

**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA**

SERVICE APPEAL NO.1474/2023

**KHURSHID AHMAD**

.....(Petitioner)

**VERSUS**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
THROUGH SECRETARY HIGHER EDUCATION,  
DEPARTMENT.**

.....(Respondents)

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*Next hearing  
date 31/8/23  
Peshawar*

  
SECTION OFFICER (LITIGATION  
HIGHER EDUCATION DEPARTMENT

①

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

S.A # 1474/2023

Prof. Khushid Ahmad .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa Through Secretary, Higher Education Peshawar  
& Others..... Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 - 3**

**Respectfully Sheweth: -**

**Preliminary Objections:-**

1. That the appellant has got no cause of action/locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands and is trying to conceal material facts.
3. That the appellant is estopped by his own conduct to file the instant service appeal.
4. That the instant case is bad for misjoinder & non-joinder as Election Commission being necessary party is not made party in the instant case.
5. That the Hon'ble tribunal lacks Jurisdiction under Section 4(b) of service-Tribunal Act, 1974, wherein no appeal shall lie to a tribunal against an order or decision of a departmental authority determining
  - (i) The fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a Higher post or grade
6. Govt. servant is required to serve anywhere his employer wanted him/her to serve; it was not a choice or prerogative of the employee to claim a right to serve at a place/post that he/she chose to serve.

Competent Authority is empowered to transfer any civil servant from one place to other at any time of exigencies of service or on Administrative grounds. Reliance is placed on 2020 PLC(CS)1207 and 2004 PLC(CS) 705.

**Facts: -**

- 1- That the appellant is serving as Professor at Govt: Degree College, Hayatabad, Peshawar, rest of the Para Pertains to record.
- 2- Pertain to record.
- 3- That the appellant was posted as Additional Director (P&D) (BPS-19) at Directorate of Higher Education vide Notification dated 29.01.2021 (**Annex-A**). Consequent upon the retirement of Ex-Director, Higher Education on 08/12/2021, the appellant was assigned the look after charge of the post of Director, Higher Education vide Notification dated 09/12/2021 (**Annex-B**) and upon promotion to the post of BPS-20 vide PSB meeting held on 18/11/2022, the appellant was posted as Director Higher Education, vide notification dated 21.12.2022 (**Annex-C**)

2

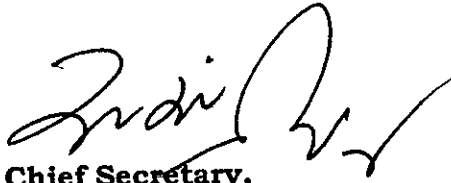
- 4- Reply as per Para-6 of the Preliminary Objection above.
- 5- Pertains to record.
- 6- Incorrect. That proper NOC has been sought from the competent forum (**Annex-D**). This para pertains to Election Commission but Election Commission is not made party in the instant Case. Hence, the instant case is not maintainable as the same is bad for non-joinder/misjoinder of necessary parties.
- 7- Correct to the extent that the appellant filed writ petition No. 1071-P/23 (**Annex-E**) which was dismissed in limine vide order dated 22/03/2023 (**Annex-F**).
- 8- Correct to the extent that the appellant was transferred from the Post of Director to the post of Professor vide Establishment Department notification dated 22.03.2023 in best public interest (**Annex-G**).
- 9- Pertains to record.
- 10- Incorrect. As already explained in preceding paras.

**Grounds: -**

- a) As already explained in preceding paras.
- b) Incorrect. That the fundamental rights of the appellant are not violated.
- c) Incorrect. As already explained in preceding paras.
- d) As already explained in preceding paras.
- e) Incorrect. That the said post is not a tenure post as evident from the service rules dated 18/09/2019 of the Higher Education Department (**Annex-H**) wherein no tenure is mentioned. As the said post is administrative post and Posting/Transfer on the said post is based on administrative skill/Grounds.
- f) Incorrect. As already explained in preceding paras.
- g) Incorrect. As already explained in preceding paras. Posting/Transfer is the prerogative of competent authority and under Section 10 of Civil Servant Act, the Civil Servant shall be liable to serve anywhere where the competent authority posted/Transfer him/her (**Annex-I**).
- h) Incorrect. That the said order is issued in best public interest and on administrative grounds and after obtaining proper NOC from the competent forum/authority.
- i) Incorrect. As already explained in preceding paras.
- j) Incorrect. As already explained in preceding paras.
- k) Incorrect. That the appellant is treated within four corners of law.
- l) Incorrect. Posting/Transfer at one's own choice is not the vested right of the appellant.
- m) Incorrect. As already explained in preceding paras.
- n) Incorrect. That the transfer/Posting order is in accordance with law and in best public interest
- o) Incorrect. As already explained in preceding paras.
- p) That the respondents may be allowed to raise additional grounds at the time of arguments.

**Prayers: -**

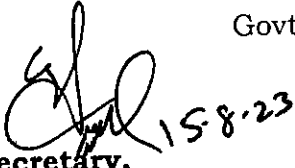
It is, therefore, humbly prayed that the appeal of the appellant is based on misconception, hence, liable to be dismissed.



