

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SA No. 1792/2023

1. Hakeem Jan (BPS-17), Report to SOG, Home and Tribal Affairs Department, Peshawar.

(APPELLANT)

V E R S U S

1. Government of Khyber Pakhtunkhwa through its Chief Secretary and others.

(RESPONDENTS)

I N D E X

S.#.	Particulars	Annexures	Pages
1.	Parawise comments	---	1-4
2.	Authority letter	---	5
3.	Affidavit	----	6
4.	Copy of order dated 27-12-2017	R-1	7
5.	Copy of minutes of the meeting.	R-2	8-9
6.	Copy of notification of personal upgradation of appellant	R-3	10
7.	Copy of order dated 08-04-2020	R-4	11
8.	Copy of withdrawn order dated 09-04-2021	R-5	12
9.	Copy of order dated 16-04-2020	R-6	13
10.	Copy of order and its withdrawal	R-7 & R-8	14-15
11.	Copy of order dated 16-05-2023	R-9	16
12.	Copy of order dated 18-05-2023	R-10	17
13.	Copy of judgment of the Hon'ble Peshawar High Court.	R-11	18-19
14.	Copy of notification regarding high level committee	R-12	20
15.	Copy of reply to the contempt petition	R-13	21-26
16.	Copy of order of the respondent No.4 dated 30-10-2023	R-14	27



(ASIF IQBAL)

Section Officer (Litigation-III)
Govt. of Khyber Pakhtunkhwa
Home & TA's Department
CNIC # 17101-1694802-7
Mobile # 0313-9813317

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

SA No. 1792/2023

1. Hakeem Jan (BPS-17), Report to SOG, Home and Tribal Affairs Department, Peshawar.

(APPELLANT)

V E R S U S

1. Government of Khyber Pakhtunkhwa through its Chief Secretary and others.

(RESPONDENTS)

**COMMENTS ON BEHALF OF RESPONDENTS NO. 1
(CHIEF SECRETARY, KHYBER PAKHTUNKHWA)
& RESPONDENT NO. 2 (ADDITIONAL CHIEF
SECRETARY HOME & TRIBAL AFFAIRS
DEPARTMENT.)**

Office of the Chief Secretary
Government of Khyber Pakhtunkhwa
Peshawar
Page No. 8767
Dated 1-11-23

**PRELIMINARY OBJECTIONS:
RESPECTFULLY SHEWETH:**

1. That this Hon'ble Tribunal with profound respect has got no jurisdiction to entertain and adjudicate upon the instant appeal.
2. That the appellant is estopped by his own words and conduct to file the instant appeal before this Hon'ble Tribunal.
3. That the appellant has got no locus standi to invoke the jurisdiction of this Hon'ble Tribunal.
4. That the appellant has concealed the entire material facts from this Hon'ble Tribunal.
5. That the appellant has not come to this Hon'ble Tribunal with clean hands. Therefore, he is not entitled for any relief from this Hon'ble Tribunal.
6. That the appellant has got no cause of action to file the instant appeal before this Hon'ble Tribunal.
7. That the appeal is not maintainable in its present form.
8. That the instant appeal is based on surmises and conjectures.
9. That the appellant is not aggrieved person by virtue of Section-4 of the Service Tribunal Act, 1974. Therefore, the appeal in hand may graciously be dismissed.
10. That the appellant has not preferred the Departmental Appeal to the Secretary Home, Khyber Pakhtunkhwa which he referred in his appeal neither the appellant has any proof of it to justify his stance nor any diary number of the Home Department is present/listed on the copy of his Departmental Appeal. Hence, the instant appeal is liable to be dismissed with cost on this count alone.

FACTS:

1. That the appellant was appointed in the Ex-FATA Development Corporation FATA Secretariat and rose up to the post of Senior Scale Stenographer. As evident, the appellant

was the employee of the Ex-FATA Development Corporation, (Irrigation Directorate) of FATA Secretariat whereby he was transferred to Law & Order Department of Ex-FATA Secretariat against the vacant post of Sr. Scale Stenographer (**Copy of order dated 27-12-2017 is appended as Annex-R1**). After 25th Constitutional Amendment Act, 2018 the Ex-FATA merged into the Province of Khyber Pakhtunkhwa and the relevant Departments of the Ex-FATA Secretariat were merged in the concerned Departments of the Provincial Government. After merger, meeting of a High Level Committee was held under the Chairmanship of the Additional Chief Secretary Planning & Development Department, Khyber Pakhtunkhwa to decide the fate of the employees of the Ex-FATA Secretariat. In the meeting, it was discussed that 103 posts of Defunct FATA DC working against various posts during assistance of erstwhile FATA Secretariat, have shifted to Provincial Government and out of which 45 have already been placed at the disposal of Home & TA's Department and therefore, the terms and conditions of the Defunct FATA DC employees are different from the Provincial Government posts as these posts were created by the Federal Government and upon their retirement, they will receive gratuity instead of pension and these posts will be abolished on their retirement. Hence, no need to change the status of Defunct FATA DC employees and it was decided that the post of Defunct FATA DC (103 numbers) may be created as supernumerary posts to be abolished on retirement in light of Supreme Court decision. (**Copy of minutes of the meeting is appended as Annex-R2**)

