


Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	03.04.2019 	<p align="center"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b></p> <p align="center">Appeal No. 319/2015</p> <p>Date of Institution ... 14.04.2015 Date of Decision ... 03.04.2019</p> <p>Mr. Taus Khan S/O of Taj Muhammad Superintendent, Directorate General, Population Welfare, F.C. Trust Building Saddar Road, Peshawar.</p> <p align="right">-----Appellant</p> <ol style="list-style-type: none"> <li>Secretary of the Government of Khyber Pakhtunkhwa for Population Welfare Department.</li> <li>Secretary to the Government of Khyber Pakhtunkhwa for Establishment and Administration Department.</li> <li>Director General, Population Welfare, F.C Trust Building Saddar Road, Peshawar.</li> <li>Mr. Zahir Shah, Superintendent, Population Welfare, F.C. Trust Building Saddar Road, Peshawar.</li> </ol> <p align="right">-----Respondents</p> <p>Mr. Riaz Ahmed Advocate -----For Appellant Mr. Usman Ghani District Attorney-----For Respondent</p> <p>Mr. Hamid Farooq Durrani.....Chairman Mr. Hussain Shah.....Member(E)</p> <p align="center"><b><u>JUDGMENT</u></b> <b><u>HUSSAIN SHAH, MEMBER (E):</u></b> - Learned counsel for the appellant and Mr. Usman Ghani District Attorney for the respondents present.</p> <p>2. <b><u>Fact of the Case:-</u></b> The appellant was appointed on acting charge basis as ADPWO BPS-16 on acting charge basis on 16.12.2011 on the recommendation of the Departmental Promotion Committee meeting held on 24.11.2011. The appellant was posted</p>

on adjustment basis against the vacant post of Superintendent BPS-16 vide posting /transfer order dated 11.01.2012. His acting charge appointment was regularized alongwith others on 19.12.2013 as against the post of Assistant District Population Welfare Officer (BPS-16) as he was working against the post of Superintendent on adjustment basis at the time when the government upgraded the post of Superintendent from (BPS-16 to 17). His salary was upgraded to (BPS-17) for unknown reasons. The appellant was reverted back to the post of Assistant District Population Welfare Officer BPS-16 when Mr. Zahir Shah was promoted as Superintendent on 01.12.2014. Consequently his pay was also reverted to BPS-16 which was his original grade of the post of Assistant District Population Welfare Officer. The appellant at earlier preferred a Service Appeal No. 1214/2014 to this Tribunal when the promotion case of Mr. Zahir Shah was initiated however before hearing of the appeal the promotion order of the respondent No.4 i.e. Mr. Zahir Shah had been issued therefore the appellant withdrawn his earlier service appeal to seek remedy according to the circumstance of the order of the promotion of Private respondent No.4 was issued. Being aggrieved of the promotion order of private respondent No.4 the appellant preferred departmental appeal which was not considered hence the instant service appeal was preferred.

3. The learned counsel for the appellant contended that the appellant was posted after his promotion to BPS-16 on the only

available vacancy of the Superintendent because one Mr. Khurshid Anwar, who was promoted as Superintendent willingly accepted the post of Assistant District Population Welfare Officer BPS-16 and subsequently he was confirmed against the same post. The appellant was even allowed the salary in BPS-17 when the post of Superintendent was upgraded by the government from BPS-16 to BPS-17 the appellant was also allowed to continue drawn pay at the upgraded scale of BPS-17 till his reversion to the post of Assistant District Population Welfare Officer BPS-16. The learned counsel for the appellant further argued that this reversion and withdrawn of the facility of pay in BPS-17 by the department is against the law and decision of the Superior Court. In this regard the learned counsel for the appellant relied upon the reported judgments of the Hon'ble Supreme Court 1997 SCMR 1730 & 2009 SCMR 25.

4. The learned District Attorney contested the facts, grounds in the appeal and arguments of the learned counsel for the appellant and argued that appellant was promoted to the post ADPWO on acting charges basis on 16.12.2011 while Khurshid Anwar Superintendent (BPS-16) on acting charge basis was promoted to such as the same post according to his service hierarchy as per service rules. He contended that the appellant was posted at Admin Section against the vacant post of Superintendent on temporary basis. It is evident from the promotion order of the appellant that he was never promoted to the post of Superintendent. As such he had no right to be confirmed against the post of Superintendent. As

regarding getting pay by the appellant in (BPS-17) after the up gradation of the post of Superintendent from BPS-16 to BPS-17 was wrong and unjustified and needs to be recovered from him. As such the appeal may dismissed with costs.

5. Arguments heard. File perused.

6. According to the service rules for the post in the Directorate of Population Welfare Department in field of Office Assistant Notified on 19.02.2009 at Serial No.12 the post of Assistant Director Population Welfare Officer (ADPWO) is to be filled 20% by initial recruitment, 25% by promotion on the basis of seniority come fitness from among statistical Assistant with at least Five years services as such, 37.5% by promotion on the basis of seniority-come-fitness from amongst Assistant with at least Five years service as such 17.5% by promotion on the basis of seniority-come-fitness from amongst senior Scale Stenographer with at least Five year service as such and no suitable candidate is available for promotion then by transfer. At Serial No.13 the post of Superintendent is to be filled by promotion on the basis of seniority come fitness from among Assistant with at least Five year service as such and if no suitable candidate is available for promotion then by transfer. The appellant was promoted to the post of Assistant Director Population Welfare Officer (ADPWO) vide officer order dated 19.12.2013 and private respondent No.4 Mr. Zahir Shah was promoted to the post of Superintendent vide Notification i.e. 01.12.2013. The appellant and private respondent No.4 worked on

the post other than their substantive posts however due to the up-gradation of the post of Superintendent to BPS-16 to 17 the post of Superintendent became attractive in term of pay. As the appellant was substantively holding the Designation of Assistant District Population Welfare Officer and his posting as Superintendent does not entitled him the substantive status of holding the position of Superintendent.

7. In view of the above discussion this tribunal is constrained to dismiss the appeal. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
CHAIRMAN



(HUSSAIN SHAH)  
MEMBER

ANNOUNCED

03.04.2019

03.04.2019 Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Vide our detail judgment of today of this tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Hussain Shah)  
Member



(Hamid Farooq Durrani)  
Chairman

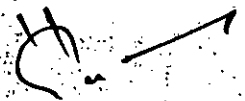
ANNOUNCED

03.04.2019

03.10.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned AAG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on ~~16-11-18~~ before D.B.

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member


16.11.2018

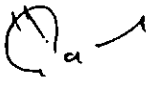
The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 04.01.2019 before D.B.

  
Reada

04.01.2019

Appellant in person and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sagheer Musharraf AD present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on ~~22.02.2019~~ before D.B

  
Member


  
Member

22.02.2019

Mr. Ishtiaq Ahmad, Advocate for appellant and Mr. Ziaullah, DDA for the respondents present.

A request for adjournment is made on account of demise of uncle of learned senior counsel for the appellant. Adjourned to 03.04.2019 before the D.B.

  
Member


  
Chairman

30.04.2018 Appellant in person and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 20.06.2018

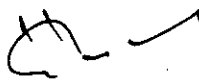
  
READER

20.06.2018 Clerk of the counsel for appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Sagheer Musharaf, Assistant Director for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Granted. To come up for arguments on 08.08.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

08.08.2018 Appellant Taus Khan in person along with clerk of counsel for the appellant. Mr. Muhammad Jan, DDA for respondents present. Clerk of counsel for the appellant made a request for adjournment due to sudden illness of counsel for the appellant today he cannot attend the Tribunal. Granted. To come up for arguments on 03.10.2018 before D.B.

