

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 658/2019

Date of Institution: 07.05.2019

Date of Decision: 08.02.2021

Ashraf Ali S/o Ali Abbas Khan village, Lakka Teega Hati Khel, FR Bannu, Presently  
Residing at Peshawar. ... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar  
and Six others. ... (Respondents)

Mr. Bashir Khan Wazir,  
Advocate

... For Appellant

Mr. Riaz Khan Paindakhel  
Assistant Advocate General

... For Respondents

Mr. HAMID FAROOQ DURRANI  
Mr. ATIQ UR REHMAN WAZIR

... CHAIRMAN  
... MEMBER (E)

**JUDGEMENT: -**

**HAMID FAROOQ DURRANI:** - The appellant is essentially aggrieved of the fact that since his appointment as Steno-Typist on 02.04.2005, by Population Department (FATA), the respondents failed to circulate any seniority list of relevant cadre. Resultantly, no promotions to the post of Assistant Population Welfare Officer (now Deputy District Population Welfare Officer) could be effected.

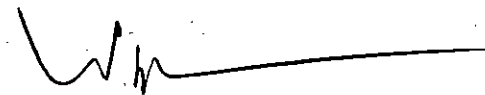
2. Learned counsel for the appellant as well as learned Assistant Advocate General argued the matter at adequate length when former came up with the proposition that the appellant shall be satisfied, at present, in case the respondents are obligated to issue the requisite seniority list of the cadre to which the appellant belongs, in accordance with the law/rules and consequently promotions are made in fair manner.

3. We consider that to find mention in a seniority list and also consideration for promotion, in accordance with the law, are the rights of a Civil Servant which cannot be denied to him. The perusal of available record suggests that the grievance of appellant was taken up for consideration by the respondents at different intervals of time, however, the decision could not be finalized for reasons best known to them.



4. In view of the contents of paragraph 2 and 3 ibidem instant appeal is disposed off. The respondents are required to finalize the settlement of requisite seniority list(s) and effect the promotions in issue at the earliest but not later than three (03) months.

Parties are left to bear their respective costs. File be consigned to the record room.

ANNOUNCED  
08.02.2021

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

  
(HAMID FAROOQ DURRANI)  
CHAIRMAN

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.02.2021	<p><u>Present.</u></p> <p>SMr. Bashir Khan Wazir, ... For appellant Advocate</p> <p>Mr. M. Riaz Khan Paindakhel, ... For respondents. Asstt. Advocate General</p> <p>Vide our detailed judgment, instant appeal is disposed of in view of the contents of paragraph 2 &amp; 3 of the judgment. The respondents are required to finalize the settlement of requisite seniority list(s) and effect the promotions in issue at the earliest but not later than three (03) months.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p style="text-align: center;">         (ATIQ-UR-REHMAN WAZIR)        Member(E)     </p> <p style="text-align: right;">         CHAIRMAN     </p> <p><u>ANNOUNCED</u> 08.02.2021</p>

14.01.2021

Junior counsel for appellant and Kabirullah Khattak learned  
AAG for respondents present.

Due to COVID-19, the case is adjourned to 08.02.2021 for  
the same as before.

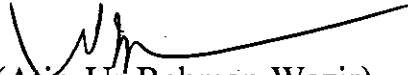
  
READER

01.12.2020

Junior to counsel for the appellant present.

Riaz Painsdakhel learned Assistant Advocate General for respondents present.

Former requests for adjournment as senior counsel for the appellant is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 14.12.2020 before D.B.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)


  
(Rozina Rehman)  
Member (J)

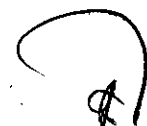
14.12.2020

Appellant present in person.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment as his counsel is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 14.01.2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

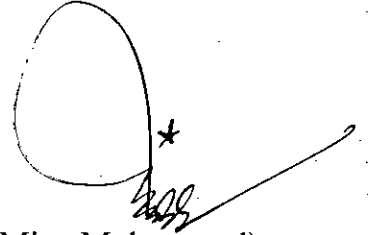
  
(Rozina Rehman)  
Member (J)

14.07.2020

Counsel for the appellant and Addl: AG for respondents present.

Counsel for the appellant submitted an application for deletion of respondents No. 2,3 and 4 which is placed on file.

To come up for further proceedings on 15.09.2020 before S.B.



(Mian Muhammad)  
Member(E)

15.09.2020

Counsel for the appellant and Addl. AG alongwith Saghir Musharaf, AD for respondents present.

On previous date of hearing, learned counsel for the appellant had submitted an application for deletion of respondents No. 1, 2 & 4 from the panel of respondents. The other side has no objection on such deletion.

Application is allowed and respondents No. 1, 2 and 4 are deleted from the panel of respondents. Office shall make entry to this effect in the memorandum of appeal and relevant register with red ink. Since Parawise comments of respondents No. 5, 6 and 7 have already been furnished, as such the matter is assigned to D.B for arguments on 01.12.2020. The appellant may furnish rejoinder, within one month, if so advised.



Chairman

17.02.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sagheer Musharif, Assistant Director on behalf of respondents No. 5 to 7 present. Representative of respondents No. 5 to 7 submitted written reply on behalf of respondents No. 5 to 7. The same is placed on record. None present on behalf of respondents No. 1 to 4 nor written reply on their behalf submitted, therefore, notices be issued to respondents No. 1 to 4 with the direction to direct the representatives to attend the court and submit written reply on the next date positively. Last chance is given to respondents No. 1 to 4 to furnish written reply/comments. To come up for written reply/comments on behalf of respondents No. 1 to 4 on 11.03.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

11.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Sagheer Musharraf, Assistant Director on behalf of respondents No. 5 to 7 present. Written reply on behalf of respondents No. 5 to 7 already submitted. To come up for written reply/comment on behalf of respondents No. 2, 3 & 4 on 20.04.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

20.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 14.07.2020 for the same. To come up for the same as before S.B.

  
**Reader**

07.01.2020

Appellant with counsel and Addl. AG for the respondents present.

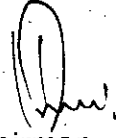
On behalf of appellant an application for substitution of respondents has been submitted. In essence the appellant desires to implead the following:-

1. Secretary, Population Welfare Khyber Pakhtunkhwa, Peshawar.
2. Director General, Welfare (Population) Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director, Population Welfare Merged Areas.

It is noted in the application that reply/comments from the above noted officers/officials may be necessary for just conclusion of the matter.

The office is required to endorse the above noted as respondents No. 5, 6 and 7 in the memorandum of appeal. Mr. Saghir Musharaf, AD accepts notice on behalf of the added respondents and requests for time to submit the reply.

Adjoined to 17.02.2020 before S.B.

  
Chairman



21.10.2019

Junior to counsel for the appellant present. Mr. Zia Ullah, learned Deputy District Attorney alongwith Sagheer Musharraf AD for the respondents present.

Representative of respondents requests for time to furnish written reply. Granted. To come up for written reply/comments on 21.11.2019 before S.B.

Chairman 

21.11.2019

Counsel for the appellant present. Nemo for the respondents.

Fresh notices be issued to the respondents for submission of written reply/comments on 07.01.20<sup>20</sup>19 by way of last chance.

Chairman 

28.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Stenotypist) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for promotion to the post of Agency Population Welfare Officer (BS-17).

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 26.08.2019 before S.B.



Member

26.08.2019

Nemo for appellant. Addl. AG alongwith Shah Nawaz, Junior Clerk for the respondents present.

Representative of the respondents requests for time. To come up for written reply/comments of the respondents on 24.09.2019 before S.B.

  
Chairman

24.09.2019

Nemo for the parties present.

Notices be issued to appellant/learned counsel as well as respondents. To come up for written reply/comments on 21.10.2019 before S:B.

  
Chairman

Appellant's Admitted  
Security & Process Fee



7/7/19

Form- A

FORM OF ORDER SHEET

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

Case No.- 658/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/05/2019	<p>The appeal of Mr. Ashraf Ali resubmitted today by Mr. Bashir Khan Wazir 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>
2-	22/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ashraf Ali son of Ali Abbas Khan Village Laka Teega Hati Khel FR Bannu received today i.e. on 07.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal may be attested.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexure-A of the appeal is missing.
- 5- Pages No. 15, 16, 17 and 20 of the appeal are illegible which may be replaced by legible/better one.
- 6- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 922 /S.T,

Dt. 10/5 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Bashir Khan Wazir Adv. Pesh.

*Objection removed  
plg to be placed before  
the bench.  
Bashir 21/5/19*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No 658 of 2019

Ashraf Ali .....Appellant

**V E R S U S**

Govt of KPK & others ..... Respondents

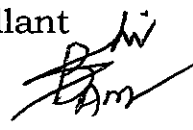
**I N D E X**

S NO	DESCRIPTION	ANNEX	PAGE
1.	Service Appeal	-	1-12
2.	Affidavit	-	13
3.	Copy of appointment order	A	14-16-A
4.	Copies of Regularization and Subsequent Notification dated 17 <sup>th</sup> Feb 2011	B	17-21
5.	copy of the Memorandum	C	22-23
6.	Copy of the Notification No FD/SO(FR) 10-22/2012	D	24-25
7.	Copy of notification F.No. 1(1)/ 2012-13/Pop/6261-77	E	26-27
8.	Copy of Notification No. SO (SSD) /FS/Pop/5(1)2013/3498-3517.on Dated 30-04-2013	F	28-30
9.	Copies of appeal comments of respondents, rejoinder of appellant and copy of the judgment of Peshawar High Court Peshawar	G	31-68
10.	Copy of Departmental Appeal	H	69-72
11.	Copy of Service rule	I	73-76
12.	Copies of appointment letters	J	77
13.	Wakalat Nama		78

Dated: 06.05.2019

Through:

Appellant

  
**Bashir Khan Wazir**  
Advocate,  
High Court, Peshawar

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

Service Appeal No 658 of 2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 719

Dated 7/5/2019

Ashraf Ali S/o Ali Abbas Khan village, Lakka Teega Hati Khel, FR  
Bannu, Presently Residing At Peshawar.

Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa Through Chief Secretary, Civil Secretariat Peshawar.
2. The Secretary Administration Infrastructure & Co-ordination FATA Secretariat, Warsak Road Peshawar.
3. The Secretary Social Sector, FATA Secretariat, Warsak Road Peshawar.
4. The Director Health & Population Welfare, FATA Secretariat, Warsak Road Peshawar.
5. Secretary Population welfare KP, Peshawar.
6. DGI, welfare (Population) KP, Peshawar.
7. Deputy, Director, Population welfare Merged Areas Respondents

order sheet  
07/01/20

**Filed to-day**  
**Registrar**  
7/5/19

Re-submitted to-day  
and filed.

**Registrar**  
21/5/19

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,**  
**AGAINST THE ACT OF RESPONDENTS, WHEREBY**  
**RESPONDENTS ARE NOT FOLLOWING THEIR RULES**  
**BY NOT CONSIDERING THE APPELLANT FOR**  
**PROMOTION ON THE POST OF AGENCY**  
**POPULATION WELFARE OFFICER BPS-17 AND THE**

**APPELLANT HAS BEEN DEPRIVED FROM HIS VESTED RIGHT OF PROMOTION, WHICH IS DUE SINCE 2015.**

Prayer in Appeal: -

On acceptance of this appeal the acts and conducts of the respondents in respect of being not considering the appellant for promotion to the post of Agency Population Welfare Officer BPS-17 since 2015, provided as per rules may kindly be declared illegal, unlawful, without lawful authority, against the natural justice, violation of rules and law and liable to be declared so. Accordingly the respondents be directed to promote the appellant for the post of Agency Population Welfare Officer BPS-17 as being due from 2015.

*Prescribed*

**BRIEF FACTS:-**

- 1) That appellant is a bonafide citizen of Pakistan and belongs to a respectable family of FR Bannu and serving as steno typist in Population Welfare Department FATA.
- 2) That the Appellant has been appointed as Steno typist in (BPS-12) on Adhoc basis vide office order no GS/E/100-19/pop/378-85 dated 22-03-2005 in the office of Population Welfare Department (FATA) on the recommendations of Selection Promotion Committee. (Copy of appointment order is attached as annexure "A").

F

3) That after made appointment, the Appellant got Medical fitness certificate and joined his duty against the Subject Post of Steno typist in concerned department on dated 02-04-2005, in this respect an arrival report has been prepared by the Agency Population Officer of N.W.A Agency Population Welfare Office Miranshah.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~



4) That the FATA Secretariat (Administration & Coordination Department) issued a Notification No. FS/C-11/52-1-4192-4202: on dated 20<sup>th</sup> of September, 2010 & Declared along with list of employees of Population Welfare Department **that the following staff of Population Welfare Department FATA here by granted the same Status, Privileges, increments and Promotion Prospects as are applicable to the employee of the Population Welfare Directorate Khyber Pakhtunkhwa With immediate effect:** in the said list the appellant placed as serial no 8, similarly in the light of above mentioned notification the FATA Secretariat (Administration & Coordination Department) issued another Notification No- FS/C-11/52-1909-18; along with list of employees, in pursuance of FATA Secretariat A&C Department Notification No FS/C-d 11/52-1-4192-4202 dated 20<sup>th</sup> August, 2010 &



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Supersession of Notification No /FS/C-11/52-1-41092 Dated 20<sup>th</sup> September 2010, the Status and terms and Conditions as respects remuneration, leave. C/P Fund, in case in case of the following employees as those to be recruited afterwards in Population Welfare Directorate FATA shall be the same as for the employees of Population Welfare Program in Khyber Pakhtunkhwa In employees list the Appellant is placed on serial no 8, from which the seniority of FATA Population Welfare Department employees are inferred.

- 5) That after issuance of the above mentioned Notification, the Population Welfare Directorate FATA Secretariat issued and circulated vide a letter No F.NO 1(1) vol-II/2011-12/Pop 5095-5111 dated 07/12/2011 and enclosed the subsequent notification of dated 17<sup>th</sup> Feb 2011 to All Agency Population Welfare Officer in respect of Regularization of employees of Population Welfare Department FATA, the Appellant was also being placed at serial no.8 in the said Notification and the Service of the Appellant was also being regularized. **(Copies of Regularization and Subsequent Notification dated 17<sup>th</sup> Feb 2011 are attached as annexure** ~~“B”~~)

- 6) That the Appellant was performing his duty for sufficient time to entire satisfaction of his high ups and no Complaint whatsoever has ever been forwarded against him, moreover when the appellant was performing his duty with great zeal and zest on the above mentioned respective post, In the meanwhile the government of Pakistan Finance Division (Regulation Wing) on the approval of the Prime Minister of Pakistan issued Office Memorandum F.No. 19(55)Legal .11/2010-1055 on the **Subject to Up-gradation of the Posts of Steno typist, Stenographer and Private Secretary** on dated 23-12-2011. **(copy of the Memorandum is attached as annexure ).**
- 7) That in the light of the above mentioned Office Memorandum the Government of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Issued a Notification No FD/SO(FR) 10-22/2012. Vide Dated 19<sup>th</sup> June 2012 in Subject that **the Competent authority has been Pleased to Record sanction to the enhancement of pay scales of the following posts in the provincial Secretariat of the Khyber Pakhtunkhwa, with effect from 23-12-2011.** in which the Steno typists are also mentioned on serial no 1 in the said Notification. **(Copy of the Notification No FD/SO(FR) 10-22/2012. Is attached as annexure .**

8) That after consequent upon the above mentioned notifications the respondent no 4 issued a Notification F.No. 1(1)/ 2012-13/Pop/6261-77 to the Agency Population Welfare Officer Khyber/ NWA on dated 09/08/2012 to the subject of **Up- gradation of the Posts of Steno typists, Stenographers and Private Secretary.** The present appellant was serving as Steno typist; also upgraded from BPS- 12 To BPS- 14 being beneficiary of the said notification mentioned in serial no 1 of the above mentioned notification. **(Copy of notification F.No. 1(1)/ 2012-13/Pop/6261-77 is attached as annexure "E").**

9) That the respondent no 3 on the recommendation of Departmental Promotion Committee vide Notification No. SO(SSD)/FS/Pop/5(1)2013/3498-3517.on Dated 30-04-2013 one Dr Lal Zari was already placed at serial at serial no 1 of the above mentioned list Promoted from BPS-17 to BPS-18 in the Population Welfare Department. **(Copy of Notification No. SO (SSD) /FS/ Pop/5(1)2013/3498-3517.on Dated 30-04-2013 as annexure "F").**

10) That on 16-09-2013 the Appellant submits his departmental representation/appeal for his Promotion under the Notified / adopted Rules to the Respondent No 4 and in the Pursuance of that application the

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respondents Peruse the case of the Appellant and made observation in respect of the Appellant appeal without considering the Appellant case for Promotion and raised objections and made reservations regarding the regularization of the services of the appellant, thereafter, the appellant had approached to the Hon,ble Peshawar High Court Peshawar for clarification of his service status being regular employee as well as sought promotion to BPS-17 as Agency Population Welfare Officer, accordingly the respondents submitted their comments and raised objections regarding the regularization of appellant and his other colleagues which have already been regularized by the Government, the appellant also rebutted the said objections and submitted his rejoinder, thereafter the Hon,ble High Court has passed a judgment and the appellant has been declared as civil servant for being directed to approached the service Tribunal. **(Copies of appeal comments of respondents, rejoinder of appellant and copy of the judgment of Peshawar High Court Peshawar are attached as Annex "G" )**.

- 11) That the appellant is serving since 2005 and his Promotion is due from 2015 to the Post of Agency Population Officer BPS-17, though despite of the fact that according to the Rules of Population Welfare

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Department, appellant was eligible for the said Promotion, yet the respondents neither entertains the application / Appeal of appellant nor considered for his due Promotion to BPS-17 as Agency Population Welfare Officer. **(Copy of Departmental Appeal is attached as annexure "A")**.

- 12) That the Respondent No 3 without any rhymes and reasons delayed and not accepting the departmental appeal, neither issued Promotion notification/order in favour of appellant, hence it is impliedly declined on completion of statutory period, hence the appellant is constrained to files the instant **Service Appeal** for Promotion to the Post of BPS-17 as Agency Population Officer on the following grounds inter-alia!

**GROUND:-**

- A) That the act of Respondents is unlawful, illegal, void ab-initio and in disregard of law applicable to the matter.
- B) That the appellant being in service since 2005 initially on adhoc basis and later on the said post had upgraded and also regularized through different notifications issued by the competent authority, while the respondents declined to promote the appellant on his due post and Appellant was declined the same treatment and was discriminated.