2. That para-2 is totally incorrect, misconceived and denied. The appellant was given personal upgradation as Senior Scale Stenographer from BPS-16 to 17 by the Ex-FATA Secretariat on 06-03-2014 (**Copy of order is appended as Annex-R3**). The respondent Department not promoted the appellant to BPS-17 neither he appended any notification of the Department to justify his stance. The respondent Department posted the appellant against different posts in Home Department but due to lack of interest in the official business, his various posting orders have been withdrawn by the Department categorically. In the First instance, the appellant (Sr. Scale Stenographer BS-17) was internally posted as Section Officer (AR/NGOs), Home Department (**vide Annex-R4**) and relieved from the said post on the arrival of an officer from the Establishment Department on 09-04-2021 and the appellant was directed to report to Addl. Secretary (Law & Order) for his further posting (**Copy of order is Annex-R5**). Thereafter, the appellant was assigned the charge of the litigation cases relating to the merged areas vide order dated 16-04-2021 (**as Annex-R6**). Moreover, on 21-06-2022 the appellant was again internally posted as Section Officer (Levies & Khassadars), Home Department but his performance over the post was not satisfactory and as such, the Competent Authority (Home Secretary, Khyber Pakhtunkhwa) directed him to report to the Office of the Section Officer (General), Home Department vide order dated 14-04-2023 (**vide orders appended as Annex-R7 & Annex-R8**). The General Branch of the respondent department posted the appellant in Provincial Crisis

& Management Cell (PCMC), Home Department vide order dated 16-05-2023(Copy of order is appended as Annex-R9).

3. Detail reply alongwith complete record offered in Para-01 & Para 02 above.
4. Same reply as given in Para-3 above.
5. Same reply as narrated in Para-3 above.
6. Same reply already given in Para-3 above.
7. Detail reply preferred in Para-3 above.
8. Same reply as offered in Para-3 above.
9. Same reply as narrated in Para-3 above.
10. That Para-10 needs clarification to the extent that the appellant was assigned the look after charge of the post of Section Officer (Plan/Scheme), Home Department in lieu of maternity leave granted in respect of an officer w.e.f 10-05-2023 to 08-08-2023 vide order 18 May, 2023. (Copy of order is appended as Annex-R10).
11. That Para-11 is incorrect and denied as the appellant has not preferred the Departmental Appeal to the Secretary Home, Khyber Pakhtunkhwa which he has referred in his instant appeal neither he has any proof of it to justify his stance nor any diary number of the respondent department is present/listed on the copy of his Departmental Appeal. Hence, the instant appeal is liable to be dismissed with special cost on this count alone.

GROUND:

- A. That para-A is incorrect and denied as the respondent department has treated the appellant in accordance with the provisions of **Article 04 read with Article 25 of the Constitution of Islamic Republic of Pakistan, 1973** and he has never been treated differently. Detail reply offered in Para 01-Para-2 of the facts.
- B. Same reply as given in Para-A.
- C. That para-C is incorrect, misconceived and denied as the appellant has not been posted by the Establishment Department nor he is the employee of the Establishment Department. His all posting was made internally by the respondent department. Detail reply furnished in Para-01 & Para -02 of the facts.
- D. That Para-D is also incorrect and misconceived. Detail service record of the appellant is already discussed in Para-1 & Para 2 of the facts.
- E. That Para-E needs clarification to the extent that other staff members alongwith the appellant filed a joint writ petition bearing No.3261-P/2021 titled "Amir Nawaz & others VS Govt. of KP through Chief Secretary & others" for seeking promotion under FATA Cooperation Regulation Act, 1970. The Hon'ble PHC disposed of the petition and directed the Government to constitute a High Level Committee to look into the grievances of Petitioners. In compliance of the aforesaid judgment, the Provincial Government of Khyber Pakhtunkhwa notified the Committee respectively. (Copy of judgment of the **Peshawar High Court, Peshawar and notification are appended as Annex-R11 & R12**). It is also pertinent to mention herein that the appellant has already been granted

personal upgradation on 06-03-2014 vide Annex-R3 already appended vide Para-2 of the facts.

- F. Reply to the contempt petition bearing No.236-P/2023 in writ petition No.3261-P/2021 has been submitted before the Hon'ble Peshawar High Court, Peshawar and the matter is pending adjudication before the Hon'ble Court. **(Copy of reply to the contempt petition is appended as Annex-R13).**
- G. Same reply as given in Para-A above.
- H. Same reply as narrated in Para-A
- I. Same reply as offered in Para-01 & 02 of the facts.
- J. That para-J is incorrect. The up-highs of the respondent department were not satisfied with the performance of the appellant and hence, treated him accordance with law and rules.
- K. Detail reply alongwith complete record offered in Para-01 & Para-02 of the facts.
- L. Same reply as given in Para 01-Para 02 of the facts. In addition, on the arrival of the officer from the Establishment Department, Khyber Pakhtunkhwa the respondent No.4 is relieved from the look-after charge of the post of Section Officer (Levies & Khasadar) **vide order annexed as R14.**
- M. That after seeking permission of this Hon'ble Court, the respondent will also add some additional grounds during the course of arguments.

