Irshad Mohmand, Noor
Muhammad Khattak, advocates.

Respondent (s) by: Malik Haroon Iqbal, AAG and Mr.
Ibrar ul Haq, advocate.

JUDGEMENT

IJAZ ANWAR. J:- By this single judgement, we
intend to decide the instant as well as the
connected Writ Petition 2587-P/2018 titled
"Azhar Ali and others Vs Province of Khyber
Pakhtunkhwa through Chief Secretary,
Peshawar and others" as both involve similar
issues and have been filed under Article 199 of
the Constitution of Islamic Republic of Pakistan,
1973 with the following prayers (s).

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ATTESTED
EXAMINER
Peshawar High Court,

"It is therefore, mostly humbly prayed that on acceptance of this writ petition, the Honourable Court may be pleased to:

1. Declare the impugned notification dated 18.01.2018 as unlawful violation of the spirit of Prosecution Act of 2005, Constitution, Principle of legitimate expectancy and fair play hence ineffective upon the rights of petitioners.
2. To declare the filling of post of Director General Prosecution by transfer from amongst the officer or PAS/PMS/PCS as illegal and against the spirit of section 3 and 12 of the Act of 2005 as well as against the spirit of Article 2A, 4 & 38 (e) of the Constitution. The respondents may be directed to insert the criteria of prosecution instead of by transfer from amongst the senior Prosecutors to give them similarly treatment as given to the Heads of the Directorates of other Department mentioned in (para-D).
3. To declare merit cum fitness criteria and completion of Senior Management Course as violative to the principles of seniority and good service record as well as discriminatory as Mid Career Management Course has been omitted for promotion to

[Handwritten mark]

ATTESTED
EXAMINER
Peshawar High Court.

BPS-19 for the officer of Prosecution Directorate.

- 4. To direct the respondent to amend the impugned notification dated 18.01.2018 keeping in view the long service, good record and spirit of article 38 e of the constitution and section 3 and 12 of the act of 2005 and to safeguard the service prospectus for the petitioners.
- 5. To direct the respondent to promote the petitioner being senior most of against the post Regional Director BS-20 from the date when the post were created dated (23.06.2014) and the petitioners were not promoted due to lethargic attitude of the respondents with al back and consequential.
- 6. Any other remedy deems appropriate by this court may also be awarded in favor of petitioner."

Writ Petition No. 2587-P/2018

"It is therefore, mostly humbly prayed that on acceptance of this writ petition this Honourable Court may graciously be pleased to:

- i. Declare that impugned amended rule whereby the post of Public Prosecutor BPS-19 has been abolished is illegal, unlawful, without lawful authority and ab initio void.

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ATTESTED
 EXAMINER
 Peshawar High Court.

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- ii. Declare that impugned amended rule whereby the post of Public Prosecutor BPS-19 has been abolished is ultra vires "the Act" and "the constitution".
- iii. Strike down the impugned rule whereby a new post of Senior Public Prosecutor BPS-19 has been created being ultra vires "the Act" and "the constitution".
- iv. Direct the Respondents to proceed with an consider the promotion of the petitioners to the post of Public Prosecutor BPS-19.
- v. Grant any other relief that this Honourable Court deems fit and appropriate in the facts and circumstances of the case."

2. The petitioners being serving as District Public Prosecutors (BPS-19), Senior Public Prosecutors (BPS-19) and Director Administration (BPS-19) on regular basis in various districts are aggrieved of the Notification dated 18.1.2018 whereby the amended rules were notified according to which the post of Director General was not shown in the promotion channel and it was reserved for PAS/PMS/PCS on transfer

ATTESTED
 EXAMINER
 Patna High Court.

whereas the post of Regional Director BPS-20 is to be filled on promotion on the basis of merit cum fitness from among the Senior Public Prosecutors, District Public Prosecutors and Director BPS-19 subject to successful completion of Senior Management Course (SMC).

3. Comments were called from the respondents which were accordingly submitted wherein they have opposed the issuance of the desired writ.

4. Arguments of learned counsel for the parties heard and record perused.

5. Learned counsel for petitioners at the very outset, stated that except the prayer of vires of the Service Rules, the other reliefs claimed in the writ petitions have become infructuous and that he will restrict his arguments only to the extent of vires of the Rules.

ATTESTED
EXAMINER
Patna High Court,

6. We have heard this case at length, however, learned counsels for the petitioners were posed question whether the jurisdiction of this Court is not barred in view of the Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and whether there is an alternate remedy available to the petitioners? It was argued that the prayer for Mandamus cannot be agitated before the Service Tribunal and that the rules were irrational and violative of parent law i.e. Khyber Pakhtunkhwa Prosecution Service (Constitution. Functions and Powers) Act. 2005.

7. We have considered the arguments of learned counsel for the parties and find that vires of the Service Rules can better be questioned before the Service Tribunal constituted under the Service Tribunal Act, 1974. Besides, Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 ousts the



ATTESTED
EXAMINER
 Peshawar High Court.

jurisdiction of the High Court. Even if the matter complained of is malafide, ultra vires and coram non iudice still would fall within the jurisdiction of the Service Tribunal when it relates to the terms and conditions of service of a civil servant. Reference can be made to the cases titled "Ali Asghar Khan Baloch and others Vs Province of Sindh and others (2015 SCMR 456), "Asadullah Rashid Vs Haji Muhammad Munir and others (1998 SCMR 2129), "Iqan Ahmad Khurram Vs Govt: of Pakistan and others" (PLD 1980 SC 153), "Irfan Aman Yousafzai and 3 others Vs Federation of Pakistan through Secretary Establishment Division and 3 others" (2017 PLC (CS) 905), "I.A Sharwani and others Vs Govt: of Pakistan through Secretary Finance Division Islamabad and others" (1991 SCMR 1041).