  
Member


  
Chairman



31/7/2017

Appellant in person and Mr. Sagheer Musharraf, AD alongwith Mr. Usman Ghani, District Attorney for respondent present. Appellant seeks adjournment. To come up for arguments on 20/9/2017 before D.B.

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

20.09.2017

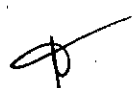
Appellant present. Learned Deputy District Attorney alongwith Sagheer Musharraf, SO Litigation for the respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 22.12.2017 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)

22.12.2017

Appellant in person and Mr. Muhammad Riaz Painsa Khel, Asstt. AG alongwith Saghir Musharraf, AD for the respondents present. Counsel for the appellant was stated to be busy in the Worthy High Court. Appellant seeks adjournment. Granted. To come up for arguments on 26.02.2018 before the D.B.

  
Member

  
Chairman

26.02.2018

Clerk of counsel for the appellant and Asstt. AG alongwith Saghir Musharraf, A.D for the respondents present. Learned counsel for the appellant was stated to be busy in the Hon'ble High Court. Seeks adjournment. To come up for arguments on 30.04.2018 before the D.B.

  
Member

  
Chairman

10.08.2016

Agent to counsel for the appellant and Mr. Sagheer Musharraf, AD (Litigation) alongwith Addl. AG for respondents present. Arguments could not be heard due to general strike of the bar. To come up for arguments on ~~19-12-16~~



Member



Member

19.12.2016

Appellant in person and Mr. Sagheer Musharraf, AD alongwith Mr. Ziaullah, GP for the respondents present. Appellant seeks adjournment due to non-availability of this counsel. Adjourned. To come up for arguments on 18.04.2017 before D.B.



(ASHFAQUE TAJ)  
MEMBER




(MUHAMMAD AAMIR NAZIR)  
MEMBER

18.04.2017

Counsel for the appellant present. Mr. Arif, Assistant alongwith Mr. Ziaullah, Government Pleader for the respondents also present. Learned counsel for the appellant seeks some time for producing some relevant record. Adjourned. To come up for record and arguments on 31.07.2017 before D.B.



(Ahmad Hassan)  
Member



(Muhammad Amin Khan Kundi)  
Member

28.01.2016

Counsel for the appellant present and heard that the appellant is going to be superannuation in the month of March, 2016. Request is genuine. To come up for arguments on 26.2.2016 instead of 23.05.2016. Parties be informed accordingly.

  
MEMBER

  
MEMBER

26.02.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Since the court time is over, therefore, the case is adjourned to 20.4.16 for arguments.

  
Member

  
Member

20.04.2016

Appellant in person and Mr. Muhamamd Jan, GP for respondents present. Appellant requested for adjournment. To come up for arguments on 10.08.2016.

  
Member

  
Member

17.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was senior to Zahir Shah, respondent No.4 and was already promoted as Superintendent BPS-16 but vide order dated 13.04.2015 he was reverted to the post of Statistical Investigator in BPS-16 which order is not tenable in the eye of law.

Appellant Deposited Security & Process Fee



Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.07.2015 before S.B.

  
Chairman

15.07.2015

Counsel for the appellant and Mr. Sagheer Musharaf, AD (legal) alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 3.9.2015 before S.B.

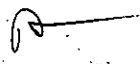
03.09.2015

Appellant in person, Mr. Sagheer Musharaf AD (Lit.) alongwith Addl: A.G for official respondents No. 1 to 3 and private respondents No. 4 in person present. Written reply by official respondents No. 1 to 3 submitted while private respondent No. 4 submitted application relying therein on the written statement of official respondents No. 1 to 3. The appeal is assigned to D.B. for rejoinder and final hearing for 21.12.2015.

  
Chairman

21.12.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted. To come up for arguments on 23.5.2016

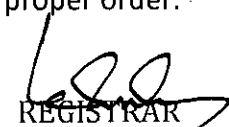

  
Member

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 319/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.04.2015	<p>The appeal of Mr. Taus Khan presented today by Mr. Riaz Ahmad Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>17-4-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">10.5.15</p>

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 319 /2015

Mr. Taus Khan S/O Taj Mohammad, Superintendent

..... Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa for Population Welfare  
Department and others

..... Respondents

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10.	Wakalat namah		

Dated \_\_\_/04/2014

Appellant

Through

Riaz Ahmad

(Advocate High Court)

all 16. 0303 8238839

①

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 319 /2015

Mr. Taus Khan S/O Taj Mohammad, Superintendent, Directorate General,  
Population Welfare, F.C. Trust Building Saddar Road, Peshawar.

Appellant P. Provincial  
Service Tribunal

VERSUS

Diary No. 339

dated 14-4-15

1. Secretary to the Government of Khyber Pakhtoon Khwa for Population Welfare Department.
  2. Secretary to the Government of Khyber Pakhtoon Khwa for Establishment and Administration Department.
  3. Director General, Population Welfare, F.C. Trust Building Saddar Road, Peshawar.
  4. Mr. Zahir Shah, Superintendent, Population Welfare, F.C. Trust Building Saddar Road, Peshawar.
- ..... Respondents

Appeal under section 4 of the Khyber Pakhtoon Khwa Service Tribunal Act 1974 from the order dated 01/12/2014 whereby one Zahir Shah respondent No. 4 was promoted to the post of superintendent whereas the appellant was holding the post of superintendent and thus the appellant was deprived of his lawful position and cadre; and then vide the order bearing No. SOE (OWD) 4-1/2013 /KC, dated 13/04/2015, the appellant was illegally downgraded from BPS 17 to BPS 16. Both the orders, therefore, may very graciously be declared as void, unconstitutional, and illegal and the appellant restored to his earlier due position and cadre of superintendent.

Respectfully Sheweth: -

1. That the population Welfare Department promoted Mr. Khurshid Anwar Office Asstt: BPS 14 to the post of superintendent BPS 16 on acting charge basis and on 03/09/2010 posted him as Assistant District Population Welfare Officer , BPS 16, at District Population Welfare office, Mansehra. His promotion was confirmed on 16/12/2011 as superintendent BPS-16 and was kept posted as Assistant District Population Welfare Officer BPS 16 at the same station. He was subsequently confirmed at the post of Assistant District Population welfare Officer BPS-16 as the post was kept filled with him and he was also retired from the post of Assistant District Population Welfare Officer BPS-16.  
(Copies of the orders of promotion, posting, and retirement are enclosed herewith as Annex-A)