PRAYER:

In view of the above narrated facts and grounds, it is, therefore, most humbly prayed that on acceptance of the instant parawise comments, the appeal in hand may very graciously be dismissed with special cost for the concealment of material facts by the appellant in the interest of justice.

**Chief Secretary,
Govt. of Khyber Pakhtunkhwa
(Respondent No.1)**

**Additional Chief Secretary
Govt. of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department
(Respondent No.2)**

**Section Officer (General),
Home & Tribal Affairs Department
(Respondent No. 3)**

**Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.**

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

SA No. 1792/2023

1. Hakeem Jan (BPS-17), Report to SOG, Home and Tribal Affairs Department, Peshawar.

(APPELLANT)

V E R S U S

1. Government of Khyber Pakhtunkhwa through its Chief Secretary and others.

(RESPONDENTS)

AUTHORITY LETTER

Mr. Asif Iqbal (PMS-BS-17), Section Officer, Home & TA's Department is hereby authorized to submit the parawise comments in "*SA No. 1792/2023 titled Hakeem Jan (BPS-17) Vs Government of Khyber Pakhtunkhwa through its Chief Secretary and others*" on behalf of Chief Secretary, Khyber Pakhtunkhwa and Additional Chief Secretary Home & TA's, Khyber Pakhtunkhwa before this Hon'ble Tribunal.



KAMRAN ULLAH
Deputy Secretary (Litigation)
Govt. of Khyber Pakhtunkhwa
Home & TA's Department, Peshawar.

Deputy Secretary (Litigation)
Home & TA's Deptt:
Khyber Pakhtunkhwa

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

SA No. 1792/2023

1. Hakeem Jan (BPS-17), Report to SOG, Home and Tribal Affairs Department, Peshawar.

(APPELLANT)

VERSUS

1. Government of Khyber Pakhtunkhwa through its Chief Secretary and others.

(RESPONDENTS)

AFFIDAVIT

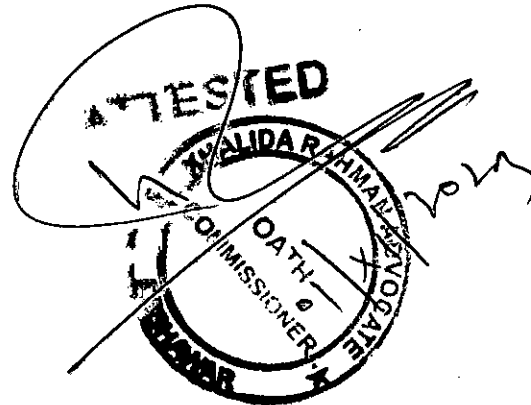
I Asif Iqbal, Section Officer Litigation-III, Home & TA's Department, Peshawar do hereby solemnly affirms and declared that Parawise Comments submitted on behalf of Chief Secretary, Khyber Pakhtunkhwa and Additional Chief Secretary Home, Khyber Pakhtunkhwa are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Asif Iqbal

(ASIF IQBAL)

Section Officer (Litigation-III)
Govt. of Khyber Pakhtunkhwa
Home & TA's Department
CNIC # 17101-1694802-7
Mobile # 0313-9813317

It is further stated, ^{on oath} that in this appeal, the answering respondents have neither been placed ex-parte nor their defence have been struck off.



1500 SO (G)

7

74



**FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE
& COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR**

NOTIFICATION :-

No.FS/E/100-35(Vol-11) The following posting/transfers are hereby ordered with immediate effect in the public interest:-

S.No	Name & Designation	From	To	Remarks
1.	Hakeem Jan Senior Scale Stenographer (BS-17 Personal)	Directorate of Irrigation & Hydel Power FATA	Law & Order Department FATA Secretariat	Against the vacant post of Senior Scale Stenographer
2.	Abdul Majeed Assistant Accountant (BS-16) AI&C Deptt: FATA	He is entrusted additional charge of the post of Budget & Accounts Officer (BS-17) Directorate of Irrigation & Hydel Power FATA in his own pay and scale, in addition to his own duties.		

SECRETARY AI&C DEPTT: FATA

Dated 27/12/2017

Copy to:-

1. Secretary Law & Order Department FATA Secretariat
2. Director Irrigation & Hydel Power FATA Peshawar.
3. Additional Accountant General PR Sub-Office Peshawar.
4. PS to Additional Chief Secretary FATA Secretariat
5. PS to Secretary A, I&C Department FATA Secretariat
6. Officers concerned

[Signature]
Deputy Secretary (Dev)

[Signature]
Section Officer (Litigation-III)
Home & TA's Department

1834/2012-17

[Signature]
Munsif/Sajad Akhbar

[Signature]
28/12/17

Deputy Secretary (Litigation)
Home & TA's Deptt:
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

No. SO(E)P&D/Misc/MAs/2020.
Dated Peshawar, February 28, 2020.

To

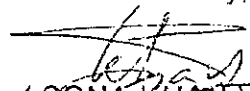
1. The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, Home & TAs Department.
4. The Secretary to Govt: of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.
5. The Secretary to Govt: of Khyber Pakhtunkhwa, Minerals Development Department.
6. The Secretary to Govt: of Khyber Pakhtunkhwa, Irrigation Department.

