

09.02.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Accounts Clerk. That vide notifications dated 28.7.2007 and 20.5.2014, Junior Clerks, Senior Clerks, Auditors, and Assistants were granted up-gradation while appellant ignored. That vide impugned notification 30.6.2015 one step up-gradation was granted to the appellant though he was entitled to alike treatment as extended by the respondents to Junior Clerks and others where-against appellant preferred departmental appeal on 26.8.2015 which was not responded and hence the instant service appeal on 23.12.2015.

Appellant Deposited  
Security & Process Fee

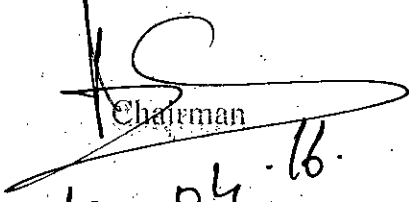
That the appellant is entitled to treatment extended to similarly placed employees i.e Junior Clerks and others and the impugned notification is liable to be modified in the above manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 12.4.2016 before S.B.

12.04.2016

  
Chairman

Counsel for the appellant and Mr. Saleem Shah, Supdt. alongwith Addl. A.G for the respondents present. Leaned counsel for the appellant requested for withdrawal of the appeal as the instant appeal pertains to up-gradation of the post of Assistant and according to the recent judgment of the august Supreme Court of Pakistan dated 17.2.2016 in Civil Appeals No. 101 & 102-P/2011, titled "Regional Commissioner Income Tax, Northern Region, Islamabad etc. Versus Syed Manawar Ali and others", the Service Tribunal has no jurisdiction to entertain the instant appeal regarding up-gradation. Dismissed as withdrawn.

  
Chairman

ANNOUNCED



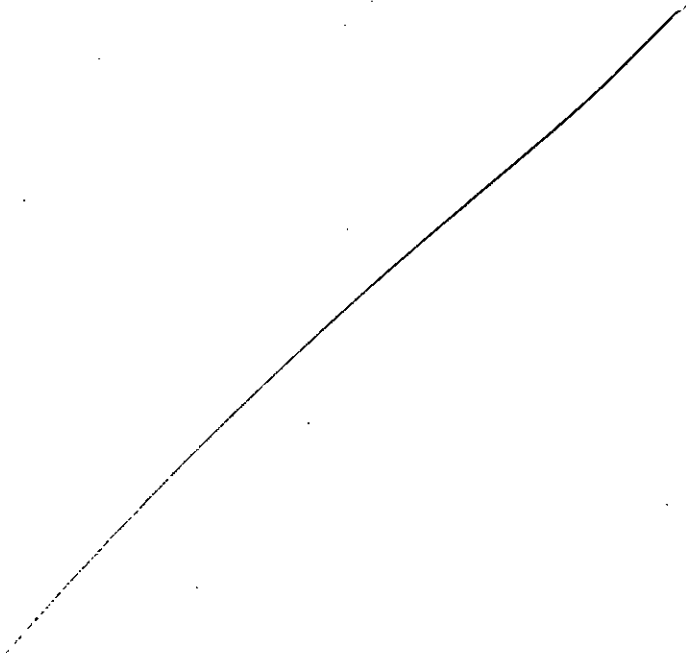
12.04.2016

12.04.16

Form- A  
FORM OF ORDER SHEET

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

Case No. 75/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21.01.2016	<p>The appeal of Mr. S. Inayat Shah resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>9-2-16</u>.</p> <p> CHAIRMAN</p>
		

The appeal of Mr. Inayat Shah Accounts Clerk C and W Department received to-day i.e. on 23.12.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of respondent No. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Pages of Annexure are not in sequence.
- 3- Annexures of the appeal may be attested.
- 4- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 200/0 /S.T,

Dt. 28/12 /2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

*Sir,*  
*Re-submitted after compliance*  
*M. Asif*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 75 /2016

Mr. S. Inayat Shah

V/S


Government of KPK etc.

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Rules	- A -	05-15
3.	Copy of UP-gradation Notification (28.7.2007)	- B -	16
4.	Copy of UP-gradation Notification (20.5.2014)	- C -	17
5.	Copy of Working Paper	- D -	18-20
6.	Copy of Notification (30.6.2015)	- E -	21
7.	Copy of Appeal	- F -	22-23
8.	Vakalat Nama	-----	24

APPELLANT

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 75 /2016

Mr. S. Inayat Shah, Account Clerk,  
XEN Building Construction Division No.11, Peshawar.

**S.W.P. Provincial  
Service Tribunal**  
Diary No. 1512  
23-12-2015

**APPELLANT**

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Government of KPK, Civil Secretariat, Peshawar.
2. The Secretary, Government of KPK, Communication & Works (C&W) Department, Civil Secretariat, Peshawar.
3. The Secretary, Government of KPK, Finance Department, Civil Secretariat, Peshawar.
4. The Chief Engineer, (Building Construction Division No. II), Khyber Pakhtunkhwa, Peshawar, *near Civil Secretariat, Peshawar.*

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION DATED 30.6.2015 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

.....

