

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1108/2019

Date of institution 16.05.2019

Muhammad Masood Afridi, Section Officer, Levies & Khasdar L&O Home & Tribal Affairs Merged Area Secretariat, Warsak Road, Peshawar.

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and four others.

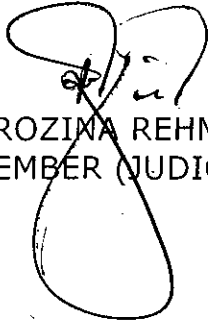
ORDER
22.06.2021

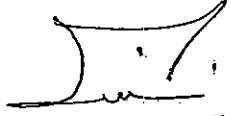
Appellant alongwith his counsel Mr. Mubarak Ali Zeb, Advocate, present, who submitted fresh Wakalatnama, which is placed on file. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant stated at the bar that he wants to withdraw the instant appeal. In this respect, written endorsement of learned counsel for the appellant obtained at margin of the order sheet as token of proof.

In view of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.06.2021


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

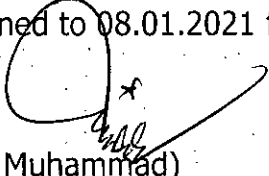
*I want to withdraw the present Appeal
Mubarak Ali Zeb advocate 22-6-21*

27.11.2020

Junior to counsel for the appellant and Zara Tajwar, DDA for the respondents present.

Request for adjournment is made due to indisposition of learned senior counsel for the appellant.

Adjourned to 08.01.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)


Chairman

08.01.2021

Junior to counsel for the appellant and Asstt. AG for the respondents present.

Former requests for adjournment in order to contact the appellant and take fresh instructions from him.

Adjourned to 14.4.2021 for hearing before the D.B.


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


Chairman

14.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 22.06.2021 for the same as before.


Reader

10-4.2020

Due to COVID19, the case is adjourned to
9/7/2020 for the same as before.

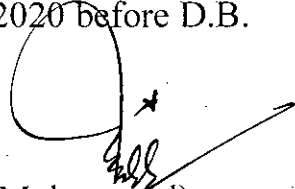


Reader


09.07.2020 Nemo for the appellant.

Mr. Usman Ghani learned District Attorney alongwith
Sajid Superintendent, for the respondents present.

Notice be issued to appellant and his counsel for
02.10.2020 before D.B.



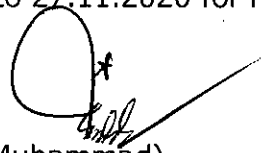
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

02.10.2020 Counsel for the appellant and Miss Zara Taj^wfar, DDA
for the respondents present.

Learned counsel for the appellant requests for
adjournment in order to further prepare the brief.
Adjourned to 27.11.2020 for hearing before the D.B.



(Mian Muhammad)
Member (Executive)



Chairman

03.03.2020

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Sajid, Superintendent for the respondents present. Representative of the department is directed to furnish inquiry record of the appellant on the next date positively. Adjourned. To come up for inquiry record and arguments on 19.03.2020 before D.B.


(Mian Mohammad)
Member


(M. Amin Khan Kundi)
Member

19.03.2020

Clerk to counsel for the appellant present. Addl: AG alongwith Mr. Sajid, Supdt for respondents present. Due to general strike on the call of Peshawar Bar Council, the case is adjourned. To come up for arguments on 10.04.2020 before D.B.


(MAIN MUHAMMAD)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

27.12.2019

Appellant in person present. Mr. Muhammad Jan, DDA alongwith Mr. Sajid, Supdt for respondents present. Appellant submitted rejoinder which is placed on file. Adjourn. To come up for arguments on 24.01.2020 before D.B.


Member


Member

24.01.2020

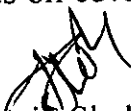
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Adjourned to 11.02.2020 for further proceedings/arguments before D.B.


(M. Amin Khan Kundi)
Member


(Hussain Shah)
Member

11.02.2020

Junior to counsel for the appellant present. Mr. Usman Ghani learned District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 03.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

15.11.2019

None present on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney alongwith M/S Zar Muhammad, Assistant and Sajid, Superintendent for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 04.12.2019 before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

04.12.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Sajid Superintendent for the respondents present.

The case was fixed for arguments but learned Deputy District Attorney stated that the written reply/comments of the respondents has not been submitted so far, therefore, he requested for submission for written reply/comments. Appellant expressed no objection on submission of written reply/comments. As such written reply/comments on behalf of respondents submitted which is placed on file. Adjourned. To come up for rejoinder if any, and arguments on 27.12.2019 before D.B. The restraint order passed on 27.08.2019 shall remain operative till next date of hearing.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

Service Appeal No. 1108/2019

22.10.2019 Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith M/S Muhammad Sohail, Assistant on behalf of respondent No. 3 and Zar Muhammad, Assistant on behalf of respondent No. 4 present.

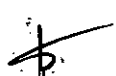
Respondents failed to submit their written reply/comments despite last chance, therefore, the case is posted to D.B for 06.11.2019 for arguments. The restraint order passed on 27.08.2019 shall remain operative till next date of hearing.


CHAIRMAN

06.11.2019

Appellant present. Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith M/S Sajid Superintendent and Zar Muhammad Assistant present.

Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court Peshawar. Adjourn. To come up for arguments on 15.11.2019 before D.B.


Member


Member

Appeal No. 1108/2019
M. Masood Afridi vs Govt

12.09.2019

Appellant in person and Addl. AG alongwith Muhammad Shafique Senior Clerk for the respondent No. 2 present.

Representative of respondent No. 2 requests for further time to furnish written reply. Learned AAG is required to ensure attendance of the representative of the respondents and submission of written reply of the respondents on the next date of hearing. To come up for requisite reply/comments on 25.09.2019 before S.B. Till next date the operation of impugned order shall remain suspended to the extent of appellant, if not already complied with.


Chairman

25.09.2019

Appellant in person and Addl. AG alongwith Zar Muhammad Assistant and Sajid Superintendent for the respondents present.

Representative of the respondents seeks further time. Adjourned to 08.10.2019 on which date the requisite reply/comments shall positively be submitted. The restraint order passed on 27.08.2019 shall remain operative till the date fixed.


Chairman

08.10.2019

Junior to counsel for the appellant and Addl. AG alongwith Zar Muhammad, Superintendent and Sajid Superintendent for the respondents present.

Representatives of respondents seeks further time. Adjourned to 22.10.2019 for submission of requisite reply/comments on behalf of the respondents by way of last chance. The restraint order passed on 27.08.2019 shall remain operative till next date of hearing.


Chairman

M. Masood Afridi

27.08.2019

Counsel for the appellant present.

The appellant has assailed the transfer order dated 28.02.2019 mainly on the ground that it was passed by Secretary Finance Merged Area who was not competent for the purpose. In that regard learned counsel referred to a notification dated 24.01.2019 issued by the Establishment Department Government of Khyber Pakhtunkhwa wherein it was provided that Finance Department Merged Area Secretariat shall report to Secretary Finance Department Khyber Pakhtunkhwa for all official business. Learned counsel also referred to a fact finding enquiry report submitted by Director, LG&RDD Merged Area Secretariat in respect of the appellant and two other officials. The allegations against them were in terms that they failed to comply with the transfer order issued by the competent authority. The conclusion of report provided that the other two officials have complied with the orders while the appellant was serving in BPS-17 and approval of the Chief Secretary Khyber Pakhtunkhwa was pre-requisite for the purpose of his transfer which was not obtained.

In view of arguments of learned counsel and available record instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 12.09.2019 before S.B.

The appeal is accompanied by an application for suspension of operation of impugned order dated 28.02.2019. Notice of the application be given to the respondents for the date fixed. Till next date the operation of impugned order shall remain suspended to the extent of appellant, if not already complied with.

Chairman



3/9/19
Appellant Deposited
Security & Process Fee

24.06.2019

Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is indisposed. Adjourn. To come up for further proceedings as per preceding order sheet on 03.07.2019 before S.B



Member

03.07.2019

Junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court Peshawar. Adjourned to 27.08.2019 for further proceedings as per order sheet dated 17.06.2019 before S.B.






(Muhammad Amin Khan Kundi)

Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____ /2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/05/2019	As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>14/06/19</u>  REGISTRAR
	14.06.2019	Appellant in person present. Learned counsel for the appellant is not available due to general strike of the bar to ^{argue} the maintainability of instant appeal. Adjourned to 17.06.2019 for preliminary hearing before S.B.  Chairman
	17.06.2019	Counsel for the appellant present. Partial arguments heard but some points need further clarification. Adjourned to 24.06.2019 for preliminary arguments on maintainability of appeal before S.B.  (Muhammad Amin Khan Kundi) Member

The appeal of Mr. Muhammad Masood Afridi section Officer Levies Home department received today i.e. on 16.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of rejection order of departmental appeal mentioned in para-11 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 966 /S.T,

Dt. 17-5- /2019.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

Respected Sir,

The rejection order of the departmental appeal is annulled with appeal at Page 30.