Subject: MINUTES OF THE MEETING TO DISCUSS CREATION OF POSTS OF DIFFERENT CATEGORIES IN THE DEPARTMENTS OF ERSTWHILE FATA SECRETARIAT.

Dear Sir,

I am directed to refer to this department letter of even number dated 26.02. 2020 on the subject noted above and to forward herewith revised/ amended minutes of the meeting held on 20.02.2020 for further necessary action.

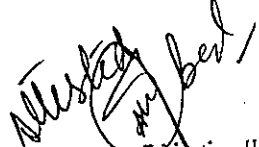
I am therefore, directed to request that minutes earlier issued vide above referred letter may be treated as withdrawn.


Yours faithfully,

(SONA KHAN)
Section Officer (Estt.)

Endst: Of even Number & Date.

Copy along-with a copy of the minutes is forwarded to the:

1. Special Secretary-II, Finance Department.
2. Chief Coordination, P&D Department.
3. PS to Additional Chief Secretary, P&D Department.
4. PS to Secretary, P&D/ Chief Executive, ex-FDA.
5. PA to Additional Secretary-I, P&D Department.
6. PA to Deputy Secretary-II, P&D Department.


Section Officer (Litigation-III)
Home & TA's Department


Section Officer (Estt.)
28/2/2020

Subject: MINUTES OF THE MEETING REGARDING CREATION OF POSTS OF DIFFERENT CATEGORIES IN THE DEPARTMENTS OF ERSTWHILE FATA SECRETARIAT HELD ON 21/02/2020 AT P&D DEPARTMENT."

A meeting to discuss the subject matter was held on 21/02/2020 at 1:030 Hours in the Committee Room of P&D Department under the Chairmanship of Additional Chief Secretary, P&D Department and the following attended the meeting:

- i. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
- ii. Secretary to Govt of Khyber Pakhtunkhwa, Secretary, P&D Department.
- iii. Muhammad Rehman, Additional Secretary, Industries Department.
- iv. Syed Mazhar Ali Shah, Deputy Secretary, Home & T.As Department.
- iv. Muhammad Sulaiman, Deputy Secretary (F), Finance Department.
- v. Mr. Jauhar Ali Shah, Director (Industries), Khyber Pakhtunkhwa.
- vi. Mr. Iqbal Nawaz Khan, Budget Officer-XV, Finance Department.
- vii. Mr. Wazir Zada, Section Officer (F-I), Finance Department, Merged Areas.

Attested
K. J. Besh

2. The Chairman welcomed the participants and informed that the objective of the meeting is to discuss the creation of posts of different categories in the Departments of erstwhile FATA Secretariat on restructuring of ex-FATA Secretariat. Secretary Establishment Department informed that a total of 103 posts of defunct FATA-DC working against various posts during assistance of erstwhile FATA Secretariat, have shifted to Provincial Government are the scheduled posts of PMS cadre and out of which, 45 alongwith incumbents have already been placed at the disposal of Home & T.As Department. The Chair clarified that terms and conditions of the defunct FATA-DC employees are different from the Provincial Government posts as these posts were created by Federal Government. Upon their retirement, they will receive gratuity instead of pension and these posts will be abolished after two years/near future. Hence, no need

Section Officer (Litigation-III)
Home & T.As Department

to change the status of defunct FATA-DC employees. The chair further informed the participants that there is no issue of these posts.

3. The adjustment of FATA Tribunal staff was also discussed in detail. It was informed that the staff of FATA Tribunal neither has been placed at the disposal of Establishment Department nor at the disposal of Home & T.As Department. It was also informed that most of the employees of FATA Tribunal are in the BS-07 to 16 and their further adjustment may be made in accordance to their respective domicile Districts.

4. After detailed discussion, the following decisions were made:
- i. The posts of defunct-FATA DC 103 numbers may be treated as supernumerary post to be abolished on retirement. The incumbents will receive gratuity in light of the Supreme Court decision.
 - ii. The employees of FATA Tribunal may be adjusted/ placed at the disposal of their respective districts of their domicile.
 - iii. Regular staff of the Provincial Government in ex-FATA Secretariat, FDA and FATA Tribunal will report to their respective Administrative Departments.

5. The meeting ended with vote of thanks from and to the chair.

Attested
Amber

Section Officer (Litigation-III)
 Home & TA's Department



Establishment Section

374/11
421

FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

NOTIFICATION :-

No.FS/E/100-56 (Vol-2)/36517 In pursuance of Judgement of Supreme Court of Pakistan in Civil Appeal No.116-P/2010 dated 22-06-2010 and approval of Government of Khyber Pakhtunkhwa, the competent authority, on the recommendation of Departmental Committee for up-gradation, has been pleased to approve the up-gradation of the following employees of defunct FATA DC to the next grades as noted against each with immediate effect:-

S.No	Name & Designation	Present place of posting	Existing BPS	Upgraded to BPS (Personal)
1.	Abdul Salam Abid Sr. Scale Stenographer	Directorate of Irrigation & Hydel Power (FATA)	BS-16	BS-17
2.	Ghulam Habib Sr. Scale Stenographer	Admn, Infra: & Coord Department FATA Secretariat.	BS-16	BS-17
3.	Noor-ul-Basar Sr. Scale Stenographer	Law & Order Department FATA Secretariat.	BS-16	BS-17
4.	Hakim Jan Sr. Scale Stenographer	Admn, Infra: & Coord Department FATA Secretariat.	BS-16	BS-17

2- The up-gradation is:-

- (i) Purely personal on existing posts of the employees without change in their designation. The employees availing the benefit of personal up-gradation shall not be entitled to any privilege of the higher grade post nor shall they claim to be posted against such higher grade post.
- (ii) The posts against which the personal up-gradation has been made shall be downgraded to original Basic Pay Scale on the retirement of incumbents or attaining the age of superannuation or any other valid reason.

