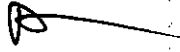


151/2015

14.10.2016

None present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. Fresh notice be issued to appellant and his counsel for arguments for ~~14-2-17~~ before D.B.



(ABDUL LATIF)  
MEMBER




(PIR BAKHSH SHAH)  
MEMBER

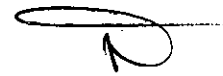
14.02.2017

None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. On last date notice for prosecution was issued and despite notice which was duly noted, no one is in attendance today, so this service appeal in hand due to want of prosecution stands dismissed in default. File be consigned to the record room.

ANNOUNCED  
14.02.2017



(AHMAD HASSAN)  
MEMBER




(ASHFAQUE TAJ)  
MEMBER

05.10.2015

Appellant in person and Mr. Yawar Hussain, Supdt. alongwith Mr. Usman Ghani, Sr. GP for respondents present. After hearing the appellant for some time, he was confronted with the issue of maintainability of the appeal and requested for further time to seek legal assistance on the point. Request is granted. To com up for arguments on 02-02-2016

  
Member

  
Member

02.02.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. The learned member (Executive) is on official tour to Swat. Therefore, the case is adjourned to 20.5.16 for arguments.

  
MEMBER

20.5.2016

No one is present on behalf of the appellant and Mr. Muhammad Jan, GP for respondents present. Notice issued to appellant for arguments on 14.10.201.

  
Member

  
Member

10.07.2015

None present for appellant. Assistant A.G for respondents present. Written reply not submitted. Requested for further adjournment. To come up for written reply/comments on 28.8.2015.

  
Member

15.07.2015

Appellant in person present and submitted application for early fixation of appeal. Notice be issued to respondents for 28.7.2015 instead of 28.8.2015 for submission of written reply before S.B.

  
Chairman

28.07.2015

Appellant in person and Mr. Rooh-ul-Amin, Assistant alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 28.8.2015 before S.B.

  
Chairman

28.08.2015

Appellant in person and Mr. Rooh-ul-Amin, Assistant alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 3.12.2015.

  
Chairman

4 15.04.2015

Appellant in person present. Argued that he is employed as Director Licensing in the Directorate of Mines & Minerals, Peshawar and entitled to be promoted to the post of Director General (BPS-20) being senior and fit but the respondents are reluctant to fill in the post in the prescribed manners compelling the appellant to first submit application for his consideration to the post of DG on 23.10.2014 and thereafter subsequent reminder to the higher authority but in vain. That the appellant is entitled to be promoted to the said post which is vacant since 2012. That the Provincial Government modified the rules which were annulled by the judgment of this Tribunal passed in appeal No.456/2011 and restored the previous rules. That the appellant was eligible to promotion under both the rules having required length of service and experience.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.5.2015 before S.B.

  
Chairman

5 28.05.2015




Appellant in person, Addl: A.G for respondents No. 1 and 2 and Mr. Khushal Khan, Legal Advisor for respondents No. 3 and 4 present. Requested for adjournment. To come up for written reply/comments on 10.7.2015 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 151/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.02.2015  9-3-15	<p>The appeal of Mr. Obaidullah presented today by him may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>11-03-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	11.03.2015	<p>None present for appellant. The appeal be relisted and notice to appellant be issued for 15.4.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 151/2015

**OBAIDULLAH**  
Director Licensing  
Directorate general Mines & Minerals Peshawar

**APPELLANT**

**VERSES**

**RESPONDENTS**

1. The Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Minerals Development Department
4. Director General mines and minerals Khyber Pakhtunkhwa, Peshawar

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03.	Service Tribunal Khyber Pakhtunkhwa judgement dated 29 <sup>th</sup> January 2013.	Annex - A	05-10
04.	Notification of the current Director General on deputation basis.	Annex - B	11
05.	Seniority list of BS-19 officers of the DGM&M	Annex - C	12-13
06.	Transfer / posting of Mian Farooq Iqbal and Adil Siddique vide notification No. SO(E-I)E&AD/9-365/2013 dated 30 <sup>th</sup> July 2013.	Annex - D	14
07.	Posting of Mr. Mustafa Kamal vide notification No. SO(E-I)E&AD/1-1/13(V) dated 20 <sup>th</sup> August 2013.	Annex - E	15
08.	Notification of removal from service of Mian Farooq Iqbal	Annex - F	16
09.	Notification No. SOI(IND)1-6/88/Vol.III dated 10 <sup>th</sup> December 2003.	Annex - G	17-18
10.	Notification No. SO.Admn(MD)1-6/88 Vol-V dated 17 <sup>th</sup> October 2010.	Annex - H	19-20
11.	L.P.R notification of the appellant dated 14 <sup>th</sup> October 2014.	Annex - I	21
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Appellant

**OBAIDULLAH**

Director Licensing (On L.P.R)  
Directorate General Mines & Minerals  
Khyber Pakhtunkhwa, Peshawar.

1

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal no: 151/2015

**OBAIDULLAH**  
Director Licensing  
Directorate general Mines & Minerals Peshawar

**APPELLANT**

**A.W.F. Province  
Service Tribunal**

**Diary No. 148**

**Dated 23-2-2015**

**VERSES**

**RESPONDENTS**

1. The Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Minerals Development Department
4. Director General mines and minerals Khyber Pakhtunkhwa, Peshawar

**Appeal against:**

- I. **Non-promotion to the post of Director General (BS-20) in the Directorate General Mines and Minerals (DGMM).**
- II. **Violation of the learned Service Tribunal Khyber Pakhtunkhwa Peshawar judgment dated 29.01.2013. (Annex – A)**
- III. **Appointment of Dr. Liaqat Ali Assistant Professor (BS-19) National Centre of Excellence in Geology, University of Peshawar as Director General (B.S 20) Mines and Minerals KPK on deputation basis, vide notification no: SO(E-I)E&AD /1-1/2014 Dated: 18<sup>th</sup> July ,2014. (Annex – B)**
- IV. **Non-notification of the seniority list of the officers in BS-19 of the Directorate of General Mines and Minerals for the last four years.**

**Respectfully Shewth,**

1. That the appellant is serving in the Minerals Development Department as Director Licensing (BS-19) since 12.06.2007.
2. That the appellant was 2<sup>nd</sup> senior most officer (at Serial No. 02) as per seniority list notified vide notification no .S.O.Admn(M.D)1-2/2009 dated: 11th July, 2011. (Annex – C)
3. That the Government of Khyber Pakhtunkhwa Establishment Department transferred Mr. Mian Farooq Iqbal (CIM BS-19) holding charge of Director General Mines & Minerals to Establishment Department and posted Mr. Adil Siddique OSD (BS-19) Establishment Department as Director General (BS-20) Mines and Minerals Peshawar vide notification no.SO(E-I)E&AD/9-365/2013 Dated: 30<sup>th</sup> July 2013. (Annex – D)

Filed to - 2015

Registrar

24/2/15

4. That later on the Establishment Department has posted the junior most officer Mr. Mustafa Kamal Shah Director Licensing (BS-19), as Director General Mines and Minerals vide **notification No.SO(E-I)E&AD/1-1/13(V) dated 20<sup>th</sup> August 2013.** (Annex – E)
5. That upon removal from service of Mr. Mian Farooq Iqbal (CIM) – the senior most officer, the appellant has become the senior most officer amongst the BS-19 officer of the Directorate General Mines and Minerals. (Annex – F)
6. That the respondent no. 03 with malafide intention is not inclined to notify the seniority list of the officers in BS-19 to streamline the promotion and appointment of senior officers available for the post of Director General Mines and Minerals (BS-20).
7. That the Government, posted Dr. Liaqat Ali Assistant Professor NCE University of Peshawar as Director General on deputation basis vide **notification no.SO(E-I)/E&AD/1-1/2014 dated: 18<sup>th</sup> July 2014** in violation of the Provincial Civil servants (Appointment, Promotion and Transfer) Rules 1989 notified vide **notifications No.SOI(IND)1-6/88/Vol.III and No. SO.Admn(MD)1-6/88 Vol-V dated 10<sup>th</sup> December 2003 and 17<sup>th</sup> October 2010** respectively. (Annex – G & H)

Extract of the relevant portion of the existing service rules for promotion and appointment of Director General Mines and Minerals are reproduced below:-

- a. By promotion; on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief inspector of Mines and Commissioner Mines and Labour Welfare having at least 17 years service in BPS-17 and above, and in case of person's initially appointed in BS-18 the length of service for promotion to the post shall be twelve years in BPS-18 and above;
8. That the appointment of Director General Mines and Minerals on deputation basis, in presence of the eligible officers of the Directorate, is contrary to clause (a) of the service rules notified in 2010 and the judgment dated 29.01.2013 of the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar.
9. That the appellant has proceeded on leave preparatory to retirement (L.P.R) vide notification dated 14-10-2014 and will stand retired from service w.e.f 15-10-2015 (A.N). (Annex – I)
10. That the Establishment Department has made amendment in the Civil Servant Promotion Policy and clarified that government servants can be considered for promotion against higher post during L.P.R vide letter dated 17-03-2014. (Annex – J)
11. That the respondents no. 3 was requested for promotion of the appellant to the post of Director General Mines and Minerals vide application dated: 23.10.2014. (Annex – K)



12. That another request for the promotion of appellant for the post of Director General was submitted vide application dated 28.1.2015 but to no avail, hence this appeal. (Annex – L)

**GROUNDS:**

1. Non-promotion of the appellant (a senior most officer amongst the BS-19 officers of Directorate General Mines & Minerals) is gross violation of the Provincial Civil Servant (Appointment, Promotion and Transfer) Rules.
2. Gross violation / non-implementation of the honorable Service Tribunal Khyber Pakhtunkhwa Peshawar decision dated: 29.01.2013.
3. That filling the vacant post of Director General BS-20 on deputation basis in presence of suitable officers of the Directorate is violation of the existing rules and against the principles of natural justice.

