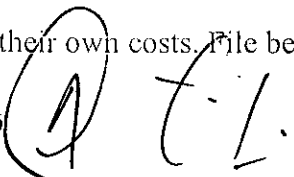


S.No of order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	05.10.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR</u></p> <p style="text-align: center;">Service Appeal No.470/2013</p> <p>(Muhammad Ayaz -vs- Govt. of KPK through Chief Secretary, Peshawar and 2 others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MR. PIR BAKHSH SHAH, MEMBER:</u> Appellant with counsel and Mr. Sultan Shah, Supdt. alongwith Mr. Ziullah, GP for respondents present.</p> <p>2. The appellants in service appeals No. 471/2013 Zarimullah, 472/2013 Fazal Nabi, 473/2013 Aurangzeb Awan, 474/2013 Sher Akbar, 475/2013 Zar Gul Khan, 476/2013 Muhammad Jehan, 477/2013 Akbar Khan, 478/2013 Khurshid Ali Khan, 494/2013 Wazir Muhammad, 495/2013 Syed Rasool and 496/2013 Rahim Badshah have filed their separate service appeals under section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 for ante-dation of their promotion to be given with effect from the date when the appellants were appointed on Acting Charge basis.</p> <p>3. Arguments heard and record perused.</p> <p>4. According to appellants before they were regularly promoted they were appointed on acting charge basis and as the seats were available at the relevant time therefore, their date of regular promotion should have been reckoned from the date of their acting charge. Contrarily, according to the respondent-department, the appellants are not entitled for any ante-dated promotion for the reasons that at the relevant time there were only 18 posts and in the seniority list, none of the appellant ranged at Serial No. 1 to 18. In this respect learned GP referred to record of the Establishment Department available on file. But this record was disputed by learned counsel for the appellant on the ground that relevancy of the said record cannot be ascertained as no pertinent reference of the relevant time on it. Evidently,</p>

factual controversy about availability of the vacant post at the relevant time and seniority position of the appellant has cropped up. Learned counsel for the appellant in support of his contention of ante-dation of promotion also placed reliance on case of "Adam Khan vs Govt. of KPK Establishment Department etc" decided by this Tribunal on 21.2.2013 in Service Appeal No. 1358/2010 and submitted that case of the appellant is identical with the said case of Adam Khan. It was further submitted that the said appeal of Adam Khan decided by this Tribunal was also maintained by the august Supreme Court of Pakistan in Civil Petition No. 254-P of 2013 decided on 5.3.2015.

5. Since factual controversy about the availability of the vacant seats at the relevant time in the quota of the appellant coupled with the seniority position of the appellant is involved which cannot be safely adjudicated upon by this Tribunal in the above situation, therefore, the Tribunal is of the considered view that the matter may be referred to respondent-department to re-examine the case of the appellants as to whether vacancies in the quota of the appellants were available at the relevant time and whether they were otherwise also entitled for promotion on the basis of seniority, and whether, case of the appellants is identical with the referred case of Adam Khan and to decide the matter afresh strictly on merits with in three months after receipt of this judgment. The appeals are disposed off accordingly. Parties are left to bear to their own costs. File be consigned to the record room.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
05.10.2015

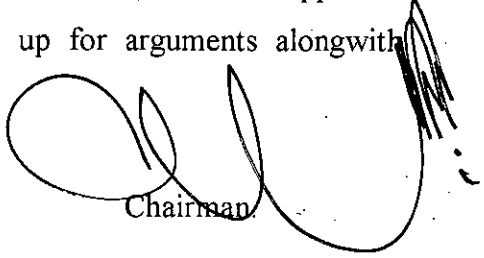
11.4.2014

Appellant with counsel, M/S Irshad Muhammad, Supdt. for respondents No. 1 to 3 and Sultan Shah, Assistant for respondent No. 4 with AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments alongwith connected appeals on 10.9.2014.


Chairman

10.09.2014

Counsel for the appellant (Syed Abdul Hafeez, Advocate) M/S Sultan Shah, Assistant for respondents No.1,2 and 4 and Hamad Ahmed, Assistant for respondent No. 3 with Mr. Muhammad Adeel Butt, AAG present. Arguments could not be heard due to non-availability of learned counsel for the appellant and incomplete Bench. To come up for arguments alongwith connected appeals on 10.03.2015.


Chairman

10.3.2015

Junior to counsel for the appellant and Mr. Ziaullah, GP with Sultan Shah, Assistant for the respondents present. The learned senior counsel for the appellant was stated to be busy in the Hon'ble High Court. Therefore, case is adjourned to 5.10.2015.

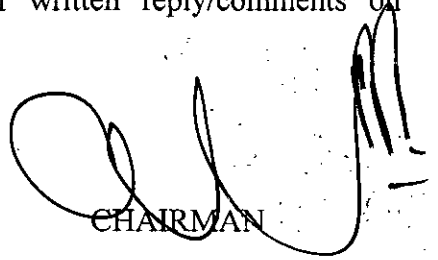

MEMBER


MEMBER

4.20/13

10.6.2013

Counsel for the appellant present. Respondents No. 2 to 4 are not present despite their service through the concerned official, however, Mr. Usman Ghani Sr. GP is present and would be contacting them for submission of written reply/comments on 20.9.2013.


CHAIRMAN

20.9.2013

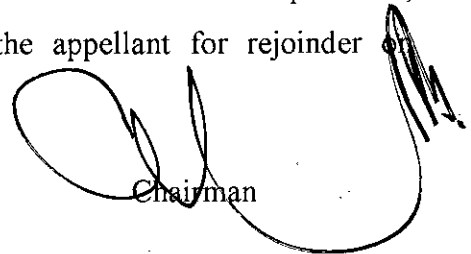
Appellant with counsel and Mr. Irshad Muhammad, Supdt. for respondent No. 3 with AAG for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments, positively, on 13.1.2014.


Chairman

13.01.2014



Appellant in person, M/S Sultan Shah, Assistant for respondents No. 1,2 and 4 and Irshad Muhammad, Supdt. for respondent No. 3 with AAG for the respondents present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 11.4.2014.


Chairman

Appeal No. 470/2013,
Mr. M. M. M. Ayyaz Toor.


3. 10.4.2013

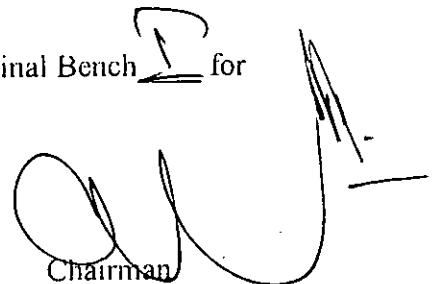
Counsel for the appellant present and heard. Contended that the appellant was promoted on 25.1.2010 as Section Officer (BPS-17) on acting charge basis but with immediate effect. He was promoted on regular basis on 12.12.2012. The appellant preferred a departmental appeal for the grant of ante-date promotion on 1.2.2012 from the date when he was promoted on acting charge basis but the same was rejected on 29.1.2013. Counsel for the appellant further contended that the appellant had earlier filed a writ petition which was decided on 22.11.2012 wherein, it was held that once the Supreme Court or the High Court enunciated a principle of law, then benefit of the same must be extended to all those similarly placed albeit they had not come to the court for seeking such relief. However, the writ petition was remanded to the respondent department for consideration. The department vide order dated 29.1.2013 refused the ante-date promotion of the appellant as being not covered under the rules. The learned counsel for the appellant in support of his arguments referred to this Tribunal judgment dated 13.3.2009 passed in Appeal No. 612/2008, Appeal No. 425/2005 by Abdul Latif, decided on 1.12.2005 and C.P No. 820/2004. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to 19.6.2013 for submission of written reply.

Appellant deposited
security deposited
& process fee Rs 2400/-
Bank receipt is
attached with file
JMB


Member.



4. 10.4.2013

This case be put before the Final Bench  for
further proceedings.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 470 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1.	25/02/2013	<p>The appeal of Mr. Muhammad Ayaz presented today by Mr. Nasir Mahmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-4-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2.	<u>1-3-2013</u>	

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO. ⁴⁷⁰ \2013

Muhammad Ayaz Tora.....Appellant

Versus

Chief Minister, KPK Peshawar and
others.....Respondents.

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Appeal with affidavit		1-4
2.	Notification dt.25.01.10	A	5-7
3.	Notification dt. <i>21/12/2011</i>	B	8-9
4.	Departmental Appeal	C	10-11
5.	Order in W.P	D	12-15
6.	Rejection Order	E	16
7.	Copies of the judgments of the Tribunal and of the Supreme Court in similar cases.		17-49
8.	Wakalat Nama		

Muhammad Ayaz Tora
Appellant

Through

Nasir Mahmood
Nasir Mahmood Advocate
13-D Haroon Mension
Peshawar.
Mob.0333-9176275

①

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....⁴⁷⁰.....\2013

~~SECRET~~
~~SECRET~~
~~SECRET~~
494
25/2/13

Muhammad Ayaz Section Officer, Finance Dept. Civil Secretariat Peshawar.....Appellant

Versus

- ①. The Chief Minister KPK Peshawar.
2. Govt. of KPK through Chief Secretary KPK Peshawar.
3. Secretary to Govt. of KPK Finance Dept. Govt. of KPK Civil Secretariat Peshawar.
- A. Secretary Establishment \ Regulation Govt. of KPK Civil Secretariat Peshawar..... Respondents

Service Appeal U \ Section 4 of the KPK Service Tribunal Act, 1974 against the office order dated 29.01.2013 passed by Respondent No.4 whereby the Departmental appeal of the appellant against the Notification dated 21-12-2011 issued by respondent no.1 whereby appellant services were regularized with immediate effect instead of giving ante-date promotion to appellant from 25.01.2010 was regretted hence the instant appeal.

Prayer in Appeal; To set-aside the Notification dated 21-12-2011, passed by respondent no.1 whereby appellant services were regularized with immediate effect instead of giving ante-date promotion to appellant from 25.01.2010.

~~SECRET~~
~~SECRET~~
25/2/13

Respectfully Sheweth;

1. That appellant was serving as Private Secretary in BPS-16 in the Chief Minister's Secretariat (Establishment Department).

2. That the appellant is having long tenure of service extending for more than 27 years of service to his credit.

3. That through Notification dated 25th January 2010 upon the recommendations of Provincial Selection Board the appellant was promoted as Section Officer (B-17) on acting charge basis. (copy of the Notification dated 25.01.2010 is attached herewith as Annexure-A).

4. That later on upon the recommendations of Provincial Selection Board the appellant services were regularized through notification dated 21.12.2011. (copy of the notification is attached herewith as Annexure-B).

5. That the appellant being highly aggrieved from the notification dated 21.12.2011 preferred departmental appeal dated 01.02.12 to the Honourable Chief Minister Khyber Pakhtunkhwa, Peshawar (copy attached as Annexure-C) for giving antedate promotion to the appellant from the date when he was promoted on acting charge basis through notification dated 25.01.2010 which was unresponded and later on the appellant filed writ petition No.2707-P of 2012 which was treated as departmental appeal and departmental, ^{authority} was directed to decide the appeal within two months, the competent authority has regretted the same through order 29.1.2013 (copy of the order in writ petition and order of the departmental authority is attached herewith as Annexure-D&E respectively) hence the present appeal against the order dated 21.12.2011 passed by respondent No. 1 inter alia on the following grounds;

Grounds

A. That vested right have been accrued in favor of appellant for ante-date promotion when the authority has later on through order dated 21.12.2011 regularized the services of the appellant with immediate effect instead of giving promotion to the appellant from 25.01.2010 although posts were available that's why the appellant was promoted on 25.01.2010.

B. That it is an established principle of law that ante-date promotion is given to civil servants aspiring for promotion after he is found fit for promotion and is promoted against vacant post on acting charge basis and after some time his services are regularized with immediate effect and by not regularizing the services of the appellant from the date when he has taken charge on acting charge basis therefore the impugned notification is illegal and against the principal of nature justice.

C. That the respondents have not treated the Appellant in accordance with law and rules on the subject and acted in violation of article-4 and 25 of the constitution of Islamic republic of Pakistan, 1973 and unlawfully not given ante-date promotion to appellant which is unjust, unfair hence not sustainable in the eye of law.

D. That the fundamental rights of the appellant has been violated and by not extending the said benefit to the appellant is an illegal and without of lawful authority order passed by Respondent No.1 which is liable to be set aside.

E. That the Honourable apex court has already granted the above mentioned benefit to the other colleagues of the appellant on the same footing and the notification in this regard has already been issued however the appellant has been discriminated thus the impugned notification is liable to be set aside on this court alone.

F. That there cannot be two different scales for treating the some of the civil servants in one way and by extending to them the benefit of their regularization from the date of holding the charge on acting charge basis and leaving aside the other civil servants of the same category and being on the same footing by refusing them antedate promotion without any reasonable/plausible grounds.

G. That in similar facts and circumstances this honorable Tribunal was pleased to accept appeal of Muhammad Iqbal Khattak and the case of the appellant is at par with that case so the impugned order is illegal on this ground also.

For the aforesaid reasons it is, therefore, respectfully prayed that on acceptance this appeal, this honorable tribunal may be pleased to declare office orders dated 21.12.2011 passed by respondent no.1 to be null and void and thus cancelled and ante-date promotion be given to appellant from 25-01-2010.

Any other remedy not specifically asked for but appropriate in the circumstances of the case may also be awarded to the appellant.

Muhammad Iqbal Khattak
Appellant

Through

Nasir Mahmood

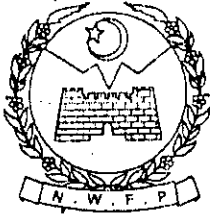
Nasir Mahmood Advocate,
13-D Haroon Mansion
Peshawar.

Affidavit

I, do hereby declare, and affirm on oath that the contents of accompanying writ petition are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble court.

Muhammad Iqbal Khattak
Deponent

Attested
FIDA MOHAMMAD BANGASH
Advocate
Notary Public
Date 22-2-13
Dist. Court Peshawar



AMER-A (2)

5

GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT

Dated Peshawar the 25th January, 2010

NOTIFICATION:

No: SOE-II(ED)3(45)2010: Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to appoint the following Section Officers (Section Officer (Current Charge) / Superintendents / Private Secretaries as PMS Officers (BS-17) on acting charge basis with immediate effect:-

Sr. #	Name of officer
1.	Mr. Diwalar Shah
2.	Mr. Rahim Badshah
3.	Mr. Jamroz Khan
4.	Mr. Muhammad Jehan
5.	Mr. Sher Akbar
6.	Mr. Wamiq
7.	Mr. Said Wali Khan
8.	Mr. Munir Jan
9.	Mr. Bashir Khan
10.	Mr. Zar Gul Khan
11.	Mr. Syed Rasool
12.	Mr. Muhammad Afzal
13.	Mr. Aurangzeb Awan
14.	Mr. Noor Muhammad
15.	Mr. Amir Muhammad
16.	Mr. Ghulam Hussain
17.	Mr. Wazir Muhammad
18.	Mr. Muhammad Ishaq
19.	Mr. Shabbir Ahmad
20.	Mr. Wazir Gul
21.	Mr. Farooq Ahmad
22.	Mr. Khurshid Ali Khan
23.	Mr. Ghulam Muhammad
24.	Mr. Fazal Nabi
25.	Mr. Abdul Qadcer
26.	Mr. Muhammad Saeed
27.	Mr. Muhammad Ayaz
28.	Mr. Zarimullah


Certified to be
True Copy

2. On their promotion the above officers will be on probation for a period of one year in terms of section-6(2) of NWFP Civil Servants Act 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Resultantly the following postings / transfers are ordered with immediate effect:-

Sr. #	Name of officer	From	To
1.	Mr. Diwalar Shah	Section Officer, CM's Secretariat.	Retained on the same post.
2.	Mr. Rahim Badshah	Section Officer, C & W Deptt:	Retained on the same post.
3.	Mr. Jamroz Khan	Section Officer, Finance Deptt:	Retained on the same post.
4.	Mr. Muhammad Jehan	Section Officer, Governor's Sectt:	Retained on the same post.
5.	Mr. Sher Akbar	Section Officer, Higher Education	Retained on the same post.
6.	Mr. Wamiq	Section Officer, ST&IT Deptt:	Retained on the same post.
7.	Mr. Said Wali Khan	Section Officer, Mineral Dev. Deptt:	Retained on the same post.
8.	Mr. Munir Jan	PS, FATA Dev. Authority	Section Officer(R-I), Establishment Deptt: as substitute of Mr. Tehsinullah
9.	Mr. Bashir Khan	Section Officer, P&D Deptt:	Retained on the same post.
10.	Mr. Zar Gul Khan	Section Officer, Finance Deptt:	Retained on the same post.
11.	Mr. Syed Rasool	Section Officer, Home & TAs Deptt:	Retained on the same post.
12.	Mr. Muhammad Afzal	Section Officer, Establishment Deptt:	Retained on the same post.
13.	Mr. Aurangzeb Awan	Section Officer, Health Deptt:	Retained on the same post.
14.	Mr. Noor Muhammad	Section Officer, Housing Deptt:	Retained on the same post.
15.	Mr. Amir Muhammad	Section Officer, CM's Secretariat	Retained on the same post.
16.	Mr. Ghulam Hussain	PS to Minister for Agriculture	Retained on the same post.
17.	Mr. Wazir Muhammad	Section Officer, Finance Deptt:	Retained on the same post.
18.	Mr. Muhammad Ishaq	Section Officer, ST&IT Deptt:	Retained on the same post.
19.	Mr. Shabbir Ahmad	Supdt: STI, E&AD	Home & TAs Deptt: against the vacant

Certified to be True Copy

20	Mr. Wazir Gul	Section Officer, Industries Deptt:	post Retained on the same post
21	Mr. Farooq Ahmad	PS, ST&IT Deptt:	Higher Education Deptt: against the vacant post.
22	Mr. Khurshid Ali Khan	Section Officer, Elementary & Secondary Education Deptt:	Retained on the same post
23	Mr. Ghulam Muhammad	PS Food Deptt:	Finance Deptt: against the vacant post.
24	Mr. Fazal Nabi	Section Officer, STI, E&AD	Retained on the same post
25	Mr. Abdul Qadeer	Section Officer, Aqal Deptt:	Retained on the same post
26	Mr. Muhammad Saeed	Section Officer, Social Welfare Deptt:	Retained on the same post
27	Mr. Muhammad Ayaz	PS CM Secretariat	Finance Deptt: against the vacant post.
28	Mr. Zarimullah	Section Officer, IPC Deptt:	Retained on the same post

CHIEF SECRETARY, N.W.F.P.

ENDST:NO: SOE-II(ED)3(45)2010

Dated Pesh the 25 January, 2010

A copy is forwarded to :-

1. All Administrative Secretaries to Govt of NWFP.
2. Secretary to Governor, NWFP.
3. Principal Secretary to Chief Minister, NWFP.
4. Accountant General, NWFP, Peshawar.
5. Accountant General(PR), NWFP, Peshawar.
6. Secretary, FATA Dev. Authority, Peshawar.
7. Director, STI, E&A Department.
8. S.O.(Secret)/(Admn)/E-IV/E.O/Programmer/Librarian, E&A Dept.
9. Officers concerned.
10. P.S. to Chief Secretary NWFP.
11. P.S. to Secretary Establishment NWFP.
12. PS to Special Secretary (Regulations) Establishment Dept.
13. PS to Minister Agriculture, NWFP.
14. PA to AS (E)/ DS (E) Establishment Department.
15. Personal files of the officers concerned.
16. Office Order file.
17. Manager, Govt Printing Press, Peshawar.

Certified to be
True Copy

(KALIMULLAH)
SECTION OFFICER (E-II)

Annex-B 8



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the December, 21.2011

NOTIFICATION

NO.SOE.II(ED)3(45)2011- Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following Private Secretaries/Superintendents/Section Officer(OPS)/PMS BS-17 (acting charge), to Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.#	Name of Officer
1.	Mr. Said Rasool
2.	Mr. Muhammad Afzal
3.	Mr. Aurangzeb Awan
4.	Mr. Noor Muhammad Awan
5.	Mr. Amir Muhammad
6.	Mr. Ghulam Hussain
7.	Mr. Wazir Muhammad
8.	Mr. Mohammad Ishaq
9.	Mr. Shabbir Ahmad
10.	Mr. Wazir Gul
11.	Mr. Khurshid Ali
12.	Mr. Ghulam Muhammad
13.	Mr. Akbar Khan
14.	Mr. Fazal Nabi
15.	Mr. Muhammad Saeed
16.	Mr. Muhammad Ayaz
17.	Mr. Zarimullah
18.	Mr. Waheed Khan
19.	Mr. Jehanzeb Khan

2. On promotion the above officers will be on probation for a period of one year 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 and Transfer) Rules, 1989.

3. Resultantly the following postings/transfers are ordered with immediate effect:-

S.#	Name of Officer	From	To
1.	Mr. Said Rasool	Section Officer, Home Deptt.	Retained on the same post
2.	Mr. Muhammad Afzal	Section Officer, E&AD	Retained on the same post
3.	Mr. Aurangzeb Awan	Section Officer, Health Deptt.	Retained on the same post
4.	Mr. Noor Muhammad	Section Officer, Housing	Retained on the same post

**Certified to be
True Copy**

9

5.	Awan Mr. Amir Muhammad	Deptt: Section Officer, CM Sectt	Retained on the same post
6.	Mr. Ghulam Hussain	PS to Minister Agriculture	Retained on the same post
7.	Mr. Wazir Muhammad	Section Officer, Finance Deptt:	Retained on the same post
8.	Mr. Mohammad Ishaq	Section Officer, ST&IT Deptt:	Retained on the same post
9.	Mr. Shabbir Ahmad	Section Officer, Higher Education Deptt:	Retained on the same post
10.	Mr. Wazir Gul	Section Officer, Industries Deptt:	Retained on the same post
11.	Mr. Khurshid Ali	Section Officer, E&S Edu Deptt	Retained on the same post
12.	Mr. Ghulam Muhammad	Section Officer, Finance Deptt:	Retained on the same post
13.	Mr. Akbar Khan	Section Officer, Information Deptt:	Retained on the same post
14.	Mr. Fazal Nabi	Section Officer, IPC Deptt	Retained on the same post
15.	Mr. Muhammad Saeed	Section Officer, Social Welfare Deptt:	Retained on the same post
16.	Mr. Muhammad Ayaz	Section Officer, Finance Deptt:	Retained on the same post
17.	Mr. Zarimullah	Section Officer, IPC Deptt	Retained on the same post
18.	Mr. Waheed Khan	Section Officer, Higher Educ. Deptt:	Retained on the same post
19.	Mr. Jehanzeb Khan	Section Officer, Industries Deptt	Section Officer, Population Welfare Deptt: against the vacant post.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN

A copy is forwarded to:-

1. Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. Secretary (Admn. & Coord), FATA Secretariat.
5. Accountant General, Khyber Pakhtunkhwa.
6. Accountant General (PR), Sub- Office, Peshawar.
8. SO(Secret)/SO(E-IV)/SO(Admn)/ EO/Librarian, E&A Department.
9. PS to Minister for Agriculture, Khyber Pakhtunkhwa.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment.
12. PS to Special Secretary(Regulation), E&AD
13. PAs to AS(E)/DS(E) Estab: Deptt:
14. Officers concerned.
15. Office order file.
16. Personal file of the officers concerned.

(FARYAL KAZIM)
SECTION OFFICER(E-II)

"HSAJ, AFRIDI"

Certified to be
True Copy

ed of no. 100
1900 2011

Annex-c 10

To

The Hon'ble Chief Minister,
Khyber Pakhtunkhwa,
Peshawar.

Ps / Secy to E & AD
Diary No. / 1005
Dated 01/12/2012

Through: **Secretary Establishment.**

Subject: **APPOINTMENT ON ACTING CHARGE BASIS/ANTEDATION OF PROMOTION.**

Dear Sir,

With due regard, it is stated that the undersigned's were appointed as Section Officers on Acting Charge Basis with effect from January 25, 2010 vide Notification No. SOE-II(ED)3(45)2010 dated January 25, 2010 (**Annex-I**) and then promoted on regular basis with effect from December 21, 2011 vide Notification No. SOE-II(ED)3(45)2011 dated December 21, 2011 (**Annex-II**).

2. Under Rule-9 of Appointment, Promotion and Transfers Rules 1989, the appointment on Acting Charge Basis is made in those cases where length of service is required. Under Rule-5 (ii) of Civil Servants (Secretariat Group) Rules 1997, no length of service is mentioned therein. Therefore, the promotion cannot be considered as on Acting Charge Basis.

3. It is submitted that the Acting Charge promotion is made against a temporary vacant post liable to reversion till the arrival of the lien holder of the post against which a person is promoted, but the undersigned have served regularly and without reversion to their original post uptill issuance of Notification No. SOE-II(ED)3(45)2011 dated December 21, 2011 on regular basis.

4. More-over, the Provincial government has allowed us one pre-mature increment and pay fixation on our promotion to higher scale i.e. BPS-17 on Acting Charge Basis. Hence our promotion cannot be considered as on Acting Charge basis but should be considered as on regular basis.

5. The Service Tribunal has decided similar cases as is evident from Service Appeal No. 734 and 735 on 2009 filed by Dr. Nadeem Khawar and Dr. Azmat Talaat, Professors of Paediatrics (BS-20) of Hayatabad Medical Complex V/S Chief Secretary, Government of Khyber Pakhtunkhwa, where-in it has been decided that both the appeals are accepted and the appellants shall be deemed to have been promoted on regular basis with effect from the date of their promotion of Acting Charge basis i.e. October 21, 2003 instead of January 09, 2009 with all consequential benefits.

**Certified to be
True Copy**

(Contd: Page/2)

6. It may further be submitted that the Supreme Court of Pakistan in a Civil petition No. 820-P of 2004 dated March 10, 2011 (**Annexure-III**) while accepting the view points of the Petitioner has ordered this restoring his seniority over those who were appointed against the initial recruitment quota. Mr. Abdul Wahab Petitioner V/S Government of Khyber Pakhtunkhwa through Chief Secretary for antedation of his promotion from August 09, 1993 the date from which he was promoted as Section Officer on stop-gap arrangement instead of the date in which he has been promoted on regular basis.

7. In light of the Judgment referred to above, it is requested that our case may kindly be considered sympathetically and consider our regular promotion from the date i.e. 25.01.2010 which we were appointed on acting charge basis.

With profound regard.

Yours faithfully.

S#	Name	Designation	Signature
1.	Mr. Said Rasool	Section Officer (Home)	 18/1/2012
2.	Muhammad Afzal	Section Officer(E&AD)	 18/1/12
3.	Mr. Aurangzeb Awan	Section Officer(Health)	 18/1/12
4.	Mr. Noor Muhammad Awan	Section Officer(Housing)	 18/1/2012
5.	Mr. Amir Muhammad	Section Officer(CM Sect)	 18.1.2012
6.	Mr. Ghulam Hussain	Section Officer(PS Min: Agril)	 18/1
7.	Mr. Wazir Muhammad	Section Officer(FD)	 18/1
8.	Muhammad Ishaq	Section Officer(ST&IT)	 18/1
9.	Mr. Shabbir Ahmad	Section Officer(HE)	 18/1
10.	Mr. Wazir Gul	Section Officer(Ind)	 18.1.12
11.	Mr. Khurshid Ali	Section Officer(E&SE)	 18/1
12.	Mr. Ghulam Muhammad	Section Officer (FD)	 18/1
13.	Mr. Akbar Khan	Section Officer(Inf)	 18/1
14.	Mr. Fazal Nabi	Section Officer(IPCD)	 18/1
15.	Muhammad Saeed	Section Officer(SW)	 18/1/12
16.	Muhammad Ayaz	Section Officer(FD)	 18/1/12
17.	Mr. Zarimullah	Section Officer(IPCD)	 18/1/12

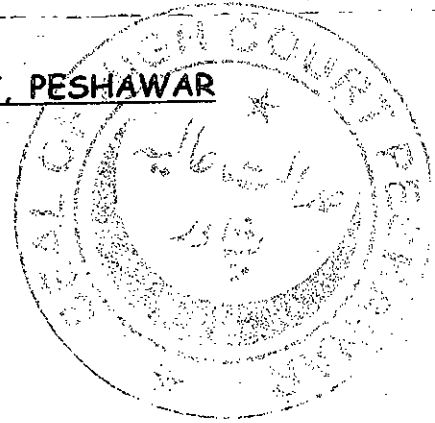
Certified to be True Copy

ANNEX-D

12


BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 2707-T/2012



1. Muhammad Ayaz Toru Section Officer,
Finance Department, Govt. of K.P.K.,
Civil Secretariat, Peshawar.
2. Jamroz Khan Section Officer,
Finance Department, Govt. of K.P.K.,
Civil Secretariat, Peshawar.
3. Muhammad Jehan Section Officer,
Governor Secretariat, Govt. of K.P.K.,
Governor Secretariat, Peshawar.
4. Sher Akbar Section Officer,
Home & Tribal Affairs Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
5. Wamiq Section Officer,
Science & Technology & Information Technology
Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
6. Munir Jan Section Officer,
E&AD Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
7. Bashir Khan Section Officer,
P&D Department, Govt. of K.P.K.,
Civil Secretariat, Peshawar.
8. Zar Gul Khan Section Officer,
Finance Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.


