

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

CM No. \_\_\_\_\_/2024

IN  
APPEAL No. 562 /2023

PROF. ABDUL JABBAR VS. GOVT OF KHYBER PAKHTUNKHWA AND OTHERS

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Through

Applicant



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

14-03-2024

D. B

Peshawar

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IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

CM No. \_\_\_\_\_/2024  
IN  
APPEAL No. 562 /2023

Khyber Pakhtunkhwa  
Services Tribunal

Diary No. 11655

Dated 07-03-2024

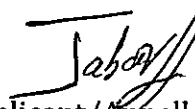
PROF. ABDUL JABBAR VS. GOVT OF KHYBER PAKHTUNKHWA AND OTHERS

**AN APPLICATION FOR PLACING ON FILE ADDITIONAL DOCUMENTS**


Respectfully Submitted:

1. That the subject captioned case is pending adjudication before this Honorable Tribunal and is fixed for 29-03-2024.
2. That the applicants are required to submit additional documents, and they seek the permission for the placement of the documents on file for the just and judicious decision of the instant case.  
Copy of additional documents are attached
3. That proprietary demands that the said documents be allowed to be placed on file.

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

  
Applicant/Appellant

Through

  
ALI GOHAR DURRANI  
Advocate High Court(s)  
0332-9297427  
[khaneliegohar@yahoo.com](mailto:khaneliegohar@yahoo.com)  
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HOUSE NO. 231-A, STREET NO. 13,  
NEW SHAMI ROAD, PESHAWAR.

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IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

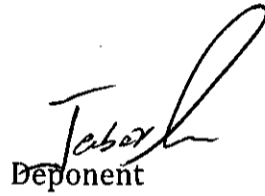
CM No. \_\_\_\_\_/2024  
IN  
APPEAL No. 562 /2023

PROF. ABDUL JABBAR VS. GOVT OF KHYBER PAKHTUNKHWA AND OTHERS

**AFFIDAVIT**

I, Abdul Jabbar s/o Tehmash Khan r/o Shadman Colony Warsak road  
House No. 6-A, Street No. 03, Peshawar


do hereby solemnly declare and affirm on oath that the contents of this CMA  
are true and correct to the best of my knowledge and belief and nothing has  
been kept secret from this Hon' able Court.

  
Deponent

C.N.I.C: 17301-1522209-3

Cell No. 0333-913968

Identified by:

  
ALI GOHAR DURRANI  
Advocate High Court





3

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

Dated Peshawar January 10, 2023

**NOTIFICATION**

**NO. SO(E-I)/E&AD/9-88/HED/2023.** Consequent upon his promotion, from the post of Professor (Male) (BS-20) to post of Principal (BS-21) of (GCMS/GCCS), on regular basis, as notified vide this Department Notification bearing No. SO(E.I)/E&AD/9-88/HED/2022 dated 14.12.2022, Mr. Manzoor ul Hassan (BS-21), Professor GCMS, Abbottabad is hereby transferred and posted as Principal, GCMS, Abbottabad, against the vacant post, in the public interest, with immediate effect.

**CHIEF SECRETARY  
GOVERNMENT OF KHYBER PAKHTUNKHWA**

**ENDST. NO. & DATE EVEN.**

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department
4. Director General of Commerce Education and Management Sciences, Khyber Pakhtunkhwa.
5. Director General, Information, Khyber Pakhtunkhwa.
6. Principal of concerned College.
7. PS to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Secretary Establishment/PS to Secretary Administration Departments.
9. PS to Special Secretary (E)/ D.S.(Admn)/D.S. (Estt.) SO(Secret)/SO(HRD-I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD.
10. District Account Officer, Abbottabad.
11. Officer concerned
12. Manager, Govt Printing Press Peshawar

(ZIA UL HAQ)  
SECTION OFFICER (ESTT. I)  
PH # 091-9210529

10-1-2023

(4)

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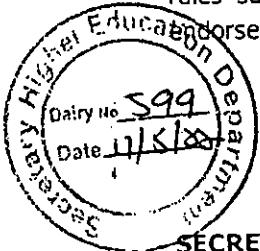
Refer Para 22/N:

24. The justification provided by the Department vide Para 19/N was based on the ground realities and in accordance with the discussion made in the SSRC meetings which held twice, wherein Establishment Department being member of the forum agreed with the proposal. Furthermore, the Establishment Department has raised observations only on the rules framed for the post in BS-21 vide para 12/N which was accordingly amended as per the advice of the Establishment Department.

