


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 149/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16.02.2024	<p>The implementation petition of Mr. Muhammad Munir submitted today by Mr. Taimur Ali Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____.</p> <p>Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Execution petition No. 149 /2023
In Service Appeal No.3397/2021

Muhammad Munir

V/S

Social Welfare Department

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of execution petition	-----	01-03
2	Copies of detail of vacant posts, seniority list, rules and memo of appeal	A,B,C&D	04-17
3	Copy of judgment/order dated 05.10.2023	E	18
4	Copy of application	F	19-21
5	Vakalat Nama	-----	22

PETITIONER

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
Cell# 0333-9390916

①

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

Execution Petition No. 149 /2024
In Service Appeal No.3397/2021

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 11218

Dated 16-02-2024

Mr. Muhammad Munir, Assistant (BPS-16),
MR & PH, Charsadda.

(PETITIONER)

VERSUS

1. The Secretary Zakat, Usher, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
2. The Director Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, Social Welfare Department, Charsadda.

(RESPONDENTS)

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 05.10.2023 OF THIS HONOURABLE
TRIBUNAL IN LETTER AND SPIRIT.**
.....

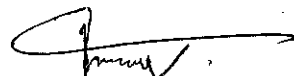
RESPECTFULLY SHEWETH:

- Filed to-day**
Registrar
1. That 22 posts of Superintendent (BPS-17) are lying vacant in the respondent department and the petitioner was at Sr. No.16 of the seniority list of Assistant (BPS-16) issued on 10.08.2020 and rules of promotion to the post of superintendent (BPS-17) was notified on 25.09.2019, wherein the post of superintendent (BPS-17) can be filled by promotion on the basis of seniority-cum-fitness from amongst the Assistant and Senior Scale Stenographer with at least five years service as such and the petitioner being eligible for promotion to the post of Superintendent (BPS-17) filed service appeal No. 3397/2021 in this Honorable Tribunal for directing the respondents to consider the petitioner for promotion to the post of Superintendent (BPS-17) with all back and consequential benefits. (Copies of detail of vacant posts, seniority list, rules and memo of appeal is attached as Annexure-A,B,C&D)
 2. The appeal of the petitioner was heard and decided by this Honorable Tribunal on 05.10.2023. The Honorable Tribunal dispose of the

appeal of the petitioner that the prayer of the petitioner was only to the extent that the petitioner be considered for promotion in the next DPC when that is held and although seeking promotion is not a right, yet civil servants have every right to be considered for promotion, if they are otherwise eligible and senior, in accordance with the relevant rules and law. **(Copy of judgment/order dated 05.10.2023 is attached as Annexure-E)**

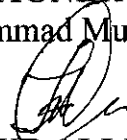
3. That the petitioner has filed application to implement the judgment/order dated 05.10.2023 of this Honorable Tribunal, but no action has taken on the application of the petitioner. **(Copy of application is attached as Annexure-F)**
4. That the Honorable Tribunal clearly mentioned in its judgment/order dated 05.10.2023 that every civil servant have every right to be considered for promotion, if they are otherwise eligible and senior, in accordance with the relevant rules and law, but the respondent department did not call DPC meeting to consider the eligibility of the appellants for promotion to the posts of Superintendent (BPS-17) although 22 posts were vacant since April 2020.
5. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
6. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 05.10.2023 of this Honorable Tribunal in letter and spirit.
7. That the petitioner has having no other remedy except to file the instant execution petition in this Honorable Tribunal for implementation of judgment dated 05.10.2023 of this Honorable Tribunal.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 05.10.2023 of this Honorable Tribunal in letter and spirit. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.



PETITIONER
Muhammad Munir

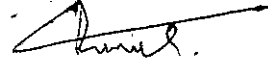
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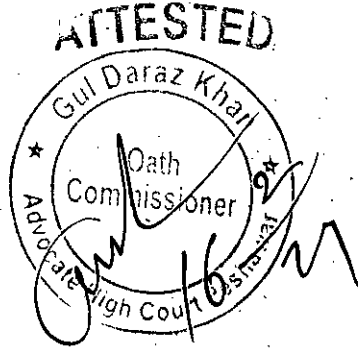
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.



