

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 392/2016

Date of Institution ... 12.04.2016

Date of Decision ... 29.03.2019

Muhammad Ismail, Assistant Research Officer (BPS-16), Archives & Libraries Department, Khyber Pakhtunkhwa, Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Govt: of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three others. ... (Respondents)

-----  
MR. FAZAL SHAH MOHMAND,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN  
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

--- MEMBER (Executive)  
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that on the recommendations of the Khyber Pakhtunkhwa Public Service Commission, he was appointed as Assistant Research officer (BPS-16) vide notification dated 26.10.2010. Previously services of the employees working under the administrative control of respondent no.3 were governed under service rules notified on 14.01.2002. Later on, these rules were amended through notification dated 16.06.2013. In the previous service rules 2<sup>nd</sup> Class Master Degree in History, Pakistan Studies or Sociology from a recognized University was a prerequisite for promotion to the post of Assistant Research Officer (BPS-16), whereas this condition was omitted.

from invogue service rules. As these amendments were detrimental to the interests of the appellant therefore, the same were assailed through departmental appeal dated 16.09.2015 and was rejected on 14.03.2016.

3. He further argued that a tentative seniority list was notified by respondent no.3 on 04.09.2015, wherein private respondent no.4 was shown senior to the appellant in violation of existing rules. Private respondent no.4 initially joined to service as Junior Clerk on 01.09.1987 and later on elevated as Research Assistant (BPS-11) and Assistant Research Officer (BPS-16). Condition of Master Degree was deleted with mal intent and to pave way for promotion of respondent no.4 as Research officer. It would not be out of place to mention here that private respondent no.4 holds Bachelor Degree, whereas the appellant has got Masters in History. Reliance was placed on case law reported as PLD 1997 Supreme Court 351, 1995 SCMR 650, PLD 2011 Supreme Court 347, 2000 MLD 1305, 1999 PLC (C.S) 531, 2008 SCMR 1148 and judgment of this Tribunal dated 03.10.2018 passed in service appeal no. 619/2017.

4. On the other hand learned Deputy District Attorney for official respondents raised preliminary objection, on the maintainability of the present service appeal. He invited attention to notification dated 16.07.2013 through which amendments were brought in the method of recruitment for the post of Assistant Research officer (BPS-16). On the other hand the appellant assailed the said notification through departmental appeal dated 10.09.2015, hence, his departmental appeal was badly barred by time. No plausible explanation to justify delay was given by the learned counsel for the appellant.

5. He further argued that changes in the service rules were made on the directions of Khyber Pakhtunkhwa Public Service Commission vide letter dated 19.01.2016. The sole purpose was to harmonise these with the service rules of other departments. There were ample opportunities of promotion for the subordinate staff in the service rules of other departments. This amendments were not person specific. These amendments were brought in the public interest.

6. Private respondent no.4 stated at the bar that he rely on arguments advanced by the learned Deputy District Attorney.

### CONCLUSION

7. We would first like to resolve the issue of maintainability of the present service appeal. As rightly pointed out by the learned Deputy District Attorney, present service rules were notified on 16.07.2013, while departmental appeal was filed by the appellant on 10.09.2015, which was not within the time span given in Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974. No application for condonation of delay has been submitted by the learned counsel for the appellant. As present service appeal is time barred, therefore, we would not touch the deep merits of the case.

8. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
CHAIRMAN



(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
29.03.2019

08.01.2019

Appellant in person and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Waheed Murad Research officer for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 21.02.2019 before D.B

  
Member

  
Member

21.02.2019

Appellant in person and Mr. Zia Ullah learned District Attorney for the respondents present.

Due to paucity of time the matter is adjourned to 29.03.2019 before D.B

  
Member

  
Chairman


Order


29.03.2019

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents and private respondent no. 4 in person present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
29.03.2019

  
(Hamid Farooq Durrani)  
Chairman

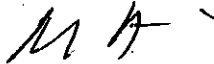
  
(Ahmad Hassan)  
Member




05.09.2018


Appellant in person present. Learned counsel for the appellant is absent. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muqrab Khan, Section Officer (Litigation) for official respondents No. 1 to 3 present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for rejoinder and arguments on 19.10.2018 before D.B.

19.10.2018

  
(M. Amin Khan Kundi)  
Member

  
(M. Hamid Mughal)  
Member

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for official respondents and private respondent no. 4 in person present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 23.11.2018 before D.B.

  
(Hussain Shah)  
Member

  
(Ahmad Hassan)  
Member

23.11.2018


Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Muqarab Khan Section Officer (Litigation) for the official respondents present. Private respondent also present. Clerk to counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 08.01.2019 before D.B.

  
Member

  
Member

23.04.2018


Clerk of the counsel for appellant and Addl: AG alongwith Mr. Waheed Murad, Research Officer for the respondents present. Representative of the respondents department submitted Para-wise reply to C.M application on behalf of respondent No. 1 to 3 and stated at the bar that respondent No. 4 relied on the same. To come up for rejoinder and arguments on 22.06.2018 before D.B.

  
Member

22.06.2018


Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Muqarab Khan, SO (litigation) for official respondents No. 1 to 3 and private respondent No. 4 in person also present. Seeks adjournment. Adjourned. To come up for rejoinder and arguments on 16.07.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

16.07.2018

Appellant in person present. Mr. Murad Ali, Supdt alongwith Mr. Ziaullah, DDA for official respondents and private respondent no.4 in person present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 05.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

**12.03.2018**

Counsel for the appellant present. Mr. Riaz Painsdakhel, Assistant AG alongwith Mr. Mehmood Ali, Cataloger & Ibrar Ali, AD (Lit) for official respondent and private respondent No. 4 also present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on suspension application on 27.03.2018 before S.B. alongwith connect appeal 619/2017.



(Muhammad Amin Khan Kundi)  
Member

**27.03.2018**

Appellant alongwith counsel present. Mr. Kabir Ullah Khattak, Addl: AG alongwith Mehmood Ali, Cataloger for official respondent and private respondent No. 4 also present. Copies of suspension application handed over to the official respondent as well as private respondent No. 4. To come up for written reply on suspension application as well as arguments on 10.04.2018 before S.B.



Member

**10.04.2018**

Appellant in person and Addl: AG alongwith Mr. Waheed Murad, Research Officer for official respondents No. 1 to 3 and private respondent no. 4 in person present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for reply on suspension application as well as arguments on 24.04.2018 before S.B.




Member

05.09.2017

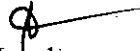
Clerk of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Muqarab Khan, SO Litigation for respondents present. Clerk of the counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 29.11.17 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

29.11.2017


Appellant in person and Mr. Ziaullah, DDA alongwith Mr. Muqarrab Khan, SO for official respondents and private respondent No.4 in person present. Learned DDA submitted an order whereby the appellant has been removed from service. He states that the present appeal has become infructuous but the appellant seeks adjournment due to non-availability of his counsel Adjourned. To come up for arguments on 06.02.2018 before D.B.


  
Member

  
Chairman

06.2.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. The learned counsel for the appellant has submitted an application for suspension of notification dated 17.11.2017. The application may be placed on file. To come up for arguments on application on 12.03.2018 before S.B alongwith connected appeal No. 619/2017.

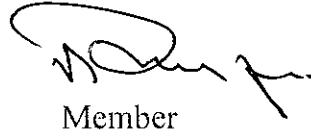
  
Member

  
Chairman



11.1.2017

Clerk of counsel for the appellant, Addl AG for the official respondents and clerk of counsel for private respondent No. 4 present. Rejoinder not submitted. Requested for adjournment. Adjourned for rejoinder and final hearing for 18.05.2017 before D.B.



Member



Chairman

18.05.2017

Clerk of the counsel for appellant and Mr. Muhammad Adeel Butt Additional AG and private respondent No. 4 also present. Clerk of the counsel for appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 05.09.2017 before D.B.

05.09.2017


Clerk of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General (Muhammad Amin Khan Kundi) alongwith Muqarab Khan, SO Litigation for respondents (Gul Zeb Khan) present. Clerk of the counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 05.09.2017 before D.B.

(Muhammad Amin Khan Kundi)  
Member

(Muhammad Hamid Mughal)  
Member

21.07.2016

Agent of counsel for the appellant, Mr. Muqarab Khan, SO alongwith Additional AG for official respondents No. 1 to 3 and private respondent No. 4 in person present. Representative of the department requested for some time to file written reply. Request is accepted. To come up for written reply/comments on behalf of official respondents as well as private respondent on 15.08.2016 before S.B.


  
MEMBER

15.08.2016

Appellant in person and Mr. Muqarab Khan, SO alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 31.10.2016 before S.B.

  
Member

31.10.2016

  
Clerk to counsel for the appellant and Mr. Asif Khan, AD for respondents No. 1 to 3 alongwith Addl. AG for official respondents and private respondent No. 4 in person present. Written reply submitted by respondents No. 1 to 3 while respondent No. 4 rely on the same. The appeal is assigned to D.B for rejoinder and final hearing on 11.01.2017.

  
Member

25.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Assistant Research Officer (BPS-16) on the recommendations of Public Service Commission. That according to notification dated 14<sup>th</sup> January, 2002 appellant and similarly placed officers are eligible to promotion on the basis of seniority-cum-fitness with at least 5 years service as such, against 50% quota reserved for promotion while the remaining 50% quota is to be filled in by initial appointees. Placed reliance on S. No. 6 of the said notification. That the said rules was amended with mala-fide reasons vide notification dated 16<sup>th</sup> July, 2013 wherein the condition of having 2<sup>nd</sup> class master degree was omitted with an object to accommodate private respondent No. 4 who was not even entitled to be appointed as Assistant Research Officer BPS-16. That the appellant preferred departmental appeal on 10.09.2015 which was rejected on 14.3.2016 and hence the instant service appeal on 12.04.2016.

Appellant Deposited  
Security & Process Fee

That the amendment in the rules are made with the mala-fide intentions and with an object to deprive the appellant from his right of promotion and, further, to favour private respondent No. 4 who is not eligible to promotion.

