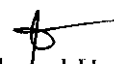


Execution Petition No. 235/2017
Ghulam Sarwar vs Govt

15.10.2018

Petitioner in person present. Mr. Kakhar Alam, Law Office alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. Case to come up for further proceedings on 16.10.2018 before S.B.

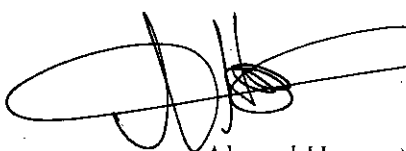

(Ahmad Hassan)

16.10.2018

Petitioner in person present. M/S ^{Member} Fakhar Alam, Law Officer and Shahzada, Accountant alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Petitioner while arguing his case, at the very outset requested for disposal of the instant execution petition today being at the last leg of his service. He was going to retire from government service in near future. Today again he placed before this Tribunal record of his promotion to BPS-19 from 1.12.2007 to 30.11.2014 and grant of PPS-20(Personal) from 01.12.2014 to 07.09.1995. He conceded at the Bar that issue pertaining to his promotion in accordance with the judgment of this Tribunal dated 14.09.2017 stood resolved to his entire satisfaction. As regards BPS-20(Personal) concerned staff of Provincial Assembly gave him an assurance of resolving the same today i.e 16.10.2018. As the dispute between the petitioner and the respondents has already been resolved so he gave a verbal undertaking not to further press the instant Execution Petition.

As a sequel to above, the Execution Petition in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Announced:
16.10.2018


(Ahmad Hassan)
Member

E.P. No 235/2017
Ghulam Sarwar vs Govt

01.10.2018

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Wakeel Khan, Deputy Secretary, Fakhre Alam, Law Officer and Shahzada Khan, Accounts Officer for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for implementation report on 08.10.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

08.10.2018

Petitioner Ghulam Sarwar in person alongwith his counsel Mr. Ali Azim Afridi, Advocate present. M/S Shahzada Khan, Assistant Accounts, Fakhre Alam, Law Officer and Ali Namdar Khan, Superintendent alongwith Mr. Kabirullah Khattak, Addl. AG for the official respondents and Mr. Ansarullah, Advocate on behalf of private respondent No. 3 present.

During the course of proceedings, the learned counsel for the parties got annoyed on some remarks of each other and started talking loudly due to which, it was not possible to continue further proceedings. Adjourned to 26.11.2018 for further proceedings before S.B. Learned counsels for the parties are advised to exercise patience during hearing, address to the chair when allowed to explain any point and also take care of the decorum of the court in future.


Chairman

Note

08.10.2018


Lateron petitioner Ghulam Sarwar appeared and submitted an application for early hearing. Application is allowed and case is fixed for further proceedings on 15.10.2018. Notice be issued to the respondents.


Chairman

24.09.2018

Petitioner Ghulam Sarwar in person alongwith his counsel Mr. Ali Azeem Afridi, Advocate present. M/S Wakeel Khan, Deputy Secretary, Fakhre Alam, Law Officer and Shahzada Khan, Accounts Officer alongwith Mr. Kabirullah Khattak, Addl. A.G for respondents No. 1 and 2 and Mr. Ansar Ahmad Advocate for respondent No. 3 present.

Today the above named representatives of the official respondents produced implementation report but it was seriously opposed by the learned counsel for the petitioner. He produced a separate statement of the Accounts which is different from the implementation report moneywise. Beside, the learned counsel for the petitioner also raised objection on the notification No. 2762, dated 07.09.2018. However, keeping in view the upcoming retirement of the petitioner, a mutual understanding was developed that let the Accounts Officer working in the office of Accountant General handling the matters of Provincial Assembly namely Mr. Tariq Kamal Afridi and Mr. Shahzada Khan, Accounts Officer, Provincial Assembly shall sit together and prepare a comprehensive report regarding arrears of pay and allowances and other privileges of the petitioner particularly keeping in view para 17 and 18 of the judgment of this Tribunal passed on 14.09.2017 and submit the same on or before 01.10.2018 before S.B.


Chairman


17.09.2018

Petitioner in person present. M/s Wakeel Khan, D.S and Fakhar Alam, Law Officer alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and submitted implementation report which is placed on file. Case to come up for further proceedings on 19.09.2018 before S.B.


(Ahmad Hassan)
Member

19.09.2018

Petitioner alongwith his counsel present. Mr. Ziaullah Deputy District Attorney alongwith Mr. Fakhar Alam, Law Officer and Mr. Wakeel Khan, Deputy Secretary for respondents No.1 and 2 and counsel for respondent No. 3 present. Petitioner submitted objections petition on implementation report. Copy of the same handed over to learned Deputy District Attorney as well as learned counsel for respondent No. 3. To come up for arguments on 24.09.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

E.P. No. 235/2017
Ghulam Sarwar vs Govt

10.09.2018

Petitioner Ghulam Sarwar in person alongwith his counsel Mr. Ali Azim Afridi, Advocate present. Mr. Insarullah Khan, Advocate on behalf of respondent no.3 (Nasrullah Khattak) whereas Mr. Fakar Alam, Law Officer on behalf of respondent no. 1 and 2 present. Mr. Kabirullah Khattak, Advocate for all the three respondents also present.

Today the above named representative and the learned counsel for private respondent no.3 produced two notifications, one bearing no. 2747 dated 07.09.2018 which is in the shape of corrigendum and 2nd one is bearing no. 2845 dated 07.09.2007. Vide corrigendum bearing no. 2747, in view of the judgment of this Tribunal, the petitioner has been allowed antedated promotion(BPS-19) w.e.f 18.08.2007 with seniority and all back benefits/consequential benefits. Similarly vide notification no. 2845 and in view of the judgment of this Tribunal, the petitioner has been placed in the seniority list at Sr. no. 1 as permanent Add: Secretary-I. However, the petitioner apprehends that since the respondent no.3 enjoying senior post and the above mentioned two notifications could not be implemented during his service so requested this Tribunal to get it implemented the same before his retirement. No comments are passed on his apprehension, however his request to the extent that being an old case, he should reape the fruit of his crops. As such, Deputy Secretary Admin is directed to submit implementation report showing the action taken on the above mentioned two notifications on 17.09.2018 before S.B.


Chairman

07.09.2018

Petitioner with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Fakhr Alam Law Officer for the respondents present. Learned counsel for the petitioner stated that the respondent concerned has not yet implemented the judgment of this Tribunal in letter and spirit despite the fact that the judgment of this Tribunal has been upheld by the august Supreme Court of Pakistan. Further contended that the respondent No.3 is still enjoying the perks and privileges of Secretary Khyber Pakhtunkhwa Provincial Assembly. As against that learned Additional Advocate General contended that the judgment of this Tribunal has been implemented in as much as vide order dated 30.08.2018, Mr. Kifayat Ullah Khan Afridi has been conferred acting charge of the post of Secretary Provincial Assembly Khyber Pakhtunkhwa Peshawar and similarly vide order dated 07.09.2018 of respondent No.1, the petitioner has been allowed antedated promotion as Additional Secretary (BPS-19) w.e.f 18.08.2007 with seniority and all back benefits/consequential benefits. Respondents are directed to fully implement the judgment of this Tribunal otherwise coercive measures shall be taken as per law. To come up for further proceedings on 10.09.2018 before S.B


Member

Post Script

07.09.2018

Later on learned AAG appeared alongwith representative namely Mr. Fakhr Alam Law Officer and submitted copy of order dated 07.09.2018 whereby the respondent No.1 has set aside the promotion order dated 15.08.2017 of Mr. Nasrullah Khan Khattak as Secretary (BS-21) and reverted him to the post of Additional Secretary (BS-20), copy of the said order placed on file. Now to come up for arguments on 10.09.2018 already fixed.


Member

06.09.2018


Petitioner Ghulam Sarwar in person present. Mr. Kabirullah Khattak, Additional AG for respondents No. 1 & 2 and counsel for private respondent No. 3 present. Learned Additional AG submitted implementation Notification dated 05.09.2018 whereby the petitioner has been granted promotion as Additional Secretary (BPS-19) w.e.f. 18.08.2007. The same is placed on record. Copy of Notification dated 30.08.2018 regarding the promotion of Mr. Kifayatullah as Secretary on acting charge basis also submitted. The same is also placed on record.

Petitioner also submitted copy of judgment of august Supreme Court of Pakistan whereby the august Supreme Court of Pakistan also dismissed the Civil Petition ~~of the respondents~~ whereby judgment of this Tribunal has been maintained.

Copy of the same is also placed on record.

Learned Additional AG and learned counsel for respondent No. 3 contended that the judgment of this Tribunal has been implemented and requested for disposal of the execution petition being implemented.

Whereas petitioner Ghulam Sarwar stated that back benefits have not been given to him therefore, to come up for further proceedings on tomorrow i.e 07.09.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

E.P No. 235/2017

27.07.2018

Appellant Mr. Ghulam Sarwar alongwith his counsel Mr. Ali Azeem Afridi, Advocate present. Mr. Wakeel Khan, Deputy Secretary(Admin) alongwith Mr. Ziaullah, Deputy District Attorney for respondents present.

The representative of the respondents seeks time to produce implementation order as due to the election campaign, respondent no.1 i.e Speaker Provincial Assembly was busy. Granted but as a very last chance. The above named representative is directed to produce the implementation order on 31.07.2018 before S.B.


Chairman

31.07.2018

Petitioner Mr. Ghulam Sarwar in person alongwith his counsel Mr. Ali Azeem Afridi, Advocate present. Mr. Fakhar Alam, Law Officer for respondent no. 1 alongwith Mr. Kabirullah Khattak, Addl: AG present. Clerk of Mr. Ansar ullah, Advocate counsel for private respondent no.3 present and submitted application for adjournment on the ground mentioned therein.

Today the case was fixed for submission of implementation order of this Tribunal but today learned Addl: AG again made a request for adjournment that the election of the incumbent speaker will take place in the near future and so it would be better that a chance may be given to the successor in the interest of justice. The request is allowed with heavy heart in the sense that very very last chance was given to the respondent no.1 but the order of this Tribunal was not implemented on one or the other pretext. However, today the request to some extent, seems to be genuine, as such allowed. Hence, again last chance is given to the respondent no.1 to produce the implementation report on 06.09.2018 before S.B.

Need not to mention here that the petitioner is going to be retired in the coming months so the justice would demand that he should reap the fruit of his struggle. As such, from onward today the proceedings in the present case will take place on day to day basis.


Chairman

E P NO 235/2017, Ghulam Sarwar vs Govt

20.07.2018

Petitioner with counsel present. Mr. Inam Ullah Additional Secretary Khyber Pakhtunkhwa Provincial Assembly appeared and stated that he represents the respondent No.1. Learned counsel for respondent No.3 present. Learned Additional Advocate General present.

Representative of respondent No.1 stated that application for transfer of the present execution petition from the court of learned Member Executive has already been preferred and that the Speaker Provincial Assembly/respondent No.1 is busy in the election campaign.

Learned counsel for the petitioner stated that the implementation of the judgment in question would have the effect of promotion of Mr. Kifayat Ullah Senior Additional Secretary Khyber Pakhtunkhwa Provincial Assembly to the post of Secretary Khyber Pakhtunkhwa Provincial Assembly and promotion of the petitioner to the post of Senior Additional Secretary Khyber Pakhtunkhwa Provincial Assembly on the basis of the criteria of *seniority cum fitness*.