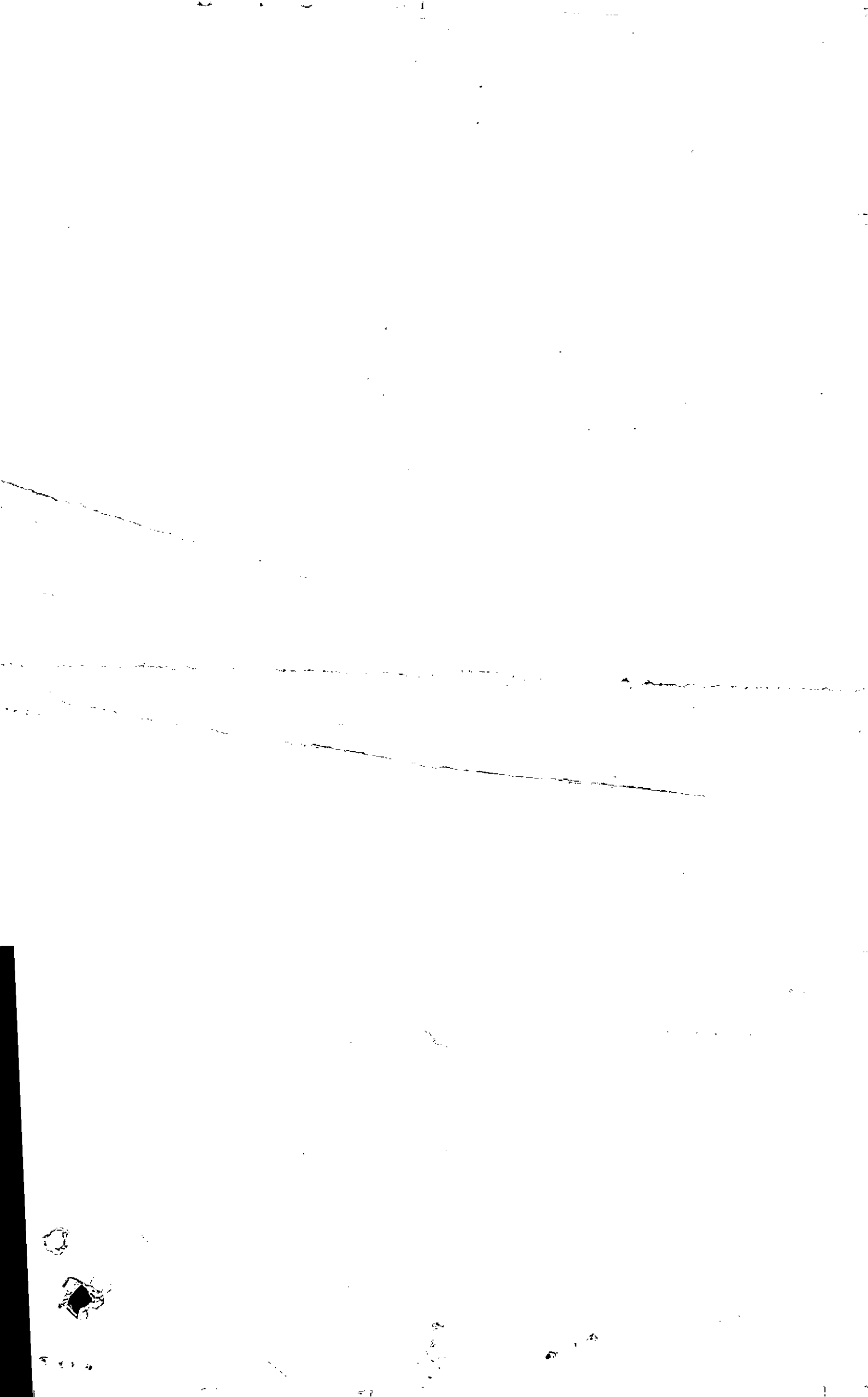
**Chief Secretary,**  
Govt: of Khyber Pakhtunkhwa  
Respondent No. 01



**Secretary,**  
Establishment Department,  
Govt: of Khyber Pakhtunkhwa  
Respondent No. 02



**Secretary,**  
Higher Education, Archives  
& Library Department  
Respondent No. 03



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

Service Appeal No. 1474/2023

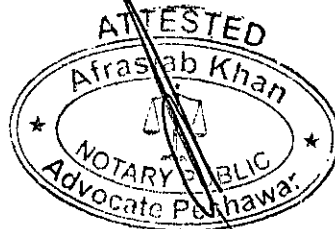
Khurshid Ahmad ..... (Petitioner)

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Chief Secretary and Others, .....(Respondents)

**Affidavit**

I, Qazi Muhammad Ayaz Litigation Officer (BPS-17), Litigation Section Higher Education Department Khyber Pakhtunkhwa Peshawar as per instructions of the respondents do hereby solemnly affirm and declare that contents of the accompanying Joint Para-wise Comments are correct to the best of my knowledge and belief and nothing has been concealed therein from this Hon'ble Court. Furthermore the respondents have neither been placed as ex-party nor right of defense struck-off / no cost imposed on respondents.



30/8/2023

*[Signature]*  
**Deponent**  
CNIC-17301-7027499-5



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT  
CIVIL SECRETARIAT

Dated Peshawar the 29/01/2021

**NOTIFICATION**

**NO. SDG-C/PA/HE/LS/2021/A/DE/DHE:** The Competent Authority is pleased to order the following posting / transfer in the best public interest with immediate effect:-

*Amir A*

S#	Name of Officer	Present Position	Posted As	Remarks
1	Dr. Fuzay-Haadi	Principal, (DPC), Akbar Pura.	Additional Director (Academics) at Directorate of Higher Education	Vice S # 2
2	Mrs. Muhammad Raza Khan	Additional Director (Academics)	Associate Professor (BPS-19) of English at GDC, Ashraf Poyan, Peshawar.	AVP
3	Mrs. Shah Chohan,	Associate Professor (BPS-19), (KDP) No. 2, Taji Hill, (Thousohla)	Additional Director (Female) at Directorate of Higher Education	Vice S # 4
4	Mrs. Sadiya Zafar	Additional Director (Female)	Associate Professor (BPS-19) of Home Economics at GGDC, Jamrud, District Khyber	Vice S # 5
5	Mrs. Anjum Gul	Associate Professor (BPS-19) of Mathematics, (GGDC, Jamrud, District Khyber.	Associate Professor (BPS-19) of Mathematics at GGDC, Mathra, Peshawar	AVP
6	Mr. Khurshid Ahmad	Associate Professor (BPS-19) of Statistics, (DPC, Hayatabad, Peshawar.	Additional Director (Development) at Directorate of Higher Education	Vice S#7
7	Mr. Muhammad Zuhair	Additional Director (Development)	Associate Professor (BPS-19) of Political Science at GDC, Hayatabad, Peshawar	Vice S#6

SECRETARY  
HIGHER EDUCATION DEPARTMENT

**ENDT. NO. & DATE EVEN.**

(Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education Khyber Pakhtunkhwa, Peshawar.
3. District Accounts Officer, Jamrud, District Khyber.
4. Director (HEA/HS), Higher Education Department.
5. Officers concerned.
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
7. Master File.

*Attested*  
Section Officer (Librarian)  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa

12021  
29.01.2021  
SECTION OFFICER (COLLEGES-I)

(6)  
Annex-B

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT**

Dated 09-12-2021

**NOTIFICATION**

**S.O. NO. 1067/HF/PF/Khurshid Ahmad/2021**      Consequent upon the retirement of Mr. Ul Haq, Ex Director Higher Education, the Competent Authority in Higher Education Department is pleased to assign look after charge of the post of Director Higher Education, Khyber Pakhtunkhwa to Mr. Khurshid Ahmad, Additional Director (S.O. 18BPS-19), Directorate of Higher Education in addition to his own duties, with immediate effect and till further orders

**SECRETARY  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT**

Endst: No & Date even.