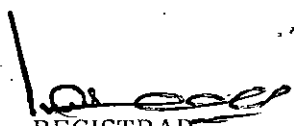

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 21.07.2016 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 392/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.04.2016	<p>The appeal of Mr, Muhammad Ismail presented today by Mr. Khushdil Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	14-4-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-4-16</u>.</p> <p> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 392 /2016

Muhammad Ismail,  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar .....Appellant

Versus

The Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-7
2.	Copy of the office order whereby appellant was appointed as Assistant Research Office on the recommendation of Khyber Pakhtunkhwa Public Service Commission.	26-10-2010	A	0-8
3.	Copy of the previous Rules of Recruitment of the employees of Archives & Libraries Department. Rules, 2002	14-01-2002	B	9-15
4.	Copy of the amended rules of Recruitment of the employees of Archives & Libraries Department. Rules, 2013	16-07-2013	C	16-22
5.	Copy departmental appeal	10-09-2015	D	23-24
6.	Copy of the Comments of respondent No. 3.	19-01-2016	E	0-25
7.	Copy of the letter whereby the appellant's Departmental appeal was rejected.	14-03-2016	F	0-26

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 392 /2016

A. W. P. Province  
Service Tribunal  
Diary No. 367  
Dated 12-4-16

Muhammad Ismail,  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar .....Appellant

Versus

1. The Chief Secretary,  
Govt. of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
2. The Secretary,  
Government of Khyber Pakhtunkhwa,  
Higher Education, Archives & Libraries,  
Department, Peshawar.
3. The Director,  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar
4. Waheed Murad,  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar .....Respondents.

*12/4/16*

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14-03-2016 THEREBY APPELLANT'S DEPARTMENTAL APPEAL WAS REJECTED BY THE RESPONDENT NO. 2 THEREIN HE CHALLENGED THE DELETION OF SECOND CLASS MASTER DEGREE IN HISTORY, PAKISTAN STUDIES OR SOCIOLOGY MANDATORY FOR PROMOTION TO THE POST OF RESEARCH OFFICER (BPS-17) FROM THE AMENDED RULES, 2013.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That appellant is highly qualified having the Master Degree in “**History Subject**” from the Quaid-e-Azam University, Islamabad in the year 2008. When the post of Assistant Research Officer was advertised by the Khyber Pakhtunkhwa Public Service Commission and being qualified in the terms thereof he applied for the post and on its recommendation he was appointed as Assistant Research Officer (BPS-16) in the Directorate of Respondent No. 3 vide order dated 26-10-2010. **(Annexed-A)**
  
2. That earlier the Services of Employees of the respondent No. 3 were governed by the Recruitment Rules, 2002 vide notification dated 14-01-2002 **(Annexed-B)** but the same was superseded by fresh amended Recruitment Rules, 2013 vide notification dated 16-07-2013. **(Annexed-C)** It will be better to draw a table of both the rules regarding the posts of Research Officer (BPS-17), Assistant Research Officer (BPS-16) and Research Assistant (BPS-11) for comparison the differences inter se made by respondents purposely in violation of law on subject. The table is as under;

**Recruitment Rules 2002**

1	2	3	4	5
4	<b>Research Officer (BPS-17)</b>	Second class Master Degree in History, Pakistan Studies or Sociology from a recognized University.	21-30 Years	(i) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of superintendent and Assistant Research Officer, who possess Second class Master Degree in History, Pakistan Studies or Sociology with at least three years service as such and  (ii) fifty percent by initial recruitment

6	<b>Asstt: Research Officer (BPS-16)</b>	Second Class Master Degree in History, Pakistan Studies or in Sociology from a recognized University.	21 - 30 years	i) Fifty Percent by promotion, on the basis of seniority-cum-fitness amongst the holders of the post of Research Assistants with at least five years service as such; and  ii) Fifty percent by initial recruitment.
13	<b>Research Assistant (BPS-11)</b>	Second Class Bachelor's Degree from a recognized University, Preference will be given to candidates having History as one of the subject.	18 - 28 years	By initial recruitment.

### Recruitment Rules 2013

1	2	3	4	5
4	<b>Research Officer (BPS-17)</b>	Second class Master Degree in History, Pakistan Studies or Sociology from a recognized University.	21-30 Years	(iii) By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Librarian (BPS-17) with five years service as such and
7	<b>Asstt: Research Officer (BPS-16)</b>	Second Class Master Degree in History, Pakistan Studies or in Sociology from a recognized University.	21 - 30 years	iii) Fifty Percent by promotion, on the basis of seniority-cum-fitness amongst the persons holding the post of Research Assistants with at least five years service as such; and  iv) Fifty percent by initial recruitment.
13	<b>Research Assistant (BPS-11)</b>	Second Class Bachelor's Degree from a recognized University, Preference will be given to candidates having History as one of the subject.	18 - 32 years	By initial recruitment.



3. That in the previous rules (2002) the possession of qualification of Second Class Master Degree in History, Pakistan Studies or Sociology was one of the prescribed qualification for the promotion to the post of Research Officer (BPS-17) but in the subsequent rules (2013) this basic requirement was deleted by Respondent Department without legal justification rather to facilitate the promotion of respondent No. 4 being blue eyed of respondent No.3.
4. That the appellant challenged such illegal amendment before the respondent No. 2 through his Departmental Appeal dated 10-09-2015 (**Annexed-D**) thereon the authority concerned asked for comments from respondent No. 3 which it submitted on 19-01-2016 (**Annexed-E**) but respondent No. 2 acted in arbitrary manner and rejected the Departmental Appeal of appellant on 14-03-2016 (**Annexed-F**) without considering the legal points raised by him.
5. That it is pertinent to mention that recently the respondent No. 3 issued a tentative seniority list (**Annexed-G**) of the holders of the post of Assistant Research Officer (BPS-16) stood on 04-09-2015 therein respondent No. 4 was shown senior to appellant in violation of seniority rules which he objected through his application. From the impugned seniority list appellant came to know that respondent No.4 was initially appointment as Junior Clerk on 01-09-1987 and then by an officer order dated 18-09-2004 (**Annexed-H**) he was promoted to the post of Assistant Research Officer (BPS-16) from the post of Research Assistant (BPS-11).

Hence the present appeal is submitted on the following amongst other grounds:-

**Grounds:**

- A. That prescribed qualification for initial recruitment in case of the post of Research Officer (BPS-17) laid down in both the rules is Second Class Master Degree in History, Pakistan Studies or Sociology from a recognized University and similarly such prescribed qualification was also mandatory in the case of promotion to said post but mala fide such qualification in the case of promotion was deleted in the new rules purposely to make respondent No. 4 eligible for promotion to the post of Research Officer (BPS-17) which is illegal, without lawful authority, mala fide and inconsistent with the law on subject.
- B. That appellant is highly qualified and on the recommendation of Khyber Pakhtunkhwa Public Service Commission he was directly appointed as Assistant Research Officer (BPS-16) and in view of previous rules he was the single incumbent eligible for promotion to the post of Research Officer (BPS-17) but due to red tapism, the rules were changed and the requisite qualification mandatory for promotion was deleted in order to promote respondent No. 4 because he was not in the possession of prescribed qualification only holding simple Bachelor's Degree.
- C. That the post of Research Officer (BPS-17) is a technical post pertaining to research works which can be done only by the person who possesses highly qualification in the field and for this purpose the qualification of Second Class Master Degree in History, Pakistan Studies or Sociology was mentioned as mandatory requirement in the case of promotion too but

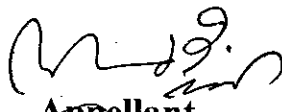

respondent authorities have purposely deleted such mandatory requirement to clear the channel of promotion for respondent No. 4 which is illegal, without lawful authority and discriminatory not sustainable under the law liable to be set aside.

- D. That in view of tentative seniority list as referred above, the respondent No. 4 was initially appointed as Junior Clerk and in the next column thereof shown him as promoted to the post of Assistant Research Officer (BPS-16) but nothing has been mentioned regarding his induction as Research Assistant however an office order dated 08-04-1992 (**Annexed-I**) came to the hand of appellant thereby respondent No. 4 was promoted to the post of Research Assistant (BPS-11) from the post of Librarian which is against the rules because the post of Research Assistant is to be filled in by initial recruitment. Thus the basic order of respondent No. 4 by which he was promoted to the post of Research Assistant is illegal and without lawful authority and no perpetual right can be claimed on the basis of an illegal order.
- E. That the impugned amendment in the rules 2013 is not only mala fide but discriminatory due to which appellant was deprived of his legitimate expectation of bright future which is unfair, unjust and violative of the law on subject and liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this service appeal, the impugned order dated 14-03-2016 thereby departmental appeal of appellant was rejected may graciously be set aside and the disputed amendment in rules 2013 regarding the post of Research Officer (BPS-17) may kindly be declared as unlawful, inconsistent

with law on subject, mala fide and discriminatory and inserted the qualification of Second Class Master Degree in History, Pakistan Studies or Sociology as mandatory qualification for promotion to the Post of Research Officer (BPS-17) as was laid down in the previous rules, 2002.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

  
Appellant  
Through  
  
Khush Dil Khan,  
Advocate,  
Supreme Court of Pakistan

Dated: 11/04/2016

Annex: A  
P. 8

GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF ARCHIVES & LIBRARIES


Dated Peshawar the 26th October, 2010

**OFFICE ORDER**

No. 1664 /3/1/DA&L Consequent upon the recommendation of Khyber Pakhtunkhwa, Public Service Commission, the Competent Authority is pleased to appoint Mr. Muhammad Ismail, s/o Mr. Fazal-e-Mola, resident of Street No. 3, Mohallah Qazi Abad outside Gunj Gate, Peshawar as Assistant Research Officer (BS-16) in the Directorate of Archives & Libraries, Khyber Pakhtunkhwa with immediate effect on the following terms and conditions:

**TERMS AND CONDITIONS**

1. He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
2. He shall for all intents and purposes be Civil Servant, except for the purpose of Pension and Gratuity. In lieu of pension and gratuity he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C. P. Fund) alongwith the contributions made by the Government to his account in the said fund, in the prescribed manner.
3. His employment in the Directorate of Archives & Libraries, Khyber Pakhtunkhwa, is on purely temporary basis and his services are liable to be terminated without assigning any reason. In case he wishes to resign, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
4. He shall initially be on probation for a period of two years extendable up to 3-years.
5. His appointment will be subject to his medical fitness.
6. He will join the post within 30-days on his own expenses.

  
(ZAHIR ULLAH KHAN)  
Director of Archives & Libraries,  
Khyber Pakhtunkhwa  
Peshawar.

Endst: No. \_\_\_\_\_/3/1/DA&L. Dated Peshawar the \_\_\_\_\_ October, 2010

Copy forwarded to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar for information and necessary action.
2. Mr. Muhammad Ismail, s/o Mr. Fazal-e-Mola, resident of Street No. 3, Mohallah Qazi Abad outside Gunj Gate, Peshawar.
3. Office Order File.
4. Personal File

ATTESTED  


Director of Archives & Libraries,  
Khyber Pakhtunkhwa  
Peshawar.

degree for BPS-16 and 2nd class Master's degree for BPS-17 and above) along with prescribed computer training and experience as per recruitment rules. However, the existing beneficiaries holding following designations, qualifications, computer training and experience will draw computer allowance:-

1) COMPUTER PERSONNEL BELOW BPS-16.

Designations.

Computer Training/Experience

Key Punch Operator/Data Entry Operator

As prescribed in the recruitment rules of the posts.

