

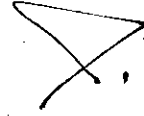
09.05.2023

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

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 26.07.2023 before D.B. Parcha Peshi given to the parties.



(Muhammad Akbar Khan)  
Member (E)

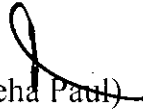


(Salah-ud-Din)  
Member (J)

\*Kamramullah\*

26<sup>th</sup> July, 2023. 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondent present.

2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Adjourned. To come up for arguments on 16.11.2023 before D.B. P.P given to the parties.



(Fareeha Paul)  
Member (Executive)



(Kalim Arshad Khan)  
Chairman

\*Adnan Shah\*


SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

16<sup>th</sup> Dec, 2022

Counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General <sup>with</sup> Muhammad Shafiq, Assistant for the respondents present. Mrs. Rozina Rehman, learned Member (J) is on leave, therefore, D.B is incomplete. The case is adjourned to 09.03.2023 for arguments before the D.B.

SCANNED  
KPST  
Peshawar


  
(Fareeha Paul)  
Member(E)


09<sup>th</sup> March, 2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Waheed Ullah, Junior Clerk for the respondents present.

SCANNED  
KPST  
Peshawar

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 09.05.2023 before the D.B. Parcha Peshi given to the parties.

  
(Salah-ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

3<sup>rd</sup> Nov. 2022

01. Counsel for the appellant present. Arguments on restoration application heard.

02. Instant application, submitted on 20.04.2022, is for restoration of Service Appeal No. 1433/2019, which was dismissed in default on 11.04.2022. The ground mentioned in the application is that on the relevant day the learned counsel for the appellant was busy in other courts.

03. Considering contention of learned counsel for the appellant and in the interest of justice, the instant appeal is restored to its original number. Notices be issued to the respondents. To come up for arguments on 16.12.2022 before the D.B.

04. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3<sup>rd</sup> day of November, 2022.

  
(FAREEHA PAUL)  
Member(E)

  
(KALIM ARSHAD KHAN)  
Chairman




All the respondents were put on notice on 14/12/2022

Form-A

FORM OF ORDER SHEET

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

Restoration Application No. 240/2022

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	20.04.2022	<p>The application for restoration of appeal No.1433/2019 submitted today by Mr. Taimur Ali Khan may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	<p><i>Mud Ali 26/4/22</i></p> <p><i>2-6-2022</i></p> <p><i>16-8-22</i></p>	<p>This restoration application is entrusted to Single Bench at Peshawar to be put up there on <u>02-06-22</u> Original file be requisitioned. Notices to the appellant be also issued for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Proper DB not available the case is adjourned to 16-8-2022</i></p> <p style="text-align: right;"><i>Reader</i></p> <p><i>due to summer vacation the case is adjourned to 3-11-22 for the same.</i></p> <p style="text-align: right;"></p>

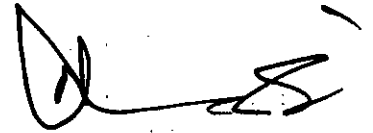
SCANNED  
KPST  
Peshawar

11<sup>th</sup> April, 2022

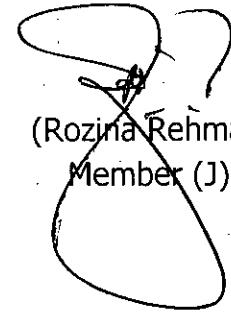
No one is present for appellant. Mr. Kabirullah Khattak, learned Addl. AG for the respondents present.

2. Case was called time and again but none appeared on behalf of the appellant till closing hours. Consequently the present service appeal is dismissed in default.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 11<sup>th</sup> day of April, 2022.*



(Kalim Arshad Khan)  
Chairman

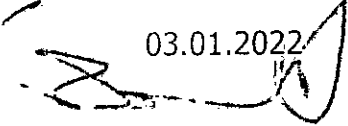


(Rozina Rehman)  
Member (J)

31.08.2021


Due to summer vacations, the case is adjourned to  
03.01.2022 for the same as before.

  
READER

  
03.01.2022

Counsel for the appellant and Mr. Asif Masood Ali  
Shah, DDA for the respondents present.

Learned counsel for the appellant requests for  
adjournment as he could not prepare the brief due to illness.  
Request accorded. To come up for arguments on 11.04.2022  
before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

08.12.2020

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Zär Muhammad Assistant for respondents present.

Written reply on behalf of respondents was not submitted. Representative of respondents seeks time to furnish reply/comments. Opportunity is granted. To come up for written reply/comments on 28.01.2021 before S.B.

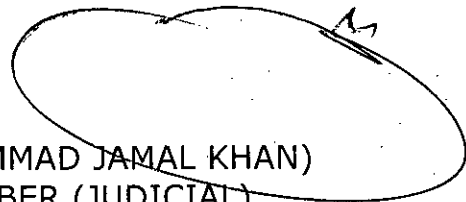


(Rozina Rehman)  
Member (J)

28.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sajid, Superintendent, for the respondents are also present.

Representative of the department submitted written reply on behalf of respondents which is placed on record. File come up for rejoinder and arguments on 11.05.2021 before D.B.



(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

10.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.08.2021 for the same as before.



Reader

1433/19

10.08.2020

Counsel for the appellant present.

Contends that the appellant was deferred from promotion to BS-21 in the meeting of PSB held on 30.11.2015, on the ground that he was under suspension in an Anti-Corruption case and his PER for the year 2014 was also not available. The non-availability of PER could not be attributed to the appellant/incumbent who was not the custodian of the same. As regards the Anti-Corruption case the relevant FIR No. 15, dated 29.06.2015, was quashed by the Honourable Peshawar High Court while deciding Writ Petition No. 4157-P/2015. The appellant was in service at the relevant time and had a due right to be considered for promotion from the date of his deferment upon the quashment of Anti-Corruption case.

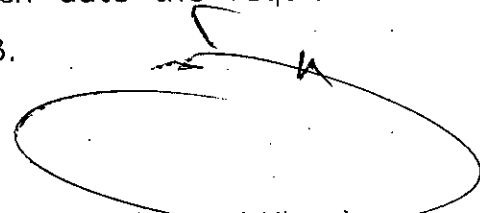
In view of the available record and arguments of learned counsel instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 19.10.2020 before S.B.

  
Chairman


19.10.2020

Neither appellant nor his counsel is present. Mr. Kabirullah Khattak, Additional AG for the respondents is present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General sought time to contact the respondents for submission of written reply/comments. Time is allowed. Adjourned to 08.12.2020 on which date the requisite reply/comments shall be furnished before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

Appellant Deposited  
Security & Process Fee

  
12/8/20



26.02.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn To come up for preliminary hearing on 16.03.2020 before.

  
Member

16.03.2020

Nemo for the appellant. Lawyers community is on strike on the call of Feshawar Bar Association. Adjourn. To come up for preliminary hearing on 27.04.2020 before S.B.

  
Member

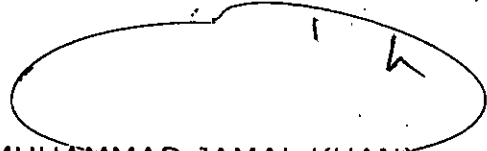
27.04.2020

Due to COVID-19, the case is adjourned to 03.08.2020 for the same, before S.B.

  
Reader

03.08.2020

Mr. Taimur Ali Khan, Advocate, for appellant is present and seeking adjournment. Adjourned to 10.08.2020. File to come up for preliminary hearing before S.B.

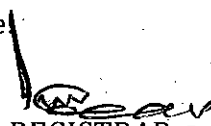



  
(MUHAMMAD JAMAL KHAN)  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No.- 1433/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2019	<p>The appeal of Mr. Aurang Zeb presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please!</p> <p> REGISTRAR 29/10/19</p>
2-	30/10/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/12/19</u>.</p> <p> CHAIRMAN</p>
D-1	09.12.2019	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing before S.B on 14.01.2020.</p> <p> Chairman</p>
	14.01.2020	<p>Junior to counsel for the appellant present.</p> <p>Requests for adjournment due to general strike of the Bar. Adjourned to <u>26.02.2020</u> before S.B.</p> <p> Chairman</p>

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1433 /2019



Aurangzeb

V/S

Govt. of KP.

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**INDEX**

S. No.	Documents .	Annexure	P. No.
01	Memo of appeal	-----	01-04
02	Application for Condonation		05-06
03	Copies of seniority list and certificate	A&B	07-09
04	Copies of PSB meeting minutes and notification dated 11.12.2015	C&D	10-13
05	Copies of PSB meeting minutes	E	14-24
06	Copy of judgment dated 31.05.2018	F	25-33
07	Copies of application, letter dated 26.06.2018 and PSB meeting minutes dated 17.09.2018	G,H&I	34-37
08	Copies of notification dated 13.05.2019 and 24.05.2019	J&K	38-39
09	Copies of departmental appeal, application and rejection order	L,M&N	40-42
10	Vakatlama	-----	43

THROUGH: **APPELLANT**  
  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**  
  
**(ASAD MAHMOOD)**  
**ADVOCATE HIGH COURT**

Room No. FR 8, 4<sup>th</sup> Floor,  
Bilour plaza, Peshawar cantt:  
Cell# 0333-9390916

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

APPEAL NO. 1433/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1522

Date. 29-10-2019

Mr. Aurangzeb, (Retired) PCS (EG) BPS-21.  
R/O Phase-IV, Hayatabad, Peshawar.

(APPELLANT)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

(RESPONDENTS)

Filed to-day  
Registrar  
29/10/19

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APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.08.2019 RECEIVED BY APPELLANT ON 21.10.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ANTEDATION OF HIS PROMOTION TO BPS-21 WITH EFFECT FROM 30.11.2015 WAS REJECTED AND AGAINST THE 24.05.2019, WHEREIN THE APPELLANT WAS PROMOTED TO BPS-21 WITH IMMEDIATE EFFECT INSTEAD OF DUE DATE I.E 30.11.2015, "THE DATE WHEN THE APPELLANT WAS DIFFERED FROM PROMOTION TO BPS-21.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.08.2019 MAY KINDLY BE SET SIDE AND THE APPELLANT MAY BE CONSIDERED FOR ANTEDATION OF NOTIONAL/PROFORMA PROMOTION TO BPS-21 WITH EFFECT FROM 30.11.2015 "THE DATE WHEN HE WAS DIFFERED FROM PROMOTION TO BPS-21 BY MODIFYING THE ORDER DATED 24.05.2019 WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant joined the respondent department through KP Public Service Commission in the year 1984 and due to excellent performance, he was promoted to BPS-20 with the passage of time. It is pertinent to mentioned here that since his appointment, the appellant was performing his duty with great devotion and honesty whatsoever assigned to him and no complaint has been filed against him regarding his performance.
2. That the appellant was at Serial No.7 of the seniority of BPS-20 stood on 28.01.2014 and has also qualified National Management Course at National Management College in January 2015. (Copies of seniority list and certificate are attached as Annexure-A&B)
3. That baseless FIR No.15 dated 29.06.2015 U/S 409/419/420/468/471 PPC read with 5(2) of the Prevention Corruption Act, 1947 was lodged against the appellant and was also suspended, against which the appellant filed Writ petition No.4157-P/2015 in the Honourable Peshawar High Court Peshawar and during the pendency the writ petition, PSB was held on 30.11.2015 in which the name of the appellant was also placed before PSB, however he was differed from promotion to BPS-21 and on the basis of that PSB, junior to the appellant was promoted to BPS-21 vide notification dated 11.12.2015. (Copies of PSB meeting minutes and notification dated 11.12.2015 are attached as annexure-C&D)
4. That in the subsequent PSB held on 18.02.2016, 27.07.2016, 30.01.2017, 09.03.2017, 19.05.2017, 25.09.2017 and 15.05.2018, the

appellant was again differed on the basis of FIR and inquiry pending against the appellant and juniors to the appellant were promoted. **(Copies of PSB meeting minutes are attached as Annexure-E)**

5. That the writ petition No. 4157-P/2015 was decided on 31.05.2018 and the august Peshawar High Court Peshawar accepted the writ petition and FIR No.15 dated 29.06.2015 U/S 409/419/420/468/471 PPC read with 5(2) of the Prevention Corruption Act, 1947 was quashed. **Copy of judgment dated 31.05.2018 is attached as Annexure-F)**
6. That after quashment of FIR, the appellant filed an application to respondent No.2 on 05.06.2018 on which the appellant was informed vide letter dated 26.06.2018, that your case for promotion to BPS-21 will be considered in the next PSB as per rules and merit, however in next meeting of PSB held on 17.09.2018 the name of the appellant was not even placed before the PSB for consideration. **(Copies of application, letter dated 26.06.2018 and PSB meeting minutes dated 17.09.2018 are attached as Annexure-G,H&I)**
7. That the competent authority exonerated the appellant in the inquiry pending against him vide notification dated 13.05.2019 and finally the appellant was promoted to BPS-21 on 24.05.2019 with immediate effect instead of due date i.e 30.11.2015, the date on which he was differed from promotion to BPS-21. **(Copies of notification dated 13.05.2019 and 24.05.2019 are attached as Annexure-J&K)**
8. That the appellant filed departmental appeal and the same was rejected on 29.08.2019 which was received by the appellant on 21.10.2019 through application dated 16.10.2019. **(Copies of departmental appeal, application and rejection order are attached as Annexure-L,M&N)**
9. That now the appellant has no other remedy except to file service appeal in this august Service Tribunal on the following grounds amongst others.

#### **GROUND:**


- A) That the impugned order dated 29.08.2019 and 24.05.2019 are against the law, rules, facts, norms of justice and material on record, therefore not tenable and the order dated 29.08.2019 is liable to be set aside and the order dated 24.05.2019 is liable to be modified to antedated the notional/proforma promotion of the appellant w.e.from 30.11.2015 "the date when the appellant was differed from promotion to BPS-21.