There is no dispute that vide judgment under implementation dated 14.09.2017, the promotion of respondent No.3 to the post of Secretary Khyber Pakhtunkhwa Provincial Assembly has been set aside as a consequential benefit. As such respondent No.3 Mr. Nasrullah Khan shall be deemed reverted to the post of Additional Secretary Khyber Pakhtunkhwa Provincial Assembly.

The present execution petition is pending since 11.12.2017 but without any progress. In the stated circumstances the Accountant General Khyber Pakhtunkhwa is directed to henceforth release the salary of BS-19 (Additional Secretary Khyber Pakhtunkhwa Provincial Assembly) to the respondent No.3 Mr. Nasrullah. Similarly henceforth any order/directive of the respondent No.3 in the capacity of Secretary Khyber Pakhtunkhwa Provincial Assembly shall be deemed as *corum non judice*. Adjourn. To come up for proper implementation report on 27.07.2018 before S.B. Copy of this order be sent to the Chief Secretary Khyber Pakhtunkhwa for necessary action.

Member (Judicial)

E.P No. 235/2017

17.07.2018

Petitioner in person present. Mr. Fakhar Alam, Law Officer alongwith Mr. Sardar Shoukat Hayat, Adll: AG for official respondent no. 1 and clerk to counsel for private respondent no.3 present. Respondents no. 1 to 3 submitted applications for adjournment. One thing is clear from the previous order sheets that respondent no.1 is hell-bent to delay the case in hand on one pretext or the other so as to deprive the petitioner of his due rights.

The petitioner while arguing his case urged that this Tribunal may direct the respondent no.1 to present implementation report before 25.07.2018. That after the above date the Speaker of the Provincial Assembly would not be authorized to carry out official business pertaining to promotion of employees etc. Even on previous dates magnanimity was shown by this Tribunal by affording opportunities to the respondent no.1 and 3 to present implementation report.

As a sequel to above, respondent no.1 is again directed to appear in person alongwith implementation report on 20.07.2018 positively. In case of non-compliance, this Tribunal reserves the right to initiate the process of coercive measures against the concerned. To come up for further proceedings on 20.07.2018 before S.B.

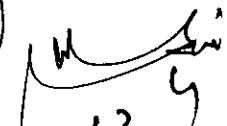

(Ahmad Hassan)
Member

10.04.2018

Petitioner with counsel, Addl: AG for official respondents and counsel for private respondent no.3 present. At the very outset of the proceedings learned counsel for private respondent no.3 got into altercation with learned counsel for the petitioner. Their conduct is against the norms of decency, gentleman behavior and decorum of this Tribunal. In these circumstances, I am not in a position to hear the instant execution petition.


The case is placed before the worthy Chairman for assigning the instant execution petition to some other bench.


(Ahmad Hassan)
Member

May be fixed before any other SB

13/4/18

17.04.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Implementation report not submitted. Learned counsel for the petitioner contended that this Tribunal vide order sheet dated 21.02.2018 summoned the respondent No. 1 i.e Speaker Provincial Assembly of Khyber Pakhtunkhwa personally before the Tribunal but he has not attended the court till date therefore, requested for issuance of warrant of arrest against him. Admittedly CPC is applicable in the Tribunal appeal and execution and Additional Advocate General can represent the official respondents therefore, I do not deem it proper to issue warrant of arrest against respondent No. 1. To come up for implementation report on 11.07.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

10.07.2017
11.07.2018

~~General present~~ Counsel for the petitioner present. Learned Additional Advocate General present. None present on behalf of private respondent No.3. Since lawyer community is on general strike, the case is adjourned. To come up for further proceedings on 17.07.2018 before S.B.

present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for implementation report on 16.07.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

16.07.2017

Petitioner with counsel present. Learned Additional Advocate General present. None present on behalf of private respondent No.3. Since lawyer community is on general strike, the case is adjourned. To come up for further proceedings on 17.07.2018 before S.B.


Member

28.02.2018

Counsel for the petitioner and Addl: AG and counsel for private respondent no.3 present. At the very outset learned AAG provided a copy of application submitted by Advocate On Record Supreme Court of Pakistan on behalf of the Speaker Provincial Assembly, Khyber Pakhtunkhwa in Supreme Court of Pakistan for clubbing C.P no. 480-P/2017 with C.P. no. 4249/2017. He made a request to adjourn the proceedings till hearing of the appeal in the Supreme Court of Pakistan. When he was confronted on the point that why provisional implementation order not being provided/submitted, assured that it would be submitted before the next date of hearing positively?

Learned counsel for private respondent no.3 produced an order of Supreme Court of Pakistan dated 22.01.2018 passed in C.P no. 4249/17 whereby another petition bearing no. C.P 480/17 has been clubbed with the aforementioned civil petition but not yet fixed for hearing. He made a request for adjournment of Execution Petition till the disposal of aforementioned civil petitions by the Supreme Court of Pakistan. He invited the attention of this Tribunal to order sheet dated 21.02.2018 wherein "respondent was called in person to attend this Tribunal on the next date of hearing". He further contended that there are three respondents in this case but it is not clear from the aforementioned order as to who was summoned by this Tribunal?

Learned counsel for the petitioner while arguing the case invited attention to Section-7 of the Service Tribunal Act, 1974, whereby it enjoys powers of civil court etc. Furthermore in Order 94 of CPC read with Order 38 of the same code ways and means have been laid down for ensuring the attendance/presence of any person and punitive measures in case of non-compliance. Reliance was also placed on 1989 PLC (C.S) 398 and 2017 PLC (C.S) 1102. He further argued that though the respondents have submitted an application in the Supreme Court of Pakistan for early hearing but no date has been fixed so far. His client is going to retire in near future, while respondents are deliberately delaying the case on flimsy grounds. In case of non-compliance this Tribunal is authorized to issue

warrants of arrest of respondent no.1. He further asserted that though the promotion of Secretary Provincial Assembly has been set aside by this Tribunal vide judgment dated 14.09.2017 he is still using the designation of Secretary Provincial Assembly. In support of his contention he produced certain documents, which are placed on record.

However, he flamboyantly, vociferously and vehemently contested that Addl: AG cannot appear on behalf of the Speaker Provincial Assembly. He is not part of the provincial government/ an independent entity. To substantiate his view point he referred to various Articles of the 1973 Constitution. On this the Addl: AG interjected and tried to clarify that this issue was dealt with and decided in the judgment of this Tribunal dated 14.09.2017, so there is no need to reopen this chapter. However, learned counsel for the petitioner was not satisfied from the explanation, rather stuck to his guns. In these circumstances this Tribunal was left with no other option but first to resolve this controversy.


Both the parties are directed to assist the Court as to who will represent the Speaker Provincial Assembly in this Tribunal on the next date of hearing? Learned Addl: AG is also directed to submit implementation report on or before the next date of hearing positively. To come up for further proceedings on 10.04.2018 before S.B.


(AHMAD HASSAN)
MEMBER

Execution Petition No. 235/2017
Ghulam Sarwar vs Govt

21.02.2018

Counsel for the petitioner present. Muhammad Jan, DDA present. None present on behalf of the official respondents. Counsel for the petitioner stated at the bar that the respondents have not implemented the judgment dated 14.09.2017 of this Honorable Tribunal, on the plea that the judgment of the Tribunal has been challenged in the Supreme Court of Pakistan in CPLA. That, on pursuing up the case in Supreme Court, it transpired today (21.02.2018) that the respondents have registered the case under C.P. No. 480-P/2017 in the Peshawar Registry of the Supreme Court of Pakistan and not in the main office of Supreme Court of Pakistan at Islamabad. Copy of the computer print placed on record. That the experience of the last several years indicate that such cases of Branch Registry are not fixed for regular hearing, even after the lapse of more than two years. That, so far, neither any stay order has been issued by the august Supreme Court, nor any date has so far been fixed for regular hearing and therefore the respondents have attempted to mislead this Tribunal. That the respondents are duty bound to implement the judgment of this Tribunal in letter and spirit, even on provisional basis till the case is finally adjudicated in the Supreme Court of Pakistan. That the petitioner is due to retire from service during the current year and if the implementation of the said judgment is not made forthwith, then the appellant will be subjected to irreparable loss, therefore the respondent be called in this Honorable Tribunal in person on the next date of hearing. Notice be issued to the respondent department for ensuring attendance and submission of compliance report, interim or final, on 28.02.2018 before S.B.


(Gul Zeb Khan)
Member


08.01.2018

Petitioner with counsel present. Mr. Usman Ghani, District Attorney for official respondents No. 1 & 2 and Mr. Ansar-Ullah Khan Advocate for private respondent No. 3 also present and submitted Wakalatnama. Implementation report on behalf of official respondents not submitted. Learned District Attorney for official respondents requested for further adjournment. Adjourned. To come up for implementation report on 08.02.2018 before S.B.





(Muhammad Amin Khan Kundi)
Member

08.02.2018

Petitioner with counsel, Addl: AG for official respondents and counsel for private respondent no.3 present. Implementation report not submitted. Requested for adjournment. Last opportunity granted. To come up for implementation report on 21.02.2018 before S.B.


(Ahmad Hassan)
Member(E)

Execution Petition No. 235/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	11.12.2017	<p>The Execution Petition of Mr. Ghulam Sarwar submitted to-day by him, may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/12/17</p>
2-	15/12/17	<p>This Execution Petition be put up before S. Bench on <u>01/01/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
01.01.2018		<p>Counsel for the appellant present and Assistant Advocate General for the respondents present. Notice be issued to the respondent department for submission of implementation report on 08.01.2018 before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member (E)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1048

Execution petition# 235 in Service Appeal No.952/2014

Dated 11/12/2017

Ghulam Sarwar, Additional Secretary, Provincial Assembly Secretariat, Khyber
Pakhtunkhwa, Peshawar.....Applicant

VERSUS

1. The Speaker Provincial Assembly of Khyber Pakhtunkhwa, Peshawar
2. The Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa
Peshawar.
3. Mr. Nasrullah Khan (Additional Secretary), presently working as Secretary
Provincial Assembly Khyber Pakhtunkhwa.....Respondents

APPLICATION FOR EXECUTION OF JUDGMENT DATED 14.09.2017
PASSED IN FAVOUR OF THE APPLICANT AGAINST THE
RESPONDENT NO.3.

Respectfully Sheweth,

The applicant seeks to submit as follows:-

1. That Service Appeal titled Ghulam Sarwar Vs The Speaker and others
bearing No.952/2014 was preferred the Applicant before the worthy
Tribunal which after passing through the course of hearing under due
course was decided by judgment dated 14.09.2017 with the relief
contained in its paragraphs 17&18 as copied below:-

“17. In light of the above discussion the present appeal as prayed for is accepted and the appellant is promoted as Additional Secretary (BPS19) Khyber Pakhtunkhwa Provincial Assembly from the date his junior colleague respondent No.3 was promoted as Additional Secretary with back benefits/consequential benefits.

18. Perusal of the notification bearing No.PA/NWFP/Admn:/2007/19866 dated 25.09.2007 mentioned above would also reveal that criteria of promotion to the higher post of Senior Additional Secretary (BPS-20) and Secretary (BPS-21) Khyber Pakhtunkhwa Provincial Assembly Secretariat is also based on seniority cum fitness as such subsequent promotions if any of junior colleague of appellant to the higher post i.e. the post of Senior Additional Secretary or Secretary, during the pendency of present appeal, is also set-aside as a consequential with benefit.”