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- C) That in the similar circumstances, some of the employees belongs to the same department was also regularized and promoted to higher post in which one namely Dr Lal Zari also has also been promoted to BPS 18 and the appellant was being tantamount entitled for the same treatment as provided under the rules however the respondents highly discriminated to the appellant.
- D) That Appellant meeting being fulfilling the same criteria was deem to have been validly appointed on regular basis, but declined to favour blue eyed from whom the Appellant being qualified, eligible and competent for the said promotion has acquired the status of regular employees.
- E) That the Appellant serving as Steno typist in BPS-14 since 2005 and the Department of Respondents having adopted rules in respect of promotion / appointment of their employees in which the minimum qualification prescribed for the initial recruitment for the post of the Agency population Welfare Officer / deputy APWO BPS-17 as mentioned below (a) Second class Master's Degree or equivalent from recognized university social work, sociology, Anthropology, Science, Population Studies, B-Pharmacy, (b) M.B.B.S or equivalent

qualification recognized PMDC. And also method of appointment has been prescribed (a) 70% by the initial recruitment through the KPK public Service Commission, and (b) 30% by promotion on the basis of seniority cum fitness, from amongst Accountants, account assistant and Stenographers with 10 years' service in the department and having Masters Degree from recognized university, the Appellant being eligible for promotion to BPS-17 APWO having completion of 10 years service as Steno Typist in the said department, the denial of the Respondents regarding promotion of the Appellant being discriminatory one, unlawful, against the fundamental rights and violation of vested right of the Appellant, hence the Act of Respondent liable to be declared null and void.

**(Copy of Service rule is attached as annexure "I").**

- F)** That in the Respondent department already appointed employees on the recommendation of KPK service commission in BPS-17 and 14 by initial recruitment, it is worth to mention here that the Respondents already fulfilled the 70% employee of initial recruitment through public service Commission and the Appellant having fulfilling the criteria for the post of Agency

(11)

Population Welfare Officer BPS-17 on the basis of Promotion, but the refusal of the Respondents amounts to violation of law and rules, liable to be declare null and void in the eyes of law. **(Copies of appointment letters are attached as annexure 11)**.

- G) That the Appellant has approached to Respondents for his promotion from the post of Steno Typist to Agency Population welfare officer, and despite of fact that the Appellant filed several appeals to the Respondents and eligible for the same promotion, but the Respondents even mentioned in their notes on the promotion, but the Respondents even mentioned in their notes on the Application of Appellant and categorically stated that for the same post the eligibility criteria is required 10 years service, on the basis of promotion.
- H) That the department is violating all the basic fundamental rights and protections given in the Constitution of Islamic Republic of Pakistan, 1973.
- I) That the conduct of Respondents is offending the principles of natural justice, equity and fair play.
- J) That in the peculiar facts and circumstances of the case, the interference of this Honourable Court is warranted under the law.



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- K) That the appellant serving as steno typist in BPS-14 since 2005 and the respondents department
- L) That other grounds will be raised at the time of arguments with the permission of this Honourable Court.

**It is, therefore,** respectfully prayed that **On acceptance of this appeal the acts and conducts of the respondents in respect of being not considering the appellant for promotion to the post of Agency Population Welfare Officer BPS-17 since 2015, provided as per rules may kindly be declared illegal, unlawful, without lawful authority, against the natural justice, violation of rules and law and liable to be declared so. Accordingly the respondents be directed to promote the appellant for the post of Agency Population Welfare Officer BPS-17 as being due from 2015.**

**Any other relief, which this Honourable Court deems just and appropriate in the circumstances of the case, not specifically asked for, may also be granted in favour of Appellant.**

*Ashtoraf Ali*  
Appellant

Through:

  
Dated: 06-05-2019

*Bashir Khan Wazir*  
**Bashir Khan Wazir**  
Advocate,  
High Court, Peshawar

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

Service Appeal No \_\_\_\_\_ of 2019

Ashraf Ali .....Appellant

**VERSUS**

Govt of KPK & others ..... Respondents

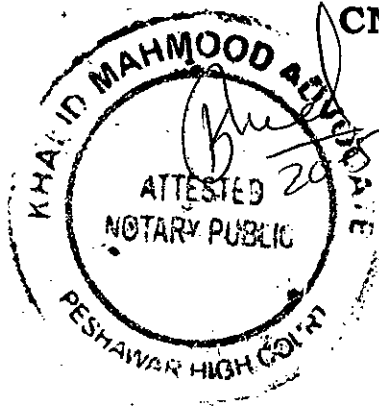
**AFFIDAVIT**

I, Ashraf Ali S/o Ali Abbas Khan village, Lakka Teega Hati Khel, FR Bannu, Presently Residing At Peshawar, do hereby solemnly affirm and declare on Oath that all the contents of accompanied **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed **OR** withheld from this Honourable Court.

*Ashraf Ali*

**DEPONENT**

CNIC # 11101-1457130-3



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Annexure 'A'

GOVERNOR'S SECRETARIAT (FATA)  
POPULATION WELFARE DEPARTMENT (FATA)

OFFICE ORDER

14

On the recommendations of Selection/Promotion Committee the Competent Authority has been pleased to appoint the following candidates as Stenotypist in (BPS-12) with admissible allowances on ad-hoc basis for a period of six months or till the arrival of nominee of Public Service Commission, whichever is earlier, as prescribed in the following term & conditions:-

S.No	Name	Father Name	Address
1	Muhammad Ihtiaq	Abdul Rauf	Village Mala Khujaurh Daulat Khel Mala Khel Tehsil Bara Khyber Agency
2	Muhammad Taruf	Abdul Latif	Village : Ghandai Kokikhel Meena Khel Jamrud Khyber Agency
3	Imdadullah	Jani Mula	Village Shagai Tehsil Khar P.O Loisam Bajaur Agency
4	Ashraf Ali	Ali Abbas Khan	Village Lakka Feoga, Hali Khel FR Bannu
5	Niaz Muhammad	Lal Muhammad	Village Kogpand, Masood Safi Mohmand Agency

TERM AND CONDITIONS OF EMPLOYMENT ON CONTRACT BASIS.

1. BPS-12 Pay ( 2745-195-8595 )
2. Period of contract will be 6 Months or till the arrival of nominee of Public Service Commission, whichever is earlier. The contract period of 6 months will automatically be terminated on expiry of the stipulated period however it can be extended only through a fresh order in writing by the competent authority prior to the expiry of contract period.
3. Annual Increment will be admissible after completion of one year of service
4. Conveyance allowance as per Government rules.
5. House Rent allowance (As per Government Rules)
6. Leave, TA/DA and medical allowance (as per Government Rules)
7. Notice period for termination of contract:- Two months notice or 10 months salary in lieu thereof.
8. Benevolent Fund:- Same facilities as admissible to government Servants.
9. Contributory Provident Fund:- 5% of minimum of pay by the employees and 5% of contribution by the Government.
10. The employees appointed on contract will not contribute to G.P. Fund and shall not be entitled to Pension and Gratuity benefits
11. Subsequent to appointment, the employee will remain on probation for a period of 6 months and if they do not come up to the required standard and skill or fails to fulfil the requirement of the post, they will be straightaway terminated from Service.

Authorized  
Signature



15

if you agree to the above terms & condition, you should report for duty and sign the agreement as well as produce medical fitness certificate from the authorized Medical Officer within 10 days of the issuance of this order. In case of non joining the duty by any appointee within the stipulated period, his appointment order will stand cancelled automatically.

Deputy Director (Population)

No. GS/E/60-19/Pop/ 378-85  
Dated 27/5/2005  
Copy to



1. Deputy Secretary (Finance)
2. Deputy Secretary (Admn)
3. Additional Accountant General (PR) Sub Office Peshawar
4. All Agency Population Welfare Officers
5. Agency Accounts Officer
6. Budget & Accounts Officer Population Welfare Department
7. PS to Secretary to Governor
8. Officers concerned.

*[Signature]*  
Deputy Director (Population)

*Attended*  
*[Signature]*

FATA SECRETARIAT  
(Administration and Coordination Department)  
Date Peshawar the 17<sup>th</sup> of February, 2011

NOTIFICATION

Annexure CB<sup>2</sup>

No. FS/C-11/52-1 909-18 : In pursuance of FATA Secretariat A&C Department Notification No FS/C-d 11/52-1-4192-4202 dated 20<sup>th</sup> August, 2010 and in supersession of Notification No/FS/C-11/52-1-41092 dated 20<sup>th</sup> September, 2010 the status and terms and conditions as respects remuneration, leave, C/P Fund, in case of the following employees as well as those to be recruited afterwards in Population Welfare Directorate FATA shall be the same as for the employees of Population Welfare program in Khyber Pakhtunkhwa.

(17)

S/No	Name of the employee with academic Qualification	Date of first entry into PWD FATA	BPS	Method of appointment
1.	2.	3.	4.	5.
1.	Dr/Lal Zari MBBS, MPH, MSCIH	26/07/2006	BPS-17	By initial recruitment
2.	Shahid Ali MA	12/09/2007	BPS-17	do
3.	S/Imran Ali Shah MA	12/09/2007	BPS-17	do
4.	Azmat Khan BA		BPS-12	do
5.	Ashraf Khan MBA	10/03/2008	BPS-12	do
6.	Fazli Mabood M/Sc	22/03/2005	BPS-12	do
7.	Razi ullah MA	10/03/2008	BPS-12	do
8.	Ashraf Ali BA	02/04/2005	BPS-12	do
9.	Ziyad Khan MA	10/03/2008	BPS-12	do
10.	M Ibrahim B/Com	04/04/2005	BPS -11	do
11.	Rashid Khan M/Com	10/03/2008	BPS -11	do
12.	Imran Ali MBA	10/03/2008	BPS -11	do
13.	Imam Ullah Akhoonzada CAT	10/03/2008	BPS -11	do
14.	Rozia Nazli FA	02/04/2005	BPS-11	do
15.	Bushra Kiran FA	01/11/2005	BPS-09	do
16.	Shahana Hakeem FA	24/03/2005	BPS-09	do
17.	Hazrat Khanam FA	04/04/2008	BPS-09	do
18.	Khayal Meena FA	01/11/2005	BPS-09	do
19.	Sajida Bibi FA	21/10/2005	BPS-09	do
20.	Shehnaz Begum FA	06/04/2005	BPS-09	do
21.	Khayal Bibi FA	24/03-2005	BPS-09	do
22.	Zahida FA	24/03-2005	BPS-09	do
23.	Rabal Manoon FA	04/04/2005	BPS-09	do

Received  
B.W.  
Bmr

Section Officer (Co-Ord-11)  
Governor's Secretariat (FATA)  
Peshawar

1.	2.	3.	4.	5.
24.	Shaista Parveen FA	06/04/2005	BPS-09	do
25.	Fouzia Begum S/O Gulam Qadir FA	24/03/2005	BPS-09	do
26.	Qurat ul' Ain D/o Abdul Azizi FA	27/12/2007	BPS-09	do
27.	Shabnam Bibi FA	01/01/2008	BPS-09	do
28.	Rukhsana Parveen	08/06/2007	BPS-09	do
29.	Shamshad Bibi /Abdul Aziz	27/12/2007	BPS-09	do
30.	Zainab Bibi	01/06/2007	BPS-09	do
31.	Nusrat Fazal	04/01/2008	BPS-09	do
32.	Qurat ul Ain D/o Iltaf Perviz FA	01/06/2007	BPS-09	do
33.	Bibi Rubab	27/12/2207	BPS-09	do
34.	Aziza	21/10/2005	BPS-09	do
35.	Mamoona Ambreen	01/06/2007	BPS-09	do
36.	Fazeelat Anjum	27/12/2007	BPS-09	do ✓
37.	Shamim	27/12/2007	BPS-09	do
38.	Naeema Bibi	27/12/2007	BPS-09	do
39.	Sana Sardar	27/12/2007	BPS-09	do
40.	Shamshad Bibi D/o Mer Shahnawaz SSC	27/12/2007	BPS-09	do ✓
41.	Nousheen Gohar	01/06/2007	BPS-09	do
42.	Samina Naheed	01/06/2007	BPS-09	do
43.	Irum Usman	04/04/2007	BPS-09	do ✓
44.	Gul Naz Bibi	04/04/2007	BPS-09	do ✓
45.	Anmol Gulwish	04/04/2007	BPS-09	do
46.	Robina Bashir	21/10/2005	BPS-09	do ✓
47.	Kausar Fida	21/10/2005	BPS-09	do
48.	Tamseela Shah	21/10/2005	BPS-09	do
49.	Robcena Shafeeq	21/10/2005	BPS-09	do ✓
50.	Maryam	17/03/2010	BPS-09	do
51.	Khursheed Fatima	17/03/2010	BPS-09	do
52.	Nazia Malik	17/03/2010	BPS-09	do
53.	Musarat	17/03/2010	BPS-09	do
54.	Sakeela	24/03/2005	BPS-09	do
55.	Bibi Asma Mulzam Shah	27/12/2007	BPS-09	do
56.	Tahira Mohsin	17/03/2010	BPS-09	do
57.	Amina	17/03/2010	BPS-09	do
58.	Samina Tabbassum	24/03/2005	BPS-09	do
59.	Shabina Begum	17/12/2007	BPS-09	do
60.	Saima Gul	21/10/2005	BPS-09	do ✓
61.	Tahira D/o Ali khan	24/03/2005	BPS-09	do
62.	Shabana Nabi	01/06/2007	BPS-09	do
63.	Sabir Rehman	19/02/2007	BPS-07	do
64.	Said Habib	19/02/2007	BPS-07	do
65.	Fakhr-e-Alam	17/03/2010	BPS-07	do
66.	Abida Begum FA	21/10/2005	BPS-05	do
67.				

*Handwritten signature*  
 17/03/2010  
 30/03/2010



18

Admitted

Shah  
Durr

~~NWA~~

~~NWA~~

Teacher Shah

Section Officer (College) /  
Section Officer (College) /  
Section Officer (College) /  
Section Officer (College)

1.	2.	3.	4	5.
68.	Humaira Irum FA	21/10/2005	BPS-05	do
69.	Rani Gul FA	21/10/2005	BPS-05	do
70.	Naseema Bibi FA	30/05/2007	BPS-05	do ✓
71.	Azra Begum FA	21/10/2005	BPS-05	do
72.	Falak Naz FA	21/10/2005	BPS-05	do
73.	Fatima Bibi FA	21/10/2005	BPS-05	do ✓
74.	Rukhsana Shaheen FA	20/10/2005	BPS-05	do ✓
75.	Alia Bibi D/o Abdululdayan FA	30/05/2007	BPS-05	do ✓
76.	Nazrana Nabi FA	30/05/2007	BPS-05	do
77.	Rabia Ubaid FA	30/05/2007	BPS-05	do
78.	Gul Nasreen FA	30/05/2007	BPS-05	do
79.	Shazia Parveen FA	17/03/2010	BPS-05	do
80.	Tanzeela Begum FA	17/03/2010	BPS-05	do
81.	Jamila Parveen FA	17/03/2010	BPS-05	do
82.	Shahnaz Mehboob FA	17/03/2010	BPS-05	do
83.	Baghi Gul FA	17/03/2010	BPS-05	do
84.	Ruqia Ghani FA	17/03/2010	BPS-05	do
85.	Ajia Akhtar FA	30/05/2007	BPS-05	do
86.	Rabia Muslim FA	30/05/2007	BPS-05	do
87.	Sidra Saeed FA	30/05/2007	BPS-05	do
88.	Safina Bibi FA	30/05/2007	BPS-05	do
89.	Adia Bibi FA	30/05/2007	BPS-05	do
90.	Nasreen Bibi FA	02/01/2008	BPS-05	do
91.	Mehnaz Akhtar FA	02/01/2008	BPS-05	do ✓
92.	Naseema Hussain ghulam FA	02/01/2008	BPS-05	do
93.	Safia Bibi D/o Fazl ghani FA	02/01/2008	BPS-05	do
94.	Khair-un-Nisa FA	02/01/2008	BPS-05	do
95.	Nayab BA	02/01/2008	BPS-05	do
96.	Shazia Gul FA	02/01/2008	BPS-05	do
97.	Safia Aamir FA	02/01/2008	BPS-05	do
98.	Shamim D/O Sher Arzal FA	02/01/2008	BPS-05	do
99.	Fouzia D/o Amer FA	02/01/2008	BPS-05	do
100.	Hilal Begum FA	02/01/2008	BPS-05	do



1.	2.	3.	4.	5.
102	Fathma Noreen	02/01/2008	BPS-05	do
103	Zainab Bibi FA	24/03/2005	BPS-05	do ✓
104	Yasmeen Begum FA	24/03/2005	BPS-05	do
105	Syeda Aasma FA	24/03/2005	BPS-05	do
106	Saloon Bibi FA	24/03/2005	BPS-05	do ✓
107	Manazra Gul FA	24/03/2005	BPS-05	do ✓
108	Robina Akhtar FA	24/03/2005	BPS-05	do
109	Rifat Iqbal FA	24/03/2005	BPS-05	do
110	Sofia Hassan FA	24/03/2005	BPS-05	do
111	Naveeda FA	24/03/2005	BPS-05	do
112	Farzana Saif FA	24/03/2005	BPS-05	do
113	Shabina Begum FA	24/03/2005	BPS-05	do
114	Dilshad Begum FA	27/06/2007	BPS-05	do
115	Bibi Marjana FA	27/06/2007	BPS-05	do
116	Hameeda FA	21/10/2005	BPS-05	do
117	Fazli Rehman FA	22/03/2005	BPS-05	do
118	Aman ullah FA	22/03/2005	BPS-05	do
119	Muhammad Saleem FA	22/03/2005	BPS-05	do
120	Ali Akbar Shazad FA	22/03/2005	BPS-05	do
121	Hussain Rehman FA	22/03/2005	BPS-05	do
122	Shoaib Khan FA	22/03/2005	BPS-05	do
123	Tahir Khan FA	22/03/2005	BPS-05	do
124	Kifayat Ullah FA	22/03/2005	BPS-05	do
125	Aziz Ahmed FA	22/03/2005	BPS-05	do
126	Waseem Mallok FA	22/03/2005	BPS-05	do
127	Muhammad Saleem FA	22/03/2005	BPS-05	do
128	Tehseen Ullah FA	22/03/2005	BPS-05	do
129	Faqir Ali FA	22/03/2005	BPS-05	do
130	Ali Khan FA	22/03/2005	BPS-05	do
131	Mumtaz Ali FA	22/03/2005	BPS-05	do
132	Shafiullah FA	22/03/2005	BPS-05	do ✓
133	Sajjad Khan FA	22/03/2005	BPS-05	do ✓
134	Ifkhar Ahmed FA	22/03/2005	BPS-05	do ✓
135	Aman Ullah S/O Nisar Ahmad FA	22/03/2005	BPS-05	do
136	Nasir Ullah FA	30/03/2005	BPS-05	do ✓
137	Imran Ullah FA	30/03/2005	BPS-05	do ✓
138	Muhammad Naeem FA	20/10/2005	BPS-05	do
139	Muhammad Sadiq FA	20/10/2005	BPS-05	do
140	Zeeshan Ali FA	17/03/2005	BPS-05	do

