

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

**Appeal No. 2441/2023**

Syed Alam Shah

.... PETITIONER / APPELLANT

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs  
and others

.... RESPONDENTS

**SERVICE APPEAL**

**APPLICATION**

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| 2.    | Copy of working paper   | "A"       |          |

...PETITIONER / APPELLANT

**Through Counsel:**

**Dated:- 15/2/2024**

**Sardar Muhammad  
Azeem Advocate  
High Court Abbottabad**  
**(SARDAR MUHAMMAD AZEEM)**  
Advocate High Court Abbottabad

28-03-24

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

Khyber Pakhtunkhwa  
Service Tribunal

**Appeal No. 2441/2023**

Diary No. 11270

Dated 21.02.2024

Syed Alam Shah

.... PETITIONER / APPELLANT

**V E R S U S**

Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs  
and others

.... RESPONDENTS

**SERVICE APPEAL**

=====

**APPLICATION FOR SUBMISSION OF WORKING  
PAPER REGARDING APPOINTMENT OF  
SENIOR CLERK BPS-14 TO THE POST OF  
ASSISTANT BPS 16.**

=====

***Respectfully Sheweth,***

1. That the above titled appeal is pending adjudication before this Honourable Tribunal for Preliminary hearing on 28.03.2024.
2. That this Honourable Tribunal directed the appellate to submission of working paper

regarding promotion against the post of Assistant.

3. That the appellate being submitted the working paper in accordance with the direction of this Honourable Tribunal. (Copy of working paper is Annexed as Annexure "A")

**PRAYER:-**

It is therefore respectfully prayed that the document may kindly be placed with the appeal.

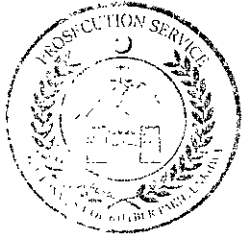
...PETITIONER

***Through Counsel:***

**Dated:- 18/2/2024**

  
**(SARDAR MUHAMMAD AZEEM)**  
Advocate High Court Abbottabad

(A) 3



DIRECTORATE OF PROSECUTION  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. DP/ E, A / PF / 413 / 14

Dated Peshawar the 11 / 01 / 2024

Office Landline#091-9212559

[dg.prosecution@kp.gov.pk](https://prosecution.kp.gov.pk)

[https://prosecution.kp.gov.pk/](https://prosecution.kp.gov.pk)

<https://www.facebook.com/kpprosecution>

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To

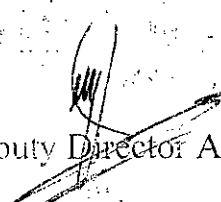
The District Public Prosecutor,  
Battagram & Mansehra.

Subject: - APPLICATION/ REQUEST FOR PROVISION OF COPIES OF WORKING PAPERS OF DEPARTMENTAL PROMOTION COMMITTEE DATED: 11-02-2019 UNDER RIGHT TO INFORMATION ACT, 2013.

Dear Sir,

I am directed to refer to your letters No.834-35 Dated: 13-12-2023 and No. 2827-28/2023/DPP/MA Dated: 11-12-2023 on the subject and to enclose herewith the requisite working paper dated: 11-02-2019 for further necessary action, please.

Yours sincerely,

  
Deputy Director Administration

(Encl: as above)

Copy forwarded for information to the:

1. Officials concerned
2. PA to Director General Prosecution, Khyber Pakhtunkhwa

*Spd:*  
*Coordinate and*  
*all PPs.*  
*Jawid*  
*DPP. 10-1-24*

  
Deputy Director Administration

*Sen*  
*Jawid*

*Sen*  
*MZM*

*Sen*  
*MZM*



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**DIRECTORATE OF PROSECUTION  
KHYBER PAKHTUNKHWA**

**WORKING PAPER**

**Subject: - APPOINTMENT OF SENIOR CLERK (BPS-14) TO THE POST OF ASSISTANT (BPS-16) ON ACTING CHARGE BASIS.**

17 permanent posts of Assistants (BPS-16), falling under the promotion quota are vacant due to promotion of 15 Assistants (BPS-16) to Superintendent BPS-17 on acting charge basis in the Directorate of Prosecution, Khyber Pakhtunkhwa vide (Annex-A-I) and other posts vacant due to retirement of Assistant (BS-16) vide (Annex-A-II).

