

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1334/2019

Date of Institution ... 24.09.2019

Date of Decision ... 02.02.2022

Syed Masood Shah (BPS-18), Deputy Secretary, Information & Public Relation
Department, Peshawar. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber
Pakhtunkhwa, Civil Secretariat, Peshawar and others. ... (Respondents)

Syed Noman Ali Bukhari,
Advocate

... For Appellant.

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN ...
ATIQU-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant was initially appointed as Naib Tehsildar in the year 1994 and was promoted to the post of Tehsildar BPS16 in the year 2008. As per seniority list dated 30-06-2010, name of the appellant was at serial No. 14, whereas the name of his other colleague namely Nasir Khan at serial No 25. The appellant alongwith Nasir Khan was promoted to BPS-17 on acting charge basis vide order dated 25-03-2010, who later on was regularly promoted vide order dated 21-12-2011. Mr. Nasir Khan filed Service Appeal No 1403/2010 for ante-dation of his regular promotion, which was accepted vide judgment dated 11-01-2012 and promotion of Nasir Khan was ante-dated with effect from 25-03-2010 and later on Nasir Khan was promoted to BPS-18 vide order dated 08-03-2016.

The appellant also filed Service Appeal No. 1655/2010, which was also decided in favor of the appellant and promotion of the appellant was also ante-dated with effect from 25-03-2010 vide order dated 26-10-2017. The appellant was promoted to BPS-18 vide order dated 17-05-2019 but with immediate effect. Feeling aggrieved, the appellant filed departmental appeal for ante-dation of his promotion with effect from the date, when his junior Nasir Khan was promoted i.e. 05-03-2016, which was rejected vide order dated 27-08-2019, hence the instant service appeal with prayers that the impugned order dated 27-08-2019 may be set aside and promotion of the appellant may be ante-dated with effect from 05-03-2016, the date when his junior Nasir Khan was promoted to BPS-18 with all back and consequential benefits.

02. Learned counsel for the appellant has contended that the impugned orders dated 27-08-2019 and 17-05-2019 are against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that judgment of this tribunal dated 18-08-2017 ordered for ante-dated promotion of BPS-17 and the same formula equally applies on BPS-18, but the respondents ignored verdict of the judgment of this Tribunal, which is illegal and unlawful; that in the seniority list in BPS-18, name of the appellant is still above the name of Nasir Khan but the appellant was promoted with immediate effect, instead it was required to be effect from the date, when his junior colleague Mr. Nasir Khan was promoted; that inspite of knowing all such fact, departmental appeal of the appellant was rejected without giving any reason or justification; that depriving the appellant from his legal right of promotion to BPS-18 from his due date i.e. 05-03-2016 will also affect his future promotion, which will cause financial loss in shape of pension and other monetary benefits; that the appellant has not been treated in accordance with law and has been deprived of his legal right of promotion to BPS-18 from due date.

03. Learned Additional Advocate General for the respondents has contended that Nasir Khan was promoted to BPS-18 on fulfillment of all requisites provided in PMS-Rules-2007, as he was due for promotion and was promoted vide order dated 05-03-2016, however the appellant was not at the top of the seniority list at that time, therefore he could not be promoted; promotion of the appellant to BPS-18 was delayed due to involvement of the appellant in case of Voluntary Return(VR) with Nab, but after finalization of disciplinary proceedings, the appellant was promoted to BPS-18 vide order dated 17-05-2019 with immediate effect; that after promotion to BPS-18, seniority of the appellant was re-fixed and was placed senior to his juniors, hence the appellant is not aggrieved to this effect.


04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that promotion of the appellant to BPS-18 was withheld due to his involvement in VR case and after finalization of disciplinary proceedings against him, the appellant was promoted to BPS-18, which shows that the appellant was cleared of the VR case to the extent of inquiry conducted against him and once he was cleared of the charges, he is entitled to be promoted from the date, when his junior was promoted.

06. In view of the foregoing, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

02.02.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

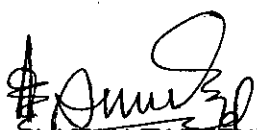
02.02.2022


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

02.02.2022

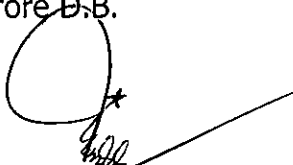

(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

08.11.2021

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Mukarram Khan, SO for respondents present.

Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 01.03.2022 before D.B.

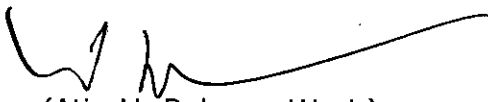

(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)

01.02.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mukarram Khan, SO (Litigation) for the respondents present.

Due to paucity of time arguments could not be heard. To come up for arguments on 02.02.2022 before the D.B.


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

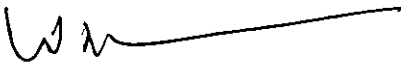

Chairman

30.11.2020

Appellant in person present.

Zara Tajwar learned Deputy District Attorney alongwith Zar Muhammad Assistant for respondents present.

Former made a request for adjournment as his counsel is not available. Adjourned. To come up for arguments on 22.01.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

22.01.2021

Due to COVID-19, the case is adjourned for the same on 07.04.2021 before D.B.

7.4.21

*Due to demise of learned Chairman,
case is adjourned to 7.7.21*


READER


Reader.

07.07.2021

Appellant in person present.

Muhammad Adeel Butt learned Additional A.G for respondents present.

Request for adjournment was made by the appellant as his counsel is busy before Hon'ble Peshawar High Court, Peshawar; granted. To come up on 08.11.2021 for arguments before D.B.


(Rozina Rehman)
Member(J)


Chairman

13-5 .2020

06/8/2020 for the same as before.

Due to COVID19, the case is adjourned to


Reader

06.08.2020

Due to summer vacation case to come up for the same on
07.10.2020 before D.B.

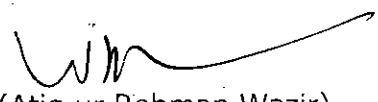

Reader


07.10.2020

Junior counsel for appellant present.

Zara Tajwar, learned Deputy District
Attorney for respondents present.

Former requests for adjournment as senior counsel is busy
before Hon'ble Peshawar High Court, Peshawar. Adjourned. To
come up for arguments on 30.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

25.02.2020 Appellant in person present. Mr. Kabirullah Khattak learned Additional AG alongwith Mr. Sultan Shah Superintendent for the respondents present.

Representative of the respondents requested for short adjournment on the ground that he will positively submitted written reply/comments on the next date. Last opportunity is granted. To come up for written reply/comments on 17.03.2020 before S.B.


(Hussain Shah)
Member

17.03.2020 Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG alongwith M/S Sultan Shah Superintendent for respondent No. 1 to 3 and Sajid Superintendent for respondent No.4 present. Representative of respondent No. 1 to 3 submitted written reply/comments. Representative of respondent No. 4 relied on the written reply submitted by respondent No. 1 to 3 on behalf of respondent No.4. Adjourned. To come up for rejoinder if any, and arguments on 13.05.2020 before D.B.


Member

27.11.2019

Counsel for the appellant present.

Learned counsel referred to judgment of this Tribunal passed in service appeal No. 1655/2010 and contended that the promotion of appellant as PMS (BPS-17) was antedated w.e.f 25.03.2010. Similar relief was granted to some of his other colleagues in Appeal No. 1398/2010. Quoting the example of one Muhammad Nasir Khan, learned counsel referred to the notification dated 20.03.2019 (final seniority list of officers of Provincial Management Service BPS-18), wherein the said official was noted to have been promoted w.e.f. 05.03.2016. On the other hand, in the impugned notification dated 17.05.2019 the appellant was promoted in BPS-18 on regular basis but with immediate effect. In pursuance to the departmental appeal although the name of appellant was brought at proper serial number amongst the officers of his cadre but he was not accorded ante-dation in promotion to BPS-18. The denial of respondents was discriminatory in comparison to the other colleagues of appellant, It was argued.

In view of the available record and arguments of learned counsel, the appeal in hand 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 for submission of written reply/comments on 20.01.2020 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

20.01.2020

Appellant present in person and Addl. AG for the respondents present.

Learned AAG requests for time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned to 25.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

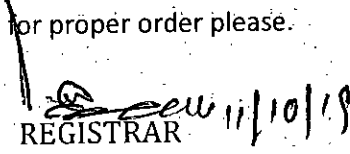

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____

1336/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2019	<p>The appeal of Syed Maasood Shah resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	14/10/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/11/19.</u></p> <p> CHAIRMAN</p>

The appeal of Syed Masood Shah Dy. Secretary Information and Public Relation Department Peshawar received today i.e. on 24.09.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be flagged.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of seniority list mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 5- Annexure-B of the appeal is missing.
- 6- Copy of judgment dated 11.01.2012 and seniority list mentioned in para-3 of the memo of appeal are not attached with the appeal which may be placed on it.
- 7- Copy of service appeal mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- 8- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1646 /S.T.


Dt. 26-9- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- copy of seniority list is attached at page-6
- 5- Annexure B is at page-12.
- 6- Copy of judgement dt 11-01-2012 is attached at -17 and seniority list is at page-29.
- 7- copy of service appeal is attached at page-21
- 8- Removed

Resubmitted after compliance
 11/10/19.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1334 /2019

Syed Masood Shah

V/S

Govt: of KP

INDEX

S. No.	Documents	Annexure	P. No.
01	Memo of appeal .	-----	01-05
02	Copy of seniority list of Tehsildar	A	06-11
03	Copies of notification dated 25.03.2010 and 21.12.2011	B&C	12-16
04	copy of judgment dated 11.02.2012	D	17-20
05	Copies of service appeal and judgment dated 18.08.2017 and seniority list of BPS-18	E,F&G	21-44
06	copy of notification dated 26.10.2017	H	45
07	Copies of notification dated 17.05.2019, departmental appeal and rejection order	I,J&K	46-48
08	Vakalatnama	-----	49

THROUGH: **APPELLANT**

M. Asif Yousafzai
M.ASIF YOUSAFZAI
ADVOCATE SUPREME COURT

(Taimur Ali Khan)
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1334/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1299

Dated 24-9-2019

Syed Masood Shah (BPS-18),
Deputy Secretary, Information & Public Relation Department, Peshawar.

(APPELLANT)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Secretary, Establishment Department Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. The Secretary, Finance Department Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

(RESPONDENTS)

Filed to-day

Registrar

24/9/19

Re-submitted to-day
and filed.

Registrar

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 27.08.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR ANTE DATION OF HIS PROMOTION TO BPS-18 FROM DUE DATE I.E 05.03.2016 "THE DATE WHEN JUNIOR TO APPELLANT WAS PROMOTED TO BPS-18" HAS BEEN REJECTED, HOWEVER THE NAME OF THE APPELLANT WAS PLACED AT S. NO.58 AND WAS SHOWN SENIOR TO HIS JUNIORS AND AGAINST THE ORDER DATED 17.05.2019, WHEREBY THE APPELLANT WAS PROMOTED TO BPS-18 WITH IMMEDIATE EFFECT INSTEAD OF HIS DUE DATED I.E 05.03.2016.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 27.08.2019 MAY KINDLY BE SET ASIDE TO THE EXTENT OF REJECTION OF ANTE-DATION OF PROMOTION/MONITORY BENEFITS OF THE APPELLANT TO BPS-18 WITH EFFECT FROM 05.03.2016 AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO ANTE-DATE THE PROMOTION OF THE APPELLANT TO BPS-18 WITH EFFECT FROM 05.03.2016 "THE DATE WHEN JUNIOR TO THE APPELLANT WAS PROMOTED TO BPS-18" BY MODIFYING THE ORDER DATED 17.05.2019 TO THE EXTENT OF THE APPELLANT WITH ALL BACK AND CONSEQUENTIAL AND FUTURE BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant joined the revenue department as Naib Tehsildar in the year 1994 and due to excellent performance he was promoted to Tehsildar (BPS-16) in the year 2008. The department issued the seniority list of Tehsildar (BPS-16) on 30.06.2010 stood on 31.12.2009, wherein the name of the appellant was placed at S.No.14 while the name of the Muhammad Nasir Khan was placed at S. No.25 in that seniority list. It is pertinent to mentioned here that since his appointment the appellant is performing his duty with great devotion and honesty whatsoever assigned to him and no complaint has been filed against him regarding his performance. **(Copy of seniority list of Tehsildar is attached as Annexure-A)**
2. That the appellant was promoted to BPS-17 on acting charge basis along with Muhammad Nasir Khan vide order dated 25.03.2010 and in that promotion notification the appellant was at S. No.3, while Muhammad Nasir was S. No.9, which was then promoted on regular basis vide notification dated 21.12.2011. **(Copies of notification dated 25.03.2010 and 21.12.2011 are attached as Annexure-B&C)**
3. That the Muhammad Nasir khan field appeal No. 1403/2010 for ante-dation of his regular promotion in this Honourable Tribunal which was accepted on 11.01.2012 along with other connected appeals in which the august Tribunal directed the respondents to antedate the

promotion of Muhammad Nasir Khan with effect from 25.03.2010 with all back and consequential benefits and on the basis of the judgment the promotion of the Muhammad Nasir Khan was antedated with effect from 25.03.2010., which was then promoted to BPS-18 on 08.03.2016 which was evident from the seniority list of BPS-18. **(copy of judgment dated 11.01.2012 is attached as Annexure-D)**

4. That the appellant also filed Service appeal No. 1655/2010 in this august Service Tribunal for antedation of his promotion w.e.f the date when his juniors were promoted on regular basis, which was decide on 18.08.2017. The august Service Tribunal partially accepted the appeal of the appellant and the respondents were directed to antedate the promotion of the appellant w.e.from 25.03.2010 with all back and consequential benefits. It is pertinent to mention here that during the pendency of service appeal of the appellant, Muhammad Nasir Khan was promoted to BPS-18 on 05.03.2016 which is evident from the seniority list of BPS-18 issued on 20.03.2019. **(Copies of service appeal and judgment dated 18.08.2017 and seniority list of BPS-18 are attached as Annexure-E,F&G)**
5. That in the pursuance of judgment dated 18.08.2017 of this august Tribunal, the promotion order of the appellant was antedated with effect from 25.03.2010 with all back and consequential benefits vide notification dated 26.10.2017. **(copy of notification dated 26.10.2017 is attached as annexure-H)**
6. That the appellant was promoted to BPS-18 on 17.05.2019 but with immediate effect instead from due date i.e 05.03.2016, "the date from which junior to the appellant (Muhammad Nasir Khan) was promoted to BPS-18". The appellant filed departmental appeal for antedation of his promotion to BPS-18 with effect from 05.03.2016, which was rejected on 27.08.2019, however the name of the appellant was placed at S. No.58 and was shown senior to Muhammad Nasir Khan and 3 others. **(Copies of notification dated 17.05.2019, departmental appeal and rejection order are attached as Annexure- I,J&K)**
7. That now the appellant come to this august Service Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned order dated 27.08.2019 and 17.05.2019 are against the law, facts, norms of justice, violation of judgment dated 18.08.2017 and notification dated 26.10.2017 and material on record,

therefore not tenable and the order dated 27.08.2019 is liable to be set aside to the extent of rejection of ante-dation of promotion/monitory benefits of the appellant to BPS-18 with effect from 05.03.2016 and the order dated 17.05.2019 is liable to be modified to extent of the appellant to ante date the promotion of the appellant w.e.from 05.03.2016 "the date from which junior to the appellant (Muhammad Nasir Khan) was promoted to BPS-18".

- B) That the Honourable Tribunal directed the respondents to ante date the promotion of the appellant in BPS-17 w.e.from 25.03.2010 with all back and consequential benefits in its judgment dated 18.08.2017, but despite that the appellant was promoted to BPS-18 vide notification dated 17.05.2019 with immediate effect instead of due date i.e 05.03.2016, "the date from which junior (Muhammad Nasir Khan) was promoted to BPS-18" which is violation of judgment dated 18.08.2017 of this august Service Tribunal.
- C) That in the pursuance of the judgment of this august Service Tribunal, the promotion of the appellant was antedated with effect from 25.03.2010 with all back and consequential benefits vide notification dated 26.10.2017, but despite that the appellant was deprived from promotion to BPS-18 on due date i.e 05.03.2016, "the date from which junior (Muhammad Nasir Khan) was promoted to BPS-18" Which is violation of its own notification issued by the respondents.
- D) That in the rejection order dated 27.08.2019, the appellate authority placed the name of the appellant above to Muhammad Nasir Khan in the seniority list of BPS-18, while in that seniority list the promotion to BPS-18 of Muhammad Nasir Khan has shown on 05.03.2016, which shows that the appellate authority himself admitted that the appellant is senior to Muhammad Nasir Khan, but despite that his departmental appeal for ante-dation of promotion w.e.from 05.03.2016 was rejected giving any reason and justification.
- E) That depriving the appellant from his legal right of promotion to BPS-18 from his due date i.e 05.03.2016 will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits.
- F) That the appellant was not treated in accordance with the law and ruled and has been deprived from his legal right of promotion to BPS-18 from due date i.e 05.03.2016 in arbitrary manner.