*Teacher Shah*

1.	2.	3.	4.	5.
142	Alamgir Ali FA	17/03/2005	BPS-05	do
143	Jibdan Ali FA	17/03/2005	BPS-05	do
144	Jan Muhammad FA	20/10/2005	BPS-05	do
145	Muhammad Imran FA	13/02/2007	BPS-05	do ✓
146	Umar Afridi FA	13/02/2007	BPS-05	do
147	Khalid-ur-Rahman FA	13/02/2007	BPS-05	do
148	Talat Hussain FA	13/02/2007	BPS-05	do
149	Shakir Khan FA	13/02/2007	BPS-05	do
150	Syed Mehdi Shah FA	13/02/2007	BPS-05	do
151	Muhammad Pervez FA	13/02/2007	BPS-05	do
152	Asad Ali FA	29/06/2007	BPS-05	do
153	Hameed Ullah MA	29/06/2007	BPS-05	do
154	Noor Saeed FA	29/06/2007	BPS-05	do
155	Miraj Ali FA	14/12/2007	BPS-05	do
156	Aziz-ur-Rahman FA	14/12/2007	BPS-05	do
157	Kashif Rasheed FA	14/12/2007	BPS-05	do
158	Zia-ur-Rahman FA	14/12/2007	BPS-05	do ✓
159	Abdul Wahab FA	14/12/2007	BPS-05	do
160	Murad Ali FA	14/12/2007	BPS-05	do ✓
161	Tariq Hussain FA	14/12/2007	BPS-05	do
162	Saif Ullah	17/03/2007	BPS-05	do ✓
163	Ikram Ullah	17/03/2007	BPS-05	do
164	Naseer Khan	17/03/2007	BPS-05	do
165	Sami Ullah	17/03/2007	BPS-05	do ✓
166	Inayat Ullah	17/03/2007	BPS-05	do
167	Shabeer Hussain FA	17/03/2007	BPS-05	do
168	Naik Shad	17/03/2007	BPS-05	do
169	Amir Wali	17/03/2007	BPS-05	do
170	Muhammad Riaz	17/03/2007	BPS-05	do
171	Ijaz Khan FA	13/07/2007	BPS-05	do
172	Muddasir Shah FA	12/07/2007	BPS-05	do
173	Shakeel Khan Middle	26/03/2005	BPS-02	do
174	Daud Jan Middle	26/03/2005	BPS-02	do
175	Shamim Middle	21/10/2005	BPS-02	do
176	Bibi Saeeda Middle		BPS-02	do
177	Robeena Middle	21/10/2005	BPS-02	do
178	Rohal Ameen Middle	21/10/2005	BPS-02	do
179	Basreena Bibi Middle	21/10/2005	BPS-02	do
180	Naseeb Jana Middle	21/10/2005	BPS-02	do
181	Alia Bibi Middle	21/10/2005	BPS-02	do ✓
182	Meer Zubana Middle	21/10/2005	BPS-02	do
183	Rubina Middle	21/10/2005	BPS-02	do
184	Tauheed Bibi Middle	24/01/2008	BPS-02	do
185	Fatima Bibi Middle	24/01/2008	BPS-02	do
186	Laiqa Bibi Middle	24/01/2008	BPS-02	do ✓
187	Razia Bibi Middle	24/01/2008	BPS-02	do
188	Khan Wada Middle	24/01/2008	BPS-02	do
189	Noor Jehan Middle	17/03/2010	BPS-02	do



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*Handwritten signatures and initials on the right margin.*

Secretary  
Secretary

1.	2.	3.		5.
190	Banish Naheed Middle	17/03/2010	BPS-02	do
191	Surfat Begum Middle	17/03/2010	BPS-02	do
192	Shazia Nawaz FA	17/03/2010	BPS-02	do
193	Sabra Bibi Middle	24/01/2008	BPS-02	do
194	Seema Gul Middle	24/01/2008	BPS-02	do
195	Jehan Bibi Middle	24/01/2008	BPS-02	do
196	Gul Naz Middle	24/01/2008	BPS-02	do
197	Litaf Begum Middle	10/08/2007	BPS-02	do
198	Zakia Bibi Middle	17/05/2007	BPS-02	do ✓
199	Jamila Shaheen Middle	17/05/2007	BPS-02	do
200	Shahida Bibi Middle	17/05/2007	BPS-02	do
201	Begum Jana	17/05/2007	BPS-02	do
202	Nazia Bibi Middle	21/10/2005	BPS-02	do
203	Imtiaz Begum Middle	17/05/2007	BPS-02	do
204	Irshad Begum Middle	17/05/2007	BPS-02	do
205	Imrana Tabassum Middle	24/03/2005	BPS-02	do
206	Tahira Bano Middle	24/03/2005	BPS-02	do
207	Ribi Asma Middle	24/01/2008	BPS-02	do
208	Awaya Bibi Middle	24/03/2005	BPS-02	do ✓
209	Naseema Rizwan/ Middle	24/03/2005	BPS-02	do
210	Seema Gul/ Middle	24/03/2005	BPS-02	do
211	Salma Begum/ M	24/03/2005	BPS-02	do
212	Razia Batool / Middle	24/03/2005	BPS-02	do
213	Rashida / Middle	24/03/2005	BPS-02	do
214	Bakht Zada/ Middle	24/03/2005	BPS-02	do ✓
215	Niaz Bibi/ Middle	24/03/2005	BPS-02	do
216	Shifa Bibi/ Middle	24/03/2005	BPS-02	do ✓
217	Ayuba Bibi / Middle	24/03/2005	BPS-02	do ✓
218	Mehran Bibi/ Middle	24/03/2005	BPS-02	do ✓
219	Khan Zada/ Middle	24/03/2005	BPS-02	do
220	Islamia Bibi / Middle	24/03/2005	BPS-02	do
221	Abida Begum / Middle	24/03/2005	BPS-02	do
222	Naheed Begum/ Middle	24/03/2005	BPS-02	do
223	Noor Shamala / Middle	24/03/2005	BPS-02	do ✓
224	Najma Bibi/ Middle	24/03/2005	BPS-02	do ✓
225	Shama Parveen/ Middle	24/03/2005	BPS-02	do
226	Sajida / Middle	24/03/2005	BPS-02	do
227	Hunar Parveen / Middle	24/01/2008	BPS-02	do
228	Seema Gul/ Middle	29/05/2007	BPS-02	do
229	Tasleema Begum/ Middle	29/05/2007	BPS-02	do
230	Noor Zamen/ Middle	29/05/2007	BPS-02	do
231	Gul Dawaz/ Middle/ Middle	22/02/2007	BPS-02	do
232	Tahseen Ullah/ FA 03/04/1974	13/02/2007	BPS-02	do
233	Sarzmeen / Middle	17/03/2007	BPS-02	do

*Handwritten signature*  
 Director of Education  
 District Office, Faisalabad

NWA

234 Ijaz Khan/ Middle 26/04/2007 BPS-02 do

2/ The appointment by initial recruitment as well as by promotions shall be made in accordance with the prescribed method already circulated vide Notification FS/C-d-11/52-1-192-4202 dated 20<sup>th</sup> August 2010.

Secretary  
Administration and Coordination

Endorsement No & Date even

Copy to:

- 1. Secretary to Governor Khyber Pakhtunkhwa
- 2. Federal Secretary, Ministry of Population Welfare, Islamabad
- 3. Federal Director General Population Welfare Islamabad
- 4. All Secretaries in FATA Secretariat
- 5. The Director Health Services FATA
- 6. The Deputy Director Population Welfare FATA

20

*Muhammad Ghani*  
Section Officer C-1  
Administration & Coordination  
FATA Secretariat

*Attended*  
*Prir*

Charter  
Orsi-111  
riat (FATA)

# POPULATION WELFARE DIRECTORATE FATA SECRETARIAT

STREET NO: 05 HOUSE NO: 05 ABSHAR COLONY WARSAK ROAD PESHAWAR  
Email: populationfata@gamil.com Ph: 0919239315, 0919212711 Fax: 0919212711

F.No 1(1) Vol-II/2011-12/Pop 5095-5111

Dated 07/12/2011

To

All Agency Population Welfare Officer

Subject: REGULARIZATION OF EMPLOYEES OF POPULATION WELFARE DEPARTMENT FATA.

Enclosed please find herewith, FATA Secretariat Admin & Coordination Department Notification No.FS/C/11/52-1/909-18 dated 17<sup>th</sup> February 2011 on the subject noted above for information and necessary action please.


It is, therefore, requested to update the service books as per above notification in the best interest of department.

(Enclosed as above)


  
Dr Lal Zari  
Deputy Director  
Population Welfare Directorate  
FATA

Copy forwarded to:

- Secretary Admin & Coordination FATA Secretariat for information please.
- Director Health & Population Welfare FATA Secretariat for information please.
- Accountant General Sub Office Peshawar for information & necessary action please.
- All Agency Account Officers for information & necessary action please.

  
Deputy Director  
Population Welfare Directorate  
FATA

19.	Sajida Bibi FA	21/10/2005	BPS-09	do
20.	Shehnaz Begum FA	06/04/2005	BPS-09	do
21.	Khayal Bibi FA	24/03-2005	BPS-09	do
22.	Zahida FA	24/03-2005	BPS-09	do
23.	Rabal Manoon FA	04/04/2005	BPS-09	do

  
Section Officer (Co-Ord-III)  
Population Welfare Directorate (FATA)

Annexure "C" (3)

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*

F.No.19(55)Legal-II/2010-1055

Islamabad, the 23<sup>rd</sup> December, 2011

OFFICE MEMORANDUM

Subject: UPGRADATION OF THE POSTS OF STENOGRAPHER AND PRIVATE SECRETARY

The undersigned is directed to say that consequent upon approval of the Prime Minister of Pakistan, the posts of Private Secretaries, Stenographers and Stenotypists have been upgraded with immediate effect subject to fulfillment of the conditions mentioned against each:-

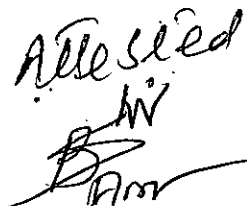
Sr #	Name of the Post	Existing BS	Upgraded BS	Conditions
1	Private Secretary	17	-	Will continue to remain in BS-17 and will be granted BS-18 after putting in 5 years satisfactory service instead of 7 years. The Private Secretaries in BS-18 will further be granted BS-19 after putting in 12 years service in BS-17 and above taking benefit of Establishment Division's O.M.No.1/9/80-R-II, dated 2-6-1983. However, on grant of BS-19 nomenclature of the post will be Senior Private Secretary.  The existing Private Secretaries in BS-17 will be granted BS-18 on one time basis, irrespective of their length of service in BS-17.
2	Stenographer	15	16	With enhancement of qualification for initial appointment from Intermediate to Graduation.
3	Stenotypist	12	14	With enhancement of qualification for initial appointment from Matriculation to Intermediate.

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

2. The Establishment Division will amend the recruitment rules of the above said posts, accordingly.

  
(Muhammad Asim Awan)  
Section Officer (R-I)


All Ministries/Divisions/Departments.



P.T.O.

Copy also forwarded for information to

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisers attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box.No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Ministers Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M.Secit. (Public) Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.

  
(Muhammad Azam Arwan)  
Section Officer (R-1)

*Attended*  
*[Signature]*

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

(Regulation Wing)

Dated Peshawar the, 19<sup>th</sup> Juno 2012

Annexure ee D<sup>o</sup>

**NOTIFICATION**

No.FD/SO(FR)10-22/2012.

The competent authority, has been pleased to accord sanction to the enhancement of pay scales of the following posts, in the Provincial Secretariat, of the Khyber Pakhtunkhwa, with effect from 23-12-2011.

S#	Nomenclature of the Post	Existing Pay Scale	Enhanced Pay Scale.
1-	Stenographers	BPS-12	BPS-14
2-	Senior Scale Stenographer	BPS-15	BPS-16
3-	Personal Assistants	BPS-15	BPS-16
4	Private Secretaries	BPS-16	BPS-17

29

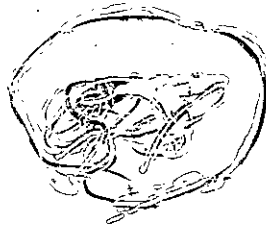
- i) - The pay of the existing incumbents of the posts shall be fixed in the higher pay scale at a stage next above the pay in the lower pay scale.
- ii) - With effect from 23.12.2011, the academic qualification for initial recruitment against the posts of Stenographers (BPS-14) will be Intermediate or equivalent and against the posts of Senior Scale Stenographers / PAs (BPS-16) will be Graduation or equivalent.
- iii) - The Establishment & Administration Department, will amend the service rules, accordingly.
- iv) - For the posts of Stenographers, Senior Scale Stenographers, Personal Assistants and Private Secretaries, in the Secretariat, a separate "Private Secretaries" cadre will be constituted and notified by the Establishment & Administration Department.
- v) - The existing Private Secretaries of the Secretariat, shall have an option to exercise for "Private Secretaries cadre" or for "PMS cadre", within 60-days, from the date of issuance of notification, for the constitution of separate "Private Secretaries cadre". The option once exercised shall be final, and shall not be modified or withdrawn.
- vi) - Only those Private Secretaries of the Secretariat, will be entitled for the enhanced Pay Scale (BS-17) who opt for "Private Secretaries cadre". Those who opts for the PMS cadre, will continue to be in BS-16.
- vii) - The Personal Assistants (BPS-16) of the Secretariat, shall have an option to exercise for "Private Secretaries cadre" or for "PMS cadre", within 60-days from the date of issuance of notification, for the separate "Private Secretaries cadre". The option once exercised shall be final and shall not be modified or withdrawn.
- viii) - If a Private Secretary or a Personal Assistant of the Secretariat fails to exercise his option for any one of the cadre, within the prescribed limit of 60-days, it will be deemed that he has opted for the "Private Secretaries cadre" and as such he will not be allowed to change the cadre later on.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Approved  
[Signature]

03139448399





Jun 30 2012 02:13:54 PM

FRM 101

FRM 101

Jun 19 2012 02:02:04 PM

**Erds No. & Data Even.**

**Copy is forwarded to**

DS

- 1- All Administrative Secretaries, Khyber Pakhtunkhwa.
- 2- Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3- Accountant General, Khyber Pakhtunkhwa.
- 4- Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
- 5- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6- Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 7- Registrar, Peshawar High Court, Peshawar.
- 8- Registrar Khyber Pakhtunkhwa Public Service Commission Peshawar.
- 9- Registrar Service Tribunal, Khyber Pakhtunkhwa.
- 10- Secretary to Government of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
- 11- PS to Minister for Finance Khyber Pakhtunkhwa.
- 12- PS to Chief Secretary, Khyber Pakhtunkhwa.
- 13- PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
- 14- Director FMIU, Finance Department for placing the same on the Website of Finance Department.
- 15- PS to Secretary Finance Department, Khyber Pakhtunkhwa.
- 16- PAs to all Additional Secretaries/Deputy Secretaries in Finance Department, Khyber Pakhtunkhwa.
- 17- All Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa.

*[Signature]*  
SECTION OFFICER (FR)

*As per need*  
*[Signature]*

Annexure (E)

Government of Pakistan  
Finance Division  
(Regulations Wing)  
\*\*\*

26

F.No.19(55)Legal-II/2010-1055

Islamabad, the 23<sup>rd</sup> December, 2011

OFFICE MEMORANDUM

Subject: UPGRADATION OF THE POSTS OF STENOGRAPHER, STENOGRAPHER AND PRIVATE SECRETARY

The undersigned is directed to say that consequent upon approval of the Prime Minister of Pakistan, the posts of Private Secretaries, Stenographers and Stenotypists have been upgraded with immediate effect subject to fulfillment of the conditions mentioned against each:-

Sr #	Name of the Post	Existing BS	Upgraded BS	Conditions
1	Private Secretary	17		Will continue to remain in BS-17 and will be granted BS-18 after putting in 5 years satisfactory service instead of 7 years. The Private Secretaries in BS-18 will further be granted BS-19 after putting in 12 years service in BS-17 and above taking benefit of Establishment Division's O.M.No.1/9/80-R-II, dated 2-6-1983. However, on grant of BS-19 nomenclature of the post will be Senior Private Secretary.  The existing Private Secretaries in BS-17 will be granted BS-18 on one time basis, irrespective of their length of service in BS-17.
2	Stenographer	15	16	With enhancement of qualification for initial appointment from Intermediate to Graduation.
3	Stenotypist	12	14	With enhancement of qualification for initial appointment from Matriculation to Intermediate.

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

2. The Establishment Division will amend the recruitment rules of the above said posts, accordingly.


Attested  
B.W.  
B.W.

ATTESTED

(Muhammad Iqbal Khan)

Copy also forwarded for information to

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisors attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box.No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M.Sectt. (Public) Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.

  
(Muhammad Azam Awan)  
Section Officer (R-I)



27

POPULATION WELFARE DIRECTORATE FATA  
populationfata@gmail.com

PH: 091-9239315  
FAX: 091-9212711

STREET NO 05 HOUSE NO 05,  
ABSHAR COLONY  
WARSAK ROAD, PESHAWAR

Date 09/08/2012

F.No. 1(1)/2012-13/Pop/6261-77

To

Agency Population Welfare Officer *Khyber/NWA*

Subject: UP-GRADATION OF THE POSTS OF STENOTYPIST,  
STENOGRAPHERS AND PRIVATE SECRETARIES.

Enclosed please find herewith a copy of Section Officer (Admn) Finance Department, FATA Secretariat letter No. SO(Admn)FD/FS/FATA/ dated 6<sup>th</sup> August 2012 on the subject noted above.

The following steno typists of this department are up-graded from BPS-12 to BPS-14 as per the above mentioned letter for information and further necessary action please.

S.No	Officials Name	From BPS	To BPS	Duty stations
1	Ashraf Ali	12	14	APWO North Waziristan Agency
2	Ashraf khan	=	=	Directorate of PWD
3	Fazli Mabood	=	=	APWO Khyber Agency
4	Razi Ullah	=	=	APWO Mohmand Agency
5	Ziyad khan	=	=	APWO Orakzai Agency

Dr. Lal Zari  
Deputy Director  
Population Welfare Directorate  
FATA

Copy for information please

- ✓ Agency Accounts office for information and necessary action please.
- Ps to secretary Social Sectors Department FATA.
- Official Concerned for information.
- Personal File of the officials

*[Signature]*  
Deputy Director  
Population Welfare Directorate  
FATA

**ATTESTED**  
*[Signature]*  
Deputy Secretary (Administration)  
FATA Secretariat  
Peshawar

*A. U. Seed*  
*[Signature]*  
*[Signature]*



Annexure "F"

FATA SECRETARIAT  
SOCIAL SECTORS DEPARTMENT

Dated, 30.04.2013

NOTIFICATION

28



No.SO(SSD)/FS/Pop/5(1)2013/3498-3517. On the recommendation of Departmental Promotion Committee and in pursuance of the approval of the Governor, Khyber Pakhtunkhwa Dr.Lal Zari, Women Medical Officer Population Welfare Department FATA is hereby promoted from BPS-17 to BPS-18 on regular basis.

On her promotion she is posted as Deputy Director Population Welfare Department FATA with immediate effect.