It is, therefore, most humbly prayed:

Respondents be directed to swiftly process and finalize the case of appellant for promotion to the post of Director General (BS-20) as per rules which is pending purposely.

Any other relief which this august tribunal may deem fit and appropriate may also graciously be granted.

Appellant

  
OBAIDULLAH

Director Licensing  
Directorate General Mines & Minerals  
Khyber Pakhtunkhwa, Peshawar.

(Mailing address: H # 1070-K Mohalla Chakka Gali, P.O Karimpura Peshawar City)

(Tel # 091-2215782) (Cell # 0334-9011906)

**CERTIFICATE**

It is certified that prior to this service appeal no other appeal on the same grounds has ever been preferred before this August Tribunal.



**OBAIDULLAH**  
Director Licensing  
Directorate General Mines & Minerals  
Khyber Pakhtunkhwa, Peshawar.

(ON LPR)

**AFFIDAVIT**

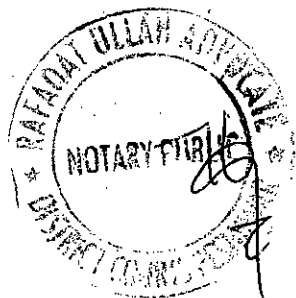
I, Obaid Ullah, Director Licensing, Directorate General Mines and Minerals, Peshawar do hereby solemnly affirm and declare that the contents of the service appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed.



**OBAIDULLAH**  
Director Licensing  
Directorate General Mines & Minerals  
Khyber Pakhtunkhwa, Peshawar.

(ON LPR)

**ATTESTED**



23/2/15

Before the Service Tribunal Khyber Pakhtunkhwa Peshawar

Service Appeal No. 456/12



Obaid Ullah  
Director Licensing,  
Directorate General Mines & Minerals,  
Peshawar.

Versus

1. The Chief Secretary,  
Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa,  
Mineral Development Department, Peshawar with additional charge of  
the Director General Mines and Mineral,  
Directorate General Mines and Mineral Peshawar.
4. The Director General Mines & Minerals Peshawar.

Respondents

Sh. W. P. Khan  
Service Tribunal  
Case No. 425  
dated 15/03/11

29.01.2013.

Appellant with counsel, Mr. Sherafgan Khattak, AAG with  
Taj. Yousaf AD for the official respondents present. Further  
arguments heard. Record perused. Vide our detailed judgment of  
to-day connected appeal No. 251/2011, titled "Mian Farooq Iqbal  
Versus the Chief Secretary, Khyber Pakhtunkhwa Peshawar etc.",  
this appeal is also disposed of as per detailed judgment. Parties  
are left to bear their own costs. File be consigned to the record.

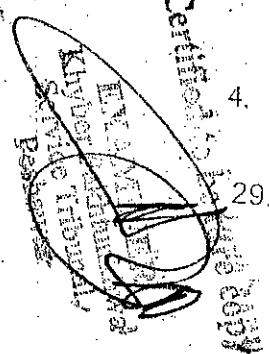
ANNOUNCED  
29.1.2013

MEMV

sd/-  
Member

sd/-  
Member

Date of Presentation of Application 12. 2. 2013  
 Number of Words 400  
 Copies 4  
 Urgent  
 Fee 4  
 Name of Applicant  
 Date of Completion of Copy 3. 4. 2013  
 Date of Delivery of Copy 3. 4. 2013



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 251/2011

Date of Institution. ... 08.2.2011  
Date of Decision ... 29.1.2013



Mian Farooq Iqbal, Chief Inspector of Mines, Peshawar. ... (Appellant)

VERSUS

1. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Mineral Dev: Department Peshawar with addl. charge of D.G Mines & Mineral, Peshawar.
4. Mr. Obaidullah, Director Licensing, D.G Mines & Mineral, Peshawar.
5. Mr. Mustafa Kamal, Director Licensing D.G Mines and Mineral, Peshawar..... (Respondents)

MIAN FAZAL WAHAB,  
Advocate

... For appellant.

MR. SHERAFGAN KHATTAK,  
Addl. Advocate General

... For official respondents.

SYED MANZOOR ALI SHAH,  
MR. NOOR ALI KHAN,

... MEMBER  
... MEMBER

ATTESTED

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Mian Farooq Iqbal, the appellant initially against the (i) notification No. SO(E-I)E&AD/9365/2010, dated 2.12.2010 authorizing Mr. Usman Ali Marwat Secretary Mineral Development Department to look after the work of Director General Mines & Minerals in addition to his own duties; (ii) Service Rules notified by the Government of Khyber Pakhtunkhwa vide notification No. SO-Admn(MD)/1-6/88 Vol-V dated 17.10.2010 for appointment of Director General Mines and Mineral in the Directorate General Mines and Minerals; (iii) To replace words "selection on merit" in clause (a) of Service Rules notified vide notification No. SO-Admn(MD)1-6/88 Vol-V dated 17.10.2010 towards "seniority-cum-fitness"; and non notification of seniority list of the officers in BPS-19 of the Directorate General Mines and Minerals for the last two years. During the proceedings in the case, the learned counsel for the appellant submitted an application for allowing him to delete prayers at S.No. i, ii, and iv. His application was allowed on 5.12.2012 and the case was considered only for prayer No. iii, wherein it has been prayed that on acceptance of the appeal, restore the previous clause (b) of notification No. SOI(IND)1-6/88-Vol-V dated 10.12.2003 for appointment to the post of Director General Mines and Minerals.

2. Facts of the case briefly stated are that the appellant is serving in Mines and Mineral Department as Chief Inspector of Mines in BPS-19 since 18.11.2004 having degree in Masters in Mining Engineering from University of Engineering & Technology Peshawar and is the senior most officer in BPS-19. His name is in the top of seniority list as it stood on 31.12.2008. Vide notification dated 10.12.2003, in pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, and in supersession of all notifications on the subject, the Industries, Commerce, Mineral Development, Labour and Technical Education Department in consultation with the Establishment and Administration Department and the Finance Department laid down the method of recruitment, qualifications and other conditions in the Director General Mines and Minerals Department. The criteria for appointment of Director General laid down as under:-

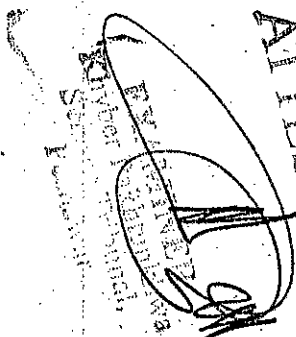
- (a) by promotion on the basis of selection on merit, from amongst the holders of the posts of Director Mineral Exploration/Licensing and Chief Inspector of Mines Labour Welfare, having at least 17 years service in BPS-17 and above; provided that in case of persons initially appointed in BPS-18, the length of service for promotion shall be 12 years in BPS-18 and above; or
- (b) by transfer from persons having Bachelor's Degree in Mining Engineering or Master Degree in Geology."

These rules remained in force till 16.10/2010, when all of a sudden vide impugned notification dated 17.10.2010, the Government of Khyber Pakhtunkhwa notified new Rules vide notification dated 17.10.2010 wherein clause (b) of the rules was replaced on mala fide intentions. According to which the criteria for appointment for the said post was laid down as under:-

- (a) by promotion, on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare, having at least 17 years service in BPS-17 and above, and in case of persons initially appointed in BPS-18, the length of service for promotion to the post shall be 12 years in BPS-18 and above; or
- (b) by transfer from the provincial government department."

The appellant has been deprived from promotion to the next higher post. Feeling aggrieved the appellant filed departmental appeal and after exhausting departmental remedy, the appellant filed the present appeal.

ATTESTED



3. The appeal was admitted to regular hearing on 10.2.2011 and notices were issued to the respondents. The official respondents have filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Counsel for the appellant stated that Directorate of Mineral and Mines was created subsequent to detail study by Aus AID (Australian Consultation) in view of National Mineral Policy (NMP) in 1995. The post of Director General Mines & Mineral was designated to be a technical post. This has also been confirmed vide Para 7 of Reply of the respondents. Rules of appointment, promotion etc. of D.G Mines & Mineral were notified on 10.12.2003. Method of recruitment for Director General in Service Rules is as follows:-

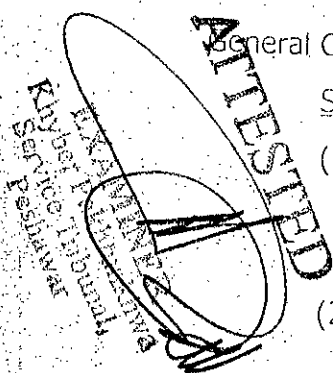
- (a) By promotion, on the basis of selection on merit, from amongst the holders of the posts of Director Mineral Exploraton, Director Mineral Licensing and Chief Inspector of Mines Labour Welfare having at least 17 years service in BPS-17 and above, provided that in case of persons initially appointed in BPS-18, the length of service for promotion shall be 12 years in BPS-18 and above, or
- (b) By transfr, from persons having Bachelor's Degree in Mining Engineering or Master Degree in Geology."

The above rules were abruptly modified on 17.10.2010 where in Clause (b) was malafidely modified to defeat decision of the Tribunal dated 23.4.2010 in Service Appeal No. 1876/2009 (not to give charge to junior person on transfer of the then Director General Mines & Mineral), to appoint its own blue eyed person and not to allow qualified and professional officers of the department to get promotion. Clause (b) was replaced "by transfer from the provincial Government Department". Furthermore in clause (a) the words "Selection on merit" be changed to selection on "Seniority-cum-fitness" as was the case in Punjab Government Service Rules.