G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



APPELLANT
Syed Masood Shah

THROUGH:



M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT



(TAIMUR ALKHAN)
ADVOCATE HIGH COURT

&
S. NOMAN ALI BUKHRI
ADVOCATE HIGH COURT

A
/1
⑥

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Dated Peshawar the 30/06/2010

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NOTIFICATION

No 2812 /Admn:1/34/Vol: 1/S.L. In pursuance of Section 8 (1) of the Civil Servant Act, 1973, and all subsequent Notifications issued on the subject, a Final Seniority List of regular Tehsildars (BPS - 16) in Khyber Pakhtunkhwa, as stood on 31.12.2009, is hereby published for information of all concerned.


By Order of,
Senior Member
Board of Revenue Khyber Pakhtunkhwa

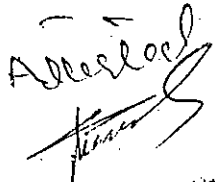
No 2813-93 /Admn:1/34/Vol: 1/S.L.


Copy alongwith a copy of Final Seniority List is forwarded to:-

1. All Divisional Commissioners, in Khyber Pakhtunkhwa
2. All Political Agent in Khyber Pakhtunkhwa
3. Officer concerned.

They are requested to circulate the same amongst the Tehsildars concerned working under their jurisdiction / control.


Assistant Secretary (Estt)
Board of Revenue Khyber Pakhtunkhwa


Deputy District Officer
Revenue (Jirga) Cell
Peshawar

ATTESTED


FINAL SENIORITY LIST OF REGULAR TEHSILDARS BPS-16 IN DISTRICT
AS STOOD ON 31.12.2009

S.No.	NAME OF TEHSILDAR / QUALIFICATION.	DATE OF BIRTH/DOMICILE	DATE OF IST ENTRY INTO GOVT. SERVICE	DATE OF APPOTT: AS TEHSILDAR ON REGULAR BASIS	METHOD OF RECRUITMENT.	REMARKS.
1	2	3	4	5	7	8
1.	Mr. M. Siddiq Anwar.(FA)	29-6-1950 DIKhan	9-9-1975	26-3-1980	Promotee.	Promoted as PMS (BPS - 17) on Acting Charge Basis
2.	Syed Gul Jamal (B.A LLB)	05.04.1954 Mardan	14.06.1979	28.12.1988	Ditto	Ditto
3.	Sardar Manzoor Ahmad (BA).	31-10-1950 Abbottabad.	01-6-1971	12-8-1991	Selectee	Ditto
4.	Mr. Abdul Shakoor Daur (FSc)	15-2-1956 NW Agency	1-7-1980	2-12-1992	Promotee.	Ditto
5.	Mr. Nazir Ahmad (BA)	1-3-1956 DIKhan	1-7-1980	2-12-1992	Ditto	Ditto
6.	Mr. Muhammad Nihar (M.A).	28.2.1952 Charsadda.	1.4.1976	4.12.2001	Ditto	Ditto
7.	Mr. Faridoon Khan (Matric)	11.8.1956. Abbottabad.	3.6.1977	7.2.1996	Selectee.	Ditto
8.	Mr. Shoukat Ali (B.A).	1.12.1951. Charsadda.	20.2.1971.	30.12.1999.	Ditto	Ditto
9.	Mr. Ifthikahr Ahmad (BA LLB)	04.06.1961 Haripur	19.07.1991	18.07.2007	Ditto	Ditto
10.	Mr. Nisar Hussain (BA)	15.03.1958 Kurram	22.03.1976	20.03.2008	Ditto	Ditto
11.	Mr. Ali Muhammad (B.A)	27.07.1953 Karak	19.12.1983	20.03.2008	Ditto	Ditto
12.	S. Gulfam Abbas Shah (BA)	19.3.1968 DIKhan	01.1.1992	06.9.2008	Promotee	Ditto
13.	Mr. Mumtaz Ahmad (BA)	10.01.1956 Peshawar	20.04.1976	20.03.2008	Ditto	Ditto
14.	Syed Masood Shah (BA)	01.01.1963 Peshawar	10.10.1986	20.03.2008	Ditto	Tehsildar
15.	Mr. Tariq Hassan (B.A)	12.04.1958 Nowshera	20.11.1986	20.03.2008	Ditto	Ditto
16.	Mr. Naveed Qadir (BSc)	16.01.1967 Kohat	01.07.1995	20.03.2008	Ditto	Promoted as PMS (BPS - 17) on Acting Charge Basis
17.	Mr. Iqrar Ali Shah (BA)	05.01.1959 Karak	1981	20.03.2008	Selectee	

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Squads not passed.

987654321

Attest
Deputy District Officer
District (Judicial)
District

[Signature]
Deputy District Officer
District (Judicial)
District

S.No.	NAME OF TEHSILDAR / QUALIFICATION.	DATE OF BIRTH/DOMICILE	DATE OF IST ENTRY INTO GOVT. SERVICE	DATE OF APPOINT: AS TEHSILDAR ON REGULAR BASIS	METHOD OF RECRUITMENT.	REMARKS.
18.	Mr. Muhammad Yaqoob Barqi (BA)	02.02.1967 SW Agency	01.07.1995	20.03.2008	Promotee	Promoted as PMS (BPS - 17) on Acting Charge Basis
19.	Mr. Muhammad Ikram Ullah (M.A)	09.3.1965 DIKhan	01.7.1995	06.09.2008	Ditto	Tehsildar
20.	Mohammad Kashif Nadeem (BA LLB)	11.9.1970 DIKhan	01.7.1995	06.09.2008	Ditto	Promoted as PMS (BPS - 17) on Acting Charge Basis
21.	Mr. Bakhtiar Khan (F.A)	12.03.1969 Mohmand Agency	20.08.1981	06.09.2008	Ditto	Tehsildar
22.	Mr. Ghazi Nawaz (BA)	03.3.1967 FR DIKhan	22.3.1985	06.09.2008	Ditto	Promoted as PMS (BPS - 17) on Acting Charge Basis
23.	Mr. Kiramatullah (M.A)	20.1.1964 Tank.	08.1.1981	06.09.2008	Ditto	Tehsildar
24.	Mr. Abdul Kabeer (BSc Forsty:)	25.4.1965 Swat.	29.4.1998	06.09.2008	Ditto	Promoted as PMS (BPS - 17) on Acting Charge Basis
25.	Muhammad Nasir Khan. (BSc / LLB)	20.3.1966 Dir Lower.	29.4.1998	06.09.2008	Ditto	Ditto
26.	Mr. Hidayatullah. (M.A)	15.4.1971 Dir Lower.	29.4.1998	06.09.2008	Ditto	Ditto
27.	S. Kazim Hussain Shah (M.A LLB)	20.3.1969 Chitral	29.4.1998	06.09.2008	Ditto	Ditto
28.	Mr. Fazal Hussain (MSc Agri:)	18.2.1971 Nowshera	29.4.1998	06.09.2008	Ditto	Ditto
29.	Mr. Muhammad Irshad (M.A)	25.12.1968 Dir Upper.	29.4.1998	06.09.2008	Ditto	Ditto
30.	Mr. Habibullah Arif (M.A)	01.4.1967 Swat.	29.4.1998	06.09.2008	Ditto	Ditto
31.	Mr. Naeem Akhtar (M.A)	11.6.1968 Swat.	29.4.1998	06.09.2008	Ditto	Ditto
32.	Mr. Niaz Muhammad (M.A)	15.1.1970 Swat.	29.4.1998	06.09.2008	Ditto	Ditto
33.	Mr. Daftar Khan (BA)	12.9.1956 Karak	09.4.1981	06.09.2008	Ditto	Ditto
34.	Mr. Abdul Mateen Qasuria (BA.LLB) / MSC	22.12.1966 DIKhan	24.6.2000	06.09.2008	Ditto	Ditto
35.	Mr. Shoukat Hussain (BA LLB)	15.2.1957 Haripur	07.11.1979	06.09.2008	Ditto	Ditto
36.	Mr. Gul Nawaz Ali (FA)	24.4.1958 Haripur.	07.11.1979	06.09.2008	Ditto	Ditto

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Attested
 District Officer
 District Office
 Haripur

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	NAME OF TEHSILDAR / QUALIFICATION.	DATE OF BIRTH/DOMICILE	DATE OF IST ENTRY INTO GOVT. SERVICE	DATE OF APPOTT: AS TEHSILDAR ON REGULAR BASIS	METHOD OF RECRUTMENT.	REMARKS.
	(32)				Promotee	Tehsildar
37.	Mr. Nowsherwan (Matric)	20.6.1960 Kohistan	07.2.1979	06.09.2008	Ditto	Promoted as PMS (BPS -- 17) on Acting Charge Basis
38.	Mr. Qazi Attaur Rehman (BA)	20.4.1957 Abbottabad	11.8.1985	06.09.2008	Ditto	Ditto
39.	Mr. Shad Muhammad (Matric)	28.06.1951 Batagram	01.07.1972	06.09.2008	Ditto	Ditto
40.	Mr. Saleem Jan (MA.Pol: Science/ECO)	07.06.1975 Lakki Marwat	07.01.2002	02.02.2009	Direct	Tehsildar
41.	Mr. Irfan Ali (B.A. LLB)	12.04.1976 Mardan	02.02.2009	02.02.2009	Ditto	Ditto
42.	Mr. Gohar Ali (M.A)	03.02.1979 Swabi	02.02.2009	02.02.2009	Ditto	Ditto
43.	Mr. Sajid Nawaz (M.Com)	14.04.1977 Bannu	24.02.1998	02.02.2009	Ditto	Selected as PMS officer
44.	Mr. Naeem Ullah Khan (M.A. English)	12.04.1981 Bannu	02.02.2009	02.02.2009	Ditto	Tehsildar
45.	Mr. Kashmir Khan (MSc)	16.04.1982 FR DIKhan	02.02.2009	02.02.2009	Ditto	Ditto
46.	Mr. Khalid Qayyum (MSc)	03.04.1972 SWA	02.02.2009	02.02.2009	Ditto	Ditto
47.	Muhammad Yousaf Karim (B.A)	20.11.1977 DIKhan	02.02.2009	02.02.2009	Ditto	Ditto
48.	Mr. Arshad Khan (B.A)	02.03.1980 Peshawar	02.02.2009	02.02.2009	Ditto	Ditto
49.	Muhammad Imran Khan (M.A B.ED)	03.05.178 Swat	02.02.2009	02.02.2009	Ditto	Ditto
50.	Mr. Sohail Ahmad Khan (MA)	01.04.1976 Shangla	02.02.2009	02.02.2009	Ditto	Ditto
51.	Muhammad Shah Jamil (M.A)	15.10.1976 Dir Upper	02.02.2009	02.02.2009	Ditto	Ditto
52.	Mr. Naveed Akbar (BA LLB)	17.06.1980 Mardan	02.02.2009	02.02.2009	Ditto	Ditto
53.	Mr. Tariq Hussan (MALLB)	15.11.1978 Peshawar	02.02.2009	02.02.2009	Ditto	Ditto
54.	Mr. Hamid Ali Giyani (MBA)	28.08.1979 Charsadda	02.02.2009	02.02.2009	Ditto	Ditto
55.	Mr. Amanullah Saeed (BALLB)	03.04.1978 Haripur	02.02.2009	02.02.2009	Ditto	Ditto

Sanctioning List of Tehsildar

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	NAME OF TEHSILDAR / QUALIFICATION.	DATE OF BIRTH/DOMICILE	DATE OF IST ENTRY INTO GOVT. SERVICE	DATE OF APPOTT: AS TEHSILDAR ON REGULAR BASIS	METHOD OF RECRUTMENT.	REMARKS.
					Promotee	Tehsildar
37.	Mr. Nowsherwan (Matric)	20.6.1960 Kohistan	07.2.1979	06.09.2008	Ditto	Promoted as PMS (BPS - 17) on Acting Charge Basis
38.	Mr. Qazi Attaur Rehman (BA)	20.4.1957 Abbottabad	11.8.1985	06.09.2008	Ditto	Ditto
39.	Mr. Shad Muhammad (Matric)	28.06.1951 Batagram	01.07.1972	06.09.2008	Direct	Tehsildar
40.	Mr. Saleem Jan (MA.Pol: Science/ECO)	07.06.1975 Lakki Marwat	07.01.2002	02.02.2009	Ditto	Ditto
41.	Mr. Irfan Ali (B.A. LLB)	12.04.1976 Mardan	02.02.2009	02.02.2009	Ditto	Ditto
42.	Mr. Gohar Ali (M.A)	03.02.1979 Swabi	02.02.2009	02.02.2009	Ditto	Ditto
43.	Mr. Sajid Nawaz (M.Com)	14.04.1977 Bannu	24.02.1998	02.02.2009	Ditto	Selected as PMS officer
44.	Mr. Naeem Ullah Khan (M.A. English)	12.04.1981 Bannu	02.02.2009	02.02.2009	Ditto	Tehsildar
45.	Mr. Kashmir Khan (MSc)	16.04.1982 FR DIKhan	02.02.2009	02.02.2009	Ditto	Ditto
46.	Mr. Khalid Qayyum (MSc)	03.04.1972 SWA	02.02.2009	02.02.2009	Ditto	Ditto
47.	Muhammad Yousaf Karim (B.A)	20.11.1977 DIKhan	02.02.2009	02.02.2009	Ditto	Ditto
48.	Mr. Arshad Khan (B.A)	02.03.1980 Peshawar	02.02.2009	02.02.2009	Ditto	Ditto
49.	Muhammad Imran Khan (M.A B.ED)	03.05.178 Swat	02.02.2009	02.02.2009	Ditto	Ditto
50.	Mr. Sohail Ahmad Khan (MA)	01.04.1976 Shangla	02.02.2009	02.02.2009	Ditto	Ditto
51.	Muhammad Shah Jamil (M.A)	15.10.1976 Dir Upper	02.02.2009	02.02.2009	Ditto	Ditto
52.	Mr. Naveed Akbar (BA LLB)	17.06.1980 Mardan	02.02.2009	02.02.2009	Ditto	Ditto
53.	Mr. Tariq Hussan (MALLB)	15.11.1978 Peshawar	02.02.2009	02.02.2009	Ditto	Ditto
54.	Mr. Hamid Ali Giyyani (MBA)	28.08.1979 Charsadda	02.02.2009	02.02.2009	Ditto	Ditto
55.	Mr. Amanullah Saeed (BALLB)	03.04.1978 Haripur	02.02.2009	02.02.2009	Ditto	Ditto

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S.No.	NAME OF TEHSILDAR / QUALIFICATION.	DATE OF BIRTH/DOMICILE	DATE OF IST ENTRY INTO GOVT; SERVICE	DATE OF APPOTT: AS TEHSILDAR ON REGULAR BASIS	METHOD OF RECRUITMENT.	REMARKS.
56.	Syed Saiful Islam Shah (M.A) 59	09.11.1982 Abbottabad	02.02.2009	02.02.2009	Direct	Selected as PMS officer.
57.	Muhammad Ayub (BA)	10.01.1952 Abbottabad	10.07.1975	26.02.2009	Selectee	Tehsildar
58.	Mr. Akbar Shah (BA)	10.02.1956 Charsadda	23.05.1974	26.02.2009	Ditto	Ditto
59.	Mr. Shah Naseem (M.A. English)	04.04.1958 Dir Lower	19.03.1977	26.02.2009	Ditto	Ditto
60.	Mr. Mohammad Ali Shah (M.A/LLB)	19.11.1964 ^{Khyber Agency} Peshawar	11.5.1988	10.04.2009	Ditto	Deferred in DPC meeting held on 10.02.2009 for want of ACR for the year 2007
61.	Mr. Shah Jehan (BA)	2.01.1956 Charsadda	9.9.1972	10.04.2009	Ditto	Deferred in DPC meeting held on 10.02.2009 for want of ACR for the period from 01.01.2008 to 30.04.2008
62.	Muhammad Zaman Kattak (BA)	06.05.1959 Karak	26.07.1979	26.02.2009	Ditto	Tehsildar
63.	Mr. Bagh Bostan (M.A)	07.10.1957 Peshawar	16.05.1979	26.02.2009	Ditto	Ditto
64.	Mr. Amjad Ali (BA)	13.04.1958 Charsadda	26.06.1980	26.02.2009	Ditto	Ditto
65.	Mr. Safdar Azam Quraishi (M.A)	01.04.1970 DIKhan	01.07.1995	28.03.2009	Promotee	Seniority granted w.e.f 28.03.2009 as ordered by SMBR
66.	Mr. Muhammad Ghaffar (M.A)	13.06.1951 Battagram	15.04.1976	10.04.2009	Ditto	Tehsildar
67.	Muhammad Pervez (BA)	28.4.1959 Abbottabad	25.5.1977	10.04.2009	Ditto	Ditto
68.	Mr. Sajid Hussain (B.A)	09.03.1965 Haripur	04.06.1988	10.04.2009	Ditto	Ditto
69.	Mr. Pervez Iqbal (B.A)	15.10.1960 Mardan	20.11.1984	10.04.2009	Ditto	Ditto
70.	Mr. Lal Said (B.A)	20.01.1961 Swabi	12.06.1983	10.04.2009	Ditto	Ditto
71.	Mr. Israr Ahmad (M.A)	14.01.1957 Chitral	20.04.1981	10.04.2009	Ditto	Ditto