Certified to be
True Copy

ATTESTED

D. AMIR
Peshawar High Court

9. Syed Rasool Section Officer,
Home & Tribal Affairs Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
10. Aurangzeb Awan Section Officer,
Health Department Gov. of K.P.K.,
Civil Secretariat, Peshawar.
11. Wazir Muhammad Afghar
Section Officer,
Finance Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
12. Shabir Ahmad
Section Officer Higher Education Department,
Govt. of K.P.K.,
Civil Secretariat, Peshawar.
13. Khurshid Ali Khan Section Officer,
Elementary & Secondary Education Department, Govt.
of K.P.K., Civil Secretariat, Peshawar.
14. Fazal Nabi Section Officer,
Inter Provincial Coordination Department,
Govt. of K.P.K.,
Civil Secretariat, Peshawar.
15. Muhammad Saeed Section Officer,
Social Welfare Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
16. Rahim Badshah Section Officer,
C & W Department Govt. of K.P.K.,
Civil Secretariat, Peshawar.
17. Zarimullah Section Officer,
Inter Provincial Coordination Department,
Govt. of K.P.K.,
Civil Secretariat, Peshawar.

Certified to be
True Copy

3 / 14

18. Akbar Khan Section Officer, Information & Public Relations Department, Govt. of K.P.K., Civil Secretariat, Peshawar
.....Petitioners

Versus

1. Govt. of K.P.K., through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary to Govt. of K.P.K., Finance Department, Civil Secretariat, Peshawar.
3. Secretary Establishment/Regulation Govt. of K.P.K., Civil Secretariat, Peshawar

.....Respondents

W.P. under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973

Respectfully Sheweth:

1. That the petitioners are serving as Section Officer (BPS-17) Govt. of K.P.K., in Civil Secretariat, Peshawar whom are serving at the posts as mentioned against their names in the heading of the petition.
2. That all the above said petitioners have got at their credit a long tenure of service extending more than 25/30 years.
3. That the petitioners were previously serving as Superintendent/Private Secretaries (BPS-16) in the various departments, whereby through a notification

Certified to be True Copy

ATTESTED
Peshawar High Court



15

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of Judge
22.11.2012.	<p><u>W.P. 2707-P of 2012.</u></p> <p>Present: Ghulam Nabi, advocate for petitioners.</p> <p><u>DOST MUHAMMAD KHAN, C.J.</u>- Contends that similarly placed persons were granted relief by the Services Tribunal and the decision of the same was upheld by the apex court granting certain benefits to those employees placed similar to the petitioners, therefore, on the strength of dicta laid down by the apex court in the case of <u>Hameed Akhtar Niazi Vs. The Government (1996 SCMR 1185)</u> where it was held that once the Supreme Court or the High Court enunciated a principle of law, then benefit of the same must be extended to all those similarly placed albeit they had not come to the court for seeking such relief.</p> <p>2. Accordingly, this petition is sent to the Departmental Appellate Authority to be treated as Departmental Appeal and decision be made keeping in view the dicta laid down by the apex court. The needful be done within two months.</p> <p>Petition disposed of.</p> <p><i>sd/ DOST Mub dkh</i> <i>sd/ Waqar Ahmad se</i></p>

copy of 23/11

Certified to be True Copy

DESIGNED TO BE TRUE COPY

SR

29-11-12



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

ANNEX-E

16

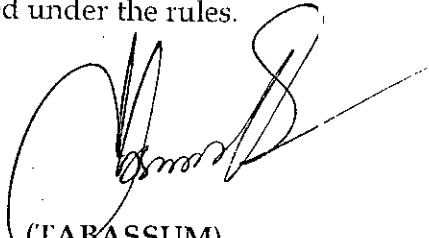
NO.SOE-II(ED) 3(855)/2008
Dated Peshawar the January, 29. 2013

To

1. - Mr. Muhammad Ayaz Toru, Section Officer, Finance Deptt.
2. - Mr. Jamroz Khan, Section Officer, Finance Deptt.
3. - Mr. Muhammad Jehan, Section Officer, H&TAs Deptt
4. - Mr. Sher Akbar, Section officer, H&TAs Deptt
5. - Mr. Wamiq, Section Officer, ST&IT Deptt.
6. - Mr. Munir Jan, Assistant Manager (Procurement & Inventory) FATA
Dev. Authority,
7. - Mr. Muhammad Bashir Khan, Section Officer, P&D Deptt.
8. - Mr. Zar Gul Khan, Section Officer, Finance Deptt.
9. - Syed Rasool, Section officer, H&TAS Deptt
10. - Mr. Aurangzeb Awan, Section Officer, Local Govt. Deptt
11. - Mr. Wazir Muhammad, Section Officer, Finance Department
12. - Mr. Shabir Ahmad, Section Officer, Health Deptt.
13. - Mr. Khurshid Ali Khan, Section Officer, E&S Edu Deptt.
14. - Mr. Fazal Nabi, Section Officer, IPC, Deptt.
15. - Mr. Muhammad Saëed, Section Officer, Social Welfare, Deptt.
16. - Mr. Rahim Badshah, Section Officer, C&W Deptt.
17. - Mr. Zarimullah, Section Officer, IPC, Deptt.
18. - Mr. Akbar Khn, Section Officer, Information Deptt.

Subject:- WRIT PETITION NO. 2707-P/2012 - MUHAMMAD AYAZ-AND
OTHERS VS GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS

I am directed to refer to Additional Registrar (J), Peshawar, High Court, letter No. 18892/Judl: dated 09.11.2012 on the subject noted above and to inform that after thorough examination of your appeal/representation in this Department, the competent authority has regretted the same being not covered under the rules.


(TABASSUM)
SECTION OFFICER (E-II)


Certified to be
True Copy

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

Appeal No. 612/2008

Date of Institution. .. 16.04.2008
Date of Decision .. 13.03.2009

Muhammad Iqbal Khattak,
Assistant Political Agent, Khair Bajaur Agency. (Appellant)

VERSUS

1. Government of NWFP through Secretary Establishment Department, Peshawar.
2. Govt. of NWFP through Chief Secretary, Peshawar. (Respondents)

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO.SOE.II (E&D) 2 (192)2007 DATED 19.2.2008 WHEREBY THE APPELLANT WAS PROMOTED ON REGULAR BASIS W.E.F. 19.2.2008 INSTEAD OF 30.11.1999 AND ORDER NO.SOE-II (E&D) 2(192) WHEREBY HIS DEPARTMENTAL APPEAL WAS DISMISSED.

MR. SHAKEEL AHMAD,
Advocate ... For appellant.

MR. ZAHID KARIM KHALIL,
Addl. Government Pleader, ... For respondents.

MR. JUSTICE (R) SALIM KHAN, .. CHAIRMAN.
MR. BISMILLAH SHAH, .. MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN.-The present appeal No. 612 of 2008 by Muhammad Iqbal Khattak and appeal No. 613 of 2009 by Ahmad Khan involved similar questions of law, therefore, these are taken together for arguments and disposal.

2. Muhammad Iqbal Khattak was promoted as Tehsildar on regular basis vide order dated 28.12.1988. He was promoted to PCS(E.G.) (BPS-17) on temporary basis vide notification dated 06.03.1996. He contended that many posts became vacant, but the appellant was prompted to (BPS-17) on regular basis on 19.2.2008 with immediate effect, instead of ante-dating of his promotion to the date on which the vacancy fell to his turn in the

Certified to be
True Copy



seniority lists of officers of PCS (E.G). His departmental appeal was rejected on 22.03.2008. The present appeal was filed on 16.4.2008 which is within time. The case of Ahmad Khan (Appellant) is similar to the case of Muhammad Iqbal Khattak on facts also. His appeal is also within time.

3. The respondents contested the appeal on many grounds, including the ground that no one could claim a vested right in promotion or in the terms and conditions for promotion to a higher post.

4. We heard the arguments and perused the record.

5. The learned counsel for the appellants contended that the appellants were temporarily posted to BPS-17 post on 06.3.1996, but they remained silent, because they did not have a vested right for promotion to a higher post. The appellants have already been considered for promotion and have been found eligible and fit for regular promotion to BPS-17 post, therefore, the principles embodied in the judgment of the August Supreme Court of Pakistan reported as 1990 SCMR 1321 are not applicable to their cases. In fact, the vacancies had become available for the appellants as early as on 30.11.1999, and it was the responsibility of the official respondents to expeditiously deal with the cases of the appellants for their regular promotion. The appellants could not be punished for no fault on their side, or for delay caused by the official respondents in processing the cases of the appellants. He relied on 1997 PLC (C.S) 77, wherein it has been held in para 3 as under:-

"On behalf of the Government it is contended that no civil servant has a right to claim that he should be promoted from a back date even though a vacancy may be existing on the date from which the promotion is being claimed. This is no doubt true but there are no orders by the Government that the respondents/petitioners should be held up for some time. The delay in making the promotions occurred entirely due to the reason that the officials of the Education Department could not carry out a fairly simple exercise within a reasonable period. In the circumstances it will not be appropriate for this Civil Petition to interfere with the order of the Service Tribunal. Leave is refused."

ATTESTED
BY
SECRETARY

Consistent to be
True Copy

This judgment was in the petition for leave to appeal against the judgment dated 19.02.1995 of the Punjab Service Tribunal. It is worth-mentioning that

19
S
ABT

[Handwritten mark]

(the judgments cited as 1990 SCMR 1321 and cited as 1997 PLC (C.S) 77 are on two different aspects of the same subject.

6. Ante-dating of promotion, after consideration of the candidate aspiring for such promotion, after he was found eligible and fit for such promotion and is promoted, is an established principle of law. Such a candidate cannot be punished for any delay caused by the department in processing his case for promotion. The order of promotion, therefore, has to be ante-dated to the date on which the vacancy for his turn became available or to the date on which he actually took charge of the post on officiating/acting charge basis, whichever is later.

7. The A.G.P contended that the present appeals were miserably time-barred and both the appellants were estopped by their own conduct to file the present appeals. In fact, the principle embodied in the judgment reported as 1990 SCMR 1321 was applicable to the cases of the appellants from 06.3.1996 to 18.2.2008. They could not claim promotion as of right. The principle embodied in the judgment reported as 1997 PLC (C.S) 77 became applicable to their case on 19.2.2008. Cause of action arose to the appellants for claiming ante-dation of their promotion as prayed for only when their cases were considered for promotion, they were found eligible and fit for promotion, and their promotion orders were issued, though with immediate effect. They filed their departmental appeals within time from the date of the impugned order dated 19.2.2008, and their appeals were rejected on 22.3.2008. They filed Service Appeals on 16.04.2008. The departmental appeals as well as the Service Appeals were well within time.

8. The A.G.P further contended that, according to the proviso contained in sub-section (2) of Section 22 of the N.W.F.P Civil Servants Act 1973, "no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade." Judgment cited as 1990 SCMR 1321 was, then, applicable and appellants could not file representation. This stage has already passed. The appellants have been considered for holding the higher post after their promotion to that higher post, and their fitness for such promotion and holding of post has already been determined. The judgment cited as 1997

ATTESTED
EXAMINER
N.W.F.P.
C. S. 77
be

24

91
20

PLC (C.S) 77 has become applicable after determination of fitness of the appellants. The question in these cases is not the determination of fitness but is the right of ante-dation of their promotion. The appellants had vested right for consideration of promotion on their turn whenever it was and when found fit on determination of fitness, at any stage they had a right to claim ante-dation of their promotion to the dates on which the vacancies were available for their respective turns or from the dates on which they actually took the charge of their respective posts, whichever were later in time.

The A.G.P. also contended that according to sub-rule (6) of Rule 9 of the N.W.F.P. Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis. The appellants have never claimed any vested right for regular promotion to the post which they held on acting charge basis, on the basis of acting charge appointment. In fact they did not have such a right. They remained silent for a long time, knowing that they did not have such a right on the basis of acting charge appointment. They however, had a vested right, as civil servants for consideration for promotion, when the authority was to consider someone for promotion against the vacancy. No other person could be considered till the appellants were so considered. They, therefore, had a vested right for ante-dation of their promotion only when they were regularly promoted but from the date when the vacancy became available for their turn.

10. The A.G.P. further contended that, according to the North West Frontier Province Provincial Management Service Rules, 2007, notified on 11-05-2007 vide No. (SOE.11(ED)2(14)2007, The N.W.F.P. Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 were repealed. He was of the view that the N.W.F.P. Provincial Management Service Rules, 2007 had come into force at once w.e.f. 11-05-2007, while the orders of promotion of the appellants were issued on 19-02-2008. He submitted that the promotion orders were covered by the new rules, therefore, the appellants could not claim any benefit out of the already repealed rules of 1997. In order to clarify this controversy, it is necessary to reproduce the relevant Rule 8 of the N.W.F.P. Provincial Management Service Rules, 2007 which is as under:

REGISTERED
EX. SER
Tribunal
NWFP

to be
True Copy

PLC (CS) 77 has become applicable after determination of fitness of the appellants. The question in these cases is not the determination of fitness but is the right or ante-date of their promotion. The appellants had vested right for consideration of promotion on their turn, whenever, it was and when found fit on determination of fitness, at any stage, they had a right to claim ante-dation of their promotion to the dates on which the vacancies were available for their respective turns or from or from the date on which they actually took the charge of their respective posts, whichever were later in time.

The AGP also contended that according to sub-rule (6) of rule 9 of the N.W.F.P Civil Servants (Appointment, promotion and Transfer) Rules, 1989 acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis, "The appellants have never claimed any vested right for regular promotion to the post which they held on acting charge basis, on the basis of acting charge appointment. In fact, they did not have such a right. They remained silent for a long time, knowing that they did not have such a right on the basis of acting charged appointment, they however, had a vested right, as civil servants, for consideration for promotion, when the authority was to consider someone for promotion against the vacancy. No other person could be considered till the appellant were so considered. They, therefore, had a vested right for ante-dation of their promotion only when they were regularly promoted but from the date when the vacancy become available for their turn.

10 The A.G.P. further contended that, according to the North West Frontier Province Provincial Management Service, Rules, 2007, notified on 11.05.2007 vide No.SOE.II(ED)2(14)2007, The NWFP Provincial Civil Service (Secretariat /Executive Group) Rules, 1997 were repealed. He was of the view that the N.W.F.P Provincial Management Service Rules, 2007 had come into force at once w.e.f. 11.05.2007 while the orders of promotion of the appellants were issued on 19.02.2008. He submitted that the promotion orders were covered by the new rules, therefore, the appellants could not claim any benefit out of the already repealed rules of 1997. In order to clarify this controversy, it is necessary to reproduce the relevant Rules 8 of the N.W.F.P Provincial Management Service Rules 2007 which is as under:-

Certified to be
True Copy

~~21~~
21
~~21~~

8. Repeal:- The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand repealed after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50:50. The existing incumbents of PCS (E.G) and (S.G) in different pay scales, for the purpose of their promotion, shall continue to be governed under the said service rules till the retirement of the last such incumbent."

The above rule, by itself, clarifies that the rules of 1997 shall not stand repealed before the retirement of the existing incumbents of both the cadres of Secretariat/Executive Groups, and shall remain in force till the retirement of the last such incumbent. It further clarified that separate seniority list of both the cadres shall be maintained under the existing rules. The existing rules for such incumbents are the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997. It was also clarified that such incumbents shall be promoted at the ratio of 50:50. It means that out of each two vacancies, one vacancy shall be given to Secretariat Group, while another vacancy shall be given to the Executive Group. Further clarification is to the effect that the existing incumbents of PCS (E.G) and (S.G) in different pay scales shall continue to be governed under the rules of 1997 for the purpose of their promotion, and this process is to continue till the retirement of last such incumbent. Both the appellants belonged to the Executive Group of Civil Servants. They were to be governed under the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 before 11.05.2007, and they have to be governed under the above mentioned rules of 1997 till the retirement of the last incumbent of a post in Secretariat Group/Executive Group.

11. The cases of the appellants are, therefore, to be governed in accordance with the provisions of Section 8 (quoted above) of the new N.W.F.P Provincial Management Service Rules, 2007. The record shows that vacancies were available for the appellants but they were not promoted at the due time and their cases for promotion were delayed unnecessarily without any fault of the appellants. They, therefore, are entitled to ante-dation of their promotion against the first available vacancy falling to the turn of each of them or from the date of taking over the charge of that vacancy on officiating/acting charge basis, whichever is later.

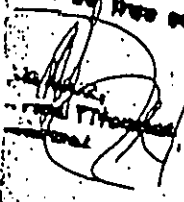
21
N.W.F.P.

Certified to be
True Copy

12. In the light of the above, we accept both the appeals, and direct the official respondents to ante-date the promotion of each of the two appellants to the respective dates on which a vacancy became available for the respective turn of the appellants or from the respective dates of their taking charge of such vacancy on officiating/acting charge basis, whichever is later. The appellants are entitled to the costs of their respective litigation from the official respondents.

ANNOUNCED
11.03.2009

Chief Justice U.S. Qalibekov
Chairman
Sh. Bisnillat Qalibekov
Member

to be true copy


presentation of a public notice 12-3-09
of which 2400
of which 14
of copies 7 14
completion of copy 10-9-09
delivery of copy 10-9-09


Certified to be
True Copy

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

0924290075

PRESENT:
MR. JUSTICE EJAZ AFZAL KHAN.
MR. JUSTICE MUHAMMAD FATHER SAEED.

23

C. As. No. 860 to 861 of 2010.
(On appeal against the judgment dt
11.3.2009 passed by NWFP Service
Tribunal, Peshawar in Appeals No. 612
and 613 of 2008).

Govt. of NWFP thr. Secy. Establishment and another. (in both cases)
...Appellants

Versus

Muhammad Iqbal Khattak. (in CA.860/10)
Ahmed Khan. (in CA.861/10)
...Respondents

For the appellants: Mian Muhibullah Kakakhel, Sr.ASC.
Miss. Tehmina Muhibullah, ASC.
Mir Adam Khan, AOR.
(in both)

For the respondents: Hafiz S. A. Rehman, Sr.ASC.
Mr. Shakeel Ahmed, ASC
(in both).

Date of hearing: 24.05.2012.

J U D G M E N T

EJAZ AFZAL KHAN, J. --- These appeals with the leave of the
Court have arisen out of the judgment dated 11.3.2009 of the Service
Tribunal whereby appeals filed by the respondents were allowed.

2. The points raised and noted while granting leave read as
under:-

"We have heard the learned counsel at some length. We are
inclined to grant leave inter-alia on the point as to whether
the legal and factual aspects of the controversy have been
dilated upon and decided by the Tribunal in accordance with
relevant Rules i.e. Rule 8 of the NWFP, Provincial Civil
Service (Secretariat/Executive Group) Rules, 1997 and Rule
9(6) of the NWFP Civil Servants (Appointment, Promotion
and Transfer) Rules, 1989. It is also to be examined as to
whether that stop-gap-arrangement can be equated to that of
regular promotion and besides that the order passed by the
learned Service Tribunal could be made applicable to all the

ATTESTED

Certified to be
True Copy

Superintendent
Supreme Court of Pakistan
ISLAMABAD

Tehsildars who are awaiting their promotion. Since a short question of law is involved in the matter, therefore, the case be listed after four weeks subject to limitation. In the meanwhile operation of the impugned judgment shall remain suspended".

3. Learned counsel appearing on behalf of the appellants contended that though the Governor of the Province in consultation with the Provincial Selection Board was pleased to order the promotion of the respondents in BPS-16 as Extra Assistant Commissioner in BPS-17 in the Ex-PCS (E.B) Cadre with immediate effect on purely temporary basis vide notification dated Peshawar 6th March, 1996, yet it could not earn them any benefit or entitle them to a vested right notwithstanding they have been promoted on regular basis with immediate effect vide notification dated 19.2.2008. They, the learned counsel added, could not have claimed any ante-dated promotion even on the occurrence of any vacancy in such scale in violation of Section 8 of the Civil Services Act or Rule 9 of NWFP Civil Service (Executive Group) Rules, 1997, as decidedly promotion is not a vested right. Appeal before the departmental authority, the learned counsel added, or before the Tribunal claiming ante-dated promotion was, therefore, misconceived. The learned Tribunal, the learned counsel maintained, could not have allowed such appeal when it tended to mar the seniority of many others in the run. The learned counsel to support his contention placed reliance on the cases of "Wajahat Hussain, Assistant Director, Social Welfare, Lahore and 7 others. Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 81 others" (PLD 1991 S.C. 82), "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore. Vs. Government of the Punjab through Secretary, Labour Department and others" (1985 SCMR 1201), "Nazeer Ahmed. Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others" (2001 SCMR 352), Government of Pakistan through Establishment

Certified to be
True Copy

ATTESTED

Superintendent
Supreme Court of Pakistan
ISLAMABAD

Division, Islamabad and 7 others. Vs. Flameed Akhtar Niazi, Academy of Administrative, Walton Training, Lahore and others" (PLD 2003 S.C. 110).

25

The learned counsel next contended that a change in scale by means of promotion is not automatic but dependent on a process involving selection, therefore, any change in scale without such process being violative of the relevant law and rules, cannot be maintained. The learned counsel to support his contention placed reliance on the case of "Abid Hussain Sherazi. Vs. Secretary M/o Industries and Production, Government of Pakistan, Islamabad" (2005 SCMR 1742).

4. As against that learned counsel appearing on behalf of the respondents defended the impugned judgment by contending that where a vacancy occurs in the next higher scale, the Civil Servant officiating or working on acting charge basis thereagainst is not considered for promotion or the process of regular promotion is delayed on account of lethargic attitude of the competent authority or any other exigency so-called, the Civil Servant who is subsequently found fit for such promotion on regular basis cannot be deprived of the salary and other consequential benefits attached to such post. Learned counsel to support his contention placed reliance on the case of "Lugman Zareen and others. Vs. Secretary Education, NWFP and others" (2006 SCMR 1938). The learned counsel next contended that though the NWFP Civil Service (Secretariat Group) Rules, 1997 have been substituted by the NWFP Provincial Management Service Rules, 2007 but the rights of the existing incumbents of both the cadres have been protected by Rule 8 of the latter, therefore, the change in rules would not affect the service structure of the respondents or rights accruing thereunder. The learned counsel next contended that if the concluding paragraph of the impugned judgment is read, none of the rights of any of the officers including their seniority has been affected.

Certified to be
True Copy

ATTESTED

Sub-Attendant
Supreme Court of Pakistan
ISLAMABAD

26

"Lugman Zareen and others. Vs. Secretary Education, NWFP and others"

(2006 SCMR 1938), this Court while dealing with an identical issue held as under :-

"It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31.8.2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapsim which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly"

While dealing with the reservations of the nature expressed by the learned counsel for the appellant, this Court held as under :-

"A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from

Certified to be
True Copy

ATTESTED

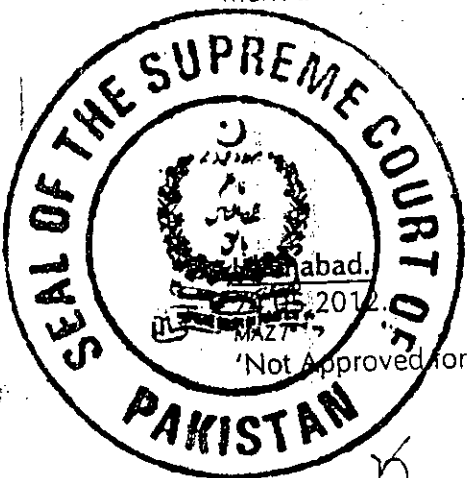
Secretary
Government of Pakistan
ISLAMABAD

27

which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise.

When this being the state of things on factual and legal plain, we don't think the judgment of the learned Service Tribunal is open to any exception. The judgments rendered in the cases of "Wajahat Hussain, Assistant Director, Social Welfare, Lahore and 7 others. Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 8 others", "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore. Vs. Government of the Punjab through Secretary, Labour Department and others", "Nazeer Ahmed. Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others", "Government of Pakistan through Establishment Division, Islamabad and 7 others. Vs. Hameed Akhtar Niazi, Academy of Administrative, Walton Training, Lahore and others" and "Abid Hussain Sherazi. Vs. Secretary M/o Industries and Production, Government of Pakistan, Islamabad", (supra) cited by the learned counsel for the appellants are not applicable to the case in hand because of their distinguishable facts and features.

9. For the reasons discussed above, these appeals being without merit are dismissed.



Ch. Ghous Abbas Khan, J
Ch. Muhammad Atiqul Haque, J
Certified to be True Copy
3/15/12
Superintendent
Supreme Court of Pakistan
ISLAMABAD

Certified to be True Copy

3-20/12

SR No:	5878/12	Civil/Criminal
Date of Presentation:	25-5-12	
No. of Words:	1800	
No. of folios:	18	
Requisition Fee Paid:	0.00	
Copy Fee In:	11.16	
Court Fee etc. In:	16.16	
Date of Completion of Copy:	3/15/12	
Date of delivery of Copy:	3/18/12	
Compared by:	Sh. Rizwan Nawaz Adv.	

28

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

Appeal No. 425/2005

Date of Institution

Date of Decision

Abdul Latif, Incharge, Subject Specialist in
Pak-Studies Govt. Higher Secondary School
Shabqadar Fort, Charsadda.....Appellant

Versus

1. Govt. of NWFP through Chief Secretary,
Civil Secretariat, Peshawar.
2. Chief Secretary, Govt. of NWFP,
Civil Secretariat, Peshawar.
3. Secretary Finance,
Finance Department Civil Secretariat, NWFP,
Peshawar.
4. Secretary to Govt. of NWFP (S&L)
Education Department, Peshawar.
5. Special Secretary Education Department,
NWFP, Peshawar.
6. Director (S&L) Education Department,
NWFP, Peshawar.
7. Deputy Director (Establishment),
School & Literacy, Education Department,
NWFP, Peshawar.....Respondents

Appeal w/s 4 of the NWFP Service Tribunals Act, 1974 against the
impugned notification No. SO(S)1.4.2004/Promotion Bs-16 to 17 S.S.
on regular basis dated 05.01.2005 to the extent of applicability with
immediate effect.

Prayer:

On acceptance of this appeal the impugned Notification dated
05.01.2005 NO. SO(S)1.4.2004/Promotion Bs-16 to 17 S.S. on
regular basis may be modified and be given effect from the date of
assuming the charge as S.S. i.e. 17.02.2003 with seniority and back
benefits and the Notification's applications with immediate effect may
be declared ultra vires of the provision of the constitution against the
natural justice, illegal and of no legal effect and be rectified.

Certified to be
True Copy

Mr. M. Zahoor Qureshi,
Advocate

Mr. Noor Zaman Khan,
Additional Govt. Pleader

Mr. Abdul Sattar Khan
Mr. Azmat Hanif Orakzai

29
For appellant

For respondents

Chairman
Member.

Judgment

Abdul Sattar Khan, Chairman:

The appellant namely Abdul Latif while serving as SET in the Education Department was adjusted/posted as Subject Specialist (Men's Section) in his own pay and scale along with others, holding qualification of M.A/M.Sc/B.Ed vide Notification dated 17.02.2003. The appellant accordingly assumed the charge of the post. Vide Notification dated 05.01.2005 on the recommendation of the Departmental Promotion Committee, the Competent Authority promoted the appellant and other SETs (BS-16) working against Incharge S.S. (B-17) on regular basis, with immediate effect. Feeling aggrieved, the appellant filed his departmental appeal claiming that regularization of the appellant has been made from the date of issuing of the Notification dated 05.01.2005, whereas he was entitled to be considered for regularization with effect from the date of his first appointment to the post i.e. 17.02.2003 which elicited no response. Hence this appeal.


2. Notices were sent to the respondents. They turned up and contested the appeal by filing joint written reply. Various factual and legal pleas were raised. It was also inter-alia alleged that appellant along with other SETs holding the Master Degree in the relevant subject, was adjusted temporarily against the post of S.S. on acting

Certified to be
True Copy

charge basis conditionally subject to the approval of DPC; that under the Civil Servants recruitment/promotion rules, the matter takes effect that after completion of the required procedure/codal formalities and subject to the approval/concurrence of DPC and that regularization was made with the concurrence of the DPC from the date of approval after completion of the required procedure/codal formalities. No replication, in rebuttal, was filed by the appellant.

3. Arguments heard and record perused.

4. Learned counsel for the appellant argued that the impugned Notification affected the vested rights of the appellant, therefore, retrospective effect should not have been given to it, that even inspite of the availability of post, the appellant was not given promotion from the date of taking over charge, but was given regular promotion with immediate effect; that the appellant cannot be penalized for the lapses of the respondent department; that the impugned order/notification has made the appellant junior to those incumbents, who were recruited directly on the recommendations of the NWFP Public Service Commission and who have got no teaching experience as compared to the present appellant and that the appellant has served against higher post, therefore, he is entitled to the pay of the higher post u/s 17 of the NWFP Civil Servants Act, 1973 read with F.R 17 & 30 which deals with officiating appointment. Lastly, that the applicant was duly qualified at the time of his initial appointment/adjustment, therefore, he was entitled to anticipation promotion and pay of the post.....


Certified to be
True Copy

~~37~~

6/1

against which he served and that delay can be condoned even on verbal request of the appellant. Reliance was placed on the following authorities.

- 1. PLD 1987 SC 61
- 2. 1983 SCMR 883
- 3. PLC 1984 (C.S) 1006
- 4. PLC 1990 (C.S) 95
- 5. PLC 1995 (C.S.) 211
- 6. PLC 1986 (C.S) 240 & 296
- 7. PLC 1988 (C.S) NWFP 682
- 8. PLD 1986 SC 349
- 9. 1998 SCMR 2614
- 10. PLD 1994 SC 233
- 11. 1985 SCMR 1158
- 12. 1997 SCMT 1244
- 13. 1998 PLC (C.S) 980

As such the impugned notification is defective and the appellant is entitled to ante-dation promotion as well as pay of the higher post against which he served.

5. In reply it was urged that the appellant did not challenge the earlier notification vide which he was allowed to perform his duties on stop-gap arrangement; that in view of large number of incumbents it was not possible at the initial stage to promote them on regular basis without clearance by the DPC; that the appellant is already receiving the benefits of pay of higher post that the appeal is time barred and that in case of Akbar Khan in similar circumstances the Tribunal had not given ante-dation promotion, therefore, the appeal is not maintainable and liable to be dismissed.