7

ATTESTED
 EXAMINER
 Peshawar High Court.

s. In this and the connect matter, the main claim of the petitioners is that their rights for promotion to the higher posts have been curtailed through the impugned Amendment which squarely falls within the terms and conditions of service and the ouster contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 will be applicable to the case of petitioners. Apart from the above, the jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 can be invoked only where there is no other efficacious and adequate remedy available under the law while in the instant matter, there is statutory forum constituted under the Service Tribunal Act 1974 providing a complete mechanism for adjudicating appeals in such order from which a civil servant is aggrieved.

ATTESTED
EXAMINER
Peshawar High Court.

35

9. In view of the above, we find that this and the connected writ petitions are not maintainable and are accordingly dismissed leaving it open to the petitioners to approach the Service Tribunal in accordance with law if they are so advised.

Acting Chief Justice

Judge

Announced on;
Dated. 05.04.2023

(DB) Hon'ble Justice Manoj Kumar Mishra (ACJ) and Hon'ble Mr. Justice Jitendra Kumar

CERTIFIED TO BE TRUE COPY
12 APR 2023

78501

Date of Presentation of Application... 06-04-2023
No of Pages... 91-P
Copying fee... 84-00
Total... 84-00
Date of Preparation of Copy... 12-04-2023
Date of Delivery of Copy... 12-04-2023
Prepared By... Sh. ex. N. M. 93

And "H"

36

To

Worthy Secretary Home & Tribal Affairs KPK

Through Proper Channel

Subject: DEPARTMENTAL REPRESENTATION/APEAL

Respectfully Sheweth:

1. That the applicant, in view of the Prosecution Service Rules, 2005 as amended in 2010, was directly appointed as Deputy Public Prosecutor on 24.05.2016, through Public Service Commission, out of 50% quota of initial recruitment. Under the said Rules of 2010, the post of Deputy Public Prosecutor (Dy:PP) was in BPS-17, whereas, Assistant Public Prosecutors (APP) was in BPS-16. It is pertinent to mention that Assistant Public Prosecutors (APP) were to be filled through direct recruitment and they were having 50% promotion quota to the post of Deputy Public Prosecutor (Dy:PP). Copies of appointment order of the applicant and Prosecution Service Rules, 2010 are enclosed as **Mark-A & B** respectively.
2. That thereafter, owing to the decision of Honourable Peshawar High Court vide Judgment dated 21.11.2013 in Writ Petition No.241/2011, the posts of APP was upgraded to BPS-17 with retrospective effect from 01.12.2010 and Notification of upgradation was issued on 11.11.2014. However, it was clarified in the said Notification that the upgradation of APP to BPS-17 shall not affect the seniority of Dy:PPs appointed through public service Commission in BPS17. Copy of Notification dated 11.11.2014 is enclosed as **Mark-C**.
3. That the upgradation of the post of APP in BPS-17 created anomaly as the higher (promotion-able) post of Dy:PP was still in BPS-17 and was not upgraded. Therefore, the Dy:PPs also filed a Writ Petition No.110-P/2015 before this Honourable Court, which was allowed vide Judgment dated 07.06.2016. Accordingly, vide Notification dated 02.02.2017, the post of

Dy:PP stood upgraded to BPS-18, subsequently, the COC Petition No.08-P/2020 (decided on 18.06.2020) was filed and the upgradation to the post of Dy:PP was given effect from 07.06.2016. Copies of Notifications are enclosed as **Mark-D & D-1.**

4. That the applicant was directly appointed to the post of Dy:PP (BPS-17) on 24.05.2016, and just after 13 days of his appointment, his post i.e. Dy:PP stood upgraded to BPS-18 w.e.f. 07.06.2016 i.e. date of the Judgment of Honourable High Court; therefore, he being appointed on a higher post carrying higher pay-scale, upgraded to BPS-18, shall be presumed to be in BPS- 18 for all purposes from his date of upgradation. It would not be out of place to mention that the post of Dy:PP is always higher than the post of APP.
5. That the number of anomalies were created due to the upgradation of the posts of APP & DY:PP, therefore, the method of appointments & promotions was amended vide Notification dated 18.01.2018 within the contemplation of Rule 3(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. In the said Notification, the post of Dy:PP was completely kept for promotion from amongst the APP with at least five (05) years' service and the scope of direct recruitment has thereby been exterminated. Similarly, according to said amendments, for the purpose of promotion to the post of Senior Public Prosecutor B-19, twelve (12) years' service in BPS-17 & above is required to a Dy:PP. Hence, an APP with five years' service can be promoted to the post of Dy:PP and then after serving seven years as Dy:PP (i.e. total twelve years' service), he become entitle /eligible for promotion to the post of Senior Public Prosecutor (BPS-19). But, these amended rules (Notification dated 18.01.2018) are silent about the fate of those Dy:PPs who have directly been appointed in view of the previous Service Rules, having no service career as an APP. Copy of Notification dated 18.01.2018 is enclosed as **Mark-E.**
6. That there were thirty two (32) Deputy public prosecutors serving in the Province including the applicant at the time of

upgradation of the post of Dy:PP to BPS 18. The strength of applicant's batch was seven (7) i.e. 20% of the serving DY.PPs. The respondents were well in knowledge that after upgradation of the post of Dy.PPs to BPS (18), 20 % of upgraded slot of Dy:PPs possess only 13 days service in BPS 17 at their credit. And those 20 percent Deputy Prosecutors neither served 5 years in BPS 17 as Dy.PP under the old rules 2010, nor possess 5 years PERs in BPS 17, but despite of this fact Impugned rules 2018 were left unattended for 20 % upgraded Dy.PPs. In the impugned rules respondents badly ignored the old service rules 2005 as amended in 2010 under which those specific 20% Dy.PPs were recruited.