Secretary List of Tehsildar

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Secretary District Office
(Judicial)

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S.No.	NAME OF TEHSILDAR / QUALIFICATION.	DATE OF BIRTH/DOMICILE	DATE OF 1ST ENTRY INTO GOVT. SERVICE	DATE OF APPOINT: AS TEHSILDAR ON REGULAR BASIS	METHOD OF RECRUITMENT.	REMARKS.
72.	Mr. Muhammad Fahim (M.A)	05.02.1958 Malakand	25.04.1981	10.04.2009	Promotee	Tehsildar
73.	Mr. Behromir Khan (M.A, LLB)	01.01.1951 Swat	22.01.1970	10.04.2009	Ditto	Ditto
74.	Mr. Adalat Khan (M.A LLB)	20.01.1960 Buner	14.05.1979	10.04.2009	Ditto	Ditto
75.	Mr. Amir Hassan (B.A LLB)	04.06.1952 Shangla	10.11.1972	10.04.2009	Ditto	Ditto
76.	Mr. Said Qadir (F.A)	22.11.1960 Shangla	14.05.1979	10.04.2009	Ditto	Ditto
77.	Mr. Jan Alam (B.A)	10.04.1958 Swat	06.06.1982	10.04.2009	Ditto	Ditto
78.	Mr. Sadaqat Ali (B.A)	19.09.1953 Swat	13.06.1978	10.04.2009	Ditto	Ditto
79.	Mr. Abdul Wali Khan (M.A)	12.10.1964 Chitral	01.03.1986	10.04.2009	Ditto	Ditto
80.	Mr. Samiullah (M.A)	15.10.1966 Bannu	25.04.1985	10.04.2009	Ditto	Ditto
81.	Mr. Rahim Dad Matric	10.04.1955 Kohat	30.04.1973	10.04.2009	Ditto	Ditto
82.	Mr. Abdul Naseer (BA)	24.04.1974 (Swabi)	28.4.2001	10.04.2009	Ditto	Ditto
83.	Mr. Haider Hussain (BA)	04.03.1965 Kohat	20.04.1982	11.06.2009	Ditto	Ditto
84.	Mr. Qaiser Naz (Matric)	10.6.1956 Kohat	27.7.1986	11.06.2009	Ditto	Ditto
85.	Mr. Liaqat Ali (FA)	13.09.1953 Charsadda	30.06.1980	11.06.2009	Ditto	Ditto

Ali Aslam

Deputy District Officer
Revenue (Judicial)
Charsadda

[Signature]
Assistant Secretary (Estt)
Board of Revenue Khyber Pakhtunkhwa



Amr. I.
GOVERNMENT OF NWFP
ESTABLISHMENT DEPARTMENT

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Dated Peshawar the 25th March, 2010

NOTIFICATION

NO. SOE.II(ED)2(192)2009:- Consequent upon the recommendations of the Provincial Selection Board, the Competent Authority is pleased to appoint the following Tehsildars as PMS Officers BS-17, on acting charge basis, with immediate effect.

Sr. NO.	NAME OF OFFICER WITH DESIGNATION	PRESENT POSTING
1.	Mr. Iftikhar Ahmad	Tehsildar, Board of Revenue
2.	Mr. Mumtaz Ahmad	DDO(J), Peshawar
3.	Syed Masood Shah	Tehsildar, Board of Revenue ✓
4.	Mr. Iqrar Ali Shah	DDO(R), Karak
5.	Mr. Muhammad Yaqoob Barki	DDO(J), Tank
6.	Mr. Muhammad Kashif Nadeem	DDO(J), Paharpur D.I.Khan
7.	Mr. Ghazi Nawaz	Tehsildar, Bannu
8.	Mr. Abdul Kabeer	DDO(R), Lahor, Swabi
9.	Mr. Muhammad Nasir Khan	APA, Bara, Khyber Agency
10.	Mr. Hidayatullah Khan	DDO(J), Tangi Charsadda
11.	Syed Kazim Hussain Shah	Tehsildar, Housing Department, Peshawar
12.	Mr. Fazal Hussain	ACO, Peshawar.
13.	Mr. Muhammad Irshad	Tehsildar, Nowshera
14.	Mr. Habibullah Arif	Tehsildar, SIDB, Peshawar
15.	Mr. Naeem Akhtar	HRDO, Swat
16.	Mr. Niaz Muhammad	Tehsildar, Babuzai, Swat
17.	Mr. Daftar Khan	Political Tehsildar, Jamrud
18.	Mr. Abdul Mateen Qasuria	Tehsildar, LA, D. I. Khan
19.	Mr. Shaukat Hussain	Tehsildar, LA, Abbottabad
20.	Mr. Gul Nawaz Ali	DDO(R), Mansehra
21.	Qazi Atta-ur-Rehman	Tehsildar, Haripur
22.	Mr. Shad Muhammad,	Tehsildar, Batagram

2. Resultantly the following postings/transfers are ordered with immediate effect:-

Sr. NO.	NAME OF OFFICER WITH DESIGNATION	From	To
1.	Mr. Iftikhar Ahmad	Tehsildar, Board of Revenue	DDO(R), Oghi, Mansehra against the vacant post.

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2.	Mr. Mumtaz Ahmad	DDO(J), Peshawar	Retained on the same post
3.	Syed Masood Shah	Tehsildar, Board of Revenue	DDO(J) Charsadda relieving Mr. Ihsanullah, PMS BS-17, DDO(R), Charsadda of the additional charge of the post.
4.	Mr. Iqrar Ali Shah	DDO(R), Karak	Retained on the same post
5.	Mr. Muhammad Yaqoob Barki	DDO(J), Tank	Retained on the same post
6.	Mr. Muhammad Kashif Nadeem	DDO(J), Paharpur D.I.Khan	Retained on the same post
7.	Mr. Ghazi Nawaz	Tehsildar, Bannu	DDO(J), Bannu against the vacant post
8.	Mr. Abdul Kabeer	DDO(R), Lahor, Swabi	Retained on the same post
9.	Mr. Muhammad Nasir Khan	APA, Bara, Khyber Agency	Retained on the same post.
10.	Mr. Hidayatullah Khan	DDO(J), Tangi, Charsadda	Retained on the same post.
11.	Syed Kazim Hussain Shah	Tehsildar, Housing Deptt: Peshawar	Section Officer, Finance Department against the vacant post.
12.	Mr. Fazal Hussain	ACO(Own Pay & Scale), Peshawar.	Retained on the same post.
13.	Mr. Muhammad Irshad	Tehsildar, Nowshera	DDO(R), Lal Qilla Dir Lower. He will also hold the additional charge of the post of DDO(J), Lal Qilla in addition to his own duties.
14.	Mr. Habibullah Arif	Tehsildar, SIDB, Peshawar	DDO(R), Peshawar against the vacant post.
15.	Mr. Naeem Akhtar	HRDO, Swat	Retained on the same post
16.	Mr. Niaz Muhammad	Tehsildar, Babuzai, Swat	DDO(J), Kabal, Swat against the vacant post.
17.	Mr. Daftar Khan	Political Tehsildar, Jamrud	Section Officer (L & O), FATA Secretariat against the vacant post.
18.	Mr. Abdul Mateen Qasuria	Tehsildar, LA, D.I. Khan.	DDO(J), D.I.Khan relieving Mr. Loi Khan, PMS BS-17, DDO(R), D.I.Khan of the additional charge of the post.
19.	Mr. Shaukat Hussain	Tehsildar, LA, Abbottabad	DDO(J) Abbottabad relieving Mr. Faridoon Khan, PMS BS-17, DDO(R) Abbottabad of the additional charge of the post.
20.	Mr. Gul Nawaz Ali	DDO(R), Mansehra	Retained on the same post
21.	Qazi Atta-ur-Rehman	Tehsildar, Haripur	DDO(R), Kohistan, Dassu against the vacant post
22.	Mr. Shad Muhammad	Tehsildar, Batagram	DDO(J) Battagram relieving Mr. Muhammad Akbar Khan, PMS BS-17 DDO(R) Battagram of the additional charge of the post.

CHIEF SECRETARY NWFP

ENDST: NO. SOE.II(ED)2(192)2009.

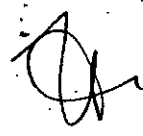
Dated Pesh. the 25th March, 2010.

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A copy is forwarded to:-

1. Senior Member, Board of Revenue, NWFP.
2. Secretary to Governor NWFP.
3. Secretary (Admn: & Coordination) FATA Secretariat.
4. Principal Secretary to Chief Minister, NWFP.
5. Secretary to Govt of NWFP, Finance Department, NWFP.
6. Secretary to Govt of NWFP, Housing Department, NWFP.
7. Accountant General, NWFP.
8. All Divisional Commissioners in NWFP.
9. All District Coordination Officers in NWFP.
10. Political Agent, Khyber Agency.
11. Agency Accounts Officer, Khyber Agency.
12. All District Accounts Officers in NWFP.
13. Managing Director, SIDB, Peshawar.
14. Director (Personnel), National Highway Authority, Islamabad.
15. S.O.(Secret)/(Admn)/Librarian, E&A Dept
16. Officers concerned.
17. P.S. to Chief Secretary NWFP.
18. P.S. to Secretary Establishment NWFP.
19. PAs to Addl: Secretary(Estt) /Dy: Secretary(Estt), E&A Department.
20. Personal files of the officers concerned.
21. Office Order file.


(KALIDULLAH)
SECTION OFFICER (E-II)





GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the December, 21.2011

NOTIFICATION

NO.SO.E.II(ED)3(45)2011- Consequent upon the recommendations of the Provincial Selection Board, the competent authority is pleased to order the promotion of the following PMS BS-17 (A/C) / Tehsildars to Provincial Management Service (BS-17), on regular basis with immediate effect:-

S.#	Name of Officer
1.	Mr. Abdul Shakoor Daur
2.	Mr. Muhammad Nihar
3.	Mr. Faridoon Khan
4.	Mr. Nisar Hussain
5.	Mr. Ali Muhammad
6.	Syed Gulfam Abbas Shah
7.	Mr. Muntaz Ahmad
8.	Syed Masood Shah
9.	Mr. Tariq Hassan
10.	Mr. Muhammad Yaqoob Barki
11.	Mr. Muhammad Kashif Nadeem
12.	Mr. Bakhtiar Khan
13.	Mr. Ghazi Nawaz
14.	Mr. Abdul Kabeer
15.	Mr. Muhammad Nasir Khan
16.	Mr. Hidayatullah Khan
17.	Syed Kazim Hussain Shah
18.	Mr. Fazal Hussain
19.	Mr. Muhammad Irshad
20.	Mr. Habibullah Arif

2. On promotion the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act 1973, read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Resultantly the following postings/transfers are ordered with immediate effect:-

S.#	Name of Officer	From	To	Remarks
1.	Mr. Abdul Shakoor Daur	DO(R), Bannu	DDO(F), Bannu against the vacant post	Only for actualization of his promotion for one day and after that he will continue as DO(R), Bannu in his own pay & scale
2.	Mr. Muhammad Nihar	DDO(J), Swabi	Retained on the same post	

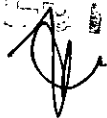
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3.	Mr. Faridoon Khan	DO(R), Kohistan	HRDO, Kohistan against the vacant post.	Only for actualization of his promotion for one day and after that he will continue as DO(R), Kohistan in his own pay & scale.
4.	Mr. Nisar Hussain	DDO(F), Kohat	Retained on the same post	
5.	Mr. Ali Muhammad	DDO(J), Karak	Retained on the same post	
6.	Syed Gulfam Abbas Shah	DO(R), DIK	DDO(F), D.I. Khan against the vacant post	Only for actualization of his promotion for one day and after that he will continue as DO(R), D.I. Khan in his own pay & scale.
7.	Mr. Mumtaz Ahmad	Secretary, RTA, Kohat	Retained on the same post	
8.	Syed Masood Shah	Settlement Officer, Abbottabad	DDO(F), Abbottabad against the vacant post	Only for actualization of his promotion for one day and after that he will continue as Settlement Officer Abbottabad.
9.	Mr. Tariq Hassan	Tehsildar, Pabbi Nowshera	HRDO, Charsadda against the vacant post.	
10.	Mr. Muhammad Yaqoob Barki	DDO(J), Tank	Retained on the same post	
11.	Mr. Muhammad Kashif Nadeem	DDO(J), Paharpur, DIK	Retained on the same post	
12.	Mr. Bakhtiar Khan	SO(L&O) FATA Sectt.	Retained on the same post.	
13.	Mr. Ghazi Nawaz	DDO(F), Tank	Retained on the same post	
14.	Mr. Abdul Kabeer	LAC, NHA, Bara Banda Risalpur	Section Officer, E&AD against the vacant post.	Only for actualization of his promotion for one day and after that he will continue as LAC, NHA, Bara Banda Risalpur.
15.	Mr. Muhammad Nasir Khan	DDO(J), Charsadda	Retained on the same post	
16.	Mr. Hidayatullah Khan	LAC, NHA, Kohat Tunnel	Section Officer, E&AD against the vacant post.	Only for actualization of his promotion for one day and after that he will continue as LAC, NHA, Kohat Tunnel.
17.	Syed Kazim Hussain Shah	Special Magistrate, SNGPL, Peshawar	Section Officer, E&AD against the vacant post.	Only for actualization of his promotion for one day and after that he will continue as Special Magistrate, SNGPL, Peshawar.
18.	Mr. Fazal Hussain	LAC, NHA, Peshawar	Section Officer, E&AD against the vacant post.	Only for actualization of his promotion for one day and after that he will continue as LAC, NHA, Peshawar.
19.	Mr. Muhammad Irshad	DO(R) Dir Upper	DDO(F), Dir Upper against the vacant post	Only for actualization of his promotion for one day and after that he will continue as DO(R), Dir Upper in his own pay & scale.
20.	Mr. Habibullah Arif	DDO(F), Peshawar	Retained on the same post	

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

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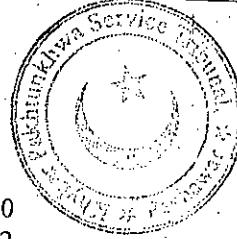
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1398/2010,



Date of Institution. .. 30.7.2010
Date of Decision .. 11.1.2012

Fazal Hussain, PMS Officer (BPS-17)
Posted as ACO, Peshawar.

.... (APPELLANT)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Peshawar.
2. Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST NOTIFICATION NO.SOE.11(ED)2(192) 2009 DATED 25.3.2010 WHEREBY APPELLANT IS APPOINTED/ PROMOTED AS PMS OFFICER (BPS-17) ON ACTING CHARGE BASIS, WITH IMMEDIATE EFFECT.

MR. BILAL AHMAD KAKAIZAI, &
MR. MUHAMMAD ASIF YOUSAFZAI,
Advocates

For appellant.

MR. TAHIR IQBAL,
Addl. Government Pleader

For respondents.

MR. NOOR ALI KHAN,
MR. SULTAN MAHMOOD KHATTAK,

... MEMBER
... MEMBER

ATTESTED

JUDGMENT

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

NOOR ALI KHAN, MEMBER:- This appeal has been filed by Fazal Hussain, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against notification No.SOE.II(ED)2(192) 2009 dated 25.3.2010, whereby appellant has been appointed/promoted as PMS Officer (BPS-17) on Acting Charge basis with immediate effect. It has been prayed that on acceptance of the appeal, the impugned notification dated

ATTESTED

25.3.2010 be modified to the extent that appellant be appointed/promoted as PMS Officer (BPS-17) on regular basis w.e.f. 7.11.2008 or 3.3.2009 when his batch mates were promoted. (95)

2. Brief facts of the case as averred in the memo of appeal are that the appellant was promoted as Tehsildar (BPS-16) on regular basis vide notification dated 6.9.2008 along with others. Vide notification dated 3.3.2009, who are batch mates of the appellant were promoted as PMS Officer (BPS-17) on regular basis but appellant, due to unknown reasons was deferred. On 25.3.2010, vide the impugned notification, although appellant on the recommendations of Provincial Selection Board has been promoted from Tehsildar to PMS Officer (BPS-17) but on acting charge basis and that too with immediate effect. The appellant is holding the post of ACO, Peshawar since long whereas he was posted as Deputy District Officer (Judicial) Nowshera vide notification dated 2.6.2000. On 3.4.2010, appellant submitted his departmental appeal/representation for his regular promotion w.e.f. 7.11.2008 or atleast from 3.3.2009 but no reply to the said representation has been received within the statutory period of 90 days, hence the present appeal.

3. After admission of the appeal, notices were issued to the respondents for submission of written reply. Respondents have filed their joint written reply and contested the appeal. Arguments heard and record perused.