Secretary Social Sectors

Copy to :-

1. Secretary Planning & Development Division Islamabad.
2. Secretary States and Frontier Regions Division Islamabad.
3. Principal Secretary to Governor Khyber Pakhtunkhwa
4. All Secretaries FATA Secretariat.
5. Additional Accountant General (PR) Sub Office Peshawar.
6. All Agency Population Welfare Officers FATA.
7. Officer concerned
8. Manager Government Printing & Stationery Department Khyber Pakhtunkhwa
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Additional Chief Secretary FATA

*Advised*

*Am*

*[Signature]*  
Deputy Secretary (SSSD)

5/20/13

APPEAL FOR ISSUANCE OF SENIORITY LIST REGARDING  
PROMOTION TO AGENCY POPULATION WELFARE OFFICER BPS-17

It is submitted that the undersigned was appointed as Steno Typist (BPS-12) in Population Welfare Department FATA on 02/04/2005 and later was upgraded to BPS-14 vide Population Welfare Directorate FATA letter No. 1(1)/2012-13/Pop/5261-77 dated 09/08/2012 & Govt Of Pakistan, Finance Division Office Memorandum No. 19(55) Legal-II/2010-1055 dated 23th December 2011 at (Annexure-I).

It is pertinent to mention here that the undersigned earlier requested for his promotion in light of service rules/service structure of this Department notified with the approval of Governor Khyber Pakhtunkhwa (Annexure-II) *The then Secretary Social Sectors agreed with the remarks to keep pending till completion of 10 years service as required in the Service Rules.*

Later on 24/06/14 the undersigned again requested to Secretary (A, I & C) FATA having additional charge of Secretary Social Sectors to review my case for promotion. Consequently, your good office requested to Section Officer (Estab) FATA for keeping the case pending till declaration of status of employees vide letter No. DD/POP/1(1)2012-13/Gen/10144-46 dated 13/08/2014 at (Annexure-III).

In response to the above, and on completion of my service tenure; it is submitted that status of employees of PWD FATA has already been declared that the status and terms & conditions in respect of remuneration, leave, CP Fund of Population Welfare FATA employees as well as those to be recruited afterwards shall be the same as for the employees of Population Welfare Department Khyber Pakhtunkhwa by Admn: Infra- & Coord: FATA Secretariat vide Notification No. FS/C-11/52-1/909-18 dated 17<sup>th</sup> February, 2011 at (Annexure-IV)

Furthermore, it is worth mentioning that Population Welfare Department KP was also PSDP funded (now being shifted to current side after the devolution) and their staff seniorities were issued from time to time and promotions being held in all categories of posts.

In view of the above circumstances and in light of my previous application's status as available on file in record and on completion of my 10 years service as prescribed in service rules for promotion, I am fully qualified for promotion. It is, therefore, humbly requested that to issue seniority list of Steno typists/account Assistants BS-14 on sympathetic ground for my promotion to perform my duties with more devotion and zeal.

*Ashraf Ali*  
*29/4/15*

Yours Sincerely

*Ashraf Ali*  
29/4/15

Junior Scale Stenographer  
Agency Population Welfare Office

Secretary  
Social Sector Department  
FATA Secretariat Warsak Road Peshawar.



Subject:- REVIEW ON MY APPLICATION FOR THE PROMOTION TO THE POST OF AGENCY POPULATION WELFARE OFFICER N.W.A

R/Sir,

With reference to the subject noted above, it is submitted that.

30

Stenographers of population Welfare Department FATA are trying to draw your kind attention to an important matter pertaining to our service structure in this department as under:

- (A) 70 % by initial Recruitment through Public Service Commission Khyber Pukhtoonkhwa.
- (B) 30 % by Promotion on the basis of seniority cum fitness from among the Stenographers, Accountant, with 10 years' service.

There are more than 12 sanction posts of BPS-17 in Population Welfare FATA out of which only four posts are filled and the remaining posts are still laying vacant. In view of the matter, you are therefore, humbly requested to pay your kind heed to our request please.

It is elaborated that Honorable Governor Khyber Pukhtoonkhwa has approved the Service Rules for the employees of population Welfare Department FATA. (copy at Annexure-A) wherein, it has been sated that the stenographers, will be promoted to the vacant posts of Agency population Welfare Officers on the basis of Seniority cum fitness without Master Degree as practice in Vogue on Seniority cum fitness in settle area in Khyber Pukhtoonkhwa.

In terms of Notification No.FS/C/52-1/4192-4202 dated 20/8/2010. The Governor Khyber Pukhtoonkhwa has approved the following method of appointment to the post of Agency Population Welfare Officer (BPS-17) in Population Welfare Department FATA.

Moreover, the Period of service for promotion has been affixed for FATA is 10 years while there is no condition of service for settled area in this Department, which is a great "Injustice" with us.

It is therefore, requested that keeping in view the above factual position I may be Promoted as Agency Population Welfare Officer NWA.

It is also stated that at present DPC, I may be posted in own pay and scale being senior most and obliged.

Thanks.

*Attended  
B.W.  
Amir*

*Ashraf Ali Khan*  
ASHRAF ALI KHAN, 10/2/14  
Stenographer  
O/O Agency Population Welfare  
Office NWA Miranshah.

*DDAW detail  
K Pukhtoonkhwa case.  
7/10/2014*

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Annexure "G"

31

W.P. No. 4284-P/2016

Ashraf Ali Steno Typist Agency, Population Welfare Office, North Waziristan Agency.....Petitioner

Versus

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

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1.	Parawise Comments		2 to 4
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3.	Notification No. FS/C-11/52-1/909-18 dated 17.02.2011	A	6 to 12
4.	Deputy Secretary Finance Letter No. SO(F-II)/FD/FS/Health/SNE dated 16-01-2015	B	13 & 14
5.	Office Memorandum File No. 19(55)Legal-II/2010-1055 dated 23.12.2011	C	15 & 16
6.	FATA Secretariat Notification No. SO(SSD)/FS/Pop/5(1)2013/3498-3517 dated 30.04.2013	D	17
7.	Establishment Department Letter No. SOR.IV(ED)/8-1/2015 dated 16.07.2015	E	18
8.	Finance Department Notification No. FD/SO(FR)10-22/2012 dated 19.06.2012	F	19 & 20
9.	FATA Secretariat Notification No. FS/C-II/52-1/4192-4202 dated 19-08-2010	G	21 to 25

FILED TODAY  
Deputy Registrar  
10 JUL 2018

Branch  
10/07  
A. R. R. R. R.  
B. W.  
D. W.



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

32

Writ Petition No. 4284-P/2016

Ashraf Ali Steno Typist Agency Population Welfare Office, North Waziristan Agency  
.....Petitioner

**Versus**

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

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 05.

Respectfully Sheweth:

Preliminary Objections:

- 1) That the Petitioner has no locus standi and / or cause of action to file the instant petition.
- 2) That the Petitioner is not an aggrieved person within the meaning of Article 199 of the Constitution of Pakistan.
- 3) That the writ petition is wholly incompetent, misconceived and untenable.
- 4) According to the Article 247 (7) of constitution of Pakistan this Hon'ble Court has got no jurisdiction to entertain the present writ petition.
- 5) That the Petitioner has not come to the Court with clean hands. The writ petition also suffers from mis-statement and concealment of facts.

FACTS:

- 1. Pertains to record.
- 2. Pertains to record.
- 3. Pertains to record.
- 4. Pertains to record, however, while inferring his seniority at S. No. 08 in employee's list under FATA Secretariat Admn & Coordination Department Notification No. FS/C-11/52-1/909-18 dated 17.02.2011, it is to state that this list is not the seniority list but a detail of employees names who have considered under the notification. (Annex-A).

*Admitted*  
*Shiv*  
*Shiv*

Incorrect, no employees have been regularized, however, the Notifications as mentioned, have awarded same status and terms and conditions in respect of remuneration, leave, CP fund, like the employees on Provincial side of Population Welfare Program. CP Fund itself is a Contributory Provident Fund for contractual employees and not for regular Civil Servants.

Moreover, in the aftermath of 18<sup>th</sup> constitutional amendment, the Ministry of Population Welfare Islamabad stood dissolved and provinces were

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5  
Deputy Registrar  
10 JUL 2016

supposed to implement Population Welfare program activities within the ambit of their respective financial resources. Hence, the provinces had free hand in managing the service structure of their employees. The provincial Population Welfare Department, Khyber Pakhtunkhwa shifted salaries of their staff from developmental to revenue budget.

FATA not being covered by NFC award remained under the Federal Govt. through SAFRON Division. Population Welfare Directorate FATA also submitted SNEs of its staff through Finance Department FATA Secretariat to the Federal Govt. for switching over salaries of staff to the current side (Annex-B).

- 6. Correct to the extent that steno typists have been upgraded from BPS-12 to BPS-14 dated in pursuance to office memorandum file no. 19(55)/Legal 11/2010-1055 dated 23.12.2011 (Annex-C).
- 7. Correct.
- 8. As responded in Para-6.
- 9. Correct to the extent that Dr. Lal Zari Woman Medical Officer PWD FATA was promoted from BPS-17 to BPS-18 vide FATA Secretariat Notification No. SO(SSD)/FS/Pop/5(1)2013/3498-3517 dated 30.04.2013 (Annex-D).
- 10. Pertains to record.
- 11. No application dated 10.02.2015 is available on record.
- 12. Incorrect, the petitioner's appeal has not been delayed, instead, Population Welfare Program FATA processed his appeal and the ex-Director Health Services FATA returned with the remarks that the promotion can never be based on vacancies filled previously as per claim of applicant. If there are minimum 03 vacant slots of some cadre and simultaneously advertised, then after, the applicant could be considered from promotion in view of previous service record. The case for promotion is not maintainable for above reasons please.

It is also to mention that Establishment Department, Khyber Pakhtunkhwa raised observations on direct requisition of Population Welfare Program FATA Secretariat to Public Service Commission and resultantly no further requisition for appointment of officers/officials could be made to Public Service Commission, Khyber Pakhtunkhwa (Annex-E) till the clarification of status of employees of Population Welfare Program FATA already subjudged under writ petition No. 1163-P/2017.

FILED TODAY  
Deputy Registrar  
10 JUL 2018

Attested  
B.W.  
Amr

34

4


Grounds

- A) Incorrect, the petitioner is not aggrieved in light of the nature of his post (Project Post), hence, no violation of Article 199 of the constitution of Islamic Republic of Pakistan 1973 has been occurred.
- B) As responded in Para-5.
- C) Incorrect to the extent that the petitioner is not serving in BPS-14 since 2005. He was appointed as Steno Typist BPS-12 in 2005 and was upgraded to BPS-14 in 2012. (Annex-F). Moreover, FATA Secretariat notified the said rules vide Notification No. FS/C-II/52-1/4192-4202 dated 20<sup>th</sup> August, 2010 (Annex-G). However, the petitioner has not been discriminately treated because Population Welfare program is funded through PSDP and is run through PC-I. Unlike regular Civil Servants, he cannot be promoted.
- D) Incorrect, no promotion can be made on project posts.
- E) Pertains to record.
- F) Working on a project post cannot be promoted; hence, no violation of fundamental rights has occurred.
- G) Incorrect, the department cannot promote the petitioner unless and until their status is not clear as he is working on project post. Similar nature cases already under process with Hon'ble High Court under writ petition No. 1163-P/2017 Inamullah Akhoonzada & 118 others VS ACS FATA & others and 2928-P/2015 Muhammad Kamran VS Govt. of Pakistan through Secretary Finance Division Islamabad. In writ petition No. 1163-P/2017 the Hon'ble High Court has directed as interim relief that status quo be maintained. Moreover, once the status of employees is clear, promotion cases can be processed accordingly.
- H) No comments.
- I) No comments.

*As reserved*  
*BW*  
*1000*

It is therefore, humbly prayed that in the light of the above facts the petition in hand may graciously be dismissed in favour of the respondents with costs throughout.

**FILED TODAY**  
**Deputy Registrar**  
**10 JUL 2018**

  
**Secretary Establishment,**  
**Govt. of Khyber Pakhtunkhwa,**  
**(Respondent No. 05)**

11

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

35

W.P. No. 4284-P/2016

Ashraf Ali.....Petitioner

**Versus**

Govt. of Khyber Pakhtunkhwa through Secretary Establishment.....Respondent

AFFIDAVIT

I Muhammad Anwar Khan, Section Officer (Litigation-I), Establishment Department, do hereby solemnly declare that the contents of Parawise Comments is correct and true to the best of my knowledge and record and nothing has been concealed from this Honorable Court.

*M. Anwar Khan*  
Deponent

CNIC.11101-1483798-3

Identified By

*Advocate General*  
Advocate General,  
Khyber Pakhtunkhwa,  
Peshawar  
*Supdt. (3)*

2775

I certify that the above was verified on solemnly affirmation before me on this 10<sup>th</sup> day of July 18. 19. Anwar Khan, Peshawar who was identified by *A.G.* Who is personally known to me:

*M. Anwar Khan*  
Deponent  
10/7/18

FILED TODAY  
Deputy Registrar  
10 JUL 2018

*Attended*  
*Adv*  
*Am*





Finance Department

FATA SECRETARIAT  
(FINANCE DEPARTMENT)  
WARSAK ROAD PESHAWAR

No: SO(G-J)/FD/FS/Health/SNE  
Peshawar the 16<sup>th</sup> Jan, 2015

To

The Secretary,  
Ministry of National Health Services,  
Regulation & Coordination,  
Govt. of Pakistan Islamabad

Health  
Date No. 623  
16.01.2015

Project

Attention: Inam-ul-Haq, Director (P&D), with reference to a meeting held on 15.01.2015 in Finance Division, Islamabad.

Subject: CONVERSION OF POSTS OF STAFF FOR POPULATION WELFARE PROGRAMME FATA

Dear Sir,

DD Population

7/7/15

I am directed to state 300-employees (Annex-A), presently drawing salary from the project "Population Welfare Programme, FATA". This project will be completed by 30<sup>th</sup> June, 2015. The activities under the project are of recurrent nature and will continue after closure of the project. This issue was discussed in a meeting held on 15.01.2015, in the office of Addl. Finance Secretary, (Exp.), Finance Division, Islamabad. In the said meeting, the representatives of FATA Secretariat were directed to route their case through Ministry of National Health Services, Regulations & Coordination.

Accountant  
DACS  
RB

In pursuance of the decision of the said meeting, PC-IV of the project, alongwith posts-wise financial implications amounting to Rs.73.648 million per annum and acquaintance rolls of the 300-employees of Population Welfare Programme, FATA, are enclosed for conversion of these posts from Development Budget to Recurrent Budget, FATA.

DHS

Yours faithfully,

(Muhammad Sulaiman)  
Deputy Secretary Finance

Memo  
Keep for record  
2.12.15

ENTERED  
AB 170  
2/1

Attended  
Bw  
DHS

4/2018

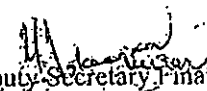
37

Enclosure:

- iii. PC-IV of the Project
- iv. Details of Posts with financial implications

Copy forwarded for information to:-

1. PS to Additional Finance Secretary (Exp.), Finance Division, Islamabad.
2. PS to Additional Chief Secretary, FATA.
3. PS to Finance Secretary, FATA.
4. PS to Secretary, Law & Order, FATA.
5. PS to Secretary, Social Sectors, Department, FATA.

  
Deputy Secretary Finance  
Phone # 091-9210485



*Advised*  
*BW*  
*Boss*



Government of Pakistan  
Finance Division  
(Regulations Wing)

38

F.No.19(55)Legal-II/2010-1055

Islamabad, the 23<sup>rd</sup> December, 2011

OFFICE MEMORANDUM

Subject: UPGRADATION OF THE POSTS OF STENOTYPIST, STENOGRAPHER AND PRIVATE SECRETARY

The undersigned is directed to say that consequent upon approval of the Prime Minister of Pakistan, the posts of Private Secretaries, Stenographers and Stenotypists have been upgraded with immediate effect subject to fulfillment of the conditions mentioned against each:-

Sr #	Name of the Post	Existing BS	Upgraded BS	Conditions
1	Private Secretary	17		Will continue to remain in BS-17 and will be granted BS-18 after putting in 5 years satisfactory service instead of 7 years. The Private Secretaries in BS-18 will further be granted BS-19 after putting in 12 years service in BS-17 and above taking benefit of Establishment Division's O.M.No.1/9/80-R-II, dated 2-6-1983. However, on grant of BS-19 nomenclature of the post will be Senior Private Secretary.  The existing Private Secretaries in BS-17 will be granted BS-18 on one time basis, irrespective of their length of service in BS-17.
2	Stenographer	15	16	With enhancement of qualification for initial appointment from Intermediate to Graduation.
3	Stenotypist	12	14	With enhancement of qualification for initial appointment from Matriculation to Intermediate.

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

2. The Establishment Division will amend the recruitment rules of the above said posts, accordingly.

*Muhammad Azam Awan*  
(Muhammad Azam Awan)  
Section Officer (R-I)

All Ministries/Divisions/Departments.

ATTESTED

P.T.O.

*Attested*  
*PNW*  
*Door*

Copy also forwarded for information to

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. Auditor General of Pakistan, Islamabad.
11. Controller General of Accounts, Islamabad.
12. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
13. Military Accountant General, Rawalpindi.
14. All Financial Advisers/Deputy Financial Advisors attached to Ministries/Divisions and all officers of Finance Division.
15. Chief Accounts Officer, M/o Foreign Affairs, Islamabad.
16. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
17. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/KPK/Balochistan & Azad State of Jammu & Kashmir.
18. Capital Development Authority, Islamabad.
19. Office of the Chief Commissioner, Islamabad.
20. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
21. Secretary, Wafaqi Mohtasib (Ombudsman's Secretariat), Islamabad.
22. Pakistan Atomic Energy Commission, Islamabad.
23. Central Directorate of National Savings, Islamabad.
24. National Accountability Bureau, Islamabad.
25. Member (Finance), KRL, P.O.Box.No.1384, Islamabad.
26. Intelligence Bureau, Islamabad.
27. Pakistan Mint, Lahore.
28. DG Post Offices, Islamabad.
29. Secretariat Training Institute, Islamabad.
30. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Customs House, Karachi.
31. National Re-Construction Bureau, Prime Minister's Secretariat, Islamabad.
32. Earthquake Reconstruction & Rehabilitation Authority (ERRA), P.M.Sectt. (Public), Islamabad.
33. Federal Tax Ombudsman's Secretariat, Islamabad.
34. Cost Accounts Organization, Islamabad.

*Muhammad Azam Awan*  
(Muhammad Azam Awan)  
Section Officer (R-1)

*B*  
ATTESTED

*Ali Asad*

*BW*  
*BW*

22  
1



FATA SECRETARIAT  
SOCIAL SECTORS DEPARTMENT

Dated, 30.04.2013

40

NOTIFICATION:-

No.SO(SSD)/FS/Pop/5(1)2013/3498-3517. On the recommendation of Departmental Promotion Committee and in pursuance of the approval of the Governor, Khyber Pakhtunkhwa Dr.Lal Zari, Women Medical Officer Population Welfare Department FATA is hereby promoted from BPS-17 to BPS-18 on regular basis.

On her promotion she is posted as Deputy Director Population Welfare Department FATA with immediate effect.