Assistant Supervisor (Computer)

Data Control Assistant/  
Research Assistant.

Data Processing Supervisor

Data Coder.

11) COMPUTER PERSONNEL IN BPS-16

Designations

Qualification and  
Computer Training.

Experience.

Computer Operators/System  
Operator.

Second Class Bachelor's degree in Computer Science from a recognised University.

As prescribed in Service rules of the post.

Data Control Officer.

OR

Data Processing Officer.

Those who possess second class Bachelor degree in Statistics, Maths/Economics/Physics must possess computer training in at least one programming language e.g. COBOL, PRG-II, FORTRAN, PASCAL etc of a minimum duration of 6 months from a University/Govt. Institution or Technical Board.

- do -

111) COMPUTER PERSONNEL IN BPS-17 AND BPS-B.

Designations.

Qualification and  
Computer Training.

Experience.

Data Processing Officer/  
Data Control Officer  
Assistant/Junior Programmer.

Second Class Master's degree in Computer Science from a recognised University.

As prescribed in Service Rules of the Posts.

Programmer.

OR

Senior Programmer

Those who possess 2nd Class Master's Degree in Statistics/Economics/Physics must possess computer training in at least two programming languages e.g. COBOL PRG. II, FORTRAN, PASCAL etc of a minimum duration of 1

- do -

*Amir B P-9*

**GOVERNMENT OF NWFP, HIGHER EDUCATION,  
SPORTS, ARCHIVES & LIBRARIES DEPTT:**

Dated Peshawar the 14<sup>th</sup> January, 2002

**NOTIFICATION**

**No. SO-Sports/Archives & Trg./16-7/2001.** In pursuance of the power conferred by sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rule, 1989, and in supersession of this Department Notification No. SO (Archives) 3 (1) 87/Vol: IV, dated 28.03.1990, and Notification No. SO (Archives) 3 (1)/98, dated 07.07.2001, the Higher Education, Sports, Archives & Libraries Department, in consultation with the Establishment and Administration Department and the Finance Department, hereby lays down method of recruitment, qualification and other condition specified in column 3 to 5 of the appendixes of this Notification, which shall be applicable to the posts in the Directorate of Archives & Libraries North-West Frontier Province, specified in column 2 of the said appendix.

**"APPENDIX"**

S. No. (1)	Nomenclature of post (2)	Minimum qualification prescribed for initial recruitment. (3)	Age limit (4)	Method of recruitment. (5)
1	Director (BPS-19)	-----	-----	(i) By promotion, on the basis of seniority-cum-fitness, from amongst the persons holding the post of Deputy Director and Chief Librarian with at least twelve years service in Basic Pay Scale-17 and above or seven years Service in Basic Pay Scale-18; or  (ii) If no suitable person is available, then by transfer of a suitable officer in any Department of the Provincial Government.
2	Deputy Director (BPS-18)	-----	-----	By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Research Officer with five years' service as such.
3	Chief Librarian (BPS-18)	-----	-----	By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Librarian (BPS-17) with five years' service as such.

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4	<b>Research Officer (BPS-17)</b>	Second class Master Degree in History, Pakistan Studies or Sociology from a recognized University.	21-30 Years	(i) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the persons Holding the post of superintendent and Assistant Research Officer, who possess Second class Master Degree in History, Pakistan Studies or Sociology with at least three years service as such and  (ii) fifty percent by initial recruitment
5	<b>Librarian (BPS-17)</b>	Second Class Master Degree in Library and Information Science from a recognized University.	21-30 Years	(i) By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Librarian and Cataloguer in BPS-16, who possess Master Degree in Library and Information Science with at least three years service as such or  (ii) if no suitable person is available, then by initial recruitment.
6	<b>Asstt: Research Officer (BPS-16)</b>	Second Class Master Degree in History, Pakistan Studies or in Sociology from a recognized University.	21 - 30 years	i) Fifty Percent by promotion, on the basis of seniority-cum-fitness amongst the holders of the post of Research Assistants with at least five years service as such; and  ii) fifty percent by initial recruitment.
7	<b>Superintendent (BPS-16)</b>	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the holder of the posts of Record Assistants/Assistants and senior scale Stenographers with at least five years service as such.  Note:- For the purpose of aforesaid promotion, there shall be maintained a common seniority list of Record Assistants/Assistants and Stenographers with reference to the dates of their continuous

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				regular appointment to the respective posts; provided that if the date of promotion in respect of a Record Assistant and a Stenographer is the same, the Record Assistant/Assistant shall rank senior to the stenographer.
8	<b>Junior Microfilming Officer (BPS-16)</b>	<ul style="list-style-type: none"> <li>i) 1<sup>st</sup> Class Bachelor Degree with Chemistry as one of the elective subject; and</li> <li>ii) Two years experience in Microfilming in a Government or Semi Government Organization.</li> </ul>	20 - 28 years	<ul style="list-style-type: none"> <li>i) Eighty percent by promotion on the basis of seniority-cum-fitness, from amongst the persons holding the post of Cameraman and Preservative Assistant, with at least five years experience as such; and</li> <li>ii) twenty percent by initial recruitment.</li> </ul> <p>NOTE:- For the purpose of aforesaid promotion, there shall be maintained a common seniority list of Cameraman and Preservation Assistants with reference to the dates of their continuous regular appointment to the respective posts; provided that if the date of promotion in respect of Cameraman and a Preservation Assistant is the same, the Cameraman shall rank senior to the Preservation Assistant.</p>
9	<b>Librarian/Cataloguer (BPS-16)</b>	Diploma (Second Division) in Library and Information Science from a recognized University.	20 - 35 years	<ul style="list-style-type: none"> <li>(i) Fifty percent by promotion, from amongst the persons holding the post of Cataloguer-cum-Classifier possessing Diploma in Library and Information Science with at least five years experience as such; and</li> <li>(ii) fifty percent by initial recruitment.</li> </ul>
10	<b>Senior Scale Stenographer (BPS-15)</b>	<ul style="list-style-type: none"> <li>i) Bachelor's Degree or equivalent qualification from a recognized University.</li> <li>ii) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.</li> </ul>	20-35 Years	<ul style="list-style-type: none"> <li>(i) By promotion, on the basis of seniority-cum-fitness, from amongst the persons holding the post of Junior Scale Stenographer with at least five years service as such; or</li> <li>(ii) If no suitable person is available, then by initial recruitment.</li> </ul>

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11	<b>Cameraman (BPS-12)</b>	a) Secondary School Certificate or equivalent qualification from a recognized Board; and b) three years practical experience in out-door cinematography with full knowledge of technical processing of documentary and news reel/films.	20-35 years	By initial recruitment.
12	<b>Junior Scale Stenographer (BPS-12)</b>	a) Intermediate or equivalent qualification from a recognized Board; and b) a speed of 80 words per minute in shorthand in English and 35 words per minute in typing.	18 - 30 years	By initial recruitment.
13	<b>Research Assistant (BPS-11)</b>	Second Class Bachelor's Degree from a recognized University, Preference will be given to candidates having History as one of the subject.	18 - 28 years	By initial recruitment.
14	<b>Record Assistant/ Assistant (BPS-11)</b>	Second Class Bachelor Degree from a recognized University, Preference will be given to a candidate having History as one of the subject.	20 - 30 Years	(i) Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst the persons holding the post of Senior Clerk with at least three years service as such; and (ii) twenty percent by initial recruitment.
15	<b>Preservation Assistant. (BPS-11)</b>	Second Class Bachelor Degree from a recognized University with Chemistry as one of the subject.	20 - 30 years	By initial recruitment
16	<b>Cataloguer-cum-Classifier (BPS-11)</b>	Second Division Diploma in Library and Information Science from a recognized University.	18 - 25 years	(i) by promotion, on the basis of seniority-cum-fitness, from amongst the person holding the post of Librarian-II in Basic Pay Scale-08 with at least three years service as such; or (ii) if no suitable person is available, then by initial recruitment.
17	<b>Librarian-II (BPS-8)</b>	a) Intermediate or equivalent qualification from a recognized Board ; and b) two years experience certificate from reputed Library.	18 - 28 years	By initial recruitment.

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18	<b>Senior Clerk (BPS-07)</b>	-----	-----	By promotion on the basis of seniority-cum-fitness, from amongst the holding the posts of Junior Clerks and katib with at least two years service as such.
19	<b>Telephone Operator (BPS-06)</b>	i) Secondary School Certificate or equivalent qualification from a recognized Board; and ii) three years experience as operator in Government/Private Organization in Telephone-change.	18 - 28 years	By initial recruitment
20	<b>PPC Operator (BPS-06)</b>	a) Secondary School Certificate or equivalent qualification from a recognized Board; and b) Knowledge of Lamination and operation of Photocopying Machine.	18 - 28 years	By initial recruitment
21	<b>Electrician (BPS-06)</b>	Secondary School Certificate from a recognized Board with Certificate in electrical Course from a recognized Institution.	18 - 28 years	By initial recruitment
22	<b>Junior Clerk (BPS-05)</b>	c) Second Division in Secondary School Examination or equivalent qualification from a recognized Board; and a) a speed of 30 words per minute in English typing in.	18 - 28 years	1) Not less than sixty seven percent by initial recruitment; and 2) Not more than thirty three percent by promotion from amongst the holding the posts of Manders /Daftaries, who have passed Secondary School Examination and under forty years of age and have at least two years service as such.  Note:- For the purpose of promotion, there shall be maintained a common seniority list of Daftaries/Menders, with reference to dates of their acquiring the Secondary School Certificate in the same session, the official having longer service shall be senior to other officials.

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23	<b>Katib (BPS-05)</b>	Secondary School Certificate or equivalent qualification from a recognized Board and two years experience as calligrapher.	18 - 28 years	By initial recruitment.
24	<b>Driver (BPS-04)</b>	Possessing a valid HTV/LTV Driving License. Preference will be given to person who are literate.	18 - 40 years	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Naib Qasid and Chowkidar having the qualification prescribed for initial recruitment, or if no suitable person is available for promotion, then by initial recruitment.
25	<b>Daftari/Mender (BPS-02)</b>	Middle	18 - 40 Years	(i) By promotion, on the basis of seniority-cum-fitness, from amongst the persons holding the post of Naib Qasid and Chowkidar having qualification prescribed for initial recruitment; and (ii) If no suitable person is available, then by initial recruitment.
26	<b>Naib Qasid (BPS-01)</b>	Preferably literate	18 - 40 years	By initial recruitment
27	<b>Mali (BPS-01)</b>	Two years experience in gardening.	18 - 40 years	By initial recruitment

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Secretary to Government of North-West,  
Frontier Province, Higher Education,  
Sports, Archives & Libraries Department.

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Endst: No. So-Sport/Archives & Trg./16-7/2001.

Dated Peshawar the 14<sup>th</sup> January, 2002.