4. The learned counsel for the appellant argued that according to Rule 9 of the Khyber Pakhtunkhwa Civil Servants Act (Appointment, Promotion and Transfer) Rules, 1989, acting charge appointment can only be made where the appointing authority considered it to be in the public interest to fill a post reserved for the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service. The learned counsel for the appellant further argued that the appellant was promoted as PMS Officer (BPS-17) on acting charge basis with effect vide order dated 25.3.2010, despite the fact that there were clear vacancies for PMS Officer (BPS-17) lying vacant in the department in promotion quota. The appellant argued that others should have been considered for regular promotion against the said post when clear vacancies were available for them. He stated that other batch mates of the appellant were promoted w.e.f. 3.3.2009 and 7.11.2008, on regular basis, though the appellant has also the right to be considered for promotion w.e.f. the date when the post was vacant and the appellant was holding the same on acting charge basis. In two PSB meetings were held but the appellant had not been considered for promotion without any plausible reasons despite the fact that he was eligible for promotion. It has been

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discriminated. Articles 25 and 27 of the Constitution of Islamic Republic of Pakistan that all citizens are equal before law and are entitled to equal protection of law. No citizen otherwise qualified for appointment in the service of Pakistan/province shall be discriminated whatsoever. He also stated that as per Rule 9(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 if a person is otherwise eligible for further promotion but his length of service is short, then he can be promoted/appointed on acting charge basis but in the appellant's case, his seniors have been given acting charge for the reason that they have not passed departmental examination and not completed their PERs, which is wrong and this wrong action/decision cannot be made a reason for not promoting those juniors who were eligible for regular promotion in all respect. Even sub-rule (2) of Rule 9 of the aforementioned rules has now been deleted. He further stated that during pendency of the appeal, the appellant has been promoted as PMS BPS-17 on regular basis with immediate effect vide notification dated 21.12.2011 instead of ante-dation of his promotion w.e.f the date when a vacancy was available for him as per judgments of the august Supreme Court of Pakistan in reported in 1997-SCMR-515, and 2010-SCMR-1466. He requested that the appeal may be accepted as prayed for.

The learned AGP, on the other hand argued that the appeal is bad for non-joinder and mis-joinder of necessary parties. In case, the appeal allowed some officers will be effected who have not been impleaded as private respondents. He further argued that there were some vacant posts of PMS (BPS-17), against promotion quota and Tehsildars, senior to the appellant were considered and promoted on regular basis w.e.f. 3.3.2009. The appellant being junior had not been considered. Even the appellant had not challenged order dated 3.3.2009 in time and the present appeal is time-barred. He stated that it is true that vacant posts of PMS (BPS-17) were available in the department but meant for direct recruits. He maintained that vide notification dated 25.3.2010, the appellant was not promoted as PMS (BPS-17) but appointed on acting charge basis as per provision of Rule 9 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Appointments and promotions on acting charge basis are always made with immediate effect and under Rule 9 (6) confer no vested right for regular promotion. Moreover, claim of the appellant is not clear and has not specified the date to be considered for promotion as PMS (BPS-17) on regular basis.

5. The Tribunal observes that the appellant was eligible for promotion as PMS (BPS-17) on regular basis w.e.f. 3.3.2009 but he was not considered. On 25.3.2010, on the recommendations of PSB, he was promoted as PMS (BPS-17) on acting charge basis. Vide notification dated 21.12.2011, he has been promoted on regular basis with immediate effect.

ATTORNEYS

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The minutes of PSB meeting held on 29.12.2009, it has been clearly stated that the appellant was eligible for promotion on regular basis and 11 posts were available, in which 10 candidates were promoted as PMS Officer on regular basis. Due to deficiencies of service record, some candidates were not promoted and the appellant was 11th but was promoted on acting charge basis without any plausible reason. The Tribunal agrees with the arguments put forth by the learned counsel for the appellant.

6. In view of the above, the appeal is accepted, and the respondents are directed to ante-date promotion of the appellant as PMS (BPS-17) with effect from 25.3.2010, with all back/consequential benefits.

7. This order will also dispose off connected service appeals No. 1400/2010, Hidayatullah Khan, No. 1401/2010, Muhammad Nasir Khan, No. 1403/2010, Syed Kazim Hussain Shah, in the same manner.

8. So far as the appellant in Service Appeal No. 1404/2010, namely Habibullah Arif is concerned, his services have been regularized on 21.12.2011 but his appeal cannot be entertained for ante-dated promotion 25.3.2010 for the reason that only 11 posts were available and he comes at S.No.12 in eligible candidates in the minutes of PSB meeting held on 29.12.2009.

9. Since services of the appellants in Service Appeals No. 1372/2010, Abdul Mateen Qasuria, No. 1399/2010, Naeem Akhtar, and 1402/2010, Niaz Muhammad, have not been regularized so far, the respondents are directed to consider them for regular promotion as and when vacancies become available for them.

10. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
11.1.2012.

(SULTAN MAHMOOD KHATTAK)
MEMBER

(NOOR ALI KHAN)
MEMBER

Copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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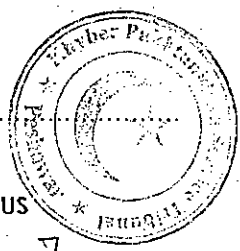
ATTESTED

Before the Khyber Pakhtunkhwa, Services Tribunal, Peshawar

In Re: Service Appeal No. 1655 /2010

(14)

Syed Masood Shah,
Deputy District Officer (Judicial),
Charsadda (PMS Officer BS-17).



Appellant

VERSUS

Registered
Diary No. 1743
Date 11/8/10

Ex parte
17-10-2011

Restored
2-8-2012

Ex parte
17-10-2011

Restored
2-8-12

Ex parte
24-1-14
24-1-15

Restored
2-8-12

- 1. ✓ Government of Khyber Pakhtunkhwa Through Chief Secretary, Khyber Pakhtunkhwa, Peshawar
- 2. ✓ S.M.B.R, Board of Revenue, Khyber Pakhtunkhwa.
- 3. ✓ Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
- 4. Haji Gohar Ali
PMS (B-17) on Regular Basis
- 5. Mr. Rehan Gul Khattak
PMS Officer (BS-17) on Regular Basis
- 6. Mr. Fazal Qadir
PMS Officer (BS-17) on Regular Basis
- 7. Mr. Asmatullah
PMS Officer (BS-17) on Regular Basis
- 8. Mr. Abdul Hadi
PMS Officer (BS-17) on Regular Basis
- 9. ✓ Mr. Bahre Karam
PMS Officer (BS-17) on Regular Basis
- 10. ✓ Mr. Naseem Khan
PMS Officer (BS-17) on Regular Basis
- 11. Mr. Syed Muhammad Sohail
PMS Officer (BS-17) on Regular Basis
- 12. Mr. Khalid Mumtaz Kundi
PMS Officer (BS-17) on Regular Basis
- 13. Mr. Khalid Mehmood
PMS Officer (BS-17) on Regular Basis
- 14. Mr. Javid Ullah Mahsud
PMS Officer (BS-17) on Regular Basis
- 15. Mr. Hafeezullah
PMS Officer (BS-17) on Regular Basis

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Respondents

ATTESTED

Restored
2-8-12

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Appeal Under Section 4 (a) of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 against the impugned Notification No.SOE-H(ED)2(192)2009 dated 25-3-2010 pertaining to the Acting Charge Appointment as PMS (BS-17) officer instead of regular basis and w.e.f. the date, the erstwhile Juniors were promoted on regular basis or w.e.f. the date of availability of regular vacancy (as the case may be) in deviation from the laid down prescribed Rules and the Law on the Subject:

Respectfully Sheweth:

1. That I have been serving in Revenue Department, Khyber Pakhtunkhwa in the capacity of Naib Tehsildar (B-14) and then as Tehsildar (B-16) since 1994 and according to the final seniority list of Naib Tehsildars as it stood on 31-12-2006, my name was depicted at S.No.22 thereof over the name of M/S Tariq Hassan and Gohar Ali at S.No.23 and 24 respectively (Annex: A).
2. That on the basis of the seniority list of Naib Tehsildars, the Appellant was promoted as Tehsildar (B-16) on Regular Basis vide Notification No. 5241-5414/Admn:1/DBC/2008 dated 20-3-2008 (Annex: B). In the said notification the name of the appellant was depicting at S.No.25 thereof i.e. immediate after the name of M/S Nawaz Khan and Mumtaz Ahmed, whereas the erstwhile juniors of the appellant were as usual M/S Tariq Hassan and Gohar (S.No.26 & 27) of the said notification.
3. That based on this very notification, a seniority list of Tehsildars were required to be notified but it was not done after lapse of considerable time i.e. on 30-6-2010 (Annex: C). It was an utter deviation from the specific legal provision in terms of section-8(5) of the Civil Servants (Act) 1973 (Annex: D) where under the seniority list shall be caused and duly revised at least once in a calendar year, preferably in the month of January. It was not done. The promotion of Tehsildars were made on 20-3-2008 whereas their names were inserted in the seniority list on 31-12-2009 i.e. to say that after their promotion to the ranks of PMS (B-17) on 27-5-2008, 7-11-2008 and 7-12-2009 (Annex: E, F, G) which is alarmingly an anomalous action under the rules. If the seniority position of Tehsildars was notified on 30-6-2009, then how they were promoted to higher rank much earlier to this action. The instant anomalous situation emerged from the said omission.

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Service Tribunal,
Peshawar

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4. That while considering Tehsildars (B-16) for promotion to PMS (B-17) clear vacancies were available for regular promotion but for the reasons best known to the Respondents No. 1-3, the appointment to PMS (B-17) was made on acting charge basis (**Annex: H**) in utter deviation of the rules whereas all the requirements were fulfilled by the appellant at least at the time of promotion of his erstwhile juniors on 27-5-2008.
5. That in terms of the relevant rules, 20% posts of PMS (B-17) shall be filled in from amongst the Tehsildar (B-16) who have passed the prescribed examination. There is no mention of lower and higher level examination in any rules on the subject (**Annex: J**). The appellant was as such qualified / eligible for the same in May 2008 but in that batch the name of the appellant was omitted either willfully with some malafide intention or inadvertently. It will be best known to the respondents No.1-3.
6. That the appellant had passed the prescribed examination in 2008 and as such was eligible for promotion to PMS (B-17) on regular basis against the then le vacancies but instead thereof, he was promotion and that also on acting charge basis on 25-3-2010 (**Annex: H**) much later that the regular promotion of his erstwhile juniors w.e.f. 27-5-2008 (at **Annex: E**).
7. That while considering Tehsildars (B-16) for promotion against the aforesaid available regular vacancies in April 2008, my name was willfully or inadvertently omitted as stated above and my erstwhile juniors namely Haji Gohar Ali and others at S.No.27 to 36 of the impugned notification of 27-5-2008 were promoted in violation of the seniority position and without any lawful authority (at **Annex: E**).
8. That while considering promotion to some other regular vacancies of PMS (B-17) in the prescribed quota of Tehsildari Cadre in Nov 2007, some more Tehsildars from amongst my erstwhile juniors were appointed on acting charge basis on 7-11-2008 (at **Annex: F**) and the name of the appellant was again omitted without any legal hurdle.

That once again in Dec 2009, the PSB cleared 9 more Tehsildars for acting charge appointment against PMS (B-17) posts (**Annex: G**) but for he third time the appellant was ignored and thus he was suffered a log for this injustice on the part of the respondents without any legal reason or hurdle whatsoever.

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 EXAMINER
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 Peshawar

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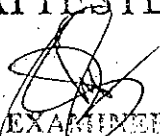

v. 10. That the appellant was eligible for promotion on regular basis as envisaged from the letter of the Board of Revenue, Khyber Pakhtunkhwa bearing No.30031/Admn/1/172 dated 14-11-2009, (S.No.14 of the panel refers)-(Annex: K) but to the utter surprise of the appellant, he was appointed on acting charge basis to PMS (B-17) and that also much later on 25-3-2010 (Annex: H).

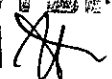
11. The appellant therefore represented against the said injustice to the Departmental Authorities on 12-4-2010 (Annex: L) of which now 90 days have elapsed and hence this appeal on the following :-

Grounds:

- (a) That under the relevant law on the subject as stated above, 20% posts in PMS (B-17) are reserved for promotion of Tehsildars (B-16) who have passed the prescribed departmental examination.
- (b) That despite having been qualified the said examination in 2008, the appellant's name was omitted while his erstwhile juniors were promoted to B-17 on 27-5-2008, 7-11-2008 and 7-12-2009 (Annex: E, F, G) while was against the maxims of justice and equity and in deviation from law on the subject.
- (c) That in terms of section-8 (5) of the Civil Servants (Act), 1973, seniority list of each cadre has to be revised in January each year while was not done and as such the three promotions mentioned in para (b) above were made without any seniority list and hence the appellant was relegated to a junior position and that too on acting charge basis.
- (d) That basis on the above injustice made to the appellant, it is prayed to this Honourable Tribunal to direct the respondents to correct the anomalous seniority position, the appellant may be promoted on regular basis to PMS (B-17) w.e.f. 27-5-2008 i.e. with effect from the date his erstwhile juniors were promoted (Annex: E).
- (e) That during the course of hearing, the appellant may be allowed to rely on additional grounds (if any).

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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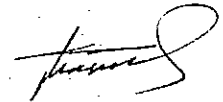
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In view of the above, explanation of the case, this Honourable Tribunal may please accept this appeal, giving relief to the appellant as prayed in para(d) above as the appellant has been suffered mentally and financially due to the illegal actions taken by the respondents.

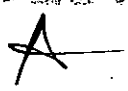
Dated: 10th Aug 2010



(Syed Masood Shah)
Appellant

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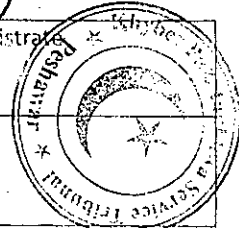
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED


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Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No. 1655/2010</p> <p style="text-align: center;">Date of Institution ... 11.08.2010 Date of Decision ... 18.08.2010</p> <p>Syed Masood Shah, Deputy District Officer (Judicial) Charsadda (PMS Officer BS-17).....Appellant</p> <p style="text-align: center;">Versus</p> <p>1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar, & others.....Respondents</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Appellant with counsel present. Learned Deputy District Attorney for the respondents present.</p> <p>2. Appellant Syed Masood Shah, Deputy District Officer (Judicial) (PMS Officer BS-17) has filed the present appeal u/s 4 of Service Tribunal Act 1974 against the respondents wherein he made impugned the order dated 25.03.2010 pertaining to his Acting Charge Appointment as PMS (BS-17) officer instead of on regular basis and w.e.f the date, the erstwhile Juniors were appointed on regular basis or w.e.f the date of availability of regular vacancy.</p> <p>3. Learned counsel for the appellant contented that the appellant has not been treated in accordance with law. Further argued that the appellant while serving as Tehsildar Revenue Department was wrongly deprived from promotion to the post of PMS Officer (BS-17) on <u>27.05.2008</u> and <u>07.11.2008</u> and despite being fully eligible for promotion he was appointed on acting charge basis as PMS (BS-17) vide order dated 25.03.2010. Learned counsel</p>		



18.08.2017

Lawyer

ATTESTED

[Signature]

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

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vehemently stressed that the appellant may be promoted on regular basis to PMS (BS-17) w.e.f from year 2008 i.e with effect from the date his junior colleagues were promoted and that the seniority of the appellant may also be restored accordingly. Learned counsel produced the copies of the judgment passed by this Tribunal in appeal No. 1398/2010 and copy of common judgment of the august Supreme Court of Pakistan in Civil Petitioner No. 152-P, 155-P, 156-P and 158-P of 2012 whereby antedated promotion w.e.f from the date of acting charge appointment i.e 25.03.2010 was approved/upheld to the junior colleagues of the appellant who were also appointed with the appellant vide impugned order dated 25.03.2010.

4. Learned Deputy District Attorney while controverting the arguments of learned counsel for the appellant and defending the impugned order argued that in the 2008 the appellant was superseded for the reason that he could not qualify the departmental examination. Further argued that finally in the 2009 the appellant again appeared in the departmental examination and qualified the same, hence, his appointment to (BS-17) on acting charge basis vide order dated 25.03.2010. Private respondents No. 10 & 11 also opposed the present appeal.

5. Arguments heard. File perused.

6. The appellant had not challenged the orders of promotion dated 27.05.2008 and 07.11.2008 when the same were issued rather preferred to appear in the departmental examination held in the month of April 2009 and qualified the same. It is also not disputed that passing of departmental examination is a mandatory requirement for promotion. Learned counsel for the appellant has not pointed out any malafide or ulterior motive of the respondent department by not promoting appellant in the year 2008. In this scenario the appellant has failed to make out a case of antedated promotion w.e.f from the year 2008.

