

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

CM No. _____/2024

IN

APPEAL No. 1632/2022

TASHFEEN HAIDER

VS.

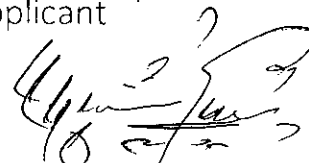
Government of KP & Others

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1	Application		1
2	Affidavit		2
3	Copy of additional documents	A	3-20

Applicant

Through



ALI GOHAR DURRANI

Advocate High Court(s)

0332-9297427

khaneliogohar@yahoo.com

SHAH | DURRANI | KHATTAK

(A REGISTERED LAW FIRM)

HOUSE NO. 231-A, STREET NO. 13,

NEW SHAMI ROAD, PESHAWAR.

16-05-2024
Peshawar

①

**IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.**

CM No. _____/2024

IN

APPEAL No. 1632/2022

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 11234

Dated 20-02-2024

TASHFEEN HAIDER VS. Government of KP & Others

**AN APPLICATION FOR PLACING ON FILE ADDITIONAL DOCUMENTS ON BEHALF
OF APPELLANT**

Respectfully Submitted:

1. That the subject captioned case is pending adjudication before this Honorable Tribunal and is fixed for **14-05-2024**.
2. That the applicant is required to submit additional documents, and seeks the permission for the placement of the documents on file for the just and judicious decision of the instant case.

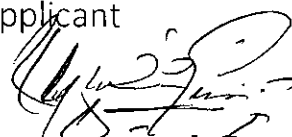
**Copy of additional documents are attached as
Annexure-A**

3. That proprietary demands that the said documents be allowed to be placed on file.

It is, therefore, most humbly prayed that on the acceptance of this application the documents mentioned in Para II of the application may be allowed to be placed on file.

Applicant

Through


ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khaneliegohar@yahoo.com
SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)
HOUSE NO. 231-A, STREET NO. 13,
NEW SHAMI ROAD, PESHAWAR.

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**IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.**

CM No. _____/2024

IN

APPEAL No. 1632/2022

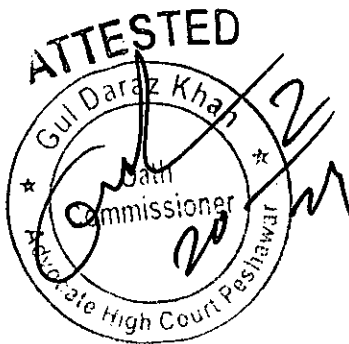
TASHFEEN HAIDER

VS.

Government of KP & Others

AFFIDAVIT

I, Tashfeen Haider S/o Nazeer Hussain, currently Special Secretary Energy and Power Department, Government of Khyber Pakhtunkhwa, R/o NC Flats, Khyber Road, Peshawar do hereby solemnly declare and affirm on oath that the contents of this CMA are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon' able Court.



Deponent

C.N.I.C: 14301-0597483-1

Cell No.

Identified by:

ALI GOHAR DURRANI
Advocate High Court

(3) Annex (A)

PROFILE CARD

6-35

NAME	TASHFEEN HAIDER
FATHER NAME	Nazir Hussain
DATE OF BIRTH	05.09.1976
DOMICILE	Kurram Agency
QUALIFICATION	B.A/LLB
PERMANENT ADDRESS	House No.9, Hazara Mohallah Parachinar, Kurram Agency
DATE OF JOINING SERVICE	27.02.2008
SERVICE GROUP	PMS
BASIC PAY SCALE	BS-19.

DATE OF APPOINTMENT/PROMOTION TO

BS-17	27.02.2008
BS-18	10.8.2015
BS-19	28.2.2018 a.c.b. / 07.07.2020 (Regular)

TRAINING /COURSE IN COUNTRY

1.	24 th Mid-Career Management Course (MCMC) w.e.f 21.08.2017 to 24.11.2017 at NIM Peshawar.
----	--