Certified to be True Copy

6. Admittedly, the appellant served against the

post of Subject Specialist for sufficient time on acting charge basis. The post against which he served involved higher responsibilities as compared to SET on which he was initially serving. The controversy regarding entitlement of appellant to salaries of higher grade has been set at naught by the august Supreme Court of Pakistan. In 1973 SCMR 304 it has been held as under:-

"Civil services Appears of salary-civil servant for no fault of his own wrongly prevented from rendering services to State in higher post to which he was admittedly entitled should be given salary for the higher post"

In PLD 1978 SC 61 it has been held in citation (a) that "Promotion on higher post officiating pay-person promoted to officiate in a higher post involving assumption to duties and responsibilities of greater importance ordinarily entitled under F.R 30 to a higher pay unless Government in exercise of its power under F.R. 35 decides to give him lesser benefits F.R. 35 does not give an absolute discretion to Government or its delegate not to give any benefit at all. Rule only permits payment of a lesser amount than that would otherwise have been admissible under Fundamental Rules themselves F.R. 35 held not intended to deprive a person of a higher remuneration in case of his assumption of duties and responsibilities of greater importance than those attaching to his substantive post:

In 1983 SCMR 883 it has been held that "civil servant promoted to officiate in a higher post is entitled to minimum pay of grade of higher office". In PLDF 1994 Supreme Court 233 it has been held as under in citations.

~~SECRET~~

(c) & (d)

"C) Civil Service.....

.....Promotion.....Claim to salary of higher post civil servant promotion was although a temporary arrangement, yet it lasted for three temporary arrangement, yet it lasted for three years and there being no impediment in his way to be promoted at that time, on regular basis and he being eligible and qualified for promotion to higher grade, there was no justification to deprive him of the salary and other benefits of the post Civil Servant having discharged full duties and responsibilities of the higher post, in absence of plausible reason, he could not be deprived of the salary and other benefits connected with that post".

(d) Civil Service

-----Salary-----Civil servant's entitlement to salary of higher grade-Civil servants having performed duties of higher grade for a period of more than three years was entitled to the salary and benefits connected with the higher grade from specified date when he was appointed to higher post in his own pay and status minus special pay already drawn for that period. Notification to that effect was directed to be issued by respondent.

The above reports fully over the case of the present appellant and he was entitled on the strength of the above authorities to pay of the higher post/grade against which he served on acting charge basis.

7. So far as the claim of the appellant with regard to seniority/antedation promotion is concerned it transpires that he was adjusted on acting charge basis as Subject Specialist on his own pay scale. Stop gap appointment will create on vested right in favour.....

Certified to be True Copy

34

~~34~~

~~34~~

of the appellant. Further-more ante-dation promotion may affect the seniority position of substantial number of incumbents recruited directly on the recommendation of the NWFP Public Service Commission and who have not been impleaded as parties. As a large number of employees were to be promoted on regular basis, therefore, record was to be scrutinized to ascertain as to whether the appellant fulfilled the necessary requirements and was there any legal impediment in his way of promotion. The authorities cited by the learned counsel for the appellant with regard to ante-dation promotion i.e. 1999 PLC 587, 2004 PLC (C.S.) 835, 1996 SCMR, 1334, 1998 SCMR 736, PLJ 1999, Tr. C (Services) 366, PLJ 1996 Tr.C. (Services) 684, 2003 SCMR 13 1998 PLC (C.S.) 980 and 1985 SCMR 1158 are distinguishable and are not applicable to the facts of the present appeal.

8. So far as the appeals bearing No. 506 & 507 of 2005 of co-appellants namely Mausam Khan and Muhammad Iqbal (Headmaster) are concerned it is contended on their behalf that they have been discriminated, but no discrimination was pointed out/preven.

9. The Tribunal while deciding the appeals of Shah Imtiaz and others vide its judgment dated 14.05.2005 passed in Service Appeal No. 1151/2003 has already held that the incumbents would be entitled to the salaries of the higher posts against which they served and in the present cases too, the Tribunal would not take view different from the one already taken in the appeals earlier decided.

Certified to be
True Copy.

10. So far as the question of limitation is concerned, the delay if any is condoned in the interest of justice in view of the authority reported as PLJ 2004 SC 435 wherein the august Supreme Court has always encouraged decision of cases on merits instead of none suiting the litigants on technical grounds including limitation.

11. For what has been discussed above, we are of the considered opinion that since the appellant has rendered service in BS-17 on acting charge basis for sufficient time before his regularization on 05.01.2005 therefore, he is entitled to the salaries of the post against which he served. So far as his claim with regard to ante-dation promotion/seniority is concerned, no case for indulgence of the Tribunal was made out. Accordingly, the instant appeal stands disposed of in the above terms.

12. This order shall also dispose of 131 other connected appeals bearing No. 426 to 430/05 432 to 441/05 445 to 473/05 506 and 507/05 520 to 533/05 54 541 & 542 /05, 564/05, 566/05, 613 to 624/05, 632 to 646/05 650 to 551/05 696/05, 740 to 745/05 748 to 751/05 753 to 757/05 768 and 769/05 816/05, 820 to 826/05 837 and 847 of 2005 filed through different Advocates by appellants namely Muzaffar Shah, Fida Muhammad, Daud-ur-rehman, Izat Shah, Bakht Karim Shah, Hameedullah, Muhammad Sadiq Khan, Abdul malik Hakimullah, Mujeebullah, Fazal Muhammad, Farzand Ali Khan Munir Hussain, Muhammad Rahim Habibullah, Habibullah Muhammad Aslam, Muhammad Anwar, Zahidullah, Hayat Muhammad, Changaiz Khan, Fayaz Ahmad, Nimatullah, Munwar Khan.

Certified to be
True Copy

(3)

Muhammad Amin, M. Jamshid, Aminul Haq, Noorani Gul, Syed Muhammad Tariq Shah, Amir Sultan, Zainullah, Nauman Ali, Mr. Aslam, Syed Latif Shah, nawab Khan, Sharif-ud-Din, Muhammad Shafiq, Zard Ali Khan, Muhammad Sadiq Muhammad Bilal, Gul Aslam Khan Hazrat Umer, Muhammad Rafiq, Muhammad Raiz, mausam Khan, Muhammad Iqbal, Bakht Rawan, Farid Khan, Sher Habib, Hidayat-ur-Rehman Sher Ali Khan, Ismail, Alamzaib Abdul hameed, Riaz Hussain, Muhammad Islam Sanaullah, Naeem jan, Mustafa Khan, Nisar Ahmad, habibullah, Muhammad Jalil Khan, Hidayatullah Khan, Ahmad Sultan Shahid Hayat, Muhammad Ayaz, Latif-ur-Rehman, Safdar Ali, Muhammad Raziaq, Muhammad Nawaz, Afzaal Khan, Emal Khan, Abdur Rashid, Jalal-ud-Din, Muhammad Tahir, Faizullah Khan, Sahib Gul, Sher Zada, Noor-ul-Basar, Said Zarain Raiz Ali, Ashraf Ali, Mumtaz Khan, Muhammad Amin, Najeebullah, Fazal Subhan, Anwar Shah Ishar Ali, Sher Nawaz Khan, Nazir Ahmad, Farman Ali, Haroon-ur-Rashid, Muhammad Salim, Sahibzada Nisar Muhammad, Shujjat Ali, Amin-ul-Haq, Muhammad Yousaf, Sarfaraz Khan, Abdul Wahid, Zakir Mahmood, Fazal Shah, Fazal Wahid Quresh Gul, m Amir Nawab Gul Zaman Ghulam Akbar, Attaur Rehman, Muhammad Waisal, Badish Khan, Khizar Hayat, Muhammad Salim, Muhammad Arif Sikandar Khan, Shahid Khan, Shah jehan, Aqal Gul, Muhammad Hamid, Younis Ali Khan, Khurshid Alam, Muhammad Daraz, Abdul Qayyum Shah, Hamid Hussain, Abdul Qayyum Khan, Akhtar Hussain Said Amanullah Shah, Abdul Shakoor, Jan Sahib, Ali Athar Waheed, Muhammad Anwar and Sabz Ali respectively in the same manner involving common question of law and facts. No order as to costs. File be consigned to the record.

Announced
01.12.2005.

Sd/-
Abdul Sattar Khan
Chairman NWFP Service
Tribunal, Peshawar.

Sd/-
Azmat hanif Orakzai
Member.

Certified to be
True Copy

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

37

[Handwritten marks and signatures]



PRESENT:

MR. JUSTICE KHALIL-UR-REHMAN RAMDAY
MR. JUSTICE RAJA FAYYAZ AHMED

PETITIONS NO. 10-P TO 56-P, 66-P TO 89-P, 94-P TO 105-P, 111-P TO 143-P, 155-P TO 156-P & 161-P TO 173-P OF 2006

appeal from the judgment dated 1.12.2005 of the NWFP Service Tribunal, Peshawar, passed in Service Appeals No. 425 to 430, 432 to 441, 445-473, 506, 507, 520-553, 541, 542, 564, 566, 613-624, 632-646, 650-661, 696, 740-745, 748-751, 753-757, 768, 769, 816, 820-826, 837 & 847 of 2005)

- Abdul Latif. (in C.P.40-P/2006)
- Daud-ur-Rehman. (in C.P.41-P/2006)
- Izat Khan. (in C.P.42-P/2006)
- Abdul Malik. (in C.P.43-P/2006)
- Muhammad Aslam. (in C.P.44-P/2006)
- Muhammad Anwar. (in C.P.45-P/2006)
- Nimatullah. (in C.P.46-P/2006)
- Numan Ali. (in C.P.47-P/2006)
- Muhammad Shafiq. (in C.P.48-P/2006)
- Zard Ali Khan. (in C.P.49-P/2006)
- Muhammad Bilal. (in C.P.50-P/2006)
- Hazrat Umer. (in C.P.51-P/2006)
- Abdul Qayyum Shah. (in C.P.52-P/2006)
- Abdul Qayyum. (in C.P.53-P/2006)
- Abdus Shakoor. (in C.P.54-P/2006)
- Akhtar Waheed. (in C.P.55-P/2006)
- Fida Muhammad. (in C.P.56-P/2006)
- Shahid Hayat. (in C.P.66-P/2006)
- Sardar Ali. (in C.P.67-P/2006)
- Faisal Khan. (in C.P.68-P/2006)
- Abdur Rasheed. (in C.P.69-P/2006)
- Muhammad Tahir. (in C.P.70-P/2006)
- Noor-ul-Basar. (in C.P.71-P/2006)
- Said Zareen. (in C.P.72-P/2006)
- Najeeb Ullah. (in C.P.73-P/2006)
- Fazal Subhan. (in C.P.74-P/2006)
- Nazir Ahmed. (in C.P.75-P/2006)
- Farman Ali. (in C.P.76-P/2006)
- Haroon-ur-Rashid. (in C.P.77-P/2006)
- Muhammad Salim. (in C.P.78-P/2006)
- Nisar Muhammad. (in C.P.79-P/2006)
- Amin-ul-Haq. (in C.P.80-P/2006)
- Muhammad Yousaf. (in C.P.81-P/2006)
- Sarfraz Khan. (in C.P.82-P/2006)
- Zakir Mahmood. (in C.P.83-P/2006)
- Fazal Shah. (in C.P.84-P/2006)
- Gul Zaman. (in C.P.85-P/2006)
- Ghulam Akbar. (in C.P.86-P/2006)
- Muhammad Wisal. (in C.P.87-P/2006)
- Balish Khan. (in C.P.88-P/2006)
- Korish Ali Khan. (in C.P.89-P/2006)
- Bakht Rawan. (in C.P.94-P/2006)
- Farid Khan. (in C.P.95-P/2006)
- Melayat-ur-Rehman. (in C.P.96-P/2006)

[Handwritten signature]

[Handwritten signature]

ATTESTED

[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar

Certified to be
True Copy

Sher Ali Khan,
 Ismail,
 Alamzeb,
 Abdul Hameed,
 Riaz Hussain,
 Muhammad Islam,
 Mustafa Khan,
 Sanaullah,
 Nisar Ahmed,
 Munawar Khan,
 Habibullah,
 Muhammad Jalil Khan,
 Bakht Karim Shah,
 Munir Hussain,
 Hayat Muhammad,
 Zainullah,
 Nawab Khan,
 Muhammad Ayaz,
 Sikandar Khan,
 Shahid Khan,
 Aqal Gul,
 Hamid Hussain,
 Hidayatullah Khan,
 Jalal-ud-Din,
 Muzaffar Shah,
 Mujeebullah,
 Muhammad Rahim,
 Habibullah,
 Habibullah,
 M. Jamshaid,
 Aminul Haq,
 Syed Muhammad Tariq Shah,
 Noorani Gul,
 Syed Latif Shah,
 Mir Aslam,
 Sharifuddin,
 Muhammad Riaz.

(in C.P.97-P/2006)
 (in C.P.98-P/2006)
 (in C.P.99-P/2006)
 (in C.P.100-P/2006)
 (in C.P.101-P/2006)
 (in C.P.102-P/2006)
 (in C.P.103-P/2006)
 (in C.P.104-P/2006)
 (in C.P.105-P/2006)
 (in C.P.131-P/2006)
 (in C.P.132-P/2006)
 (in C.P.133-P/2006)
 (in C.P.134-P/2006)
 (in C.P.135-P/2006)
 (in C.P.136-P/2006)
 (in C.P.137-P/2006)
 (in C.P.138-P/2006)
 (in C.P.139-P/2006)
 (in C.P.140-P/2006)
 (in C.P.141-P/2006)
 (in C.P.142-P/2006)
 (in C.P.143-P/2006)
 (in C.P.155-P/2006)
 (in C.P.156-P/2006)
 (in C.P.161-P/2006)
 (in C.P.162-P/2006)
 (in C.P.163-P/2006)
 (in C.P.164-P/2006)
 (in C.P.165-P/2006)
 (in C.P.166-P/2006)
 (in C.P.167-P/2006)
 (in C.P.168-P/2006)
 (in C.P.169-P/2006)
 (in C.P.170-P/2006)
 (in C.P.171-P/2006)
 (in C.P.172-P/2006)
 (in C.P.173-P/2006)

Government of NWFP etc.

VERSUS

...Petitioners.

...Respondents.

For the petitioners:
(in C.Ps.40-56,131-133 & 155-P/2006)

Mr. M. Zahoor Qureshi, ASC/AOR.

For the petitioners:
(in C.Ps.66-89,91-105,134-143, 161 & 173-P/2006)

Mr. Imtiaz Ali, ASC.

For the petitioner:
(in C.P.156-P/2006)

In person.

For the respondents:
(in all petitions)

Pir Liaqat Ali Shah, A.G. NWFP with
Ahmed Khan, Addl. Secy.(S&L),
Fazal-i-Maman, Director (S&L) and
Muhammad Ali Asstt. Established Department.

...of hearing:

27.6.2006.

Certified to be
True Copy

[Handwritten signatures and initials]

JUDGMENT

KHALIL-UR-REHMAN RAMDAY, J.- While serving as S.E.Ts. in the Education Department of NWFP and while holding the Degrees of M.A./M.Sc./B.Ed., the petitioners in all these cases were appointed to the higher posts of Subject Specialists through a notification dated 17.2.2003. Through a subsequent notification issued after two years i.e. on 5.1.2005 the said petitioners were blessed with regular promotion to the said posts of Subject Specialists on the recommendation of the Departmental Promotion Committee but with immediate effect. They agitated for their promotion to the said posts from the date on which they had been actually put on the same i.e. from 17.2.2003 but were denied the said relief which led them to the NWFP Service Tribunal with their respective appeals for the said purpose which were dismissed through a judgment dated 1.12.2005.

2. Hence these petitions.
3. We heard the learned ASCs for the petitioners on 23.6.2006 and issued notice to the respondents for today because it was submitted that these petitions involved the same questions which were in issue before us in Civil Petition No.326-P of 2005 and others and which petitions had been decided by us on 21.6.2006.
4. The learned ASCs for the petitioners have been heard, once again, and we have also had the benefit of the assistance rendered by the learned Advocate General on behalf of the respondents.
6. We had converted the said Civil Petition No.326-P of 2005 and 27 other connected petitions into appeals and had allowed the same through our judgment dated 21.6.2006, in the following terms:-

"18. Having thus examined all aspects of the matter and for the above discussed reasons, all these petitions are converted into appeals which are allowed as a result whereof the impugned judgment of the NWFP Service Tribunal is set aside and as a further result whereof it is declared that the petitioners (now appellants) shall be deemed to have been regularly promoted as Subject Specialists from 31.8.2000 and not from 27.5.2003."

[Handwritten signature]

[Handwritten signatures and initials]

Certified to be True Copy to be True Copy

[Handwritten scribbles]

[Handwritten scribbles]

7. It could not be shown to us that the questions of law and facts involved in these petitions were any different from the above-mentioned C.Ps.No.326-P of 2005 and others.

8. Consequently, for the reasons stated in our above-noticed judgment dated 21.6.2006, all these petitions are also converted into appeals which are allowed in terms of the said judgment declaring that the petitioners (now appellants) in all these cases will be deemed to have been regularly promoted to the posts of Subject Specialists from 17.2.2003 i.e. the date on which they were put on the said higher posts.

9. No orders as to costs. /

Sd/- Khalil-ur-Rahman, J.
Sd/- Raja Fayyaz Ahmad, J.

Peshawar, the
27th June, 2006.
NOT APPROVED FOR REPORTING.
M. Fouzdar

[Handwritten signature]
27/6/06

[Handwritten signature]
27/6/06

[Handwritten initials]

824/06

28/6/06

1200

12

5

7.44

12.44

29-6-06

4/7/06

copy

Mr. Younes Jan, Advocate
P.H.E.

[Handwritten signature]
Ahmed

[Handwritten initials]

Certified to be
True Copy

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

41

PRESENT
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE AMIR HANI MUSLIM

CIVIL PETITION NO. 820-P OF 2004

(On appeal from the judgment of the NWFP
Service Tribunal, Peshawar, dated
26.10.2004 passed in Appeal No. 356 of
1999)

Abdul Wahab Petitioner

Versus

Government of NWFP through Chief Secretary etc. Respondents

For the Petitioner: Qazi Muhammad Anwar, Sr. ASC

For the Respondents: Mr. Naveed Akhtar, Addl. A. G. K.P.K.

Respondents No. 7, 9, 10, 11: In person.

Date of Hearing: 10th March, 2011

JUDGMENT

NASIR-UL-MULK, J.- The petitioner was appointed as Assistant on 18.3.1974 in the Secretariat of NWFP and was subsequently promoted to the post of Superintendent in the year 1983 and Section Officer as stop gap arrangement in the year 1987. He was promoted as Section Officer on regular basis along with a number of other temporary section officers against the 50% departmental promotion quota by notification dated 26.11.1995 w.e.f. 9.8.1993, the date on which the vacancy had occurred. This back dated promotion was challenged by some of the sections officers, directly recruited through departmental representation as their seniority vis-a-vis the

ATTESTED

Assistant Registrar
Supreme Court of Pakistan
Peshawar

Certified to be
True Copy

promotees were affected. The representation was rejected where-after, the direct appointees approached the NWFP Service Tribunal. Their appeal was allowed in the terms that the department was directed to reconsider their representations. Upon reconsideration, the notification dated 26.11.1995 was modified by notification dated 19.10.1998 and the petitioner along with all those other promotees were directed to be promoted w.e.f. 12.4.1995. This modification of the earlier notification was challenged by the petitioner alone before the Service Tribunal. Upon rejection of his appeal, he has filed this petition for leave to appeal.

2. Qazi Muhammad Anwar, Sr. ASC, appearing for the petitioner, took us to the summary prepared for the Chief Minister on the basis of which the petitioner was promoted and pointed out that the Chief Minister had expressly ordered that he be promoted from the date on which the vacancy occurred. That the petitioner was accordingly promoted from the date when such vacancy occurred. The learned counsel relied upon "Government of N.W.F.P. and others v. Buner Khan and others (1985 SCMR 115)" and submitted that in case of departmental promotion, the promotees are to be promoted from the date on which the vacancy. He contended that the petitioner and the private respondents' appointment was through different modes and therefore, the respondents shall have not grievance against the back-dated promotion of the petitioner. The learned counsel pointed out that even the petitioner's appointment in the year 1997, on stop gap

ATTESTED

Assistant Registrar

Supreme Court of Pakistan

Peshawar

Certified to be
True Copy

arrangement was made by the Governor in consultation with the Provincial Selection Board and thus, had by then cleared for promotion.

3. The private respondents were present in Court but did not want to engage any counsel and relied upon the arguments advanced by the learned Additional Advocate General.

4. Mr. Naveed Akhtar, learned Additional Advocate General, appearing for the Provincial Government, submitted that the promotion cannot be made retrospectively as the Departmental Promotion Committee has to clear a civil servant before he can be promoted. In this context, the learned counsel referred to the judgment of this Court in the case of "Raja Muhammad Iqbal v. The Additional Chief Secretary Government of the Punjab (1982 SCMR 971)"

5. The learned counsel for the petitioner has informed us that the petitioner has by now reached the age of superannuation and any relief granted to him would benefit him monetarily and would not affect the seniority of the private respondents. Unlike in most cases where civil servants seek retrospective promotion, in the present case, the petitioner was granted the same by the executive authority promoting him to the post of Section Officer. It is not disputed that the vacancy to which the petitioner was promoted had occurred on 9.8.1993. Against such promotion the respondents' first representation was rejected and it was only after remand of the case by the Tribunal that the Provincial Government changed its mind, perhaps influenced

ATTESTED

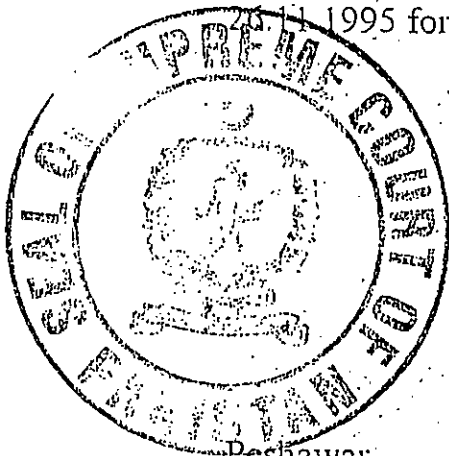
Assistant Registrar
Supreme Court of Pakistan

AC

True Copy

by the direction of the Tribunal. In the case of "Raja Muhammad Iqbal v. The Additional Chief Secretary Government of the Punjab"

(ibid) in contest between promotees and the direct appointees, the Court held that the promotees could not be given antedates promotion. However, in the earlier case of "Government of N.W.F.P. and others v Buner Khan and others" the promotees appeal was allowed by this Court and it was directed that their promotion shall be considered from the date when the vacancy became available. In both cases, the promotees had approached the Court for antedated promotion. In the present case, such promotion, even it can be considered antedated, was given by the executive authority at the time of the petitioner's promotion. Furthermore, the petitioner was already cleared by the Provincial Promotion Board in the year, 1987. Since the petitioner now stands retired, the interests of the respondents as regard their seniority would not be affected in case relief is granted to the petitioner. In this view of the matter, we convert this petition into appeal and allow the same and hold that the petitioner shall be considered to have been promoted from 9.8.1993. We, however, may clarify that the benefit of this judgment shall only be available to the petitioner and not to those who were promoted along with the petitioner by notification dated 21.11.1995 for they had not approached the Court.



Sd/- Nasser-ul-Mulk
Sd/- Amir Hamid Mushtaq

Certified to be true
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

Certified to be
True Copy

Peshawar
March 10, 2011
Shirazi/*

17/3/11

"NOT APPROVED FOR REPORTING"

①

422

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Anwar Zaheer Jamali
Mr. Justice Sh. Azmat Saeed

CIVIL PETITION NO.254-P OF 2013

(On appeal from the judgment dated 21.2.2013
of the Khyber Pakhtunkhwa Service Tribunal,
Peshawar passed in Appeal No.1358/2010)

Government of Khyber Pakhtunkhwa through
Secretary Establishment Department, Peshawar and
others

... Petitioner(s)

Versus

Azam Khan

.... Respondent(s)

For the Petitioner (s) : Mian Arshad Jan, Addl. AG KPK

Respondent : In person

Date of hearing : 05.3.2015

ORDER

Anwar Zaheer Jamali, J.- After hearing the submissions of the learned Addl. Advocate General, KPK, we are satisfied that the relief granted to the respondent by the Tribunal in its judgment is in accordance with law.

Moreover, there is no substantial question of law of public importance

involved in this petition, which may justify invoking the jurisdiction of this

Court under Article 212(3) of the Constitution of the Islamic Republic of

Pakistan, 1973 by the petitioners. Dismissed. Leave refused.



Sd/- Anwar Zaheer Jamali, J
Sh. Azmat Saeed, J

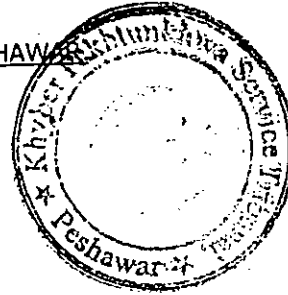
Certified to be true copy
[Signature]
11.03.2015
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar

Peshawar,
05.03.2015
Not approved for reporting
Sijdat / *[Signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1358/2010

Date of Institution. 19.7.2010
Date of Decision 21.2.2013



Azam Khan son of Azad Khan, Section Officer (Police-I),
Home Department, Government of Khyber Pakhtunkhwa,
Peshawar.....

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary, Establishment Department, Peshawar.
2. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar..... (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFICATION NO.SOE-III(ED)3(45)2007; DATED 19.2.2008 OF RESPONDENT NO.2, WHEREBY THE APPELLANT WAS PROMOTED TO PROVINCIAL MANAGEMENT SERVICE (BPS-17) ON REGULAR BASIS WITH IMMEDIATE EFFECT ON 19.2.2008 INSTEAD OF 2.12.2003 AND ALSO ORDER DATED 11.6.2010, OF RESPONDENT NO.1 WHEREBY HIS DEPARTMENTAL APPEAL WAS NOT ACCEDDED TO IN VIOLATION OF RULES AND REGULATIONS.

MR. SAADULLAH KHAN MARWAT,
Advocate

For appellant.

MR. SHERAFGAN KHATTAK,
Addl. Advocate General

For respondents.

SYED MANZOOR ALI SHAH,
MR. NOOR ALI KHAN,

MEMBER
MEMBER

ATTACHED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Azam Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 19.2.2008 of respondent No.2, whereby he was promoted to Provincial Management Service (BPS-17) on regular basis with immediate effect from on 19.2.2008 instead of 2.12.2003 and against the order dated 11.6.2010, whereby his departmental appeal has been rejected. It has been prayed that on acceptance of the appeal, the respondents may be directed to antedate and regularize promotion of appellant as Section Officer BPS-17 (SG) w.e.f. 2.12.2003 instead of 19.2.2008.

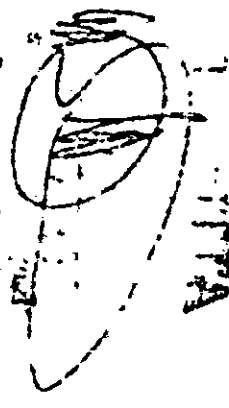
2. Brief facts of the case as averred in the memo: of appeal are that the appellant while serving as Private Secretary in the Civil Secretariat was appointed

As Section Officer (BPS-17) on acting charge basis with immediate effect by the
competent authority vide order dated 2.12.2003. He was subsequently promoted
on regular basis with effect dated 19.2.2008 with immediate effect instead
of ante-dating his promotion w.e.f. 2.12.2003. The appellant agitated the matter
several times through appeals/appliances to higher authorities for sealing his
vacancy as well as regarding ante-dating of his promotion from the date when the
agency was available in his turn, but in vain. Feeling aggrieved, the appellant filed
departmental appeal on 29.4.2010 before the competent authority, which was
rejected vide order dated 11.6.2010, hence the present appeal.

3. After receipt of the appeal, pre-admission notices were issued to the
respondents. Despite of repeated adjournments for three times, the respondents
failed to file written reply. On 12.10.2010, the appeal was admitted to regular
hearing. Written reply by the respondents filed on 6.12.2010 and contested the
appeal.

4. Arguments heard and record perused.

2. The learned counsel for the appellant argued that a large number of
posts of BPS-17 of PCS (Executive & Secretariat Groups) were fallen vacant to the
share of promotion quota since long in the Civil Secretariat even then the appellant
alongwith others was appointed as Section Officer (BPS-17) on acting charge basis
vide order dated 2.12.2003. On 19.2.2008, the appellant was promoted on regular
basis with immediate effect instead of ante-dating his promotion when clear
vacancy was available for him and deprived him of his legitimate rights. He stated
that if a civil servant was asked to hold a higher post to which he was
subsequently promoted on regular basis, was entitled to the salary etc. attaching
to such post for the period that he held the same and also entitled to any other
benefits including seniority etc. because it was the duty of the respondent
department to promote him on regular basis against a post available for him. He
relied on a judgment of the august Supreme Court of Pakistan as reported in
2006-2CMR-1938. He further stated that vide consolidated judgment dated
13.3.2009, in similar nature cases of Muhammad Iqbal Khattak and another vs
Service Appeal No. 612/2008, wherein on acceptance of the appeal, the official
respondents were directed to ante-date promotion of each of the two appellants
to the respective dates on which a vacancy became available for the respective
turn of the appellants or from the respective dates of their taking charge of such
vacancy on official/acting charge basis, whichever is later. This judgment of the
Tribunal has also been upheld by the august Supreme Court of Pakistan vide
judgment dated 24.2.2012 in C.A. No. 869 to 881 of 2010. The appellant filing



similarly placed person is also entitled to the same treatment. He requested that the appeal may be accepted as prayed for.