H
Lawyer

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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7. Admittedly some juniors to the appellant, who were also appointed as PMS (BS-17) on acting charge basis alongwith appellant vide order dated 25.03.2010, have been allowed the relief of antedated promotion w.e.f from the date of their appointments on acting charge basis i.e 25.03.2010, and the case of the appellant also falls within the same parameters, hence the present appeal is partially accepted and the respondents are directed to antedate promotion of the appellant as PMS (BPS-17) w.e.f from 25.03.2010, with all back/consequential benefits. Parties are left to bear their own costs. File be consigned to the record room after its completion.

Announced by M. Hamid Mughal
 18.08.2017
 Member

by M. Amin Khan Kundli
 Member

Certified to be true copy
 JUDGE
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Application 18-08-2017
 Number of Words 1600
 Copying Fee 10/-
 Urgent 10/-
 Total 20/-
 Name of Copyist M. O. 25-09-17
 Date of Completion 25-09-17
 Date of Delivery of Copy

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

50 (29)
G

NO. SO (E-I)/E&AD/6-1/2019
Dated Peshawar, the March 20, 2019

To

1. The Additional Chief Secretary (Merged Secretariat).
2. The Principal Secretary, to Governor Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. The Provincial Police officer, Khyber Pakhtunkhwa.
5. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
6. All Divisional Commissioners Khyber Pakhtunkhwa.
7. All Deputy Commissioner, Khyber Pakhtunkhwa.

SUBJECT: FINAL SENIORITY LIST IN RESPECT OF (PMS BS-18) OFFICERS

Dear Sir,

I am directed to refer to the subject noted above and to inform that final seniority list in respect of PMS BS-18 officers have been uploaded on official website of Establishment department (<http://establishment.kp.gov.pk/>).

Yours faithfully,

SECTION OFFICER (E-I)

Endst. No & Date even.
Copy forwarded to the:

1. PSO to Chief Secretary, Khyber Pakhtunkhwa
2. PS to Chief Secretary, Khyber Pakhtunkhwa.
3. Deputy Director, (IT) E&AD with the request to upload final seniority list on the official website of Establishment Department Government of Khyber Pakhtunkhwa.
4. PS to Secretary Establishment Khyber Pakhtunkhwa.
5. PS to Secretary Administration Khyber Pakhtunkhwa.
6. PS to Special Secretary (Reg, Estl.) Establishment Department.
7. PA's to all Additional Secretaries E&A Department.
8. PA's to all Deputy Secretaries in E&A Department.
9. All Section officers in E&A Department.
10. Manager, Govt. Printing Press Peshawar.

SECTION OFFICER (E-I)

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Annex - VIII

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the March 20, 2019

NOTIFICATION

NO. SO(E-IE&AD)/6-1/2019. In pursuance of Section-8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-17, of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, final Seniority list of Officers of Provincial Management Service BS-18, as it stood on 20.3.2019 is notified/circulated:-

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Muhammad Kabir Afridi	01.11.1982 Khyber Distt.	9.1.2006	30.5.2011	18	BY PROMOTION	AS Home
2.	Mr. Zia ur Rehman	7.4.77 D.I.Khan	13.9.2007	28.2.2018	19 acb	-do-	OSD E&AD
3.	Syed Zafar Ali Shah	25.12.72 Peshawar	25.4.95 6.10.2007	28.2.2018	19 acb	-do-	Chief Executive Officer, WSSP
4.	Mr. Muhammad Naeem	10.4.80 Haripur	25.1.88 19.2.2008	27.9.2012	19 acb	-do-	Addl. Comm: Hazara
5.	Mr. Abdul Ghaffar	9.3.60 Chitral	25.1.88 19.2.2008	27.9.2012	19 acb	-do-	Addl. Comm: Malakand
6.	Mr. Tasleem Khan	5.3.61 Battagram	25.1.88 19.2.2008	19.10.2012	19 acb	-do-	PD, CLR, BOR Phase-I
7.	Mr. Matloob-ur-Rehman	12.4.61 Mansehra	25.1.88 27.5.2008	29.5.2017	19 acb	-do-	AS Housing
8.	Mr. Muhammad Siddique	8.4.1960 Abbottabad	26.3.79 19.2.2008	29.5.2017	19 acb	-do-	AS (PFC) FD
9.	Mr. Farhad Khan	19.11.61 Peshawar	1.2.81 19.2.2008	29.5.2017	19 acb	-do-	Dir. (AF) PSA
10.	Mr. Shah Jehan	3.10.1965 Peshawar	31.10.1985 19.2.2008	28.9.2018	19 a.c.b	-do-	DC Kolai Palas

ATTESTED

32 (31)

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Post: g
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
11.	Mr. Jauhar Ali Shah	1.10.65 Peshawar	28.10.85 19.2.2008	28.9.2018	19 acb	BY PROMOTION	Direct. Industries
12.	Mr. Muhammad Humayun	4.4.61 Peshawar	30.6.83 19.2.2008	15.1.2019	19 Acb	-do-	AS C&W
13.	Mr. Junaid Khan	23.1.82 D.I.K.	27.2.2008	15.1.2019	19 acb	-do-	DG Sports
14.	Mr. Ifikhar Ahmad	30.1.76 Lakki Marwat	27.2.2008	15.1.2019	19 Acb	-do-	Additional Secretary, E&P
15.	Mr. Tashfeen Haider	5.9.76 Kurram Distt.	27.2.2008	28.2.2018	19 acb	-do-	Secy. BOR
16.	Mr. Ainullah	16.2.75 Dir Upper	27.2.2008	15.1.2019	19 Acb	-do-	AS Finance Deptt.
17.	Mr. Ahmed Zeb	4.2.79 Peshawar	2.11.05 27.2.2008	15.1.2019	19 acb	-do-	Addl. Secy. Health
18.	Mr. Farhatullah Khan Marwat	7.11.80 Lakki	27.2.2008	15.1.2019	19 Acb	-do-	A. S PHE Deptt.
19.	Sardar Asad Haroon	27.3.79 Abbottabad	27.2.2008	15.1.2019	19 acb	-do-	MD. KP Private Schools Regulatory Authority
20.	Mr. Asfandyar Khattak	24.1.79 Nowshera	25.9.05 27.2.2008	15.1.2019	19 Acb	-do-	Director Youth Affairs
21.	Mr. Ghulam Saeed Khan	1.1.74 D/Lower	18.10.93 27.2.2008	15.1.2019	19 acb	-do-	Dir ESRU
22.	Khawaja Faheem Sajjad	31.3.84 Haripur	27.2.2008	15.1.2019	19 Acb	-do-	Addl. Secy. Information

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
23.	Mr. Muhammad Amin	25.2.65 Malakand	16.12.89 27.5.2008	15.1.2019	19 acb	By Promotion	Secretary-II BOR
24.	Mr. Khalid Akbar	1.6.64 Nowshera	1.1.92 27.5.2008	15.1.2019	19 Acb	-do-	AS Law
25.	Mr. Fazal Muhammad	1.5.61 Swabi	27.5.2008	15.1.2019	19 acb	-do-	PD, Establishment of Housing Foundation for Govt. Servants, Housing Deptt.
26.	Mr. Muhammad Fayaz	25.10.64 Peshawar	1.5.86 27.5.2008	15.1.2019	19 Acb	-do-	AS Zakat Ushr
27.	Mr. Jehanzeb Khan	12.4.67 Nowshera	1.1.1992 27.5.2008	15.1.2019	19 acb	-do-	AS Augaf
28.	Mr. Muhammad Roshan	19.3.64 S.W.A.	1.1.92 27.5.2008	15.1.2019	19 Acb	-do-	AS Higher Edu
29.	Mr. Ijaz-ur-Rehman	9.2.65 Abbottabad	1.1.1992 27.5.2008	15.1.2019	19 acb	-do-	AS ST&IT
30.	Mr. Muhammad Akbar Khan	2.5.63 Mansehra	1.1.92 27.5.2008	15.1.2019	19 Acb	-do-	PD, Abbottabad Dev. Authority Abbottabad
31.	Mr. Samar Gul	1.3.65 Lakki	1.1.1992 27.5.2008	15.1.2019	19 acb	-do-	PD Bannu Dev. Authority Bannu
32.	Mr. Mansoor Qaiser	30.3.66 DIK	1.1.92 27.5.2008	27.5.2016	18	-do-	DO (F&P) DIK
33.	Mr. Afsar Ali Shah	15.10.63 Nowshera	1.1.1992 27.5.2008	15.1.2019	19 acb	-do-	AS (AIC) FATA
34.	Mr. Sajid Ahmad	30.4.65 Kohat	1.1.92 27.5.2008	15.1.2019	19 Acb	-do-	Addl. Comm: Kohat
35.	Mr. Abdul Ghafoor Shah	6.8.67 Lakki	1.1.1992 27.5.2008	15.1.2019	19 acb	-do-	Director, Social Welfare
36.	Mr. Muhammad Asghar Khan	15.3.66 Lakki	1.1.92 27.5.2008	15.1.2019	19 Acb	-do-	AS Minerals Dev. Deptt.

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
37.	Mr. Fazl-e-Qadir	1.1.69 Karak	1.7.1995 27.5.2008	13.1.2017	18	BY PROMOTION	DS Higher Edu.
38.	Mr. Abdul Hadi	2.2.66 Dir Upper	1.7.90 27.5.2008	27.5.2016	18	-do-	ADC, Hangu
39.	Mr. Naseem Khan	12.3.62 Bannu	1.3.1986 27.5.2008	27.5.2016	18	-do-	DMO IMU
40.	Syed Muhammad Suhail	29.10.67 Peshawar	19.11.1990 27.5.2008	13.1.2017	18	-do-	DS Higher Education
41.	Mr. Khalid Mahmood	15.3.1970 DIK	1.7.1995 27.5.2008	13.1.2017	18	-do-	DO(F&P) Bannu
42.	Mr. Hafizullah	31.12.1970 DIK	1.7.1995 27.5.2008	13.1.2017	18	-do-	ADC, Tank
43.	Ms. Farzana Afzal	27.3.1962 Peshawar	30.4.1984 3.5.2007	23.12.2015	18	-do-	DS Information Deptl.
44.	Mr. Rehan Gul Khattak	10.1.1971 Karak	1.7.1995 7.11.2008	13.1.2017	18	-do-	DS Excise & Taxation.
45.	Mr. Javedullah Mehsood	15.10.1967 SWA	1.7.1995 8.9.2009	13.1.2017	18	-do-	Director, LG&RD FATA
46.	Mr. Misal Khan	2.1.1960 Peshawar	30.10.79 3.3.2009	27.5.2016	18	-do-	D.S (B&A), Law & Order, FATA
47.	Mr. Habib ulah-I	9.9.1966 Peshawar	1.1.1985 3.3.2009	9.9.2016	18	-do-	DS-CUM-PS TO CS
48.	Mr. Manzoor Elahi	19.6.1960 Mardan	29.9.79 3.3.2009	27.5.2016	18	-do-	AS Agriculture.
49.	Mr. Mirzali	11.2.1966 Bannu	5.8.1989 3.3.2009	27.5.2016	18	-do-	D.S Social Sector FATA

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
50.	Mr. Muhammad Saeedullah	1.3.1966 Chitral	7.11.90 3.3.2009	27.5.2016	18	BY PROMOTION	AS CM Sectt.
51.	Ms. Mussarrat Ismail Butt	1.1.1962 Peshawar	13.12.83 3.3.2009	27.5.2016	18	-do-	Posted in E/Div.
52.	Mr. Abdul Kabir Khan	25.4.1965 Swat	29.04.98 3.3.2009	27.5.2016	18	-do-	Addl. Commr: Mardan
53.	Mr. Abdul Hameed Khan	9.2.1972 Malakand	29.4.1998 3.3.2009	13.1.2017	18	-do-	DC, Nowshera
54.	Mr. Javed Ali	15.8.1969 Chitral	15.7.1998 3.3.2009	13.1.2017	18	-do-	DS STI
55.	Mr. Tariq Ali Khan	14.12.1970 Malakand	14.7.1998 3.3.2009	13.1.2017	18	-do-	DS FATA Sectt.
56.	Mr. Muhammad Rehman	5.2.1965 Mohmand	13.1.87 25.1.2010	27.5.2016	18	-do-	DS Home
57.	Mr. Javed Khan	2.9.1960 Swat	31.3.85 25.1.2010	27.5.2016	18	-do-	DS Finance
58.	Mr. Nasir Aman	28.9.1960 Chitral	17.4.85 25.1.2010	27.5.2016	18	-do-	AS (Reg. I)
59.	Mr. Muhammad Yaqoob Barki	2.2.1967 SWA	1.7.1995 21.12.2001	13.1.2017	18	-do-	Add. Commr. DIK
60.	Mr. Muhammad Kashif Nadeem	11.9.1970 DIK	1.7.1995 21.12.2001	13.1.2017	18	-do-	Secy: RTA Bannu
61.	Mr. Ghazi Nawaz	3.3.1967 FR DIK	22.3.1985 25.3.2010	13.1.2017	18	-do-	DO (F&P) Tank
62.	Mr. Muhammad Nasir Khan	20.3.1966 Dir Lower	29.04.98 25.3.2010	5.3.2015	18	-do-	DS Auqaf
63.	Mr. Hidayatullah Khan	15.4.1971 Dir Lower	29.04.98 25.3.2010	13.1.2017	18	-do-	Director, FMU Higher Edu.
64.	Syed Kazim Hussain Shah	20.3.1969 Chitral	29.4.98 25.3.2010	13.1.2017	18	-do-	Addl. Commr: Peshawar
65.	Mr. Muhammad Irshad	25.12.68 Dir Upper	29.4.1998 21.12.2011	15.1.2010	18	Regained Seniority since 25.3.2010.	ADC Dir Lower
66.	Mr. Niaz Muhammad	15.1.1970 Swat	29.4.99 04.10.2012	15.1.2019	18	-do-	DS Governor's Sectt

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S.#	Name of the Officer.	Date of birth and Domicile.	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
67.	Mr. Muhammad Irfanullah	1.1.1981 SWA	9.5.2010	5.8.2016	18	BY PROMOTION	D.C Dir. Upper
68.	Mr. Muhammad Fayez Khan	16.3.1986 Charsadda	9.5.2010	5.8.2016	18	-do-	DC, Shangla
69.	Mr. Muhammad Khalid Zaman	19.12.1978 Mardan	9.5.2010 (PMS)	5.8.2016	18	-do-	Director, Land Record
70.	Mr. Muhammad Rafiq Khan Mohmand	12.5.1976 Mohmand.	18.12.2007 9.5.2010	5.8.2016	18	-do-	DS Home & T.As
71.	Mr. Khalid Khan	28.4.1979 Mohmand	29.7.2008 9.5.2010	5.8.2016	18	-do-	Director (A) Excise
72.	Mr. Muhammad Naeem Khan-I	2.2.1982 Bajaur	5.5.2007 9.5.2010	5.8.2016	18	-do-	Dir (Registration) KP SRA
73.	Mr. Muhammad Tahir	1.1.1979 Mohmand.	19.1.2005 9.5.2010	5.8.2016	18	-do-	DC, Torghar
74.	Mr. Fahad Wazir	24.2.1981 FR Bannu	9.5.2010	6.9.2016	18	-do-	Addl. PD IMU
75.	Mr. Muhammad Hayat	12.11.1981 Mohmand	9.5.2010	6.9.2016	18	-do-	DS CM Sectt.
76.	Mr. Zeeshan Abdullah	26.6.1982 SW	9.5.2010	6.9.2016	18	-do-	DS Law Deptt.
77.	Mr. Noor Alam Khan	12.6.1972 SW	11.12.98 9.5.2010	6.9.2016	18	-do-	ADC, DIK
78.	Mr. Minhas Ud Din	12.2.1978 CHITRAL	21.6.2008 9.5.2010	6.9.2016	18	-do-	DS Higher Edu
79.	Mr. Noor-ul-Amin	21.9.1978 D.I Khan	20.9.2003 9.5.2010	19.9.2016	18	-do-	D.M.O. I.M.U. E&SE

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt. Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
92.	Mr. Javed Ali	3.6.78 Orakzai	9.5.2010	15.2.2017	18	BY PROMOTION	ADC, Nowshera.
93.	Mr. Asif Ali-	1.1.1981, Swabi	9.5.2010	31.5.2017	18	-do-	D.S Zakat Deptt.
94.	Mr. Abdul Haseeb	21.10.1981, Peshawar	9.5.2010	31.5.2017	18	-do-	DS Finance
95.	Mr. Yasir Ali Khan	12.3.1983, Nowshera	9.5.2010	31.5.2017	18	-do-	ADC Mansehra
96.	Mr. Muhammad Asif	12.12.1982, Battagram	9.5.2010	31.5.2017	18	-do-	Secy. to Commission Hazara
97.	Mr. Basharat Ahmad	21.3.1986, Chitral	9.5.2010	31.5.2017	18	-do-	D.S FATA
98.	Mr. Wajid Ali Khan	15.3.1976, Peshawar	9.5.2010	31.5.2017	18	-do-	D.S RR&S Deptt.
99.	Ms. Naj-mu-Sahar	14.12.1930 Peshawar	9.5.2010	14.6.2017	18	-do-	Dy. Dir. PPSA
100.	Mr. Altaf Hussain	10.1.1978 Dir (L)	9.5.2010	14.6.2017	18	-do-	ADC, Battagram
101.	Miss. Shama Niamat	01.8.1977 Swat	9.5.2010	31.5.2017	18	-do-	Secretary, KPK Commission on the Status of Women, Zakat, Ushr Deptt.
102.	Mr. Fiaz Alam	1.2.1979 Karak	9.5.2010	31.5.2017	18	-do-	DS Finance
103.	Mr. Wasil Khan	6.12.1976 Karak	9.5.2010	31.5.2017	18	-do-	DMO, IMU, E&SE Deptt
104.	Mr. Hazrat Ali	1.1.1980	10.2.2007 9.5.2010	17.11.2017	18	-do-	DS Labour
105.	Mr. Naik Muhammad	10.2.80 Mardan	9.5.2010	17.11.2017	18	-do-	DS Finance