5. The procedure for making rules or by-laws as specified in Section 23 of General Clauses Act 1897 as given below were not followed:-

Section 23

- (1) the authority having power to make the rules or bye-laws shall, before making them publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to



previous publication so requires, in such manner as the (government concerned) prescribes;

- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration."

2012 PLC (CS) 1330 was relied upon wherein it has been stated that rules cannot be changed to disadvantage of employees. Regarding jurisdiction of Tribunal in the matter and filing of appeal against notification issued by the Government. Reliance was placed on 2011-SCMR-698 and 2012 PLC (C.S)142.

6. The learned AAG argued that rules have been modified in accordance with Section 21 of the General Clauses Act. It provides for posting of officers of the department as well as from outside and as such no discrimination has been made.

7. Arguments heard and record perused.

8. The Tribunal observes that the change in rules have not been made in accordance with Section 23 of the General Clauses Act 1897. No reason or rational has been stated for the modification, from which malafide on part of respondents can be seen. The appellant has also pleaded for replacing the words "selection on merit" by "selection on seniority-cum-fitness" in clause (a) of the Rules. The Khyber Pakhtunkhwa Civil Servants Act 1973 has clearly elaborated the same vide Section 9-Promotion which is reproduced as below:-

"9. Promotion:-(1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rule for departmental promotion in the service or cadre to which he belongs.

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

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

Furthermore, the matter has also been explained in the Esta-Code (Establishment Code) Khyber Pakhtunkhwa- Promotion Policy-Section 6 S.No. 4 as below:-

ATTESTED  
 Khyber Pakhtunkhwa  
 Civil Servants  
 Tribunal

"After careful consideration and in super session of all previous orders and instructions on the subject, the Government of West Pakistan have decided that the principle for promotion from one post to another should be "by selection on merit with due regard to seniority" and that this principle should be applied uniformly all along the line from the lowest to the highest posts and from one class of service to another.

2. For this purpose, "merit" does not mean good service record only, but also includes experience, qualification and suitability for the post or service to which promotion is being made. The value of all these different factors has to be assessed in rating the officer's fitness for promotion. The words "with due regard to seniority" imply that, while emphasis is to be placed on good service record qualifications and aptitude for the higher post, the officer's relative seniority in the cadre, from which promotion is being made, should be given due weight, the greater the disparity in seniority the greater should be the junior officer's superiority in point of merit."

9. In view of the above, the Tribunal concluded to set aside modification in rules notified on 17.10.2010 and clause (b) of notification No. SOI(IND)1-688-Vol-V dated 10.12.2003 is restored and further more that promotions should be made strictly keeping in view Section 9(2) (a)(b) of Civil Servants Act 1973 and Esta Code directions stated above. This appeal alongwith connected appeal No. 456/2011 titled "Obaidullah Versus Chief Secretary Khyber Pakhtunkhwa" having common question of law are disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
29.1.2013.

*Edy, Syed Anwar Ali Shah*  
*Member*  
*Edy, Nasser Ali Shah*  
*Member*

*Certified to be true copy*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 12.2.2013  
Number of Applicants 2000  
Copies 12  
Urgent \_\_\_\_\_  
Tea \_\_\_\_\_  
Number 12  
Date of Receipt of Copy 3.4.2013  
Date of Delivery of Copy 3.4.2013





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Annex "B"  
L (11)

DATED PESHAWAR, JULY 18, 2014

NOTIFICATION.

NO. SO(E-I)/E&AD/1-1/2014. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect:-

S. #	NAME OF OFFICER	FROM	TO
1.	Mr. Mustafa Kamal Shah (BS-19 officer of Mines & Minerals)	Director General, Mines and Minerals, Khyber Pakhtunkhwa.	Director Licensing, office of DG, Mines & Minerals, Khyber Pakhtunkhwa, against the vacant post.
2.	Dr. Liaqat Ali (BS-19 University of Peshawar Employee)	Assistant Professor, National Centre of Excellence in Geology, University of Peshawar.	Director General, Mines and Minerals, Khyber Pakhtunkhwa, in his own pay and scale, on deputation basis, vice Sr. No. 1.

2. Terms & conditions of deputation of officer at Sr. No. 2 above will be settled by the concerned departments.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. of even and date.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Minerals Development Department.
4. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Mines & Minerals, Khyber Pakhtunkhwa.
7. Registrar, University of Peshawar, Peshawar.
8. Director, National Centre of Excellence in Geology, University of Peshawar.
9. Director Information, Khyber Pakhtunkhwa Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA AS(HRD)/DS(E.)/SO(E.II) Establishment Department.
12. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department, Khyber Pakhtunkhwa.
13. Officer concerned.
14. Manager, Govt. Printing Press Peshawar.

Chief Secretary

ZIA UL HAQ

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT- I)  
PH & FAX # 091-9210529



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar, the 11<sup>th</sup> July, 2011.


NOTIFICATION

No.SO. Admn: (M.D)1-2/2009.- In exercise of the powers conferred under sub-section (1) of Section-8 of the North West Frontier Province, Civil Servants Act 1973 (NWFP Act No. XVIII of 1973), the Government of Khyber Pakhtunkhwa is pleased to notify the final seniority list (as stood on 31/12/2010) of Director Exploration (Minerals), Directors Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare of the Directorate General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar for information to all concerned (list attached).

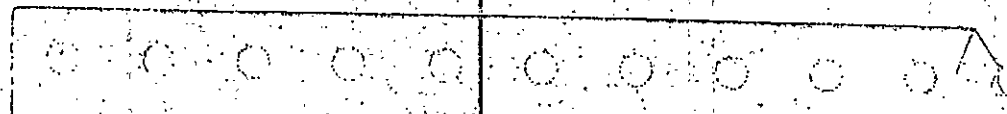
Secretary to Government of Khyber Pakhtunkhwa,  
Minerals Development Department

Endst: No.SO. Admn: (M.D)1-2/2009 2313-15 dated: 11/07/2011.  
Copy forwarded to:-

1. The Director General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar, with reference to his office letter No.DGMM/1/42-Admn:/5515 dated 25.04.2011.
2. Officers concerned.
3. The Manager, Government Printing and Stationary Department Peshawar.

  
(SYED WALI KHAN)  
Section Officer (Establishment)

Annex: C  
494 (12)



485

FINAL SENIORITY LIST OF DIRECTOR EXPLORATION (MINERALS), DIRECTORS LICENSING, CHIEF INSPECTOR OF MINES AND COMMISSIONER MINES LABOUR WELFARE OF THE DIRECTORATE GENERAL, MINES & MINERALS, KHYBER PAKHTUNKHWA, AS STOOD ON 31.12.2010.

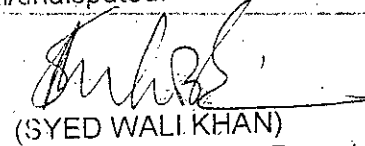
Total sanctioned posts: 05

Permanent: 05

BASIC PAY SCALE-19

S.No.	Name of officers with Academic Qualification	Date of Birth & Domicile	Date of 1 <sup>st</sup> entry into Govt. service	Regular appointment/promotion to the present post			Present appointment with date
				Date	BPS	Method of recruitment/appointment	
1.	Engr: Mian Farooq Iqbal, M.Sc Mining Engineering, L.L.B.	20.01.1963 Buner	10.07.1989	08.11.2004	19	By Promotion	Chief Inspector of Mines 08.11.2004
2.	Engr: Obaidullah, B.Sc (Mining Engineering) B.Sc (Academic) B.A (English Addl:)	16.10.1955 Malakand	08.08.1983	12.06.2007	19	By Promotion	Director Licensing 12.06.2007
3.	Mr. Shakirullah M.Sc (Geology)	28.04.1955 Mardan	25.04.1981	20.07.2009	19	By Promotion	Director Exploration 20.07.2009
4.	Mr. Ziarat Khan B.Sc (Mining Engineering)	01.02.1960 Dir	18.02.1993	19.12.2009	19	By Promotion	Commissioner Mines 19.12.2009
5.	Mr. Mustafa Kamal Shah, B.Sc (Mining Engineering)	20.02.1964 S.W.Agency	18.11.1989	19.12.2009	19	By Promotion	Director Licensing 19.12.2009

Certified that the seniority list has been circulated amongst the officers and is final/undisputed.



(SYED WALI KHAN)  
Section Officer (Establishment Department)  
Minerals Development Department



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

DATED PESHAWAR, THE JULY 30, 2013

NOTIFICATION

NO.SQ(E-1)E&AD/9-365/2013. Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Mian Farooq Iqbal (BS-19 Officer of Mines & Minerals)	Director General, Mines & Minerals, Khyber Pakhtunkhwa	Report to Establishment Department.
2.	Mr. Adil Siddiq (PCS EG BS-19)	OSD Establishment Department.	Director General, Mines & Minerals, Khyber Pakhtunkhwa, in his own pay and scale, vice-Sr. No. 1.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Encls. No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Minerals Development Department.
4. Accountant General, Khyber Pakhtunkhwa.
5. Director General, Mines & Minerals, Khyber Pakhtunkhwa.
6. Director Information, Khyber Pakhtunkhwa Peshawar.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment/PS to SS(E)/PA AS(E), AS(HRD)/D.S(A)/D.S(E)/SO(S)/SO(E.II)/S.O. (HRD-I)/S.O. (E.IV)/E.O/ACSO Cypher and Director Protocol E&AD, Dir. I.T. Khyber Pakhtunkhwa.
9. Officers concerned.
10. Manager, Govt. Printing Press Peshawar.