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO MODIFY THE NOTIFICATION DATED 30.6.2015 TO THE EXTENT OF APPELLANT AND THE APPELLANT MAY BE GRANTED UP-GRADATION TO BPS-15 BY TREATING HIM AT PAR WITH THE OTHER MINISTERIAL STAFF OF THE PROVINCIAL GOVERNMENT W.E.FROM THEIR FIRST UP GRADATION NOTIFICATION WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

**Filed to Gov  
Registrar**  
23/12/15

**re-submitted to Gov  
and filed;**  
21/1/16

**RESPECTFULLY SHEWETH:**

1. That the appellant has been working as Account Clerk in C&W Department since 31.12.2010. The appellant has good service record throughout his career. The dates are mentioned in the Departmental Appeal, the copy of which is already attached as Annexure-F.
2. That as per service rules of the department, the post of Account Clerk is to be filled in as by promotion on the basis of seniority cum fitness amongst the Junior Clerk with at-least 3 years service, whereas the post of Assistant is to be filled in as 25 % by initial recruitment and 75% by promotion on the basis of seniority cum fitness from amongst the Account Clerk/ Senior Clerk with at-least 5 years service as such this shows that the post of Senior Clerk and Account Clerk are in BPS-14 whereas Account Clerk in BPS-9. It is also worth to mention here that the post of J/Clerk from which the promotion is made to the Account Clerk carries BPS-11 whereas the post of Account Clerk carries BPS-9. Copies of Service Rules are attached as Annexure-A.
3. That the Government has issued up-gradation notification for ministerial staff wherein according to Notification dated 28.7.2007 Junior Clerk from BPS-5 to BPS-7, Senior Clerk from BPS-7 to BPS-9 and in the second notification dated 20.5.2014 J/Clerk have been up-graded from BPS-7 to BPS-11, Senior Clerk BPS-9 to BPS-14, Assistant BPS-14 to BPS-16, Superintendent BPS-16 to BPS-17, but no up-gradation benefits were extended to the appellant's cadre of Account Clerk. Copies of UP-gradation Notifications are attached as Annexure-B and C.
4. That the up-gradation case of the appellant's cadre of Account Clerk from BPS-9 to BPS-15 in C&W, Irrigation and PHE Departments are also under consideration of the Government since June, 2014 but that issue has not been finalized so far. Copy of Working Paper is attached as Annexure-D.
5. That recently on 30.06.2015, the Government issued another up-gradation notification in which the

appellant cadre has been granted only one step up-gradation from BPS-9 to BPS-10 whereas the appellant other colleagues / ministerial cadre staff has been granted up-gradation twice from BPS-5 to BPS-11 etc. A copy of Notification is attached as Annexure-E.

6. That against such discriminatory treatment, the appellant filed representation on 26.8.2015 and waited for statutory period but no response has been received by the respondent department, hence the present on the following grounds amongst the others: Copy of Departmental Appeal is attached as Annexure-F.

**GROUND:**

- A) That the Notification dated 30.6.2015 to the extent of appellant is discriminatory not based on equity and equality, is against the justification submitted by the department and against not taking any action on the departmental appeal of the appellant is against the law, fact, norms of justice and material on record, therefore, not tenable in the eyes of law.
- B) That the treatment of the Government Department towards the cadre of the appellant is offensive to the spirit of the Constitution especially Article-2(A), 4, 25 and 38 (E), therefore, the up-gradation notification is not maintainable to the extent of the appellant's cadre.
- C) That as per rules, J/Clerk is to be promoted as Account Clerk, Account Clerk/Senior Clerk is to be promoted as Assistant but it is legally impossible to promote Junior Clerk BPS-11 to the post of Account Clerk BPS-9. This shows that there are legal descipensies in the up-gradation notification as well as service rules.
- D) That according to the rules of the department, Senior Clerk and Account Clerk is to be promoted as Assistant BPS-16 whereas Senior Clerk carries BPS-14 whereas Account Clerk carries BPS-9. This shows that the appellant cadre appellant has not been up-graded and treated at par with other colleagues of the ministerial cadre.

- E) That the ministerial cadre employee's strength is in thousands whereas the strength of the appellant cadre is 248. but despite that the other minister staff is benefited twice by up-gradation notification whereas the appellant cadre has been up-graded once single step, this aspect shows that the appellant cadre has not been treated equitably and at par with other minister colleagues.
- F) That the up-gradation by the Government is always to be made for the welfare of the official keeping in view the economic and other conditions but the respondents have ignored that aspect for the appellant's cadre, despite the fact that the economic condition of the employees of the Government are the same.
- G) That even, the respondents have not finalized the up gradation issue from BPS-9 to BPS-15 despite its proper submission of working paper in June, 2014, this also proved ignorant attitude of the government toward the appellant cadre.
- H) That the appealing has not been treated equality at per with other minister staff who have been up-graded twice.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT *Ashraf*  
S. Inayat Shah

THROUGH:

*Asif Yousafzai*  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

*Taimur Ali Khan*  
Advocate



GOVERNMENT OF NWFP  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the March 25, 2010

A  
5

NOTIFICATION:

No. SOE/C&WD/8-12/2009: In pursuance of the provisions contained in sub-rule (2) of Rule-3 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1959 and in supersession of all previous rules, issued in this behalf, the Communication & Works Department in consultation with Establishment Department and Finance Department hereby lays down, the method of recruitment, qualification and other conditions specified in columns 3 to 5 of the Appendix to this Notification which shall be applicable to posts in column 2 of the said Appendix.