The order of Transfer dated 28-2-2019 was directed to implement. Plz placed before the Honble Tribunal for PH.

Regards
Zartaj Anwar


Sir

The objection of the Office
and reply of the counsel for the
appellant is submitted for order p12.

Goone Wm
2015/13
Supdt

Hon'ble
Chairman

Be fixed before J.S. for preliminary hearing

s/w office objections.

Dm
21/5/19

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1108 /2019

Muhammad Masood Afridi.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-8
2.	Affidavit		9
3.	Application for suspension alongwith affidavit		10-12
4.	Addresses of Parties		13
5.	Copy of the PPS rules	A	14-19
6.	Copy of the minutes of the meeting dated 15.11.2018	B	20-22
7.	Copy of notification dt.08.01.2019	C	23
8.	Copy of the Notification	D	24
9.	Copy of the notification dated 22.03.2019	E	25-27
10.	Copy of the refusal orders	F	28-30
11.	Copy of the notification dated 01.03.2019	G	31-32
12.	Wakalatnama		33

Through  Appellant

ZARTAJ ANWAR

Advocate, High Court
Cell No. 0331-9399185
FR-3, Fourth Floor, Bilour
Plaza, Peshawar Cantt.
Zartaj9@yahoo.com

Dated 14.05.2019

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1108 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 773

Dated 16/5/19

Muhammad Masood Afridi, section Officer, Levies &
Khasadar L&O Home & Tribal Affairs Merged Area
Secretariat, Warsak Road, Peshawar **Appellant**

V E R S U S

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
- 2) Government of Khyber Pakhtunkhwa through Additional Chief Secretary, Planning & Development Department, Peshawar
- 3) Government of Khyber Pakhtunkhwa through Secretary, Finance, Civil Secretariat, Peshawar
- 4) Government of Khyber Pakhtunkhwa through Secretary, Establishment, Civil Secretariat, Peshawar
- 5) Special Secretary Finance Department merged Area Secretariat Warsak Road, Peshawar

..... **Respondents**

Filed to day
Sumit
Registrar

**SERVICE APPEAL US 4 OF SERVICE
TRIBUNAL ACT 1974, AGAINST THE OFFICE
ORDER DATED 28.02.2019, WHEREBY THE
APPELLANT HAS BEEN TRANSFERRED FROM
SECTION OFFICER, LEVIES AND
KHASADDAR LAW AND ORDER
DEPARTMENT, MERGER AREAS, TO DISTRICT
OFFICER, FINANCE CELL, BAJAUR TRIBAL
DISTRICT IN HIS OWN PAY AND SCALE, IS**

HIGHLY ILLEGAL, MALAFIDE, UNLAWFUL WITHOUT LAWFUL AUTHORITY, AGAINST THE RULES, IN VIOLATION OF MINUTES OF THE MEETING DATED 15.11.2018 AND NOTIFICATION DATED 08.01.2019, AGAINST WHICH DEPARTMENTAL APPEAL WAS FILED ON 05.03.2019, WHICH WAS REJECTED ON 08.05.2019.

Prayer in Appeal:

On acceptance of this appeal the appellant may please be retained at his place of posting i.e. Section Officer, Levies & Khasadar Law & Order Department, and implement the minutes of the meeting dated 15.11.2018 and notification dated 08.01.2019, reluctance on the part of the respondents by not following law and policy, which is illegal unlawful, in violation of the law, against the express provision of law and thus of no legal effect.

Any other remedy deems proper may also be allowed not specifically asked, in the best interest of justice

Respectfully Sheweth:-

Brief facts of the instant appeal are as under:

1. That the appellant is the bonafide and local resident of newly merged tribal area and a law abiding citizen of Pakistan.
2. That the appellant is serving the erstwhile FATA as a Section Officer, levies and Khasadar, law and order Home and Tribal Affairs Department Govt. of Khyber Pakhtunkhwa.
3. That appellant while serving the respondent department with great zeal and devotion without any complaint whatsoever from his superiors till date.
4. That the appellant while serving the department requested to their superiors to provide him proper service structure, future, promotion prospects and place his services in a proper stream line, for such purpose he filed Writ Petition No.3722-P/2016 alongwith his colleagues, before Peshawar High Court Peshawar for the redressal of his grievances in which the Hon'ble Court direct the respondent department that in a current situation when the erstwhile FATA merged into the province of KP and now became part and parcel of the provincial government.
5. That the respondent Department vide Notification dated 22nd February 2018 promulgated the provincial planning cell whereas all the employees of

the Provincial government who born on the strength of the planning and Development Department well merged into one department/group will be known as PPS group and for such purpose PPS service rules were framed who can run the affairs of the PPS groups. (Copy of the PPS rules are attached as annexure "A").

6. That the Provincial Govt. through minutes of the meeting dated 15.11.2018 under the chairmanship of the Chief Secretary, Govt. of KP taken the decision through the said meeting appellant alongwith his colleagues of the writ petition No.3722-P 2016 title Muhammad Masood Afridi Vs Govt. of Khyber Pakhtunkhwa will be included in Provincial Planning Service (PPS) Cadre in planning and development department, Govt. of Khyber Pakhtunkhwa, and necessary action in constitution with Establishment Department to materialize the above decision on priority basis. (Copy of the minutes of the meeting dated 15.11.2018 in attached as Annexure "B").
7. That Provincial Govt. in the light of such decision issued notification vide dated 08.01.2019 in the wake of 25th constitutional amendment, that P&D FATA to cease to exist with all functions shifted to P&D KP, the P&D Department merge area in hereby place under the administrative control of P&D Department Khyber

Pakhtunkhwa and shall report Additional Chief Secretary P&D KP. (Copy of the notification dated 08.01.2019 is attached as annexure "C").

8. That the respondent Department in pursuance of the decision of the competent authority as well as the direction of the Hon'ble Court issue notification vide date 22.03.2019 and place included the names of the colleagues of the appellant of erstwhile FATA, Finance & Planning Department into PPS cadre P&D Department Govt. of Khyber Pakhtunkhwa. (Copy of the Notification is attached as annexure "D").
9. That the appellant was waiting as according to the decision of the competent authority and also in the light of the notification whereas his colleagues were included in PPS cadre astonishingly received the impugned transfer notification from the Secretary Finance merged area being, non competent to issue such order or in violation of the notification dated 08.01.2019 whereas the services of the Finance & Planning Department was directly placed under the control of the P&D KP, Additional Chief Secretary P&D Department, Govt. of Khyber Pakhtunkhwa.
10. That the establishment department of the Govt. of Khyber Pakhtunkhwa through notification intimated the Finance Department of erstwhile FATA, that the

notification of 28.02.2019 have been issued without obtaining the approval of the competent authority therefore merge area secretariat may immediately withdrawn notification dated 28.02.2019 and follow the rules and producer in future. (Copy of the notification dated 22.03.2019 is attached as annexure "E").

11. That the appellant being aggrieved from the said illegal orders of the respondent department submits his departmental appeal to the worthy chief Secretary KP to look into the matter vide department appeal dated 05.03.2019 against the order which is issued by the incompetent authority in the matter which was rejected vide letter 8th May 2019. (Copy of the refusal orders are attached as annexure "F").
12. That appellant approaches this Hon'ble Tribunal against him illegal posting and transfer order inter alia on the following grounds:

GROUND S:-

- A. That appellant has not been treated in accordance with law and thus his rights secured and guaranteed under the law and constitution are badly violated.
- B. That the notification of posting and transfer is illegal issued, by the incompetent authority in the matter

and also the competent authority issue direction In this regard to withdrawn the same being issued without the approval of competent authority i.e. additional Chief Secretary Planning & Development, Govt. of KPK.

- C. That according to the posting and transfer policy of the Provincial Govt. all the posting of the Provincial Govt. shall be strictly in public interest and shall not be abused/misused to victimise the Govt. servant, in case of present appellant. The order of posting/transfer was not issue in the mode and manner of the posting and transfer policy.
- D. That the impugned orders was issued politically motivate as to adjust their own blue eyed ones.
- E. That the Secretary Home KP merge area secretariat also requested that the appellant as nominated officer in the levi and Khasra, Department and also interested with special duty for a special situation, whereas the services of the appellant in essentially required to this department, hence could not be spared at this stage. (Copy of the notification dated 01.03.2019 is attached as annexure "G").
- F. That after merger of the erstwhile FATA, the competent authority in such like matter i.e. posting, transfer will be Secretary Finance Govt. of KPK.