DEPONENT



VACANT POSTS DETAIL FROM PAYROLL OF APRIL 2020

	TYPE-II	DDOCode	DDODescription	Designation	BPS	SanctionPosts	FilledPosts	Vacant
EMENT	SETTLEMENT PROVINCIAL	PR4359	PR4359 Social Welfare Provincial	SUPERINTENDENT	17	3	1	2
EMENT	SETTLEMENT DISTRICT	AD6129	AD6129 Special Education Centre Abbottabad	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	AD6163	AD6163 District Officer Social Welfare Abbottabad	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	BD6249	BD6249 Establishment of Welfare Home Buner	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	BU6290	BU6290 Welfare Home Bannu	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	CA6275	CA6275 Welfare Home for Destitue Children, Charsadda	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	DA6154	DA6154 District Officer Social Welfare Dir Lower	SUPERINTENDENT	17	2	0	2
EMENT	SETTLEMENT DISTRICT	DI6139	DI6139 Social Welfare Officer U C D Project D I Khan	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	DI6246	DI6246 Special Education Centre D I Khan	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	HG6167	HG6167 Establishment of Welfare Home Hangu	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	HR6200	District Officer Social Welfare Haripur	SUPERINTENDENT	17	0	0	0
EMENT	SETTLEMENT DISTRICT	HR6363	HR6363:DARUL AMAN HARIPUR	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	KT6108	KT6108 Welfare Home Kohat	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	LK6081	LK6081 District Officer Social Welfare Lakki Marwat	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	MA6359	MA6359 Establishment of Darul Aman Mansehra	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	MD6144	MD6144 Welfare Home Female Malakand	SUPERINTENDENT	17	2	0	2
EMENT	SETTLEMENT DISTRICT	MD6211	MD6211 Establishment of GIB Malakand	SUPERINTENDENT	17	1	0	1
EMENT	SETTLEMENT DISTRICT	MR6163	MR6163 Govt Institute for Blind Mardan	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	MR6251	MR6251 Darul Aman Mardan	SUPERINTENDENT	17	1	1	0
EMENT	SETTLEMENT DISTRICT	MR6327	MR6327 Darul Kafal Mardan	SUPERINTENDENT	17	1	0	1

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AGENT	SETTLEMENT DISTRICT	NR6148	NR6148 Superintendand Welfare Home Nowshera Nowshera	SUPERINTENDENT	17	1	0	1
AGENT	SETTLEMENT DISTRICT	PW6144	PW6144 Gov,t Institute for Blind (M) Peshawar	SUPERINTENDENT	17	1	1	0
AGENT	SETTLEMENT DISTRICT	PW6148	PW6148 Special Education Centre Peshawar	SUPERINTENDENT	17	1	1	0
AGENT	SETTLEMENT DISTRICT	PW6165	PW6165 Welfare Home Peshawar	SUPERINTENDENT	17	1	0	1
AGENT	SETTLEMENT DISTRICT	PW6259	PW6259 Superintendent Welfare Home for Children Beggars at Peshawar	SUPERINTENDENT	17	1	0	1
AGENT	SETTLEMENT DISTRICT	SU6136	SU6136 Special Education Centre Swabi	SUPERINTENDENT	17	1	1	0
AGENT	SETTLEMENT DISTRICT	SU6320	SU6320 Establishment of Welfare Home Swabi	SUPERINTENDENT	17	1	0	1
AGENT	SETTLEMENT DISTRICT	SW6197	SW6197 Special Education Centre Swat	SUPERINTENDENT	17	1	0	1
AGENT	SETTLEMENT DISTRICT	SW6281	SW6281 Darul Aman Swat	SUPERINTENDENT	17	1	1	0
AGENT	SETTLEMENT DISTRICT	SW6328	SW6328 Darul Kafal Swat	SUPERINTENDENT	17	1	0	1
			Grand Total			33	11	22

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091-9224253
ORDER.