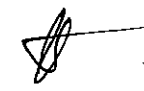
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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
106.	Mr. Dil Nawaz Khan	3.1.1979, FR Bannu	9.5.2010	31.5.2017	18	BY PROMOTION	ADC, Tribal Distt: SWA
107.	Mr. Habib Ullah Khan-II s/o Sabz Ali	1.3.1981, FR Bannu	9.5.2010	31.5.2017	18	-do-	DO (F&P) Shangla
108.	Mr. Abdul Haleem Khan	1.1.1977, N. Waziristan	9.5.2010	31.5.2017	18	-do-	Dy. Dir, KP Revenue Authority
109.	Mr. Tariq Mehmood	15.1.1976, Haripur	7.1.2002, 9.5.2010	31.5.2017	18	-do-	DO(F&P) Haripur
110.	Mr. Khalid Iqbal	4.1.87	31.10.2007	21.5.2018	18	-do-	Dy. Dir, Food Safety Authority
111.	Mr. Rashid Khan	7.3.1977, Nowshera	9.5.2010	31.5.2017	18	-do-	KP Procurement Reg. Authority
112.	Syed Saif-Ul-Islam Shah	9.11.1982, Mansehra	9.5.2010	31.5.2017	18	-do-	ADC, Mohmand.
113.	Mr. Saiduallah Shah	14.4.1977, Kohat	9.5.2010	31.5.2017	18	-do-	ADC, Haripur.
114.	Mr. Jehangir Azam Wazir	22.2.1983, S. Waziristan	9.5.2010	31.5.2017	18	-do-	DC, Lakki
115.	Mr. Muhammad Ijaem Khan	13.3.1981, Mardan	9.5.2010	31.5.2017	18	-do-	Dy. Dir, KP PPRA
116.	Mr. Muhammad Tayyeb Abdullah	11.11.1976, Haripur	9.5.2010	31.5.2017	18	-do-	Dc, Hangu
117.	Mr. Nesar Ali	15.3.1983, Mohamand	9.5.2010	31.5.2017	18	-do-	DS Agri
118.	Mr. Irfanullah Mahsud	15.1.1982, S.Waziristan	9.5.2010	31.5.2017	18	-do-	DS P&D
119.	Mr. Hameedullah,	22.2.82	9.5.2010	17.11.2017	18	-do-	DS IPC
120.	Mr. Baseef Ali Rehman Khan	14.1.83	9.5.2010	21.5.2018	18	-do-	DS ST&IT
121.	Mr. Khalid Dad Khan	14.3.1970, FR Bannu	10.11.1994, 9.5.2010 PMS	31.5.2017	18	-do-	DMO IMU
122.	Miss Irum Naz	22.11.1985, Mardan	9.5.2010	31.5.2017	18	-do-	Secretary to Comm: Mardan

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
123.	Mr. Khan Muhammad	4.1.1980, Mohmand	9.5.2010	31.5.2017	18	BY PROMOTION	Dy. Provl Coordinator, FD
124.	Mr. Muhammad Tariq	5.3.1980, Peshawar	9.5.2010	31.5.2017	18		-do-
125.	Mr. Muhammad Iqbal Khan S/o Muhammad Rehman	1.9.1977, FR Bannu	9.5.2010	31.5.2017	18	-do-	Secretary, RTA, DIK
126.	Mr. Muhammad Iqbal S/o Wali Jan	20.3.78 Bajaur	9.5.2010	21.5.2018	18	-do-	Deputy Secretary, Industries
127.	Mr. Muhammad Zaheer Uddin Babar	11.8.1985, Swabi	9.5.2010	31.5.2017	18	-do-	DO (F&P) Mardan
128.	Mr. Mir Khawas Khan	2.2.1982 S. Waziristan	9.5.2010	21.5.2018	18	-do-	DS Environment
129.	Mr. Muhammad Anwar Khan Sherani	1.2.1983, FR D.I Khan	9.5.2010	31.5.2017	18	-do-	Secretary, RTA Malakand
130.	Mr. Muhammad Farooq	15.1.1978, FR Pesh	09.05.2010	28.9.2018	18	-do-	DS Finance
131.	Mr. Muhammad Shoaib	4.3.1982, Charsadda	9.5.2010	31.5.2017	18	-do-	Services placed at the disposal of Food Safety Auth.
132.	Mr. Muhammad Fawad	3.3.1983, Malakand	9.5.2010	31.5.2017	18	-do-	ADC, Swat
133.	Mr. Zia-ur-Rehman-II S/o Muhammad Iqbal Khan	01.7.1978, Lakki Marwat	21.10.2002 9.5.2010	31.5.2017	18	-do-	D.S Health
134.	Mr. Abdul Hadi -II	1.3.1977, Chitral	9.5.2010	31.5.2017	18	-do-	Secretary RTA, Kohat.
135.	Mr. Samiullah Khan	15.4.1980, FR Bannu	9.5.2010	31.5.2017	18	-do-	DS CM's Sectt.

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular Appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
136.	Mr. Muhammad Sheeraz	15.9.1983 Swabi	9.5.2010	31.5.2017	18	BY PROMOTION	DS (Esit.) E&Ad
137	Mr. Muhammad Ali Khan	1.3.1984, Haripur	9.5.2010	31.5.2017	18	-do-	DO(F&P) Abbottabad.
138.	Mr. Muhammad Ishaq	6.4.1980 FR Bannu	9.5.2010	31.5.2017	18	-do-	DMO IMU
139.	Mr. Said Nawab Khan	2.2.1973 Swat	9.5.2010	31.5.2017	18	-do-	ADC, Buner
140.	Mr. Javed Iqbal S/o Kaboot Khan	11.1.1984 Swabi	9.5.2010	31.5.2017	18	-do-	DO (F&P) Buner
141.	Mr. Muhammad Zahid	22.4.1973 Swabi	1.11.2003 9.5.2010 (PMS)	31.5.2017	18	-do-	DO (F&P) Nowshera
142	Mr. Hamid Ali	23.3.1983, Mardan	9.5.2010	31.5.2017	18	-do-	DO F&P SWAT
143.	Mr. Javed Iqbal S/o Ghulam Jillani	15.2.1981, Mansehra	9.5.2010	31.5.2017	18	-do-	Ds Minerals Dev.
144.	Mr. Rizwan Ullah Khan	1.3.1980, D.I Khan	9.5.2010	31.5.2017	18	-do-	Secy. to Comm. Bannu
145.	Mr. Muhammad Abdullah Shah	8.5.1980, S.W.	9.5.2010	31.5.2017	18	-do-	Dy. Director, PSA
146.	Mr. Muhammad Tufail	15.1.1980 Karak	9.5.2010	31.5.2017	18	-do-	DS Housing
147	Malik Manzoor Ahmad	6.10.1980 Charsadda	9.5.2010	31.5.2017	18	-do-	ADC, Swabi
148.	Mr. Shahid Khan	6.4.1981 Mohmand	9.5.2010	31.5.2017	18	-do-	DMO IMU
149.	Mr. Ahmed Kamal	15.4.1985 Nowshera	9.5.2010	31.5.2017	18	-do-	Secy PTA
150.	Mr. Muhammad Saleh	1.10.1975 Chitral	9.5.2010	31.5.2017	18	-do-	D.S CM Sectt:

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
151.	Mr. Muhammad Ayaz Khan	12.3.1976 Mohmand	9.5.2010	31.5.2017	18	BY PROMOTION	DS Higher Education
152.	Mr. Hakmat Ullah	11.4.1981 FR Bannu	9.5.2010	31.5.2017	18	-do-	Dir. SDU
153.	Mr. Shahid Ali	1.3.1984 Swat	9.5.2010	31.5.2017	18	-do-	ADC, Peshawar
154.	Miss. Aamra Ameen	4.7.1984 Peshawar	9.5.2010	31.5.2017	18	-do-	SAFRON Div.
155.	Mr. Sadaqat Ullah	18.1.1980 D.I Khan	14.12.1999 9.5.2010 (PMS)	31.5.2017	18	-do-	DS Health
156.	Mr. Mahmood Ahmad	6.8.1973 Charsadda	9.5.2010	31.5.2017	18	-do-	Addl. P.A Bajaur
157.	Mr. Kamran Khan	1.1.1981 Charsadda	9.5.2010	31.5.2017	18	-do-	ADC, Bannu
158.	Mr. Noor Wali Khan	5.8.1977, FR Bannu	9.5.2010	31.5.2017	18	-do-	DS Home & T.A
159.	Mr. Muhammad Abbas Khan	17.3.1983, Abbottabad	9.5.2010	31.5.2017	18	-do-	D S PHE Deptt.
160.	Mr. Ashfaq Ahmad-I S/o Khan Badshah	3.4.1979, Malakand	9.5.2010	31.5.2017	18	-do-	D.S Finance FATA
161.	Mr. Khurshid Alam	25.3.1975, Karak	9.5.2010	31.5.2017	18	-do-	DS Finance
162.	Mr. Muhammad Yasir Hassan	10.4.1977, Haripur	9.5.2010	31.5.2017	18	-do-	DS CM Sectt.
163.	Syed Habib-ul-Hassan Gillani	2.4.1985, Mansehra	9.5.2010	31.5.2017	18	-do-	DS (Reg. II) E&AD.
164.	Mr. Abdul Kabir	15.7.1979, Khyber Distt.	9.5.2010	31.5.2017	18	-do-	D.M.O IMU E&SE

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S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Regular appointment/Promotion/Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
165.	Mr. Noor Ul Amin	28.3.1975, Bannu / 4	09.05.2010	28.9.2018	18	BY PROMOTION	ADC, Lakki
166.	Mr. Muhammad Hayat Shah	20.12.1980, Chitral	09.05.2010	31.5.2017	18	-do-	DO(F&P) Chitral
167.	Dr. Qasim Ali Khan	30.9.1979, Abbottabad	09.05.2010	31.5.2017	18	-do-	ADC, Mardan
168.	Mr. Musarrat Zaman	28.8.1976, Charsadda	09.05.2010	31.5.2017	18	-do-	ADC, Dir Upper
169.	Mr. Mushtaq Hussain	9.2.1964, Mansehra	09.05.2010	31.5.2017	18	-do-	Settlement Officer, Mansehra
170.	Mr. Naeemullah Khan	12.4.1981, Bannu	09.05.2010	28.9.2018	18	-do-	ADC, Karak
171.	Mr. Manzoor Ahmed Afridi	1.4.1985, Khyber Distt.	09.05.2010	28.9.2018	18	-do-	ADC, TD North Waziristan
172.	Mr. Qaisar Khan	30.5.1981, Abbottabad	09.05.2010	31.5.2017	18	-do-	Secretary-I BOR
173.	Mr. Ansar Mehmood	20.7.1982, Haripur	09.05.2010	31.5.2017	18	-do-	DS Transport
174.	Mr. Amir Hassan Khan	1.5.1979, Shangla / 3	09.05.2010	28.9.2018	18	-do-	DMO IMU
175.	Mr. Muhammad Saleem	10.1.1974, Mansehra / 5	09.05.2010	28.9.2018	18	-do-	ADC, Torghar
176.	Mr. Jamal Ud Din	14.3.1981, Malakand / 3	09.05.2010	28.9.2018	18	-do-	DS E&SE
177.	Mr. Muhammad Taufique	1.4.1979, Haripur / 5	09.05.2010	28.9.2018	18	-do-	D.S C&W
178.	Mr. Shah Nawaz Naveed	15.10.1981, Peshawar / 2	09.05.2010	28.9.2018	18	-do-	ADC, Kohat
179.	Mr. Kashif Iqbal Jilani	2.5.1983, Peshawar / 2	09.05.2010	28.9.2018	18	-do-	D.S (R-I) E&AD

ATTESTED

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63

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt. Service	Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
180.	Mr. Tauseef Khalid	28.8.1982, Peshawar / 2	10.1.2008 9.5.2010	15.1.2019	18	BY PROMOTION	DS E&P
181.	Mr. Maqbool Hussain	10.4.82 Peshawar.	09.05.2010	28.9.2018	18	-do-	ADC Shangla
182.	Syed Mazhar Ali Shah	13.2.1979 Chitral/3	09.05.2010	28.9.2018	18	-do-	Settlement officer, Chitral
183.	Mr. Jamshed Khan	16.6.1980 Swat/3	09.05.2010	28.9.2018	18	-do-	ADC, Khyber
184.	Mr. Mujeeb-Ur-Rehman	14.4.1978 Nowshera/2	09.05.2010	28.9.2018	18	-do-	DS (Cabinet) E&AD.
185.	Mr. Tariq Jamal	18.11.1977, Dir Lower/3	09.05.2010	28.9.2018	18	-do-	DO F&P Dir Lower
186.	Mr. Ashfaq Khan-II	1.12.1982, Dir (L) / 3	09.05.2010	28.9.2018	18	-do-	DS (A) LG&RD
187.	Mr. Pir Muhammad Khan	1.3.1975, Dir (L) / 3	8.2.1999 9.5.2010	15.1.2019	18	-do-	Asstt. Chief P&D
188.	Mr. Riaz Muhammad	28.7.1974, SWA	19.12.2005 9.5.2010	15.1.2019	18	-do-	SPO-CUM-DS Minerals
189.	Mr. Kamran Khattak	6.9.1976 Kohat/4	24.10.2005 9.5.2010	15.1.2019	18	-do-	DS (Policies)
190.	Miss. Aasma Arif	14.1.1981 Mardan / 2	9.5.2010	15.1.2019	18	-do-	DMO IMU
191.	Mr. Muhammad Arshid	3.2.1974 Abbotabad / 5	4.2.1998 9.5.2010	15.1.2019	18	-do-	DS Food
192.	Mr. Muhammad Abio	17.5.1977 Abbotabad / 5	9.5.2010	15.1.2019	18	-do-	DMO IMU
193.	Mr. Sher Alam Khan	1.4.1975, Swat / 3	2.2.2009 9.5.2010	15.1.2019	18	-do-	Dy Dir ESRU
194.	Mr. Fayaz Muhammad	4.3.1978, Swabi / 2	21.10.2004 9.5.2010	15.1.2019	18	-do-	DO (F&P) Swabi
195.	Mr. Muhammad Nadeem Akhtar	30.12.83, Abbottabad	9.5.2010	15.1.2019	18	-do-	Secy: RTA Peshawar
196.	Mr. Abdul Akram	15.3.1977, Chitral / 3	9.5.2010	15.1.2019	18	-do-	DS E&SE

ATTESTED
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64 (93)

S.#	Name of the Officer	Date of birth and Domicile	Govt Service	Date	6	7	8
1	2	3	4	5	6	7	8
197.	Mr. Pir Muhammad s/o Muhammad Khan	30.3.1978, S.Waziristan / 1	9.5.2010	15.1.2019	18	BY PROMOTION	DS Population
198.	Mr. Muhammad Arif Khan-I s/o Muhammad Irshad	1.4.1983, Nowshera / 2	1.9.2007, 9.5.2010	15.1.2019	18	-do-	Secretary to Comm. Pesh
199.	Mr. Sardar Bahadar	1.2.1982, Bannu / 4	9.5.2010	15.1.2019	18	-do-	DS E&SE
200.	Mr. Muhammad Irshad	1.4.1970, Abbottabad / 5	29.1.2002, 9.5.2010	15.1.2019	18	-do-	District Officer (F&P) Karak.
201.	Mr. Asif Ali-Ili S/o Muhammad Din	1.4.1981, Charsada / 2	10.11.2007, 9.5.2010	15.1.2019	18	-do-	DMO IMU
202.	Mr. Muhammad Yousaf Khan	13.3.1979, Kohat / 4	6.5.2004, 9.5.2010	15.1.2019	18	-do-	Ds (Reg.III)
203.	Mr. Habib Khan-Ili S/o Yar Afzal	15.1.1980, Khyber Distt.	9.6.2007, 9.5.2010	15.1.2019	18	-do-	DS Industries
204.	Mrs. Tabassum	1.10.1983, Mardan / 2	9.5.2010	15.1.2019	18	-do-	Dy. Dir PDMA
205.	Mr. Ikhtaq Ahmed	3.5.1977, Kkohat / 4	7.1.2002, 9.5.2010	15.1.2019	18	-do-	DS FD
206.	Mr. Asad Sarwar	25.8.1979, Manshera / 5	9.5.2010	15.1.2019	18	-do-	DD IMU
207.	Mr. Imran Zia	30.5.1981, Abbottabad / 5	9.5.2010	15.1.2019	18	-do-	DMO IMU
208.	Mr. Tariq Mehmood	10.2.1984, Chitral / 3	9.5.2010	15.1.2019	13	-do-	Asstt. Chief P&D
209.	Mrs. Faryal Kazim	18.8.1983, Kurram District	19.1.2007, 9.5.2010	15.1.2019	18	-do-	Dy: Coord. PMRU

ATTESTED



65/77

S.#	Name of the Officer	Date of birth and Domicile	Date of 1 st entry into Govt Service	Absorption to present post			Present Posting
				Date	BPS	Method of Recruitment	
1	2	3	4	5	6	7	8
210.	Mr. Anwar Zeb	1.3.1982, Charsadda / 2	9.5.2010	15.1.2019	18	BY PROMOTION	Director, GDA Abbotabad.
211.	Mr. Izaz Ullah	15.3.1979, Charsadda / 2	9.5.2010	15.1.2019	18	-do-	Settlement Officer, Manshra.
212.	Mr. Zia-Ur- Rehman-III S/o Muqarrab Khan	20.1.1981, Karak / 4	21.10.2002 9.5.2010	15.1.2019	18	-do-	DMO IMU
213.	Mr. Naimatullah	10.4.1979, D.I.Khan/4	09.12.2008 9.5.2010	15.1.2019	18	-do-	Secretary to Commissioner, DIKhan.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst: No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa/All Divisional Commissioners in Khyber Pakhtunkhwa/All Deputy Commissioners in Khyber Pakhtunkhwa
4. PS to Chief Secretary, Khyber Pakhtunkhwa/PS To Secretary Establishment, Khyber Pakhtunkhwa.
5. Officers concerned/Manager, Govt Printing Press Peshawar.