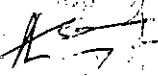
- B) That the appellant has not been treated in accordance with law and hence his right secured and guaranteed by the Constitution was badly violated.
- C) That the appellant was eligible for promotion to the post BPS-21, but he was differed due to baseless FIR and pending inquiry, but the august Peshawar High Court Peshawar quashed the FIR and the appellant was also exonerated in the inquiry, therefore, there remain no ground to deprive the appellant from his right of promotion from due dated i.e 30.11.2015.
- D) That the appellant was differed and not superseded and it is his legal right to be promoted from the date i.e 30.11.2019, when he was differed.
- E) That as per superior courts judgments, promotion cannot be effected due to pending inquiry, but such dictum did not fellow by the respondents and deprived the appellant from promotion to BPS-21 from due date i.e 30.11.2015, which is violation of superior courts judgments.
- F) That the appellant was not treated in accordance with the law and rule and has been deprived from his legal right of promotion from due date i.e 30.11.2015 the date when he was differed from promotion in arbitrary manner by the respondents.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.


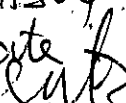
It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT  
Aurangzeb

THROUGH:

  
ABDUL WAHID  
ADVOCATE

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,  
  
(ASAD MAHMOOD)  
ADVOCATE HIGH COURT.

  
Shah Faisal  
ADVOCATE  


**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2019**

Aurangzeb

V/S

Govt: of KP.

**APPLICATION FOR CONDONATION OF DELAY IN THE  
INSTANT APPEAL**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal for antedation of his notional/ proforma promotion w.e.from 30.11.2015, the date when he differed from promotion to BPS-21, in which no date has been fixed so far.
2. That the appellant was promoted on 24.05.2019, while he filed departmental appeal on 05.07.2019, which was not within stipulated period of time, however as the instant appeal is about the promotion and as such is recurring cause of action against which no limitation runs.
3. That Apex Court hold in its many judgments that case shall be decide on merits rather than technicalities including limitation.
4. That the appellant has good prime facie and should be decide on merit.



It is therefore, most humbly prayed that on the acceptance of this application, the delay may be condoned and decide the instant appeal on merit to meet the ends of justice.

APPELLANT

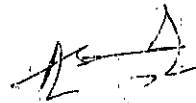
THROUGH:



ABDUL WAHID  
ADVOCATE



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT



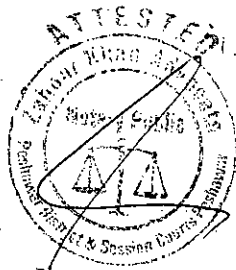
(ASAD MAHMOOD)  
ADVOCATE HIGH COURT.

**AFFIDAVIT**

It is solemnly affirm that the contents of this application is true and correct and nothing has been concealed from this august Tribunal



DEPONENT



4

A 7

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the January 28, 2014

**NOTIFICATION**

**NO. SO(E-I)E&AD/4-242/2014.** In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Final Seniority list of Officers of PCS (Executive Group) BS-20, as it stood on 1<sup>st</sup> January, 2014 is notified/circulated:-

**FINAL SENIORITY LIST OF OFFICERS OF PCS (EXECUTIVE GROUP) BS-20**

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular Appointment/Promotion to Present Post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Hifz-ur-Rehman	03.07.1955 (Swat)	01.07.1980	23.12.2006	20	By promotion	Secretary LG&RD.
2.	Mr. Hussain Zada	19.07.1954 (Swat)	15.08.1984	15.12.2007	20	-do-	Secretary Agriculture
3.	Mr. Muhammad Khalid Khan	21.7.1956 (Charsadda)	16.8.1984	04.06.2007	20	-do-	Dir. STI
4.	Mr. Mohammad Anwar Khan Mahsud	30.04.1957 (S.W. Agency)	15.08.1984	02.12.2009	20	-do-	Special Secretary Industries Department.
5.	Mr. Fazli Rabbi	02.07.1955 (Dir)	27.01.1984	02.06.2008	20	-do-	OSD E&AD
6.	Mr. Muhammad Akbar Khan	10.04.1960 (Charsadda)	15.08.1984	02.12.2009	20	-do-	Secretary Irrigation
7.	Mr. Aurangzeb	10.06.1959 (Swat)	15.08.1984	19.07.2009	20	-do-	Secretary, Relief, Rehabilitation & Settlement
8.	Mr. Muhammad Afsar Khan	27.11.1955 (Peshawar)	06.08.1984	06.01.2009	20	-do-	Commissioner, Malakand

PCS (EXECUTIVE GROUP) BS-20  
 Dated 28.01.2014  
 12/6

DS

ATTACHED  
 2014

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
9.	Mr. Zafar Iqbal	07.11.1959 (Peshawar)	15.08.1984	06.01.2009	20	-do-	Secretary, ST&IT
10.	Mr. Faridullah	05.04.1954 (F.R. Bannu)	24.01.1981	06.1.2009	20	-do-	Secretary, WWB
11.	Syed Amir-ud-Din Shah	16.11.1955 (S.W. Agency)	15.08.1984	02.12.2009	20	-do-	Secretary, (I.A.&C) FATA
12.	Mr. Khalid Hussain	25.12.1955 Charsadda	15.08.1984	01.12.2010	20	-do-	Commissioner Mardan
13.	Mr. Farrakh Sair	10.1.1964 Peshawar	15.8.1988	01.12.2010	20	-do-	Secretary Production & Livelihood Dev.: FATA.
14.	Syed Jamal-ud-Din Shah	24.01.1961 Haripur	15.08.1988	27.10.2011	20	-do-	Commissioner Kohat
15.	Mr. Asmatullah Khan	10.06.1960 D.I.Khan	15.08.1988	08.06.2012	20	-do-	DG, Prosecution
16.	Mr. Kamran Zeb Khan	25.04.1957 Mansehra	08.07.1982	08.06.2012	20	-do-	D.G. PERRA
17.	Mr. Muhammad Adil	15.08.1954 Peshawar	1974	27.09.2012	20	-do-	MD, KPK, Public Procurement Regularity Authority, FD
18.	Mr. Abdul Ghafoor Baig	7.9.1959 Abbottabad	15.8.1988	17.10.2012	20	-do-	Special Secretary, Higher Education

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**Encl: No. & date even**

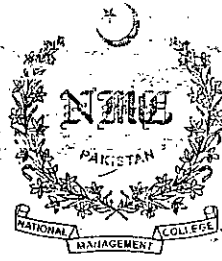
Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. PS to Secretary Establishment, Khyber Pakhtunkhwa.
6. Officers concerned.
7. Manager, Govt Printing Press Peshawar.

**(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT-1)**

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

**National Management College**



*(Integral Unit of National School of Public Policy)*

B (89)

**ATTESTED**

This is to certify that

Mr. Aurangzeb Khan

has attended the

**101<sup>st</sup> National Management Course**  
at the National Management College, National Management Wing  
from 25<sup>th</sup> August 2014 to 23<sup>rd</sup> January, 2015 and qualified

Nadeem Aslam  
Dean

National Management College



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(HRD WING)

9 (10)

No. SO (HRD-II)/ED/1-10/2014 (RTI)/Aurangzeb  
Dated Peshawar the 30<sup>th</sup> November, 2018

To  
Mr. Aurangzeb,  
Special Secretary, Agriculture Department,  
Government of Khyber Pakhtunkhwa.

Subject: - ISSUE OF COPIES OF THE MINUTES OF PSB MEETINGS.

Dear Sir,

Kindly refer to your application No. Nil dated 28-11-2018 on the subject cited above and to forward herewith the available requisite information (duly attested) under Right to Information Act 2013 while the rest of information will be provided as and when received.

Encl: As above:

Yours faithfully,

Public Information Officer (PIO)  
Establishment Department

Endst: No & date even.

Copy forwarded for information to:

1. The Chief Information Commissioner, Government of Khyber Pakhtunkhwa, Right to Information Commission, 7<sup>th</sup> Floor, Tasneem Plaza, Near. Benevolent Fund Building, 6<sup>th</sup> Saddar Road, Peshawar.
2. The Section Officer (PSB) Establishment Department.

SECTION OFFICER (HRD-II)

PS  
28/11/18

**ATTESTED**

(11)

**ESTABLISHMENT DEPARTMENT**  
(Meeting of PSB held on 30.11.2015)

SUBJECT: **PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21**

Secretary Establishment apprised the Board that number of schedule posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where one (01) officer is already working. Hence two posts are lying vacant.

2. According to the service rules of PCS(EG), post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed Nation Management Course. However, those who have attained the age of (58) years or above on the date of promotion are exempted from the said course".

3. The service record of the officers included in the panel was discussed as follows:-


S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Khalid Khan	His date of birth is 21.07.1956. He joined government service on 16.08.1984. He was promoted to BPS-20 on 04.06.2004. He is exempted from mandatory course required for promotion. The Board observed that an enquiry is pending against him.  The Board recommended to defer his promotion.
2.	Mr. Muhammad Anwar Khan Mehsud	His date of birth is 30.04.1957. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. He has undergone mandatory course required for promotion. The Board noticed that his service record is incomplete.  The Board recommended to defer his promotion.
	Mr. Muhammad Akbar Khan	His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. He has not undergone mandatory course required for promotion and his PERs for the years 2011, 2012 & 2013 are also not available.  The Board recommended to defer his promotion.

Attested  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

**ATTESTED**

(12)

4.	Mr. Aurangzeb	<p>His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone mandatory course required for promotion. The Board noticed that he is under suspension in an Anti Corruption case and his PER for the year 2014 is also not available.</p> <p>The Board recommended to defer his promotion.</p>
5.	Mr. Zafar Iqbal	<p>His date of birth is 07.11.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 06.01.2009. He has undergone mandatory course required for promotion. His PERs for the years 2011 (P), 2013 (P) &amp; 2014 are not available.</p> <p>The Board recommended to defer his promotion.</p>
6.	Mr. Khalid Hussain	<p>His date of birth is 25.12.1955. He joined government service on 15.08.1984. He was promoted to BPS-20 on 01.12.2010. He is exempted from mandatory course required for promotion. No enquiry is pending against him. His PER for the years 2010, 2011, 2012 are not available. However the Board noticed that on attaining the age of superannuation, he is retiring from service on 24.12.2015. Therefore the Board considered his promotion on compassionate grounds. His remaining service record upto 2014 is generally good.</p> <p>The Board recommended the officer for promotion to BS-21 on regular basis. He will be on probation till retirement.</p>

Attested  
  
 Section Officer (SSB)  
 Govt. of Khyber Pakhtunkhwa  
 Establishment Department

**ATTESTED**





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the December 11, 2015

NOTIFICATION

NO.SO(E-I)E&AD/5-1/2015. Government of Khyber Pakhtunkhwa on the recommendations of the Provincial Selection Board is pleased to promote Mr. Khalid Hussain (PCS EG) BS-20 to BS-21, in PCS (SG), on regular basis, with immediate effect.

The officer on promotion will remain on probation till his retirement, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

Consequent upon the above, Mr. Khalid Hussain (PCS EG BS-21) will continue to work as Commissioner, Mardan Division, Mardan in BS-21.

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. All Administrative Secretaries in Khyber Pakhtunkhwa.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. Accountant General, Khyber Pakhtunkhwa.
8. All Deputy Commissioners in Khyber Pakhtunkhwa.
9. All Political Agents in FATA.
10. District Accounts Officer, Mardan.
11. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/SO(E.II).
12. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
13. Officer concerned.
14. Controller, Govt. Printing Press, Peshawar.

(KASHIF IQBAL JILANI)  
SECTION OFFICER (ESTT. I)  
PHONE & FAX # 091-9210529

15. ULHAQI

ATTESTED

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ESTABLISHMENT DEPARTMENT  
(Meeting of PSB held on 18.02.2016)

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SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21

Secretary Establishment apprised the Board that number of schedule posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where one (01) officer is already working. Hence two posts are lying vacant. The Board observed that the Federal Govt has already withdrawn exemption from all kind of trainings due to age factor. The Provincial Govt should also process the case for withdrawal of exemption/waiver from trainings due to age factor in line with Federal Govt's promotion policy

2. According to the service rules of PCS(EG), post in BPS-21 is required to be filled, as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course. However, those who have attained the age of (58) years or above on the date of promotion are exempted from the said course".

3. The service record of the officers included in the panel was discussed as follows:-

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Khudid Khan	His date of birth is 21.07.1956. He joined government service on 16.08.1984. He was promoted to BPS-20 on 04.06.2004. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as an enquiry was pending against him. Position is still the same.  The Board recommended to defer his promotion.
2.	Mr. Muhammad Anwar Khan Mehsud	His date of birth is 30.04.1957. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. He has undergone mandatory course required for promotion. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as his service record was incomplete, which has now been completed. However the Board observed that his NMC report is not very encouraging for a professional officer to be considered for promotion to BS-21.