Govt Khyber Pakhtunkhwa
Directorate Welfare, Special Education and
Women Empowerment Jamrud Road Peshawar.

Dated Peshawar the 10/08/2020

No.E-17/17/DSW/Vol-6/1160-65 In pursuance of Section 8 (1)& 11(B) of Khyber Pakhtunkhwa Civil servants Act, 1973 read with Sub- Rule (b) & (4) of Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfers) Rules 1989 added Vide Notification No.SOR - VI(E&AD)1-3/2008 dated.19-11-2009 and decision made in the Re-Structuring Committee meeting held on 12-02-2020, Combined Final Seniority list of Office Assistant & Senior Scale Stenographer BPS-16, Social Welfare, Special Education & Women Empowerment Department, Khyber Pakhtunkhwa as stood on 31.03.2020 is circulated for information of all concerned.

S.#	Name of official	Father's Name	Desig:	Date of Birth	Domicile	Qualification	Date of 1 st appointment with post	Date of promotion present post	Present Posting
1	Mr. Syed Nabi Gul	Mr. Ghulam Nabi	S.S.S.G	15.5.1968	Charsadda	B.Com	29.08.1988	26.04.2011	DSW
2	Mr. Abid Muhammad	Mr. Gul Muhammad	O.A	16-07-1965	Peshawar	Matric	17-05-1984As a J/C 28-5-1996As a S/C	26-04-2011	DSW
3*	Mr. Ikram Ullah Jan	Mr. Nasr Ullah Jan	S.S.S.G	15.3.1969	Peshawar	MA	02.11.1992 (Adjusted from SPP on (05.01.2002)	26.04.2011	DSW
4	Mr. Sardar Ali	Mr. Hayat Ullah	O.A	14-08-1966	Charsadda	F.A	17-05-1987As a J/C 31-12-2004As a S/C	26-04-2011	GSDC yakatoot Peshawar
5	Mr. Ibrar-Ul-Haq	Mr. Anwar Ul Haq	O.A	26-02-1981	Charsadda	M.Sc	22-05-2014	22-05-2014	DSW
6	Mr. Said Akbar	Mr. Noor Zaman	O.A	25-03-1981	Malakand	MA	28-05-2014	28-05-2014	GSDC Charsadda
7	Mr. Murtaza Khan	Mr. Zerul Hassan	O.A	01-10-1961	Charsadda	FA	13-5-1984	27-09-2016	GIB (G) Peshawar
8	Mr. Rehmat Ullah	Mr. SherDul Aziz Khan	O.A	15-02-1963	Chitral	MA	06-11-1989 as O.A	12-01-2018 (Devolved)	SEC Swat
9	Mr. Muhammad Sharif	Mr. Gulab Jan	O.A	16-03-1965	Karak	MA	01-07-1987 as UDC 20-11-1994 as O.A	12-01-2018 (Devolved)	SEC Kohat
10	Mr. Hidayat Ullah	Mr. Faiz Ullah Khan	O.A	12-01-1962	Lakki Marwat	MA	12-10-1986 as UDC & 01-07-1987 as UDC 07-11-1996 as O.A	12-01-2018 (Devolved)	SEC Peshawar
11	Mr. Abid Ali Shah	Mr. Abdullah Jan	O.A	23-11-1962	Peshawar	FA	14-09-1987 as UDC 07-11-1996 as O.A	12-01-2018 (Devolved)	SEC Peshawar
12	Mr. Munir Khan	Mr. Muqarrab Khan	O.A	15-01-1967	Abbottabad	FA	09-03-1988 as UDC 07-11-1996 as O.A	12-01-2018 (Devolved)	SEC Abbottabad