ADDITIONAL CHIEF SECRETARY (FATA)

Dated 06/13/2014

Copy to:-

1. Secretary States & Frontier Region's Division Islamabad
2. Secretary Finance Department FATA Secretariat
3. Additional Accountant General (PR) Sub Office Peshawar
4. Director Irrigation & Hydel Power (FATA)
5. Deputy Secretary (Admn) FATA Secretariat
6. Section Officer (Budget & Accounts) Admn, FATA Secretariat
7. Section Officer (Audit) FATA Secretariat
8. Estate Officer/DDO, FATA Secretariat
9. Public Relations Officer FATA Secretariat
10. PS to Secretary A,I&C Department FATA Secretariat
11. Bill Clerk, A,I&C Department FATA Secretariat
12. Officials concerned
13. Personal Files



(JIBREEL RAZA)
Section Officer (Estac)


Section Officer (Litigation-III)
Home & TA's Department



GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the April 8, 2020

NOTIFICATION

No. E & A (HD) 1 -12 / 2018. Mr. Hakim Jan Private Secretary (BS-17) of L&O) is hereby posted as Section Officer (AR/NGOs) Home Department, relieving Mr. Jabran Nazir Assistant Coordinator of AMR Cell from look after charge of the post of Section Officer (AR/NGOS) with immediate effect.

Consequent upon the above, Mr. Jabran Nazir will assist Special Secretary-I Home Department in dealing with the affairs/cases of Charities Commission.

Home Secretary

Endst: No. & date Even.

Copy forwarded to:

1. All Additional Secretaries), Home Department.
2. All Deputy Secretaries), Home Department.
3. All Section Officers, Home Department.
4. Officers concerned.
5. PS to Home Secretary Khyber Pakhtunkhwa
6. PS to Special Secretary-I Home Department

[Signature]
Section Officer (General)

Attested
[Signature]
Section Officer (Liaison-III)
Home & TA's Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
E & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the April 9/4/2021

NOTIFICATION

No. E & A (HD) 1 - 12 / 2015. The competent authority is pleased to post Mr. Hashim Khan (PMS-BS-17) as Section Officer (AR/NGOs) Home Department relieving Mr. Hakim Jan (Private Secretary-17) from the post of SO (AR/NGOs)/ Courts matters of Merged Areas with immediate effect till further orders. He has to report to Additional Secretary (L&O) for further posting.

Consequent upon the above, Mr. Hashim Khan (PMS-BS-17) Section Officer (AR/NGOs) will also look after all Courts matters of Merged Areas.

Home Secretary

Endst: No. & date Even.

Copy forwarded to:

1. All Additional Secretaries), Home Department.
2. Additional Secretary (L&O) Home Department
3. All Deputy Secretaries), Home Department.
4. All Section Officers, Home Department.
5. Drawing in Disbursing Officer L&O Home Department
6. Officer concerned.
7. PS to Home Secretary-I&II Home Department

Handwritten signature
9.4.21

Handwritten signature
Section Officer (General)

Handwritten signature
Section Officer (Litigation-III)
Home & TA's Department



14

TO BE SUBSTITUTED WITH EVEN NO. & DATE
GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the April 16, 2021

NOTIFICATION

No. E & A (HD) 1 - 12 / 2010. In partial modification of this Department Notification No. E & A (HD) 1 - 12 / 2010 dated 09-04-2021, the look after charge for all the Court matters of Merged Areas is hereby withdrawn from Mr. Hashim Khan, Section Officer (AR/NGOs) Home Department.

2- Consequent all the court cases/matters of Newly Merged District shall be dealt by, Mr. Hakim Jan, (BPS-17) as per previous orders of this Department No. E & A (HD) 1 - 12 / 2018 dated 11-05-2020 and No. E & A (HD) 1 - 12 / 2018 dated 26-08-2020, till further orders.

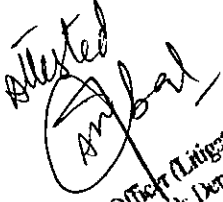
Deputy Secretary (Admn)

Enst: No. & date even:

Copy forwarded to:

- 1- All Additional Secretaries Home Department.
- 2- Additional Secretary (L&O), Home Department.
- 3- All Deputy Secretaries Home Department.
- 4- All Section Officers Home Department
- 5- Officers concerned.
- 6- PS to Home Secretary, Khyber Pakhtunkhwa, Peshawar.
- 7- PS to Special Secretary-I&II Home, Department.


Section Officer (General)


Section Officer (Litigation-III)
Home & TA's Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar the June 21, 2022

NOTIFICATION.