25. The Administrative Department is of the view that considerable time has been lapsed in the approval of the rules which were not only recommended by SSRC but also vetted by Law Department resultantly a lot of incumbents stood retired from service without getting their due right of promotion. The uncertainty in approval of rules have created sense of deprivation and frustration amongst the college fraternity which may results in administrative issues for the Department.

26. It is pertinent to mention that this delay has also affected the colleges working under the ambit of this Department due to the shortage of the faculty as Department is unable to process the requisitions to KPPSC till the process attain finality. Moreover, it is also worth mentioning that the condition of initial recruitment shall be exclusively applied to newly created posts and shall have no bearing upon the existing posts. In the instant scenario only a specific quantum of existing posts of teaching cadre have been upgraded to corresponding next grades, alongwith the incumbents holding the same, hence the increase in number of posts of BS-20 shall not be treated as vacant, therefore, initially reserving 20% to be filled in by KPPSC is not a viable approach. Furthermore, the department has significant number of MS/MPhil and Ph.D faculty in the seniority having requisite experience in the field of teaching who if promoted shall fulfill the desired gap. The process of the recruitment through KPPSC is also time consuming as KPPSC normally requires 2 to 3 years in filling up the posts and the Department could not afford to wait such long due to the shortage of the staff in the colleges.

27. Foregoing in view, The Administrative Department reiterates its stance made vide Para 19/N as it contains all the justification required in the matter and, the rules submitted vide Para 15 of the note are duly recommended by the SSRC and endorsed by the Law Department, hence may be approved, please.



**SECRETARY,  
ESTABLISHMENT DEPARTMENT:**

*(Signature)*  
**(DAWOOD KHAN)**

SECRETARY HIGHER EDUCATION DEPARTMENT

*(Large handwritten signature)*

Higher Education Department

5.

Agenda item No. 1: 5-tier structure for college teachers of Higher Education Department.

Representative of Higher Education Department while explaining the agenda item stated that 5-tier Service Structure for the College teachers serving in General and Commerce College working under the ambit of Higher Education Department were approved by Provincial Cabinet. The Administrative Department placed the same in departmental SSRC meeting held on 12.10.2020 and subsequently vetted by Law Department. After vetting by Law Department, the said Service Rules were forwarded to Establishment Department for approval. However, Establishment Department made some observations and returned the same to the department for re-consideration. After re-consideration the said Service Rules were again placed before departmental SSRC held on 01.02.2022 which was unanimously approved and the same got vetted by Law Department. The Administrative Department forwarded again the vetted service rules to Establishment Department for approval. Since the centralized SSRC was notified in Establishment Department, therefore, Establishment Department advised the Higher Education Department to place the working paper before the centralized SSRC.

After detailed discussion, the draft amendments in the proposed 5-tier structure for college teachers of HED was approved as per Appendix-I.

Communication & Works Department

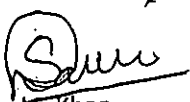
Agenda Item No.2: Minutes of the meeting of the committee constituted under the chairmanship of additional Chief Secretary, P&D Department Khyber Pakhtunkhwa held on 20.04.2022.


Agenda item No. 3: Service Appeal No. 953/2018 Awais-ur-Rehman vs Govt of Khyber Pakhtunkhwa through Chief Secretary and others with concerned Service Appeals No. 954/2018.


Agenda item No 4: Insertion of the post plumber against Sr. 24 in column -4(A) for promotion to the post of Junior Clerk in the existing Service Rules of C&W Department.

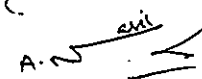
Representative of C&W Department while presenting the agenda items stated that B-Tech (Hons) degree holder Assistant Engineers (BS-17) in C&W Department filed writ petition in Peshawar High Court with the plea to reserve 20% quota in the posts of BS-18 engineers for the employees having B-Tech (Hons) degree serving as SDO/AE (BS-17). The departmental representative explained his agenda item given in the working paper and requested the forum that the committee may approve one of the proposal given in the working paper. Representative of Establishment Department pointed out that the Administrative Department


bml


  
Mr. Shakir Khan  
Section Officer (FR) Finance  
Department

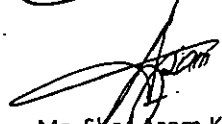
  
Muhammad Saeed  
Deputy Director,  
Public Service Commission  
For SSC held on 18-8-22.