7. That status of specific set of 20 % upgraded Dy.PPs is badly ignored in amended service rules 2018. Respondents failed to realize the direct recruitment of applicant in an upper cadre of Dy.PP under old rules 2010 and his new length of service as a result of upgradation while making impugned service rules 2018. Length of service of applicant for further promotion to higher pay scale 19 is obviously 7 years in BPS 18, after his upgradation to BPS 18. Respondents wrongfully mentioned upgraded Prosecutors as promoted Dy.PPs under impugned service rules 2018 and mentioned illogical length of service of 12 years, including 5 years service as APP in BPS 17 for their further promotion to BPS 19. It is so strange that 5 years service as APPs in BPS 17 has been made a condition for those officers who were never recruited as APPs. Moreover production of at least 5 PERs is an essential condition for promotion to BPS-19 for an officer who is promoted on the basis of 12 years service in BPS 17 and 18. The applicant don't have even a single PER in BPS 17 as just after 13 days service in BPS-17 their post was upgraded to BPS-18.
8. That it is well settled principle of law that service rules are always made, modified, and suppressed, whenever any change in the service structure is made specially it is done after upgradation process in order to bring the existing service rules in conformity with that of upgraded posts/grades/cadres. In the impugned prosecution amended service rules 2018, this

was done by the Government to the extent of Assistant public prosecutors who were given antedated upgradation. Their grade has been rightly mentioned as BPS 17 after upgradation and they have been provided further avenues for their promotion to higher pay scales by mentioning their respective length of service. These impugned rules also provide opportunity to twenty six (26) Dy:PPs who were seniors to the applicant as a result of upgradation. As they fulfill the criteria mentioned in the impugned rules i.e. twelve years (12) service in BPS 17 and 18, because they had already served in BPS 17 as Dy:PP under the old rules 2005/2010 and possess about six years length of service as Dy:PPs in BPS 17 at the time of notification of new rules 2018. In this way these rules provided opportunity to the seniors of the applicant for their further promotion to the next higher pay scale i.e BPS-19, but unfortunately the impugned amended rules neither defines the status of applicant nor provide the way of further promotion to higher pay scale rather these rules are mum and complete silent about the promotions of applicant who possess only 13 days service in BPS-17 as Dy:PPs at the time of upgradation of the post. Impugned rules demand 12 years' service from applicant by wrongfully considering them as Promoted Deputy Public prosecutor from the post of Assistant Public Prosecutor after serving 5 years in BPS 17.

9. That the Secretary Home & Tribal Affairs Department, sent the case of 45 Dy:PPs, including 23 juniors of applicant, for their appointment on Acting Charge Basis to BPS 19 as Senior Public Prosecutors on the basis of newly amended prosecution service rules 2018. The Provincial Selection Board (PSB) in its meeting dated 11.06.2020, appointed 45 prosecutors including 23 officers who juniors from the applicant to the post of Senior Public Prosecutor/District Public Prosecutor BPS-19 on acting charge basis, whereas, the applicant despite being senior stood discriminated and deprived from the right of appointment on acting charge basis due to newly amended prosecution service rules 2018. As in these rules applicant were left

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unattended and their length of service was left ambiguous, therefore applicant were not considered for appointment on acting charge basis.

10. That applicant challenged the appointment of 23 junior officers to the Post of Senior Public Prosecutor on acting charge basis BPS-19 through Service Appeal No.13580/2020 which was allowed vide consolidated Judgment dated 16.09.2021. But the same was challenged by government and 3 junior most Dy.PPs before Supreme Court of Pakistan. Supreme Court set aside the decision of Honorable Service Tribunal by mentioning that **"The question before us is how the appointment on acting charge basis is made to the post of Deputy Public Prosecutor (BPS-19) from amongst the Deputy Public Prosecutors in (BPS-18)"**

Similarly hounrable supreme court did not apply uniform promotion policy 2009 of KPK in the case of applicant by mentioning in the judgment that promotion policy 2009 **"is not relevant for the purpose of this case as the said policy is a promotion policy whereas the instant case is regarding appointment on acting charge basis and not a case of promotion"**

Moreover Hounrable Supreme Court clearly mentioned in its judgment that admittedly applicant and his batch mates **"are senior to the DPPs appointed on acting charges basis on 30-6-2020"**. In this way seniority of applicant has been mentioned and has been admitted by hounrable Supreme Court of Pakistan.

11. That now applicant is on one hand Senior to the about forty (40) Deputy Public Prosecutors who are working on acting charge basis (BPS-19) and this seniority is not only laid down on the basis of KPK Civil Servant Act 1973, relevant rules, regulations but also Sonority of applicant is admitted upto Supreme Court of Pakistan. Applicant cannot be deprived from his seniority by promoting junior most Deputy Public Prosecutors to (BPS-19) on permanent basis to the Post of Senior Public Prosecutor / District Public Prosecutor. Because in this way not only Seniority of applicant would be effected but also it would be amount to contempt of Hounrable Supreme

(4)

Court of Pakistan who declared applicant Senior to those Deputy Public Prosecutors who was working on acting charge basis in BPS-19.

12. That being seriously aggrieved from the impugned service rules, 2018 the departmental representation is preferred to your good self on the basis of inter alia, on the following grounds;

GROUNDS

- A. That after the decision of Honble High Court it was the duty of the department/government to implement the same in latter and spirit by amending service rules in order to bring the service rules in conformity with the directions of Honble High Court. But, it is so strange that department/government have notified service rules which clearly contradicted the judgment of Honourable High Court and a specific set of Prosecutors, who were upgraded on the basis of judgment passed by this Honourable Court, had been left unattended and door of their further promotions have been closed for an indefinite period. Icing on the cake, their junior most officers have been provided cover and

support for further promotion to BPS 19 due to impugned amended service rules 2018.