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13	Mr. Dawood Khan	Mr. Latif Khan	S.S.S.G	15-03-1964	Peshawar	D.Com	18-02-1984 as J/C and 01-11-1986 as J/S Steno 22-05-2000 as SSSG	12-01-2018 (Devolved)	SEC Peshawar
14	Mr. Ishtiaq Ahmad	Mr. Ghulam Muhammad	O.A	13-10-1973	Charsadda	MA	08-03-2006 as O.A	12-01-2018 (Devolved)	SEC Charsadda
15	Mr. Javed Iqbal Naseem	Mr. Hakim Gul	O.A	01-04-1967	Karak	Matric	01-07-1987 as LDC and 10-07-1991 as UDC 24-08-2006 as O.A	12-01-2018 (Devolved)	Hostel Peshawar
16	Mr. Muhammad Munir	Mr. Noor-Ul Haq	O.A	15-07-1968	Charsadda	BA	30-04-1988 as UDC 07-05-2008 as O.A	12-01-2018 (Devolved)	SEC Charsadda
17	Syed Majid Ali Shah	Mr. Imtiaz Ali Shah	O.A	15-04-1981	Mardan	MBA	01-07-2010 as O.A	12-01-2018 (Devolved)	SEC Mardan
18	Mr. Masih ullah	Mr. Rafiullah	O.A	10-02-1970	Charsadda	B.A	19-09-1991 As a J/C 26-03-2008 As a S/C	26.4.2011 on acting charge basis. 15-05-2018 on regular basis. A service appeal is under way claiming seniority from the date of assumption i.e. 26.4.2011 in the analogy of the Supreme Court orders duly implemented by the E&AD KP	DSW
19	Mr. Saeed Muhammad	Mr. Ahmad Khan	O.A	16-12-1968	Charsadda	Matric	28-09-1988 As a J/C 04-12-2008 As a S/C	26.4.2011 on acting charge basis. 15-05-2018 on regular basis.	DSW

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20	Mst. Nscreen Nargis	Mr. Mustaqeem Khan	O.A	11-4-1977	Kohat	B.A	16-03-2018 Benazir Centre through Court	26-12-2019	Special Education centre Kohat
21	Mst. Huma Kawal	M. Farooq	O.A	24-04-1984	Abbottabad	BSc	16-03-2018 Benazir Centre through Court	26-12-2019	Directorate
22	Mst. Rabia jalal		O.A		Swat		16-03-2018 Benazir Centre through Court	26-12-2019	D.O Swat

A service appeal is under way claiming seniority from the date assumption i.e. 26.4.2011 in the analogy of the Supreme Court orders duly implemented by the EB&AD KP

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Sd/---Director
(SW, SE & WE)

1. The Section Officer-General, SW, SE & WE, Khyber Pakhtunkhwa.
2. The Assistant Director (Admn) (Lit) (Estab-I) & (B&A) Directorate of SW, SE & WE Khyber Pakhtunkhwa.
3. Deputy Director, Special Education Complex Abbottabad, Charsadda, Kohat, Mardan, Peshawar & Swat.
4. District Officer, Social Welfare, Peshawar, Charsadda, Swat, Mardan, Kohat
5. Incharge, Special Education Institutions concerned.
6. Official concerned.

Deputy Director
(Administration)

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
SOCIAL WELFARE, SPECIAL EDUCATION AND WOMEN EMPOWERMENT DEPARTMENT

NOTIFICATION

Peshawar, dated the September, 25th 2019

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No: SOI/SWD/II-I2/Service Rules/2019-20-320-52 In pursuance to the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf, the Social Welfare, Special Education and Women Empowerment Department Khyber Pakhtunkhwa, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to all the posts in the strength of Directorate of Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa (Social Welfare Side) specified in column 2 of the said Appendix:

APPENDIX

S.No:	Nomenclature	Minimum qualification for initial recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-19)	---	---	By transfer of PCS/PMS/PAS Officer of the Provincial Government.
2	Deputy Director (BPS-18)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Social Welfare Officers, Managers, Rehabilitation Officers and Assistant Directors with at least five years service as such. Note: A joint seniority list of Social Welfare Officers, Managers, Rehabilitation Officers and Assistant Directors shall be maintained for the purpose of promotion.
3	Assistant Director (BPS-17)	At least Second Class Master's Degree or equivalent qualification from a recognized University.	21-35 years	(a) Thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendent with at least three years service as such and have qualification of graduation from a recognized University; and (b) Seventy per cent (70 %) by Initial recruitment.