14/4/15

2. That the appellant's promotion was also due to the post of Assistant District Population Welfare Officer BPS-16, but due to the posting of Mr. Khurshid Anwar at the post of Asstt: District Population Welfare Officer BPS 16, there was only one vacant post of superintendent BPS-16 and when the appellant was promoted as Asstt: District Population Welfare Officer BPS-16 on acting charge basis he was posted as superintendent in the office of the Director General, Population welfare and on the confirmation of his promotion he was kept posted as superintendent BPS-16, being the only vacant post on which the appellant could be promoted and posted.  
(Copy of the promotion and posting order is enclosed herewith as Annex-B)
3. That on the confirmation of Mr. Khurshid Anwar as Asstt: District Population Welfare Officer BPS-16, the only vacant post for posting and confirmation of appellant was the post of superintendent BPS-16 in terms of the sanctioned budget and strength of the cadre, and the appellant got automatically confirmed as superintendent.
4. That since the posting of the appellant as superintendent he has been drawing his salary in the cadre of superintendent and he is mentioned in the accounts record of the office as such, and when the post of the superintendent was upgraded from BPS-16 to BPS -17, the appellant was granted up-gradation in BPS 17.  
(Copie of record / pay slips are enclosed herewith as Annex- C)
5. That vide the order dated 1/12/2014 one Mr. Zahir Shah was promoted as superintendent and the appellant was deprived of his position and was reverted to the post of Asstt: District Population Welfare Officer BPS-16, and consequently was reverted from BPS 17 to BPS-16 as the appellant had been granted BPS 17 on the up-gradation of the post of superintendent.  
(Copy of the promotion order of respondent No. 4 and posting order are enclosed herewith as Annex-D)
6. That earlier the appellant had moved an appeal before this Hon'ble Tribunal against the departmental move of promotion, but before hearing of the appeal, the promotion orders had been issued and therefore the appeal was withdrawn to seek remedy according to the new development.  
(Copy of the order allowing withdrawal is enclosed herewith as Annex-E)
7. That from the impugned promotion order, the appellant had preferred a departmental appeal but the same was not considered.  
(Copy of appeal is enclosed as Annex-F)



8. That the appellant, therefore, files the instant appeal, interalia, on the following

GROUNDS:-

- A. That the appellant had been promoted and posted on the only available vacancy of superintendent.
- B. That the officer, namely Mr. Khurshid Anwar, who had been promoted superintendent BPS-16, had willingly accepted the post of Assistant District Population Welfare Officer BPS-16 and had been confirmed by the department.
- C. That the appellant has been reverted since on the up-gradation of the post of superintendent from BPS-16 to 17 he had been granted BPS-17.
- D. That the facility which had been granted to the appellant has been illegally withdrawn from him; the action of th department is against the law and decisions of the superior courts.
- E. That the appellant has already been sacrificed by the department for his colleague when he was posted as superintendent and his post was kept filled with Mr. Khurshid Anwar as Asstt: District Population Welfare Officer, but his sacrifice was derided, *and now the position of superintendent can not be withdrawn from him.*
- F. That any other document / ground in support of the appellant's submissions may very kindly also be allowed to be presented at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal both the orders may very graciously be declared as void, unconstitutional, and illegal and the appellant restored to his earlier due position and scale of superintendent please.

Dated \_\_\_/04/2014



Appellant

Through



Riaz Ahmad  
(Advocate High Court)

(4)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2015

Mr. Taus Khan S/O Taj Mohammad, Superintendent

..... Appellant

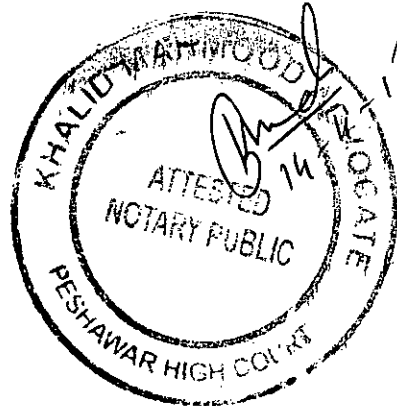
**VERSUS**

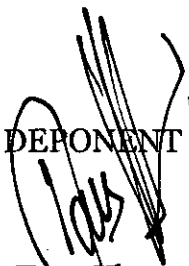
Secretary to the Government of Khyber Pakhtoon Khwa for Population Welfare Department and others

..... Respondents

**AFFIDAVIT**

I, Mr. Taus Khan S/O Taj Mohammad, Superintendent, Directorate General, Population Welfare, F.C. Trust Building Saddar Road, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT  
  
Taus Khan

(5)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2015

Mr. Taus Khan S/O Taj Mohammad, Superintendent

..... Appellant

VERSUS

Secretary to the Government of Khyber Pakhtoon Khwa for Population Welfare  
Department and others

..... Respondents

MEMO OF ADDRESSES

APPELLANT


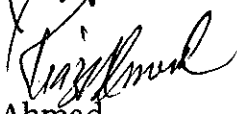
Mr. Taus Khan S/O Taj Mohammad, Superintendent, Directorate General, Population  
Welfare, F.C. Trust Building Saddar Road, Peshawar.

RESPONDENTS

1. Secretary to the Government of Khyber Pakhtoon Khwa for Population Welfare  
Department, Civil Secretariat, KPKP, Peshawar.
2. Secretary to the Government of Khyber Pakhtoon Khwa for Establishment and  
Administration Department, civil secretariat, KPK, Peshawar.
3. Director General, Population Welfare, F.C. Trust Building Saddar Road,  
Peshawar.
4. Mr. Zahir Shah, promotee Superintendent, Population Welfare, F.C. Trust  
Building Saddar Road, Peshawar.

Dated \_\_\_/04/2014

Through

  
Appellant/  
  
Riaz Ahmad  
(Advocate High Court)

(6)

(6)

Annex - A

Government of Khyber Pakhtunkhwa  
Directorate General Population Welfare

Post Box No.235

1<sup>st</sup> & 2<sup>nd</sup> Floor, FC Trust Building Sunehri Masjid Road, Peshawar Cantt  
Phone No. +92-091-921153-38 (Exchange)

Date Peshawar the 22/7/ 2010.

NOTIFICATION

F.No.4 (5)/2010/Admn:- On recommendation of the Departmental Promotion Committee (DPC) meeting held on 10.06.2010 and with approval of the competent authority Mr. Anwar Khurshid, Office Assistant (BPS-14) is hereby promoted on acting charge basis to the post of Superintendent (BPS-16) with immediate effect.

(Director General)  
Population Welfare Department

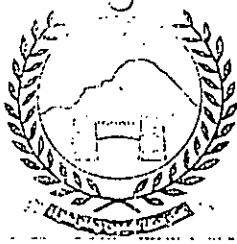
Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Directors, PHQr, Peshawar.
3. All District Population Welfare Officer, Khyber Pakhtunkhwa.
4. District Accounts Officer, Mansehra.
5. Accounts Officer (Local), PHQr, Peshawar.
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Peshawar.
7. PS to Director General, PHQr, Peshawar.
8. Manager Government Printing Press, Peshawar.
9. Mr. Officer concerned.
10. F.No: 4(4)/2009/Admn.
11. F.No.1 (1)/2010-Admn.
12. Master File.