2. That Rule 28 of Khyber Pakhtunkhwa, Service Tribunal Rules, 1974 makes it mandatory for the competent authority to give effect to order of final adjudication on an appeal when furnished to it (competent authority) by the Tribunal under the said rules.

3. That Respondent #1 is the competent authority in case of the applicant to give effect to order dated 14.09.2017 of worthy Tribunal certainly furnished to him in due course but despite having elapsed more than two months, no action on behalf of the competent authority is in sight about giving effect to the said decision. Therefore, the applicant is impelled to seek enforcement of said order through appropriate proceedings against respondents.
4. That the worthy Tribunal has got jurisdiction within meaning of Sub-Section (2)(d) of Section 7 of the Khyber Pakhtunkhwa, Service Tribunal Act, 1974 to compel the respondent No. 1 for execution of decision dated 14.09.2017 passed in favour of the applicant against respondent No. 3.

It is respectfully prayed that respondents may graciously be proceeded against for compliance of the judgment dated 14.09.2017 in letter and spirit in terms of relief as reproduced herein above. Any other relief as the worthy Tribunal may deem fit in the matter of execution may also be granted.

Dated: // /12/2017

APPLICANT,


(Ghulam Sarwar)

Additional Secretary,
Provincial Assembly Secretariat,
Khyber Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

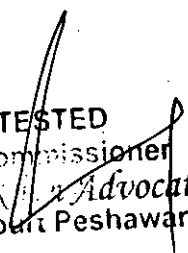
Ghulam Sarwar, Additional Secretary, Provincial Assembly Secretariat, Khyber
Pakhtunkhwa, Peshawar.....Applicant

VERSUS

3. The Speaker Provincial Assembly of Khyber Pakhtunkhwa, Peshawar
4. The Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa
Peshawar.
3. Mr. Nasrullah Khan, (Additional Secretary) presently working as Secretary,
Provincial Assembly Khyber Pakhtunkhwa.....Respondents

AFFIDAVIT

I, Ghulam Sarwar the above named applicant do hereby solemnly affirm on oath
that the contents of accompanying application are true to the best of my knowledge and
belief and nothing has been kept suppressed.


ATTESTED
Oath Commissioner
Zahoor Khan Advocate
Distt: Court Peshawar


Deponent

11 DEC 2017

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 952/2014

Date of Institution ----14.07.2014

Date of Decision ----14.09.2017

Ghulam Sarwar, presently working as Additional Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa Peshawar.
Appellant

VERSUS

1. The Speaker Provincial Assembly of Khyber Pakhtunkhwa Peshawar
2. The Secretary Provincial Assembly Secretariat Khyber Pakhtunkhwa Peshawar.
3. Mr. Nasrullah Khan, Additional Secretary, Provincial Assembly Khyber Pakhtunkhwa..... Respondents

14.09.2017

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER - Appellant

Present. Representative of officials respondents present.

2. Appellant has filed the present appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the notification dated 18.08.2007 whereby while superseding the appellant, his junior colleague Nasrullah Khan (respondent No. 3) was promoted as Additional Secretary Provincial Assembly and against the order dated 01.10.2009 whereby the appellant was allowed promotion as Additional Secretary but with immediate effect and against the order dated 25.06.2014 whereby the review

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

petition/appeal of the appellant was rejected.

3. Prayer of the appellant is that the order dated 25.06.2014 be set aside and the promotion order of the appellant be antedated w.e.f 18.08.2007 when his junior colleague (respondent No.3) was promoted as Additional Secretary and that the appellant may also be allowed seniority as well as consequential benefits.


4. Learned counsel for the appellant contented that the appellant as well as respondent No. 3 were initially appointed as Assistant Secretaries (BPS-17) in the year 1993. Further contented that originally the appellant is senior to the respondent No. 3 and this fact is evident from the appointment notification dated 11.03.1993 as well as notification dated 4.3.1997 wherein seniority wise the appellant has been placed at Sr. No. 1 while respondent No. 3 was placed at Sr. No. 2. Further argued that both the appellant and respondent No.3 were promoted as Deputy Secretaries BPS-18 vide notification dated 27.02.2003 and in the said notification the appellant was also placed senior to the respondent No. 3. Further argued that the appellant holding Master Degree in Public Administration and his experience in legislation and administration is much higher than respondent No. 3. Further argued that the performance of appellant as per ACR Dossiers is also up to the mark. Further argued that for filling of the vacancy of Additional Secretary (BPS-19) working paper was prepared by respondent No. 3 Nasrullah Khan wherein the respondent No.3 recommended his own promotion in supersession of the appellant despite fact that he

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

was not only the junior to the appellant but also earned adverse ACR in the year 1997 and was also belatedly granted selection grade in the year 2003 while the appellant was granted selection grade in the year 1998. Further argued that the appellant was fit for promotion to the post of Additional Secretary (BPS-19) in all respect on merit and on the basis of seniority cum-fitness criteria also mentioned in Notification bearing No. PA/NWFP/Admn./2007/19866 dated 25.09.2007. Further argued the departmental promotion/selection Committee unlawfully and by having been influenced from the working paper prepared by the respondent No. 3 arbitrarily appointed respondent No. 3 as Additional Secretary in Supersession of appellant. Further argued that the Departmental Promotion Committee has not at all considered the factum of seniority of appellant and wrongly proceeded on the notion of equal length of service. Further argued that if in the ACR forms of the appellant training was recommended then in the ACRs forms of respondent No. 3 the same was also suggested. Further argued that the appellant received good ACRs wherein the reporting and the countersigning officers declared him fit for promotion. Further argued that the Speaker Provincial Assembly in reference to the order of the Honorable Peshawar High Court, Peshawar dated 19.12.2003 issued in writ petitioner bearing No. 963 of 2010 again passed non-speaking order dated 25.06.2014 and arbitrarily decided the matter of appointment of Additional Secretary as well as seniority against the appellant.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Further argued that the authority deprived the appellant of his legitimate right of promotion in an illegal manner and by improper exercise of discretion, hence this Tribunal has got the jurisdiction to grant relief of the appellant as prayed for. Further argued that the Departmental promotion Committee has not found the appellant unfit for promotion. In support of his case, the learned counsel for the appellant relied upon the judgments titled SARFRAZ ALI KHAN---Appellant Versus FEDERATION OF PAKISTAN and others---Respondents (PLD 2006 Supreme Court 246) titled MUHAMMAD RAHIM KHAN---Appellant Versus THE CHIEF SECRETARY, NWFP and others---Respondents (PLD 2004 Supreme Court 65) titled MUHAMMAD ZAHIR RAJA---Appellant Versus FEDERATION OF PAKISTAN and others---Respondents (2012 S C M R 971) titled MUHAMMAD AMJAD and others---Appellants Versus Dr. Israr Ahmad and others Respondents (2010 P I. C (C.S) 760) titled ABDUL GHAFFAR MIAN Versus GOVERNMENT OF PAKISTAN, CABINET SECRETARIAT, ESTABLISHMENT DIVISION through Secretary to Government of Pakistan, Islamabad and 6 others---Respondents (2006 P I. C (C.S) 1081) titled AZHAR HASSAN NADDEM and others---Appellant Versus FEDERATION OF PAKISTAN through Secretary, Establishment Division, Islamabad and 6 others---Respondents (2007 P L C(C.S)1246.

5. Learned Additional Advocate General assisted by the learned counsel for respondent No.3 contented that by virtue of proviso (b)

ATTESTED

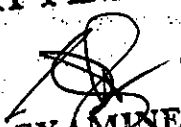

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal

of section-4 of Khyber Pakhtunkhwa Service Tribunal Act, the present appeal is not maintainable. Further argued that the present appeal is also barred by limitation. Further argued that the promotion of respondent No.3 to the post of Additional Secretary was strictly made on merits in accordance with the promotion policy. Further argued that the impugned orders do not warrant any interference.

6. Learned counsel for respondent No.3 is support of his arguments relied upon the judgments titled ABDUL HAMEED---Petitioner Versus MINISTRY OF HOUSING AND WORKS, GOVERNMENT OF PAKISTAN, ISLAMABAD through Secretary and others---Respondents (P L D 2008 Supreme Court 395) titled ABID HUSSAIN SHERAZI---Petitioner Versus SECRETARY M/O INDUSTRIES AND PRODUCTION, GOVERNMENT OF PAKISTAN, ISLAMABAD---Respondents (2005 S C M R.1742) titled GOVERNMENT OF PAKISTAN through Establishment Division, Islamabad and 7 others---Appellants Versus HAMEED AKHTAR NIAZI, ACADEMY OF ADMINISTRATIVE, WALTON TRAINING, LAHORE and others---Respondents (P L D 2003 Supreme Court 110). Judgment of Honorable Peshawar High Court Peshawar titled Judgment of Musharaf Shah Versus Government of Khyber Pakhtunkhwa through Chief Secretary and others (Writ Petition No. 2440-P/2012)

7. Arguments of learned counsel for appellant learned Additional Advocate General and learned counsel for respondent

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

No. 3 heard. Filed perused.

8. Consequent upon the direction of the Honorable Peshawar High Court, Peshawar dated 19.12.2013 passed in writ petition No. 963 of 2010, the Speaker Khyber Pakhtunkhwa Provincial Assembly issued the impugned order dated 25.06.2014. The operative and concluding paras of the impugned order dated 25.06.2014 are reproduced as under

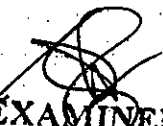
"An examination of the above facts, available on records reveal to uncontroverted facts: (a) of Nasrullah Khan's promotion on merit on 18.08.2007 and (b) Ghulam Sarwar's promotion subsequently on 01.10.2009; both by the competent authority in accordance with the rules".

"Having gone through the record and having applied my mind, Mr. Ghulam Sarwar claim of seniority against Nasrullah Khan is baseless".

9. The present appeal having been filed within thirty days of the final/impugned order dated 25.06.2014 hence the present appeal cannot be termed as barred by limitation

10. It is not disputed that both the appellant and respondent No. 3 were initially appointed as Assistant Secretaries (BPS-17) of Khyber Pakhtunkhwa Provincial Assembly Secretariat vide notification dated 11.03.1993 and the appellant was placed at a senior position i.e Sr. No. 1 as compared to the respondent No. 3 who was placed at Sr. No. 2 of the appointment notification. Similarly in the notification dated 4.03.1997 whereby numbers

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

were allotted to Assistant Secretaries of Khyber Pakhtunkhwa Provincial Assembly Secretariat on the basis of seniority, the name of the appellant was placed at Sr. No. 1 as Asstt: Secretary-I while the name of respondent No. 3 was placed at Sr. No. 2 as Asstt: Secretary-II, likewise the promotion notification dated 27.02.2008 to the post of Deputy Secretaries (BPS-18) the name of the appellant was placed at Sr. No. 1 and name of respondent No. 3 was placed at Sr. 2. Hence it is evident that the appellant was senior to the respondent No. 3 as Asstt: Secretary as well as Deputy Secretary of Khyber Pakhtunkhwa Provincial Assembly Secretariat. It is also pertinent mention that the name of the appellant is also at Sr. No. 1 while name of the respondent No. 3 is at Sr. No. 2 in the working paper prepared for filling up the post of Additional Secretary (BPS-19).