Copy of the above information is forwarded to:-

1. All administrative Secretaries to Govt of NWFP.
2. All Heads of Attached Department in N.W.F.P.
3. Director of Archives & Libraries, NWPF, Peshawar.
4. P.S. to Governor, NWFP
5. P.S. to Chief Secretary, NWFP.
6. P.S. to Minister for Education, Sports, Archives & Libraries Department.
7. Coordinator, P.T.W., Civil Secretariat, NWFP.
8. Registrar, Peshawar High Court/Service Tribunal 1.
9. Secretary, NWFP, Public Service Commission, Peshawar.
10. Accountant General, NWFP, Peshawar.
11. All District Accounts Officers in NWFP.
12. Librarian, Government of NWFP, Establishment & Administration Department.
13. Manager, Government Printing Press, NWFP, Peshawar, for publication.
14. O/O file.

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(Haji Ghulam Ali)  
Section Officer,  
(Sports, Archives & Training Department)

Annex C  
P-16

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HIGHER EDUCATION, SPORTS, ARCHIVES  
& LIBRARIES DEPARTMENT

Dated Peshawar the 16<sup>th</sup> July, 2013

**NOTIFICATION**

No. SO-Sports/Archives & Trg./16-7/2001. In exercise of the power conferred by sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of this Department Notification No. SO (Archives) 3(1)87/Vol: IV, dated 28.03.1990, and Notification No. SO (Archives) 3(1)/98, dated 7/07/2000, the Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa hereby compiled all additions and amendments so far made in this Department Appendix vide Notification No. SO-Sports/Archives & Trg./16-7/2001, dated 14.1.2002 in consultation with Establishment and Administration Department, Finance Department, Law Department and Khyber Pakhtunkhwa Public Service Commission in the meetings of the SSRC, lays down method of recruitment, qualification and other conditions specified in columns 3 to 5 of the Appendix to this Notification, which shall be applicable to the posts in the Directorate of Archives & Libraries, North West Frontier Province, specified in column 2 of the said Appendix.

**APPENDIX**

S. No.	Nomenclature of post	Minimum qualification prescribed for initial recruitment.	Age Limit	Method of recruitment
1.	Director (BPS-19)			
1.	Director (BPS-19)			
2.	Deputy Director (BPS-18)			

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3	Chief Librarian (BPS-18)			By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Librarian (BPS-17) with five years service as such.
4	Research Officer (BPS-17)	Second Class Master Degree in History, Pakistan Studies or Sociology from a recognized University.	21-30 years	i) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Assistant Research Officer, (BPS-16) with atleast three years service as such and ii) Fifty percent by initial recruitment.
5	Assistant Director (BPS-17)	Second Class Master Degree or equivalent from a recognized University.	21-30 years	i) 50% (fifty percent) by promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Superintendent (BPS-16) with atleast five years service as such; ii) 50% (fifty percent) by initial recruitment
6	Librarian (BPS-17)	Second Class Master Degree in Library and Information Science from a recognized University.	21-30 years	i) Twenty -five percent by promotion on the basis of seniority-cum-fitness from amongst the Cataloguer-cum-Classifier (BPS-11), who possesses Master Degree in Library and Information Science with atleast five years service as such. Provided that if no suitable candidate is available for promotion, then by initial recruitment. ii) Seventy five percent by initial recruitment.
7	Assistant Research Officer (BPS-16)	Second Class Master Degree in History, Pakistan Studies or Sociology from a recognized University.	21-30 years	i) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Research Assistant with atleast five years service as such and ii) Fifty percent by initial recruitment.
8	Superintendent (BPS-16)			By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Record Assistant/Assistant and Senior Scale Stenographer with atleast five years service as such.  <b>NOTE:-</b> For the purpose of aforesaid promotion, there shall be maintained a common seniority list of Record Assistants/Assistants and Stenographers with reference to the dates of their continuous regular appointment to the respective posts; provided that if the date of promotion in respect of a Record Assistant and a Stenographer is the same, the Record Assistant/Assistant shall rank senior to the Stenographer.

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8.	Junior Microfilming Officer (BPS-16)	1st Class Bachelor Degree with Chemistry as one of the elective subject; and Two years experience in Microfilming in Government or Semi Government Organization	20-32 Years	i) Eighty percent by promotion on the basis of seniority-cum-fitness, from amongst the persons holding the post of Cameraman with atleast five years experience as such and ii) Twenty percent by initial recruitment.
8 (A)	Preservation Officer (PBS-16)	M. Sc (Chemistry) preferably in the field of Bio-Chemistry.	22-35 years	i) By promotion on the basis of seniority-cum-fitness from amongst Preservation Assistants with 5-years Service as such or ii) If no suitable Preservation Assistant is available for promotion then by initial recruitment.
9.	Librarian/Cataloguer (BPS-16)	<del>Deleted</del>		All the posts of Librarian/Cataloguer have been up-graded from BPS-16 to BPS-17 as shown at Sl.No.5 above of the appendix.
9(A)	System Supervisor (BPS-16)	i) M. Sc. Computer Science or M.C.S in second division from a recognized University; and ii) Two years experience in Government/Semi Government/ reputed private organization in the relevant field.	25-30 years	By initial recruitment.
10.	Senior Scale Stenographer (BPS-16)	i) Second Class Bachelor's Degree or equivalent qualification from a recognized University and ii) A speed of 70 words per minute in shorthand in English and 45 words per minute in typing and iii) Three months certificate in MS Office from an Institution affiliated with the Board of Technical Education	20-30 years	i) By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Junior Scale Stenographer with atleast five years service as such: or ii) If no suitable person is available, then by initial recruitment.

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11.	Camerman (BPS-12)	<ul style="list-style-type: none"> <li>i) Secondary School Certificate from a recognized Board; and</li> <li>ii) Three years experience in out-door cinematography with full knowledge of technical processing of documentary and news reel/film</li> </ul>	20-35 years	By promotion on the basis of Seniority-cum-fitness, from amongst the Operators, with at least five years service as such and having three years experience in out-door cinematography with full knowledge of technique processing of documentary and news reel/film,"
12.	Junior Scale Stenographer (BPS-14)	<ul style="list-style-type: none"> <li>i) Intermediate or equivalent qualification from a recognized Board; and</li> <li>ii) A speed of 50 words per minute in Shorthand in English, 35 words per minute in typing.</li> <li>iii) Three months certificate in MS Office from an Institution affiliated with the Board of Technical Education</li> </ul>	18-30 years	By initial recruitment
13.	Research Assistant (BPS-11)	Second Class Bachelor Degree from a recognized University. Preference will be given to a candidate having History as one of the subject.	20-32 years	By initial recruitment
14.	Record Assistant/Assistant (BPS-14)	Second Class Bachelor Degree from a recognized University. Preference will be given to a candidate having History as one of the subject.	20-32 years	<ul style="list-style-type: none"> <li>i) Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst the persons holding the post of Senior Clerk with atleast three years service as such and</li> <li>ii) Twenty percent by initial recruitment.</li> </ul>

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15.	Preservation Assistant (BPS-11)	Second Class Bachelor Degree from a recognized University with Chemistry as one of the subject.	20-32 years	By initial recruitment.
16.	Cataloguer-cum-Classifier (BPS-11)	Second Division Diploma in Library and Information Science from a recognized University.	20-32 years	i) By promotion, on the basis of seniority-cum-fitness, from amongst the person holding the post of Librarian-II in Basic Pay Scale-8 with atleast three years service as such; or ii) If no suitable person is available, then by initial recruitment.
16(A)	Computer Operator (BPS-12)	i) Intermediate or equivalent qualification from a recognized Board; and ii) One year Diploma in Computer Science or information Technology from a recognized Board	20-32 years	By initial recruitment.
16(b)	Pesh Imam (BPS-09)	Sanad in Dars-e-Nizami or Sanad of Fazil-e-Arabi from Dar-ul-Uloom recognized from Wifaq-ul-Madaris. (Note Preference will be given to Hafiz-e-Quran and having proficiency in Qirat.	18-32 years	By initial recruitment.
17.	Librarian-II (BPS-08)	i) Intermediate or equivalent qualification from a recognized Board; and ii) Two years experience certificate from a reputed Library.	20-32 years	By initial recruitment.
18.	Senior Clerk (BPS-09)	-	-	By promotion on the basis of seniority-cum-fitness from amongst the persons holding the post of Junior Clerk and Katib with atleast two years service as such.

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19.	Telephone Operator (BPS-06)	i) Secondary School Certificate from a recognized Board; and ii) Three years experience as Operator in Government/Private Organization in Telephone Exchange.	20-32 years	By initial recruitment.
20.	Operator (BPS-06)	i) Secondary School Certificate from a recognized Board; and ii) Knowledge of Lamination and operation of Photocopying machine.	20-32 years	By initial recruitment.
21.	Electrician (BPS-06)	Secondary School Certificate from a recognized Board with certificate in Electrical Course from a recognized Institution.	20-32 years	By initial recruitment.
22.	Junior Clerk. (BPS-07)	i) Second Division in Secondary School Examination or equivalent qualification from a recognized Board; and ii) A speed of 30 words per minute in English typing.	20-32 years	i) Not less than sixty seven percent by initial recruitment; and ii) Not more than thirty three percent by promotion from amongst the person holding the post of Daftari who have passed Secondary School Examination and have atleast two years service as such.
22(A)	Binder (BPS-05)	Secondary School Certificate from a recognized Board with three years experience in the field of binding in a reputed firm as Binder	20-32 years	i) By promotion, on the basis of seniority-cum-fitness from amongst Menders with 03-years service as such; or ii) If no suitable Mender is available for promotion, then by initial recruitment.
23.	Katib (BPS-05)	Secondary School Certificate or equivalent qualification from a recognized Board and two years experience as Calligrapher.	20-32 years	By initial recruitment.

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24.	Driver (BPS-04)	Possessing a valid HTV/LTV Driving License. Preference will be given to person who is literate.	21-40 years	By initial recruitment.
25.	Daftari/Mender (BPS-02)	Middle	18-40 years	i) By promotion on the basis of seniority-cum-fitness, from amongst the person holding the post of Naib Qasid and Chowkidar having qualification prescribed for initial recruitment; and ii) if no suitable person is available, then by initial recruitment.
26.	Naib Qasid (BPS-01)	Preferably Literate.	18-40 years	By initial recruitment.
27.	Mali (BPS-01)	Two years experience in gardening.	18-40 years	By initial recruitment.
28.	Khadim (BPS-01)	Having capability of delivering prayers	18-40 Years	By initial recruitment.