(Nasim Ullah)  
Assistant Director (Admn)

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(7)

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
POST BOX NO.235

FC TRUST BUILDING SUNEHRI MASJID ROAD, PESHAWAR CANTT.  
PH: # +92-091-9211536-38

Date Peshawar the 03/9/2010

**OFFICE ORDER**

**F.No.4 (5)/2010/Admn:** - In continuation of this office promotion order of even number dated 22/07/2010, the following posting / transfer as mentioned against each is hereby ordered in the public interest with immediate effect and till further order;

S.No	Name of incumbent	From	To	Remarks
1	Mr. Alamgir,	Office Assistant (BPS-14) PHQr, Peshawar	On promotion, ADPWO, BPS-16, DPWO Office, Peshawar.	Vice No.7
2	Mr. Shahid Ahmed	Stenographer (BPS-15) DPW Office, Mardan	On promotion, ADPWO (BPS-16) DPW Office, Mardan	Vice No.6
3	Mr. Anwar Khurshid	Office Assistant (BPS-14) DPW Office, Mansehra	On promotion, Superintendent (BPS-16)	Posted against the vacant post of ADPWO (BPS-16) DPW Office, Mansehra
4	Mr. Muhammad Kashif Khan	Accounts Assistant (BPS-11) LRH, Peshawar	On promotion, Accountant (BPS-16)	Posted against the vacant post of Private Secretary to D.G, BPS-16 and attached with Accounts Section
5	Mr. Shahid Murad	Accounts Assistant (BPS-11) KTH, Peshawar	On promotion Accountant (BPS-16), DPW Office, Mardan	Against the vacant post.
6	Mr. Khewadin, Stenographer (BPS-15) adjusted as ADPWO (BPS-16), DPW Office, Mardan	DPW Office, Mardan	DPW Office, Mardan	Vice No. 2 In order to vacate original post for the promotee.
7	Mr. Arif Abbas, Office Assistant (BPS-14), adjusted as ADPWO (BPS-16), DPW Office, Peshawar	DPW Office, Peshawar.	DPW Office, Peshawar	Vice No.8 In order to vacate original post for the promotee.
	Mr. Mir Baiz, Office Assistant (BPS-14),	DPW Office, Peshawar	PHQr, Peshawar	Vice No.1

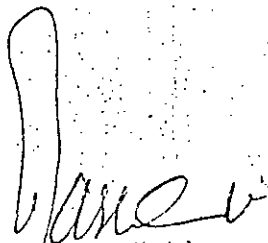
*Handwritten signature and stamp:*  
ADPWO  
Peshawar  
C.A. Muneer

9	Mr. Alamzeb, Accounts Assistant (BPS-11) adjusted as FW-Counselor (BPS-11),	DPW Office, Peshawar	RHSC-A KTH, Peshawar	Vice No. 5
10	Mr. Muhammad Nazeef, Accounts Assistant (BPS-11)	DPW Office, Nowshera	RHSC-A LRH, Peshawar	Vice No. 6
11	Mr. Muhammad Alam, Accounts Assistant, BPS-11	Directorate General, Peshawar	DPW Office, Nowshera	Vice No. 10
12	Amir Saeed, Accounts Assistant, BPS-11	DPW Office, Nowshera	Directorate General, Peshawar	Vice No. 11

Sd/-  
Director General  
Population Welfare Department

Copy forwarded to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Directors, PHQr, Peshawar.
3. All District Population Welfare Officer, Khyber Pakhtunkhwa.
4. CMO/ SWMO I/C RHSC-A, LRH, Peshawar.
5. SWMO I/C RHSC-A, KTH, Peshawar.
6. Accounts Officer (Local), PHQr, Peshawar.
7. PS to Minister for Population Welfare, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary to Govt: of Khyber Pakhtunkhwa, Peshawar.
9. PS to Director General, PHQr, Peshawar.
10. Manager Government Printing Press, Peshawar.
11. Officers / officials concerned.
12. F.No. 1(2)/2010/Admn.
13. F.No.1 (1)/2010/Admn.
14. F.No. 4(4)/2009/Admn
15. Master File.

  
 (Nasim Ullah)  
 Assistant Director (Admn.)

(8)

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
POST BOX NO.235  
FC TRUST BUILDING SUNEHRI MASJID ROAD,  
PESHAWAR CANTT:  
PH: # +92-091-9211536-38

Dated Peshawar the 16/12/ 2011.

OFFICE ORDER

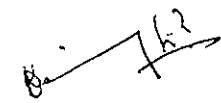
F. No. 4(5)/2011/Admn:- On the recommendations of the Departmental Promotion Committee held on 24/11/2011, the following Office Assistants, (BPs-14) and Statistical Assistants (BPs-11) are hereby promoted as mentioned against each to the post of Superintendent, ADPWO, Statistical Investigator and Monitoring & Evaluation Officer, (BPS-16) with immediate effect.

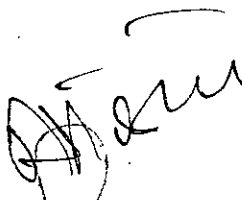
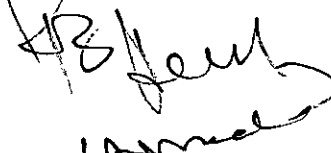

S. No.	Name & Designation	Promoted to	Remarks
1	Mr. Khurshid Anwar working as Superintendent (BPS-16) on acting charge basis	Superintendent (BPS-16)	On regular basis
2	Mr. Muhammad Ismail, Assistant (BPS-14)	ADPWO (BPS-16)	On acting charge basis
3	Mr. Taus Khan, Assistant (BPS-14)	-do-	-do-
4	Mr. Shahab Ahmad, Statistical Assistant (BPS-11)	-do-	-do-
5	Mr. Zia-ul-Haq, Statistical Assistant (BPS-11)	-do-	-do-
6	Mr. Afsar Khan, Statistical Assistant (BPS-11)	Statistical Investigator (BPS-16)	-do-
7	Mr. Muhammad Tariq, Statistical Assistant (BPS-11)	Monitoring and Evaluation Officer (BPS-16)	-do-

Sd/-  
Director General  
Population Welfare Department,  
Khyber Pakhtunkhwa, Peshawar.

Copy forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Directors, PWD, PHQr, Peshawar.
3. DPW Officers, Mansehra, Mardan, SWabi, Charsadda & Karak.
4. District Account Officers, Mansehra, Mardan, SWabi, Charsadda & Karak.
5. Section Officer (Estt), PWD, Peshawar with reference to his letter No. SOE (PWD) 4-42/08/Vol-II/PC dated 13<sup>th</sup> December, 2011.
6. Account Officer (Local), PWD, PHQr, Peshawar.
7. Officers concerned.
8. PS to Director General, PWD, Khyber Pakhtunkhwa, Peshawar.
9. Master file.

  
(Kashif Fida)  
Assistant Director (Admn)

GOVERNMENT OF KHYBER PAKHUNKHEA  
POPULATION WELFARE DEPARTMENT

POST BOX NO. 235  
FC TRUST BUILDING SUNEHRI MASJID ROAD  
2<sup>ND</sup> FLOOR PESHAWAR CANTT.

Annex - II

Page No. 1/c

F.No.4 (8)/2012-13/Admn.

Dated Peshawar, the 27/12/2013

OFFICE ORDER

Sanction of 365 days leave encashment in lieu of LPR is hereby granted to Mr. Anwar Khurshid, Assistant District Population Welfare Officer, (BPS-16) of DPW Office, Mansehra.

The officer stands retired from service on 21.12.2013 on attaining the age of superannuation. His date of birth is 22.12.1953

DIRECTOR GENERAL, PWD

Copy to:-

1. The District Population Welfare Officer Mansehra with reference to his letter No. 1(2)/2013-14/Admn dated 26.11.2013
2. The District Accounts Officer Mansehra.
3. PS to Director General, PW, Deptt: Khyber Pakhtunkhwa, Peshawar.
4. Officer concerned c/o DPWO.

(Kashif Fida)

Assistant Director (Admn)

Hand Vibe No: - 8782-85

27/12/13

*Amir*  
*Amir*  
*Amir*



10)  
Annex - B

Peshawar, the 11/1/2012

OFFICE ORDER

F-No.4(5)/2011/Admn: Consequent upon their promotion, the competent authority is pleased to order the following postings/transfers amongst BPS-16 officers in public interest with immediate effect & till further order.