In terms of appendix attached to service rules vide Notification No. SO (Pros)/HD/1-5/2005/Vol: II (Annex-B), reflected in Serial No.08, Column No.05 and subsequently, as per last amendment vide Notification NO.SO(Pros)/HD/1-5/Rules/2018 dated 21.03.2018 (Annex-C), the following method of recruitment has been prescribed for the post of Assistants: -

- (a) 25% by initial recruitment
- (b) 75% by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks (BPS-9) with at least 5- years service as Junior Clerk & Senior Clerk."

According to Rule 9 of Khyber Pakhtunkhwa Civil Servants (Appointment, Posting & Transfer) Rules 1989, relevant portion is reproduced as under:-

**Section 9. Appointment on Acting Charge or current Charge Basis.**  
*So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post. (Annex-D)*

There are 42 sanctioned posts of Assistants (BPS-16) in the Directorate of Prosecution out of which Ten (10) posts (25% of total strength) fall to the share of initial recruitment against which 2 Assistants have already been appointed vide (Annex-E) , however, 32 falls under share to promotion.

It is worth to mention here that 16 officials have already been promoted against the vacant post of Assistant and out of them one official namely Syed Nizmat Ali Khan has been retired from service. Presently, there are 27 posts lying vacant falling under share of 75% promotion from amongst Senior Clerks. The details of promotes vis-à-vis promoted officials presently holding the posts is given in (Annex-F).

*Attested*

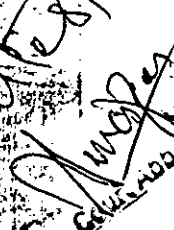
*Azeem Muhammad*  
**Azeem Muhammad**  
 Advocate  
 High Court Abbottabad

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Per seniority list of this Directorate issued vide (Annex-G), the following official at serial No.3 will be promoted on regular charge basis and remaining 13 are qualifying for appointment to BPS-16 on acting charge basis as Assistant. Pertinent to mention that the officials at S. No.1, 2 and 15 of final seniority list have not been completed their probation period, hence, not eligible for promotion to the post of Assistant (BPS-16). 03 posts of Assistant will be kept vacant till the completion of their probation.

| Name            | Qualification | Date of Birth<br>Domicile | Date of Appointment | REGULAR APPOINTMENT/PROMOTION |          |                | ELIGIBLE FOR APPOINTMENT ON ACTING CHARGE BASIS  |
|-----------------|---------------|---------------------------|---------------------|-------------------------------|----------|----------------|--|
|                 |               |                           |                     | Present Post                  | Post No. | Recruitment    |  |
| Muqeel Akltar   | Matric        | 15/03/1977<br>Nowshera    | 17-04-1994          | 03.01-2018                    | 14       | Promotion      | Eligible but the officer has not completed probation period, however, he has submitted application for promotion with back benefits. |
| Abul Ibrah Shah | Matric        | 1976<br>Manshera          | 10-03-2003          | 03.01-2018                    | 14       | Promotion      | Not eligible for promotion due to non-completion of probation period   |
| Abulhasnat Shah | B.A.          | 10/04/1975<br>Buner       | 10-03-2003          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Muhammad Asad   | Matric        | 01/06/1977<br>Manshera    | 10-03-2003          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abul Rehmat     | Matric        | 04/04/1981<br>Peshawar    | 10-03-2003          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abul Khan       | D.Cem         | 01/06/1961<br>Bannu       | 01-01-1987          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abulrahman      | Matric        | 01/05/1962<br>Peshawar    | 18-06-1987          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abul Muhammad   | Matric        | 01/02/1963<br>Peshawar    | 18-06-1987          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Muhammad Asad   | B.A.          | 24/04/1964<br>Bannu       | 24-04-1988          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abulrazzeb      | Matric        | 01/03/1963<br>Dir Lower   | 17-08-1988          | 08-02-2016                    | 14       | Promotion -do- | Yes  |
| Abul Khan       | Matric        | 24/11/1967<br>Swabi       | 03-12-1989          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abulrazzida     | Matric        | 25/03/1970<br>Swabi       | 10-09-1990          | 08-02-2016                    | 14       | Promotion      | Yes  |
| Abul Rehman     | F.A.          | 20/03/1974<br>Swat        | 26-02-1995          | 08-02-2016                    | 14       | Promotion      | Yes  |

