

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Ishtiaq Ahmad

V/S

Social Welfare Deptt:

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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&
(ASAD MAHMOOD)
ADVOCATE HIGH COURT.
Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 3398 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2385

Dated 08/2/2021

Mr. Ishtiaq Ahmad, Assistant (BPS-16)
Bacha Khan Vocational Centre, Charsadda.

(APPELLANT)

VERSUS

1. The Secretary Zakat, Ushr, Social Welfare. Special Education & Woman Empowerment, Khyber Pakhtunkhwa, Peshawar.
2. The Director Social welfare, Special Education & Woman Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, Social Welfare Department, Charsadda.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 FOR DIRECTING THE RESPONDENTS TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF SUPERINTENDENT (BPS-17) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF SUPERINTENDENT (BPS-17) WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

Filed to-day

Registrar

8/2/2021

Re-submitted to-day
and filed.

Registrar
03/03/2021

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working the respondent department as Assistant (BPS-16) and performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against the appellant regarding his performance.
2. That the respondent department issued circular/notification on 25.09.2019, wherein the post of superintendent (BPS-17) can be filled by promotion on basis of seniority-cum-fitness from amongst the Assistants and Senior Scale Stenographer with at least five years service as Such. **(Copy of circular/notification dated 29.09.2019 is attached as Annexure-A)**
3. That the department issued final seniority list of Assistant (BPS-16) and Senior Scale Stenographer (BPS-16) on 10.08.2020, wherein the appellant is at Sr. No.14 in that seniority list and the respondent department have 22 vacant posts of superintendent (BPS-17), which is evident from payroll of April 2020. **(Copies of seniority list and detail of vacant post from payroll of April 2020 are attached as Annexure-B&C)**
4. That the vacant posts of superintendent (BPS-17) are available in the respondent department, but the respondent department did not consider the appellant for promotion on those vacant posts despite his eligibility, therefore the appellant departmental appeal, which was properly forwarded by respondent No. 3 to respondent No.2 through letter dated 08.10.2020 for further necessary action, however, no action has taken on the departmental appeal of the appellant within the statutory period of ninety days. **(Copies of departmental appeal and letter are attached as Annexure-D&E)**
5. That now the appellant has no other remedy expect to file the instant appeal in this Honourable Tribunal for redressal of his grievances on the following grounds.

GROUND:

- A. That not considering the appellant for promotion to the post of superintendent (BPS-17) and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, facts, norms of justice and material on record, therefore, not tenable.
- B. That the posts of superintendent (BPS-17) are available in the respondent department and the appellant has legitimate exception for promotion on those available posts, but the respondent department did not consider the appellant for promotion to the post of Superintendent

(BPS-17) on those available posts, which is violation of principle of legitimate expectancy.

- C. That the appellant is at Sr. No.14 in the final seniority list of Assistant (BPS-16) and 22 posts of Superintendent (BPS-17) are vacant in the respondent department, but not considering the appellant for promotion to the post of Superintendent (BPS-17) despite his eligibility shows the arbitrary manner of the respondents.
- D. That rules for promotion to the post of Superintendent (BPS-17) is still in field and the appellant is eligible for promotion to the post of Superintendent (BPS-17), therefore the appellant has legal right to be consider for promotion to the post of Superintendent (BPS-17) under the circular/notification dated 25.09.2019.
- E. That Hon'able Supreme Court of Pakistan has also held in many cases that promotion quota will always to be made when the post was available for an officials in his quota and the official cannot be deprived from his rights merely because the concern department did not carry out the process of promotion, therefor not considering the appellant for promotion to the post of Superintendent (BPS-17 is clear violation of superior court judgments.
- F. That depriving the appellant from his legal right of promotions to the post of Superintendent (BPS-17) will suffer him a lot, both in future promotion chances as well as monetary benefits in the shape of pension and gratuities.
- G. That the appellant has not been treated according to law and rules and has been kept deprived from his genuine right of promotion in an arbitrary manner.
- H. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Ishtiaq Ahmad

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&
(ASAD MEHMOOD)
ADVOCATE HIGH COURT



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION AND WOMEN EMPOWERMENT DEPARTMENT

NOTIFICATION

Peshawar, dated the September, 25th 2019

No: SOH/SWD/II-12/Service Rules/2019-20: 320-52 In pursuance to the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf, the Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to all the posts in the strength of Directorate of Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa (Social Welfare Side) specified in column 2 of the said Appendix:

APPENDIX

S.No:	Nomenclature	Minimum qualification for initial recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-19)	---	---	By transfer of PCS/PMS/PAS Officer of the Provincial Government.
2	Deputy Director (BPS-18)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Social Welfare Officers, Managers, Rehabilitation Officers and Assistant Directors with at least five years service as such. Note: A joint seniority list of Social Welfare Officers, Managers, Rehabilitation Officers and Assistant Directors shall be maintained for the purpose of promotion.
3	Assistant Director (BPS-17)	At least Second Class Master's Degree or equivalent qualification from a recognized University.	21-35 years	(a) Thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendent with at least three years service as such and have qualification of graduation from a recognized University; and (b) Seventy per cent (70 %) by Initial recruitment.


ATTESTED

4	Manager (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Anthropology or equivalent qualification from a recognized University.	21-35 years	(a) Ten per cent (10 %) by promotion, on basis of seniority-cum-fitness, from amongst the Administrative Officers with at least three years services as such; and (b) ninety per cent (90 %) by initial recruitment.
5	Rehabilitation Officer (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Psychology, Anthropology or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
6	District Officer Social Welfare (BPS-17)	---	---	By transfer from-amongst-the officers in BPS-17 of Directorate of Social Welfare, Khyber Pakhtunkhwa, on social welfare side.
7	Social Welfare Officer (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Anthropology or equivalent qualification from a recognized University.	21-35 years	(a) Ten per cent (10 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Field Officers with at least five years service as such; and (b) ninety (90) % by initial recruitment.
8	Medical Officer (BPS-17)	---	---	By transfer from Health Department on deputation basis.
9	Psychologist (BPS-17)	---	---	By transfer from Health Department on deputation basis.
10	Superintendent (BPS-17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with at least five years service as such. Note:- A joint seniority list of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion.
11	Administrative Officer (BPS-17)	At least Second Class Master's Degree or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
12	Field Officer (BPS-16)	At least Second Class Master's Degree in Social Work, Sociology or Anthropology or equivalent qualification from a recognized University.	21-35 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Vocational Teachers with at least three years service as such.


ATTESTED

13	Senior Scale Stenographer (BPS-16)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five years service as such.
14	Assistant (BPS-16)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	20-32 years	(a) Forty per cent (40 %) by promotion, on the basis of seniority-cum fitness, from amongst the Instructors all Trades with at least five years service as such; (b) thirty five percent (35 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks and Accountants with at least five years service as such; and (c) twenty five per cent (25 %) by initial recruitment.
15	Computer Operator (BPS-16)	(i) At least Second Class Bachelor's Degree in Computer Science, Information Technology (BIT/BCS four years) or equivalent qualification from a recognized University; or (ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from the Board of Technical Education.	21-35 years	By initial recruitment.
16	I.T Teacher Female (BPS-16)	At least Second Class Bachelor's Degree in Computer Science, Information Technology (BIT/BCS four years) or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
17	Hostel Warden (BPS-15)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Hostel Wardens having at least five years service as such.
18	Instructor all Trades (BPS-14)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Instructors (Electrical), Instructors (Tailoring) and Instructors (Carpenter) with at least five years service as such. Note: A joint seniority list of Instructors (Electrical), Instructors, (Tailoring) and Instructors (Carpenter) shall be maintained for the purpose of promotion.

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19	Junior Scale Stenographer (BPS-14)	(i) At least Second Division Intermediate Certificate or equivalent qualification from a recognized Board; (ii) Fifty (50) words per minutes in English Short Hand and thirty (35) words per minutes in typing; and (iii) knowledge of Computer in using MS Word and MS Excel.	18-30 years	By initial recruitment.
20	Senior Clerk (BPS-14)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks with at least two years service as such.
21	Senior Vocational Teacher (BPS-12)	At least Second Division Secondary School Certificate from a recognized Board along-with three years Diploma in Women Vocational from the Board of Technical Education.	18-32 years	(a) Forty per cent (40 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Needle Craft Instructors with at least five years services as such; (b) five per cent (05 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Vocational Teachers with at least five years service as such; (c) five per cent (05 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Beautician Instructors with at least three years services as such; and (d) fifty per cent (50 %) by initial recruitment.
22	Assistant Hostel Warden (BPS-12)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Hostel Warden having three years service as such.
23	Pharmacy Technician (BPS-12)	---	---	By transfer from Health Department on deputation basis.
24	Orthotic and Prosthetic Technician (BPS-12)	---	---	By transfer from Health Department on deputation basis.
25	Lady Health Visitor (BPS-12)	---	---	By transfer from Health Department on deputation basis.


ATTESTED

26	Junior Clerk (BPS-11)	(i) FA / FSc with second division or equivalent qualification from a recognized board; and (ii) A speed of thirty (30) words per minute in typing	18-32 years	(a) Thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Daftaris, Naib Qasids, Chowkidars, Sweepers, Malis, Security Guards, Cooks and Attendants with two years service as such, who have passed FA / FSc Examination from a recognized Board; (b) thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Auxiliary Workers having at least three years service as such; (c) ten per cent (10 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Store Keepers having at least three years service as such; and (d) thirty per cent (30 %) by initial recruitment. Note: A joint seniority list of Daftaris, Naib Qasids, Chowkidars, Sweepers, Malis, Security Guards, Cooks and Attendants shall be maintained for the purpose of promotion.
27	Instructor (Electrical) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with one year Diploma in Electrical Technology from the Board of Technical Education or Secondary School Certificate from recognized Board with three years Diploma in Electrical Technology.	18-28 years	By initial recruitment.
28	Instructor (Tailoring) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with at least one year diploma in vocational skills from the Board of Technical Education with three years experience as Tailor.	18-28 years	By initial recruitment.
29	Instructor (Carpenter) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with one year diploma in relevant field from the Board of Technical Education with three years experience as Carpenter.	18-28 years	By initial recruitment.


ATTESTED

30	Beautician Instructor (Female) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board along-with two years Beautician Diploma from the Board of Technical Education.	18-28 years	By initial recruitment.
31	Welfare Teacher (BPS-10)	At least Second Division Intermediate Certificate from a recognized Board.	18-30 years	By initial recruitment.
32	Junior Vocational Teacher (BPS-10)	At least Second Division Secondary School Certificate from a recognized Board along-with three years Diploma in Women Vocational from the Board of Technical Education.	18-28 years	By initial recruitment.
33	Junior Hostel Warden (BPS-10)	At least Second Division Intermediate Certificate from a recognized Board having two years experience in the relevant field.	18-32 years	By initial recruitment.
34	Needle Craft Instructor (BPS-09)	At least Second Division Secondary School Certificate from a recognized Board with two years Certificate (G-2) in Vocational skills from the Board of Technical Education.	18-32 years	By initial recruitment.
35	Auxiliary Worker (BPS-07)	At least Second Division Secondary School Certificate or equivalent qualification from a recognized Board.	18-32 years	By initial recruitment.
36	Nurse Attendant (BPS-07)	At least Second Division Secondary School Certificate from a recognized Board.	18-28 years	By initial recruitment.
37	Store Keeper (BPS-07)	At least Second Division Secondary School Certificate from recognized Board with one year experience in the relevant field.	18-32 years	By initial recruitment.
38	Driver (BPS-06)	Holding LTV/HTV Driving License and preferably literate.	18-40 years	By initial recruitment.
39	Daftari (BPS-04)	---	---	By promotion, on the basis of seniority cum fitness, from amongst the holder of the post of matriculate Naib Qasids with at least three years service.

ATTESTED



091-9224253

ORDER.

Govt Khyber Pakhtunkhwa
Directorate Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

Dated Peshawar the 10/08/2020

No.E-17/17/DSW/Vol-6/1160-65 In pursuance of Section 8 (1)& 11(B) of Khyber Pakhtunkhwa Civil servants Act, 1973 read with Sub- Rule (b) & (4) of Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfers) Rules 1989 added Vide Notification No.SOR - VI(E&AD)1-3/2008 dated 19-11-2009 and decision made in the Re-Structuring Committee meeting held on 12-02-2020, Combined Final Seniority list of Office Assistant & Senior Scale Stenographer BPS-16, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa as stood on 31.03.2020 is circulated for information of all concerned.

S.#	Name of official	Father's Name	Desig:	Date of Birth	Domicile	Qualification	Date of 1 st appointment with post	Date of promotion present post	Present Posting
1	Mr. Syed Nabi Gul	Mr. Ghulam Nabi	S.S.S.G	15.5.1968	Charsadda	B.Com	29.08.1988	26.04.2011	DSW
2	Mr. Abid Muhammad	Mr. Gul Muhammad	O.A	16-07-1965	Peshawar	Matric	17-05-1984As a J/C 28-5-1996As a S/C	26-04-2011	DSW
3	Mr. Ikram Ullah Jan	Mr. Nasr Ullah Jan	S.S.S.G	15.3.1969	Peshawar	MA	02.11.1992 (Adjusted from SPP on (05.01.2002)	26.04.2011	DSW
4	Mr. Sardar Ali	Mr. Hayat Ullah	O.A	14-08-1966	Charsadda	F.A	17-05-1987As a J/C 31-12-2004As a S/C	26-04-2011	GSDC yakatoot Peshawar
5	Mr. Ibrar-Ul-Haq	Mr. Anwar Ul Haq	O.A	26-02-1981	Charsadda	M.Sc	22-05-2014	22-05-2014	DSW
6	Mr. Said Akbar	Mr. Noor Zaman	O.A	25-03-1981	Malakand	MA	28-05-2014	28-05-2014	GSDC Charsadda
7	Mr. Murtaza Khan	Mr. Zerul Hassan	O.A	01-10-1961	Charsadda	FA	13-5-1984	27-09-2016	GIB (G) Peshawar
8	Mr. Rehmat Ullah	Mr. SherDul Aziz Khan	O.A	15-02-1963	Chitral	MA	06-11-1989 as O.A	12-01-2018 (Devolved)	SECSwat
9	Mr. Muhammad Sharif	Mr. Gulab Jan	O.A	16-03-1965	Karak	MA	01-07-1987 as UDC 20-11-1994 as O.A	12-01-2018 (Devolved)	SEC Kohat
10	Mr. Hidayat Ullah	Mr. Faiz Ullah Khan	O.A	12-01-1962	Lakki Marwat	MA	12-10-1986 as LDC & 01-07-1987 as UDC 07-11-1996 as O.A	12-01-2018 (Devolved)	SEC Peshawar
11	Mr. Abid Ali Shah	Mr. Abdullah Jan	O.A	23-11-1962	Peshawar	FA	14-09-1987 as UDC 07-11-1996 as O.A	12-01-2018 (Devoived)	SEC Peshawar
12	Mr. Munir Khan	Mr. Muqarrab Khan	O.A	15-01-1967	Abbottabad	FA	09-03-1988 as UDC 07-11-1996 as O.A	12-01-2018 (Devoived)	SEC Abbottabad

ATTESTED

13	Mr. Dawood Khan	Mr. Latif Khan	S.S.S.G	15-03-1964	Peshawar	D.Com	18-02-1984 as J/C and 01-11-1986 as J/S Steno 22-05-2000 as SSSG	12-01-2018 (Devolved)	SEC Peshawar
14	Mr. Ishtiaq Ahmad	Mr. Ghulam Muhammad	O.A	13-10-1973	Charsadda	MA	08-03-2006 as O.A	12-01-2018 (Devolved)	SEC Charsadda
15	Mr. Javed Iqbal Naseem	Mr. Hakim Gul	O.A	01-04-1967	Karak	Matric	01-07-1987 as LDC and 10-07-1991 as UDC 24-08-2006 as O.A	12-01-2018 (Devolved)	Hostel Peshawar
16	Mr. Muhammad Munir	Mr. Noor Ul Haq	O.A	15-07-1968	Charsadda	BA	30-04-1988 as UDC 07-05-2008 as O.A	12-01-2018 (Devolved)	SEC Charsadda
17	Syed Majid Ali Shah	Mr. Imtiaz Ali Shah	O.A	15-04-1981	Mardan	MBA	01-07-2010 as O.A	12-01-2018 (Devolved)	SEC Mardan
18	Mr. Masih ullah	Mr. Rafiullah	O.A	10-02-1970	Charsadda	B.A	19-09-1991 As a J/C 26-03-2008 As a S/C	26.4.2011 on acting charge basis. 15-05-2018 on regular basis. A service appeal is under way claiming seniority from the date of assumption i.e. 26.4.2011 in the analogy of the Supreme Court orders duly implemented by the E&AD KP	DSW
19	Mr. Saeed Muhammad	Mr. Ahmad Khan	O.A	16-12-1968	Charsadda	Matric	28-09-1988 As a J/C 04-12-2008 As a S/C	26.4.2011 on acting charge basis. 15-05-2018 on regular basis.	DSW


ATTESTED

								<i>A service appeal is under way claiming seniority from the date assumption i.e.26.4.2011 in the analogy of the Supreme Court orders duly implemented by the E&AD KP</i>	
20	Mst. Noreen Nargis	Mr. Mustaqeem Khan	O.A	11-4-1977	Kohat	B.A	16-03-2018 Benazir Centre through Court	26-12-2019	Special Education centre Kohat
21	Mst. Huma Kawal	M. Farooq	O.A	24-04-1984	Abbottabad	BSc	16-03-2018 Benazir Centre through Court	26-12-2019	Directorate
22	Mst. Rabia jalal		O.A		Swat		16-03-2018 Benazir Centre through Court	26-12-2019	D.O Swat

Sd/---Director
(SW, SE & WE)

1. The Section Officer-General, SW, SE & WE, Khyber Pakhtunkhwa.
2. The Assistant Director (Admn) (Lit) (Estab-I) & (B&A) Directorate of SW, SE & WE Khyber Pakhtunkhwa.
3. Deputy Director, Special Education Complex Abbottabad, Charsadda, Kohat, Mardan, Peshawar & Swat.
4. District Officer, Social Welfare, Peshawar, Charsadda, Swat, Mardan, Kohat
5. Incharge, Special Education Institutions concerned.
6. Official concerned.

ATTESTED


Deputy Director
(Administration)

 6 (13)

VACANT POSTS DETAIL FROM PAYROLL OF APRIL 2020

	TYPE-II	DDOCode	DDODescription	Designation	BPS	SanctionPosts	FilledPosts	Vacant
EMENT	SETTLEMENT PROVINCIAL	PR4359	PR4359 Social Welfare Provincial	SUPERINTENDENT	17	3	1	2
EMENT	SETTLEMENT DISTRICT	AD6129	AD6129 Special Education Centre Abbottabad	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	AD6163	AD6163 District Officer Social Welfare Abbottabad	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	BD6249	BD6249 Establishment of Welfare Home Buner	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	BU6290	BU6290 Welfare Home Bannu	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	CA6275	CA6275 Welfare Home for Destitue Children, Charsadda	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	DA6154	DA6154 District Officer Social Welfare Dir Lower	SUPERINTENDENT	17	2	0	2
EMENT	SETTLEMENT DISTRICT	DI6139	DI6139 Social Welfare Officer U C D Project D I Khan	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	DI6246	DI6246 Special Education Centre D I Khan	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	HG6167	HG6167 Establishment of Welfare Home Hangu	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	HR6200	District Officer Social Welfare Haripur	SUPERINTENDENT	17	0	0	0
EMENT	SETTLEMENT DISTRICT	HR6363	HR6363:DARUL AMAN HARIPUR	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	KT6108	KT6108 Welfare Home Kohat	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	LK6081	LK6081 District Officer Social Welfare Lakki Marwat	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	MA6359	MA6359 Establishment of Darul Aman Mansehra	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	MD6144	MD6144 Welfare Home Female Malakand	SUPERINTENDENT	17	2	0	2
EMENT	SETTLEMENT DISTRICT	MD6211	MD6211 Establishment of GIB Malakand	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	MR6163	MR6163 Govt Institute for Blind Mardan	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	MR6251	MR6251 Darul Aman Mardan	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	MR6327	MR6327 Darul Kafal Mardan	SUPERINTENDENT	17	1	0	1


ATTESTED

14

SETTLEMENT	SETTLEMENT DISTRICT	NR6148	NR6148 Superintendand Welfare Home Nowshera Nowshera	SUPERINTENDENT	17	1	0	1
SETTLEMENT	SETTLEMENT DISTRICT	PW6144	PW6144 Gov,t Institute for Blind (M) Peshawar	SUPERINTENDENT	17	1	1	0
SETTLEMENT	SETTLEMENT DISTRICT	PW6148	PW6148 Special Education Centre Peshawar	SUPERINTENDENT	17	1	1	0
SETTLEMENT	SETTLEMENT DISTRICT	PW6165	PW6165 Welfare Home Peshawar	SUPERINTENDENT	17	1	0	1
SETTLEMENT	SETTLEMENT DISTRICT	PW6259	PW6259 Superintendent Welfare Home for Children Beggars at Peshawar	SUPERINTENDENT	17	1	0	1
SETTLEMENT	SETTLEMENT DISTRICT	SU6136	SU6136 Special Education Centre Swabi	SUPERINTENDENT	17	1	1	0
SETTLEMENT	SETTLEMENT DISTRICT	SU6320	SU6320 Establishment of Welfare Home Swabi	SUPERINTENDENT	17	1	0	1
SETTLEMENT	SETTLEMENT DISTRICT	SW6197	SW6197 Special Education Centre Swat	SUPERINTENDENT	17	1	0	1
SETTLEMENT	SETTLEMENT DISTRICT	SW6281	SW6281 Darul Aman Swat	SUPERINTENDENT	17	1	1	0
SETTLEMENT	SETTLEMENT DISTRICT	SW6328	SW6328 Darul Kafal Swat	SUPERINTENDENT	17	1	0	1
			Grand Total			33	11	22


ATTESTED

D (15)

To

The Director
Social Welfare, Special Education & Women Empowerment
Khyber Pukhtunkhwa.

Subject: APPEAL /APPLICATION FOR PROMOTION AS SUPERINTENDENT BPS-17

Sir,

Respectfully it is stated that according to Serial No.10 of the Service Rules notified vide Notification No SOII/SWD/11-12/Service Rules/2019-20/320-52 dated September 25, 2019(Copy enclosed) the post of Superintendent BPS-17 is to be filled as under

"By promotion, on the basis of Seniority- cum-fitness, from amongst the Assistant and Senior Scale Stenographer with at least Five years service as such"

Note:- a joint seniority list of assistants and senior scale stenographer shall be maintained for the purpose of promotion.

Currently there are more than **22** posts of superintendent BPS-17 lying vacant in Directorate of Social welfare, Special Education & Women Empowerment, Welfare Homes & Government Institute for Blind since long.

According to the Seniority list issued vide No. E-17/17/DSW/Vol-6/1160-65 dated 10/08/2020 (Copy Enclosed), a number of incumbents of the posts of office assistant & Senior Scale Stenographer BPS-16 are eligible for promotion as per rules mentioned above.

Therefore it is earnestly requested that the promotion case may be forwarded to quarter concerned for consideration & oblige please.

Yours Faithfully





Ishtiaq Ahmad
Office Assistant B-16
BKWVC, Charsadda

Better Copy (15)

To

The Director
Social welfare special Education & Women Empowerment
Khyber Pakhtunkhwa.

Subject: **APPEAL/APPLICATION FOR PROMOTION AS SUPERINTENDENT BPS-17**

Sir,

Respectively it is stated that according to Serial No.10 of the Service Rules, Notified vide Notification No. **SOII/SWD/11-12/Service Rules/2019-20/320-52 dated September 25, 2019 (copy enclosed)** the post of Superintendent PS-17 is to be filled as under:

“By promotion on the basis of seniority-cum –fitness, from amongst the Assistant and Senior Scale Stenographer with at least Five year service as such”

Note:- a joint seniority list of assistant and senior scale stenographer shall be maintained for the purpose of promotion.

Currently there are more than 22 posts of superintendents BPS-17 lying vacant in Directorate of Social Welfare, Special Education & Women Empowerment, Welfare Homes & Government Institute for blind since long.

According to seniority list issued Vide No. **E-17/17//DSW/Vol-6/1160-65 dated 10/08/2020 (Copy Enclosed)**, a number of incumbents of the posts of Office Assistant & Senior Scale Stenographer BPS-16 are eligible for promotion as per rules mentioned above.

Therefore it is earnestly requested that the promotion case may be forwarded to quarter concerned for consideration & oblige please.

Yours Faithfully



Ishtiaq Ahmad
Office Assistant B-16
BKWVC, Charsadda.

GOVERNMENT OF KHYBERPAKHTUNKHWA
Social Welfare Special Education and Women Empowerment
Takht Bhai Road Near Hashtnagar Flour Mill Charsadda

16

DO/SW/CHD 3143

Date: Charsadda the 10/10/2020

The Director
Social Welfare Special Education & Women Empowerment
Khyber Pakhtunkhwa Peshawar

Subject: REQUEST / APPEAL FOR PROMOTION

Enclosed please find herewith a self explanatory letter bearing NO. Nil dated 08-10-2020 received from below named Assistants with the request for promotion, as per notified service rules. All the relevant documents attached herewith in respect of the following officials of District Charsadda Please

1. Mr. Ibrarul Haq Assistant (B-16) Special Edu. Centre (VHC), Charsadda
2. Mr. Ishtiaq Ahmad Assistant (B-16) Sacha Khan Vocational Centre Charsadda
3. Mr. Muhammad Muna Assistant (B-16) School for Deaf & Blind Charsadda
4. Mr. Said Akbar Assistant (B-16) School for Deaf & Blind Charsadda

10/10/2020
DISTRICT OFFICER
Social Welfare Department
Charsadda

[Handwritten signature]

Better copy (16)

GOVERNMENT OF KHYBER PAKHTUNKHWA
Social Welfare Special Education and Women Empowerment
Takht Bhai Road Near Hashtnagar Flour Mill Charsadda

DO/SW/CHD 2143

District Charsadda the /08/10/2020

To

The Director,
Social Welfare Special Education & Women Empowerment
Khyber Pakhtunkhwa Peshawar.

Subject: **REQUEST/APEAL FOR PROMOTION**

Enclosed please find herewith a self explanatory letter bearing No. nil dated 08-10-2020 received from below named Assistant with request for promotion as per notified rules. All the relevant documents are attached herewith in respect of the following officials of District Charsadda for further n-a please.

1. Mr. Ibraul haq Assistant (B-16) Special Edu: Centre for VHC Charsadda.
2. Mr. Ishtiaq Ahmad Assistant (B-16) Bacha Khan Vocational Centre Charsadda.
3. Mr. Muhammad Munir Assistant (B-16) Scholl for MR & PH Charsadda.
4. Mr. Said Akbar Assistant (B-16) Scholl for Deaf & Dumb Children Charsadda.

District Officer
Social Welfare Department
Charsadda.

A

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Ishfaq Ahmad

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Secretary Zakat, Usher Social Welfare

(Respondent)
(Defendant)

I/We, _____

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

Ishfaq Ahmad
(CLIENT)

ACCEPTED

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3398/2021

Mr. Ishtiaq Ahmad, Assistant (BPS-16) Bacha Khan Vocational Centre,
Charsadda.....(APPELLANT)

VERSUS

1. The Secretary Zakat. Ushr, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
2. The Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Officer Social Welfare Department, Charsadda. **(RESPONDENTS)**

PARA-WISE COMMENTS/ REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. The appellant has got no cause of action and locus standi to file the instant service appeal.
2. The appeal is not maintainable in its present form.
3. The appeal is based on malafide intentions.
4. The appeal is against the prevailing laws & rules.

FACTS:

1. Pertains to record.
2. Correct.
3. Incorrect, hence denied. That the Department issued Seniority List of Office Assistants(BPS-16)& Senior Scale Stenographers(BPS-16) on 10-08-2020 with the remarks against the names of the officials at Serial No. 18 and 19 namely Mr. Masih Ullah (Assistant) and Mr. Saeed Muhammad(Assistant) which are reproduced below:

“The officials were promoted on acting charge basis on dated 26-03-2011 and were regularized on 15-05-2018”.

It is pertinent to mention here that the officials at Serial No. 18 and 19 namely, Masih Ullah and Mr. Saeed Muhammad were granted promotion on acting charge basis

in term of Rule 9 of Appointment, Promotion & Transfer Rules, 1989 on 26-03-2011 on the basis of the Seniority issued vide Notification No. E-17/17/DSW/KC/161-72, dated the 19-02-2013 (**Annex-I**). The Seniority List at **Annex-I** is indicative of the fact that the officials namely Mr. Masih Ullah and Mr. Saeed Muhammad were senior to the Appellant, as such, they were given promotion to the post of Office Assistant (BS-16) on acting charge basis due to deficit of 02 year in the prescribed length of service for promotion to the post of Office Assistant. They completed their prescribed length of service of 05 year for regular promotion to the post of Office Assistant on 26-03-2013 and 04-12-2013 respectively. However they could not be regularly promoted rather other officials junior to them were given regular promotion. The said two officials were given regular promotion on 15-08-2018 and were placed junior to the appellant in disregard to Rule 17 of the Appointment, Promotion & Transfer Rules 1989 (**Annex-II**). It is worth to narrate here that as per the judgment of Service Tribunal dated 13-03-2009 in Service Appeal No. 612/2008, it has been held that promotion on acting charge basis shall be deemed to be promoted on regular basis with effect from the date of charge assumption of the post on acting charge (**Annex-III**).

In light of the above mention judgment and Rule 17 of the APT Rules 1989, Departmental Promotion Committee revived its earlier decision/recommendation and inter se seniority of both the officials was restored to them vide order at (**Annex-IV**). Resultantly Mr. Masih Ullah and Mr. Saeed Muhammad were placed at Serial No. 5 & 6 and thus the appellant stood at Serial No.16 instead of Serial No.14 of the seniority list in terms of Section 8 of Civil Servant Act 1973, read with Rule 17 of the APT Rules 1989.

As far as the twenty-two (22) numbers of sanctioned posts of Superintendent (BPS-17) and its filling procedure are concerned, five (05) posts are of Office Superintendent (BPS-17) and has to be filled by promotion from amongst the holders of the posts of Assistant (BPS-16) and Senior Scale Stenographer (BPS-16) for which purpose a joint seniority list of both the cadres shall be maintained (**Annex-V**).

Nevertheless, these posts are already filled & the appellant is at Serial No. Sixteen (16) of the Seniority list and will be promoted on his own turn. The remaining seventeen (17) posts of Superintendent (BPS-17) are of Head of various institutes and were merged with the posts of Manager (BPS-17) & method of recruitment of said posts is Ten percent (10%) on basis of Seniority cum fitness from amongst the Administrative Officers with at least three years' service and ninety percent (90%) by initial recruitment (Annex-VI).

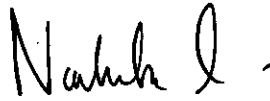
4. Correct to the extent that the appellant has submitted appeal but could not be considered due to the reasons explained in the above Paras.
5. No Comments.

GROUND:

- A. Incorrect, hence denied. That the total sanctioned posts of Office Superintendent (BPS-17) are five (05) which have already been filled, whereas the appellant is at Serial No. 16 of the Seniority List and will be promoted on his own turn on the basis of set rules. Due to this reason the Departmental Appeal was not entertained.
- B. Incorrect, hence denied. As explained above that in the existing sanctioned posts of Office Superintendent (BS-17), the appellant could not be promoted as all the posts have been filled on the basis of existing Service Rules.
- C. Incorrect hence denied. The factual position has been explained in above paras.
- D. Incorrect, hence denied. There are only five (05) posts of Office Superintendent (BS-17) and in the existing strength the appellant cannot be promoted at this stage.
- E. Correct to the extent of the August Supreme Court of Pakistan Judgments but at present there is no vacancy for the appellant to be promoted and he may wait for his turn.
- F. Incorrect, hence denied. The position has been explained in the preceding paras.
- G. Incorrect, hence denied. The Respondents are the custodian of rules and regulation meant for civil servants.

H. Respondents seek permission to advance other grounds during arguments.

It is therefore humbly prayed on the acceptance of the respondents reply, the appeal may kindly be dismissed at the cost of appellant.



SECRETARY TO
Govt. of Khyber Pakhtunkhwa
for Social Welfare, Special
Education & Women
Empowerment Peshawar
(Respondent No.1)



DIRECTOR
Social Welfare, Special
Education & Women
Empowerment Peshawar
(Respondent No.2)



District Officer, Social
Welfare Department,
Charsadda.

(Respondent No 3)

Amee I

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF SOCIAL WELFARE, SPL: EDU: &
WOMEN EMPOWERMENT, JAMRUD ROAD PESHAWAR

Dated Peshawar the 19/2/2013

NOTIFICATION.

161-72

E-17/17/DSW/KC/

In pursuance of Section 8 (1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfers) Rules 1989, final seniority list of Office Assistants (BPS-14) Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, as it stood on 31-12-2012 is hereby notified for the information of all concerned.

FINAL SENIORITY LIST OF OFFICE ASSISTANTS (BPS-14) SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT, KHYBER PAKHTUNKHWA. AS IT STOOD ON 31-12-2012.

S. No.	Name of official	Father's Name	Designation	Qualification	Domicile	Date of Birth	Date of 1 st entry into Government Service	Present appointment with date	Present BPS	Remarks
1	Mr. Qalar Khan	Mr. Jalandar Khan	Office Assistant	Matric	Dir (Lower)	01-01-1958	30-07-1977	01-08-2007	14	Presently posted as Assistant (BPS-14) at S.S.M.C, THQ, Chakdara, Dir (Lower).
2 ✓	Mr. Noor Rehman	Mr. Fazal Rehman	Office Assistant	Matric	Charsadda	12-4-1964	26-02-1984 ✓	25-03-2008	14 ✓	
3 ✓	Mr. Muhammad Umar	Mr. Ameer Nawas	Office Assistant	B.A.	Charsadda	10-10-1960	25-05-1982 ✓	26-04-2011	14 ✓	
4	Mr. Abid Muhammad	Mr. Gul Muhammad	Office Assistant	Matric	Peshawar	16-07-1965	17-05-1984	30-04-2011	14	
5	Mr. Sardar Ali	Mr. Hayatullah	Office Assistant	F.A.	Charsadda	14-08-1966	17-05-1987	26-04-2011	14	
6	Mr. Masihullah	Mr. Rafiullah	Office Assistant	F.A.	Charsadda	10-02-1970	19-09-1991	26-04-2011	14	Promoted on acting charge basis

7

2

Mr. Sneed Muhammad	Mr. Ahmad Khan	Office Assistant	Matric	Charsadda	16-12-1968	28-09-1988	26-04-2011	14	Promoted on acting charge basis
Mr. Ayub Khan	Mr. Abdul Karim	Office Assistant	Matric	Peshawar	20-02-1959	01-07-1979	26-04-2011	14	The official was transferred from District Office Social Welfare City District Government Peshawar to Directorate of Social Welfare, Spl: Edu: & Women Emp. KPK (Provincial level). He has opted to retain his seniority in Directorate. The seniority position will stand at the bottom of seniority list.

Sd/-
 Director
 Social Welfare, Spl: Edu: & WE
 Khyber Pakhtunkhwa

Copy to:-

1. The Section Officer-II, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
2. The District Officer, Social Welfare Department, Dir (Lower).
3. The Social Welfare Officer, T.H.Q, Hospital, Chakdara, Dir (Lower).
4. P.A to Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
5. The officials concerned.

[Signature]
 Assistant Director (Estt.)
 Social Welfare, Spl: Edu: & WE
 Khyber Pakhtunkhwa

8

Annex II

Khyber Pakhtunkhwa

ESTA CODE

With

Services Laws

[Up-to-date with all Amendments]

Edition, 2018

Law Publishers & Book Seller
Urdu Bazar, Lahore

22 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis ¹;

Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²{three years}.

³[(2)]

(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 pay 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 organisation, 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 ⁴[in various pay scales] shall be made--

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

1. Full stop at the end of rule 9(1) replaced by colon and proviso added by Notification No. SOR(S&GAD)4-1/80(V.II), dated 20-10-1993.
2. Subs. for the word: "one year" by Notification No. SORI(S&GAD)4-1/80(Vol.III), dated 14-03-1996.
3. Deleted by Notif. No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011. At the time of deletion the said sub-rule (2) of Rule 9 was as under:
(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.
4. The words "in Basic Pay scale 16 to 21" substituted by Notif. No. SORI(S&GAD)117/91(C), dated 12-10-1993

ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 21

[(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following the order:

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion.]

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 bonafide resident of the Khyber Pakhtunkhwa;
- (v) a vacancy exists to accommodate the request of 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.

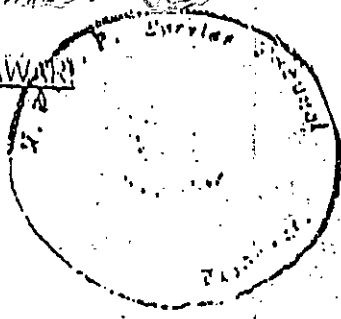
(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-a-viz other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of 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

1. Sub-rule (5) of Rule 7 added by Notif. No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 22-10-2011



Appeal No. 612/2008

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

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

VERSUS

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

ATTESTED
BY CLERK

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. BISMILAH 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 promoted to (DPS-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

2

(12)

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 the 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:-

ATTESTED
BY A MEMBER

"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."

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

33

(13)

...ments cited as 1990 SCMR 1321 and cited as 1997 PLC (C.S) 77 are in 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

ALISTED
EXAMINER
NWFP

(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.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 text of the N.W.F.P Provincial Management Service Rules, 2007

TESTED
 MEMBER
 Public Tribunal

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(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 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.

9 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) Rule, 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 right on the basis of acting charged appointment. They, however, had a vested rights, 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.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. The submitted that the promotion orders were covered by the new rules, therefore, the a appellants could not clarify this, controversy, it is necessary to reproduce the the N.W.F.P Provincial Management Service Rules 2007,

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 anticipation 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.

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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 Groups) Rules, 1997. It was also clarify 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 Groups, 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 Groups) 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 post in Secretariat/ Groups /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 N.W.F.P Provincial Management Service Rule, 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 unnecessary 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 charge of that vacancy on officiating/acting charge basis, whichever is later

2. 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 of India
Chairman
Ady. Biswajit Chak.
Member

By *[Signature]*
[Illegible text]

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of work *2400*
of fee *14*
of cost *14*
completion of work *10-4-09*
delivery of copy *10-4-09*

ESTA CODE [Establishment Code Khyber Pakhtunkhwa] 27

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period.]

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 Khyber Pakhtunkhwa Civil Servants Act, 1973.

**PART-VI
SENIORITY**

17. Seniority.---(1) The seniority inter se of civil servants [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 [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 dates 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 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 incompleteness of 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.

1. Substituted for the words "appointment to post in the same Basic Pay Scale in a cadre" by Notification No. SORJ(S&GAD)4-1/80, dated 17-05-1983.
 2. Inserted by Notification No. SORJ(S&GAD)4-1/80(V.II), dated 04-02-1996.



(20) Annex - V

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION AND WOMEN EMPOWERMENT DEPARTMENT

NOTIFICATION

Peshawar, dated the September, 25th 2019.

No: SOI/SWD/II-12/Service Rules/2019-20: 320-52 In pursuance to the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf, the Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to all the posts in the strength of Directorate of Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa (Social Welfare Side) specified in column 2 of the said Appendix:

APPENDIX

S.No:	Nomenclature	Minimum qualification for initial recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-19)	---	---	By transfer of PCS/PMS/PAS Officer of the Provincial Government.
2	Deputy Director (BPS-18)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Social Welfare Officers, Managers, Rehabilitation Officers and Assistant Directors with at least five years service as such. Note: A joint seniority list of Social Welfare Officers, Managers, Rehabilitation Officers and Assistant Directors shall be maintained for the purpose of promotion.
3	Assistant Director (BPS-17)	At least Second Class Master's Degree or equivalent qualification from a recognized University.	21-35 years	(a) Thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendent with at least three years service as such and have qualification of graduation from a recognized University; and (b) Seventy per cent (70 %) by Initial recruitment.

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Director of Social Welfare
Dairy No. 40023
Date: 30-09-19

4	Manager (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Anthropology or equivalent qualification from a recognized University.	21-35 years	(a) Ten per cent (10 %) by promotion, on basis of seniority-cum-fitness, from amongst the Administrative Officers with at least three years services as such; and (b) ninety per cent (90 %) by initial recruitment.
5	Rehabilitation Officer (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Psychology, Anthropology or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
6	District Officer Social Welfare (BPS-17)	---	---	By transfer from amongst the officers in BPS-17 of Directorate of Social Welfare, Khyber Pakhtunkhwa, on social welfare side.
7	Social Welfare Officer (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Anthropology or equivalent qualification from a recognized University.	21-35 years	(a) Ten per cent (10 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Field Officers with at least five years service as such; and (b) ninety (90) % by initial recruitment.
8	Medical Officer (BPS-17)	---	---	By transfer from Health Department on deputation basis.
9	Psychologist (BPS-17)	---	---	By transfer from Health Department on deputation basis.
10	Superintendent (BPS-17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with at least five years service as such. Note:-A joint seniority list of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion.
11	Administrative Officer (BPS-17)	At least Second Class Master's Degree or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
12	Field Officer (BPS-16)	At least Second Class Master's Degree in Social Work, Sociology or Anthropology or equivalent qualification from a recognized University.	21-35 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Vocational Teachers with at least three years service as such.

13	Senior Scale Stenographer (BPS-16)	---	---	By promotion, on the basis of seniority-cum-fitness amongst the Junior Scale Stenographers with at least service as such.
14	Assistant (BPS-16)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	20-32 years	(a) Forty per cent (40 %) by promotion, on the seniority-cum fitness, from amongst the Inst Trades with at least five years service as such; (b) thirty five percent (35 %) by promotion, on the seniority-cum-fitness, from amongst the Sen and Accountants with at least five years service and (c) twenty five per cent (25 %) by initial recruitment
15	Computer Operator (BPS-16)	(i) At least Second Class Bachelor's Degree in Computer Science, Information Technology (BIT/BCS four years) or equivalent qualification from a recognized University; or (ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from the Board of Technical Education.	21-35 years	By initial recruitment.
16	I.T Teacher Female (BPS-16)	At least Second Class Bachelor's Degree in Computer Science, Information Technology (BIT/BCS four years) or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
17	Hostel Warden (BPS-15)	---	---	By promotion, on the basis of seniority-cum-fitness, amongst the Assistant Hostel Wardens having at least service as such.
18	Instructor all Trades (BPS-14)	---	---	By promotion, on the basis of seniority-cum-fitness amongst the Instructors (Electrical), Instructors (Tailors), Instructors (Carpenter) with at least five years service Note: A joint seniority list of Instructors (Electrical), Instructors (Tailoring) and Instructors (Carpenter) maintained for the purpose of promotion.

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19	Junior Scale Stenographer (BPS-14)	(i) At least Second Division Intermediate Certificate or equivalent qualification from a recognized Board; (ii) Fifty (50) words per minutes in English Short Hand and thirty (35) words per minutes in typing; and (iii) knowledge of Computer in using MS Word and MS Excel.	18-30 years	By initial recruitment.
20	Senior Clerk (BPS-14)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks with at least two years service as such.
21	Senior Vocational Teacher (BPS-12)	At least Second Division Secondary School Certificate from a recognized Board along-with three years Diploma in Women Vocational from the Board of Technical Education.	18-32 years	(a) Forty per cent (40 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Needle Craft Instructors with at least five years services as such; (b) five per cent (05 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Vocational Teachers with at least five years service as such; (c) five per cent (05 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Beautician Instructors with at least three years services as such; and (d) fifty per cent (50 %) by initial recruitment.
22	Assistant Hostel Warden (BPS-12)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Hostel Warden having three years service as such.
23	Pharmacy Technician (BPS-12)	---	---	By transfer from Health Department on deputation basis.
24	Orthotic and Prosthetic Technician (BPS-12)	---	---	By transfer from Health Department on deputation basis.
25	Lady Health Visitor (BPS-12)	---	---	By transfer from Health Department on deputation basis.

26	Junior Clerk (BPS-11)	<p>(i) FA / FSc with second division or equivalent qualification from a recognized board; and</p> <p>(ii) A speed of thirty (30) words per minute in typing.</p>	18-32 years	<p>(a) Thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Daftaris, Naib Qasids, Chowkidars, Sweepers, Malis, Security Guards, Cooks and Attendants with two years service as such, who have passed FA / FSc Examination from a recognized Board;</p> <p>(b) thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Auxiliary Workers having at least three years service as such;</p> <p>(c) ten per cent (10 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Store Keepers having at least three years service as such; and</p> <p>(d) thirty per cent (30 %) by initial recruitment.</p> <p>Note: A joint seniority list of Daftaris, Naib Qasids, Chowkidars, Sweepers, Malis, Security Guards, Cooks and Attendants shall be maintained for the purpose of promotion.</p>
27	Instructor (Electrical) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with one year Diploma in Electrical Technology from the Board of Technical Education or Secondary School Certificate from recognized Board with three years Diploma in Electrical Technology.	18-28 years	By initial recruitment.
28	Instructor (Tailoring) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with at least one year diploma in vocational skills from the Board of Technical Education with three years experience as Tailor.	18-28 years	By initial recruitment.
29	Instructor (Carpenter) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with one year diploma in relevant field from the Board of Technical Education with three years experience as Carpenter.	18-28 years	By initial recruitment.

30	Beautician Instructor (Female) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board along-with two years Beautician Diploma from the Board of Technical Education.	18-28 years	By initial recruitment.
31	Welfare Teacher (BPS-10)	At least Second Division Intermediate Certificate from a recognized Board.	18-30 years	By initial recruitment.
32	Junior Vocational Teacher (BPS-10)	At least Second Division Secondary School Certificate from a recognized Board along-with three years Diploma in Women Vocational from the Board of Technical Education.	18-28 years	By initial recruitment.
33	Junior Hostel Warden (BPS-10)	At least Second Division Intermediate Certificate from a recognized Board having two years experience in the relevant field.	18-32 years	By initial recruitment.
34	Needle Craft Instructor (BPS-09)	At least Second Division Secondary School Certificate from a recognized Board with two years Certificate (G-2) in Vocational skills from the Board of Technical Education.	18-32 years	By initial recruitment.
35	Auxiliary Worker (BPS-07)	At least Second Division Secondary School Certificate or equivalent qualification from a recognized Board.	18-32 years	By initial recruitment.
36	Nurse Attendant (BPS-07)	At least Second Division Secondary School Certificate from a recognized Board.	18-28 years	By initial recruitment.
37	Store Keeper (BPS-07)	At least Second Division Secondary School Certificate from recognized Board with one year experience in the relevant field.	18-32 years	By initial recruitment.
38	Driver (BPS-06)	Holding LTV/HTV Driving License and preferably literate.	18-40 years	By initial recruitment.
39	Daftari (BPS-04)	---	---	By promotion, on the basis of seniority cum fitness, from amongst the holder of the post of matriculate Naib Qasids with at least three years service.

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40	Naib Qasid (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.
41	Sweeper (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.
42	Chowkidar (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.
43	Mali (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.
44	Security Guard (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.
45	Cook (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.
46	Attendant (BPS-03)	Preferably literate.	18-40 years	By initial recruitment.

(26)

--Sd--

Secretary to Government of Khyber Pakhtunkhwa
Social Welfare, Special Education &
Women Empowerment Department

1. of Even No & Date:

Forwarded for information and further necessary action to the:

Secretary to Government of Khyber Pakhtunkhwa, Establishment & Administration, Finance and Law Departments.

Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar.

Accountant General Khyber Pakhtunkhwa Peshawar.

Director Social Welfare, Special Education & Women Empowerment Khyber Pakhtunkhwa.

Manager Government Printing Press Khyber Pakhtunkhwa, Peshawar for publication in the office gazette.

All District Account Officer Khyber Pakhtunkhwa.

IPS to Governor Khyber Pakhtunkhwa Peshawar.

IPS to Chief Minister Khyber Pakhtunkhwa, Peshawar.

IPS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.

IPS to Secretary Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa Peshawar.


Section Officer-II

27

Government of NWFP
Zakat, Ushr, Social Welfare & Women
Development Department

Dated Peshawar the September 21, 2006

NOTIFICATION:

NO.SOH (SW) II-12/99/. In pursuance of the provision contained in sub-rule (2) of rule 3 of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and in supersession of Services & General Administration, Tourism and Sport Department, Government of NWFP Notification No. SOR-II (S&GAD) 2-6/78 dated 01-2-1981 the Zakat, Ushr, Social Welfare & Women Dev: Department NWFP in consultation with Establishment and Finance Departments NWFP hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 7 of Appendix to this Notification which will be applicable to the posts in the Directorate of Social Welfare and Women Dev: NWFP.

Secretary to Govt: of NWFP
Zakat, Ushr, Social Welfare
& Women Dev: Department

Endt: NO.SOH (SW) II-12/99/

Dated Peshawar the September 21, 2006

Copy is forwarded to:-

1. All Administrative Secretaries to Govt: of NWFP.
2. All Heads of the Attached Departments.
3. All Dist: Coordination Officers in NWFP.
4. Director, Social Welfare and Women Dev: NWFP Peshawar.
5. Manager, Printing Press, NWFP Peshawar for information and publication in the officers gazette.
6. Secretary to Chief Minister, NWFP.
7. PS to Chief Secretary, NWFP.
8. PS to Secretary, Zakat, Ushr, Social Welfare & Women Dev: Dep: NWFP.

AD (A)
in file
21/9

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91-9-06

*Pl examine. Do the following and other usefuls:
1) Send copy of promotion to officer ranks to AD. Also forward them request to NWFP P.S.C.
as copy of promotion in level.*

(Ifta Khan Khattak)
Section Officer-

METHOD OF APPOINTMENT/QUALIFICATION AND OTHER CONDITIONS APPLICABLE TO POSTS IN SOCIAL WELFARE DEPARTMENT IN NWFP.

APPENDIX

Serial No	Nomenclature of Post	Minimum Qualification for Appointment by		Age for initial recruitment		Method of recruitment
		Initial recruitment	Promotion	Minimum	Maximum	
1.	Director BPS-18					By promotion on the basis of seniority-cum-fitness from amongst the holders of posts of Assistant Directors and Superintendents Institutions, with at least 5 years service as such and if no suitable Assistant Director/Superintendent of Institution is available for promotion then by transfer from any other Government Department.
2.	Assistant Directors/Manager B-17					By transfer from amongst holder of the post Social Welfare Officer B-17
3.	Superintendent Welfare Home BPS-17					By promotion on the basis of seniority cum fitness amongst the holder of post of Supervisor / Field Officer / Social Case Worker B-16/Office Superintendent BPS-16 with at least 5 years service as such.
4.	Planning officer B-17	Master Degree in Economics or Statistics / MBA or MPA from a recognized University		21 years	32 years	By Initial recruitment
5.	Social Welfare Officer B-17	Master Degree in Social Work / Sociology or Anthropology from a recognized University		21 years	32 years	i) 80 % by Initial Recruitment ii) 20 % by promotion from amongst holder of the post Field officer / Supervisor B-16 and Social case Worker B-16 with at least 5 years service as such

6.	Field Officer / Supervisor B-16	Master Degree in Social Work Sociology or Anthropology from a recognized University		21 years	32 years	By Initial Recruitment
7.	Office Superintendent, B-16					By promotion on the basis of seniority-cum-fitness amongst the holder of post of Assistants and Senior Scale Stenographer in the Directorate with at least 5 years service as such. Note:- A common seniority list of Assistants and Senior Scale Stenographer for the purpose of promotion to the post of Superintendent shall be maintain on the basis of their regular continuous appointment to the respective posts.
8.	Social Case Worker B-16	Master Degree in Social Work Sociology or Anthropology from a recognized University		21 years	32 years	By Initial recruitment
9.	Stenographer, B-15					By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Steno typist with at least 5 years service as such.
10.	Key Punch Operator B-12	Bachelor Degree in Computer Science from a recognized University		18 years	28 years	By Initial recruitment

11	Junior Scale Stenographer B-12	FA with 50 words per minutes in English Short Hand and 35 words per minutes in typing and Computer Knowledge		18 years	28 years	By Initial Recruitment
12	Assistant B-11	Bachelor Degree from a recognized University		18 years	28 years	a) 25 % by Initial Recruitment b) 75 % by promotion on the basis of Seniority come fitness from the holders of the post of Senior Clerk with at least 5 years service as such
13	Investigator B-11	Bachelor Degree from a recognized University with statistics/Sociology/Social Work as one of the subject.		18 years	28 years	By initial recruitment.

WORKSHOP TECHNICIANS

14	Fitter B-11	a).F.A or FSc or Poly Technique Mechanic . b) Diploma/Certificate from a recognized Orthopedic Workshop.		18 years	28 years	By initial recruitment.
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15	Metal Mechanic-(B-11)	a).F.A or FSc or Poly Technique Mechanic . b) Diploma/Certificate from a recognized Orthopedic Workshop.		18 years	20 years	By initial recruitment.
16	Brace Maker-(B-11)	a).F.A or FSc or Poly Technique (Mechanic . b) Diploma/Certificate from a recognized Orthopedic Workshop		18 years	28 years	By initial recruitment.
17	Electrician, (B-11).	a).F.A or FSc or Poly Technique Mechanic . b) Diploma/Certificate from a recognized Orthopedic Workshop		18 years	28 years	By initial recruitment.
18	Blacksmith, (B-11)	(a) Middle. (b) Certificate from a recognized Orthopedic Workshop.		18 years	28 years	By initial recruitment.
19	Polisher,(B-11)-	(b)Middle. (b)Certificate from a recognized Orthopedic Workshop.		18 years	28 years	By initial recruitment.
20	Shoe Maker,(B-11).	(b)Middle. (b)Certificate from a recognized Orthopedic Workshop. -		18 years	28 years	By initial recruitment.

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21	Welder,(B-11).	(b)Middle. (b)Certificate from a recognized Orthopedic Workshop		18 years	28 years	By initial recruitment.
22	Hostel Superintendent B-9	FA / FSc with 2 years experience in the relevant field		18 years	28 years	By Initial Recruitment
23	Lady Health Visitor, B-9.	A) Matriculation or equivalent qualification from a recognized board. ; and B) Diploma from a recognized Public Health Institute/Qualified L.H.V from Nursing Council.	C)	18 years	28 years	By initial recruitment.
24	Inspector. B-9					By promotion on the basis of seniority-cum-fitness from amongst of the post of Auxiliary workers with at least 5 years service as such.
25	Instructor/Craft Instructor, B-8	a) Middle Standard from a recognized School; and b) Industrial diploma from a recognized Institute.	c)	18 years	28 years	By initial recruitment.
26	Senior Clerk, B-07					By promotion of the basis of seniority-cum-fitness from amongst the holder of the posts of Junior clerk with at least two years service as

27	Auxiliary Worker B-6	FA / FSc from a recognized Board	18 years	28 years	By Initial Recruitment
28	Junior Clerk, B-5.	Matric with Typing Speed 35 Words per Minute and Computer Knowledge	18 years	28 years	(a) 67 % by Initial recruitment. (b) 33 % by promotion from amongst the Matriculate Class IV employees holding the post of Daftari , Gasstetner Operator, Qasid/ Naib Qasid and others equalent post under 45 years of age with at least 2 years service as such.
29	Driver, B-04	Preferably literate.	18 years	40 years	By initial recruitment.
	Naib Qasid B-1	Preferably literate .	18 years	40 years	i) 80 % By initial Recruitment ii) 20 % by transfer from amongst the holder of the post of Chowkidar.
31	Chowkidar, B-1		18 years	40 years	By initial recruitment.
32	Mali, B-1		18 years	40 years	By initial recruitment.
33	Sweeper, B-1		18 years	40 years	By initial recruitment.

[Handwritten signature and stamp]