(Engr Habib Ali)  
Secretary to Govt of NWFP  
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

1. All Administrative Secretaries to the Govt of NWFP
2. Secretary to Governor NWFP
3. Principal Secretary to Chief Minister NWFP, Peshawar
4. PS to Chief Secretary NWFP, Peshawar
5. PS to Addl. Chief Secretary NWFP, Peshawar
6. PS to Addl. Chief Secretary Home NWFP, Peshawar
7. PS to Addl. Chief Secretary FATA, Peshawar
8. Accountant General NWFP, Peshawar
9. Additional Accountant General (PR) sub office Peshawar
10. All Chief Engineers in C&W Department
11. All Commissioners in NWFP
12. Secretary Public Service Commission, Peshawar
13. Registrar Peshawar High Court, Peshawar
14. Registrar NWFP Service Tribunal Peshawar
15. All District Coordination Officers in NWFP
16. All Superintending Engineers in C&W Department
17. All Executive Engineers in C&W Department
18. PS to Secretary, C&W Department Peshawar.
19. Office order File
20. Manager Govt Printing Press NWFP, Peshawar. He is requested to supply 200 copies of the printed gazette for further distributions

*Attested*

*[Signature]*

Section Officer (Estab)  
C&W Department  
Peshawar

*[Signature]*

Section Officer  
C&W Department  
Peshawar

*[Signature]*  
RAHIM BADSHAH  
SECTION OFFICER (ESTT)

*[Signature]*

Section Officer (Estab)  
C&W Department  
Peshawar

**ATTESTED**

## TECHNICAL DRAFTSMAN AND TRACERS

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1.	2	3	4	5
29	Chief Draftsman		--	By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Head Draftsman with at least 3 (three) years service as such.
30	Circle Head Draftsman	--	--	By promotion, on the basis of seniority-cum-fitness from amongst the Head Draftsman/Divisional Head Draftsman with at least 3 (three) years service as such.
31	Head Draftsman/ Divisional Head Draftsman	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsman with at least 3 (three) years service as such.
32	Draftsman	a. Secondary School Certificate form recognized Board; AND b. Two years Certificate Course in Civil Draftsmanship from a recognized Institute/Board of Technical Education	18 - 30 years	a. Fifty percent (50%) by Initial Recruitment b. Twenty Five percent (25%) by promotion, on the basis of seniority-cum-fitness amongst the Tracers having Certificate of Civil Draftsman course of two years from recognized Board of Technical Education with 3 years service as such; and c. Twenty Five percent (25%) by promotion, on the basis of seniority-cum-fitness amongst the Tracers, who have qualified the prescribed Departmental Examination as Draftsman, and having 3 years service as such.  <u>Note:</u> If no suitable candidate is available for promotion against the quota at (b) then the vacancy shall be filled-in, by the way as prescribed at (c) and Vice-Versa.
33	Tracer	i. Secondary School Certificate form recognized Board; and ii. Survey course of at least 6-9 months duration from recognized Institute/ Board of Technical Education;	18 - 30 years	a. Seventy five percent (75%) by Initial Recruitment; and b. Twenty five percent (25%) by promotion, from amongst the Ferro-Printer/Ferro-Printer's Assistant having Secondary School Certificate with two years service as such.
34	Ferro-Printer/Ferro Khalasi	Middle Standard qualification	18 - 40 years	By Initial Recruitment

**ATTESTED**

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
23.	Accounts Clerk/Senior Clerk	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, with at least three service as such.
24.	Junior Clerk	i. Secondary School Certificate from a recognized Board; and ii. A speed of 30 words per minute in English typing	18 - 28 years	a. Eighty percent (80%) by Initial Recruitment; AND b. Twenty percent (20%) by promotion, from amongst the Daftaries, Record Lifters, Naib Qasids, Chowkidars, and other equivalent posts who have passed Secondary School Examination and are up to 35 years of age and have at least two years service as such in the Department <u>Note: For the purpose of promotion, there shall be maintained a joint seniority list of Daftaries, Record Lifters, Naib Qasids, Chowkidars, with reference, to the date of regular appointment to the post or that of acquiring the Secondary School Certificates, whichever is later; provided that if two dates are the same, the person older in age or having longer service, whichever is more beneficial to him, shall rank senior.</u>
25.	Driver	Possessing a valid LTV/HTV Driving License with five years experience, having Primary/Middle Standard qualifications	21 - 35 years	By Initial Recruitment
26.	Daftary /Record Lifter/Dafadar	Literate/Middle, preference will be given to Ex-Service Man	18 - 35 years	By promotion, from amongst the Naib Qasids/Chowkidars, having Middle Standard qualification <u>Note: If no suitable candidates are available for promotion, then by Initial Recruitment.</u>
27.	Naib Qasid	Middle Standard qualification	18 - 35 years	By Initial Recruitment
28.	Chowkidar	Literate/Primary Standard qualification	18 - 35 years	By Initial Recruitment

7

ATTACHED

MINISTERIAL ESTABLISHMENT

(8)

Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
2	3	4	5
Administrative Officer/Budget & Accounts Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least 5 years service as such.
Superintendents			By Promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers with at least five years service as such. <u>Note:</u> For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior.
Divisional Accounts Officer	--	--	By Transfer from Audit Department
Senior Scale Stenographer	a. Bachelor's Degree/B-Com from a recognized University; AND b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing	18 - 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers (Junior) with at least five years services as such. <u>Note:</u> If no suitable candidates are available for promotion, then by Initial Recruitment.
Assistant	Second Class Bachelor's Degree with Economics/Statistics as one of the subject OR B-Com, from a recognized University	21 - 32 years	a. Twenty five percent (25%) by Initial Recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks/Senior Clerks, with at least five years service as such. <u>Note:</u> For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be maintained.
2. Stenographer (Junior)	a. Intermediate/D-Com form a recognized Board; b. A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing; and c. Computer knowledge of MS Word and Excel	18 - 30 years	By Initial Recruitment