*Attested for*  
*Section Officer (PSB)*  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

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		<p>therefore Board decided that a midyear PER report may be submitted in respect of the officer for consideration of his promotion case on the basis of that report.</p> <p>The Board recommended to defer his promotion.</p>
3.	Mr. Muhammad Akbar Khan	<p>His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as he had not undergone mandatory course required for promotion and his PERs for the years 2011 (P), 2012 (P) &amp; 2013 (P) were also not available. Position is still the same.</p> <p>The Board recommended to defer his promotion.</p>
4.	Mr. Aurangzeb	<p>His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone mandatory course required for promotion. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as he was under suspension in an Anti Corruption case and his PER for the year 2014 was also not available. He is still under suspension although his case for reinstatement in service has been submitted to the competent authority in compliance of Peshawar High Court Peshawar order dated 19.01.2016.</p> <p>The Board recommended to defer his promotion.</p>
5.	Mr. Zafar Iqbal	<p>His date of birth is 07.11.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 06.01.2009. He has undergone mandatory course required for promotion. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as his PERs for the years 2011 (P), 2013 (P) &amp; 2014 were not available. Now his PERs have been completed. No enquiry is pending against him. His remaining service record upto 2014 is generally good.</p> <p>The Board recommended the officer for promotion to BS-21 on regular basis. He will be on probation for a period of one year.</p>

*Attested*  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

**ATTESTED**  
*DA*

		<p>02.12.2009. The Board in its meeting held on 30.11.2015 &amp; 18.02.2016 and 27.07.2016 recommended to defer his promotion as he had not undergone mandatory course required for promotion and his PERs for the years 2011 (P), 2012 (P) &amp; 2013 (P) were also not available. The Board in its meeting held on 27.07.2016 recommended to defer his promotion due to not having undergone mandatory course as yet. Position is still the same.</p> <p>The Board recommended to defer his promotion.</p>
3.	Mr. Aurangzeb	<p>His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone mandatory course required for promotion. The Board in its meeting held on 30.11.2015 and 18.02.2016 and 27.07.2016 recommended to defer his promotion as he was under suspension in an Anti Corruption case and his PER for the year 2014 was also not available. The Board was also informed that his case is still pending in Anticorruption Court. His PERs for the year 2014 (P) &amp; 2015 (P) are also not available.</p> <p>The Board recommended to defer his promotion.</p>
4.	Mr. Farrakh Sair	<p>His date of birth is 10.01.1964. He joined government service on 15.08.1988 in BS-17. He was promoted to BPS-20 on 01.12.2010. He has not attended NMC mandatory for promotion.</p> <p>The Board recommended to defer his promotion.</p>
5.	Mr. Kamran Zeb Khan	<p>His date of birth is 25.04.1957. He joined government service on 15.08.1988 in BS-17. He was promoted to BPS-20 on 08.06.2012. He is exempted from NMC due to age factor. No enquiry is pending against him. His service record upto 2015 is generally good.</p> <p>The Board recommended the Officer for promotion to BS-21 on regular basis. He will be on probation till retirement.</p>

*Attested*  
 Section Officer (PSB)  
 Govt. of Khyber Pakhtunkhwa  
 Establishment Department

**ATTESTED**  
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ITEM NO (1)

**ESTABLISHMENT DEPARTMENT**  
(Meeting of PSB held on 30.01.2017)

**SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21**

Secretary Establishment apprised the Board that number of schedule posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where two (02) officers are already working. Hence one (01) post is lying vacant.

2. According to the service rules of PCS, post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course. However, those who have attained the age of (58) years or above on the date of promotion are exempted from the said course till 06.02.2017".

3. The service record of the officers included in the panel was discussed as follows: -

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Anwar Khan Mehsud	His date of birth is 30.04.1957. He joined government service on 15.03.1984. He was promoted to BPS-20 on 02.12.2009. He has undergone NMC mandatory course required for promotion. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as his service record was incomplete and in its meeting held on 18.02.2016 recommended to defer his promotion as his NMC report was not very encouraging for a professional officer to be considered for promotion to BS-21. The Board therefore decided that a midyear PER report be submitted in respect of the officer for consideration of his promotion. The Board in its meeting held on 27.07.2016 recommended his supersession as the Board scrutinized his service record and awarded him 6 marks. Even then the Officer could not get the required threshold of 75 marks. The Board in its meeting held on 29.08.2016 did not consider his promotion as the Board observed that according to the promotion policy, he shall not be considered for promotion until he earns one year PER for the ensuing one full year. Position is still the same.

*Attest*  
*[Signature]*  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

**ATTESTED**  
*A*

		The Board did not consider his promotion.
2.	Mr. Muhammad Akbar Khan	His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. The Board in its meeting held on 30.11.2015, 18.02.2016 and 27.07.2016 recommended to defer his promotion as he had not undergone mandatory course required for promotion and his PERs for the years 2011 (P), 2012 (P) & 2013 (P) were also not available. The Board in its meeting held on 27.07.2016 and 29.08.2016 recommended to defer his promotion due to not having undergone mandatory course as yet. The Board was informed that according to the promotion policy 2009 "Officers failing to undergo mandatory training in spite of two time nominations for a training shall stand superseded if such failure was not for the reasons beyond the control of the officers concerned". Hence the Board observed that option should be taken from the officer concerned in line with the policy in black & white.  The Board recommended to defer his promotion.
3.	Mr. Aurangzeb	His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone mandatory course required for promotion. The Board in its meeting held on 30.11.2015, 18.02.2016, 27.07.2016 and 29.08.2016 recommended to defer his promotion as he was under suspension in an Anti Corruption case and his PER for the year 2014 was also not available. The Board was informed that his case is still pending in Anticorruption Court. The Board was informed that E&D proceedings have been initiated against him in a Voluntarily Return (VR) case.  The Board recommended to defer his promotion.
4.	Mr. Farrakh Sair  <i>Attested</i> <i>[Signature]</i> Section Officer (PSB) Govt. of Khyber Pakhtunkhwa Establishment Department	His date of birth is 10.01.1964. He joined government service on 15.08.1988 in BS-17. He was promoted to BPS-20 on 01.12.2010. The Board in its meeting held on 29.08.2016 recommended to defer his promotion as he had not attended NMC mandatory for promotion. The Board was informed that he has now attended NMC, however report is still awaited.  The Board recommended to defer his promotion.

**ATTESTED**  
*[Signature]*

19

ITEM NO (1)

ESTABLISHMENT DEPARTMENT  
(Meeting of PSB held on 09.03.2017)

SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21

Secretary Establishment apprised the Board that number of schedule posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where two (02) officers are already working. Hence one (01) post is lying vacant.

2. According to the service rules of PCS, post in BPS-21 is required to be filled as under:-

“By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20; who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course.

However, those who have attained the age of (58) years or above on the date of promotion are exempted from the said course till 30.06.2017”.

3. The service record of the officers included in the panel was discussed as follows:-

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Anwar Khan Mehsud  <i>Attested</i> <i>Section Officer (PSB)</i> <i>Govt. of Khyber Pakhtunkhwa</i> <i>Establishment Department</i>	His date of birth is 30.04.1957. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. He has undergone NMC mandatory course required for promotion. The Board in its meeting held on 30.11.2015 recommended to defer his promotion as his service record was incomplete and in its meeting held on 18.02.2016 recommended to defer his promotion as his NMC report was not very encouraging for a professional officer to be considered for promotion to BS-21. The Board therefore decided that a midyear PER report be submitted in respect of the officer for consideration of his promotion. The Board in its meeting held on 27.07.2016 recommended his supersession as the Board scrutinized his service record and awarded him 6 marks. Even then the Officer could not get the required threshold of 75 marks. The Board in its meeting held on 29.08.2016 and 30.01.2017 did not consider his promotion as the Board observed that according to the promotion policy; he shall not be considered for promotion until he earns PER for the ensuing one full

**ATTESTED**

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		<p>year. Now the Board was informed that he has earned outstanding PER for the year 2016. No enquiry is pending against him. His service record upto 2016 is generally good.</p> <p>The Board recommended the Officer for promotion to BS-21 on regular basis. He will be on probation till retirement.</p>
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*Attested*  
*[Signature]*  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

**ATTESTED**  
*[Signature]*

21

**ITEM NO (13)**

**ESTABLISHMENT DEPARTMENT**  
(Meeting of PSE held on 19.05.2017)

**SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21**

Secretary Establishment apprised the Board that number of scheduled posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where one (01) officer is already working. Hence two (02) posts are lying vacant.

2. According to the service rules of PCS, post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course.

However, those who have attained the age of (58) years or above on the date of promotion are exempted from the said course till 30.06.2017".

3. The service record of the officers included in the panel was discussed as follows:-

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Akbar Khan  <i>Attested</i> <i>Section Officer (PSB)</i> <i>Govt. of Khyber Pakhtunkhwa</i> <i>Establishment Department</i>	His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. The Board in its meeting held on 30.11.2015 & 09.03.2017 recommended to defer his promotion as he had not undergone NMC mandatory for promotion and his PERs for the years 2011 (P), 2012 (P) & 2013 (P) were also not available. The Board was informed that he has not yet undergone mandatory course required for promotion.  The Board recommended to defer his promotion.
	Mr. Aurangzeb	His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone NMC mandatory for promotion. The Board in its meeting held on 30.11.2015 & 09.03.2017 recommended to defer his promotion as he was under suspension in an Anti Corruption case and his PER for the year 2014 was also not available. Subsequently he has been reinstated by the competent

**ATTESTED**  
*AA*



		authority in compliance of Peshawar High Court Peshawar order dated 19.01.2016. The Board was further informed that he is also involved in a VR (Voluntarily Return) case with NAB.
		The Board recommended to defer his promotion.
	Mr. Farrakh Sair	His date of birth is 10.01.1964. He joined government service on 15.08.1988. He was promoted to BPS-20 on 01.12.2010. He has undergone NMC mandatory for promotion. No enquiry is pending against him. His PER for the period 01.01.2016 to 31.07.2016 is under process. His remaining service record upto 2016 is generally good.
		The Board recommended the officer for promotion to BS-21 on regular basis subject to earning satisfactory PER for the period from 01.01.2016 to 31.07.2016. He will be on probation for a period of one year.

*Attested*  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department.

**ATTESTED**

ITEM NO (1)

ESTABLISHMENT DEPARTMENT  
(Meeting of PSB held on 25.09.2017)

SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21

Secretary Establishment apprised the Board that number of scheduled posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where two (02) officers are already working. Hence one (01) post is lying vacant.

2. According to the service rules of PCS, post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course.

3. The service record of the officers included in the panel was discussed as follows: -

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Akbar Khan	His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. The Board in its meeting held on 30.11.2015, 09.03.2017 and 19.05.2017 recommended to defer his promotion as he had not undergone NMC mandatory for promotion for promotion and his PERs for the year 2016 is under process. The Board was informed that he has not yet undergone mandatory course required for promotion.  The Board recommended to defer his promotion.
2.	Mr. Aurangzeb	His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone NMC mandatory for promotion. The Board in its meeting held on 30.11.2015, 09.03.2017 and 19.05.2017 recommended to defer his promotion as he was under suspension in an Anti Corruption case and his PER for the year 2014 was also not available. Subsequently he has been reinstated by the competent authority in compliance of Peshawar High Court Peshawar order dated 19.01.2016. The Board was further informed that he is also involved in a VR (Voluntarily Return) case with NAB. Position is still the same.  The Board recommended to defer his promotion.

*Admitted*  
*[Signature]*  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

**ATTENDED**  
*[Signature]*

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ITEM NO (44)

**ESTABLISHMENT DEPARTMENT**

(Meeting of PSB held on 15.05.2018)

**SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21**

Secretary Establishment apprised the Board that number of scheduled posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where two (02) officers are already working. Hence one (01) post due to retirement is lying vacant.

2. According to the service rules of PCS, post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course.

3. The service record of the officers included in the panel was discussed as follows:-

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Akbar Khan	His date of birth is 10.04.1960. He joined government service on 15.08.1984 in BS-17. He was promoted to BPS-20 on 02.12.2009. The Board in its meeting held on 30.11.2015, 09.03.2017, 19.05.2017 and 25.09.2017 recommended to defer his promotion as he had not undergone NMC mandatory for promotion and his PERs for the year 2017 was under process. Position is still the same.  The Board recommended to defer his promotion.
2.	Mr. Aurangzeb	His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone NMC mandatory for promotion. The Board in its meeting held on 30.11.2015, 09.03.2017, 19.05.2017 and 25.09.2017 recommended to defer his promotion as he was under suspension in an Anti Corruption case and his PER for the year 2014 was also not available. Subsequently he has been reinstated by the competent authority in compliance of Peshawar High Court Peshawar order dated 19.01.2016. The Board was further informed that he is also involved in a VR (Voluntarily Return) case with NAB. Position is still the same.  The Board recommended to defer his promotion.

*Attested*  
*[Signature]*  
Section Officer (PSB)  
Govt. of Khyber Pakhtunkhwa  
Establishment Department

**ATTESTED**  
*[Signature]*

25

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In Re: W.P.No. 4157 -P/2015

Aurangzeb Khan s/o Haji Abdu Zaman  
BPS-20, Secretary Local Government &  
Rural Development Department, Peshawar  
Presently under suspension  
r/o House No 221, Street A/6, Sector N/4, Phase, IV  
Hayatabad, Peshawar



Versus

1. Government of KPK  
through Chief Secretary, Peshawar
  2. Administration Department Government of KPK  
through its Secretary, Civil Secretariat, Peshawar
  3. Establishment Department government of KPK  
through its Secretary Civil Secretariat, Peshawar
  4. Zia Ullah Khan Torru, Director General Anti Corruption  
Establishment, Phase V, Hayatabad, Peshawar
  5. Director Anti Corruption Establishment, Phase V, Hayatabad, Peshawar
  6. The State  
through Advocate General, KPK Peshawar
- .....RESPONDENTS

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

Respectfully Sheweth:

1. That the petitioner is a senior bureaucrat/civil servant having more than 30 years of service to his credit, he is presently serving government of KPK in BPS-20.
2. That throughout his 30 years of his service career the petitioner has been enjoying good ACRs and unblemished reputation having never been convicted of any offence what to say of moral turpitude. Copy of Bio Data of petitioner is enclosed as "A"

FILED TODAY  
Deputy Registrar  
28 NOV 2015

**ATTESTED**  
EXAMINER  
Peshawar High Court  
29 JUN 2018

**ATTESTED**  
CA

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JUDGMENT SHEET  
PESHAWAR HIGH COURT,  
PESHAWAR  
JUDICIAL DEPARTMENT

W.P No.4157-P/2015

Aurangzeb Khan Vs Govt. of KPK through Chief Secretary,  
Peshawar & others



JUDGMENT

Date of hearing: 31.05.2018

Petitioner (by): Mr. Amir Iaved, Advocate

Respondents (by): Mr. Rab Nawaz Khan, A.A.G

\*\*\*\*\*

MUSARRAT HILALI, J.- Through the instant petition, petitioner has prayed for declaring FIR No. 15 dated 29.06.2015 being illegal, unlawful, without authority, void ab-initio and of no legal effect and the same may be quashed. It has also been prayed that the impugned suspension order dated 30.07.2015 of petitioner may be declared as illegal, unlawful and of no legal effect and the respondents may be directed to reinstate the petitioner without any discrimination. It has further been prayed that the inquiry No. 01/2014 may be declared as illegal, against the principles of natural justice and violative of Anti-Corruption Establishment Ordinance, 1961 and Anti-Corruption Establishment Rules, 1999 and respondent No.5 to show cause as under what authority of law he is holding the office of DG, Anti-

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EXAMINER  
Peshawar High Court

29 JUN 2018

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Corruption Establishment after the judgment of Hon'ble Baluchistan High Court passed in WP No. 683/2012 dated 22.10.2012.