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4	Manager (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Anthropology or equivalent qualification from a recognized University.	21-35 years	(a) Ten per cent (10 %) by promotion, on basis of seniority-cum-fitness, from amongst the Administrative Officers with at least three years services as such; and (b) ninety per cent (90 %) by initial recruitment.
5	Rehabilitation Officer (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Psychology, Anthropology or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
6	District Officer Social Welfare (BPS-17)	---	---	By transfer from amongst the officers in BPS-17 of Directorate of Social Welfare, Khyber Pakhtunkhwa, on social welfare side.
7	Social Welfare Officer (BPS-17)	At least Second Class Master's Degree in Social Work, Sociology, Anthropology or equivalent qualification from a recognized University.	21-35 years	(a) Ten per cent (10 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Field Officers with at least five years service as such; and (b) ninety (90) % by initial recruitment.
8	Medical Officer (BPS-17)	---	---	By transfer from Health Department on deputation basis.
9	Psychologist (BPS-17)	---	---	By transfer from Health Department on deputation basis.
10	Superintendent (BPS-17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with at least five years service as such. Note:-A joint seniority list of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion.
11	Administrative Officer (BPS-17)	At least Second Class Master's Degree or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
12	Field Officer (BPS-16)	At least Second Class Master's Degree in Social Work, Sociology or Anthropology or equivalent qualification from a recognized University.	21-35 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Vocational Teachers with at least three years service as such.

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13	Senior Scale Stenographer (BPS-16)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five years service as such.
14	Assistant (BPS-16)	At least Second Class Bachelor's Degree or equivalent qualification from a recognized University.	20-32 years	(a) Forty per cent (40 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Instructors all Trades with at least five years service as such; (b) thirty five percent (35 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks and Accountants with at least five years service as such; and (c) twenty five per cent (25 %) by initial recruitment.
15	Computer Operator (BPS-16)	(i) At least Second Class Bachelor's Degree in Computer Science, Information Technology (BIT/BCS four years) or equivalent qualification from a recognized University; or (ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from the Board of Technical Education.	21-35 years	By initial recruitment.
16	I.T Teacher Female (BPS-16)	At least Second Class Bachelor's Degree in Computer Science, Information Technology (BIT/BCS four years) or equivalent qualification from a recognized University.	21-35 years	By initial recruitment.
17	Hostel Warden (BPS-15)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Hostel Wardens having at least five years service as such.
18	Instructor all Trades (BPS-14)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Instructors (Electrical), Instructors (Tailoring) and Instructors (Carpenter) with at least five years service as such. Note: A joint seniority list of Instructors (Electrical), Instructors (Tailoring) and Instructors (Carpenter) shall be maintained for the purpose of promotion.

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19	Junior Scale Stenographer (BPS-14)	(i) At least Second Division Intermediate Certificate or equivalent qualification from a recognized Board; (ii) Fifty (50) words per minutes in English Short Hand and thirty (35) words per minutes in typing; and (iii) knowledge of Computer in using MS Word and MS Excel.	18-30 years	By initial recruitment.
20	Senior Clerk (BPS-14)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks with at least two years service as such.
21	Senior Vocational Teacher (BPS-12)	At least Second Division Secondary School Certificate from a recognized Board along with three years Diploma in Women Vocational from the Board of Technical Education.	18-32 years	(a) Forty per cent (40 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Needle Craft Instructors with at least five years services as such; (b) five per cent (05 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Junior Vocational Teachers with at least five years service as such; (c) five per cent (05 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Beautician Instructors with at least three years services as such; and (d) fifty per cent (50 %) by initial recruitment.
22	Assistant Hostel Warden (BPS-12)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Hostel Warden having three years service as such.
23	Pharmacy Technician (BPS-12)	---	---	By transfer from Health Department on deputation basis.
24	Orthotic and Prosthetic Technician (BPS-12)	---	---	By transfer from Health Department on deputation basis.
25	Lady Health Visitor (BPS-12)	---	---	By transfer from Health Department on deputation basis.