- G. That is no complaint whatsoever against the appellant and performing his duty, with great zeal and devotion.
- H. That in fact there exists no exigencies of service nor the order of transfer cannot be termed as in the public interest it is a result of adjustment of their own blue eyed ones at the cost of the appellant, and this not tenable in the eyes of law.
- I. That appellant seek the permission of this Hon'ble Tribunal to rely to additional grounds at the hearings of this petition.

It is, therefore humbly prayed that, on acceptance of this appeal the appellant may please be retained at his place of posting i.e. Section Officer, Law & Order Department, and implement the minutes of the meeting dated 15.11.2018 and notification dated 08.01.2019, reluctance on the part of the respondents by not following law and policy, which is illegal unlawful, in violation of the law, against the express provision of law and thus of no legal effect.

Through

Appellant


Zartaj Anwar

Advocate,
High Court Peshawar

Dated 14.05.2019

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2019

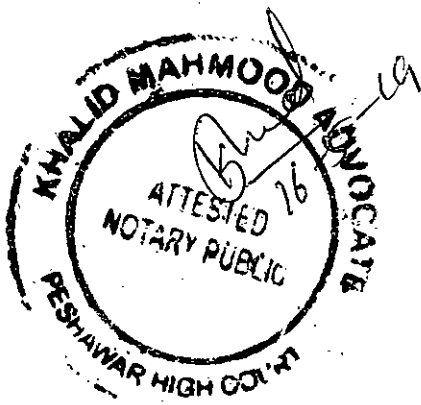
Muhammad Masood Afridi.....**Appellant**


VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

AFFIDAVIT

I, Muhammad Masood Afridi, section Officer, Levies & Khasadar L&O Home & Tribal Affairs Merged Area Secretariat, Warsak Road, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DERONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Muhammad Masood Afridi.....**Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

**APPLICATION FOR SUSPENSION OF
TRANSFER ORDER DATED 28.02.2019 OR
NOT RELIEVED THE APPELLANT AS THE
ORDER IS AGAINST THE LAW, AND RULES
BEING ISSUED BY THE INCOMPETENT
AUTHORITY IN THE MATTER, THUS ILLEGAL
UNLAWFUL WITHOUT LAWFUL AUTHORITY.**

Respectfully Sheweth:

1. That the applicant has filed today the above noted Service Appeal in this Hon'ble Tribunal in which no date of hearing is fixed so far.
2. That the facts and ground mentioned in the Service Appeal may also be read with integral part of this application.

3. That the applicant has got a good prima facie case in her favour and there is likelihood of it success.
4. That the applicant would be exposed to great hardship and inconvenience in case the transfer order dated 28.02.2019 is not suspended.
5. That it will also serve the interest of justice if the transfer order dated 28.02.2019 is suspended till the final disposal of the appeal.

It is, therefore, humbly prayed that on acceptance of this application, the transfer order dated 28.02.2019 may kindly be suspended or not relieved the appellant as the order is against the law, and rules being issued by the incompetent authority in the matter, thus illegal unlawful without lawful authority.

Through

Applicant

Zartaj Anwar

Advocate,

High Court Peshawar

Dated 14.05.2019

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

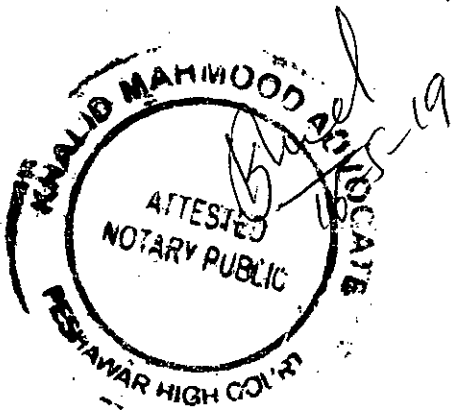
Muhammad Masood Afridi.....**Appellant**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

AFFIDAVIT

I, Muhammad Masood Afridi, section Officer, Levies & Khasadar L&O Home & Tribal Affairs Merged Area Secretariat, Warsak Road, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. _____/2019

Muhammad Masood Afridi.....**Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Masood Afridi, section Officer, Levies &
Khasadar L&O Home & Tribal Affairs Merged Area
Secretariat, Warsak Road, Peshawar

R E S P O N D E N T S :-

- 1) Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar
- 2) Government of Khyber Pakhtunkhwa through Additional
Chief Secretary, Planning & Development Department,
Peshawar
- 3) Government of Khyber Pakhtunkhwa through Secretary,
Finance, Civil Secretariat, Peshawar
- 4) Government of Khyber Pakhtunkhwa through Secretary,
Establishment, Civil Secretariat, Peshawar
- 5) Special Secretary Finance Department merged Area
Secretariat Warsak Road, Peshawar

Through

Appellant

Zartaj Anwar

Advocate,
High Court Peshawar

Dated 14.05.2019

Answer A

14

1

GOVERNMENT



REGISTERED NO. 811

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 22nd FEBRUARY, 2018

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
PLANNING AND DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar, Dated: 22nd February, 2018

NO. SO(E)P&D/6-1/SR/PPS/2018.- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA PROVINCIAL PLANNING SERVICE RULES, 2018.

1. **Short title application and commencement.**--- (1) These rules may be called the Khyber Pakhtunkhwa Provincial Planning Service Rules, 2018.
 - (2) These rules shall apply to the recruitment and promotion to the posts in Provincial Planning Service.
 - (3) These rules shall come into force at once.
2. **Definitions.**--- In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:
 - (a) "appointing authority" means the appointing authority as specified in rule 6 of these rules;
 - (b) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
 - (c) "Government" means the Government of the Khyber Pakhtunkhwa Province;
 - (d) "Department" means the Planning and Development Department;
 - (e) "Departmental Examination" means the prescribed examination to be conducted by the Department for confirmation within probationary period or for promotion to higher post, as the case may be;

ATTESTED

1125 KHYBER PAKHTUNKWA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018

- (f) "Departmental Training" means any training prescribed by Government, the successful completion whereof is necessary for promotion to BS-19 and 20 or any change in the training required from time to time;
- (g) "Schedule" means the Schedule appended to these rules;
- (h) "Service" means the Provincial Planning Service; and
- (i) "Secretariat" means the Civil Secretariat as defined in clause (r) of rule 2 of the Khyber Pakhtunkhwa Government Rules of Business, 1985.

3. Constitution of the Service.--- The Service shall consist of the posts as specified in Schedule-I and such other posts as may be added to it from time to time.

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

(2) Initial recruitment to the Service shall be made through an examination conducted by the Commission.

(3) The standard and syllabus of examination for the Service shall be such as specified in Schedule-III.

5. Training.--- On appointment to the post borne in the Service in BPS-17 via initial recruitment, every officer so appointed shall successfully complete six months mandatory training at any academy or institute decided by Government as per Module specified in Schedule-IV. The training shall be followed by a Departmental Examination as specified in Schedule-V, to be conducted by the Academy or institute, as the case may be.

6. Appointing Authority.--- The Chief Secretary, Khyber Pakhtunkhwa shall be the appointing authority for posts borne on the Service in BPS-17.

7. Savings.--- In all other matters not expressly provided for in these rules, the members of the Service shall be governed by the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and any other rules pertaining to the terms and conditions of service made or deemed to have been made under the Khyber Pakhtunkhwa Civil Servants Act, 1973.

8. Transitional.--- The seniority position of various officers appointed in planning cadres of various Departments and brought on the strength of the Service on coming into force of these rules shall be considered from the date of their regular appointment to posts in their present Basic Scales of pay;

Provided that where two or more civil servants have been appointed to their present Basic Scale on the same day, the older in age shall be considered senior.

ATTESTED

16

KHYBER PAKHTUNKHWA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018 1126

9. **Repeal and saving.**--- (1) On coming into force of these rules, the service rules of the concerned line Departments shall stand repealed to the extent of the posts as given in Schedule-1.

(2) Any person appointed to a post specified in Schedule-1 before the commencement of these rules shall, on commencement of these rules, be deemed for all intents and purposes to have been validly appointed under these rules on the authority of the Planning and Development Department as assigned to it under the Khyber Pakhtunkhwa Government Rules of Business, 1985, and his/her affairs shall henceforth be administered by the Planning and Development Department in accordance with these rules and any other rules for the time being in force and made applicable to him/her in accordance with the Khyber Pakhtunkhwa Government Rules of Business, 1985.