- B. That the post of Dy:PP was upgraded by Honourable Peshawar High Court in order to remove the anomaly created as a result of antedated upgradation of lower cadre of APP and this was never meant to create further anomalies by making service rules having no nexus with the upgradation of the post of DY:PP. But unfortunately by notifying impugned rules 2018, department/government badly crushed the purpose and soul of upgradation granted by High Court to the applicant.
- C. That 2018 Rules are clear violation of notification dated 11th November, 2014 which clearly stated that seniority of Deputy Public Prosecutors selected through public service commission shall not be affected due to antedated upgradation of Assistant PPs but now department is going to supersede the applicant by violating the conditions mentioned in the notification issued by the department/government themselves.
- D. That by notifying prosecution service rules 2018; the department/government have created a series of never ended anomalies which has obviously put appellants and department/government in a never ended expensive and troublesome litigation, which is neither in the interest of department/government nor in the interest of applicant.
- E. That it is an admitted fact that after the judgment of Peshawar High Court, applicant is serving in BPS 18 as Dy.PPs and this fact is obvious from notification issued by Worthy Secretary Home which clearly says that the post of Dy.PPs has been upgraded to BPS 18 in compliance of judgment dated 7th June, 2016 and COC No. So in these circumstances, applicant is serving in BPS-18 since 7th June, 2016 and demand of 12 year's service in BPS-17 and 18 from him for further promotion to the post of Senior Public

Prosecutor BPS 19 means that he will have to serve in BPS 18 till 2028 i.e. serve in BPS 18 for a period of 12 years, and this is a clear violation of Uniform promotion policy of Government Of KPK which is still infield and has been made by exercising Constitutional powers under the rules of business 1985. This 12 years service in BPS 18 is again in contrast with promotion policy 2009 which lays down criteria of permanent promotion to BPS 20 on the basis of only 10 years service in BPS 18 and above. So it is quite unjustified that a specific set of Dy.PPs Prosecutors, who have been upgraded by Honourable Peshawar High Court to remove an anomaly in their service structure, should serve for a period for their promotion to BPS 19 for such a long period which is required for promotion to permanent BPS 20.

F. That 12 years service in BPS 17 and BPS 18 for promotion to BPS 19 has been mentioned in repealed prosecution service rules 2005, prosecution service rules 2010 and impugned amended, prosecution service rules 2018 for those promotee officers who firstly served 5 years in BPS 17 and then promote to BPS 18. This 12 years service cannot be technically, legally and logically apply upon specific set of Prosecutors who have been upgraded to BPS 18 just after 13 days service in BPS-17.

G. The applicant cannot be superseded without any fault at his part by promoting his junior most officers to permanent BPS 19 as Senior PPs on the basis of impugned Service Rules 2018. Because these impugned rules does not apply upon applicant being irrelevant, illogical and stagnant. The status of applicant has been mentioned as promoted Dy.PPs from amongst the APPs after 5 years service as APP in BPS 17 which is not the actual case. Applicant was directly recruited as Deputy Public Prosecutor. In this way department/government are trying to deprive the applicant

mid of year 2020, are going to be permanently promoted to BPS-19. It is so strange that still they have been showed Junior most Officers to the applicant not only by the department but also this fact has been admitted by Honorable Supreme Court. Copy of seniority list is enclosed as **Mark-F.**

H. That now department/government are going to promote junior most Dy:pps to the permanent post of senior public prosecutor BPS-19. On the basis of impugned service rules 2018, and applicant have been asked to provide 12 years length of service in BPS-17 and 18 as wrongly mentioned in impugned rules 2018 wherein 5 years service as Assistant Public Prosecutors were demanded from applicant. It is a myth that an officer, Deputy public Prosecutor, who is never recruited in a lower cadre i.e Assistant Public Prosecutor BPS 17 has been asked to provide the length of service of that lower cadre for a minimum period of 5 calendar years.

It is therefore requested that by, SSRc meeting or through any other legal means, one time change may kindly be made in the impugned service rules 2018/notification dated 18-01-2018, in order to remove the anomaly in the service structure of applicant along with his 5 other colleagues to the effect that

A) One time amendment, modification in the impugned prosecution service rules 2018 to the extent of applicant and his batch mates may be made and their clear status may be mentioned as directly recruited DYPPs who were later on upgraded to BPS-18.

B) Amend/ modify the service rules for One time for clearly mentioning the length of service of applicant along with his batch mates for their promotion to higher pay scales i.e 7 years service

in BPS 18 to 19 and 10 year service in BPS-18 and above for their permanent promotion to BPS-20, from their date of upgradation.

C) 5 years length of service as Assistant PP BPS-17 may not be demanded from applicant and his batch mates for their further promotion to BPS - 19 under the cover of 12 years service in BPS - 17 and 18 as wrongly mentioned, in the service rules 2018.

D) service rules may be brought in conformity with the soul and object of decision of Honorable High court vide which the post of DY.PPs was upgraded to BPS - 18 and the judgment of Honorable High Court may be implemented in letter and spirit by extending all the benefits of upgradation granted by High Court.

E) 12 years service in BPS 18 for the purpose of promotion of applicant and his batch mates be declared illegal, against the uniform promotion policy of kpk.

F) Junior most Deputy Public Prosecutors may not be permanently promoted to the post of Senior Public Prosecutor/District Public Prosecutor BPS-19 before the permanent promotion of applicant and his batch mates to BPS-19 to the post of Senior Public Prosecutor / District Public Prosecutor.



Your Humble

Abdul Qudoos

Deputy Public Prosecutor

Dera Ismail Khan

45/A

OFFICE OF THE DISTRICT PUBLIC PROSECUTOR
DERA ISMAIL KHAN

No. 460 /DPP/DIK Dated D.I. Khan the 17/04/2023

Office Phone & Fax: 09966 920013

Email: dppdikhan2014@yahoo.com

To

The Worthy Director General Prosecution,
Govt. of Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL REPRESENTATION OF MR. ABDUL QUDUS DEPUTY PUBLIC PROSECUTOR (BPS-18) D.I. KHAN.

R/Sir,

A departmental representation in respect of Mr. Abdul Qudus Deputy Public Prosecutor (BPS-18) working in the office of undersigned is hereby forwarded to your good office for favourable consideration and further necessary action please.


District Public Prosecutor
Dera Ismail Khan



Ann "I" 46

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

No SO(Prosecution)VHD/1-29/2023
Dated Peshawar the 2nd June, 2023

To

The Director General Prosecution
Khyber Pakhtunkhwa, Peshawar

SUBJECT DEPARTMENTAL REPRESENTATION/APPEAL

Dear Sir,

I am directed to refer to your letter No DP/ESA/PF/0081-82 dated 13.05.2023 and No DP/ESA/PF/0093-84 dated 10.05.2023 on the subject noted above and to state that the competent authority has perused the representations/appeals in respect of Mr. Bilal Sumara and Mr. Abdul Qudus, Deputy Public Prosecutors (B-8-16) and have filed the same as per your directions contained in the letters above-mentioned, please.

