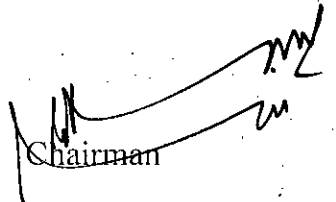


16.02.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

This appeal is also accepted as per our detailed judgment of to-day in connected service appeal No. 415/2016, entitled "Tasleem Khan Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others." Parties are left to bear their own costs. File be consigned to the record room.

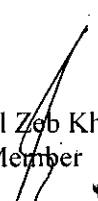
  
Member

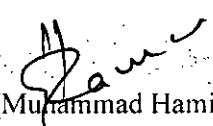
  
Chairman

ANNOUNCED  
16.02.2018

06.07.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.09.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

25.09.2017

None for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Sultan Shah, Assistant for respondents present. Since learned Member (Mr. Ahmad Hassan) is on leave, therefore, arguments could not be heard. To come up for arguments on 29.12.2017 before D.B.

29.12.2017

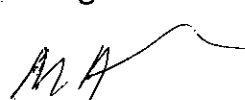
Appellant in person and Usman Ghani, District Attorney alongwith Mr. Sultan Shah, Supdt for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 29.02.2018 before D.B.


  
Chairman

  
Member

02.01.2018

Learned counsel for the appellant and Mr. Usman Ghani, Learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.02.2018 Before D.B

  
(Muhammad Amin Kundi)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER

01.02.2017

Appellant alongwith his counsel and Mr. Sultan Shah, Assistant with Mr. Ziaullah, GP for respondents present. AT the very outset Mr. Sultan Shah informed the Tribunal that a separate seniority list has been issued, which is the main prayer of the appellant so, representative of respondents is directed to bring the separate seniority list on next date before the Tribunal and also handed over the same to appellant counsel for perusal. To come up for record and arguments on 27.02.2017 before D.B.



(AHMAD HASSAN)  
MEMBER



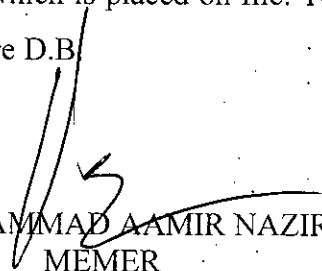
(ASHFAQUE TAJ)  
MEMBER

27.02.2017

Counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Addl. AG for respondents present. Representative of the respondents submitted seniority list which is placed on file. To come up for arguments on 21.03.2017 before D.B.



(AHMAD HASSAN)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

21.03.2017

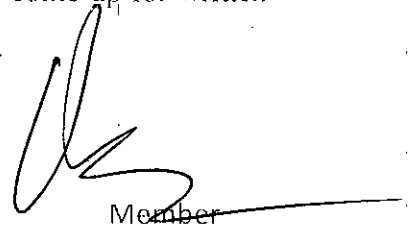
Appellant with counsel and Addl: AG for respondents present. Due to non-availability of D.B arguments could not be heard. Adjourned. To come up for arguments on 06.07.2017 before D.B.



Chairman

22.08.2016

Appellant in person and Mr. Sultan Shah, Assistant  
alongwith Additional AG for the respondents present. Written  
reply by respondents not submitted. Requested for further time  
to file written reply. Request accepted. To come up for written  
reply/comments on 27.09.2016 before S.B.



Member



27.09.2016

Appellant with counsel and Mr. Sultan Shah, Supdt  
alongwith Addl: AG for respondents present. Written reply  
submitted. To come up for rejoinder and final hearing on  
07.11.2016.



Member

07.11.2016

Counsel for the appellant and Assistant AG for respondents  
present. Rejoinder submitted which is placed on file. To come up  
for arguments on 1.2.17.



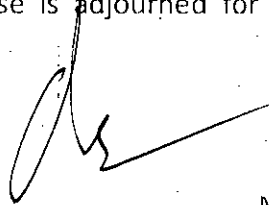
(PIR BAKISH SHAH)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

19.05.2016

Clerk of counsel for the appellant present. Due to strike of the Bar learned counsel for the appellant is not available today before the Court, therefore, case is adjourned for preliminary hearing to 13.6.2016 before S.B.



Member

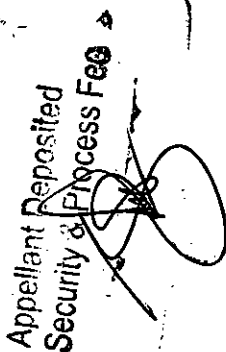
13.06.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant belongs to PCS Executive Group and as per rules senior to P.M.S officers. That his name was reflecting at senior level in the seniority lists but was illegally shown junior to PMS Officers in the revised seniority list despite his seniority and entitlement where-against appellant preferred departmental appeal on 23.12.2015 which was not responded and hence the instant service appeal on 08.04.2016.

That the appellant is entitled to be placed senior to PMS Officers.

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 22.08.2016 before S.B.

Appellant Deposited  
Security & Process Fee



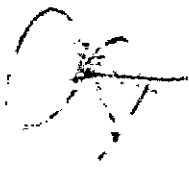


Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 416/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18.04.2016	<p>The appeal of Mr. Muhammad Naseem resubmitted today by Mr. Shakeel Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	25-04-2016	<p>28.4.2016</p> <p>Agent of counsel for the appellant present. Seeks adjournment due to strike of the bar. Adjourned for preliminary hearing to 19.5.2016 before S.B.</p> <p style="text-align: right;">Chairman </p>

The appeal of Mr. Muhammad Naeem Distt. Finance & Planning Department A. Abad received to-day i.e. on 08.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of judgment in respect of appellant mentioned in para-1 of the appeal is not attached with the appeal which may be placed on it.
- 2- Address of respondent No.1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Sub-rule 4 of rule-6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil to whom the relief claimed may affect, shall also be shown as respondent.
- 4- Annexure-F of the appeal is illegible which may be replaced by legible one.

No. 592 /S.T,

Dt. 13-4 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Shakeel Ahmad Adv. Pesh.

*The case may be put up before  
wastly, Chairman, I will  
move an application before him  
for implementation of award  
be affidavits be submitted after  
day the needful file.*

10. 20/

10. 20/

Handwritten notes or scribbles, possibly including a list or diagram, but the text is illegible due to the high contrast and noise of the scan.



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

Service Appeal No. 416 /2016

Muhammad Naeem ..... **Appellant**

**V E R S U S**

Govt. of Khyber Pakhtunkhwa,  
Through Secretary & others..... **Respondents**

**I N D E X**

<b>S.No</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEX</b>	<b>PAGES</b>
1.	Service Appeal		1-9
2.	Affidavit		10
3.	Addresses of the parties		11
4.	Copy of judgment dt.13.03.2009	A	12-17
5.	Copy of judgment dt.24.05.2012	B	18-23
6.	Copy of Notification dt.25.7.2012	C	24-26
7.	Copy of Seniority List dt.24.1.2013	D	27-28
8.	Copy of seniority list, dated 14.12.2015	E	29-33
9.	Copy of receipt with Departmental appeal	E-1	34-34A
10.	Notification dated 11.05.2007	F	35-37
11.	Notification dated 12.11.2007	F-1	38
12.	Wakalatnama		39

Through

Appellant

**SHAKEEL AHMAD**

Advocate, Peshawar

Cell: 0321-9179188

Dated: 04.04.2015

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

Service Appeal No. 416 /2016

**G.W.F. Province**  
**Service Tribunal**  
**Diary No. 350**  
**Dated 08-4-2016**

Muhammad Naeem S/o Abdur Rahim  
Presently posted as District Finance & Planning Officer  
Abbottabad ..... **Appellant**

**V E R S U S**

1. Govt. of Khyber Pakhtunkhwa, through <sup>Chief</sup> Secretary  
Civil Secretariat, Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Secretary,  
Establishment, Civil Secretariat, Peshawar.  
.....**Respondents**

**SERVICE APPEAL U/S 4 OF THE KPK  
SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE IMPUGNED SENIORITY LIST ISSUED ON  
14.12.2015 WHEREBY THE APPELLANT WAS  
PLACED IN THE SENIORITY LIST OF  
OFFICERS OF PROVINCIAL MANAGEMENT  
SERVICE AND PCS IN BPS-18 ISSUED ON  
14.12.2015 INSTEAD OF SENIORITY LIST OF  
PCS (EXECUTIVE GROUP) AND WAS  
BROUGHT FROM S.NO.8 TO 48 OF THE  
SAID SENIORITY LIST.**

*Filed today*  
*8/4/16*

*Re-submitted to Registrar and filed.*  
*[Signature]*  
**Registrar**

**Respectfully Sheweth:**

*Short facts giving rise to the present appeal are as under:*

1. That in earlier round of litigation the appellant (alongwith other officers of PCS Executive Group) brought an appeal before the Service Tribunal, KPK stating therein that he belongs to PSC (EG), he was promoted as Tehsildar on regular basis vide order dated 07.02.1996, he was lastly promoted in PCS (EG) BPS-17 on temporary basis vide Notification dated 17.12.2005, he was promoted to BPS-18 on regular basis on 19.02.2008 in PMS Group/ Cadre with immediate effect, during this period many posts became vacant in PCS (E.G), instead of ante-dating the promotion of the appellant in BPS-17 (EG) i.e. the date on which the vacancy fell vacant, and he became entitled for promotion on his turn in the seniority list of PCS (EG), after exhausting departmental appeal, the appellant filed service appeal before the Service Tribunal, Khyber Pakhtunkhwa, which was allowed vide order dated 13.03.2009, the relevant portion of the judgment is reproduced below:

***“We accept both the appeals, and direct the official respondents of each of the two appellant in the respective dates on which a***

***vacancy become available for the respective turn of the appellant or from the respective dates of their taking charge of such vacancy on officiating / acting charge basis, which ever is later. The appellants were entitled to the costs of their respective litigation from the official respondents***". (Copy of judgment is Annexure "A").

2. That not satisfied with the judgment of Khyber Pakhtunkhwa Service Tribunal dated 11.03.2009, the respondents filed appeal before the Apex Court which was dismissed vide judgment dated 24.05.2012. (Copy of judgment is Annexure "B").
3. That ultimately the respondent No.2 ante-dated the promotion of the PCS (EG) Officers with all back benefits/ consequential benefits and re-designated the post as PCS(EG) BPS-17 vide Notification NO.SOE-II/(ED)2 (423)/2010/Vol-II dated 25.07.2012. (Copy of notification is annex "C").
4. That the appellant was promoted in BPS-18 on regular basis in PCS (E.G) vide Notification dated 27.09.2012, but with immediate effect instead of

w.e.f. 17.12.2005, though he was entitled to be promoted on 17.12.2005 as many permanent vacancy in BPS-18 was lying vacant since 17.12.2005, it is worth mentioning that PSB was held on 08.12.2007, in which 17 officers were promoted in BPS-18 in PCS(E.G) out of 27 vacant posts in BPS-18 in PCS(E.G), 10 seats were left vacant in PCS(E.G) in Grade-18 since promotion of BPS-17 was ante-dated w.e.f. 01.06.2000 vide Notification dated 25.07.2012, therefore, he was eligible to be promoted in BPS-18 in PCS(E.G) when the PSB was held on 08.12.2007, but he was left from promotion.

5. That the appellant possesses all the requisite qualification i.e. seniority-cum-fitness to be promoted in BS-19.
6. That name of the appellants was placed at S.No.5 of the seniority of PMS issued on 24.01.2013. (Copy of seniority list is attached as annexure "D").
7. That all of a sudden, when seniority list of PMS and PSC officer was issued on 14.12.2015 the name of

the appellant was brought to S.No.45 from S.No.5 without any legal justification, hence not contended with the same, the appellant objected the seniority list issued on 14.12.2015 by filing appeal before the respondent No.2, but, till to day it was not responded, hence feeling aggrieved the appellant now approaches this Honourable Court, inter alia, on the following grounds: (Copy of seniority list and Departmental appeal are attached as annexure "E").

**GROUND S:**

- A. That the appellant belongs to PSC Executive group, therefore, placement of his name in the seniority list of PMS group/officer in BPS-18, is illegal, without lawful authority, without jurisdiction, void ab-initio malafide, void ab-initio and ineffective upon his rights.
- B. That the N.W.F.P Provincial Civil Service (Secretariat/ Executive Group) Rules, 1997, was repealed by the N.W.F.P, KPK, Provincial Management Service Rules, 2007 notified on 11.05.2007, but despite repealment, the promotion and seniority of the appellant is to be governed under the NWFP (Executive Group) Rules, 1997.