Secretary Social Sectors

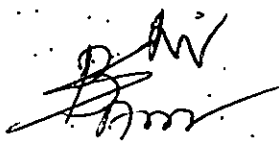
Copy to :-

1. Secretary Planning & Development Division Islamabad.
2. Secretary States and Frontier Regions Division Islamabad.
3. Principal Secretary to Governor Khyber Pakhtunkhwa
4. All Secretaries FATA Secretariat.
5. Additional Accountant General (PR) Sub Office Peshawar.
6. All Agency Population Welfare Officers FATA.
7. Officer concerned
8. Manager Government Printing & Stationery Department Khyber Pakhtunkhwa
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Additional Chief Secretary FATA

  
Deputy Secretary (SSSD)

  
ATTESTED

Attested



5/20/13

7/14/2018

41

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S



Government of Khyber Pakhtunkhwa  
ESTABLISHMENT DEPARTMENT  
(Regulation Wing)

No.SOR.IV(ED)/8-1/2015/  
Dated, Peshawar, the 16<sup>th</sup> July, 2015

To

The Secretary,  
Administration, Infrastructure & Coordination Deptt.  
FATA Secretariat,  
Peshawar.

**SUBJECT: WITHDRAWAL OF REQUISITION OF POSTS FROM PUBLIC SERVICE COMMISSION**

Dear Sir,

I am directed to refer to your letter No.FS/E/100-98(Vol-2)/8755-57 dated 29<sup>th</sup> June, 2015, on the above subject and to state that, under Section 7, read with Section 2 (b), of the Khyber Pakhtunkhwa Public Service Commission Ordinance, 1978, the Commission shall conduct tests and examinations for recruitment of persons to posts in connection with the affairs of the Province, in administrative and attached departments of the Government of Khyber Pakhtunkhwa. Since FATA Secretariat is a Federal entity, hence, entertainment of a requisition of FATA Secretariat for appointment falls outside the purview of the Khyber Pakhtunkhwa Public Service Commission.

Moreover, this Provincial Government provide staff to FATA on deputation basis and has earmarked one complete zone (Zone 1) in its Zonal Allocation Policy for candidate from FATA. In exchange, FATA Secretariat is required to share its posts with respective line administrative department of this Provincial Government for making appointment there-against, before deputing staff to FATA.

In view of the above, FATA Secretariat is advised to abide by the above norms.

Yours faithfully,

(Muhammad Fayaz Khan)  
Section Officer (R-IV)

Endst. No. & Date even

Copy to:

Secretary Khyber Pakhtunkhwa Public Service Commission for information and necessary action.

1197

ATTESTED

Secy (ASO)

Attested

phw  
Amr



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

*(Regulation Wing)*

Dated Peshawar the, 19<sup>th</sup> June 2012

42

**NOTIFICATION**

No.FD/SO(FR)10-22/2012.

The competent authority has been pleased to accord sanction to the enhancement of pay scales of the following posts, in the Provincial Secretariat, of the Khyber Pakhtunkhwa, with effect from 23.12.2011:

S#	Nomenclature of the Post	Existing Pay Scale	Enhanced Pay Scale.
1.	Stenographers	BPS-12	BPS-14
2.	Senior Scale Stenographer	BPS-15	BPS-16
3.	Personal Assistants	BPS-15	BPS-16
4.	Private Secretaries	BPS-16	BPS-17

- i). The pay of the existing incumbents of the posts shall be fixed in the higher pay scale at a stage next above the pay in the lower pay scale.
- ii). With effect from 23.12.2011, the academic qualification for initial recruitment against the posts of Stenographers (BPS-14) will be Intermediate or equivalent and against the posts of Senior Scale Stenographers / PAs (BPS-16) will be Graduation or equivalent.
- iii). The Establishment & Administration Department, will amend the service rules, accordingly.
- iv). For the posts of Stenographers, Senior Scale Stenographers, Personal Assistants and Private Secretaries, in the Secretariat, a separate "Private Secretaries" cadre will be constituted and notified by the Establishment & Administration Department.
- v). The existing Private Secretaries of the Secretariat, shall have an option to exercise for "Private Secretaries cadre" or for "PMS cadre", within 60-days, from the date of issuance of notification for the constitution of separate "Private Secretaries cadre". The option once exercised shall be final, and shall not be modified or withdrawn.
- vi). Only those Private Secretaries of the Secretariat, will be entitled for the enhanced Pay Scale (BS-17) who opt for "Private Secretaries cadre". Those who opt for the PMS cadre, will continue to be in BS-16.
- vii). The Personal Assistants (BPS-16) of the Secretariat, shall have an option to exercise for "Private Secretaries cadre" or for "PMS cadre", within 60-days from the date of issuance of notification, for the separate "Private Secretaries cadre". The option once exercised shall be final and shall not be modified or withdrawn.
- viii). If a Private Secretary or a Personal Assistant of the Secretariat fails to exercise his option for any one of the cadre, within the prescribed limit of 60-days, it will be deemed that he has opted for the "Private Secretaries cadre" and as such he will not be allowed to change the cadre later on.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

*Approved*

*[Signature]*

20

Endst: No. & Date Even.

43

Copy is forwarded to:

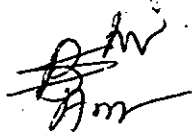
1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa.
4. Secretary to Governor, Khyber Pakhtunkhwa Peshawar.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
7. Registrar, Peshawar High Court, Peshawar.
8. Registrar Khyber Pakhtunkhwa Public Service Commission Peshawar.
9. Registrar Service Tribunal, Khyber Pakhtunkhwa.
10. Secretary to Government of Punjab, Sindh and Balochistan, Finance Department, Lahore, Karachi and Quetta.
11. PS to Minister for Finance Khyber Pakhtunkhwa.
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Additional Chief Secretary, Khyber Pakhtunkhwa.
14. Director FMIU, Finance Department for placing the same on the Website of Finance Department.
15. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
16. PAs to all Additional Secretaries/Deputy Secretaries in Finance Department, Khyber Pakhtunkhwa.
17. All Section Officers/Budget Officers in Finance Department, Khyber Pakhtunkhwa.

  
SECTION OFFICER (FR)

②

(117)

Attended



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2

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 18<sup>TH</sup> FEBRUARY, 2013.

**FATA SECRETARIAT**  
(Administration & Coordination Department).

49

**NOTIFICATION**  
Peshawar, dated the 20<sup>th</sup> August, 2010.

No. FS / C-II / 52-1 / 4192-4202: The Governor Khyber Pakhtunkhwa has been pleased to approve the structure including service cadre, of population welfare program in FATA as a separate and independent entity from any other program in pursuance of decision of CDWP in its meeting held on 16-02-2004 that the FATA / FRs Population Welfare Program under PSDP scheme would be separated from the population welfare programme of Khyber Pakhtunkhwa, on the lines of other Special Area Programs i.e. FATA / AJK and Islamabad Capital Territory.

2. The Governor Khyber Pakhtunkhwa has been further pleased to approve that:
- The population welfare programme / sector FATA shall remain to be an integral part of the Health & Population Welfare Directorate FATA as provided for in the FATA Rules of Business, 2006;
  - The staff including Female Medical Officers recruited in the FATA Population Welfare Program strictly in accordance with codal formalities shall stand grated the same privileges, increments and promotion prospects as are applicable to the employees of the Population welfare in Khyber Pakhtunkhwa;
  - The following are hereby declared as appointing authorities for the posts in various Basic Scales as noted against each:

<u>Sl</u>	<u>Posts</u>	<u>Appointing Authority</u>
1.	Posts of Deputy Director Population of BS-18 & Above	Governor Khyber Pakhtunkhwa
2.	Posts of Assistant Director Population / Agency Population Welfare Officers / Women Medical Officers & equivalent In BS-17	Chief Secretary Khyber Pakhtunkhwa
3.	Posts in BS-16 & below.	Director Health Services FATA

*Approved*

*[Signature]*



- (iv) All Codal formalities including advertisement of Posts, appointments through properly constituted Departmental Selection and Promotion Committee or requisitions to the Khyber Pukhtunkhwa Public Service Commission as well as determination of merit, shall be the same as followed by the Government of Khyber Pukhtunkhwa in recruitment policy and other related policies;
- (v) The Service Rules for the posts in population welfare cadre of FATA shall be as appended to this Notification

Additional Chief Secretary FATA

*Advertised*  
*Am*

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23/1/11

KHYBER PAKHTUNKHWA GOVERNMENT - GAZETTE, - EXTRAORDINARY, - 18TH - FEBRUARY, 2013. - 665

No	Nomenclature of Post	Minimum Qualification prescribed for initial recruitment	Age Limit	Method of Appointment
	Deputy Director (BS-18)	(a) Second class Master's Degree Or equivalent qualification from Recognized University in Social Work, Sociology, Anthropology, Psychology, Business, Statistics, Political Science, Population Studies, B- Pharmacy (b) MBBS or equivalent qualification recognized by PMDC (c) 3 years experience after post graduation on a responsible post in the public sector not below the rank of BS-17.	30-40 years	a. 30% by initial recruitment through NWFP Public Service Commission b. 70% by Promotion on the basis of seniority cum fitness, from amongst Assistant Directors, Technical/ Non Technical / Agency Population Welfare Officers (Non Technical / Technical) / Women Medical Officers with five years' service in BS-17.
	Assistant Director (Technical) (BS-17)	MBBS or equivalent qualification recognized by PMDC.	25-35 Years	100 % by initial recruitment through NWFP Public Service commission
	Assistant Director Non Technical (BS-17)	(a) Second class Master's Degree Or equivalent qualification from Recognized University in Social Work, Sociology, Anthropology, B- Pharmacy, Psychology, Business, Statistics, Political Science, Population Studies (b) MBBS or equivalent qualification recognized by PMDC	25-35 years	100 % by initial recruitment through NWFP Public Service commission
	Agency Population Welfare Officer (BS-18)			By promotion on the basis of seniority cum fitness, from amongst Assistant Directors (Technical / Non Technical) / Agency Population Welfare Officers (Non Technical / Technical) / Women Medical Officers with five years' service in BS-17
STED	Agency Population Welfare Officer / Deputy APWO (BS-17)	(a) Second class Master's Degree Or equivalent qualification from Recognized University in Social Work, Sociology, Anthropology, B- Pharmacy, Psychology, Business, Statistics, Political Science, Population Studies (b) MBBS or equivalent qualification recognized by PMDC	25-35 Years	(a) 70% by initial recruitment through the NWFP Public Service Commission; and (b) 30 % by promotion on the basis of seniority cum fitness from amongst Accountants, Account Assistant and Stenographers with 10 years service in the department and having Masters Degree from a recognized University

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 BAW  
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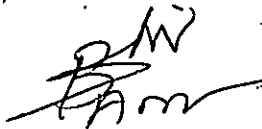
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666 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE EXTRAORDINARY, 18TH FEBRUARY, 2013.

6	Woman Medical Officer (BS-17)	MBBS or equivalent qualification recognized by PMDC	25-35 Years	By initial recruitment through NWFP Public Service Commission
7	Accountant (BS-16)	Second Class Master's Degree in Commerce / Economics / Business Administration or equivalent qualification from a recognized University	25-35 Years	(a) 70% by initial recruitment through NWFP Public Service Commission; and (b) 30% by promotion on the basis of seniority cum fitness from amongst the holders of post of Account Assistant
8	Account Assistant (BS-14)	Bachelor Degree in commerce, Business Administration or Economics or equivalent qualification from recognized University.	20-30 Year	By initial recruitment though NWFP Public Service Commission
9	Steno Typist (BS-12)	Intermediate with 50/40 Words Per Minute in Short Hand and Typing and having at least six months Diploma / Certificate in computers / Information Technology from the Board of Technical Education or and Institute recognized from it.	18-30 Years	By initial recruitment through NWFP Public Service Commission
10	Theatre Nurse (BS-12)	A Grade qualified Nurse from a recognized Nursing School	20-30 Years	By initial recruitment though NWFP Public Service Commission
11	Family Welfare Counselor (BS-11)		20-30 Years	By Promotion from amongst the Family Welfare Worker (BS-9) on the basis of seniority cum fitness
12	Statistical Assistant (BS-11)	Second class Bachelor Degree from a Recognized university with Statistics or Commerce as one of the subject and having Diploma / Certificate in Computer/ information technology from a recognized institute.	18-30 Year	By initial recruitment though the NWFP Public Service Commission
13	Family Welfare Worker (BS-09)	Secondary School Certificate from a recognized Board with 18 months Family Welfares Workers training Certificate from Regional Training Institute of the Ministry of Population Welfare/ LHV and having passed certificate Course from the Government Public Health School	18-30 Year	(a) 75% by initial recruitment; and (b) 25% by promotion on the basis of seniority cum fitness from amongst the holders of the posts of Family Welfare Assistant (Female) who have completed 18 months training at the Regional Training Institute of Population Welfare

ATTESTED

DEPT. SECRETARY

Attested  


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## HYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 18TH FEBRUARY, 2013. 667

Technician	Secondary School Certificate from a recognized Board with science having successfully completed operation theatre Course and Two years work experience in the relevant field	18-30 Year	By Initial Recruitment
eeper	Intermediate or equivalent qualification from a recognized Board with science having diploma certificate in Computer Science / IT from a recognized Institute and two years experience in the relevant field	18-30 Year	(a) 70 % by initial recruitment; and (b) 30 % by Promotion from amongst Family Welfare Assistant Male, and Qasids / Naib Qasid / Chowkidar /who have passed Secondary School examination and posses typing speed of at least 30 words per minute with two years experience in service as such.
Welfare	Secondary School Certificate from a recognized Board	18-30 Year	By Initial Recruitment
	Middle Pass having valid HTV / LTV Driving License	18-30 Year	By Initial Recruitment
/ Naib Qasids kidar / Mali / rs	Middle Pass	18-30 Year	By Initial Recruitment
/ Aya / Dai	Having Dai Certificate	18-30 Year	By Initial Recruitment

Printed and published by the Manager,  
Suty & Pub. Dept., Khyber Pakhtunkhwa, Pesh.

Attended  
Bani  
Bani

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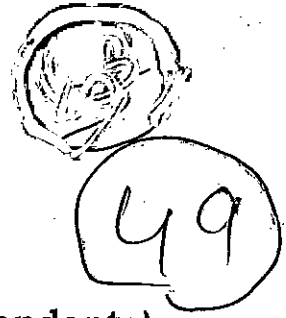
**BEFORE THE HONOURABLE PESHAWAR HIGH COURT**  
**PESHAWAR**

**IN RE W.P NO. 4284-P/ 2016**

**Ashraf Ali ..... (Petitioner)**

**Versus**

**Additional Chief Secretary FATA and others (Respondents)**



**REJOINDER ON BEHALF OF PETITIONER**

**RESPECTFULLY SHEWETH,**

Rejoinder on behalf of petitioner is as under: -

Reply to the preliminary objections: -

1. That Para No. "A" of the preliminary objections of the comments of the respondents is incorrect, hence denied, in fact it is the respondents, who are estopped from their own conduct to deny the rights and petition of petitioner, as the Petitioner is the regular employee of the respondents Department which is evident from the records annexed with the Writ Petition of the Petitioner as per regularization Notification the Petitioner and other employees of the Population welfare Department FATA are being declared and considered as regular employees of the Department, however further it could be clarified from the letter issued by the respondents, as per vide letter No. DD/Pop/1(65)/2014-15/Emp/10772 dated. 12/12/2014, similarly another letter vide No. DD/Pop/2(1)/2016-17/Budget/15581 dated. 10.02.2017 issued by the Population welfare FATA, PWD,

*Attended*  
*BW*  
*Am*

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FATA from which it has been cleared that the Petitioner is a permanent and regular employee of the Population Welfare Department FATA and the same is fully regular ongoing Program and is not a project, hence the Petitioner has locus standi and has very much cause of action to file the present Writ Petition. (Copies of the letters are attached as annexure "A" & "B")

2. That para No."B" of preliminary objection of the comments of the respondents is totally incorrect, hence denied, the petitioner is being aggrieved Person as per the rules of the respondents department the criteria specified for promotion/up gradation on the basis of seniority it has been specified that vacant posts of Agency Population Welfare Officer will be fill-up as per method of appointment 70% by initial recruitment through the KPK Public Service Commission and 30% by Promotion on the basis of seniority Cum fitness from amongst Accountants, Account Assistant and Stenographers with 10 years' service in the Department and having Master's Degree from a recognized University, however the Petitioner is very much competent for the said Promotion, because of, that the initial recruitment already been completed as per the specified criteria of the rules and the Petitioner is having been completed all these required criteria, indeed all these facts the respondents are reluctant to considered the case of the Petitioner for promotion, hence the Petitioner is aggrieved from the acts and conducts of the respondents filed the instant Writ Petition.
3. Para No. "C" of Preliminary objection of the comments of the respondents is totally incorrect, hence denied the Petitioner has disclosed and discussed each and every facts of the case, however the respondents concealed the material facts from

*Admitted*  
*DAW*  
*DM*

(5)

~~SECRET~~

this Hon,ble Court, hence the instant Writ Petition is very much competent.

4. Para NO."D" of preliminary objection of the comments of the respondents is totally incorrect, hence denied. The point raised by the respondents of Article 247(7) has been discussed in numerous judgments by the this Hon,ble Court and the issues regarding the civil Servant has been decided in favour of the Servants pertains to FATA Secretariat , hence this Honourable Court has got jurisdiction in regards to civil Servant.
5. Para NO."E" of preliminary objection of the comments of the respondents is totally incorrect, hence denied.

**REPLY TO FACTS: -**

1. Para No. 1 of the comments of the respondents is not clear as neither denied, nor accepted, while para No. 1 of the writ petition of the petitioner is correct.
2. Para No. 2 of the comments of the respondents is not clear as neither denied, nor accepted, while para No. 2 of the writ petition of the petitioner is correct.
3. Para No. 3 of the comments of the respondents is not clear as neither denied, nor accepted, while para No. 3 of the writ petition of the petitioner is correct.
4. That Para No. 4 of the comments is incorrect, hence denied, however para No.4 of the writ petition is totally correct, infact the notification vide issued dated 17<sup>th</sup> of February 2011 is the seniority list which was duly issued after issuance of regularization notification, accordingly the serial no 1 Dr Lal zarri was promoted.

*Admitted*  
*AW*  
*Amr*

from BPS 17 to BPS 18 the said notifications has already been annexed with the writ petition and the promotion given to the above mentioned employee has been highlighted, similarly the rest of employees has been mentioned on the basis of seniority.

5. Para No:5 of the comments is incorrect, hence denied, Para No. 5 the Writ Petition is Correct, infact as per the ground "A" in writ petition no 1597/2007 titled as Abdul Qadir Wazir agency population welfare Mohmand Agency & others Versus ACS FATA & others, comments submitted by population welfare Directorate FATA, as reproduced as under, **"The Pop: Wel: FATA is not Project of a span of five years as termed by the Petitioners with the help of PC-1 (2003-08), but a program with full-fledged Ministry at federal level and the period shown (2003-2008) is that of PC-1 which is revised with certain changes at the interval of each five years by devising new modus operands/strategies and including there in as to achieve new targets in each next five years and so on so fourth, A particular PC-1 does not mean that the program ends at that stage or that the employees remains intact, Only program strategies and short terms objectives are adjusted with the PC-1 (Projects) for**

*Abdul Qadir*  
*DW*  
*Wazir*



54



- F. In reply to ground No. E of the comments of respondents is incorrect, hence denied, while that of writ petition is correct.
- G. In reply to ground G is incorrect, hence denied, while Para G to the grounds of Writ Petition is correct.
- H. Needs no reply.
- I. Needs no reply.

