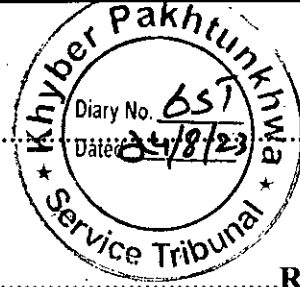


Next Date = 19-09-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 591/2018

Jamshed Khan.....



Appellant

VERSUS


Government of Khyber & others.....

Respondents

**APPLICATION FOR SUBMISSION OF DOCUMENTS AS PER COURT/ TRIBUNALS
ORDER DATED 02.03.2023 & 19.07.2023**

Respectfully Sheweth:

1. That the above titled case ^{was} ~~is~~ fixed before this forum on 22.08.2023.
2. That the Hon'ble Tribunal on subject caption date ordered for submission of certain documents which are enclosed herewith for perusal, as directed.


M-Azhar Khan
Section Officer (Lit-I)
Establishment Department
(For Respondents)





GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

PS/Secy E&AD
Diary No. 167
FTS No. 5-1
Date: 01-03-23

S.O (Admn) Administration
Diary No. 561
Date: 3-3-23

Finance Department Civil Secretariat, Peshawar

<http://www.finance.gkp.pk>

facebook.com/Go KPPD

twitter.com/Go KPPD

NO. BOIV/FD/5-1/2022-23/SNE

Ps to Secy Admin

Dated 28/02/2023

Diary No. 645 Date: 02/03/23

Admn: 76-35-01017

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

644 03/03/23

Subject: -

CREATION OF HOUSEHOLD POSTS IN THE HOUSES UNDER THE CONTROL OF ADMINISTRATION DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to state that in light of Honorable Peshawar High Court, Peshawar Judgement made in Writ Petition No.4208-P/2021 dated 11.01.2023, Finance Department agrees to the creation of 38x posts of household staff in Administration Department during the current financial year 2022-23 with immediate effect, subject to the observance of all codel formalities as per the following break-up:-

S#	Designation	BPS	Strength
1.	Junior Caretaker	14	04
2.	Chef	12	03
3.	Supervisor	11	06
4.	Senior Bearer	09	10
5.	Senior Waiter	09	10
6.	Senior/Head Cook	09	05
	Total		38

2- The expenditure involved is chargeable under Grant No. 002 NC21002 (002) Function Classification 01-General Public Service, 015-General Services, 0151-Personnel Services, 015101-Establishment Services General Administration, PR4019-Estate Office and will be met out within the sanctioned budget grant during current financial year 2022-23.

3- Audit Copy may be prepared and send to this Department for authentication.

Yours faithfully,

(FARANGIS AZIM)
BUDGET OFFICER-IV

Copy forwarded to the:-

- Budget Officer-I, Finance Department, Khyber Pakhtunkhwa.
- PS to Secretary Finance Department, Khyber Pakhtunkhwa.
- PA to Deputy Secretary (Reg-I), Finance Department.
- Director FMIU, Finance Department.

BUDGET OFFICER-IV
Supt (A) → Wahidullah Khan

To Spt. Secretary (Key) Establishment Department
D.No. 543
Date: 3-2-2023

Addl. Secy-I Admn Deptt.
Diary No. 551
Date: 2/3

PS to Secy (Admin)
AS
Secy
SO (Admin)
Should not be do to the
15/3/23

Relate to Administration Deptt.
be SO (Admin)
02/3/23

SSR
P. 16/02/23
SSS 1/3

attached

SO (Admin)
08/03
clerk

GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No.SO(A)/A.D/House S.Structure/2021

Dated: 16-05-2022

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Establishment Department.

Attention: Section Officer (O&M)

Subject: COC NO. 394-P/2021 IN W.P NO. 6271-P/2019 -- AMIN UL HAQ (BEARER) & COC NO. 395-P/2021 IN W.P NO. 6732-P/ 2019 - YASIR ZEB & OTHERS VS DR. KAZIM NIAZ, CHIEF SECRETARY, GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR & OTHERS

Dear Sir,

I am directed to refer to the Establishment Department (Judicial Wing) letter No.SO(LIT-I)E&AD/2-5480/2020, dated:09-05-2022 addressed to this Department and copy thereof endorsed to Section Officer (O&M), Establishment Department on the subject noted above and to state that working paper (on requisite Proforma regarding service rules / structure for Household staff has already been forwarded to the Establishment Department vide letter No.SO(Admn)A.D/Household S.Structure/2021 dated:17.03-2022.

2- The requisite working papers on the pattern / parameters of Regulation Wing (details provided as under) are re-submitted / enclosed:-

S#	Description of document	Available vide
i.	proposed service structure	Annex-I -
ii.	proposed organogram	--do--
iii.	Details of posts proposed for creation / abolition	--do--
iv.	Proposed amendment in existing service rules	Annex-II
v.	Proposed new service rules	Annex-III

3- Pertinent to mention that financial implication will be provided upon finalization of creation of posts, moreover, the whole process is being carried out for career progression of household staff.

4- It is, therefore, requested to issue directions to the concerned Wing for early finalization of the instant case being a court matter, please.

Encls: as above

Yours faithfully,

(LAEEQ AHMAD)

SECTION OFFICER (ADMN)

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

The Section Officer (Lit-I), Judicial Wing, E&A Department w/r to the letter referred above.

- 2) P.S to the Secretary, Administration Department.
- 3) P.S to the Secretary, Establishment Department.
- 4) P.S to the Special Secretary (Estab), Establishment Department.
- 5) P.A to Additional Secretary (Jud), Establishment Department.
- 6) P.A to Additional Secretary-I, Administration Department.
- 7) P.A to Deputy Secretary (Admn), Administration Department.

SECTION OFFICER (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. SO(ADMN)/A D/House Hold S. Structure/2021
Dated Peshawar the 17.03.2022

To

The Secretary,
Govt. of Khyber Pakhtunkhwa
Establishment Department

SUBJECT: SERVICE RULES / STRUCTURE FOR HOUSEHOLD STAFF

Dear Sir,

I am directed to refer to the subject noted above and to state that in compliance to the Peshawar High Court Peshawar Judgment (i) dated 21.01.2021 in Writ Petition No.6271-P/2019 & Judgment (ii) dated 14.03.2022 in Writ Petition No.4208-P/2021 with IR with CM No.332-P/2022, this department has framed service rules & structure for household staff working in Khyber Pakhtunkhwa Houses under the administrative control of Administration Department.

In context to the above, the following documents (duly flagged) are forwarded herewith for favor of further necessary action at your end, please.

S No	Description of Documents	Available Vide
i.	Working Paper Proforma Showing Proposed Method of Recruitment (New Rules)	Annex-I
ii.	Working Paper Proforma Showing Proposed Method Amendment in Existing Service Rules	Annex-II
iii.	Proposed Organogram of Service Structure with details of Posts	Annex-III

Yours faithfully,

(LAEEQ AHMAD) 17/03/2022
SECTION OFFICER (ADMN)

END OF EVEN NO. & DATE

Copies forwarded to :-

- 1 The Section Officer (Litigation) Establishment & Administration Department
- 2 P.S to the Secretary, Administration Department
- 3 P.A to Additional Secretary-1, Administration Department
- 4 P.A to Deputy Secretary (Admn), Administration Department

attested

SECTION OFFICER (ADMN) 17/03/2022



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. SO(ADMN)/A.D/House Hold S. Structure/20121
Dated Peshawar the, 17.03.2022

To,

The Secretary to Govt. of KP,
Establishment Department

Subject: **SERVICE RULES/ STRUCTURE FOR HOUSEHOLD STAFF.**

Dear Sir,

I am directed to refer to the subject noted above and to state that in compliance to the Peshawar High Court, Peshawar Judgment (i) dated 21.01.2021 in Writ Petition No. 6271-P/2019 & Judgment (ii) dated 14.03.2022 in Writ Petition No. 4208-P/2021 with IR with CM No. 332-P/2022, this department has framed service rules & structure for household staff working in Khyber Pakhtunkhwa Houses under the administrative control of Administration Department.