C. That the N.W.F.P (Executive Group) Rules, 1997 quoted above, by itself, clarifies that the Rules of 1997, shall not stand repealed before the retirement of the existing incumbents of both the cadres of Secretariat/Executive Groups and shall remain in force till the retirement of the last such incumbent. It is further clarified that separate seniority list of both the cadres shall be maintained under the existing rules. The existing rules for such incumbents are the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997. It is also clarified that such incumbents shall be promoted at the ratio of 50:50. It means that out of each two vacancies, one vacancy shall be given to Secretariat Group, while other vacancy shall be given to the Executive Group. Further clarification is made to the effect that the existing incumbents of PCS (EG) and (SG) in different pay scales shall continue to be governed under the Rules of 1997 for the purpose of their promotion and this process is to continue till the retirement of last such incumbent. The appellant belongs to the Executive Group of Civil Servants. He was to be governed under the N.W.F.P/KPK Provincial Civil Service

(Secretariat/ Executive Group) Rules, 1997 before 11.05.2007 and he is to be governed under the above mentioned Rules of 1997 till his retirement.

D. That vide notification No.SO(E-I)E&AD/6/2014 dated 21.11.2014 amendments were brought in the N.W.F.P Provincial Management Service Rules, 2007 notified on 11.05.2007, the relevant amended rule is reproduced below:

**“2. In Rule-8, the full-stop appearing after the words and figures “at the ratio of 50:50” shall be replaced by a colon and thereafter the following proviso shall be added, namely:**

**Provided that for the purpose of promotion of both the Secretariat Group and the Executive Group of the said service in different pay scales,-**

- i) the incumbent shall continue to be governed by the said service rules till the retirement of the last such incumbent; and**
- ii) the last incumbent of either group shall rank senior to the first incumbent of the Provincial Management Service.”**

E. The rule quoted above clarifies that the last incumbent of either group shall rank senior to the



first incumbent of PMS Service, hence the appellant being senior his legal right of seniority is to be considered for promotion in BS-19 in PCS Executive Group.

- F. That by placing the name of the appellant in the seniority list of PMS officer BPS-18 instead of PCS Executive officers the respondent have acted in violation of Khyber Pakhtunkhwa PMS Rules 2007 amended upto date, therefore, warrants interference.
- G. That the respondents had earlier placed the name of the appellant at S.No.5 in the PMS, servicing officer BPS-18, seniority list, issued on 24.01.2013, but subsequently, placed his name at S.No.45 of the seniority list of PMS & SG group issued on 14.12.2015 with malafide intention to deprive him from his due right of promotion in BPS-19.
- H. That due to the reduction of position of the appellant in the seniority list he has been brought below even to his juniors, which resulted in gross miscarriage of justice, therefore, warrants interference.
- I. That the appellant seeks leave of this Honourable Tribunal to raise/ argue any additional point at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, it may be declared:-

- a) that inclusion of the name of the appellant in the combined seniority list of PMS and PCS officer and brining his potion from 5 to 45 issued on 14.12.2015 as illegal, without lawful authority, without jurisdiction, malafide, void ab-initio and of no legal effect.
- b) Declaration that preparation of combined seniority list of PCS combined seniority list of PCS executive group and PMS officer in BPS-18 is illegal, without lawful authority without jurisdiction, malafide void ab-initio and of no legal effect and the same may be struck down.
- c) Issuance of direction to the respondents to prepare separate seniority list of PCS S.G group and PMS Officer in BPS-18 and to include the name of the appellant in the seniority list of PCS Executive group by placing him in due place in accordance with PMS rules 2007

Through

Appellant

**SHAKEEL AHMAD**

Advocate, Peshawar

Dated: 04.04.2016

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

Service Appeal No. \_\_\_\_\_ 2016

Muhammad Naeem ..... **Appellant**

**VERSUS**

Govt. of KPK & others..... **Respondents**

**AFFIDAVIT**

I, Muhammad Naeem S/o Abdul Rahim R/o Gul Town, G.T Road, Mohallah Kund, Haripur, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:



**Shakeel Ahmad**  
Advocate, Peshawar



**DEPONENT**  
CNIC No.13302-5894240-9



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

Service Appeal No. \_\_\_\_\_/2016

Muhammad Naeem ..... **Appellant**

**V E R S U S**

Govt. of Khyber Pakhtunkhwa,  
Through Secretary & others..... **Respondents**

**ADDRESSES OF THE PARTIES**

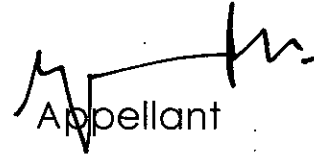
**APPELLANT:**

Muhammad Naeem S/o Abdur Rahim  
Presently posted as District Finance & Planning Officer  
Abbottabad

**RESPONDENTS:**

1. Govt. of Khyber Pakhtunkhwa, through Secretary  
Civil Secretariat, Peshawar.
2. Govt. of Khyber Pakhtunkhwa, through Secretary,  
Establishment, Civil Secretariat, Peshawar

Through

  
Appellant

  
**SHAKEEL AHMAD**

Advocate, Peshawar

Dated: 04.04.2016

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 612/2008

Date of Institution.  
Date of Decision

16.04.2008  
13.03.2009

Muhammad Iqbal Khattak,  
Assistant Political Agent, Khar Bajaur Agency.

(Appellant)

VERSUS

1. Government of NWFP through Secretary Establishment Department, Peshawar.
  2. Govt. of NWFP through Chief Secretary, Peshawar.
- (Respondents)

APPEAL U/S 4 OF THE NWFP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION NO.SOE.II (E&D) 2 (192)2007 DATED 19.2.2008 WHEREBY THE APPELLANT WAS PROMOTED ON REGULAR BASIS W.E.F. 19.2.2008 INSTEAD OF 30.11.1999 AND ORDER NO.SOE-II (E&D) 2(192) WHEREBY HIS DEPARTMENTAL APPEAL WAS DISMISSED.

MR. SHAKEEL AHMAD,  
Advocate

For appellant.

MR. ZAHID KARIM KHALIL,  
Addl. Government Pleader,

For respondents.

MR. JUSTICE (R) SALIM KHAN,  
MR. BISMILLAH SHAH,

CHAIRMAN.  
MEMBER.

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN. - The present appeal No. 612 of 2008 by Muhammad Iqbal Khattak and appeal No. 613 of 2009 by Ahmad Khan involved similar questions of law, therefore, these are taken together for arguments and disposal.

2. Muhammad Iqbal Khattak was promoted as Tehsildar on regular basis vide order dated 28.12.1988. He was promoted to PCS(E.G) (BPS-17) on temporary basis vide notification dated 06.03.1996. He contended that many posts became vacant, but the appellant was promoted to (BPS-17) on regular basis on 19.2.2008 with immediate effect, instead of ante-dating of his promotion to the date on which the vacancy fell to his turn in the

**ATTESTED**

seniority lists of officers of PCS (E.G). His departmental appeal was rejected on 22.03.2008. The present appeal was filed on 16.4.2008 which is within time. The case of Ahmad Khan (Appellant) is similar to the case of Muhammad Iqbal Khattak on facts also. His appeal is also within time.

3. The respondents contested the appeal on many grounds, including the ground that no one could claim a vested right in promotion or in the terms and conditions for promotion to a higher post.

4. We heard the arguments and perused the record.

5. The learned counsel for the appellants contended that the appellants were temporarily posted to BPS-17 post on 06.3.1996, but they remained silent, because they did not have a vested right for promotion to a higher post. The appellants have already been considered for promotion and have been found eligible and fit for regular promotion to BPS-17 post, therefore, the principles embodied in the judgment of the August Supreme Court of Pakistan reported as 1990.SCMR 1321 are not applicable to their cases. In fact, the vacancies had become available for the appellants as early as on 30.11.1999, and it was the responsibility of the official respondents to expeditiously deal with the cases of the appellants for their regular promotion. The appellants could not be punished for no fault on their side, or for delay caused by the official respondents in processing the cases of the appellants. He relied on 1997 PLC (C.S) 77, wherein it has been held in para 3 as under:-

*"On behalf of the Government it is contended that no civil servant has a right to claim that he should be promoted from a back date even though a vacancy may be existing on the date from which the promotion is being claimed. This is no doubt true but there are no orders by the Government that the respondents/petitioners should be held up for some time. The delay in making the promotions occurred entirely due to the reason that the officials of the Education Department could not carry out a fairly simple exercise within a reasonable period. In the circumstances it will not be appropriate for this Civil Petition to interfere with the order of the Service Tribunal. Leave is refused."*

This judgment was in the petition for leave to appeal against the judgment dated 19.02.1995 of the Punjab Service Tribunal. It is worth-mentioning that

ATTESTED  
Vice-Chief Justice  
M. Iqbal  
S

ATTESTED

(14)

the judgments cited as 1990 SCMR 1321 and cited as 1997 PLC (C.S) 77 are on two different aspects of the same subject.

6. Ante-dating of promotion, after consideration of the candidate aspiring for such promotion, after he was found eligible and fit for such promotion and is promoted, is an established principle of law. Such a candidate cannot be punished for any delay caused by the department in processing his case for promotion. The order of promotion, therefore, has to be ante-dated to the date on which the vacancy for his turn became available or to the date on which he actually took charge of the post on officiating/acting charge basis, whichever is later.

7. The A.G.P contended that the present appeals were miserably time-barred and both the appellants were stopped by their own conduct to file the present appeals. In fact, the principle embodied in the judgment reported as 1990 SCMR 1321 was applicable to the cases of the appellants from 06.3.1996 to 18.2.2008. They could not claim promotion as of right. The principle embodied in the judgment reported as 1997 PLC (C.S) 77 became applicable to their case on 19.2.2008. Cause of action arose to the appellants for claiming ante-dation of their promotion as prayed for only when their cases were considered for promotion, they were found eligible and fit for promotion, and their promotion orders were issued, though with immediate effect. They filed their departmental appeals within time from the date of the impugned order dated 19.2.2008, and their appeals were rejected on 22.3.2008. They filed Service Appeals on 16.04.2008. The departmental appeals as well as the Service Appeals were well within time.

8. The A.G.P further contended that, according to the proviso contained in sub-section (2) of Section 22 of the N.W.F.P Civil Servants Act 1973, "no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade." Judgment cited as 1990 SCMR 1321 was, then, applicable and appellants could not file representation. This stage has already passed. The appellants have been considered for holding the higher post after their promotion to that higher post, and their fitness for such promotion and holding of post has already been determined. The judgment cited as 1997

ATTESTED

( ) ( ) (15) ( )

PLC (C.S) 77 has become applicable after determination of fitness of the appellants. The question in these cases is not the determination of fitness but is the right of ante-dation of their promotion. The appellants had vested right for consideration of promotion on their turn, whenever it was, and, when found fit on determination of fitness, at any stage, they had a right to claim ante-dation of their promotion to the dates on which the vacancies were available for their respective turns or from the date on which they actually took the charge of their respective posts, whichever were later in time.

9. The A.G.P also contended that according to sub-rule (6) of Rule 9 of the N.W.F.P Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 "acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis." The appellants have never claimed any vested right for regular promotion to the post which they held on acting charge basis, on the basis of acting charge appointment. In fact, they did not have such a right. They remained silent for a long time, knowing that they did not have such a right on the basis of acting charge appointment. They, however, had a vested right, as civil servants, for consideration for promotion, when the authority was to consider someone for promotion against the vacancy. No other person could be considered till the appellants were so considered. They, therefore, had a vested right for ante-dation of their promotion only when they were regularly promoted, but from the date when the vacancy became available to their turn.

10. The A.G.P further contended that, according to the North West Frontier Province, Provincial Management Service Rules, 2007, notified on 11.05.2007 vide No. SOE.II(ED)2(14)2007, The NWFP Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 were repealed. He was of the view that the N.W.F.P Provincial Management Service Rules, 2007 had come into force at once w.e.f. 11.05.2007, while the orders of promotion of the appellants were issued on 19.02.2008. He submitted that the promotion orders were covered by the new rules, therefore, the appellants could not claim any benefit out of the already repealed rules of 1997. In order to clarify this controversy, it is necessary to reproduce the relevant Rule 8 of the N.W.F.P Provincial Management Service Rules, 2007 which is as under:-

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*Attested*  
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8. Repeal:- The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand repealed after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of 50:50. The existing incumbents of PCS (E.G) and (S.G) in different pay scales, for the purpose of their promotion, shall continue to be governed under the said service rules till the retirement of the last such incumbent."