**It is, therefore, humbly prayed that on acceptance this rejoinder and writ petition the Instant Writ Petition may kindly be allowed in favour of petitioners and against respondents: -**

*Ashraf Ali*

Petitioner

Through

**BASHIR KHAN WAZIR**

Dated: - 09/02/2018

Advocate, High Court Peshawar

*Attended*  
*Bashir*  
*Khan*

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT**  
**PESHAWAR**

**IN RE W.P NO. 4284-P/ 2016**

**Ashraf Ali ..... (Petitioner)**

**Versus**

**Additional Chief Secretary FATA and others (Respondents)**

**AFFIDAVIT**

I, Ashraf Ali S/o Ali Abbas Khan R/o Wazir Kalay, Azim Kala Jadeed Tehsil and District Bannu, do hereby solemnly affirm and declare on Oath that all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

*Ashraf Ali*

**DEPONENT**

**CNIC # 11101-1457130-3**

Identified By:-

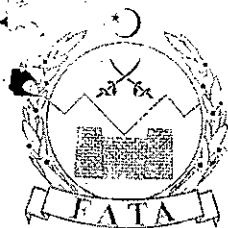
*Bashir Khan Wazir*

**BASHIR KHAN WAZIR**  
Advocate, Peshawar

*Att. signed  
BKW  
Amr*

No. 16772
Certified that the above was verified on solemnly affirmation before me on the 23rd day of Feb 18 Ashraf Ali S/o Ali Abbas Bannu who was identified by Bashir Khan Wazir who is personally known to me:
<i>AM</i> Oath Commissioner for Peshawar 23/02/2018

*Nadra Verified*



**POPULATION WELFARE  
DIRECTORATE  
WARSAK ROAD PESHAWAR**  
Phone & FAX 091-9212711

F.No DD/Pop/2(1)/2016-17/Budget *15581*

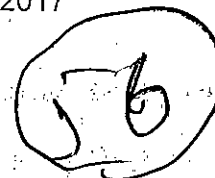
Dated . /2017

To,

Section Officer (Estab),  
A,I&C Department,  
FATA Secretariat.



*10/02*



Subject: SENATE STARRED QUESTION NO. 170 MOVED BY SENATOR  
CHAUDHARY TANVIR KHAN

Reference your letter No. FS/E/100-20(NA)/794-09 dated 08-02-2017

on the subject noted above and to state that the requisite information is enclosed

on the prescribed proforma.

Encl: as above

Deputy Director  
Population Welfare Directorate  
FATA

*SO(E)  
10/02/17*

*Advised  
Tanvir  
Khan*

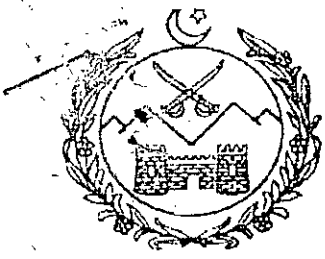
**SENATE STARRED QUESTION NO. 170 MOVED BY SENATOR CHAUDHARY TANVIR KHAN**

In reference to No. FS/E/100-20(NA)/794-09 dated 08-02-2017

S. No	Name of Department	Number of Sanctioned posts			Number of persons working						Number of surplus employees (with grade-wise break up)
					Permanent employees (grade-wise break up)			Contract employees (grade-wise break up)			
1	2	3			4			5			6
		Designation	BPS	Total	Designation	BPS	Total	Designation	BPS	Total	
1	Population Welfare Directorate FATA	Dy. Director	18	1	Dy. Director	18	1	Social Mobilizer Male	Fixed pay	22	NA
2		Agy. Pop. Welfare Officer (17)	17	4	Agy. Pop. Welfare Officer (17)	17	4				
3		Assistant Director (Medical) (17)	17	0	Assistant Director (Medical) (17)	17	0				
4		Assistant Director (non technical)	17	1	Assistant Director (non technical)	17	1				
5		WMO	17	8	WMO	17	8				
6		Accountant	16	1	Accountant	16	1				
7		Account Assistant	14	7	Account Assistant	14	7				
8		Stenotypist	14	6	Stenotypist	14	6				
9		Statistical Assistant	14	1	Statistical Assistant	14	1				
10		Theatre Nurse	14	1	Theatre Nurse	14	1				
11		FW Counselor	11	1	FW Counselor	11	1				
12		L.D.C. cum Store keeper	11	1	L.D.C. cum Store keeper	11	1				
13		FWW	9	45	FWW	9	45				
14		Theatre Technician/OT	7	3	Theatre Technician/OT	7	3				
15		FWA Male	7	43	FWA Male	7	43				
16		FWA Female	7	46	FWA Female	7	46				
17		Driver	5	17	Driver	5	17				
18		Naib Qasid	2	2	Naib Qasid	2	2				
19		Chowkidar	2	8	Chowkidar	2	8				
20		Aya/Dai/Female Helper	2	50	Aya/Dai/Female Helper	2	50				
21		Sweeper	2	3	Sweeper	2	3				
		<b>Total</b>	<b>249</b>		<b>Total</b>	<b>249</b>		<b>Total</b>	<b>22</b>		

*Advised  
Tvk  
Am*

Deputy Director  
Population Welfare Directorate  
FATA



**POPULATION WELFARE  
DIRECTORATE  
FATA SECRETARIAT  
WARSAK ROAD PESHAWAR  
PHONE & FAX: 091-9212711**

F.No.DD/POP/1 (65)/2014-15/Emp/10772 Dated 12/12/2014

To,

The Deputy Secretary Services  
AI&C Department FATA

58

Subject: PROVISION OF DETAILS OF VACANCIES

Reference your letter No: FS/E/100-37(vol-16)/Information/18953 Dated: 11/12/2014 enclosed please find herewith details of vacancies in respect of Population Welfare Directorate FATA for further necessary action please.

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A M  
12/12

Deputy Director  
Population Welfare Directorate  
FATA

Admitted  
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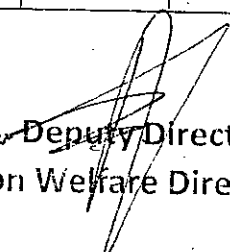
Deputy Director  
Population Welfare Directorate FATA

Population Welfare FATA



S.No	Nomenclature of Post	Basic Pay Scale	No of Posts	Status Regular/Project	Remarks
1	Deputy Director	BPS-18	1	Regular	<p align="center"><b>59</b></p> <p>(Funded from PSDP) Regularization made by Administration &amp; Coordination Department FATA vide Notification No:FS/C-II/52-1/909-18 Dated: 17th Feb, 2011</p>
2	Assistant Director (Med)	BPS-17	1	Regular	
3	Assistant Director N/T	BPS-17	1	Regular	
4	Agency Population Welfare Officer	BPS-17	6	Regular	
5	Women Medical Officer	BPS-17	9	Regular	
6	Accountant	BPS-16	1	Regular	
7	Assistant Accountant	BPS-14	9	Regular	
8	Stenographer	BPS-14	7	Regular	
9	Statistical Assistant	BPS-11	1	Regular	
10	Family Welfare Councilor	BPS-11	1	Regular	
11	Theatre Nurse	BPS-11	1	Regular	
12	Family Welfare Worker	BPS-09	45	Regular	
13	Lower Divisional Clerk	BPS-07	2	Regular	
14	OT Technician	BPS-07	3	Regular	
15	Family Welfare Assistant Male	BPS-05	43	Regular	
16	Family Welfare Assistant Female	BPS-05	45	Regular	
17	Drivers	BPS-04	18	Regular	
18	Dai/aya	BPS-02	51	Regular	
19	Naib Qasid	BPS-01	4	Regular	
20	Sweeper	BPS-01	3	Regular	
21	chowkidar	BPS-01	7	Regular	
22	Male Mobilizer	Fixed Pay	28		
<b>Total</b>			<b>287</b>		
1	Incharge of MPSC	Fixed Pay	1	Project	<p>Funded from FATA ADP</p>
2	Computer Teacher	Fixed Pay	1	Project	
3	Sewing Handicraft Teacher	Fixed Pay	2	Project	
4	Family Welfare Councilor	Fixed Pay	0	Project	
5	Family Welfare Assistant Male	Fixed Pay	1	Project	
6	Family Welfare Assistant Female	Fixed Pay	1	Project	
7	Drivers	Fixed Pay	0	Project	
8	chowkidar	Fixed Pay	1	Project	
9	Male Helper	Fixed Pay	0	Project	
10	Female Helper	Fixed Pay	0	Project	
11	Sweeper	Fixed Pay	1	Project	
<b>Total</b>			<b>8</b>		
<b>G. Total</b>			<b>295</b>		

*Approved*  
*DW*  
*Boor*

  
 Deputy Director  
 Population Welfare Directorate FATA

IN THE PESHAWAR HIGH COURT, PESHAWAR.

In Re: Writ Petition No. 1597/2007, titled as:

Abdul Qadir Wazir, Agency Population Welfare Officer Mohmand Agency & others.

Petitioner.

Versus

Governor Secretariat (FATA) through its incharge Secretary & others

Respondents

INDEX

S. No.	Particulars	Annexure	Pages
1.	Para wise comments on behalf of Respondents No. 1 to 5.		1-5
2.	Affidavit.		6
3.	Screening test result of NWFP Public Service Commission	A	7-14
4.	Appointment Order 22-3-2005	B	15-16
5.	Letter for N.O.C. dated 30.12.2004.	C	17
6.	Establishment Department Government of NWFP letter dated 13-3-2007.	D	18
7.	Population Welfare Department, Government of NWFP Notification dated 12-1-2004	E	19-20
8.	FATA Secretariat letter dated 19-8-2006	F	21

Respondents No. 3, 4 & 5,  
through

*[Signature]*  
Deponent

*Approved*  
*[Signature]*  
Attorney

(2)

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IN THE PESHAWAR HIGH COURT, PESHAWAR

In Re: Writ Petition No. 1597/2007, titled as:

Abdul Qadir Wazir, Agency Population Welfare Officer Mohmand Agency & others.

Petitioner

Versus

Governor Secretariat (FATA) through its incharge Secretary & others

Respondents

PARA - WISE COMMENTS ON BEHALF OF RESPONDENTS NO.3, 4 & 5

Respectfully Sheweth;

I- PRELIMINARY OBJECTIONS:

1. That the petitioner has got no locus standi or cause of action to file instant petition.
2. That the petitioner is estopped from instituting the present petition. Petitioner No. 2 & 3 appeared before the NWFP Public Service Commission. Copy of documents enclosed. (Annex-A).
3. That the petition is not competent and is not maintainable in the present form.
4. That this Hon'ble Court has got no jurisdiction to entertain the present petition. Besides, the petition is filed with the objective to seek relief against order of termination of their services which has been made in accordance with terms and conditions mentioned in their adhoc appointment order, duly made by the orders of the competent authority. Therefore, if the petitioner deems himself aggrieved, he has forum of the Service Tribunal regarding availing adequate remedy.
5. That the petitioner is not legally an aggrieved person in terms of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, as they have accepted the appointment unconditionally and now they cannot wriggle out from the expressed terms and conditions of services.

*Attended  
B.W.  
A.M.*



6. That the petition is bad in law owing to the misjoinder & nonjoinder of the necessary parties.

7. That the petition has been filed with mala fide intentions to gain unjustified benefits by delaying the case and deferring these candidates who were duly appointed in accordance with law.

## II- ON FACTS

1. Incorrect, the petitioner has clearly confessed that they were offered appointment which they accepted. In Sl. No. 2 of the terms and conditions of their appointment its clearly mentioned that:

"Period of contract will be six months or till the arrival of nominees of Public Service Commission whichever is earlier. The contract period of six months will automatically terminate on expiry of the stipulated period, however, it can be extended only through a fresh order in writing by the competent authority prior to the expiry of contract period" (Annex-A).

Thus they accepted this job as per terms and conditions in their appointment orders and have no right to violate the same and obstruct official process of the department and jeopardize the achievement of targets of the program.

2. Incorrect, as per rules requisition was first made to the NWFP Public Service Commission and NOC for six months was asked for before their appointment on adhoc basis (Annex-B).

3. Incorrect, the petitioner has attempted to earn the support of this Honorable Court by illustrating a fake position by stating that these are **Project Posts** but their supporting documents as Annexure-E, F, G, H, I, J, K and L do not show any where the decision of competent authority in this regard. Further more no decision for withdrawal of these posts from Pubic Service Commission has been taken. The fact is that Population Welfare is Program, with a full fledge Ministry at Federal level and Population Welfare Departments at Provincial level. Population welfare program FATA is replica of the programs at

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*Am*

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Provincial level with no fundamental changes in the administrative cum personnel structure. It is to mention here that appointments in all four provinces for the program in respect of BPS-11 and above are made through recommendations of respective Public Service Commissions. Further more appointments for project posts are not been made through Public Service Commission. The channel was followed by the then Deputy Director and FATA Secretariat and made requisition to Public Service Commission which was reconfirmed by a meeting as mentioned in letter of Establishment Department, Government of NWFP, dated 13-3-2007 (Annex-C).

4. Incorrect. Extension was granted to the petitioners due to the reason that the case was still under process in the Public Service Commission.
5. Incorrect. As mentioned in Para-3 above.
6. Needs no comments.
7. Incorrect. Their contract was terminated strictly in accordance with their terms and conditions of service duly accepted by them.
8. Incorrect. The petition is not based on facts and sound footings and is an attempt to waste precious time of this honorable Court.

#### GOURNDS

(A) In reply to Para-A it is stated that Population Welfare Program is not project of a span of five years as termed by the petitioners with the help of PC-1 (2003-08), but a program with full fledged Ministry at federal level and the period shown (2003-08) is that of PC-1 which is revised with certain changes at the interval of each five years by devising new modus operands/strategies and inculcating there in as to achieve new targets in each next five years and so on so forth. A particular PC-1 does not mean that the program ends at that stage or that the employees will have to go home. The program and employees remains intact only program strategies and short terms objectives

*Attended  
B.M.  
K.M.*

are adjusted with the PC-1 (Project) for next five years. Regarding appointments, the same is the procedure in all four provinces. Their appointment in BPS-11 and above also comes through Public Service Commission. Copy of PSC recommendations for APWOs/DPWs/TPWOs/Ads of Population Welfare Department NWFP are attached as (Annex-D).

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B. In reply to Para-B, it is stated that as per judgment of the Supreme Court of Pakistan dated 29-6-2006 mentioned in Civil Secretariat (FATA) letter dated 19-8-2006 (Annex-D), it has reaffirmed that employees working in FATA are subject to all rules and regulations governing the other civil servants in the province of NWFP. As appointment to BPS-11 and above posts of the provincial Population Welfare Department are made through recommendation of Public Service Commission, therefore, the same have rightly been applied to the Directorate of Population Welfare FATA.

C. In reply to Para-C, it is stated that Directorate of Population Welfare FATA stands on the same footing under the Ministry of Population Welfare Islamabad as Population Welfare Department NWFP and has, therefore, correctly undertaken the process of appointment through Public Service Commission.

D. Para-D needs no comments.

E. The contents of Para-E do not relate to this case.

F. As mentioned in Para-A & B above.

G. Contents of para-G are correct but their appointments were made conditionally (i) till the arrival of nominees of Public Service Commission (ii) expiry of contract period, which ever is earlier.

H. The contents of Para-H are unjustifiable.

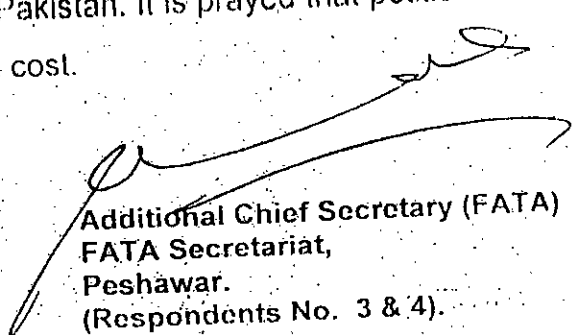
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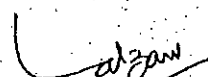
1. In reply to para-1 it is stated that their services were terminated strictly in accordance with rules and regulation and in light of terms and conditions of their appointment order. No illegality has been occurred

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PRAYER

In view of the above their plea contains at Sl. 1, 2, 3 and 4 being fake and bogus claims may be vacated in the best interest of Rule of Law, merit, competency of Public Service Commission and in the best interest of public service of Pakistan. It is prayed that petition of the petitioner may be dismissed with cost.

  
Additional Chief Secretary (FATA)  
FATA Secretariat,  
Peshawar.  
(Respondents No. 3 & 4).

  
Deputy Director,  
Population Welfare Directorate (FATA),  
(Respondent No. 5)

Admitted

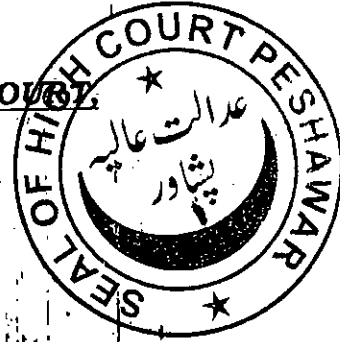


①

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,**

**PESHAWAR**

Writ Petition No 4284-P of 2016



Ashraf Ali S/o Ali Abbas Khan village, Lakka Teega, Hati Khel, FR  
Bannu, Presently Residing At Peshawar.

.....Petitioner

**VERSUS**

1. The Additional Chief Secretary FATA Secretariat, Warsak Road Peshawar.
- ✓ 2. The Secretary Administration Infrastructure & Co-ordination FATA Secretariat, Warsak Road Peshawar.
- ✓ 3. The Secretary Social Sector, FATA Secretariat, Warsak Road Peshawar.
- ✓ 4. The Director Health & Population Welfare, FATA Secretariat, Warsak Road Peshawar.