Secretary to Government, Khyber Pakhtunkhwa,  
Higher Education, Archives & Libraries  
Department

Ends: No. SO (C-IV)/HE/SR/Archives/16-7/2013      Dated Peshawar the 16<sup>th</sup> July, 2013

Copy forwarded to:

1. All the Administrative Secretaries to Government, Khyber Pakhtunkhwa.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Heads of Attached Department, Khyber Pakhtunkhwa.
4. The Director of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar
5. The Registrar, Peshawar High Court, Peshawar.
6. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar
7. All District Accounts Officers
8. P.S. to Chief Minister, Khyber Pakhtunkhwa, Peshawar
9. P.S. to Chief Secretary, Khyber Pakhtunkhwa.
10. P.S. to Minister for Education, Khyber Pakhtunkhwa.
11. The Section Officer (Training), Higher Education, Archives & Libraries Department, Government of Khyber Pakhtunkhwa.
12. The Librarian, Establishment/Administration Department, Khyber Pakhtunkhwa.
13. The Manager, Government Printing Press, Khyber Pakhtunkhwa for publication in the Government Gazette.
14. Office Order File.

ATTENDED

  
(JEHANZEB KHAN)  
Section Officer (C-IV)  
Higher Education, Archives & Libraries  
Department

Rashid

~~D.H. Higher Education Department~~  
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7/6/12

Annex D  
P-23

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Higher Education, Archives & Libraries Department.

10/9/15  
Subject :- APPEAL FOR AMENDING SERVICE RULES OF THE POST OF RESEARCH OFFICER(BPS-17)

Respected sir,

With due respect it is stated that on recommendations of the Khyber Pakhtunkhwa Public Service Commission, I was appointed as Assistant Research Officer(BPS-16) on 27<sup>th</sup> October, 2010 and ever since I am serving in same position in the Directorate of Archives & Libraries, Peshawar.

02- According to Sr. No. 04 of the existing service rules, the two incumbent Assistant Research Officer (BPS-16) have been provided 50% promotion chances against two posts of Research Officer (BPS-17) on the basis of seniority-cum-fitness. (Copy of the service rule is enclosed as annexure-A).

03- According to Srl. No. 04 of the previous services rules, notified vide Section Officer, Sports, Archives & Training Department notification No. So-Sports/Archives & Trg./16-7/2001 dated 14-01-2002, the incumbents Superintendent (BPS-16) and Assistant Research Officer (BPS-16) were provided 50% promotion chances against the posts of Research Officer (BPS-17) with condition of second class Master degree in History, Pakistan Studies or Sociology. (Copy of the previous service rules is enclosed as annexure-B).

04- However, service rules of the post of Research Officer (BPS-17) was amended by deleting condition of the master degree vide Section Officer (Trg.), Higher Education, Archives & Libraries Department notification No. SO(T)HE/2-2/SSRC/2012 dated 25-04-2012(Annex-C), facilitating Assistant Research Officer with even SSC for further promotion as Research Officer (BPS-17).

05- It is worth mentioning that Mr. Muqarrab Khan, Assistant Research Officer (BPS-16) holding master degree in History superseded Mr. Muhammad Ali Bhatti, Assistant Research Officer in getting promotion as Research Officer (BPS-17) in 2002. It may be noted that post of Research Officer (BPS-17) is of technical nature requiring sufficient knowledge in the relevant fields i.e. History, Pakistan Studies or Sociology as well as research skills in summarizing historical record of archival nature for facilitation of researchers. It may be mentioned that Research Methodology a compulsory course taught at master level programmes, is a guiding tool in dealing and helping researchers in retrieval of the required material. Officials having no knowledge of research methods and techniques can not do justice with research oriented responsibilities of the post.

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06- Similarly, according to serial No. 05 of the existing service rules, 25% share has been reserved for the promotion of Cataloguer-Cum-Classifier(BPS-11) against the post of Librarian(BPS-17) with condition of holding Master degree in Library & Information Science (MLISC) which is a technical post requiring relevant skills for classification, cataloguing and organization of materials. It is worth mentioning that Mr. Dilshad Hussain, then Librarian (BPS-16) holding BLISC (Bachelor of Library & Information Science) degree was also superseded by juniors in getting promotion against the up-graded post of Librarian (BPS-17) on the basis MLISC.

07- In view of the above facts, it is requested that existing service rules for the post of Research Officer(BPS-17) may be amended by re-incorporating the condition of master degree in History, Pakistan Studies and Sociology, in the 50% share reserved for promotion of the Assistant Research Officers(BPS-16) in the best public interest please.


Yours Faithfully,

sd/-

Dated : - 10-09-2015.

(Muhammad Ismail),  
Assistant Research Officer  
Directorate of Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar.

✓ Copy forwarded to the Director of Archives & Libraries, Peshawar for information.

  
Assistant Research Officer  
Directorate of Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar.

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Phone : 091-9210100

DIRECTORATE OF ARCHIVES & LIBRARIES,  
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 97 /3/20/DA Dated 19<sup>th</sup> January, 2016.

To

The Section Officer(C-IV)  
Higher Education, Archives & Libraries Department, Peshawar.

Subject: -

APPEAL FOR AMENDING SERVICE RULES OF THE EPOST OF  
RESEARCH OFFICER(BPS-17).

Reference your letter No. SO(C-IV)HE/16-7/2013/685 dated 26-10-2015

on the subject noted above.

02 It is correct that according to the previous service of this Office notified on 14-01-2002, the incumbents of the posts of Assistant Research Officer(BPS-16) were provided 50% promotion chances against the post of Research Officer(BPS-17) with the condition of master degree in History, Pakistan Study or Sociology, however, as per advise of Khyber Pakhtunkhwa Public Service Commission the said condition after deliberation in SSRC meetings was deleted vide notification No. SO(T)HE/2-2/SSRC/2012 dated 25-04-2012 as such the amendment approved by a competent forum is very much valid and is in the overall interest of this office. Copies enclosed.

03- It may be pointed out that service structure are basically framed for ensuring efficient attainment of the assigned functions of an office and tenure stability of experienced subordinate staff is one way for achieving that purpose, therefore, nearly all public sector organizations including secretariat & other public functionaries in the their service structure, provide fair promotion chances to subordinate staff on the basis of seniority cum fitness and not on the qualification condition prescribed for initial recruitment as such the deletion of qualification condition of master degree from 50% promotion share of the post of Research Officer(BPS-17) is very much in uniformity of the service structure of other public sector organizations and is not discriminatory in nature. Moreover, it is personal experience of the undersigned that Research Officers or Assistant Research Officers recruited on recommendation of Khyber Pakhtunkhwa Public Service through initial method of recruitment are usually least interested in continuing/making career in this office as they always strive to get appointment in other departments having more financial attraction, whereas,

Service Rules 54


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subordinate staff of the rank of Research Assistant(BPS-11) and Assistant Research Officer(BPS-16) due to longevity of their prospective service career in this office take more interest in their official responsibilities, as such their should be reasonable chances of promotions for incumbents of the above cadres against the position of Research Officer(BPS-17) on subtraction/deletion of the qualification condition prescribed for initial recruitment.

04- In view of the aforementioned factors, this office does not support any amendment in the service rule of the post of Research Officer(BPS-17)and therefore, the request of the applicant may be regretted please.

  
(Zahir Ullah Khan)  
Director of Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar.

Enclosures

Original application along with all enclosures.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND  
LIBRARIES DEPARTMENT

Annex F

P. 96


No. SO(C-IV)HE/16-7/SR/2013 /1704  
Dated Peshawar the. March 14<sup>th</sup>, 2016

To

The Director  
Archives and Libraries Department  
Peshawar


SUBJECT: APPEAL FOR AMENDING SERVICE RULES OF THE EPOST OF RESEARCH OFFICER (BPS-17).

I am directed to refer to your office letter bearing No.97/3/20/DA dated 19-01-2016 on the subject and to state that the appeal of the applicant was examined through threadbare by this department and the same could not be acceded to. due to lack of cogent justification.

  
(Abdul Wali Khan)  
SECTION OFFICER (C-IV)

Copy to:-

- ✓ 1. Mr. Muhammad Ismail Assistant Research Officer Directorate of Archives and Libraries Department KPK Peshawar.

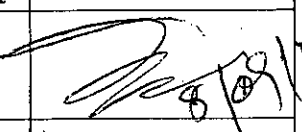
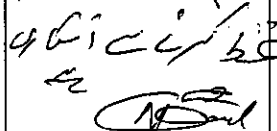
  
SECTION OFFICER (C-IV)

ATTENDED

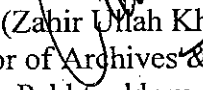
Annex G P 28

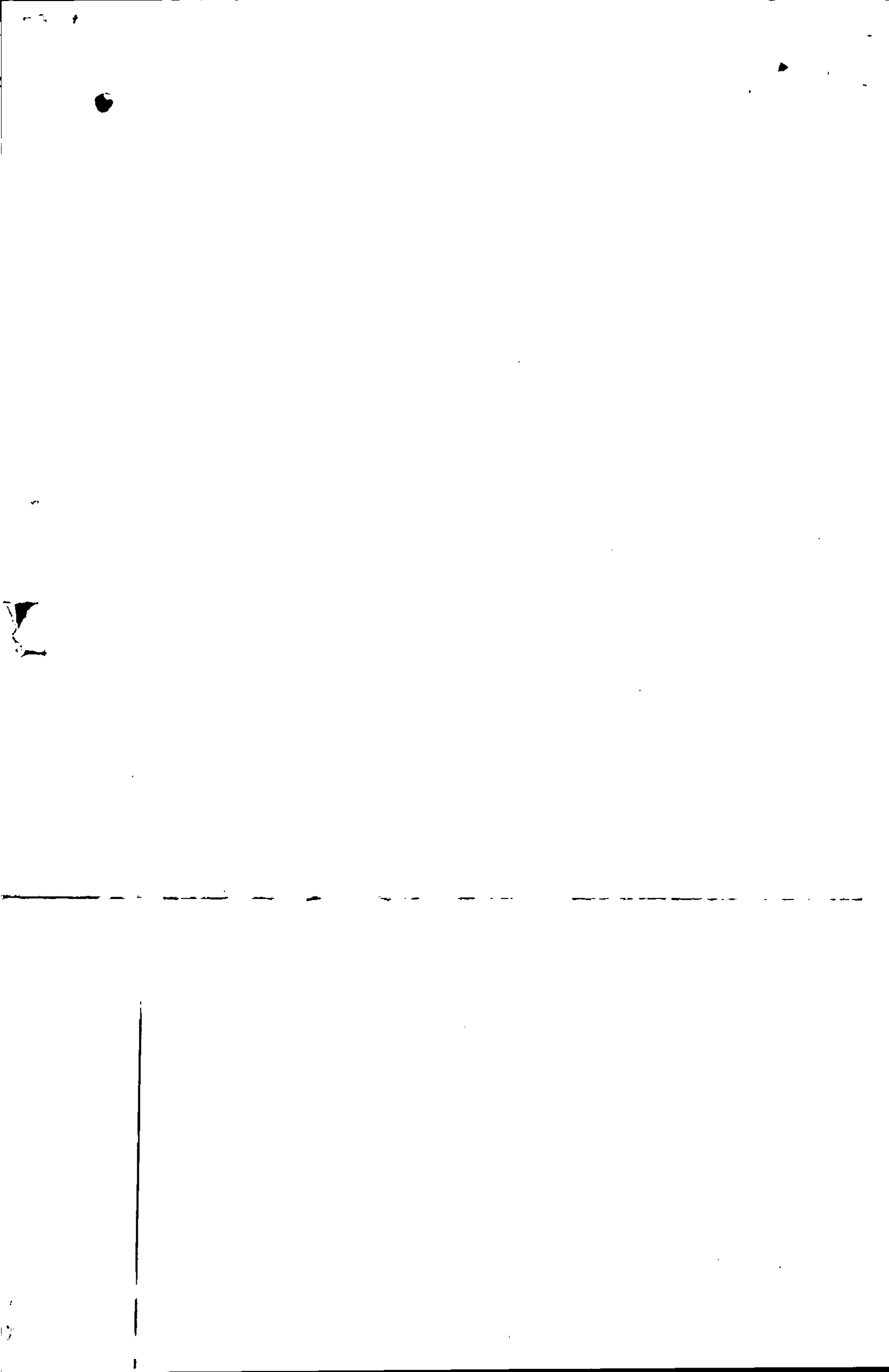
GOVERNMENT OF KHYBER PAKHTUNKHWA,  
DIRECTORATE OF ARCHIVES & LIBRARIES

**TENTATIVE SENIORITY LIST OF THE HOLDERS OF THE POST OF ASSISTANT RESEARCH OFFICER(BPS-16),  
DIRECTORATE OF ARCHIVES & LIBRARIES, KHYBER PAKHTUNKHWA AS IT STOOD ON 04-09-2015**

S.#	Name of Officer	Qualification	Date of Birth with Domicile/Zone	Date of 1 <sup>st</sup> Entry into Govt: Service	Date of 1 <sup>st</sup> appointment in the Office.	Date of regular appointment to the present post.	Method of recruitment to the present post	Remarks
1.	Waheed Murad, Assistant Research Officer(BPS-16)	B.A	<u>20-04-1966</u> Peshawar-II	<u>01-09-1987</u> Junior Clerk(BPS-05)	<u>01-09-1987</u> Junior Clerk(BPS-05)	<u>18-09-2004</u> Assistant Research Officer(BPS-16)	By promotion.	
2.	Muhammad Ismail, Assistant Research Officer(BPS-16)	M.A	<u>04-04-1983</u> Mohmand Agency, I	<u>27-10-2010</u> Assistant Research Officer(BPS-16)	<u>27-10-2010</u> Assistant Research Officer(BPS-16)	<u>27-10-2010</u> Assistant Research Officer(BPS-16)	By initial.	 8/9/15

ATTESTED

  
(Zahir Ullah Khan)  
Director of Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar.



*Annex H* P-29

GOVERNMENT OF N.W.F.P  
DIRECTORATE OF ARCHIVES & LIBRARIES

Dated Peshawar the 18<sup>th</sup> September 2004

**OFFICE ORDER**

No. \_\_\_\_\_/3/1/DA&L. Consequent upon the approval of the Departmental Promotion/Selection Committee of the Higher Education, Archives & Libraries, Department in its meeting held on 18.8.2004, Mr. Waheed Murad, Research Assistant, (BS-11) is hereby promoted as Assistant Research Officer (BS-16) in the Directorate of Archives & Libraries, NWFP, Peshawar with effect from 18.8.2004.

**(ZAHIR ULLAH KHAN)**

Director of Archives & Libraries, NWFP,  
Peshawar

No. 1306-09 /3/1/DA&L

Dated Peshawar the 18<sup>th</sup> September, 2004

Copy forwarded to: -

1. The Private Secretary to Secretary Higher Education, Archives & Libraries Department, NWFP, Peshawar
2. The Accountant General, NWFP, Peshawar
3.  Officer concerned.
4.  Office Order File.

*Entered in file  
see 1306-09  
Gaf*

*Zahir Ullah Khan*  
Director of Archives & Libraries, NWFP,  
Peshawar

**ATTACHED**

P/F

GOVERNMENT OF N.W.F.P.  
DIRECTORATE OF ARCHIVES AND LIBRARIES.

Dated Peshawar the 8th April, 1992.

**ORDER**

Amma-1  
P-30

No. 3/1/DA. Consequent upon the recommendations of the Departmental Examination/Selection/Promotion Committee of the Directorate of Archives & Libraries and Government of NWFP, Mr. Waheed Nural, Librarian-II (BS-8) is hereby promoted as Research Assistant (BS-11) against the existing vacancy with effect from 8.4.1992 on temporary basis.

*(Signature)*  
Director of Archives & Libraries,  
NWFP, Peshawar.

Enlist: No. 446-47/3/1/DA. Dated Peshawar the 8th April, 1992.

Copy forwarded to :-

1. The Accountant General, NWFP, Peshawar.
2. Official Concerned.

*(Signature)*  
Director of Archives & Libraries,  
NWFP, Peshawar.

ATTACHED

WAKALAT NAMA

IN THE COURT OF W.P. Service Tribunal

Muhammad Ismail  
ARJ Archive + Librarians Appellant(s)/Petitioner(s)  
VERSUS  
The chief secretary  
& others Respondent(s)

I/We Muhammad Ismail do hereby appoint  
**Mr. Khush Dil Khan, Advocate Supreme Court of Pakistan** in the above  
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

**AND hereby agree:-**

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by



**Khush Dil Khan,**  
Advocate,  
Supreme Court of Pakistan  
9-B, Haroon Mansion  
Off: Tel: 091-2213445

  
Signature of Executants

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 392/2016

**Muhammad Ismail,**  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa Peshawar.

.....*APPELLANT*

Versus

**The Chief Secretary,**  
Govt. Of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others

.....*RESPONDENTS*

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1	Parawise Comments		1-4
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3	Appointment of respondent No.4 as Librarian-II	A	6
4	Confirmation/Regularization order of respondent No.4 on the post of Librarian-II w.e.f. 09-09-1991.	B	7
5	Promotion of respondent No.4 to the post of Research Assistant	C	8
6	Service Rules of 1990	D	9-12

Respondents

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 392/2016**

**Muhammad Ismail,**  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa Peshawar.

.....**APPELLANT**

**Versus**

**The Chief Secretary,**  
Govt. Of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others

.....**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1,2 & 3**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS**

1. That the instance service appeal is not maintainable in its present form. The cause of action, if any accrued to the appellants is on 16 July, 2013 when the Service Rules impugned herein were notified. The appellant filed departmental appeal against these rules on 10-09-2015. His departmental appeal is time barred by two years, 2 months and 9 days. His service appeal before this Hon'able tribunal is also barred by limitation law.
2. The appellant is estopped by his conduct to file the instant service appeal.
3. The appeal is bad for nonjoinder of necessary parties like the members of Standing Service Rules Committee (SSRC) especially its Chairman, Secretary Establishment Government of Khyber Pakhtunkhwa. The Public Service Commission was also not joined as necessary party.
4. The appellant has not come to this Hon'able Tribunal with clean hands. The appeal in hand is also based on mis-statement.
5. This Hon'able tribunal, with profound respect, lacks jurisdiction to entertain the instant time barred appeal, un-accompanied by an application for condonation of delay.



ON FACTS:

1. Pertains to the personal record of the appellant hence no comments.
2. Incorrect. The Service Rules of 2002 were amended vide notification dated 16-07-2013, correctly (Annexed as C) by the appellant with the memo of his service appeal, whereby the qualification of master degree was deleted on the proposal of Khyber Pakhtunkhwa Public Service Commission as correctly pointed out by the respondent No.3 in his letter dated 19 Jan, 2016 as annexed by the appellant at page 25 of his service appeal, to bring in consistency with the service rules of other departments wherein the subordinate staff of other departments get promotion on the basis of seniority cum fitness, and the prescribed qualification for initial recruitment is not considered and that is why even subordinate staff gets promoted to as higher posts as Additional Secretaries. The amendments of 2013 in the recruitment rules were not made maliciously for one individual respondent No.4. These amendments in the service rules are not meant for one individual but for the whole department. The post of Research Officer BPS-17 is filled from the incumbent of the post of Assistant Research Officer BPS -16 with three years experience as such by way of promotion and 50% by initial recruitment through Public Service Commission, Khyber Pakhtunkhwa. The post of Research Officer is not filled on the basis of seniority -cum- fitness from amongst the persons holding the post of librarian BPS-17 with five year service as such incorrectly inserted in the table on page 3.
3. Incorrect. The amendments in 2013, as explained in the preceding para were brought in the recruitment rules in the best public interest to maintain efficiency in service. Moreover, these amendments were brought on the recommendations of Public Service Commission so as to harmonize them with the service rules of other departments wherein the subordinate staff are provided opportunity of promotion to the higher scale on seniority cum fitness and the prescribed condition of higher qualification for initial recruitment is not considered. Moreover the longevity of experience of subordinate staff is preferred than the person who is selected on initial recruitment. Moreover, the respondent No.4 is also a Bachelor Degree holder besides experience in his relevant field. The amendments in the service rules in year 2013 were brought in the public interest and not for one individual as alleged by the appellant.
4. Incorrect. The departmental appeal of the appellant dated 10-09-2015 was rejected by the respondent No. 2 after thoughtful consideration of the point of view of the respondent No. 3 with full justification.

5. Incorrect. The seniority list was correctly issued and the respondent No. 4 was correctly shown as senior to the appellant. The claim of the appellant in this respect is not correct. The private respondent No. 4 was initially inducted as Junior Clerk on 01-09-1987. Then he was appointed as Librarian-II vide office order No.984/3/1/DA dated 01-11-1989 against the leave vacancy which was confirmed/regularized on 10-09-1992 vide office order No.953-955/3/1/DA dated 10-09-1992 w.e.f. 09-09-1991 (Copy of the appointment order as Librarian-II and his confirmation/regularization order are annexed **A & B**). After that the respondent No. 4 was promoted to the post of Research Assistant from the post of Librarian-II vide order No 446-47/3/1/DA dated 08-04-1992 copy whereof is annexed as **C**, in accordance with the service rules dated 28 March 1990 annexed as '**D**'. Then the respondent No 4 was promoted from the post of Research Assistant to the present post of Assistant Research Officer BS-16 in accordance with the service rules as pointed out by the appellant at annexure "H" of his service appeal. Thus all the appointments hitherto held by the respondent No.4 are quite lawful and the appellant has baseless allegations against the respondents in respect of the promotion of the respondent No.4.

Therefore, the appellant has no cause of action to file the instant service appeal.

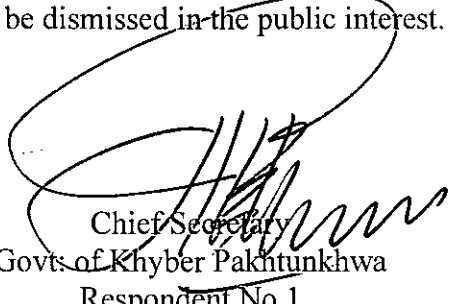
**ON GROUNDS:**

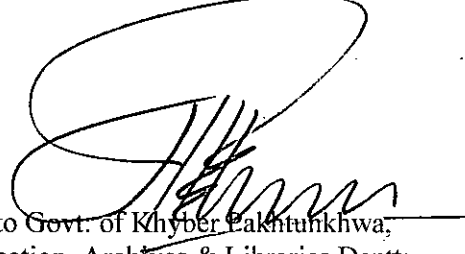
- A. Incorrect and misconceived, as explained in the preceding paras on facts. The higher qualification of master degree was deleted for the propose of promotion to the post of Research Officer BS-17 in the new recruitment rules 2013 on the recommendations of members of Standing Service Rules Committee (SSRC) under the chairmanship of Secretary Establishment especially the Public Service Commission in the instant case. The amendments in the rules were made in the public interest.
- B. Incorrect and misconceived. The service rules were amended in July, 2013 in the public interest and not for the purpose of illegally favoring the respondent No. 4 as explained fully in the preceding paras. The appellant remained complacent and did not raise objection over the amendments then and there and now at this belated stage after more than two years, he can not agitate the issue before this hon'ble tribunal after more than 2 years when valuable vested right has accrued to the respondent No. 4.
- C. Incorrect and misconceived as fully explained in the preceding paras. The amendment in the service rules were made in the public interest and not for favoring the respondent No.4.

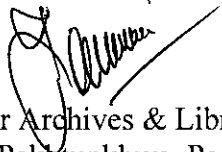
D. Incorrect and misconceived. The respondent No.4, prior to promotion to the post of Research Assistant was serving as Librarian-II. Then he was promoted from the post of Librarian-II to the post of Research Assistant. Thereafter he was promoted to the present post of Assistant Research Officer BPS-16 as fully explained in para-5 on facts supra.

E. Incorrect and misconceived. The amendments in the rules 2013 were made in the public interest and were also meant to bring in consistency and harmony with the service rules of the other departments wherein higher qualification is prescribed only for initial recruitment and in the case of promotion of civil servants to the next higher scale, only seniority cum fitness is followed.

In view of the above, the instant service appeal is without any substance and may be dismissed in the public interest.

  
Chief Secretary  
Govts of Khyber Pakhtunkhwa  
Respondent No.1

  
Secretary to Govt. of Khyber Pakhtunkhwa,  
Higher Education, Archives & Libraries Deptt:  
Respondent No.2

  
Director Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No. 3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 392/2016**

**Muhammad Ismail,**  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa Peshawar.

.....**APPELLANT**

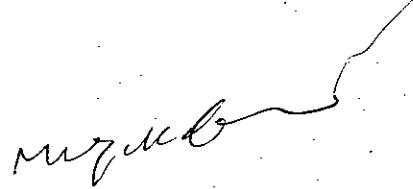
**Versus**

**The Chief Secretary,**  
Govt. Of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others

.....**RESPONDENTS**

**AFFIDAVIT**

I, Muqarrab Khan, Section Officer (Lit:), Higher Education, Archives and Libraries Department, do hereby solemnly affirm and declare on oath that the contents of the accompanying parawise comments are correct to the best of my knowledge and belief and nothing has been concealed therein from this hon'ble tribunal.



Deponent  
C.N.I.C. No. 16101-4117211-5

Dated Peshawar the 1st November, 1989.

"A"

OFFICE ORDER.

No. 984 /3/1/DA: Consequent upon the refusal of Mr. Abdul Ghaffar S/O Abdul Majeed to join the post of Librarian-II (BS-8) (Rs.790-34-1470) in the Directorate of Archives, NWFP, Peshawar, this office order No. 935/3/1/DA: dated 11th October, 1989 is hereby cancelled and Mr. Waheed Murad S/O Haji Fazal-ur-Rehman working as Junior Clerk in the Directorate of Archives, NWFP, Peshawar is hereby appointed as Librarian-II in (BS-8) (Rs. 790-34-1470) on purely temporary basis against the existing leave vacancy w.e. from the date of taking over.

*sd/*  
(Tariq Mansoor Jalali),  
Director of Archives, NWFP,  
Peshawar.

No. 985-83 /3/1/DA: Dated 1st November, 1989.

Copy forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. Mr. Waheed Murad, Junior Clerk Directorate of Archives, N.W.F.P., Peshawar.
3. Office Order file.
4. Personal file.

*Tariq Mansoor Jalali*  
Director of Archives, NWFP,  
Peshawar.

GOVERNMENT OF N.W.F.P.,  
DIRECTORATE OF ARCHIVES & LIBRARIES.

Dated Peshawar the 10th Sep: 1992

"B"

ORDER

No. \_\_\_\_\_/3/1/DA. On his own request the resignation tendered by Mr. Gul Jee, Librarian-II (BES-8) of the Directorate of Archives & Libraries NWFP, Peshawar is hereby accepted w.e.f. 9-9-1991 (F.N).

Consequent upon the resignation of Mr. Gul Jee, Librarian-II of the Directorate of Archives & Libraries, NWFP, Peshawar, Mr. Waheed Murad who was appointed as Librarian-II against the existing leave vacancy vide this office Order No. 984/3/1/DA dated 1st Nov: 1989, is hereby regularised w.e.f. 9-9-1991 (F.N).

The period of duty performed by him from 1-11-89 to 8-9-1991 shall be treated as period on probation.

(Yariq Mansoor Jalali)  
Director of Archives &  
Libraries NWFP, Peshawar.

Encl: No. 953-955 /3/1/DA. Dated Pesh: the 10th Sep: 1992.

Copy forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. Mr. Gul Jee, Mr. Librarian-II, Directorate of Archives & Libraries Govt: of NWFP, Peshawar.
3. ✓ Mr. Waheed Murad, Librarian-II, Directorate of Archives & Libraries.
4. Office Order File.
5. Personal Files of the Officials Concerned.

*Yariq Mansoor Jalali*  
Director of Archives &  
Libraries NWFP, Peshawar

DIRECTORATE OF ARCHIVES AND LIBRARIES.

Dated Peshawar the 8th April, 1992.

**ORDER.**

No. \_\_\_\_\_/5/1/DA. Consequently upon the recommendations of the Departmental Examination/Selection/Promotion Committee of the Directorate of Archives & Libraries, Government of NWFP, Mr. Wahed Muzaf, Librarian-II(BS-8) is hereby promoted as Research Assistant (BS-11) against the existing vacancy with effect from 8.4.1992 on temporary basis.

*id*  
(Mr. Mansoor Jaleel),  
Director of Archives & Libraries,  
NWFP, Peshawar.

Enlist: No. 446-47/5/1/DA. Dated Peshawar the 8th April, 1992.

Copy forwarded to :-

1. The Accountant General, NWFP, Peshawar.
2. Official Concerned.

*Mansoor Jaleel*  
Director of Archives & Libraries,  
NWFP, Peshawar.

GOVERNMENT OF N.W.F.P  
DIRECTORATE OF ARCHIVES & LIBRARIES

Dated Peshawar the 18<sup>th</sup> September 2004

**OFFICE ORDER**

No. \_\_\_\_\_/3/1/DA&L. Consequent upon the approval of the Departmental Promotion/Selection Committee of the Higher Education, Archives & Libraries, Department in its meeting held on 18.8.2004, Mr. Waheed Murad, Research Assistant, (BS-11) is hereby promoted as Assistant Research Officer (BS-16) in the Directorate of Archives & Libraries, NWFP, Peshawar with effect from 18.8.2004.

**(ZAHIR ULLAH KHAN)**

Director of Archives & Libraries, NWFP,  
Peshawar

No. 1306 - 04 /3/1/DA&L

Dated Peshawar the 18<sup>th</sup> September, 2004

Copy forwarded to: -

1. The Private Secretary to Secretary Higher Education, Archives & Libraries Department, NWFP, Peshawar
2. The Accountant General, NWFP, Peshawar
3. ✓ Officer concerned.
4. Office Order File.

P/ File

*Handwritten notes:*  
1. 1306 - 04  
2. 1306 - 04  
3. 1306 - 04

Director of Archives & Libraries, NWFP,  
Peshawar



Rules 1990

"D"

GOVERNMENT OF NWFP, INFORMATION, SPORTS  
CULTURE, PUBLIC RELATIONS, MUSEUMS,  
TOURISM, ARCHIVES & LIBRARIES DEPARTMENT

NOTIFICATION

No. SO(Archives)3(1)/87/Vol:IV, -In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in consultation with the Services and General Administration Department and the Finance Department, the Information, Public Relations, Sports, Culture, Museums, Tourism & Archives Department hereby directs that for the existing Appendix to this Department Notification No. SO(Archives)5-6/79/Vol:II, dated the 21st July, 1986, the following Appendix shall be substituted, namely:

"APPENDIX"

Sr. No.	Designation of post.	Minimum qualifications prescribed for initial recruitment.	Age limit	Method of recruitment.
1	2	3	4	5
1.	Director	a) M.A (History) 2nd Division, from a recognised University; b) original research work published in journals/newspapers of repute; and c) five years experience in Archives.	28 to 35 years	By initial recruitment
2.	Research Officer	M.A (History) 2nd Division, from a recognised University.	21 to 35 years	i) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant Research Officers who possess Master's Degree in History, Pakistan Studies with at least three years service as such; and  ii) fifty per cent by initial recruitment.

Note:- Candidates having research experience in History/Archives will be given preference.

1	2	3	4	5
7.	Librarian (B-16)	Diploma in Library Science from a recognised University.	20 to 28 years	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Cataloguer-cum-Classifier and Preservation Assistant subject to the condition that they possess Diploma in Library Science, or if no suitable person is available for promotion, then by initial recruitment.
8.	Cameraman	a) Secondary School Certificate or equivalent qualification from a recognised Board; and b) three years practical experience in a Government or Semi Government Organization in microfilming.	18 to 25 years	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Dark Room Assistants with at least five years service as such, or if no suitable person is available for promotion, then by initial recruitment.
9.	Stenographer	a) Secondary School Certificate or equivalent qualification from a recognised Board; and b) a speed of 100 words per minute in shorthand in English and 40 words per minute in typing.	18 to 25 years	<del>By initial recruitment.</del>
10.	Research Assistant	Bachelor's Degree from a recognised University, Preference will be given to candidates having History as one of the subjects.	18 to 30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Librarian-II with at least two years service as such, or if no suitable person is available for promotion then by initial recruitment.
11.	Record Asstt/ Assistant.			By promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Senior Clerks with at least three years service as such.