7. The learned AGP argued that the appellant was appointed as Section Officer (BPS-17) purely on temporary basis as well as stop gap arrangement which do not accrue any right. Under sub rule-4 of Rule-9 of (Appointment, Promotion and Transfer) Rules 1989, appointees against a temporary vacant post are liable to reversion till the return of the lien holder of the post against which he was promoted/appointed. Hence acting charge appointment does not confer any right for the purpose of regular promotion. However, the appellant was appointed on acting charge basis against the post reserved for initial recruitment. On promulgation of PMS Rules 2007, a working paper was prepared and placed before the PSB, which in its meeting held on 9.2.2008, considered name of the appellant and recommended for promotion to the post of PMS (BPS-17) on regular basis. So far as the question of back benefits is concerned, the appellant is getting all financial benefits of BPS-17 w.e.f. the date of his appointment on acting basis. He requested that the appeal may be accepted as prayed for.

8. The Tribunal while agreeing with the arguments advanced by the learned counsel for the appellant observes that the appellant was promoted as Section Officer (BPS-17) on acting charge basis vide order dated 2.12.2003. As per ruling of the august Supreme Court of Pakistan if a civil servant was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such post for the period that he held the same and also entitled to any other benefits including seniority etc. because it was the duty of the respondent department to promote the appellant on regular basis against a post available for him at relevant time. Judgment dated 13.3.2009 in Service Appeal No. 612/2008 has also been upheld by the august Supreme Court of Pakistan vide judgment dated 24.5.2012 in C.As No. 860 to 861 of 2010.

9. In view of the above, the appeal is accepted to the extent that the respondent department is directed to ante-date promotion of the appellant from the date of availability of post in his quota. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
21.2.2013.

Sd/- Syed Mansoor Ali Shah
Member
Sd/- Neel Ali Khan
Member

Certified copy
Key Service Peshawar

BEFORE KPK SERVICE TRIBUNAL
PESHAWAR.

45



SERVICE APPEAL NO: 1403 / 2010

Syed Kazim Hussain Shah
PMS Officer (BPS-17)
Posted as Section Officer,
Finance Department, KPK, Peshawar.

Recd. No. 1659
Date 30/07/10

..... **Appellant**

VERSUS

1. Government of KPK
Through Chief Secretary,
Peshawar.
2. Secretary Establishment Department
KPK, Peshawar.
3. Senior Member Board Of Revenue,
KPK, Peshawar

..... **Respondents**

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL
ACT, 1974 AGAINST NOTIFICATION NO. SOE. II (ED) 2 (192)
2009 DATED 25.03.2010 WHEREBY APPELLANT IS
APPOINTED / PROMOTED AS PMS OFFICER (BPS-17) ON
ACTING CHARGE BASIS, WITH IMMEDIATE EFFECT.

30/7/10
Khyber Pakhtunkhwa Service Tribunal
Peshawar
copy

11.1.2012.

Counsel for the appellant, and Mr. Noorullah, Section Officer (Litigation) and Sona Khan, Assistant for the respondents present. Arguments already heard and record perused. Vide our detailed judgment of to-day in connected appeal No. 1398/2010, titled "Fazal Hussain Versus Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar etc.", appeal is also accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
11.1.2012.

Certified to be
True Copy

MEMBER

MEMBER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



46

Appeal No. 1398/2010,

Date of Institution. .. 30.7.2010
Date of Decision .. 11.1.2012

Fazal Hussain, PMS Officer (BPS-17)
Posted as ACO, Peshawar.

(APPELLANT)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
2. Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

ATTESTED

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST NOTIFICATION NO.SOE.II(ED)2(192) 2009 DATED 25.3.2010 WHEREBY APPELLANT IS APPOINTED/ PROMOTED AS PMS OFFICER (BPS-17) ON ACTING CHARGE BASIS, WITH IMMEDIATE EFFECT.

MR. BILAL AHMAD KAKAIZAI, &
MR. MUHAMMAD ASIF YOUSAFZAI,
Advocates

For appellant.

MR. TAHIR IQBAL,
Addl. Government Pleader

For respondents.

MR. NOOR ALI KHAN,
MR. SULTAN MAHMOOD KHATTAK,

... MEMBER
... MEMBER

JUDGMENT

NOOR ALI KHAN, MEMBER. This appeal has been filed by Fazal Hussain the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against notification No.SOE.II(ED)2(192) 2009 dated 25.3.2010, whereby appellant has been appointed/promoted as PMS Officer (BPS-17) on Acting Charge basis with immediate effect. It has been prayed that on acceptance of the appeal, the impugned notification dated

C. to be
True Copy

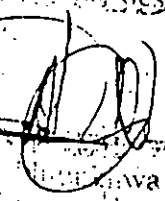
47

25.3.2010 be modified to the extent that appellant be appointed/promoted as PMS Officer (BPS-17) on regular basis w.e.f. 7.11.2008 or 3.3.2009 when his batch mates were promoted

2. Brief facts of the case as averred in the memo of appeal are that the appellant was promoted as Tehsildar (BPS-16) on regular basis vide notification dated 6.9.2008 along with others. Vide notification dated 3.3.2009, who are batch mates of the appellant were promoted as PMS Officer (BPS-17) on regular basis but appellant due to unknown reasons was deferred. On 25.3.2010, vide the impugned notification, although appellant on the recommendations of Provincial Selection Board has been promoted from Tehsildar to PMS Officer (BPS-17) but on acting charge basis and that too with immediate effect. The appellant is holding the post of ACO, Peshawar since long whereas he was posted as Deputy District Officer (Judicial) Nowshera vide notification dated 2.6.2009. On 3.4.2010, appellant submitted his departmental appeal/representation for his regular promotion w.e.f. 7.11.2008 or atleast from 3.3.2009 but no reply to the said representation has been received within the statutory period of 90 days, hence the present appeal.

3. After admission of the appeal, notices were issued to the respondents for submission of written reply. Respondents have filed their joint written reply and contested the appeal. Arguments heard and record perused.

1. The learned counsel for the appellant argued that according to Rule 9 of the Khyber Pakhtunkhwa Civil Servants Act (Appointment, Promotion and Transfer) Rules, 1989, acting charge appointment can only be made where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service. The learned counsel for the appellant further argued that the appellant was promoted as PMS Officer (BPS-17) on acting charge basis with immediate effect vide order dated 25.3.2010, despite the fact that there were clear vacancies of PMS Officer (BPS-17) lying vacant in the department in promotion quota. The appellant along with others should have been considered for regular promotion against the said posts from the date when clear vacancies were available for them. He stated that other batch mates of the appellant were promoted w.e.f. 3.3.2009 and 7.11.2008, on regular basis, therefore, the appellant has also the right to be considered for promotion w.e.f. the date when the post was lying vacant and the appellant was holding the same on acting charge basis. In December, 2009, two PSB meetings were held but the appellant had not been considered for promotion without any plausible reasons, despite the fact that he was eligible for promotion, so he has been


Certified to be
True Copy

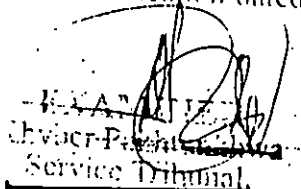
48

discriminated. Articles 25 and 27 of the Constitution of Islamic Republic of Pakistan that all citizens are equal before law and are entitled to equal protection of law. No citizen otherwise qualified for appointment in the service of Pakistan/province shall be discriminated whatsoever. He also stated that as per Rule 9(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 if a person is otherwise eligible for further promotion but his length of service is short, then he can be promoted/appointed on acting charge basis but in the appellant's case, his seniors have been given acting charge for the reason that they have not passed departmental examination and not completed their PERs, which is wrong and this wrong action/decision cannot be made a reason for not promoting those juniors who were eligible for regular promotion in all respect. Even sub-rule (2) of Rule 9 of the aforementioned rules has now been deleted. He further stated that during pendency of the appeal, the appellant has been promoted as PMS BPS-17 on regular basis with immediate effect vide notification dated 21.12.2011 instead of ante-dation of his promotion w.e.f the date when a vacancy was available for him as per judgments of the august Supreme Court of Pakistan in reported in 1997-SCMR-515, and 2010-SCMR-1466. He requested that the appeal may be accepted as prayed for.

5. The learned AGP, on the other hand argued that the appeal is bad for non-joinder and mis-joinder of necessary parties. In case, the appeal allowed some officers will be effected who have not been impleaded as private respondents. He further argued that there were some vacant posts of PMS (BPS-17), against promotion quota and Tehsildars, senior to the appellant were considered and promoted on regular basis w.e.f. 3.3.2009. The appellant being junior had not been considered. Even the appellant had not challenged order dated 3.3.2009 in time and the present appeal is time-barred. He stated that it is true that vacant posts of PMS (BPS-17) were available in the department but meant for direct recruits. He maintained that vide notification dated 25.3.2010, the appellant was not promoted as PMS (BPS-17) but appointed on acting charge basis as per provision of Rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Appointments and promotions on acting charge basis are always made with immediate effect and under Rule 9 (6) confer no vested right for regular promotion. Moreover, claim of the appellant is not clear and has not specified the date to be considered for promotion as PMS (BPS-17) on regular basis.

5. The Tribunal observes that the appellant was eligible for promotion as PMS (BPS-17) on regular basis w.e.f. 3.3.2009 but he was not considered. On 25.3.2010, on the recommendations of PSB, he was promoted as PMS (BPS-17) on acting charge basis. Vide notification dated 21.12.2011, he has been promoted on regular basis with immediate effect.

ATTENDED


 Khyber-Pakhtunkhwa
 Service Tribunal


 Certified to be
 True Copy

In the minutes of PSB meeting held on 29.12.2009, it has been clearly stated that the appellant was eligible for promotion on regular basis and 11 posts were available, in which 10 candidates were promoted as PMS Officer on regular basis. Due to deficiencies of service record, some candidates were not promoted and the appellant was 11th but was promoted on acting charge basis without any plausible reason. The Tribunal agrees with the arguments put forth by the learned counsel for the appellant.

6. In view of the above, the appeal is accepted, and the respondents are directed to ante-date promotion of the appellant as PMS (BPS-17) with effect from 25.3.2010, with all back/consequential benefits.

7. This order will also dispose off connected service appeals No. 400/2010, Hidayatullah Khan, No. 1401/2010, Muhammad Nasir Khan, No. 1403/2010, Syed Kazim Hussain Shah, in the same manner.

8. So far as the appellant in Service Appeal No. 1404/2010, namely Habibullah Arif is concerned, his services have been regularized on 21.12.2011 but his appeal cannot be entertained for ante-dated promotion 25.3.2010 for the reason that only 11 posts were available and he comes at S.No.12 in eligible candidates in the minutes of PSB meeting held on 29.12.2009.

9. Since services of the appellants in Service Appeals No. 1372/2010, Abdul Mateen Qasuria, No. 1399/2010, Naem Akhtar, and 1402/2010, Niaz Muhammad, have not been regularized so far, the respondents are directed to consider them for regular promotion as and when vacancies become available for them.

10. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
11.1.2012.

(SULTAN MAHMOOD KHATTAK)
MEMBER

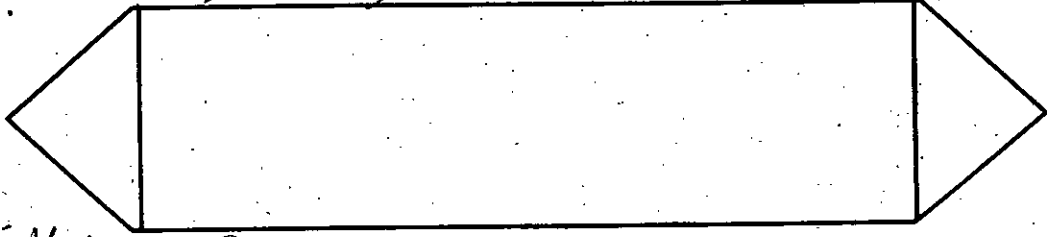
(NOOR ALI KHAN)
MEMBER

Certified to be True Copy
Khyal Service Tribunal
Peshawar

Certified to be True Copy

Date of Presentation of Application 6.2.2012
 Number of Words 1600
 Copying Fee 10
 Stamp 2
 Total 12
 Name of Copyist [Signature]
 Date of Completion of Copy 6.2.2012
 Date of Delivery of Copy 6.2.2012

بعدالت جناب سروس ٹریبونل جنرل بخشو خواہ لینڈ 19



2013ء پنجاب ایبلٹ
بنام چیف منسٹر وکیل

محمد آریاز طورو

مورخہ
مقدمہ سروس ریویل
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی وکل کاروائی متعلقہ
آن مقام لندھا اور کیلئے ناہنر محمود اینڈ مسید علیہ الحفظ اور دیگر کوشش
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر حالت ہ فیصلہ بر حلف دیئے جواب دی 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 کرنے 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ اتوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Attested & Accepted

20

ماہ

المرقوم

_____ واہ العب

کے لئے منظور ہے۔

بمقام

MUHAMMAD AYAZ TORU

Budget Officer (FFC-D)
Govt. of Khyber Pakhtunkhwa
Finance Department

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 470/2013

Muhammad Ayaz, PMS BS-17, Section Officer, Finance Department, Civil Secretariat,
Peshawar

..... (Appellant)

Versus

1. The Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Finance Department, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Secretary Establishment / Regulation Govt. of Khyber Pakhtunkhwa Civil Secretariat, Peshawar.

..... (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1,2,3 & 4

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action/locus standi to file the instant appeal against he respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
4. That the appeal is barred by law/time.
5. That this Honourable Tribunal lacks jurisdiction in the matter.
6. That the appellant has concealed material facts from the Tribunal.
7. That the appellant has not come to the Tribunal with clean hands.
8. That the appellant is estopped to file the instant appeal due to his own conduct.
9. That the appeal is bad for non-joinder of necessary party.
10. That the instant appeal is hit by Section 4(1) (b) of the Khyber Pakhtunkhwa, Services Tribunal Act, 1974.

ON FACTS:

1. Pertains to record, hence no comments.
2. Subject to proof.
3. Incorrect. The appellant was not promoted as Section Officer (BS-17) on acting charge basis rather he was appointed alongwith others as PMS BS-17 on acting charge basis vide Notification dated 25.01.2010.

4. Correct.
5. The departmental appeal of the appellant was processed and filed being not covered under the rules. Moreover, the writ petition No. 2707-P of 2012 which was treated as departmental appeal was also processed and was regretted by the competent authority being not covered under the rules. The appellants were informed accordingly.


ON GROUNDS

- A. Incorrect. The appellant has got no vested right for his ante-dated promotion w.e.f. 25.01.2010 as under the rules promotion is always with immediate effect and there were no posts of PMS BS-17 falling in the promotion share quota of Supdt: / PS.
- B. Incorrect. In December 2009, 18 posts of PMS BS-17 were available in the promotion share quota of appellant. However, appellant was at S.No.53 of the panel and he was appointed as PMS BS-17 on acting charge basis against vacant posts of PMS BS-17 meant for initial recruitment under Section 9 (3) of Khyber Pakhtunkhwa Civil Servants (APT) Rules 1989(working paper, minutes of the meeting held on 15.12.2009 are at **Annex-I & II**). Similarly in May 2011, 11 posts were available in the promotion share quota of appellant and the appellant was at S. No. 30 of the panel and was not considered for regular promotion to the post of PMSBS-17 as no vacancy in the promotion share quota was available, (working paper, minutes of the meeting held on 27.05.2011 are at **Annex-III & IV**).
- C. Incorrect. The respondents acted according to law/rules.
- D. Incorrect. No fundamental right of the appellant has been violated. Moreover, the position has been explained in Para-B above.
- E. Incorrect. Each and every case has its own merits. Moreover, no discrimination has been made with the appellant and the impugned Notification is according to rules/law.
- F. Incorrect. As explained in the preceding Paras.
- G. Incorrect. The case of the appellant is not identical to the cases of those PMS BS-17 officers i.e. Muhammad Iqbal Khattak and others whose promotion was ante-dated from the date of occurrence of vacancies or the date of acting charge appointment whichever was later as there were vacancies available in the promotion share quota of PCS(EG) BS-17. While in December 2009, 18 posts of PMS BS-17 were available in the promotion share quota of appellant. However, appellant was at S.No.53 of the panel and he was appointed as PMS BS-17 on acting charge basis against vacant posts of PMS BS-17 meant for initial recruitment under Section 9 (3) of Khyber Pakhtunkhwa Civil Servants (APT) Rules 1989. Similarly in May 2011, 11 posts were available in the promotion share quota of appellant and the appellant was at S. No. 30 and was not considered for regular promotion to the post of PMS BS-17 as no vacancy in the promotion share quota was available.

It is, therefore, most humbly prayed that on acceptance of these parawise comments, the instant Appeal may very graciously be dismissed with costs.

Principal Secretary to
Chief Minister, Khyber Pakhtunkhwa
(Respondent No.1)


(RESPONDENTS NO. 2 & 4)


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

3-2057/013

①

PSB-I

55
92

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

Department:- ESTABLISHMENT DEPARTMENT.

Subject:- FILLING OF 18 VACANT POSTS OF PMS BS-17 FALLING TO THE PROMOTION SHARE OF SUPERINTENDENTS/PRIVATE SECRETARIES BS-16 ON REGULAR BASIS AND 71 VACANT POSTS OF PMS BS-17 FALLING TO THE INITIAL RECRUITMENT SHARE THROUGH PROMOTION OF SUPERINTENDENTS/PRIVATE SECRETARIES BS-16 ON ACTING CHARGE BASIS.

1.	Nomenclature of the post / Basic Scale.	Section Officer on acting charge basis.			
2.	Service/Group/Cadre.	PMS			
3.	Sanctioned strength of the cadre.	658 (548 schedule posts + 20% DTL) subtracting 40 posts in the share of APUG, the number of cadre post comes to 618.			
4.	(i) Percentage of share.	Direct	Promotion	Transfer	
		50% by initial recruitment through PSC & 10% by selection on merit from amongst post graduate Ministerial Staff through PSC.	40%(20% each for Superintendents /Private Secretaries) and Tehsildars		
		(ii) No. of posts allocated to each category.	309 + 61 for selection through PSC.	(124 each for Supdt/PS and Tehsildars)	
		(iii) Present occupancy position	24+nil	106	
		(iv) No. of vacancies in each category.	285+61	18	
(v)	How did the vacancy(ies) under promotion quota accrue and since when?	<p>18 posts falling to the promotion share of Supdts./Private Secretaries became available due to promotion/retirement/death of promotee PMS officers and new creations (Annex-I). Besides these 18 posts, 71 posts of Section Officers in Civil Sectt: meant for initial recruitment (50% + 10% for ministerial staff) out of 346 are lying vacant. Against which 45 senior most Superintendents/Private Secretaries are working as Section Officers on current charge basis (Annex-II & III). According to Rule-09(3) & (4) of Appointment, Promotion and Transfer (APT) Rules 1989, the following provision has been made for filling of BS-17 posts meant for initial recruitment (Annex-IV):-</p> <p>In the case of a post in BS-17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available</p>			

RG

2

286
- 93

in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis, the senior most officer otherwise eligible for promotion in the Organization, Cadre or Service, as the case may be, in excess of the promotion quota.

Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

Appointment on acting charge basis shall be made on the recommendations of the DPC or PSB as the case may be.

Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

Hence senior most Superintendents/Private Secretaries can be appointed as PMS BS-17 on acting charge basis against the vacant posts meant for initial recruitment in Civil Sectt. and Tehsildars can be appointed as PMS BS-17 on acting charge basis against the posts of DDO(R) & DDO(J) in Districts, for which a separate working paper is prepared for PSB.

(vi)	Recruitment Rules.	<p>According to Provincial Management Service Rules 2007, the following method has been prescribed for recruitment to the posts of PMS BS-17.</p> <p>1) Fifty percent by initial recruitment on the recommendations of the NWFP Public Service Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in schedule-IV:</p> <p>2) Subject to rule 7, by promotion in the following manner:</p> <p>(a) twenty per cent from amongst Tehsildars, who are graduates, on the basis of seniority-cum-fitness, having five years service as Tehsildar and have passed the prescribed Departmental Examination; and</p> <p>(b) twenty per cent from amongst Superintendents /Private Secretaries on seniority-cum-fitness basis, who are graduate and have undergone a training course of 9-weeks at the Provincial Management Academy/ Provincial Staff Training Institute. A joint seniority list of the Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts.</p>
------	--------------------	---

RG

3

357
94

		3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in Schedule-IV, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks who possess post graduate qualification from a recognized University and have at least five years service under Government (Annex-V).
(vii)	Required length of service.	Not applicable
(viii)	Whether to be promoted on regular basis or appointed on acting charge basis?	18 on regular basis while 71 on acting Charge basis.
(ix)	Mandatory training, if any.	9 weeks mandatory training for Supdt/PS at STI for regular promotion.
(x)	Minimum required score on EI.	Not applicable

Rashid Ahmad
(Rashid Ahmad)
SECRETARY ESTABLISHMENT

Panel of officers for consideration

PSB-II

4
58 95

S.No.	Name of officers	Whether undergone 9 weeks compulsory training at STI	Remarks
1.	Mr. Sher Ahmed, Supdt.	Yes	His case for regular promotion was superseded by the PSB in its meetings held on 30.3.2006, 24.5.2006 and 9.12.2006 for the reason that his ACRs for the year 2005 were adverse. The PSB did not consider his case for promotion to the post of PMS in its meeting held on 9.1.2008. The PSB reiterated its earlier recommendation i.e. his supersession for promotion as PMS BS-17 in its meeting held on 8.5.2008, 20.10.2008 & 12.2.2009. Moreover, his PERs for the year 2008 are also not available. The officer has been working as SO(C/C) from 22.08.2001 and on acting charge w.e.f. 02.12.2003
2.	Mr. Shah Jehan, Supdt	No	His case for promotion to the post of PMS was not considered by the PSB in its meeting held on 9.1.2008 with the remarks that he was superseded in the previous meetings of PSB held on 30.3.2006, 24.5.06 & 9.12.2006 due to minor penalty of censure, imposed upon him on 25.1.2006. Moreover, his PERs for the year 1999 (part) 2000, 2001, 2007 & 2008 are not available. He has earned one adverse report for the year 2006 and also earned five average PERs for the years 1976, 1984, 1996, 2004 and 2005. The PSB recommended his supersession for promotion as PMS BS-17 in its meeting held on 8.5.2008, 20.10.2008 & 12.2.2009. The officer has been working as SO(C/C) from 22.08.2001
3.	Mr. Salah-ud-Din, Supdt	Yes	His case for promotion to the post of PMS BS-17 was not considered by PSB in its meeting held on 9.1.2008 and recommended his supersession in its meeting held on 8.5.2008 due to the reason that he has been superseded by the PSB in its meeting held on 9.12.2006 as he has earned adverse report in his PERs for the year 2005. The PSB superseded him in its meeting held on 20.10.2008 & 12.2.2009 for the same reasons. Moreover, the officer is going to be retired from service on 04.12.2009 on attaining the age of superannuation. Moreover, his PERs for the year 2008 are also not available. The officer has been working as SO(C/C) from 22.08.2001 and on acting charge w.e.f. 02.12.2003
4.	Mr. Abdul Hameed, PS	Yes	The PSB did not consider his promotion in its meeting held on 9.1.2008 and recommended to defer his promotion as PMS BS-17, his case will be placed before the board separately. PSB recommended to defer his promotion in its meeting held on 8.5.2008. The PSB recommended his supersession in its meeting held on 20.10.2008 & 12.2.2009 for the reasons that he has earned one adverse report for the year 2006. Now the adverse report for the year 2006 has been expunged. Moreover, a disciplinary case for embezzlement of earth quake relief money is also pending against him. Show Cause was

not considered
Deffer
waiting

deffer
not considered

Rg

Retired from Service

Retired

inquiry pending

5

60

97

			period. The officer also earned adverse report in the year 1977.
15.	Mr. Ishliaq Hussain, Supdt	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer also earned adverse report in the years 1981, 1982 & 1983. The officer has been working as SO(C/C) from 10.07.2008
16.	Mr. Hafeez-ur-Rehman, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
17.	S. Abdul Ali Shah, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
18.	Mr. Muhammad Javed Siddiqui, Supdt:	Yes	He was promoted to the post of Superintendent on 16.04.2008 on regular basis and his probation period will expire on 16.04.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
19.	Mr. Iftikhar ud Din, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
20.	Mr. Javed Khan, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
21.	Mr. Nasir Aman Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
22.	Mr. Tehsinullah, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
23.	Mr. Sakhi-ur-Rehman, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
24.	Mr. Muhammadullah, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008

R9

①

98

25.	Mr. Dilawar Shah, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
26.	Mr. Rahim Badshah, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
27.	Mr. Jamroz Khan, Supdt:	Yes	He was promoted to the post of Superintendent on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
28.	Mr. Muhammad Jehan, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
29.	Mr. Sher Akbar, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
30.	Mr. Wamiq, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
31.	Mr. Said Wali Khan, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer also earned adverse report in the year 1978. The officer has been working as SO(C/C) from 10.07.2008
32.	Mr. Munir Jan, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. He is also on deputation to FDA.
33.	Mr. Bashir Khan, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer also earned adverse report in the year 1985. The officer has been working as SO(C/C) from 10.07.2008
34.	Mr. Zar Gul Khan, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
35.	Mr. Syed Raool, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The

RG

			officer has been working as SO(C/C) from 10.07.2008
36.	Mr. Muhammad Afzal, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
37.	Mr. Aurangzeb Awan, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer also earned adverse report in the year 2000. The officer has been working as SO(C/C) from 10.07.2008
38.	Mr. Noor Muhammad, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
39.	Mr. Amir Muhammad, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
40.	Mr. Ghulam Hussain, PS	Yes	He was promoted to the post of PS on 01.03.2008 on regular basis and his probation period will expire on 01.03.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
41.	Mr. Wazir Muhammad, Supdt.	Yes	He was promoted to the post of Supdt. on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
42.	Mr. Muhammad Ishaq, Supdt.	Yes	He was promoted to the post of Supdt. on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
43.	Mr. Rahatullah, Supdt.	No	He was promoted to the post of Supdt. on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training and is on LPR w.e.f. 01.01.2009
44.	Mr. Shabbir Ahmad, Supdt.	Yes	He was promoted to the post of Supdt. on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
45.	Mr. Wazir Gul, PS	Yes	He was promoted to the post of PS: on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary; NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008.
46.	Mr. Farooq Ahmad, PS	Yes	He was promoted to the post of PS: on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent

5
99

RG

47.	Mr. Khurshid Ali Khan, PS	Yes	to terminate the remaining probation period. He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
48.	Mr. Ghulam Muhammad, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
49.	Mr. Akbar Khan, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. Moreover, his PERs for the year 2008 are not available.
50.	Mr. Fazal Nabi, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned an adverse report in the year 1982. The officer has been working as SO(C/C) from 10.07.2008
51.	Mr. Abdul Qadeer, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
52.	Mr. Muhammad Saeed, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned an adverse report in 1976. The officer has been working as SO(C/C) from 10.07.2008
53.	Mr. Muhammad Ayaz, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
54.	Mr. Zareemullah, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
55.	Mr. Waheed Khan, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
56.	Mr. Jehanzeb Khan, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned an adverse report in the year 1983.
57.	Mr. Abdul Haq, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned adverse reports for the period 07.10.1979 to 13.01.1980 and 01.01.1993 to 30.07.1993.
58.	Mr. Mustafa Kamal, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire

2
9/17
100

Ra

			on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
59.	S. Amir Hussain Shah, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
60.	Mr. Muhammad Daud Jan, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
61.	Mr. Khalil-ur-Rehman, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has been working as SO(C/C) from 10.07.2008
62.	Mr. Noor Ihsan Shah, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
63.	Mr. Akhtar Khan, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period.
64.	Mr. Kiramat Shah, PS	Yes	He was promoted to the post of PS on 29.05.2008 on regular basis and his probation period will expire on 29.05.2010. Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has earned an adverse report for the year 1980. Moreover, his PERs for the years 2008 are also not available. The officer has been working as SO(C/C) from 10.07.2008.
65.	Mr. Abid Saleem, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
66.	Mr. Rehmat Gul, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
67.	Mr. Muhammad Iqbal, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned two adverse reports for the years 1979 & 1989.
68.	Mr. Zakria Khan, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
69.	Mr. Asif Kamal, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
70.	Mr. Naeem Khan,	Yes	He was promoted to the post of Supdt: on

4
10/

B

65
102

	Supdt:		02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
71.	Mr. Abdullah, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
72.	Mr. Muhammad Tayyab, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned four adverse reports in 1976, 77, 78 & 2001. The PERs for the year 2008 are also not available.
73.	Mr. Iftikhar Hussain, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
74.	Mr. Iqbal Ahmad, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
75.	Mr. Yousaf Khan, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
76.	Mr. Muhammad Irfan, Supdt:	No	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed the prescribed 09-weeks mandatory training. Moreover, his PERs for the year 2008(part) are also not available.
77.	Mr. Ishtiaq Ahmad, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
78.	Mr. Ashfaq Ahmad, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
79.	Mr. Zain-ul-Abideen, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. Moreover, PERs for the year 1998, 99 & 2008 are not available.

Ra

80.	Mr. Khalid Khan, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
81.	Mr. Shoukatullah, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer earned an adverse report in the year 1980 and his PERs for the year 2008 are also not available.
82.	Mr. Gul Zareen, Supdt	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
83.	Mr. Shafi-ul-Ahmad, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
84.	Mr. Riaz Ali Shah, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
85.	Mr. Usman Jan, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
86.	Mr. Ihsanullah, Supdt:	Yes	He was promoted to the post of Supdt: on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
87.	Mr. Sarwar Habib, PS	Yes	He was promoted to the post of PS on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
88.	Mr. Muhammad Ghulam, PS	Yes	He was promoted to the post of PS on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
89.	Mr. Sajjad Rasool, PS	Yes	He was promoted to the post of PS on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
90.	Mr. Muhammad Nawaz Khan, PS	Yes	He was promoted to the post of PS on 02.12..2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.