ZIA UL HAQ\*\*

(MUHAMMAD DAVED SIDDIQI)  
SECTION OFFICER (ESTT-I)



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Annex: "E"  
15  
237

DATED PESHAWAR, THE AUGUST 20, 2013

NOTIFICATION

NO.50(E-I) E&AD/1-1/13 (V). Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Mr. Adil Siddiq (PCS EG BS-19)	Director General, Mines and Minerals, Khyber Pakhtunkhwa	Director General, Local Government & Rural Development Department, against the vacant post.
2.	Mr. Mustafa Kamal Shah (BS-19 Officer of Mines & Minerals)	Director, Licensing office of DG, Mines & Minerals, Khyber Pakhtunkhwa.	Director General, Mines and Minerals, Khyber Pakhtunkhwa, in his own pay and scale, vice Sr. No. 1.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, LG&RD Department.
4. Secretary to Government of Khyber Pakhtunkhwa, Minerals Development Department.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Local Government & Rural Development Department.
7. Director General, Mines and Minerals, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment/PS to SS(E)/PA AS(E), AS(HRD)/D S(A) D.S(E) / SO(S)/ SO(E.II)/S.O. (HRD-I)/S.O.(E.IV)/E.O/ACSO Cypher and Director Protocol E&AD, Dir. I.T. Khyber Pakhtunkhwa.
10. Officers concerned.
11. Manager, Govt. Printing Press Peshawar.

Attest:

ZIA UL HAQ

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTD-I)  
PH: 8, FAX # 091-9210529



Annex: "F"  
SOB  
16

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the August 19, 2014

**NOTIFICATION**

**NO.SO(E-I)E&AD/9-365/2013.** WHEREAS, the following officers were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, on account of their involvement in charges leveled against them as per the Charge Sheet and the Statement of Allegations:-

SR. #	NAME OF OFFICERS
1.	Mian Farooq Iqbal (BS-19 Officer) the then Director General, Mines & Minerals now OSD E&A Department.
2.	Mr. Yaqub Nawaz Deputy Director (Tech.) BS-18, Directorate General, Mines & Minerals, Khyber Pakhtunkhwa.
3.	Mr. Roz Amin (PMS BS-17) Section Officer, Finance Department.

2. AND WHEREAS, Mr. Asmatullah Khan (PCS EG BS-20) DG, Prosecution was appointed as enquiry officer to conduct inquiry against the accused officers:

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

4. AND WHEREAS, the competent authority also accorded the opportunity of personal hearing to the accused officer;

5. NOW THEREFORE, the Competent authority, after having considered the charges, evidence on record, the explanation of the accused officers, defense offered by the accused officers during personal hearing and exercising his power under Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major/minor penalties on the following officers, as mentioned against each, with immediate effect:-

SR. #	NAME OF OFFICERS	PENALTY
1.	Mian Farooq Iqbal (BS-19) the then Director General, Mines & Minerals now OSD E&A Department.	Removal from Service.
2.	Mr. Yaqub Nawaz Deputy Director (Tech.) BS-18, Directorate General, Mines & Minerals, Khyber Pakhtunkhwa.	Stopping his three successive annual increments with immediate effect.
3.	Mr. Roz Amin, (PMS BS-17) Finance Department.	Stoppage of one annual increment as and when falling due.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endsl. No. & date even.

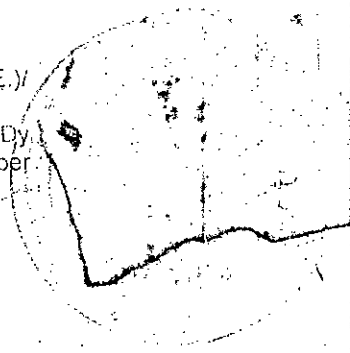
Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa;
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa;
3. Secretary to Government of Khyber Pakhtunkhwa, Finance Department
4. Secretary to Government of Khyber Pakhtunkhwa, Minerals Development Department.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Mines & Minerals, Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment PS to SS(E)/SS (Reg)/PA AS(HRD)/DS(E.) SO(E.II) Establishment Department.
9. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy. Director (IT) and Director Protocol Administration Department, Khyber Pakhtunkhwa.
10. Officers concerned.
11. Manager, Government Printing Press, Peshawar.

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT. I)

ADA

*[Handwritten signature]*



NOTIFICATION

NO.SOI(IND)1-6/88/Vol.III. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, promotion and Transfer) Rules, 1989, and in supersession of all Notifications in this behalf, the Industries, Commerce, Mineral Development, Labour and Technical Education Department, in consultation with Establishment and Administration Department and the Finance Department, hereby lay down the method of recruitment, qualifications and other conditions specified in column 1 to 6 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate General Mines and Minerals, N.-W.F.P., specified in column 2 of the said Appendix.

Sd/xx

Secretary to Government of N.-W.F.P.  
Industries, Commerce, Mineral Development,  
Labour and Technical Education Department.

PAKISTAN SECURITY

NO.SOI(IND)1-6/88/Vol.III/

Dated 10 December 2003

Copy to:-

1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Head of Attached Department.
5. All DCO's/PA's in NWFP.
6. All District and Session Judges, NWFP.
7. Registrar, Peshawar High Court, Peshawar.
8. Secretary Board of Revenue, NWFP, Peshawar.
9. Registrar, Service Tribunal, Peshawar.
10. PS to Minister for Industries, NWFP, Peshawar.
11. The Section Officer(Reg:-I) Government of NWFP, Establishment and Administration Department, Peshawar.
12. The Director General Mines and Minerals, NWFP, Peshawar.
13. Manager Printing Press, Peshawar, with the request to provide ten printed copies of the Gazette notification for onward submission to Law Department.

*Handwritten signature/initials*

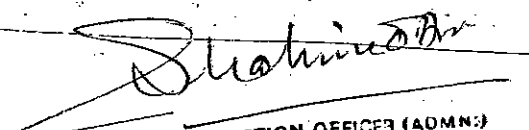
*Handwritten signature: Shalim Ud-Din*  
(SHALIM-UD-DIN)  
SECTION OFFICER (ADMIN.)

**APPENDIX**  
**DIRECTOR GENERAL MINES AND MINRALS N.-W.F.P.**

Nomenclature of post	Minimum qualification prescribed for appointment by initial recruitment	Minimum qualification prescribed for appointment by promotion	Age limit for initial recruitment	Method of appointment
	3.	4.	5.	6.
Director General Mines and Minerals.		(a) Bachelor's Degree in Mining Engineering or Master Degree in Geology; and (b) field experience in Mineral Exploration, Regulation/Licensing, and Mines Safety Welfare Development.		(a) By promotion, on the basis of selection on merit, from amongst the holders of the posts of Director Mineral Exploration, Director Mineral Licensing and Chief Inspector of Mines - Labour Welfare, having at least 17 years service in BPS-17 and above, provided that in case of persons initially appointed in BPS-18, the length of service for promotion to the post shall be 12 years in BPS-18 and above; or (b) by transfer, from persons having Bachelor's Degree in Mining Engineering or Master Degree in Geology.

**EXPLORATION PROMOTION DIVISION**

Director Exploration (Minerals)	Master's Degree in Geology or Bachelor's Degree in Mining Engineering having at least 12 years technical experience in the field of mineral exploration and development.			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Deputy Director (Exploration) with at least 12 years service in EPS-17 and above.
Deputy Director Exploration.	Master's Degree in Geology or Bachelor's Degree in Mining Engineering having at least 7 years technical experience in the field of mineral exploration and development.			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors (Geologists) and Assistant Directors (Mining Engineers) with at least 05 years service as such.

  
**SECTION OFFICER (ADMN)**  
**INDUSTRIES, COMMERCE, LABOUR**  
AND





5/45 Vol. ~~100~~ X (Term) Pages 1920  
Annex: H  
1

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

October  
Dated Peshawar, the 17<sup>th</sup> September, 2010.

NOTIFICATION

No. SO-Admn(MD)1-6/88 Vol-V.- In pursuance of the provisions contained in sub-rule (2) of rule-3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf, the Minerals Development Department, in consultation with the Establishment Department and the Department, hereby lay down the method of recruitment, qualifications and other conditions specified in column No.3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate General, Mines & Minerals, Khyber Pakhtunkhwa, specified in column No.2 of the said Appendix.

Secretary to Govt. of Khyber Pakhtunkhwa,  
Minerals Development Department

3329-41  
Dated: No. SO-Admn(MD)1-6/88 Vol-V.

October  
Dated Peshawar, the 17<sup>th</sup> September, 2010.

Copy is forwarded to:-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. The Secretary to Governor, Khyber Pakhtunkhwa.
3. The Principal Staff Officer to Chief Minister, Khyber Pakhtunkhwa.
4. The Director General, Mines & Minerals Khyber Pakhtunkhwa.
5. All Heads of Attached Department.
6. All DCO's/PA's in Khyber Pakhtunkhwa.
7. All District & Sessions Judges, Khyber Pakhtunkhwa.
8. The Registrar, Peshawar High Court, Peshawar.
9. The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
10. The Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar.
11. PS to Minister for Minerals Development, Khyber Pakhtunkhwa Peshawar.
12. The Section Officer (O&M), Government of Khyber Pakhtunkhwa, Establishment Department.
13. The Manager, Printing Press, Peshawar with the request to furnish fifty printed copies of the Gazette notification to this Department.