S.No.	Name	from	To	Remarks
1.	Mr. Anwar Khurshid, Superintendent B-16	On Promotion	DFW Office Mansehra	Adjusted against the vacant post of ADPWO B-16.
2.	Muhammad Ismail, ADPWO-16	-do-	DFW Office Swat	-do-
3.	Mr. Taus Khan, ADPWO B-16	-do-	PHQ Peshawar	Adjusted against the vacant post of Superintendent B-16
4.	Mr. Shahab Ahmad, ADPWO B-16	-do-	DFW Office Abbottabad	Against vacant post.
5.	Mr. Zia-ul-Haq, ADPWO B-16	-do-	DFW Office Kohat	-do-
6.	Mr. Afsar Khan, Stat. Investigator B-16	-do-	DFW Office Charsadda	Adjusted against the vacant post of WMO B- 17 in his own pay & scale.
7.	Muhammad Tariq, M&E Officer B-15	-do-	PHQ Peshawar	Against the vacant post.
8.	Mrs. Zulikha Jan, FTO B-16	DFW Office Abbottabad	DFW Office Abbottabad	Adjusted against the vacant post of Accountant B-16 to vacate the post of ADPWO B-16 for his original incumbent.

→ Reversed.  
→ Expenses.

Sd/-  
DIRECTOR GENERAL, PWD

Copy to:-

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. All Directors in PHQ Peshawar.
3. The District Population Welfare Officers Mansehra, Abbottabad, Charsadda & Kohat.
4. The District Accounts Officers Mansehra, Abbottabad, Charsadda & Kohat.
5. PS to Minister for Population Welfare KFK, Peshawar.
6. PS to Secretary PWD Khyber Pakhtunkhwa Peshawar.
7. PS to Director General, PWD Khyber Pakhtunkhwa Peshawar.
8. Officers concerned.
9. Master File.

(Kashif Fida)  
Assistant Director (Admn)

*[Handwritten signatures]*

Government of Khyber Pakhtunkhwa  
Directorate General Population Welfare  
Post Box No.235

Dated Peshawar, the 19<sup>th</sup> December, 2013

OFFICE ORDER

F.No.4(5)2013-14/Admn The competent authority on the recommendations of the Departmental Promotion Committee meeting held on 28/11/2013, hereby pleased to promote the following employees of the Population Welfare Department, Khyber Pakhtunkhwa, from BPS-11/14 to BPS-16 on regular basis, with immediate effect:-

Sr. No.	Name and Designation of Officers
1	Mr. Shahab Ahmad, Assistant District Population Welfare Officer (BPS-16)
2	Mr. Zia-ul-Haq, Assistant District Population Welfare Officer (BPS-16)
3	Mr. Taus Khan, Assistant District Population Welfare Officer (BPS-16)
4	Mr. Mumtaz Khan, Assistant District Population Welfare Officer (BPS-16)
5	Mr. Afsar Khan, Statistical Investigator (BPS-16)
6	Mr. Muhammad Tariq, Monitoring & Evaluation Officer (BPS-16)

On their promotion on regular basis, the officers will continue to work on their present position, except at serial No.4 whom posting order will be issued in due course of time.

(Director General)  
Population Welfare Department

Copy forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Section officer (Estatt:), Population Welfare Department Government of Khyber Pakhtunkhwa, Peshawar w/r to his letter No.SOE(PWD)4-42/2013-14/Vol-IV/PC dated 17/12/2013.
3. District Population Welfare Officers, Abbottabad, Charsadda & Karak.
4. District Accounts Officers, Abbottabad, Charsadda & Karak.
5. Accounts Officer (Local), PWD, Khyber Pakhtunkhwa, PHQr, Peshawar.
6. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Population Welfare Deptt: Peshawar.
7. PS to Director General, Population Welfare Department, Peshawar.
8. Officers Concerned.
9. Personal File of officers concerned.
10. Master File.

(Kashif Fida)  
Assistant Director (Admn)

(12) Feb 3/12  
 P Sec: 009 Month: March 2012  
 PR4952 - Directorate General Pop  
 MIN: Population Welfare  
 NTN: 0  
 OFF ID: JM 020204  
 Old ID: 2979269648

*Amna*

FPS No: 00047790 BUREAU: G  
 Name: TAUS KHAN  
 Des: SUPERINTENDENT  
 NIC No.: 13756344338

DEPT CODE PR4952

EPF Interest Applied  
 EPF is Active Temporary

PAYS AND ALLOWANCES:		
0001-Basic Pay		21,200.00
1001-House Rent Allowance 45%		2,727.00
1210-Convey Allowance E005		2,480.00
1947-Medical Allow 15% (14-22)		1,000.00
1948-Adhoc Allowance 20100 E0X		5,070.00
1970-Adhoc Relief Allow 2011		1,821.00
5002-Adjustment House Rent		860.00
5011-Adj Conveyance Allowance		1,309.00
5501-Adj Basic Pay		1,678.00
Gross Pay and Allowances		39,144.00
DEDUCTIONS:		
IT Payable	1,098.78 Deducted	4,703.00
EPF Balance	59,393.00	TAX: (3609) 550.00
3505-EPF Loan Principal Instal	Ball: 39,400.00	Subrc: 1,760.00
3501-Benevolent Fund		2,200.00
3511-Addl Group Insurance		250.00
3504-Group Insurance		19.00
		173.00
Total Deductions		4,952.00
NET AMOUNT PAYABLE		34,192.00

QUALIFYING SERVICE		D.O.B		LFP Quota:	
YRS	MON	DD	MM	NBP, MIRICH MANDI	MIRICH MANDI
35	06	03	1956	2254-5	
35 Years 06 Months 019 Days					

*Amna*  
*Amna*

(13)



D. B. R. H.P. Quota: Payment through DDU.  
GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL  
DISTRICT AG HWPF PESH  
PAY ROLL SYSTEM

FR 6/14

PAYMENT ADVICE

SH: 2081	AG HWPF PESH	P Sec: 009	Month: June 2014
Page #: 00047790	Booklet: 0	PR4952	Directorate General Popula
Name: TAUS KHAN		Min: 0	Population Welfare
Dsg.: SUPERINTENDENT		GPF #: JM 020204	
CNIC No. 1730198731459		Old #: 99992698648	
GPF Interest Applied			
16 Active Temporary			
PAYS AND ALLOWANCES:			PR4952
0001-Basic Pay			22,800.00
1001-House Rent Allowance 45%			2,727.00
1210-Convey Allowance 2005			5,000.00
1947-Medical Allow 15% (16-22)			1,821.00
1948-Adhoc Allowance 2010@ 50%			6,070.00
1970-Adhoc Relief Allow 2011			1,821.00
2118-Adhoc Relief Allow (2012)			4,560.00
2148-15% Adhoc Relief All-2013			3,420.00
Gross Pay and Allowances			48,219.00
DEDUCTIONS:			
IT Payable	8,187.00	Deducted	745.00
GPF Balance	90,892.00		TAX: (3609) 745.00
6505-GPF Loan Principal Instal		Bal: 75,000.00	Subrc: 1,760.00
3501-Benevolent Fund			5,000.00
3511-Addl Group Insurance			250.00
3604-Group Insurance			19.00
			173.00
NET AMOUNT PAYABLE			
QUALIFYING SERVICE			
Total Deductions			7,947.00
			40,272.00