Attested  
  
 Muhammad Asad  
 District Officer

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|                 |        |                         |            |            |    |           |   |
|-----------------|--------|-------------------------|------------|------------|----|-----------|---|
| Qariq Ahmad     | Matric | 03/04/1975<br>Swat      | 27-02-1995 | 08-02-2016 | 14 | Promotion | Yes   |
| Syed Mam Shah   | Matric | 13/07/1974<br>Manshehra | 15-03-1995 | 03.01.2018 | 14 | Promotion | Not eligible for promotion due to non-completion of probation period. |
| Hazrat Muhammad | B.A.   | 01/01/1970<br>Malakand  | 23-07-1995 | 08-02-2016 | 14 | Promotion | Yes   |
| Jenan Alam      | B.A.   | 07/03/1984<br>Shangla   | 12-04-2007 | 08-02-2016 | 14 | Promotion | Yes   |
| Nasir Ayub      | F.A.   | 06/01/1985<br>Kohistan  | 12-04-2007 | 08-02-2016 | 14 | Promotion | yes   |
| Imdad Akhtar    | D.Com  | 28.8.1987<br>Kohat      | 12.4.2007  | -do-       | 14 | Promotion | yes   |

5. The attested copies of the synopsis from the ACRs along with complete and up-to-date Bio-data of the officials concerned are placed on board.

6. It is certified that all the officials (except at S.No.1, 2 and 15) who are included in the panel for promotion are:-

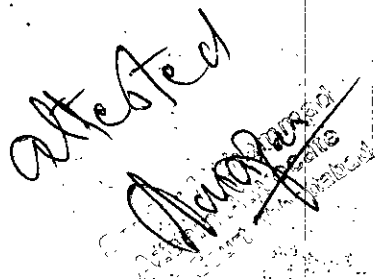
- the lower post on regular basis and none of them is holding the post on acting basis.
- Have the prescribed minimum length of qualifying service/experience as required under the Service Recruitment Rules.
- No penalty was imposed on the official during the last five years.
- No disciplinary/departmental/judicial proceedings are pending against the officials.

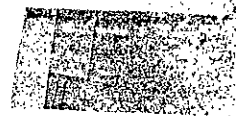
The synopsis of character rolls in respect of the aforesaid officials are enclosed. (Annex-11).

The Departmental promotion committee is requested to consider and determine the suitability of one Senior Clerk at S.NO.3 on regular basis and 13 (thirteen) Senior Clerks (BPS-14) out of the aforementioned panel for their promotion to the post of Assistant (BPS-10) on acting charge basis because 15 Assistants have recently been appointed as Superintendent on acting charge basis, therefore, the post of Assistant will be filled on acting charge basis beside this they have completed 05 years regular service as Junior Clerk and Senior Clerk.

  
Deputy Secretary.

Home & Tribal Affairs Department  
Khyber Pakhtunkhwa.

attested  




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DIRECTORATE OF PROSECUTION  
GOVERNMENT OF KHYBER  
PAKHTUNKHWA HOME & TRIBAL  
AFFAIRS DEPARTMENT

No. DP/ E, A /PF/413.14  
Dated Peshawar the 11/01/2024  
Office landline # 091-9212559

dg prosecution@govt.com <https://prosecution.kpk.gov.pk/> <https://www.facebook.com/kpprosecution> <https://twitter.com/kpprosecution>

To

**The District Public Prosecutor,**  
Battagram & Mansehra.

Subject: APPLICATION/REQUEST FOR PROVISION OF COPIES OF  
WORKING PAPERS OF DEPARTMENTAL PROMOTION  
COMMITTEE DATED 11.02.2019 UNDER RIGHT TO  
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Yours sincerely,

Deputy Director Administration

(Encl: as above)

Copy forwarded for information to the:

1. Officials concerned
2. PA to Director General Prosecution. Khyber Pakhtunkhwa.

attested

  
Sardar Azeem Akhond  
Azeem Akhond  
High Court Abbottabad

Deputy Director Administration



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**DIRECTORATE OF PROSECUTION**  
**KHYBER PAKHTUNKHWA**  
**WORKING PAPER**

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1. 17 permanent posts of Assistants (BPS-16) falling under the promotion quota are vacant due to promotion of 15 Assistants (BPS-16) to Superintendent BPS-17 on acting charge basis in the Directorate of Prosecution, Khyber Pakhtunkhwa vide (Annex-A-I) and other posts vacant due to retirement of Assistant (BPS-16) vide (Annex A-II).

2. In terms of appendix attached to service rules vide Notification No. SO Pros/HD/1-5/2005/Vol: II (Annex-B), reflected in Serial No.08 Colum No.05 and subsequently as per last amendment vide Notification No.SO(pros)HD/1-5/Rules /2018 dated 21.03.2018 (Annex-C) the following method of recruitment has been prescribed for the post of Assistants.

(a) 25% by initial recruitment

(b) 75% by promotion on the basis of seniority-cum-fitness from amongst the Senior Clerks (BPS-9) with at least 5-years service as Junior Clerk & Senior Clerk.

According to Rule 9 of Khyber Pakhtunkhwa Civil Servants (Appointment acting & Transfer) Rules 1989, relevant portion is reproduced as under:-

Appointment on Acting charge or current Charge Basis  
Rule 9: As long as a civil servant holds the acting charge appointment, civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post (Annex-D)

3. There are 42 sanctioned posts of Assistants (BPS-16) in the Directorate of Prosecution out of which Ten(10) posts (25% of total

2/1/2018

Azeem

Sardar Muhammad Azeem  
Advocate  
High Court Abbottabad

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strength) fall to the share on initial recruitment against which 2 Assistants have already been appointed vide (Annex-E) however 32 fails under share to promotion.

It is worth on mention here that 16 officials have already been promoted against the vacant post of Assistant and out of them one official namely Syed Nizmat Ali Shah has been retired from service. Presently, there are 27 posts lying vacant falling under share of 75% promotion from amongst Senior Clerks. The details of promotes vis-..... Promoted officials presently holding the posts is given in (Annex-F)

4. As per sonority list of this Directorate issued vide (Annex-G) the following official at serial No.3 will be prompted on regular charge basis and remaining 13 are qualifying for appointment to BPS-16 on acting charge basis as Assistant. Pertinent to mention that the officials at S. No 1, 2 and 15 of final seniority list have not been completed their probation period, hence not eligible for promotion to the post of Assistant (BS-16) 03 posts of Assistant will be kept vacant till the completion of their probation.

|    | Name             | Qualification | Date of birth and domicile | Date of first service | REGULAR APPOINTMENT / PROMOTION TO PRESENT POST |     |                    | WHETHER ELIGIBLE FOR APPOINTMENT ON ACTING CHARGE BASIS   |
|----|------------------|---------------|----------------------------|-----------------------|---|-----|--------------------|---|
|    |                  |               |                            |                       | DATE  | BPS | Method recruitment |   |
| 1. | Shakeel Akhtar   | Matric        | 15.03.1977<br>Nowshear     | 17.04.1994            | 03.01.2018                                      | 14  | Promotion          | Eligible but the officer has not completed probation period, however, he has submitted application for promotion with back benefits |
| 2. | Syed Ibrar Shah  | Matric        | 1976<br>Mansehra           | 10.03.2003            | 03.01.2018                                      | 14  | Promotion          | Not eligible for promotion due to non-completion of probation period.   |
| 3. | Sakhawat Shah    | B.A           | 10.04.1975<br>Buner        | 10.03.2003            | 08.02.2016                                      | 14  | Promotion          | Yes   |
| 4. | Muhammad Arshad  | Matric        | 01.06.1977<br>Mansehra     | 10.03.2003            | 08.02.2016                                      | 14  | Promotion          | Yes   |
| 5. | Malik Rehmat Ali | Matric        | 04.04.1981<br>Peshawar     | 10.03.2003            | 08.02.2016                                      | 14  | Promotion          | Yes   |
| 6. | Yaqoob Khan      | D.Com         | 01.06.1961<br>Bannu        | 01.01.1987            | 08.02.2016                                      | 14  | Promotion          | Yes   |
| 7. | Khariullah Jan   | Matric        | 01.05.1962<br>Peshawar     | 18.06.1987            | 08.02.2016                                      | 14  | Promotion          | Yes   |
| 8. | Fida Muhammad    | Matric        | 01.02.1963<br>Peshawar     | 18.06.1987            | 08.02.2016                                      | 14  | Promotion          | Yes   |