RECORDED  
[Signature]

**ARCHITECTURAL SERVICES**

9

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
10.	Principal Consulting Architect	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architects with at least 12 (twelve) years service in BS-17 and above.
11.	Senior Architect	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architects with at least 5 (five) years service as such.
12.	Junior Architect	Bachelor's Degree in Architecture from Higher Education Commission's recognized University/College/Institute	22 - 30 years	By Initial Recruitment
13.	Chief Draftsman (Architect)	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Architectural Assistants, with at least 5 (five) years service as such.
14.	Architectural Assistant	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architectural Draftsman/Senior Computer Aided Design (CAD) Operator, with at least 3 (three) years service as such.
15.	Senior Architectural Draftsman/Senior Computer Aided Design (CAD) Operator	a. Three years Diploma in Architectural Technology from recognized Institute/ Board of technical Education with AutoCAD knowledge;  OR b. Two years Certificate Course in Civil Draftsmanship from a recognized Institute/Board of Technical Education with AutoCAD knowledge.	18 - 30 years	a. Fifty percent (50%) by Initial Recruitment; and b. Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator, with at least 5 (five) years service as such
16.	Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator	Two years Certificate Course in Civil Draftsmanship from a recognized Institute/ Board of Technical Education with AutoCAD knowledge	18 - 30 years	By Initial Recruitment

**ATTEST**

0, (H) MINISTERIAL ESTABLISHMENT

16

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
17.	Administrative Officer/Budget & Accounts Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least 5 years service as such.
18.	Superintendents			By Promotion, on the basis of seniority-cum-fitness, from amongst Assistants and Senior Scale Stenographers with at least five years service as such. <u>Note:</u> For the purpose of promotion, a joint seniority list of Assistants and Senior Scale Stenographers will be maintained. If the date of appointment of both the officials is the same, then Assistant will rank senior.
19.	Divisional Accounts Officer	--	--	By Transfer from Audit Department
20.	Senior Scale Stenographer	a. Bachelor's Degree/B-Com from a recognized University; AND b. A speed of 100 words per minute in short hand in English and 40 words per minute in English typing	18 - 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers (Junior) with at least five years services as such. <u>Note:</u> If no suitable candidates are available for promotion, then by Initial Recruitment.
21.	Assistant	Second Class Bachelor's Degree with Economics/ Statistics as one of the subject OR B-Com, from a recognized University	21 - 32 years	a. Twenty five percent (25%) by Initial Recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks/Senior Clerks, with at least five years service as such. <u>Note:</u> For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be maintained.
22.	Stenographer (Junior)	a. Intermediate/D-Com from a recognized Board; b. A speed of 50 words per minute in Short hand in English and 35 words per minute in English typing; and c. Computer knowledge of MS Word and Excel	18 - 30 years	By Initial Recruitment

**ATTESTED**

ARCHITECTURAL SERVICES

11

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/ Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
10.	Principal Consulting Architect	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architects with at least 12 (twelve) years service in BS-17 and above.
11.	Senior Architect	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architects with at least 5 (five) years service as such.
12.	Junior Architect	Bachelor's Degree in Architecture from Higher Education Commission's recognized University/College/Institute	22 - 30 years	By Initial Recruitment
13.	Chief Draftsman (Architect)	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Architectural Assistants, with at least 5 (five) years service as such.
14.	Architectural Assistant	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Architectural Draftsman/Senior Computer Aided Design (CAD) Operator, with at least 3 (three) years service as such.
15.	Senior Architectural Draftsman/Senior Computer Aided Design (CAD) Operator	a. Three years Diploma in Architectural Technology from recognized Institute/ Board of technical Education with AutoCAD knowledge;  OR b. Two years Certificate Course in Civil Draftsmanship from a recognized Institute/Board of Technical Education with AutoCAD knowledge.	18 - 30 years	a. Fifty percent (50%) by Initial Recruitment; and b. Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator, with at least 5 (five) years service as such
16.	Junior Architectural Draftsman/Junior Computer Aided Design (CAD) Operator	Two years Certificate Course in Civil Draftsmanship from a recognized Institute/ Board of Technical Education with AutoCAD knowledge	18 - 30 years	By Initial Recruitment