D. B. R. H.P. Quota:



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHWA  
DISTRICT AG HWPF PESH  
PAY ROLL SYSTEM

FR 7/14

PAYMENT ADVICE

SH: 2081	AG HWPF PESH	P Sec: 009	Month: July 2014
Page #: 00047790	Booklet: 0	PR4952	Directorate General Popula
Name: TAUS KHAN		Min: 0	Population Welfare
Dsg.: SUPERINTENDENT		GPF #: JM 020204	
CNIC No. 1730198731459		Old #: 99992698648	
GPF Interest Applied			
17 Active Temporary			
PAYS AND ALLOWANCES:			PR4952
0001-Basic Pay			23,200.00
1001-House Rent Allowance 45%			4,432.00
1210-Convey Allowance 2005			5,000.00
1947-Medical Allow 15% (16-22)			1,821.00
1948-Adhoc Allowance 2010@ 50%			6,070.00
1970-Adhoc Relief Allow 2011			1,821.00
2118-Adhoc Relief Allow (2012)			4,640.00
2148-15% Adhoc Relief All-2013			3,480.00
2174-Adhoc Relief Allow 2014			2,320.00
Gross Pay and Allowances			52,784.00
DEDUCTIONS:			
IT Payable	9,724.90	Deducted	1,210.00
GPF Balance	90,132.00		TAX: (3609) 973.00
6505-GPF Loan Principal Instal		Bal: 70,000.00	Subrc: 2,240.00
3501-Benevolent Fund			5,000.00
3511-Addl Group Insurance			250.00
3604-Group Insurance			230.00
6211-CM KF Fund 10% C III 1914			749.00
NET AMOUNT PAYABLE			
Total Deductions			9,467.00
			43,317.00
QUALIFYING SERVICE		D. B. R.	H.P. Quota:
YRS	MON	17 03 1974	REP. HIRICH HANZI HIRICH HANZI
37 Years 09 Months 01 Days			

*Handwritten signature and initials*

Peshawar.  
Diary No. 1421  
Dated 3/7/14  
S/S

(14) (1)  
Amir-D  
D.N. 799  
Date 3-7-2014

The Director General,  
Directorate General, Population Welfare,  
Khyber Pakhtunkhwa.

Subject:- REQUEST FOR PROMOTION FROM BPS-16 TO BPS-17 AS  
PER OBSERVATION OF ADMN DEPARTMENT

D-959  
Date 8-7-14  
[Signature]

Sir,

It is respectfully submitted that as per observation of Admn Department, Khyber Pakhtunkhwa vide letter No:SOE (PWD)4-42/2013-14/Vol-IV/PC/1220-21 dated 03-06-2014 (Copy enclosed). I am serving in this Department since 14-10-1976 and going to be retired on 18-03-2016. Presently I am performing my duty as Superintendent (BPS-16) since 11-01-2012 and the promotion case of ADPWO/Supdt./PS to the post of Assistant Director/DDPWO (N/T)/TPWO (BPS-17) is under process.

It is therefore, requested that I may kindly be recommended for appointment on acting charge basis in the said process please.

Yours Faithfully,

[Signature]

TAUS KHAN  
Superintendent (Admn)

Copy to the:-

PS to Secretary, Population Welfare Department, Government of Khyber Pakhtunkhwa, for information please.

Superintendent (Admn)

[Handwritten notes and signatures on the left margin, including dates like 2/7/14 and 3/7]

[Handwritten signatures and notes in the middle of the page]

[Handwritten signatures and notes at the bottom of the page]



GOVERNMENT OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
A-BLOCK ABDUL WALI KHAN MULTIPLEX, CIVIL SECRETARIAT, PESHAWAR

(15) 87

Dated Peshawar the, 01<sup>st</sup> December 2014

4874-79

NOTIFICATION

NO. SOE (PWD) 4-42/2013-14:- Consequent upon the recommendations of the Departmental Promotion Committee and with approval of the Competent Authority, Mr. Zahir Shah, Office Assistant (BS-16) is hereby promoted to the post of Superintendent (BS-17) on regular basis with immediate effect.

2. He will be on probation for a period of one year as per provision of rule-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

SECRETARY  
POPULATION WELFARE DEPARTMENT  
KHYBER PAKHTUNKHWA

Endst: No. SOE (PWD) 4-42/2013-14

Dated Peshawar the 01<sup>st</sup> Dec: 2014

Copy forwarded for information & necessary action to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director General, Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
4. PS to Advisor to Chief Minister for Population Welfare, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary, Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
6. Officer concerned.
7. Personal file.
8. Master file.

*(Handwritten signature)*

(QASIM KHAN)

SECTION OFFICER (ESTABLISHMENT)

Phone # 091-9223623

*DD/A*  
*on file*  
*ADCA's*  
*2-11-14*  
*3/12*

*(Handwritten signatures)*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT  
A-BLOCK ABDUL WALI KHAN MULTIPLEX, CIVIL SECRETARIAT, PESHAWAR

16

Dated Peshawar the, 13<sup>th</sup> April, 2015.

**NOTIFICATION**

2617-25

NO. SOE (PWD) 4-1/2013/KC: - The competent authority is pleased to order postings. / transfers of the following officers of the Population Welfare Department, Khyber Pakhtunkhwa with immediate effect in the public interest:-

S. #	Name of officer	From	To	Remarks
1.	Mr. Abdul Wadood, (BS-17)	Waiting for posting.	Deputy Demographer (BS-17) DPW Office, Lakki Marwat	Adjusted in the same station & post.
2	Mr. Shahid Khan (BS-17)	Waiting for posting	DDPWO (Non-Tech) (BS-17) Mardan	
3	Mr. Alamgir Khan (BS-17)	DPW Office, Swat	DDPWO (Tech) (BS-17) Malakand.	
4	Mr. Shah Zeb (BS-17)	Directorate General PW	TPWO (BS-17), Takhtbhai, District Mardan.	
5	Mr. Zahir Shah (BS-17)	Directorate General PW.	Superintendent (BS-17), PHQr.	
6	Mr. Taus Khan (BS-16)	Directorate General PW	Statistical Investigator (BS-16), PHQr, Peshawar	
7	Mr. Muhammad Hussain (BS-16)	DPW Office, Mardan	ADPWO (BS-16), DPW Office, Mardan	Vice S. No. 2.

SECRETARY  
POPULATION WELFARE DEPARTMENT  
KHYBER PAKHTUNKHWA

Endst: No. SOE (PWD) 4-1/2013/KC/ Dated Peshawar, the 13<sup>th</sup> April, 2015

Copy forwarded for information & necessary to the:-

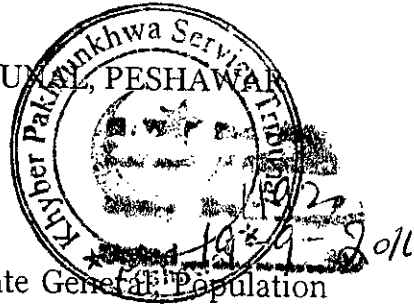
1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Population Welfare Khyber Pakhtunkhwa, Peshawar.
3. District Population Welfare Officers, Malakand, Lakki Marwat, Mardan & Swat.
4. District Accounts Officers, Malakand, Lakki Marwat, Mardan & Swat.
5. PS to Advisor to Chief Minister for Population Welfare Khyber Pakhtunkhwa

*Amir*  
*Amir*

17

Annex-E

BEFORE THE HON'BLE PAKHTOONKHWASERVICE TRIBUNAL, PESHAWAR



Service appeal No. 1924/2014

Mr. Taus Khan S/O Taj Mohammad, Superintendent, Directorate General, Population Welfare, Khyber Pakhtoon Khwa F.C. trust Building Saddar Road Peshawar.