2. The prosecution case as disclosed in the FIR is that the petitioner is Senior Public Servant in BPS-20 but due to his indulgement in corrupt practices, he was proceeded against under the law/rules and an FIR No. 15 dated 29.06.2015 under Sections 409/419/420/468/471 PPC read with 5(2) of the Prevention of Corruption Act, 1947 was lodged against the petitioner and others for causing loss of Rupees Four Cores and Thirty Four Lacs to Government Exchequer in purchase of computers alongwith accessories for each Union Councils in Khyber Pakhtunkhwa.

3. The record of this case reveals that tender notice was floated in different Newspapers for supply of (sic) desktop computers alongwith printers and other accessories (computer UPS and Stabilizers for all Union Councils of Khyber Pakhtunkhwa) under "(sic) Development Programme (ADP) 2010-2011 Scheme Birth Registration Initiatives in Union Councils of Khyber Pakhtunkhwa". Accordingly, eight firms had participated in the competition and 27<sup>th</sup> May, 2011 was fixed for opening of tender. Purchase Committee for the purpose was constituted, comprising the following:-

ATTESTED

ATTESTED

EXAMINER  
Post No. of High Court

29 JUN 2018

1. Mr. Janat Gul Deputy Secretary  
LG&RDD
2. Mr. Sami-ur-Rehman Section Officer (Dev)  
Finance Department
3. Mr. Shakir Ullah Assistant Director IT  
P&D Department
4. Mrs. Tahira Yasmin Deputy Director (D&M)
5. Representative of  
Contractors.

Comparative statement was prepared by the Purchase Committee, wherein the rates of "Best Technology Services, Islamabad" were lowest but without taxes and company does not qualify because firstly, the said Company was not Peshawar based as per requirements and conditions of the advertisement; secondly, the company had not shown any previous credit of providing such a heavy consignment; thirdly, the supply period of 10 weeks was not acceptable due to running out financial year; and fourthly, without original software. The second lowest was "Guidelight Business Solution, Peshawar" which was Peshawar based, had shown already involvement in procurement of such huge consignment and its delivery period was 06 weeks, thus, it was suggested that the rates may be negotiated with 2<sup>nd</sup> lowest Company. Comparative statement was duly signed by the members of the Purchase Committee, whereas Member of STIT, however, remained absent. The petitioner, being administrative head, also signed the comparative statement and subsequently moved a note on 08.06.2011 to Senior Minister, Local Government

ATTESTED

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Elections and Rural Development Department,  
Government of Khyber Pakhtunkhwa, Peshawar for  
approval, who accordingly approved the said note on  
09.06.2011. Pursuant to approval, vide letter dated  
14.06.2011, the Manager, Guide Light Business Solution,  
Peshawar was directed to supply the items within six  
weeks as per terms and conditions duly advertised in the  
newspapers. In case of failure, work order to the second  
lowest bidder will be issued. In response, the supplier  
had provided only 355 computers. Thereafter, he was  
directed to immediately supply all the items within one  
week vide letter dated 24.07.2011 but he failed. Again,  
he was directed to do the needful vide letter dated  
21.02.2013 but with no positive response and finally vide  
letter dated 4.3.2013, he was directed to provide the  
remaining items otherwise the case will be reported to  
the local police. The CEO, Guidelight Business Solution,  
Peshawar vide letter dated 11.03.2013, informed the  
Director, Local Government that the remaining  
Computers delivery were ready and reached to Karachi  
Port safely on 3.6.2012 but because of documentation,  
the consignment was delayed and after clearance, the  
remaining items will be provided within one week. After  
that, the position remained the same and the Director,  
LG&RDD vide letter dated 6.6.2013, informed the  
Station House Officer (SHO), Sharki, Police Station,

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**ATTESTED**

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EXAMINER  
Peshawar High Court  
29 JUN 2016



Peshawar for registration of case against the contractor, namely, Manzoor Qureshi, Manager, Guide Light Business Solution.

4. The record further reveals that M/S. Guidelight Business Solution filed a civil suit against the Secretary Local Government and others seeking declaration to the effect that the office order No. Director/LG/9.4/2012 dated 11.7.2013 being illegal against the law and the counter blast of legal notice dated 1.7.2013 and reply dated 9.7.2013 and based upon malafide, liable to be cancelled. He had also prayed for perpetual and mandatory injunction restraining the defendants/petitioner-department from taking any adverse action against the plaintiff-contractor.

5. The record further reveals that on the basis of NAB letter dated 14.03.2013 containing allegation of corruption and misappropriation in purchase of computer etc, an open enquiry was conducted by Senior Auditor, ACE, Peshawar, wherein the then all members of Purchase Committee and Contractor were held responsible for the same mainly on the grounds:-

1. *The lowest rates of Best Technology Service was rejected on the Ground that it was not Peshawar based whereas there was no such condition in advertisement. Being open tender involving expenditure of millions of rupees all registered Pakistani firms can participate in the competition and it was preconceived plan of the deptt: to oust the Best Technology service, Islamabad and favour the 2<sup>nd</sup> one i.e. guideline solution Peshawar is an illegal*

**ATTESTED**  
EXAMINER  
Peshawar High Court

22 JUN 2018

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manner. As a result the Govt. had to sustained a loss of Rs=8427218/-.

2. The deal was procurement of IT equipments and the presence of IT member was the most necessary in finalizing the contract and signing the comparative statements whereas he was absent at this stage as is evident from the comparative statement.
3. Neither physical verification of goods supplied is available nor shown to nor has no stock register been mentioned so far.
4. According to the letter of LG (Copy of file) 355 computers, 710 UPS and 710 Printer have been provided and shown issued to the different union council of Khyber Pakhtunkhwa without certificate of physical verification by the IT expert of I.I departments. In the absence of this certification it cannot be confirmed whether the supply was in accordance with specification or not.
5. The supply was required to supply to 726 numbers of computers, Printers, UPS, and stabilizer each but he has supplied 355 computers 710 stabilizer 710 UPS and 710 Printers each. Thus the quantify less supplied and the Govt. put to loss of Rs.21794659 detail as given below.

S.No.	Description	Quality to be supplied	Quality supplied	Less supply	Rate US Dollar	Net loss.
1.	Computer	726	355	371	676.45	250962.95
2.	Stabilizer	726	710	16	53.95	863.2
3.	UPS	726	710	16	190.90	3054.4
4.	Printer	726	710	16	95.45	1527.2
Total loss US Dollar						256407.75

Total loss in Pak Rs=256407.75x85=21794659.

6. The amount of Rs 13251940/ has been paid to supplier on account of items whereas these items were already part of the contract and no separate payment was required on this account.
7. Total loss given to National exchequer in the contract is as under.
  - A. Loss due to rejection of lowest rate=8427238- the then sanctioning authorities.
  - B. Loss due to less supply by the contractor=21794659- the then all member purchase committee.
  - C. Excess payment to the contractor =13215940

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ATTACHED

02 JUN 2018

Pursuant to above, ibid FIR was lodged against the petitioner and others.

6. During the course of arguments, when the learned counsel for the petitioner was confronted with the prayers asked for in the writ petition, he submitted that prayers 'C', 'D' & 'F' have already been addressed, whereas he seeks only quashment of FIR.

7. Arguments of the learned counsel for the petitioner and worthy A.A.G were heard and record was gone through their able assistance.

8. It is a general principle of criminal law that there must be some blameworthy condition of mind or mens rea or there may be negligence or malice, guilty knowledge or the like. The other well known principle of that is, that there is no vicarious liability in criminal law. It may be noted that the petitioner figures nowhere in the facts mentioned hereinabove. That apart, the facts also does not disclose any cognizable offence even if taken at their face value and accepted in their entirety, it does not prima facie constitute any offence. Mere use of expression cheating in the FIR is of no consequence as the element of mens rea is missing which forms an essential ingredient of a criminal offence. The case at the most can come under the category of mere breach of contract (if any) which cannot give rise to a criminal proceedings as the important elements which are sine-

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**ATTESTED**  
EXAMINER  
Peshawar High Court

29 JUN 2018

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qua- non to constitute an offence viz. mens rea are missing in the instant case.

9. The criminal proceedings initiated against the petitioner is manifestly attended with malafide intention and ulterior motives for wreaking vengeance on petitioner and with a view to spite him with due to private and personal grudge. Thus, the order of lodging of an FIR against the petitioner which is purely a civil matter cannot be sustained.

10. For the foregoing reasons, we accept the instant petition and the FIR No. 15 dated 29.06.2015 under Sections 409/419/420/468/471 PPC read with 5(2) of the Prevention of Corruption Act, 1947 is hereby quashed.

*[Handwritten signature]*

Announced  
31.05.2018

*[Handwritten signature]*  
JUDGE

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 87 of  
The Qanun-e-Shahadat Order 1984

29 JUN 2018

501-

(D.B) (Hon'ble Mr. Justice Ikramullah Khan and Hon'ble Justice Musarrat Hilal)

\*Noor Shah\*

ATTESTED

*[Handwritten signature]*

To.

The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

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34

Subject:- QUASHMENT OF F.I.R. AND PROMOTION TO BPS-21

Respectfully sheweth:-

- 1) That the petitioner is a senior bureaucrat/civil servant having more than 30 years of unblemished service to his credit and is presently serving in BPS-20. Till date petitioner has never received any adverse ACR/PER.
- 2) That the undersigned has undergone mandatory trainings of S.M.C. & N.M.C. and was due for promotion being senior most amongst the eligible candidates.
- 3) That the promotion to BPS-21 of undersigned was deferred by the Provincial Selection Board time and again (4 times) vide minutes of the meetings dated 18.02.2016, dated 29.06.2016, dated 27.07.2016 & 29.08.2016 (Copies enclosed) vide (Annex-A) on the sole pretext that an FIR had been registered against the undersigned.
- 4) That since the FIR lodged against the undersigned was totally false and frivolous, therefore, by the grace of Almighty Allah the said FIR has now been quashed by the Peshawar High Court, Peshawar, (Attested copy of the short order/Judgment of Peshawar High Court is attached) vide (Annex-B).
- 5) That mere pendency of inquiry whatsoever do not constitute a bar on the promotion of an officer unless convicted by the competent court and till date the undersigned has neither been awarded a penalty nor convicted by any court of law hence entitled to promotion (Copies of Judgements of Sindh and Peshawar High Court attached) vide (Annex-C&D).
- 6) That the undersigned is on the verge of retirement and depriving him from promotion after such a long and unblemished service will be quite unjust.

Contd: P/2

**ATTESTED**

*[Handwritten Signature]*

35

It is therefore requested to kindly consider me for promotion to BPS-21 being eligible and fit for the same.

Encl: as above

Yours' faithfully,

*(Signature)*  
(AURANGZEB)  
SPECIAL SECRETARY AGRICULTURE  
(PCS EG BPS-20)

Copy forwarded alongwith short order of Peshawar High Court, Peshawar for information to the :-

*(Signature)*  
7-6-18  
*(Signature)*  
7/6/18

1. Secretary Establishment, Govt:of Khyber Pakhtunkhwa.
2. Section Officer (E-1), Establishment Department, Govt: of Khyber Pakhtunkhwa.

*(Signature)*  
(AURANGZEB)  
SPECIAL SECRETARY AGRICULTURE  
(PCS EG BPS-20)

Encl: as above.

Dated 05/06/2018

Attested  
*(Signature)*



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

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11

NO. SO (E-I)/E&AD/4-386/2018  
Dated Peshawar, the June 26, 2018

To

Mr. Aurangzeb Khan,  
(PCS EG BS-20),  
Special Secretary, Agriculture Department.

**SUBJECT: QUASHMENT OF F.I.R AND PROMOTION TO BS-21.**

Dear Sir,

I am directed to refer to your application dated 05-06-2018 on the subject noted above and to state that your case for promotion to BS-21 will be considered in the next PSB meeting as per rules and merit.

Yours faithfully,

(ISHTIAQ AHMED)  
SECTION OFFICER (E-I)

ATTESTED  
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ITEM NO (1)

**ESTABLISHMENT DEPARTMENT**

(Meeting of PSE held on 17.09.2018)

**SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21**

Secretary Establishment apprised the Board that number of scheduled posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where two (02) officers are already working. Hence one (01) post is lying vacant.

2. According to the service rules of PCS, post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed National Management Course.

3. The service record of the officers included in the panel was discussed as follows:-

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Akbar Khan  <i>Attested</i> <i>Section Officer (PSB)</i> Govt. of Khyber Pakhtunkhwa Establishment Department	His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. The Board in its meeting held on 30.11.2015, 09.03.2017, 19.05.2017, 25.09.2017 and 15.05.2015 recommended to defer his promotion as he had not undergone NMC mandatory for promotion. He is now exempted from NMC mandatory for promotion due to age factor. No enquiry is pending against him. His service record upto 2017 is generally good.  The Board recommended the Officer for promotion to BS-21 on regular basis. He will be on probation for a period of one year.

*Attested*  
*Ar*





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

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38

Dated Peshawar the May 13, 2019

NOTIFICATION

NO.SO(E)-EGAD/1-4363/2019. WHEREAS, Aurangzeb (PCS EG BS-20) the then Secretary, LG&RD now Special Secretary, Agriculture was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in Suo Motu Case No. 17 of 2016 dated 24.10.2018 regarding "Voluntarily Return".

2. AND WHEREAS, Mr. Nizam-ud-Din (PCS SG BS-21) the then Secretary, P.H.E. Department was appointed as Inquiry Officer to conduct Enquiry against the accused officer.

3. AND WHEREAS, the Enquiry Officer after having examined the charges, evidence on record and explanation of the accused officers, submitted his report.

4. NOW THEREFORE, the competent authority, after having considered the charges, evidence on record, explanation of the accused officer, and exercising his power under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to "Exonerate" Aurangzeb (PCS EG BS-20) the then Secretary, LG&RD now Special Secretary, Agriculture of the charges, subject to final decision of the August Supreme Court in Suo Motu Case No. 17/2018.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Encls. No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Law Department.
4. Chief Executive, Merged Areas Development Authority, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/D/S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
7. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
8. Officer concerned.
9. Manager, Government Printing Press, Peshawar.

(ISHTIAQ AHMAD)  
SECTION OFFICER (ESTT.I)

ATTESTED



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

K 39

Dated Peshawar, the May 24, 2019

NOTIFICATION

NO.SO(E-I)E&AD/5-1/2019. On the recommendations of Provincial Selection Board, the competent authority is pleased to promote Mr. Aurangzeb (PCS EG BS-20) to (PCS EG BS-21) on regular basis, with immediate effect, *subject to final decision of the August Supreme Court of Pakistan in Suo Motu Case No. 17/2016.*

2. The officer on promotion will remain on probation till his retirement, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Posting/transfer notification in respect of Mr. Aurangzeb (PCS EG BS-21) Special Secretary, Agriculture Department will be issued later on.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. OF EVEN NO. & DATE

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 Government of Khyber Pakhtunkhwa, Agriculture Department.
6. Accountant General, Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment, E&A Department.
10. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA,AS(HRD)/AS(E)/ DS(E.)/  
SO(E.II)/SO(E.V)
11. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cyber/Dy Director  
(IT) and Director Protocol Administration Department.
12. Officer concerned.
13. Controller, Govt. Printing Press, Peshawar.

ATTESTED

(ISHTIAQ AHMAD)  
SECTION OFFICER (ESTT. I)  
PHONE & FAX # 091-9210529

PS/Secy E&AD KP  
Diary No. 5380  
FTS No. 1  
Date 5-7-19

PS/C.S Khyber Pakhtunkhwa  
Diary No. 6830 WLE  
Date 05-7-19

40

To

The Honorable Chief Secretary,  
Government of Khyber Pakhtunkhwa.

SUBJECT: REPRESENTATION APPLICATION FOR PROMOTION TO BPS-21  
WITH EFFECT FROM 30/11/2015, THE DATE IT WAS 1<sup>ST</sup> DEFERRED

Sir,

Respectfully shewith that:

1. The undersigned was due for promotion to BPS-21 in the year 2015 and my case for promotion was placed before the Provincial Selection Board (PSB) in its meeting held on 30/11/2015 (Annex-A) but was deferred on the ground that a case/FIR had been registered against me by the Anti-Corruption Establishment (ACE). Since then the PSB in its meetings held on 18/2/2016, 29/6/2016, 27/7/2016, 29/8/2016, 30/1/207, 9/3/2017, 19/5/2017, 25/9/2017, 15/5/2018, and 29/8/2018 (Annex-B) had been deferring my case for promotion on one pretext/ground or the other;
2. Being aggrieved from the consecutive decisions of deferment, I have been submitting applications after applications but all in vain as the provincial government could never convey any order either of approval or rejection. On 26/20/2018 however a letter was received (Annex-C) that my case will be placed before the next PSB meeting but here again in the meeting of PSB held on 17/9/2018 another officer namely Mr. Akbar Khan was promoted (Annex-D) and my case was neither discussed nor was any adverse order conveyed to the undersigned;
3. It was however on 17/5/2018 that your honour was kind enough to place my case before the PSB for promotion which approved the same and the Government finally issued order of my promotion to BPS-21 on May 24, 2019 (Annex-E) giving it immediate effect ;
4. Since I was due for promotion to BPS-21 on the date I was 1st deferred by the PSB in its meeting held on 30/11/2015 and since then I had never been superseded but deferred, I was entitled for promotion from BPS-20 to BPS-21 from that very date.

It is therefore most humbly prayed that I may be allowed/granted promotion to BPS-21 with effect from 30/11/2015 when I was 1st deferred with all back benefits.

Thanking you in anticipation

Date: 13<sup>th</sup> June, 2019.

**ATTESTED**  
A

Aurangzeb,  
PCS (EB), BPS-21 (Rtd.).  
Cell no. 0346-9446666.

8/7/19

Secy Estab


17/5/2019

The Section Officer E-  
Establishment Department,  
Govt. of Khyber Pakhtunkhwa

Subject: ISSUE OF ATTESTED COPY MEMO.

It is stated that I had submitted an application on 18-06-2019, for my promotion to BPS-21 w.e.f the date my promotion was 1<sup>st</sup> deferred in November 2015 but until now I didn't receive any reply.

It is therefore requested to kindly convey attested copy of the order if any so that I could approach competent forum for redressal of my grievance.

  
AURANG ZEB,  
PCS (EG) BPS-21, RTD

Dated: 16-10-2019

دفتري بلال  
بيورو ملڪي  
E.I. Rana  
16/10

ATTESTED





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

N 42

NO. SO (E-I)/E&AD/4-386/2019  
Dated Peshawar, the August 29, 2019

To

Mr. Aurangzeb, (Red. PCS EG BS-21),  
Cell No. 0346-9446666

**SUBJECT:- REPRESENTATION /APPLICATION FOR PROMOTION TO BS-21 WITH  
EFFECT FROM 30.11.2015 THE DATE IT WAS 1<sup>ST</sup> DEFERRED.**

Dear Sir,

I am directed to refer to your representation/application dated 18.06.2019 submitted to the Chief Secretary, Khyber Pakhtunkhwa, on the subject noted above and to state that your request for promotion w.e.f 30.11.2015 has been regretted by the reason that the same is not covered under Para-2 of promotion policy 2003.

Yours faithfully,

(ISHTIAQ AHMED) *mla*  
SECTION OFFICER (ESTT-I)

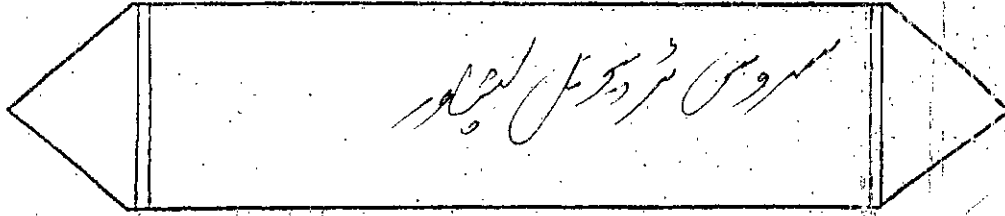
SECTION OFFICER (Estt. I)  
Establishment & Administration  
Department Government of  
Khyber Pakhtunkhwa.

21/10/2019

*Attended*

*Attended*

## بندالت



2ء مخمب  
بنام

موزنتہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیسے اور کیلئے سمورے افعال اسد محمد اور عبدالرحمن اور اسد محمد  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کر کے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پردا ہونے منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی نارنج پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20

العبد \_\_\_\_\_ واد العبد \_\_\_\_\_ کے لئے منظور ہے۔

Attested & Accepted

اسد محمد

اسد محمد

اسد محمد

بمقام

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1437 OF 2018**

Aurangzeb,  
Sub Engineer

(Appellant)....

V/S

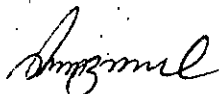
Secretary Communication & Works Department  
Peshawar & others

(Respondents)....

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Deponent

  
Noor Wazir,  
Section Officer (Lit)  
C&W Department Peshawar

1

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**  
**APPEAL NO. 1437 OF 2018**

Aurangzeb, Sub Engineer  
O/O XEN C&W Division Mansehra

--- Appellant

**Versus**

1. Secretary to Govt of Khyber Pakhtunkhwa  
C&W Department, Peshawar --- Respondents
2. Chief Engineer (Centre)  
C&W Department, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa  
Finance Department, Peshawar

**Joint Parawise Comments on behalf of Respondents No. 1 to 3**

Respectfully Sheweth

**Preliminary Objections**

1. That the appeal is not maintainable.
2. That the appellant has never challenged in time any order in which his rights were ignored
3. That the appeal is premature.
4. That the appellant has no cause of action and locus standi.
5. That the appeal is time barred.
6. That the appeal is liable to be rejected on ground of mis-joinder and non-joinder of necessary parties
7. That the appellant is estopped by his own conduct to file the instant appeal

**Facts**

1. Pertains to record. Hence no comments.
2. Correct to the extent that in fact the selection grade BS-16 @25% of the total posts of the Diploma Holder Sub Engineers (BS-11) was allowed by the Government with the condition that holder of the post shall be filled by selection on merit with due regard to seniority from amongst Sub Engineers of the Department, who have passed the Departmental B-Grade Examination and have at-least ten (10) years service as such (**Annex-I**).
3. Correct to the extent that the Hon'able Tribunal allowed senior scale to the senior Sub Engineers vide judgment dated 11.12.2012 and 02.03.2016. However, the facility of selection grade BS-16 has been discontinued by the Provincial Government w.e.f. 01.12.2001 vide Finance Deptt letter No.FD(PRC)1-1/2001 dated 06.04.2003 (**Annex-II**). The Establishment Deptt had issued a circular to all Administrative Secretaries and directed to clear all left over cases of Govt servants who were eligible for selection grade/move over on or before 01.12.2001 (**Annex-III**). Consequently the Respondent Department granted selection grade (BS-16) to 10 Sub Engineers in the year 2003 and 2004 (**Annex-IV**). In 2004 Naushad Khan & 14 others filed Service Appeals in the Service Tribunal for the grant of Senior Scale BS-16 with the plea that their juniors were granted Senior Scale BS-16. The Tribunal decided the case in their favour. Although the name of the appellant was at Sl.No. 261 of the seniority list of Sub Engineers dated 12.12.2000 (**Annex-V**), the appellant was not considered by the Departmental Promotion Committee, as the appellant was most junior in his cadre at that time, therefore, in the prevailing circumstances, the plea of the appellant is incorrect.




The appellant's right has not been effected due to the reason that the grant of Senior Scale BS-16 in 2003, 2004, 2009, 2012 and 2018 as the seniority of the appellant was at very low position and was in no way entitled for the grant of senior scale BS-16 as per Govt policy of 25% posts in senior scale BS-16 of the total number of posts of Sub Engineers prior to 2001. Furthermore, the appellant has based senior Scale BS-16 granted to M/S Misal Khan and Syed Sardar Shah Sub Engineers, in fact, both the officials were senior from the appellant. Hence the stance taken by the appellant is baseless.

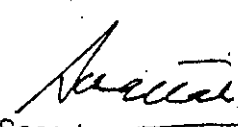
- 4. Incorrect, as explained in para-3 above.
- 5. Correct to the extent, that since the Provincial Government upgraded the post of Sub Engineer from BS-11/12 to BS-16 on 07.03.2018, therefore, the plea of the appellant is infructuous.
- 6. Departmental appeal was received, which was processed and the competent authority filed the same.

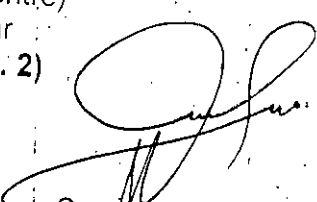
**Grounds**

- A. Incorrect, as explained in para-3 of the facts. Moreover, the appellant was not entitled to the said scale as selection grade is not granted on the basis of seniority-cum-fitness rather selection on merit.
- B. Incorrect. The selection grade cases are considered by the Departmental Promotion Committee as per Service Rules and on the completion of codal formalities. Furthermore, the orders of selection grade BS-16 in favour of the Sub Engineers were issued in 2003, 2004, 2009, 2012 and 2018, but the appellant remained silent and filed no appeal against the orders in specified period.
- C. Incorrect, as explained in Para-B of the ground.
- D. Incorrect, as explained in Para-B of the ground.
- E. Incorrect, as explained in the above paras.
- F. Incorrect. The facility for awarding senior scale (BS-16) to the Sub Engineers, having diploma of Associate Engineering (DAE) and have passed Grade-B Exam with at least 10 years service as such, has been discontinued w.e.f. 01.12.2001.
- G. Incorrect, selection grade cases are considered by the Departmental Promotion Committee as per service rules and on the completion of codal formalities.
- H. The Respondents would like to seek permission of this Hon'able Tribunal to advance more grounds during the time of arguments.

In view of the above, it is submitted that the Appeal may kindly be dismissed with cost.

  
Chief Engineer (Centre)  
C&W Peshawar  
(Respondent No. 2)

  
Secretary to Govt of  
Khyber Pakhtunkhwa  
C&W Department  
(Respondents No. 1)

  
Secretary to Govt of  
Khyber Pakhtunkhwa  
Finance Department  
(Respondent No.3)

3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1437 OF 2018**

Aurangzeb,  
Sub Engineer

(Appellant)....

V/S

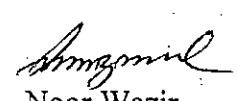
Secretary Communication & Works Department  
Peshawar & others

(Respondents)....

**AFFIDAVIT**

I, Mr. Noor Wazir Section Officer (Litigation) C&W Department Peshawar hereby affirm and declare that all the contents of the Parawise reply / comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent.



Noor Wazir,  
Section Officer (Lit)  
C&W Department Peshawar

Annex-I

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
SERVICES & GENERAL ADMINISTRATION, TOURISM & SPORTS DEPARTMENT

NOTIFICATION

Peshawar the 13 January, 1980.

No. SOR-I(S&GAD)1-12/74.— In exercise of the Powers conferred by Section 26 of the North West Frontier Province Civil Servants Act, 1973 (NWFP Act XVIII of 1973), in supersession of all previous rules on the subject in this behalf the Governor of the North-West Frontier Province is pleased to make the following Rules, namely:—

THE COMMUNICATION AND WORKS DEPARTMENT  
(RECRUITMENT AND APPOINTMENTS) RULES, 1979.

1. (1) These rules may be called the Communication and Works Department (Recruitment and Appointment) Rules, 1979.
- (2) They shall come into force at once.
2. The Method of recruitment, minimum qualifications, age limit and other matters related there to for the Posts specified in column 2 of the Schedules annexed shall be as given in column 3 to 7 of the said Schedules.

## COMMUNICATION AND WORKS DEPARTMENT

## SCHEDULE - 1

Sl. No.	Nomenclature of Post.	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification for appointment by promotion	Age Limit for initial recruitment	Method of recruitment
1	2	3	4	5	6
1.	Chief Engineer.				By selection on merit from amongst four senior most officers of the Department, with at least seventeen years experience as Government servant, seniority being considered only in the case of officers of practically the same standard of merit.
2.	Superintending Engineer.		Degree in Engineering from a recognised University.		By selection on merit from amongst the Executive Engineers or holder of equivalent posts in the Communication and Works Department, with at least twelve years service in Grade-17 and 18, seniority being considered only in the case of officers of practically the same standard of merit.
3.	Executive Engineer				By selection on merit with due regard to seniority from amongst Assistant Engineers of the Communication and Works Department with at least six years service as such.
4.	Assistant Engineer.	Degree in Civil, Electrical or Mechanical Engineering from a recognised University as may be specified by Government for the respective post.	Degree or Diploma in Engineering from a recognised University or Institution, as specified in column.	21 to 30 years	(a) Seventy percent by initial recruitment. (b) 10% by promotion, on the basis of seniority-cum-fitness from amongst the Sub-Engineers holding a degree in Engineering, seniority to be determined from the date of acquiring degree or initial appointment whichever is later. (c) Twenty percent by selection on merit with due regard to seniority from amongst senior scale Sub-Engineers of the Department who hold a diploma and have passed Departmental Professional Examination.

\* Amendment made vide C&amp;W Department Notification No. SO (E)/C&amp;W/4-5/78, dated 18.10.1986.

1	2	3	4	5	6
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5. Senior Scale Sub-Engineer.

Diploma in Engineering from a recognised Institute.

Twenty five percent of the total number of posts of the diploma holders Sub-Engineers shall from the cadre of Senior Scale Sub-Engineers and shall be filled by selection on merit with due regard to seniority from amongst Sub-Engineers of the Department, who have passed the Departmental Examination and have at least ten years service as such.

6. Administrative Officer / Budget & Accounts Officer.

By selection on merit with due regard to seniority from amongst holders of the posts of Senior Superintendents / Superintendents in the Department.

(BETTER COPY)

GOVERNMENT OF NWFP  
FINANCE DEPARTMENT

No.FD(PRC)1-1/2003  
Dated Peshawar the April 6, 2003

From Secretary to Govt. of NWFP  
Finance Department

To

1. All the Administrative Secretaries to Govt. of NWFP
2. Senior Member, Board of Revenue NWFP
3. The Secretary to Governor NWFP, Peshawar
4. The Secretary Provincial Assembly NWFP
5. All Heads of Attached Department, NWFP.
6. All District Coordination Officer/Political Agents/  
District and Session Judges NWFP
7. The Registrar Peshawar High Court Peshawar
8. The Chairman NWFP Public Service Commission.
9. The Chairman NWFP Service Tribunal Peshawar.
10. The Secretary Board of Revenue NWFP Peshawar.

Subject:- REVISION OF BASIC PAY SCALE AND FRENCH BENEFITS OF CIVIL  
EMPLOYEES (BPS 1-22) OF THE NWFP GOVERNMENT (2001).

Dear Sir,

I am directed to refer to this Department's letter No.FD(PRC)1-1/2001 dated No. 15, 2001 on the subject noted above and to say that clarification given against Para-7 (i) and (ii) may be read as under:-

"The Selection and Moveover shall stand discontinued w.e.f. 1-12-2001 in  
stead of 27-10-2001. The clarification issued vide the above referred letter  
against Para 5(1) and Para 7 (i) & (ii) stand modified to this effect".

Yours faithfully,

-Sd/-  
(ABDUL LATIF)  
DEPUTY SECRETARY (REG.)

Encls: No.FD(PRC)1-1/2003

Dated Peshawar the, April 6, 2003.

A copy is forwarded for information to:-

1. All Autonomous/Semi Autonomous Bodies/Corporation in NWFP

-Sd/-  
(ABDUL LATIF)  
DEPUTY SECRETARY (REG.)

8

GOVERNMENT OF N.W.F.P  
FINANCE DEPARTMENT

NO.FD(FRC)1-1/2001

Dated Peshawar the, Nov. 15, 2001.

From : The Secretary to Govt. of NWFP,  
Finance Department.

To

1. All Administrative Secretaries to Government of NWFP.
2. The Senior Member, Board of Revenue, NWFP.
3. The Secretary to Governor NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP.
5. All Heads of Attached Departments NWFP.
6. All District Coordination Officers/Political Agents/  
District and Sessions Judges NWFP.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Chairman, NWFP, Public Service Commission.
9. The Chairman, NWFP, Service Tribunal, Peshawar.
10. The Secretary, Board of Revenue, NWFP, Peshawar.

SUBJECT:- REVISION OF BASIC PAY SCALES AND FRINGE BENEFITS OF CIVIL EMPLOYEES (BPS 1-22) OF THE N.W.F.P GOVERNMENT ( 2001 )

Sir,

I am directed to refer to this Department's circular of even number dated October 27, 2001 and to reproduce ad seriatim in the above circular the points raised by AGPR on various items of Pay Revision Scheme, 2001 and clarifications made thereto by the Finance Division Government of Pakistan for information and necessary action :-

POINTS RAISED BY AGPR

CLARIFICATION OF FINANCE DIVISION

PARA 5 OF FINANCE DEPTT. LETTER NO.PD (FRC)1-1/2001 DATED OCT. 27, 2001

- i) Regarding the initial fixation of pay, the contention of AGPR is that pay of the employees in service on 30-11-2001 shall be fixed after allowing increment falling on 1-12-2001, if due, in old scale.

The view point of AGPR is confirmed.

- ii) Similarly, in case a Government servant had reached the maximum of his pay scale on 1-12-2000 he shall remain eligible for move over w.e.f. 1-12-2001 and thereafter his pay be fixed in the revised basic scale.

Move over has been discontinued w.e.f. 27-10-2001. Therefore, only the employees who had reached the maximum of their scales on or before 1-12-1999 would remain eligible for Move over. Employees reaching maximum of their respective pay scales on 1-12-2000 shall not be eligible to move over.

PARA 7

- i. & ii. The Scheme of Selection Grade and move over has been discontinued w.e.f. 27-10-2001 whereas the revised pay scales are applicable w.e.f. 1-12-2001. This office is of the view that the Selection Grade and move over should also be discontinued from 1-12-2001.

Selection Grade has been discontinued w.e.f. 27-10-2001. It can not be allowed to anybody on or after 27-10-2001. The position with regard to move over has been clarified in preceding para.

PARA II

While fixing the pay of employees moved over from one BPS to another BPS, it has been observed that it creates anomalies when their fixation is made by bringing them to their original scale of the post from where they had moved over viz-a-viz those who hold these scales on regular appointment. Few examples are given below :-

There is no anomaly and needs no clarification. Pay will be fixed according to para 8 (eight) of Finance Department's letter NO.FD(PRC)1-1/2001 dated October 27, 2001.

- i. Government servant BPS-19, moved over BPS-20 and in receipt of pay of Rs.13,595/- will be fixed in BPS-19 in the revised pay scale 2001 at Rs.22,240/- thus creating a difference of Rs. 2000/- in the initial fixation (i.e less than that what would have been fixed had he not been brought to his original scale from where he had moved over).
- ii. Government servant BPS-18, moved over BPS-19 and in receipt of pay of Rs.11,600/- will be fixed in BPS-18 at Rs. 18,665/- in the revised pay scale. In case pay is fixed on point to point basis in BPS-19 in the revised pay scale it would be Rs. 18,550/-. The officers holding regular appointment in BPS-19 draw less than the officers BPS-18 moved over to BPS-19.
- iii. Pay of Government servant BPS-16 drawing pay Rs. 4,702/- will be fixed in the revised pay scale at Rs. 7,050/- whereas the pay of Govt. servant in BPS-15 by virtue of move over from BPS-11 and drawing pay Rs. 4,668/- will be fixed in BPS-11 at Rs. 7,140/- which will be higher than the pay of Govt. servant in BPS-16 irrespective of the fact that Govt. servant in BPS-16 was drawing more pay than that servant who had moved over from BPS-11 to BPS-15 prior to the revision of pay scales.

The example II of Finance Deptt's letter provides method of fixation in cases where the pay in moved over scale is not within the maximum stages of the revised basic pay scale from where one has moved over. Apart from extending the scales beyond prescribed stages (i.e 30 upto scale 16), future increments upto a maximum of 3 years have also been allowed in such cases as personal to such employees. A question arises whether future increments (maximum 3 years) will also be admissible in cases where pay in revised BPS is fixed at the maximum or one or two stages below maximum on 1-12-2001. If not, it will



cause a discrimination.

PARA 10

It has been stated that special pay/allowances sanctioned to offices as percentage of pay shall be discontinued w.e.f. 1-12-2001 and at the same time it is stated that such pay/allowances would be adjusted in future increments. It is assumed that special pay/allowances for offices would be frozen as drawn on 30-11-2001 and would be treated as personal pays/allowances and adjustable in future increments.

The words "and adjusted in future increments" occurring after 1-12-2001 in third line of para 10 may be considered as deleted.

- ii. There will, however be cases where the employees would reach maximum of pay scale without full adjustment and hence would continue to draw that special pays/allowances. It will create anomalous situation likewise the existing "personal allowance."

PARA 12

The contention of this office is that the rates prescribed for various categories of Government servants along with the conditions written in revised column from S.No. I to IV under para 12 are correct. However, it may be clarified whether the condition for maintenance of Motor Car is to be observed for revised rates of Rs. 620/- P.M.

The entries in Revised Column of the table under paragraph 12 (Twelve) of the Finance Department's letter NO. FD(PRC)1-1/2001 dated October 27, 2001 may be read as follows :-

- i) Govt. servant in BPS-16 (Gazatted) & above maintaining motor car not registered for commercial purposes. Rs. 620/- P.M.
- ii) Govt. servant in BPS-11 & above other than those at (i) above. Rs. 540/- P.M.
- iii) Govt. servant in BPS-1 to BPS-10 maintaining Motorcycle/Scooter. Rs. 230/- P.M.
- iv) Govt. servant in BPS-1 to BPS-10 not maintaining Motorcycle/ Scooter. Rs. 170/- P.M.

PARA 17

It may be confirmed whether the Special Pays/Allowances admissible on certain posts (including the departments) as percentage of pay is admissible on the existing rates with reference to the pay in the revised basic pay scales (2001) subject to the limits mentioned in the letter.

Only the special pay/allowances admissible on certain posts have been revised as percentage of pay subject to the maximum limits prescribed in para 17. Special pay/allowances sanctioned to offices/Departments have been discontinued under para 10.

PARA 18

a) At Annex-II of the letter only revised rates of commutation have been given by replacing the existing commutation table but in the new table both the words existing and revised pay scale have been indicated which creates confusion. The position may be clarified.

The revised commutation table is applicable to new pay scales, 2001 only. The sub heading "Existing and Revised Pay Scales" in Annex-II to Finance Department's letter NO. FD(PRC)1-1/2001 dated October 27, 2001 may be considered as deleted.

d (i) The increases in pensions @ 20% and 25% allowed w.e.f 1-7-1999 shall be discontinued w.e.f 1-12-2001. The contention of this office is that this clause regarding the discontinuation of above increase is only applicable to the Govt. servants who opt the revised basic pay scales with revised package of pension commutation and not the existing pensioners. The above presumptions may be confirmed.

The view point of AGPR is confirmed. Para 18(d) applies only to those employees who retire on or after 1-7-2001 and opt for the new pay scales in terms of para 19 of Finance Department's letter No. FD (PRC)1-1/2001 dated October 27, 2001. This provision shall not apply to those who choose to remain in 1994 pay scales.

(ii) Similarly the 5% increase allowed w.e.f 1-12-2001 will also be admissible to these pensioners.

Increase of 5% in pension is available to retirees in 1994 pay scales.

e) The benefit of restoration has been withdrawn. It is assumed that the benefit will not be admissible to those who opt the revised scales and pension package and restoration of surrendered portion of pension will remain admissible to the pensioners retired after 1-12-2001 under the pre-revised basic scales ( 2001 )

The benefit of restoration of commuted value of pension has been withdrawn w.e.f 1-12-2001 irrespective of an employee's date of retirement.

g) The increase allowed w.e.f 1-12-2001 is on net pension inclusive of dearness increases allowed in the past. It is assumed that all increases allowed in the past are to be included in net pension.

The view point of AGPR is confirmed.

PARA 19

b) The contention of this office is that in case a Govt. servant does not opt for new pay scales and pension/commutation, his pension commutation will be calculated according to the existing rate and on completion of year of pension purchased, his commutation will be restored after 1-12-2001. The position may be confirmed.

As explained against para 18(e) above. However, if a person chooses to remain in 1994 pay scales his pension and commutation will be calculated according to the existing rate and the commutation table.

PARA 20

The provision of this para is not clear. It may be clarified whether the 5% will be discounted from the revised pay or from the revised gross pension or just the 5% increase admissible w.e.f 1-12-2001 is not be allowed to those who opt for revised basic pay scales and pension.

Para 20 of the letter under reference is very clear and does not lend itself to any mis-interpretation. The retiring employees who opt for 2001 pay scales are not entitled to 5% increase in pension as per para 18(g) (ii). Besides their gross pension will be reduced by 5%.

FAMILY PENSION.

Para 19 of AGPR letter:

n) In case of family pension (death during service) under the existing rules legal heirs are entitled to net pension equal to 50% of pension and gratuity equal to 25% of gross pension. Under revised scheme of pension/commutation whether the family pension will be ;

1) Equal to 50% of gross pension or 60% of the gross pension.

It has no relevance with the revised pension and commutation scheme. The family pension ( in case of death during service ) will be 50% of gross pension.

ii) The gratuity will be admissible equal to 20% or 25% of the gross pension.

The gratuity will be admissible equal to 25% of gross pension.

Under the existing/the benefits of family Pension are equal to 75% of total pension of the Govt. servant.

b) It may be clarified whether or not the increase in pension allowed by the Govt. w.e.f 1-12-2001 @ 5%, 10% and 15% is also admissible during re-employment of the pensioner.

Under the existing rules/policy no increase in pension is admissible during re-employment.

ADDITIONAL CLARIFICATION:

Whether Special Additional Allowance will be admissible to the civil employees recruited after 1-12-2001.

They will not get any special additional allowance.

Yours, obediently

( HAFIZ MATIULLAH )  
ADDITIONAL FINANCE SECY. (REG./ADMN.)

Dated Beshawar the, November 15, 2001.

ENDST.NO. FD( PRC ) 1-1 / 2001.

A copy is forwarded for information to :-

1. All Autonomous/Semi Autonomous Bodies/Corporation in NWFP.

( ABDUL LATIF )  
SECTION OFFICER (SR.1)

Contd: on P.6...

P.6....

ENDST. NO PD(PRC) 1-1/2001 Dated Peshawar the, November 15, 2001

A copy is forwarded for information to :-

1. The Accountant General, NWFP, Peshawar.
2. All District/Agency Accounts Officers in NWFP.
3. The Treasury Officer, Peshawar.
4. The Private Secretary to Finance Minister, NWFP.
5. The P.S. to Secretary, PAS to Additional Secretaries/Deputy Secretaries in Finance Department.
6. All Section / Budget Officers in Finance Department, NWFP.
7. The Director, Local Fund Audit, NWFP, Peshawar.



( ABDUL LATIF )  
SECTION OFFICER ( SR. I )

~~IMMEDIATE~~ ~~Annex-III~~

GOVERNMENT OF N.W.F.P.,  
ESTABLISHMENT DEPARTMENT

Annex-III

NO.SO (PSB) ED/1-23/2002  
Dated Peshawar, the 3.7.2004

To

1. All the Administrative Secretaries in NWFP.
2. All the District Coordination Officers in NWFP.
3. All the Political Agents in the NWFP.
4. The Secretary Public Service Commission.
5. The Registrar, NWFP, Service Tribunal.

SUBJECT: CUT OFF DATE FOR DISPOSAL OF ALL LEFT OVER CASES OF MOVE-OVER/SELECTION GRADE

Dear Sir,

1. I am directed to refer to this department letter of even number dated 9.6.2003, 30.1.2004 and 24.4.2004 on the subject noted above and to say that the competent authority has observed that a number of working papers regarding grant of move over and Selection Grade cases are still being received which indicates that decisions taken earlier have not been implemented with letter and spirit. In order to enable the Departments to process pending cases the competent authority has been pleased to extend the cut off date upto 31.8.2004. All left over cases of Government Servants who were eligible for Selection Grade/Moveover before 1.12.2001 may be placed before PSB/DPC for consideration as per instructions/policy on the subject at the latest otherwise strict disciplinary action would be taken against the defaulting official under the NWFP Removal from Service (Special Power) Ordinance 2000. The Administrative departments are also advised to furnish/weekly progress report about disposal of pending cases of Selection Grade/Move over through PSB/DPC on regular basis.

2. I am further directed to request that above instructions may kindly be followed by all concerned with letter and spirit.

Yours faithfully

12/33  
3/7/04

DSA

(HAROON-UR-RASHID)  
SECTION OFFICER (PSE)

66-  
SSB

✓


Endst: No. NO.SO (PSB) ED/1-23/2002

15

Dated Peshawar, the 3.7.2004

A copy is forwarded to:-

1. The PS to Secretary Establishment Department Peshawar.
2. The PS to Secretary Administration Department Peshawar.
3. PAs to all Additional Secretaries/Deputy Secretaries in the Establishment and Administration Peshawar.
4. All Section Officer in the Establishment and Administration Department Peshawar.
5. The Section Officer (PR) Government of NWFP, Finance Department for information.

  
SECTION OFFICER (PSB)

Fair Copy

Annex B

P-9

Annex-IV

GOVERNMENT OF NWFP  
WORKS & SERVICES DEPARTMENT

Dated Peshawar the 04/09/2003

ORDER

NO. SOE-LWS/SA-2/2003/S.S.      Consequent upon recommendations of the Deput  
Promotion Committee of the Works & Services Department during its meeting h  
12.08.2003 the competent authority has been pleased to the grant of Senior Scale (SS  
respect of the following Sub Engineers (SS-11) of the Works & Services Department  
immediate effect:-

1. Mr. Muhammad Arif  
Sub Engineer. O/o the XEN Dev.  
C&W Division Mattani at Kohat.
2. Mr. Misal Khan.  
Sub Engineer. O/o the XEN Dev.  
C&W Division SWA at Tank.

SECRETARY TO GOVT. OF NWFP  
WORKS & SERVICES DEPARTMENT

Encl:- No. SOE-LWS/SA-2/2003/S.S.

Dated Peshawar the 04.09.2003

Copy forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. Chief Engineer Works & Services Peshawar.
3. Chief Engineer Works & Services (FA/TA) Peshawar.
4. Managing Director Frontier Highways Authority Peshawar.
5. Deputy Secretary (Reg-11) Establishment Department Peshawar.
6. Deputy Secretary (Key) Finance Department Peshawar.
7. All Superintending Engineers W&S Department.
8. District/Agency Accepting Officers concerned.
9. Office in concern.
10. P/S to Secretary Works & Services Department.
11. P/A to Additional Secretary Works & Services Department.
12. Section Officer (Est-11) Works & Services Department.
13. Office Order/Personal files.

Sd/-  
(MUHAMMAD AKBAR KHAN)  
SECTION OFFICER (EST-11)

Fair Copy

GOVERNMENT OF N.W.F.P.  
WORKS & SERVICES DEPARTMENT

Dated Peshawar 19/04/2004

**ORDER**

No: SOE-1/W&S/4-2/2004/S.S. Consequent upon recommendations of the Departmental Promotion Committee of the Works & Services Department during its meeting held on 25/03/2004, the competent authority has been pleased to the grant of Senior Scale (BS-16) in respect of the following Sub Engineers (BS-11) of the Works & Services Department, with immediate effect:-

1	Mr. Muhammad Shah. Sub Engineer. O/o the Deputy Director- City Distt. Govt. Peshawar.
2	Mr. Buland Iqbal. Sub Engineer. O/o the XEN Dev. C&W Division Khyber Agency at Jamrud.
3	Mr. Hidayatullah. Sub Engineer. O/o the Deputy Director-II, City Distt. Govt. Peshawar.
4	Mr. Sanaullah. Sub Engineer. O/o the Deputy Director W&S Lakki Marwat.
5	Mr. Zafrullah. Sub Engineer. O/o the Deputy Director W&S Nowshera.
6	Mr. Tariq Usman. Sub Engineer. O/o the XEN Dev. C&W Division Khyber Agency at Jamrud.
7	Mr. Muhammad Javed Rahim. Sub Engineer. O/o the Deputy Director W&S D.I. Khan
8	Mr. Jamshed Khan. Sub Engineer. O/o the Deputy Director W&S Bunair.

SECRETARY TO GOVT. OF NWFP  
WORKS & SERVICES DEPARTMENT

Dated Peshawar, the 19/04/2004

Indst. No. SOE-1/W&S/4-2/2004/S.S.

Copy forwarded to the:-

1. Accountant General NWFP, Peshawar.
2. AGPR, Sub Office, Peshawar.
3. Chief Engineer Works & Services Peshawar.
4. Chief Engineer (FATA) Works & Services Deptt. Peshawar.
5. Managing Director Frontier Highways Authority Peshawar.
6. Deputy Director/XEN Works & Services concerned.
7. District/Agency Accounts Officers concerned.
8. Officials concerned.
9. PS to Secretary Works & Services Department.
10. Office Order/Personal files.

Sd/-  
(NOORULLAH)  
SECTION OFFICER (STP-I)



Annex

18

OFFICE OF THE CHIEF ENGINEER (NORTH)  
C&W DEPARTMENT N.W.F.P. PESHAWAR.  
No. 756/4 - E(1) 4574 E-1(2)  
Dated Peshawar the 12/12/2000

FINAL SENIORITY LIST OF SUB ENGINEERS GRADE -11.  
ON THE BASIS OF DATE OF APPOINTMENT IN THE  
DEPARTMENT AS IT STOOD ON 31-12-1999.

In pursuance of sub section (1) of section - (8) of NWFP Civil Servants Act 1973, Seniority list of Sub Engineers  
Grade -11 of C&W Department NWFP. as it stood on 31-12-1999 is notified as under:-

Sl No	NAME	EDUL/TECH: QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF APPOINT MENT	TO CLASS	YEAR OF PASSING.		REMAI
							Grade-B Exam:	Proffi: Exam:	
1	Fazli Raziq -1 S/O	B.A.	Swat	5.4.43.	1.7.61		11/91		
2	Gul Zaman S/O	Matric DAE (Civ.)	Malakand Agy:	6-6-40	1-1-73				
3	Payo Rehman S/O	Matric DAE (Civ.)	Karak	9-8-42	11-1-74				
4	Faizur Rehman-II S/O	-do-	Peshawar	2-9-45	21-11-74				
5	Fayaz Gul-I S/O	-do-	NW.A	20-6-51	19-12-74		6/96		

*[Handwritten mark]*

*[Handwritten signature]*

15  
16

SI No	NAME	EDUL/TECH: QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF APPOINTMENT	TO CLASS	YEAR OF PASSING	REMARKS
254	Hayatulla Khan S/O Muhammad Khan	Matric/DAE(C) -do-	Bannu	24.7.65	12.12.90			
255	Roedar Alam S/O Rahim Gul	-do- DAE (Elec)	Malakand	6.1.68	16.12.90			
256	Aurangzeb -IV S/O Jaffar Hussain	F.A./ DAE (Civ)	Peshawar	21.5.64	2012.90		6/96 12/97	
257	Nasrullah Khan S/O Sultan Jan	Matric DAE (Civ)	Dir	5.1.66	22.12.90		6/96	
258	Jehanzeb -IV S/O Muhammad Salim	-do-	Bannu.	15.4.62	2012.90		6/96	
259	Yaqoob Jan S/O S.Muslim	B.A./DAE (Civ)	Orakzai Agency	15.2.63	20.12.90			
260	Muhammad Rashid Butt S/O Mukhtiar Butt	Matric DAE (Civ)	D.Ikhan	2.10.64	6.12.90		6/96	
261	Aurangzeb-VII S/O Mohabat Khan.	FSC/ DAE (Civ)	Mansehra	9.4.65	16.12.90		6/96	
262	Farhat Ali S/O Farzand Ali	Matric DAE (Civ)	Peshawar	2.4.65	12.12.90			

36

Handwritten signature/initials

9

30/52

Handwritten numbers: 48, 37

Sl No	NAME	EDUL/TECH: QUALIFICATION	HOME DISTRICT	DATE OF BIRTH	DATE OF APPOINTMENT	TO-CLASS	YEAR OF PASSING.
314	Anees Kalim S/O Abdul Rub Kalim	BA/ DAE (Civ.)	Swabi	30-3-64	17.6.97	15.10.99	
315	Mr, Murad Ali S/O Marhamat Khan	MA/ DAE (Civ.)	Bannu	20-1-64	31.10.97	18.10.99	

(43)

Copy to the:-

- Secretary to Govt. of NWFP C&W Department, Peshawar.
- Chief Engineer (South) C&W Department, NWFP Peshawar.
- Superintending Engineers Dev: C&W Circle DIKhan/Pshawar
- All Executive Engineer in C&W Department, NWFP
- All Resident Director in C&W department NWFP,
- Director M&E (North/South) C&W Deptt: Peshawar

*Signature*  
 CHIEF ENGINEER (NORTH)  
 7/9 9/9 14/12

*Signature*  
 CHIEF ENGINEER (NORTH)  
 7/9 9/9  
 37/51

15/5/99

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

**Service Appeal No. 1433/2019**

Aurangzeb (Rtrd. PCS EG BS-21) .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

**INDEX**

<b>S. #</b>	<b>Description of Documents</b>	<b>Annex/Flag</b>	<b>Pages</b>
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2.	PSB Meeting dated 30.11.2015	I	4-5

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

**APPEAL NO. 1433/2019**

**AURANGZEB (RTED. PCS EG BS-21),  
R/O PHASE-IV, HAYATABAD,  
PESHAWAR.**

**APPELLANT**

**Versus**

**Govt. of Khyber Pakhtunkhwa (Through)**

- 1) Chief Secretary, Khyber Pakhtunkhwa
- 2) Secretary, Establishment Khyber Pakhtunkhwa.

**(RESPONDENTS)**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 4**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS.**

1. That this Honourable Tribunal has no jurisdiction to entertain the instant Service Appeal as according to Section 4 (b) (i) of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 there lies no appeal to a Tribunal against an order or decision of a departmental authority in determining 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.
2. That the Appellant has got no cause of action/locus standi to file the instant Appeal against the respondents.
3. That the Appellant has presented the facts in manipulated form which disentitles him to get any relief whatsoever.
4. That the Appellant has not come to this Honourable Tribunal with clean hands.
5. That the Appellant is estopped by his own conduct.
6. That the appeal is bad for mis/non-joinder of necessary parties.



