


17<sup>th</sup> July, 2023

Learned counsel for the appellant present and argued that appellant was appointed on retired employees son quota. Father of the appellant was Laboratory Attendant (BPS-05), while the appellant is appointed as Chowkidar (BPS-03). Learned counsel referred to Rule-10 of (Appointment, Promotion & Transfer Rules 1889) and argued that in accordance with provision of the said rule appellant had to be appointed on higher pay scale subject to availability of posts at the time of his appointment according to his qualification. As learned counsel also referred to advertisement published for higher post by the competent authority during the period in which the appellant was appointed. Submission made by the learned counsel needs further consideration therefore, appeal in hand is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant. Adjourned. To come up for written reply/comments on 23.08.2023 before S.B. P.P given to learned counsel for the appellant.

**SCANNED**  
**KPST**  
**Peshawar**

  
(Rashida Bano)  
Member(J)

\*Kaleem Ullah\*  
23<sup>rd</sup> Aug. 2023

1. Learned counsel for the appellant and Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Reply on behalf of the respondents submitted. Copy of the same was handed over to the learned counsel for the appellant. To come up for arguments on 12.09.2023 before D.B. P.P given to the parties.

  
(Kalim Arshad Khan)  
Chairman

**SCANNED**  
**KPST**  
**Peshawar**


10.07.2023

Appellant in person present. Mr. Ihtesham, Superintendent alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Appellant sought adjournment on the ground that his counsel is busy in the august Supreme Court of Pakistan. Representative of the respondents sought time for submission of reply. Adjourned. To come up for submission of reply of the application for amendment as well as arguments on the application on 17.07.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED  
KEST  
Peshawar

\*Naeem Amin\*

  
(Salah-Ud-Din)  
Member (J)

18.05.2023

Appellant in person present. Mr. Ihtesham, Superintendent alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Appellant submitted an application for amendment in prayer of the appeal. Copy of the application is handed over to learned Assistant Advocate General, who sought time for submission of reply on the same. Adjourned. To come up for reply of the application as well as arguments on the same on 23.06.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

\*Naeem Amin\*

(Salah-Ud-Din)  
Member (J)

23.06.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

The appeal in hand is fixed for reply of the application for amendment in prayer clause of the appeal, however respondents have submitted reply of the main appeal through office and the same has been placed on file. Learned Additional Advocate General sought time for submission of reply of the application for amendment and to come up for reply as well as arguments on the application on 10.07.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

\*Naeem Amin\*

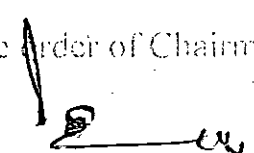
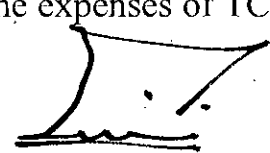
(Salah-Ud-Din)  
Member (J)

# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_

734/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/04/2023	<p>The appeal of Mr. Awais Khan presented today by him. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>10.4.23</u>. Parcha Peshi is given to appellant for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <div style="text-align: right;">               REGISTRAR         </div>
	10.04.2023	<p>Appellant in person present and heard.</p> <p>Let pre-admission notice be issued to the respondents through TCS for submission of reply/comments and to come up for preliminary hearing on 18.05.2023 before the S.B. Parcha Peshi given to the appellant.</p> <p>Appellant is directed to deposit the expenses of TCS within 03 days.</p> <div style="text-align: right;">               (Salah-Ud-Din)              Member.(J)         </div>

SCANNED  
KPKAT  
Peshawar

SCANNED  
KPKAT  
Peshawar

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

S.A. 734 2023

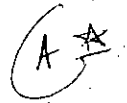
Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,  
Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,  
Peshawar and others.....**Respondent**

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7.	Copies of Advertisement of other colleges	12-13	F & G

  
Awais Khan Khattak  
Appellant

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

S.A. 734 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,  
Akora Khattak, Tehsil and District Nowshera.....**Appellant**

Versus

1. Director, Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar.
2. Principal Government Khuhsal Khan Khattak Degree College, Akora Khattak, District Nowshera.
3. Principal Government Postgraduate College, Nowshera.
4. Government of Khyber Pakhtunkhwa through Secretary Higher Education Civil Secretariat Peshawar.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE SERVICE**  
**TRIBUNAL ACT, 1974 AGAINST THE**  
**RESPONDENTS WHEREBY THE**  
**APPLICATION/REPRESENTATION DATED**  
**30.01.2023 FOR CHANGE OF POST HAS NOT**  
**BEEN CONSIDERED BY THE RESPONDENTS.**

**PRAYER:**

On acceptance of this appeal, the respondents may kindly be directed to change the post of the appellant from chowkidar to Laboratory Attendant/ Naib Qasid or any other suitable post at any nearby college at District Nowshera.

Respectfully sheweth:

Appellant humbly submits as under:

- 1) That the appellant has been appointed as chowkidar under 100% medical invalidation quota at Government Khushal Khan Khattak degree college vide office order dated

05.01.2023 issued by respondent No.2 (Copy at Annexure-A).

- 2) That the appellant has passed matric examination (Copy of DMC is at Annexure-B).
- 3) That father of the appellant was working as Laboratory Attendant at Government Khushal Khan Khattak Degree College, Akora Khattak and stood retired from the said college on medical ground/invalidation (Revised Retirement Order is at Annexure-C).
- 4) That after the appointment order dated 05.01.2023 issued by respondent No.2, the appellant submitted an application/representation to respondent No.2 for changing the post of the appellant to Laboratory Attendant/Naib Qasid, however, the respondent No.1 has not considered the request on the ground that post of Chowkidar was lying vacant and the appellant has been informed accordingly vide letter dated 13.03.2023 (copies at Annexure-D and E).
- 5) That number of relevant posts are lying vacant in different colleges at District Nowshera and the appellant could/can be adjusted against the same (Copies of some advertisements are at Annexure-F and G)
- 6) That being aggrieved the appellant has come before this Hon'ble Court in this appeal on the following amongst the other.

**GROUND:**

- a. That the respondents have failed to properly consider the request/application/representation and thereby arrived at wrong conclusion in not considering the application/request.
- b. That the letter dated 13.03.2023 issued by the respondent No.1 is against the law, rules and is untenable in the eyes of law.
- c. That number of posts of Laboratory Attendants/Naib Qasids and other suitable posts are lying vacant at District

Nowshera and the appellant could/can be adjusted against the same.