POSTINGS

S.#	POSTINGS	FROM	TO
1	SO, Health Deptt:	27.02.2008	17.08.2008
2	SO, Under training	18.08.2008	31.07.2009
3	Awaiting posting in E&AD	01.08.2009	01.09.2009
4	DDO(R), Chitral	02.09.2009	11.02.2010
5	SO(E-III), E&AD	12.02.2010	28.03.2010
6	SO(Admn), Admn: Deptt:	29.03.2010	20.06.2010
7	SO(E-III), E&AD	21.06.2010	26.09.2010
8	PDMA/Awaiting posting in E&AD	27.09.2010	21.10.2010
9	SO, IPC Deptt:	22.10.2010	18.04.2011
10	Dy. Secretary (Admn) FATA Secretariat	19.04.2011	21.04.2014
11	Assistant Chief, Capacity Building Project (CBP), P&D Deptt:	22.04.2014	8.10.2015
12	Project Director, Mardan Development Authority	9.10.2015	19.5.2016
13.	PD, Establishment of Housing Foundation for Government Servants, Housing Deptt.	20.5.2016	9.1.2018
14.	Deputy Commissioner, Upper Kohistan	10.1.2018	12.03.2018
15.	D.C Shangla.	13.03.2018	08.11.2018
16.	OSD E&AD	09.11.2018	22.11.2018
17.	Secretary-III, Board of Revenue	23.11.2018	26.7.2019
18.	MD, Khyber Pakhtunkhwa Private Schools Regularity Authority	27.7.2019	11.01.2021
19.	Additional Secretary, Sports Department	12.01.2021	21.03.2022
20.	Special Secretary, Energy & Power Department (OPS)	22.03.2022	15.02.2023
21.	Deputy Commissioner, Bannu	16.02.2023	22.02.2023
22.	Special Secretary, Energy & Power Department (OPS)	23.02.2023	Till date.

DIRECTOR GENERAL
PUBLIC RELATIONS
GOVERNMENT OF PUNJAB
LAHORE



Establishment Section

(4)

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FATA SECRETARIAT
(COORDINATION & ADMINISTRATION DEPARTMENT)
WARSAK ROAD PESHAWAR

Addl. Secy (Estab)
Establishment & Admn. Dept
Diary No. 321
Dated 21-4-11

FATA SECRETARIAT
WARSAK ROAD PESHAWAR
Diary No. 3270
Dated 20-4-11

ORDER:-

On placement of his services at the disposal of FATA Secretariat vide Establishment Department Khyber Pakhtunkhwa Notification No. SOE-II (ED)3(724)/2008 dated 19-04-2011, Mr. Tashfeen Haider (PMS BS-17) is posted in Administration & Coordination Department FATA Secretariat against the post of Deputy Secretary (Admn) in his own pay and scale with effect from 19-04-2011 (AN).

2- Consequent upon above, Mr. Asad Sarwar Project Director Tribal Areas Rural-to-Urban Centres Conversion Initiative (TARUCCI) FATA Secretariat Peshawar is hereby relieved off the additional charge of the post of Deputy Secretary (Admn), Administration & Coordination Department, FATA Secretariat.

SECRETARY (ADMIN & COORD)

No. FS/E/100-37 (Vol-12) 4522-34
Dated 20/4/2011
Copy to:-

1. Secretary Establishment Department, Khyber Pakhtunkhwa
2. All Secretaries in FATA Secretariat
3. Accountant General Khyber Pakhtunkhwa
4. Additional Secretary (Coordination), FATA Secretariat
5. Additional Accountant General (PR) Sub Office Peshawar
6. Project Director TARUCCI
7. Section Officer (Budget & Accounts) Admn, FATA Secretariat
8. Section Officer (Budget & Accounts), FATA Secretariat
9. Section Officer (Audit), FATA Secretariat
10. Estate Officer/DDO, FATA Secretariat
11. PS to Secretary (Admn & Coord) Department, FATA Secretariat
12. Bill Clerk, Admn & Coord Department, FATA Secretariat
13. Officers concerned

Handwritten signature
2014
Private Secretary to
Secretary Establishment

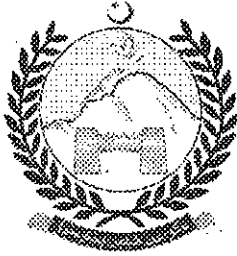
ASB

SOE-II

21/4/11

(Muhammad Abbas Khan)
Section Officer (Estab)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the April, 19, 2011

NOTIFICATION

NO.SOE-II(ED)3(724)/2008:- The Provincial Government is pleased to transfer Mr. Tashfeen Haider, PMS BS-17, Section Officer, Inter Provincial Coordination Department and to place his services at the disposal of FATA Secretariat for further posting, in the public interest, with immediate effect.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO & DATE EVEN

A copy is forwarded to:-

1. Additional Chief Secretary, FATA.
2. Secretary to Government of Khyber Pakhtunkhwa, Inter Provincial Coordination Department.*
3. Accountant General, Khyber Pakhtunkhwa
4. Accountant General(PR), Sub Office, Peshawar.
5. Officer concerned.
6. SO(Secret)/ EO/Librarian, E&A Department.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment.
9. PAs to AS(E)/DS(E) Establishment Department.
10. Office order file.
11. Personal file of the officer.