**ATTESTED**

				<p>e. Two point five percent (2.5%) By Transfer from amongst the Draftsman with seven years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board;</p> <p>f. Two point five percent (2.5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Tracers with ten years service as such, having Diploma in Civil/Electrical/Mechanical Technology, from a recognized Board; and</p> <p>g. Five percent (5%) by promotion, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, who have passed "B" Grade Departmental Examination with seven years service as such;</p> <p>Note-3: <u>For the purpose of promotion, joint seniority list of Works Superintendents/Work Supervisors &amp; Road Inspectors, with reference to their regular appointment to the post shall be maintained. In case the two dates are similar, the official in BS-11 shall rank senior</u></p> <p>Note-4: (i) <u>If no suitable candidate is available for transfer, as prescribed in sub clause (e), then the vacancy shall be filled in by way as prescribed in sub clause (b); and</u></p> <p>(ii) <u>If no suitable candidate is available for promotion, as prescribed in sub clause (f), then the vacancy shall be filled in by way as prescribed in sub clause (c);</u></p>
6.	Work Superintendent/Work Supervisor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
7.	Surveyor	<p>a. Secondary School Certificate from a recognized Board; and</p> <p>b. Diploma of Associate Engineering in Civil Technology from the Board of Technical Education</p>	18 - 30 Years	By Initial Recruitment.
8.	Road Inspector	Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education	20 - 30 Years	<p>a) Fifty percent (50%) by Initial Recruitment AND</p> <p>b) Fifty percent (50%) by promotion, on basis of seniority-cum-fitness, from amongst Work Munshies with at least ten years services as such</p>
9.	Work Munshi	Secondary School Certificate	20 - 30	By Initial Recruitment

**TESTED**



APPENDIX

13

ENGINEERING SERVICE				
1	2	3	4	5
	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1.	Chief Engineer	-	-	By selection, on merit from amongst Superintending Engineers/Principal Design Engineers, with at least 17 (seventeen) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil) from a recognized University.
2.	Superintending Engineer/Principal Design Engineer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Executive Engineers/Design Engineers/Senior Engineers/Research Officers with at least 12 (twelve) years of service in BPS-17 and above, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University.
3.	Executive Engineer/Design Engineer/Senior Engineer/Research Officer	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Sub Divisional Officers/Assistant Engineers/Junior Engineers/Assistant Research Officers, possessing Degree in B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University, with at least 5 (five) years service as such, and have passed the Professional Examination as prescribed in B&R Code.
4.	Sub Divisional Officer/Assistant Engineer/Junior Engineer/Assistant Research Officer	Degree in BE/B.Sc. Engineering (Civil/Mechanical/Electrical) from a recognized University	21 - 32 Years	<p>a. Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who hold a Diploma of (Civil/Mechanical/Electrical) and have passed Departmental Professional Examination with 10 (ten) years service as such;</p> <p>b. Eight percent (8%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who possessed Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) at the time of their joining service;</p> <p>c. Seven percent (7%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub Engineers who acquired Degree of B.E/B.Sc. Engineering (Civil/Mechanical/Electrical) during service; and</p> <p>d. Sixty five percent (65%) by initial recruitment</p> <p>Note: <u>As regard clause(c) the seniority to be determined from the date of acquiring the Degree</u></p>
5.	Sub Engineer	Diploma of Associate Engineering (Civil)/Electrical/Mechanical from a recognized Board of Technical Education	18 - 30 Years	<p>a. Seventy Five percent (75%) by initial recruitment;</p> <p>b. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/ Work Supervisors/Surveyors, with five years service as such, having three years Diploma of Associate Engineering in Civil Technology from a recognized Board;</p> <p>Note-1: <u>For the purpose of promotion, joint seniority list of Works Superintendents, Supervisors and Surveyors, with reference to their regular appointment to the post shall be maintained and in case the two dates are similar, the official in BS-II shall rank senior</u></p> <p>c. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Road Inspectors, with seven years service as such, having three years Diploma of Associate Engineering in Civil Technology, from a recognized Board;</p> <p>d. Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Work Superintendents/Work Supervisors/Road Inspectors, with seven years service as such, having three years Diploma in Electrical/Mechanical Technology from a recognized Board;</p>

**ATTESTED**

14

OFFICE OF THE SUPERINTENDING ENGINEER PBMC,  
COMMUNICATION & WORKS DEPARTMENT,  
KHYBER PUKHTUNKHWA, PESHAWAR.

No. 734 17-M,

Dated Peshawar the 27/8 /2014.

To,

The Executive Engineer PBMC,  
C&W Deptt: Peshawar.

Subject: DEPARTMENTAL SERVICE RULES

Ref: Notification No.SOE/C&WD/8-12/2009 Dated:25 March, 2010 (Copy attached for ready reference).

Refer to the above quoted letter and to state once again that the Departmental Service Rules may be followed strictly in future.

D.A/As above

Engr: Muhammad Ashraf Khan,  
Superintending Engineer (PBMC)

Copy forwarded to the:-

- 1. Accountant General Khyber Pakhtunkhwa Peshawar (Pay Roll-05) for information.

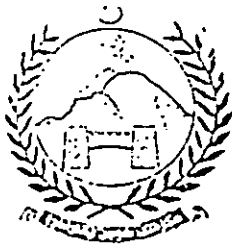
D.A/As above

Superintending Engineer (PBMC)

No.	2377
Date	11-8-14
	PK
D.A.O	✓
S.D.O	
D.H.D	

ATTESTATION  
AK

ATTESTATION  
AK



GOVT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the June 14, 2012

NOTIFICATION:

No SOE/C&WD/8-12/2011: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Communication & Works Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in this Deptt's Notification No. SOE/C&WD/8012/2009, dated March 25, 2010, the following amendment shall be made for the post at Sl.No.21 specified in Columns-3 of the Service Rules:

AMENDMENTS

Sl. No.	Nomenclature of Post	Minimum Qualification Required for Appointment/Promotion	Age Limit	Method of Recruitment
1	2	3	4	5
21.	Assistant	Second Class Bachelor's Degree from a recognized University.	21-32 years	a. Twenty five percent (25%) by initial recruitments; and b. Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Accounts Clerks/Senior Clerks, with at least five years service as such.