12/103

Ra

67
104

			will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
102	Mr. Amir Usman, Supdt:	No	He was promoted to the post of Supdt: on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training. The officer is on deputation to PDMA.
103	Mr. Dilawar Khan, Supdt:	No	He was promoted to the post of Supdt: on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
104	Mr. Gul Riat Khan, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
105	Mr. Umar Badshah, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
106	Mr. Siraj-ud-Din, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training. The officer is on deputation to LSWM.
107	Mr. Rehmani Gul, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
108	Mr. Iqbal Ahmad	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
109	Mr. Mushtaq Ahmad, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training. The PERs for the year 2008 are not available.
110	Mr. Ihsanullah, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training. The PERs for the year 2008 are not available.
111	Mr. Arshad Javed, PS	Yes	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire

Ra

H-68
105

91.	Mr. Baseer-ud-Din, PS	No	He was promoted to the post of PS on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
92.	Mr. Muhammad Ali, PS	Yes	He was promoted to the post of PS on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
93.	Mr. Moeenullah, PS	No	He was promoted to the post of PS on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
94.	Mr. Manzoor Ahmad, PS	No	He was promoted to the post of PS on 02.12.2008 on regular basis and his probation period will expire on 02.12.2009(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
95.	Mr. Naemullah, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period will expire on 11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training. The officer earned an adverse report in 1981.
96.	Mr. Muhammad Shoab, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period will expire on 11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training. The PERs of the officer for the year 2004 - 2008 are not available.
97.	Mr. Jan Said, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period will expire on 11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
98.	Mr. Roz Amin Khan, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period will expire on 11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
99.	Syed Farooq Shah, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period will expire on 11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
100.	Mr. Bostan, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period will expire on 11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
101.	Mr. Noor Ali Shah, Supdt.	No	He was promoted to the post of Supdt. on 11.03.2009 on regular basis and his probation period

Ra

01/11/11
106

	PS		on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period.
112	Mr. Sajjad Ali, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.
113	S. Arifullah Shah, PS	No	He was promoted to the post of PS on 11.03.2009 on regular basis and his probation period will expire on .11.03.2010(extendable for another one year). Chief Secretary, NWFP is competent to terminate the remaining probation period. The officer has not completed 09-weeks mandatory training.

Certificate

1. Certified that the officers included in the panel are eligible in terms of having undertaken the 9 weeks mandatory training at STI (except S.No. 2, 6, 43, 76, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112 & 113 as they have not undergone 9 weeks mandatory training).
2. Also certified that no disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officers included in the panel (except Mr. Shah Jehan, at Sr. No. 2 upon whom a penalty of censure was imposed on 25.1.2006 and Mr. Abdul Hamid, at Sr. No. 4 against whom a disciplinary proceedings are under process).
3. Certified that no officer is on long leave/deputation except at S.No. 32, 102 & 106 while officer at S.No. 43 is on LPR.

73

Rashid Ahmad
(Rashid Ahmad)

SECRETARY ESTABLISHMENT

15

PSB-V
107

Seniority List

S. No	Name of officer	Date of birth and domicile	Date of 1 st entry into Govt. service	Regular appointment/ Promotion to present posts			Present appointment	Remarks
				Date	BPS	Method of recruitment		
1	Mr. Sher Ahmad	01.08.1952 Peshawar	16.06.1972	25.08.1993	16	Promotion	SO(A/C) Home & TAs	
2	Mr. Shah Jehan	15.03.1950 Peshawar	9.8.1974	22.01.1995	16	Promotion	SO (C/C) Home Department.	
3	Mr. Salah-ud-Din	05.12.1949 Peshawar	09.08.1974	29.08.1995	16	Promotion	SO(A/C) Population Welfare Deptt	
4	Mr. Abdul Hamid	5.11.1953 Bannu	30.4.1975	29.8.1995	16	Promotion	SO (C/C) Elementary & Secondary Education Dept.	
5	Mr. Muhammad Iqbal Awan	3.10.1955 DIKhan	30.6.1977	4.1.2003	16	Promotion	SO (C/C) Works & Services Dept	
6	Mr. Fazl-e-Iqbal	20.6.1950 Khyber Agency	6.6.1975	11.12.2006	16	Promotion	Supdt, Law Department.	
7	Mr. Muhammad Rehman	5.2.1965 Moh. Agency	13.1.1987	19.12.2007	16	Promotion	SO (C/C), Excise & Taxation Deptt.	
8	Mr. Amanullah Khan	5.12.1958 Lakki Marwat	9.7.1977	19.12.2007	16	Promotion	SO (C/C) ST&IT Dept	
9	Mr. Fazad Khan	4.6.1958 Peshawar	4.7.1977	19.12.2007	16	Promotion	SO (C/C) Industries Dept	
10	Mr. Obaid-ur-Rehman	2.6.1955 Peshawar	11.8.1976	1.3.2008	16	Promotion	Supdt, Population Welfare Deptt:	
11	Mr. Waris Khan	10.1.1952 Peshawar	1.10.1971	1.3.2008	16	Promotion	SO (C/C) Works & Services Dept	
12	Mr. Amir Muhammad Durrani	20.5.1950 Peshawar	11.8.1976	1.3.2008	16	Promotion	SO (C/C) ST&IT Deptt	
13	Mr. Hassan Khan	1.9.1952 Peshawar	11.8.1976	1.3.2008	16	Promotion	SO (C/C) Auqaf Dept	
14	Mr. Rab Nawaz	11.3.1953 Peshawar	7.9.1976	1.3.2008	16	Promotion	Supdt, Industries Dept	Re
15	Mr. Ishtiaq Hussain	5.4.1951 Peshawar	4.9.1976	1.3.2008	16	Promotion	SO (C/C) Energy & Power Dept.	
16	Mr. Hafeez-ur-Rehman	30.4.1953 Peshawar	4.9.1976	1.3.2008	16	Promotion	SO(C/C), Finance Deptt:	
17	S. Abdul Ali Shah	13.10.1957 Mohmand Agency	26.3.1985	1.3.2008	16	Promotion	SO(C/C), IPC Department	

	Mr. Muhammad Javed Siddiqui	3.1.1958 Peshawar	14.6.1975	16.4.2008	16	Promotion	SO(C/C), Estt Department
19	Mr. Iftikharud-Din	5.10.1962 Kohat	23.8.1983	1.3.2008	16	Promotion	SO(C/C), Agriculture Deptt:
20	Mr. Javed Khan	2.9.1960 Swat	31.3.1985	1.3.2008	16	Promotion	SO(C/C), Transport Deptt:
21	Mr. Nasir Aman	28.9.1960 Chitral	17.4.1985	1.3.2008	16	Promotion	SO(C/C), E&A Deptt:
22	Mr. Tahseenullah	15.4.1951 Mohmand Agency	16.7.1977	1.3.2008	16	Promotion	SO(C/C), Estab: Deptt:
23	Mr. Sakhi-ur-Rehman	10.3.1957 Dir Upper	9.9.1978	1.3.2008	16	Promotion	SO(C/C), Agriculture Deptt:
24	Mr. Muhammad ullah	20.4.1954 Mohmand Agency	7.6.1983	1.3.2008	16	Promotion	SO(C/C), Finance Deptt:
25	Mr. Dilawar Shah	3.3.1952 Malakand Agency	20.9.1976	1.3.2008	16	Promotion	SO(C/C), CM Sectt"
26	Mr. Rahim Badshah	01.11.1955 Karak	16.09.1976	01.03.2008	16	Promotion	SO(C/C) W & S Deptt:
27	Mr. Jamroz Khan	10.01.1957 Khyber Agency	09.09.1976	01.03.2008	16	Promotion	SO(C/C) FD
28	Mr. Muhammad Jehan	19.03.1959 Bannu	25.04.1977	01.03.2008	16	Promotion	SO(C/C) Governor's Sectt:
29	Mr. Sher Akbar	03.10.1957 Mardan	13.04.1978	01.03.2008	16	Promotion	SO(C/C) Higher Edu:
30	Mr. Wamiq	01.04.1958 Peshawar	12.04.1978	01.03.2008	16	Promotion	SO(C/C) ST&IT
31	Mr. Syed Wali Khan	01.04.1958 Bannu	01.04.1978	01.03.2008	16	Promotion	SO(C/C) Mineral Dev. Deptt:
32	Mr. Munir Jan	10.04.1958 Peshawar	01.04.1978	01.03.2008	16	Promotion	PS, FDA on Deputation
33	Mr. M. Bashir Khan	12.12.1954 Peshawar	25.04.1978	01.03.2008	16	Promotion	SO(C/C) P&D
34	Mr. Zar Gul Khan	18.11.1958 Bannu	12.04.1978	01.03.2008	16	Promotion	SO(C/C) FD
35	Mr. Syed Rasool	13.10.1959 Peshawar	23.04.1978	01.03.2008	16	Promotion	SO(C/C) Home Dett
36	Mr. Muhammad Afzal	15.10.1952 Peshawar	24.04.1978	01.03.2008	16	Promotion	SO(C/C) E&AD
37	Mr. Aurangzeb Awan	01.01.1955 Mansehra	12.04.1978	01.03.2008	16	Promotion	SO(C/C) Health Deptt
38	Mr. Noor Muhammad Awan	01.04.1956 Peshawar	12.09.1978	01.03.2008	16	Promotion	SO(C/C) Housing Deptt:
39	Mr. Amir Muhammad	02.02.1955 Mardan	12.09.1978	01.03.2008	16	Promotion	SO(C/C) CM Sectt:
40	Mr. Ghulam Hussain	09.07.1952 Peshawar	09.09.1978	01.03.2008	16	Promotion	SO(C/C) PS to Minister Agri:
41	Mr. Wazir	08.06.1956 Mkd. Agency	16.09.1976	29.05.2008	16	Promotion	SO(C/C) FD

16

108

Ra

42	Muhammad Mr. Mohammad Ishaq	25.02.1954 Mkd Agency	11.10.1976	29.05.2008	16	Promotion	Supdt: W&S
43	Mr. Rahat ullah	28.06.1951 Peshawar	28.10.1976	29.05.2008	16	Promotion	Supdt: LPR from 1.1.2009 E&AD
44	Mr. Shabbir Ahmad	12.04.1957 Peshawar	25.10.1976	29.05.2008	16	Promotion	Supdt: STI
45	Mr. Wazir Gul	20.05.1952 Mardan	15.01.1977	29.05.2008	16	Promotion	SO(C/C) IPC
46	Mr. Farooq Ahmad	05.05.1956 Peshawar	21.09.1978	29.05.2008	16	Promotion	PS, ST&IT
47	Mr. Khurshid Ali	29.05.1957 Peshawar	18.12.1978	29.05.2008	16	Promotion	SO(C/C) E&S Edu
48	Mr. Ghulam Muhammad	25.05.1954 Lakki Marwat	09.07.1974	29.05.2008	16	Promotion	PS Food
49	Mr. Akbar Khan	08.09.1956 Peshawar	07.10.1979	29.05.2008	16	Promotion	PS, E&T
50	Mr. Fazal Nabi	02.11.1955 Peshawar	06.10.1979	29.05.2008	16	Promotion	SO(C/C) STI
51	Mr. Abdul Qadeer	15.04.1959 Peshawar	06.10.1979	29.05.2008	16	Promotion	SO(C/C) Auqaf
52	Mr. Muhammad Saeed	Peshawar	16.09.1972	29.05.2008	16	Promotion	SO(C/C) Social Welfar
53	Mr. Muhammad Ayaz	06.02.1964 Mardan	09.10.1984	29.05.2008	16	Promotion	PS, CMS
54	Mr. Zarimullah	01.04.1955 Mardan	01.10.1979	29.05.2008	16	Promotion	SO(C/C) IPC Deptt
55	Mr. Waheed Khan	15.04.1960 Peshawar	01.10.1979	29.05.2008	16	Promotion	PS, E&AD
56	Mr. Jehanzeb Khan	14.10.1957 Peshawar	29.09.1979	29.05.2008	16	Promotion	PS, Health
57	Mr. Abdul Haq	06.07.1956 B.Agency	07.10.1979	29.05.2008	16	Promotion	PS, Agri
58	Mr. Mustafa Kamal	04.02.1959 Karak	03.10.1979	29.05.2008	16	Promotion	PS, STI
59	S.Amir Hussain Shah	28.02.1960 Peshawar	03.10.1979	29.05.2008	16	Promotion	PS E&AD
60	Mr. Muhammad Daud Jan	17.01.1958 Peshawar	15.01.1980	29.05.2008	16	Promotion	PS, FD
61	Mr. Khalil- ur-Rehman	26.02.1961 Peshawar	14.01.1980	29.05.2008	16	Promotion	SO(C/C) Sports
62	Mr. Noor Ihsan Shah	10.09.1956 Peshawar	13.02.1980	29.05.2008	16	Promotion	PS, Sports
63	Mr. Akhtar Khan	04.05.1958 Peshawar	16.06.1980	29.05.2008	16	Promotion	PS, Governor Sectt:
64	Mr. Kiramat Shah	15.09.1959 Peshawar	11.06.1980	29.05.2008	16	Promotion	SO(C/C) Home
65	Mr. Abid Saleem	17.04.1953 Peshawar	18.10.1975	02.12.2008	16	Promotion	Supdt: E&S Edu
66	Mr. Rehmat Gul	09.02.1955 Charssadd a	10.04.1973	02.12.2008	16	Promotion	Supdt: FD

	Mr. Muhammad Iqbal	16.11.1956 Bannu	29.06.1977	02.12.2008	16	Promotion	Supdt:Admn: Deptt:	
68	Mr. Zakria Khan	01.04.1954 Peshawar	01.07.1974	02.12.2008	16	Promotion	Supdt:FD	
69	Mr. Asif Kamal	14.03.1957 Peshawar	14.08.1978	02.12.2008	16	Promotion	Supdt: ST&IT	
70	Mr. Naeem Khan	07.12.1959 Peshawar	14.01.1981	02.12.2008	16	Promotion	Supdt: FD	
71	Mr. Abdullah	18.06.1959 Moh:Agenc y	07.05.1987	02.12.2008	16	Promotion	Supdt: E&AD	
72	Mr. Muhammad Tayyab	01.09.1957 Dir	18.09.1976	02.12.2008	16	Promotion	Supdt: Home	
73	Mr. Iftikhar Hussain	02.03.1955 Abbottabad	14.09.1978	02.12.2008	16	Promotion	Supdt: Food ASSH Director Food Directorate	
74	Mr. Iqbal Ahmad	20.08.1957 Peshawar	12.10.1978	02.12.2008	16	Promotion	Supdt: P&D	
75	Mr. Yousaf Khan	02.02.1957 Khyber Agency	07.04.1977	02.12.2008	16	Promotion	Supdt: W&S	
76	Mr. Muhammad Irfan	06.04.1953 Peshawar	08.06.1971	02.12.2008	16	Promotion	Supdt: E&AD	
77	Mr. Ishtiaq Ahmad	30.04.1956 Peshawar	01.01.1979	02.12.2008	16	Promotion	Supdt: Governor Sectt	
78	Mr. Ishfaq Ahmad	02.04.1956 Peshawar	23.12.1978	02.12.2008	16	Promotion	Supdt: G. House	
79	Mr. Zain-ul-Abidin	27.10.1952 Peshawar	19.12.1978	02.12.2008	16	Promotion	Supdt; Higher Edu	
80	Mr. Khalid Khan	01.09.1956 Mardan	20.12.1978	02.12.2008	16	Promotion	Supdt: LG	
81	Mr. Shaukatullah	06.01.1955	01.08.1979	02.12.2008	16	Promotion	Supdt: FD	
82	Mr. Gul Zareen	04.12.1956 Abbottabad	16.09.1975	02.12.2008	16	Promotion	Supdt: CMS	
83	Mr. Shafi-ul-Ahmad	26.03.1959 Dir	29.07.1979	02.12.2008	16	Promotion	Supdt: E&AD	
84	Mr. Riaz Ali Shah	06.04.1958 Abbottabad	19.07.1976	02.12.2008	16	Promotion	Supdt: industries	
85	Mr. Usman Jan	15.05.1963 Moh Agency	28.06.1987	02.12.2008	16	Promotion	Supdt CMS	
86	Mr. Ihsanullah	11.02.1959 Moh:Agency	28.06.1987	02.12.2008	16	Promotion	Supdt: Information Deptt	
87	Mr. Sarwar Habib	02.02.1960 Peshawar	14.06.1980	02.12.2008	16	Promotion	PS, Industries Deptt	
88	Mr. Muhammad Ghulam	03.05.1954 Bannu	06.07.1981	02.12.2008	16	Promotion	PS, Home	RG
89	Mr. Sajjad Rasool	27.09.1957 Banru	01.09.1981	02.12.2008	16	Promotion	PS, Governor's Sectt:	
90	Mr. Muhammad Nawaz Khan	01.09.1960 Charsadda	18.01.1981	02.12.2008	16	Promotion	PS, CMS	
91	Mr. Basir	10.07.1958	01.09.1981	02.12.2008	16	Promotion	PS, to Sr.	

110

	uddin	Peshawar					Minister for LG
92	Mr. Muhammad Ali	10.01.1962 Peshawar	01.09.1981	02.12.2008	16	Promotion	PS, Housing Deptt:
93	Mr. Moinullah	25.08.1958 Bannu	01.09.1981	02.12.2008	16	Promotion	PS, E&AD
94	Mr. Manzoor Ahmad	04.09.1960 Abbottabad	01.09.1981	02.12.2008	16	Promotion	PS, Governor Sectt:
95	Mr. Naeemullah	01.01.1954 Peshawar	25.10.1976	11.03.2009	16	Promotion	SO(OPS) E&T
96	Mr. Muhammad Shoaib	15.05.1957 Moh. Agency	02.08.1979	11.03.2009	16	Promotion	Supdt: E & P
97	Mr. Jan Said	01.05.1955 Peshawar	28.07.1979	11.03.2009	16	Promotion	Supdt: E&AD
98	Mr. Roz Amin Khan	16.12.1959 Dir	02.08.1979	11.03.2009	16	Promotion	Supdt: FD
99	Syed Farooq Shah	07.06.1954 Bannu	29.07.1979	11.03.2009	16	Promotion	Supdt: FD
100	Mr. Bostan	01.05.1960 Khy: Agency	30.07.1979	11.03.2009	16	Promotion	Supdt: FATA Sett:
101	Mr. Noor Ali Shah	01.11.1960 Bannu	01.08.1979	11.03.2009	16	Promotion	Supdt: Home Deptt:
102	Mr. Amir Usman	01.04.1958 Malakand Agency	01.09.1976	11.03.2009	16	Promotion	Supdt: P&D
103	Mr. Dilawar Khan	17.01.1959 Peshawar	29.07.1979	11.03.2009	16	Promotion	Supdt: Health
104	Mr. Gul Riat Khan	24.01.1968 Karak	08.03.1989	11.03.2009	16	Promotion	PS, Governor Sett
105	Mr. Umar Badshah	25.06.1958 karak	15.09.1981	11.03.2009	16	Promotion	PS, LG
106	Mr. Siraj-ud-Din	13.11.1961 Chitral	31.08.1989	11.03.2009	16	Promotion	PS on deputation to LSWM
107	Mr. Rehmani Gul	13.03.1962 Mkd: Agency	31.01.1981	11.03.2009	16	Promotion	PS, Governor House
108	Mr. Iqbal Ahmad	15.04.1957 Peshawar	05.09.1981	11.03.2009	16	Promotion	PS Governor Sectt:
109	Mr. Mushtaq Ahmad	10.03.1963 Peshawar	10.09.1981	11.03.2009	16	Promotion	PS, FD
110	Mr. Ihsanullah	12.12.1963 Peshawar	05.09.1981	11.03.2009	16	Promotion	PS, E&AD
111	Mr. Arshad Javed	19.07.1955 Peshawar	15.07.1974	11.03.2009	16	Promotion	PS, E&AD
112	Mr. Sajjad Ali	02.10.1958 Peshawar	14.09.1981	11.03.2009	16	Promotion	PS, Energy & Power
113	S. Arifullah Shah	08.02.1960 Peshawar	01.09.1981	11.03.2009	16	Promotion	PS, Aquaf

Rashid Ahmad
(Rashid Ahmad)
SECRETARY ESTABLISHMENT

20

112

20/11/08

SUPERINTENDENTS/PRIVATE SECRETARIES WORKING AS SECTION OFFICERS ON CURRENT CHARGE BASIS.

S. No.	Name of officer with academic qualifications	Present postings.	Remarks
1.	Mr. Sher Ahmad,	Home & TAs Dept.	Current charge
2.	Mr. Shah Jehan Superintendent, Matric	Home & TAs Dept, 17.4.2008	Current Charge
3.	Mr. Salah-ud-Din	Population Welfare Deptt.	Current charge
4.	Mr. Abdul Hameed Private Secy: Matric	SO, E&S Edu Dept 30.11.2007	Current Charge
5.	Mr. Muhammad Iqbal Awan, P.S. D.Com	S.O. W&S Dept. 28.10.2004	Current charge
6.	Mr. Muhammad Rehman, PS, MA	Section Officer, Excise & Taxation, 17.3.2009.	Current charge
7.	Mr. Amanullah, PS, MA	SO, ST&IT Dept, 10.7.2008	Current charge
8.	Mr. Fazad Khan, PS, B.Com	SO, Industries Dept, 26.12.2008	Current charge
9.	Mr. Waris Khan, Supdt, Matric	SO, Health Department, 10.7.2008	Current charge
10.	Mr. Amir Muhammad Durrani, Supdt, FSC	SO, Administration Department, 10.7.2008	Current charge
11.	Mr. Hassan Khan, Supdt, FA	SO, Auqaf Department, 10.7.2008	Current charge
12.	Mr. Ishtiaq Hussain, Supdt, BA	SO, Energy & Power Dept, 19.11.2008	Current charge
13.	Mr. Hafiz-ur-Rehman, Supdt, Matric	SO, Finance Department, 10.7.2008	Current charge
14.	Syed Abdul Ali Shah, Supdt, BA	SO, IPC Department, 10.7.2008	Current charge
15.	Mr. Muhammad Javed Siddiqui, Supdt, BA	SO(R-IV), Establishment Deptt: 10.6.2009	Current charge
16.	Mr. Iftikhar-ud-Din, Supdt, BA	SO, Agriculture Dept,	Current charge
17.	Mr. Javed Khan, Supdt, MA	SO, Transport Dept,	Current charge
18.	Mr. Nasir Aman, Supdt, MA	SO, ST&IT Dept, 10.7.2008	Current charge
19.	Mr. Tehseenullah, Supdt, MA	SO, (R-I) Establishment Department, 27.4.2009	Current charge
20.	Mr. Sakhi-ur-Rehman, Supdt, BA	SO, Agriculture Department, 10.7.2008	Current charge
21.	Mr. Muhammadullah, Supdt, BA, LLB	SO, Finance Department, 10.7.2008	Current charge
22.	Mr. Dilawar Shah, Matric	SO CM Sectt: 5.5.2009	Current Charge
23.	Mr. Rahim Badshah, BA LLB	SO Irrigation Deptt: 18.9.2008	Current Charge
24.	Mr. Jamroz Khan, FA	SO Establishment Deptt: 5.5.2009	Current Charge
25.	Mr. Muhammad Jehan, PS, BA	SO, Governor's Secretariat, 10.7.2008	Current charge
26.	Mr. Sher Akbar, PS, M.Com	SO, Higher Education, 23.7.2008	Current charge
27.	Mr. Wamiq, PS, BA	PS to Minister for Elementary and Secondary Education, 10.7.2008	Current charge
28.	Mr. Said Wali Khan, PS, BA	SO, Industries Dept, 10.7.2008	Current charge
29.	Mr. Muhammad Bashir Khan, PS, D.Com	SO, P&D Dept, 25.8.2008	Current charge
30.	Mr. Zar Gul Khan, PS, Matric	SO, Finance Department, 10.7.2008	Current charge
31.	Mr. Said Rasool, PS,	SO, Home & TAs Dept,	Current charge

21

113 22
74

	Matric	19.8.2008	
32.	Mr. Muhammad Afzal, PS, BA	SO, Establishment Department, 10.7.2008	Current charge
33.	Mr. Aurangzeb Awan, PS, Matric	SO, Health Dept, 5.1.2008	Current charge
34.	Mr. Noor Muhammad, PS, Matric	SO, Housing Department, 10.7.2008	Current charge
35.	Mr. Amir Muhammad, PS, BA	SO, CM Secretariat, 28.7.2008	Current charge
36.	Mr. Ghulam Hussain, PS, Matric	PS to Minister Agriculture, NWFP, 10.7.2008	Current charge
37.	Mr. Wazir Muhammad FA	SO Finance Deptt:	Current charge
38.	Mr. Wazir Gul, FA	SO IPC Deptt:	Current charge
39.	Mr. Khurshid Ali Khan, BA	SO School & Literacy Deptt:	Current charge
40.	Mr. Fazal Nabi, BA LLB	SO STI, E&ADA	Current charge
41.	Mr. Abdul Qadeer, BA	SO Auaqaf Deptt:	Current charge
42.	Mr. Muhammad Saeed, BA	SO Social Welfare	Current charge
43.	Mr. Zarimullah, BA LLB	SO IPC Deptt:	Current charge
44.	Mr. Khalil-ur-Rehman, BA	SO Sports Deptta:	Current charge
45.	Mr. Kiramat Shah, BA	SO Home Deptt:	Current charge

Seniority List

22
138
204
PSB-V

S.#	Name of officer	Date of birth and domicile	Date of 1 st entry into Govt. service	Regular appointment/ Promotion to present posts			Present appointment
				Date	BPS	Method of recruitment	
1.	Mr. Sher Ahmad	01.08.1952 Peshawar	16.06.1972	25.08.1993	16	Promotion	SO(OPS) Home & TAs
2.	Mr. Abdul Hamid	5.11.1953 Bannu	30.4.1975	29.8.1995	16	Promotion	SO (OPS) Health Dept.
3.	Mr. Muhammad Iqbal Awan	3.10.1955 DIKhan	30.6.1977	4.1.2003	16	Promotion	SO (OPS) PHE Dept
4.	Mr. Dilawar Shah	3.3.1952 Malakand Agency	20.9.1976	1.3.2008	16	Promotion	SO(A/C), CM Sectt"
5.	Mr. Rahim Badshah	01.11.1955 Karak	16.09.1976	01.03.2008	16	Promotion	SO(A/C) C&W Deptt:
6.	Mr. Jamroz Khan	10.01.1957 Khyber Agency	09.09.1976	01.03.2008	16	Promotion	SO(A/C) FD
7.	Mr. Muhammad Jehan	19.03.1959 Bannu	25.04.1977	01.03.2008	16	Promotion	SO(A/C) Governor's Sectt:
8.	Mr. Sher Akbar	03.10.1957 Mardan	13.04.1978	01.03.2008	16	Promotion	SO(A/C) Higher Edu:
9.	Mr. Warniq	01.04.1958 Peshawar	12.04.1978	01.03.2008	16	Promotion	SO(A/C) ST&IT
10.	Mr. Syed Wali Khan	01.04.1958 Bannu	01.04.1978	01.03.2008	16	Promotion	SO(A/C) Mineral Dev. Deptt:
11.	Mr. Munir Jan	10.04.1958 Peshawar	01.04.1978	01.03.2008	16	Promotion	SO(A/C), on Deputation to FDA
12.	Mr. M. Bashir Khan	12.12.1954 Peshawar	25.04.1978	01.03.2008	16	Promotion	SO(A/C) P&D
13.	Mr. Zar Gul Khan	18.11.1958 Bannu	12.04.1978	01.03.2008	16	Promotion	SO(A/C) FD
14.	Mr. Syed Rasool	13.10.1959 Peshawar	23.04.1978	01.03.2008	16	Promotion	SO(A/C) Home Dett
15.	Mr. Muhammad Afzal	15.10.1952 Peshawar	24.04.1978	01.03.2008	16	Promotion	SO(A/C) E&AD
16.	Mr. Aurangzeb Awan	01.01.1955 Mansehra	12.04.1978	01.03.2008	16	Promotion	SO(A/C) Health Deptt
17.	Mr. Noor Muhammad Awan	01.04.1956 Peshawar	12.09.1978	01.03.2008	16	Promotion	SO(A/C) Housing Deptt:
18.	Mr. Amir Muhammad	02.02.1955 Mardan	12.09.1978	01.03.2008	16	Promotion	SO(A/C) CM Sectt:
19.	Mr. Ghulam Hussain	09.07.1952 Peshawar	09.09.1978	01.03.2008	16	Promotion	SO(A/C) PS to Minister Agri:
20.	Mr. Wazir Muhammad	08.06.1956 Mkd. Agency	16.09.1976	29.05.2008	16	Promotion	SO(A/C) FD Deptt:
21.	Mr. Mohammad Ishaq	25.02.1954 Mkd Agency	11.10.1976	29.05.2008	16	Promotion	SO(A/C): C&W Deptt:

23 137 205

22	Mr. Shabbir Ahmad	12.04.1957 Peshawar	25.10.1976	29.05.2008	16	Promotion	SO(A/C), Home Deptt:
23	Mr. Wazir Gul	20.05.1952 Mardan	15.01.1977	29.05.2008	16	Promotion	SO(A/C) Industries Deptt:
24	Mr. Farooq Ahmad	05.05.1956 Peshawar	21.09.1978	29.05.2008	16	Promotion	SO(A/C) Home Deptt:
25	Mr. Khurshid Ali	29.05.1957 Peshawar	18.12.1978	29.05.2008	16	Promotion	SO(A/C) E&S Edu Deptt
26	Mr. Ghulam Muhammad	25.05.1954 Lakki Marwat	09.07.1974	29.05.2008	16	Promotion	SO(A/C), FD
27	Mr. Akbar Khan	08.09.1956 Peshawar	07.10.1979	29.05.2008	16	Promotion	SO(OPS) Health Deptt:
28	Mr. Fazal Nabi	02.11.1955 Peshawar	06.10.1979	29.05.2008	16	Promotion	SO(A/C) STI
29	Mr. Muhammad Saeed	Peshawar	16.09.1972	29.05.2008	16	Promotion	SO(A/C) S.W. Deptt:
30	Mr. Muhammad Ayaz	06.02.1964 Mardan	09.10.1984	29.05.2008	16	Promotion	SO(A/C), Finance Deptt:
31	Mr. Zarimullah	01.04.1955 Mardan	01.10.1979	29.05.2008	16	Promotion	SO(A/C) IPC Deptt
32	Mr. Waheed Khan	15.04.1960 Peshawar	01.10.1979	29.05.2008	16	Promotion	PS, Irrigation Deptt:
33	Mr. Jehanzeb Khan	14.10.1957 Peshawar	29.09.1979	29.05.2008	16	Promotion	PS, Transport Deptt:
34	Mr. Abdul Haq	06.07.1956 B.Agency	07.10.1979	29.05.2008	16	Promotion	PS, Agri Deptt:
35	Mr. Mustafa Kamal	04.02.1959 Karak	03.10.1979	29.05.2008	16	Promotion	PS, STI, E&AD
36	S.Amir Hussain Shah	28.02.1960 Peshawar	03.10.1979	29.05.2008	16	Promotion	SO(OPS) Auqaf Deptt:
37	Mr. Muhammad Daud Jan	17.01.1958 Peshawar	15.01.1980	29.05.2008	16	Promotion	PS, E&AD
38	Mr. Khalil-ur-Rehman	26.02.1961 Peshawar	14.01.1980	29.05.2008	16	Promotion	SO(OPS) Auqaf Deptt:
39	Mr. Noor Ihsan Shah	10.09.1956 Peshawar	13.02.1980	29.05.2008	16	Promotion	PS, Sports
40	Mr. Akhtar Khan	04.05.1958 Peshawar	16.06.1980	29.05.2008	16	Promotion	PS, Governor Sectt:
41	Mr. Kiramat Shah	15.09.1959 Peshawar	11.06.1980	29.05.2008	16	Promotion	SO(OPS) Home Deptt:
42	Mr. Abid Saleem	17.04.1953 Peshawar	18.10.1975	02.12.2008	16	Promotion	Supdt: E&S E
43	Mr. Muhammad Iqbal	16.11.1956 Bannu	29.06.1977	02.12.2008	16	Promotion	Supdt: Admn: Deptt:
44	Mr. Zakria Khan	01.04.1954 Peshawar	01.07.1974	02.12.2008	16	Promotion	Supdt: FD
45	Mr. Asif Kamal	14.03.1957 Peshawar	14.08.1978	02.12.2008	16	Promotion	Supdt: ST&IT
46	Mr. Naeem Khan	07.12.1959 Peshawar	14.01.1981	02.12.2008	16	Promotion	Supdt: FD
47	Mr. Abdullah	18.06.1959 Moh:Agenc	07.05.1987	02.12.2008	16	Promotion	Supdt: E&AD

140
206

		y					
48	Mr. Muham mad Tayyab	01.09.1957 Dir	18.09.1976	02.12.2008	16	Promotion	Supdt: Home
49	Mr. Iftikhar Hussain	02.03.1955 Abbottabad	14.09.1978	02.12.2008	16	Promotion	Supdt: (on deputation to Food Directorate)
50	Mr. Iqbal Ahmad	20.08.1957 Peshawar	12.10.1978	02.12.2008	16	Promotion	Supdt: P&D
51	Mr. Yousaf Khan	02.02.1957 Khyber Agency	07.04.1977	02.12.2008	16	Promotion	Supdt: C&W Deptt.
52	Mr. Muhammad Irfan	06.04.1953 Peshawar	08.06.1971	02.12.2008	16	Promotion	Supdt: E&AD
53	Mr. Ishtiaq Ahmad	30.04.1956 Peshawar	01.01.1979	02.12.2008	16	Promotion	Supdt: Governor Sectt
54	Mr. Ishfaq Ahmad	02.04.1956 Peshawar	23.12.1978	02.12.2008	16	Promotion	Supdt: Law Deptt.
55	Mr. Zain-ul- Abidin	27.10.1952 Peshawar	19.12.1978	02.12.2008	16	Promotion	Supdt: Higher Edu
56	Mr. Khalid Khan	01.09.1956 Mardan	20.12.1978	02.12.2008	16	Promotion	Supdt: LG
57	Mr. Shaukatullah	06.01.1955	01.08.1979	02.12.2008	16	Promotion	SO(OPS) FD
58	Mr. Gul Zareen	04.12.1956 Abbottabad	16.09.1975	02.12.2008	16	Promotion	SO(OPS) CM Sectt.
59	Mr. Shafi- ul-Ahmad	26.03.1959 Dir	29.07.1979	02.12.2008	16	Promotion	Supdt: E&AD
60	Mr. Riaz Ali Shah	06.04.1958 Abbottabad	19.07.1976	02.12.2008	16	Promotion	Supdt: industries
61	Mr. Usman Jan	15.05.1963 Mohmand Agency	28.06.1987	02.12.2008	16	Promotion	Supdt: CM Sectt.
62	Mr. Ihsanullah,	11.02.1959 Mohmand Agency	28.06.1987	02.12.2008	16	Promotion	Supdt: Information Deptt.
63	Mr. Sarwar Habib	02.02.1960 Peshawar	14.06.1980	02.12.2008	16	Promotion.	PS, Industries Deptt.
64	Mr. Muhammad Ghulam	03.05.1954 Bannu	06.07.1981	02.12.2008	16	Promotion	PS, Home Deptt.
65	Mr. Sajjad Rasool	27.09.1957 Bannu	01.09.1981	02.12.2008	16	Promotion	PS, Governor's Sectt.
66	Mr. Muhammad Nawaz Khan,	01.09.1960 Charsadda	18.01.1981	02.12.2008	16	Promotion	PS to CM

Rashid Ahmad
(Rashid Ahmad)
SECRETARY ESTABLISHMENT

25 141
141 207

**DETAILS OF AVAILABLE VACANCIES IN THE QUOTA OF PROMOTION
FOR REGULARIZATION OF PRIVATE SECRETARIES / SUPERINTENDENTS,
BS-16 TO THE POST OF PMS BS-17.**

Sr.No	Date of occurrence of vacancy	Description of vacancy
1	02.12.2010	Due to promotion of Mr. Farhad Ali
2	02.12.2010	Due to promotion of Mr. Nasir Saleem
3	02.12.2010	Due to promotion of Mr. Inayatullah
4	02.12.2010	Due to promotion of Mr. Sajjad Ahmad.
5	31.12.2010	Due to retirement of S. Iqbal Hussain Shah
6	31.12.2010	Due to retirement of Mr. Raees Khan
7	06.01.2011	Due to retirement of Mr. Atlas Khan
8	19.01.2011	Due to retirement of Muhammad Yaqoob
9		Newly created post.
10	04.04.2011	Due to retirement of Mr. Ishtiaq Hussain
11	14.04.2011	Due to retirement of Mr. Tehsinullah Jan

26

142
205

LIST OF VACANT POSTS OF SECTION OFFICERS IN CIVIL SECRETARIAT

S.NO.	NAME OF DEPT	VACANT POSTS
1.	Agriculture	01
2.	Auqaf	02
3.	Chief Minister's Sectt.	01
4.	E&AD	03
5.	Inter Provincial Coord:	01
6.	FATA Secretariat	04
7.	Finance	04
8.	Governor's Sectt. /House	01
9.	Health	02
10.	Home & TAs	03
11.	Information	01
12.	LG & RDD	02
13.	Population Welfare	01
14.	E&S Education	03
15.	ST & IT	01
16.	C & W	01
17.	Energy & Powers	01
18.	Provincial Ombudsman	01
19.	Private Secretaries with Provincial Ministers/CM	07
Total Nos.		40

CONFIDENTIAL
IMMEDIATE

27
114
GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT

NO.SO(PSB)ED/1-1/2009/P-245
Dated Peshawar, the 22.12.2009

To

The Section Officer (E.II)
Government of NWFP,
Establishment Department

SUBJECT: - **MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 12.12.2009**

PROMOTION/ACTING CHARGE APPOINTMENT OF SUPERINTENDENTS/PSs TO PMS BS-17.

Kindly refer to your letter No.SO(E-II)(ED)2(192)09 dated 03.12.2009 on the subject.

2. Enclosed please find herewith an extract of Item No.1 of the minutes/recommendation of the meeting of Provincial Selection Board held on **15.12.2009** for further necessary action/obtaining approval of the competent authority.

3. Working papers alongwith other connected documents received under your above quoted letter are returned herewith in original.

HARROON
22/12/09
(HARROON-UR-RASHID)
SECTION OFFICER (PSB)

Encl: As above:

ITEM NO.1

ESTABLISHMENT DEPARTMENT
(Meeting of PSB held on 15.12.2009)

SUBJECT: PROMOTION/ACTING CHARGE APPOINTMENT OF PRIVATE SECRETARIES / SUPERINTENDENTS BS-16 TO THE POSTS OF PMS BS-17.

Secretary Establishment apprised the Board that eighteen (18) posts in PMS BS-17 falling to the share of promotion of Superintendents / Private Secretaries are lying vacant. Besides seventy one (71) vacant posts of Section Officers in the Civil Secretariat meant for initial recruitment are vacant. Filling of these posts will take considerable time. As per Section 9 (3) of NWFP Civil Servants (APT) Rules, 1989, in the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

2. According to service rules, a PMS post (BS-17) is filled as under:-

"Twenty per cent from amongst Superintendents / Private Secretaries on seniority-cum-fitness basis, who are graduate and have under-gone training course of nine (9) weeks at the Provincial Management Academy/Provincial Staff Training Institute. A joint seniority list of Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts".

Note

As per Section 7 of rules ibid the condition of graduation shall not apply for a period of seven years from the date of coming into force of these rules to the existing incumbents for promotion against BS-17 posts.

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. Sher Ahmed	His date of birth is 01.08.1952. He joined government service on 16.06.1972. He was promoted as Superintendent BS-16 on 25.08.1993. He has undergone nine weeks training mandatory for promotion. The Board in its meeting held on 08.05.2008, 20.10.2008 and 12.02.2009 recommended his supersession as he earned adverse report for the year 2005. His PER for the year 2008 is not available. The Board was informed that he is not competent to shoulder the duties of Section Officer. The Board directed the Establishment Department to process his case for reversion from the post of Section Officer on

Muhammad Sher Ahmed
Section Officer (PSB)

29
93
116

CONFIDENTIAL

		acting charge basis.
2	Mr. Shah Jehan	<p>His date of birth is 15.3.1950. He joined government service on 09.8.1974. He was promoted as Superintendent BS-16 on 22.1.1995. The Board in its meeting held on 08.05.2008, 20.10.2008 and 12.02.2009 recommended his supersession as he has not undergone nine weeks training mandatory for promotion to the post of PMS BS-17. A penalty of censure has also been imposed on him on 25.01.2006 and has earned adverse report for the year 2006. His PERs for the year 1999 (part), 2000, 2001, 2007 & 2008 are not available.</p> <p>The Board did not consider his promotion.</p>
3	Mr. Salahuddin	Not considered. He has retired from service on 04.12.2009.
4	Mr. Abdul Hameed	<p>His date of birth is 05.11.1953. He joined government service on 30.04.1975. He was promoted as Private Secretary BS-16 on 29.08.1995. He has undergone nine weeks training mandatory for promotion to the post of PMS BS-17. The Board in its meeting held on 20.10.2008 and 12.02.2009 recommended his supersession for the reason that he has earned adverse report for the year 2006. Now the adverse report for the year 2006 has been expunged. Moreover a disciplinary case for embezzlement of earthquake relief money is also pending against him. His PER for the year 2007 is also not available. A show cause notice was served upon him, however he has been granted a stay by the Civil Court.</p> <p>The Board did not consider his promotion.</p>
5	Mr. Muhammad Iqbal Awan	<p>His date of birth is 03.10.1955. He joined government service on 30.06.1977. He was promoted as Private Secretary BS-16 on 04.01.2003. He has undergone nine weeks training mandatory for promotion to the post of PMS BS-17. The Board in its meetings held on 08.05.2008, 20.10.2008 and 12.02.2009 recommended his supersession for promotion to PMS BS-17 for the reason that he has earned 2 adverse reports for the years 2003 and 2004.</p> <p>The Board did not consider his promotion.</p>
6	Mr. Fazle Iqbal	<p>His date of birth is 20.06.1950. He joined government service on 6.6.1975. He was promoted as Superintendent BS-16 on 11.12.2006. He has not undergone nine weeks training mandatory for promotion. The PSB in its meeting held on 20.10.2008 and 12.02.2009 recommended his supersession as he has not undergone nine weeks training mandatory for promotion to the post of PMS BS-17. Position is still the same. His PER for the year 2008 is not available.</p> <p>The Board did not consider his promotion.</p>
7	Mr. Muhammad Rehman	<p>His date of birth is 05.02.1965. He joined government service on 13.01.1987. He was promoted as Private Secretary BS-16 on 19.12.2007. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of probation period in lower grade. He will be on probation for a period of one year.</p> <p><i>Attested</i> <i>[Signature]</i> Section Officer (PSB)</p>

CONFIDENTIAL

30

117 97/43

8	Mr. Amanullah Khan ✓	<p>His date of birth is 05.12.1958. He joined government service on 09.07.1977. He was promoted as Private Secretary BS-16 on 19.12.2007. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">2</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of probation period in lower grade. He will be on probation for a period of one year.</p>
9	Mr. Fazad Khan ✓	<p>His date of birth is 04.06.1958. He joined government service on 04.07.1977. He was promoted as Private Secretary BS-16 on 19.12.2007. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">3</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of probation period in lower grade. He will be on probation for a period of one year.</p>
10	Mr. Obaid-ur-Rehman ✓	<p>His date of birth is 02.06.1955. He joined government service on 11.08.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">4</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
11	Mr. Waris Khan ✓	<p>His date of birth is 10.01.1952. He joined government service on 01.10.1971. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1972 is adverse. His service record upto 2008 is generally good.</p> <p style="text-align: center;">5</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
12	Mr. Amir Muhammad Durrani	<p>His date of birth is 20.05.1950. He joined government service on 11.08.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 2007 and 2008 are not available.</p> <p style="text-align: center;">D</p> <p>The Board recommended to defer his promotion. The Establishment Department was directed to ask the officer / his reporting officer to furnish his PERs immediately.</p>
13	Mr. Hassan Khan	<p>His date of birth is 01.09.1952. He joined government service on 11.08.1976. He was promoted as Superintendent BS-16</p>

Mr. Saeed
Section Officer (PSR)
P.O. N.W.F.P.
Establishment Deptt.

31
118 98 44

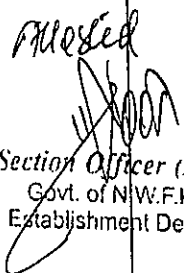
CONFIDENTIAL

		<p>on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">6</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
14	Mr.Rab Nawaz	<p>His date of birth is 11.03.1953. He joined government service on 07.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1972 is adverse. His service record upto 2008 is generally good.</p> <p style="text-align: center;">7</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
15	Mr.Ishtiaq Hussain	<p>His date of birth is 05.04.1951. He joined government service on 04.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1978, 1981, 1982 and 1983 are adverse which are twenty years old. His service record upto 2008 is generally good.</p> <p style="text-align: center;">8</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
16	Mr.Hafeez-ur-Rehman	<p>His date of birth is 30.04.1953. He joined government service on 04.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">9</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
17	S.Abdul Ali Shah	<p>His date of birth is 13.10.1957. He joined government service on 26.03.1985. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">10</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>

Section Officer (PSB)
Govt of Punjab

CONFIDENTIAL

18	Mr. Muhammad Javed Siddiqui	<p>His date of birth is 03.01.1958. He joined government service on 14.06.1975. He was promoted as Superintendent BS-16 on 16.04.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
19	Mr. Iftihar-ud-Din	<p>His date of birth is 05.10.1962. He joined government service on 23.08.1983. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
20	Mr. Javed Khan	<p>His date of birth is 02.09.1960. He joined government service on 31.03.1985. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
21	Mr. Nasir Aman	<p>His date of birth is 28.09.1960. He joined government service on 17.04.1985. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
22	Mr. Tehsinullah	<p>His date of birth is 15.04.1951. He joined government service on 16.07.1977. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
23	Mr. Sakhi-ur-Rehman	<p>His date of birth is 10.03.1957. He joined government service on 09.09.1978. He was promoted as Superintendent BS-16</p>


 Section Officer (PSB)
 Govt. of N.W.F.P.,
 Establishment Deptt.

33
1204
100

CONFIDENTIAL

		<p>on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">16</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
24	Mr. Muhammadullah	<p>His date of birth is 20.04.1954. He joined government service on 07.06.1983. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">17</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on <u>regular basis</u> subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
25	Mr. Dilawar Shah	<p>His date of birth is 03.03.1952. He joined government service on 20.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">1</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on <u>acting charge</u> basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
26	Mr. Rahim Badshah	<p>His date of birth is 01.11.1955. He joined government service on 16.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">2</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
27	Mr. Jamroz Khan	<p>His date of birth is 10.01.1957. He joined government service on 09.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">3</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on <u>acting charge</u> basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
28	Mr. Muhammad Jehan	<p>His date of birth is 19.03.1959. He joined government service on 25.04.1977. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years.</p>

34

121 47

CONFIDENTIAL

		<p>He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">4</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
29	Mr. Sher Akbar	<p>His date of birth is 03.10.1957. He joined government service on 13.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">5</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
30	Mr. Wamiq	<p>His date of birth is 01.04.1958. He joined government service on 12.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">6</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
31	Mr. Said Wali Khan	<p>His date of birth is 01.04.1958. He joined government service on 01.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1978 is adverse. His service record upto 2008 is generally good.</p> <p style="text-align: center;">7</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
32	Mr. Munir Jan	<p>His date of birth is 10.04.1958. He joined government service on 01.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good. He is on deputation to FDA.</p> <p style="text-align: center;">8</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year. He will actualize appointment in his own cadre.</p>
33	Mr. Bashir Khan	<p>His date of birth is 12.12.1954. He joined government service on 25.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and</p>

[Signature]
Officer (PSB)
of N.W.F.P.
Government Deptt:

35
123 49
102
CONFIDENTIAL

		<p>BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>14</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
39	Mr.Amir Muhammad	<p>His date of birth is 02.02.1955. He joined government service on 12.09.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>15</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
40	Mr.Ghulam Hussian	<p>His date of birth is 09.07.1952. He joined government service on 09.09.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>16</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
41	Mr.Wazir Muhammad	<p>His date of birth is 08.06.1956. He joined government service on 16.09.1976. He was promoted as Superintendent BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>17</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
42	Mr.Muhammad Ishaq	<p>His date of birth is 25.02.1954. He joined government service on 11.10.1976. He was promoted as Superintendent BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>18</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
43	Mr.Rahatullah	Not considered. He is on LPR w.e.f. 01.01.2009.
44	Mr.Shabbir Ahmad	<p>His date of birth is 12.04.1957. He joined government service on 25.10.1976. He was promoted as Superintendent BS-16 on 29.05.2008. No enquiry is pending against him and no</p>

filed
Section Officer (PSB)
Govt. of H.W.F.P.
Establishment Deptt.

36
124 50
104

CONFIDENTIAL

		<p>punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>19</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
45	Mr.Wazir Gul	<p>His date of birth is 20.05.1952. He joined government service on 15.01.1977. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>20</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
46	Mr.Farooq Ahmad	<p>His date of birth is 05.05.1956. He joined government service on 21.09.1978. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>21</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
47	Mr.Khurshid Ali Khan	<p>His date of birth is 29.05.1957. He joined government service on 18.12.1978. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>22</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
48	Mr.Ghulam Muhammad	<p>His date of birth is 25.05.1954. He joined government service on 09.07.1974. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>23</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
49	Mr.Akbar Khan	<p>His date of birth is 08.09.1956. He joined government service on 07.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for</p>

125 85

CONFIDENTIAL

		<p>promotion. His PER for the year 2008 is not available. His service record upto 2007 is generally good.</p> <p>The Board recommended to defer his appointment to the post of PMS BS-17.</p>
50	Mr.Fazal Nabi	<p>His date of birth is 02.11.1955. He joined government service on 06.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1982 is adverse which is twenty seven years old. His service record upto 2008 is generally good.</p> <p style="text-align: center;">24</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
51	Mr.Abdul Qadeer	<p>His date of birth is 15.04.1959. He joined government service on 06.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p style="text-align: center;">25</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
52	Mr.Muhammad Saeed	<p>His date of birth is 01.04.1953. He joined government service on 16.09.1972. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1976 is adverse which is thirty two years old His service record upto 2008 is generally good.</p> <p style="text-align: center;">26</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
53	Mr.Muhammad Ayaz	<p>His date of birth is 06.02.1964. He joined government service on 09.10.1984. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. He has earned ten average reports for the period from 1984 to 1994. His remaining service record upto 2008 is generally good.</p> <p style="text-align: center;">27</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
54	Mr.Zareemullah	<p>His date of birth is 01.04.1955. He joined government service on 01.10.1979. He was promoted as Private Secretary</p>

Messed

Section Officer (PSB)
Govt. of N.W.F.P.
Establishment Deptt.


28
34

CONFIDENTIAL

126 52
10+

		<p>BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2008 is generally good.</p> <p>28</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis subject to termination of his probation period in lower grade. He will be on probation for a period of one year.</p>
--	--	--

Advised


Section Officer (PSB)
Govt. of N.W.F.P.
Establishment Deptt.

WORKING PAPER FOR PROVINCIAL SELECTION BOARDDepartment:- ESTABLISHMENT DEPARTMENT.Subject:- FILLING OF 11 VACANT POSTS OF PMS BS-17 FALLING TO THE PROMOTION SHARE OF SUPERINTENDENTS/PRIVATE SECRETARIES BS-16 ON REGULAR BASIS AND 40 VACANT POSTS OF PMS BS-17 ON ACTING CHARGE AGAINST THE POSTS FALLING TO THE SHARE OF INITIAL RECRUITMENT

1.	Nomenclature of the post / Basic Scale.	PMS BS-17(on regular/ acting charge basis).		
2.	Service/Group/Cadre.	PMS		
3.	Sanctioned strength of the cadre.	613 (511 schedule posts + 20% DTL) subtracting 40 posts in the share of APUG, the number of cadre post comes to 573.		
		Direct	Promotion	Transfer
4.	(i) Percentage of share.	50% by initial recruitment through PSC & 10% by selection on merit from amongst post graduate Ministerial Staff through PSC.	40%(20% each for Superintendents /Private Secretaries) and Tehsildars	
	(ii) No. of posts allocated to each category.	286 + 57 for selection through PSC.	(115 each for Supdt/PS and Tehsildars)	
	(iii) Present occupancy position	185+nil	104	
	(iv) No. of vacancies in each category.	101+57	11 on regular + 40 on acting charge basis.	
	(v) How did the vacancy(ies) under promotion quota accrue and since when?	11 posts became available due to promotion of 04 PCS(SG) promotee officers to BS-18 and 06 due to retirement of PMS BS-17 Officers while 01 due to newly creation (Annex-I). 40 posts of Section Officer falling to the initial recruitment are lying vacant in Civil Secretariat (Annex-II).		
	(vi) Recruitment Rules.	According to Provincial Management Service Rules 2007, the following method has been prescribed for recruitment to the posts of PMS BS-17 (Annex-III). 1) Fifty percent by initial recruitment on the recommendations of the Khyber Pakhtunkhwa Public Service Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in schedule-IV: 2) Subject to rule 7, by promotion in the following manner: (a) twenty per cent from amongst Tehsildars, who are graduates, on the basis of seniority-com-fitness, having three years service as Tehsildar/Naib Tehsildar and have passed the prescribed Departmental Examination; and (b) twenty per cent from amongst Superintendents /Private Secretaries having three years service as Supdt./Assistant and Private Secretary/Personal Assistant on seniority-cum-fitness basis, who are graduate and have undergone a training course of 9-weeks at the Provincial Management Academy/ Provincial Staff Training Institute. A joint seniority		

		list of the Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts.
		3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in Schedule-VIII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks borne on the cadres strength of Secretariat who possess post graduate qualification from a recognized University and have at least five years service as such.
(vii)	Required length of service.	03 years service as Supdt./Assistant and PS/PA.
(viii)	Whether to be promoted on regular basis or appointed on acting charge basis?	11 on regular basis while 40 on acting Charge basis.
(ix)	Mandatory training, if any.	9 weeks mandatory training for Supdt/PS at STI for regular promotion.
(x)	Minimum required score on EI.	Not applicable

Rashid Ahmad
(Rashid Ahmad)
SECRETARY ESTABLISHMENT

TUNKH
 IMEN
 2
 VKHW
 P

tion
 No
 ect
 he

41

132 148
PSB-II

Panel of officers for consideration

S.#	Name of officers	Whether undergone 9 weeks compulsory training at STI	Date of appointment as Assistant/PA on regular basis	Date of appointment as Supdt./PS on regular basis	Remarks
1.	Mr. Sher Ahmed, Supdt.SO(OPS), Home & TAs Deptt:	Yes	01.06.1976	25.08.1993	His case for regular promotion was superseded by the PSB in its meetings held on 30.3.2006, 24.5.2006 and 9.12.2006 for the reason that his ACRs for the year 2005 were adverse. The PSB did not consider his case for promotion to the post of PMS in its meeting held on 9.1.2008. The PSB reiterated its earlier recommendation i.e. his supersession for promotion as PMS BS-17 in its meeting held on 8.5.2008, 20.10.2008 & 12.2.2009. The PSB in its meeting held on 15.12.2009 directed Establishment Deptt. to process his case for reversion from the post of Section Officer on acting charge basis. Accordingly he was reverted to the post of Supdt. The officer had been working as Section Officer (C/C) from 22.08.2001 and on acting charge w.e.f. 02.12.2003. Now, the officer is working as Section Officer (OPS) in Home & TAs Department.
2.	Mr. Abdul Hameed, PS/SO(OPS) Health Deptt:	Yes	02.12.1989	29.08.1995	The PSB did not consider his promotion in its meeting held on 9.1.2008 and recommended to defer his promotion as PMS BS-17, his case will be placed before the board separately. PSB recommended to defer his promotion in its meeting held on 8.5.2008. The PSB recommended his supersession in its meeting held on 20.10.2008 & 12.2.2009 for the reasons that he has earned one adverse report for the year 2006. Now the adverse report for the year 2006 has been expunged. The PSB did not consider his promotion in its meeting held on 15.12.2009. Moreover, he has been awarded minor penalty of stoppage of three(03) increments for two years on 24.08.2010. The officer has been SO(CC/OPS) from 22.08.2001. Now the officer is working as Section Officer (OPS) in Health Department.
3.	Mr. Muhammad Iqbal Awan, PS/SO(OPS), PHE Deptt:	Yes	31.05.1994	04.01.2003	The PSB in its meeting held on 9.1.08, 8.5.08, 20.10.2008 & 12.2.2009 recommended his supersession from promotion to the post of PMS BS-17 for the reasons that he has earned 2

					adverse reports for the year 2003 & 2004. The PSB did not consider his promotion in its meeting held on 15.12.2009. The officer has been working as SO(CC/OPS) from 04.10.2004.
4.	Mr. Dilawar Shah, Supdt./SO (A/C) CM Sectt.	Yes	05.01.1986	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
5.	Mr. Rahim Badshah, Supdt./SO(A/C) C & W Deptt.	Yes	23.04.1986	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
6.	Mr. Jamroz Khan, Supdt./SO(A/C); Finance Deptt.	Yes	23.04.1986	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
7.	Mr. Muhammad Jehan, PS/SO(A/C) Governor Sectt.	Yes	02.12.1996	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
8.	Mr. Sher Akbar, PS/SO(A/C) Higher Edu Deptt	Yes	02.12.1996	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
9.	Mr. Wamiq, PS/SO(A/C), ST&IT Deptt.	Yes	27.02.1998	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
10.	Mr. Said Wali Khan, PS/SO(A/C), Mineral Dev. Deptt.	Yes	16.08.1999	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
11.	Mr. Munir Jan, PSSO(A/C) on deputation to FDA	Yes	17.05.2000	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17. He is on deputation to FDA.
12.	Mr. Bashir Khan, PS/SO(A/C), P&D Deptt.	Yes	29.04.2001	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
13.	Mr. Zar Gul Khan, PS/SO(A/C), Finance Deptt.	Yes	29.04.2001	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
14.	Mr. Syed Raool, PS/SO(A/C), Home & TAS Deptt.	Yes	29.04.2001	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
15.	Mr. Muhammad Afzal, PS/SO(A/C), Admn: Deptt.	Yes	29.04.2001	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
16.	Mr. Aurangzeb Awan, PS/SO(A/C), Health Deptt.	Yes	30.05.2002	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
17.	Mr. Noor	Yes	30.05.2002	01.03.2008	The officer is working as PMS BS-17

	Muhammad, PS/SO(A/C), Housing Deptt:				(acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
18.	Mr. Amir Muhammad, PS/SO(A/C), CM Sectt:	Yes	30.05.2002	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
19.	Mr. Ghulam Hussain, PS/SO(A/C), PS to Minister for Agriculture	Yes	30.05.2002	01.03.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
20.	Mr. Wazir Muhammad, Supdt./SO(A/C), Finance Deptt:	Yes	23.04.1986	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
21.	Mr. Muhammad Ishaq, Supdt./SO(A/C), C&W Deptt:	Yes	23.04.1986	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
22.	Mr. Shabbir Ahmad, Supdt./SO(A/C), Home & TAs Deptt:	Yes	01.11.1986	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
23.	Mr. Wazir Gul, PS/SO(A/C), Industries Deptt:	Yes	30.05.2002	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
24.	Mr. Farooq Ahmad, PS/SO(A/C), Home & TAs Deptt:	Yes	30.05.2003	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
25.	Mr. Khurshid Ali Khan, PS/SO(A/C) E&SE Deptt:	Yes	30.05.2003	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
26.	Mr. Ghulam Muhammad, PS/SO(A/C), Finance Deptt:	Yes	30.05.2003	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
27.	Mr. Akbar Khan, PS/SO(OPS), Health Deptt:	Yes	31.05.2004	29.05.2008	The officer is working as SO(OPS). The officer is eligible for regular promotion to the post of PMS BS-17.
28.	Mr. Fazal Nabi, PS/SO(A/C), STI E&AD.	Yes	31.05.2004	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
29.	Mr. Muhammad Saeed, PS/SO(A/C), Social Welfare Deptt:	Yes	31.05.2004	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
30.	Mr. Muhammad Ayaz, PS/SO(A/C), Finance Deptt:	Yes	31.05.2004	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of PMS BS-17.
31.	Mr. Zareemullah, PS/SO(A/C),	Yes	31.05.2004	29.05.2008	The officer is working as PMS BS-17 (acting charge). The officer is eligible for regular promotion to the post of

IPC Deptt:					PMS BS-17.
32. Mr. Waheed Khan, PS, Irrigation Deptt.	Yes	31.05.2004	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
33. Mr. Jehanzeb Khan, PS, Transport Deptt.	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
34. Mr. Abdul Haq, PS, Agriculture Deptt.	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
35. Mr. Mustafa Kamal, PS, STI E&AD	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
36. S. Amir Hussain Shah, PS/SO(OPS), Auqaf Deptt.	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17. Now the officer is working as SO(OPS) in Auqaf Deptt.
37. Mr. Muhammad Daud Jan, PS, E&AD	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
38. Mr. Khalil-ur-Rehman, PS/SO(OPS), Auqaf Deptt.	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17. Now the officer is working as SO(OPS) in Auqaf Deptt.
39. Mr. Noor Ihsan Shah, PS, Sports Deptt.	Yes	12.01.2005	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
40. Mr. Akhtar Khan, PS, Governor Sectt.	Yes	15.03.2006	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
41. Mr. Kiramat Shah, PS/SO(OPS), Home Deptt.	Yes	29.05.2006	29.05.2008		The officer is eligible for regular promotion to the post of PMS BS-17. Now the officer is working as SO in his own pay and scale in Home & TAS Deptt.
42. Mr. Abid Saleem, Supdt. E&SE Deptt.	Yes	01.11.1986	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
43. Mr. Muhammad Iqbal, Supdt. Admn: Deptt.	Yes	01.11.1986	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
44. Mr. Zakria Khan, Supdt. Finance Deptt.	Yes	01.11.1986	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
45. Mr. Asif Kamal, Supdt. ST&IT Deptt.	Yes	01.11.1986	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
46. Mr. Naeem Khan, Supdt. Finance Deptt.	Yes	30.04.1987	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
47. Mr. Abdullah, Supdt. E&AD	Yes	07.05.1987	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
48. Mr. Muhammad Tayyab, Supdt. Home & TAS Deptt.	Yes	26.05.1987	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17.
49. Mr. Iftikhar Hussain, Supdt. (on deputation to Food Directorate)	Yes	26.05.1987	02.12.2008		The officer is eligible for regular promotion to the post of PMS BS-17. The officer is on deputation to Food Directorate.