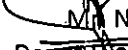
  
Mohammad Sohail  
Deputy Secretary  
Communication & Works  
Department

  
Abdul Nasir Khan  
Additional Secretary, Higher  
Education Department

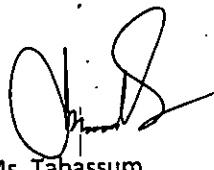
  
Muhammad Saeedullah  
Additional Secretary (Reg-II),  
Establishment Department

  
Mr. Akhtar Saeed Turk  
Special Secretary (Reg),  
Establishment Department.

  
Mr. Sheh Azam Khan  
Section Officer, PHE  
Department

  
Mr. Noor ul Hag  
Deputy Secretary (Policy),  
Establishment Department

  
Mr. Afsar Ali Shah,  
Secretary, Board of Revenue

  
Ms. Tabassum  
Additional Secretary,  
Law, Department



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA**



**Rano Garhi, Peshawar**

Tel. # 091-2650025 / 9330496

E-mail: [dhekpesh@gmail.com](mailto:dhekpesh@gmail.com)

Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar

3450-1

Date: Peshawar the 3<sup>rd</sup> Feb 2024

To:

(7)

1. Mr. Abdul Jabbar  
Ex-Principal,  
Govt; Degree College, Kohi Sher Haider,  
Bara, Khyber, District.
2. Mr. Sharif Gul  
Ex-Prof. of Economics/  
Principal, Govt; Superior Science College, Peshawar.

**SUBJECT**

**PROVISION OF SENIORITY LIST OF BPS-20 FOR THE YEAR,  
2020 AND 2021.**

**Memo:**

I am directed to refer to your application dated 27.02.2024 and 16.02.2024 on the subject cited above and to state that this office has not finalized/ maintained seniority list of the male Professor (B-20) of the year of 2020 and 2021 as, at that time, no further promotion was admissible to the professors (B-20) of College cadre, therefore, this office expresses its inability to accede to your request, please.

**ADDITIONAL DIRECTOR (ESTT)**

Endst: No. \_\_\_\_\_

Copy of the above is forwarded to the:

1. Assistant Director (Promotion Cell), Local Directorate.
2. Assistant Director (Litigation), Local Directorate.

**ADDITIONAL DIRECTOR (ESTT)**

WITNESSED BY  
THE COPY



To

(8)

The Director Higher Education  
Khyber Pakhtunkhwa, Peshawar

Subject: Provision of Seniority List BPS-20  
for the year 2020 and 2021.

Memo.

In connection with the honourable  
Court Service Tribunal order No. 563/23 Dated 01-02-24  
(Copy attached), a request on the above subject was  
submitted to your office vide Diary No. 1818-220  
Dated 16.02.2024, but the action is still awaited.  
It is requested once again, to provide the subject  
Seniority List, showing the Seniority position of  
mine and Prof. Sharif Gul for submission to the court.  
A timely action will be highly appreciated

Dated: 27.02.2024.

Regards.

*A/ans*  
27/02/2024

Prof. Abdul Jabbar Retired  
Prof. Sharif Gul. Retired.

WDE  
Directorate of Higher Education  
Khyber Pakhtunkhwa  
RECEIVED  
28 FEB 2024  
Diary # 2336 Page # 293

*[Signature]*  
WDE  
Khyber Pakhtunkhwa

To

9

The Director Higher Education  
Khyber Pakhtunkhwa Peshawar

Subject: Provision of Seniority List BPS-20  
for the years 2020<sup>and</sup> 2021

Memo In Pursuance to the directions  
of the honorable Court, vide, order No.  
563/23 dated, 01.02.2024, (copy attached)  
the documents mentioned in the  
above subject are required for  
submission to the honorable Service  
Tribunal. An early action shall be  
highly appreciated

Dated: 16.02.2024 Regards

(A) 16.02.2024 Prof. Abdul Jabbar (Retired)  
AND  
Prof. Sharif Gul (Retired)

DDE

Directorate of Higher Education Khyber Pakhtunkhwa Peshawar
16 FEB 2024
1818 - 220
Date Page