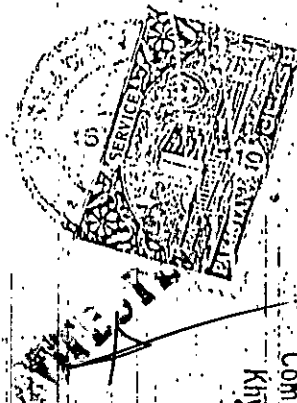
Note: For the purpose of promotion a joint seniority list of Accounts Clerks and Senior Clerks shall be maintained.

Secretary to  
Govt of Khyber Pakhtunkhwa  
Communication & Works Department

Ends of even number and date

Copy is forwarded to the:-

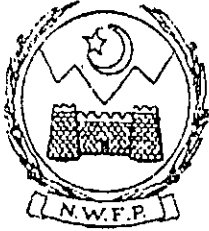
1. All Administrative Secretaries, Govt of Khyber Pakhtunkhwa
2. Secretary to Governor Khyber Pakhtunkhwa, Peshawar
3. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar
4. All Chief Engineers C&W Peshawar
5. Chief Engineer (FATA) W&S Peshawar
6. Chief Engineer EQAA Manshera at Abbottabad
7. Secretary Khyber Pakhtunkhwa Public Service Commission Peshawar
8. All Superintending Engineers C&W Circles. *Balkhgram*
9. All Executive Engineers C&W/Highway Divisions
10. Section Officer (R-VI) Establishment Deptt. Peshawar
11. Assistant Legal Drafter-I, Law Department, Peshawar
12. Managing Printing Press for publication in the issue of next Govt gazette
13. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
14. PS to Secretary, C&W Deptt. Peshawar
15. PA to Addl. Secretary, C&W Deptt. Peshawar
16. PA to Deputy Secretary (Admin), C&W Deptt. Peshawar
17. Office File



*Rahim Badshah*  
(RAHIM BADSHAH)  
SECTION OFFICER (ESTT)

Communication & Works Deptt  
Khyber Pakhtunkhwa Peshawar

Despatch



GOVERNMENT OF NWFP  
FINANCE DEPARTMENT

(REGULATION WING)

Dated Peshawar, the 28<sup>th</sup> July, 2007

B

16

NOTIFICATION

NO.FD/SO(FR)7-2/2007. The competent authority has been pleased to accord sanction to the up-gradation of the following posts in the Province with effect from 01-07-2007.

S.No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Assistant	BPS-11	BPS-14
2	Auditor	BPS-11	BPS-14
3	Senior Clerk	BPS-7	BPS-9
4	Junior Clerk	BPS-5	BPS-7

The incumbents of the up-graded posts will also stand upgraded and their pay will be fixed at the stage next above their basic pay in their lower pay.

2. The Competent Authority has also been pleased to approve that employee from BPS-1 to 4 would move one scale up in the pay scales w.e.f 1st July, 2007.
3. The Establishment Department will amend the recruitment rules of the ministerial posts, whereas amendments in the recruitment rules of other posts listed at Para-1 above shall be made by the concerned Departments in consultation with the Establishment Department.
4. As a special dispensation, the annual increment falling due on 1<sup>st</sup> December 2007 shall be admissible to the above-mentioned employees in the upgraded pay scales.

SECRETARY TO GOVT. OF NWFP  
FINANCE DEPARTMENT

Endst No. & Date even.

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

- 1) All Administrative Secretaries Government of NWFP.
- 2) Senior Member, Board of Revenue, NWFP, Peshawar.
- 3) Accountant General, NWFP, Peshawar.
- 4) Secretary to Governor, NWFP, Peshawar.
- 5) Principal Secretary to Chief Minister, NWFP.
- 6) Secretary Provincial Assembly, NWFP.
- 7) All Heads of Attached Departments in NWFP.
- 8) Registrar, Peshawar High Court, Peshawar.
- 9) All Zilla Nazims/District Coordination Officers/Political Agents District & Sessions Judges/Executive District Officers in NWFP.
- 10) Registrar, NWFP, Public Service Commission, Peshawar.
- 11) Registrar, Service Tribunal NWFP.
- 12) All the Autonomous and Semi Autonomous Bodies in NWFP.
- 13) Secretary to Government of the Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I.Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir (Lower).
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in NWFP/FATA.
- 18) PS to Minister for Finance NWFP.
- 19) PS to Chief Secretary, NWFP.
- 20) PS to Additional Chief Secretary, NWFP.
- 21) Director Local Fund Audit, NWFP, Peshawar.
- 22) Director, FMIU, Finance Department for placing the same on the Website of Finance Department.
- 23) PS to Finance Secretary.
- 24) PAs to All Addl. Secretaries/Deputy Secretaries in Finance Department.
- 25) All Section Officers/Budget Officers in Finance Department.

**ATTESTED**

(Naib Khan)  
Section Officer (FP)



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Annex  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord sanction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments / Offices (except Civil Secretariat) of the Government of Khyber Pakhtunkhwa with immediate effect:

S. No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Superintendent	BS-16	BS-17
2	Assistant	BS-14	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11

- i. The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Endst No. & Date even.