O/C

Faryal Kazim
19.4.11

(FARYAL KAZIM)
SECTION OFFICER(E-II)

IHSAN AFRIDI

2/11
S
ESTABLISHMENT DEPARTMENT

6

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Subject:-

CHARGE RELINQUISHMENT

Kindly refer to Establishment Department's Notification, bearing No.SOE-II(ED)3(724)/2008, dated 19.04.2011, I, Tashfeen Haider, Section Officer, hereby relinquish the charge of the post of Section Officer-III, Inter-Provincial Coordination Department today, the Tuesday 19th of April, 2011, (F.N.)

TASHFEEN HAIDER
SECTION OFFICER

C.C.

1. Secretary to Government of Khyber Pakhtunkhwa, Inter Provincial Coordination Department.
2. Accountant General, Khyber Pakhtunkhwa.
3. Section Officer (E-II)/Secret Establishment Department.
4. Section Officer (General) IPC Department.
5. Personal File.


TASHFEEN HAIDER
SECTION OFFICER

~~ESTABLISHMENT
SECRETARY~~

7

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the April, 1920

NOTIFICATION

NO.SOE-II(FD)3(724)/2008:- The Provincial Government is pleased to transfer Mr. Tasheen Haider, PMS BS-17, Section Officer, Inter Provincial Coordination Department and to place his services at the disposal of FATA Secretariat for further posting in the public interest, with immediate effect.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

INDST: NO & DATE EVEN

A copy is forwarded to:-

1. Additional Chief Secretary, FATA.
2. Secretary to Government of Khyber Pakhtunkhwa, Inter Provincial Coordination Department.
3. Accountant General, Khyber Pakhtunkhwa
4. Accountant General(PR), Sub Office, Peshawar.
5. Officer concerned.
6. SO(Secret)/ EO/Librarian, E&A Department.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment.
9. PAs to AS(E)/DS(F) Establishment Department.
10. Office order file.
11. Personal file of the officer.

e/c

Faryal
19.4.11

(FARYAL KAZIM)
SECTION OFFICER(E-II)

1-SAN AFIDH

ATTESTED

SECRETARY

3

21

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DIVISION

NOTIFICATION

10 SOE-3240-1/2016 The Government of Khyber Pakhtunkhwa is pleased to order posting transfer of the following officers in the public interest with immediate effect:-

S.P.#	NAMES OF OFFICERS	FROM	TO
	Mr. Zakaullah Khattak (PCS EG BS-19)	Deputy Commissioner, Nowshera	Deputy Commissioner, Dir Upper, against the vacant post.
2.	Mr. Muhammad Abid (PAS BS-18)	Secretary (FIFA), FATA Secretariat	Deputy Commissioner, Karak, in his own pay and scale, against the vacant post.
3.	Mr. Iftikhar Alam (PAS BS-18)	PSO to Chief Minister, Khyber Pakhtunkhwa	Deputy Commissioner, Nowshera, in his own pay and scale, vice Sr. No. 1.
4.	Mr. Tashfeen Haider (PMS BS-18)	Asstt. Chief CBP P&D Department.	Project Director, Mardan Development Authority, in his own pay and scale, on deputation basis. Against the vacant post.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. Of even No. and date.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department, Khyber Pakhtunkhwa.
2. Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
3. Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
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. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa, Peshawar.
9. AGPR Sub Office, Peshawar.
10. Secretary (FIFA) FATA Secretariat, Peshawar.
11. All Deputy Commissioners in Khyber Pakhtunkhwa.
12. All Political Agents in FATA.
13. Director (PD) Establishment Division, Islamabad.
14. Section Officer (E-5/PAS), Establishment Division, Islamabad.
15. Project Director, Mardan Development Authority, Mardan.
16. Director Information & Public Relations, Khyber Pakhtunkhwa.
17. District Accounts Officer, Nowshera, Dir Upper, Mardan and Karak
18. PSO to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Chief Secretary, Khyber Pakhtunkhwa.
20. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
21. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
22. Officers concerned.
23. Manager, Government Printing Press Peshawar.

APPROVED

(Signature)

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT-I)
PH: & FAX # 091-9210529



9

14

A

B

C

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO (E-I)/E&AD/6-35/2021
Dated Peshawar, the June 30, 2021.

To

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department.