Yours faithfully,

(Muhammad Iqbal)

SECTION OFFICER (PROSECUTION)

Encl: No. & Date: 01/06/23

Copy forwarded to DS to Secretary Home & Tribal Affairs Department

SECTION OFFICER (PROSECUTION)

BETTER COPY OF THE PAGE NO. 46
GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO(Prosecution)/HD/1-29/2023
Dated Peshawar the 2nd June, 2023

To,

The Director General Prosecution,
Khyber Pakhtunkhwa, Peshawar.

Subject: **DEPARTMENTAL REPRESENTATION/APEAL**

Dear Sir,

I am directed to refer to your letter No. DP/E&A/PF/6981-82 dated 19/05/2023 and No. DP/E&A/PF/6983-84 dated 19/05/2023 on the subject noted above and to state that the competent authority has perused the representations/ appeals in respect of Mst. Bibi Sumaira and Mr. Abdul Qadoos, Deputy Public Prosecutors (BS-18) and have filed the same as per your clarification contained vide letters under reference please.

Yours faithfully,

(MUHAMMAD ISRAR)
Section Officer (Prosecution)

Endst: No. & date as above

Copy forwarded to PS to Secretary, Home & Tribal Affairs Department

SECTION OFFICER (PROSECUTION)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

Annex "J" (47)

Date: Peshawar the 07 February 2022

NOTIFICATION:

No.SO(Pros)/HD/1-27/Seniority List of DY.PPs

In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973

read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the competent authority is pleased to notify/circulate the following final Seniority List of Deputy Public Prosecutors (BPS-18) of the Directorate of Prosecution, Khyber Pakhtunkhwa as stood on 31-12-2022:

Sr. No.	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
				DATE	BPS	METHOD OF RECRUITMENT	
1.	Shafiqullah, B.A, LL.B	31/12/1982 FR, Bannu	21/09/2010 as Deputy Public Prosecutor (BPS-17)	02.02.2017	BPS-18	By promotion (up-gradation)	Senior Public Prosecutor-BS-19 on A.C.B at Peshawar
2.	Usman Zaman B.A, LL.B	04/11/1980 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16) and on 21/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Mandera
3.	Qasim Farooq, M.A, LL.B	27/12/1979 Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16) and on 21/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Marsehra
4.	Hussain Ahmad B.A, LL.M	10/24/1980 Shangla	17/06/2009 as Assistant Public Prosecutor (BPS-16) and on 03/06/2014 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Upper Kohat
5.	Sifatullah, B.A, LL.B	10/04/1976 Peshawar	21/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Khyber
6.	Taimur Khattak, B.A, LL.B	25/11/1980 Nowshera	-do-	-do-	-do-	-do-	On Deputation to NACTA
7.	Taj Muhammad, B.A, LL.B	05/03/1978 Lakki Marwat	-do-	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Karak
8.	Bakhtiar Khan, B.A, LL.B	12/01/1976 Mohmand Agency	21/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Mandera
9.	Wajid Ali, M.A, LL.B	02/04/1980 Charsadda	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor BPS-17	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Lower

NAME OF OFFICER IN ORIGINAL APPOINTMENT	DATE OF BIRTH A DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH OPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
			DATE	BPS	METHOD OF RECRUITMENT	
Mr. Iqbal Ahmad	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 20-05-2018	20-05-2018	BPS 18	By promotion (up-gradation)	District Public Prosecutor BS-19 on A.C.B at Multan
Mr. Nadeem Nadeem	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 20-05-2018	do	do	do	District Public Prosecutor BS-19 on A.C.B at Orakzai
Mr. Nadeem Nadeem	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 20-05-2018	do	do	do	District Public Prosecutor BS-19 on A.C.B at Nowshera
Mr. Muhammad Tufail	1971 Faisalabad	do	do	do	do	Senior Public Prosecutor BS-19 on A.C.B at Mardan
Mr. Ibad-ur-Rehman	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 20-05-2018	do	do	do	District Public Prosecutor BS-19 on A.C.B at Hangu
Mr. Asim Mahmood	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 20-05-2018	do	do	do	Senior Public Prosecutor BS-19 on A.C.B at Hangu
Mr. Waqas Ashraf, MA LLB	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 08-10-2019	08-10-2019	do	do	Senior Public Prosecutor BS-19 on A.C.B at Kotli Poonch
Mr. Zia Ul Qamar Saifi, BA LLB	1971 Faisalabad	do	do	do	do	Senior Public Prosecutor BS-19 on A.C.B at Peshawar ATC Court
Mr. Rafiqullah, BA LLB	1971 Faisalabad	do	do	do	do	District Public Prosecutor BS-19 on A.C.B at Upper Dir
Muhammad Muzafar, BA LLB	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 08-10-2019	do	do	do	Senior Public Prosecutor BS-19 on A.C.B at Lower Dir
Mr. Bakht Baidar Khan, MA LLB	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 08-10-2019	do	do	do	Senior Public Prosecutor BS-19 on A.C.B at Swat in Anti-Terrorism Court Buner
Mr. Anwar Khan, MA LLB	1971 Faisalabad	do	do	do	do	Senior Public Prosecutor BS-19 on A.C.B at Peshawar in ATC Court
Mr. Muhammad Zaib Khan	1971 Faisalabad	05-05-2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 12-06-2020	12-06-2020	do	do	Senior Public Prosecutor BS-19 on A.C.B at TORGAR
Mr. Muhammad Ilyas Khan, MA LLB	1971 Faisalabad	do	do	do	do	On Deputation to Section Officer (Police) Home & Tribal Affairs
Syed Asghar Asad, MA LLB	1971 Faisalabad	do	do	do	do	