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

1. PS to Additional Chief Secretary, FATA.
2. All Administrative Secretaries Government of Khyber Pakhtunkhwa.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
9. Registrar, Peshawar High Court, Peshawar.
10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
14. Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
15. The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
17. The Treasury Officer, Peshawar.
18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
22. PS to Finance Secretary.
23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
24. All Section Officers/Budget Officers in Finance Department.
25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretariat Superintendent, Assistant, Clerk-Association with reference to his application No. PR/KPS/SACA/2-1/2013 dated 8-01-2014

(SHAUKAT ULLAH)  
SECTION OFFICER (FR)

**ATTESTED**

The Secretary Finance Deptt. vide letter C&W letter No. 60E/C&W/24-60/2014 dated: 18.6.2014

Annex - I

18

### WORKING PAPER

Subject: Up-gradation of the post of Accounts Clerks from BS-09 to BS-15 in C&W, Irrigation and PHE Department

President All Pakistan Clerks Association Khyber Pakhtunkhwa has submitted an application (Annex-I), stating therein that in C&W, Irrigation and PHE Department, the post of Accounts Clerks exist in BS-09 since long, despite the fact that the post of Accounts Clerk have been up-graded by the sister provinces during different intervals. The Government of Khyber Pakhtunkhwa has upgraded the following clerical (ministerial) posts viz Junior Clerks, Senior Clerks, Assistants and Superintendents vide Finance Department circular dated 20.05.2014 (Annex-II).

- |      |                 |                     |
|------|-----------------|---------------------|
| i.   | Junior Clerks   | from BS-07 to BS-11 |
| ii.  | Senior Clerks   | from BS-09 to BS-14 |
| iii. | Assistants      | from BS-14 to BS-16 |
| iv.  | Superintendents | from BS-16 to BS-17 |

2. The post of Accounts Clerk (BS-09) which is also a clerical post and exclusively exists in the Public Works Departments of the province i.e. C&W, PHE & Irrigation Departments as regular establishment appearing in the budget grants by the Finance Department. The Accounts Clerk has again been left over because in the last up-gradation during 2007 the Senior Clerks were upgraded to BS-09 while the Accounts Clerks were left in their same scale (BS-09) without up-gradation. The total sanctioned strength of Accounts Clerks in Public Works Department(s) is noted against each:

i.	C&W Department	-- 139 Nos
ii.	Irrigation Department	-- 43 Nos
iii.	PHE Department	-- 66 Nos
-----		
	Total:	-- 248 Nos

3. The promotion in the Works Departments is carried out from Junior Clerk to Senior Clerk, Senior Clerk to Accounts Clerk, Accounts Clerk to Assistant, Assistant to Superintendent and so on, in light of the service rules in vogue since the inception of Public Works Department (s) but in the appointment/recruitment rules of all 03 departments notified in March 2010, the post of Senior Clerk and Accounts Clerk were clubbed being same grade by the Standing Service Rules Committee.

**ATTESTED**

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4. Now due to up-gradation of Senior Clerk from BS-09 to BS-14, the Accounts Clerks are left in the same scale i.e. BS-09 which has further created great despondency amongst them on the one and on the others by the way of seniority, the Accounts Clerks stand seniors than Senior Clerk. On the up-gradation of post of Senior Clerks from BS-09 to BS-14, the promotion case of Senior Clerk (BS-14) to Accounts Clerk (BS-09), who are in line of promotion is stuck up due to difference in basic pay scales, as a result thereto, the promotion of Junior Clerk to Senior Clerk will also hamper. Similarly the post of Assistant as per recruitment rules is reserved to Accounts Clerk who at present carry BS-09, therefore it has further created anomaly because Senior Clerks carries BS-14.

5. In the present changed scenario, Up-gradation committee is requested that the posts of Accounts Clerks may be upgraded from BS-09 to BS-15 because of the facts that most of the incumbents who have 20-25 years service at their credit, are getting their pay at the maximum of Pay Scale, it will not only develop confidence amongst the Accounts Clerks (BS-09), but the performance of the Works Department(s) will definitely be improved upto greater extent. Beside bottle neck in the promotion cases will also be resolved.

  
(AZEEM KHAN KHATTAK)  
DEPUTY SECRETARY (ADMN)  
C&W DEPARMTENT

**TESTED**

**TESTED**

(4)

Annex-17

20

GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/24-60/2013 AC  
Dated Peshawar, the July 25, 2014

To

The Secretary to  
Govt of Khyber Pakhtunkhwa  
Establishment Department, Peshawar

Subject: Up-gradation of Pay Scale of Account Clerks from BS-09 to BS-11

Dear Sir,

I am directed to refer the E&A Department Notification No.SO(R-IV)E&AD/1-14/2014 dated 12.06.2014 on the subject noted above and to state that Govt of Khyber Pakhtunkhwa has upgraded the clerical (ministerial) posts viz Junior Clerks, Senior Clerks, Assistants and Superintendents vide Finance Department circular No.FD/SO(FR)10-22/2014 dated 20.05.2014.

2. The post of Accounts Clerk (BS-09) which is also a clerical post and exclusively exists in the Public Works Departments of the province i.e. C&W, PHE & Irrigation Departments as regular establishment appearing in the budget grants by the Finance Department has again been left over because in the last up-gradation during 2007 the Senior Clerks were upgraded to BS-09 while the Accounts Clerks were left in their same scale (BS-09) without up-gradation.