SUBJECT: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST – CASE OF MR. TASHFEEN HAIDER (PMS BS-19), ADDITIONAL SECRETARY, SPORTS DEPARTMENT.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith the following documents/certificates in respect of Mr. Tashfeen Haider (PMS BS-19), Additional Secretary, Sports Department for grant of pay of the Higher Post in BS-18 for the period from 22.04.2014 to 08.10.2015:-

1.	Approval of the competent authority and Notification	Since the Establishment Department has issued notification with the approval of competent authority, therefore, there is no need to forward approved summary to Finance Department being a confidential documents. However, the said Notification is annexed at Annex-I
2.	Charge assumption reports	Annex-II
3.	Charge relinquishment reports	Annex-III
4.	Service Statement duly attested	Annex-IV
5.	Completion certificates of mandatory training, where required.	There is no condition of any Training for promotion of PMS BS-17 officers (directly recruited) to BS-18.
6.	PMS BS-17 Seniority list duly attested.	Annex-V
7.	Specific conditions/ requirements if any	He was senior PMS BS-17 Officer, therefore, the Competent Authority has posted him as Assistant Chief, CBP, P&D Department against BS-18 schedule post.
8.	Reference of Recruitment rules etc.	The post of Assistant Chief, CBP, P&D Department is BS-18 Schedule Post, meant for promotion posting/transfer of PAS, PMS Officers.

Yours faithfully,

Encl: As above

Zia ul Haq
(ZIA.UL.HAQ) 30/6/2021
SECTION OFFICER (E-I)

Endst. No. & date even

Copy of the above is forwarded to Mr. Tashfeen Haider, Additional Secretary, Sports Department w/r to his application dated nil for information, please.

Zia ul Haq
SECTION OFFICER (E-I) 30/6/20

ATTACHED TO BE
FOR THE
PA

ATTESTED



**GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH
AFFAIRS & MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:**

No: SO(T)2-345/2021/PF/AS-1
Dated Peshawar the, 06th August, 2021

To

The Secretary to the Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

SUBJECT: CLAIM OF BACK BENEFITS OF HIGHER POST

Dear Sir,

Reference to the undersigned's application/representation submitted in your office on the subject mentioned, and which was responded vide Letter No. FD (SOSR-1)1-1/2021 (Tashfeen Haider) dated 26-07-2021. The undersigned had mentioned that while he was drawing the pay of BPS-17 while working against the post of BPS-18 from 19-04-2011 till 10-08-2015 and while being BS-18 working against the Post of BS-19 from 13-10-2015 to 09-01-2018. Request of the undersigned was regretted on the ground that the "claim is too old". In this respect the following is submitted:

The undersigned never requested to be posted on a higher post, rather he was selected due to his capabilities, which he has proven to be without any stigma and to the entire satisfaction of the department concerned, every single day of his career. Similarly, for the posting in higher grade the undersigned was competent albeit eligible, hence no point of eligibility also arises. These facts make it abundantly clear that the undersigned was "rightfully and legally" posted to higher post, without his own request and this fact is enough for the grant of the claim of the undersigned. It is not out of place to mention that this issue has been dilated upon regularly by the Superior Courts also.

In case titled Islamic Republic of Pakistan v. Qazi Abdul Karim 1978 SCMR 289, the Honorable Supreme Court of Pakistan held the following;

"If an employee is promoted to officiate in a higher post, involving higher responsibility, he must be held to be entitled to the minimum pay of the grade of the said higher office."

In case titled Sh. Amar Maftoon v. Government of Punjab 1992 SCMR 1869, it has been laid down:

"that Civil servant worked against post a higher grade and discharged functions of such post, which entitled him to the pay attached to the said posts. Incorporation of condition in civil servant's posting order that he was adjusted against his own pay and grade, would be inconsequential and not a bar for him to claim higher grade pay. Civil Servant was, thus entitled to the pay of higher post during the period he worked against the same".

The aforesaid view has been reaffirmed and followed in Abdul Hamid and others v. Chief Secretary, N.W.F.P. and others 1998 PLC (C.S.) 1468; Khurshid Anwar v. Province of N.W.F.P. through Chief Secretary and another 1999 PLC (C.S.) 225 and Abdul Sattar v. District Accounts Officer, Bahawalpur 2012 PLC (C.S.) 65. In a very recent case titled MEHBOOB SULTAN Versus MD FDC and others 2019 P L C (C.S.) 587, the Honorable Peshawar High Court has held that:

"If employee was promoted to officiate in a higher post involving higher responsibilities then he would be entitled to the minimum pay of that grade---Nothing was on record that petitioner-employee requested for the higher post nor there was an assertion by the department that employee was not eligible to hold the higher post---Incorporation of condition in civil servant's posting order that he had been adjusted against his own pay and grade, would not be a bar to claim pay for the higher grade---Petitioner was entitled to the pay of higher post during the period he worked against the same---Constitutional petition was allowed in circumstances."