The above rule, by itself, clarifies that the rules of 1997 shall not stand repealed before the retirement of the existing incumbents of both the cadres of Secretariat/Executive Groups, and shall remain in force till the retirement of the last such incumbent. It further clarified that separate seniority list of both the cadres shall be maintained under the existing rules. The existing rules for such incumbents are the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997. It was also clarified that such incumbents shall be promoted at the ratio of 50:50. It means that out of each two vacancies, one vacancy shall be given to Secretariat Group, while another vacancy shall be given to the Executive Group. Further clarification is to the effect that the existing incumbents of PCS (E.G) and (S.G) in different pay scales shall continue to be governed under the rules of 1997 for the purpose of their promotion, and this process is to continue till the retirement of last such incumbent. Both the appellants belonged to the Executive Group of Civil Servants. They were to be governed under the N.W.F.P Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 before 11.05.2007, and they have to be governed under the above mentioned rules of 1997 till the retirement of the last incumbent of a post in Secretariat Group/Executive Group.

11. The cases of the appellants are, therefore, to be governed in accordance with the provisions of Section 8 (quoted above) of the new N.W.F.P Provincial Management Service Rules, 2007. The record shows that vacancies were available for the appellants but they were not promoted at the due time and their cases for promotion were delayed unnecessarily without any fault of the appellants. They, therefore, are entitled to ante-dation of their promotion against the first available vacancy falling to the turn of each of them or from the date of taking over the charge of that vacancy on officiating/acting charge basis, whichever is later.

**ATTESTED**

ATTESTED  
EXAMINER  
NWFP S.S. (U.S. I) / 10/07/07  
Responsible

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12. In the light of the above, we accept both the appeals, and direct the official respondents to ante-date the promotion of each of the two appellants to the respective dates on which a vacancy became available for the respective turn of the appellants or from the respective dates of their taking charge of such vacancy on officiating/acting charge basis, whichever is later. The appellants are entitled to the costs of their respective litigation from the official respondents.

ANNOUNCED  
11.03.2009

*Dr. Justice C. S. Lalit* *Chairman*  
*Dr. Biswanath Chak* *Member*

SECRETARY  
STATE SERVICE TRIBUNAL  
PATNA

Number of presentations of applications	13-4-09
Number of wards	240
Copying fee	14
Original	7
Total	16
Value of copy	13-4-09
Date of completion of copy	13-4-09
Date of delivery of copy	13-4-09

*[Signature]*

**ATTESTED**

*Attested*

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18 B

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE EJAZ AFZAL KHAN.  
MR. JUSTICE MUHAMMAD ATHER SAEED.

C. As. No. 860 to 861 of 2010.  
(On appeal against the judgment dt.  
11.3.2009 passed by NWFP Service  
Tribunal, Peshawar in Appeals No. 612  
and 613 of 2008).

Govt. of NWFP thr: Secy. Establishment and another. (in both cases)  
...Appellants

Versus:

Muhammad Iqbal Khattak.  
Ahmed Khan.

(in CA.860/10)  
(in CA.861/10)  
...Respondents

For the appellants:

Mian Muhibullah Kakakhel, Sr.ASC.  
Miss. Tehmina Muhibullah, ASC.  
Mir Adam Khan, AOR.  
(in both)

For the respondents:

Hafiz S. A. Rehman, Sr.ASC.  
Mr. Shakeel Ahmed, ASC  
(in both)

Date of hearing:

24.05.2012.

J U D G M E N T

EJAZ AFZAL KHAN, J. --- These appeals with the leave of the  
Court have arisen out of the judgment dated 11.3.2009 of the Service  
Tribunal whereby appeals filed by the respondents were allowed.


2. The points raised and noted while granting leave read as  
under:-

"We have heard the learned counsel at some length. We are  
inclined to grant leave inter-alia on the point as to whether  
the legal and factual aspects of the controversy have been  
dilated upon and decided by the Tribunal in accordance with  
relevant Rules i.e. Rule 8 of the NWFP, Provincial Civil  
Service (Secretariat/Executive Group) Rules, 1997 and Rule  
9(6) of the NWFP Civil Servants (Appointment, Promotion  
and Transfer) Rules, 1989. It is also to be examined as to  
whether that stop-gap arrangement can be equated to that of  
regular promotion and besides that the order passed by the  
learned Service Tribunal could be made applicable to all

**ATTESTED**

**ATTESTED**

Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

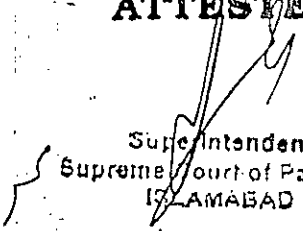
 19

Tehsildars who are awaiting their promotion. Since a short question of law is involved in the matter, therefore, the case be listed after four weeks subject to limitation. In the meanwhile operation of the impugned judgment shall remain suspended".

3. Learned counsel appearing on behalf of the appellants contended that though the Governor of the Province in consultation with the Provincial Selection Board was pleased to order the promotion of the respondents in BPS-16 as Extra Assistant Commissioner in BPS-17 in the Ex-PCS (E.B) Cadre with immediate effect on purely temporary basis vide notification dated Peshawar 6<sup>th</sup> March, 1996, yet it could not earn them any benefit or entitle them to a vested right notwithstanding they have been promoted on regular basis with immediate effect vide notification dated 19.2.2008. They, the learned counsel added, could not have claimed any ante-dated promotion even on the occurrence of any vacancy in such scale in violation of Section 8 of the Civil Services Act or Rule 9 of NWFP Civil Service (Executive Group) Rules, 1997, as decidedly promotion is not a vested right. Appeal before the departmental authority, the learned counsel added, or before the Tribunal claiming ante-dated promotion was, therefore, misconceived. The learned Tribunal, the learned counsel maintained, could not have allowed such appeal when it tended to mar the seniority of many others in the run. The learned counsel to support his contention placed reliance on the cases of "Wajahat Hussain, Assistant Director, Social Welfare, Lahore and 7 others. Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 81 others" (PLD 1991 S.C. 82), "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore. Vs. Government of the Punjab through Secretary, Labour Department and others" (1985 SCMR 1201), "Nazeer Ahmed. Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others" (2001 SCMR. 352), "Government of Pakistan through Establishment

**ATTESTED**  


**ATTESTED**

  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

(3) 20

Division, Islamabad and 7 others. Vs. Hameed Akhtar Niazi, Academy of Administrative, Walton Training, Lahore and others" (PLD 2003 S.C. 110).

The learned counsel next contended that a change in scale by means of promotion is not automatic but dependent on a process involving selection, therefore, any change in scale without such process being violative of the relevant law and rules, cannot be maintained. The learned counsel to support his contention placed reliance on the case of "Abid Hussain Sherazi. Vs. Secretary M/o Industries and Production, Government of Pakistan, Islamabad" (2005 SCMR 1742).

4. As against that learned counsel appearing on behalf of the respondents defended the impugned judgment by contending that where a vacancy occurs in the next higher scale, the Civil Servant officiating or working on acting charge basis thereagainst is not considered for promotion or the process of regular promotion is delayed on account of lethargic attitude of the competent authority or any other exigency so-called, the Civil Servant who is subsequently found fit for such promotion on regular basis cannot be deprived of the salary and other consequential benefits attached to such post. Learned counsel to support his contention placed reliance on the case of "Luqman Zareen and others. Vs. Secretary Education, NWFP and others" (2006 SCMR 1938). The learned counsel next contended that though the NWFP Civil Service (Secretariat Group) Rules, 1997 have been substituted by the NWFP Provincial Management Service Rules, 2007 but the rights of the existing incumbents of both the cadres have been protected by Rule B of the latter, therefore, the change in rules would not affect the service structure of the respondents or rights accruing thereunder. The learned counsel next contended that if the concluding paragraph of the impugned judgment is read none of the rights of any of the officers including their seniority has been affected.

**ATTESTED**

Deputy Assistant  
Secretary  
Islamabad

**ATTESTED**

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5. We have gone through the entire record carefully and considered the submission of the learned counsel for the parties.

6. The record reveals that the Governor of the Province in consultation with the Provincial Selection Board was pleased to order the promotion of the respondents working in BPS-16 as Extra Assistant Commissioner in BPS-17 in Ex-PCS (E.B) Cadre. The respondents were, no doubt, promoted on temporary basis in the year 1996, all the same, what stands out to be taken notice of is, that it was not done without considering their eligibility and without involving the process of selection as is evident from the order itself. When asked whether the respondents were deficient in terms of qualification or experience to hold the post in the next higher scale, at the time they were promoted temporarily, the reply of the learned counsel for the appellant was in no. When asked whether there was any impediment in the way of the respondents to be promoted to the next higher scale, at the time when a vacancy or two occurred in the said scale, again the answer was in no. When asked what restrained the appellants to defer or delay the process of selection to fill one or any number of vacancies occurring from time to time in the next higher scale, the reply of the learned counsel was that it was because of confusion created by the devolution plan. This answer, to say the least, is too vague to be plausible. When asked who was senior to the respondent and whose right of ranking senior has been affected or impaired by the impugned judgment, again the learned counsel could not refer to anything on the record.

8. There is no dispute with the proposition that the terms and conditions of the service of the respondents, in view of the provision contained in Rule 8 of NWFP Civil Service (Secretariat Group) Rules, 2007, shall continue to be governed by the erstwhile rules. There is also no dispute with the proposition that if the respondents were to hold a post on acting charge basis, they could also hold the same on regular basis. In the case of

**ATTESTED****ATTESTED**

Supintendent  
Government of Pakistan  
Islamabad



"Luqman Zareen and others. Vs. Secretary Education, NWFP and others"

(2006 SCMR 1938), this Court while dealing with an identical issue held as under :-

*"It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31.8.2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapsim which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly".*

While dealing with the reservations of the nature expressed by the learned counsel for the appellant, this Court held as under :-

*"A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc, attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from*

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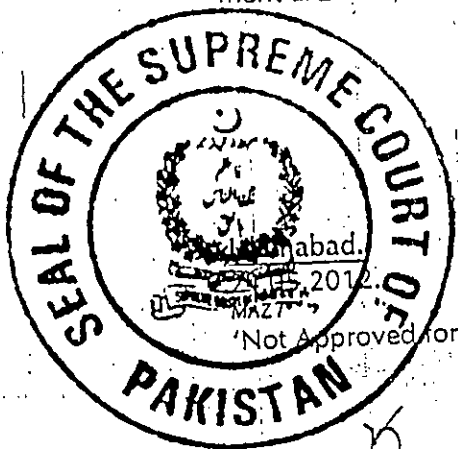
**ATTESTED**

Secretary  
Supreme Court of Pakistan  
ISLAMABAD

which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise".

When this being the state of things on factual and legal plain, we don't think the judgment of the learned Service Tribunal is open to any exception. The judgments rendered in the cases of "Wajahat Hussain, Assistant Director, Social Welfare, Lahore and 7 others. Vs. Province of the Punjab, through Secretary, Social Welfare and Zakat, Lahore and 81 others", "Sh. Anwar Hussain, Assistant Director, Labour Welfare, Lahore Region, Lahore. Vs. Government of the Punjab through Secretary, Labour Department and others", "Nazeer Ahmed. Vs. Government of Sindh through Chief Secretary Sindh, Karachi and 2 others", "Government of Pakistan through Establishment Division, Islamabad and 7 others. Vs. Hameed Akhtar Niazi, Academy of Administrative, Walton Training, Lahore and others" and "Abid Hussain Sherazi. Vs. Secretary M/o Industries and Production, Government of Pakistan, Islamabad", (supra) cited by the learned counsel for the appellants are not applicable to the case in hand because of their distinguishable facts and features.

9. For the reasons discussed above, these appeals being without merit are dismissed.



Handwritten signatures and stamps:   
1. *Abul Kalam Azad Khan, J*  
2. *Abul Muhammad Ali Khan (Retired), J*  
3. *3/5/12*  
4. Stamp: *Certified to be True Copy*  
5. Stamp: *Superintendent Supreme Court of Pakistan ISLAMABAD*

Case details form:  
Case No: 5878/12 Civil/Criminal  
Date of Presentation: 25-5-12  
No. of Words: 1800  
No. of folios: 18  
Requisition Fee Paid: 8.00  
Copy Fee In: 11.16  
Court Fee stamp: 16.76  
Date of Completion of Copy: 31/5/12  
Date of delivery of Copy: 31/5/12  
Compared by: Sh. Roghan Nawaz Adv.  
Received by: \_\_\_\_\_

**ATTESTED**



(Appellancy)

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the July, 25, 2012

NOTIFICATION

NO.SOE-II(ED)2(423)/2010/Vol-II:-

In pursuance of Judgment of Supreme Court of Pakistan dated 24.05.2012 in CPLAs No. 860/2010 and 861/2010 titled Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others versus Muhammad Iqbal Khattak and Ahmad Khan and Judgments of Khyber Pakhtunkhwa Services Tribunal dated 13.03.2009 & 09.04.2009 in service appeals No. 612/2008, 613/2008 & 575/2009 titled Muhammad Iqbal Khattak, Ahmad Khan & Latif-ur-Rehman versus Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others, the competent authority is pleased to ante-date the promotion of following PMS BS-17 officers w.e.f the dates as mentioned against each with all back benefits/consequential benefits and re-designate them as PCS(EG) BS-17:-

S.No.	Name of PMS BS-17 officer for ante-dated promotion as PCS (EG) BS-17	Date of ante-dated promotion as PCS (EG)
1.	Mr. Muhammad Iqbal Marwat ( Retired on 31.07.2009	27.12.2005
2.	Mr. Riaz Muhammad Baloch (Retired on 28.02.2011)	26.01.2000
3.	Mr. Muhammad Farooq	27.12.2005
4.	Mr. Zaarmat Ali (Retired on 05.03.2010)	15.05.2000
5.	Mr. Muhammad Zaheer-ud-Din (Retired on 13.08.2011)	29.05.2000
✓ 6.	Mr. Ahmad Khan Orakzai	01.06.2000
✓ 7.	Mr. Muhammad Iqbal Khattak	07.06.2000
✓ 8.	Mr. Muhammad Javed	10.01.2001
✓ 9.	Mr. Azam Jan Khalil	10.02.2001
10.	Mr. Ahmad Jan Afridi	08.04.2001
11.	Mr. Nazar Gul Mohmand	09.04.2001
12.	Mr. Muhammad Hanif (died on 31.03.2010)	14.04.2001
13.	Mr. Tahir Muhammad	27.12.2005
14.	Mr. Muhammad Rafiq (Retired on 01.03.2012)	27.12.2005
15.	Mr. Muhammad Fakhruddin	13.11.2001
16.	Mr. Farzand Ali	03.03.2005
17.	Mr. Rehmatullah Khan Wazir	13.11.2001
18.	Mr. Qaiser Khan	13.11.2001
19.	Mr. Abdul Shakoor Dawar	26.12.2001
20.	Mr. Azizullah Khan Mehsud	13.01.2002

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21.	Mr. Naeem Anwar Khan	09.04.20
22.	Mr. Loi Khan (Retired on 02.11.2010)	14.04.20
23.	Mr. Damsaz Khan	29.05.20
24.	Mr. Habibullah Wazir	23.05.20
25.	Mr. Zafar Ali Khan	29.05.20
26.	Mr. Gul Wahid (Retired on 13.03.2011)	31.08.20
27.	Mr. Abdul Mateen	13.11.20
28.	Mr. Akbar Jalal	04.03.20
29.	Mr. Khalsta Rehman	24.03.20
30.	Mr. Shams ul Alam	27.12.20
31.	Mr. Fazal Rehman	29.05.20
32.	Mr. Latif ur Rehman (died on 25.10.2010)	27.12.20
33.	Mr. Rashid Mehood	29.05.20
34.	Mr. Muhammad Jamil	29.05.20
35.	Mr. Khurshid Anwar	29.05.20
36.	Mr. Perhezgar Khan	29.05.20
37.	Mr. Mushtaq Ahmad	29.05.20
38.	Mr. Naimatullah (Retired on 24.09.2010)	26.05.20
39.	Mr. Momin Khan (Retired on 14.06.2010)	27.12.20
40.	Syed Ismail Ali Shah Gillani	26.05.20
41.	Mr. Ahmad Khan	09.01.20
42.	Mr Jan Muhammad	01.02.20
43.	Mr. Saeed ur Rehman	09.01.20
44.	Mr. Muhammad Israr (Retired on 02.01.2012)	27.12.20
45.	Mr. Arshad Naveed	26.03.20
46.	Mr. Hidayatullah	09.01.20
47.	Mr. Said Ahmad Jan	17.05.20
48.	Mr. Abdul Hamid Jan	13.01.20
49.	Mr. Muhammad Tuhab (Retired on 12.06.2012)	27.04.20
50.	Mr. Sultanat Khan (Retired on 14.08.2010)	13.04.20
51.	Mr. Subhanullah (Retired on 12.05.2012)	13.04.20
52.	Mr. Muhammad Siddique	25.05.20
53.	Mr Fakhru Zaman	11.09.20
54.	Mr. Ibadat Khan	11.09.20
55.	Mian Asfandyar	26.05.20
56.	Mr. Rasool Khan	26.05.20
57.	Mr Fida Muhammad (Retired on 30.10.2010)	23.12.20
58.	Mr. Muntazir Khan	23.12.20
59.	Mr. Atta-ur-Rehman	31.12.20
60.	Mr. Shahab Hamid Yousafzai	16.02.20
61.	Mr. Ihsanullah	16.02.20
62.	Mr. Ghulam Habib	16.02.20

*Attested*

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

ATTESTED

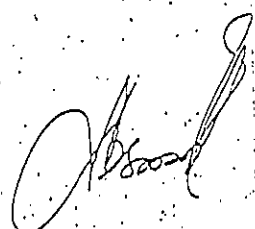
26

ENDST: NO. & DATE EVEN.

A copy is forwarded to:-

1. Additional Chief Secretary, Planning & Dev. Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary(FATA), FATA Secretariat.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All District Coordination Officers in Khyber Pakhtunkhwa.
9. All Political Agents in FATA.
10. Accountant General, Khyber Pakhtunkhwa.
11. Accountant General(PR) Sub Office, Peshawar.
12. All District Accounts Officers in Khyber Pakhtunkhwa.
13. All Agency Accounts officers in FATA.
14. Officers concerned.
15. P.S to Chief Secretary, Khyber Pakhtunkhwa.
16. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
17. P.S to Special Secretary(Estt) Establishment Department.
18. PAs to AS(E)/AS(HRD)/DS(E) Establishment Department.
19. Office order file.

SHSAN AFRIDI

  
(TABASSUM)  
SECTION OFFICER(E-II)

  
  
**ATTESTED**  




GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO. SO (E-I)/E&AD/6-1/2013  
Dated Peshawar, the January 24, 2013

To

*Mr. Muhammad Naeem*  
*Additional Deputy*  
*Commissioner Haripur*

**SUBJECT: - TENTATIVE SENIORITY LIST OF PROVINCIAL MANAGEMENT SERVICE OFFICERS IN BS- 18 AS ON 15.01.2013.**

Dear Sir,

I am directed to refer to the subject cited above and to enclose a copy of tentative seniority list of Provincial Management Service Officers in BS-18 as stood on 15.01.2013 with the request that the attached certificate may be returned duly signed, indicating error/omission, if any, for the purpose of rectification alongwith attested supporting documents upto 1<sup>st</sup> March 2013.

2. In case of receipt of no response by the due date, it would be considered that particulars have been found correct.

Yours faithfully,

Encl: As above.

*Muhammad Javed Siddiqi*  
(MUHAMMAD JAVED SIDDIQI)  
SECTION OFFICER (ESTT. I)

**ATTESTED**  
*[Signature]*

14.	Mr. Abdul Aziz	22.8. Peshawar
15.	Mr. Farhad Khan	19.11. Peshawar
16.	Mr. Amir Akbar Khan	6.2.5. Buner
17.	Mr. Usman Shah-i	14.4.5. Karachi
18.	Mr. Muhammad Qasim	8.4.5. Dir
19.	Mr. Azeem Khan	25.2.5. Karachi
20.	Mr. Ghazi Khan;	14.5.5. D.I.K.
21.	Mr. Anwar-ul-Haq	12.12.5. Peshawar
22.	Mr. Muhammad Ayub	14.12.5. Peshawar

RTD ✓

20th 5/3

5/19

56 war	28.12.81	27.09.2012	18	-do-	Deputy Secretary, Excise & Taxation Deptt.
61 war	1.2.81	27.09.2012	18	-do-	Deputy Secretary, Zakat, Ushr Department.
6 er	15.8.75	27.09.2012	18	-do-	OSD E&AD.
56 k	23.11.74	27.09.2012	18	-do-	Deputy Secretary, Food Department.
3	25.5.76	27.09.2012	18	-do-	Deputy Secretary, Energy & Power Department.
5 k	1.10.73	27.09.2012	18	-do-	Deputy Secretary, C&W Department.
4	2.5.82	19.10.2012	18	-do-	Deputy Secretary (R-II) E&AD.
55 ar	1.2.73	19.10.2012	18	-do-	Deputy Secretary, Industries Department.
6 ar	28.4.82	19.10.2012	18	-do-	Deputy Secretary, Health Department.



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E

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

NO. SO (E-I)/E&AD/6-1/2015  
Dated Peshawar, the December 14, 2015

To

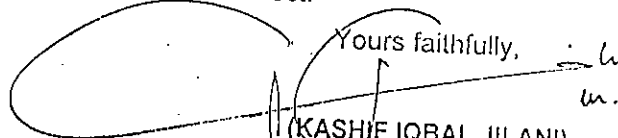
**SUBJECT: - TENTATIVE SENIORITY LIST OF PROVINCIAL MANAGEMENT  
SERVICE OFFICERS/PCS SG IN BS- 18**

Dear Sir,

I am directed to refer to the subject cited above and to enclose a copy of tentative seniority list of Provincial Management Service Officers/SG in BS-18 as stood on 14.12.2015 with the request that given below certificate may be returned duly signed, indicating error/omission, if any, for the purpose of rectification alongwith attested supporting documents upto 31.12.2015.

2. In case of receipt of no response by the due date, it would be considered that particulars have been found correct.

Encl: As above.

Yours faithfully,   
(KASHIF IQBAL JILANI)  
SECTION OFFICER (ESTT. I)

**CERTIFICATE**

**SUBJECT:- TENTATIVE SENIORITY LIST OF PMS/PCS(SG) OFFICER IN  
BS- 18 AS ON 14.12.2015**

It is certified that I have gone through my particulars mentioned at Sr. No. \_\_\_\_\_ of the tentative seniority list of BS-18 of the PMS/PCS (SG) and found them correct, except at the following columns:-

S. No.	Column No.	Present entry	To be replaced by	Remarks

The following discrepancies are also brought in to the notice:-

- 1.
- 2.
- 3.

Note: - Additional sheet may be used, if required, please.

Name \_\_\_\_\_  
BPS \_\_\_\_\_  
Group \_\_\_\_\_  
Designation \_\_\_\_\_  
Dated \_\_\_\_\_

SIGNATURE

**ATTESTED**



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the December 14, 2015

TENTATIVE SENIORITY LIST OF OFFICERS OF PROVINCIAL MANAGEMENT SERVICE AND PCS  
SG BS-18

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Atta-ur-Rehman	03.01.1975 Peshawar	22.1.2002	29.8.2013	19 acb	By promotion	Project Director, Municipal Services Peshawar
2.	Mr. Aamir Afaq	22.09.1974 Peshawar	22.1.2002	29.8.2013	19 acb	-do-	DG, PDMA
3.	Mr. Ghazanfar Ali	5.4.1964 Nowshera	1.9.1990	29.8.2013	19 acb	-do-	AS Energy & Power
4.	Mr. Muhammad Anwar Khan	22.3.1970 Nowshera	22.3.1995	29.8.2013	19 acb	-do-	Director, Food
5.	Mrs. Nosheen Azam	22.3.1970 Charsadda	22.1.2002	29.8.2013	18	-do-	Deputy Director (Admn. & HR) PSA
6.	Mr. Barkatullah	1.6.1972 Lakki Marwat	22.1.2002	29.8.2013	18	-do-	A.S. LG&RD
7.	Syed Muhammad Farrulsaqlain	1.1.1970 Peshawar	1.10.1992	29.8.2013	18	-do-	A.S. HRD Wing

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ATTESTED



S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
8.	Mr. Muhammad Nadir Khan Rana.	30.4.1969 Nowshera	9.9.1983	29.8.2013	18	By promotion	Dy. Dir. (ESRU)E&SE Deptt.
9.	Mr. Imad Ali	16.9.1975 D.I.Khan	22.1.2002	29.8.2013	18	-do-	DMO, IMU Mansehra
10.	Mr. Shahid Sohail Khan	7.8.1969 Malakand Agency	22.1.2002	29.8.2013	18	-do-	DS E&SE Deptt.
11.	Mr. Masood Younas	5.9.1975 Kohat	22.1.2002	29.8.2013	18	-do-	AS, Health
12.	Mr. Akhtar Saeed Turk	26.4.1972 Swabi	22.1.2002	29.8.2013	18	-do-	AS CM Sectt.
13.	Mr. Adeel Shah	10.10.1978 Mansehra	22.1.2002	29.8.2013	18	-do-	DS Zakat, Ushr
14.	Mr. Motasim Billah Shah	11.2.1971 Bajaur Agency	15.9.1998	29.8.2013	18	-do-	A.S. Health
15.	Mr. Arshad Khan Afridi	10.1.1976 Khyber Agency	22.1.2002	29.8.2013	18	-do-	DS, Finance Deptt.
16.	Mr. Saqib Raza Aslam	14.10.1969 Abbottabad	22.1.2002	29.8.2013	18	-do-	Addl. Project Director Inde-pendent Monitoring Unit (IMU) Project, Elementary & Secondary Education Deptt.
17.	Mr. Muhammad Asif	11.6.1970 Haripur	1.4.1996	29.8.2013	18	-do-	ADC, Abbottabad.
18.	Mr. Inayatullah Wasim	21.12.1969 Mansehra	1.6.1993	29.8.2013	18	-do-	DMO, IMU Abbottabad
19.	Mrs. Ayesha Saeed (PCS SG)	10.10.1968 Abbottabad	15.4.95	6.1.2009 ✓	18	-do-	On 4-Years and 7-months leave.
20.	Mr. Muhammad Fakhre Alam (PCS SG)	25.3.1968 Bannu	24.10.92	6.1.2009 ✓	18	-do-	Director, Special Development Unit, P&D
21.	Mr. Muhammad Khalid	1.4.1975 Nowshera	22.5.2005	29.8.2013	18	-do-	Director (HR/Admn.) PDMA
22.	Mr. Abdul Basit	23.8.75	1.4.2010	28.5.2015	18	-do-	Director Culture

(31)

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
23.	Mr. Zarif-ul-Maani	14.6.1973 Malakand Agency	22.5.2005	29.8.2013	18	By promotion	DC, Datagram
24.	Syeda Tanzeela Sabahat	9.3.1978 Mansehra	22.5.2005	29.8.2013	18	-do-	Chief of Section P&D
25.	Mr. Perwaiz	10.3.1977 Mardan	22.5.2005	29.8.2013	18	-do-	DS Finance
26.	Mr. Khalid Ilyas	31.1.1974 Peshawar	22.5.2005	29.8.2013	18	-do-	G Projects
27.	Mr. Muhammad Bakhtiar Khan	04.05.1972 Dir Lower	22.5.2005	29.8.2013	18	-do-	i Marwat
28.	Mr. Abidullah	15.2.1977 Charsadda	22.5.2005	29.8.2013	18	-do-	
29.	Mr. Hameedullah Shah	1.4.1976 Lakki Marwat	22.5.2005	29.8.2013	18	-do-	D
30.	Mr. Fayaz Ali Shah	20.04.1978 Mardan	22.5.2005	29.8.2013	18	-do-	Dir
31.	Mr. Musharaf Khan Marwat	15.9.1977 Lakki Marwat	22.5.2005	29.8.2013	18	-do-	ATA
32.	Mr. Ali Qadar Safi	01.01.1976 Mardan	22.5.2005	29.8.2013	18	-do-	Dept y, (Reg.I)
33.	Mr. Muhammad Masood	15.1.1975 Mansehra	30.6.1997	29.8.2013	18	-do-	PD, P. Edu.
34.	Mr. Sharif Hussain	20.04.1978 Malakand	12.10.2002	29.8.2013	18	-do-	Deputy Sectt.
35.	Mr. Khuda Bakhsh	5.6.1977 Dir	9.1.2006	29.8.2013	18	-do-	Secretary, SC
36.	Ms. Robin Haider Bokhari	12.9.1974 Peshawar	14.1.2004	29.8.2013	18	-do-	Deputy Secretary (Reg. III) E&AD
37.	Mr. Muhammad Kabir Afridi	01.11.1982 Khyber Agency	9.1.2006	29.8.2013	18	-do-	DD(T&A) PDMA Dy. Secretary, Agri.

**ATTESTED**

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
38.	Mr. Kalimullah Khan	15.04.1969 D.I.Khan	1.2.1995	29.8.2013	18	By promotion	DS, Higher Educ.
39.	Mr. Zubair Ahmad	05.04.1973 Haripur	March 2002	29.8.2013	18	-do-	Deputy Secy. Health
1 ✓	40. Mr. Taj Muhammad (PCS SG)	15.4.1956	6.7.74	28.10.2011 ✓	18	-do-	Dy. Secretary, Finance
2 ✓	41. Mr. Muhammad Ismail (PCS SG)	13.4.1957	9.8.74	27.10.2011 ✓	18	-do-	Dy. Secretary LG&RD
	42. Mr. Zia.ur.Rehman	7.4.77 D.I.Khan	13.9.2007	19.10.2012 ✓	18	-do-	Transferred to Federal Govt./ Punjab
	43. Syed Zafar Ali Shah	25.12.72 Peshawar	25.4.95 6.10.07	21.1.2014 ✗	18	-do-	Secretary, LCB
3 ✓	44. Mr. Naeemullah Jan	26.8.1956 Charsadda	25.1.88	19.10.2012 ✓	18	-do-	Addl: PA, Kurram
2 ✓	45. Mr. Muhammad Naeem	10.4.60 Haripur	25.1.88	27.9.2012 ✗	18	-do-	DO(F&P) Battagram
1 ✓	46. Mr. Abdul Ghaffar	9.3.60 Chitral	25.1.88	27.9.2012 ✗	18	-do-	ADC, Chitral.
	47. Mr. Tasleem Khan	5.3.61 Battagram	25.1.88	19.10.2012 ✓	18	-do-	DC, Haripur
	48. Mr. Matloob-ur-Rehman	12.4.61 Mansehra	25.1.88	19.10.2012 ✓	18	-do-	DC, Torghar
	49. Mr. Muhammad Naseem	16.12.58 Swat	7.8.79	27.9.2012	18	-do-	DS Finance
	50. Mr. Muhammad Siddique	8.4.60 Mansehra	26.3.79	27.9.2012	18	-do-	DS Finance

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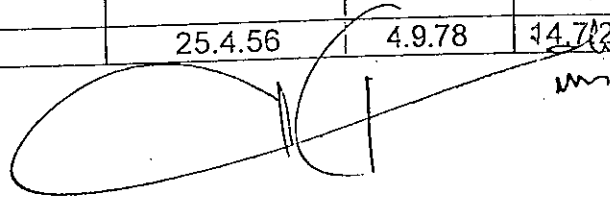
S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
51.	Mrs. Tahira Jabeen	2.2.57 Peshawar	13.6.81	27.9.2012	18	By Promotion	One and half year EOL w.e.f. 18.3.2013 to 17.9.2014 and further extended for 18-months.
52.	Mr. Azam Khan	4.2.56 Bannu	29.11.74	27.9.2012	18	-do-	DS E&SE
53.	Mr. Fazle Rahim	1.9.59 Peshawar	28.10.79	27.9.2012	18	-do-	DS Zakat,
54.	Mr. Farhad Khan	19.11.61 Peshawar	1.2.81	27.9.2012	18	-do-	DS Environment
55.	Mr. Usman Shah-I	14.4.56 Karak	23.11.74	27.9.2012	18	-do-	DS Health
56.	Mr. Muhammad Ayub	14.12.56 Peshawar	28.4.82	19.10.2012	18	-do-	DS RR&S
57.	Mr. Shah Jehan	3.10.1965	31.10.1985	20.1.2014	18	-do-	DS PHE Deptt.
58.	Mr. Umar Farooq	14.1.1956	29.5.1983	20.1.2014	18	-do-	DS Food
59.	Mr. Muhammad Humayun	4.4.61 Peshawar	30.6.83	4.3.2014	18	-do-	DS Zakat, Ushr
60.	Mr. Muhammad Iqbal	3.1.56	10.1.74	4.3.2014	18	-do-	DS Law Deptt.
61.	Mr. Junaid Khan	23.1.82	27.2.2008	4.3.2014	18	-do-	DS Chief Minister's Sectt.
62.	Mr. Riaz Hussain	10.6.58	16.3.81	10.8.2015	18	-do-	Settlement Officer, Abbottabad

**ATTESTED**

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/ Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
63.	Mr. Iftikhar Ahmad	30.1.76	27.2.08	10.8.2015	18	By Promotion	PM (Sp&Coord), PMU P&D Deptt.
64.	Mr. Tashfeen Haider	5.9.76	27.2.08	10.8.2015	18	-do-	PD, Mardan Dev: Aut
65.	Mr. Ainullah	16.2.75	27.2.08	10.8.2015	18	-do-	DO(F&P) Mardan
66.	Mr. Ahmed Zeb	4.2.79	2.11.05	18.6.2015	18	-do-	Addl. PA Orakzai
67.	Mr. Farhatullah Khan Marwat	7.11.80	27.2.08	10.8.2015	18	-do-	ADC Shangla
68.	Sardar Asad Haroon	27.3.79	27.2.08	26.5.2015	18	-do-	DS Estate E&AD
69.	Mr. Asfandyar Khattak	24.1.79	25.9.05	18.6.2015	18	-do-	DS Health
70.	Mr. Ghulam Saeed - Khan	1.1.74	18.10.03	14.7.2015	18	-do-	ADC., Swat
71.	Khawaja Faheem Sajjad	31.3.84	27.2.08	10.8.2015	18	-do-	DO (F&P) Mansehra
72.	Mr. Qamar Ali	9.4.57	3.1.76	18.6.2015	18	-do-	DS Home
73.	Mr. Habib Ur Rehman	12.4.56	14.6.75	18.6.2015	18	-do-	DS Higher Educ:
74.	Mr. Abdul Wali Khan	2.5.57	7.6.76	18.6.2015	18	-do-	DS HRD Wing
75.	Mr. Gul Nazif Khan	22.11.57	11.6.76	18.6.2015	18	-do-	DS Finance
76.	Mr. Anwarul Haq-II	1.1.57	4.6.76	18.6.2015	18	-do-	DS Energy & Power
77.	Mr. Hameed-ur-Rehman	1.1.59	28.8.78	18.6.2015	18	-do-	DS FD
78.	Mr. Muhammad Younas II	15.8.56	23.5.83	18.6.2015	18	-do-	DS Finance Deptt.

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 <sup>st</sup> entry into Govt Service	Regular appointment/Promotion/ Absorption to present post:			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
79.	Mr. Muhammad Younas-I	24.02.57	10.11.76	14.7.2015	18	By Promotion	DS, Industries
80.	Mr. Muhammad Khalid	1.4.56	10.11.76	14.7.2015	18	-do-	DS, LG&RD
81.	Mr. Maqbool Khan	3.3.59	1.6.83	14.7.2015	18	-do-	DS (Policies) E&AD
82.	Syed Asmat Shah	6.5.56	7.6.75	14.7.2015	18	-do-	DS, Governor's Sectt.
83.	Mr. Muhammad Amin	25.2.65	16.12.89	14.7.2015	18	-do-	Secretary to Comr. Pesh:
84.	Mr. Khalid Akbar	1.6.64	1.1.92	14.7.2015	18	-do-	DS CM Sectt.
85.	Mr. Fazal Muhammad	1.5.61	-	14.7.2015	18	-do-	Settlement Officer, Mansehra
86.	Mr. Muhammad Fayaz	25.10.64	1.5.86	14.7.2015	18	-do-	Secy-II BOR
87.	Mr. Muhammad Roshan	19.3.64	1.1.92	14.7.2015	18	-do-	Assst. Chief, P&D
88.	Mr. Muhammad Akbar Khan	2.5.63	1.1.92	14.7.2015	18	-do-	Secy: to Commissioner, Hazara
89.	Mr. Mawaz Khan	25.4.56	4.9.78	14.7.2015	18	-do-	DS FATA Sectt.



**ATTESTED**



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To:

The secretary to government of Khyber Pakhtunkhwa  
Establishment Department, Peshawar.

Subject: TENTATIVE SENIORITY LIST OF PROVINCIAL MANAGEMENT  
SERVICE OFFICERS/ PCS SG IN BPS-18.

R/Sir,

Kindly refer to your office letter No. SO (E-I)/E&AD/6-1/2015 dated 14.12.2015 on the subject cited above.

It is submitted that the Appellant (Matloob-ur-Rehman) Deputy Commissioner Torgharhas received a tentative seniority list of Provincial Management Officers / PCS SG in BPS-18 circulated vide letter quoted above. As desired the undersigned have the following observations/reservations/objections on the seniority position:-

1. That the Appellant had joined services on 25.01.1988 as Naib Tehsildar and subsequently promoted to BPA-17 on 19.02.2008 on seniority cum fitness basis and was placed at S.No.8 of the Final Seniority list of PMS BPS-17 Office as stood on 25.07.2012 notified vide No. SOE-II(ED)2(8)/2012 dated 27.07.2012 (copy attached)
2. That in the seniority list ion question, the name of Appellant has been placed at S. No.48 with date of birth 12.04.1961, according to date of promotion in BPS-18 the name of Appellant should have been placed at S.No. 06 instead of S.No. 45 of the seniority list due to the reasons that all the Officers whose name have been recorded in the seniority list above the name of Appellant were promoted in BPS-18 later to the Appellant as evident from the entries in the seniority list in question except S.No. 19, 20, 40, 41 & 46.

In the light of the foregoing factual position, it is humbly prayed that the name of Appellant may graciously be placed in the seniority list as under while keeping in view the date of birth and date of promotion which is my due right and legal prerogative:

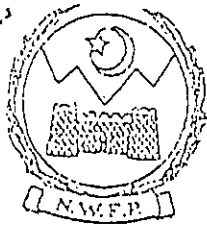
S.NO	Column NO.	Present entry	To be replaced by	Remarks
		S.No 48	S.No. 8	In the light of position explained in Para 1, 7, 2 above.

Appellant  
Muhammad Naeem  
District Officer (F&P)  
Battagram.

Copy to the PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar for information and necessary action please.

District Officer (F&P)  
Battagram

**ATTESTED**



35  
GOVERNMENT OF THE  
NORTH-WEST FRONTIER PROVINCE  
ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 11.05.2007.

No.SOE.II(ED)2(14)2007: In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servant Act, 1973 (N.-W.F.P. Act XVIII of 1973), the Chief Minister of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE PROVINCIAL  
MANAGEMENT SERVICE RULES, 2007.

1. Short title and commencement.---(1) These rules may be called the North-West Frontier Province Provincial Management Service Rules, 2007.

(2) These rules shall come into force at once.

2. Definitions.---In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "appointing authority" means the appointing authority as specified in rule 5 of these rules;
- (b) "Commission" means the North-West Frontier Province Public Service Commission;
- (c) "Department" means the Establishment and Administration Department;
- (d) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;
- (e) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-18 and BS-19;
- (f) "Schedule" means the Schedule appended to these rules;
- (g) "Service" means the Provincial Management Service;

ATTESTED



- (h) "Secretariat" means the North-West Frontier Province Civil Secretariat as defined in rule 2(r) of the North-West Frontier Province Government Rules of Business, 1985; and
- (i) "share" means the share specified for distribution between All Pakistan Unified Group and Provincial Officers as per Schedule-III.

3. Nomenclature of the posts.---The Service shall consist of the posts as specified in Schedule-I.

4. Method of recruitment.---(1) The method of recruitment, minimum qualification, age limit and other matters related thereto for the Service shall be as given in Schedule-I.

*4-A. Training:- As per notification dt 12-11-2007.*

(2) Fifty per cent of posts in BPS-17 shall be filled in by initial recruitment through Commission and remaining by promotion. Ten percent of Secretariat posts in BPS-17 to 19 shall be reserved for officers of technical departments on reciprocal basis. Government may reserve twenty per cent posts for leave, deputation and training etc in each pay scale.

(3) Posts specified in Schedule-II shall be filled in by Officers borne on Provincial Management Service and All Pakistan Unified Group in the ratio prescribed in Schedule-III.

5. Appointing Authority.---The Chief Minister, N.-W.F.P. shall be the appointing authority for posts borne on the Provincial Management Service specified in Schedule-I.

6. Saving.---In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to terms and conditions of service made or deemed to have been made under the North-West Frontier Province Civil Servants Act, 1973 (N.-W.F.P. Act No. XVIII of 1973).

7. Transitional:- The condition of graduation as laid down in para 2(a) and (b) of column-5 against serial No. 1 of Schedule-I shall not apply for a period of seven years from the date of coming into force of these rules to the existing incumbents for promotion against BS-17 posts.

8. Repeal.---The North-West Frontier Province Provincial Civil Service (Secretariat/Executive Group) Rules, 1997 shall stand repealed after the retirement of existing incumbents of both the cadres. Separate seniority list of both the cadres shall be maintained under the existing rules and they shall be promoted at the ratio of (50: 50). The existing incumbents of PCS (EG) and (SG) in different pay scales, for the purpose of their promotion, shall continue to be governed under the said service rules till the retirement of the last such incumbent.

*Handwritten notes and stamps in the bottom left corner.*

*Notification*

CHIEF SECRETARY  
Government of the  
North-West Frontier Province.



**ATTESTED**



37



No.SOE.II(ED)2(14)2007

Dated Peshawar the 11.05.2007

A copy is forwarded to:-

1. Secretary to Governor NWFP.
2. Secretary (Admn: & Coord:), Civil Secretariat (FATA).
3. Principal Secretary to Chief Minister, NWFP, Chief Minister's Secretariat.
4. Additional Chief Secretary, NWFP.
5. Senior Member, Board of Revenue, NWFP.
6. All Administrative Secretaries to Govt of NWFP.
7. Chairman, NWFP Public Service Commission.
8. Accountant General NWFP.
9. Director, STI, E&A Department.
10. Manager, Govt Printing Press, NWFP, Peshawar for publication in the official gazette at an early date, with the request to supply 20 printed copies to the undersigned.
11. All Section Officers in E&A Department.
12. PS to Chief Secretary, NWFP.
13. PS to Secretary Establishment.
14. PAs to all Addl: Secretaries / Deputy Secretaries in Establishment Dept.
15. Office order file.

80 copies  
Reviewed  
1:30PM  
12/5/07

(KHALID ILYAS)  
Section Officer(E-II)  
Section Officer (E-II)  
Establishment &  
Administration Deptt

~~ATTESTED~~

1 (38)

GOVERNMENT OF N.W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)

PS/SMB  
Dy No: 9095  
Date:  
Govt NWFP

NOTIFICATION

Dated Peshawar the November 12, 2007.

No. SOE-III(E&AD)3-5/2007/(PMS) - In exercise of the powers conferred by Section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No. XVIII of 1973), the competent authority is pleased to direct that in the North-West Frontier Province Provincial Management Service Rules, 2007, notified vide this Department's letter No. SOE-II(ED)2(14)2007, dated 11-05-2007 the following amendments shall be made namely:

AMENDMENTS

1. After rule 4, the following new rule shall be inserted, namely:

4-A. Training - On appointment to a post borne on the service in BS-17, whether by initial recruitment or by promotion, every officer so appointed shall successfully complete one and a half year's mandatory training including one year training at the Provincial Services Academy as per Module specified in Schedule-IV and six months training attachment as specified in Schedule-V. The training will be followed by Departmental Examination to be conducted by the Provincial Services Academy as specified in Schedule-VI.

2. In rule 8, the full stop appearing after the words and figures "at the ratio of 50:50" shall be replaced by a colon and thereafter the following proviso shall be added namely:

"Provided that for the purpose of promotion of both the Secretariat Group and the Executive Group of the said service in different pay scales -

ATTN: [Signature]

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(i) the incumbents shall continue to be governed by the said service rules till the retirement of the last such incumbent; and

(ii) the last incumbent of either Group shall rank senior to the first incumbent of the Provincial Management Service.

3. In Schedule I, for the word and figure "Schedule-IV", wherever occurring, the word and figure "Schedule-VII" shall be substituted.

4. In Schedule-II, after Note 11 at the end, the following new Note shall be added, namely:

"Note-III: Government may resize the Schedule from time to time."

5. Before the existing Schedule-IV, as re-numbered "Schedule-VII", the following Schedules IV, V and VI shall be inserted, namely:

CHIEF SECRETARY  
GOVERNMENT OF THE  
NORTH-WEST FRONTIER PROVINCE

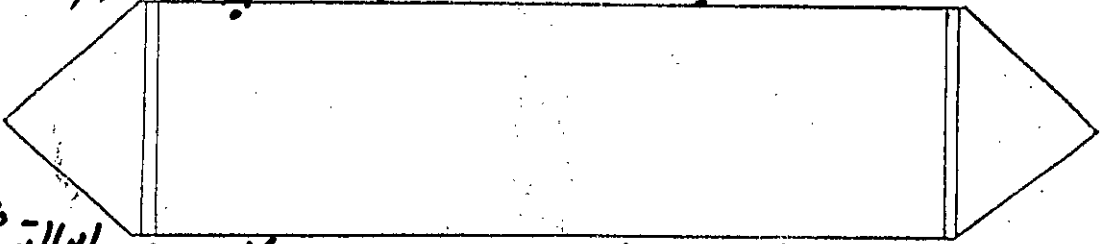
No. SOE-III(E&AD)3-5/2007/PMS, dated Peshawar the November 12, 2007.

A copy is forwarded to:

1. Secretary to Governor, NWFP.
2. Secretary (Admin. & Coord), Civil Secretariat (FATA).
3. Principal Secretary to Chief Minister, NWFP, Chief Minister's Secretariat.
4. Additional Chief Secretary, NWFP.
5. Senior Member, Board of Revenue, NWFP.
6. All Administrative Secretaries to Government of NWFP.
7. Chairman, NWFP-Public Service Commission.
8. Accountant General, NWFP.
9. Director, Staff Training Institute, E&A Department.
10. Manager, Government Printing Press, NWFP, Peshawar for publication in the official gazette at an early date, with the request to supply 20 printed copies to the undersigned.
11. All Section Officers in E&A Department.
12. PS to Chief Secretary, NWFP.
13. PS to Secretary, Establishment.
14. PAs to all Additional Secretaries/Deputy Secretaries in Establishment Department.
15. Office order file.

(SYEDA TANZEELA SABAHAT)  
Section Officer (E-III)

# بعد التخصیص عنوان سروس وینٹنل پیشاور



۱ ۲۰۱۶ء محاسب ایالات

بنام گورنر و وزیر

محمد نعیم

۶ اپریل

سروس اپیل

موزخہ  
مقدمہ  
دعوی  
جرم

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کاروائی متعلقہ  
آن مقام پیشاور کیلئے شکیل احمد پاشا

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
دکیل صاحب کو راضی نامہ کرنے و تقرر حالت ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعوی اور  
بصورت ڈگری کرنے اجراء اور صولی چیک در و پیر عرضی دعوی اور درخواست ہر قسم کی تصدیق  
زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

۲۰۱۶ء اپریل ۶

المرقوم 4

محمد نعیم  
کے لئے منظور ہے۔

Attested & Accepted.  
Shakeel Ahmad  
Advocate, Pesh



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(Appendix)

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Annex-1



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar the July, 25. 2012

NOTIFICATION

NO. SOE-II(ED)2(423)/2010/Vol-II:- In pursuance of Judgment of Supreme Court of Pakistan dated 24.05.2012 in CPLAs No. 860/2010 and 861/2010 titled Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others versus Muhammad Iqbal Khattak and Ahmad Khan and Judgments of Khyber Pakhtunkhwa Services Tribunal dated 13.03.2009 & 09.04.2009 in service appeals No. 612/2008, 613/2008 & 575/2009 titled Muhammad Iqbal Khattak, Ahmad Khan & Latif-ur-Rehman versus Govt. of Khyber Pakhtunkhwa through Secretary Establishment and others, the competent authority is pleased to ante-date the promotion of following PMS BS-17 officers w.e.f the dates as mentioned against each with all back benefits/consequential benefits and re-designate them as PCS(EG) BS-17:-

S.No.	Name of PMS BS-17 officer for ante-dated promotion as PCS (EG) BS-17
1.	Mr. Muhammad Iqbal Marwat ( Retired on 31.07.2009
2.	Mr. Riaz Muhammad Baloch (Retired on 28.02.2011)
3.	Mr. Muhammad Farooq
4.	Mr. Zaarmat Ali (Retired on 05.03.2010)
5.	Mr. Muhammad Zaheer-ud-Din (Retired on 13.08.2011)
✓ 6.	Mr. Ahmad Khan Orakzai
✓ 7.	Mr. Muhammad Iqbal Khattak
✓ 8.	Mr. Muhammad Javed
✓ 9.	Mr. Azam Jan Khalil
10.	Mr. Ahmad Jan Afridi
11.	Mr. Nazar Gul Mohmand
12.	Mr. Muhammad Hanif (died on 31.03.2010)
13.	Mr. Tahir Muhammad
14.	Mr. Muhammad Rafiq (Retired on 01.03.2012)
15.	Mr. Muhammad Fakhruddin
16.	Mr. Farzand Ali
17.	Mr. Rehmatullah Khan Wazir
18.	Mr. Qaiser Khan
19.	Mr. Abdul Shakoor Dawar
20.	Mr. Azizullah Khan Mehsud

Date of ante-dated promotion as PCS (EG)
27.12.2005
26.01.2000
27.12.2005
15.05.2000
29.05.2000
01.06.2000
07.06.2000
10.01.2001
10.02.2001
08.04.2001
09.04.2001
14.04.2001
27.12.2005
27.12.2005
13.11.2001
03.03.2005
13.11.2001
13.11.2001
26.12.2001
13.01.2002

5.2  
5.2  
05  
05.2  
05  
5.05  
7.12  
26.05  
09.01  
01.02  
09.01  
27.12  
26.03  
09.01  
17.05  
13.01  
27.04  
13.04  
13.04  
25.05  
11.09  
11.09  
26.05  
26.05  
23.12  
23.12  
31.12  
16.0  
16  
16

SECRET  
KHYBER PAKHTUNKHWA

ATTESTED

*[Handwritten signature]*

21.	Mr. Naeem Anwar Khan	09.04.20
22.	Mr. Loi Khan (Retired on 02.11.2010)	14.04.20
23.	Mr. Damsaz Khan	29.05.20
24.	Mr. HaSibullah Wazir	23.05.20
25.	Mr. Zafar Ali Khan	29.05.20
26.	Mr. Gul Wahid (Retired on 13.03.2011)	31.08.20
27.	Mr. Abdul Mateen	13.11.20
28.	Mr. Akbar Jalal	04.03.21
29.	Mr. Khalsta Rehman	24.03.21
30.	Mr. Shams ul Alam	27.12.21
31.	Mr. Fazal Rehman	29.05.21
32.	Mr. Latif ur Rehman (died on 25.10.2010)	27.12.21
33.	Mr. Rashid Mehood	29.05.21
34.	Mr. Muhammad Jamil	29.05.21
35.	Mr. Khurshid Anwar	29.05.21
36.	Mr. Perhezgar Khan	29.05.21
37.	Mr. Mushtaq Ahmad	29.05.21
38.	Mr. Naimatullah (Retired on 24.09.2010)	26.05.21
39.	Mr. Momin Khan (Retired on 14.06.2010)	27.12.21
40.	Syed Ismail Ali Shah Gillani	26.05.21
41.	Mr. Ahmad Khan	09.01.22
42.	Mr Jan Muhammad	01.02.22
43.	Mr. Saeed ur Rehman	09.01.22
44.	Mr. Muhammad Israr (Retired on 02.01.2012)	27.12.21
45.	Mr. Arshad Naveed	26.03.22
46.	Mr. Hidayatullah	09.01.22
47.	Mr. Said Ahmad Jan	17.05.22
48.	Mr. Abdul Hamid Jan	13.01.22
49.	Mr. Muhammad Tuhab (Retired on 12.06.2012)	27.04.22
50.	Mr. Sultanat Khan (Retired on 14.08.2010)	13.04.22
51.	Mr. Subhanullah (Retired on 12.05.2012)	13.04.22
52.	Mr. Muhammad Siddique	25.05.22
53.	Mr Fakhru Zaman	11.09.22
54.	Mr. Ibadat Khan	11.09.22
55.	Mian Asfandyar	26.05.22
56.	Mr. Rasool Khan	26.05.22
57.	Mr Fida Muhammad (Retired on 30.10.2010)	23.12.22
58.	Mr. Muntazir Khan	23.12.22
59.	Mr. Atta-ur-Rehman	31.12.22
60.	Mr. Shahab Hamid Yousafzai	16.02.23
61.	Mr. Ihsanullah	16.02.23
62.	Mr. Ghulam Habib	16.02.23

*Attest*

ATTESTED

CHIEF SECRETARY  
KHYBER PAKHTUNKHWA

BASSUM  
OFFICE



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

**Service Appeal No. 416 OF 2016**

Muhammad Naeem .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others ..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2.**

**PRELIMINARY OBJECTIONS:**

1. This Honourable Services Tribunal has no jurisdiction to entertain the instant appeals.
2. That the appellants have got no cause of action/locus standi to file the instant appeals against the respondents.
3. That the present appeals are not maintainable.
4. That the appellants have presented the facts in manipulated form which disentitles them for any relief whatsoever.
5. That the appeals are barred by law/time.
6. That the appellants have not come to this Honourable Services Tribunal with clean hands.
7. That the appeals are bad for mis-joinder and non-joinder of necessary parties.
8. That the appeal is hit by laches.

**ON FACTS**

**1 TO 3.** The appellants were promoted in PCS EG BS-17 on temporary basis as stop gap arrangement. Later on, after promulgation of PMS Rules, 2007, the appellants i.e. Mr. Tasleem Khan and Mr. Muhammad Naeem were promoted on regular basis as PMS BS-17 on 19.2.2008 while the appellant Mr. Matloob-ur-Rehman promoted to BS-17 on 27.5.2008 and Mr. Abdul Ghaffar Khan promoted to BS-17 on **07.11.2008** with immediate effect. However, one Mr. Muhammad Iqbal Khattak filed service appeal for antedating of promotion in his own cadre i.e. PCS EG and the Khyber Pakhtunkhwa Services Tribunal, allowed appeal vide its judgment dated 11.3.2009. The said judgement of Services Tribunal was also upheld by the Supreme Court of Pakistan. Hence, Provincial Govt. implemented the judgment dated 24.5.2012 of Service Tribunal and ante-dated / promoted of 62- PMS BS-17 officers as PCS EG BS-17 from the date of occurrence of vacancies or the date of acting charge appointment, against the available 62- vacancies vide Notification dated 25.7.2012 (**Annex-I**) However, the appellants being junior in the seniority list could not get the benefit of the judgment i.e. ante-date promotion as PCS EG BS-17.

**4.** In correct as the appellants were promoted to BS-18 on the dates as mentioned against each i.e. Mr. Tasleem Khan on 19.10.2012, Mr. Muhammad Naeem (27.9.2012, Mr. Matloob-ur-Rehman on 19.10.2012 while Mr. Abdul Ghaffar Khan promoted to BS-18 on 27.9.2012 instead of 19.10.2012 (**Annex-II**). Moreover, there were no vacancies.

5. In correct as per PMS BS-18 seniority list, the names of appellants are appearing at Sr. No. Mr. Muhammad Naeem (Sr. No. 25), Mr. Abdul Ghaffar (Sr. No. 26) Mr. Tasleem Khan (Sr. No. 27) and Mr. Matloob-ur-Rehman at Sr. No (28) and currently they are not eligible for promotion to BS-19.
6. Correct to the extent that a tentative seniority list was issued on 16.1.2013 instead of 14.1.2013, wherein the names of appellants were appearing at Sr. No. Mr. Muhammad Naeem (Sr. No. 5), Mr. Abdul Ghaffar (Sr. No. 6 instead of 8 as mentioned in his appeal) Mr. Tasleem Khan (Sr. No. 7) and Mr. Matloob-ur-Rehman at Sr. No (8).
7. Correct to the extent that on **29.08.2013** Provincial Government has issued notification of (38) officers and converted them from PCS SG BS-18 to PMS BS-18 (**Annex-III**) and placed their names above the names of respondents, consequently, the names of respondents went to 45 to 48. It is also correct that they preferred an appeal, which was processed and the names of two officers were deleted from PMS BS-18 seniority. Now the names of appellants are at Sr. No. 25 to 28 *ibid*.

#### ON GROUNDS

- A. **Incorrect** as after promulgation of PMS 2007 rules, the names of appellants were placed in PMS BS-17 seniority list and after that they get promotion to BS-18 in PMS cadre accordingly.
- B. It is correct that Khyber Pakhtunkhwa Provincial Civil Service (Secretariat/Executive Group) Rules 1997, were repealed by the Khyber Pakhtunkhwa PMS Rules 2007.
- C. **Incorrect.** All the appellants were actually Tehsildar and were promoted in PCS EG BS-17 on temporary basis as stop gap arrangement. Later on, after promulgation of PMS Rules, 2007, the appellants i.e. Mr. Tasleem Khan and Mr. Muhammad Naeem were promoted on regular basis as PMS BS-17 on 19.2.2008 while the appellant Mr. Matloob-ur-Rehman promoted to BS-17 on 27.5.2008 and Mr. Abdul Ghaffar Khan promoted to BS-17 on **07.11.2008** with immediate effect.
- D. **Correct.**
- E. **Correct.**
- F. **In correct** as narrated in "C" above.
- G, H & I. Correct to the extent that a tentative seniority list was issued on 16.1.2013 instead of 14.1.2013, wherein the names of appellants were appearing at respective Sr. Nos. i.e. Mr. Muhammad Naeem (Sr. No. 5), Mr. Abdul Ghaffar (Sr. No. 6 instead of 8 as mentioned in his appeal) Mr. Tasleem Khan (Sr. No. 7) and Mr. Matloob-ur-Rehman at Sr. No (8). After that on 29.08.2013 Provincial Government has issued

notification of (38) officers and converted them from PCS SG BS-18 to PMS BS-18 (**Annex-III ibid**) and placed their names above the names of respondents, consequently, the names of respondents went to 45 to 48. It is also correct that they preferred an appeal, which was processed and the names of two officers were deleted from PMS BS-18 seniority. Now the names of appellants are at Sr. No. 25 to 28 ibid.

As requested by the appellants, the names of PCS SG have been separated from PMS BS-18 seniority lists. However, they cannot claim the seniority position which was in tentative seniority lists issued on 16.1.2013, because before issuance of final list, 38 officers have been converted to PMS which were seniority to them.

It is, therefore, most humbly prayed that the instant petition being devoid of merit may very graciously be dismissed with costs.



**(Respondents No. 1&2)**

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ENDST: NO. & DATE EVEN.

A copy is forwarded to:-

1. Additional Chief Secretary, Planning & Dev. Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary(FATA), FATA Secretariat.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. All District Coordination Officers in Khyber Pakhtunkhwa.
9. All Political Agents in FATA.
10. Accountant General, Khyber Pakhtunkhwa.
11. Accountant General(PR) Sub Office, Peshawar.
12. All District Accounts Officers in Khyber Pakhtunkhwa.
13. All Agency Accounts officers in FATA.
14. Officers concerned.
15. P.S to Chief Secretary, Khyber Pakhtunkhwa.
16. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
17. P.S to Special Secretary(Estt) Establishment Department.
18. PAs to AS(E)/AS(HRD)/DS(E) Establishment Department.
19. Office order file.

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(TABASSUM)  
SECTION OFFICER(E-ID)

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(T. I)

INFORM AFRIDI

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ACCEPTED

Annea

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

Dated Peshawar, the September 27, 2012

**NOTIFICATION**

**NO.SO(E-I)E&AD/5-1/2012.** Government of Khyber Pakhtunkhwa on the recommendations of the Provincial Selection Board, is pleased to promote the following officers of Provincial Management Service from BS-17 to BS-18, on regular basis with immediate effect:-

S. #.	NAME OF OFFICER
1.	Mr. Muhammad Naeem
2.	Mr. Abdul Ghaffar
3.	Mr. Muhammad Naseem
4.	Mr. Muhammad Siddique
5.	Mrs. Tahira Jabeen
6.	Mr. Azam Khan
7.	Mr. Fazle Rahim
8.	Mr. Abdul Aziz
9.	Mr. Farhad Khan
10.	Mr. Amir Akbar Khan
11.	Mr. Usman Shah-I
12.	Mr. Muhammad Qasim
13.	Mr. Azeem Khan

2. The officers (mentioned at Sr. No. 1 to 11 and 13) on promotion, will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and officer mentioned at Sr. No. 12, shall be on probation till his retirement.

2. Consequent upon the above, the following postings/transfers are made henceforth:-

S.#	NAME OF OFFICERS	FROM	TO	REMARKS
1.	Mr. Muhammad Naeem (PMS BS-18)	District Officer (R&E) Haripur	District Officer (R&E) Haripur	Already holding the post.
2.	Mr. Abdul Ghaffar (PMS BS-18)	District Officer (R&E) Chitral	District Officer (R&E) Chitral	-do-
3.	Mr. Muhammad Naseem (PMS BS-18)	Section Officer, Governor's House	Deputy Secretary, Energy & Power Department	Against the vacant post.
4.	Mr. Muhammad Siddique (PMS BS-18)	Deputy Secretary, Finance Department	Deputy Secretary, Finance Department	Already holding the post.
5.	Mrs. Tahira Jabeen (PMS BS-18)	Deputy Secretary, Finance Department	Deputy Secretary, Finance Department	-do-
6.	Mr. Azam Khan (PMS BS-18)	Section Officer, Home and Tribal Affairs Department.	Deputy Secretary, C&W Department.	Against the vacant post.
7.	Mr. Fazle Rahim (PMS BS-18)	Deputy Director/Deputy Secretary, STI	Deputy Director/Deputy Secretary, STI	Already holding the post.
8.	Mr. Abdul Aziz (PMS BS-18)	Deputy Secretary, Excise & Taxation Department.	Deputy Secretary, Excise & Taxation Department.	-do-
9.	Mr. Farhad Khan (PMS BS-18)	Section Officer (Secret) E&AD	Deputy Secretary Zakat, Ushr, SW Deptt.	Against the vacant post relieving Mr. Maqbool Hussain Shah of the addl. Charge.
10.	Mr. Amir Akbar Khan (PMS BS-18)	District Officer (R&E) Buner	District Officer (R&E) Buner.	Already holding the post.

CONTINUED ON PAGE.....2



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

PAGE-2

S.#	NAME OF OFFICERS	FROM	TO	REMARKS
11.	Mr. Usman Shah-I (PMS BS-18)	Deputy Secretary, Food Department	Deputy Secretary, Food Department	Already holding the post.
12.	Mr. Khuda Bakhsh (PCS SG BS-18)	Deputy Secretary, Industries Department	Deputy Secretary (Reg. III) E&AD	Against the vacant post, relieving Mr. Mushtaq Hussain of the additional charge.
13.	Mr. Muhammad Qasim (PMS BS-18)	Section Officer (E.III) Establishment Deptt.	Secretary, Khyber Pakhtunkhwa Public Service Commission	Against the vacant post.
14.	Mr. Muhammad Sohail Khan (PCS SG BS-18)	Deputy Secretary, C&W Department	Report to Establishment Deptt.	
15.	Mr. Azeem Khan (PMS BS-18)	Section Officer, Chief Minister Secretariat	Deputy Secretary, C&W Department.	Vice Sr. No. 14.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. of even No. & date

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Additional Chief Secretary (FATA), FATA Secretariat.
4. All Administrative Secretaries in Khyber Pakhtunkhwa.
5. Secretary to Governor, Khyber Pakhtunkhwa.
6. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. All Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. District Coordination Officer, Haripur, Chitral, Buner.
10. District Accounts Officer, Haripur, Chitral, Buner.
11. PS to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Secretary Establishment, E&A Department.
13. PS to Secretary Establishment, PS to Special Secretary (E), Deputy Secretary (Estt.), Dy. Secretary (Admn),/ S.O. (E.II); S.O.(E.III), S.O.(Secret) E&AD, and P.A. to Addl. Secretary(Estt.)/PA to Director (Protocol) E&AD.
14. Officers concerned.
15. Controller, Govt. Printing Press, Peshawar.

  
(ZUBAIR AHMAD)

DEPUTY SECRETARY (ESTT.)  
PHONE & FAX # 091-9210529

ZIA.UL.HAQ/\*\*

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the August, 29. 2013

**NOTIFICATION**

**NO.SOE-II(ED)3(81)2013:-**

In pursuance of Judgment of Peshawar High Court, Peshawar dated 30.05.2013 in W.P No. 1009-P/2013 titled Muhammad Kabir Afridi and others versus Govt. of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa and others, the competent authority is pleased to absorb the following officers of PCS(SG) of 2002, 2005 & 2006 batches in the Provincial Management Service(PMS) in their respective grades/scales in accordance with their inter-se seniority, with immediate effect:-

S.No.	Name of officer & scale	Present posting
1.	Mr. Atta-Ur-Rehman (BS-19 Acting Charge)	Secretary Local Council Board
2.	Mr. Aamir Afaq BS-18	Proceeded for Fulbright scholarship
3.	Mr. Muhammad Sohail, BS-18	Deputy Secretary, Industries Deptt
4.	Mr. Ghazanfar Ali, (BS-19 Acting Charge)	Additional Secretary, Energy & Power Deptt
5.	Mr. Muhammad Anwar Khan, (BS-19 Acting Charge)	Director, Food, Khyber Pakhtunkhwa
6.	Mrs. Nosheen Azam, BS-18	OSD E&AD-British Chevening scholarship
7.	Mr. Barkatullah, BS-18	OSD E&AD Proceeded for ADS scholarship w.e.f. 1.1.2013 to 31.12.2014
8.	Syed Muhammad Farul Saqlain, BS-18	OSD E&AD Proceeded for ADS scholarship w.e.f. 1.1.2013 to 31.12.2014
9.	Mr. Muhammad Nadir Khan Rana, BS-18	Deputy Secretary, Finance Deptt
10.	Mr. Imad Ali, BS-18	Additional Secretary, HRD Wing, Estb Deptt
11.	Mr. Snahid Sohail, BS-18	Deputy Secretary, Health Deptt.

12.	Mr. Masood Younas, BS-18
13.	Mr. Akhtar Saeed Turk, BS-18
14.	Mr. Adeel Shah, BS-18
15.	Mr. Motasim Billah Shah, BS-18
16.	Mr. Arshad Khan Afridi, BS-18
17.	Mr. Saqib Raza Aslam, BS-18
18.	Mr. Muhammad Asif, BS-18
19.	Mr. Inayatullah Wasim, BS-18
20.	Mr. Muhammad Khalid, BS-18
21.	Mr. Abdul Basit, BS-17
22.	Mr. Zarif-ul-Maani, BS-18
23.	Syeda Tanzeela Sabahat, BS-18
24.	Mr. Perwaiz, BS-18
25.	Mr. Khalid Ilyas, BS-18
26.	Mr. Muhammad Bakhtiar Khan BS-18
27.	Mr. Abidullah, BS-18
28.	Mr. Hameedullah Shah, BS-18
29.	Mr. Fayaz Ali Shah, BS-18
30.	Mr. Musharaf Khan Marwat, BS-18
31.	Mr. Ali Qadar Safi, BS-18
32.	Mr. Muhammad Masood, BS-18
33.	Mr. Sharif Hussain, BS-18

Deputy Secretary, ST  
& IT Deptt

Deputy Secretary,  
Home & TAS Deptt

Deputy Secretary,  
Admin Deptt

Additional Secretary  
Zakar, Ushr Deptt

G. M(Finance), FDC  
PSO to Chief Minister,  
Khyber Pakhtunkhwa  
DO(F&P), Hajipur  
District Support  
Manager, PPHI  
Director(HR/Admn)  
PDMA

Asstt Director, PDMA

Additional Secretary, L  
& RDD

D.S/PSO to Chief  
Secretary, Khyber  
Pakhtunkhwa

Deputy Director(Relief)  
PDMA

Deputy Director  
(Operation) PDMA

Deputy Coordinator,  
Reforms  
Implementation Cell  
the office of Chief  
Secretary, Khyber  
Pakhtunkhwa

Deputy Secretary, E & S  
Education Department

Deputy Secretary, PHF  
Deptt

Director, Anti-  
Corruption  
Establishment

Deputy Secretary,  
(Reg.1) Estb Deptt

Deputy Secretary, Chief  
Minister's Sectt

Deputy Director, PDMA  
Secretary, Public  
Service Commissio



69  
34. Mr. Khuda Bakhsh, BS-18

35. Ms. Robin Haider Bokhari, BS-18

36. Mr. Muhammad Kabir Afridi, BS-18

37. Mr. Kalimullah Khan, BS-18

38. Mr. Zubair Ahmed, BS-18

Deputy Secretary  
(Reg-III) Estab Deptt

Deputy Secretary,  
Finance Deptt

Deputy Secretary, CM  
Sectt

Controller Govt. Printing  
Press.

Deputy Secretary(Estt)  
Estbt Deptt

**CHIEF SECRETARY  
KHYBER PAKHTUNKHWA**

**ENDST: NO. & DATE EVEN.**

A copy is forwarded to:-

1. Additional Chief Secretary, Planning & Dev. Department, Khyber Pakhtunkhwa.
2. Additional Chief Secretary (FATA), FATA Secretariat.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. Commissioner, Hazara Division, Abbottabad.
8. Deputy Commissioner, Haripur.
9. Accountant General, Khyber Pakhtunkhwa.
10. Accountant General(PR) Sub Office, Peshawar.
11. District Accounts Officer, Haripur.
12. Director General, PDMA
13. Director Food, Khyber Pakhtunkhwa
14. Director Anti Corruption Establishment, Khyber Pakhtunkhwa.
15. Program Manager, PPHI, Khyber Pakhtunkhwa/FATA
16. Controller Govt. Printing Press, Peshawar.
17. Officers concerned.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
20. P.S to Special Secretary(Estt) Establishment Department.
21. PAs to AS(E)/AS(HRD)/DS(E) Establishment Department.
22. Office order file.



(TABASSUM)  
SECTION OFFICER(E-II)

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

**PESHAWAR**

In Re:  
Service Appeal No.416/2016

Muhammad Naeem ..... **Appellant**

Versus

Govt. of Khyber Pakhtunkhwa & others.... **Respondents**

**REJOINDER TO THE COMMENTS OF**  
**THE RESPONDENTS**

**Respectfully Sheweth:**

***Reply to the Preliminary Objections:***

All preliminary objections raised by the respondents are illegal, vogue, without substance, therefore not worth consideration, the Hon'ble Tribunal has got jurisdiction to adjudicate upon the matter, the appeal is maintainable, there is no manipulation, the appeal is well within time, appellant has come to the court with clean hands and there is no mis-joinder or non-joinder of the parties.

PESHAWAR

In re: Service Appeal No. 418/2018

Muhammad Naem ..... Appellant

versus

Govt. of Khyber Pakhtunkhwa & others... Respondents

REINDER TO THE COMMENTS OF

THE RESPONDENTS

Respectfully Sheweth:

Reply to the Preliminary Objections:

All preliminary objections raised by the respondents are illegal, vague, without substance, therefore not worth consideration, the Hon'ble Tribunal has got jurisdiction to adjudicate upon the matter, the appeal is maintainable, there is no manipulation, the appeal is well time, appellant has come to the court with hands and there is no mis-joinder or non-joinder of the parties.

**ON FACTS:**

- 1-3 That the contents of Para No.1 to 3 of the appeal needs clarification to the extent that the appellant had also filed appeal in earlier round, which was allowed as enumerated in Para No.1 of the appeal.
4. Misleading and concealment of facts many vacancies were lying vacant, where against the appellant would have been promoted.
5. Misleading & false the appellant possesses all requisite qualification to be promoted in BPS-19 i.e. seniority cum fitness.
6. Needs no reply.
7. Misleading, the respondents have adversely affected the legal right of the appellant by denying his seniority position, therefore, warrants interference.

**GROUNDS:**

- A. That replying respondents have committed a legal error by denying the cadre & seniority position of the appellant.
- B. Needs no reply.
- C. Needs no reply, however, the respondents have denied legal rights of the appellant

ON FACTS:

1-3 that the contents of Para No.1 to 3 of the appeal needs clarification to the extent that the appellant had also filed appeal in which round, which was allowed as enumerated in Para No.1 of the appeal

4. Misleading and concealment of facts many vacancies were lying vacant, where against the appellant would have been promoted.

5. Misleading & false the appellant possesses all requisite qualification to be promoted in BP2-19 i.e. seniority cum fitness.

6. Needs no reply.

7. Misleading the respondents have adversely affected the legal right of the appellant by denying his seniority position, therefore, wants interference.

GRUNDS:

A. That replying respondents have committed a legal error by denying the caste & seniority position of the appellant.

B. Needs no reply.

C. Needs no reply, however, the respondents have denied legal rights of the appellant

- D. Needs no comments
- E. Needs no comments.
- F. Incorrect, and misleading, the contents of Para F of the appeal are correct.
- H to I correct to the extent that the seniority position of the appellant has been changed by the respondents without any legal jurisdiction

It is, therefore, prayed that on acceptance of this rejoinder, the comments of the respondent being devoid of force be ignored and the appeal may be allowed as prayed for in the prayer clause of the appeal.

Through Appellant



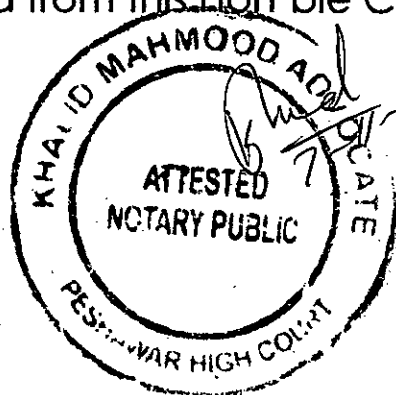
**SHAKEEL AHMAD**

Advocate, Peshawar

Dated: 07/11/2016

### AFFIDAVIT

It is stated on oath that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.




**DEPONENT**

Needs no comments

Needs no comments.

F. Incorrect and misleading, the contents of Para F of the appeal are correct

H to I correct to the extent that the seniority position of the appellant has been changed by the respondents without any legal jurisdiction

It is, therefore, prayed that on acceptance of this rejoinder, the comments of the respondent being devoid of force be ignored and the appeal may be allowed as prayed for in the prayer clause of the appeal.

Appellant

Through

SHAKEEL AHMAD

Advocate, Peshawar

Dated: 07/11/2016

AFFIDAVIT

It is stated on oath that the contents of the rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

DEPONENT