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26	Junior Clerk (BPS-11)	<p>(i) FA / FSc with second division or equivalent qualification from a recognized board; and</p> <p>(ii) A speed of thirty (30) words per minute in typing</p>	18-32 years	<p>(a) Thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Daftaris, Naib Qasids, Chowkidars, Sweepers, Malis, Security Guards, Cooks and Attendants with two years service as such, who have passed FA / FSc Examination from a recognized Board;</p> <p>(b) thirty per cent (30 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Auxiliary Workers having at least three years service as such;</p> <p>(c) ten per cent (10 %) by promotion, on the basis of seniority-cum-fitness, from amongst the Store Keepers having at least three years service as such; and</p> <p>(d) thirty per cent (30 %) by initial recruitment.</p> <p>Note: A joint seniority list of Daftaris, Naib Qasids, Chowkidars, Sweepers, Malis, Security Guards, Cooks and Attendants shall be maintained for the purpose of promotion.</p>
27	Instructor (Electrical) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with one year Diploma in Electrical Technology from the Board of Technical Education or Secondary School Certificate from recognized Board with three years Diploma in Electrical Technology.	18-28 years	By initial recruitment.
28	Instructor (Tailoring) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with at least one year diploma in vocational skills from the Board of Technical Education with three years experience as Tailor.	18-28 years	By initial recruitment.
29	Instructor (Carpenter) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board with one year diploma in relevant field from the Board of Technical Education with three years experience as Carpenter.	18-28 years	By initial recruitment.

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30	Beautician Instructor (Female) (BPS-11)	At least Second Division Intermediate Certificate from a recognized Board along with two years Beautician Diploma from the Board of Technical Education.	18-28 years	By initial recruitment.
31	Welfare Teacher (BPS-10)	At least Second Division Intermediate Certificate from a recognized Board.	18-30 years	By initial recruitment.
32	Junior Vocational Teacher (BPS-10)	At least Second Division Secondary School Certificate from a recognized Board along with three years Diploma in Women Vocational from the Board of Technical Education.	18-28 years	By initial recruitment.
33	Junior Hostel Warden (BPS-10)	At least Second Division Intermediate Certificate from a recognized Board having two years experience in the relevant field.	18-32 years	By initial recruitment.
34	Needle Craft Instructor (BPS-09)	At least Second Division Secondary School Certificate from a recognized Board with two years Certificate (G-2) in Vocational skills from the Board of Technical Education.	18-32 years	By initial recruitment.
35	Auxiliary Worker (BPS-07)	At least Second Division Secondary School Certificate or equivalent qualification from a recognized Board.	18-32 years	By initial recruitment.
36	Nurse Attendant (BPS-07)	At least Second Division Secondary School Certificate from a recognized Board.	18-28 years	By initial recruitment.
37	Store Keeper (BPS-07)	At least Second Division Secondary School Certificate from recognized Board with one year experience in the relevant field.	18-32 years	By initial recruitment.
38	Driver (BPS-06)	Holding LTV/HTV Driving License and preferably literate.	18-40 years	By initial recruitment.
39	Daftari (BPS-04)	---	---	By promotion, on the basis of seniority cum fitness, from amongst the holder of the post of matriculate Naib Qasids with at least three years service.

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(15) D (15) (15)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Mr. Muhammad Munir, Assistant (BPS-16)
MR & PH, Charsadda.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2386

Date 28/2/2021

(APPELLANT)

VERSUS

1. The Secretary Zakat, Ushr, Social Welfare, Special Education & Woman Empowerment, Khyber Pakhtunkhwa, Peshawar.
2. The Director Social welfare, Special Education & Woman Empowerment, Khyber Pakhtunkhwa, Peshawar.
3. The District Officer, Social Welfare Department, Charsadda.

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
FOR DIRECTING THE RESPONDENTS TO
CONSIDER THE APPELLANT FOR PROMOTION TO
THE POST OF SUPERINTENDENT (BPS-17) AND
AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT
WITHIN THE STATUTORY PERIOD OF NINETY
DAYS.**

Filed to-day
Registrar
ew.