11. It is also settled principle that right to be considered for promotion is a vested right and such consideration has to be in accordance with rules and regulations.

12. Perusal of minutes of the meeting of the Departmental Promotion Committee would show that the committee has not considered the fact that the appellant is senior to the respondent No. 3 rather observed that both the officer have equal length of service similarly the Departmental Promotion Committee has not found the appellant unfit for promotion. Similarly the Department Promotion Committee did not observed that the appellant has not gone through any mandatory training or that the ACR dossiers of

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

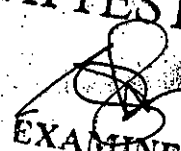
the appellant were not up to the mark or that he enjoyed bad reputation. Similarly the Departmental Promotion Committee did not observe that the appellant was not capable to shoulder higher responsibilities. Departmental Promotion Committee has not noticed that any adverse remarks or counseling ever communicated to the appellant about any lapse or deficiency in the performance of his duties. The reasons given by the Departmental Promotion Committee to promote respondent No. 3 in supersession of the appellant found utterly vague and the authority floated the criteria of promotion on the basis of seniority cum fitness. Even otherwise bald assertions given by the Departmental Promotion Committee were not sufficient to supersede the senior most Civil Servants on the basis of criteria of promotion on merit.

13. Interestingly after the out of turn promotion of respondent No. 3 in supersession of the appellant, the appellant was also promoted as Additional Secretary.

14. In the light of above this Tribunal is of the view that the authority deprived the appellant of his due right of promotion as senior most Deputy Secretary in an illegal manner and by improper exercise of discretion. Ironically the impugned order dated 25.06.2014 of the Speaker Khyber Pakhtunkhwa Provincial Assembly is also non speaking in as much as no cogent reason was assigned justifying the supersession of the senior most Deputy Secretary.

15. It is also settled principle of law that Service Tribunal is fully

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

competent to examine the question of fitness for promotion, if it is alleged that the appellant has been by passed/superseded in violation of the criteria for promotion.

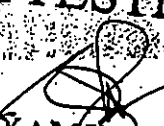
16. It may be mentioned that vide notification bearing No. PA/NW/P/Admn./2007/19866 dated 25, September, 2007 the method of recruitment of Additional Secretary (BPS-19) of Khyber Pakhtunkhwa Provincial Assembly Secretariat has been prescribed as follows:

"By promotion on the basis of seniority cum fitness amongst the Deputy Secretaries with five years service as such or 12 years service in BPS-17 and above"

17. In the light of above discussion the present appeal as prayed for is accepted and the appellant is promoted as Additional Secretary (BPS-19) Khyber Pakhtunkhwa Provincial Assembly from the date his junior colleague (respondent No. 3) was promoted as Additional Secretary with back benefits/consequential benefits.

18. Perusal of the notification bearing No. PA/NW/P/Admn./2007/19866 dated 25.09.2007 mentioned above would also reveal that criteria of promotion to the higher post of Senior Additional Secretary (BPS-20) and Secretary (BPS-21) Khyber Pakhtunkhwa Provincial Assembly Secretariat is also based on seniority cum-fitness as such subsequent promotions of any of junior colleagues of appellant to the higher post i.e. the post of

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

senior Additional Secretary or Secretary, during the pendency of present appeal, is also set aside as a consequential benefit. Parties are left to bear their own costs. File be consigned to the record room.

SD/-
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
SD/-
(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
14.09.2017

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

Date of Presentation of Application 18-09-2017
Number of Words 4000
Copying Fee 22-
Urgent -
Total 22-
Name of Copyist *MM*
Date of Completion of Copy 02-10-2017
Date of Delivery of Copy 02-10-2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO-952/2014

Diary No. 01

GHULAM SARWAR VERSUS THE SPEAKER AND OTHERS.

Dated 01/01/2018

R/S

The above noted case before the Hon'ble Service Tribunal is fixed for today before the learned member namely Mr. Gulzeb, who happens to be a close friend and a next door neighbor of Mr. Ghulam Sarwar (**Appellant**).

The Undersigned, Applicant has no confidence on the above named member being an earlier friend of my opponent. It is further reported that the said member had exerted influence upon the bench while deciding the above case on 14/09/2017 in the Service Tribunal.

In view of the above, it is prayed that the above case may not be heard or dealt with by the said member.


01/01/2018
(NASRULLAH KHAN KHATTAK)

(APPLICANT)


Dated Peshawar, 01/01/2018.

Copy is forwarded to Mr. Gulzeb (Member) Service Tribunal Khyber Pakhtunkhwa Peshawar.


(NASRULLAH KHAN KHATTAK)

(APPLICANT)

Put up to the court with
relevant petition


11/1/18



SUPREME COURT OF PAKISTAN

S-7

Home > Online Case Status

Online Case Status

CASE #	C.P.480-P/2017
CASE STATUS	Pending
CASE TITLE	Speaker Provincial Assembly of KPK Peshawar and others v. Ghulam Sarwar
CASE INSTITUTION DATE	4-11-2017
CASE DISPOSAL DATE	
AOR/ASC	Saadullah Mian (AOR) A.G. KPK (-)

[BACK]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1048

Execution petition# 235 in Service Appeal No.952/2014 Dated 11/12/2017

Ghulam Sarwar, Additional Secretary, Provincial Assembly Secretariat, Khyber
Pakhtunkhwa, Peshawar.....Applicant

VERSUS

1. The Speaker Provincial Assembly of Khyber Pakhtunkhwa, Peshawar
2. The Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa Peshawar.
3. Mr. Nasrullah Khan (Additional Secretary), presently working as Secretary Provincial Assembly Khyber Pakhtunkhwa.....Respondents

APPLICATION FOR EXECUTION OF JUDGMENT DATED 14.09.2017
PASSED IN FAVOUR OF THE APPLICANT AGAINST THE
RESPONDENT NO.3.

Respectfully Sheweth,

The applicant seeks to submit as follows:-

1. That Service Appeal titled Ghulam Sarwar Vs The Speaker and others bearing No:952/2014 was preferred the Applicant before the worthy Tribunal which after passing through the course of hearing under due course was decided by judgment dated 14.09.2017 with the relief contained in its paragraphs 17&18 as copied below:-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1048

Execution petition# 235 in Service Appeal No.952/2014

Dated 11/12/2017

Ghulam Sarwar, Additional Secretary, Provincial Assembly Secretariat, Khyber
Pakhtunkhwa, Peshawar.....Applicant

VERSUS

1. The Speaker Provincial Assembly of Khyber Pakhtunkhwa, Peshawar
2. The Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa
Peshawar.
3. Mr. Nasrullah Khan (Additional Secretary), presently working as Secretary
Provincial Assembly Khyber Pakhtunkhwa.....Respondents

APPLICATION FOR EXECUTION OF JUDGMENT DATED 14.09.2017
PASSED IN FAVOUR OF THE APPLICANT AGAINST THE
RESPONDENT NO.3.

Respectfully Sheweth,

The applicant seeks to submit as follows:-

1. That Service Appeal titled Ghulam Sarwar Vs The Speaker and others
bearing No.952/2014 was preferred the Applicant before the worthy
Tribunal which after passing through the course of hearing under due
course was decided by judgment dated 14.09.2017 with the relief
contained in its paragraphs 17&18 as copied below:-

VAKALATNAMA

In the Court of **Khyber Pakhtunkhwa Service Tribunal, Peshawar**

Service Appeal No. _____ of 2017

Petitioner
Plaintiff
Applicant
Appellant
Complainant

Ghulam Sarwar

Decree-Holder

VERSUS

Respondent
Defendant
Opponent
Accused

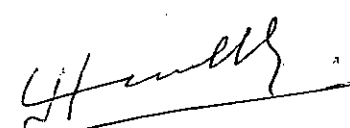
Govt. of KP etc

Judgment-Debtor

I / We Nasrullah Khan the above noted Respondent do hereby appointed and constitute, **Muhammad Zafar Tahirkheli & Ansar Ullah Khan Advocates High Court**, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.



Client



M. Zafar Tabir

Dated 08/01/2018

Attested & Accepted (Advocates)

Office **ATIQU LAW ASSOCIATES,**
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt. Phone: 091-5279000
E-mail : zafark.advocate@gmail.com



Ansar Ullah Khan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Petition No. ____/2018

Ghulam Sarwar

VERSUS

Speaker Provincial Assembly etc.

=====

ADJOURNMENT APPLICATION

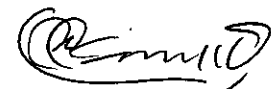
RESPECTFULLY SHEWETH,

1. That the above noted petition is pending adjudication before this Hon'ble Tribunal, and is fixed for today i.e 17-07-2018.
2. That the petition was last fixed for 16-07-2018 and due to announcement of strike by Khyber Pakhtunkhwa Bar Council, it was adjourned and fixed for today i.e 17-07-2018.
3. That the speaker provincial assembly is busy in his election campaign till the next general election scheduled to be held on 25th July 2018. The matter is to be placed before the worthy authority and in his absence it is most unlikely to be implemented.
4. That respondent No. 1 seeks adjournment with the request that the same may kindly be fixed after general elections..

dated
17-07-2018

Respondent No. 1 & 2

Through,



Law Officer
Provincial Assembly of Khyber
Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Petition No. ____/

Ghulam Sarwar

Appellant

VERSUS

Speaker Provincial Assembly etc.

Respondent

=====

APPLICATION FOR ADJOURNMENT

RESPECTFULLY SHEWETH,

1. That the above noted petition is pending adjudication before this Hon'ble Tribunal, and is fixed for today i.e 17-07-2018.
2. That the petition was last fixed for 16-07-2018 and due to announcement of strike by Khyber Pakhtunkhwa Bar Council, it was adjourned and fixed for today.
3. That the counsel for respondent No. 3 is pre occupied at Special Court Control of Narcotics Substance (Camp Court) at Kohat, due to which he is unable to attend and assist this Hon'ble Tribunal today.
4. That the present petition is neither a target case nor an old one. That special attention and privilege of allowing very short dates is being extended to the petitioner, which is beyond the respondent's understanding.
5. That the speaker provincial assembly is busy in his election campaign and its most unlikely that the decision would be implemented before the forthcoming general election.
6. The applicant/respondent No.3 requests that for the just conclusion of the appeal on merits, the same may kindly be adjourned to another date as usually allowed in other similar nature cases.
- 7.

Inconvenience caused if any, is very much regretted.

IVB

Respondent No. 3

Through,

Peshawar, dated
17-07-2018


(Angar Ullah Khan)
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No. 235/2017
In
Service Appeal No. 952/2014

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 802

Dated 19/07/2018

Ghulam Sarwar

Appellant

VERSUS

Speaker Provincial Assembly Khyber Pakhtunkhwa etc.