.....Respondents

**PETITION UNDER ARTICLE 199 OF THE**  
**CONSTITUTION OF ISLAMIC REPUBLIC**  
**OF PAKISTAN, 1973**

**BRIEF FACTS:-**

1. That Petitioner is a bonafide citizen of Pakistan and belongs to a respectable, having qualification of Master's Degree and serving as steno typist in Population Welfare Department FATA. (Copy of his CNIC & Degree are Attached as annexure "A" & A.1. respectively)
2. That the Petitioner has been appointed as Steno typist in (BPS-12) on Adhoc basis vide office order no GS/E/100-19/pop/378-85 dated 22-03-2005 in the office of Population Welfare Department (FATA) on the recommendations of Selection Promotion Committee. ( Copy of appointment order is attached as annexure "B")

FILED TODAY

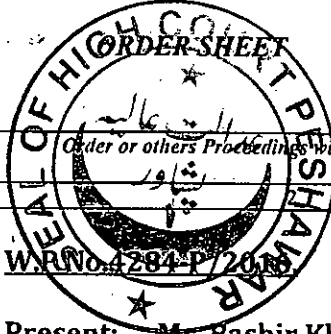
22 OCT 2016

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

21 DEC 2018

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PESHAWAR HIGH COURT, PESHAWAR



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Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
12.12.2018	<p>WR No. 4284-P/2018</p> <p>Present: Mr. Bashir Khan Wazir, Advocate, for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG, for Provincial Government.</p> <p>Arbab Saiful Kamal, DAG, for Federation.</p> <p>*****</p> <p><u>MUSARRAT HILALI, J.</u>- The instant writ petition has been filed by the petitioner under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, wherein he has prayed that the respondents may be directed to promote him from the post of Steno typist BPS- 14 to the post of Agency Population Welfare Officer (BPS-17) with all privileges.</p> <p>Arguments heard and appended record gone through.</p> <p>2. Admittedly, the petitioner is a civil servant and his grievance relates to the terms and conditions of service, so, the appropriate</p>

Law

ATTESTED  
EXAMINER  
Peshawar High Court  
21 DEC 2018


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remedy for seeking his redressal would surely be the Services Tribunal, as there is a complete and absolute bar in considering any matter relating to the terms and conditions of service of a Government servant. The Apex Court in Ali Azhar Khan Baloch's case (2015 SCMR 456), has again laid down that the issue relating to the 'terms and conditions' of service cannot be entertained by a High Court either in its constitutional jurisdiction or in its original civil jurisdiction being barred under Article 212 of the Constitution.

3. In view of the above, this writ petition, being not maintainable, is hereby dismissed



JUDGE



JUDGE

**Announced**  
12.12.2018

(DB) Hon'ble Mr. Justice Ikramullah Khan  
Hon'ble Justice Musarrat Hilali

Noor Shah, PS

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 87 of  
The Governance of Punjab Order 1988

21 DEC 2018

No. 18768  
Date of Presentation of Application 20/12/18  
No of Pages 27  
Copying Fee  
Urgent Fee  
Total  
Date of Preparation of Copy 21/12/18  
Date of Delivery of Copy 21/12/18  
Received By

Annexure "H"

69

To,

The Deputy Director,  
Population Welfare Directorate,  
Merged Area.

Subject: DEPARTMENTAL APPEAL IN LIGHT OF PESHAWAR HIGH COURT  
PESHAWAR JUDGEMENT DATED 12.12.2018

1. It is submitted that I, Ashraf Ali Stenographer (BPS-14) DPW Office North Waziristan submitted my application for promotion to the post of Agency Population Welfare Officer (BPS-17) in light of service structure approved by Honorable Governor Khyber Pakhtunkhwa and notified by Administration, Infrastructure & Coordination Department erstwhile FATA Secretariat vide F. No. FS/C/52-1/4192-4202 dated 20.08.2010 (Flag-A).
2. Subsequently my request was put up to Secretary Social Sectors Department FATA with the request for promotion in light of the following rules/ guidelines:
  - a) That a separate Service Structure has been approved for Population Welfare (FATA) including the method of recruitment and promotion as notified by FATA Secretariat vides Notification No. FS/C-II/52-1/4192-4202 dated 20.08.2010 already at (Flag-A).
  - b) According to the method of recruitment pertaining to the post of Agency Population Welfare Officer (BPS-17) where 70 % quota is meant for initial recruitment through Provincial Public Service Commission; while 30% quota has been reserved for promotion on the basis seniority-cum-fitness from amongst Account Assistants and Stenographers in the department.
3. Unfortunately, the same was returned by Secretary Social Sectors FATA as NFA on the basis of less service than the required length of service minimum 10 years for promotion as per our department employee's service structure.
4. I also submitted an application for review on my request for promotion on 10.04.2014, (Flag-B), which was forwarded by the then Deputy Director PWD FATA for appointment as acting charge. But that time it was come to my knowledge that my request is again rejected by the authority. (Continue)

*Accepted*

*D. H. Am*

*10/09/14*



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5) I, the undersigned on completion of my 10 year service submitted my application again on 28.01.2016 as I was qualified for promotion (Flag-C) and accordingly my request was forwarded to the authority but unluckily it was come to my knowledge that the same is again rejected/ pending by the authority concerned due to some observations.

6) Finally, I, the undersigned filed a writ petition No. 4284-P/2016 against Add: Chief Secretary FATA through advocate High Court Peshawar on 19.10.2016. Resultantly, the honorable Peshawar High Court Peshawar vide Judgement dated 12.12.2018, wherein the undersigned was admitted as Civil Servant, however, the terms & conditions of service is related to Service Tribunal, so that the appropriate remedy for seeking redressal would surely be the Service Tribunal, as there is a complete and absolute bar in considering any matter relating to the terms and conditions of service of a Government Servant (Flag-D).

7) Furthermore, it is worth mentioning that Population Welfare Department Khyber Pakhtunkhwa was also PSDP funded (now being shifted to current side after the devolution) and their staff seniorities were issued from time to time and promotions being held in all categories of posts.

8) Also mentioning that the previously promotion for the post of NWO (BPS-17) to Deputy Director Population Welfare FATA (BPS-18) already made in Population Welfare Directorate FATA. (Seniority list and relevant record is attached).

9) In connection to the above circumstances, before going to Service Tribunal Peshawar as per above Peshawar High Court Peshawar Judgement (Flag-D), I hereby submit this final departmental appeal for my promotion with the request to promote me to the post of District Population Welfare Officer BPS-17.

submitted for your kind consideration.

Sincerely,

Ashraf Ali,  
Junior Scale Stenographer  
DPWO North Waziristan

فاتیما علی ڈی پی او ڈسٹرکٹ پاپولیشن ویلفیئر ایف ایٹا  
سیکریٹری، ڈی ایچ او، ایف ایٹا، ایف ایٹا

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**POPULATION WELFARE  
DIRECTORATE  
MERGED AREA  
WARSAK ROAD PESHAWAR  
PHONE & FAX: 091-9212711**

F.No DD/POP/1(1) Vol-III/2018-19/

Dated 22/03/2019

327-31

To,

Section Officer (Estab)  
Population Welfare Department,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

**DEPARTMENTAL APPEAL IN LIGHT OF PESHAWAR HIGH COURT  
PESHAWAR JUDGEMENT DATED 12.12.2018**

Enclosed please find herewith a self-explanatory application/ appeal along with its supporting documents submitted by Mr Ashraf Ali, Junior Scale Stenographer BPS-14, District Population Welfare Office North Waziristan for guidance & further necessary action please.

A photocopy of relevant note sheet and documents are attached for ready reference please.

Deputy Director  
Population Welfare Directorate  
Merged Area

Copy to:

1. District Population Welfare Office North Waziristan for information please
2. PS to Secretary Population Welfare Department Khyber Pakhtunkhwa for information please.
3. PS to DG, Directorate General PW, Khyber Pakhtunkhwa for information please.
4. Official concerned for information.

*Attended*  
*Bin*  
*Am*

*Mallan*  
Deputy Director  
Population Welfare Directorate  
Merged Area

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority

PESHAWAR, MONDAY, 18<sup>TH</sup> FEBRUARY, 2013.

**FATA SECRETARIAT**

(Administration & Coordination Department).

73

**NOTIFICATION**

Peshawar, dated the 20<sup>th</sup> August, 2010.

No. FS / C-II / 52-1 / 4192-4202: The Governor Khyber Pakhtunkhwa has been please to approve the structure including service cadre, of population welfare program in FATA as a separate and independent entity from any other program in pursuance of decision of CDWP, in its meeting held on 16-02-2004 that the FATA / FRs Population Welfare Program under PSDP scheme would be separated from the population welfare programme of Khyber Pakhtunkhwa. on the lines of other Special Area Programs i.e. FATA / AJK and Islamabad Capital Territory.

2. The Governor Khyber Pakhtunkhwa has been further pleased to approve that:
- (i) The population welfare programme / sector FATA shall remain to be an integral part of the Health & Population Welfare Directorate FATA as provided for in the FATA Rules of Business, 2006;
  - (ii) The staff including Female Medical Officers recruited in the FATA Population Welfare Program strictly in accordance with codal formalities shall stand grated the same privileges, increments and promotion prospects as are applicable to the employees of the Population welfare in Khyber Pakhtunkhwa;
  - (iii) The following are hereby declared as appointing authorities for the posts in various Basic Scales as noted against each:

<u>Sl</u>	<u>Posts</u>	<u>Appointing Authority</u>
1.	Posts of Deputy Director Population of BS-18 & Above	Governor Khyber Pukhtunkhwa
2.	Posts of Assistant Director Population / Agency Population Welfare Officers / Women Medical Officers & equivalent In BS-17	Chief Secretary Khyber Pakhtunkhwa
3.	Posts in BS-16 & below	Director Health Services FATA

ATTESTED 663

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- (iv) All Codal formalities including advertisement of Posts, appointments through properly constituted Departmental Selection and Promotion Committee or requisitions to the Khyber Pukhtunkhwa Public Service Commission as well as determination of merit shall be the same as followed by the Government of Khyber Pukhtunkhwa in recruitment policy and other related policies;
- (v) The Service Rules for the posts in population welfare cadre of FATA shall be as appended to this Notification

**Additional Chief Secretary FATA**

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 18TH FEBRUARY, 2013. 665

No	Nomenclature of Post	Minimum Qualification prescribed for initial recruitment	Age Limit	Method of Appointment
	Deputy Director (BS-18)	(a) Second class Master's Degree Or equivalent qualification from Recognized University in Social Work, Sociology, Anthropology, Psychology, Business, Statistics, Political Science, Population Studies, B- Pharmacy (b) MBBS or equivalent qualification recognized by PMDC (c) 3 years experience after post graduation on a responsible post in the public sector not below the rank of BS-17.	30-40 years.	a. 30% by initial recruitment through NWFP Public Service Commission b. 70% by Promotion on the basis of seniority cum fitness, from amongst Assistant Directors, Technical/ Non Technical / Agency Population Welfare Officers (Non Technical / Technical) / Women Medical Officers with five years' service in BS-17.
	Assistant Director (Technical) (BS-17)	MBBS or equivalent qualification recognized by PMDC.	25-35 Years	100 % by initial recruitment through NWFP Public Service commission
	Assistant Director Non Technical (BS-17)	(a) Second class Master's Degree Or equivalent qualification from Recognized University in Social Work, Sociology, Anthropology, B- Pharmacy, Psychology, Business, Statistics, Political Science, Population Studies (b) MBBS or equivalent qualification recognized by PMDC	25-35 years	100 % by initial recruitment through NWFP Public Service commission
	Agency Population Welfare Officer (BS-18)			By promotion on the basis of seniority cum fitness, from amongst Assistant Directors (Technical / Non Technical) / Agency Population Welfare Officers (Non Technical / Technical) / Women Medical Officers with five years' service in BS-17.
	Agency Population Welfare Officer / Deputy APWO (BS-17)	(a) Second class Master's Degree Or equivalent qualification from Recognized University in Social Work, Sociology, Anthropology, B- Pharmacy, Psychology, Business, Statistics, Political Science, Population Studies (b) MBBS or equivalent qualification recognized by PMDC	25-35 Years	(a) 70% by initial recruitment through the NWFP Public Service Commission; and (b) 30 % by promotion on the basis of seniority cum fitness from amongst Accountants, Account Assistant and Stenographers with 10 years service in the department and having Masters Degree from a recognized University

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 18TH FEBRUARY, 2013.

6	Woman Medical Officer (BS-17)	MBBS or equivalent qualification recognized by PMDC	25-35 Years	By initial recruitment through NWFP Public Service Commission
7	Accountant (BS-16)	Second Class Master's Degree in Commerce / Economics / Business Administration or equivalent qualification from a recognized University	25-35 Years	(a) 70% by initial recruitment through NWFP Public Service Commission; and (b) 30 % by promotion on the basis of seniority cum fitness from amongst the holders of post of Account Assistant
8	Account Assistant (BS-14)	Bachelor Degree in commerce, Business Administration or Economics or equivalent qualification from recognized University.	20-30 Year.	By initial recruitment though NWFP Public Service Commission
9	Steno Typist (BS-12)	Intermediate with 50/40 Words Per Minute in Short Hand and Typing and having at least six months Diploma / Certificate in computers / Information Technology from the Board of Technical Education or and Institute recognized from it.	18-30 Years	By initial recruitment through NWFP Public Service Commission
10	Theatre Nurse (BS-12)	A Grade qualified Nurse from a recognized Nursing School	20-30 Years	By initial recruitment though NWFP Public Service Commission
11	Family Welfare Counselor (BS-11)		20-30 Years	By Promotion from amongst the Family Welfare Worker (BS-9) on the basis of seniority cum fitness
12	Statistical Assistant (BS-11)	Second class Bachelor Degree from a Recognized university with Statistics or Commerce as one of the subject and having Diploma / Certificate in Computer/ information technology from a recognized institute.	18-30 Year	By initial recruitment though the NWFP Public Service Commission
13	Family Welfare Worker (BS-09)	Secondary School Certificate from a recognized Board with 18 months Family Welfares Workers training Certificate from Regional Training Institute of the Ministry of Population Welfare/ LHV and having passed certificate Course from the Government Public Health School	18-30 Year	(a) 75% by initial recruitment; and (b) 25% by promotion on the basis of seniority cum fitness from amongst the holders of the posts of Family Welfare Assistant (Female) who have completed 18-months training at the Regional Training Institute of Population Welfare

*Handwritten signature*

ATTESTED  
*Handwritten signature*  
Deputy Secretary  
FATA Secretariat  
Peshawar

76

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 18TH FEBRUARY, 2013. 667

Technician	Secondary School Certificate from a recognized Board with science having successfully completed operation theatre Course and Two years work experience in the relevant field	18-30 Year	By Initial Recruitment
eeper	Intermediate or equivalent qualification from a recognized Board with science having diploma certificate in Computer Science / IT from a recognized Institute and two years experience in the relevant field	18-30 Year	(a) 70 % by initial recruitment; and (b) 30 % by Promotion from amongst Family Welfare Assistant Male, and Qasids / Naib Qasid / Chowkidar /who have passed Secondary School examination and posses typing speed of at least 30 words per minute with two years experience in service as such.
Welfare	Secondary School Certificate from a recognized Board.	18-30 Year	By Initial Recruitment
	Middle Pass having valid HTV / LTV Driving License	18-30 Year	By Initial Recruitment
/ Naib Qasids kidar / Mali / rs	Middle Pass	18-30 Year	By Initial Recruitment
/ Aya / Dai	Having Dai Certificate	18-30 Year	By Initial Recruitment

Approved  
[Signature]

ATTESTED  
[Signature]  
Deputy Secretary (Litigation)  
FATA Secretariat,  
Peshawar



77

**POPULATION WELFARE  
DIRECTORATE  
FATA SECRETARIAT  
WARSAK ROAD PESHAWAR  
PHONE & FAX: 091-9212711**

*Annexure 'J'*

**NOTIFICATION:-**

The competent authority (Secretary Social Sectors Deptt: FATA) has been pleased to order the following posting/ transfers with immediate effect till further order in the interest of public service.

S.No	Name & Designation	From	To	Remarks
1	Dr. Naila Wadood, Assistant Director (Med) BPS-17	Population Welfare Directorate FATA	Civil Hospital, Jamrud (Health Deptt) FATA	Against the vacant post of WMO BPS-17
2	Mr. Izhar Khan, APWO BPS-17	APWO Office Mohmand Agency	Population Welfare Directorate FATA	Against the vacant post of AD (Non- Tech) BPS-17
3	Mr. Ghafoor Shah, APWO BPS-17	APWO Office Khyber Agency	APWO Office Mohmand Agency	Vice No.2
4	Mr. Arafat Khan Afridi, APWO BPS-17	APWO Office NWA Agency	APWO Office Khyber Agency	Vice No.3

Moreover, the charge of APWO North Waziristan Agency vice No.4 is handed over to Agency Surgeon North Waziristan Agency as additional charge with immediate effect till further order please.

*Approved  
B.W.  
A.M.*

Sd/xxxx  
Secretary Social Sectors  
FATA

F.No. DD/POP/1(54)/2016-17/Transfer-Posting/14152-73

Dated 06/09/2016

**Copy to:-**

- Secretary (A, I & C) Deptt: FATA for information please.
- Secretary Social Sectors Deptt: FATA for information please.
- AGPR Sub Office Peshawar for information & necessary action please.
- Director Health Services, FATA for information please.
- Political Agents, Khyber, Mohmand and NWA Agencies for information please.
- Agency Surgeons, Khyber, Mohmand and NWA Agencies for information please.
- Agency Accounts Officers, Khyber, Mohmand & NWA Agencies for information & necessary action please.
- Officers concerned please.
- Agency Surgeon NWA with the request that all assets, tangible/intangible alongwith file work etc may please be maintained separately from Agency Surgeon Office.
- Accounts Section PWD FATA for necessary action please.
- Personal files for record please.

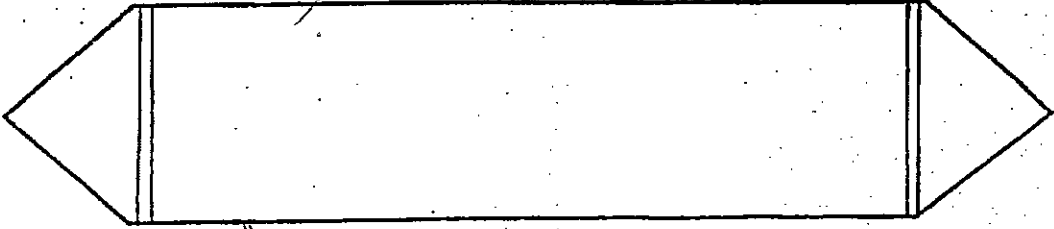
*[Signature]*  
Deputy Director  
Population Welfare Directorate



~~XXXXXXXXXX~~  
B  
M

78

بعدالت جواب برس / طر سبیل / ۲۰۱۹



۲۵۷ منجانب  
انفعال بنام اور تصف و غیرہ

Accepted

bv bc-59-2553

*[Handwritten signature]*

باعث تحریر آنکے 0333-9732415

موزخہ  
مقدمہ  
دعویٰ  
جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام کے لئے سید محمد عبدالعزیز کیلئے سید محمد عبدالعزیز

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ 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 اوکالت نامہ لکھ دیا کہ مندر ہے۔

Ashra Ali

اشرف علی والا علی بنی  
۲۵۷ منجانب

المرقوم ۵۷ ماہ ۲۰۱۹

واہ العی

کے لئے منظور ہے۔

Accepted

bv

bc-59

bc-15-5942

A-112

0316-6396416

بمقام

162

**IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

In Appeal No.658 /2019.