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) [Instagram/GoKPFD](https://www.instagram.com/GoKPFD)

**NO. FD (SOSR-1) 1-1/2021(Tashfeen Haider)
Dated Peshawar the: 26-07-2021**

To: **The Section Officer (E-I),
Establishment Department,
Peshawar.**

Subject: **APPOINTMENT OF AN OFFICER OF LOWER GRADE TO POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST - CASE OF MR. TASHFEEN HAIDER (PMS BS-19), ASSISTANT SECRETARY, SPORTS DEPARTMENT.**

I am directed to refer to your letter No:SO(E-I)/E&AD/6-35/2021 dated 30-06-2021 on the subject noted above and to state that Finance Department regrets its ability to accede to the request on the ground that the claim is too old.

(Signature)
(REHMAT KHAN)
SECTION OFFICER (SR-1)

MIF

(Signature)
ATTENDED BY
2017/07/26



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

19

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPDF](https://www.facebook.com/GoKPDF)

twitter.com/GoKPDF

NO. FD(SOSR-1)1-1/2022/Tashfeen Haider

Dated Peshawar the: 30-06-2022

12

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To

✓ The Section Officer (General),
Energy & Power Department,
Peshawar.

Subject: -

APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A
POST OF HIGHER GRADE AND GRANT OF PAY OF THE
HIGHER POST.

I am directed to refer to your letter No. SO(G)/PF/SS/Tashfeen Haider/2022/612-2 dated 19.05.2022 on the subject noted above and to state that para-2 of Finance Department's letter No.FD(PRC)1-1/2012 dated 01.01.2013 provides that:-

"In cases of officers who are appointed to higher post by the competent authority and who discharge the duties of a higher post in their service/cadre, they would be allowed pay of the higher post only if they fulfill the prescribed conditions of promotion to the higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training (where so prescribed)"

2. In the instant case, the officer concerned had not completed the required conditions mentioned above at the time of his posting against BPS-19 on OPS basis; therefore the request for higher post benefits is regretted, please.

SECTION OFFICER (SR-1)

SS/AS, A, SP
9/7/2022

17
DUPLICATE
TAIIF COPY

REGISTERED

13

PROFILE CARD

NAME	6-35
FATHER NAME	TASHFEEN HAIDER
DATE OF BIRTH	Nazir Hussain
DOMICILE	05.09.1976
QUALIFICATION	Kurram Agency
PERMANENT ADDRESS	B.A/LLB
PRESENT ADDRESS	House No.9, Hazara Mohallah Parachinar, Kurram Agency
DATE OF JOINING SERVICE	-
SERVICE GROUP	27.02.2008
BASIC PAY SCALE	PMS
	BS-19 a.c.b.

DATE OF APPOINTMENT/PROMOTION TO

BS-17	27.02.2008
BS-18	10.8.2015
BS-19	28.2.2018 a.c.b.

TRAINING /COURSE IN COUNTRY

1.	24 th Mid-Career Management Course (MCMC) w.e.from 21.08.2017 to 24.11.2017 at NIM Peshawar.
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POSTINGS

S.#	POSTINGS	FROM	TO
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5	SO(E-III), E&AD	02.09.2009	11.02.2010
6	SO(Admn), Admn: Deptt:	12.02.2010	28.03.2010
7	SO(E-III), E&AD	29.03.2010	20.06.2010
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10	Dy. Secy (Admn) FATA Secretariat	22.10.2010	18.04.2011
11	Assistant Chief, Capacity Building Project (CBP), P&D Deptt:	19.04.2011	21.04.2014
12	Project Director, Mardan Development Authority	22.04.2014	8.10.2015
13.	PD, Establishment of Housing Foundation for Government Servants, Housing Deptt.	9.10.2015	19.5.2016
14.	Deputy Commissioner, Upper Kohistan	20.5.2016	9.1.2018
15.	D.C Shangla.	10.1.2018	12.03.2018
16.	OSD E&AD	13.03.2018	08.11.2018
17.	Secretary-III, Board of Revenue.	09.11.2018	22.11.2018
18.	MD, Khyber Pakhtunkhwa Private Schools Regularity Authority	23.11.2018	26.7.2019
19.	Additional Secretary, Sports Department	27.7.2019	11.01.2021
		12.01.2021	Till date.

TESTED &
RECEIVED
SECRETARY

To

The Secretary to the Government of Khyber Pakhtunkhwa,
Establishment Department.