  
(SYED WALI KHAN)  
Section Officer (Admn:)

19

**APPENDIX**  
**DIRECTORATE GENERAL MINES AND MINERALS**

Nomenclature of the post. 2.	Minimum qualification for appointment by initial recruitment. 3.	Age limit. 4.	Method of recruitment. 5.
Director General Mines and Minerals (BPS-20).			(a) By promotion, on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare having at least seventeen years service in BPS-17 and above, and in case of persons initially appointed in BS-18 the length of service for promotion to the post shall be twelve years in BPS-18 and above; or,  (b) by transfer from the provincial Government Department.
<b>EXPLORATION PROMOTION DIVISION</b>			
2. Director Exploration (Minerals) (BPS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Exploration) with at least twelve years service in BPS-17 and above.
3. Deputy Director (Exploration) (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Geologist) and Assistant Directors (Mining Engineer) with at least five years service as such.
4. Manager Geographical Information System (GIS) (BPS-18).	(a) Master's Degree in Geographical Information System (GIS) or Computer Science or equivalent qualification from recognized University; and  (b) minimum of five years Geo-graphical Information System related experience from a reputed Organization.	25 to 45 years.	By initial recruitment.
5. Assistant Director (Geologist) (BPS-17).	Master's Degree in Geology from a recognized University	21 to 30 years.	(a) By initial recruitment, or  (b) If no suitable candidate is available for initial recruitment, then by transfer from amongst the Assistant Directors (Geologists).

*[Handwritten Signature]*

Annex: I  
21



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar, the 14<sup>th</sup> October, 2014.

NOTIFICATION

No SOE(MI/D)/1-4/83 Sanction is hereby accorded to the grant of 365 days leave as Leave Preparatory to Retirement (LPR) in respect of Mr. Obaidullah, Director Licensing (BPS-19) Directorate General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar w.e.f 16.10.2014 to 15.10.2015 (AN).

2. The date of birth of the officer is 16.10.1955 as such he will retire from government service w.e.f 15.10.2015 (A.N).

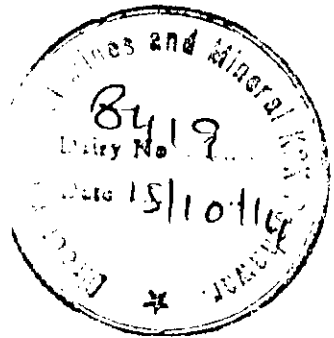
Secretary to Govt. of Khyber Pakhtunkhwa,  
Minerals Development Department

Encls. No. SOE(MI/D)/1-4/83

Dated Peshawar the, 14<sup>th</sup> October, 2014.

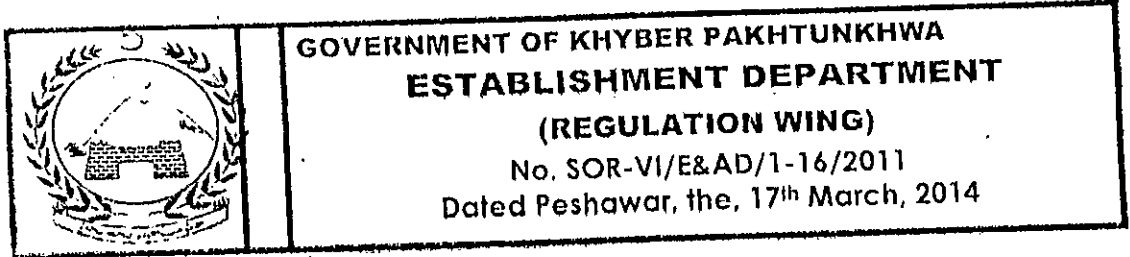
Copy is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Director General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar.
3. PS to Minister for Minerals Development, Khyber Pakhtunkhwa.
4. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
5. The Manager, Govt. Printing Press, Peshawar.
6. The officer concerned.



*Amir Javed*

(S. AHMED R. KHAN)  
Section Officer (Estt.)



to

1. The Additional Chief Secretary, Planning & Development Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. All the Divisional Commissioners in Khyber Pakhtunkhwa.
6. All Heads of the Attached Departments in Khyber Pakhtunkhwa.
7. All the Deputy Commissioners in Khyber Pakhtunkhwa and Political Agents in FATA.

Subject: AMENDMENT IN KHYBER PAKHTUNKHWA CIVIL SERVANTS PROMOTION POLICY (PROMOTION DURING LPR).

Dear Sir,

I am directed to refer to the subject noted above and to state that under the existing policy, there is no provision for promotion of officers/officials who are on LPR. The promotion policy has been reviewed and the competent authority has been pleased to direct to add the following provision therein:-

"LPR is one the types of leave to which a government servant is entitled. As he continues to be government servant and can be called even for duty, he can, therefore, be considered for promotion against a higher post during LPR".

2. These changes will take immediate effect and past cases under the existing policy shall not be re-opened.

Yours faithfully,

ZIRA  
17-03-14  
(QUIRAT-UL-AIN)  
SECTION OFFICER (REG-VI)

2.2

Encls No. & date even.

Copy forwarded to:

1. The Registrar Peshawar High Court, Peshawar.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
4. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
5. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
8. Private Secretary to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
9. Private Secretary to Secretary Establishment Department.
10. Private Secretary to Secretary Administration Department.
11. The Director General, Provincial Disaster Management Authority, Provincial Reconstruction, Rehabilitation and Settlement Authority.

~~ZIRA~~  
17-03-14  
SECTION OFFICER (REG-VI)

D (IT)

To

Annex: "K"

24

The Secretary,  
Minerals Development,  
Khyber Pakhtunkhwa, Peshawar.

Through: PROPER CHANNEL

Subject: PROMOTION TO THE POST OF DIRECTOR GENERAL (BPS-20) IN  
DIRECTORATE GENERAL MINES AND MINERALS DURING LEAVE  
PREPARATORY TO RETIREMENT (L.P.R)

Dear Sir,

It is submitted that I the undersigned joined the service on 08-08-1983 and has rendered more than 31 years service. Now, I have proceeded on 365 days leave preparatory to retirement w.e.f 16-10-2014 to 15-10-2015 sanctioned vide notification dated 14-10-2014.

Your kind attention is invited to the existing service rules for the subject post, wherein, the channel prescribed for promotion is seniority cum fitness from amongst the Director Licensing (BS-19), Director Exploration (BS-19), Commissioner Mines (BS-19) and Chief Inspector of Mines (BS-19)

It is further stated that the undersigned is the senior most officer amongst the Director Licensing, Director Exploration, Commissioner Mines and Chief Inspector of Mines in the Directorate General Mines and Minerals.

In view of the above stated position, it is therefore, requested that my case for promotion to the subject post may kindly be processed under the existing service rules / government instructions and placed before the Provincial Selection Board for consideration at the earliest convenience please.

Date: 23-10-2014

Yours Obediently,

(OBAID ULLAH)

Director Licensing

Directorate General Mines & Minerals

Dated: 23. 10. 2014

13240-42  
Copy of the above forwarded to:-

- 1) The P.S to the Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 2) The P.S to the Secretary Minerals Development Govt. of Khyber Pakhtunkhwa.
- 3) The P.A to the Director General Mines and Minerals Peshawar.

Annex: "2"  
25

To

The Secretary,  
Minerals Development,  
Khyber Pakhtunkhwa, Peshawar.

Through: PROPER CHANNEL

Subject: PROMOTION TO THE POST OF DIRECTOR GENERAL (BPS-20) IN  
DIRECTORATE GENERAL MINES AND MINERALS DURING LEAVE  
PREPARATORY TO RETIREMENT (L.P.R)

Dear Sir,

Kindly refer to my application dated 23-10-2014 on the subject noted above. (Copy enclosed)

It is requested that my case for promotion to the subject post is due under the existing service rules / government instructions for which I have filed the aforementioned application with the request to place the case before Provincial Selection Board for consideration.

It is further stated that I have already proceeded on 365 days leave preparatory to retirement w.e.f 16-10-2014 sanctioned vide notification dated 14-10-2014. I shall stand retired from service w.e.f 15-10-2015.

It is, therefore, requested that my case for promotion to the subject post may kindly be forwarded to the competent forum for consideration at your earliest convenience please.

Date: 28-01-2015

Yours Obediently,

28/1/2015  
(OBAID ULLAH)

Director Licensing

Directorate General Mines & Minerals

965-67 dated 29/1/2015  
Copy of the above forwarded to:-

- 1) The P.S to the Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 2) The P.S to the Secretary Minerals Development Govt. of Khyber Pakhtunkhwa.
- 3) The P.A to the Director General Mines and Minerals Peshawar.



115

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT**

Dated Peshawar the, 28<sup>th</sup> September, 2011.

**NOTIFICATION**

No.SO-Admn(MD)1-6/94.- Mr. Mumtaz Khan Khalil, the then Director General (BPS-20), Directorate General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar (presently posted as Special Secretary to Govt: of Khyber Pakhtunkhwa, Industries Department) shall stand retired from service on 07.05.2012 (Afternoon) on attaining the age of superannuation.

Secretary to Govt: of Khyber  
Pakhtunkhwa,  
Minerals Development Department.

Ends: No.SO-Admn(MD)1-6/94

29/80-86

Dated Peshawar, the 28<sup>th</sup> September, 2011

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Industries Department.
4. The PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
5. The Section Officer (Estt:-I), Govt: of Khyber Pakhtunkhwa, Establishment & Administration Department with reference to his letter No.SO(E-I)E&AD/9-365/2011 dated 23.09.2011.
6. The Director General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar w.r.t his letter No.Com/CIM/PF/1/17/10894 dated 06.09.2011.
7. Officer concerned.

11/5  
 29/9  
 ✓

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(SYED WALI KHAN)  
Section Officer (Establishment)



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal no: 151/2015

Subject: **APPLICATION FOR FIXATION OF AN EARLY DATE FOR HEARING / ARGUMENTS**

Respected Sir,

Kindly refer to the subject noted above,

The following lines are submitted for consideration of the Honorable Court.

- 1) That the subject case has been fixed for submission of para-wise rejoinder on the reply of the respondents on 03-12-2015.
- 2) That the subject case is basically promotion to the post of Director General Mines and Minerals.
- 3) That the appellant has already been deprived from the basic right and is going to be retired from service w.e.f 15-10-2015, while date of hearing in his case is fixed on 03-12-2015 which will create legal / technical complications for him.
- 4) That a timely decision of the Honorable Court will protect / establish the legal right of the appellant.
- 5) Para-wise rejoinder on the reply of the respondents is also enclosed for perusal please.