*attested*  
Signature of Azeem Ahmad  
Azeem Ahmad  
High Court Abbottabad

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|     |                 |        |                         |            |                       |    |           |   |
|-----|-----------------|--------|-------------------------|------------|-----------------------|----|-----------|---|
| 9.  | Muhammad Yousaf | B.A    | 24.04.1964<br>Bannu     | 24.04.1988 | 08.02.2016            | 14 | Promotion | Yes   |
| 10. | Aurangzeb       | Matric | 01.03.1963<br>Dir Lower | 17.08.1988 | 08.02.2016            | 14 | Promotion | Yes   |
| 11. | Ajmal Khan      | Matric | 24.11.1967<br>Swabi     | 03.12.1989 | 08.02.2016            | 14 | Promotion | Yes   |
| 12. | Sahibzada       | Matric | 25.03.1970<br>Swabi     | 10.09.1990 | 08.02.2016            | 14 | Promotion | Yes   |
| 13. | Said Rehman     | F.A    | 20.03.1974<br>Swat      | 26.02.1995 | 08.02.2016            | 14 | Promotion | Yes   |
| 14. | Tariq Ahmad     | Matric | 03.03.1975<br>Swat      | 27.02.1995 | 08.02.2016            | 14 | Promotion | Yes   |
| 15. | Syed Alam Shah  | Matric | 13.02.1974<br>Mansehra. | 15.03.1995 | <del>03.01.2018</del> | 14 | Promotion | Not eligible for promotion due to non-completion of probation period. |
| 16. | Hazrat Muhammad | B.A    | 01.01.1970<br>Malakand  | 23.07.1995 | 08.02.2016            | 14 | Promotion | Yes   |
| 17. | Jehan Alam      | B.A    | 07.03.1984<br>Shangla   | 12.04.2007 | 08.02.2016            | 14 | Promotion | Yes   |
| 18. | Sardar Ayub     | F.A    | 06.01.1985<br>Kohistan  | 12.04.2007 | 08.02.2016            | 14 | Promotion | Yes   |
| 19. | Waheed Akhtar   | D.Com  | 28.08.1987<br>Kohat     | 12.04.2007 | do                    | 14 | Promotion | Yes   |

5. The attested copies of the synopsis from the ACRs alongwith complete and up to date Bio-data of the officials concerned are placed on board.

6. It is certified that all the officials (except at S.No.1,2 and 15) who are included in the panel for promotion are:-

- a. Had the lower post on regular basis and none of them is holding the post on adhoc basis.
- b. Have the prescribed minimum length of qualifying service/experience as required under the Service Recruitment Rules.
- c. No penalty was imposed on the official during the last five years.
- d. No disciplinary/departmental/judicial proceedings are pending against the officials.

7. The synopsis of character rolls in respect of the aforesaid officials are enclosed.(Annex-H)

*attested*  
Sardar Muhammad  
Azeem Advocate  
High Court Peshawar

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8. The Departmental promotion committee is requested to consider and determine the suitability of one Senior Clerk at S. No. 3 on regular basis and 13 (Thirteen) Senior Clerk (BPS-14) out of the aforementioned panel for their promotion to the post of Assistant (BPS-16) on acting charge basis because 15 Assistants have recently been appointed as superintendent on acting charge basis, therefore, the post of Assistant will be filled on acting charge basis beside this they have completed 05 years regular service as Junior Clerk and Senior Clerk.

**Deputy Secretary.**  
**Home & Tribal Affairs Department**  
**Khyber Pakhtunkhwa.**

*Azeem*  
Sardar Azeem  
Azeem Advocate  
High Court Abbottabad