Respondent

=====

**APPLICATION FOR TRANSFER OF THE ABOVE MENTIONED EXECUTION
PETITION FROM THE COURT OF HON'BLE MEMBER SERVICE TRIBUNAL TO
THE COURT OF HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR**

Put on record
filed in
ceat.
Recd
19/7/18

RESPECTFULLY SHEWETH,

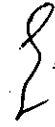
1. That the above noted execution petition is pending adjudication before this Hon'ble Tribunal, and is now fixed for 20-07-2018.
2. That the petition was last fixed for 16-07-2018 and due to announcement of strike by Khyber Pakhtunkhwa Bar Council, it was adjourned and re-fixed for the very next day 17-07-2018.
3. That an adjournment application was submitted to the worthy Member bench Service Tribunal, with the request that the Speaker Provincial Assembly is busy at his native town/ constituency in connection with his National Assembly as well as Provincial Assembly election campaign and for the said reason is unable to attend his office before the forth coming general election.
4. That the Hon'ble Member regretfully passed some derogatory remarks in his order dated 17-07-2018; that, "**respondent No.1 is hell-bent to delay the case in hand**", while addressing the office of Speaker Provincial Assembly, which is a highest constitutional post of the province.
5. That the said adjournment application, submitted with a very humble request, was not taken into consideration and a third date of hearing in a span of four days in a single week was fixed for 17-07-2018, on a flimsy ground that the Speaker Provincial Assembly would not be authorized to carry out official business after 25-07-2018.
6. That it's a well established principle of law and provision of constitution of Pakistan 1973, that, the Speaker Provincial Assembly holds his office, till the arrival and oath of the new incumbent.

+ to

It is quite ironic that the worthy Member, Khyber Pakhtunkhwa Service Tribunal was not aware of such provision of constitution and has turned down a genuine request for adjournment for his lack of knowledge.

7. That being candidate for a provincial as well as a National Assembly constituencies in the forth coming election, it is most unlikely that a requisite meeting can be convened just a week before general elections.
8. That being Speaker Provincial Assembly, the applicant has lost his confidence in the worthy Member Khyber Service Tribunal and do not expect any justice from him after the announcement of order dated 17-07-2018.

In view of the above, it is graciously requested that by accepting this transfer application, the Execution Petition No. 235/2017 may kindly be transferred to the principal bench (No.1) presided over by Worthy Chairman, Khyber Pakhtunkhwa Service Tribunal, Peshawar, for its disposal on merits in accordance with the normal course of law.



Asad Qaiser,
Speaker,
Khyber Pakhtunkhwa Assembly
Respondent No. 1
Speaker Provincial Assembly,
Khyber Pakhtunkhwa

IN PERSON

Peshawar, dated
19-07-2018

Affidavit

I, respondent No. 1, do hereby state on oath that the contents of the above application are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.

16202-5589603-1

DEPONENT



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1464 /ST

Dated 23 /07/2018


To

The Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER IN EXECUTION PETITION NO. 235/2017, MR.GHULAM SARWAR.**

I am directed to forward herewith a certified copy of Order dated 20/07/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

ole

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Petition No. ____/

Ghulam Sarwar

Appellant

VERSUS

Speaker Provincial Assembly etc.

Respondent

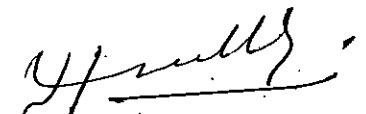
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APPLICATION FOR ADJOURNMENT

RESPECTFULLY SHEWETH,

1. That the above noted petition is pending adjudication before this Hon'ble Tribunal, and is fixed for today i.e 31-07-2018.
2. That the counsel for respondent No. 3 has proceeded to Turkey on a private visit and will return on 15-08-2018, due to which he is unable to attend and assist this Hon'ble Tribunal today.
3. The applicant/respondent No.3 requests that for the just conclusion of the appeal on merit the same may kindly be adjourned to another date as usually allowed in other similar nature cases.

Inconvenience caused if any, is very much regretted.


Respondent No. 3

Through,

Peshawar, dated
31-07-2018

(Ansar Ullah Khan)
Advocate

*Placed in file
31-7-2018*



PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar the, 30/08/2018.

No. PA/ Khyber Pakhtunkhwa/Bills/2018/2258 In exercise of the powers conferred by clause (b) of Article 109 of the Constitution of the Islamic Republic of Pakistan, the Acting Governor of the Khyber Pakhtunkhwa has been pleased to prorogue the Provincial Assembly session on **Thursday, the 30th August, 2018**, till such date as may hereafter be fixed.

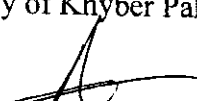
Sd/-
(KIFAYATULLAH KHAN AFRIDI)
Acting Secretary

The Manager, Government
Printing Press, Peshawar

For publication in the Gazette of Khyber Pakhtunkhwa, Extraordinary bearing the same date. One copy of the same may be supplied to this Secretariat.

Copy forwarded for information to:-

1. All the Honorable Members of the Provincial Assembly of Khyber Pakhtunkhwa.
2. The Chief Secretary to Government of Khyber Pakhtunkhwa.
3. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. The Advocate-General, Khyber Pakhtunkhwa.
7. The Accountant-General, Khyber Pakhtunkhwa.
8. The Provincial Election Commissioner, Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
10. The Director Information, Khyber Pakhtunkhwa for wide publicity through press and electronic media.
11. The General Manager, PTV, Peshawar.
12. The Station Director, Radio Pakistan, Peshawar.
13. The Director I.T / Special Secretary, Provincial Assembly of Khyber Pakhtunkhwa.
14. The Director (F&A), Provincial Assembly of Khyber Pakhtunkhwa.
15. All Officers/Branches of the Provincial Assembly of Khyber Pakhtunkhwa.


Assistant Secretary-VIII,
Provincial Assembly of Khyber Pakhtunkhwa

To

The Hon'ble Speaker,
Provincial Assembly of Khyber Pakhtunkhwa.

Subject: **COURT MATTER**

Dear Sir,

It is significant to draw your kind attention to the above subject and to intimate that decision dated 14/07/2017 in service appeal No. 952/2014 and order dated 20/07/2018 in execution petition No. 235/2017 of KP Service Tribunal, has got finality on its having been maintained by the august Supreme Court of Pakistan. The promotion of Mr. Nasrullah Khan as Additional Secretary in supersession of applicant and his subsequent promotions including the one as Secretary Assembly stood reversed due to said decision of the Tribunal. Two Civil Petitions one filed by Hon'ble Speaker and other by Mr. Nasrullah Khan against the decision of Tribunal in Supreme Court of Pakistan have been announced as dismissed in the course of hearing dated 28-8-2018 in presence of parties including Mr. Nasrullah Khan and the applicant besides the Addl: Advocate General. The Tribunal has already passed several orders for execution of its decision including one dated 20/07/2018 in execution petition No. 235/2017 which is meant to take away powers of Secretary Assembly from Mr. Nasrullah Khan. Copy is annexed for ready reference; please. The intimation is submitted for appropriate action in furtherance of finality of decision of Tribunal against Mr. Nasrullah Khan. It is also requested that the applicant may also be blessed with due benefits in terms of decision given by the Tribunal in his favor.

Yours faithfully,


(Ghulam Sarwar)

Additional Secretary,

Provincial Assembly of Khyber Pakhtunkhwa

30/8/2018

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

CORRIGENDUM

Dated Peshawar, the 07/09/2018
No.PA/K.P/Admn:/2018/ 2747 In this Secretariat Notification
No.PA/KP/Admn:/2018/2667 dated 05-09-2018, for para No.6, the following new para is
hereby substituted:-

“In view of the decision dated 14-09-2017, Mr. Ghulam Sarwar is allowed ante dated promotion as Additional Secretary (BPS-19) w.e.f. 18-08-2007 with seniority and all back benefits/consequential benefits”.

BY ORDER OF MR. SPEAKER

**SD/-
DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

E.No.PA/K.P/Admn:/2018/ 2748-61 Dated Peshawar, the 07/09/2018

Copy of the above is forwarded for information and necessary action to :-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. The Secretary, National Assembly of Pakistan, Islamabad.
3. The Secretaries, Provincial Assemblies, Punjab, Sindh and Baluchistan, Lahore/Karachi/Quetta.
4. The Secretary, Legislative Assembly of Azad Jammu & Kashmir, Muzaffarabad.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Acting Secretary, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
7. The Secretary to Mr. Speaker, Provincial Assembly Secretariat of Khyber Pakhtunkhwa
8. The Special Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa
9. All Additional Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
10. The Director (F & A), Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
11. All Deputy Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
12. The Budget Officer-IV, Govt: of Khyber Pakhtunkhwa, Finance Department.
13. The Manager Government Printing Press, Peshawar.
14. Pay Bill Clerk, Provincial Assembly Secretary of Khyber Pakhtunkhwa.

Alleged
[Signature]
Deputy Secretary
Khyber Pakhtunkhwa Assembly

[Signature]
**DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 07/09/2018

No.PA/K.P/Admn:/2018/ 2762 In view of the Judgment of the Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar dated 14-09-2017 in Service Appeal No.552/2017 read with order of the said Tribunal dated 20-07-2018 in execution Petition No.235/2017, duly upheld by the Hon'ble Supreme Court of Pakistan in Civil Petition No.480-P and 4249 of 2017 dated 28-08-2018, the promotion of Mr. Nasrullah Khan Khattak, as Secretary (BPS-21) made vide this Secretariat Notification No.PA/KP/Admn:/2017/4935 dated 15-08-2017, is hereby set aside and consequently the following officers of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa promoted vide Notification referred to above, are reverted to their previous positions as mentioned against their names with effect from 29-08-2018:-

S.No.	Name and designation	Reverted as
1.	Mr. Nasrullah Khan Khattak, Secretary (BPS-21).	Additional Secretary BPS-20 (personal)
2.	Mr. Inamullah Khan, Additional Secretary (BPS-19),	Deputy Secretary BPS-19 (personal)
3.	Mr. Muhammad Younas, Deputy Secretary (BPS-18)	Assistant Secretary BPS-18 (personal)

BY ORDER OF MR. SPEAKER

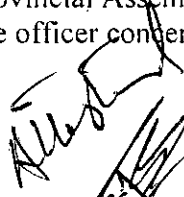
SD/-
DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

E.No.PA/K.P/Admn:/2018/ 2763-68

Dated Peshawar, the 07/09/2018

Copy of the above is forwarded for information and necessary action to :-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Officer concerned.
3. The Manager, Government Printing Press, Peshawar.
4. The Budget Officer-IV, Finance Department.
5. Pay Bill Clerk, Provincial Assembly of Khyber Pakhtunkhwa.
6. Personal file of the officer concerned.


Deputy Secretary
Khyber Pakhtunkhwa Assembly


DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

EP NO 235/2017, Ghulam Saad vs Govt

20.07.2018

Petitioner with counsel present. Mr. Inam Ullah Additional Secretary Khyber Pakhtunkhwa Provincial Assembly appeared and stated that he represents the respondent No.1. Learned counsel for respondent No.3 present. Learned Additional Advocate General present.

Representative of respondent No.1 stated that application for transfer of the present execution petition from the court of learned Member Executive has already been preferred and that the Speaker Provincial Assembly/respondent No.1 is busy in the election campaign.

Learned counsel for the petitioner stated that the implementation of the judgment in question would have the effect of promotion of Mr. Kifayat Ullah Senior Additional Secretary Khyber Pakhtunkhwa Provincial Assembly to the post of Secretary Khyber Pakhtunkhwa Provincial Assembly and promotion of the petitioner to the post of Senior Additional Secretary Khyber Pakhtunkhwa Provincial Assembly on the basis of the criteria of *seniority cum fitness*.

There is no dispute that vide judgment under implementation dated 14.09.2017, the promotion of respondent No.3 to the post of Secretary Khyber Pakhtunkhwa Provincial Assembly has been set aside as a consequential benefit. As such respondent No.3 Mr. Nasrullah Khan shall be deemed reverted to the post of Additional Secretary Khyber Pakhtunkhwa Provincial Assembly.