In view of the above it is most humbly prayed that on the acceptance of this application an early date of hearing in appellant's case be fixed during September 2015.

Encl: (5pages)

Appellant

(OBAID ULLAH)

Director Licensing

Directorate General Mines & Minerals

(Mailing Address: H # 1070-K Mohalla Chakka Gali P.O Karimpura Bazar Peshawar City)

Be placed before  
DB for orders

01.09.15

Handed by D.B.  
A. Ghani 2/9/2015

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

**Service Appeal no: 151/2015**

**OBAIDULLAH**  
Director Licensing  
Directorate general Mines & Minerals Peshawar

**APPELLANT**

**VERSES**

**RESPONDENTS**

1. The Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. The Secretary to Govt. of Khyber Pakhtunkhwa Minerals Development Department
4. Director General mines and minerals Khyber Pakhtunkhwa, Peshawar

**PARA-WISE REJOINDER ON THE REPLY OF RESPONDENTS**

**PRELIMINARY OBJECTIONS:**

1. Incorrect. As the Civil Servants Appointment, Promotion and Transfer (APT) Rules 2003 Part – A, provides the promotion to DG Mines & Minerals (BPS-20) on the basis of selection on merit / seniority from amongst the Director Licensing, Director Exploration, Chief Inspector of Mines and Commissioner Mines of the Directorate. As such the appellant has the cause of action and locus standi in accordance with the prescribed service rules 2003 which still hold the field, as verdict of the Honorable Service Tribunal dated 29-01-2013 vide which notification modifying service rules 2003 was set aside and was not questioned by the respondents which attained finality.
2. to 5. Versions contained in these paras is against record, hence, need no comments.

6. Incorrect, as per government instructions there is no bar on the promotion of civil servants who have proceeded on LPR the appellant has submitted an application dated 23-10-2014 and 28-01-2015 to Respondent No. 03 with the request to place the promotion case before the Provincial Selection Board but to no avail, hence this appeal.
7. Incorrect, all necessary parties have been made respondents. Respondents were bound to have pointed out other necessary parties.
8. Incorrect, no other forum exist to adjudicate upon service matters.
9. Incorrect as explained in Para-6 above.

**FACTS:**

1. Facts given in this para of appeal have not been denied by the respondents.
2. Point-wise reply is as under:-
  - A) Correct to extent that the appellant was 2<sup>nd</sup> in the seniority list of BPS-19 officers as stood on 31-10-2010. However, upon removal from service of Mian Farooq Iqbal (C.I.M) on 19<sup>th</sup> August 2014, the appellant has become the senior most officer amongst the posts of Director Exploration (D.E), Director Licensing (D.L), Chief Inspector of Mines (C.I.M) and Commissioner of Mines (C.M).
  - B) Correct to the extent that the department has been bifurcated into three wings, thereby, the Commissionerate of Mines and Inspectorate of Mines have been declared two independent entities, (to be headed by the Commissioner of Mines and Chief Inspector of Mines respectively) completely separate from the Directorate General Mines and Minerals. Consequently, two of the four aspirants for promotion to the post of DG have been removed from the joint seniority of BPS-19 officers.
  - C) The appellant amongst the remaining two aspirants (i.e. Director Exploration and Director Licensing) for the promotion to the post of DG is the senior most officer.
  - D) As regards the new service rules, it is stated that till the promulgation / notification of the draft service rules the existing service rules (2003) shall remain to hold ground. Hence, the respondents ought to have notified the

seniority list of BPS-19 officers and placed the case for promotion to the post of DG under the existing rules to the Provincial Selection Board (PSB).

3. In light of the prescribed service rules **Part – A**, and in presence of eligible officers, it was and it is incumbent on the respondents to place the case for promotion to the PSB for filling the post of DG. Nevertheless, they have resorted to temporary arrangements by posting junior officers within the department and deputationist from outside, which clearly show the mala fide intentions of the respondents.

As regards the question of departmental appeal it is clarified that the appellant was not on the top of the seniority list at that time. The then senior most officer was transferred to the Establishment Department, therefore, in his presence the appellant being the 2<sup>nd</sup> on the seniority had no right of appeal.

4. Rules have been violated by appointing the junior most officer. The query of non-submission of departmental appeal already explained in Para-03 above.
5. Incorrect explained in detail in Para-02 above.
6. Incorrect explained in detail in Para-02 above.
7. Point-wise reply is as under:-

A) Regrettably, the service rules notified in 2010, which had been set aside by the learned Service Tribunal in its judgment dated 29-01-2013, have been reproduced verbatim by the respondents. It is beyond understanding that in presence of crystal-clear service rules notified in 2003 **PART-A** and availability of **five (5)** BPS-19 eligible officers the respondents remained reluctant to place the case for promotion to PSB for filling the post of DG. Rather they are adamant to such an extent that a deputationist – after exhausting all the measures, against the rule arrangements; of appointing junior officers: amount to glaring illegality.

B) Furthermore, the respondents on one hand (**in Para-05 of comments**) on the question of promotion of the appellant to the post of DG have so conveniently deemed the service rules notified in 2003 as null and void and on the other hand the service rules notified in 2010, which had been set aside by the learned Service Tribunal are used as a legal ground for appointing of junior

officers and deputationist. This speaks about the mala fide intentions of the respondents including denouncing verdict of Honorable Service Tribunal which is Contempt of Court.

C) The question of departmental appeal is already explained in Para-03 above. However, it is further clarified that Mian Farooq Iqbal was removed from service on 19-08-2014, till such time the appellant had no right of appeal as he was the then senior most officer, at that time.

8. & 9. Already explained in Para-07. If proposed new rules are not affecting seniority of officers, then there is no hitch for considering appellant for promotion who is presently at the top of the seniority list.

It is pertinent to mention here that the appellant is going to retire on 15-10-2015 at the age of superannuation.

10. The respondents should now do the right thing by placing the case of promotion of the appellant to the PSB in accordance with the **Part-A** of the service rules notified in 2003, as there is no bar on promotion of a civil servant who has proceeded on leave preparatory to retirement (LPR) as per Government instructions (available on file).

11. Prompt placement of the appellant's case to the Provincial Selection Board and its notification for promotion to the post of DG is required, as mentioned above that the appellant is going to retire on 15-10-2015.

12. As per Para-11 above.

### Grounds

1. Reply given in this para is irrelevant and misleading.

2. Regretfully, it is submitted that respondents have not carefully gone through the appeal. Judgment of the learned Service Tribunal dated 29-01-2013 is mentioned in the index as Annex – A "Pages – 05-10".

Sorry to say that appeal of Mian Farooq Iqbal before the learned Service Tribunal is against his removal from service, whereas, appellant's appeal is concerning his promotion.

3. Respondents concealing this fact from the Honorable Service Tribunal and not clarifying that why they are acting upon "Part – B" of service rules 2003 (which

relates to appointment on transfer) while on the other hand they have kept mum over "Par – A" of the same rules under which appellant has preferred this appeal.

It is, therefore, most humbly prayed, that while ignoring frivolous, misconceived comments of respondents and accepting this appeal, the respondents may kindly be directed to promptly process and finalize the case of the appellant for promotion to the post of Director General (BPS-20) as per service rules notified in 2003 with in specific time period as the appellant is on LPR and will stand retired from Government service on 15-10-2015 (A.N).

Any other relief which this august tribunal may deem fit and appropriate may also graciously be granted.

Appellant

*Gude*

01.09.2015

**OBAIDULLAH**

Director Licensing

Directorate General of Mines & Minerals  
Khyber Pakhtunkhwa

(Mailing Address: H # 1070-K Mohalla Chakka Gali P.O Karimpura Bazar Peshawar City)

57

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 151/2015

Obaidullah  
Director Licensing,  
Directorate General Mines & Minerals, Peshawar

Appellant

**VERSUS**

- 1- The Chief Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar
- 2- The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar
- 3- The Secretary to Govt. of Khyber Pakhtunkhwa  
Minerals Development Department, Peshawar
- 4- Director General Mines & Minerals  
Khyber Pakhtunkhwa, Peshawar

Respondents

**Para-wise comments on behalf of Respondents**

Preliminary objections:

- 1- That the appellant has no cause of action and locus standi to file the instant service appeal.
- 2- That the appellant has not come to this Honourable Tribunal with clean hands.
- 3- That the appeal is not maintainable in its present form.
- 4- That the appeal is not maintainable being time barred.
- 5- That the appellant is estopped by his own conduct to file this appeal.
- 6- That the appeal is barred by Law hence liable to dismissed.
- 7- That the instant appeal is bad for non joinder and mis joinder of necessary parties.
- 8- That this Hon'ble Tribunal has got no jurisdiction to entertain the appeal.
- 9- That there is no final order challenged by the appellant. Hence not maintainable u/s 4 of Service Tribunal Act, 1974.

