

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

Muhammad Arshad

.... PETITIONER / APPELLANT

**V E R S U S**

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

.... RESPONDENTS

**SERVICE APPEAL**

**APPLICATION**

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1.	Application	--	1-2
2.	Copy of working paper <i>along with better copy</i>	"A"	

...PETITIONER / APPELLANT

**Through Counsel:**

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

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

*28-03-24*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal no. 2442 / 23

Diary No. 11269

Muhammad Arshad

Dated 21-02-2024

.... PETITIONER / APPELLANT

**VERSUS**

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:- 15/2/2024**

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

Sardar Muhammad Azeem Advocate High Court Abbottabad

CA, (3)



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

No. DP/ E, A / P.F. / 413 / 14

Dated Peshawar the 11 / 01 / 2024

Office Landline#091-9212559

[prosecution@kp.gov.pk](mailto:prosecution@kp.gov.pk)

<https://prosecution.kp.gov.pk/>

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To

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

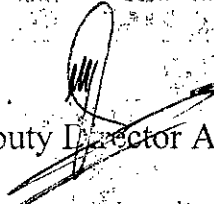
Subject: -

**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.

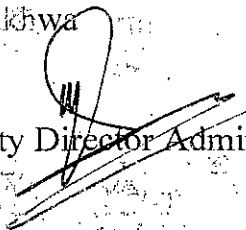
Yours sincerely,

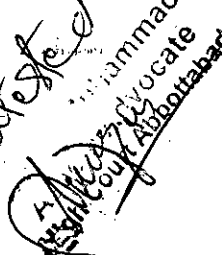
  
Deputy Director Administration

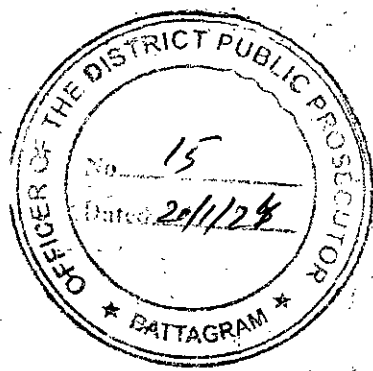
(Encl: as above)

Copy forwarded for information to the:

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

  
Deputy Director Administration

*attested*  
  
Advocate  
Abbottabad





DISTRICT PUBLIC PROSECUTOR  
Battagram

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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 viz. promoted officials presently holding the posts is given in (Annex- F).

*attest*  
Saifur Rahman  
Azeem Akbar  
High Court Appellate

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4 As 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 (BS-16). 03 posts of Assistant will be kept vacant till the completion of their probation.

Name	Qualification	Date of Birth (Admission)	Date of Birth (Admission)	APPOINTMENT/PROMOTION TO PRESENT POST			ELIGIBLE FOR APPOINTMENT TO ACTING CHARGE
				Date of Appointment	Scale	Category	
Muskeel Akhtar	Matric	15/03/1977 Manshera	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.
Abdul Iqbal Shah	Matric	1976 Manshera	10-03-2003	03.01-2018	14	Promotion	Not eligible for promotion due to non-completion of probation period
Sarwar Shah	B.A.	10/04/1975 Buner	10-03-2003	08-02-2016	14	Promotion	Yes
Muhammad Usad	Matric	01/06/1977 Manshera	10-03-2003	08-02-2016	14	Promotion	Yes
Rehmat	Matric	04/04/1981 Peshawar	10-03-2003	08-02-2016	14	Promotion	Yes
Amir Khan	D.Com	01/06/1961 Bannu	01-01-1987	08-02-2016	14	Promotion	Yes
Khanullah-Jan	Matric	01/05/1962 Peshawar	18-06-1987	08-02-2016	14	Promotion	Yes
Abdul Muhammad	Matric	01/02/1963 Peshawar	18-06-1987	08-02-2016	14	Promotion	Yes
Muhammad Usad		24/04/1964 Bannu	24-04-1988	08-02-2016	14	Promotion	Yes
Amirzeb	Matric	01/03/1963 Dir Lower	17-08-1988	08-02-2016	14	Promotion -do-	Yes
Amir Khan	Matric	24/11/1967 Swabi	03-12-1989	08-02-2016	14	Promotion	Yes
Sabirzadeh	Matric	25/03/1970 Swabi	10-09-1990	08-02-2016	14	Promotion	Yes
Said Rehman	F.A.	20/03/1974 Swat	26-02-1995	08-02-2016	14	Promotion	Yes