SUBJECT: CLAIM OF BACK BENEFITS OF HIGHER POST

Dear Sir,

It is submitted that the undersigned was posted as Project Director, Mardan Development Authority, LGE&RD Department vide Establishment Department Notification Dated: 13th October, 2015. From there onward he was posted Project Director, Establishment of Housing Foundation for Government Servants, Housing Department on 20th May, 2016. Now, as per Notification Dated: 9th of January, 2018, he has been promoted to BPS-19 on regular basis (copies enclosed). However, throughout that tenure from 13-10-2015 till 09-01-2018 for the posts of Project Director MDA and Project Director, Housing Department the undersigned had been drawing the pay of BPS-18 while working against the post of BPS-19.

It is further intimated that vide letter no. FD(PRC)1-1/2012 Dated: 01-01-2013 and circular letter No. FD(PRC)1-1/2012 Dated: 17-08-2012, the Regulation wing of Finance Department conveyed as "in cases of officers who are appointed to the higher post by the competent authority and also discharge the duties of a higher post in their service/cadre, they would be allowed pay of higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training."

Hence, it is submitted that the undersigned is entitled to receive benefits of BPS-19 due to the following reasons:

- i. He was appointed from lower grade to higher grade by the competent authority i.e. Chief Secretary. (posting order attached)
- ii. He was fully qualified in all respects to be appointed to the higher post.
- iii. He completed the mandatory service in BPS-18 and requisite training for promotion in BPS-19.
- iv. He discharged all the duties and responsibilities of the higher post independently and severed all connections with his lower post
- v. According to Fixation of Pay Chapter-IV (DDO Handbook), the appointment is made from lower to higher pay scale, the pay will be fixed just like case of regular promotion after allowing next stage.
- vi. He was one of the Senior Officer in the seniority list of BPS-18 back then and was eligible in all respects for the post he was appointed on.

It is, therefore, requested that the undersigned may be granted back benefits of BPS-19 from 13-10-2015 till 09-01-2018. It is also requested that his case may kindly be forwarded to Finance Department for approval and sanction please.

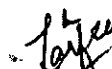
I shall be greatly obliged please.

Humbled and obliged,


(Tashfeen Haider)
Additional Secretary (BPS-19)
Sports Department

Copy forwarded to the:

1. Section Officer (E-I), Establishment Department.
2. PS to Secretary Sports.


(Tashfeen Haider)
Additional Secretary (BPS-19)
Sports Department



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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO (E-I)/E&AD/6-35/2021
Dated Peshawar the August 2, 2021

To

Mr. Tashfeen Haider (PMS BS-19),
Additional Secretary Sports Department
Government of Khyber Pakhtunkhwa,

Subject:- APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST
OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER
POST.

Dear Sir,

I am directed to refer to your application dated Nil on the subject noted above and to enclose herewith a copy of letter No. FD (SOSR-I)/1-1/2021 (Tashfeen Haider) dated 26.07.2021, received from Finance Department which is self-explanatory for further necessary action.

Yours faithfully

Encls: as above.

Zia-ul-Haq
(ZIA-UL-HAQ)
SECTION OFFICER (ESTT. I)
PH: No. 091-9210529

2/8/2021

ESTABLISHMENT DEPARTMENT
PESHAWAR

16

(F)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

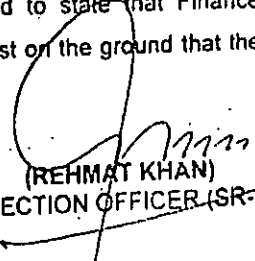
Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.gov.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) [youtube.com/GoKPFD](https://www.youtube.com/GoKPFD)

**NO. FD (SOSR-1) 1-1/2021(Tashfeen Haider)
Dated Peshawar the: 26-07-2021**


To: **The Section Officer (E-I),
Establishment Department,
Peshawar:**

Subject: - APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST - CASE OF MR. TASHFEEN HAIDER (PMS BS-19), ADDITIONAL SECRETARY, SPORTS DEPARTMENT.

I am directed to refer to your letter No.SO(E-I)/E&AD/6-35/2021 dated 30-06-2021 on the subject noted above and to state that Finance Department regrets its ability to accede to the request on the ground that the claim is too old.


(REHMAT KHAN)
SECTION OFFICER (SR-1)

MIF


RECEIVED
SECTION OFFICER (SR-1)



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**GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH
AFFAIRS & MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:**

No: SO(T)2-345/2021/PF/AS-I
Dated Peshawar the, 06th August, 2021

To

The Secretary to the Govt. of Khyber Pakhtunkhwa,
Finance Department, Peshawar.