Copy forwarded to the:-

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PS to Minister for Higher Education, Khyber Pakhtunkhwa.
- 3- PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa
- 4- PS to Special Secretary, Higher Education Department.
- 5- PAs to All Additional Secretaries in Higher Education Department.
- 6- PAs to All Deputy Secretaries in Higher Education Department.
- 7- Officer concerned.

*Attested*

*Yasin*

**MUHAMMAD YASIN  
SECTION OFFICER (General)**

SECRETARY  
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT  
ISLAMABAD



0312-9559859  
Number (hit)

505

B-A

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**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT**

Dated 09-12-2021

**NOTIFICATION**

**NO. SOG/HE/PF/Khurshid Ahmad/2021**

Consequent upon the retirement of

Mr. Zahoor Ul Haq, Ex-Director Higher Education, the Competent Authority in Higher Education Department is pleased to assign look after charge of the post of Director Higher Education, Khyber Pakhtunkhwa to Mr. Khurshid Ahmad, Additional Director (P&D) (BPS-19), Directorate of Higher Education in addition to his own duties, with immediate effect and till further orders.

**SECRETARY**  
**GOVT. OF KHYBER PAKHTUNKHWA**  
**HIGHER EDUCATION DEPARTMENT**

**Endst: No & Date even.**

Copy forwarded to the:-

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PS to Minister for Higher Education, Khyber Pakhtunkhwa.
- 3- PS to Secretary, Higher Education Department, Khyber Pakhtunkhwa.
- 4- PS to Special Secretary, Higher Education Department.
- 5- PAs to All Additional Secretaries in Higher Education Department.
- 6- PAs to All Deputy Secretaries in Higher Education Department.
- 7- Officer concerned.

*Attest*  
*-sd-*  
**(MUHAMMAD YASIN)**  
**SECTION OFFICER (General)**  
**Secretary (General)**  
**Higher Education, Archives**  
**& Libraries Department**  
**(Khyber Pakhtunkhwa)**



GOVERNMENT OF <sup>7</sup> KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Annex C

Dated Peshawar Docombor 21, 2022

NOTIFICATION

NO. SO(E-I)/E&AD/9-88/HED/2022. Mr. Khurshid Ahmad, Professor of Statistics (BS-20) Additional Director (Dev), Directorate of Higher Education, Khyber Pakhtunkhwa is hereby transferred and posted as Director, Higher Education, Khyber Pakhtunkhwa, against the vacant post, in the public interests, with immediate effect.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, Planning & Development Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
6. Director Higher Education, Khyber Pakhtunkhwa.
7. Director General, Information, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishmen/VPS to Secretary Administration Departments.
10. PS to Special Secretary (E)/ D.S.(Admn)/D.S. (Estt.)/ SO(Secret)/SO(HRD- I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
11. Officer concerned.
12. Manager, Govt. Printing Press Peshawar.

*Attested*

(ZIA-UL-HAQ) / 21/12/2022

SECTION OFFICER (ESTT. I)

Ph.# 091-9210529

Section Officer (Information)  
**ATTESTED**  
Khyber Pakhtunkhwa

*3/11/22*

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Annex-D

No.F.10 (1)/2023-Elec-II  
ELECTION COMMISSION OF PAKISTAN  
\*\*\*\*\*



Secretariat,  
Constitution Avenue, G-5/2,  
Islamabad, 21<sup>st</sup> March, 2023.

To,

The Section Officer (Colleges-I),  
Higher Education Archives &  
Libraries Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: - POSTING OF PROFESSOR DR. FARID ULLAH SHAH, GOVT: DEGREE COLLEGE HAYATABAD AS DIRECTOR HIGHER EDUCATION KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to your letter No. SO(C-I)/HED/1-40/Khurshid Dir/2023/4526 dated 14<sup>th</sup> March, 2023, on the subject noted above and to say that the Hon'ble Commission has been pleased to accede your request for Transfer / posting in respect of the following officers: -

Sr. No	Name	From	To
1.	Prof. Dr. Faridullah Shah, Professor (BS-20)	GDC, Hayatabad	Director, Higher Education KP
2.	Mr. Khurshid Ahmad, Professor (BS-20)	Director, Higher Education KP	Professor, GDC Hayatabad

Yours sincerely,

*(Signature)*

Section Officer (Litigation)  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa

*(Signature)*  
(Tauqir Iqbal)

Deputy Director (Election-II)

Annex E (9)

IN THE PESHAWAR HIGH COURT, PESHAWAR

IN RE

WP No. 1071 -P/2023

Prof. Khurshid Ahmad (BS-20),  
Director Higher Education,  
Higher Education Department, Khyber Pakhtunkhwa.

.....Petitioner

VS.

1. Government of Khyber Pakhtunkhwa  
Through Chief Secretary to the Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
2. Establishment Department, Government of Khyber Pakhtunkhwa,  
Through Secretary Establishment Department,  
Civil Secretariat, Peshawar.
3. Higher Education Department, Government of Khyber Pakhtunkhwa.  
Through Secretary Higher Education Department,  
Civil Secretariat, Peshawar.
4. Election Commission of Pakistan,  
Through its Secretary,  
ECP House, Islamabad.

.....Respondents

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

RESPECTFULLY SUBMITTED: -

The Petitioner most humbly submits before this Honorable Court as under,

1. That the Petitioner is serving Respondent No. 3, as Director Higher Education Khyber Pakhtunkhwa and has served the Provincial Government for almost three decades while maintaining an immaculate track record, unimpeachable reputation and spotless integrity, never giving any chance of even a minor complaint to any of his superiors. He has an apolitical career and one of the

*Attested*  
Section Officer (Ligature)  
& Libraries Department  
Khyber Pakhtunkhwa

(10)

cleanest track-record amongst the ranks of Government servants in the Department of Higher Education.

2. That previously the Petitioner was posted as Additional Director (Dev) in the Directorate of Higher Education, Khyber Pakhtunkhwa, and was posted and transferred against the vacant position of Director, Higher Education on 21.12.2022, wherein he has performed his duties meritoriously.

(Copy of transfer as Director Higher Education is Annexure "A")

3. That in the aftermath of the dissolution of the provincial assembly of Khyber Pakhtunkhwa and the subsequent dissolution of the Government, major reshuffle in bureaucracy took place.

4. That the petitioner being completely apolitical and having no political affiliation was posted as stated in para 2 above, on his current posting due to his unblemished service record. However, to appease the former Chief Minister Khyber Pakhtunkhwa Mr. Akram Khan Durrani, a summary was initiated whereby a constituent of his, namely Prof. Dr. Faridullah Shah is proposed to be posted in the petitioner's stead. The summary is imperative wherein comments of the Chief Minister at Para 6 sought a query about the tenure of both the petitioner and Prof. Dr. Faridullah Shah. In response para 7 provided the tenure, and the same shows that the tenure of the present petitioner is 02 months whereas that of Prof. Dr. Faridullah Shah is 4months. But this aspect was completely ignored and vide para 12 the para 1 read with para 5 was approved.

(Copy of the summary is Annexure "B")

5. That after change of federal government in April 2022 there has been a political disorder in the country where after two provincial assemblies of Punjab and Khyber Pakhtunkhwa were dissolved on 14.01.2023 and 18.01.2023 respectively.

6. That thereafter in pursuance of Article 224 of the Constitution of the Islamic Republic of Pakistan, a Caretaker setup was installed in the province of Khyber Pakhtunkhwa.

7. That since both the assemblies i.e., Punjab and Khyber Pakhtunkhwa stood dissolved and elections have to take place in both the provinces therefore in light of Article 218 of the Constitution and Section 230 of the Election Act, 2017, Election Commission of Pakistan has issued Notification on 22.01.2023

~~Attested~~  
Secretary (Litigation)  
Higher Education Archives  
Governance Department  
Khyber Pakhtunkhwa

11

wherein they have imposed a ban on all posting and transfer in the province of Khyber Pakhtunkhwa.

(Copy of the ECP Notification dated 22.01.2023 is Annexure "C")

8. That since the mandate of caretaker setup is very limited as has been discussed in an array of judgments wherein the mandate of Constitution and certain provisions of Election Act, 2017 have also been taken into consideration but despite that, the Respondent No. 3 has wrote a letter dated 14.03.2023 (hereinafter to be referred as "Impugned letter and Notification") to the Respondent No.4 and sought approval for posting of Prof. Dr. Faridullah Shah as the Director Higher Education purely on political basis.

(Copy of "Impugned letter & Notification" dated 14.03.2023 is Annex "D")

9. That it is worth to mention here that firstly the "Impugned letter & Notification" dated 14.03.2023 is issued in total disregard of the Constitution and Section 230 of the Election Act, 2017 secondly approval requires from the commission which is comprising of five members and not from the Chief Election Commissioner alone as it is the mandate of law thus the Petitioner feeling gravely dissatisfied and aggrieved of the "Impugned letter & Notification" dated 14.03.2023 while having no other adequate and efficacious remedy (the remedy before The Khyber Pakhtunkhwa Services Tribunal is neither adequate nor efficacious and also not ripe as no final order is in field at this juncture), is constrained to invoke constitutional jurisdiction of this Honorable Court on following grounds and reasons, amongst others:

**Grounds- Submissions in Law:**

- a. Because the Petitioner is an aggrieved person within the meaning of Article 199 of the constitution of the Islamic Republic of Pakistan 1973.
- b. Because the Fundamental Rights of the Petitioner have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. This Honorable court being the custodian of the Rights of citizens of Pakistan as enshrined in the law of the land made in furtherance of the rights and the protections afforded by the Constitution of Islamic Republic of Pakistan, 1973, is why the Petitioner seek the redressal of his grievances. Also, it is imperative to note that the instant petition is not filed against a final order

*Atta Ullah*  
Assistant Director (Litigation)  
Higher Education, Archives  
& Library Department  
Khyber Pakhtunkhwa

of transfer and thus the bar as contained in Article 212 of the Constitution is not attracted.

c. Because the decision taken on the basis of the Summary dated 01.02.2023 is based in a nullity in the eyes of the law as it goes in direct negation of the provisions of law. Furthermore, when the base is wrong and rooted in a nullity any superstructure built on the base is wrong. The principle laid down through PLD 1958 SC 104 has been reiterated in PLD 2022 SC 119, 2021 SCMR 637, PLD 2007 SCMR 1835, which essentially forms part of our jurisprudence.

d. Because as soon as a care-taker setup is appointed, the Constitutional command is that 'its mandate is to hold free and fair election in aid of ECP'. No care-taker Cabinet could make policy decision even in relation to appointment and posting of civil servants. This principle was settled by the Supreme Court after 18<sup>th</sup> Amendment to the Constitution in the case *Khawaja Muhammad Asif v. Federation of Pakistan*, etc, 2013 SCMR 1205; followed by another case 2016 SCMR 1299, *Nematullah Vs Ch. Governing Body*; and reaffirmed by the Supreme Court in PLD 2021 SC 313. To be more concise, the Supreme Court observed that "The mandate of a caretaker Government is to hold the mantle in the interregnum when the term of the sitting government has expired and the new Government is yet to take charge. A caretaker Government is empowered only to carry out day to day affairs of the state with the help of available machinery/resources/manpower. It cannot take policy decisions and permanent measures including recruitments, making appointments, transfers and postings of Government Servants. It must leave such matters to the elected Government which takes charge as a result of elections— a Caretaker Government/ Cabinet has to confine itself to running day to day administration of the State and to take decisions required for orderly running the affairs of the State".

e. Because this honorable court has held in PLD 2022 Pesh 100 in clear terms that the primary role of caretaker Government is to attend day-to-day matters necessary to run the affairs of the government and to create a conducive atmosphere for a free and fair elections and to transfer powers from one elected government to another. The caretaker Government enjoys limited powers of administrative continuity within the available resources while preventing any major decision from being taken. The judgment has held in clear terms that: *The said Section (230) of the (Election) Act empowers a caretaker Government only to execute the routine functions of the Government making sure that the country does not come to a standstill position in the time between dissolution*

Section Officer (Administration)  
H.A. Qureshi  
& Librarian  
Ayub Park, Pakitunkhwa



of the Parliament till the new elected Government is formed.

f. Because the principles of legitimate expectation as expounded by the Honorable Superior Courts of Pakistan and recently reiterated in 2022 SCMR 694 is seriously violated in the instant case. The aforesaid judgment has held that:

*"The doctrine of legitimate expectation connotes that a person may have a reasonable expectation of being treated in a certain way by administrative authorities owing to some uniform practice or an explicit promise made by the concerned authority. In fact, a legitimate expectation ascends in consequence of a promise, assurance, practice or policy made, adopted or announced by or on behalf of government or a public authority. When such a legitimate expectation is obliterated, it affords locus standi to challenge the administrative action and even in the absence of a substantive right, a legitimate expectation may allow an individual to seek judicial review of a wrongdoing and in deciding whether the expectation was legitimate or not, the courts may consider that the decision of public authority has breached a legitimate expectation and if its proved then the court may annul the decision and direct the concerned authority/person to live up to the legitimate expectation. This doctrine is basically applied as a tool to watch over the actions of administrative authorities and in essence imposes obligations on all public authorities to act fair and square in all matters encompassing legitimate expectation. This Court expatiated the doctrine of legitimate expectation in the "Judges Pension case" reported in PLD 2013 SC 829 with the observation that the rule of legitimate expectation is not a part of any codified law, rather the doctrine has been coined and designed by the Courts primarily for the exercise of their power of judicial review of the administrative actions. As per Halsbury's Laws of England, Volume 1(1), 4th Edition, paragraph 81, at pages 151-152, it is prescribed that "A person may have a legitimate expectation of being treated in certain way by an administrative authority even though he has no legal right in private law to receive such treatment. The expectation may arise from a representation or promise made by the authority including an implied representation or from consistent past practice." In the case of R. v. Secretary of State of Transport Exports Greater London Council (1985) 3 ALL ER 300, it is propounded that "Legitimate, or reasonable, expectation may arise from an express promise given on behalf of a public authority or from the existence of a regular practice which the claimant can reasonably expect to continue. The expectation may be based on some statement or undertaking by or on behalf of the public authority which has the duty of taking decision." Whereas in the judgment reported as Union of India v. Hindustan Development Corporation (1993) 3 SCC 499, it was held that "The legitimacy of an expectation can be inferred only*

*Alexis*  
Higher Education  
Libraries Department  
Khyber Pakhtunkhwa

*if it is founded on the sanction of law or custom or established procedure followed in regular and natural sequence. It is also distinguishable from a genuine expectation. Such expectation should be justifiably legitimate and protectable. Every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense."*

g. Because the fundamental right to life, as provided under Article 9 of the Constitution and first expounded by the Supreme Court in Shehla Zia's case (PLD 1994 SC 693), adjudged life to include all such amenities and facilities, which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally. It was also clearly stated in un-equivocal terms that a wide meaning should be given to the term life, to enable a man not only to sustain life but to enjoy it. This principle was cited with approval by the apex Court in Arshad Mehmood's case (PLD 2005 SC 193), wherein the apex Court further expounded the need for the Islamic concept of fair play and social justice in an egalitarian society, as is idealized under the Objective Resolution of our Constitution, which has now become an integral part of the Constitution by insertion of Article 2-A therein.

h. Because the law grants equal protection to all citizens of the country and the same has been time and again reiterated in dictums of the Honorable Superior Courts. The Supreme Court of Pakistan in 2007 SCMR 410 held in unequivocal terms that:

*"The concept of equal protection of law envisages that a person or a class of persons shall not be denied the rights which are enjoyed by other persons in the same situation".*

i. Because the care-taker set up has tried to assume the role of a regular/elected government and is making transfers and posting purely on political basis in complete and sheer negation of the law which are highly objectionable and violative thus, against the Natural justice of equal treatment as guaranteed by the Constitution of Islamic Republic of Pakistan.

j. Because Respondents were/are bound to abide by the Constitution, Law, rules and regulations. Deviation from the said carries an impact on the community at large. The superior courts including this Honorable court have always discouraged the principle of nepotism and favoritism.


*Attested*  
*(Signature)*  
*(Name)*  
*(Designation)*  
*(Date)*

- (15)
- k. Because the "Impugned letter & Notification" dated 14.03.2023 being contrary to the Constitution is illegal, unlawful, without lawful authority and thus of no legal effect.
- l. Because the "Impugned letter & Notification" dated 14.03.2023 is in total disregard of Section 230 of the Election Act, 2017 as it expressly prohibits a present caretaker setup from making any transfer postings in the province thus is illegal, unlawful, with lawful authority and thus of no legal effect.
- m. Because the Supreme Court of Pakistan in CP. No. 3988 of 2022 titled as Ghulam Mehmood Dogar vs Federation of Pakistan has ordered and suspended the transfer order of the CCPO Lahore which is identical to that of the Petitioner.
- n. Because the Petitioner has been posted to his current posting merely 2 months ago and thus the whole transfer orders are based in a colorful exercise of authority only to "bless" the blue-eyed of the Former Cm Akram Khan Durrani. And thus the Impugned letter dated 14.03.2023 is issued mala fide so as to harass and humiliate the Petitioner.
- o. Because the Impugned letter dated 14.03.2023 to the extent of Petitioner is only vindictive and issued on the behest of Mr. Akram Khan Durrani, who has sought the posting of Prof. Dr. Faridullah Shah a constituent of Bannu to be posted in his stead.
- p. Because the "Impugned letter & Notification" dated 14.03.2023 is not only smacked with partiality, unfairness and nepotism but is a clear violation of the Provisions of the Constitution.
- q. Any other grounds, with prior permission of this Honorable Court.

Prayer in Writ Petition

IT IS THEREFORE vey humbly prayed that on acceptance of this Writ Petition, may it please this Honorable Court to:


- a) Declare that the Impugned letter & Notification dated 14.03.2023 is issued illegally, unlawfully and without lawful authority and coram non iudice;

  
Section Officer (Litigation)  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa

- b) Set aside the "Impugned letter & Notification" dated 21.02.2023, as being illegal, unlawful and without lawful authority in circumstances of the Petitioner and instant case.
- c) Declare that the role of the care-taker set-up is confined to running day to day affairs of the state with the help of available machinery/resources/manpower as has been held repeatedly in *Khawaja Muhammad Asif v. Federation of Pakistan and others* (2013 SCMR 1205), *Raja Muhammad Zubair and others v. Government of Khyber Pakhtunkhwa and others* (PLD 2022 Pesh 100), *Intiaz Ahmad Kaifi v. Government of Punjab and others* (PLD 2013 Lah 598).
- d) Any other relief, in favor of the Petitioner, deemed just and appropriate.
- e) Costs throughout.

**Interim Relief:**


May it please this honorable court to so kindly suspend the operation of the Impugned letter dated 14.03.2023 till the final disposal of instant writ petition.

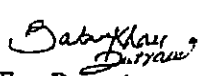
  
Petitioner

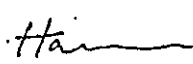
Through



ALI GOHAR DURRANI  
Advocate High Court  
[khaneliogohar@yahoo.com](mailto:khaneliogohar@yahoo.com)  
[aligoohar@sdkhw.org](mailto:aligoohar@sdkhw.org)  
+92-332-929-7427

  
Zaraf Arif Shah  
Advocate High Court  
0333-8335886

  
Babar Khan Durrani  
Advocate High Court  
0301-8891818



Hannah Zahid Durrani  
Advocate High Court

**Shah | Durrani | Khattak**  
(A registered law firm)

[www.sdklaw.org](http://www.sdklaw.org)     [info@sdklaw.org](mailto:info@sdklaw.org)

231-A, Street No. 13, New Shami Road, Peshawar.

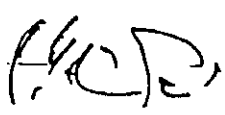
**Certificate:**

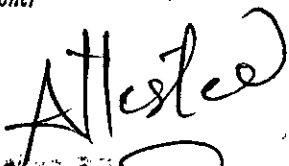
*It is to certify that no such like writ petition has earlier been filed by the Petitioner in this Honourable Court.*

  
Petitioner

**Law Books:**

Constitution of Islamic Republic of Pakistan, 1973.  
Election Act, 2017



**Attested**  
  
Section Officer  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa

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IN THE PESHAWAR HIGH COURT, PESHAWAR

IN RE

WP No. \_\_\_\_\_ -P/2023

Prof. Khurshid Ahmad Vs. Govt. of KP & others

**AFFIDAVIT**

I, Prof. Khurshid Ahmad, Director Higher Education, Higher Education Department, Khyber Pakhtunkhwa do hereby solemnly declare and affirm on oath:-

That the enclosed writ petition has been drafted under my instructions. That I am personally conversant with the facts and circumstances of the case as contained therein. That the facts and circumstances mentioned in the enclosed writ petition are true and correct to the best of my knowledge and belief.

*[Signature]*

Deponent  
CNIC# 17301-4217928-9

0333-936621

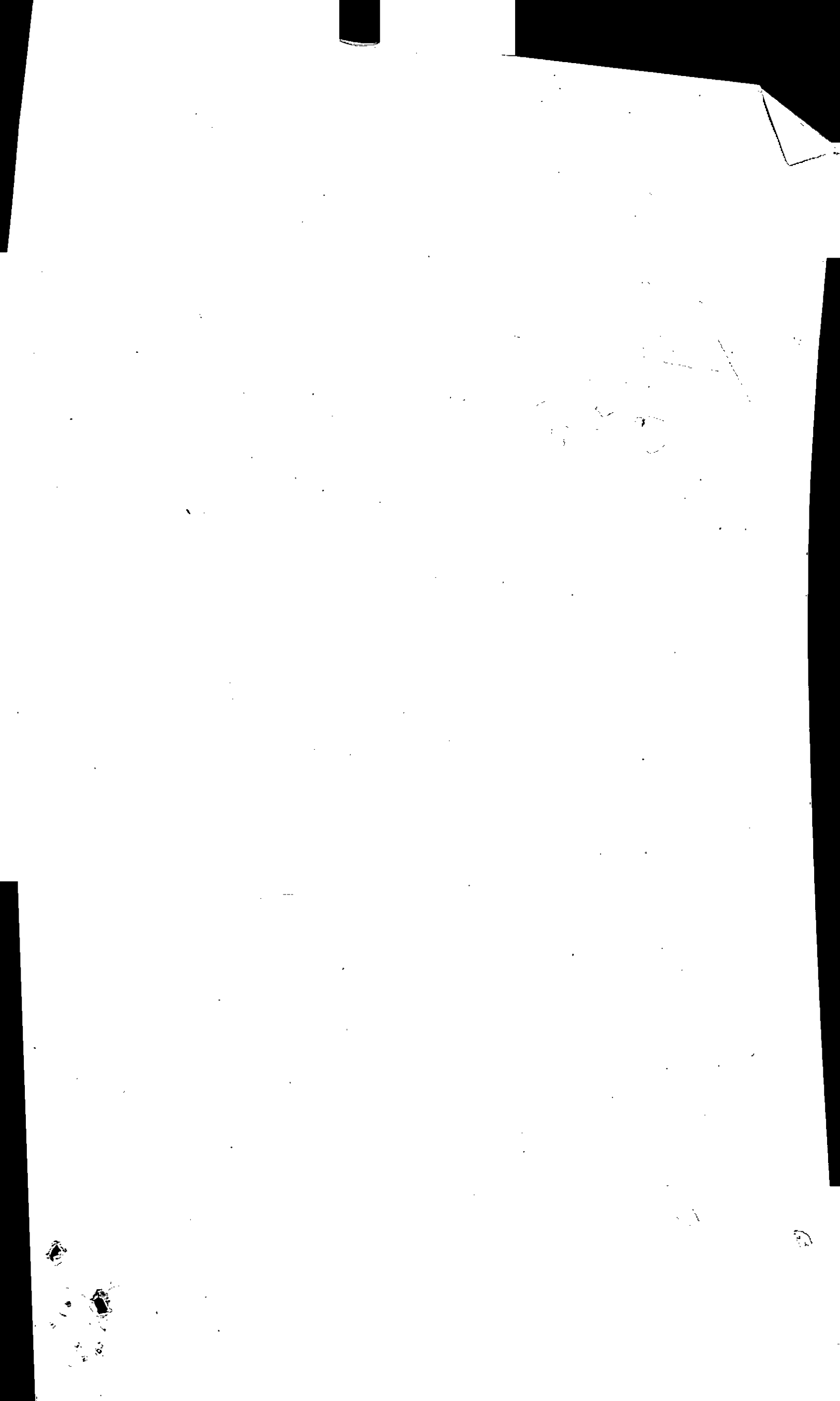
Identified by: *[Signature]*

ALI GOHAR DURRANI  
Advocate High Court

No: LS900  
 Certified that the above was verified on solemnly  
 affirmation before me in office, this 18  
 day of March 2023 by Khurshid Ahmad  
 s/o Director HE Peshawar  
 who was identified by Ali Gohar Durrani  
 Who is personally known to me:  
 Oath Commissioner  
 Peshawar High Court, Peshawar  
 18/3/2023

*[Signature]*

Section Officer (Litigation)  
Higher Education, Archives  
& Librarians Department  
Khyber Pakhtunkhwa



Annex F (18)

**Judgment Sheet**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(Judicial Department)**

**Writ Petition No.1071-P/2023**

***"Professor Khurshid Ahmad***

**Versus**

***Govt. of Khyber Pakhtunkhwa, through Chief  
Secretary and others"***

**Date of hearing: 22.03.2023.**

**Petitioner(s) by: Mr. Ali Gohar Durrani,  
Advocate.**

**Respondent(s) by: Mr. Umer Farooq, AAG.**

\*\*\*\*\*

**JUDGMENT**

**SHAKEEL AHMAD, J.-** The present writ petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks to challenge the validity of order dated 14<sup>th</sup> March 2023, whereby he was transferred from the post of Director, Higher Education KP to GDC, Hayatabad, Peshawar, subject to issuance of NOC from Election Commission of Pakistan.

2. Compendium of facts out of which the present petition arises are that petitioner is serving as Director, Higher Education, Khyber Pakhtunkhwa. Vide office order dated 14.03.2022, he was transferred from the post of Director (igation)

Section (Director (igation)  
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& Information Department  
Khyber Pakhtunkhwa

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Higher Education, Khyber Pakhtunkhwa and posted as GDC, Hayatabad, Peshawar. By filing this petition, he has challenged the vires of his transfer order on the ground that the impugned transfer order has been passed by the Caretaker Government formed under Article 224(1A) of the Constitution of Islamic Republic of Pakistan, 1973, and according to petitioner that transfer of the petitioner exceeds the executive authority and power available with the Caretaker Government of Khyber Pakhtunkhwa.

3. We have listened to the arguments of the learned counsel representing the petitioner and examined the relevant law and judgments with his able assistance.

4. From perusal of the record, we find that petitioner is a civil servant and the dispute brought before us relates to the terms and conditions of a civil servant. A plain reading of Article 212 of the Constitution reflects that in pursuance of the said Article, the Federation, as well as the four Provinces have enacted respective Service Tribunal Acts, where appeals by the civil servants relating to any dispute with regard to the terms and conditions of their services are preferred, and it is an admitted fact that posting and transfer of a civil servant does fall within the terms and conditions of a civil servant, wherein the Service Tribunal has got exclusive jurisdiction to take cognizance, except the matters where the jurisdiction of the Service Tribunal is barred by express provisions of an Act

*Ahmed*  
Section Officer (Litigation)  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa



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of legislature e.g matter relating to fitness for performance of a civil servant to a Higher Post, is excluded from the jurisdiction of the Service Tribunal. The scope of judicial review in matters relating to posting and transfer of a civil servant has been settled by a catena of decisions by the August Supreme Court of Pakistan, wherein it was held that in such like matters, the Service Tribunal has got exclusive jurisdiction to adjudicate upon the matter. In this behalf reference may be made to the cases reported as "The Chief Secretary, Government of Punjab Lahore and 3 others Vs. Raja Mumtaz Ahmed, Superintendent of Police, CIA Staff, Rawalpindi" (1996 SCMR 1945) and "Syed Badurd-ud-Din and 10 others Vs. Government of N.W.F.P. through Agriculture Forest and Cooperative, Peshawar and 11 others" (PLD 1994 SC 345). In the case reported as "Muhammad Akram Malik Vs. Province of Sindh through Chief Secretary, Government of Sindh, Karachi and 2 others" (2002 PLC (CS) 1037), it was ruled that dispute to transfer of a civil servant falls within the terms and conditions of civil servant. Transfer could not be challenged by invoking constitutional jurisdiction of High Court. In the case reported as "Muhammad Naeem Iqbal Vs. Board of Intermediate & Secondary Education, Bahawalpur through its Chair Person, etc." (2004 UC 879), it was held that an order of transfer of civil servant would not

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be open to Interference under Article 199 of the Constitution even though the transfer order is *coram non judice*.

5. For the foregoing reasons, we without commenting upon the merits of the case, have come to irresistible conclusion that this Court lacks jurisdiction to adjudicate upon the matter in view of embargo placed by Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, therefore, this petition is dismissed in *limine*, leaving the petitioner to seek his relief before the appropriate forum, if so desired.



**Announced:**  
22.03.2023

  
JUDGE

  
JUDGE

(DB) Hon'ble Mr. Justice S.M. Atiqur Shah & Hon'ble Mr. Justice Shakeel Ahmad.

(Shahid Nawaz, Steno)

  
  
Section Officer (Litigation)  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the March 22, 2023

NOTIFICATION

NO. SO(E-I)/E&AD/9-88/2023. Following posting/transfer of Professors is hereby ordered, in the public interest, with immediate effect:-

S.#	NAME OF THE OFFICERS	FROM	TO
1.	Dr. Fareedullah Shah (BS-20)	Professor, Government Degree College, Hayatabad, Peshawar	Director, Higher Education, Khyber Pakhtunkhwa vice Sr. No. 02
2.	Mr. Khurshid Ahmad (BS-20)	Director, Higher Education, Khyber Pakhtunkhwa	Professor, Government Degree College, Hayatabad, Peshawar vice Sr. No. 01

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Deputy Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. Director General, Information, Khyber Pakhtunkhwa.
10. Director, Higher Education, Khyber Pakhtunkhwa.
11. Principals of concerned College(s).
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Minister for Establishment & Administration Department.
14. PS to all Ministers concerned.
15. PS to Secretary Establishment.
16. Professors concerned.
17. Manager, Govt. Printing Press Peshawar.

GHANIULLAH\*\*

ATTESTED

(ZIA. UL HAQ)  
SECTION OFFICER (ESTT. I)  
Ph # 091-9210529

22/3/2023  
Higher Education, Archives  
& Libraries Department  
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Dated Peshawar the September 18, 2019

**NOTIFICATION:**

No.SO(C-IV)HED/SSRC/Directorate of Higher Education Department/2019/ :- In pursuance of the provisions contained in sub-rule(2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of this Department Notification No. S.O (C)5-2/70(E) dated: 09.05.1978, the Higher Education Archives & Libraries Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in Column No. 3 to 5 of the appendix which shall be applicable to the posts in the Directorate of Higher Education specified in Column No.2 of the said appendix.

**APPENDIX**


S#	Nomenclature of the post	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification for appointment by transfer	Age limit	Method or Recruitment
1	Director (BS-20)	---	---	---	By transfer from amongst the Principals/Professors in BS-20 of Govt. Post Graduate Colleges/Govt. Degree Colleges.
2	Additional Director (BS-19)	---	---	---	By transfer from amongst the Associate Professors in BS-19 Govt. Post Graduate Colleges/Govt. Degree Colleges.
3	Deputy Director (BS-18).	---	---	---	(a) Twenty-five (25%) by promotion on the basis of seniority-cum-fitness from amongst the Assistant Directors (BS-17) with at least five (05) years' service in BS-17; & (b) Seventy-five (75%) by transfer from amongst the Assistant Professors from Govt. Post Graduate College for a period of three (03) years.
4	Assistant Director /Statistical Officer (BS-17)	---	---	---	(a) Fifty (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendent, having Bachelor Degree from a recognized University with three (03) years' service as such; & (b) Fifty (50%) by transfer from amongst the Lecturers from Govt. Colleges of Khyber Pakhtunkhwa for a period of three (03) years.


Section Officer (CIV)  
Govt. Office, Peshawar  
Higher Education,  
Archives & Libraries Department

Section Officer (Litigation)  
& Libraries Department  
Khyber Pakhtunkhwa

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5	Superintendent (BS-17)	---	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers having at least five (05) years' service as such.  <b>Note:</b> - For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers shall be maintained.
6	Assistant (BS-16)	At least Second-Class Bachelor's Degree or equivalent qualification from a recognized University.	---	20 to 32 years	(a) Seventy-five (75%) by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks with at least five (05) years as Junior Clerk & Senior Clerk; and  (b) Twenty-five (25%) by initial recruitment.
7	Senior Scale Stenographer (BS-16)	---	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with at least five years (05) service as such.
8	Computer Operator (BS-16)	At least Second-Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT 04 years) from a recognized University or Second Class Bachelor's Degree from a recognized University with one-year (01) diploma in Information Technology from a recognized Board of Technical Education.	---	18 to 28 years	By initial recruitment
9	Stenographer (BS-14)	(i) At least Second Division Intermediate Certificate or equivalent qualification from a recognized Board;  (ii) A speed of fifty (50) words per minute in shorthand in English and thirty-five (35) words per minute in typing; and  (iii) Knowledge of computer in using MS Word & MS Excel.	---	18 to 30 years	By initial recruitment
10	Senior Clerk (BS-14)	---	---	---	By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerk with at least two (02) years' service as such.

  
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Archives & Libraries Department

  
Section Officer (Evaluation)  
Higher Education  
& Libraries Department  
Khyber Pakhtunkhwa

11	Junior Clerk (BS-11)	(i) At least second Division Secondary School Certificate or equivalent qualification from a recognized Board; and  (ii) A speed of thirty (30) words per minutes in typing.	---	18 to 30 years	a. Thirty-three (33%) by promotion on the basis of seniority-cum-fitness from amongst the Naib Qasid, Chowkidar, Behishtis, Cook, Bearers and Laboratory Attendants other equivalent posts in the Directorate of Higher Education Khyber Pakhtunkhwa with two years (02) service as such who have Secondary School Certificate; and  b. Sixty-seven (67%) by initial recruitment.  Note: - For the purpose of promotion, there shall be maintained a joint seniority list of Naib Qasid, Chowkidar, Behishtis, Cook, Bearers and Laboratory Attendants including other equivalent posts with reference to the dates of their acquiring the Secondary School Certificate:  Provided that: - a. If two or more officials have acquired the Secondary School Certificate in the same session, the inter-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and b. Where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
12	Library Clerk (BS-08)	At least Second Division Intermediate Certificate or equivalent qualification from a recognized Board	---	18 to 30 years	By initial recruitment
13	Store Keeper (BS-06)	At least Second Division Intermediate Certificate or equivalent qualification from a recognized Board	---	18 to 30 years	By initial recruitment
14	Driver (BS-06)	HTV/LTV License. Preference will be given to those who have sufficient experience in driving, repair and maintenance of Vehicles	---	18 to 40 years	By initial recruitment
15	Naib Qasid (BS-03)	Preferably Literate	---	18 to 40 years	By initial recruitment
16	Chowkidar (BS-3)	Preferably Literate	---	18 to 40 years	By initial recruitment
17	Behishti/Cook/Bearer (BS-03)	Preferably Literate	---	18 to 40 years	By initial recruitment

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Govt. of Khyber Pakhtunkhwa  
Higher Education,  
Archives & Libraries Department

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& Libraries Department  
Khyber Pakhtunkhwa

18	Laboratory Attendant (BS-03)	Preferably Literate	---	By initial recruitment
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SECRETARY TO  
GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION ARCHIVES AND LIBRARIES DEPARTMENT.

Endst; No. & Date as above.

Copy to forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar.
5. The Accountant General Khyber Pakhtunkhwa, Peshawar.
6. The Director Higher Education Department, Khyber Pakhtunkhwa.
7. The Manager Govt. Printing Press, Khyber Pakhtunkhwa.
8. The Deputy Director, HEMIS Cell.
9. All District Accounts Officers, Khyber Pakhtunkhwa.
10. PS to Chief Minister, Khyber Pakhtunkhwa.
11. PS to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Secretary, Higher Education Department.
13. Master File.

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 Director  
 Higher Education  
 & Libraries Dept  
 Khyber Pakhtunkhwa

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 18/09/19  
 SECTION OFFICER (C-IV)

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-seniority as in the lower post.]

<sup>1</sup>[(5) The seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January].

**9. Promotion.**---(1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a <sup>2</sup>[higher] post for the time being reserved under the rule for departmental promotion in <sup>3</sup>[....] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non selection post to which promotion shall be made as may be prescribed--

(a) In the case of a selection post, on the basis of selection on merit; and

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

**10. Posting and Transfer.**---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 by any such Government;

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

**11. Termination of service.**---(1) The service of a civil servant may be terminated without notice--

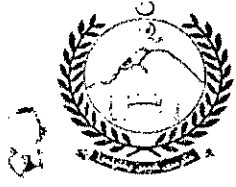
(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one <sup>4</sup>[service], cadre or post to another <sup>5</sup>[service], cadre or post, his service shall not be so terminated so long as he holds a lien

1. Sub-section (5) added by Khyber Pakhtunkhwa Act No. I of 1989.
2. The word "higher" inserted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
3. The words "the higher grade of" omitted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
4. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.
5. The word "grade" substituted by Khyber Pakhtunkhwa Ordinance No. IV of 1985.

*Atedee*  
Section Officer (Litigation)  
Higher Education Archives  
& Libraries Department  
Khyber Pakhtunkhwa






**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES & LIBRARY DEPARTMENT**

**AUTHORITY LETTER**

Mr. Qazi Muhammad Ayaz, Litigation Officer (BPS-17), Litigation-II Section, Higher Education Department Khyber Pakhtunkhwa is hereby authorized to submit Joint Parawise Comments in the Service Tribunal, Peshawar on behalf of Respondents in SA No. 1474/2023 titled Khurshid Ahmad Versus Govt. of Khyber Pakhtunkhwa on behalf of official respondents.

  
**Deputy Secretary (Litigation),  
Higher Education Department**  
Deputy Secretary (Litigation)  
Govt. of Khyber Pakhtunkhwa  
Higher Education Archives &  
Libraries Department