**ON FACTS**

- 1 Subject to proof.
- 2 Correct. The officer stood at Sr. No. 07 of PCS EG BS-20 seniority list in 2014 and had also completed NMC course in 2015.
- 3 Subject to proof. The case of the appellant was nevertheless placed before PSB in its meeting held on 30.11.2015. However, the Board noticed that the Appellant was arrested by Anti-Corruption Establishment and he was under suspension for the period w.e.f. 29.06.2015 to 15.03.2016 and his PER for the year 2014 was also not available therefore, the Board deferred his promotion case under Para 3 & 6 of the Promotion Policy, 2009 (**Annex-I**).
- 4 Subject to proof. The Board discussed/considered his promotion case in its meetings held on the following dates and recorded its recommendation noted below under the prevailing law/policy:
  - 30.11.2015 The name of Appellant was at Sr. No. 4 of the seniority list of PCS EG BS-20 and PSB recommended his deferment as he was under suspension in an Anti-Corruption case and missing of PER for the year 2014.
  - 18.02.2016 The name of Appellant was at Sr. No. 04 and PSB recommended his deferment as he was under suspension in an Anti-Corruption case.
  - 27.07.2016 The name of Appellant was at Sr. No. 3 and his case was still pending before the Anti-corruption Court and his PER for the year 2014 was also missing, therefore, board recommended his deferment.
  - 29.08.2016 The name of Appellant was at Sr. No. 3 and PSB was informed that his case was still pending before the Anti-corruption Court and his PERs for the years 2014 & 2015 were missing, therefore, board recommended his deferment.

30.01.2017 The name of Appellant was at Sr. No. 3 and PSB was informed that his case was still pending before the Anti-corruption Court. Moreover, in this meeting PSB was informed that on going through the Judgment of Supreme Court of Pakistan (dated 2.9.2016) in Suo Moto Case No. 17/2016 (Suo Moto action to Examine the Vires of Section 25(a) of NAB Ordinance 1999 and report of NAB filed as CMA No. 6376 of 2016, it was come to the notice of Establishment Deptt: that appellant availed Volunteer Return facilities of NAB and deposit an amounts as per detail given below and disciplinary proceedings has been initiated against him under E&D Rules:-

1.	832	Mr. Aurangzeb (PCS EG BS-20)	Ex-Secy. Special Agriculture	Now Secy.	2015	8767414
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Therefore, the Board recommended his deferment.

19.05.2017 The name of Appellant was at Sr. No. 2 and PSB was informed that his case was still pending before the Anti-corruption Court and the Appellant is also involved in a VR case. Therefore, Board recommended his deferment.

25.09.2017 The name of Appellant was at Sr. No. 2 and that PSB was informed that Appellant's case was still pending before the Anti-corruption Court. his PERs for the year 2014 was not available and the Appellant was also involved in a VR case. Therefore, Board recommended his deferment.

15.05.2018 The name of Appellant was at Sr. No. 2 and that PSB was informed that Appellant's case was still pending before the Anti-corruption Court, his PERs for the year 2014 was not available and the Appellant was also involved in a VR case. Therefore, Board recommended his deferment.

17.05.2019 He was also involved in VR Case therefore, in view of above judgment, Board recommended his promotion to BS-21 subject to final decision of the August Supreme Court of Pakistan in Suo Moto Case No. 17/2016.

5 Pertains to record, hence no comments.

6 Subject to proof. Establishment Department considered his application dated 05.06.2018 and after that a working paper for promotion of PCS EG BS 20 TO BS-21 was placed before the PSB meeting held on 17.9.2018, wherein his name was at Sr. No. 2 and PSB recommended Mr. Muhammad Akbar Khan (PCS EG BS-20) Sr. No. 1 for promotion to BS-21 against the available vacancy.

7 Correct to the extent that upon exoneration of the Appellant from charges on 13.05.2019, the officer was promoted to BPS-21 on 24.05.2019 with immediate effect as according to para 6 of the Promotion Policy, 2009, promotion is invariably granted with immediate effect rather than retrospective one. Since he was under suspension for the period from 29.6.2015 to 15.3.2016 and he was facing enquiry proceedings in VR case for the period from September 2015 to May 2019, therefore, Establishment Department: could not grant him promotion w.e.f. 30.11.2015.

8 Correct to the extent that Departmental appeal of the Appellant was considered and he was informed vide letter dated 29.8.2019 that his request for promotion w.e.f 31.11.2015 was regretted being not covered under Para-2 of the Promotion Policy, 2009 as promotion is always granted with immediate effect rather than retrospective one. However, the appellant submitted an another application dated 16.10.2019 through RTI for provision of attested copy of order (if any) passed in his Departmental Appeal. Consequently, the letter dated 29.08.2019 was again provided to him on 21.10.2019.

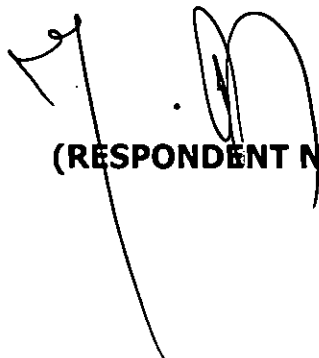
9 No comments.

## ON GROUNDS

- A. Incorrect. Civil Servants facing disciplinary or departmental proceedings cannot be promoted let alone their proforma/antedated promotion and even if their cases are placed for consideration, PSB/DPC will defer their promotion as provided under Para-3(c) & Para-6 of the Promotion Policy, 2009. Since, the Appellant was under suspension for the period from 29.6.2015 to 15.3.2016 and he was facing enquiry proceedings in VR case for the period from September 2015 to May 2019, therefore, Establishment Deptt: could not promote him w.e.f. 30.11.2015.
- B. Incorrect. The appellant was treated according to the law (Promotion Policy 2009) and no right of the appellant was violated.
- C. Incorrect. As explained above, promotion cannot be awarded to Civil Servants facing disciplinary or departmental proceedings as provided under Para 6 of the Promotion Policy, 2009. The Appellant was arrested by Anti-Corruption Establishment and he was placed under suspension for the period w.e.f. 31.07.2015 to 15.03.2016 on account of his involvement in a VR case with NAB from September 2015 to May, 2019. Soon after exoneration from charges on 13.05.2019, the Appellant was promoted to BPS-21 on 24.05.2019 with immediate effect as per law/policy.
- D. Incorrect. PSB recommended deferment of promotion of the Appellant on the basis of inquiries being conducted against him in Anti-Corruption and NAB (from September 2015 to May, 2019). He remained under suspension w.e.f. 31.07.2015 to 15.03.2016. Moreover, promotion is invariably granted with immediate effect rather than retrospective effect according to the prevailing law/policy.
- E. Incorrect. The promotion case of the Appellant was considered in light of Para 3 & 6 of the Promotion Policy, 2009 and he was promoted to BPS-21 on 24.05.2016 soon after his exoneration from the charges levelled against him. Moreover, the Appellant remained under suspension on account of his VR case with NAB from September 2015 to May, 2019.
- F. Incorrect. The Appellant was treated according to Law i.e Promotion Policy, 2009. He was promoted to BPS-21 on 24.05.2016 with immediate effect rather than retrospective one as provided under Para-6 of the Policy *ibid*.
- G. That the official respondents also seek permission to raise additional grounds or adduce additional evidence, if required, at the time of hearing in case the Hon'ble Service Tribunal finds itself inclined to hear the instant case notwithstanding the fact that the said Tribunal has no jurisdiction to hear the instant case in light of Section 4 (b) (i) of Khyber Pakhtunkhwa Service Tribunal Act, 1974.

It is, therefore, most humbly prayed that the instant appeal being devoid of merit may graciously be dismissed with costs.

  
(RESPONDENT NO.1,2&3)

  
(RESPONDENT NO. 4)

(11)

13

**ESTABLISHMENT DEPARTMENT**  
(Meeting of PSB held on 30.11.2015)

**SUBJECT: PROMOTION OF PCS (EG) OFFICERS FROM BS-20 TO BS-21**

Secretary Establishment apprised the Board that number of schedule posts in PCS (EG) BS-21 falling to the share of promotion is three (03) where one (01) officer is already working. Hence two posts are lying vacant.

2. According to the service rules of PCS(EG), post in BPS-21 is required to be filled as under:-

"By promotion on the basis of seniority-cum-fitness from amongst the officers holding posts in BS-20, who have completed minimum length of service as prescribed by the Government. They should have also successfully completed Nation Management Course. However, those who have attained the age of (58) years or above on the date of promotion are exempted from the said course?"

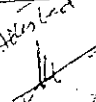
3. The service record of the officers included in the panel was discussed as follows:-

S. NO.	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Muhammad Khalid Khan	His date of birth is 21.07.1956. He joined government service on 16.08.1984. He was promoted to BPS-20 on 04.06.2004. He is exempted from mandatory course required for promotion. The Board observed that an enquiry is pending against him.  The Board recommended to defer his promotion.
2.	Mr. Muhammad Anwar Khan Mehsud	His date of birth is 30.04.1957. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. He has undergone mandatory course required for promotion. The Board noticed that his service record is incomplete.  The Board recommended to defer his promotion.
	Mr. Muhammad Akbar Khan	His date of birth is 10.04.1960. He joined government service on 15.08.1984. He was promoted to BPS-20 on 02.12.2009. He has not undergone mandatory course required for promotion and his PERs for the years 2011, 2012 & 2013 are also not available.  The Board recommended to defer his promotion.

Attested  
Section Officer (PSB)  
Govt. of Punjab, Establishment Department



4.	Mr. Aurangzeb	<p>His date of birth is 10.06.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 19.07.2009. He has undergone mandatory course required for promotion. The Board noticed that he is under suspension in an Anti Corruption case and his PER for the year 2014 is also not available.</p> <p>The Board recommended to defer his promotion.</p>
5.	Mr. Zafar Iqbal	<p>His date of birth is 07.11.1959. He joined government service on 15.08.1984. He was promoted to BPS-20 on 06.01.2009. He has undergone mandatory course required for promotion. His PERs for the years 2011 (P), 2013 (P) &amp; 2014 are not available.</p> <p>The Board recommended to defer his promotion.</p>
6.	Mr. Khalid Hussain	<p>His date of birth is 25.12.1955. He joined government service on 15.08.1984. He was promoted to BPS-20 on 01.12.2010. He is exempted from mandatory course required for promotion. No enquiry is pending against him. His PER for the years 2010, 2011, 2012 are not available. However the Board noticed that on attaining the age of superannuation, he is retiring from service on 24.12.2015. Therefore the Board considered his promotion on compassionate grounds. His remaining service record upto 2014 is generally good.</p> <p>The Board recommended the officer for promotion to BS-21 on regular basis. He will be on probation till retirement.</p>

Attested  
  
 Section Officer (SRB)  
 Govt. of Khyber Pakhtunkhwa  
 Establishment Department

12

14

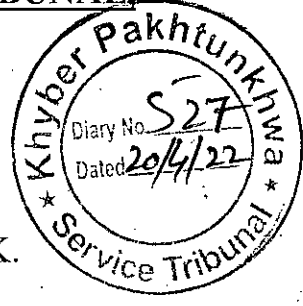
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 1433/2019

Aurangzeb

V/S

Govt: of KPK.



.....  
**APPLICATION FOR RESTORATION OF INSTANT**  
**APPEAL WHICH WAS DISMISSED IN DEFAULT ON**  
**11.04.2022.**

.....  
**RESPECTFULLY SHEWETH:**

1. That the instant appeal was fixed on 11.04.2022 in arguments before this Honourable august Service Tribunal.
2. That the counsel for the appellant was busy in other court at the time of the calling of the case due to which he was unable to appear before this august Tribunal at the time of the calling of the case on 11.04.2022 and the instant appeal was dismissed in default due to non appearance on behalf of the appellant. **(Copy of order dated sheet dated 11.04.2022 is attached as Annexure-A)**
3. That the application is within time for restoration of instant appeal and it is interest of justice to decide the instant appeal on merit rather to be dismissed in default.

It is, therefore, most humbly prayed that on acceptance of this application, the instant appeal may kindly be restored to decide the case on merit to meet the ends of justice.

*Taimur Ali Khan*  
APPELLANT

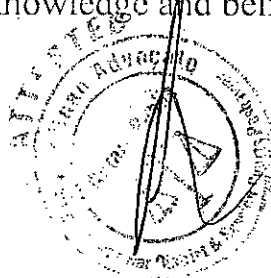
THROUGH:

*Taimur Ali Khan*  
TAIMUR ALI KHAN  
ADVOCATE HIGH COURT

**AFFIDAVIT**

It is affirmed and declared that the contents of the Application are true and correct to the best of my knowledge and belief.

*Taimur Ali Khan*  
DEPONENT



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



APPEAL NO. 1433/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1522

Dated 29-10-2019

Mr. Aurangzeb, (Retired) PCS (EG) BPS-21.  
R/O Phase-IV, Hayatabad, Peshawar.

(APPELLANT)

**VERSUS**


1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary Establishment, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Secretary Finance, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

(RESPONDENTS)

-----

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.08.2019 RECEIVED BY APPELLANT ON / 21.10.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ANTEDEDATION OF HIS PROMOTION TO BPS-21 WITH EFFECT FROM 30.11.2015 WAS REJECTED AND AGAINST THE 24.05.2019, WHEREIN THE APPELLANT WAS PROMOTED TO BPS-21 WITH IMMEDIATE EFFECT INSTEAD OF DUE DATE I.E 30.11.2015, "THE DATE WHEN THE APPELLANT WAS DIFFERED FROM PROMOTION TO BPS-21.

Certified true copy

  
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Filed to-day  
Registrar  
29/10/19

Appeal No. 1433/2019  
Musang Zeb vs Govt



11<sup>th</sup> April, 2022

No one is present for appellant, Mr. Kabirullah Khattak  
learned Addl. AG for the respondents present.

2. Case was called time and again but none appeared on behalf of the appellant till closing hours. Consequently the present service appeal is dismissed in default.

3. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 11<sup>th</sup> day of April, 2022.

(Kalim Arshad Khan)  
Chairman

(Rozina Rehman)  
Member (J)

Certified to be true copy.

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 18/4/22  
Number of Words 800  
Copying Fee 10/-  
Urgent —  
Total 10/-  
Name of Copyist —  
Date of Completion of Copy 19/4/22  
Date of Delivery of Copy 19/4/22