2/2/2021

PRAYER:

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
RESPONDENTS MAY KINDLY BE DIRECTED TO
CONSIDER THE APPELLANT FOR PROMOTION TO
THE POST OF SUPERINTENDENT (BPS-17) WITH
ALL BACK AND CONSEQUENTIAL BENEFITS. ANY
OTHER REMEDY WHICH THIS AUGUST TRIBUNAL
DEEMS FIT AND APPROPRIATE THAT MAY ALSO
BE AWARDED IN FAVOUR OF THE APPELLANT.**

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(5) (LB)

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working the respondent department as Assistant (BPS-16) and performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against the appellant regarding his performance.
2. That the respondent department issued circular/notification on 25.09.2019, wherein the post of superintendent (BPS-17) can be filled by promotion on basis of seniority-cum-fitness from amongst the Assistants and Senior Scale Stenographer with at least five years service as Such. **(Copy of circular/notification dated 29.09.2019 is attached as Annexure-A)**
3. That the department issued final seniority list of Assistant (BPS-16) and Senior Scale Stenographer (BPS-16) on 10.08.2020, wherein the appellant is at Sr. No.16 in that seniority list and the respondent department have 22 vacant posts of superintendent (BPS-17), which is evident from payroll of April 2020, **(Copies of seniority list and detail of vacant post from payroll of April 2020 are attached as Annexure-B&C)**
4. That the vacant posts of superintendent (BPS-17) are available in the respondent department, but the respondent department did not consider the appellant for promotion on those vacant posts despite his eligibility, therefore, the appellant departmental appeal, which was properly forwarded by respondent No. 3 to respondent No.2 through letter dated 08.10.2020 for further necessary action, however, no action has taken on the departmental appeal of the appellant within the statutory period of ninety days. **(Copy of departmental appeal and letter are attached as Annexure-D&E)**
5. That now the appellant has no other remedy expect to file the instant appeal in this Honourable Tribunal for redressal of his grievances on the following grounds.

GROUND:

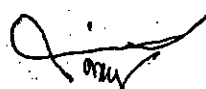
- A. That not considering the appellant for promotion to the post of superintendent (BPS-17) and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, facts, norms of justice and material on record, therefore, not tenable.
- B. That the posts of superintendent (BPS-17) are available in the respondent department and the appellant has legitimate exception for promotion on those available posts, but the respondent department did not consider the appellant for promotion to the post of Superintendent

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(BPS-17) on those available posts, which is violation of principle of legitimate expectancy.

- C. That the appellant is at Sr. No.16 in the seniority list of Assistant (BPS-16) and 22 posts of Superintendent (BPS-17) are vacant in the respondent department, but not considering the appellant for promotion to the post of Superintendent (BPS-17) despite his eligibility shows the arbitrary manner of the respondents.
- D. That rules for promotion to the post of Superintendent (BPS-17) is still in field and the appellant is eligible for promotion to the post of Superintendent (BPS-17), therefore the appellant has legal right to be consider for promotion to the post of Superintendent (BPS-17) under the circular/notification dated 25.09.2019.
- E. That Hon'able Supreme Court of Pakistan has also held in many cases that promotion quota will always to be made when the post was available for an officials in his quota and the official cannot be deprived from his rights merely because the concern department did not carry out the process of promotion, therefore not considering the appellant for promotion to the post of Superintendent (BPS-17 is clear violation of superior court judgments.
- F. That depriving the appellant from his legal right of promotions to the post of Superintendent (BPS-17) will suffer him a lot, both in future promotion chances as well as monetary benefits in the shape of pension and gratuities.
- G. That the appellant has not been treated according to law and rules and has been kept deprived from his genuine right of promotion in an arbitrary manner.
- H. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Muhammad Munir

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&
(ASAD MEHMOOD)
ADVOCATE HIGH COURT


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Service Appeal No.3397/2021

M. MUNIR IS GAIT



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ORDER

5th Oct. 2023

Kalim Arshad Khan, Chairman:- Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

2. Learned counsel for the appellant says that his prayer was only to the extent that the appellant should be considered for promotion. He said that the appellant would be satisfied if a direction is given to the respondents that the appellant be considered for promotion in the next Departmental Promotion Committee when that is held. Although seeking promotion is not a right, yet we observe that the civil servants have every right to be considered for promotion, if they are otherwise, eligible and senior, in accordance with the relevant rules and law. Disposed of accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 5th day of October, 2023.*

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Adnan Shah

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CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 16/2/24

Number of Words 5/7

Copying Fee 5/-

Urgent 9/5

Total 10/-

Name of Applicant 16/2/24

Date of Claim 16/2/24

Date of Delivery of copy 16/2/24

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The Principal
Government Institute for Children with
Hearing & Speech Impairment Charsadda

Subject: **REQUEST FOR IMPLEMENTATION OF SERVICE TRIBUNAL JUDGMENT.**

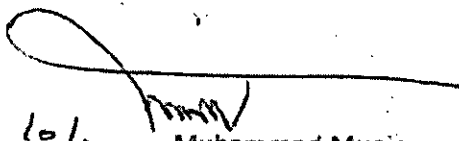
Sir

Respectfully It is stated that honorable service tribunal has passed a judgment on 05/10/2023

(copy attached).

It is therefore requested that kindly forward the same for implementation to the quarter concern

Yours

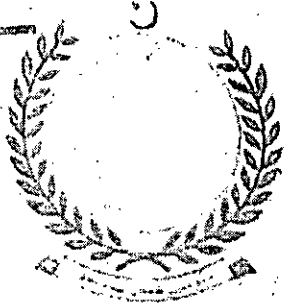


10/10/23

Muhammad Munir
Office Assistant (BPS-16)
GICH&SCHD.

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GOVERNMENT INSTITUTE FOR CHILDREN WITH HEARING AND SPEECH IMPAIRMENTS
DISTRICT CHARSADDA
SOCIAL WELFARE, SPECIAL EDUCATION & WOMEN EMPOWERMENT
DEPARTMENT,
RAJJAR SHEIKH ABAD TAKHT BHAI ROAD DISTRICT CHARSADDA

No.D&D/SW/CHD 423

Dated Charsadda the 10/10/2023

The District Officer
Social Welfare Special Education and women Empowerment
Department Charsadda

Subject: IMPLEMENTATION OF JUDGMENT PASSED ON 05/10/2023 SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL

Please find enclosed herewith the Honorable Service Tribunal Judgment pass on 05/10/2023 in favor of Mr. Muhammad Munir Office Assistant (BPS-16) (Copy attached).

It is therefore requested that kindly forward the same to Directorate of Social Welfare Special Education & Women Empowerment Khyber Pakhtunkhwa for the implementation please.

Principal
Government Institute for Children with Hearing &
Speech Impairment District Charsadda

To,

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GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE, SPECIAL EDUCATION &
WOMEN EMPOWERMENT DEPARTMENT CHARSADDA
Rajjar Sheikh Abad Near Hashnagar Flour Mills Tukht Bai Road Charsadda

No. DO/SW/CHD/ 8050-51

Dated 24-10-2023


To,

The Director
Social Welfare
Peshawar.

Subject: **IMPLEMENTATION OF JUDGMENT PASSED ON 05/10/2023 SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**


Kindly reference to the subject noted above please find enclosed herewith a letter received from Principal Government Institute for Children with Hearing & Speech Impairment Charsadda vid No.D&D/SW/CHD:- 427 dated:- 10-10-2023 for your kind information please.

Encl: As above.


DISTRICT OFFICER
Social Welfare Department
Charsadda

Copy for information to: -

- 1) Principal Government Institute for Children with Hearing & Speech Impairment Charsadda


24/10/2023
DISTRICT OFFICER
Social Welfare Department
Charsadda

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VAKALAT NAMA

NO. _____/2024

IN THE COURT OF KP Service Tribunal, Peshawar

Muhammad Munir (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Social welfare Department (Respondent)
(Defendant)

I/We, _____

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

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

Dated _____/2024

[Signature]
(CLIENT)

ACCEPTED

[Signature]
TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916