(ISHTIAQ AHMAD)
SECTION OFFICER.(ESTT-1)

ZIAUL HAQ

ATTESTED

*



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated, Peshawar the October, 26 2017.

NOTIFICATION

NO.SOE-II(ED)2(594)/2010:- In pursuance of the Judgment of Khyber Pakhtunkhwa Service Tribunal dated 18.08.2017 in Service Appeal No. 1655 /2010 titled Syed Masood Shah Versus Govt of Khyber Pakhtunkhwa and others, and in partial supersession to the extent of Sr.3 of para-I of the Establishment Department Govt. of Khyber Pakhtunkhwa Notification No. SOE.II(ED)2(192)2009 dated 25.03.2010, the competent authority has been pleased to approve ante-dation of promotion of Syed Masood Shah, PMS BS-17, Additional Assistant Commissioner (Rev), Tank as PMS BS-17 officer w.e.f 25.03.2010 with all back benefits/consequential benefits.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN.

A copy is forwarded to:-

1. Commissioner, D.I.Khan Division, D.I.Khan.
2. Deputy Commissioner, Tank.
3. District Accounts Officer, Tank.
4. Office concerned.
5. P.S to Chief Secretary, Khyber Pakhtunkhwa.
6. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
7. P.S to Special Secretary (Estt), Establishment Department.
8. PA to DS(E) Establishment Department.
9. Office order file.

26.10.17.
(ANAM LATIF)
SECTION OFFICER (E-II)

ATTACHED

*



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the May 17, 2019

NOTIFICATION

NO. SO(E)-IE&AD/5-1/2019. On the recommendations of Provincial Selection Board, the competent authority is pleased to promote the following PMS BS-17 officers to BS-18, on regular basis, with immediate effect, *subject to final decision of the August Supreme Court of Pakistan in Suo Motu Case No. 17/2016:-*

S. #.	NAMES OF OFFICERS	PRESENT POSTING
1.	Syed Masood Shah	Section Officer, Information & P Rs Deptt.
2.	Mr. Fazal Hussain	Deputy Secretary, Finance Department.
3.	Mr. Habib Ullah Arif	Section Officer, Home & T As Department.

2 The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3 The officer mentioned at Sr. No. 2 is allowed to actualize his promotion against already occupied post. However, posting/transfer notification in respect of officers mentioned at Sr. No. 1 & 3 will be issued later on.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. OF EVEN NO. & DATE

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department
6. Secretary to Government of Khyber Pakhtunkhwa, Finance Deptt
7. Secretary to Government of Khyber Pakhtunkhwa, Law Deptt.
8. Accountant General, Khyber Pakhtunkhwa.
9. FSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment, E&A Department.
12. PS to Secretary Establishment/VPS to SS(EVSS (Reg)/PA,AS(HRD)/ASIEY DS(E)/SO(E,II)/SO(E V)
13. PS to Secretary (Admn./D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
14. Officer concerned.
15. Controller, Govt. Printing Press, Peshawar.

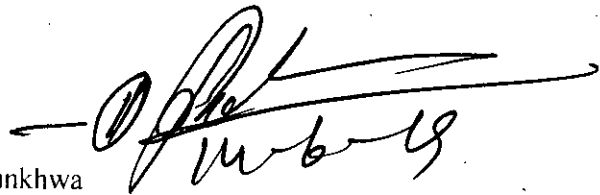
(ISHTIAQ AHMAD)
SECTION OFFICER-(ESTT-I)
PHONE & FAX # 091-9210529

AM/11/10/19

ATTESTED

To

The Chief Secretary,
Govt. of Khyber Pakhtunkhwa



47

Subject:

**APPEAL FOR JUSTICE --- ANTE-DATION OF PROMOTION IN PS-18 AS
PER GOVT. OF KHYBER PAKHTUNKHWA, ESTABLISHMENT
DEPARTMENT NOTIFICATION DATED 26-10-2017**

Dear Sir,

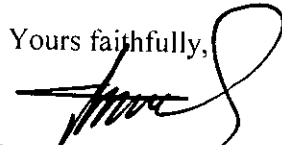
I have the honor to state that I was promoted as PMS officer (BS-17) on acting charge basis vide notification dated 25th March 2010 (Annex-I). My service as PMS officer (BS-17) were regularized with immediate effect vide notification dated 21st December, 2011 (Annex-II) and my name was reflected in the seniority list of PMS (BS-17) in the year 2012 at serial no 369 vide notification dated 29th May, 2012 (Annex-III). I filed a Appeal against the said notification and the Khyber Pakhtunkhwa Service Tribunal accepted my service appeal and directed the respondents to antedate promotion of undersigned as PMS officer (BS-17) w.e.f 25th March 2010 with all consequential back benefits vide judgment dated 18th August, 2017 (Annex-IV).

3. In compliance of the judgment, the Govt. of Khyber Pakhtunkhwa, Establishment Department issued antedate promotion notification as PMS (BS-17) officer w.e.f 25th March 2010 with all back benefits (Annex-V) and my name appeared at serial # 4 of the seniority list of PMS (BS-17) officers as on 3rd January, 2018 vide (Annex-VI). Now the undersigned has been promoted to BS-18 on regular basis by the Establishment Department with immediate effect vide notification dated 17th May, 2019 (Annex-VII).

5. It is, worth to mention here that during the pendency of the case, the erstwhile juniors were promoted to BS-18 on regular basis in the year 2016 according to seniority list notification dated 20th March, 2019 (Annex-VIII).

6. In view of the position explained above, the worthy Chief Secretary, Khyber Pakhtunkhwa is requested to decide antedation of my promotion alongwith inter se-seniority in the light of notification dated 26th October, 2017 issued by the Establishment Department, Govt. of Khyber Pakhtunkhwa.

Yours faithfully,



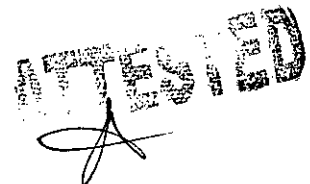
(Syed Masood Shah)

Deputy Secretary

Information & P.Rs Department

Dated Peshawar 13th June, 2019





VAKALAT NAMA

NO. _____/20

IN THE COURT OF KPK Service Tribunal, Peshawar

Syed Masood Shah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

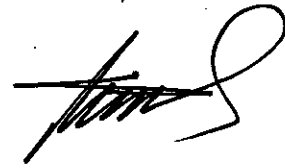
Govt. of KPK (Respondent)
(Defendant)

I/We, Syed Masood Shah

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


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

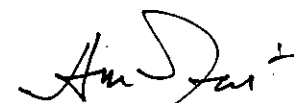
Dated _____/20



(CLIENT)

ACCEPTED


Taimur Ali Khan
Advocate High Court


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1334 / 2019

Syed Masood ShahAppellant

Versus

Govt. of Khyber Pakhtunkhwa etcRespondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1-3.

Respectfully Sheweth:

Preliminary Objections

1. This Hon'ble Tribunal has no jurisdiction to entertain the instant Appeal under Section 4 (b)(i) of the Service Tribunal Act, 1974.
2. That the Appellant has got no cause of action/locus standi to file the instant Appeal against the respondents.
3. That the present Appeal is not maintainable.
4. That the Appellant has presented the facts in manipulated form which disentitles him for any relief whatsoever.
5. That the Appeal is barred by law/time.
6. That the Appellant has not come to this Hon'ble Tribunal with clean hands.
7. That the Appeal is bad for mis-joinder and non-joinder of necessary parties.
8. That the Appeal is hit by laches.
9. Respondents implemented the Hon'ble Tribunal's judgment in Service Appeal No. 1655/2010 in letter and spirit and complete benefits were extended to the Appellant.
10. That Appellant upon his promotion to the post of PMS BS-18, placed on due place of the relevant seniority list as per Rules, however, prayer of the Appellant is unwarranted under the Rules, as promotion being assumption of higher responsibilities will always notified with immediate effect.

ON FACTS

1. Pertains to record.
2. Pertains to record.
3. In pursuance of judgment of Khyber Pakhtunkhwa Service Tribunal dated 11.1.2012, the promotion of Muhammad Nasir Khan was antedated with effect from 25.3.2010 with all back benefit/ consequential benefits to PMS BS-17 vide Establishment Department notification dated 13.3.2013 (**Annex-I**). Moreover Schedule-I of PMS Rules, 2007 provides method of recruitment for PMS BS-18 which is as under (**Annex-II**):

"by promotion on seniority-cum-fitness, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination"

Muhammad Nasir Khan was promoted to the post of PMS BS-18 on fulfilment of all requisites provided in PMS Rules, 2007 as he was due for promotion in 2016 and was promoted on 05.03.2016. However, the appellant was not at the top of the seniority list of PMS BS-17 on that time, therefore, he could not be promoted.

4. **Incorrect.** In pursuance of judgment passed by the service Tribunal dated 18.8.2017, the appellant was granted antedation of promotion in BS-17 with effect from 25.3.2010 with all back benefit. Later on, it came to the record that the appellant was not considered in the earlier PSB meeting due to his involvement in VR cases. However, after finalization of disciplinary proceeding and on the recommendation of PSB, the appellant was promoted to PMS BS-18 on regular basis with immediate effect vide Establishment Department notification dated 17.5.2019 subject to final decision of august Supreme Court of Pakistan in Suo Moto case No. 17/2016 (**Annex-III**). Moreover, the incumbents referred in the service appeal were promoted to BS-18 on their turn and fulfilled the eligibility criteria required for the promotion.
5. **Correct.** Respondents have always complied with the judgment of the Tribunal and Court. Moreover, as per the record and in light of the Rules, the seniority of the appellant in BS-18 was fixed in its original position.
6. **Incorrect.** In pursuance of the judgment of Khyber Pakhtunkhwa Service Tribunal dated 18.08.2017 in Service Appeal No. 1655/2010, the competent authority approved ante-dation of promotion of the appellant w.e.f. 25.03.2010 (**Annex-IV**). After ante-dation of promotion, the appellant was placed at Sr. No. 4 of the Seniority list of PMS BS-17 (**Annex-V**) and his name was first time placed before PSB in its meeting held 08.11.2017 and the board recommended deferment of the appellant due to his involvement in a VR with NAB (**Annex-VI**). However, PSB in its meeting held on 19.04.2019 conditionally recommended the appellant for promotion to BS-18 on regular basis subject to final decision of Supreme Court of Pakistan in Suo Motu Case No. 17 of 2016 and notification was also issued accordingly (**Annex-III ibid**).

It is pertinent to mention here that in light of Rule-17 of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989, if a junior person in a lower post is promoted to a higher post temporary in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post (**Annex-VII**). The said rules speak about the fixation of seniority which was absolutely followed by the respondents and after promotion to BS-18 on 17.05.2019 name of appellant has been placed above to his juniors promoted in earlier meetings of PSB.

7. Appellant has failed to provide any reference to Law/Rules/Policies which supports his claim for back dated promotion to the post of PMS BS-18 as promotion will always be notified with immediate effect keeping in view assumption of higher responsibilities.
8. Pertains to record.

ON GROUNDS

- A. **Incorrect.** The orders issued by respondents are consistent with Laws, Rules and Policies of the Provincial Government, name of the appellant was placed at due place upon his promotion to the post of PMS BS-18 in light of ibid provision of rules.

- B. **Incorrect.** Respondents complied with the judgment of Service Tribunal in letter and spirit and issued the notification for ante-dation of promotion of appellante to PMS BS-17 w.e.f. 25.03.2010. The subsequent promotion orders of appellante was issued with immediate effect as per Rules/Policy, however, his name was placed at due place in the seniority list of PMS BS-18 in light of the *ibid* provision of APT Rules, 1989.
- C. **Incorrect.** The Hon'ble Service Tribunal in its judgment dated 26.10.2017, directed to ante-date the promotion of the appellante to "PMS BS-17" w.e.f. 25.03.2010 which was complied in letter and spirit by the respondents. However appellante's promotion to PMS BS-18 would be considered on completion of codal formalities with regard to eligibility criteria for promotion to next scale. In light of Rule-17 of APT, Rules, 1989, if a junior person in a lower post is promoted to a higher post temporary in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of of his seniors in fixation of his seniority in the higher post (**Annex-VII** *ibid*). Appellante seeks his promotion from back dates which is not covered under the rules.
- D. **Incorrect.** Schedule-I of PMS Rules, 2007 provides method of recruitment to PMS BS-18 which is as under:

"by promotion on seniority-cum-fitness, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination"

Muhammad Nasir Khan was promoted to the post of PMS BS-18 on fulfilment of all requisites under PMS Rules, 2007 as he was due for promotion in 2016 and was promoted on 05.03.2016. However, the Appellant was not at the top of the seniority list of PMS BS-17 on that time, therefore, he could not be promoted due to his involvement in VR case with NAB. The concept for ante-dation of promotion is unwarranted in the case of Appellant and he was also given due position in the seniority list of PMS BS-18, hence, the appeal of appellante was regretted being not covered under the rules.

- E. **Incorrect.** Respondents have never deprived the appellante from his legal rights rather placed his name at due place in the seniority list of PMS BS-18 without any agitation by him. Appellant cannot be given promotion to the post of PMS BS-18 w.e.f. 05.03.2016, as it would be violation of Rules and Policies of the Provincial Government.
- F. **Incorrect.** The Appellant was treated in accordance with Law, Rules and Policies of Provincial Government and he has failed to produce any provision of Rules, Laws and Policies in support of his claim for back dated promotion. However, he has been granted due place in the seniority list of PMS BS-18 which is covered under the rules.
- G. The name of the Appellant was placed at its due place without agitation by him and he has *prima facie* no case, hence, instant appeal may be dismissed at once.

It is, therefore, most humbly prayed that the instant Appeal being devoid of merit may very graciously be dismissed with costs.


(Respondents No. 1-3)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the March, 13, 2013

NOTIFICATION

NO.SOE-II(ED)2(587)/2009:- In pursuance of Judgment of Khyber Pakhtunkhwa Services Tribunal, dated 11.01.2012 in Service Appeal No. 1398/2010 titled Fazal Hussain and others Versus Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa etc, and Supreme Court of Pakistan Judgment dated 23.01.2013, the competent authority is pleased to ante-date the promotion of following as PMS BS-17 officers w.e.f 25.03.2010 with all back benefits/consequential benefits:-

1. ~~Mr. Muhammad Nasir Khan, APA Bara, Khyber Agency.~~
2. Mr. Hidayatullah Khan, LAC, NHA, KTP, Kohat.
3. Syed Kazim Hussain Shah, Special Magistrate, SNGPL, Peshawar
4. Mr. Fazal Hussain, LAC, NHA, Peshawar Northern bypass, Peshawar.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST: NO. & DATE EVEN.

A copy is forwarded to:-

1. Commissioner, Peshawar Division, Peshawar.
2. Political Agent, Khyber Agency.
3. Accountant General, Khyber Pakhtunkhwa.
4. Accountant General(PR) Sub Office, Peshawar.
5. Director Personnel, NHA Islamabad.
6. Managing Director, SNGPL, Peshawar.
7. Project Director, NHA, Peshawar Northern Bypass, Peshawar.
8. Project Director, NHA, Kohat Tunnel Project, Kohat.
9. District Accounts Officer, Kohat.
10. Agency Accounts officer, Khyber Agency.
11. Officers concerned.
12. P.S to Chief Secretary, Khyber Pakhtunkhwa.
13. P.S to Secretary Establishment, Khyber Pakhtunkhwa.
14. PA to AS(E)/DS(E) Establishment Department.
15. Office order file.