SCHEDULE-1
(see rule 3)

S. No	Department	Name of Posts	Basic Scale	No. of Posts	Total No.	
1	2	3	4	5	6	
1	Planning and Development Department	Main P&D	Senior Chief	20	4	51
			Chief of Section	19	9	
			Director (M&E)	19	1	
			Assistant Chief	18	10	
			Research Officer	17	13	
			Director	19	1	
		PPI Cell	Assistant Chief	18	1	
			Research Officer	17	6	
			Director Planning & Tech.	19	1	
		DG PERRA	Program Manager	18	4	
			Assistant Director	17	1	
		2	Elementary and Secondary Education Department	Chief Planning Officer	19	
Senior Planning Officer	18			3		
Planning Officer	17			5		
Statistical Officer	17			1		
3	Higher Education, Archives and Libraries Department	Chief Planning Officer	19	1	06	
		Deputy Chief Planning Officer	18	1		
		Senior Planning Officer	18	1		
		Planning Officer	17	2		
		Statistical Officer	17	1		
4	Health Department	Chief Planning Officer	20	1	09	
		Deputy Chief Planning Officer	19	1		
		Senior Planning Officer	18	2		
		Planning Officer	17	5		
5	Industries, Commerce and Technical Education Department	Economic Advisor	19	1	04	
		Assistant economic Advisor	18	1		
		Research Officer	17	2		
6	Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.	Senior Planning Officer	18	1	03	
		Planning Officer	17	1		
		Monitoring Officer	17	1		

ATTESTED

1127 KHYBER PAKHTUNKWHA GOVT: GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018

S. No	Department	Name of Posts	Basic Scale	No. of Posts	Total No.
	1	2	3	4	5
7	Sports Tourism, Archaeology, Museum and Youth Affairs Department.	Planning Officer	17	1	01
8	Information and Public Relations Department	Planning Officer	17	1	01
9	Transport Department	Senior Planning Officer	18	1	02
		Planning Officer	17	1	
10	Excise and Taxation Department	Taxation Analyst cum SPO	18	1	03
		Economist	18	1	
		Research Officer	17	1	
11	Agriculture and Livestock Department	Chief Planning Office	19	1	06
		Deputy Director Planning	18	1	
		Deputy Director Monitoring	18	1	
		Planning Officer	17	1	
		Assistant Statistical Officer	17	1	
		Assistant Director Planning	17	1	
12	Public Health Engineering Department.	Planning Officer	17	1	01
13	Local Government, Elections and Rural Development Department	Planning Officer	18	1	01
14	Mineral Development Department	Chief Planning Officer	19	1	07
		Sr. Planning Officer	18	2	
		Planning Officer	17	4	
15	Science and Technology and Information Technology Department	Sr. Planning Officer	18	1	04
		Planning Officer	17	3	
16	Environment, Wildlife and Forestry Department	Deputy Director Planning	18	1	02
		Planning Officer	17	1	
17	Labour Department	Research Officer	17	1	01
18	Rescue 1122	Director Planning	19	1	04
		Deputy Director Planning	18	1	
		AD Planning	17	2	
19	District Positions	Planning/Technical Officers	17	25	25
	BPS-20		5		
	BPS-19		19		
	BPS-18		35		
	BPS-17		57 + 25 = 82		
	Grand Total		141		

ATTESTED

SCHEDULE-II
(see rule 4(1))

S.No	Nomenclature of Posts	Minimum qualification	Age Limit	Method of Recruitment
I	II	III	IV	V
1	Provincial Planning Service (PPS) (BPS-20) as per detail at Schedule-I	---	---	By promotion on the basis of seniority-cum-fitness, from amongst PPS officers holding posts in BS-19 and having at least five (05) years service in BPS-19 or seventeen (17) years service against posts in BS-17 and above and have undergone Senior Management Course (SMC) or any other training course prescribed by Government.
2	Provincial Planning Service (PPS) (BPS-19) as per detail at Schedule-I	---	---	<p>i. Eighty five percent (85%) by promotion on the basis of seniority-cum-fitness, from amongst PPS officers holding posts in BS-18 and having at least seven (07) years service in BPS-18 or twelve (12) years service against posts in BS-17 and above and have undergone Mid Career Management Course (MCMC);</p> <p>ii. ten percent (10%) by transfer from amongst Officers of PAS/APUG/PMS/PCS; and</p> <p>iii. five percent (05%) by appointment through horizontal transfer from officers of Government owned autonomous organizations with at least twelve (12) years regular service in BPS-17 and above having qualification prescribed for initial recruitment of officers of Provincial Planning Service (PPS) (BPS-17).</p>

ATTESTED

1129 KHYBER PAKHTUNKWHA GOVT. GAZETTE, EXTRAORDINARY, 22nd FEBRUARY, 2018

3	Provincial Planning Service (PPS) (BPS-18) as per detail at Schedule-I	---	---	<p>i. Ninety percent (90%) by promotion on the basis of seniority-cum-fitness, from amongst the officers of Provincial Planning Service (PPS) in BS-17 having at least five (5) years service; and</p> <p>ii. ten percent (10%) by transfer from amongst Officers of PAS/APUG PMS/PCS.</p>
4	Provincial Planning Service (PPS) (BPS-17) as per detail at Schedule-I	<p>a. At least Second Class Master's Degree or Bachelor of Studies (four years) from a recognized University or equivalent qualification in any of the fields namely Economics, Development studies, Agriculture Science, Health Planning and Management, Industrial Economics, Educational Planning and Management, Public Administration, Statistics, Business Administration, Commerce, Computer Science, Political Science, Environmental Management, Environmental Engineering, International Relations, Development Planning; or</p> <p>b. At least Second Class B.Sc/B.E Degree from a recognized University in Civil Engineering or Electrical Engineering or Urban and Regional Planning or City Development and Regional Planning or Town Planning.</p>	21 to 30 years	<p>i. Ten percent (10%) by initial recruitment through departmental examination in a prescribed manner to be determined by the Department and conducted by the Khyber Pakhtunkhwa Public Service Commission from amongst the in-service employees working in Planning Cells of various Departments and the Planning and Development Department's Staff in BPS-11 and above</p> <p>Provided that only those shall be eligible who possess the required qualification as mentioned against the post in Class No. III.</p> <p>Provided further that upon selection, the candidates shall undergo seven (07) weeks mandatory training in the field of project planning and management as specified in Schedule-IV.</p> <p>Provided further that if no suitable person is available then by initial recruitment; and</p> <p>ii. ninety percent (90%) by initial recruitment.</p>

ATTESTED

No-790

MOST IMMEDIATE/TIME BOUND



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NO. SOR.III(E&AD) 5-15/2014
Dated Peshawar the December 5, 2018

To

1. The Addl. Chief Secretary,
Merged Areas Secretariat, Khyber Pakhtunkhwa,
Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,
Planning & Dev. Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

Peshawar High Court, Peshawar.	
Receipt No	90886
Date	6/12/18
For action	APD
Signature	

Subject: MINUTES OF THE MEETING "WRIT PETITION NO.3722-P/2016 TITLED MUHAMMAD MASOOD AFRIDI VS GOVERNMENT OF KHYBER PAKHTUNKHWA ETC

Dear Sir;

I am directed to refer to the subject cited above and to forward herewith copy of approved minutes of the meeting held on 15-11-2018 under the Chairmanship of Chief Secretary Khyber Pakhtunkhwa for information/necessary action.

2. I am further directed to request that P&D Department may take further necessary action on urgent basis (before next date of hearing fixed for 31-01-2019) by convening a meeting to materialize the decisions.

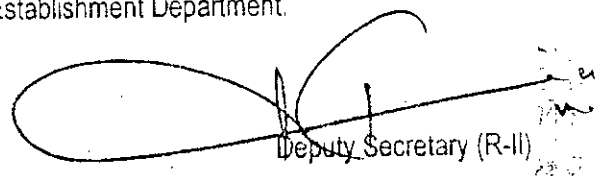
Yours faithfully;

End: as above

(KASHIF IQBAL JILANI)
Deputy Secretary (R-II)

Copy forwarded to: -

1. Registrar, Peshawar High Court, Peshawar.
2. Advocate General, Khyber Pakhtunkhwa, Peshawar.
3. PS to Special Secretary (Establishment), Establishment Department.
4. PA to Addl. Secretary (Reg), Establishment Department.


Deputy Secretary (R-II)

ATTESTED

— 21  

Subject: MINUTES OF THE MEETING "WRIT PETITION NO.3722-P/2016
TITLED MUHAMMAD MASOOD AFRIDI VS GOVERNMENT OF
KHYBER PAKHTUNKHWA ETC.

The subject meeting was held on 15.11.2018 under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa. Following attended the meeting:-

- i. Additional Chief Secretary Merged Areas Secretariat.
- ii. Secretary, Establishment Department.
- iii. Secretary, Administration & Coordination, Merged Areas Sectt.
- iv. Special Secretary (Reg), Establishment Department.
- v. Additional Secretary (Reg), Finance Department.
- vi. Additional Secretary, Planning & Development Deptt.

2. The forum was informed that petitioners were appointed on contract basis in 2004 and their services were regularized pursuant to Peshawar High Court judgment in 2011. They filed another writ petition for provision of proper service structure for career progression in the field of Management, Finance or Planning. Consequently, the then FATA Sectt: approved service structure for the petitioners on the lines of Provincial Planning Service (PPS) cadre that exists in Planning & Development Deptt, Government of Khyber Pakhtunkhwa by creating a separate entity in FATA Sectt: along with service rules. The above position was submitted to court through better comments however, court directed to re-submit comments in view of merger of FATA with province. The Court in its order dated 07-11-2018 has termed the comments sketchy which do not address the grievance of petitioners and has asked Secretary Establishment to appear before court on 22-11-2018 in person.

3. The issue was discussed at length by the forum. It was highlighted that petitioners were basically appointed for finance & planning cell in FATA Secretariat and keeping in view their academic qualification and expertise in the field of planning a separate service structure was created and service rules

ATTESTED

Id



approved on the same lines as already exists in P& D Deptt: Government of Khyber Pakhtunkhwa for Provincial Planning Service (PPS) cadre. It was suggested that in post-merger scenario, the petitioners need to be included in the Provincial Planning Service (PPS) cadre as the same has been prayed for in their Writ Petition. The forum was also apprised that encadrement of the petitioners can be effected under the relevant rules.

4. After thorough discussion the following decision was taken:-

Decision: The petitioners will be included in Provincial Planning Service (PPS) cadre in Planning & Development Department, Govt. of Khyber Pakhtunkhwa. Their seniority will be fixed in light of provisions of Civil Servant Act, 1973 and rules made there-under. Planning & Development Department will take further necessary action in consultation with Establishment Department to materialize the above decision on priority basis.


ATTESTED



23
Approved C

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar January 8, 2019

NOTIFICATION

NO. SO(E-II)/E&AD/9-126/2019. In the wake of the 25th Constitutional Amendment in the Constitution of Pakistan 1973, FATA has been merged in Khyber Pakhtunkhwa. Now erstwhile FATA Secretariat Departments and Directorates are to be shifted and placed under the administrative supervision and control of the Khyber Pakhtunkhwa Government Departments to ensure better coordination and seamless transition.

2. In pursuance of the decision by the Competent Authority in the meeting held on the 31st of December, 2018 that "P&D FATA to cease to exist with all functions shifted to P&D Khyber Pakhtunkhwa" the P&D Department Merged Areas (Erstwhile FATA) is hereby placed under the administrative Control of P&D Department Khyber Pakhtunkhwa and Secretary P&D Department Merged Areas (Erstwhile FATA) shall report to the Additional Chief Secretary (P&D) Khyber Pakhtunkhwa.

3. The P&D Department Merged Areas (Erstwhile FATA), comprises of the following:-

A. Regular units of P&D FATA/Merged Areas

- a. P&D Cell.
- b. M&C Cell
- c. Bureau of Statistics
- d. Agency Planning Cell
- e. Agency Finance Cell.

B. Projects of P&D FATA/Merged Areas

- a. M&E Directorate FATA.
- b. Urban Policy & Planning Unit FATA.
- c. Strengthening of P&D
- d. Directorate of Projects.

**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. Accountant General (PR) Sub Office, Peshawar.
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. Director General Information, Khyber Pakhtunkhwa
13. PS to Chief Secretary, Khyber Pakhtunkhwa
14. PS to Secretary Establishment/PS to Secretary Administration Departments
15. PS to Special Secretary (E)/ D.S.(Admn)/ D.S. (Estt.)/ SO(Secret)/SO(HRD-I)/SO(E-II)/OD(IT) and ACSO Cypher E&AD.
16. Manager, Govt. Printing Press Peshawar

o/c
(ISHTIAQ AHMAD) 
SECTION OFFICER (E-I)

ZIA.U.I. HAQ


ATTESTED



PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar the March 22, 2019

1120/19
24

NOTIFICATION:

NO. SO(E)P&D/19-37/PPS/2018:

In pursuance of Order of Peshawar High Court, Peshawar dated 07-11-2018 in writ petition No. 3722-P/2016 titled Muhammad Masood Afridi & Others Versus Government of Khyber Pakhtunkhwa through Chief Secretary & Others and in light of decision of the meeting held on 15.11. 2018 under the Chairmanship of Chief Secretary, Khyber Pakhtunkhwa, the Competent Authority is pleased to include the following posts in BS-17 and above of erstwhile Agency Planning Cells, P&D Department, Merged Areas (Tribal Districts) in the schedule of Provincial Planning Service (PPS) Cadre and the incumbents as Provincial Planning Service Officers in their respective grades, with immediate effect, in the best public interest:-

Sr. No.	Name	Designation	BS
1.	Mr. Sher Afzal.	Executive Officer, F&P.	BS-18.
2.	Mr. Anmed Nawaz.	Executive Officer, F&P.	BS-18.
3.	Mr. Faridullah.	Agency Planning Officer	BS-17.
4.	Muhammad Hamid.	-do-	BS-17.
5.	Muhammad Rehman..	-do-	BS-17.
6.	Mr. Miftahullah.	-do-	BS-17.
7.	Mr. Faqir Muhammad	-do-	BS-17.
8.	Mr. Israr Ahmad Khan.	-do-	BS-17.

**ADDITIONAL CHIEF SECRETARY
P&D DEPARTMENT**

Encl: NO. & Date Even.

Copy forwarded to the:-

1. Additional Chief Secretary, Merged Areas Secretariat, Peshawar.
2. Registrar, Peshawar High Court, Peshawar.
3. Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
4. Secretary, P&D Department, Merged Areas Secretariat, Peshawar.
5. Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
6. Accountant General, Khyber Pakhtunkhwa, Peshawar.
7. All Deputy Commissioners concerned of Tribal Districts.
8. All District Account Officers concerned of Tribal Districts.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. Assistant Chief (B&A), P&D Department.
11. Section Officer (General), P&D Department.
12. PS to Additional Chief Secretary, P&D Department.
13. PS to Secretary, P&D Department.
14. PAs to Additional Secretary/ Chief Economist, P&D Department.
15. PA to Deputy Secretary (Admn:), P&D Department.
16. Officers concerned.

ATTESTED

(1)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

MOST IMMEDIATE/CONFIDENTIAL

NO.SO(E-I)E&AD/9-126/2019
Dated Peshawar the March 22, 2019

To
The Additional Chief Secretary,
Merged Areas Secretariat,
Warsak Road, Peshawar.

Secy (A&C) _____
Add: Secy (C) _____
Director _____
Date 27-3-2019

Subject: - NOTIFICATION.

Dear Sir,

I am directed to refer to Notification bearing No. SO (Admn.)/FD/4-134/17 dated 28.2.2019 on the subject cited above wherein the Finance Department Merged Areas has transferred certain officers and posted in District Government, Tribal Districts, without obtaining approval of the concerned Administrative Secretaries, required under Rule-17(1) Sr. No. 6 of RoB 1985.

2. I am further directed to invite your kind attention towards this Departments notifications of even No. dated 8.1.2019 and 24.1.2019 wherein the Finance Department of erstwhile FATA and certain Cells of erstwhile FATA were directed to report to Finance Department and P&D Department, Khyber Pakhtunkhwa respectively.

3. Since the orders have also been made without obtaining approval of the competent authority, therefore, Merged Areas Secretariat may immediately withdraw Notification dated 28.2.2019 and follow the rules and procedure in future.

Yours faithfully,

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)

Secretary (A&C) FATA

D. No. 1134

Date: 27-3-19.

A.C.S D/No. 1257

Date 27-3-19

*Plan forward it to
Secy Fin (MA) now working
under the control of
FSKP for n/a.*

S/O 27/03

AS
9/19
Rendered at 19.
E

[Signature]



26

FINANCE DEPARTMENT
MERGED AREAS SECRETARIAT

Dated 28/2/2019

NOTIFICATION :-

No.SO(Admn)FD/FS/4-134/17. In pursuance of this department Order of Even No. dated 28.02.2019, the Competent Authority has been pleased to order the following posting/transfers with immediate effect in the public interest:-

S.No	Name & Designation	From	To	Remarks
1.	Muhammad Masood Afridi District Finance Officer (BS-17)	Section Officer, Law & Order Department, Merged Areas.	District Finance Officer, Finance Cell, Bajaur Tribal District in his own pay and scale.	Against the vacant post
2.	Mr. Qaiser Munir Asstt. District Finance Officer (BS-16)	Finance Cell, Khyber Tribal District	Assistant District Finance Officer, Finance Cell, North Waziristan Tribal District in his own pay and scale.	Against the vacant post
3.	Mr. Hadi Hussain Asstt. District Finance Officer (BS-16)	Finance Cell, Orakzai Tribal District	Assistant District Officer, Finance Cell, Mohmand Tribal District in his own pay and scale.	Against the vacant post.

SECRETARY FINANCE, MERGED AREAS

Endst: of even No. & date:

Copy forwarded to:-

1. Secretary Law & Order Department, Merged Areas Secretariat
2. Additional Accountant General (PR), Sub Office, Peshawar
3. Deputy Commissioners Khyber, Mohmand, Bajaur & NW Tribal Districts
4. Executive Officers, F&P Cells, Khyber, Mohmand, Bajaur & NW Tribal Districts
5. District Accounts Officers Khyber, Mohmand, Bajaur & NW Tribal Districts
6. PS to Secretary Finance Khyber Pakhtunkhwa
7. PS to Secretary Finance Merged Areas Secretariat
8. Officers concerned


(ABID HUSSAIN)
Section Officer (Admn)

ATTESTED



27

B

**FINANCE DEPARTMENT
MERGED AREAS SECRETARIAT**

Dated 26/2/2019

ORDER :-

No.SO(Admn)FD/FS/4-134/17. The Competent Authority has been pleased to order that all the District Finance Officers/Assistant District Finance Officers of Finance Cell will assist their respective Deputy Commissioners of the Tribal Districts in preparation of budget for the next financial year 2019-20 at District Level of the devolved Offices as mentioned in the First Schedule of Khyber Pakhtunkhwa Local Government Act 2013, in the public interest.

SECRETARY FINANCE, MERGED AREAS

Endst: of even No.& date:

Copy forwarded to:-

1. All Deputy Commissioners of Tribal Districts
2. All Executive Officers, Finance & Planning Cells of Tribal District
3. All Assistant Commissioners of Tribal Sub Divisions
4. PS to Secretary Finance Khyber Pakhtunkhwa
5. PS to Secretary Finance Merged Areas Secretariat
6. Officers concerned

Abid Hussain


(ABID HUSSAIN)
Section Officer (Admn)

ATTESTED

28 ANNEX F
PS/C.S Khyber Pakhtunkhwa
Diary No. 3252/INT/PS
Date 5/3/19

To

The worthy Chief Secretary
Khyber Pakhtunkhwa

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 28.2.2019 WHEREBY THE APPELLANT HAS BEEN TRANSFER FROM THE POST OF SECTION OFFICER LAW AND ORDER DEPARTMENT MERGED AREA AND POSTED AS DISTRICT FINANCE OFFICER/BAJAUR TRIBAL DISTRICT

Secretary (A&C) FATA
D. No. 1048
Date: 15-3-19

Respected Sir,

With due diligence I very humbly submit the following few lines for your kind and sympathetic consideration:

1. That I am serving in Merged Areas Secretariat (erstwhile FATA) as Section Officer in Law and Order Department.
2. That since my appointment performs duties with great zeal and devotion to the entire satisfaction of my superior without any complaint whatsoever till date but unfortunately without any appreciation in the form of future prospects i.e. promotion, seniority, pay scale etc.
3. That the inaction of the department was challenged before Peshawar High Court for redressal of above grievances. While adjudication of the matter, Peshawar High Court called upon the department to seek fresh instructions from the Provincial Govt in view of merger of FATA into Khyber Pakhtunkhwa(Annex-A).
4. In pursuance of the above Court directions, a meeting was held on 15.11.2018, under the chairmanship of Chief Secretary, Govt: of KP wherein the pending case of the undersigned was thoroughly discussed and the following decision was taken (Annexed -B).

"The petitioners will be included in Provincial Planning Services cadre in P&D department Govt: of Khyber Pakhtunkhwa, their seniority will be fixed in light of Provincial Civil Servant Act 1973 and rules made their under Planning and Development Department will take further necessary action in consultation with Establishment Department to materialize the above decision on priority basis".

AC/MA
Sey/ABC

S.A.E

ATTESTED

A.E.S D/No. 1138
Date 15-3-19

AC/MA
P.S. to Chief Secretary
Govt: of Khyber Pakhtunkhwa
5/3/19

Secy (A&C)
Add: Secy (C)
Director
Date 15-3-2019

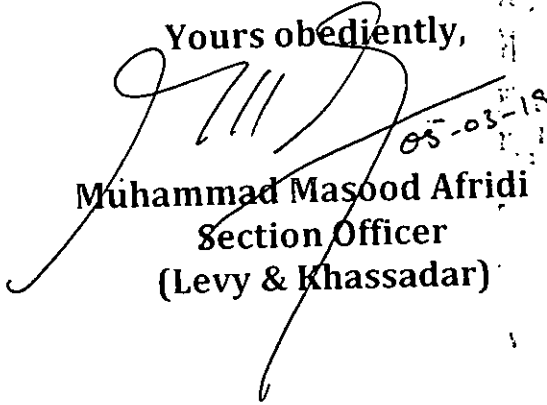
- 29
5. That in light of the above decision, a notification was issued by the Competent Authority, worthy Chief Secretary KPK vide No.SO(E-I)/E&AD/9-126/2019 dated 08.01.2019(Annex-C) whereby the P&D Department including Finance & Planning Cells of erstwhile FATA Secretariat was merged with the Khyber Pakhtunkhwa P&D department. It is also worth mention here that in light of above decision one of our colleague Mr.Ahmad Nawaz Assistant Chief is adjusted in P&D Department KP vide order dated 13.2.2019(Annex-D)
 6. That the undersigned while waiting for adjustment in PPS cadre of P&D Department Khyber Pakhtunkhwa, the Secretary Finance Merged Areas Secretariat, to my surprise issued transfer order of the undersigned vide dated 28.2.2019 (Annex-E).
 7. That as explained above, the undersigned is placed under the direct control of Planning and Development Department, Govt of Khyber Pakhtunkhwa, headed by the Additional Chief Secretary P&D KPK, being Competent Authority to issue any such orders.
 8. That the transfer orders dated 28.2.2019 is illegal, unlawful and is violation of notification issued by the Competent Authority in pursuance of Peshawar High Court orders and decision taken in meeting dated 15.11.2018(Annex-B)

Prayer:

It is therefore, humbly prayed that on acceptance of this departmental appeal/representation, the order dated 28.2.2019 may please be set-aside/withdraw and issued necessary directions to place my services under Planning and Development Department i.e. Provincial Planning Services (PPS) Govt of Khyber Pakhtunkhwa.

Dated: 05.03.2019

Yours obediently,


05-03-19
Muhammad Masood Afridi
Section Officer
(Levy & Khassadar)

ATTESTED



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

MOST IMMEDIATE/CONFIDENTIAL

NO.SO(E-I)E&AD/9-126/2019
Dated Peshawar the May 8, 2019

To
The Additional Chief Secretary,
Merged Areas Secretariat,
Warsak Road, Peshawar.

Subject: - NOTIFICATION.

Dear Sir,

I am directed to refer to your letter No. SO (Admn.)/FD/FS/4-14 dated 10.4.2019 on the subject cited above and to inform that Merged Areas Sectt. may implement the posting/transfer orders issued vide Notification bearing No. SO (Admn.)/FD/4-134/17 dated 28.2.2019.

Yours faithfully,

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)

ATTESTED

BETTER COPY

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

MOST IMMEDIATE / CONFIDENTIAL

No. SO(E-I)E&AD/9-126/2019
Dated Peshawar the May 8, 2019

To,

The Additional Chief Secretary
Merged Areas Secretariat,
Warsak Road Peshawar

Subject:- NOTIFICATION

Dear Sir,

I am directed to refer to your letter No. SO (Admn)/FD/FS/4-14 dated 14.04.2019 on the subject cited above and to inform that Merged Areas Sectt, may implement the posting/transfer orders issued vide Notification No. SO(Admn)/FD/4-134/17 dated 28.02.2019.

Yours faithfully

**(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)**

ATTESTED

31

Asst. Secy G



**Home & Tribal Affairs Department,
Khyber Pakhtunkhwa
(Budget & Accounts Section)
Merged Areas Secretariat, Warsak Road**



Ph: (091) 9210960

PESHAWAR

Fax # (091) 9210578

No. CS(F)/L&K/2-General/ 30/2019/464

Dated: March 1, 2019

Secretary,
Finance Department,
Merged Areas Secretariat,
Warsak Road, Peshawar.

Subject: NOTIFICATION

I am directed to refer to Finance Department, Merged Areas Secretariat Notification No.SO(Admn)FD/FS/4-134/17 on the subject noted above.

In wake of newly emerged scenario, services of Mr. Masood Afridi working as Section Officer (Levy & Khassadars) Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa is required for recruitment/promotion of Levy & Khassadars. Further, the officer has also been nominated for pursuing the litigation cases pertaining to Levy & Khassadars. Besides, he has also been entrusted with the duty for special situation reports in the present emergency situation raised due to escalation on borders. Therefore, the services of the above officer is essentially required to this Department, hence, could not be spared at this stage.

Keeping above in view, it is requested that the aforesaid Notification may kindly be revisited/ withdrawn to the extent of Mr. Masood Afridi Section Officer (Levy & Khassadars) in the best public interest, please.

Section Officer (Budget & Accounts)

No. & date even.

CC to:

1. PS to Additional Chief Secretary (Merged Areas)
2. PS to Secretary Home & TAs Department, Khyber Pakhtunkhwa
3. Master File

Section Officer (Budget & Accounts)

12/3/2019

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
PLANNING & DEVELOPMENT DEPARTMENT

32

Dated Peshawar, the February 13, 2019.

NOTIFICATION:

NO. SO(E)P&D/052/7-16/FATA/2019: In pursuance of Establishment Department Notification dated 08-01-2019, the Competent Authority is pleased to order adjustment of following staff of P&D Department, Merged Areas (erstwhile FATA) in various sections in P&D Department, Government of Khyber Pakhtunkhwa as mentioned against each with immediate effect, in the best public interest, till further orders:-

S. No.	Name of Officers	Designation	Section
1.	Mr. Jamshed Ali Khan.	Assistant Chief.	Infrastructure
2.	Mr. Ahmad Nawaz.	Assistant Chief.	Agriculture
3.	Mr. Fayaz Ghani.	Assistant Chief.	Education
4.	Mr. Amir Bashir.	Assistant Chief	Coordination
5.	Mr. Abdur Rehman.	Assistant Chief	B&A, Audit, Litigation, General & Admn Section.
6.	Mr. Javed Habib.	Research Officer.	Agriculture.
7.	Mr. Sohail Zaman.	Assistant.	Agriculture.
8.	Muhammad Ayub.	Assistant.	Education
9.	Muhammad Ayaz.	Stenographer.	Education.
10.	Mr. Khalid Hassan.	Stenographer.	Coordination.
11.	Mr. Shams-ul-Arifeen.	Research Officer.	Health.
12.	Mr Mehboob Aridi.	Assistant.	Water.
13.	Mr. Fazal Bashar.	Assistant.	B&A, Audit, Litigation, General & Admn Section.
14.	Mr. Vijay Hameed.	Assistant.	-do-
15.	Mr. Masoor-ur-Rehman.	Computer Operator.	-do-
16.	Mr. Tariq Hassan.	Computer Operator.	Foreign Aid
17.	Mr. Saifullah.	Computer Operator.	Resource Centre.
18.	Mr. Minhaj ud Din.	Computer Operator.	Resource Centre.
19.	Mr. Shakir Ullah.	Junior Clerk.	Infrastructure.
20.	Mr. Fazli Maula.	Junior Clerk.	Health
21.	Mr. Ibadullah.	Junior Clerk.	Industries
22.	Mr. Zubair.	Junior Clerk.	B&A, Audit, Litigation, General & Admn Section.
23.	Mr. Falak Niaz.	Junior Clerk.	Budget & Accounts

SECRETARY
P&D DEPARTMENT

Endst: NO. & Date Even.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretary, P&D Department, Merged Areas, Peshawar.
3. All Chief of Sections in P&D Department.
4. Assistant Chief (B&A), P&D Department.
5. Section Officer (General), P&D Department.
6. PS to Additional Chief Secretary, P&D Department.
7. PS to Secretary, P&D Department.
8. PA to Chief Economist, P&D Department.
9. PA to Additional Secretary, P&D Department.
10. PA to Deputy Secretary (Admn:), P&D Department.
11. Officers/officials concerned.

Section Officer (Estt.)

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ATTESTED

POWER OF ATTORNEY

In the Court of Khyber Pakhtun Khwa Province Tolled
Muhammad Masood Afzali } For Reshma
 } Plaintiff
 } Appellant
 } Petitioner
 } Complainant

VERSUS

Govt of KPK and others. } Defendant
 } Respondent
 } Accused
 }

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W. the undersigned, do hereby nominate and appoint

ZARTAJ ANWAR ADVOCATE, my true and lawful attorney, for me in my same and on my behalf to appear at Reshma to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee. and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Reshma
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Zartaj Anwar
Advocate High Courts

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3-4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0331-9399185
BC-10-9851
CNIC:17301-1610454-5

30

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1108/2019

Mr. Masood AfridiAppellant

VS

Government of Khyber Pakhtunkhwa etcRespondents

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDANTS.

Preliminary Objections:-

- I. That the appellant has got no cause of action to file the instant petition;
- II. That the appellant is estopped by their own action;
- III. That the petition is not maintainable in its present form;
- IV. That the appellant has got no locus stand to file the instant petition;
- V. That the appellant has not come before the Honorable Court with clean hands;
- VI. That the appellant is not "Aggrieved" persons within the meaning of Article 199 of the Constitution of Pakistan;
- VII. That the service appeal is deficient on account of misjoinder and non-joinder;
- VIII. That the service appeal is also incompetent on account of laches.

FACTS:

1. Correct.
2. Correct.
3. Pertains to record and hence no comment.
4. Pertains to record and hence no comment.
5. Correct.
6. Correct.
7. Correct.
8. Correct to the extent that name of colleague of appellant and not appellant was included in the PPS cadre of P&D Department.
9. Incorrect. On merger of erstwhile FATA, a meeting was held under the chairmanship of Secretary Finance, Khyber Pakhtunkhwa, on 19.02.2019. under Para-5(a) of minutes of the said meeting, it was decided that:-

" All the Deputy Commissioners of newly merged areas to initiate the formulation of their current budget for devolved function/departments for the year next financial year 2019-20. The PFC wing of finance department to fully facilitate and guide the process"

In pursuance of the aforesaid decision, instructions were issued to the effect that all District Finance Officers/ Assistant District Finance Officers of Finance Cells will assist their respective Deputy Commissioners of the Tribal Districts in preparation of budget for the next Financial Year 2019-20 at District Level of the devolved office vide Order No. So(Admn)/FD/FS/4-134/17 dated 28.02.2019 (**Annexure-I**) Accordingly, three Finance Officers including the applicant were posted to the Tribal Districts vide Notification No. SO(Admn)/FD/4-134/17 dated 28.02.2019 with the approval of Secretary Finance Department Khyber Pakhtunkhwa. (**Annexure-II**)

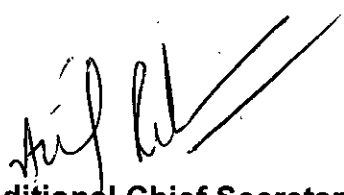
- 10. Correct. But appellants failed to mention that Establishment Department later on informed Merged Areas Secretariat to implement the posting/ transfer Order issued vide Notification dated 28.02.2019. (Annexure-III)
- 11. Correct. The appeal was turned down on the grounds vide supra Paras.


GROUND:

- A. Incorrect. No violation of law has been made.
- B. Incorrect. As explained in Para-9 above.
- C. Incorrect. As explained above the posting/ transfer Order was made in public interest.
- D. Incorrect. The blame is baseless and has no substantial evidence.
- E. Correct. But, the officer was not an employee of Home Department, hence the Department was not bound to accede to the request of Secretary, Home Department, Khyber Pakhtunkhwa.
- F. Correct.
- G. Pertains to record and hence no comment.
- H. Incorrect.

It is, therefore, most humbly prayed that the instant service appeal may please be dismissed with cost.


**Chief Secretary,
 Khyber Pakhtunkhwa.**


**Additional Chief Secretary,
 Planning & Development,
 Khyber Pakhtunkhwa.**


**Secretary Establishment,
 Khyber Pakhtunkhwa.**


**Secretary Finance,
 Khyber Pakhtunkhwa.**


**Special Secretary Finance,
 Merged Areas Secretariat.**



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

MOST IMMEDIATE/CONFIDENTIAL

NO.SO(E-I)E&AD/9-126/2019
Dated Peshawar the May 8, 2019

To

The Additional Chief Secretary,
Merged Areas Secretariat,
Warsak Road, Peshawar.

Subject: - NOTIFICATION.

Dear Sir,

I am directed to refer to your letter No. SO (Admn.)/FD/FS/4-14 dated 10.4.2019 on the subject cited above and to inform that Merged Areas Sectt. may implement the posting/transfer orders issued vide Notification bearing No. SO (Admn.)/FD/4-134/17 dated 28.2.2019.

Yours faithfully,

(ISHTIAQ AHMAD)
SECTION OFFICER (E-I)

me



FINANCE DEPARTMENT
MERGED AREAS SECRETARIAT

Dated 28/2/2019

Annex - I

ORDER :-

No.SO(Admn)FD/FS/4-134/17. The Competent Authority has been pleased to order that all the District Finance Officers/Assistant District Finance Officers of Finance Cell will assist their respective Deputy Commissioners of the Tribal Districts in preparation of budget for the next financial year 2019-20 at District Level of the devolved Offices as mentioned in the First Schedule of Khyber Pakhtunkhwa Local Government Act 2013, in the public interest.

SECRETARY FINANCE, MERGED AREAS

Endst: of even No.& date:

Copy forwarded to:-

1. All Deputy Commissioners of Tribal Districts
2. All Executive Officers, Finance & Planning Cells of Tribal District
3. All Assistant Commissioners of Tribal Sub Divisions
4. PS to Secretary Finance Khyber Pakhtunkhwa
5. PS to Secretary Finance Merged Areas Secretariat
6. Officers concerned

(ABID HUSSAIN)
Section Officer (Admn)

01/13/19



FINANCE DEPARTMENT
MERGED AREAS SECRETARIAT

Dated 28/2/2019

NOTIFICATION :-

No.SO(Admn)FD/FS/4-134/17. In pursuance of this department Order of Even No. dated 28.02.2019, the Competent Authority has been pleased to order the following posting/transfers with immediate effect in the public interest:-


S.No	Name & Designation	From	To	Remarks
1.	Muhammad Masood Afridi District Finance Officer (BS-17)	Section Officer, Law & Order Department, Merged Areas.	District Finance Officer, Finance Cell, Bajaur Tribal District in his own pay and scale.	Against the vacant post
2.	Mr. Qaiser Munir Asstt: District Finance Officer (BS-16)	Finance Cell, Khyber Tribal District	Assistant District Finance Officer, Finance Cell, North Waziristan Tribal District in his own pay and scale.	Against the vacant post
3.	Mr. Hadi Hussain Asstt: District Finance Officer (BS-16)	Finance Cell, Orakzai Tribal District	Assistant District Officer, Finance Cell, Mohmand Tribal District in his own pay and scale.	Against the vacant post.

SECRETARY FINANCE, MERGED AREAS

Endst: of even No.& date:

Copy forwarded to:-

1. Secretary Law & Order Department, Merged Areas Secretariat
2. Additional Accountant General (PR), Sub Office, Peshawar
3. Deputy Commissioners Khyber, Mohmand, Bajaur & NW Tribal Districts
4. Executive Officers, F&P Cells, Khyber, Mohmand, Bajaur & NW Tribal Districts
5. District Accounts Officers Khyber, Mohmand, Bajaur & NW Tribal Districts
6. PS to Secretary Finance Khyber Pakhtunkhwa
7. PS to Secretary Finance Merged Areas Secretariat
8. Officers concerned


(ABID HUSSAIN)
Section Officer (Admn)

**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1108/2019

Muhammad Masood Afridi

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and others

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Submitted:

The appellant submit his rejoinder as under:

Preliminary Objections:

- A. That the appellant has the cause of action against the respondents.
- B. That no rule of estoppel applies to present appeal.
- C. That the honourable Tribunal has the jurisdiction to entertain the instant appeal.
- D. That the respondents discriminated in matter of adjustment as some of the colleagues from the same department were adjusted in PPS group.
- E. That the appellant has come to this court with clean hands.
- F. That the appellant before the service tribunal not before the Hon;able High Court.
- G. That the appellant before this Hon;able Tribunal by making all the necessary parties.
- H. That the present appeal is well within time

ON FACTS:

1. Contents of Para 1 to 7 are admitted hence need no reply.
8. Contents of Para 8 are admitted by the respondents as they been discriminated where as their similarly placed colleagues from the same department were adjusted/included in PPS cadre of P& D department and left beyond the appellant without any proper and just reasons.

9. Contents of para 9 incorrect and misleading, That the appellants while serving the department requested to their superiors to provide him proper service structure, future, promotion prospects and place their services in a proper stream line, for such purpose he filed Writ Petition No.3722-P/2016 alongwith his colleagues, before Peshawar High Court Peshawar for the redressal of his grievances in which the Hon'ble Court direct the respondent department that in a current situation when the erstwhile while FATA merged into the province of KP and now became part and parcel of the provincial government, respondent Department vide Notification dated 22nd February 2019 promulgated the provincial planning cell whereas all the employees of the Provincial government who born on the strength of the planning and Development Department well merged into one department/group will be known as PPS group and for such purpose PPS service rules were framed who can run the affairs of the PPS groups, the Provincial Govt. through minutes of the meeting dated 15.11.2018 under the chairmanship of the Chief Secretary, Govt. of KP taken the decision through the said meeting appellants alongwith his colleagues of the writ petition No.3722-P/2016 title Muhammad Masood Afridi Vs Govt. of Khyber Pakhtunkhwa will be included in Provincial planning service (PPS) Cadre in planning and development department, Govt. of Khyber Pakhtunkhwa, and necessary action in constitution with Establishment Department to materialize the above decision on priority basis, Provincial Govt. in the light of such decision issued notification vide dated 08.01.2019 in the wake of 25th constitutional amendment, that P&D FATA to cease to exist with all functions shifted to P&D KP, the P&D Department merge area in hereby place under the administrative control of P&D Department Khyber Pakhtunkhwa and shall report Additional Chief Secretary P&D KP. That the respondent Department in pursuance of the decision of the competent authority as well as the direction of the Hon'ble Court issue notification vide date 22.03.2019 and place included the names of the colleagues of the appellants of erstwhile FATA, Finance & Planning Department.

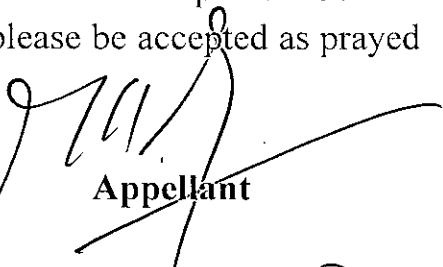

10. Contents of para 10 is admitted Hence need no Reply.

11. Contents of para 11 is need no reply.

Grounds

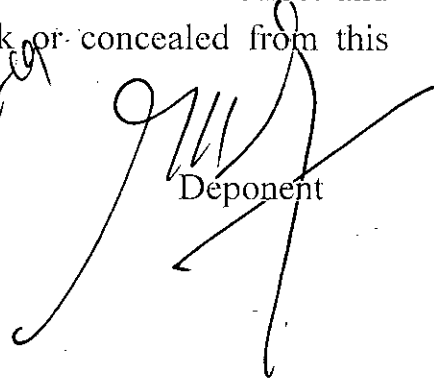
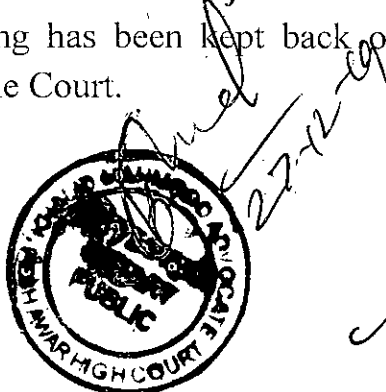
All the grounds are taken by the respondents are legal and will be rebutted on the time of arguments with the prior permission of this honourable court.

It is, therefore, prayed that on acceptance of this *rejoinder*, the appeal of the appellant may please be accepted as prayed for.


Appellant
Through

ZARTAJANWAR
Advocate Peshawar

Affidavit

I, do hereby solemnly affirm and declare that the contents of the *above Rejoinder* are true and correct and that nothing has been kept back or concealed from this Honourable Court.


Deponent


**BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1108/2019

Muhammad Masood Afridi

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa Peshawar and others

(Respondents)

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Submitted:

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- C. That the honourable Tribunal has the jurisdiction to entertain the instant appeal.
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- E. That the appellant has come to this court with clean hands.
- F. That the appellant before the service tribunal not before the Hon;able High Court.
- G. That the appellant before this Hon;able Tribunal by making all the necessary parties.
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10. Contents of para 10 is admitted Hence need no Reply.
11. Contents of para 11 is need no reply.


Grounds

All the grounds are taken by the respondents are legal and will be rebutted on the time of arguments with the prior permission of this honourable court.

It is, therefore, prayed that on acceptance of this *rejoinder*, the appeal of the appellant may please be accepted as prayed for.

Appellant

Through



ZARTAJANWAR

Advocate Peshawar

Affidavit

I, do hereby solemnly affirm and declare that the contents of the *above Rejoinder* are true and correct and that nothing has been kept back or concealed from this Honourable Court.

Deponent