Q.A. Tested  
Sardar Muhammad  
Advocate  
Abbottabad

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Tariq Ahmad	Matric	03/04/1975 Swat	27-02-1995	08-02-2016	14	Promotion	Yes
Syed Alian Shah	Matric	13/02/1974 Manshara	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 Malakand	23-07-1995	08-02-2016	14	Promotion	Yes
Jehan Alam	B.A.	07/03/1984 Shangla	12-04-2007	08-02-2016	14	Promotion	Yes
Nadar Ayub	F.A.	06/01/1985 Kohistan	12-04-2007	08-02-2016	14	Promotion	yes
Muneed Akhtar	D.Com	28.8.1987 Kohat	12.4.2007	-do-	14	Promotion	yes

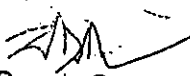
5 The attested copies of the synopsis from the ACRs along with complete and up-to-date Bio-data of the officials concerned are placed on board.

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:-

- a. Hold the lower post on regular basis and none of them is holding the post on acting 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.

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

6 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-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.

*attested*  
Nadar Muhammad  
Secretary  
Kohat



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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

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To

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

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Yours sincerely,

Deputy Director Administration

(Encl: as above)

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2. PA to Director General Prosecution. Khyber Pakhtunkhwa.

*attested*  
*Azeem*  
Sardar Muhammad  
Azeem Advocate  
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 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.

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

*attested*  
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.

*attested*  
 Sardar Azeem Ahmad  
 Advocate  
 High Court Abbottabad

S	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 Newshear	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 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 Buner	10.03.2003	08.02.2016	14	Promotion	Yes
4.	Muhammad Arshad	Matric	01.06.1977 Mansehra	10.03.2003	08.02.2016	14	Promotion	Yes
5.	Malik Rehmat Ali	Matric	04.04.1981 Peshawar	10.03.2003	08.02.2016	14	Promotion	Yes
6.	Yaqoob Khan	D.Com	01.06.1961 Bannu	01.01.1987	08.02.2016	14	Promotion	Yes
7.	Khariullah Jan	Matric	01.05.1962 Peshawar	18.06.1987	08.02.2016	14	Promotion	Yes
8.	Fida Muhammad	Matric	01.02.1963 Peshawar	18.06.1987	08.02.2016	14	Promotion	Yes

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9.	Muhammad Yousaf	B.A	24.04.1964 Bannu	24.04.1988	08.02.2016	14	Promotion	Yes
10.	Aurangzeb	Matric	01.03.1963 Dir Lower	17.08.1988	08.02.2016	14	Promotion	Yes
11.	Ajmal Khan	Matric	24.11.1967 Swabi	03.12.1989	08.02.2016	14	Promotion	Yes
12.	Sahibzada	Matric	25.03.1970 Swabi	10.09.1990	08.02.2016	14	Promotion	Yes
13.	Said Rehman	F.A	20.03.1974 Swat	26.02.1995	08.02.2016	14	Promotion	Yes
14.	Tariq Ahmad	Matric	03.04.1975 Swat	27.02.1995	08.02.2016	14	Promotion	Yes
15.	Syed Alam Shah	Matric	13.02.1974 Mansehra.	15.03.1995	03.01.2018	14	Promotion	Not eligible for promotion due to non-completion of probation period.
16.	Hazarat Muhammad	B.A	01.01.1970 Malakand	23.07.1995	08.02.2016	14	Promotion	Yes
17.	Jehan Alam	B.A	07.03.1984 Shangla	12.04.2007	08.02.2016	14	Promotion	Yes
18.	Sardar Ayub	F.A	06.01.1985 Kohistan	12.04.2007	08.02.2016	14	Promotion	Yes
19.	Waheed Akhtar	D.Com	28.08.1987 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:-

- Had the lower post on regular basis and none of them is holding the post on adhoc 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.

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

attested  
Sardar Muhammad  
Azizullah  
High Court, Abbottabad

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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.**

*Attested*  
Sardar *[Signature]*  
Azeez Ahmad  
High Court, Abbottabad