- d. That the respondents have failed to appreciate the fact that father of the appellant was working as Laboratory Attendant, therefore, on priority the appellant could/should have been appointed on the said post.
- e. That the relevant Rule of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 provides as under:

**10. Appointment by Initial Recruitment :-**(1) Initial appointment to posts [in various basic pay scales] shall be made-

.....  
 [4 Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a posts in any of the basic pay scales 3 to 11 in Provincial cadre post and basic pay scales 3 to 12 in District cadre posts:

Provided that the child or the widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows or wives of the deceased civil servant, as the case may be, preference shall be given to the elder widow or wife:

**Provided also that appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale:**



4

*Provided also that the provision of this sub-rule shall not be applicable to posts falling within the purview of the Commission.]*

- f. That there is no bar in the said Rules and according to *ibid* Rule in case of vacant posts the child of the invalidated (medical ground retired) person may be appointed to the post carrying higher pay scale. Though some seats were/are lying vacant at District Nowshera and the appellant may please be adjusted against the same.
- g. That the application/representation submitted before the respondent No.1 has been declined/decided without providing an opportunity of hearing to the appellant.
- h. That the respondent No.3 maintain the seniority list of children of retired class-IV employees at District level and also maintains the details of vacant posts at District level.
- i. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is therefore, most prayed that on acceptance of this appeal, the respondents may kindly be directed to change the post of the appellant from Chowkidar to Laboratory Attendant/Naib Qasid or any other suitable post in any nearby college at District Nowshera.

Any other relief which this Hon'ble Court deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.

(A) A

Awais Khan Khattak  
Appellant

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

S.A \_\_\_\_\_ 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,  
Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,  
Peshawar and others.....**Respondents**

AFFIDAVIT

I, Awais Khan Khattak son of Liaqat Khan R/o Mohallah Qaziyan, Akora Khattak, Tehsil and District Nowhera do hereby affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court Tribunal.

(A) \*

Awais Khan Khattak

Deponent

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

S.A \_\_\_\_\_ 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,  
Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,  
Peshawar and others.....**Respondents**

**ADDRESSES OF PARTIES**

**APPELLANT:**

Awais Khan Khattak son of Liaqat Khan  
R/o Mohallah Qaziyan, Akora Khattak,  
District Nowhsera. Cell No.0331-7455985

**RESPONDENTS:**

1. Director Higher Education, G.T Road, Peshawar.
2. Principal Government Khuhsal Khan Khattak Degree College,  
Akora Khattak, District Nowshera.
3. Principal Government Postgraduate College, Nowshera.
4. Government of Khyber Pakhtunkhwa Through Secretary  
Higher Education Civil Secretariat Peshawar.

Appellant

(A\*)

Awais Khan Khattak

**OFFICE ORDER:**

Consequent upon the Supreme Court order and subsequent, recommendations of the Selection committee, the Competent Authority is pleased to appoint Mr. Awais Khan S/O Liaqat Khan as Chowkidar BPS-03, against vacant post under 100% medical invalidation quota with effect from taking over charge of the post with the following terms and conditions.

**Terms & conditions**

1. His appointment is subject to the production of Medical fitness certificate from District Head Quarter Hospital Nowshera.
2. He will be initially, on probation for a one year.
3. His services shall be governed under the service rules & regulations of the Provincial Government applicable to the Government employees of the same category.
4. His services are liable to terminated on one-month prior notice from either side. In case of resignation from the service, one-month prior notice will be given by the civil servant or in lieu thereof one month's salary, if any, shall be forfeited.
5. His appointment is subject to the verification of character & antecedents to the satisfaction of the appointing authority. His services will be liable to be terminated without any notice if they are not found fit subsequently.
6. His documents if needed, have to be verified from the concerned departments & if found incorrect, his services shall stand cancelled.
7. He is required to report for duty within 30 days of the issue of this order positively otherwise his appointment shall stand cancelled.
8. Charge reports shall be submitted to all concerned.
9. No TA/DA is allowed on joining the post.

Principal

Govt: K.K.K. Degree College Akora Khattak

Endst No 586 - 592, dated 05-01-2023.

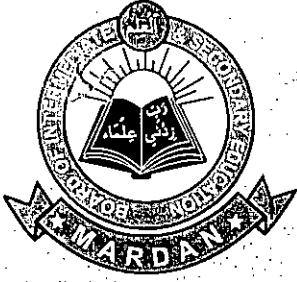
Copy forwarded for information & further necessary action:

- 1) Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- 2) District Account Office Nowshera.
- 3) Coordinator JMC Nowshera, Principal GPGC Nowshera.
- 4) Copy to Manager Employment Exchange District Nowshera.
- 5) Appointee concerned.
- 6) In charge Class-IV.
- 7) Office Record.

Principal

Govt: K.K.K. Degree College Akora Khattak

Principal  
Govt. K.K.K. D.C.  
Akora Khattak



- 8 -

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION  
MARDAN KHYBER PAKHTUNKHWA PAKISTAN**

S.No. MDN 046294

Roll No 110160

Enrolment No 1088-B/AKN-07

Group ARTS

PROVISIONAL AND DETAILED MARKS CERTIFICATE  
SECONDARY SCHOOL CERTIFICATE EXAMINATION  
Session 2011 (Annual)



Awais Khan Khattak

Son/Daughter of Liaqat Ali Khan Khattak

of Institution/District NOWSHERA

has secured the marks shown against each subject in the Secondary School Examination held in the month of March/April as Private Candidate

Subject	Marks			MARKS OBTAINED					In Words
	Theory	Pract	Total	9Th		10Th			
				Th	Pract	Th	Pract	Total	
1. English	75	-	150	25	--	27	--	52	Fifty-Two
2. Urdu	75	-	150	33	--	33	--	66	Sixty-Six
3. Islamiyat (Comp)	75	-	75	37	--	--	--	37	Thirty-Seven
4. Pakistan Studies	75	-	75	--	--	29	--	29	Twenty-Nine
5. Maths	75	-	150	42	--	25	--	67	Sixty-Seven
6. General Science	75	-	150	27	--	32	--	59	Fifty-Nine
7. Islamic Studies	75	-	150	25	--	25	--	50	Fifty Only
8. Pashto	75	-	150	29	--	37	--	66	Sixty-Six

Total 1050

426-D Four Hundred Twenty-Six Only

Date of Birth (In Figures) 03 February, 1990

Remarks

(In Words) Three, February, One Thousand Nine Hundred Ninety

Prepared by [Signature]

Result Date 15-06-2011

Checked by

Issue Date 15-JUN-11

Note:- Error & Omissions are excepted. Any mistake in above particulars must be intimated within 30 days after declaration of result.