SUBJECT: CLAIM OF BACK BENEFITS OF HIGHER POST

Dear Sir,

Reference to the undersigned's application/representation submitted in your office on the subject mentioned, and which was responded vide Letter No. FD (SOSR-1)1-1/2021(Tashteen Haider) dated 26-07-2021. The undersigned had mentioned that while he was drawing the pay of BPS-17 while working against the post of BPS-18 from 19-04-2011 till 10-08-2015 and while being BS-18 working against the Post of BS-19 from 13-10-2015 to 09-01-2018. Request of the undersigned was regretted on the ground that the "claim is too old". In this respect the following is submitted:

The undersigned never requested to be posted on a higher post, rather he was selected due to his capabilities, which he has proven to be without any stigma and to the entire satisfaction of the department concerned, every single day of his career. Similarly, for the posting in higher grade the undersigned was competent albeit eligible, hence no point of eligibility also arises. These facts make it abundantly clear that the undersigned was "rightfully and legally" posted to higher post, without his own request and this fact is enough for the grant of the claim of the undersigned. It is not out of place to mention that this issue has been dilated upon regularly by the Superior Courts also.

In case titled Islamic Republic of Pakistan v. Qazi Abdul Karim 1978 SCMR 289, the Honorable Supreme Court of Pakistan held the following;

"If an employee is promoted to officiate in a higher post, involving higher responsibility, he must be held to be entitled to the minimum pay of the grade of the said higher office."

In case titled Sh. Amar Maftoon v. Government of Punjab 1992 SCMR 1869, it has been laid down:

"that Civil servant worked against post a higher grade and discharged functions of such post, which entitled him to the pay attached to the said posts. Incorporation of condition in civil servant's posting order that he was adjusted against his own pay and grade, would be inconsequential and not a bar for him to claim higher grade pay. Civil Servant was, thus entitled to the pay of higher post during the period he worked against the same".

The aforesaid view has been reaffirmed and followed in Abdul Hamid and others v. Chief Secretary, N.W.F.P. and others 1998 PLC (C.S.) 1468; Khursheed Anwar v. Province of N.W.F.P. through Chief Secretary and another 1999 PLC (C.S.) 225 and Abdul Sattar v. District Accounts Officer, Bahawalpur 2012 PLC (C.S.) 65. In a very recent case titled MEHBOOB SULTAN Versus MD FDC and others 2019 P L C. (C.S.) 587, the Honorable Peshawar High Court has held that:

"If employee was promoted to officiate in a higher post involving higher responsibilities then he would be entitled to the minimum pay of that grade---Nothing was on record that petitioner-employee requested for the higher post nor there was an assertion by the department that employee was not eligible to hold the higher post---Incorporation of condition in civil servant's posting order that he had been adjusted against his own pay and grade, would not be a bar to claim pay for the higher grade---Petitioner was entitled to the pay of higher post during the period he worked against the same---Constitutional petition was allowed in circumstances."

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It is also pertinent to mention that letter no. FD(PRC)1-1/2012 Dated: 01-01-2013 and circular letter No. FD(PRC)1-1/2012 Dated: 17-08-2012, of the Regulation wing of Finance Department conveyed that:

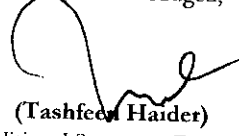
"in cases of officers who are appointed to the higher post by the competent authority and also discharge the duties of a higher post in their service/cadre, they would be allowed pay of higher post as laid down in the Recruitment Rules and satisfactory completion of mandatory training."

It shall not be out of place to mention that per 2009 SCMR 1, the Honorable Supreme Court has held that similarly placed civil servants be given the same relief as is granted to others. The afore-mentioned precedents clearly make out a strong case beyond any doubt that the undersigned is entitled to the request so made.

Consequent to the afore-mentioned precedents of the Superior Courts and the Circular of the Finance Department, it goes without saying that the undersigned is entitled to receive the benefits that have been asked through application/representation, which was quite illegally, unlawfully and without any cogent/legal reasoning being rejected. The said rejection order may therefore be so kindly withdrawn and orders be issued as per the application/representation of the undersigned per entitlement.

I shall be greatly obliged please.

Humbled and obliged,

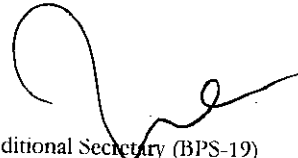


(Tashfeen Haider)

Additional Secretary (BPS-19)
Sports, Culture & Tourism Department


Copy forwarded to the:

1. Section Officer (E-I), Establishment Department.
2. PS to Secretary Sports, Culture & Tourism Department.



Additional Secretary (BPS-19)
Sports, Culture & Tourism Department

RECEIVED
17/08/2012



Profile Card

Tashfeen Haider

394158 (BPS-19) | Sports, Culture & Tourism Department



Father Name: Nazir Hussain
 Date Of Birth: 1976-09-05
 Domicile: Kurram
 Permanent Address: FLAT NO.103,A.G OFFICERS COLONY ARTILLERY ROAD PESHAWAR.
 Telephone No.: 0333-9122574
 Religion: Islam
 Qualification: (Bachelors Degree (2-3 Years))
 Date Of Joining Service: 27/Feb/2008
 Service Group: PMS - Batch 2008
 Basic Pay Scale: BPS - 19

Education

S.NO.	Degree Title	Level	Start	End	Institute
1	Law	Bachelors Degree (2-3 Years)	2000-01-01	2017-11-09	University of Peshawar

Training Courses

S.NO.	Training	Start Date	End Date	Local/Foreign
1	Mid Career Management Course	21-Aug-2017	24-Nov-2017	Local

Service History

S.NO.	Place Of Posting	From	To
1	Additional Secretary (BPS-19) Sports, Culture & Tourism Department Khyber Pakhtunkhwa	12/01/2021	Currently works here
2	Managing Director (MD) (BPS-19) Private Schools Regulatory Authority, Khyber Pakhtunkhwa Peshawar Remarks: promoted to BS-19 on regular basis in the PSB meeting held on 09.06.2020	07/07/2020	11/01/2021
3	Managing Director (MD) (BPS-19) Private Schools Regulatory Authority, Khyber Pakhtunkhwa Peshawar	26/07/2019	06/07/2020
4	Secretary, Board of Revenue (BPS-19) Board of Revenue Peshawar Khyber Pakhtunkhwa Remarks: Secretary, Board of Revenue	23/11/2018	25/07/2019
5	Officer On Special Duty (BPS-19) Establishment Department Khyber Pakhtunkhwa	09/11/2018	22/11/2018
6	Deputy Commissioner (BPS-19) District Administration Shangla Shangla Khyber Pakhtunkhwa Remarks: D.C Shangla.	13/03/2018	08/11/2018
7	Deputy Commissioner (BPS-18) District Administration Kohistan Upper Kohistan Upper Khyber Pakhtunkhwa Remarks: Deputy Commissioner, Upper, Kohistan, in his own pay and scale.	10/01/2018	12/03/2018
8	Project Director (BPS-18) Administration Department Khyber Pakhtunkhwa Remarks: PD, Establishment of Housing Foundation for Government Servants, Administration Dept.	20/05/2016	09/01/2016

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History of Posting

From	To
09/10/2015	19/05/2016
03/04/2014	09/10/2015
19/04/2011	21/04/2014
22/10/2010	16/04/2011
27/09/2010	21/10/2010
21/06/2010	26/09/2010
29/03/2010	20/06/2010
12/02/2010	28/03/2010
02/09/2009	11/02/2010
01/08/2009	01/09/2009
18/08/2008	31/07/2009
27/02/2008	17/08/2008

- Project Director (BPS-16) | Local Government, Elections and Rural Development Department Khyber Pakhtunkhwa
Remarks: PD, Mardan Development Authority
- 10 Assistant Chief (BPS-18) | Planning & Development Department Khyber Pakhtunkhwa
Remarks: Capacity Building Project (CBP)
- 11 Deputy Secretary (BPS-18) | FATA Secretariat FATA
Remarks: DS (ADMIN)
- 12 Section Officer (BPS-17) | Inter Provincial Coordination Department Peshawar Khyber Pakhtunkhwa
- 13 Officer On Special Duty (BPS-17) | Establishment Department Khyber Pakhtunkhwa
Remarks: PDMA/Awaiting posting in E&AD
- 14 Section Officer (BPS-17) | Establishment Department Khyber Pakhtunkhwa
Remarks: SO (E-III)
- 15 Section Officer (BPS-17) | Administration Department Khyber Pakhtunkhwa
Remarks: SO (Admn)
- 16 Section Officer (BPS-17) | Establishment Department Khyber Pakhtunkhwa
Remarks: SO (E-III)
- 17 Deputy District Officer (R) (BPS-17) | District Administration Chitral Lower Chitral Lower Khyber Pakhtunkhwa
- 18 Officer On Special Duty (BPS-17) | Establishment Department Khyber Pakhtunkhwa
Remarks: Awaiting posting in E&AD
- 19 Officer On Special Duty (BPS-17) | Establishment Department Khyber Pakhtunkhwa
Remarks: SO, Under Training
- 20 Section Officer (BPS-17) | Health Department Khyber Pakhtunkhwa

Inquiries

ATTESTED TO BE THE COPY