(TABASSUM)
SECTION OFFICER(E-II)

SCHEDULE-I

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S. No.	Nomenclature of posts	Minimum qualification for appointment by initial recruitment	Age Limit for initial recruitment	Method of Recruitment
1	2	3	4	5
1	PMS (BS-17) as per detail at schedule-II	<p>2ND Division Bachelor Degree from a recognized University</p> <p>Provided that a candidate who has obtained a 3rd Division or D-Grade in Bachelor's Degree will be eligible for the examination in cases where he/she has obtained a higher Division in Master's Degree.</p>	21-30 Year	<p>1) Fifty per cent by initial recruitment on the recommendations of the Commission based on the result of competitive examination to be conducted by it in accordance with the provisions contained in ³Schedule-VIII.</p> <p>2) Subject to rule 7, by promotion in the following manner:</p> <p>(a) twenty per cent from amongst Tehsildars, who are graduates, on the basis of seniority-cum-fitness, having three years service as Tehsildar/Naib Tehsildar and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Provincial Staff Training Institute;</p> <p>(b) twelve per cent, on the basis of seniority-cum-fitness, from amongst Superintendents, who are graduates having three years service as Superintendent or Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute; and” ;and</p> <p>(c) eight per cent, on the basis of seniority-cum-fitness, from amongst Private Secretaries or Personal Assistants, who have opted to join Provincial Management Service and are graduates with three years service as Private Secretary or Personal Assistant and have undergone a training course of nine weeks at the Pakistan Provincial Services Academy or Staff Training Institute .”</p> <p>3) Ten per cent by selection on merit, on the basis of competitive examination, to be conducted by the Commission in accordance with the provisions contained in Schedule-VIII, from amongst persons holding substantive posts of Superintendents, Private Secretaries, Personal Assistants, Assistants, Senior Scale Stenographers, Stenographers, Data Entry Operators, Computer Operators, Senior and Junior Clerks borne on the cadres strength of Secretariat who possess 2nd Class Bachelor's Degree from a recognized University and have at least five years service as such.</p>
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2.	PMS(BS-18) as per detail at schedule-II	NIL		By promotion on seniority-cum-fitness basis, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination.
3.	PMS(BS-19) as per detail at schedule-II	NIL	-	By promotion on the basis of Seniority-com-fitness, from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above and passed the prescribed Departmental Training/ Examination.
4.	PMS(BS-20) as per detail at schedule-II	NIL	-	By promotion on the basis of Selection-on-merit, from amongst PMS officers holding posts in BS-19 and having at least 17 years service against posts in BS-17 and above and have Undergone Advance Training Course from NIPA or any other training course prescribed by Government.
5.	PMS(BS-21) as per detail at schedule-II	NIL	-	By promotion on the basis of Selection-on-merit, from amongst PMS officers holding posts in BS-20 and having at least 22 years service against posts in BS-17 and above and have Undergone Course from Pakistan Administrative Staff collage/National Defence Collage or from any other training Institute prescribed by Government,

Annex - III

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GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the May 17, 2019

NOTIFICATION

NO. SO(E)-E&AD/5-1/2019. On the recommendations of Provincial Selection Board, the competent authority is pleased to promote the following PMS BS-17 officers to BS-18, on regular basis, with immediate effect, *subject to final decision of the August Supreme Court of Pakistan in Suo Motu Case No. 17/2010:-*

S. #.	NAMES OF OFFICERS	PRESENT POSTING
1.	Syed Masood Shah	Section Officer, Information & P Rs Deptt.
2.	Mr. Fazal Hussain	Deputy Secretary, Finance Department.
3.	Mr. Habib Ullah Arif	Section Officer, Home & T As Department.

The officers on promotion will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

The officer mentioned at Sr. No. 2 is allowed to actualize his promotion against already occupied post. However, posting/transfer notification in respect of officers mentioned at Sr. No. 1 & 3 will be issued later on.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST. OF EVEN NO. & DATE

Copy forwarded to the -

1. Additional Chief Secretary, P&D Department.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
5. Secretary to Government of Khyber Pakhtunkhwa, Home & T As Department
6. Secretary to Government of Khyber Pakhtunkhwa, Finance Deptt.
7. Secretary to Government of Khyber Pakhtunkhwa, Law Deptt.
8. Accountant General, Khyber Pakhtunkhwa.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment, E&A Department.
12. PS to Secretary Establishment/VPS to SS(E)/SS (Reg)/PA,AS(HRD)/AS(E)/DS(E)/SO(E)/SO(E/V)
13. PS to Secretary (Admn.)/D.S(A)/SO(Secy)/Estale Officer/ACSG Cyber/Offy Director (IT) and Director Protocol Administration Department.
14. Officer concerned
15. Controller, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD)
SECTION OFFICER-(EST)-I
PHONE & FAX # 091-9210529

Annex II

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(12)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the October 26, 2010

NOTIFICATION

NO.SOE-II(ED)2(594)/2010:- In pursuance of the Judgment of Khyber Pakhtunkhwa Service Tribunal dated 18.08.2010 in Service Appeal No. 4655/2010 titled Syed Masood Shah Versus Govt. of Khyber Pakhtunkhwa and others and in partial supersession to the extent of Sr.3 of para 1 of the Establishment Department Govt. of Khyber Pakhtunkhwa Notification No. SOE-II(ED)2(192)2009 dated 25.03.2010, the competent authority has been pleased to approve ante-dation of promotion of Syed Masood Shah, PMS BS-17, Additional Assistant Commissioner (Rev), Tank as PMS BS-17 officer w.e.f 25.03.2010 with all back benefits/consequential benefits.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

ENDST. NO. & DATE EVEN.

A copy is forwarded to:-

1. Commissioner, D.I.Khan Division, D.I.Khan
2. Deputy Commissioner, Tank
3. District Accounts Officer, Tank
4. Office concerned.
5. P.S to Chief Secretary, Khyber Pakhtunkhwa
6. P.S to Secretary Establishment, Khyber Pakhtunkhwa
7. P.S to Special Secretary (Estt), Establishment Department
8. PA to DS(E) Establishment Department
9. Office order file.

Handwritten signature

(ANAMULATIF)
SECTION OFFICER (II)

TENTATIVE SENIORITY LIST OF PMS/BS-17 OFFICERS AS STOOD ON 03/01/2018

S.NO	NAME OF OFFICER WITH ACADEMIC QUALIFICATION	DATE OF BIRTH AND DOMICILE	DATE OF ENTRY INTO GOVT SERVICE	DATE OF APPOINTMENT/PROMOTION IN PMS	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS		PRESENT APPOINTMENT	REMARKS	
					DATE	BP/SP METHOD OF RECRUITMENT			
1	Mr. Maqsood Hassan, MSc (Maths)	10.3.1967, Kohat	1.1.1992	6.9.2008	27.5.2008	17	By promotion	Section Officer Information Department (20.02.2017)	Regained seniority w.e.f. 27.05.2008
2	Mr. Qayyum Nawaz, MA	7.4.1958, Tank	1.1.1992	20.3.2008	7.11.2008	17	By Promotion	(Under suspension) S.O (LR)	
3	Mr. Asadullah Khan, MA, LLB, CCIL, ACCUF	2.3.1969, Malakand	14.7.1998	6.9.2008	3.3.2009	17	By promotion	SO, Home Department (03.06.2016)	
4	Syed Masood Shah, BA	1.1.1963, Peshawar	10.10.1986	20.03.2008	21.12.2011	17	By Promotion	Section Officer, Information Department (27.10.2017)	Regained seniority w.e.f. 25.03.2010
5	Mr. Fazal Hussain, M.Sc (Agriculture)/MBA (HR)	18.2.1971, Nowshera	29.04.1998	06.09.2008	25.03.2010	17	By Promotion	ADC, Nowshera (10.01.2017)	
6	Mr. Khalid Iqbal, S/O Hayat Khan, B.A (Arts)	4.1.1987, Karak /4	31.10.2007	—	09.05.2010	17	By Initial Recruitment	Services placed at the disposal of Khyber Pakhtunkhwa Food Safety Authority on deputation basis (09.10.2017)	
7	Mr. Baseer Ali, Rehman Khan, S/O Abdul Rehman, Mano Khan, M.A (English)	14.1.1983, Peshawar / 2	—	—	09.05.2010	17	By Initial Recruitment	Section Officer, Transport Department (11.08.2017)	
8	Mr. Muhammad Iqbal, S/O Wali Jan, L.L.B	20.3.1978, Bajaur Agency / 1	—	—	09.05.2010	17	By Initial	Assistant Commissioner, Jehangira, Nowshera (26.12.2016)	
9	Mr. Mir. Khawas Khan, S/O Akram Khan, M.A (P. Science)	2.2.1982, N. Waziristan / 1	—	—	09.05.2010	17	By Initial Recruitment	AC, Banda Daud Shah, Karak (06.09.2016)	
10	Mr. Muhammad Farooq, S/O Said Ahmad, Shah, M.A (P. Science), L.L.B	16.1.1978, FR Pesh. / 1	01.10.2006	—	09.05.2010	17	By Initial Recruitment	Assistant Commissioner, Pabbi, Nowshera (15.03.2017)	
11	Mr. Noor Ul Amin, S/O	28.3.1975	21.4.1999	—	09.05.2010	17	By Initial	AC, Samabagh, Dir, Lower	

**IMMEDIATE
CONFIDENTIAL**



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO(PSB)ED/1-1/2017/P-455
Dated Peshawar, the 14.11.2017

To

The Section Officer (E-1),
Government of Khyber Pakhtunkhwa,
Establishment Department

**SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 08.11.2017**

PROMOTION OF PMS BS-17 OFFICERS TO BS-18

I am directed to refer to Section Officer (E-1) letter No. E-I E&AD/5-1/2017 dated 07.11.2017 on the subject and to forward herewith an extract of **Item No (1)** of the minutes/recommendations of the meeting of Provincial Selection Board held on ~~08.11.2017~~ as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rules 4 (1) (a) of the Khyber Pakhtunkhwa has approved the recommendation of the PSB for further necessary action.

2. Working papers along-with other documents received in the section are returned in original.

DAULAT KHAN
SECTION OFFICER (PSB)

Encl: As Above

ITEM NO (1)

ESTABLISHMENT DEPARTMENT
(Meeting of PSB held on 08.11.2017)

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SUBJECT: - PROMOTION OF PMS BS-17 OFFICERS TO BS-18.

Secretary Establishment apprised the Board that number of scheduled posts in BS-18 falling to the share of PCS (EG/SG) and PMS are one hundred and sixty eight (168) where one hundred and sixty five (165) Officers are already working. Hence (03) posts are lying vacant.

2. According to Service Rules of PMS, the post in BS-18 is required to be filled as under:-

“By promotion, on seniority-cum-fitness, from amongst the officers of PMS in BS-17 having at least five years service and have passed the prescribed Departmental Training or Departmental Examination”. However the officers who attained the age of 50 years are exempted from mandatory training till 30.06.2017

3. The service record of the officers included in the panel was discussed one by one as under: -

S.#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Maqsood Hassan	His date of birth is 10.03.1967. He joined government service on 01.01.1992. He was promoted to BS-17 on 27.05.2008. The Board in its meeting held on 04.06.2016, 30.11.2016, 10.05.2016, 29.06.2016, 27.07.2016 and 29.08.2016 recommended to defer his promotion as the Board was informed that he was involved in a NAB case and had also not undergone mandatory training. The Board in its meeting held on 28.12.2016 recommended to defer his promotion. The Board in its meeting held on 30.01.2017 and 19.05.2017 recommended to defer his promotion as a NAB case was pending against him. Moreover the Board also directed to initiate disciplinary proceedings against him. Position is still the same. The Board recommended to defer his promotion.
2.	Mr. Qayum Nawaz	His date of birth is 07.04.1958. He joined government service on 01.01.1992. He was promoted to BS-17 on 07.11.2008. The Board in its meeting held on 10.05.2016, 29.06.2016, 27.07.2016, 29.08.2016 and 28.12.2016 recommended to defer his promotion as he was under suspension in a NAB case and his PERs for the year 2008 to 2016 were also not available. The Board in its meeting held on 30.01.2017 and 19.05.2017 recommended

Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

		to defer his promotion as the Board was informed that he is still under suspension in pursuance of Supreme Court order 24.09.2014. Position is still the same.
		The Board recommended to defer his promotion.
3.	Mr. Asadullah Khan	His date of birth is 02.03.1969. He joined government service on 14.07.1998. He was promoted to BS-17 on 03.03.2009. The Board in its meeting held on 10.05.2016, 29.06.2016, 27.07.2016 and 29.08.2016 recommended to defer his promotion as he had not undergone training mandatory for promotion. The Board in its meeting held on 28.12.2016 recommended to defer his promotion as the Board was informed that he has now undergone mandatory training for promotion; however an enquiry is pending against him. The Board in its meeting held on 30.01.2017 and 19.05.2017 recommended to defer his promotion and also desired that opinion of the Law department may be solicited in his case by Establishment department. Position is still the same.
		The Board recommended to defer his promotion.
4.	Syed Masood Shah	His date of birth is 28.02.1971. He joined government service on 29.04.1998. He was promoted to BS-17 on 25.03.2010. The Board was informed that he has made voluntarily return (VR) with NAB.
		The Board recommended to defer his promotion.
5.	Mr. Fazal Hussain	His date of birth is 18.02.1971. He joined government service on 29.04.1998. He was promoted to BS-17 on 25.03.2010. The Board in its meeting held on 29.06.2016, 27.07.2016 and 29.08.2016 recommended to defer his promotion as he had not attended training mandatory for promotion. The Board in its meetings held on 28.12.2016, 30.01.2017 and 19.05.2017 recommended to defer his promotion as the Board was informed that he has made voluntarily return (VR) with NAB and disciplinary proceedings are under process against him. Position is still the same.
		The Board recommended to defer his promotion.
6.	Mr. Hazrat Ali	His date of birth is 01.01.1981. He joined government service on 09.05.2010 in BS-17. No enquiry is pending against him. His service record upto 2016 is generally good.
		The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.
7.	Mr. Naik Muhammad	His date of birth is 10.2.1980. He joined government service on 09.05.2010 in BS-17. The Board in its meeting held on 19.05.2017 recommended to defer his promotion as his service record was weak and desired to further watch his performance.

Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

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		<p>Now he has improved his performance. No enquiry is pending against him. His service record upto 2016 is generally good.</p> <p>The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.</p>
8	Mr. Khalid Iqbal	<p>His date of birth is 4.1.1987. He joined government service on 09.05.2010 in BS-17. The Board in its meeting held on 19.05.2017 recommended to defer his promotion as he was on lien for the period of two years and submitted his arrival report wherein according to the promotion policy 2009, he will be considered for promotion after he earns one calendar year PER. Now his PERs for the year 2014 to 2016 are not available.</p> <p>The Board recommended to defer his promotion.</p>
9	Mr. Hameed Ullah	<p>His date of birth is 22.2.1982. He joined government service on 09.05.2010 in BS-17. The Board in its meeting held on 19.05.2017 recommended to defer his promotion as his PERs for the year 2015 & 2016 were not available. Now he has produced his missing PERs. No enquiry is pending against him. His service record upto 2016 is generally good.</p> <p>The Board recommended the officer for promotion to BS-18 on regular basis. He will be on probation for a period of one year.</p>

[Signature]
Section Officer (PSB)
Govt. of Khyber Pakhtunkhwa
Establishment Department

¹[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

²**15. Probation.** ----- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

³(3) On the successful completion of probation period, the appointing authority shall, by specific order terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed in sub-rule(1):

Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed."

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

PART-VI

SENIORITY

17. **Seniority :-**(1) the seniority inter se of civil servants ⁴(appointed to a service, cadre or post) shall be determined:-

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ⁵[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

¹ The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-01-2009.

² Rule-15 substituted vide Notification No. SOR-VI/E&AD/1-3/2009/Vol-VIII dated 16-2-2010.

³ Sub rule (3) substituted vide Notification No. SOR-VI (E&AD)1-3/2012 dated 28-12-2012.

⁴ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

⁵ The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II. dated 04-02-1996.

- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

¹(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

²(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

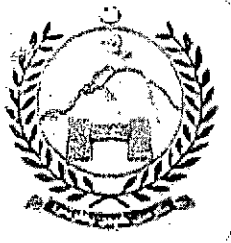
18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal:- The Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

(Authority; No. SORI(S&GAD)4-1/80, dated 13th May, 1989)

¹ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

² Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11-2009.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 944 /ST

Dated: 25-4- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Secretary-Establishment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1334/2019 MR. SYED MASOOD SHAH

I am directed to forward herewith a certified copy of Judgement dated 02.02.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR