

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

**Service Appeal No-1370/23**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9943

Dated 15-12-2023

Naveela Asim, Director Library & Research (BPS-19), Provincial Assembly, Khyber Pakhtunkhwa, Peshawar

.....Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through Chief Secretary & Others.

.....Respondents

**WRITTEN ARGUMENTS ON BEHALF OF RESPONDENTS NO. 2**

The matter at hand pertains to the inclusion of the Research Cadre in the promotion hierarchy for the position of Director Library and Research (BPS-19), as advocated by Appellant Naveela. The following arguments elucidate the reasons for resisting the inclusion of the Research Cadre based on the existing rules and considerations:

**1. Isolated Cadre and Rule 4 Empowerment:**

- A. The cadre of Research posts is inherently isolated, and its nature is distinct from other hierarchical structures within the Provincial Assembly Secretariat.
- B. Rule 4 of the Recruitment Rules of the Secretariat empowers the Speaker to create seats as per the needs of the Assembly. However, the creation of a hierarchical structure for every isolated post is not mandated, as per the discretion granted by Rule 4.
- C. It is essential to understand that the empowerment under Rule 4 allows flexibility in the creation or adjustment of seats based on the Assembly's requirements, and not every isolated post necessitates the establishment of a promotional ladder.

**2- Hierarchy Limitation for Isolated Posts:**

- A. The very nature of isolated posts, created under Rule 4, implies that they may not always align with a predefined hierarchical structure for promotions.

B. The creation or exclusion of a cadre from a specific hierarchy is contingent upon the specific circumstances and needs, rather than a blanket inclusion for all isolated posts.

**3. Speaker's Discretion:**

A. The Speaker, in accordance with Rule 4, has the discretionary power to determine the structure and composition of various cadres as per the evolving needs of the Assembly.

In conclusion, it is submitted that the nature of isolated posts, including those in the Research Cadre, does not necessitate the creation of a hierarchical structure for promotions. The Speaker's discretion, empowered by Rule 4, allows for flexibility in meeting the dynamic needs of the Assembly. The uniqueness of the Director Library and Research position, coupled with the dual responsibilities it entails, justifies the current eligibility criteria.

**It is, therefore, respectfully requested that the appeal filed by Appellant Naveela may kindly be dismissed.**

Respondents No-2

Through



**(MOHSIN YOUNIS)**

**Assistant Law Officer  
Khyber Pakhtunkhwa Provincial  
Assembly Peshawar**



**(MALIK KHAWAS)**

**Assistant Law Officer  
Khyber Pakhtunkhwa Provincial  
Assembly Peshawar**