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NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST		PRESENT POSTING
			DATE	BPS	
Mr. Muhammad Inam, M.A., LL.B	30/05/1979, Mardan.	do-	12.06.2020	BPS 18	Senior Public Prosecutor BS-19 on A.C.B at DIR LOWER
Mr. Muhammad Naeem, LL.B B.A.	20/12/1981, Malakand Agency	do-	do-	do-	Senior Public Prosecutor BS-19 on A.C.B at SHANGLA.
Mr. Javed Afi, M.A., LL.B	14/03/1981, Malakand Agency	26/05/2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 12/06/2020	do-	do-	DISTRICT Public Prosecutor BS-19 on A.C.B at Charardah
Mr. Javed Akhtar Wazir, B.A., LL.B	01/10/1981, S.W. Agency	05/09/2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 12/06/2020	do-	do-	Senior Public Prosecutor BS-19 on A.C.B at ORAKZAI.
Mr. Noor Salam Khan, B.A., LL.B	12/04/1971, N.W. Agency Miranshah	do-	do-	do-	DISTRICT Public Prosecutor BS-19 on A.C.B at Kurram
Mr. Yousaf Jamal, M.A., LL.B	20/04/1981, Karak	do-	do-	do-	Senior Public Prosecutor BS-19 on A.C.B at KARAK
Mr. Latif Khan, B.A., LL.B	03/02/1975, Bannu	do-	do-	do-	Senior Public Prosecutor BS-19 on A.C.B at NORTH WAZIRISTAN
Mr. Zahoor Khan, B.A., LL.B	04/03/1981, Peshawar	25/05/2008 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 16 on 12/06/2020	do-	do-	Deputy Public Prosecutor Kohat
Mr. Sher Alam, M.A., LL.B	10/11/1980, Manshera	05/07/2009 as Assistant Public Prosecutor (BPS-16). By promotion to the post of Deputy Public Prosecutor BPS-18 on 12/06/2020	do-	do-	Deputy Public Prosecutor Kohistan Lower
Mr. Muhammad Sohail, B.A., LL.B	20/04/1985, Battagram	08/08/2009 as Assistant Public Prosecutor (BPS-16). By promotion to the post of Deputy Public Prosecutor BPS 18 on 12/06/2020	do-	do-	Deputy Public Prosecutor Battagram
Ms. Haseena Syed, B.A., LL.B	23/03/1984, Peshawar	01/09/2009 as Assistant Public Prosecutor (BPS 16) By promotion to the post of Deputy Public Prosecutor BPS 18 on 12/06/2020	do-	do-	Deputy Public Prosecutor, Peshawar
Zia Ul Haq B.A., LL.B	01/08/1976, Dir Lower	03/04/2011 as Assistant Public Prosecutor (BPS-16). By promotion to the post of Deputy Public Prosecutor BPS 18 on 11/01/2022	11.01.2022	do-	Senior Public Prosecutor BS-18 on (OPS) in BAJAUR
Mr. Fawad Ahmad, B.A., LL.B	14/04/1981, Swat	do-	do-	do-	Deputy Public Prosecutor BS-18 in KOHAT

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NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
			DATE	BPS	METHOD OF RECRUITMENT	
Mr. Anjad Ali, BA, LLB	12/03/1980, Peshawar	03/01/2011 as Assistant Public Prosecutor (BPS-16). By promotion to the post of Deputy Public Prosecutor BPS 18 on 11-01-2022	11.01.2022	BPS 18	By promotion (up gradation)	Deputy Public Prosecutor BS-18 in KOHAT
Mr. Zafranullah, BA, LLB	18/05/1979, Karak	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in KARAK
Mr. Qaid ul Islam, BA, LLB	20/02/1978, Chitral	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in LOWER CHITRAL
Mr. Muhammad Arif Masud, BA, LLB	01/04/1981, Manseltra	-do-	-do-	-do-	-do-	Senior Public Prosecutor BS-19 in ATC Abbottabad (OPS)
Mr. Abul Qasim, B.S, LLB	15/04/1983, Karak	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in KARAK
Mr. Waheed Ullah Khan BA, LLB	29-11-1981, Lakki Marwat	20-12-2012 as Assistant Public Prosecutor (BPS-16). By promotion to the post of Deputy Public Prosecutor BPS-18 on 11-01-2022	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 OF THE REGIONAL DIRECTOR ROSECUTION in Bannu Division
Mr. Atta Ur Rehman BA, LLB	02-03-1984, Swat	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in SWAT
Miss. Zobia Bibi BA, LLB	01-04-1979, Haripur	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in HARIPUR
Mr. Gul Nawaz BA, LLB	13-05-1982, Khyber Agency	-do-	-do-	-do-	-do-	DIRECTORATE OF ANTI-CORRUPTION ESTABLISHMENT (deputation basis)
Mr. Syed Mohsin Mustafá BA, LLB	20-04-1983, Manseltra	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in REGIONAL DIRECTOR ABBOTTABAD
Mr. Ahmad Zaib Shah BA, LLB	07-02-1982, Swat	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in MALAKAND
Mr. Muhammad Sajjad Khan MA, LLB	11-01-1982, Mardan	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in CHARSADDA
Mr. Imran Khan MA, LLB	01-01-1986, Shanala	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in SWAT
Mr. Muhammad Rashid BA, LLB	20-03-1980, Mardan	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in Charsada
Mis. Sahibzadi Yasmeeen Ara BA, LLB	15-04-1985, Peshawar	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in Peshawar
Mr. Mukhtiar Ahmad MA, LLB	12-04-1987, Peshawar	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in NOWSHERA
Muhammad Ayaz BA, LLB	10-05-1983, Behmand Agency	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in CHARSADDA

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NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
			DATE	BPS	METHOD OF RECRUITMENT	
Mr. Zafar Ali Khan BA, LLB	14-01-1982, South Waziristan Agency	20-12-2012 as Assistant Public Prosecutor (BPS-16). By promotion to the post of Deputy Public Prosecutor BPS-18 on 11- 01-2022.	11.01.2022	BPS-18	By promotion (up-gradation)	Deputy Public Prosecutor BS-18 in D.I.KHAN
Mr. Khalid Khan Wazir BS, LLB	01-04-1983, FP Banna	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in NORTH WAZIRISTAN
Miss. Amina Bibi BA, LLB	15-07-1984, Haripur	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in HARIPUR
Mr. Amjad Khan BA, LLB	12-12-1995, Buner	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in SWAT
Mr. Ibrar Ahmad BA, LLB	28-03-1983, Karak	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in KARAK
Mr. Syed Amir Shah BA, LLB	08-10-1995, Kohat	-do-	-do-	-do-	-do-	Deputy Public Prosecutor BS-18 in KOHAT

Sd/-
Secretary
Home & TA's Department

Indst. No. and Date Even.

Copy forwarded to:

1. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
2. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar
3. PSO to Chief Secretary Khyber Pakhtunkhwa
4. All Regional Directors Prosecution in Khyber Pakhtunkhwa.
5. All the District Public Prosecutors in Khyber Pakhtunkhwa.
6. PS to Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa.
7. PS to Special Secretary-I Home & Tribal Affairs Department, Khyber Pakhtunkhwa.

(Muhammad Israr)
Section Officer (Prosec)



BATTER COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

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Dated Peshawar the 9th February, 2023

NOTIFICATION:

No.SO(Pros)/HD/1-27/Seniority List of DY.PPS

In pursuance of section 8(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the competent authority is pleased to notify / circulate the following final seniority List of Deputy Public Prosecutors (BPS-18) of the Directorate of Prosecution, Khyber Pakhtunkhwa as stood on 31-12-222:

SR. NO	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
				DATE	BPS	METHOD OF RECRUITMENT	
1	Shafiqullah, B.A. LL.B	31/12/1982 FR. banna.	21/09/2010 as Deputy Public Prosecutor (BPS-17)	02.02.2017	BPS-18	By promotion(up-gradation)	Senior Public Prosecutor BS-19 on A.C.B at Peshawar
2	Usman Zaman B.A. LL.B	04/11/1980 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16) and on 21/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Mardan
3	Qasim Farooq, M.A. LL.B	27/12/1979 Abbottabad	05/05/2008 as Assistant Public Prosecutor (BPS-16) and on 21/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Manshra
4	Hussain Ahmad, B.A. LL.M	10/04/1980 Shangla	17/06/2009 as Assistant Public Prosecutor (BPS-16) and on 03/06/2014 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Upper Kohistan
5	Sifaullah, B.A. LL.B	10/04/1978	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Khyber
6	Taimur Khattak, B.A. LL.B	25/12/1980 Nowshera		-do-	-do-	-do-	On deputation to NACTA
7	Taj Muhammad, B.A. LL.B	05-03-1978		-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Karak
8	Bakhtiar Khan, B.A. LL.B	12-01-1978 Mohmand Agency	21/09/2010 as Deputy Public Prosecutor, (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Charsadda
9	Wajid Ali, M.A. LL.B	02/04/1980 Charsadda	05/05/2008 as Assistant Public Prosecutor (BPS-16) and 21/09/2010 as Deputy Public Prosecutor BPS-17	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Dir Lower

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SR. NO	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
				DATE	BPS	METHOD OF RECRUITMENT	
10	Miss Shaheen Tabasum, B.A, LLB	12/04/1982	11/03/2009 as Assistant Public Prosecutor (BPS-16) and on 27/08/2009 as Deputy Public Prosecutor BPS-17	02-02-2017	BPS-18	By Promotion (up-gradation)	Senior Public Prosecutor BS-19 on A.C.B at Kohat
11	Azhar Ali B.A, LLB	18/04/1983 Peshawar	24/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Buner
12	Jamshid Khan Mahsud, B.A, LLB	01/06/1977 S.W Agency		-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Tank
13	Qaisar Khan, B.A, LLB	01/01/1980 Peshawar	05/05/2008 as Assistant Public Prosecutor (BPS-16) and on 24/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Khyber
14	Ayaz Zarin, B.A, LLB	20/04/1983 Chitral	24/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Chitral Lower
15	Zafar Ali, B.A, LLB	30/03/1982 Mohmand Agency	26/05/2008 as Assistant Public Prosecutor (BPS-16) and on 24/09/2010 as Deputy Public Prosecutor BPS-17	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Malakand
16	Sangeen Shah, B.A, LLB	12/04/1982 Charsadda	05/05/2008 as Assistant Public Prosecutor (BPS-16) and on 24/09/2010 as Deputy Public Prosecutor BPS-17	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Malakand
17	Asmat Ullah, M.A, LLB	15/03/1980 S.W Agency	24/09/2010 as Deputy Public Prosecutor (BPS-17)	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Bannu
18	Mian Aziz Ahmad, M.A, LLB	05/06/1979 Dir (Upper)		-do-	-do-	-do-	Director Legal, Directorate of Prosecution
19	Muhammad Bilal Qureshi B.A, LLB	04/07/1983 Abbottabad		-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Abbottabad
20	Akhtar Nawaz Khan, B.A, LLB	19/12/1978 Haripur		-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Swabi
21	Mr. Attiq-ur-Rehman	01/04/1980	05/05/2008 as Assistant Public Prosecutor (BPS-16) and on 03/06/2014 as Deputy Public Prosecutor BPS-17	-do-	-do-	-do-	Director Monitoring, Directorate of Prosecution, Peshawar
22	Mr. Zeeshan Ullah Afidi B.A, LLB	10/06/1982 FR Kohat	03/01/2011 as Assistant Public Prosecutor (BPS-16. The Post of Assistant Public Prosecutor was upgraded to BPS-17, on 03.06.2014 promoted as Dy.P.P	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Peshawar
23	Miss. Sobia Rasheed Raja M.A, LLB	16/05/1982 Abbottabd	24/05/2016 as Deputy Public Prosecutor (BPS-18)	-do-	-do-	Initial recruitment	Deputy Public Prosecutor, Abbottabad
24	Mr. Farasat Ullah M.A, LLB, LL.M	31/10/1984 Tank	-do-	-do-	-do-	-do-	Deputy Public Prosecutor, D.I.Khan
25	Miss. Bibi Sumaira M.A, LLB	05/05/1979 Manshera	-do-	-do-	-do-	-do-	Deputy Public Prosecutor, Manshera
26	Miss. Mahjabeen M.A, LLB	20/02/1980 Bannagram	-do-	-do-	-do-	-do-	Deputy Public Prosecutor, Manshera
27	Abdul Qudus Khan	03/10/1987 Bannu	-do-	-do-	-do-	-do-	Deputy Public Prosecutor, D.I.Khan