**FACTS:**

- 1- Correct to the extent that the appellant was serving as Director Licensing in the Directorate General, Mines and Minerals, since 12.6.2007 (copy enclosed "A"). The appellant has proceeded on Leave Preparatory to Retirement (LPR) with effect from 16.10.2014 (copy enclosed "B") and he will stand retired from service on 15.10.2015.
- 2- Correct upto the extent that the appellant, in accordance with the seniority list, maintained in the Department, is the 2<sup>nd</sup> senior most officer, however, as per vide Notification No. SO(O&M)/E&AD/10-1/2010 dated 28.11.2013 (copy enclosed "C"), the Directorate General, Mines and Minerals has been bifurcated into three relevant setup i.e. **(1)** Directorate General, Mines and Minerals **(2)** Inspectorate of Mines **(3)** Commissionerate of Mines. The Service Recruitment Rules for each setup is under process with the Government. Therefore, seniority list of the officers pertaining to each setup will be prepared and notified after framing of Service Recruitment Rules for each setup. As such the plea of the appellant regarding inclining to notify the seniority list is incorrect. Copy of Draft Service Rules alongwith covering letter is annexed "D".
- 3- Pertains to record, needs no comments. However no departmental appeal filed against the order hence the appeal before this Hon'ble Tribunal is not maintainable.
- 4- Correct upto the extent that the Govt. of Khyber Pakhtunkhwa posted Mr. Mustafa Kamal Shah, Director Licensing (BS-19) as Director General, Mines and Minerals vide notification dated 20.8.2013, in his own pay and scale (copy enclosed "E"). According to S. 10 of Civil Servant Act 1973, no departmental appeal has been filed by the appellant against order mentioned in this para.



- 5- That as explained in Para 2, the scenario of the Directorate is completely changed. Reliance upon the old rules carries no legal standing.
- 6- Incorrect. As explained in Para 2 above. The bifurcation of the department is made within the ambit of law/rules, etc on the subject.
- 7- Incorrect. The Government of Khyber Pakhtunkhwa has posted Dr. Liaqat Ali, Assistant Professor National Centre of Excellence in Geology, University of Peshawar as Director General, Mines and Minerals in his own pay and scale, purely on deputation basis for initial period of one year. The Government rules have not been violated (copy enclosed "F").

(a) The relevant rules regarding promotion to the post of Director General, Mines and Minerals is on the basis of selection on merit, from amongst the holders of the post of Director Exploration (Mineral), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare having at least seventeen years service in BPS-17 & above and in case of person initially appointed in BS-18, the length of service for promotion to the post shall be twelve years in BS-18 & above or (b) by transfer from the Provincial Government Departments. However, as stated in Para 2 that the Directorate General, Mines and Minerals has been bifurcated into three relevant setup and framing of new Service Recruitment Rules for each setup is under process with the Government. Further stated that the notification 18 July, 2014 has not been challenged by appellant before the Departmental Authority.

160

- 8- The posting of the Director General, Mines and Minerals on deputation basis is not contrary to the Service Rules notified in 2010, nor the judgement dated 29.1.2013 of the Hon'able Services Tribunal, Khyber Pakhtunkhwa, Peshawar, because of the fact framing of new rules for each setup is under process and deputation of an officer to the said post will never affect the seniority of an officer of the Department. No Departmental Appeal has been filed by appellant against the notification.
- 9- Pertains to record, needs no comments.
- 10- As explained in Para 2, the scenario of the Directorate is completely changed. No promotion whatsoever was made even after the bifurcation.
- 11- As per paras mentioned above. However, the application so annexed is only for promotion and not for other relief prayed for.
- 12- As per paras above.

**GROUND:**


1. Incorrect. No violation of Law and Rules has been made by respondents.
2. Incorrect. The judgement of the Services Tribunal dated 29.1.2013 has not been affixed with service appeal. Indeed, the case of Mian Farooq Iqbal on the same analogy is still subjudice in the learned Tribunal.
3. Incorrect. As already explained in Paras above.


4761

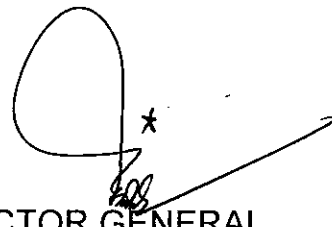
It is, therefore, humbly prayed that the appeal of the appellant does not cover under the Rules. The same may kindly be dismissed with cost.

Sd-

CHIEF SECRETARY  
Khyber Pakhtunkhwa  
(Respondent No.1)

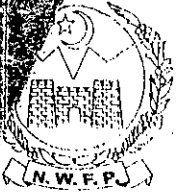
  
SECRETARY  
Establishment Department  
Govt. of Khyber Pakhtunkhwa  
(Respondent No.2)

  
SECRETARY  
Minerals Dev: Deptt:  
Govt. of Khyber Pakhtunkhwa  
(Respondent No.3)

  
DIRECTOR GENERAL  
Mines and Minerals  
(Respondent No.4)

Annex-A

69



GOVERNMENT OF N.-W.F.P.  
INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT,  
LABOUR AND TECHNICAL EDUCATION DEPARTMENT.

Dated Peshawar, the \_\_\_\_\_

**NOTIFICATION**

**NO.SOI(IND)1-6/91/Vol.VIII.** The Competent Authority on recommendation of the Provincial Selection Board is pleased to promote Mr. Obaidullah, Deputy Director (Technical) (BPS-18) to the post of Director Licensing (BPS-19) in the Directorate General Mines and Minerals, NWFP, on regular basis with immediate effect.

2. The officer, on promotion will remain on probation for a period of one year in terms of Section -6 (2) of NWFP, Civil Servant Act, 1973 read with Rule-15 (1) of NWFP Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

3. Consequent upon his promotion Mr. Obaidullah (BPS-19) is hereby posted as Director Licensing in the Directorate General Mines and Minerals, NWFP, Peshawar.

Sd/xx  
Secretary to Government of NWFP,  
Industries, Commerce, Mineral Development,  
Labour and Technical Education Department.

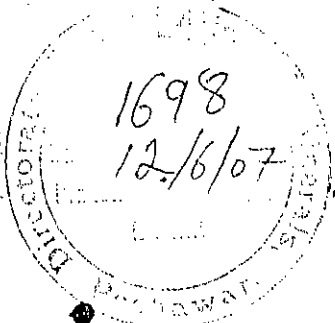
**Endst: NO.SOI(IND)1-6/91/Vol.VIII**

Dated 12-06-2007

Copy forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. The Director General Mines and Minerals, NWFP, Peshawar.
3. The Section Officer-E-I, Government of NWFP, Establishment Department.
4. The Officer concerned.
5. PS Secretary Industries, Commerce, Mineral Development, Labour and Technical Education, Peshawar.
6. The Manager Government Printing Press.

*Muhammad Yunas*  
12/6/07  
(MUHAMMAD YUNAS)  
SECTION OFFICER (ADMN:)



A.O:

12-6-07

475

70

CHARGE ASSUMPTION REPORT.

Certified that I (Obaid-Ullah), Deputy Director (Tech) BS-18, Directorate General Mines & Minerals Govt of NWFP, (Presently posted as Deputy Director Transport NWFP) on promotion has assumed the charge of the post of Director Licensing (BS-19), Directorate General Mines & Minerals Govt of NWFP Peshawar on the forenoon of 12<sup>th</sup> June 2007 in compliance to the Secretary to Govt of NWFP Industries, Commerce, Labour, Mineral Development and Technical Education & Manpower Training Department Notification No.SO-I(IND)1-6/91/Vol-VIII dated 12/06/2007.

*O/c* <sup>22/06/07</sup>  
(OBAID-ULLAH)  
DIRECTOR LICENSING (BS-19)  
DIRECTORATE GENERAL  
MINES & MINERALS GOVT OF  
NWFP PESHAWAR. *Md*  
22-6-07

12338-41

Endst:No. /DI/HQ/2007.

Date. 22/6/2007.

A copy is forwarded for information and necessary to:-

- 1) PA to Director General, Mines and Minerals, NWFP.
- 2) The Accountant General, NWFP Peshawar.
- 3) The Section Officer (Admn), Government of NWFP, Industries Department with to his letter/Notification No referred to above.
- 4) The Budget and Accounts Officer, H/Q Office Peshawar.

5) *Mr. Manager Gate Peshawar*

*O/c* <sup>22/06/07</sup>  
(OBAID-ULLAH)  
DIRECTOR LICENSING (BS-19)  
DIRECTORATE GENERAL  
MINES & MINERALS GOVT OF  
NWFP PESHAWAR. 22-6-07

Annex-B

71

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar, the 14<sup>th</sup> October, 2014.

NOTIFICATION

No. SOE(MDD)/1-4/83. Sanction is hereby accorded to the grant of 365 days leave as Leave Preparatory to Retirement (LPR) in respect of Mr. Obaidullah, Director Licensing (BPS-19), Directorate General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar w.e.f 16.10.2014 to 15.10.2015 (AN).

2. The date of birth of the officer is 16.10.1955 as such he will retire from government service w.e.f 15.10.2015 (A.N).

Secretary to Govt. of Khyber Pakhtunkhwa,  
Minerals Development Department

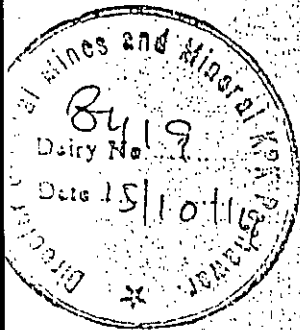
Ends: No. SOE(MDD)/1-4/83

Dated Peshawar the, 14<sup>th</sup> October, 2014.

Copy is forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar.
3. PS to Minister for Minerals Development, Khyber Pakhtunkhwa.
4. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
5. The Manager, Govt. Printing Press, Peshawar.
6. The officer concerned.

(SAKHI UR RIZWAN)  
Section Officer (Estt.)



Annex-C

140  
72



GOVT. OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 28<sup>th</sup> November, 2013

NOTIFICATION

No. SO (O&M)/E&AD/10-1/2010: In exercise of the powers conferred by Article 139 of the Constitution of the Islamic Republic of Pakistan, the Government of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Government Rules of Business, 1985, the following further amendments shall be made, namely:-

AMENDMENTS

1. In Schedule-I, for the existing entries against Sr. No. 17(A), the following entries shall be substituted in the respective columns, namely:-

Sr. No	2	3	4
"17(A)	Mineral Development Department.	a. Directorate General of Mines & Mineral b. Commissionerate of Mines-Labour Welfare c. Inspectorate of Mines	a. Director General b. Commissioner of Mines c. Chief Inspector of Mines."