..... Appellant

VERSUS

1. The Secretary to the Government of Khyber Pakhtoon Khwa, for Population Welfare Department, civil secretariat Peshawar.
2. Secretary to the Government of KPK for Establishment and Administration Department.
3. The Director General, Population Welfare, Directorate General, F.C. Trust Building Saddar Road, Peshawar.

..... Respondents.

Appeal under section 4 of the Khyber Pakhtoon Khwa Service Tribunal Act 1974 (Act I of 1974) against the move of the Population Welfare Department KPK to promote Assistant District Population Welfare Officers/ Superintendent and Private secretary BPS- 16 to the 4 posts of Asstt: Directors/ Tehsil Population Welfare Officers/ Dy: District Population Welfare Officers BPS-17 for which working papers have been prepared and the appellant has not been included in them as superintendent but has been included as Assistant District Population Welfare officer, whereas the appellant is a superintendent by virtue of the record of the Department, and his exclusion as superintendent and inclusion as Asstt: Distt: Population Welfare Officer in the working papers for the promotion would not only deprive the appellant of his post and designation but also from his due right to promotion as there is independent line of promotion for the post of superintendent and private secretary. Therefore, the inclusion of the appellant as Asstt: Distt: Population Officer instead of superintendent in the working papers for promotion would be against the legal, lawful and constitutional rights of the appellant and he may, therefore, be included as superintendent in them; and the notification or posting of another person as superintendent at the due place of the appellant would also be against the legal and constitutional rights of the appellant.

*[Handwritten signature]*  
19/9/14

re-submitted to the  
and filed.  
*[Handwritten signature]*  
3/10/14

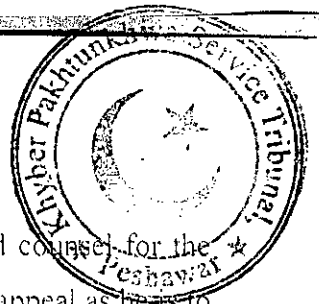
Respectfully Sheweth:-

**ATTESTED**

1. That the Population Welfare Department promoted Mr. Khurshid Anwar Office Assistant BPS -14 to the post of Superintendent BPS- 16 on 22/07/2010 on acting charge basis, and on 03/092010 posted him as Assistant District







13.03.2015

Counsel for the appellant present. Learned counsel for the appellant requested for withdrawal of the instant appeal as he is to seek redressal of his grievance afresh in view of fresh development at the level of department. Dismissed as withdrawn. File be consigned to the record.

*SLJ  
Chairman*

ANNOUNCED  
13.03.2015

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

**Date of Registration of Application** 7-4-2015

**Number of Words** 800

**Copy Fee** 6

**Urgent** 2

**Total** 8

**Name of Counsel** [Signature]

**Date of Registration of Appeal** 7-4-2015

**Date of Disposal of Appeal** 7-4-2015

~~19~~ 19

BEFORE THE HON'BLE PAKHTOONKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service appeal No. \_\_\_\_\_/2014

Mr. Taus Khan S/O Taj Mohammad ..... Appellant

VERSUS

The Secretary to the Government of Khyber Pakhtoon Khwa, for Population Welfare department, civil secretariat Peshawar and others

..... Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Memo of appeal		1-3
2.	Affidavit		4
3.	Memo of Addresses		5
4.	Copies of order of promotion, posting and retirement of Mr. Khurshid Anwar	A	6-9
5.	Copy of the promotion and posting orders of the appellant.	B	10-11
6.	Copy of the record / pay slips	C	12-13
7.	Copy of the application dated 2/07/2014	D	14
8.	Wakalatnama		

Dated \_\_\_\_/\_\_\_\_/2014

*[Handwritten signature]*  
*[Handwritten signature]*

Appellant  
Through *[Handwritten signature]*  
Riaz Ahmad  
(Advocate High Court)

## BEFORE THE HON'BLE PAKHTOONKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No. \_\_\_\_\_/2014

Mr. Taus Khan S/O Taj Mohammad, Superintendent, Directorate General, Population Welfare, Khyber Pakhtoon Khwa F.C. trust Building Saddar Road Peshawar.

..... Appellant

VERSUS

1. The Secretary to the Government of Khyber Pakhtoon Khwa, for Population Welfare Department, civil secretariat Peshawar.
2. Secretary to the Government of KPK for Establishment and Administration Department.
3. The Director General, Population Welfare, Directorate General, F.C. Trust Building Saddar Road, Peshawar.

..... Respondents.

Appeal under section 4 of the Khyber Pakhtoon Khwa Service Tribunal Act 1974 (Act I of 1974) against the move of the Population Welfare Department KPK to promote Assistant District Population Welfare Officers/ Superintendent and Private secretary BPS- 16 to the 4 posts of Asstt: Directors/ Tehsil Population Welfare Officers/ Dy: District Population Welfare Officers BPS-17 for which working papers have been prepared and the appellant has not been included in them as superintendent but has been included as Assistant District Population Welfare officer, whereas the appellant is a superintendent by virtue of the record of the Department, and his exclusion as superintendent and inclusion as Asstt: Distt: Population Welfare Officer in the working papers for the promotion would not only deprive the appellant of his post and designation but also from his due right to promotion as there is independent line of promotion for the post of superintendent and private secretary. Therefore, the inclusion of the appellant as Asstt: Distt: Population Officer instead of superintendent in the working papers for promotion would be against the legal, lawful and constitutional rights of the appellant and he may, therefore, be included as superintendent in them; and the notification or posting of another person as superintendent at the due place of the appellant would also be against the legal and constitutional rights of the appellant.

Respectfully Sheweth:-

1. That the Population Welfare Department promoted Mr. Khurshid Anwar Office Assistant BPS -14 to the post of Superintendent BPS- 16 on 22/07/2010 on acting charge basis, and on 03/092010 posted him as Assistant District Population welfare officer BPS-16, at District Mansehra and was confirmed on 16/12/2011 as superintendent BPS-16, but was kept posted as Asstt: District Population Welfare Officer, at Mansehra and subsequently was confirmed on the same post of Assistant District Population Welfare officer BPS-16 because the department kept the said post filled with him and approved his retirement

on the same post and accordingly he proceeded on retirement on 21-12-2013 as Assistant District Population welfare Officer.

(Copies of order of promotion, posting and retirement are enclosed herewith as Annex-A)

2. That the appellant was also due for promotion to BPS -16 either to the post of superintendent or Assistant District Population Welfare Officer, but due to the posting of Mr. Khurshid Anwar as Assistant District Population Welfare Officer BPS-16, there was only one vacant post which was of Superintendent BPS-16 and, though the appellant was promoted on 16/12/2011 on acting charge basis as Assistant District Population Welfare officer BPS-16, and was confirmed on 19/12/2013 as such but he was posted as Superintendent because the only vacant post of Asstt: Distt: Population Welfare Officer was kept filled with Mr. Khurshid Anwar.