✓ The present execution petition is pending since 11.12.2017 but without any progress. In the stated circumstances the Accountant General Khyber Pakhtunkhwa is directed to henceforth release the salary of BS-19 (Additional Secretary Khyber Pakhtunkhwa Provincial Assembly) to the respondent No.3 Mr. Nasrullah. Similarly henceforth any order/directive of the respondent No.3 in the capacity of Secretary Khyber Pakhtunkhwa Provincial Assembly shall be deemed as *coram non judice*. Adjourn. To come up for proper implementation report on 27.07.2018 before S.B. Copy of this order be sent to the Chief Secretary Khyber Pakhtunkhwa for necessary action.

Member (Judicial)

Ghulam Sarwar

06.09.2018

DEA

Petitioner ~~in~~ Ghulam Sarwar in person present. Mr. Kabirullah Khattak, Additional AG for respondents No. 1 & 2 and counsel for private respondent No. 3 present. Learned Additional AG submitted implementation order ~~along with~~ Notification dated 05.09.2018 whereby the petitioner has been granted promotion as Additional Secretary (BPS-19) w.e.f. 18.08.2007. The same is placed on record. Copy of Notification dated 30.08.2018 regarding the promotion of Mr. Kifayatullah as Secretary on acting charge basis also submitted. The same is also placed on record.

Petitioner also submitted copy of judgment of august Supreme Court of Pakistan whereby the august Supreme Court of Pakistan also dismissed the Civil Petition of the respondents ^{whereby} ~~and maintained~~ the judgment of this Tribunal. ^{has been maintained by} Copy of the same is also placed on record.

Learned Additional AG and learned counsel for respondent No. 3 contended that the judgment of this Tribunal has been implemented and requested for disposal of the execution petition being implemented.

^{whereas petitioner Ghulam Sarwar stated that}
~~So far~~ as the back benefits have not been given to ^{him} the petitioner therefore, to come up for further proceedings on tomorrow i.e 07.09.2018 before S.B.

(Muhammad Amin Khan Kundi)
Member

2	Robina Begum	Ghulam Idrees	GGPS.Shala Khel NSR Kalan	14/04/1960	19/01/1984	Recommend
13	Naseem Akhtar	Afzal Raza	GGPS BaghBan Pura	22/04/1962	19/01/1984	Recommend
14	Ulfat Begum	Amir Rehman	GGPS.Shala Khel NSR Kalan	25/06/1963	19/01/1984	Recommend
15	Shamim Begum	Abdul Aziz	GGCMS.Kandar Risalpur	27/12/1964	05/02/1984	Recommend
18	Shehnaz	Gul Akber Shah	GGPS Pabbi No 2	01/09/1963	12/02/1985	Recommend
22	Shagufta Parveen	Syed Nazwab Ali	GGPS.Hakim abad	10/02/1955	20/08/1985	Recommend
25	Shagufta Naheed	Ali Ahmad	GGPS.AShoor Abad	10/10/1956	20/08/1985	Recommend
31	Ilfat Parveen	Behram Khan	GGPS Farid Khan Akora	02/05/1959	20/08/1985	Recommend
33	Gulnar Begum	Qamir Gul	GGPS Esori Payan	04/03/1961	20/10/1985	Recommend
43	Nihar Begum	Khushal Khan	GGPS.Pir Pai No.05	12/08/1953	14/07/1986	Recommend
47	Shamim Akhtar	Faqeer Ahmad	GGPS.NSR Cantt;	04/03/1959	14/07/1986	Recommend
48	Shaheen Tabassum	Muhammad Wazir Khan	GGPS Akora Khattak	25/02/1961	14/07/1986	Recommend
50	Saleema Akhtar	Abdul Samad	GGPS.Shala Khel NSR Kalan	01/03/1958	22/09/1986	Recommend
54	Mumtaz Begum	Asad Khan	GGPS.Maharajpura	01/06/1963	20/10/1986	Recommend
55	Imtiaz Razwan Ullah	Rizwan Ullah	GGPS Shahi Abad	10/09/1968	25/10/1986	Recommend
57	Noorul baswer	Ibrahm khan	GGPS Baloo	16/12/1959	19/04/1987	Recommend
64	Rukhsana	Fazal Rehman	GGPS.Jhangira Dairy	02/06/1969	30/08/1987	Recommend
59	Tasleem	Said Lal Badshah	GGPS Kander 2	16/03/1966	05/10/1987	Recommend
68	Rafia Parveen	Fakhar Ullah	GGPS.Pir Pai No.02	09/06/1963	10/10/1987	Recommend
69	Nighat Seema	Lal Shah	GGPS Farid Khan Akora	24/04/1968	10/10/1987	Recommend
61	Tahira Begum	Noor Alam	GGPS.No.1 Rashakal	24/09/1959	20/12/1987	Recommend
74	Nasreen Balqum	Mir Akbar Khan	GGPS.Umar Abad	12/10/1961	31/12/1987	Recommend
76	Khalida Tabassum	syed Jamil shah	GGPS Kander 2	07/07/1962	31/12/1987	Recommend
77	Robina Shaheen	Ahmad Jan	GGPS.Jallozai 1	02/02/1963	31/12/1987	Recommend
71	Shahida Begum	Muhammad Aliqur Rehman	GGPS Akora Khattak	07/04/1964	31/12/1987	Recommend
78	Shaheen	Hazrat Gul	GGPS Akbar Pura	28/09/1965	31/12/1987	Recommend
86	Shahida	Muhammad Mustaqeem	GGPS.AC Center	10/10/1964	25/02/1988	Recommend
87	Khalida Parveen	Fazal Akbar	GGPS.Pir Pai No.05	21/02/1967	25/02/1988	Recommend
82	Nasreen Akhtar	Sarwar Din	GGPS.AC Center	03/10/1960	01/08/1988	Recommend
93	Samina Begum	Muazam Shah	GGPS Adam Zai	01/01/1965	01/08/1988	Recommend
94	Shahida Naz	Qamar All Shah	GGPS Shahi Abad	17/01/1966	01/08/1988	Recommend
			GGPS.Risalpur Cantt;	22/01/1970	29/10/1988	Recommend

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 30 /08-2018

No. PA/KP/Admn:/2018/ 2242 In pursuance of the judgment of the Service Tribunal in service appeal No. 952/2014 dated 14-09-2017 and execution petition No. 235/2017 dated 20-07-2018, the competent authority hereby confers acting charge to Mr. Kifayatullah Khan Afridi, Senior Additional Secretary as Secretary, Provincial Assembly of Khyber Pakhtunkhwa; awaiting decision of the Supreme Court of Pakistan.

BY ORDER OF THE SPEAKER

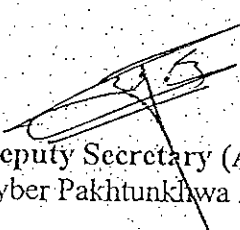
Sd/-

Additional Secretary (Admn)
Khyber Pakhtunkhwa Assembly

Endst. No.PA/KP/KP/Admn:/2018/ 2243-53, Dated 30-08-2018

Copy of the above is forwarded for information & necessary action to:

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. The Secretary, National Assembly of Pakistan, Islamabad.
3. The Secretaries, Provincial Assemblies, Punjab, Sindh and Balochistan, Lahore/Karachi/Quetta.
4. The Secretary, Legislative Assembly of Azad Jammu & Kashmir, Muzaffarabad.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Officer concerned.
7. The Special Secretary (Administration, Finance & Accounts), Provincial Assembly of Khyber Pakhtunkhwa.
8. The Manager, Government Printing Press, Peshawar.
9. The Director (Finance & Accounts), Provincial Assembly of Khyber Pakhtunkhwa.
10. All Additional Secretaries, Provincial Assembly of Khyber Pakhtunkhwa.
11. All Deputy Secretaries, Provincial.


Deputy Secretary (Admn:)
Khyber Pakhtunkhwa Assembly

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 25/09/2018

No.PA/K.P/Admn:/2018/ 2667 Pursuance to the Judgment of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.952/2014 dated 14-09-2017 wherein the Tribunal has observed as under:-

"17. In view of above discussion the present appeal as prayed for is accepted and the appellant is promoted as Additional Secretary (BPS-19) Khyber Pakhtunkhwa Provincial Assembly from the date his junior colleague (respondent No.3) was promoted as Additional Secretary with back benefits/consequential benefits.

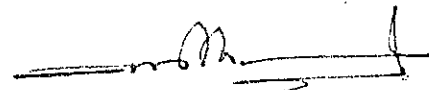
18. Perusal of the notification bearing No.PA/KP/Admn:/2007/19866 dated 25-09-2007 mentioned above would also reveal that criteria of promotion to the higher post of Senior Additional Secretary (BPS-20) and Secretary (BPS-21) Khyber Pakhtunkhwa Provincial Assembly Secretariat is also based on seniority-cum-fitness as subsequent promotions if any of junior colleagues of appellant to higher post i.e. the post of senior Additional Secretary, during the pendency of present appeal, is also set aside as consequential benefit."

The prayer sought by Mr. Ghulam Sarwar in his above appeal filed on 14-07-2014 is as under:-

"On acceptance of this appeal the order dated 25-06-2014 may please be set aside, the promotion order of the appellant be ante-dated w.e.f. 18-08-2007 when respondent No.3 was promoted as Additional Secretary BPS-19 and the appellant may please be allowed seniority as well as all consequential benefits."

In view of the decision dated 14-09-2017; Mr. Ghulam Sarwar is allowed anti dated promotion as Additional Secretary (BPS-19) w.e.f. 18-08-2007.

As regard promotion to the post of Secretary (BPS-21) is concerned the matter regarding promotion shall be placed before the earliest available Departmental Promotion Committee for considering the suitable/appropriate candidate in accordance with the law within shortest possible time.


(MUSHTAQ AHMED GHANI)
SPEAKER,
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA


E.No.PA/K.P/Admn:/2018/ 2668-51

Dated Peshawar, the 25/09/2018

Copy of the above is forwarded for information and necessary action to :-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. The Secretary, National Assembly of Pakistan, Islamabad.
3. The Secretaries, Provincial Assemblies, Punjab, Sindh and Baluchistan, Lahore/Karachi/Quetta.
4. The Secretary, Legislative Assembly of Azad Jammu & Kashmir, Muzaffarabad.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Acting Secretary, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
7. The Secretary to Mr. Speaker, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
8. The Special Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa.
9. All Additional Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
10. The Director (F & A), Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
11. All Deputy Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
12. The Budget Officer-IV, Govt. of Khyber Pakhtunkhwa, Finance Department.
13. The Manager Government Printing Press, Peshawar.
14. Pay Bill Clerk, Provincial Assembly Secretary of Khyber Pakhtunkhwa.


DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA


Deputy Secretary
Khyber Pakhtunkhwa Assembly

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

CORRIGENDUM

Dated Peshawar, the 07/09/2018
No.PA/K.P/Admn:/2018/ 2747 In this Secretariat Notification
No.PA/KP/Admn:/2018/2667 dated 05-09-2018, for para No.6, the following new para is
hereby substituted:-

“In view of the decision dated 14-09-2017, Mr. Ghulam Sarwar is allowed ante dated promotion as Additional Secretary (BPS-19) w.e.f. 18-08-2007 with seniority and all back benefits/consequential benefits”.