In context to the above, the following documents (duly flagged) are forwarded herewith for favor of further necessary action at your end, please.

S.N	Description of Documents	Available vide
1	Working Paper Proforma Showing Proposed Method of Recruitment (New Rules)	Annex-I
2	Working Paper Proforma Showing Proposed Method Amended in Existing Service Rules	Annex-II
3	Proposed Organ gram of Service Structure with details of Posts	Annex-III

Yours faithfully,

(LAEEQ AHMAD)
Section Officer (ADMN)

Endst: No & date even.

Copy is forwarded for information and necessary action to the:

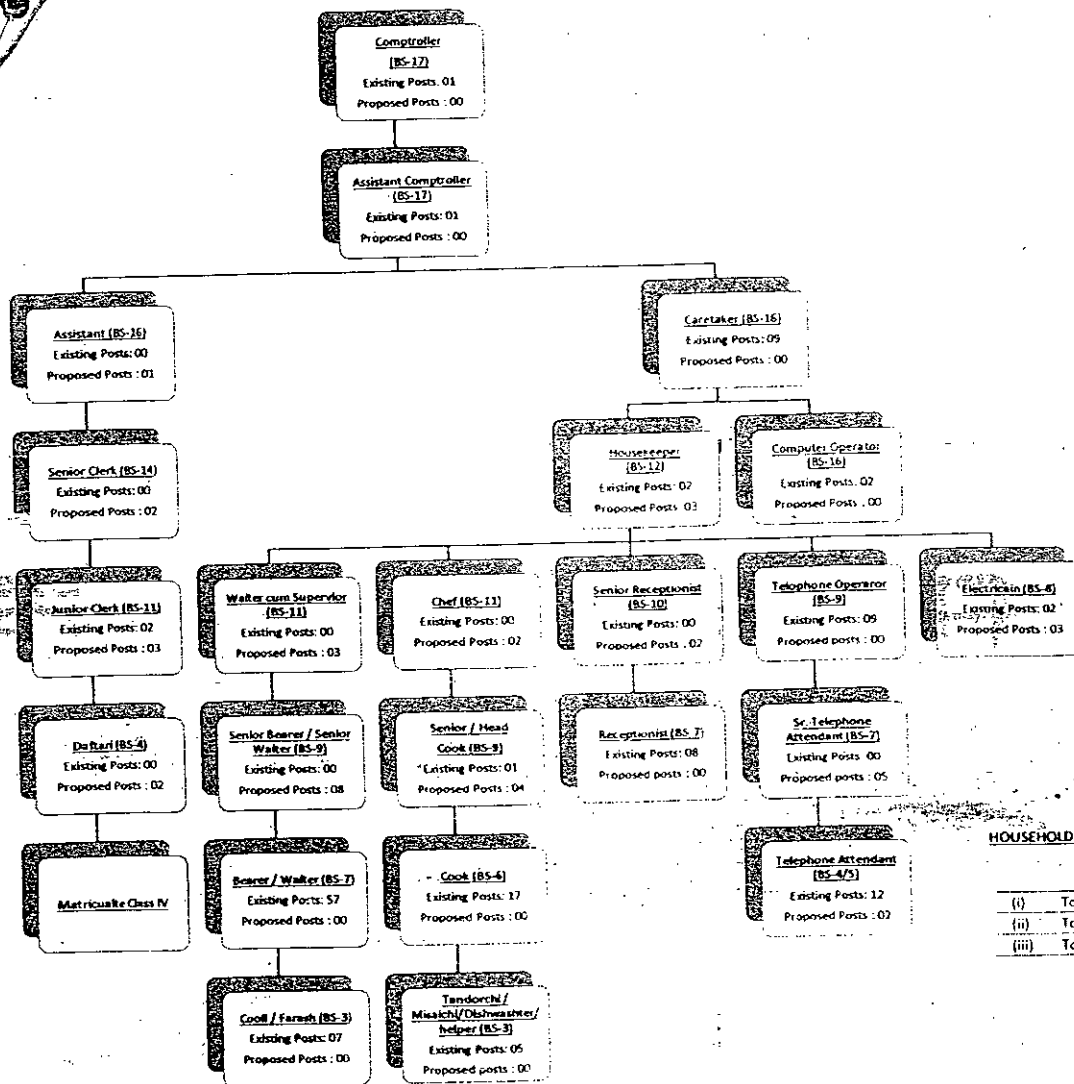
1. Section Officer (Lit-I) Establishment Department.
2. P.S to Secretary Administration Department.
3. P.A to Additional Secretary-I, Administration Department.
4. P.A to Deputy Secretary (Admn), Administration Department.

Section Officer (ADMN)

113

**RECOMMENDATIONS WITH REGARD TO
PROPOSED STRUCTURE FOR HOUSEHOLD STAFF**

HOUSEHOLD STRUCTURE 2022



attested

- All existing posts of *Caretaker* below the rank of BS-16 may be upgraded to BS-16.
- 01 post of *Assistant (BS-16)* may be created for Pakhtunkhwa House, Isbd
- 02 posts of *Khateeb (BS-14)* may be created: one each for PKH Isbd and Civil-Officers Mess, Peshawar.
- 02 posts of *Senior Clerk (BS-14)* may be created: one each for PKH Isbd and Civil Officers Mess, Peshawar.
- All the existing posts of *Housekeeper (BS-10)* may be upgraded to BS-12 whereas 03 additional posts with same nomenclature may be created in BS-12.
- All the existing posts of *Pesh Imam* may be upgraded to BS-12
- 03 post of *Waiter-cum-Supervisor (BS-11)* may be created: one each for PKH Isbd, Shahi Mehman Khana Peshawar and Civil Officers Mess, Peshawar
- 02 post of *Chef (BS-11)* may be created: one each for PKH Isbd and Civil Officers Mess, Peshawar
- 03 post of *Junior Clerk (BS-11)* may be created: one each for PKH Abtd, Shahi Mehman Khana Peshawar and Civil Officers Mess, Peshawar
- 02 post of *Senior Receptionist (BS-10)* may be created: one each for PKH Isbd and Civil Officers Mess, Peshawar
- The existing 1 post of *Senior Cook* may be upgraded to BS-09 and 04 additional posts of *Senior Cook (BS-09)* may be created: one each for PKH Abtd, PKH Abtd, Shahi Mehman Khana Peshawar and Civil Officers Mess, Peshawar.
- 08 post of *Head Bearer (BS-9)* may be created: 05 for PKH Abtd and one each for PKH Abtd, Shahi Mehman Khana Peshawar and Civil Officers Mess, Peshawar
- All existing posts of *Bearer* and *Waiters* in any scale may be upgraded to BS-07
- An existing post of *Accounts Clerk (BS-07)* on the strength of PKH Isbd may be abolished
- 05 existing posts of *Telephone Attendant* may be re-designated and up-graded as *Senior Telephone Attendant (BS-07)*
- All the existing posts of *Electrician* may be upgraded to BS-08, and 03 additional posts of *Electrician (BS-08)* may be created: one each for PKH Abtd, Shahi Mehman Khana Peshawar and Civil Officers Mess, Peshawar.
- All the existing posts of *Cook* in any scale may be upgraded as *Cook (BS-06)*.
- 2 posts of *Telephone Attendant (BS-05)* may be created: one each for PKH Isbd and Shahi Mehman Khana
- All the existing posts of *Khadim* in any scale may be upgraded as *Khadim (BS-06)*; and 04 additional posts of *Khadim (BS-06)* may be created: one each for PKH Isbd, PKH Abtd, Shahi Mehman Khana Peshawar and Civil Officers Mess,

HOUSEHOLD POSTS PROPOSED FOR CREATION, UPGRADATION & ABOLITION:

(i)	Total Posts proposed for Creation	39- No
(ii)	Total Posts proposed for upgradation	96- No
(iii)	Total posts proposed for abolition	01- No

HOUSEHOLD POSTS HAVING THE SAME NOMENCLATURE WITH DIFFERENT PAY SCALE AS PER BUDGET BOOK 2021-22:

1.	Bearer (BS-03)	11 Posts	25 posts
2.	Bearer (BS-06)	14 Posts	
3.	Head Cook (BS-04)	1 Posts	07 posts
4.	Head Cook (BS-7)	6 Posts	
5.	Waiter (BS-04)	2 Posts	32 Posts
6.	Waiter (BS-6)	30 Posts	
7.	Mali (BS-03)	22 posts	27 posts
8.	Mali (BS-04)	5 posts	
9.	Pesh Imam (BS-7)	2 posts	03 posts
10.	Pesh Imam (BS-10)	1 Posts	
11.	Pesh Imam (BS-10)	5 Posts	
11.	Telephone Operator (BS-7)		
12.	Telephone Operator (BS-8)	3 posts	09 posts
13.	Telephone Operator (BS-9)	1 post	
14.	Caretaker (BS-12)	1 post	
15.	Caretaker (BS-16)	6 posts	09 posts
16.	Caretaker (BS-17)	2 posts	
17.	Electrician (BS-7)	2 Posts	04 posts.
18.	Electrician (BS-8)	2 Posts	

S.No	Nomenclature of Post	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum qualification for appointment by promotion	Age Limit	Method of Recruitment
6.	Junior Clerk (BPS-11)	(i) F.A / F.Sc with 2 nd Division or equivalent qualification from recognized board and (ii) a speed of 30-words per minute in typing	-	18-30	(i) 40% by initial recruitment (ii) 60% by promotion on seniority cum fitness amongst Daftaris
7.	Chef (BPS-11)	-	-	-	100% By Promotion from amongst Senior Cooks with at least 03-Years Experience
8.	Senior Receptionist (BPS-10)	-	-	-	100% By Promotion from amongst Receptionist with at least 05-Years Experience
9.	Senior Cook (BPS-09)	-	-	-	100% By Promotion from amongst Cooks with at least 05-Years Experience
10.	Sr. Telephone Attendant (BPS-07)	-	-	-	100% By Promotion from amongst Telephone Attendants with at least 03-Years Experience
11.	Daftari (BPS-04)	-	S.S.C	-	100% By Promotion from amongst Matriculate Class-IV (BPS-03 & 04) (only from House Hold Employees) with at least 03-Years Experience
12.	Khadim (BPS-03 & 06) To upgrade all posts to unified scale BPS-06 considering the proposed service structure along with incumbents	Literate having Islamic Knowledge	-	18-32	100% by initial recruitment

ANNEX-II

PROFORMA SHOWING PROPOSED METHOD (AMENDMENT) IN EXISTING SERVICE RULES

S.No	Nomenclature of Post			Qualification			Age			Method of Recruitment		
	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
1	Comptroller (BS-17)			Bachelor Degree from a Recognized University with 05-Years Experience in House Keeping / Hotel Management			25-35	30-40	To ensure most experienced hand having adequate knowledge and experience of house keeping / management and expertise in running the affairs of VVIP House	By Initial Recruitment		
2	Assistant Comptroller (BS-17)			Bachelor Degree from a Recognized University with 03-Years Experience in House Keeping / Hotel Management	2 nd Class Bachelor Degree from a Recognized University with 05-Years Experience in House Keeping / Hotel Management	To make the post in line with other similar posts and enhancing experience.	25-35	25-40	To ensure most experienced hand having adequate knowledge and experience of house keeping / management and expertise in running the affairs of VVIP House	By Initial Recruitment	i. 50% by Initial Recruitment ii. 50% by Promotion on Seniority Cum Fitness amongst Caretakers with 05-Years Experience	In Order to connect the post with Service Structure

S.No	Nomenclature of Post			Qualification			Age			Method of Recruitment		
	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
3.	Caretaker (BPS-11/12/16)	Caretaker (BPS-16)	The posts in lower pay scales are proposed to be upgraded to BPS-16 along with incumbent	(i) Intermediate with 05-Years Experience of House Keeping in 04-Star Hotel / Guest House or any reputed institution. (ii) Preference will be given to the Diploma Holders in Hotel Management with Intermediate Qualification.	2 nd Class Bachelor Degree from a Recognized University with 03-Years Experience in House Keeping / Hotel Management	All the posts are converted to Initial Recruitment	25-35			(i) 50% by initial recruitment (ii) 50% by promotion amongst the house Keepers	100% by initial recruitment	In Order to stop the hierarchy claiming posts in higher pay scale
4.	House Keeper (BPS-12)			(i) Intermediate with 05-Years Experience of House Keeping in 04-Star Hotel / Guest House or any reputed institution (ii) Preference will be given to the Diploma Holders in Hotel Management with Intermediate Qualification			25-35			By Initial Recruitment	(i) 28% by initial recruitment (ii) 72% by promotion on the basis of seniority cum fitness from amongst the Waiter Cum Supervisors, Chef, Senior Receptionist & Telephone Operators.	In Order to connect the post with Service Structure
5.	Pesh Imam (BPS-07 & 10)	Pesh Imam (BPS-12)	Upgradation of all-to-one pay scale along with incumbent	(i) Sanad from Wafaq-ul-Madaris (ii) Preference will be given to Hafiz-e-Quran			18-32			By Initial Recruitment	100% by promotion by Seniority Cum fitness amongst the Khadims	In Order to connect the post with Service Structure

S.No	Nomenclature of Post			Qualification			Age			Method of Recruitment		
	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
6.	Telephone Operator (BPS-07, 08, 09)	Telephone Operator (BPS-09)	Upgradation of posts in lower pay scale to BPS-09 along with incumbent							By Initial Recruitment	100% by promotion on seniority cum fitness amongst Sr. Telephone Attendants	In Order to connect the post with Service Structure
7.	Electrician G-I (BPS-05)	Electrician (BPS-08)	Uniform Upgradation of the posts along with incumbent	Certificate from recognized institution in electrical field with 05-Years practical experience			18-32	25-35	In line with other posts consider re-structuring	(i) 50% by promotion amongst the Electricians G-II in BS-2 on seniority cum fitness basis. (ii) 50% by Initial recruitment	100% by initial recruitment	In Order to connect the post with Service Structure
8.	Electrician G-II (BPS-02)	Electrician (BPS-08)	Uniform Upgradation of the posts along with incumbent	Certificate from recognized institution in electrical field with 02-Years practical experience	Certificate from recognized institution in electrical field with 05-Years practical experience	Since all the posts are proposed to be upgraded to BPS-08	18-32	25-35	In line with other posts consider re-structuring	By initial recruitment		
9.	Head Bearer (BPS-04)	Head Bearer (BPS-09)	Upgradation of the post in line with service structure	Matric with sound physique and 02-Years practical experience as Bearer / Waiter in any 04/05 Star Hotel / Guest House	Nil	Posts converted to promotion	18-32		Posts converted to promotion	By Initial Recruitment OR By Selection on merit from amongst the Bearers / Waiters in BS-04	100% promotion on seniority cum fitness amongst Bearers / Waiters	In Order to connect the post with Service Structure

S.No	Nomenclature of Post			Qualification			Age			Method of Recruitment		
	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
10.	Receptionist (BPS-05)	Receptionist (BPS-07)	Only change in basic scale	SSC or equivalent qualification from a recognized board, preference will be given to the candidates having experience in any hotel or guest house as receptionist			18-32			By Initial recruitment		
11.	Water / Bearer (BPS-03 & 06)	Water / Bearer (BPS-07)	Upgradation of the posts in line with service structure along with incumbent	Literate with 02-Years practical experience in any hotel or guest house.			18-32			By Initial Recruitment		
12	Cook (BPS-04)	Cook (BPS-06)	Only change in basic scale	Literate with 03-Years practical experience in any hotel or guest house as cook			18-32			(i) 75% by initial recruitment (ii) 25% by promotion on selection on merit from amongst the Masalchis / Helpers / Dish Washers with at least 05-Years Service as such	(i) 50% by initial recruitment (ii) 50% by promotion seniority cum fitness from amongst the Masalchis / Helpers / Dish Washers with at least 05-Years experience	In Order to connect the post with Service Structure

S.No	Nomenclature of Post			Qualification			Age			Method of Recruitment		
	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
13.	Telephone Attendant (BPS-04 & 05)	Telephone Attendant (BPS-05)	Uniform Upgradation of posts along with incumbent	SSC with 02-Years experience in any telephone exchange			18-32			(i) 50% by initial recruitment (ii) 50% by promotion from all Class-IV Staff in the Telephone Exchange who are matriculate	100% by initial recruitment	In Order to connect the post with Service Structure



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

B R I E F

SUBJECT: SERVICE APPEAL NO. 591/2018 TITLED JAMSHED KHAN VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY

The Additional Advocate General and Section Officer (Lit-I), Establishment Department have intimated that the subject service appeal is fixed for hearing on **22-08-2023** at the Khyber Pakhtunkhwa Service Tribunal, Peshawar. They have requested to depute a well conversant officer not below the rank of BS-17 to attend the Service Tribunal alongwith complete record of the case **(Annex-I & II)**.

2. Regarding the matter, it is submitted that the appellant is a household Driver appointed in 2006 for Khyber Pakhtunkhwa House, Islamabad (under the administrative control of this Department). In 2013, he was included in the seniority list of Drivers amongst others and after recommendations of DPC **(Annex-III)** his promotion order was issued **(Annex-IV)**. Later on, the Regulation Wing, Establishment Department put objection on promotion of the appellant being a household employee and the promotion order was withdrawn. The appellant filed a departmental appeal against reversion of his promotion and requested for inclusion of his name in the seniority list of the Drivers maintained by Administration Department. The appeal was referred to Establishment Department for advice **(Annex-V)**. The Establishment Department clearly advised that the appellant being a household employee could not be enlisted in the seniority list of Secretariat Drivers **(Annex-VI)**.

3. It is further submitted that detailed Para Wise Comments (duly approved) in the subject appeal have already been filed in the Service Tribunal, Peshawar **(Annex-VII)** in which Administration Department has pleaded that the appellant is a household employee, therefore, the request for inclusion of his name in the seniority list of Drivers and promotion at the level of Civil Secretariat cannot be entertained. Administration Department has communicated the above mentioned position to Section Officer (Lit-I), Establishment Department vide this Department letter dated: 23-06-202 (Annex-VIII).

attached



Administration Deptt: OFFICE OF
 23 THE ADDITIONAL ADVOCATE GENERAL
 23 KHYBER PAKHTUNKHWA, SERVICE
 TRIBUNAL PESHAWAR

271

Diary No. 1837 Date 27/07/23
 NO 3089-93
 DATED 25/07/2023.

Ps to Secy Admin
 Dairy No. 925 Date 27-7-2023

"Most Immediate/Court Matter"

- To
1. The Secretary to Government of Khyber Pakhtunkhwa Administration Department Peshawar.
 2. The Secretary to Government of Khyber Pakhtunkhwa Establishment Department Peshawar.

SUBJECT:- SERVICE APPEAL NO. 591/2018 TITLED "JAMSHED KHAN VS ADMINISTRATION DEPARTMENT".

Sir,

With reference to subject noted above and to state that the above mentioned Service appeal was fixed for arguments on 19/07/2023 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar, but no one was present on behalf of your department. The case was adjourned to 22/08/2023 for arguments.

You are, therefore, advised to depute a well conversant officer not below the rank of (BPS 17) to attend the Hon'ble Service Tribunal along with complete record of the subject case on the date fixed positively. The officer so deputed has to brief the undersigned before the date fixed and to attend each and every date of hearing.

Addl: Secy-I Admn Deptt:
 1584
 Diary No. 2717
 Date: 27/7/23

(FAZAL SHAH MOHMAND)
 ADDITIONAL ADVOCATE GENERAL
 KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
 PESHAWAR

Dated: / /2023.

NO. _____

Copy forwarded to:

1. The Solicitor, Law Parliamentary Affairs and Human Rights Department Khyber Pakhtunkhwa Peshawar.
2. Registrar Service Tribunal Peshawar.
3. Appeal File.

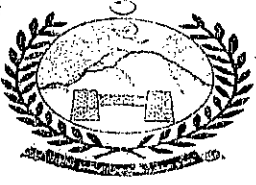
ADDITIONAL ADVOCATE GENERAL
 KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
 PESHAWAR

27/7/23
 Secy-I Admn
 ASST
 DSCA

27/7/23
 ASST
 SOIAI

31/07/23
 So (Admn)

**COURT MATTER
MOST IMMEDIATE**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(JUDICIAL WING)**

No: SO (Lit-I) E&AD/3-3400/2023
Dated: Peshawar, the 27.07.2023

To

S.O (Admn) Administration Deptt:

Diary No. 880

Date: 31-7-23

The Section Officer (Admn),
Administration Department.

Subject: - **SERVICE APPEAL NO. 591 OF 2018 JAMSHED KHAN VERSUS
GOVT. OF KHYBER PAKHTUNKHWA, THROUGH CHIEF
SECRETARY ETC.**

I am directed to refer to the subject noted above and to enclose herewith a copy of Hon'ble Service Tribunal Peshawar order sheet dated: **19.07.2023 & 02.03.2023** for favour of urgent necessary action/provision of relevant records /latest position of the case at earliest please.

Being a matter under judicial scrutiny, an early response would be highly appreciated

Supt (A)

Yours faithfully,

Encl: As above

Section Officer (Litigation-I)

01/08/23
So (Admn)

Endst: of Even No. & Date:

Copy forwarded to the:

1. PS to Secretary Establishment Department.
2. P.S to Special Secretary, Establishment Department.
3. P.S to Additional Secretary (Judicial), Establishment Department.
4. P.S to Deputy Secretary (Judicial), Establishment Department.
5. Master File.

Section Officer (Litigation-I)

DECISIONS:

4- The committee deliberated the matter in detail and unanimously declared fit for promotion, amongst the following panel:-

- (i) Mr. Nasarullah Khan, Driver (BPS-04) at S.No1 in the Seniority List of Drivers is recommended for promotion to the post of Garage Superintendent (BPS-15);
- (ii) Drivers (BPS-04) at S.No.2 to 58. in the Seniority List of Drivers (BPS-04) are recommended for promotion as Driver-cum-Supervisor in BPS-07; and
- (iii) Drivers in BPS-04 at S.No.59 to 144 in the Seniority List of Drivers are recommended for promotion to the post of Senior Driver (BPS-06).

1)	Nasrullah Khan	53)	Bakhtiar Khan=01	105)	Sherabat Khan
2)	Pervez Ahmad	54)	Maaz Khan	106)	Muhammad Saeed=2
3)	Umar Jan	55)	Nadeem Masih	107)	Roqiaz khan
4)	Muhammad Ramzan	56)	Naeem Khan	108)	Shafqat Ali
5)	Sohail Akhtar S/O Akhter Hussain	57)	Manzoor Akhmad 2	109)	Liaqat Ali =3 S/O Fazle karim
6)	M. Aurangzeb S/O M.Bashir	58)	Momin Khan	110)	Roohullah S/O Jalat
7)	Khushdil Khan S/O Shadi Khan	59)	Aman ullah Khan	111)	Inamullah S/O Fazlwahid
8)	Umar Rahim S/O Shamroz	60)	S.Nasir Ali Shah	112)	Yousaf Khan S/O Khan Mir
9)	Akhtar Ali S/O Hussain	61)	Shah Jee Gul	113)	Abdul Haleem khan
10)	M.Salim S/O Khanizaman	62)	Fazli Maula	114)	Rafi Ullah
11)	Jehanzeb S/O Mir Afzal	63)	Zahid Hussain	115)	Khan Afsar
12)	Multan Shah S/O Akram	64)	M.Ayaz-2 S/O Fazal dad	116)	Tariq Nazir
13)	Iqbal Akhmad S/O	65)	Mir Afzal Khan	117)	Ubaid Ullah
14)	Muhammad Shah	66)	Asad Ali	118)	Jamshed Khan
15)	M. Roshan S/O M. Gulshan	67)	Yousaf khan S/O Khaista Khan	119)	Noor Hayat S/O Mir Muhammmad
16)	Ashraf Hussain S/O Saidullah	68)	Sabih Ullah	120)	Kaptaan Ahmad
17)	Shah Jehan S/O Ajab	69)	Muhammad Ijaz	121)	Shah Dolaz Khan S/o Shah Baraz Khan
18)	Fazle Wahab S/O Abdul wahab	70)	Inayat Ullah	122)	Shoukat Ali I s/o said Muhammad
19)	Azizurahaman	71)	Muhammad Iftikhar S/O Zazar	123)	Haq Nawaz
20)	Manzoor Khan S/O Mira khan	72)	Hafeez ur Rahman	124)	Akhmad Ali-1 S/o Muhammad Ali
21)	Moazam Shah	73)	Zarnab Gul	125)	Nizakat Hussain S/O Hadim Hussain
22)	Habib ur Rahman	74)	Azeem Khan	126)	Muhammad Miskeen
23)	Muhammad Aslam	75)	Abdul Ghafar	127)	Roohullah S/O Hayat khan
24)	Suleman shah S/O	76)	Ahmad Ali Khan	128)	Ali Haider
25)	Said Rahim	77)	Wazir Khan	129)	Amir Zeb
26)	Misal Khan S/O Husain	78)	Ghulam Hussain	130)	Ijaz Ahmad s/o Shamsur Rahman
27)	Zarin Gul	79)	Mian Khan	131)	Tawab Shah
28)	Imdad Ullah	80)	Sher Muhammad	132)	Asfandiyar Khan
29)	Ghulam Muhammad	81)	Nisar Akhmad	133)	Tariq Bilal
30)	Qurban Ali S/O Salim khan	82)	Tariq Mehmood	134)	Kashif Jehan
31)	Yousaf Khan S/O Nek M	83)	Umar Muhammad	135)	Shahzeb
32)	Mumtaz Khan S/OMughal	84)	Khan Badshaha	136)	Raj Wali
33)	Saad Ullah	85)	Qamar Muhammad	137)	Rizwan Ullah
34)	Khawas Khan S/O Gul Rahma	86)	Liaqat Ali=2 S/o Taj Muhammad	138)	Mr. Khalid Khan =2
35)	Abdul Waheed	87)	Muhammad Bakhtiar khan	139)	Ziaur Rahman s /oJamil
36)	Ilyas Haider S/O Nasir	88)	Azmat Ali	140)	Akhtar Ali S/O M. Ali
37)	Waris Khan S/O Murad	89)	Abdur Rashid	141)	Umer Rahman S/O khaista
38)	Atlas Khan	90)	Haya Khan	142)	Nasir Khan
39)	Taus Khan	91)	Sartaj Khan	143)	Asim Gul
40)	Sherzaman Masood	92)	Hameed Shah	144)	Noor Jan
41)	Khewa Khan S/O	93)	Akramullah		
42)	Raheem Gul	94)	Hashim Khan		
43)	Gul Nabi.	95)	Dusham Khan		
44)	Lal Zaman S/O Saidzaman	96)	Farhad Khan		
45)	Saeedul Ibrar	97)	Raz Muhammad		
46)	Fayaz Ali Shah	98)	Shahin Shah		
47)	Saeedullah S/O Abdul Haq	99)	Amir Muhammad		
48)	Muhammad Hanif Khatak	101)	Jandool Khan		
49)	Muhammad Riaz S/O Ali Afsar	102)	Siddiq Akbar		
50)	Muhammad Tahir S/O Nek M	103)	Jalat Khan		
51)	Shakeel Akhmad S/O Abdur	104)	Fayaz ali S/O		
52)	Muhammad Mukhtiar Shah	105)	Mr.Muhammad Ayaz S/o Yousaf		

Attest

112/50/A

SECY:ADMIN/ AS-I

5- The meeting ended with a vote of thanks to and from the Chair.

(Shaukat Ullah)
Section Officer (SR-I),
Finance Department.

(Ghazi Khan),
Deputy Secretary (Regulation)
Establishment Department.

(Maqbool Hussain)
Section Officer (Admn)
Administration Department

(Musharraf Khan)
Deputy Secretary (Admn)
Administration Department.

Supdt (CA) / 11/2/2011 / SOFA

SECY:(ADMIN)
AS-I

P10



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

A 4 105

ORDER

Dated Peshawar the 13-02-2013

NOE&A(AD)03(89)/98. On the recommendations of Departmental Promotion Committee (DPC), approval is hereby accorded to promote the following Drivers of Civil Secretariat, Khyber Pakhtunkhwa to the post of **Senior Driver (BPS-06)** with immediate effect:-

1) Muhammad Bakhtiar Khan	22) Shafqat Ali	43) Amir Zeb
2) Azmat Ali	23) Liaqat Ali =3 S/O Fazle karim	44) Ijaz Ahmad s/o Shamsur Rahman
3) Abdur Rasool	24) Roohullah S/O Jalat	45) Tawab Shah
4) Haya Khan	25) Inamullah S/O Faziwahid	46) Asfandiyar Khan
5) Sartaj Khan	26) Yousaf Khan S/O Khan Mir	47) Tariq Bilal
6) Hamid Shah	27) Abdul Haleem Khan	48) Kashif Jehan
7) Akramullah	28) Rafi Ullah	49) Shahzeb
8) Mr. Hashim Khan	29) Khan Afsar	50) Raj Wali
9) Dosham Khan	30) Tariq Nazir	51) Rizwah Ullah
10) Farhad Khan	31) Ubaid Ullah	52) Mr. Khalid Khan =2
11) Raz Muhammad	32) Jamshed Khan ✓	53) Ziaur Rahman s/o Jamil
12) Shahin Shah	33) Noor Hayat S/O Mir Muhammad ✓	54) Akhtar Ali S/O M. Ali
13) Amir Muhammad	34) Kaptan Ahmad ✓	55) Umer Rahman S/O khaista
14) Jandool Khan	35) Shah Dolaz Khan S/o Shah Baraz	56) Nasir Khan
15) Siddiq Akbar	36) Shoukat Ali 1 s/o Saïd Muhammad	57) Asim Gul
16) Jalat Khan	37) Haq Nawaz	
17) Fayaz ali S/O	38) Akhmad Ali-1 S/o Muhammad Ali	
18) Mr. Muhammad Ayaz S/o Yousf	39) Nizakat Hussain S/O khadim Hussain	
19) Sherbat Khan	40) Muhammad Miskeen	
20) Muhammad S/O =2	41) Roohullah S/O Hayat Khan	
21) Roqjaz Khan	42) Ali Haider	

ENDST: NO. & DATE EVEN.

SECRETARY ADMINISTRATION

Copy forwarded to:-

- 1) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2) All Section Officer (General /Admn) Civil Secretariat
- 3) Section Officer (Transport) Administration Department..
- 4) Establishment Assistant II / Bill Assistant E&A department.
- 5) Officials concerned.
- 6) Personal File.
- 7) Office Order File.

Attested

Maqbool Hussain

(MAQBOOL HUSSAIN)
SECTION OFFICER (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No. E&A(AD)/02/536/2006
Dated Peshawar the, 15.03.2018

To,

The Section Officer (Reg-IV),
Establishment Department

Subject: **APPLICATION FOR SENIORITY/ PROMOTION.**

I am directed to seek clear-cut and solid advice whether a Driver appointed for House like Pakhtunkhwa House Islamabad of this Department can be granted seniority/ promotion to regular posts of Civil Secretariat e.g Senior Driver, Driver-cum-supervisor or otherwise. One such Driver Mr. Jamshed Khan, has submitted an application in this regard (copy enclosed). The words and expressions used in his application suggest the applicant intends to approach a Court of law in near future. The file is enclosed for reference please.

Attested

— sd —
(Muhammad Yousaf Khan)
Section Officer (ADMN)



Government of Khyber Pakhtunkhwa
ESTABLISHMENT DEPARTMENT
(Regulation Wing)

148

A 6

No.SOR.IV(ED)/1-5/2018
Dated, Peshawar, the April 3rd, 2018

To

The Section Officer (Admn),
Administration Department.

SUBJECT: APPLICATION FOR SENIORITY/PROMOTION.

I am directed to refer to your letter No.E&A(AD)02(536)2006 dated 15.03.2018 on the subject noted above and to state that the applicant namely Mr. Jamshed Khan Driver being a household staff, cannot be enlisted in the seniority list of Secretariat Drivers.

2. However, separate seniority lists are required to be prepared for secretariat and household staff.

Encl: (original file)

[Signature]
Section Officer (R-IV) 03/4/18

Allyed

Supdt (A)
[Signature]
3/4

20
A7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO: 591/2018

Mr. Jamshed Khan, Driver..... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar

..... (Respondents)

JOINT PARAWISE COMMENTS
FOR / ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1) The appellant has got no cause of action and locus standi.
- 2) The appeal is not maintainable in the present form. As such this Honorable Tribunal has no jurisdiction to entertain the instant appeal.
- 3) The appeal is not based on facts.
- 4) The appellant has not come to the Tribunal with clean hands.
- 5) The appeal is bad for non-joinder of necessary parties.
- 6) The appellant has concealed material facts from this Honorable Tribunal
- 7) The instant appeal is time barred.
- 8) That the appellant is estopped by his own conduct.

RESPECTFULLY SUBMITTED:

1. Correct.
2. Correct.

Attested

- 3. Correct.
- 4. Correct.
- 5. Correct.
- 6. Incorrect. The applicant is a household Driver of this Department specifically recruited in 2006 for KP House Islamabad. In 2013, his name was erroneously included in seniority list of Drivers which eventually led to the promotion of appellant. However, keeping in view the gravity of Establishment Department (Regulation Wing) objections, the promotion of the appellant could not materialize. Of late, the appellant had submitted an application to the Secretary (Admn) requesting for back date promotion and 'original place' in the seniority list of Drivers. His case was specifically referred to Establishment Department for advice (Annex-II). In response, Establishment Department very clearly advised that the appellant (Mr. Jamshed Khan, Driver) being a household employee cannot be enlisted in the seniority list of Secretariat Drivers (Annex-III). The conclusion of his case was/is that he being household employee can neither be put in the main seniority with others employees (Drivers) of Civil Secretariat nor can he be given promotion alongside others.
- 7. Incorrect. As explained in Para-6 above.
- 8. Correct to the extent that departmental appeal of the appellant was processed in consultation with Establishment Department and was regretted being not covered under the rules/policy
- 9. The appellant has got no cause of action to file instant appeal.

GROUNDS :-

- A:- Incorrect as explained in preceding paras, the appellant was duly treated in accordance with law. None of his rights under the law are violated.
- B:- Incorrect as explained in Para-6 of the facts.
- C:- Incorrect. The appellant being appointed against the post of Driver falling under the household staff has no right to be included in the seniority list of Drivers of Civil Secretariat. His name was erroneously included in the seniority which led to his promotion as Senior Driver. After pointing out the unintentional mistake, the promotion of the appellant could not be materialized.

Attested
B

- D:- Incorrect. The appellant being household employee has no right to be promoted with other Drivers of Civil Secretariat.
- E:- Correct to the extent that employees working in different houses are regular employees of Administration Department but they cannot be placed at par with the regular employees of Civil Secretariat recruited other than as household.
- F:- Incorrect. The appellant is a household employee of Administration Department, Civil Secretariat.
- G:- Correct to the extent that job descriptions of the appellant and other Drivers of Civil Secretariat are same. However, method of recruitment of the appellant and other Drivers of Civil Secretariat is totally different.
- H:- Under section-10 of Civil Servants Act, 1973 every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established.
- I:- Incorrect. As explained in preceding paras, the appellant has no right to be promoted with other Drivers of Civil Secretariat.
- J:- Incorrect. As explained in preceding paras, the name of appellant was erroneously included in the seniority list of Drivers of Civil Secretariat which paved way for his promotion. However, on pointing out the mistake, the promotion could not materialize.
- K:- Incorrect. As explained in preceding paras.
- L:- Correct to the extent that appellant has right of promotion in case a higher post becomes available in houses.
- M:- Respondents also seek to advance other grounds during the course of hearing / arguments.

It is humbly prayed that the appeal being devoid of merit may kindly be dismissed with cost.

RESPONDENT NO 3

3-12-5/11/12
RESPONDENT NO 1 & 2

COURT MATTER



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

No.SO(Admn)E&AD/2(536)2006
Dated: 23-06-2020

To

The Section Officer (Litigation-I),
Judicial Wing, Establishment Department

Subject: S.A NO. 591 OF 2018 JAMSHED KHAN VERSUS GOVT. OF
KHYBER PAKHTUNKHWA, THROUGH CHIEF SECRETARY ETC.

I am directed to refer to your letter No. SO(Lit-I)/E&D/3-3038/2018 dated 11-06-2020 on the subject noted above and to provide herewith the requisite information mentioned as under:-

S#	Documents required	Page
1	Seniority whereby the appellant (Mr. Jamshed Driver) was enlisted	Copy enclosed
2	Minutes of DPC whereby appellant was recommended for promotion	Copy enclosed
3	Promotion Order of appellant as Senior Driver	Copy enclosed
4	Recent Final seniority lists of Drivers BS-6, Senior Driver BS-7, Driver cum Supervisor BS-8 and at the level of Civil Secretariat	Copy enclosed
5	Recent Final seniority lists of Drivers BS-6, Senior Driver BS-7, Driver cum Supervisor BS-8 and Garage Supdt BS-15 / 16 falling the strength of Household staff	Seniority lists of Drivers falling on the strength of household staff have not yet to be maintained in the Department as there is no promotion channel / structure for them in the household cadre. However, a case is under process in the Department to formulate a service structure for all household staff.

Encl: as above

A copy is forwarded to:-

- 1) PS to Secretary, Administration Department
- 2) PA to Deputy Secretary, Admn Department

OTC
SECTION OFFICER (ADMN) 23/6

SECTION OFFICER (ADMN) 23/6

25-6-2020

Attested

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

COC No. 395P/2021

IN

WP No. 6732/2019



1. Yasir Zeb (Bearer), Establishment & Administration Department, Civil Secretariat Peshawar
2. Saifullah Khan (Bearer), Establishment & Administration Department, Civil Secretariat Peshawar

VS

1. Kazim Niaz, Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar
2. Shahid Sohail, Secretary to Government of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat Peshawar

PETITION UNDER ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTION 03 & 04 OF THE CONTEMPT OF COURT ACT, 2003 FOR INITIATION OF CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS FOR NOT SHOWING COMPLIANCE WITH THE DIRECTIONS OF THIS HONORABLE COURT RENDERED IN WP NO. 6732/2019 VIDE JUDGMENT DATED: 21/01/2021 REGARDING FORMULATION OF SERVICE RULES (SERVICE STRUCTURE) FOR THE HOUSE-HOUSE ESTABLISHMENT OF THE CIVIL SECRETARIAT PESHAWAR

The Petitioners are pleased to beseech before this Honorable Court as under;

1. That the Petitioners filed WP No. 6732/2019 which was decided by this Honorable Court vide its Judgment Dated: 21/01/2021 by giving directions to the Respondents to formulate proper service rules (Service Structure) for the house-hold staff of the Civil Secretariat, Peshawar within a time-frame of 06 months. (Copy of W.P & Judgment is attached as F/A)

Attested

ATTESTED
EXAMINED
Deputy Registrar

FILED TODAY
Deputy Registrar

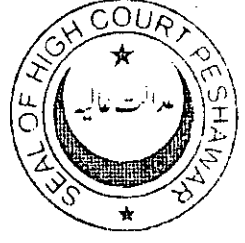
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

COC No.395-P/2021 in W.P No.6732-P/2019

Yasir Zeb (Bearer) and another

Vs.

**Kazim Niaz, Chief Secretary, Government of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar and another**



Date of hearing **28.02.2023**

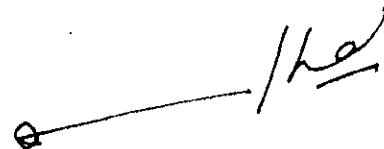
Petitioner(s) by: **Mian Muhammad Imran, Advocate.**


Respondent(s) by: **Mr. Rab Nawaz Khan, AAG, for the State.**

JUDGMENT

IJAZ ANWAR, J. This COC petition is disposed of for the reasons recorded in Writ Petition No.4208-P/2021 titled "Muhammad Basheer (Bearer) and others Vs Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others".

Announced
Dt:28.02.2023.


Judge


Judge

(Amir Shehzad) *

(DB) Hon'ble Mr. Justice Mohammad Ibrahim Khan and Hon'ble Mr. Justice Ijaz Anwar

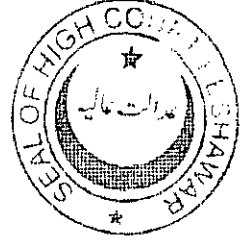
Attested


CERTIFIED TO BE TRUE COPY.

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Shahadat Act 1984

22 AUG 2023

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT



W.P No.4208-P/2021

Muhammad Basheer (Bearer) and others

Vs.

**Government of Khyber Pakhtunkhwa through Chief Secretary
Civil Secretariat Peshawar and others**

Date of hearing **28.02.2023**
Petitioner(s) by: **Mian Muhammad Imran, Advocate.**
Respondent(s) by: **Mr. Rab Nawaz Khan, AAG, for the State.**

JUDGMENT

IJAZ ANWAR, J. Through this single judgment, we intend to decide the instant writ petition, as well as connected COC petitions bearing titled and No. **"Amin ul Haq (Bearer) and another Vs Kazim Niaz, Chief Secretary, Governmnet of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat, Peshawar and another"** No.394-P/2021 in **W.P No.6271-P/2019** and **"Yasir Zeb (Bearer) and another Vs Kazim Niaz, Chief Secretary, Governmnet of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat, Peshawar and another"** No.395-P/2021 in **W.P No.6732-P/2019** as in all these petitions, similar questions of law and facts are involved.

2. In the instant writ petition, petitioner has prayed for the following relief: -

attested
[Signature]

ATTESTED
EXAMINER
Peshawar High Court

" It is, therefore, humbly prayed that the acceptance of the writ petition, direction may kindly be issued to the respondents not to fill any vacant post in the "House-Hold Cadre" of Civil Secretariat Peshawar" till the final adjudication of the COC No.394-P/2021 and 395/2021 which pertains to the implementation of the judgments of this Honorable Court rendered in WP No.6732/2019 and 6271/2019 whereby directions were given to formulate service structure/Rules for the Household Cadre, Civil Secretariat Peshawar within six months".

3. Comments were called from the respondents, who furnished the same wherein they opposed the issuance of the desired writ asked for by the petitioner.
4. Arguments heard and record perused.
5. Perusal of the record reveals that in the instant writ petition, petitioner prayed that the respondent shall not fill the vacant post of House Hold Cadre till the implementation of the orders dated 21.01.2021 passed by this Court in W.P No.6732-P/2019 and W.P No. 6271-P/2019.
6. This Court has in the above-referred orders disposed of the writ petitions on the statement of the learned AAG and the representative of the respondent department to the effect that a special Committee has been constituted to formulate/draft service rules for the household staff of the Civil Secretariat.


Attested

ATTESTED
EXAMINER
Peshawar High Court

7. Today at the very outset, learned AAG has produced a letter dated 28.02.2023, whereby while implementing the judgment of this Court the Finance Department agreed to the creation of about thirty-eight posts of household staff in the Administration Department. Learned counsel for the petitioner after going through the letter dated 28.02.2023 finds himself satisfied and stated that he will not press this and connected petitions any further.

8. In view of the above, the instant writ petition is disposed of as it has served its purpose, besides, the COC No. No.394-P/2021 in W.P No.6271-P/2019 and COC No. No.395-P/2021 in W.P No.6732-P/2019 are also disposed of, as such, the judgment and orders of this Court stand complied with.

Announced
Dt:28.02.2023.


○

Judge



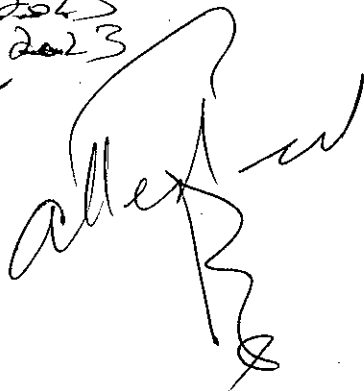
Judge

(Amir Shehzad) *

(DB) Hon'ble Mr. Justice Mohammad Ibrahim Khan and Hon'ble Mr. Justice Ijaz Anwar

5909
Date of Presentation of Application..... 22-08-2023
No of Pages..... 5-8
Copying fee.....
Total..... 20-00
Date of Preparation..... 22-08-2023
Date of Filing..... 22-08-2023

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawal High Court, Peshawar
Authorized Under Article 87 of
the Qanoon-e-Shahadat Act 1984
22 AUG 2023

29/8/23


BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

COC No: 394-P/2021

IN

WP No. 6271/2019



1. Amin ul Haq (Bearer), Establishment & Administration Department, Civil Secretariat Peshawar.
2. Muhammad Bashir (Bearer), Chief Minister Secretariat Peshawar

VS

1. Kazim Niaz, Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat Peshawar
2. Shahid Sohail, Secretary to Government of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat Peshawar

PETITION UNDER ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ WITH SECTION 03 & 04 OF THE CONTEMPT OF COURT ACT, 2003 FOR INITIATION OF CONTEMPT OF COURT PROCEEDINGS AGAINST THE RESPONDENTS FOR NOT SHOWING COMPLIANCE WITH THE DIRECTIONS OF THIS HONORABLE COURT RENDERED IN WP NO. 6271/2019 VIDE JUDGMENT DATED: 21/01/2021 REGARDING FORMULATION OF SERVICE RULES (SERVICE STRUCTURE) FOR THE HOUSE-HOUSE ESTABLISHMENT OF THE CIVIL SECRETARIAT PESHAWAR

The Petitioners are pleased to beseech before this Honorable Court as under;

1. That the Petitioners filed WP No. 6271/2019 which was decided by this Honorable Court vide its Judgment Dated: 21/01/2021 by giving directions to the Respondents to formulate proper service rules (Service Structure) for the house-hold staff of the Civil Secretariat, Peshawar within a time-frame of 06 months. (Copy of W.P & Judgment is attached as F/A)
2. That despite clear-cut directions rendered by this Honorable Court regarding formulation of the service rules within a time-

ATTESTED
EXAMINER
Peshawar High Court

FILED TODAY
Deputy Registrar

Attested

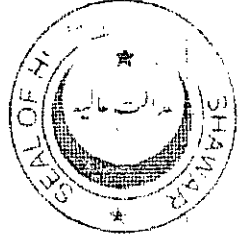
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

COC No.394-P/2021 in W.P No.6271-P/2019

Amin ul Haq (Bearer) and another

Vs.

**Kazim Niaz, Chief Secretary, Government of Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar and another**



Date of hearing 28.02.2023
Petitioner(s) by: Mian Muhammad Imran, Advocate.
Respondent(s) by: Mr. Rab Nawaz Khan, AAG, for the State.

JUDGMENT

IJAZ ANWAR, J. This COC petition is disposed of for the reasons recorded in Writ Petition No.4208-P/2021 titled "Muhammad Basheer (Bearer) and others Vs Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others".

Announced
Dt:28.02.2023.

K
Judge

A
Judge

(Amir Shehzad) *

(DB) Hon'ble Mr. Justice Mohammad Ibrahim Khan and Hon'ble Mr. Justice Ijaz Anwar

Attest

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Administered Under Article 17 of
the Constitution of the State Act 1984
22 AUG 2023

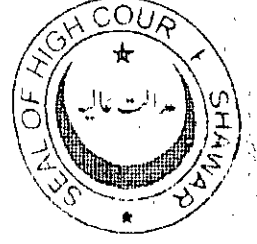
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.4208-P/2021

Muhammad Basheer (Bearer) and others

Vs.

**Government of Khyber Pakhtunkhwa through Chief Secretary
Civil Secretariat Peshawar and others**



Date of hearing **28.02.2023**
Petitioner(s) by: **Mian Muhammad Imran, Advocate.**
Respondent(s) by: **Mr. Rab Nawaz Khan, AAG, for the State.**

JUDGMENT

IJAZ ANWAR, J. Through this single judgment, we intend to decide the instant writ petition, as well as connected COC petitions bearing titled and No. **"Amin ul Haq (Bearer) and another Vs Kazim Niaz, Chief Secretary, Governmnet of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat, Peshawar and another" No.394-P/2021 in W.P No.6271-P/2019 and "Yasir Zeb (Bearer) and another Vs Kazim Niaz, Chief Secretary, Governmnet of Khyber Pakhtunkhwa, Administration Department, Civil Secretariat, Peshawar and another" No.395-P/2021 in W.P No.6732-P/2019** as in all these petitions, similar questions of law and facts are involved.

2. In the instant writ petition, petitioner has prayed for the following relief: -

Attested

ATTESTED
EXAMINED
Peshawar High Court

“ It is, therefore, humbly prayed that the acceptance of the writ petition, direction may kindly be issued to the respondents not to fill any vacant post in the “House-Hold Cadre” of Civil Secretariat Peshawar” till the final adjudication of the COC No.394-P/2021 and 395/2021 which pertains to the implementation of the judgments of this Honorable Court rendered in WP No.6732/2019 and 6271/2019 whereby directions were given to formulate service structure/Rules for the Household Cadre, Civil Secretariat Peshawar within six months”.

3. Comments were called from the respondents, who furnished the same wherein they opposed the issuance of the desired writ asked for by the petitioner.

4. Arguments heard and record perused.

5. Perusal of the record reveals that in the instant writ petition, petitioner prayed that the respondent shall not fill the vacant post of House Hold Cadre till the implementation of the orders dated 21.01.2021 passed by this Court in W.P No.6732-P/2019 and W.P.No. 6271-P/2019.

6. This Court has in the above-referred orders disposed of the writ petitions on the statement of the learned AAG and the representative of the respondent department to the effect that a special Committee has been constituted to formulate/draft service rules for the household staff of the Civil Secretariat.



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Peshawar High Court



7. Today at the very outset, learned AAG has produced a letter dated 28.02.2023, whereby while implementing the judgment of this Court the Finance Department agreed to the creation of about thirty-eight posts of household staff in the Administration Department. Learned counsel for the petitioner after going through the letter dated 28.02.2023 finds himself satisfied and stated that he will not press this and connected petitions any further.

8. In view of the above, the instant writ petition is disposed of as it has served its purpose, besides, the COC No. No.394-P/2021 in W.P No.6271-P/2019 and COC No. No.395-P/2021 in W.P No.6732-P/2019 are also disposed of, as such, the judgment and orders of this Court stand complied with.

Announced
Dt:28.02.2023.



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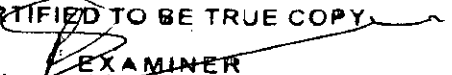
Judge



Judge

(Amir Shehzad) *

(DB) Hon'ble Mr. Justice Mohammad Ibrahim Khan and Hon'ble Mr. Justice Ijaz Anwar

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanoon-e-Shahadat Act 1984
22 AUG 2023

5908
Date of Presentation of Application..... 22-08-2023
No of Pages..... 5-P
Copying fee.....
Total..... 20/-
Date of Preparation of Copy..... 22-08-2023
Date of Delivery of Copy..... 22-08-2023
Amount Rs.....

1975, 15