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SR. NO	NAME OF OFFICER WITH QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF FIRST ENTRY INTO GOVT SERVICE WITH BPS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POST			PRESENT POSTING
				DATE	DATE	DATE	
28	Miss. Fari Rafique	21/10/1979 Abbottabad	30/09/2016 as Deputy Public Prosecutor (BPS-18)	02-02-2017	BPS-18	Initial recruitment	Deputy Public Prosecutor, Nowshera
29	Mr. Qamar Zeb, B.A, LL.B	21/08/1965 Nowshera	18/12/1991 as PSI (BPS-14) in Police Department & joined prosecution services	20-05-2015	-do-	By Promotion (up-gradation)	Senior Public Prosecutor BS-19 on A.C.B at Peshawar
30	Mr. Muhammad Afzal Khan M.A, LL.B	01/05/1965 Chitral	18/06/1992 as PSI (BPS-14) in Police Department & joined prosecution	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Dir-Upper
31	Mr. Javid Iqbal Anwer, B.A, LL.B	20/09/1965, Haripur	29/03/1993 as PSI (BPS-14) in Police department & joined Prosecution	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Peshawar
32	Mr. Muhammad Shakeel Ahmad B.A, B.Ed, LL.B	02/05/1968, D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution services.	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at D.I.Khan
33	Mr. Attaullah, B.Sc, LL.B	20/08/1971 Lakki Marwat	06/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Kuram
34	Mr. Muhammad Nadeem, B.A, LL.B	09/04/1969 Lakki Marwat	On 06/04/1999 as PSI (BPS-14) in Police Department & Joined Prosecution	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Laki Marwat
35	Mr. Hayatullah, B.A, LL.B	02/01/1970 Bannu	08/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution services	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Lakki Marwat
36	Mr. Sher Bahadar Khan B.Sc LL.B	06/09/1973 D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution services as Assistant Public Prosecutor	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at South Waziristan
37	Mr. Ziaullah Wazir, B.A, LL.B	26/10/1965 F.R Bannu	08/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution services	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Hanug.
38	Mr. Khalid Khan, B.A, LL.B	10/02/1969 Swabi	15/10/1999 as PSI (BPS-14) in Police Department & joined Prosecution services	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Swabi
39	Mr. Tasawar Hussain, B.A, LL.B	01/04/1970 D.I.Khan	02/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution services	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at D.I.Khan
40	Mr. Amanullah, M.A, LL.B	19/12/1966 Lakki Marwat	08/04/1999 as PSI (BPS-14) in Police Department & Joined Prosecution Services	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at North Waziristan
41	Mr. Muzafar Ahmad, B.A, LL.B	12/02/1968, Dir (Lower)	05/04/1999 as PSI (BPS-14) in Police Department & joined Prosecution services	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at ATC Mardan.
42	Mr. Javed Ur Rehman, B.A, LL.B	02/09/1965, Mardan	05/09/1999 in Police Department & joined Prosecution services	-do-	-do-	-do-	Senior Public Prosecutor BS-19 on A.C.B at Mardan.
43	Mr. Syed Falak Sair, B.Sc, LL.B	05/12/1965 Dir (Upper)	06/04/1999 in Police Department & joined Prosecution services	-do-	-do-	-do-	District Public Prosecutor BS-19 on A.C.B at Buner

وکالت نامہ

(55)



Burhan Latif Khaisori
Advocate Supreme Court



بجالت جناب

8

جناب Appellant عبدالقویس
بنام حکومت گلگت بلتستان
سرویس ایس ایف
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعت تحریر آگے

کلیے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرو اور بددی برائے پیشی یا تصفیہ مقدمہ، تمام

BURHAN LATIF KHAISORI A)VOCATE SUPREME

COURT OF PAKISTAN

کو حسب ذیل شرائط بروکل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذمہ لیتا ہوں اور ہر عدالت حاضر ہونے کا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر نہ حاضر ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بچھری کے علاوہ کسی جگہ یا بچھری کے اوقات سے پہلے یا پیچھے یا روز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچم کی کے علاوہ اور جگہ سماعت ہونے یا روز تعطیل یا بچھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مشل کردہ ذات خود قبول منظور ہوگا۔ در صاحب موصوف کو عرضی دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی نگرانی انجیل نگرانی و ہرجم درخواست پر تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہرجم کا رویہ وصول کرنے اور رسید دینے اور داخل کرنے ہرجم کے بیان دینے اور اس پر بائٹھی یا عرضی نامہ فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از بچھری صدر بیروی مقدمہ مذکورہ نظر ثانی و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یا طرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری نقل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی صلحہ جمانہ بیروی کا اختیار ہوگا اور تمام ہر نیت پر داخل صاحب موصوف مشل کردہ ذات خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو یا کاروائی یا بصورت درخواست نظر ثانی انجیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کو دوسرے وکیل یا بیرو کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے میں قانون کو بھی ہر امر میں وہی اور ایسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جمانہ التزام پر لیا گیا وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف ہوگا۔

پہلے ادا وکالت نامہ لکھ دیا ہے تاکہ مسترد ہے۔

موضوعہ
مضمون وکالت نامہ لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ACCEPTED

Abdul Qudus, Deputy PP
22/6/2023