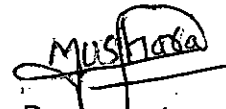
Mr. Ashraf Ali Stenotypist .....(Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Chief Secretary & others  
.....(Respondents)

**Index**

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3	Notification dated 24.10.2018	A	4



Deponent

Sagheer Musharraf  
Assistant Director (Lit)

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**IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

In Appeal No.658 /2019.

Mr. Ashraf Ali Stenotypist .....(Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Chief Secretary & others  
.....(Respondents)

**PARA-WISE REPLY/COMMENTS ON BEHALF OF THE**  
**RESPONDENTS No. 5,6,7**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got not locus standi to file the instant appeal.
2. That the Tribunal has no jurisdiction to adjudicate the matter.
3. That the instant appeal is bad in the eye of law.
4. That the appeal is based on distortion of facts and is not maintainable in its present form.
5. That the appellant has come to the Tribunal with un-cleaned hands.
6. That the appellant has been estopped by his own conduct to file the appeal.
7. That the appellant has no cause of action.

**ON FACTS:**

1. Correct.
2. Correct.
3. Correct.
4. Correct to the extent that the appellant at S.No: 08 in detail list of Officials has not been declared as seniority list. Moreover Population Welfare Programme was PSDP funded whose source of funding was Federal Government which has been stopped w.e.f 30.06.2019 and after merger of erstwhile FATA with Khyber Pakhtunkhwa the Directorate of Population Welfare (FATA) became under the administrative control of Secretary Population Welfare Department (**Annexure-I**). The department has created 233 Posts on current side for the existing employees of merged Districts. Moreover their status yet to be decided and their seniority shall be determined in the light of the APT Rules 1989.
5. As explained in Para 4 above.
6. The appellant has also availed upgradation from BPS-12 to BPS-14.
7. Correct to the extent that he was appointed on Adhoc basis as Steno Typist BPS-12 in 2005. The appellant claim for promotion on the grounds of the Finance Division notification No. FD/SO (FR) 10-22/2012 is incorrect as the said notification was just meant for upgradation and not promotion and was upgraded to BPS-14 accordingly. It is important to mention that Population Welfare Programme was PSDP funded and the employees of the said programme were on project posts. In post-merger scenario of FATA with Khyber Pakhtunkhwa, the PSDP funding from Federal Government has stopped on 30.06.2019 and once their status is decided their seniority shall be determined in the light of the APT Rules 1989.

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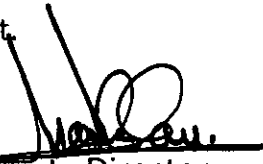
8. Incorrect. As explained in Para No. 7 of the facts above.
9. Pertains to record. Hence needs no comments.
10. As replied above.
11. Incorrect. Verbatim based on distortions of facts. As explained in above paras. It is further added that the petitioner's appeal had been entertained and it was found that Mr. Ashraf Ali, Junior Scale Stenographer, DPW Office, North Waziristan is not eligible for promotion to the post of District Population Welfare Officer (BPS-17) as the said post does not exist in the service structure approved by the Governor Khyber Pakhtunkhwa for the employees of Population Welfare Programme erstwhile FATA.
12. As replied above.

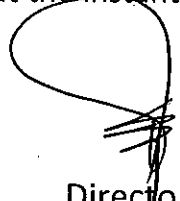
**GROUND.**


- A. Incorrect. The appellant is treated in accordance with Law, Rules and Policies of the Provincial Government.
- B. Incorrect. As explained in Para No. 4 & 7 of the facts above.
- C. Incorrect: That the appellant has never been declined/discriminated to favor any blue eyed employees as no promotion has been given to any of the Junior Scale Stenographers till date.
- D. Incorrect. As explained in Ground C above.
- E. Incorrect. As explained in Para No. 4, 6 & 7 of the facts above.
- F. Incorrect. As repetition of the earlier paras.
- G. Incorrect. As explained in Para 4 of the facts above.
- H. Incorrect. The appellant is exactly treated as per Law, Rules and Regulation of the Provincial Government.
- I. Incorrect. Verbatim based on Distortions of facts.
- J. No Comments.
- K. Incorrect. . Verbatim based on Distortions of facts as explained in Para 7 of the facts above.
- L. The respondent may also be allowed to raise further additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above, it is prayed that the instant appeal may kindly be dismissed with cost.

  
Deputy Director  
Population Welfare Directorate  
Merged Area  
Respondent No. 7

  
Director General,  
Directorate General, Population  
Welfare  
Respondent No. 6

  
Secretary  
Population Welfare Department,  
Government of Khyber Pakhtunkhwa  
Respondent No. 5

11-02-2020

10/6

**IN THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

In Appeal No.658 /2019.

Mr. Ashraf Ali Stenotypist .....(Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Chief Secretary & others  
.....(Respondents)

**Affidavit**

I Mr. Sagheer Musharraf, Assistant Director (Litigation), Directorate General of Population Welfare Department do solemnly affirm and declare on oath that the contents of para-wise comments/reply are true and correct to the best of my knowledge and available record and nothing has been concealed from this Honorable Tribunal.



Deponent  
Sagheer Musharraf  
Assistant Director (Lit)



92 ANNEX  
105

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

Dated Peshawar October 24, 2018

<http://www.glxspace.com/>

**NOTIFICATION**

NO. SO(E-I)/E&AD/9-126/2018. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Directorates working under erstwhile FATA Secretariat shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa in all official business:-

S#	NAME OF DIRECTORATE	REPORT TO RESPECTIVE SECRETARY OF THE DEPARTMENT
1.	Directorate of Education.	i. Secretary Elementary & Secondary Education ii. Secretary, Higher Education, Achieves & Libraries.
2.	i. Zakat Ushr ii. Social Welfare	Secretary, Zakat, Ushr, Social Welfare & Women Development Department.
3.	Population Welfare	Secretary, Population Welfare Department.

2. Subsequent modalities on other auxiliary matters shall be decided shortly.
3. In case of issues in financing, development schemes and other matters relating to erstwhile FATA viz-a-viz Federal Government and other partners, the respective Secretary may communicate and route cases as per current arrangements accordingly.

CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Additional Chief Secretary Merged Areas, Warsak Road, Peshawar
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 Government of Khyber Pakhtunkhwa.
7. COS 11 Corps Headquarters, 11 Corps Peshawar.
8. All Divisional Commissioners in Khyber Pakhtunkhwa.
9. Accountant General, Khyber Pakhtunkhwa
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. Director, E&SE/Director Higher Education, Director, Social Welfare & Women Dev./DG, Population Welfare in Khyber Pakhtunkhwa
12. Director Education/Director, Zakat & Ushr/Director Population Welfare/Director, Social Welfare, erstwhile FATA
13. Director General Information, Khyber Pakhtunkhwa.
14. PS to Chief Secretary, Khyber Pakhtunkhwa.
15. PS to Secretary Establishment/PS to Secretary Administration Departments.
16. PS to Special Secretary (E)/ D.S.(Admn), D.S. (Est.), SO(Secret)/SO(HRD-I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
17. Manager, Govt. Printing Press Peshawar.

(ISHIAQ AHMAD)  
SECTION OFFICER (E-I)

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 453-56/ST

Dated 21-02- 2020

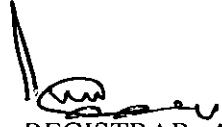
To

1. The Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.
2. Secretary Administration infrastructure & Coordination,  
Government of Khyber Pakhtunkhwa,  
FATA Secretariat Warsak Road Peshawar.
3. Secretary social sector,  
Government of Khyber Pakhtunkhwa,  
FATA Secretariat Warsak Road Peshawar.
4. Director Health & Population Welfare,  
Government of Khyber Pakhtunkhwa,  
FATA Secretariat Warsak Road Peshawar.

Subject: - ORDER IN APPEAL NO. 658/2019, MR. ASHRAF ALI.

I am directed to forward herewith a certified copy of order dated 17.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 333 /ST

Dated 11/02 / 2021

To

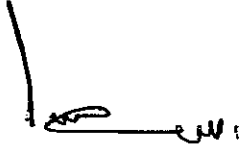
The Director General, Population Welfare Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 658/2019, MR. ASHRAF ALI.

I am directed to forward herewith a certified copy of Judgement dated 08.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



(1)

**FATA SECRETARIAT**  
**SOCIAL SECTORS DEPARTMENT**

Dated, 30.04.2013

**NOTIFICATION:-**

No.SO(SSD)/FS/Pop/5(1)2013/3498-3517. On the recommendation of Departmental Promotion Committee and in pursuance of the approval of the Governor, Khyber Pakhtunkhwa Dr.Lal Zari, Women Medical Officer Population Welfare Department FATA is hereby promoted from BPS-17 to BPS-18 on regular basis.

On her promotion she is posted as Deputy Director Population Welfare Department FATA with immediate effect.

Secretary Social Sectors

Copy to :-

1. Secretary Planning & Development Division Islamabad.
2. Secretary States and Frontier Regions Division Islamabad.
3. Principal Secretary to Governor Khyber Pakhtunkhwa
4. All Secretaries FATA Secretariat.
5. Additional Accountant General (PR) Sub Office Peshawar.
6. All Agency Population Welfare Officers FATA.
7. Officer concerned
8. Manager Government Printing & Stationery Department Khyber Pakhtunkhwa
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Additional Chief Secretary FATA

Deputy Secretary (SSSD)



2

**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
POPULATION WELFARE DEPARTMENT**  
02<sup>nd</sup> Floor, Abdul Wali Khan Mall (Upper), Chak No. 10/1, Peshawar

Dated Peshawar the 31<sup>st</sup> August, 2020

**NOTIFICATION**

No. SOE (PWD) Misc/Inquiry/2018/EATA/ Consequent upon expiry of major penalty on 2/08/2020 and approval by the Competent Authority dated 27/08/2020, Dr. Lal Zari, Assistant Director (Medical), BPS-17, Population Welfare Directorate Merged District is hereby restored on her original post and scale i.e. Deputy Director (BPS-18) w.e.f. 26/08/2020. However the officer, on restoration to her original post will be placed below her erstwhile juniors promoted to higher post during subsistence of the period of penalty as per Rule-4(1)(b)(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

2. On restoration, the officer concerned is hereby posted as Senior Women Medical Officer (BPS-18), 1/c RHSC A, Landi Kotal, Merged District Foyahar.

SECRETARY  
GOVT. OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT

Encl: No. SOE (PWD) Misc/Inquiry/2018/EATA/ Dated Peshawar the 31<sup>st</sup> August, 2020

Copy for information & necessary action to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Administrative Secretaries, Khyber Pakhtunkhwa.
4. Director General Population Welfare Department, Peshawar.
5. CSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director, Population Welfare Directorate, Merged Districts, Peshawar.
7. PS to Advisor to the CM on Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
10. District Population Welfare Office, Merged District Khyber.
11. Manager, Govt. Printing Press, Peshawar.
12. Officer concerned.

  
OFFICER (ESTD)  
9223623

Date 16/09/2013

DIRECTORATE OF POPULATION WELFARE  
FATA SECRETARIAT PESHAWAR  
APPLICATION FOR PROMOTION

SUBJECT:

PUC is an application received from Mr. Ashraf Ali Stenographer (BPS-14) Agency Population Welfare Office North Waziristan Agency has requested for promotion to the post of Agency Population Welfare Officer (BPS-17). The application has been examined in the text of following:-

- (i) Presently, 05 Posts of BPS-17 Officers are vacant including the post in North Waziristan Agency, in these five posts 03 posts of APWO have been requisition to PSC KPK and two officers are from Provincial Population Welfare Department.
- (ii) The official is resident of FR Bannu and presently posted in the Agency Office in North Waziristan Agency. He has sufficient experience in the official business and has dealt with different subjects.
- (iii) He is also senior most in his cadre.

2

The request for promotion is to be considered in light of the following rules/guidelines:

- (a) Separate Service Structure has been approved for Population Welfare (FATA) including the method of recruitment and promotion as notified by FATA Secretariat vide notification No.FS/C-II/52-1/4192-4202, dated 20-08-2010
- (b) According to the method of recruitment pertaining to the post of Agency Population Welfare Officer (BPS-17) where 70% quota is meant for initial recruitment through Provincial Public Commission; while 30% quota has been reserved for promotion on the basis seniority-cum-fitness from amongst Account Assistants and Stenographers in the department.

3

Forgoing in view, the applicant merits consideration for promotion to the post of APWO (BPS-17) on the basis of his seniority-cum-fitness in the cadre as per condition laid down in the rules. Moreover, he has 08 years and 05 Months of Services, which is worth consideration for promotion being a cadre post of FATA, therefore, his case is to be placed before the departmental promotion Committee please.

16/09/2013  
Deputy Director  
PWD FATA

4

Deputy  
SECRETARY  
Social Sectors Department FATA

pl. examine/dismiss.

5

S.O. / S.D.

Mr. Ashraf Ali does not fulfill the requirement under Service Rules. Can Pw Dept (F) justify it?

DD PWD (F)

19/9/13  
176  
19/9/13

(5) For the present case of Mr. A. S. ... it is submitted that he is in service  
most amongst in the ...  
(4)

8 years 5 months

11/10/13

Pre paras refer

7

The query made by the undersigned vide  
Para-5/N, has been replied to by DD PWD vide  
Para-6/N above.

8

It is agreed we may ask the DD, PWD CF,  
to move a self-contained case in this regard;  
quoting as to who is competent authority  
to relax the said service rules and under  
which rules.

20/9/13

OS(S&D)

ys R.

~~ys R.~~

DD (PWD) FATA

23/9/13

(5)

9

Mr. Ashraf Ali (BPS 14) is having 10 year 7 months

service in the cadre where as 10 year length of service as required as per service rules of FATA for promotion to the post of APWO (BPS 17). He is one and 1/2 year short of the required length of service for promotion.

10

It is requested that his case may also be considered for appointment as acting charge basis as per rule 9 of appointment promotion, and transfer rule 1989 sub rule which read as follows: "Provided that the appointing authority considered to be in the public interest to fill a post reserved under the rule for departmental promotion, and the most senior civil servant belonging to the cadre concerned, who is otherwise eligible for promotion and does not possess the specified length of service the authority may appointed him to that post on acting charge basis. Provided that such appointment shall be made if the prescribe length of service is short by more than three years. Therefore, his length of short service is one and half year which is less than three year and he is eligible for appointment as acting charge basis as per above rule

Submitted for consideration as per rule please

DD PWD  
FATA

~~S/S~~

Attested copy of the Master degree of Mr. Ashraf Ali may also be added so as to proceed ahead, pl.

07/10/13

~~DD (PWD)~~

12

Step 6 plan approved

Attested copy of the same duly

13

verified is submitted by the ...  
Instead of Master degree annexed at (Annexure

~~DD PWD / FATA~~

11

15- This case strongly is submitted for approval please. (6)

Kindly peruse paras-1-3/N

16 The DD(PWD) has submitted a case of Mr. Ashraf Ali (Steno.) (BPS-14) for promotion to the Agency Population Welfare Officer (BPS-17). As per rule in case of promotion at least 10 years service in the department is required, while the applicant has only 8 years and 5 months service period. The DD(PWD) has requested to relax the rules.

17 These rules (F/B) approved by the Governor specifically for Population Welfare FATA and he can only relax the rules.

8 It is therefore proposed that the applicant should wait till he completes the prescribed limit of service

malik  
DS 17/1

~~Sery (SSD)~~

N.F.A.

8  
- 17/1/14

~~DS (SSD)~~

14/12/2014

~~SO (SSD)~~

20/01/14

DDPND(F)

19 N.F.A

Secy

IDE

malik Th. 14/1

file in original

1. Subject: Public Service Commission for the promotion to the post of APWO  
NWFA

2. Petitioner's name: Mr. Ashraf Ali Steno typist (BPS 14) Agency (7)

Population Welfare Office North Waziristan Agency  
the post of Agency Population Welfare Officer (BPS 17) is being  
examined in the text of following:

- (i) Presently 07 Posts of BPS 17 Officer are vacant in whole the post in North Waziristan Agency
- (ii) The official is resident of ER Bannu and presently posted in the post of APWO North Waziristan Agency. He has sufficient experience in the office to be in a position to deal with different subjects
- (iii) He has also senior most in his cadre

The request for promotion is to be considered in the light of the following rules/guidelines

(a) Separate Service Structure has been approved for Population Welfare Officer (BPS 17) including the method of recruitment and promotion is notified by FMA Secretariat vide notification No FS/C II/92 - 4192-4202 dated 20.05.2010

(b) According to the method of recruitment pertaining to the post of Agency Population Welfare Officer (BPS 17) where 70% quota is reserved for initial recruitment through Provincial Public Commission then 30% quota has to be reserved for promotion on the basis seniority cum fitness from approved Account Assistant and Stenographers in the department

Mr. Ashraf Ali Steno typist (BPS 14) is having 08 years 10 months service in the cadre where as 10 year length of service is required for promotion to the post of APWO (BPS 17) he is one year and two months short of the required length of service for promotion

It is requested that his case may also be considered for promotion on the basis as per rule 9 of appointment, promotion and transfer rules 1973 as where the appointing authority considered to be in the public interest to fill the post reserved under the rules for departmental promotion of the post in question servant belonging to the cadre of services concerned who is otherwise eligible for promotion and does not possess the specified length of service the authority may appoint him to that post on acting charge bases

Appointment shall be made if the prescribed length of service is less than the required length of service



(26) For family in mind. The appointment merits consideration for promotion to the post of APW (BPS-17) on the basis of his seniority & fitness in the post. His promotion is subject to the rules.

As the consideration for promotion is subject to the rules of service, which are to be placed before the departmental promotion committee.

Submitted for consideration as per rule 14(a).

23  
14/1/14

Deputy Director  
FW/FATA

Deputy Secretary  
SSD/FATA

28

Kindly peruse paras. 21-26/N. His tenure of service is less than 10 years which is required for promotion, therefore, cannot be placed before the Departmental promotion committee. However he is eligible to be posted him as Agency Population Welfare officer on acting charge basis please.

29

~~Sany (SSD)~~

Para 28/N  
Agreed

on a/c  
DS 17/2  
K P H.  
11/1/14

~~D-S/SSD~~

May kindly be approved for posting as Agency Population Officer on Acting Charge basis please.

30

~~Sany (SSD)~~

Para 29/N  
N.F.A.

on a/c  
DS 18/2  
11/1/14  
H  
20/2

~~DS/SSD~~

~~DD (P.W.D)~~

1/1/14

File

At Annex (B) registered by NWA, 14/03/16 BPS-14 of APVOTHS NWA 2012-13  
NWA registration case to APV officer BS-17.

(9)

33 The 3rd item of the list of the 14 items - please refer to the list of the 14 items which was kept in the office of the Director, PWD, FATA. The 3rd item of the list is the 3rd item of the list of the 14 items which was kept in the office of the Director, PWD, FATA. The 3rd item of the list is the 3rd item of the list of the 14 items which was kept in the office of the Director, PWD, FATA.

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submit the further necessary documents.

Deputy Director  
PWD, FATA  
22/3/16

Director Health Services, FATA

Secretary (SSI), FATA

FILE

14/03/16

2/3/16

17/3/16

Field