(Copy of the promotion order is enclosed herewith as Annex-B)

3. That on the confirmation of Mr. Khurshid Anwar, on his willingness and approval of the competent authority, as Asstt: Distt: Population Welfare Officer BPS-16, which was the only available vacancy for posting of the appellant, the appellant consequently and automatically got confirmed as superintendent BPS -16 as it was the only available vacancy for posting of the appellant in terms of the allocated posts in the budget and strength of the cadre, and the line of promotion of the two posts is also merged in the next grade.

4. That since the posting of the appellant as superintendent, he has been drawing his salary as superintendent and he is mentioned in the accounts and administration record as such.

(Copy of the record / pay slips are enclosed herewith as Annex-C)

5. That now the Department has prepared working papers for the promotion of Assistant District Population Welfare Officers/ Superintendent and Private secretary BPS- 16 to the post of Asstt: Directors/ Tehsil Population Welfare Officers/ Dy: District Population Welfare Officers BPS-17 for which working papers have been prepared and the appellant has not been included in them as superintendent but has been included as Assistant District Population Welfare officer, whereas the appellant is a superintendent by virtue of the record of the Department, and his exclusion as superintendent and inclusion as Asstt: Distt: Population Welfare Officer is against the legal and constitutional rights of the appellant.

6. That the appellant has preferred an application, dated 02/07/2014, to the competent authority that he has been confirmed on the post of superintendent and may, therefore, be included as superintendent in the working papers for promotion, and consequently the posting / notification of another person at the post of superintendent is, therefore, also against the legal and constitutional rights of the appellant.

(Copy of the application is enclosed as Annex-D)

7. That the application of the appellant was not considered / entertained in light of law and rules, the right of the appellant and departmental record, he, therefore, approaches this Hon'ble Tribunal for necessary redressal of his grievances, interalia, on the following

GROUNDS:-

- A. That the inclusion of the appellant as Asstt; Distt: Population Welfare Officer BPS -16 instead of superintendent in the working papers for promotion is against the law, rules and principles of justice.
- B. That the confirmation of Mr. Khurshid Anwar as Asstt: District Population Welfare Officer BPS-16 on his own willingness and approval of the competent authority has already confirmed the appellant as superintendent.
- C. That the seniority of the two posts is merged after promotion in the next grade, but for promotion from the present posts they have independent lines with specified positions i.e. superintendent and private secretary have their independent positions for promotion.
- D. That since the promotion of the appellant, he has been posted as superintendent which was the only available vacancy as the vacancy of Asstt: District Population Welfare officer had been kept filled with the posting of Mr. Khurshid Anwar, therefore, the notification / posting of another person as superintendent is illegal and against the rules.
- E. That it would be squarely against the rules, law and the principles of justice if the appellant is displaced from his post and designation by including him in the working papers as Asstt: District Population Welfare Officer instead of being superintendent because it would mean he has been sacrificed at the option of Khurshid Anwar and the department having extended undue favour to him at the time when the only vacancy for the promotion of the appellant was kept filled with the posting of Mr. Khurshid Anwar as Asstt: District Population Welfare Officer.
- F. That any other ground / document may kindly also be allowed to be presented at the time of arguments.

In view of the above grounds and facts, it is, therefore, most humbly prayed that on acceptance of this appeal the appellant may kindly be included as superintendent instead of Asst: Distt Population Welfare officer in the working papers for promotion and any notification / posting of another person as superintendent may very kindly also be set aside as illegal and against the rules and principles of justice, please.

Dated \_\_\_\_/\_\_\_\_/2014

*Khurshid Anwar*

*Khurshid Anwar*  
Appellant

Through

*Riaz Ahmad*  
Riaz Ahmad

(Advocate High Court)

(23)

Anwar - F

P-70

Dno 2036  
Dat 22.12.2014

To

The Director General,  
Population Welfare Department,  
Peshawar.

Subject: DEPARTMENTAL APPEAL / GRIEVANCE PETITION

POPULATION WELFARE DEPARTMENT  
N.W.F.P. PESHAWAR  
Diary No. LS33  
Dated 24.12.14  
Sign: [Signature]

Respected Sir,

The applicant with profound request submits his grievance petition as under:

1. That post of Superintendent BPS-16 was lying vacant under your kind control since 23.08.2003.
2. That Mr. Anwar Khurshid office Assistant (BPS-14) was promoted on the post of Superintendent (BPS-16) in the year 2010 and thereafter on 3.9.2010 he was posted / adjusted on the post of Asstt. Distt. Population Welfare Officer (BPS-16) in the DPW Office Mansehra and also retired on 21.12.2013 as ADPWO BPS-16 (copy attached).
3. That upon posting / adjustment of Anwar Khurshid as ADPWO (BPS-16) the post of Superintendent (BPS-16) was remained vacant and thereafter vide office order dated 16.12.2011, the applicant was promoted to ADPWO BPS-16 on acting charge basis and posted / adjusted on the post of Superintendent (BPS-16) was handed over to him (copy attached).
4. That on 19.12.2013 vide office order no. 4(5)2013-14/Admn. dated 19.12.2013, the applicant was regularized on the post of ADPWO (BPS-16) while it was mentioned that the officer i.e. applicant will continue to work on his present position i.e. Superintendent BPS-16 (copy attached).
5. That as per direction / instruction, the applicant continued his work and discharged his responsibilities on the post of Superintendent (BPS-16) till date to the best satisfaction of his superiors and throughout the whole period not even a slight objection has been raised to the high ups.
6. That vide Notification dated 1.12.2014 office Assistant Mr. Zahir Shah has been promoted to the post of Superintendent (Notification attached).
7. That the AG, Office Mansehra Pakhtunkhwa has also granted up-gradation to the undersigned in the light of Govt. Notification No. FD/SO(FR)100-22/2014 dated 20.5.2014 and undersigned has drawn salaries from the Govt. Mansehra as Superintendent BPS-17 (copies of Notification and pay slip attached).

19/11/14  
un. fed  
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23/12

ANWAR  
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24/12/14  
M#2

P-70

D No 2000

Dat 22.12.2014

*[Handwritten signature]*

3. That the applicant is at the verge of retirement and short period is left for his retirement and it very much near to the justice if he is considered / confirmed as Superintendent BPS-17.

It is therefore, humbly prayed that on acceptance of this appeal / grievance petition, the applicant may graciously be considered / confirmed on the post of Superintendent (BPS-17).

Note:- It is pertinent to mention here that the undersigned has filed so many grievance appeals at different time to the high ups of the Department for redressal of his grievance, but undersigned was condemned unheard at all the times (copies attached).

Dated 15/12/2014.

Yours faithfully

*[Handwritten signature]*

(Taus Khan)  
Superintendent.

Copy to:-

1. PS to Advisor to Chief Minister for Population Welfare KPK.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa PW Peshawar.

Superintendent.

*[Handwritten signature]*  
*[Handwritten signature]*

*[Vertical handwritten notes on the left margin]*

بعدالت RPK Service Tribunal

Fresh and

22015 پنجاب ایپلز

Fausl Khan بنام کمرنگ پور

دیپنڈنٹ اور ڈسٹریکٹ

Service Appeal

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کے لیے *RPK Service Tribunal* کے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2015

13 ماہ اپریل

المرقوم

العہدہ گاہ العہدہ

کے لئے منظور ہے۔

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مقام