No. E & A (HD) 1 - 12 / 2015. The following internal posting/transfer order of Section Officers of Home Department is hereby ordered with immediate effect till further orders:-

S. #	NAME OF OFFICER	FROM	TO
1.	Mr. Muhammad Ayub PMS-B5-17	Section Officer (L&K)	Section Officer (TRC)
2.	Mr. Hakim Jan BS-17	Awaiting for posting	Section Officer (L&K)

HOME SECRETARY

Endst: No. & date Even.

Copy forwarded to:

1. All Additional Secretaries), Home Department.
2. All Deputy Secretaries), Home Department.
3. All Section Officers, Home Department.
4. Officers concerned.
5. PS to Home Secretary, Khyber Pakhtunkhwa.
6. PS Special Secretary-I&II Home Department.

Section Officer (General)

Alotted
Ayub al
Section Officer (Litigation-III)
Home & TA's Department



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
Dated Peshawar the April 14, 2023**

ORDER

No. E & A (HD) 7 - 143/ 2023: Internal posting/transfer of the following staff of the Department is hereby ordered with immediate effect till further orders:-

S.No	Name & Designation	From	To
1-	Mr. Hakim Jan Private Secretary (BS-17)	SO (L&K)	Report to SOG
2	Mr. Imdad Ullah (PMS-BS-17)	SO (Acad)	He will hold look after the charge of the post of Section Officer (L&K) in addition to his own duties till further orders.
3	Syed Mohsin Ali Shah Assistant Programmer	AD Arms Section	DC Office Dir Upper
4	Mr. Hazrat Amin Computer Operator	Section Officer (Chinese Section)	DC Office Kohat

Home Secretary

ENDST: No. & date even.

Copy forwarded to:

1. Deputy Commissioner, Kohat
2. Deputy Commissioner, Dir Upper
3. PSO to Home Secretary, Home Department
4. Section Officer (Chinese) Home Department
5. PA to Deputy Secretary (Admn) Home Department.
6. Officers/Officials Concerned.

*Adjusted
Amber*
Section Officer (Litigation-III)
Home & TA's Department

Abul Fiaz
SECTION OFFICER (GENERAL)



**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar the May 16, 2023

ORDER

No. E & A (HD) 7 – 149/ 2022. Internal posting/transfer of the following Officers/Officials of this Department is hereby ordered with immediate effect till further orders: -

S.NO	NAME & DESIGNATION	FROM	TO
1	Mr. Muhammad Yar (PMS-BS-17)	SO (Judicial-I)	SO (Arms)
2	Mr. Imtiaz Ali Superintendent (BPS-17)	SO (Arms)	SO (Judicial-I)
3	Mr. Hakim Jan Sr. Scale Steho	General branch	PCMC in place of Mr. Gul Ghani Said Computer Operator
4	Mr. Kaleem Ullah Computer Operator	AD Arms Section	Implementation Section

Home Secretary

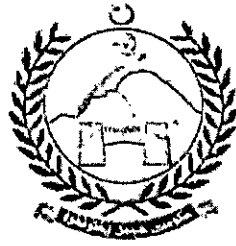
ENDST: No. & date even.

Copy to:-

1. Section Officer (PCMC) Home Department
2. Section Officer (Imp) Home Department
3. Section Officer (judicial-I) Home Department
4. Section Officer (Arms) Home Department
5. Assistant Director (Arms) Home Department
6. PS to Home Secretary, Home Department
7. PS to Special Secretary-I Home Department
8. PA to Deputy Secretary (Admn) Home Department.
9. Officers/Officials Concerned.

*Alteed
Arif*
Section Officer (Litigation-III)
Home & TA Department

[Signature]
SECTION OFFICER (GENERAL)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

DATED PESHAWAR THE 18TH MAY 2023

ORDER

No. E&A (HD)PF : Sanction is hereby accorded to the grant of 90 days maternity leave in respect of Miss Rozina Wahab (Sr. Probation Officer)/Section Officer (Plan/Scheme) DPC, Home Department w.e. from 10/5/2023 to 8/8/2023 (both days inclusive).

During the leave period, Mr. Hakim Jan, Senior Scale Stenographer (BPS-17) Home Department will look after the official business of SO (Plan/Scheme) in his own pay & scale.

Home Secretary

Endst. No. & date even.

Copy forwarded to: -

1. PSO to Home Secretary, Home Department
2. PS to Special Secretary-I Home Department
3. PA to Deputy Secretary (DPC) Home Department
4. PA to Deputy Secretary (Admn) Home Department
5. ✓ Officers concerned.

Alleged
Amber
Section Officer (Litigation-III)
Home & TA's Department

[Signature]
SECTION-OFFICER (GENERAL)

(13)

**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR,
(JUDICIAL DEPARTMENT)**

WP No. 3261-P/2021
Amir Nawaz & others
Versus
Govt. of KPK through
Chief Secretary & others



Date of hearing 25.05.2022

Mr. Zahanatullah, Advocate, for the petitioners.

Mr. Wilayat Khan, AAG for the respondents.

LAL JAN KHATTAK, J:- The petitioners, ex-employees of the defunct FATA Development Corporation, have applied to this Court for issuance an appropriate writ to the following effect:

"It is, therefore, most humbly prayed that on acceptance of this writ petition may kindly be directed to promote the petitioners as per the Federal Administered Tribal Area, Corporation Regulation Act, 1970 and respondents may further be directed not to abolish the sanction posts of the petitioners and to set aside the minutes of the meeting dated 28.02.2021 wherein the respondents have decided to abolish the sanction posts of the petitioners."

2. After hearing learned counsel for the petitioners, the learned AAG and by taking into account the chequered history of the petitioners' case, we send it to the Worthy Chief Secretary of Khyber Pakhtunkhwa with direction to constitute a

Attested
Section Officer
Home & Public Department

ATTESTED
EXAMINER
Peshawar High Court.

101

high level committee comprising of experts to ponder over the predicament of the petitioners as there is no chance for them of any progression in their service, which state of affairs is not only discriminatory but affecting their efficiencies as well. The Committee be given a task to find out the ways and means to alleviate the petitioners' longstanding sufferings.

3. Petition stands disposed of in the above terms.

[Signature]
 JUDGE
[Signature]
 JUDGE

Announced
 25.05.2022.

HSANPS

(DB) Mr. Justice Lal Jan Khattok, HJ & Mr. Justice Abdul Shakkor, HJ.

CERTIFIED TO BE TRUE COPY

[Signature]
 Peshawar High Court Peshawar
 Authorized Under Article 177 of
 the Constitution of Pakistan 1973

08 MAY 2023

82654
 Date of Presentation of Application 25/5/2023
 No of Page 13
 Copying fee _____
 Total 52-00
 Date of Preparation of Copy 08/5/2023
 Date of Delivery of Copy 08/5/2023
[Signature]

[Signature]
 Section Officer (Litigation-III)
 Home & TA's Department

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

CoC No. 236-P/2023

In

W.P No. 3261-P/2021

1. Amir Nawaz and others.

(PETITIONERS)

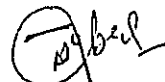
VERSUS

1. Nadeem Aslam Chaudhary, Chief Secretary, Khyber Pakhtunkhwa etc.

(RESPONDENTS)

INDEX

S#.	Particulars	Annexures	Pages
1.	Parawise comments	---	1-2
2	Copy of notification	Annex-A	3
3	Authority Letter	---	4
4	Affidavit	---	5


(ASIF IQBAL)

Section Officer (Litigation-III)
Govt. of Khyber Pakhtunkhwa
Home & TA's Department
CNIC # 17101-1694802-7
Mobile # 0313-9813317

Section Officer (Litigation-III)
Home & TA's Department

Asif Iqbal
Asif Iqbal
Section Officer (Litigation-III)
Home & TA's Department

PESHAWAR HIGH COURT
Institution Receipt (Original)

Inst. No: 38849 Date 03-OCT-23

Civil Miscellaneous

Amir Nawaz and others

vs

Nadeem Aslam Chaudhry etc

Comments in CoC No. 236/2023 in
WP No. 3261/2021

Submitted by:

In Person

Note: Please check status of case on next working day, and if the case is returned due to objection(s) raised by the office, then ensure timely collection of the same by providing this receipt.

** Wasif

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR.

CoC No. 236-P/2023

in

W.P No. 3261-P/2021

1. Amir Nawaz and others.

(PETITIONERS)

VERSUS

1. Nadeem Aslam Chaudhary, Chief Secretary, Khyber Pakhtunkhwa etc.

(RESPONDENT.)

RESPECTEULLY SHEWETH:
PRELIMINARY OBJECTIONS:

1. That this Hon'ble Court with profound respect has got no jurisdiction to entertain and adjudicate upon the instant petition.
2. That the petitioners have estopped by his own words and conduct to file the instant petition before this Hon'ble Court.
3. That the petitioners have got no locus standi to invoke the jurisdiction of this Hon'ble Court.
4. That the petitioners have concealed the entire material facts from this Hon'ble Court.
5. That the petitioners have not come with clean hands. Therefore, they are not entitled for any relief from this Hon'ble Court.
6. That the petitioners have got no cause of action to file the instant petition before this Hon'ble Court.
7. That the instant contempt petition is not maintainable in its present form.
8. That the contempt petition is based on surmises and conjectures.
9. That the petitioners are not aggrieved persons under the mandate of constitution. Therefore, their contempt petition in hand may graciously be dismissed with special cost.

REPLY TO THE CONTEMPT PETITION BY RESPONDENT NO. 1.

Directions in Judgment by this Hon'ble Court:

"the worthy Chief Secretary, Khyber Pakhtunkhwa is directed to constitute a high level committee comprising of experts to pondered over the predicament of the petitioner as there is no chance for them of any progression in their service which state of affairs is not only discriminatory but affecting their efficiencies as well. The committee be given a task to find out the ways and means to alleviate the petitioners longstanding sufferings".

FACTS:

In compliance with the order/judgment of this Hon'ble Court vide dated 25-05-2023, the case has thoroughly been examined by the Chief Secretary, Khyber Pakhtunkhwa and as such a "High Level Committee" has been constituted for the redressal of the grievances of the petitioners under the Chairmanship of the Secretary to Govt. of Khyber

Attest
Asif
Section Officer (Litigation-III)
Home & TA's Department

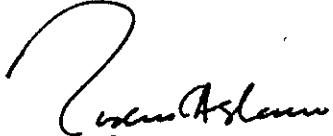
Pakhtunkhwa Home and Tribal Affairs Department alongwith 04 members and the matter is under consideration before the Committee. The composition of the Committee is as under:

S#	Composition of the Committee	
01	Muhammad Abid Majeed. Secretary Home & TA's Department	Chairman
02	Special Secretary, Home & TA's Department	Member
03	Special Secretary, Finance Department	Member
04	Special Secretary, Establishment Department	Member
05	Additional Secretary, Law Department	Member

(Copy of notification is appended as Annex-A)

PRAYER:

In view of the above factual aspect of the case, it is, therefore, most humbly prayed that order/judgment of this Hon'ble Court has been complied with in letter and spirit. Therefore, the instant contempt petition in hand, may very graciously be dismissed with special cost in the interest of justice.


 Chief Secretary,
 Govt. of Khyber Pakhtunkhwa
 (Respondent No. 1)

GOVT. OF KHYBER PAKHTUNKHWA
 Govt. of Khyber Pakhtunkhwa


 Section Officer (Litigation-III)
 Home & TA's Department

Section Officer (Litigation-III)
 Home & TA's Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
Home & Tribal Affairs Department

NOTIFICATION

Dated 5/06/2023

No. SO(L&K)/HD/2022/414-14. The Competent Authority has been pleased to amend/update the Committee notified vide Notification No. SO(L&K)/HD/2022/1617-26 dated 30-12-2022 as follows:-

- | | |
|--|----------|
| 1. Muhammad Abid Majeed, Secretary Home & TAs Department | Chairman |
| 2. Special Secretary, Home & TAs Department | Member |
| 3. Special Secretary, Finance Department | Member |
| 4. Special Secretary, Establishment Department | Member |
| 5. Additional Secretary, Law Department | Member |

The Term of Reference (TOR) of the committee will remain the same as notified under the aforesaid notification

The Committee may finalize its recommendations and submit a report within 30 days of issuance of this Notification.

HOME SECRETARY

Copy to :-

1. Chairman of the Committee
2. All Members of the Committee
3. Master File

Section Officer (Levy & Khasadar)

Section Officer (Legislation-III)
Home & TA's Department



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

AUTHORITY LETTER

Mr. Asif Iqbal Section Officer Litigation-III (BPS-17), Home & TAs Department, is hereby authorized to submit Reply in the COC No. 236-P/2023 in Writ Petition No. 3261-P/2021 Titled Amir Nawaz & Others vs Govt. of Khyber Pakhtunkhwa, in the Hon'ble Peshawar High Court, on behalf of the undersigned.

**Chief Secretary,
Khyber Pakhtunkhwa,
(Respondent No. 01)**

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
COC No. 236-P/2023

**Section Officer (Litigation-III)
Home & TAs Department**

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWARCoC No. 236-P/2023InW.P No. 3261-P/2021

1. Amir Nawaz and others.

(PETITIONERS)


VERSUS

1. Nadeem Aslam Chaudhary, Chief Secretary, Khyber Pakhtunkhwa etc.

(RESPONDENTS)

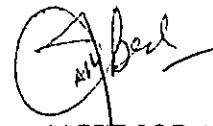
AFFIDAVIT

I Asif Iqbal, Section Officer Litigation-III, Home & TA's Department, Peshawar do hereby solemnly affirms and declared that Parawise Comments submitted on behalf of Chief Secretary, Khyber Pakhtunkhwa are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Asif Iqbal

 Section Officer (Litigation-III)
 Home & TA's Department

Identified by

Advocate General
 Khyber Pakhtunkhwa, Peshawar



(ASIF IQBAL)

Section Officer (Litigation-III)
 Govt. of Khyber Pakhtunkhwa
 Home & TA's Department
 CNIC # 17101-1694802-7
 Mobile # 0313-9813317

Section Officer (Litigation-III)
 Home & TA's Department



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

091-9214104

091-9210201

Dated Peshawar the October 30, 2023

NOTIFICATION

No. E & A (HD) 1 - 12 / 2023. Consequent upon the posting of Mr. Muhammad Rafiq Kamran, Section Officer (BS-17) (OPS), the competent authority is pleased to post him as Section Officer (L&K) Home Department by relieving Mr. Niaz Muhammad Section Officer (OPS) (Implementation) from lookafter charge of the post of SO (L&K) with immediate effect till further orders.

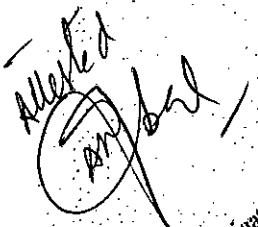
ADDITIONAL CHIEF SECRETARY
Home & T.As Department

Copy forwarded to:

1. PS to Additional Secretary, Khyber Pakhtunkhwa.
2. PS to Special Secretary-I Home, Khyber Pakhtunkhwa.
3. PAs to All Additional Secretaries, Home Department.
4. PAs to All Deputy Secretaries, Home Department.
5. Officer Concerned.
6. PA to Deputy Secretary (Admn) Home Department.

(lit)


SECTION OFFICER (GENERAL)


Section Officer (Litigation-III)
Home & TA's Department