CHIEF SECRETARY,  
GOVT. OF KHYBER PAKHTUNKHWA

Endst: No. & Date Even

Copy to:-

1. Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments, Khyber Pakhtunkhwa.
8. Director Information, Khyber Pakhtunkhwa.
9. Accountant General, Khyber Pakhtunkhwa.
10. Registrar Peshawar High Court, Peshawar.
11. Registrar Service Tribunal, Khyber Pakhtunkhwa Peshawar.
12. Secretary Public Service Commission, Khyber Pakhtunkhwa Peshawar.
13. Private Secretary to Governor, Khyber Pakhtunkhwa.
14. Private Secretary to Chief Minister, Khyber Pakhtunkhwa.
15. All PSs to Provincial Ministers in Khyber Pakhtunkhwa.
16. PS to Chief Secretary, Khyber Pakhtunkhwa.
17. Controller, Government Printing Press, Peshawar.

1090  
27-11-13

(SHAISTA)  
28/11/13

SECTION OFFICER (O&M)

EA/III

ADD: ...

...



**DIRECTORATE GENERAL OF MINES AND MINERALS**  
**KHYBER PAKHTUNKHWA**  
Attached Departments Complex Khyber Road Peshawar

No. 744/6/45/DGMM/Admn: Dated 16/1/2015

Annex-D

73

To: The Section Officer (Establishment)  
Minerals Development Department  
Government of Khyber Pakhtunkhwa  
Peshawar

- Subject: 1. Framing of Service Recruitment Rules for newly created posts.  
2. Amendments in the existing Service Recruitment Rules of DGMM

I am directed to refer to the subject noted above and to enclose herewith nine(09) sets for framing of Service Recruitment Rules for newly created posts and amendment in the existing Service Recruitment Rules of the Directorate General, Mines and Minerals, for necessary action please.

ENCL: As above.


*[Handwritten signature]*  
16/1

*[Handwritten signature]*  
Assistant Director (Administration)  
For Director General



DIRECTORATE GENERAL MINES AND MINERALS KHYBER PAKHTUNKHWA

Post	Minimum Qualification for appointment by initial recruitment		Age Limit		Method of Recruitment		Justification
	Existing	proposed	Existing	proposed	Existing	proposed	
2 Director Exploration (Mineral) (BPS-19)					(a) By promotion, on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare having at least seventeen years service in BPS-17 and above, and in case of persons initially appointed in BS-18 the length of service for promotion to the post shall be twelve years in BPS-18 and above; or  (b) by transfer from the Provincial Government Department	(a) By promotion, on the basis of selection on merit, from amongst Directors Licensing & Director Exploration having at least seventeen years service in BPS-17 & above, and in case of persons initially appointed in BS-18 the length of service for promotion to the post shall be twelve years in BPS-18, and above.  (b) In case of non availability of suitable officer may be: i- transfer from other organization OR ii- by initial recruitment on merit basis having Ph.D Degree in Geology OR Mining Engineering with ten years experience in the field of mineral exploration or mining OR MS/M,Phd Degree in Geology OR Mining Engineering with fifteen years experience in the field of mineral exploration or mining	Due to bifurcation of the Directorate General, Mines and Minerals vide Notification dated 25.11.2013 (copy attached), the Commissionerate of Mines and Inspectorate of Mines have been separated & the Commissionerate will be headed by Commissioner Mines, while Inspectorate will be headed by Chief Inspector of Mines, therefore amendment in existing Service Rules is necessary which are proposed please.
14 Director Licensing (BPS-19)					(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Exploration) with at least twelve years service in BPS-17 and above.  (b) In case of non availability of suitable officer may be: i- transfer from other organization OR ii- by initial recruitment on merit basis having Ph.D Degree in Geology with Eight years experience in the field of mineral exploration and mining OR MS/M,Phd Degree in Geology with ten years experience in the field of mineral exploration.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Exploration) with at least twelve years service in BPS-17 and above.  (b) In case of non availability of suitable officer may be: i- transfer from other organization OR ii- by initial recruitment on merit basis having Ph.D Degree in Geology with Eight years experience in the field of mineral exploration and mining OR MS/M,Phd Degree in Geology with ten years experience in the field of mineral exploration.	
					(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Technical), with at least twelve years service in BPS-17 & above.  (b) In case of non availability of suitable officer may be: i- transfer from other organization OR ii- by initial recruitment on merit basis having Ph.D Degree in Geology/Mining Engg with Eight years relevant experience OR MS/M,Phd Degree in Geology/Mining Engg with ten years relevant experience	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Tech L) with at least twelve years service in BPS-17 & above.  (b) In case of non availability of suitable officer may be: i- transfer from other organization OR ii- by initial recruitment on merit basis having Ph.D Degree in Geology/Mining Engg with Eight years relevant experience OR MS/M,Phd Degree in Geology/Mining Engg with ten years relevant experience	

  
 Director General,  
 Mines and Mineral  
 Khyber Pakhtunkhwa



"Annex-E"

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Annex: "E"

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GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

DATED PESHAWAR, THE AUGUST 20, 2013

NOTIFICATION

NO.50(E-I) E&AD/1-1/13 (V). Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Mr. Adil Siddiq (PCS EG-BS-19)	Director General, Mines and Minerals, Khyber Pakhtunkhwa	Director General, Local Government & Rural Development Department, against the vacant post.
2.	Mr. Mustafa Kamal Shah (BS-19 Officer of Mines & Minerals)	Director, Licensing office of DG, Mines & Minerals, Khyber Pakhtunkhwa.	Director General, Mines and Minerals, Khyber Pakhtunkhwa, in his own pay and scale, vice Sr. No. 1.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, LG&RD Department.
4. Secretary to Government of Khyber Pakhtunkhwa, Minerals Development Department.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Local Government & Rural Development Department.
7. Director General, Mines and Minerals, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. PS to Secretary Establishment/PS to SS(E)/PA AS(E), AS(HRD)/D.S(A) D.S(E) / SO(S)/ SO(E.II)/S.O. (HRD-I)/S.O. (E.IV)/E.O/ACSO Cypher and Director Protocol E&AD, Dir. I.T. Khyber Pakhtunkhwa.
10. Officers concerned.
11. Manager, Govt Printing Press Peshawar.

ZIA UL HAQ

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTD. I)  
PH: & FAX # 091-9210529

Annex-F  
49  
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GOVERNMENT OF  
**KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT DEPARTMENT**

DATED PESHAWAR, JULY 18, 2014

**NOTIFICATION.**

**NO. SO(E-I)/E&AD/1-1/2014.** Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect:

S. #	NAME OF OFFICER	FROM	TO
1	Mr Mustafa Kamal Shah (BS-19 officer of Mines & Minerals)	Director General, Mines and Minerals, Khyber Pakhtunkhwa	Director Licensing, office of DG, Mines & Minerals, Khyber Pakhtunkhwa, against the vacant post.
2	Dr Liaqat Ali (BS-19 University of Peshawar Employee)	Assistant Professor, National Centre of Excellence in Geology, University of Peshawar.	Director General, Mines and Minerals, Khyber Pakhtunkhwa, in his own pay and scale, on deputation basis, vice Sr. No. 1.

Terms & conditions of deputation of officer at Sr No. 2 above will be settled by the concerned departments.

**CHIEF SECRETARY**  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**

Issued on even and date.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Minerals Development Department.
4. Secretary to Government of Khyber Pakhtunkhwa, Higher Education Department.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director General, Mines & Minerals, Khyber Pakhtunkhwa.
7. Registrar, University of Peshawar, Peshawar.
8. Director, National Centre of Excellence in Geology, University of Peshawar.
9. Director Information, Khyber Pakhtunkhwa Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa
11. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA AS(HRD)/DS(E.)/SO(E.II) Establishment Department.
12. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (II) and Director Protocol Administration Department, Khyber Pakhtunkhwa.
13. Officer concerned.
14. Manager, Govt. Printing Press Peshawar.

(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT-I)  
PH & FAX # 091-9210529

23/7/14  
ATA  
EAD

**BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR**

Service Apoeal No.151/2015

Obaidullah, Director Licensing, Directorate General Mines & Minerals, Peshawar.

V/S

Chief Secretary to Government of K.P.K, Peshawar, etc.

**Para-wise comments on behalf of Respondents**

**AFFIDAVIT**

I, Sayed Yawar Hussain, Superintend, Directorate General Mines and Mineral do hereby solemnly affirm and declare that the contents of the accompanying petition are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.

  
DEPONENT

1	7	3	0	1	-	5	0	0	6	8	0	3	-	9
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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal no: 151/2015

Subject: **APPLICATION FOR FIXATION OF AN EARLY DATE FOR HEARING / ARGUMENTS**

Respected Sir,

Kindly refer to the subject noted above,

The following lines are submitted for consideration of the Honorable Court.

- 1) That the subject case has been fixed for submission of comments by the respondents on 10-07-2015.
- 2) That the subject case is basically promotion to the post of Director General Mines and Minerals.
- 3) That the appellant has already been deprived from the basic right. The adjournment of course of hearing may create legal / technical complications, which will result in irreparable financial losses to the appellant.
- 4) That the undersigned is going to be retired from Government service w.e.f 16-10-2015.
- 5) That a timely decision of the Honorable Court will protect / establish the legal right of the appellant.

In view of the above it is requested that an early date for arguments may be fixed please.

Appellant

**(OBAID ULLAH)**

Director Licensing

Directorate General Mines & Minerals

(Mailing Address: H # 1070-K Mohalla Chakka Gali P.O Karimpura Bazar Peshawar City)

A.W.F. Province  
Service Tribunal

Diary No 677

Dated 10-7-2015