3. As the promotion in the Works Departments is carried out from Junior Clerk to Senior Clerk, Senior Clerk to Accounts Clerk, Accounts Clerk to Assistant, Assistant to Superintendent and so on, in light of the service rules in vogue since the inception of Public Works Deptl (s) but in the appointment/recruitment rules of all 03 departments notified in March 2010, the post of Senior Clerk and Accounts Clerk were clubbed being same grade by the Standing Service Rules Committee.

4. Now due to up-gradation of Senior Clerk from BS-09 to BS-14, the Accounts Clerks are left in the same scale i.e. BS-09 which has further created great despondency amongst them on the one hand and on the others by the way of seniority, the Accounts Clerks stand seniors than Senior Clerk. On the up-gradation of post of Senior Clerks from BS-09 to BS-14, the promotion case of Senior Clerk (BS-14) to Accounts Clerk (BS-09), who are in line of promotion is stuck up due to difference in basic pay scales, as a result thereto, the promotion of Junior Clerk to Senior Clerk will also hamper.

5. Similarly the post of Assistant as per recruitment rules is reserved to Accounts Clerk while at present carry BS-09, therefore it has further created anomaly because Senior Clerks carries BS-14.

6. The demand of President All Pakistan Clerks Association has been processed and working paper was forwarded to Finance Department for reconsideration by the Up-gradation committee for removing the anomaly (copy enclosed). However in response it has been advised to take up the case with Establishment Department for placing before the High level committee under the chairmanship of Chief Secretary KPK for restructuring/up-gradation of the said post. The working paper is therefore forwarded for further placing before the committee as explained above.

Yours faithfully

(USMAN JAK)

SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to the:

1. Section Officer (FR) Finance Department, Peshawar
2. PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

Dated Peshawar, the 30-06-2015

(21)

NOTIFICATION

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
  - b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15
  - c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
  - d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
  - e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
  - f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.
2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.
  3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.
  4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.
  5. Explanatory note and subsidiary instructions on the subject will be issued separately.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

AWESALD  
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To,

The Secretary,  
Government of Khyber Pakhtunkhwa,  
Communication & Works Department,  
Civil Secretariat, Peshawar.

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Subject: **APPEAL FOR UP-GRADATION TO BPS-15 BY TREATING THE ACCOUNT CLERKS AT PAR WITH OTHER MINISTERIAL STAFF.**

Sir,

Most profoundly, it is submitted that the applicant has been working as Account Clerk in C& W Department in BPS-9 since 31-12-2010 and has more than 5 years services with good record throughout.

Previously, the Government of Khyber Pakhtunkhwa up-graded the ministerial staff i.e. Junior Clerk, Senior Clerk, Assistant and Superintendent from time to time from BPS-7 to BPS-17 respectively in two phases and unfortunately, the cadre of Accounts Clerk which is also ministerial staff was totally ignored. Copies of Up-gradation of others ministerial staff are attached as Annexure-A and B.

It is also worth to mention here that in the service rules prior to the up-gradation of Junior Clerk to Senior Clerk, the Account Clerk staff was required to be filled in by promotion as J/Clerk BPS-5 to S/Clerk BPS-7 and S/Clerk BPS-7 to Account Clerk BPS-9 but after the up-gradation the present situation is that the J/Clerk are in BPS-11, S/Clerk are in BPS-14 whereas the Account Clerk are still in BPS-9.

Keeping in view, the current situation, the promotion Tier will also be suffered from the complications as to how the scale-11 employee J/Clerk will be promoted to Accounts Clerk Scale-9 employee and the same is case for other all S/Clerk and Account Clerk.

Presently, the Finance Department has issued a Notification dated 30.06.2015 received to the applicant on 30<sup>th</sup> July, 2015 whereby only one pay scale up-gradation was allowed to the applicant's cadre i.e. from BPS-9 to BPS-10 whereas the other ministerial staff like J/Clerk, S/Clerk and Assistant have already been moved upto BPS-11, 14 and 16. As such there is clear discrimination with the applicant and that is mere because the fact that the Account Clerk cadre is available in the attached department of C&W, P.H.E and Irrigation only and has no sound representation through the association as the other clerical staff like J/Clerks, S/Clerks have.

It is also worth to mention here that the up-gradation case of the Account Clerk cadre from BPS-9 to BPS-15 has already been entrusted to the committee of the Establishment Department and the working paper have already been submitted by the C&W Department but despite the lapse of more than an

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year the up-gradation from BPS-9 to BPS-15 of Account Clerk cadre has not been finalized till-date.

23

It is, therefore, graciously requested that to kindly modify the up-gradation notification dated 30.6.2015 to the extent of Account Clerk by placing them in BPS-15 by treating them at par with the other ministerial staff and to give edge above the Senior Clerk as provided in the previous service rules from the date when the up-gradation was allowed to other junior cadre posts with all back and consequential benefits.

Dated:- 26/08/2015

*Ashraf*  
**S.Inayat Shah**  
**Account Clerk,**  
Xen Building Constn: Divn:  
No.II Peshawar

**APPROVED**  
*[Signature]*

24

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar.

Syed Inayat Shah (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt. of KPK etc. (Respondent)  
(Defendant)

I/We Syed Inayat Shah (Appellant)

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

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

Dated \_\_\_\_\_/20

Asif  
( CLIENT )

ACCEPTED

M. Asif Yousafzai  
**M. ASIF YOUSAFZAI**  
Advocate

Taimur Ali Khan  
**TAIMUR ALI KHAN**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**  
Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-221.1391-  
0333-9103240