50	Mr. Iqbal Ahmad, Supdt: P&D Deptt	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
51	Mr. Yousaf Khan, Supdt: C&W Deptt:	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
52	Mr. Muhammad Irfan, Supdt: E&AD	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
53	Mr. Ishtiaq Ahmad, Supdt: Governor Sectt.	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
54	Mr. Ashfaq Ahmad, Supdt: Law Deptt:	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
55	Mr. Zain-ul-Abideen, Supdt: Higher Edu. Deptt:	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
56	Mr. Khalid Khan, Supdt: LG&RDD	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
57	Mr. Shoukatullah, Supdt./SO(OPS), Finance Deptt:	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
58	Mr. Gul Zareen, Supdt/SO(OPS) CM Sectt:	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
59	Mr. Shafi-ul-Ahmad, Supdt: E&AD	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
60	Mr. Riaz Ali Shah, Supdt: Industries Deptt:	Yes	26.05.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
61	Mr. Usman Jan, Supdt: CM Sectt:	Yes	28.06.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
62	Mr. Ihsanullah, Supdt: Information Deptt:	Yes	28.06.1987	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
63	Mr. Sarwar Habib, PS, Industries Deptt:	Yes	29.05.2006	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
64	Mr. Muhammad Ghulam, PS, Home Deptt:	Yes	29.05.2006	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
65	Mr. Sajjad Rasool, PS, Governor's Sectt:	Yes	29.05.2006	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.
66	Mr. Muhammad Nawaz Khan, PS, CM Sectt:	Yes	29.05.2006	02.12.2008	The officer is eligible for regular promotion to the post of PMS BS-17.

137 203

Certificate

1. Certified that the officers included in the panel are eligible in terms of having undertaken the 9 weeks mandatory training at STI.
2. Also certified that no disciplinary action/proceedings or criminal charges in any court of law are pending against any of the officers included in the panel (except Mr. Abdul Hamid, at Sr. No. 2 upon whom a minor penalty of stoppage of three (03) increments for two years was imposed on 24.08.2010).
3. Certified that no officer is on long leave/deputation except at S.No. 11 & 49.

Rashid Ahmad
(Rashid Ahmad)
SECRETARY ESTABLISHMENT

47
143 174

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO.SO(PSB)ED/1-1/2011/P-275
Dated Peshawar, the 27.05.2011

To

The Additional Secretary (Esttt.)
Government of Khyber Pakhtunkhwa,
Establishment Department.

SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION
BOARD HELD ON 27.05.2011

PROMOTION OF SUPDTS./PRIVATE SECRETARIES TO PMS
BS-17

Dear Sir,

I am directed to refer to Section Officer (E.II) letter No.SO.E.II(ED)3(45)/2010/PSB dated 26.5.2011 on the subject and to forward herewith an extract of item No.1 of the minutes/recommendations of the meeting of Provincial Selection Board held on 27.05.2011 for further necessary action/obtaining approval of the competent authority.

Yours faithfully

(Signature) 27/5/11
(HAROON UR-RASHID)
SECTION OFFICER (PSB)

Encl: As Above
Endst. of even No. & date.

A copy is forwarded to the Section Officer (E.II), Govt of Khyber Pakhtunkhwa, Establishment Department. It is requested to depute a representative to collect working papers from this office immediately.

SECTION OFFICER (PSB)

2445
SOE-7A

P.U urgent
Summary by today
passd finally.

(Signature) 28/5/11
C.A.

48

144 172

24

18

CONFIDENTIAL

ITEM NO.1

ESTABLISHMENT DEPARTMENT
(Meeting of PSB held on 27.05.2011)

SUBJECT: PROMOTION/ACTING CHARGE APPOINTMENT OF PRIVATE SECRETARIES / SUPERINTENDENTS BS-16 TO THE POSTS OF PMS BS-17.

Secretary Establishment apprised the Board that due to new creation, promotion and retirement of officers eleven (11) posts in PMS BS-17 falling to the share of promotion of Superintendents / Private Secretaries are lying vacant. Besides, one hundred and one (101) posts of Section Officers in the Civil Secretariat meant for initial recruitment are vacant. Filling of these posts will take considerable time. As per Section 9 (3) of NWFP Civil Servants (APT) Rules, 1989, in case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota. Establishment Department therefore proposed to appointment forty (40) officers to PMS BS-17 on acting charge basis.

2. According to service rules, a PMS post (BS-17) is filled as under:-

"Twenty per cent from amongst Superintendents / Private Secretaries on seniority-cum-fitness basis, who are graduate and have under-gone training course of nine (9) weeks at the Provincial Management Academy/Provincial Staff Training Institute. A joint seniority list of Superintendents and Private Secretaries shall be maintained for the purpose of promotion on the basis of their continuous regular appointment to the respective posts".

Note As per Section 7 of rules ibid the condition of graduation shall not apply for a period of seven years from the date of coming into force of these rules to the existing incumbents for promotion against BS-17 posts.

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. Sher Ahmed	<p>His date of birth is 01.08.1952. He joined government service on 16.06.1972. He was promoted as Superintendent BS-16 on 25.08.1993. He has undergone nine weeks training mandatory for promotion. According to Addl. Secretary Establishment he was appointed to BS-17 on acting charge basis but reverted to the post of Supdt. vide Notification No. SOEII(ED)3(544)/2001 dated 6.2.2010. He has earned adverse report for the year 2005.</p> <p>The Board did not consider him for promotion. He will be considered for promotion after he earns PER for the year 2011.</p>

Attested
[Signature]
Secretary (PSB)
Govt. of NWFP
Establishment Department

49 145/173

CONFIDENTIAL

2	Mr. Abdul Hameed	<p>His date of birth is 05.11.1953. He joined government service on 30.04.1975. He was promoted as Private Secretary BS-16 on 29.08.1995. He has undergone nine weeks training mandatory for promotion to the post of PMS BS-17. The Board in its meeting held on 20.10.2008 and 12.02.2009 recommended his supersession for the reason that he has earned adverse report for the year 2006 and did not consider for promotion on 15.12.2009. Now the adverse report for the year 2006 has been expunged. The Board has been informed that a minor penalty of stoppage of three increments for two years has been imposed on him on 24.8.2010. His PER for the year 2007 is also not available.</p> <p>The Board did not consider him for promotion. He will be considered for promotion after he earns PER for the year 2011.</p>
3	Mr. Muhammad Iqbal Awan	<p>His date of birth is 03.10.1955. He joined government service on 30.06.1977. He was promoted as Private Secretary BS-16 on 04.01.2003. He has undergone nine weeks training mandatory for promotion to the post of PMS BS-17. The Board in its meetings held on 08.05.2008, 20.10.2008 and 12.02.2009 recommended his supersession for promotion to PMS BS-17 for the reason that he has earned 2 adverse reports for the years 2003 and 2004 and did not consider him for promotion on 15.12.2009. Adverse reports earned in his PER for the year 2003, 2004 are seven years old. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
4	Mr. Dilawar Shah	<p>His date of birth is 03.03.1952. He joined government service on 20.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
5	Mr. Rahim Badshah	<p>His date of birth is 01.11.1955. He joined government service on 16.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
6	Mr. Jamroz Khan	<p>His date of birth is 10.01.1957. He joined government service on 09.09.1976. He was promoted as Superintendent BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment</p>

Attached

[Signature]
Secretary (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

50 146 174
CONFIDENTIAL

		<p>was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
7	Mr. Muhammad Jehan	<p>His date of birth is 19.03.1959. He joined government service on 25.04.1977. He was promoted as Private Secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
8	Mr. Sher Akbar	<p>His date of birth is 03.10.1957. He joined government service on 13.04.1978. He was promoted as Private secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
9	Mr. Wamiq	<p>His date of birth is 01.04.1958. He joined government service on 12.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
10	Mr. Said Wali Khan	<p>His date of birth is 01.04.1958. He joined government service on 01.04.1978. He was promoted as Private secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. He has earned adverse report for the year 1978 which is 33 years old. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
11	Mr. Munir Jan	<p>His date of birth is 10.04.1958. He joined government service on 01.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting</p>

Accepted
[Signature]
Head of the Department
Govt of Punjab Faisalabad
Establishment Department

51 147 175

CONFIDENTIAL

		<p>charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. He is on deputation to FDA. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year. He will actualize promotion in his own cadre.</p>
12	Mr. Bashir Khan	<p>His date of birth is 12.12.1954. He joined government service on 25.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. He has earned adverse report for the year 1985 which is 26 years old. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
13	Mr. Zar Gul Khan	<p>His date of birth is 18.11.1958. He joined government service on 12.04.1978. He was promoted as Private Secretary BS-16 on 01.03.2008. Already appointed to BS-17 on acting charge basis. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. SO (Secret) informed the Board that his PER for the year 2010 duly countersigned received which is satisfactory. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for promotion to the post of PMS BS-17 on regular basis. He will be on probation for a period of one year.</p>
14	Mr. Syed Rasool	Already appointed to BS-17 on acting charge basis.
15	Mr. Muhammd Afzal	Already appointed to BS-17 on acting charge basis.
16	Mr. Aurangzeb Awan	Already appointed to BS-17 on acting charge basis.
17	Mr. Noor Muhammad	Already appointed to BS-17 on acting charge basis.
18	Mr. Amir Muhammad	Already appointed to BS-17 on acting charge basis.
19	Mr. Ghulam Hussian	Already appointed to BS-17 on acting charge basis.
20	Mr. Wazir Muhammad	Already appointed to BS-17 on acting charge basis.
21	Mr. Muhammad Ishaq	Already appointed to BS-17 on acting charge basis.
22	Mr. Shabbir Ahmad	Already appointed to BS-17 on acting charge basis.
23	Mr. Wazir Gul	Already appointed to BS-17 on acting charge basis.
24	Mr. Farooq Ahmad	Already appointed to BS-17 on acting charge basis.
25	Mr. Khurshid Ali Khan	Already appointed to BS-17 on acting charge basis.

Muzed

[Signature]
Deputy Officer (PSS)
Govt. of Sindh Patankhwa
Establishment Department

[Signature]

52
190 11

CONFIDENTIAL

26	Mr. Ghulam Muhammad	Already appointed to BS-17 on acting charge basis.
27	Mr. Akbar Khan	<p>His date of birth is 08.09.1956. He joined government service on 07.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. The Board in its meeting held on 15.12.2009 recommended to defer his appointment as his PER for the year 2008 was not available. Now his service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
28	Mr. Fazal Nabi	Already appointed to BS-17 on acting charge basis.
29	Mr. Muhammad Saeed	Already appointed to BS-17 on acting charge basis.
30	Mr. Muhammad Ayaz	Already appointed to BS-17 on acting charge basis.
31	Mr. Zareemullah	Already appointed to BS-17 on acting charge basis.
32	Mr. Waheed Khan	<p>His date of birth is 15.04.1960. He joined government service on 01.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
33	Mr. Jehanzeb Khan	<p>His date of birth is 14.10.1957. He joined government service on 29.09.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1983 is adverse which is twenty six years old. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge.</p>
34	Mr. Abdul Haq	<p>His date of birth is 06.07.1956. He joined government service on 07.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
35	Mr. Mustafa Kamal	<p>His date of birth is 04.02.1959. He joined government service on 03.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p>

Alleged

[Signature]

Officer (PSD)
Govt. of Punjab
Establishment Department

15

53
149 177

CONFIDENTIAL

		The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.
36	Mr. Amir Hussain Shah	<p>His date of birth is 28.02.1960. He joined government service on 03.10.1979. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
37	Mr. Muhammad Daud Jan	<p>His date of birth is 17.01.1958. He joined government service on 15.01.1980. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
38	Mr. Khalil ur Rehman	<p>His date of birth is 26.02.1961. He joined government service on 14.01.1980. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
39	Mr. Noor Ihsan Shah	<p>His date of birth is 10.09.1956. He joined government service on 13.02.1980. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
40	Mr. Akhtar Khan	<p>His date of birth is 04.05.1958. He joined government service on 16.06.1980. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
41	Mr. Kiramat Shah	<p>His date of birth is 15.09.1959. He joined government service on 11.06.1980. He was promoted as Private Secretary BS-16 on 29.05.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1980 is adverse which is twenty nine years old. His service record upto 2010 is generally good.</p> <p style="text-align: right;"><i>remaining</i></p>

Musled

[Signature]

Section Officer (PSS)
Govt. of Khyber Pakhtunkhwa
Establishment Department

54 150 178

CONFIDENTIAL

		<p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
42	Mr. Abid Saleem	<p>His date of birth is 17.04.1953. He joined government service on 18.10.1975. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
43	Mr. Muhammad Iqbal	<p>His date of birth is 16.11.1956. He joined government service on 29.06.1977. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1979 and 1989 are adverse which is twenty two years old. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
44	Mr. Zakria Khan	<p>His date of birth is 01.04.1954. He joined government service on 01.07.1974. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
45	Mr. Asif Kamal	<p>His date of birth is 14.03.1957. He joined government service on 14.08.1978. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
46	Mr. Naeem Khan	<p>His date of birth is 07.12.1959. He joined government service on 14.01.1981. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
47	Mr. Abdullah	<p>His date of birth is 18.06.1959. He joined government service on 07.05.1987. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion.</p>

Amended

[Signature]

Section Officer (PSR)
Govt. of Punjab
Establishment Department

55 131 177
CONFIDENTIAL

		<p>His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
48	Mr. Muhammad Tayyab	<p>His date of birth is 01.09.1957. He joined government service on 18.09.1976. He was promoted as Superintendent BS-16 on 02.12.2008. He has earned adverse reports for the year 1976, 1977, 1978 and 2001. However he has been promoted as Supdt. BS-16 on 02.12.2008. He has not yet completed probationary period. No enquiry is pending against him and no punishment was awarded to him during the last five years. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
49	Mr. Iftikhar Hussain	<p>His date of birth is 02.03.1955. He joined government service on 14.09.1978. He was promoted as Superintendent BS-16 on 02.12.2008. Presently working on deputation to Directorate of Food. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis. He will actualize appointment in his own cadre.</p>
50	Mr. Iqbal Ahmed	<p>His date of birth is 20.08.1957. He joined government service on 12.10.1978. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
51	Mr. Yousaf Khan	<p>His date of birth is 02.02.1957. He joined government service on 07.04.1977. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
52	Mr. Muhammad Irfan	<p>His date of birth is 06.04.1953. He joined government service on 08.06.1971. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
53	Mr. Ishtiaq Ahmad	<p>His date of birth is 30 .04.1956. He joined government service on 01.01.1979. He was promoted as Superintendent BS-16</p>

Attended
[Signature]
Mr. Muhammad Irfan
Deputy Director

56 1-8

CONFIDENTIAL

		<p>on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
54	Mr. Ashfaq Ahmad	<p>His date of birth is 02.04.1956. He joined government service on 23.12.1978. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
55	Mr. Zainul Abideen	<p>His date of birth is 27.10.1952. He joined government service on 19.12.1978. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
56	Mr. Khalid Khan	<p>His date of birth is 01.09.1956. He joined government service on 20.12.1978. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
57	Mr. Shaukatullah	<p>His date of birth is 06.01.1955. He joined government service on 01.08.1979. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His PER for the year 1980 is adverse which is 31 years old. His remaining service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
58	Mr. Gul Zareen	<p>His date of birth is 04.12.1956. He joined government service on 16.09.1975. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
59	Mr. Shafi-ul-Ahmad	<p>His date of birth is 26.03.1959. He joined government service on 29.07.1979. He was promoted as Superintendent BS-16</p>

M. Javed
[Signature]
Senior Officer (PSS)
Government of Punjab, Ferozpur
Ferozpur Department

1

(07/11)

57 15: 18/1

CONFIDENTIAL

		<p>on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
60	Mr. Riaz Ali Shah	<p>His date of birth is 06.04.1958. He joined government service on 19.07.1976. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
61	Mr. Usman Jan	<p>His date of birth is 15.05.1963. He joined government service on 28.06.1987. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
62	Mr. Ihsanullah	<p>His date of birth is 11.02.1959. He joined government service on 28.06.1987. He was promoted as Superintendent BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
63	Mr. Sarwar Habib	<p>His date of birth is 02.02.1960. He joined government service on 14.06.1980. He was promoted as Private Secretary BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
64	Mr. Muhammad Ghulam	<p>His date of birth is 03.05.1954. He joined government service on 06.07.1981. He was promoted as Private Secretary BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
65	Mr. Sajjad Rasool	<p>His date of birth is 27.09.1957. He joined government service on 01.09.1981. He was promoted as Private Secretary BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years.</p>

maeied

[Signature]

Secretary (P&ID)
Government of Punjab
Department

50% 7/11

Cancel 2010 28/5/11

58

154-10-2

CONFIDENTIAL

		<p>He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>
66	Mr. Muhammad Nawaz Khan	<p>His date of birth is 01.09.1960. He joined government service on 18.01.1981. He was promoted as Private Secretary BS-16 on 02.12.2008. No enquiry is pending against him and no punishment was awarded to him during the last five years. He has undergone nine weeks training mandatory for promotion. His service record upto 2010 is generally good.</p> <p>The Board recommended the officer for appointment to the post of PMS BS-17 on acting charge basis.</p>

revised

[Signature]

Section Officer (PSS)
Govt. of Khyber Pakhtunkhwa
Establishment Department

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.470\2013

Muhammad Ayaz Toru.....Appellant

Versus

The Chief Minister KPK and others.....Respondents

Rejoinder on behalf of appellant

Preliminary objections:

1. All other preliminary objections have been taken in routine. The appellant is having a cause of action. The appeal is maintainable and true facts have been presented before the tribunal. The appeal is not time barred. This honorable tribunal is having jurisdiction in the matter and no facts have been concealed. The appellant has come to this honorable tribunal with clean hands. All the necessary parties have been arrayed as respondents and it has not been shown how the appellant is estopped by his conduct. The appeal is not hit by section 4(1) (b) of KPK Services Tribunal Act, 1974.

On Facts;

1. Para-1 of the reply needs no rejoinder.
2. In reply to para-2 it is stated that first appointment of the appellant is attached for ready reference.
3. Para-3 of the reply is refuted with all the forces at the command of the appellant. The appellant was promoted alongwith others to PMS BPS-17 on acting charge basis because clearly vacancies were available to the promotion quota of the appellant otherwise the Provincial Selection Board would not have promoted the appellant, because according to Rule-9 of APT Rules civil servant can be promoted to a higher post only if promotion quota post is available otherwise the initial post according to 14 of APT Rules 1989 can only be filled on adhoc basis (copy attached as Annexure-A).
4. Para-4&5 of the reply needs no rejoinder.

GROUND

A. Ground-A&B of the reply is incorrect and that of the appeal is correct. Vested rights have been accrued in favor of appellant. 434 vacancies in BPS-17 were available in 2001 and the share\quota allocated to each cadre as mentioned in the working paper placed before the Provincial Selection Board for consideration in its meeting held on 09.01.2008 was as under:.

S.NO.	QUOTA	SHARE	REMARKS
1.	Promotion of Superintendents/ Private Secretaries	87	63 Superintendents/Private Secretaries were appointed as Section Officers (BPS-17) on current charge basis with effect from 23-1-2001. 22-8-2001, 11-3-2003 and 26-6-2003. 93 Supdts: /P.Ss were appointed as Section Officers(BPS-17) on acting charge basis w.e.f. 2-12-2003, 10-7-2004 and 25-1-2010. 155 Superintendents/Private Secretaries were promoted as Section Officers(BPS-17) on regular basis in 2005,2006,2007,19-2-2008,7-11-2008,3-3-2009, 25-1-2010, 30-5-2011 and 21-12-2011.
2.	Promotion of Tehsildars	87	62 Tehsildars appointed on acting charge and on officiating basis in their own pay scales during 2000 to 2004 and then promoted on regular basis w.e.from 19-2-2008. They have been allowed anti date promotion from 2000 and 2001 etc instead of 19-2-2008 in light of Supreme Court of Pakistan judgment dated 24-5-2012 vide Notification No.SOE-II(ED)2(423)/ 2010/Vol-II dated 25-7-2012.
3.	Direct recruitment	217	230 PMS (BPS-17) officers have been appointed through Public Service Commission during the period from 2002 to 2010.
4.	Selection from Ministerial staff (i.e. below BPS-16) through Public Service	43	No one has been appointed so far.

	Commission.		
--	-------------	--	--

-3-

87 posts in BPS-17 were vacant in 2001 while about 64 posts of S.Os BPS-17 caused vacant before 25.01.2010 on account of retirement and promotion of SOs (BPS-17) to the post of Deputy Secretaries BPS-18. Copy attached as Annexure-B.

Keeping in view the aforesaid explanation, 64 further posts in BPS-17 were made available in promotion quota while the appellant was shown at S.No.53 of the panel and it is pertinent to mention here that as per circular letter No. SORI(S&GAD)1-29/75 (a), dated 13-2-1993 appeared at Page-79 of Esta Code, no appointment to higher post on acting charge basis can be made. However, against the posts meant for initial quota, adhoc appointment can be made for a period not exceeding one year under Rule-14 of Civil Servants (APT) Rules, 1989. Hence, appointment on acting charge basis instead of regular basis is illegal and based on malafide intention.

The respondent department has filled in the vacancies meant for initial quota on regular basis through Public Service Commission, filled the vacancies meant for promotion of Tehsildars on regular basis through PSB as well as through judgment of Supreme Court of Pakistan but unfortunately filled the vacancies meant for promotion of Superintendents/Private Secretaries on acting charges basis instead of regular basis in violation of rules and judgment of Supreme Court of Pakistan as mentioned above.

- B. Ground-C of the reply is incorrect and that of the appeal is correct.
- C. Ground -D of the reply is incorrect and that of the appeal is correct.
- D. Ground-E of the reply is incorrect and that of the appeal is correct.
The appellant has been discriminated.
- E. Ground-F of the reply is incorrect and that of the petition is correct.

F. Ground-G of the reply is incorrect and that of the appeal is correct. Further the position has been explained in reply to ground-A&B.

The Provincial Government has promoted many officers to next higher grades with retrospective effect. The following few cases are quoted as examples :-

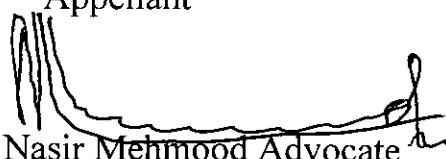
1. Mr.Khalid Khan Umerzai has been promoted to BPS-20 post with retrospective effect vide Notification No.SO(E-I)S&GAD/4-2/2007 dated 3-11-2007.
2. Mr.Umer Hayat, Director Fisheries has been promoted to BPS-19 with retrospective effect vide Notification No.SO(E-I)/S&GAD/9-112/2010 dated 10-05-2010.
3. 19 Superintendents/Private Secretaries have been promoted to B-17 vide Notification No.SOS-II(S&GAD)3(122)/92 dated 10-7-1995.
4. 62 Tehsildars have been promoted to BPS-17 with retrospective effect vide Notification No.SOE-II(ED)2(423)/2010 dated 25-7-2012.

Copies of the notifications attached as Annexure-C,D,E & F.

The post was available in promotion quota of the appellant against which he had been appointed on acting charge basis instead of regular basis. The Supreme Court of Pakistan has already decided a similar law point in an identical case in C.As. Nos.860 and 861 of 2010 that "there is also no dispute with the proposition that if the respondents were to hold a post on acting charge basis, they could also hold the same on regular basis".

It is therefore respectfully prayed that while considering the above rejoinder the appeal may kindly be accepted.


Through

Appellant

Nasir Mehmood Advocate
Supreme Court of Pakistan 11/4/14
13-D Haroon Mansion Peshawar.

Affidavit

I do hereby declare and affirm on oath that the contents of above rejoinder are true and correct to the best of my knowledge and belief and noting has been concealed from this honorable court.


Deponent

Attested
FIDA MOHAMMAD BANGASH
Advocate
Notary Public
Date 11/4/14
Distt. Court Peshawar


Annexure "A"

Statutory provision regarding Appointment.

Section 5 of Civil Servants Act, 1973 - Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorised by the Governor in that behalf.

**THE NORTH-WEST FRONTIER PROVINCE
CIVIL SERVANTS (APPOINTMENT, PROMOTION &
TRANSFER) RULES, 1989.**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
(2) They shall come into force at once.
2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-
 - (a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;
 - (b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;
 - (c) "Commission" means the North West Frontier Province Public Service Commission;
 - ²⁹(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;
 - ³⁰(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:
Provided that more than one such committees may be constituted for civil servants holding different scales of pay".
 - (e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];
 - (f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and
 - ³¹(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect

²⁹ Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

³⁰ Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

³¹ Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No. !	Posts !	Appointing Authority
1.	(a) Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services; <ul style="list-style-type: none"> (i) Former Provincial Civil Service (Executive Branch); (ii) Former Provincial Civil Service (Judicial Branch); and (iii) Provincial Civil Secretariat Service. 	Chief Minister
	(b) Posts in Basic Pay Scale 17 other than those covered by (a) above.	Chief Secretary
2.	Posts in Basic Pay Scale 16.	(a) In the case of Secretariat of the Government of NWFP, the Chief Secretary. (b) In case of High Court, the Chief Justice; and (c) In the case of Attached Department:

- (i) the Head of Attached Department concerned; and
- (ii) In any other case the Secretary of the Department concerned.

3. Posts in Basic Pay Scales 3 to 15.

- (a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and
- (b) In other cases
 - (i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or
 - (ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.

4. Posts in Basic Pay Scale 1 and 2. Deputy Secretary incharge of Administration or office, as the case may be.

5. ³³**Departmental Promotion & Selection Committee/Board** - (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ³⁴(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

³⁵6. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

³³ The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

³⁴ The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

³⁵ Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** ³⁶(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

8. **Inter-Provincial Transfer:-**(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bona fide resident of the North-West Frontier Province.
- (v) a vacancy exists to accommodate the request for such a transfer; and:
- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

³⁷Provided that no such appointment shall be made, if the prescribed length of service is short by more than ³⁸[three years].

(2) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

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

PART-III

INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment :-** (1) Initial appointment to posts ³⁹[in various basic pay scales] shall be made-9

(a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or

³⁷ Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

³⁸ The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

³⁹ The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

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

⁴¹Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

⁴²Provided further that the appointment in Basic Pay Scale-1 to 4 shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned, ⁴³[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] ⁴⁴[]

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

- (i) ⁴⁵where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

⁴⁶(4) Where a civil servant dies during service, then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government service, the widow of such civil servant, to a post in any of the Basic Pay Scales 1 to 15:

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

Provided further that if there are two widows of the deceased civil servant, preference shall be given to the elder widow:

Provided also that the appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies in different pay scales is available at a time, and the child or the widow, as the case may be, possesses the qualifications making him or her

⁴⁰ Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

⁴¹ Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

⁴² Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

⁴³ Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

⁴⁴ 2nd Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

⁴⁵ Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

⁴⁶ Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/03/11, dated 05-09-2006.

eligible for appointment in more than one post, he/she shall ordinarily be appointed to the post carrying higher pay scale.

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

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

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

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

⁴⁹(7) Notwithstanding anything contained in any rule for the time being in force, 0.5 percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

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

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the North-West Frontier Province.

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

⁵⁰[(2)]

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

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

⁴⁷ Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

⁴⁸ Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006

⁴⁹ Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

⁵⁰ Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008

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

12. **Zonal and Divisional representation:** - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

⁵¹ Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be.

(3) Initial recruitment to posts in Basic Pay Scales 1 and 2 or equivalent shall ordinarily be made on local basis.

PART-IV

AD HOC APPOINTMENT

13. **Requisition to Commission:**-When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

14. **Ad hoc Appointment:**-(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding ⁵²[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding ⁵³[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

⁵¹ Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

⁵² The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

⁵³ The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

PART-V

PROBATION AND CONFIRMATION

⁵⁴15. **Probation.** ----- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation:

Provided that if no specific order is issued on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed.

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the North West Frontier Province Civil Servants Act, 1973.

PART-VI

SENIORITY

17. **Seniority :-**(1) the seniority inter se of civil servants ⁵⁵(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ⁵⁶[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher

⁵⁴ Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

⁵⁵ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

⁵⁶ The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

⁵⁷(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

⁵⁸(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal:- The North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

⁵⁷ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

⁵⁸ Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19th November, 2009.

Appointment by transfer.

I am directed to say that rule 7 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, provides that appointment by transfer to posts should be made:-

- (1) to posts in BPS-2 to 16 on the recommendations of the appropriate Departmental Promotion Committee;
- (2) to posts in BPS-17 and above on the recommendations of the Provincial Selection Board; and
- (3) from amongst the persons possessing qualifications and other conditions prescribed for the posts and holding appointment on regular basis in the same basic pay scale in which the posts to be filled exist.

It has been brought to notice that in some of the departments, appointment by transfer is also made in cases where no provision for appointment by transfer exists in the relevant service/recruitment rules.

I am accordingly directed to clarify that the above provisions regarding appointment by transfer are applicable in only those cases where the appointment by transfer is specifically provided for in the relevant service/recruitment rules or in the method of appointment, qualification etc laid down for each post under sub-rule (2) of rule 3 of the aforesaid rules.

(Authority: No.SORI(S&GAD)4-1/80, dated 13th May, 1989)

Dist - I

Annexure "B" ^B

Before 25-01-2010, the following 32 Section Officers have been retired from service.

S.NO.	NAME	PERIOD
1.	Mr.Majeedul Hassan	25-10-2008
2.	Mr.Rustam Ali	01-06-2009
3.	Mr.Muhammad Alam	15-04-2009
4.	Mr.Amir Jan	12-02-2007
5.	Mr.Hafeez Ahmad	15-04-2006
6.	Syed Alam	01-05-2009
7.	Mr.Fazal Hussain Amjad	11-08-2006
8.	Mr.Noorul Haq	01-07-2008
9.	Syed Baqir Shah	01-01-2010
10.	Mr.Misal Khan	08-04-2006
11.	Mr.Sahib Shah	02-09-2009
12.	Mr.Abdul Jabbar-II	01-01-2010
13.	Mr.Shaheeruddin	11-04-2009
14.	Arbab Musharaf Khan	03-02-2008
15.	Mr.Shah Sawar	07-12-2009
16.	Mr.Abdul Raziq	05-02-2007
17.	Mr.Sardar Ali	01-07-2007
18.	Mr.Fida Muhammad	12-10-2009
19.	Mr.Said Usman	05-05-2005
20.	Mr.Sher Wali	05-03-2004
21.	Mr.Kalimullah	15-12-2008
22.	Mr.Salahuddin	05-12-2009
23.	Mr.Aneesur Rehman	01-04-2007
24.	Mr.Saeed Khan	15-12-2008
25.	Mr.Ghafoor Shah	13-05-2006
26.	Mr.Ali Nabi	20-01-2006
27.	Mr.Fazal Qadir	10-06-2002
28.	Mr.Muhammad Saeed	01-12-2008
29.	Mr.Arifullah-II	13-09-2004
30.	Mr.Bughdad Shah	27-12-2008
31.	Mr.Farmanullah	01-03-2009
32.	Mr.Sibtul Hassan	29-09-2005

list-12

Before 25-01-2010, the following Section Officers (BPS-17) have been promoted to the posts of Deputy Secretaries (BPS-18):-

S.NO.	NAME OF OFFICERS	REMARKS
1.	Syed Akhtar Hussain Shah	Promoted from BPS-17 to BPS-18 on the recommendation of Provincial Selection Board in its meeting held on 30-10-2007 and 22-11-2007.
2.	Mr.Ghulam Ali	-do-
3.	Mr.Muhammad Zaman	-do-
4.	Mr.Muhammad Khan	-do-
5.	Mr.Masal Khan	-do-
6.	Mr.Muhammad Iqbal	-do-
7.	Mr.Dur Muhammad	-do-
8.	Mr.Muhammad Saeed	-do-
9.	Mr.Abdul Khitab	-do-
10.	Mr.Shakirullah	-do-
11.	Mr.Muhammad Rafiq Akbar	-do-
12.	Mr.Said Rasool Shah	-do-
13.	Mr.Mushtaq Ahmad	-do-
14.	Mr.Nazir Ahmad Awan	-do-
15.	Mr.Attaur Rehman	-do-
16.	Mr.Amir Afaq	-do-
17.	Mr.Muhammad Sohail	-do-
18.	Mr.Azanfar Ali	-do-
19.	Mr.Muhammad Anwar Khan	-do-
20.	Ms.Nosheen Azam	-do-
21.	Mr.Barkatullah	-do-
22.	Mr.Muhammad Saqlain	-do-
23.	Mr.M.Nadar Khan Rana	-do-
24.	Mr.Amad Ali	-do-
25.	Mr.Shahid Sohail Khan	-do-
26.	Mr.Masood Younas	-do-
27.	Mr.Akhtar Saeed Turk	-do-
28.	Mr.Adeel Shah	-do-
29.	Mr.Motasim Billah Shah	-do-
30.	Mr.Arshad Khan Afridi	-do-
31.	Mr.Saqib Raza Aslam	-do-
32.	Mr.Muhammad Asif	-do-



130
GOVERNMENT OF N.-W.F.P.
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Dated Peshawar, the 3rd November, 2007

Ammequte "C"

NOTIFICATION

NO.SO(E-I)E&AD/4-2/2007 The Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote Mr. Muhammad Khalid Khan Umarzai, PCS (Executive Group) from BS-19 to BS-20 on regular basis with effect from 4th June, 2007.

2. The officer on promotion will remain on probation for a period of one year in terms of Section 6(2) of NWFP Civil Servants Act, 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
3. The posting/transfer orders of Mr. Muhammad Khalid Khan Umarzai (PCS EG BS-20) will be issued later on.

**CHIEF SECRETARY,
GOVERNMENT OF N.W.F.P.**

Endst. No. & date even

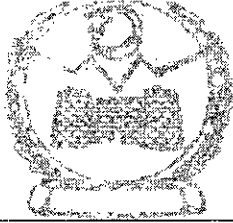
Copy forwarded to the:-

1. Secretary to Governor, NWFP.
2. Principal Secretary to Chief Minister, NWFP.
3. Accountant General, NWFP.
4. PS to Chief Secretary, NWFP.
5. PS to Secretary Establishment, E&A Department.
6. S.O (Admn) E&AD.
7. Officer concerned.
8. Manager, Govt Printing Press, Peshawar.

M
3/11/07
M. Yousof Jatoi

Abdul Jalil
3.11.2007

(ABDUL JALIL)
SECTION OFFICER(E-I)
PHONE & FAX # 091-9210529



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT**

Amesure "D"

Dated Peshawar the 10th May 2010

NOTIFICATION

NO. SO(E-I)/E&AD/9-112/2010. In pursuance of decision of the Peshawar High Court Peshawar and Supreme Court of Pakistan, the Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote Mr. Umer Hayat, Ex-Director Fisheries, from (BS-18) to (BS-19) on regular basis, with effect from 13.08.2004 with all consequential benefits.

2. His promotion as well as assumption of charge in BPS-19 shall be on notional basis, against the vacant post of Director Fisheries, Peshawar.

**CHIEF SECRETARY
GOVERNMENT OF
KHYBER PAKHTUNKHWA**

Endst. No. & date even

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. Secretary to Government of Khyber Pakhtunkhwa, Environment Department.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Director Fisheries, Peshawar.
6. PS to Chief Secretary, Khyber Pakhtunkhwa
7. PS to Secretary Establishment/S.O.(Secret)/S.O. (PSB) E&AD.
8. Officer concerned.
9. Manager, Govt. Printing Press, Peshawar.

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

E

GOVERNMENT OF N.W.F.P.
SERVICES & GENERAL ADMN: DEPARTMENT
(SERVICES WING)

Annexure "E"

Dated Peshawar, the 10th July, 1995

NOTIFICATION

No. 505-II(S&GAD)3(122)/92 :- The Governor NWFP in consultation with the Provincial Selection Board, is pleased to order the promotion of the following Superintendents/Private Secretaries of the NWFP Secretariat as Section Officers (BPS-17) with effect from 31-5-1995, on purely temporary basis and as a stop gap arrangements until further orders :-

- (1) Mr Yousaf Ali.
- (2) Mr Ghulam Rabbani.
- (3) Mr Ihsanullah.
- (4) Syed Afzal Shah.
- (5) Mr Khaista Khan.
- (6) Ghazi Gohar Baig.
- (7) Mr Abdul Jalil.
- (8) Mr Mohammad Iqbal.
- (9) Mr Mohammad Ajmal.
- (10) Mr Aziz-ur-Rehman.
- (11) Mr Abdul Dayan.
- (12) Mr Mohammad Hassan.
- (13) Mr Mohammad Anwar.
- (14) Mr Mohammad Jamil.
- (15) Mr Sher Mohammad.
- (16) Mr Wazir Ahmad.
- (17) Mr Abdul Jabbar.
- (18) Mr Malik Aman.
- (19) Mr Faqir Hussain.

2- The above promotion will not confer on them any right of regular appointment or seniority as Section Officers.

3- On their promotion as Section Officers, the following postings/transfers are hereby ordered :-

Sl No	Name of officer with present posting	From	To
1.	Mr Yousaf Ali, Supdt: Finance Deptt:	On promotion	Section Officer Finance Department.
2.	Mr Ghulam Rabbani, PS to Secretary PHE Deptt.	-do-	Section Officer, Home & T.As Deptt:
3.	Mr Ihsanullah, PS to Minister Education	-do-	Section Officer (L.R) S&GAD.
4.	Syed Afzal Shah, Supdt: Finance Deptt:	-do-	Section Officer, Finance Department.
5.	Mr Khaista Khan, Supdt: S&GAD	-do-	Section Officer, Health Department.

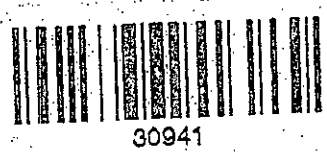
- | | | |
|---|--------------------------------------|--|
| 6. Ghazi Gohar Baig
Supdt: Home Deptt: | On promotion | Section Officer,
Home & T.As Dept |
| 7. Mr Abdul Jalil,
PS to Minister Health | -do- | Section Officer
(L.R) S&GAD. |
| 8. Mr Muhammad Iqbal,
PA to Governor NWFP | -do- | Section Officer,
Governor's Sectt: |
| 9. Mr Muhammad Ajmal,
PS to Minister Youth
Affairs. | -do- | Section Officer
(L.R) S&GAD. |
| 10. Mr Aziz-ur-Rehman,
PA to Minister
Co-operation. | -do- | Section Officer
S&GAD. |
| 11. Mr Abdul Dayan,
PS S&GAD | -do- | Section Officer
Social Welfare
Department. |
| 12. Mr Muhammad Hassan,
PS to Secretary LG&RD | -do- | Section Officer
S&GAD. |
| 13. Mr Muhammad Anwar,
PS to Minister Industries | -do- | Section Officer
(L.R) S&GAD. |
| 14. Mr Muhammad Jamil,
PS to Minister Finance | -do- | Section Officer
(L.R) S&GAD. |
| 15. Mr Sher Muhammad,
PA to Governor NWFP. | -do- | Section Officer
(L.R) S&GAD. |
| 16. Mr Wazir Ahmad,
PA to Minister Tourism. | -do- | Section Officer,
Finance Deptt: |
| 17. Mr Abdul Jabbar,
PS to Special Assistant
to Chief Minister. | -do- | Section Officer
(L.R) S&GAD. |
| 18. Mr Malik Aman,
PS to Addl:Chief Secretary. | -do- | Section Officer,
(L.R) S&GAD. |
| 19. Mr Faqir Hussain,
PS to Secretary to
Chief Minister. | -do- | Section Officer
S&GAD. |
| 20. Mr Mushtaq Ahmad | Section Officer
Health Deptt: | Section Officer
(Budget) S&GAD. |
| 21. Mr Dildar Khan Khattak | Section Officer
Governor's Sectt: | Section Officer
(Complaint) S&GAD. |
| 22. Mr Asif Shahab | On return from
leave. | Section Officer
(S-IV) S&GAD. |

Amexide F

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT



Dated Peshawar the July, 25. 2012



NOTIFICATION

NO.SOE-II(ED)2(423)/2010/Vol-II:- In pursuance of Judgment of Supreme Court of Pakistan dated 24.05.2012 in CPLAs No. 860/2010 and 861/2010 titled Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others versus Muhammad Iqbal Khattak and Ahmad Khan and Judgments of Khyber Pakhtunkhwa Services Tribunal dated 13.03.2009 & 09.04.2009 in service appeals-No. 612/2008, 613/2008 & 575/2009 titled Muhammad Iqbal Khattak, Ahmad Khan & Latif-ur-Rehman versus Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others, the competent authority is pleased to ante-date the promotion of following PMS BS-17 officers w.e.f the dates as mentioned against each with all back benefits/consequential benefits and re-designate them as PCS(EG) BS-17:-

10-7/2010
1-12/11/2010
784
37/7

S.No.	Name of PMS BS-17 officer for ante-dated promotion as PCS (EG) BS-17	Date of ante-dated promotion as PCS (EG)
1.	Mr. Muhammad Iqbal Marwat (Retired on 31.07.2009	27.12.2005
2.	Mr. Riaz Muhammad Baloch (Retired on 28.02.2011)	26.01.2000
3.	Mr. Muhammad Farooq	27.12.2005
4.	Mr. Zaarmat Ali (Retired on 05.03.2010)	15.05.2000
5.	Mr. Muhammad Zaheer-ud-Din (Retired on 13.08.2011)	29.05.2000
6.	Mr. Ahmad Khan Orakzai	01.06.2000
7.	Mr. Muhammad Iqbal Khattak	07.06.2000
8.	Mr. Muhammad Javed	10.01.2001
9.	Mr. Azam Jan Khalil	10.02.2001
10.	Mr. Ahmad Jan Afridi	08.04.2001
11.	Mr. Nazar Gul Mohmand	09.04.2001
12.	Mr. Muhammad Hanif (died on 31.03.2010)	14.04.2001
13.	Mr. Tahir Muhammad	27.12.2005
14.	Mr. Muhammad Rafiq (Retired on 01.03.2012)	27.12.2005
15.	Mr. Muhammad Fakhruddin	13.11.2001
16.	Mr. Farzand Ali	03.03.2005
17.	Mr. Rehmatullah Khan Wazir	13.11.2001
18.	Mr. Qaiser Khan	13.11.2001
19.	Mr. Abdul Shakoor Dawar	26.12.2001
20.	Mr. Azizullah Khan Mehsud	13.01.2002

Signature

Signature

Signature

22.	Mr. Loi Khan (Retired on 02.11.2010)	14.04.2002
23.	Mr. Damsaz Khan	29.05.2004
24.	Mr. Habibullah Wazir	23.05.2002
25.	Mr. Zafar Ali Khan	29.05.2004
26.	Mr. Gul Wahid (Retired on 13.03.2011)	31.08.2002
27.	Mr. Abdul Mateen	13.11.2002
28.	Mr. Akbar Jalal	04.03.2003
29.	Mr. Khalsta Rehman	24.03.2003
30.	Mr. Shams ul Alam	27.12.2005
31.	Mr. Fazal Rehman	29.05.2004
32.	Mr. Latif ur Rehman (died on 25.10.2010)	27.12.2005
33.	Mr. Rashid Mehood	29.05.2004
34.	Mr. Muhammad Jamil	29.05.2004
35.	Mr. Khurshid Anwar	29.05.2004
36.	Mr. Perhezgar Khan	29.05.2004
37.	Mr. Mushtaq Ahmad	29.05.2004
38.	Mr. Naimatullah (Retired on 24.09.2010)	26.05.2007
39.	Mr. Momin Khan (Retired on 14.06.2010)	27.12.2005
40.	Syed Ismail Ali Shah Gillani	26.05.2007
41.	Mr. Ahmad Khan	09.01.2006
42.	Mr. Jan Muhammad	01.02.2005
43.	Mr. Saeed ur Rehman	09.01.2006
44.	Mr. Muhammad Israr (Retired on 02.01.2012)	27.12.2005
45.	Mr. Arshad Naveed	26.03.2005
46.	Mr. Hidayatullah	09.01.2006
47.	Mr. Said Ahmad Jan	17.05.2005
48.	Mr. Abdul Hamid Jan	13.01.2006
49.	Mr. Muhammad Tuhab (Retired on 12.06.2012)	27.04.2006
50.	Mr. Sultanat Khan (Retired on 14.08.2010)	13.04.2006
51.	Mr. Subhanullah (Retired on 12.05.2012)	13.04.2006
52.	Mr. Muhammad Siddique	25.05.2006
53.	Mr. Fakhru Zaman	11.09.2006
54.	Mr. Ibadat Khan	11.09.2006
55.	Mian Asfandyar	26.05.2007
56.	Mr. Rasool Khan	26.05.2007
57.	Mr. Fida Muhammad (Retired on 30.10.2010)	23.12.2006
58.	Mr. Muntazir Khan	23.12.2006
59.	Mr. Atta-ur-Rehman	31.12.2006
60.	Mr. Shahab Hamid Yousafzai	16.02.2007
61.	Mr. Ihsanullah	16.02.2007
62.	Mr. Ghulam Habib	16.02.2007

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Posting of Junior Officers on Posts in Higher Scale

This Department's Circular letter No.SORI(S&GAD)1-29/75(A), dated 13.2.1993, on the subject noted above and to state that it has been noticed that certain Provincial Government Departments are resorting to the practice of posting officers in a lower scale on posts in higher scales. This practice is against the provisions of NWFP Civil Servants Act, 1973 and rules made thereunder as well as the instructions of the Establishment Division reproduced below:-

"The grant of higher appointments to junior officers against senior posts amounts to accelerated promotion in view of the decision given by the Supreme Court of Pakistan in the case of Government of Pakistan Versus Qazi Abdul Karim. The Ministries/Divisions or Provincial Governments can only fill vacancies in a particular grade by officers of the same grade, and officers in a junior grade will not be appointed against a vacancy in a higher grade".

2. It may be pointed out that in the light of rule 9 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the methods prescribed for posting a junior officer to a higher post are restricted to the following only:-

i) ACTING CHARGE APPOINTMENT AGAINST A HIGHER POST

Where the senior most officer in a cadre is otherwise fully eligible for promotion but does not possess the specified length of service, the competent authority may appoint him to the higher post on acting charge basis, but only on the recommendation of Departmental Promotion Committee/Selection Board and subject to the condition that such officer lacks the prescribed length of service not more than (one year).

ii) CURRENT CHARGE APPOINTMENT OF A HIGHER POST

Only the senior-most officer of a cadre can be given current charge appointment of a higher post with the approval of the competent authority. However, this can only be an arrangement upto a maximum of six months.

iii) ADDITIONAL CHARGE APPOINTMENT OF AN EQUIVALENT POST

An officer can be given the additional charge of a second post but only of a post in an equivalent grade, upto a period of six months by the competent authority.

3. Adherence to the above rules is a legal requirement so that the actions taken by officers are not held at any stage to be irregular. Also, appointments in violation of the rules constitute administrative indiscipline.

4. I am, therefore, directed to request that all such cases of irregular appointments be reviewed and ensure not to resort to such appointments that violate the provisions of the Civil Servants Act and the statutory rules framed thereunder.

5. I am further directed to request that these instructions may be brought to the notice of all concerned for strict compliance.

(Authority: Circular letter No.SORI(S&GAD)1-29/75(A), dated 5.7.1994).

g the names of those who appointed against 50% initial recruitment quota through
Service Commission

Annex - VIII

1. Mr. Amir Afaq	67. Mr. Noor Alam Khan	133. Muhammad Zahid	199. Mr. Asif Ali
2. Mr. M Sohail	68. Mr. Minhas Uddin	134. Mr. Hamid Ali	200. Mr. Tanwir Khan
3. Mr. Ghazanfar Ali	69. Mr. Noor Ul Amin	135. Mr. Javed Iqbal	201. Mr. M Yousaf Khan
4. Mr. M. Anwar Khan	70. Mr. Shah Saood	136. Rizwan Ullah Khan	202. Mr. Habib Khan
5. Ms. Noushin Azam	71. Mr. Muhammad Sher	137. M Abdullah Shah	203. Miss Tabassum
6. Barkat Ullah Marwat	72. Mr. Irfan Ullah	138. Muhammad Tufail	204. Mr. Ikhtlaq Ahmed
7. S.M Farul Saqalain	73. Mr. M Riaz Khan	139. Malik Manzoor	205. Mr. Asad Sarwar
8. M Nadir Khan Rana	74. Miss. Naghmana	140. Mr. Shahid Khan	206. Mr. Imran Zia
9. Mr. Imdad Ali	75. Mr. Arshad Ali	141. Mr. Ahmad Kamal	207. Mr. Tariq Mehmood
10. Mr. Shahid Sohail	76. Mr. Abdul Nasir	142. Mr. Muhammad Saleh	208. Ms Faryal Kazim
11. Mr. Masood Younas	77. Muhammad Shakeel	143. M Ayaz Khan	209. Mr. Anwarzeb
12. Mr. Akhtar Saeed	78. Mr. Abdullah	144. Mr. Hakmat Ullah	210. Mr. Izaz Ullah
13. Mr. Adeel Shah	79. Mr. Muhammad Ilyas	145. Mr. Shahid Ali	211. Mr. Zia Ur Rehman
14. Motasim Bilah shah	80. Mr. Muhammad Nawaz	146. Miss. Amna Ameen	212. Mr. Naimatullah
15. Mr. Arshad Khan	81. Hafiz Attaul Munim	147. Mr. Sadaqat Ullah	213. Muhammad Arif
16. Saqib Raza Aslam	82. Mr. Javed Ali	148. Mr. Mahmood Ahmad	214. Mr. Tanveer Ahmad
17. Mr. Muhammad Asif	83. Mr. Asif Ali	149. Mr. Kamran Khan	215. Abbas Ali Bukhari
18. Inayat Ullah Wasim	84. Mr. Abdul Haseeb	150. Mr. Noor Wali Khan	216. M Sohail Aziz
19. Mr. M Fakhr e Alam	85. Mr. Yasir Ali	151. Mr. M Abbas Khan	217. Mr. Jamshid Khan
20. Muhammad Khalid	86. Mr. Muhammad Asif	152. Mr. Ashfaq Ahmad	218. Miss Zuhra Nigar
21. Mr. Abdul Basit	87. Mr. Basharat Ahmad	153. Mr. Khurshid Alam	219. Mr. Zakir Hussain
22. Mr. Zariful Maani	88. Mr. Gul Akbar Khan	154. Mr. M Yasir Hassan	220. Mr. Jan Muhammad
23. Ms Tanzeela Sabahat	89. Mr. Wajid Ali Khan	155. Syed Habibul Hassan	221. Muhammad Ayaz
24. Mr. Pervaiz	90. Miss. Naj-mus-Sahar	156. Mr. Abdul Kabeer	222. Mohib-ur-Rehman
25. Khalid Ilyas	91. Mr. Altaf Hussain	157. Mr. Noor Ul Amin	223. Zahoor Baber
26. Muhammad Bakhtiar	92. Miss. Shama Niamat	158. M Hayat Shah	224. M. Naveed Akbar
27. Abid Ullah	93. Mr. Faiz Alam	159. Mr. Qasim Ali Khan	225. Imran Khan
28. Hameed Ullah Shah	94. Mr. Wasil Khan	160. Mr. Musarrat Zaman	226. S. Roman Ali Shah
29. Mr. Fayaz Ali Shah	95. Mr. Hazrat Ali	161. Mr. Nawab Khan	227. Hazrat Ali
30. Mr. Musharraf Khan	96. Mr. Naik Muhammad	162. Mr. Mushtaq Hussain	228. Baidullah Shah
31. Mr. Ali Qadar Safi	97. Mr. Dil Nawaz Khan	163. Mr. Naeemullah Khan	229. Mansoor Alam
32. Muhammad Masood	98. Habib Ullah Khan	164. Manzoor Ahmad	230. Fashid Khan
33. Mr. Sharif Hussain	99. Abdul Haleem Khan	165. Mr. Qaiser Khan	
34. Mr. Khuda Bakhsh	100. Mr. Tariq Mehmood	166. Mr. Ansar Mehmood	
35. Mr. Robin Haider	101. Mr. Khalid Iqbal	167. Mr. Sami Ur Rehman	
36. Mr. M Kabir Afridi	102. Mr. Rasheed Khan	168. Amir Hassan Khan	
37. Mr. Kaleem Ullah	103. Syed Saif Ul Islam	169. Muhammad Saleem	
38. Mr. Zubair Ahmad	104. Mr. Baidullah Shah	170. Mr. Jamal U Din	
39. Mr. Zia ur Rehman	105. Jehangir Azam Wzir	171. M Taufique	
40. Syed Zafar Ali Shah	106. Mr. M Naeem Khan	172. Shahnawaz Naveed	
41. Mr. Junaid Khan	107. Muhammad Tayyab	173. Mr. Kashif Iqbal Jilani	
42. Mr. Iftikhar Ahmad	108. Mr. Nasar Ali	174. Mr. Touseef Khalid	
43. Shams ur Rehman	109. Mr. Irfan Ullah	175. Mr. Maqbool Hussain	
44. Mr. Tashfeen Haider	110. Mr. Hameed Ullah	176. Syed Mazhar Ali	
45. Mr. Arif Shahbaz	111. Baseer Ali Rehman	177. Mr. Jamshed Khan	
46. Mr. Iqbal Hussain	112. Khaliq Dad Khan	178. Mujeeb-Ur-Rehman	
47. Mr. Asma Rauf	113. Miss. Iram Naz	179. Mr. Anjad Mairaj	
48. Mr. Ain Ullah	114. Mr. Khan Muhammad	180. Mr. Tariq Jamal	
49. Mr. Ahmad Zeb	115. Muhammad Tariq	181. Mr. Ashfaq Khan	
50. Mr. Farhat Ullah Khan	116. Mr. M Iqbal Khan	182. Pir Muhammad Khan	
51. Sardar Asad Haroon	117. Muhammad Iqbal	183. Mr. Bashir Ahmad	
52. Mr. Asfandyar Khattak	118. M Zaheer Uddin	184. Mr. Riaz Muhammad	
53. Ghulam Saeed Khan	119. Mr. Mir Khawas	185. Mr. Kamran Khattak	
54. Khwaja Faheem Sajid	120. Mr. M Anwar Khan	186. Miss. Asma Arif	
55. Ms. Iram Nosheen	121. Muhammad Farooq	187. Muhammad Arshad	
56. Mr. M Irfanullah	122. Muhammad Shoaib	188. Mr. Muhammad Abid	
57. Mr. M Fayaz Khan	123. Muhammad Fawad	189. Mr. Sher Alam Khan	
58. Mr. M Khalid Zaman	124. Mr. Zia-ur-Rehman	190. Fayaz Muhammad	
59. Mr. M Rafiq Khan	125. Mr. Abdul Hadi	191. M Nadeem Akhtar	
60. Mr. Khalid Khan	126. Mr. Sami Ullah Khan	192. Mr. Abdul Akram	
61. Mr. M Naeem Khan	127. Muhammad Sheraz	193. Bibi Fatima	
62. Mr. M Tahir Khan	128. M Ali Khan	194. Mr. Pir Muhammad	
63. Mr. Fahad Wazir	129. Muhammad Ishaq	195. M Arif Khan	
64. Mr. Muhammad Hayat	130. Shahnawaz Naveed	196. Mr. Sardar Bahadar	
65. Mr. Zeeshan Abdullah	131. Mr. Syed Nawab	197. Muhammad Irshad	
	132. Mr. Javed Iqbal	198. Mr. Yasir Imran	

1-71??

9/5/2010 = 15