BY ORDER OF MR. SPEAKER

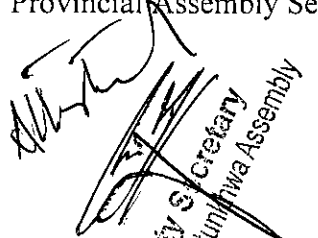
SD/-

**DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

E.No.PA/K.P/Admn:/2018/ 2748-61 Dated Peshawar, the 07/09/2018

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4. The Secretary, Legislative Assembly of Azad Jammu & Kashmir, Muzaffarabad.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Acting Secretary, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
7. The Secretary to Mr. Speaker, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
8. The Special Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa.
9. All Additional Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
10. The Director (F & A), Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
11. All Deputy Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
12. The Budget Officer-IV, Govt: of Khyber Pakhtunkhwa, Finance Department.
13. The Manager Government Printing Press, Peshawar.
14. Pay Bill Clerk, Provincial Assembly Secretary of Khyber Pakhtunkhwa.


Deputy Secretary
Khyber Pakhtunkhwa Assembly


**DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA**

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 07/09/2018

No.PA/K.P/Admn:/2018/ 2762 In view of the Judgment of the Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar dated 14-09-2017 in Service Appeal No.552/2017 read with order of the said Tribunal dated 20-07-2018 in execution Petition No.235/2017, duly upheld by the Hon'ble Supreme Court of Pakistan in Civil Petition No.480-P and 4249 of 2017 dated 28-08-2018, the promotion of Mr. Nasrullah Khan Khattak, as Secretary (BPS-21) made vide this Secretariat Notification No.PA/KP/Admn:/2017/4935 dated 15-08-2017, is hereby set aside and consequently the following officers of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa promoted vide Notification referred to above, are reverted to their previous positions as mentioned against their names with effect from 29-08-2018:-

S.No.	Name and designation	Reverted as
1.	Mr. Nasrullah Khan Khattak, Secretary (BPS-21).	Additional Secretary BPS-20 (personal)
2.	Mr. Inamullah Khan, Additional Secretary (BPS-19),	Deputy Secretary BPS-19 (personal)
3.	Mr. Muhammad Younas, Deputy Secretary (BPS-18)	Assistant Secretary BPS-18 (personal)

BY ORDER OF MR. SPEAKER

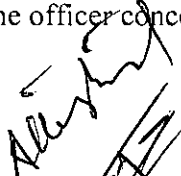
SD/-
DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

E.No.PA/K.P/Admn:/2018/ 2763-68

Dated Peshawar, the 07/09/2018

Copy of the above is forwarded for information and necessary action to :-

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2. The Officer concerned.
3. The Manager, Government Printing Press, Peshawar.
4. The Budget Officer-IV, Finance Department.
5. Pay Bill Clerk, Provincial Assembly of Khyber Pakhtunkhwa.
6. Personal file of the officer concerned.


Deputy Secretary
Khyber Pakhtunkhwa Assembly


DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Execution Petition # 235/2017 in Service Appeal No. 952/2014

**Ghulam Sarwar, Additional Secretary, Provincial Assembly Secretariat,
Khyber Pakhtunkhwa, Peshawar _____ Applicant.**

VERSUS

1. The Speaker, Provincial Assembly of Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Provincial Assembly of Khyber Pakhtunkhwa, Peshawar.
3. Mr. Nasrullah Khan (Additional Secretary), presently working as a Secretary Provincial Assembly of Khyber Pakhtunkhwa, Peshawar.

RESPONDENTS

Subject: Application For Actualization of Relief.

The applicant seeks to make the following submissions for valuable consideration of this worthy Tribunal in matter of pending execution petition:-

1. That the notification No. PA/K.P/Admn/2018/2667 dated 05-09-2018 issued by the Hon'ble Speaker giving impression of implementation of the judgment of this worthy Tribunal is just eyewash to get rid of the present execution petition.
2. That the notification mentions about grant of relief to the applicant/appellant as prayed for. The prayer has been reproduced in the notification but the operative part of the notification is not compatible with prayer copied in it. Accordingly, the applicant besides praying for antidating his promotion in BPS-19 also prayed for actualization of his seniority as well as consequential benefits.
3. That the notification in question simply states about antidating promotion of the applicant as Additional Secretary but it is silent about actualization of applicant's seniority and financial benefits.

4. That promotion of respondent No. 3 has been adjudged as wrong by the Tribunal. The financial benefits got by the respondent No. 3 on account of wrong promotion have not been given protection in judgment of this worthy Tribunal.
5. That in order to give real effect to the judgment at credit of the applicant, the promotion of the applicant and of respondent No. 3 from BPS-18 to BPS-19 being different in terms of time will require substitution with financial repercussions. The applicant has to be deemed promoted from the date when the first available post of Additional Secretary BPS-19 was filled by wrong promotion of the respondent No. 3. Vice versa, the respondent No. 3 shall be deemed to have been reverted to BPS-18 for the period backward from later promotion of applicant in BPS-19. Consequently, the applicant has to be benefited with arrears of salary etc: while the respondent No. 3 has to return the salary Etc received by him for the same period.
6. That if a specific order is not issued by the Respondent No. 1 entitling the applicant for arrears of said period and of recovery of salary Etc availed by respondent No.3 on account of his wrong promotion in BPS-19, the applicant will remain deprived of real fruits of the judgment at his credit; and respondent No. 3 will retain illegally gotten gains otherwise recoverable from him.
7. That the respondent No. 3 was wrongly promoted in BPS-21 during pendency of appeal and his promotion as such has become void in consequence of judgment at credit of the applicant. However, no specific order has so far been issued for reversion of Respondent No. 3 to BPS-19 in compliance with the judgment.
8. That if no order as to reversion mentioned before is issued by Respondent No. 1, the paragraph given in the notification in question about process of promotion at the post of Secretary BPS-21 will be nothing but a lollipop. This is because competitors for said post include the Senior Additional Secretary, the applicant and respondent No.3. Unless the respondent No.3 is reverted to BPS-19 and relegated in seniority keeping him after the applicant, how it is possible to resort to the process of promotion to the post of Secretary.

9. That it becomes evident through the foregoing submissions that the notification in question necessitates modifications to include the specific orders about: (1) reversion of Respondent No. 3 firstly from BPS-21 to BPS-19 and then deeming his position in BPS-18 for the purpose of salary backward from the date when applicant was promoted in BPS-19; (2) grant of arrears to applicant admissible in consequence of antedating of his promotion in BPS-19; (3) recovery of excess salary from the respondent No. 3 for the period he was supposed to remain in BPS-18 instead of applicant, if wrong promotion of the former in BPS-19 had not taken place; and (4) actualization of seniority of applicant in the seniority list.

It is respectfully prayed that respondent No.1 may kindly be directed to modify the notification in question to include the relief pointed out here in above; and execution petition may kindly be kept pending till production of modified notification incorporating actual relief granted by the judgment at credit of applicant.

Dated: 07/09/2018

APPLICANT



(Ghulam Sarwar)

Additional Secretary,
Provincial Assembly Secretariat,
Khyber Pakhtunkhwa, Peshawar.



PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar the, 09/08/2018.

No.PA/Khyber Pakhtunkhwa/Bills/2018/1369 In exercise of the powers conferred by clause (a) of Article 109 of the Constitution of the Islamic Republic of Pakistan, the Governor of the Khyber Pakhtunkhwa, has been pleased to summon the Provincial Assembly to meet on **Monday, the 13th August, 2018 at 10:00 a.m** in the Assembly Building of the Provincial Assembly of Khyber Pakhtunkhwa, Khyber Road, Peshawar Cantonment, for taking Oath of its Members, election and Oath of Speaker and Deputy Speaker and for the election of Chief Minister of the Khyber Pakhtunkhwa.

Sd/-
(NASRULLAH KHAN KHATTAK)
Secretary

The Manager, Government
Printing Press, Peshawar

For publication in the Gazette of Khyber Pakhtunkhwa, Extraordinary bearing the same date. One copy of the same may be supplied to this Secretariat

Copy forwarded to:-

1. All the Members-elect Provincial Assembly of Khyber Pakhtunkhwa.
2. The Chief Secretary to Government of Khyber Pakhtunkhwa.
3. All the Administrative Secretaries to Government of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. The Advocate-General, Khyber Pakhtunkhwa.
7. The Accountant-General, Khyber Pakhtunkhwa.
8. The Provincial Election Commissioner, Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
10. The Director Information, Khyber Pakhtunkhwa for wide publicity through press and electronic media.
11. The General Manager, PTV, Peshawar.
12. The Station Director, Radio Pakistan, Peshawar.
13. The Director I.T/ Special Secretary, Provincial Assembly of Khyber Pakhtunkhwa with the request to inform all the Members-elect of Provincial Assembly of Khyber Pakhtunkhwa through text messages.
14. The Director (F&A), Provincial Assembly of Khyber Pakhtunkhwa.
15. All Officers/Branches of the Provincial Assembly of Khyber Pakhtunkhwa.


Assistant Secretary-VIII,
Provincial Assembly of Khyber Pakhtunkhwa

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 05/09/2018

No.PA/K.P/Admn:/2018/ 2667 Pursuance to the Judgment of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.952/2014 dated 14-09-2017 wherein the Tribunal has observed as under:-

“17. In view of above discussion the present appeal as prayed for is accepted and the appellant is promoted as Additional Secretary (BPS-19) Khyber Pakhtunkhwa Provincial Assembly from the date his junior colleague (respondent No.3) was promoted as Additional Secretary with back benefits/consequential benefits.


18. Perusal of the notification bearing No.PA/KP/Admn:/2007/19866 dated 25-09-2007 mentioned above would also reveal that criteria of promotion to the higher post of Senior Additional Secretary (BPS-20) and Secretary (BPS-21) Khyber Pakhtunkhwa Provincial Assembly Secretariat is also based on seniority-cum-fitness as subsequent promotions if any of junior colleagues of appellant to higher post i.e. the post of senior Additional Secretary, during the pendency of present appeal, is also set aside as consequential benefit.”

The prayer sought by Mr. Ghulam Sarwar in his above appeal filed on 14-07-2014 is as under:-

“On acceptance of this appeal the order dated 25-06-2014 may please be set aside, the promotion order of the appellant be ante-dated w.e.f. 18-08-2007 when respondent No.3 was promoted as Additional Secretary BPS-19 and the appellant may please be allowed seniority as well as all consequential benefits.”

In view of the decision dated 14-09-2017; Mr. Ghulam Sarwar is allowed anti dated promotion as Additional Secretary (BPS-19) w.e.f. 18-08-2007.

As regard promotion to the post of Secretary (BPS-21) is concerned the matter regarding promotion shall be placed before the earliest available Departmental Promotion Committee for considering the suitable/appropriate candidate in accordance with the law within shortest possible time.


(MUSHTAQ AHMED GHANI)
SPEAKER,
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

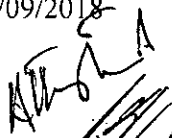
E.No.PA/K.P/Admn:/2018/ 2668-81

Dated Peshawar, the 05/09/2018

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2. The Secretary, National Assembly of Pakistan, Islamabad.
3. The Secretaries, Provincial Assemblies, Punjab, Sindh and Baluchistan, Lahore/Karachi/Quetta.
4. The Secretary, Legislative Assembly of Azad Jammu & Kashmir, Muzaffarabad.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Acting Secretary, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
7. The Secretary to Mr. Speaker, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
8. The Special Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa.
9. All Additional Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
10. The Director (F & A), Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
11. All Deputy Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
12. The Budget Officer-IV, Govt: of Khyber Pakhtunkhwa, Finance Department.
13. The Manager Government Printing Press, Peshawar.
14. Pay Bill Clerk, Provincial Assembly Secretary of Khyber Pakhtunkhwa.


DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA


Deputy Secretary
Khyber Pakhtunkhwa Assembly

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 07/09/2018

No.PA/K.P/Admn./2018/ 2762 In view of the Judgment of the Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar dated 14-09-2017 in Service Appeal No.552/2017 read with order of the said Tribunal dated 20-07-2018 in execution Petition No.235/2017, duly upheld by the Hon'ble Supreme Court of Pakistan in Civil Petition No.480-P and 4249 of 2017 dated 28-08-2018, the promotion of Mr. Nasrullah Khan Khattak, as Secretary (BPS-21) made vide this Secretariat Notification No.PA/KP/Admn./2017/4935 dated 15-08-2017, is hereby set aside and consequently the following officers of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa promoted vide Notification referred to above, are reverted to their previous positions as mentioned against their names with effect from 29-08-2018:-

S.No.	Name and designation	Reverted as
1.	Mr. Nasrullah Khan Khattak, Secretary (BPS-21)	Additional Secretary BPS-20 (personal)
2.	Mr. Inamullah Khan, Additional Secretary (BPS-19)	Deputy Secretary BPS-19 (personal)
3.	Mr. Muhammad Younas, Deputy Secretary (BPS-18)	Assistant Secretary BPS-18 (personal)

BY ORDER OF MR. SPEAKER

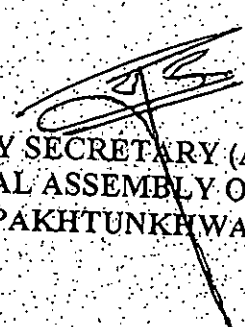
SD/-
DEPUTY SECRETARY (ADMN.)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

E.No.PA/K.P/Admn./2018/ 2763-68

Dated Peshawar, the 07/09/2018

Copy of the above is forwarded for information and necessary action to :-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Officer concerned.
3. The Manager, Government Printing Press, Peshawar.
4. The Budget Officer-IV, Finance Department.
5. Pay Bill Clerk, Provincial Assembly of Khyber Pakhtunkhwa.
6. Personal file of the officer concerned.


DEPUTY SECRETARY (ADMN.)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1048

Execution petition# 235 in Service Appeal No.952/2014 Dated 11/12/2017

Ghulam Sarwar, Additional Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa, Peshawar..... Applicant

VERSUS

1. The Speaker Provincial Assembly of Khyber Pakhtunkhwa, Peshawar
2. The Secretary, Provincial Assembly Secretariat, Khyber Pakhtunkhwa Peshawar.
3. Mr. Nasrullah Khan (Additional Secretary), presently working as Secretary Provincial Assembly Khyber Pakhtunkhwa..... Respondents

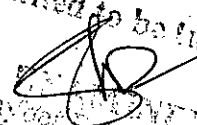
31.07.2018

Petitioner Mr. Ghulam Sarwar in person along with his counsel Mr. Ali Azeem Afridi, Advocate present. Mr. Fakhar Alam, Law Officer for respondent no. 1 along with Mr. Kabirullah Khattak, Addl: AG present. Clerk of Mr. Ansar ullah, Advocate counsel for private respondent no.3 present and submitted application for adjournment on the ground mentioned therein.

Today the case was fixed for submission of implementation order of this Tribunal but today learned Addl: AG again made a request for adjournment that the election of the incumbent speaker will take place in the near future and so it would be better that a chance may be given to the successor in the interest of justice. The request is allowed with heavy heart in the sense that very very last chance was given to the respondent no.1 but the order of this Tribunal was not implemented on one or the other pretext. However, today the request to some extent, seems to be genuine, as such allowed. Hence, again last chance is given to the respondent no.1 to produce the implementation report on 06.09.2018 before S.B.

Need not to mention here that the petitioner is going to be retired in the coming months so the justice would demand that he should reap the fruit of his struggle. As such, from onward today the proceedings in the present case will take place on day to day basis.

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


Chairman

Date of Presentation of Application: 6-8-18
Number of Words: 400
Copying Fee: 2
Urgent:
Total: 2
Name of Copyist: [Signature]
Date of Completion of Copy: 6-8-18
Date of Delivery of Copy: 6-8-18

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 07/09/2018.

No.PA/KP/Admn/2018/ 2854 In pursuance to the Judgment of Khyber Pakhtunkhwa, Service Tribunal in Service Appeal No.952/2014 dated 14-09-2017 and this Secretariat Notification No.PA/KP/Admn/2018/2762 dated 07-09-2018, the seniority position, seniority numbers and posts against which the following Additional Secretaries, Deputy Secretaries and Assistant Secretaries of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa are working, will be as under, for facilitation of smooth running of office routine work of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa:-

S #	NAME OF OFFICER	POST SPECIFIED ACCORDING TO THE SCHEDULE-I & II.	ALLOTTED NUMBERS
1.	Mr. Ghulam Sarwar	Permanent	Additional Secretary-I
2.	Mr. Nasrullah Khan Khattak	Temporary	Additional Secretary-II
3.	Mr. Amjad Ali	Temporary	Additional Secretary-III
4.	Mr. Inamullah Khan	Permanent	Deputy Secretary-I
5.	Syed Muhammad Mahir	Permanent	Deputy Secretary-II
6.	Mian Altaf-ur-Rehman	Permanent	Deputy Secretary-III
7.	Mr. Hidayatullah	Permanent	Deputy Secretary-IV
8.	Mr. Ashtimand	Temporary	Deputy Secretary-V
9.	Mr. Naeemullah Khan	Temporary	Deputy Secretary-VI
10.	Mr. Wakil Khan	Temporary	Deputy Secretary-VII
11.	Mr. Muhammad Younas	Permanent	Assistant Secretary-I
12.	Mr. Khalid Shaheen	Permanent	Assistant Secretary-II
13.	Mr. Abdul Wahab	Permanent	Assistant Secretary-III
14.	Mr. Jehanzeb Khan	Permanent	Assistant Secretary-IV
15.	Mr. Inamullah Khan	Permanent	Assistant Secretary-V
16.	Mr. Ibrahim Khan	Permanent	Assistant Secretary-VI
17.	Mr. Amjad Ali	Permanent	Assistant Secretary-VII
18.	Mr. Asadullah Khan	Permanent	Assistant Secretary-VIII
19.	Mr. Amir Nawaz Khan	Permanent	Assistant Secretary-IX
20.	Mr. Haris Khan	Permanent	Assistant Secretary-X
21.	Mr. Shahid Rehman	Permanent	Assistant Secretary-XI
22.	Mr. Said Muhammad	Temporary	Assistant Secretary-XII
23.	Mr. Baz Muhammad	Temporary	Assistant Secretary-XIII

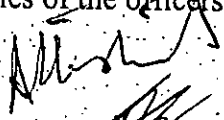
Sd/-
DEPUTY SECRETARY (ADMN)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

Endt.NO.PA/KP/Admn/2018/ 2855-57

Dated 07/09/2018

Copy of the above is forwarded for information to:-

1. The officers concerned.
2. The PA to Acting Secretary, Provincial Assembly of Khyber Pakhtunkhwa.
3. Personal files of the officers concerned.


Deputy Secretary
Khyber Pakhtunkhwa Assembly


DEPUTY SECRETARY (ADMN)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

CORRIGENDUM

Dated Peshawar, the 07/09/2018
No.PA/K.P/Admn:/2018/ 2747 In this Secretariat Notification
No.PA/KP/Admn:/2018/2667 dated 05-09-2018, for para No.6, the following new para is
hereby substituted:-

“In view of the decision dated 14-09-2017, Mr. Ghulam Sarwar is allowed ante dated promotion as Additional Secretary (BPS-19) w.e.f. 18-08-2007 with seniority and all back benefits/consequential benefits”.


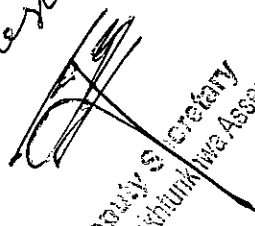
BY ORDER OF MR. SPEAKER

SD/-
DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

E.No.PA/K.P/Admn:/2018/ 2748-61 Dated Peshawar, the 07/09/2018

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4. The Secretary, Legislative Assembly of Azad Jammu & Kashmir, Muzaffarabad.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Acting Secretary, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
7. The Secretary to Mr. Speaker, Provincial Assembly Secretariat of Khyber Pakhtunkhwa
8. The Special Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa
9. All Additional Secretaries, Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
10. The Director (F & A), Provincial Assembly Secretariat of Khyber Pakhtunkhwa.
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12. The Budget Officer-IV, Govt: of Khyber Pakhtunkhwa, Finance Department.
13. The Manager Government Printing Press, Peshawar.
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Deputy Secretary
Khyber Pakhtunkhwa Assembly


DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 07/09/2018

No.PA/K.P/Admn:/2018/ 2762 In view of the Judgment of the Hon'ble Service Tribunal, Khyber Pakhtunkhwa, Peshawar dated 14-09-2017 in Service Appeal No.552/2017 read with order of the said Tribunal dated 20-07-2018 in execution Petition No.235/2017, duly upheld by the Hon'ble Supreme Court of Pakistan in Civil Petition No.480-P and 4249 of 2017 dated 28-08-2018, the promotion of Mr. Nasrullah Khan Khattak, as Secretary (BPS-21) made vide this Secretariat Notification No.PA/KP/Admn:/2017/4935 dated 15-08-2017, is hereby set aside and consequently the following officers of the Provincial Assembly Secretariat of Khyber Pakhtunkhwa promoted vide Notification referred to above, are reverted to their previous positions as mentioned against their names with effect from 29-08-2018:-

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BY ORDER OF MR. SPEAKER

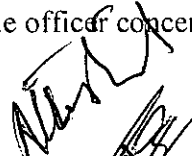
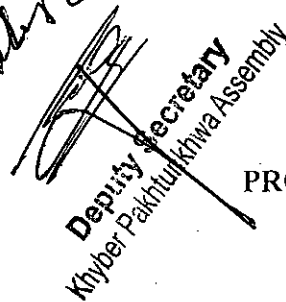
SD/-
DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

E.No.PA/K.P/Admn:/2018/ 2763-68

Dated Peshawar, the 07/09/2018

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6. Personal file of the officer concerned.



Deputy Secretary
Khyber Pakhtunkhwa Assembly


DEPUTY SECRETARY (ADMN:)
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

Before the Chairman K.P. Service Inland Fisheries

Executive Petition

IN Form App'd # 952/14

MS The Speaker of the

Put up to the court with relevant petition.

8/15/13

Good

Respectfully Submitted

1. That the petition is scheduled for hearing on 26.11.2013.

2. In the state so far as fees for witnesses applied is going to be remitted in the coming months.

Allow on 15.10.2013 to the respondents. Be final 8/10/13

3. The petitioner's lawyer proposed that an affidavit be accepted for an early date and stage.

Applicant

Date: 8.10.13

Gulam Sarwar