2

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12. Preservation Assistant.	B.Sc (2nd Division) with Chemistry as on elective subjects from a recognised University.	20 to 28 years	By initial recruitment
13. Cataloguer-cum-Classifier.	a) Degree from a recognised University; and b) one year's experience of cataloguing in a reputed library.	18 to 25 years	By initial recruitment
14. Librarian-II(B-8)	a) Higher Secondary School Certificate or equivalent qualification from a recognised Board; and b) two years experience in a reputed library.	18 to 25 years	By initial recruitment.
Note:-The condition of experience in the case of Cataloguer-cum-Classifier and Librarian-II may be relaxed in cases of candidates possessing diploma in Library Science.			
15. Senior Clerk			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Junior Clerk and Kotib with at least two years service as such.
16. Operator	a) Secondary School Certificate or equivalent qualification from a recognised Board; and b) knowledge of Lamination and Operation of Photocopying machine.	18 to 25 years	By initial recruitment.

19. Katib	Secondary School Certificate or equivalent qualification from a recognised Board and two years experience in calligraphy.	18 to 25 years	By initial recruitment.
20. Daftari/ Mender	Middle pass	18 to 40 years	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the holders of the posts of Naib Qasids and Chowkidar having the qualification prescribed for initial recruitment, or if no suitable person is available for promotion, then by initial recruitment.
21. Naib Qasid	Preferably literate	18 to 40 years	By initial recruitment.
22. Chowkidar	-	18 to 40 years	By initial recruitment.

Secretary to Govt of N.W.F.P.  
Information, Sports, Culture  
Museums & Archives Deptt:

Endst:No.50(Archives)3(1)/87/Vol:IV

Dated Peshawar the 28th March, 1990

Copy of the above for information is forwarded to:-

1. All Administrative Secretaries to Govt of N.W.F.P.
2. Secretary to Governor, N.W.F.P.
3. Secretary to Chief Minister, N.W.F.P.
4. All Commissioners in N.W.F.P.
5. All Heads of Attached Departments in N.W.F.P.
6. All Heads of Autonomous/Semi Autonomous Bodies in N.W.F.P.
7. Registrar, Peshawar High Court, Peshawar.
8. Secretary, N.W.F.P. Public Service Commission, Peshawar
9. Registrar, N.W.F.P. Service Tribunal, Peshawar
10. The Manager, Govt Press Peshawar. It is requested that 50 copies of the Gazette notification when published may please be sent to this Department for further distribution.

(Zahir Haider)  
Section Officer (Information)

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Reply to C.M Application \_\_\_\_\_/2018  
in Service Appeal No. 392/2016

**Muhammad Ismail,**  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa Peshawar.

.....*APPELLANT*


**Versus**

**The Chief Secretary,**  
Govt. Of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others

.....*RESPONDENTS*

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Secretary of Higher Education,  
Archives & Libraries Deptt:  
Khyber Pakhtunkhwa

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Reply to C.M Application \_\_\_\_\_/2018  
in Service Appeal No. 392/2016**

**Muhammad Ismail,**  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa Peshawar.

.....**APPELLANT**

**Versus**

**The Chief Secretary,**  
Govt. Of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others

.....**RESPONDENTS**

**PARAWISE REPLY TO C.M APPLICATION ON BEHALF OF  
RESPONDENTS NO.1,2 & 3**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS**

1. That the instant C.M application in the titled service appeal is not maintainable in its present form. The titled service appeal stands abated due to the removal of the applicant/appellant on 06-03-2017 (copy of his removal order is annexed as A).
2. The petitioner is estopped by his conduct to file the instant C.M application in the titled service appeal.
3. The C.M application is bad for non-joinder of necessary parties like the members of Standing Service Rules Committee (SSRC) especially its Chairman, Secretary Establishment Government of Khyber Pakhtunkhwa. The Public Service Commission was also not joined as necessary party.
4. The petitioner has not come to this Hon'able Tribunal with clean hands. The C.M application in hand is also based on misconception.
5. That the petition is not maintainable as the petitioner has to challenge the promotion order in a separate appeal in accordance with section 4 of service tribunal Act.

**ON FACTS:**

1. That the above titled case is now fixed for hearing on 10-04-2018.
2. Correct to the extent that the respondent No.3 has been promoted on 17-11-2017.
3. Incorrect. The promotion of respondent No.3 is a settled fact which cannot be unsettled by such like frivolous applications. The respondent No.3 was promoted in accordance with the notified Service Rules which were not challenged at the proper time, now vested rights accrued to the respondent No.3, cannot be taken back from him under any canons of justice. No litigation much less multiple can justifiably result from the promotion of respondent No.3. Further after removal, the petitioner is not on the strength of department. Hence he has no locus standi to file the petition.
4. Incorrect. The applicant/appellant has not made any prima facie case to deserve any interim relief from this honorable Service Tribunal. The petitioner was appointed as Assistant Research Officer on 26-10-2010 and challenged in this honorable Service Tribunal, the seniority of the respondent No.3 who was promoted to the post of Assistant Research Officer on 18-08-2004 six years before his appointment and this honorable tribunal kindly dismissed his service appeal No.921/2016 vide order dated 11-07-2017. (Copy is enclosed as Annexure B).
5. Incorrect. The balance of convenience does not lie in his favor and he has nothing to suffer from much less irreparable loss. Now the balance of convenience lies in favor of respondent No.3.

In view of the above submission it is, therefore, prayed that the instant C.M application being frivolous, may be rejected with appropriate costs.

*on behalf of*  
Chief Secretary  
Govt: of Khyber Pakhtunkhwa  
Respondent No.1

*[Signature]*  
Secretary to Govt: of Khyber Pakhtunkhwa,  
Higher Education, Archives & Libraries Deptt:  
Respondent No.2

*[Signature]*  
Director Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No. 3

(122)  
3


GOVERNMENT OF KHYBER PAKHTUNKHWA,  
DIRECTORATE OF ARCHIVES & LIBRARIES,  
PESHAWAR

No. 983 /3/10/DA Dated 6/11 March, 2017.

**ORDER**

WHEREAS, Muhammad Ismail, Assistant Research Officer(BPS-16), Directorate of Archives & Libraries, Khyber Pakhtunkhwa, Peshawar was proceeded against under Section-5 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, Rules, 2011, for the charges mentioned in the Charge Sheet and Statement of Allegations communicated to him vide No. 1930/3/10/DA dated 15-11-2016.

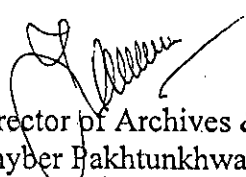
- 02- WHEREAS, the Inquiry Committee, appointed for the purpose has submitted its report to the Competent Authority.
- 03- WHEREAS, his reply dated 25-11-2016 forwarded in response to the allegations contained in Charge Sheet was found unsatisfactory/evasive in light of the record/statements pertaining to his late coming/non signing of the attendance register and using of abusive language against his seniors.
- 04- WHEREAS, his reply dated 01-02-2016 in response of the Show Cause Notice bearing No. 220/3/10/DA dated 25-01-2017 was also found irrelevant and unsatisfactory, besides, he failed to put justifiable explanation in his defense against the allegations ibid during the opportunity of personal hearing provided to him on 07-02-2017.
- 05- AND WHEREAS, the competent authority after considering report of the Inquiry Committee, unsatisfactory replies of the officer furnished in response to the Charge Sheet & Show Cause Notice, record/statements regarding his habitual late coming/non-signing of the attendance register & using of abusive language against seniors for no reasons, provision of opportunity of personal hearing during which he failed to put justifiable explanation in his defense, is satisfied that the charges leveled against Mr. Muhammad Ismail, Assistant Research Officer, Directorate of Archives & Libraries, Peshawar, have been proved.
- 06- NOW, THEREFORE, in exercise of the powers conferred under Section-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, the Competent Authority is pleased to order the imposition **Major Penalty of Removal from Service** upon Mr. Muhammad Ismail, Assistant Research Officer(BPS-16), Directorate of Archives & Libraries, Peshawar with immediate effect.

  
(Zahir Ullah Khan)  
Director of Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar.

**Endst: No. & Date Even.**

Copy forwarded to: -

- i)- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- ii)- Mr. Muhammad Ismail S/O Fazal-e-Mola, resident of Street No. 03, Mohallah, Qazi Abad, Outside Gunj Gate, Peshawar.
- iii)- Personal File.
- vi)- Office Orders File.

  
Director of Archives & Libraries,  
Khyber Pakhtunkhwa, Peshawar.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 921 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 939

Dated 31-8-2016

Muhammad Ismail,  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar .....



Appellant

Versus

1. The Secretary,  
Government of Khyber Pakhtunkhwa,  
Higher Education, Archives & Libraries,  
Department, Peshawar.
2. The Director,  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar
3. Waheed Murad,  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa, Peshawar ..... Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST OF ASSISTANT RESEARCH OFFICER (BPS-16) STOOD ON 22-04-2016 VIDE NOTIFICATION DATED 22-04-2016 AGAINST WHICH APPELLANT FILED DEPARTMENT APPEAL BEFORE RESPONDENT NO. 1 ON 19-05-2016 UNDER REGISTERED POST VIDE RECEIPT NO. 1407 DATED 20-05-2016 BUT SAME WAS NOT REPLIED WITHIN STATUTORY PERIOD OF 90 DAYS.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

filed to-day

Registrar

31/8/16



11.07.2017

None is available on behalf of the appellant. Assistant A.G alongwith Muqarrab Khan, SO for the official respondents and private respondent No. 3 in person present. Called several times, till last hours of the court but nobody appeared on behalf of the appellant.

In view of the above, the appeal is dismissed in default. File be consigned to the record room.

*Sd/- Member*                      *Sd/- Chairman*

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

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Reply to C.M Application \_\_\_\_\_/2018  
in Service Appeal No. 392/2016

**Muhammad Ismail,**  
Assistant Research Officer (BPS-16),  
Archives & Libraries Department,  
Khyber Pakhtunkhwa Peshawar.

.....**APPELLANT**


**Versus**

**The Chief Secretary,**  
Govt. Of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar and others

.....**RESPONDENTS**

**AFFIDAVIT**

I, Muqarrab Khan, Section Officer (Lit:), Higher Education, Archives and Libraries Department, do hereby solemnly affirm and declare on oath that the contents of the accompanying parawise reply to the C.M application in the titled service appeal are correct to the best of my knowledge and belief and nothing has been concealed therein from this honorable tribunal.

  
Deponent

C.N.I.C. No. 16101-4117211-5