[Signature]  
Controller of Examinations  
BISE Mardan

NOTIFICATION,

Subject: CORRIGENDUM IN R/O LIAQAT ALI (Liaqat Khan), EX. LAB: ATTEND,  
RETIREMENT ORDER.

With reference to letter No, 23837/CA-VII/Estt: Branch/A-167/GKKKDC Akora Khattak M21V-4, dated 06-12-2022, for corrigendum in the retirement Notification of Ex-Lab Attendant dated 15-09-2017 in the light of Honorable Supreme court order dated 31-05-2022 for constituting a Medical board, furthermore the concerned Ex- Servant Liaqat Ali (Liaqat Khan) was Examined by the Medical Board dated 14-11-2022, consisted of four medical officers and senior medical officer as chairman, as per medical report of the Medical board dated 14-11-2022 declared the concerned Ex-Servant Liaqat Ali (Liaqat Khan) as still symptomatic. In the light of medical board report and as per directions of Directorate Higher Education (Letter No mentioned above) retirement of the Ex-Servant Liaqat Ali (Liaqat Khan) Lab-Attendant, retirement notification of dated 15-09-2017 is replaced by retirement notification on Medical Grounds (Invalidation retirement).

*SAC*

Principal

Govt: K.K.K. Degree College Akora Khattak

Endst No 849-55 dated 08-12-2022.

Copy forwarded for information & further necessary action:

- 1) Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- 2) District Account Office Nowshera.
- 3) Coordinator JMC Nowshera, Principal GPGC Nowshera.
- 4) Official concerned.
- 5) In charge Class-IV.
- 6) Office Record.

*S*  
Principal

Govt. K.K.K. D.C.  
Akora Khattak

To

The Hon'ble Director,  
Directorate of Higher Education,  
Khyber Pakhtunkhwa,  
Peshawar.

SUBJECT: REQUEST FOR APPOINTMENT ON THE POST OF NAIB QASID/LAB ATTENDANT INSTEAD OF CHOWKIDAR.

Respected Sir,

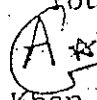
It is respectfully submitted as under,

1. That in pursuance of decision of the Hon'ble Supreme Court of Pakistan passed in Civil Petition No.200/2019 and medical board of my father conducted at Police Services Hospital, Peshawar, I have been appointed as Chowkidar at Govt. Khushal Khan Khattak Degree College, Akora Khattak (copy of appointment order is attached).
2. That my father was serving as Lab Attendant in the said college, however, I have been appointed as Chowkidar instead of Lab Attendant.
3. That our family has some issues/enmity, therefore, I may please be appointed on other post instead of chowkidar.
4. That chowkidar has to perform his duty in shifts and there is no else in my family to take care of them, however, during day time duty my family can manage the situation.

It is therefore, requested that the applicant may kindly be appointed as Naib Qasid/Lab Attendant instead of Chowkidar.  
I shall be thankful.

Dated:30.01.2023

Yours truly,

  
Awais Khan Khattak,  
Chowkidar,  
s/o Liaqat Khan (Retired Class-IV)  
Mohallah Qazian/Khattak,  
Akora Khattak,  
District Nowshera,  
Cell No:0331-7455985



-11-

**DIRECTORATE OF HIGHER EDUCATION**  
**KHYBER PAKHTUNKHWA**  
**RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

E-mail:- [dhekpesh@gmail.com](mailto:dhekpesh@gmail.com) Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

No. \_\_\_\_\_ /CA-VII/Estt: Branch/A-167/GDC Akora Khattak (Nowshera) M 21 V-1 P-186 Dated Peshawar the 13/03/2023

To

The Principal,  
Government Khushal Khan Khattak Degree College,  
Akora Khattak (Nowshera).

Subject - REQUEST FOR APPOINTMENT ON THE POST OF NAIB QASID/LAB ATTENDANT INSTEAD OF CHOWKIDAR.

Respected Sir, السلام عليكم

I am directed to refer to your Letter No. 636 Dated 20-02-2023 on the subject noted above and to enclose herewith a copy of Notification No. SO(R-VII/ESAD/1-3/2015 Dated 19-04-2016 of Establishment Department (Regulation Wings) Government of Khyber Pakhtunkhwa wherein it has been clarified that the appointment under Deceased/Medical Invalidation Quota (100%) shall be made subject to the availability of a vacant post. In the subject case a post of Chowkidar was vacant against which the appellant Mr. Awais Khan Khattak, Chowkidar was appointed. Hence he may be informed accordingly, please.

Encl: As Above

(Gohar Khan)

**DEPUTY DIRECTOR (ESTABLISHMENT)**

Endst. No 4538 / \_\_\_\_\_

Copy of the above is forwarded to the Mr. Awais Khan Khattak, Chowkidar, Government Khushal Khan Khattak Degree College, Akora Khattak (Nowshera) w/r to his application.

**DEPUTY DIRECTOR (ESTABLISHMENT)**

GENERAL LETTERS

PC-1



# اسامیاں خالی ہیں

گورنمنٹ ڈگری کالج خان کوہی (نظامپور) نوشہرہ میں نائب قاصد اور لیب اسٹینڈنٹ کی ایک ایک اسامی کو پُر کرنے کیلئے ضلع نوشہرہ کے مستقل سکوتی باشندوں سے درخواستیں مطلوب ہیں۔ معذور افراد کیلئے الگ سے کوٹہ موجود ہے۔ عمر کی حد 18 تا 40 سال ہے۔ تعلیم یافتہ امیدواروں کو ترجیح دی جائے گی۔ درخواستیں بمعہ تصویر، شناختی کارڈ، ڈومیسائل، بے روزگاری سرٹیفکیٹ و دیگر تعلیمی اسناد کی فوٹو کاپیوں کے ساتھ زبردستی کے دفتر 06-02-2023 تک پہنچ جانی چاہئیں۔ انٹرویو مورخہ 14-02-2023 کو زبردستی کے دفتر میں صبح 10:00 بجے منعقد ہوگا۔ جس کیلئے علیحدہ خط جاری نہیں کیا جائے گا۔ نامکمل اور تاخیر سے بھیجی گئی درخواستیں قابل قبول نہیں ہوں گی۔ امیدواروں کو کوئی ٹی اے اڈی اے نہیں دیا جائے گا۔

INF(P) 258/23




پرنسپل، گورنمنٹ ڈگری کالج خان کوہی (نظامپور) نوشہرہ

# آسامی حالی ہے

گورنمنٹ پوسٹ گریجویٹ کالج نوشہرہ میں ٹیوب ویل آپریٹر (BPS-03) کی آسامی کو پُر کرنے کے لئے ضلع نوشہرہ کے مستقل سکوتی باشندوں سے درخواستیں مطلوب ہیں۔ عمر 18 تا 40 سال۔ تعلیم یافتہ امیدواروں کو ترجیح دی جائے گی۔ درخواستیں بمعہ تصویر، شناختی کارڈ، ڈومیسائل، بے روزگاری سرٹیفکیٹ و دیگر تعلیمی اسناد کی فوٹو کاپیوں کے ساتھ زیر دستخطی کے دفتر، 31/12/2022 تک پہنچ جانی چاہئیں۔ انٹرویو مورخہ 07/01/2023 کو زیر دستخطی کے دفتر میں صبح 10:00 بجے منعقد ہوگا۔ جس کے لئے علیحدہ خط جاری نہیں کیا جائے گا۔ نامکمل اور تاخیر سے بھیجی گئی درخواستیں قابل قبول نہیں ہوں گی۔ امیدواروں کو کوئی ٹی اے / ڈی اے نہیں دیا جائے گا۔

INF(P)  
6989/22

پرنسپل، گورنمنٹ پوسٹ گریجویٹ کالج نوشہرہ

قیمت 50 روپے	637	پشاور بار ایسوسی ایشن، خیبر پختونخوا
ایڈوکیٹ: <u>محمد نوری احمد</u>		PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: <u>BC-10-7762</u>		
رابطہ نمبر: <u>0333-9148358</u>		
		

بعدالت جناب:

مخائب نزا او مس نوری احمد	دعویٰ:
او مس نوری احمد	علت نمبر:
بنام	مورخہ:
ڈوٹنر محمد علی کسرو و دیگر	جرم:
	تھانہ:

**باعث تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
آن مقام پشاور کیلئے محمد نوری احمد اور محمد نوری احمد کے درمیان ہونے والے  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانب التوا کے مقدمہ کے سبب سے ہوگا کوئی تازہ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب اپنا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 23/06/2023

العبد محمد نوری احمد واہ شد العبد

مقام پشاور

محمد نوری احمد



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

M.A \_\_\_\_\_

in

S.A 734 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan, Akora Khattak, Tehsil and District Nowshera.....**Applicant/Appellant**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa, Peshawar & others.....**Respondents**

**APPLICATION FOR AMENDMENT OF PRAYER  
CLAUSE OF ABOVE MENTIONED APPEAL.**

Respected Sheweth,

It is respectfully submitted as under:

1. That the above cited appeal is pending adjudication before this Hon'ble Court.
2. That the applicant/appellant seeks amendment in prayer clause of the above mentioned service appeal as under:

**“On acceptance of the appeal, the impugned appointment/office order dated 05.01.2023 may kindly be modified/varied thereby appointing the appellant against a post commensurate to his qualification or may at least be appointed as laboratory attendant/Naib Qasid from due date with all benefits.**

**Any other relief which this Hon'ble Court deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted”**

3. That the above amendment in prayer clause will not change the nature of appeal/proceedings.

It is therefore, requested that the prayer clause of the appeal may kindly be allowed to be amended to above extent and the same may kindly be considered as mentioned above.

Applicant/Appellant

Dated: 17/05/2023

A handwritten signature in black ink, consisting of a stylized letter 'A' with a star-like flourish to its right, enclosed within a circular scribble.

Awais Khan Khattak.

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

S.A. 734 2023

Awais Khan Khattak S/O Liaqat Khan R/O Mohallah Qaziyan,  
 Akora Khattak, Tehsil and District Nowshera.....**Appellant.**

Versus

Director, Directorate of Higher Education, Khyber Pakhtunkhwa,  
 Peshawar and others.....**Respondents**

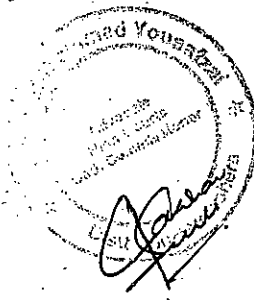
AFFIDAVIT

I, Awais Khan Khattak son of Liaqat Khan R/o Mohallah Qaziyan, Akora Khattak, Tehsil and District Nowhera do hereby affirm and declare that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court Tribunal.

(A\*)

Awais Khan Khattak

Deponent



**ATTESTED**  
 DATE: 17/05/2023

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

S.A # 734/2023

Mr. Awais Khan Khattak ..... Appellant

Versus

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

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Respondents

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

**S.A # 734/2023**

Awais Khan Khattak .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa

Through Secretary, Higher Education Peshawar

& Others..... Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 4**

**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 service appeal is time barred.
5. That this Hon'ble Tribunal lacks jurisdiction under Section 4(b)(i) of the Khyber Pakhtunkhwa Service Tribunal Act 1974 to entertain the instant service Appeal.

**Facts: -**

- 1) Correct:
- 2) Pertain to record.
- 3) Correct to the extent that father of the appellant was Lab Attendant at Govt Khushkhal Khan Khattak Degree College, Akora Khattak, Initially he was retired pre-mature but later on the present appellant file writ partition before High Court for appointment against Quota (**Annex-A**) which was dismissed by the court vide Judgment dated 06.11.2018 (**Annex-B**) against which the appellant filed CPLA in Supreme Court of Pakistan and the Supreme Court vide order dated 31.05.2023 directed the respondents to place the case of his father before the Medical Board. And in compliance of decision of Supreme Court the case of his father was placed before the Medical board and father of the appellant was retired on medical ground vide notification dated 08.12.2022 (**Annex-C**) Direction were also issued from the office of respondent No. 1 to respondent No.2 vide letter dated 06.12.2022 to consider the appellant for appointment against 100% Medical/Invalidation Quota (**Annex-D**) and respondent No.2 accordingly appoint him against the vacant post of Chowkidar vide order dated 05.01.2023 (**Annex-E**) and the appellant took the charge of the said post & also receiving salary (**Annex-F**)
- 4) Correct. That the invalidation quota is subject to the availability of vacant post and the post of chowkidar was vacant on which he was appointed and performing his duties (**Annex-G**)
- 5) As already explained in proceeding paras.



2  
6) Incorrect. As already explained in proceeding paras. Moreover, this Hon'ble Tribunal lacks jurisdiction to entertain the instant service appeal

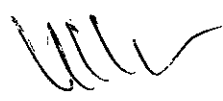
**Grounds: -**

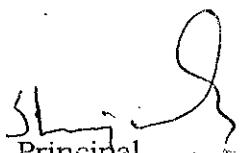
- a) Incorrect. As already explained in the proceeding paras. The appellant has already been appointed and he has already availed the said quota.
- b) Incorrect. That the letter is in accordance with law/rule.
- c) As already explained in proceeding paras.
- d) Incorrect. As already explained in detail in para 3 of facts. At the time of appointment of the appellant the post of Chowkidar was vacant (**Annex-H**) and he was appointed against the available vacant post as per rules/Law.
- e) That the said rule have already been implemented.
- f) All posts of Class-IV are of same scale. The appellant is just trying to mislead the Hon'ble Tribunal
- g) That the representation/application was decided in accordance with rules/Law
- h) Correct to the extent that the lists of retired/deceased class-iv are maintained by respondents No. 3.
- i) That the respondents may be allowed to raise additional grounds at the time of arguments.

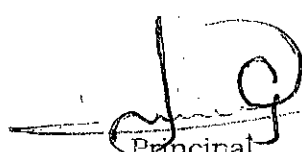
**Prayer: -**

It is, therefore, humbly prayed that the instant case is based on misconception/misstatement, hence may graciously be dismissed with appropriate cost.

  
Director,  
Higher Education Department,  
**Respondent No. 1**

  
Secretary,  
Higher Education Department,  
**Respondent No. 4**

  
Principal,  
Govt: Khshal Khan Khattak Degree  
College, Akora Khattak, District Nowshera,  
**Respondent No. 2**

  
Principal,  
Govt: Postgraduate College,  
Nowshera.  
**Respondent No. 3**

Stamp: PRINCIPAL, Govt: Postgraduate College, Nowshera.

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①

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

W.P No. \_\_\_\_\_/2018

Awais Khan Khattak S/o Liaqat Ali,  
R/o Mohallah Qaziyan, Akora Khattak,  
Tehsil & District Nowshera.....**Petitioner**

**V E R S U S**

1. Government of Khyber Pakhtunkhwa, through Secretary Higher Education, Civil Secretariat, Peshawar
2. Director Higher Education, G.T Road, Peshawar
3. Principal Government Degree College, Akora Khattak District Nowshera .....**Respondents**

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

---

**Respectfully Sheweth:**

1. That father of the petitioner namely Mr. Liaqat Ali was working as Libratory Attendant and appointed on 01.09.1987 in Govt. Degree College, Akora Khattak District Nowshera.

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(Copy of the appointment and detailed order is attached as annexure "A").

2. That the father of the petitioner retired from service on 01.10.2017. (Copy of service book is attached as annexure "B").

3. That the father of the petitioner applied through several application to respondents for appointment of petitioner as a Lab Attendant on retired sons quota, but the respondents tacticing the matter and not appoint the petitioner on the Lab Attendant post. (Copy of the application is attached as annexure "C").

4. That the petitioner use to visit the office of the respondent No.3 every day and every time was informed that to wait for post.

5. That aggrieved with petitioner has come before this Hon'ble Court in this conditional petition on the following grounds amongst the others.

**GROUND:-**

A. That the act and action of not appointing the petitioner as "Lab Attendant" on Retired Sons

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quota is against law and facts. Hence untenable in the eyes of law.

- B. That on the seat of the father of the petitioner other person has been appointed but instead of appointing petitioner, on that seat Lab Attendant, clearly un constitutional.
- C. That the respondent has appointed three persons namely Afsar Ali, Shah Zaib and Allah Dad and not intentionally observed the quota reserved for retired class-iv servants in the Department.
- D. That the oral refusal of the respondents by not issuing the appointment order to the petitioner on retired sons quota is totally against law and facts as well as against government policy and rules hence untenable in the eye of law.
- E. That the respondents failed to appreciate the fact that father of the petitioner was working as Lab Attendant in their department and was retired for service on 01.10.2017.
- F. That the respondents failed to appreciate the fact the under the law respondents are bound

(4)

to appoint petitioner on the quota reserved for retired person son.

G. That the respondents are intentionally not appointing the persons on quota reserved for them as well as petitioner due to political interference on matter.

H. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore most humbly prayed that on accepting of this Writ Petition, the respondents may kindly be directed to appoint the petitioner on the retired sons quota as Lab Attendant as soon as possible.

Any other relief which this Hon'ble Court deems appreciate in the circumstances of the case and not specifically asked for may kindly also be granted.

Petitioner

Through



**Zafar Ali Khan**  
Advocate, High Court

Dated 20.01.2018

5


CERTIFICATE:-

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter, thus the tilted Writ Petition may kindly be fixed before the Worthy D.B of this Hon'ble Court.

  
ADVOCATE

LIST OF BOOKS

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law book as per need.

  
ADVOCATE

B

10

3

**PESHAWAR HIGH COURT PESHAWAR**  
**FORM "A"**

**ORDER SHEET**

<i>Serial No. of Order or Proceedings</i>	<i>Date of Order or Proceedings</i>	<i>Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary</i>
1	2	3
	06.11.2018	<p><b><u>WP No. 496-P/2018.</u></b></p> <p>Present:</p> <p>Mr. Zafar Ali Khan, Advocate for petitioner.</p> <p>*****</p> <p><b><u>ROOH-UL-AMIN KHAN, J:-</u></b> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 petitioner seeks employment against the quota reserved for the children of retired employees, as his father got retired from the respondents' department as Laboratory Attendant on 01.10.2017.</p> <p>2. Initially comments of respondents were called for which were submitted, wherein the services of petitioner's father is admitted, however his retirement was controverted on the ground that he had premature retired from service, not on attaining the age of</p>

*Handwritten signature and date: 27/11/2018*

*Handwritten signature*

		<p>superannuation while according to their policy one of the children of a retiring civil servant on superannuation /invalidation is entitled for employment.</p> <p>3. In view of the above this writ petition being without any substance is dismissed. However, the petitioner may avail any other alternate remedy under the law, if so desired.</p> <p><i>Announced on;</i> <i>6<sup>th</sup> of November, 2018</i></p> <p style="text-align: right;"><i>Rooh-Ul-Amin</i> <b>JUDGE</b></p> <p style="text-align: right;"><i>[Signature]</i> <b>JUDGE</b></p>
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C

**NOTIFICATION**

**Subject: CORRIGENDUM IN R/O LIAQAT ALI, EX-LAB ATTENDANT RETIREMENT ORDER**

With reference to letter No-23837/CA-VII/Est:Branch/A-167/GKKKDC/Akora Khattak MZ/ dated 09-12-2022, for corrigendum in the retirement Notification of Ex-Lab Attendant dated 15-09-2017 in the light of Honorable Supreme court order dated 31-05-2022 for constituting a Medical board (furthermore the concerned Ex-Servant Liaqat Ali was Examined by the Medical Board dated 14-11-2022, consisted of four medical officers and senior medical officer as chairman (as per medical report of the Medical board dated 14-11-2022 declared the concerned Ex-Servant Liaqat Ali as still symptomatic in the light of medical board report and as per directions of Directorate Higher Education (Letter No. mentioned above) retirement of the Ex-Servant Liaqat Ali (Lab-Attendant) retirement notification of dated 15-09-2017 is replaced by retirement notification on Medical Grounds (Invalidation of retirement).

  
Principal  
Govt. K.K.K. Degree College Akora Khattak

Encl: No 54/2022 dated 09-12-2022.

Copy forwarded for information & further necessary action

- 1) Director, Higher Education, Khyber Pakhtunkhwa Peshawar
- 2) District Account Office Nowshera
- 3) Coordinator, JMC Nowshera, Principal GGC Nowshera
- 4) Official concerned
- 5) In charge Class-IV
- 6) Office record

Principal  
Govt. K.K.K. Degree College Akora Khattak

Better Copy

OFFICE OF THE PRINCIPAL  
GKKDC AKORA KHATTAK(NSR)  
No. \_\_\_\_\_ Dated 08/12/2022

Notification

Subject: **CORRIGENDUM IN R/O LIAQAT ALI E- LAB ATTEND  
RETIREMENT ORDER**

With reference to letter No. 23837/CA-VII/Estt Branch/A-167/GKIKD Akora Khattak and M2IV-4, dated 06.12.2022 for corrigendum in the retirement Notification of Ex-Lab Attendant dated 15.09.2017 in the light of Honourable Supreme Court order dated 31.05.2022 for constituting a Medical Board, furthermore the concerned Ex-Servant Liaqat Ali was Examined by the Medical Board dated 14.11.2022, consisted of four Medical Officers and Senior Medical Officers as Chairman, as per medical report of the medical Board dated 14.11.2022 declared the concerned Ex-servant Liaqat Ali as still symptomatic. in the light of Medical Boated report and as per directions of Directorate of Higher Education (Letter No. mentioned above) retirement of the Ex-servant Liaqat Ali Lab Attendant, retirement Notification of dated 15.09.2017 is replaced by retirement notification on Medical grounds (invalidation retirement).

Principal,

Govt KKK Degree College Akora Khattak

Endst No. 548-553 dated 08.12.2022

Copy forwarded for information and further necessary action:-

1. Director Higher Education Khyber Pakhtukhwa Peshawar.
2. District Account Office Nowshera.
3. Coordinator JMC Nowshera, Principal GPGC Nowshera.
4. Official concerned.
5. In charge Class-IV
6. Office record.

Govt KKK Degree College Akora Khattak



D 13

**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA  
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

-mail:- [dhekpsh@gmail.com](mailto:dhekpsh@gmail.com) Facebook.com/dhekpshawar Twitter.com/dhekpshawar1

No. 22896 /CA-VII/Estt: Branch/A-167/GKKKDC Akora Khattak M21 V-4 Dated Peshawar the 6 /12 /2022

To

The Principal,  
Government Khushal Khan Khattak College,  
Akora Khattak (Nowshera).

**Subject: - REQUEST FOR APPOINTMENT IN LIGHT OF SUPREME COURT OF PAKISTAN ORDER DATED 31.05.2022 AND MEDICAL BOARD REPORT DATED 21.11.2022.**

Respected Sir, السلام عليكم

I am directed to refer to the subject noted above and to enclose herewith a copy of application along with Judgement of the Honorable Supreme Court of Pakistan and a report of the Standing Medical Board in respect of Mr. Liaqat Khan father of the Petitioner Mr. Awais Khan Khattak, with the request to make corrigendum in the retirement notification of the official concerned and accordingly consider the petitioner for appointment as Class-IV under 100% Medical Invalidation Quota, please.

(Gohar Khan)

**DEPUTY DIRECTOR (ESTABLISHMENT)**

Endst. No. 22837 / Estt: Branch/A-167/ GKKKDC Akora Khattak M21 V-4

Copy of the above is forwarded to P.S to Secretary Higher Education Archives & Libraries Department, Peshawar.

**DEPUTY DIRECTOR (ESTABLISHMENT)**

E

14 - 7 - 7

OFFICE OF THE PRINCIPAL  
G.K.K.D.C. AKORA KHATTAK (NSR)  
E-mail: [gc\\_akora@yahoo.com](mailto:gc_akora@yahoo.com) Phone: (0923)633263

NO \_\_\_\_\_ Dated 05/01/2023.

OFFICE ORDER:

Consequent upon the Supreme Court order and subsequent recommendations of the Selection committee, the Competent Authority is pleased to appoint **Mr. Awais Khan S/O Liaqat Khan** as Chowkdar BPS-03, against vacant post under 100% medical invalidation quota with effect from taking over charge of the post with the following terms and conditions.

Terms & conditions

1. His appointment is subject to the production of Medical fitness certificate from District Head Quarter Hospital Nowshera.
2. He will be initially, on probation for a one year.
3. His services shall be governed under the service rules & regulations of the Provincial Government applicable to the Government employees of the same category.
4. His services are liable to terminated on one-month prior notice from either side. In case of resignation from the service, one-month prior notice will be given by the civil servant or in lieu thereof one month's salary, if any, shall be forfeited.
5. His appointment is subject to the verification of character & antecedents to the satisfaction of the appointing authority. His services will be liable to be terminated without any notice if they are not found fit subsequently.
6. His documents if needed, have to be verified from the concerned departments & if found incorrect, his services shall stand cancelled.
7. He is required to report for duty within 30 days of the issue of this order positively otherwise his appointment shall stand cancelled.
8. Charge reports shall be submitted to all concerned.
9. No TA/DA is allowed on joining the post.

Principal

Govt: K.K.K. Degree College Akora Khattak

Endst No 586-592, dated 05-01-2023.

Copy forwarded for information & further necessary action:

- 1) Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
- 2) District Account Office Nowshera.
- 3) Coordinator JMC Nowshera, Principal GPGC Nowshera.
- 4) Copy to Manager Employment Exchange District Nowshera.
- 5) Appointee concerned.
- 6) In charge Class-IV.
- 7) Office Record.

Principal

Principal  
Govt: K.K.K. Degree College Akora Khattak  
Govt: K.K.K. D.C.  
Akora Khattak

**Government of Khyber Pakhtunkhwa**  
**District Accounts Office Nowshera**  
**Monthly Salary Statement (April-2023)**

F



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**Personal Information of Mr AWAIS KHAN d/w/s of LIAQAT KHAN**

Personnel Number: 01021809 CNIC: 1720198919867 NTN:  
 Date of Birth: 03.02.1990 Entry into Govt. Service: 05.01.2023 Length of Service: 00 Years 03 Months 027 Days

**Employment Category: Active Permanent**

Designation: CHOWKIDAR 80003625-GOVERNMENT OF KHYBER PAKH

DDO Code: NR4034-GOVT COLLEGE AKORA

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: No **GPF Balance: 3,080.00**

Vendor Number: -

**Pay and Allowances:** Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 03 Pay Stage: 0

Wage type		Amount	Wage type		Amount
0001	Basic Pay	14,260.00	1001	House Rent Allowance 45%	2,120.00
1210	Convey Allowance 2005	1,785.00	1300	Medical Allowance	1,500.00
2311	Dress Allowance - 2021	1,000.00	2312	Washing Allowance 2021	1,000.00
2313	Integrated Allowance 2021	600.00	2341	Dispr. Red All 15% 2022KP	1,442.00
2347	Adhoc Rel Al 15% 22(PS17)	1,442.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3003	GPF Subscription	-770.00	3501	Benevolent Fund	-600.00
3534	R. Ben & Death Comp Fresh	-300.00	3541	DC Pension Emp KP 2022	-1,426.00
3990	Emp. Edu. Fund KPK	-70.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 0.00 Recovered till April-2023: 0.00 Exempted: 0.00 Recoverable: 0.00

**Gross Pay (Rs.): 25,149.00 Deductions: (Rs.): -3,166.00 Net Pay: (Rs.): 21,983.00**

Payee Name: AWAIS KHAN

Account Number: 000290736898

Bank Details: UNITED BANK LIMITED, 210290 Akora Khattak Branch Akora Khattak Branch, Nowshera

**Leaves:** Opening Balance: Aailed: Earned: Balance:

**Permanent Address:**

City: NOWHSERA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email:

*Handwritten signature and stamp*  
 District Accounts Officer  
 District Accounts Office  
 Nowshera



**DIRECTORATE OF HIGHER EDUCATION**

**KHYBER PAKHTUNKHWA  
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

E-mail:- [dhekpkesh@gmail.com](mailto:dhekpkesh@gmail.com) Facebook.com/dhekpkeshwar Twitter.com/dhekpkeshwar1

No. 4537 / CA-VII/Estt: Branch/A-167/GDC Akora Khattak (Nowshera) M 21 V-1 P-186 Dated Peshawar the 13 / 03 /2023

To

The Principal,  
Government Khushal Khan Khattak Degree College,  
Akora Khattak (Nowshera).

Subject: - REQUEST FOR APPOINTMENT ON THE POST OF NAIB QASID/LAB ATTENDANT INSTEAD OF CHOWKIDAR.

Respected Sir, السلام عليكم

I am directed to refer to your Letter No. 636 Dated 20-02-2023 on the subject noted above and to enclose herewith a copy of Notification No. SO(R-VI)E&AD/1-3/2015 Dated 19-04-2016 of Establishment Department (Regulation Wings) Government of Khyber Pakhtunkhwa wherein it has been clarified that the appointment under Deceased/Medical Invalidation Quota (100%) shall be made subject to the availability of a vacant post. In the subject case a post of Chowkidar was vacant against which the appellant Mr. Awais Khan Khattak, Chowkidar was appointed. Hence he may be informed accordingly, please.

Encl: As Above

(Gohar Khan)  
DEPUTY DIRECTOR (ESTABLISHMENT)

Endst. No. 4538 /

Copy of the above is forwarded to the Mr. Awais Khan Khattak, Chowkidar, Government Khushal Khan Khattak Degree College, Akora Khattak (Nowshera) w/r to his application.

DEPUTY DIRECTOR (ESTABLISHMENT)

NAME OF THE COLLEGE: Govt: Khushal Khan Khattak Degree College Akora Khattak (Nowshera)  
MONTHLY STATISTICAL RETURN DEC-2022  
DDO CODE OF COLLEGE: NR-4034

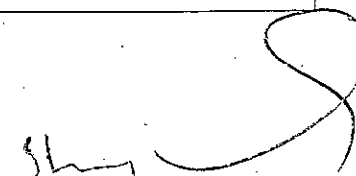
Email Address of Statistical Branch: stat.higher.edu@gmail.com


Sanctioned & Working Ministerial Staff Strength

Ministerial Staff	Sanction Posts	Filled/Working Posts	Vacant Posts	Remarks
Superintendent B-17	0	0	0	Show Detail of Surplus/Filled Post
Assistant B-16	1	1	0	
Senior Clerk B-14	1	1	0	
Junic: Clerk B-11	1	1	0	
Lab Assistant B-7	3	3	0	
Pesh Imam B-9	0	0	0	
Others	0	0	0	

Category wise/ Grade wise Sanction Post of all kind of Class-IV Staff

Class-IV Staff	Sanction Posts	Filled/Working Posts	Vacant Posts	Remarks Show Detail of Surplus/Filled Post
Chowkidar	2	1	1	
Sweeper	2	2	0	
Mali	1	1	0	
Naib Qasid	2	2	0	
Lab Att	3	3	0	
Behashti	1	1	0	

  
Principal  
Govt: K.K.K. Degree College  
Akora Khattak (Nowshera)

  
DDO  
NR-4034

بعدالت جناب مخیر و مختونخواہ سروس ٹریپول، پشاور  
تحریری بحث در CA 734/2023  
ادیس خان ٹنک۔۔۔۔۔ نام۔۔۔۔۔ ڈائریکٹر ہائر ایجوکیشن پشاور

جناب عالی،

استدعا حسب ذیل عرض ہے۔

۱۔ یہ کہ سائل کا والد محکمہ کالج، صوبہ خیبر و مختونخواہ (ہائر ایجوکیشن) میں بطور لیبارری انڈنٹ (Lab Attendant) بھرتی ہوا تھا اور سائل کا والد بعد از میڈیکل بورڈ، میڈیکل کے بنیاد پر گورنمنٹ خوشحال خان ٹنک ڈگری کالج اکوڑہ ٹنک سے ریٹائرڈ ہوا۔ (صحیح شدہ ریٹائرمنٹ آڈر فائل پر موجود ہے)۔

۲۔ یہ کہ برطانیہ رولز جب کوئی class-iv ملازم میڈیکل کے بنیاد پر ریٹائرڈ ہوتا ہے تو اس کا پچر رولز کے مطابق بھرتی کیا جاتا ہے۔

Rule 10 of

Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989

۳۔ یہ کہ جب سائل کو بھرتی کیا جا رہا تھا تو اس وقت اور اب بھی نوشہرہ کے تعلق کالج میں نائب قاصد اور لیب انڈنٹ کی اسامیاں خالی ہیں لیکن سائل کو اس پر بھرتی نہ کیا گیا۔

۴۔ یہ کہ رولز میں کئی پر یہ موجود نہیں ہے کہ سائل کو اسی کالج میں بھرتی کیا جائے گا جہاں سے اس کا والد ریٹائرڈ ہوا ہے بلکہ خلیج کے کسی دوسرے کالج میں بھی بھرتی کیا جاسکتا ہے جہاں پر مناسب اسامی خالی ہو۔ اس لیے سائل کو بھی دوسرے کالج میں اگر قاصد یا لیب انڈنٹ بھرتی کیا جائے تو سائل مشکور رہے گا۔

۵۔ یہ کہ سائل کا اگر قاصد یا لیب انڈنٹ یا کسی دوسرے مناسب اسامی پر بھرتی کیا جائے تو اس سے کسی کا حق متاثر نہ ہوگا۔ اور مزید یہ کہ رولز میں بھی اس پر کوئی پابندی نہ ہے بلکہ اس میں واضح طور پر لکھا گیا ہے کہ اچھی اسامی پر بھرتی کیا جائے گا اس بارے میں

Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989

کلیئر ہیں۔ اور ان میں موجود ہے کہ higher pay scale والی اسامی پر بھرتی کیا جائے گا۔

سائل  
ادیس خان ٹنک۔۔



**THE 'KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

**PART-I**

**GENERAL**

1. **Short title and commencement:** - (1) These rules may be called the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the <sup>3</sup>[Khyber Pakhtunkhwa] Public Service Commission;

<sup>4</sup>(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department or office of Government, which do not fall within the purview of the Provincial Selection Board;

<sup>5</sup>(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not

<sup>1</sup> For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2nd April, 2011

<sup>2</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

<sup>5</sup> Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis:

### PART-III

#### INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment** :- (1) Initial appointment to posts <sup>25</sup>[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

<sup>26</sup>(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

<sup>27</sup>Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, <sup>28</sup>[Khyber Pakhtunkhwa] House Islamabad, <sup>29</sup>[Khyber Pakhtunkhwa] Rest Houses Bannu, Swat and Abbottabad, <sup>30</sup>[Khyber Pakhtunkhwa] House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

<sup>31</sup>Provided further that the appointment in Basic Pay Scale-<sup>32</sup>[3 to 5] shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, <sup>33</sup>[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] <sup>34</sup>[ ]

<sup>25</sup> The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C); dated 12-10-1993.

<sup>26</sup> Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

<sup>27</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

<sup>28</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>29</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>30</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>31</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

<sup>32</sup> Substituted by Notification No. SO(R-VI)E&AD/1-3/2015, dated April 19, 2016.

<sup>33</sup> Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

<sup>34</sup> 2<sup>nd</sup> Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) <sup>35</sup>where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

<sup>36</sup>[4] Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a posts in any of the basic pay scales 3 to 11 in Provincial cadre post and basic pay scales 3 to 12 in District cadre posts:

Provided that the child or the widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows or wives of the deceased civil servant, as the case may be, preference shall be given to the elder widow or wife:

Provided also that appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale:

Provided also that the provision of this sub-rule shall not be applicable to posts falling within the purview of the Commission.]

<sup>37</sup>(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

<sup>35</sup> Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

<sup>36</sup> Substituted by Notification No. SO(R-VI)E&AD/1-3/2015, dated April 19, 2016.

<sup>37</sup> Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

<sup>38</sup>(6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battgram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.

<sup>39</sup>(7) Notwithstanding anything contained in any rule for the time being in force, <sup>40</sup>[three] percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

- (i) the percentage of vacancies reserved for recruitment on merit;
- (ii) short term vacancies likely to last for less than one year; and
- (iii) isolated posts in which vacancies occur only occasionally.

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of ~~Pakistan~~ and bona fide resident of the <sup>41</sup>[Khyber Pakhtunkhwa].

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

<sup>42</sup>[ (2) ]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

<sup>38</sup> Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006.

<sup>39</sup> Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

<sup>40</sup> Subs. vide Notification No. SORIV/E&AD/1-10(Minority)/2008, dated 08.01.2014.

<sup>41</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>42</sup> Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008