

06.06.2016

Counsel for the appellant and Mr. Ziaullah, GP for official respondents No. 1 to 3 present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 3.11.16 before D.B.


MEMBER


MEMBER

03.11.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for official respondents No. 1 to 3 present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 3.3.17 before D.B.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

03.03.2017

None present for the appellant. Assistant AG for respondents present. The court time is about to over but non-appeared on behalf of the appellant nor the appellant was present in person despite issuance of the notice to appellant and his counsel, therefore, the instant appeal is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED:
03.03.2017


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMER

07.05.2015

Clerk of counsel for the appellant and Mr. Sheharyar Khan, ASJ
alongwith Addl: A.G for official respondents No. 1 to 3 present. Rejoinder
submitted. The appeal is assigned to D.B for final hearing for 30.11.2015.



MEMBER

30.11.2015

Counsel for the appellant and Mr. Ziaullah, GP for
respondents present. Arguments could not be heard due to
shortage of time. To come up for rejoinder as well arguments on

2-3-2016

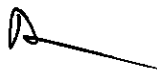
Member



Member

02.03.2016

Counsel for the appellant and Mr. Ziaullah, GP
for respondents present. Counsel for the appellant
requested for adjournment. To come up for arguments
on 06.06.2016.



Member



Member

6-
11.9.2014

Clerk of counsel for the appellant and Mr. Sheharyar Khan, Assistant Supdt. Jail on behalf of official respondents No. 1 to 3 with Mr. Kabirullah Khattak, AAG present. Written reply received on behalf of official respondents No. 1 to 3, copy whereof is handed over to the clerk of counsel for the appellant for rejoinder; while written reply has not been received on behalf of private respondent No. 4, who was served through registered post for 3.6.2014 when the appeal was adjourned on note Reader. Therefore, fresh notice be issued to private respondent No. 4 for written reply/comments on behalf of the private respondent as well as rejoinder on behalf of the appellant on 13.1.2015.


Chairman

7-
13.01.2015

Clerk of counsel for the appellant and Addl: A.G for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4 despite service. Proceeded ex-parte. Appellant seeks adjournment for rejoinder. Last opportunity granted for rejoinder on 7.5.2015.

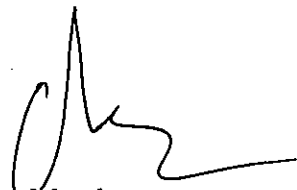

Chairman



3.

28.01.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 17.03.2014.


Member

4.

17.03.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 17.06.2013, he filed departmental appeal on 16.07.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 18.11.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 03.06.2014.

Appellant Deposited
Security & Process Fee
Rs. 200/- Bank
Receipt is Attached with File.

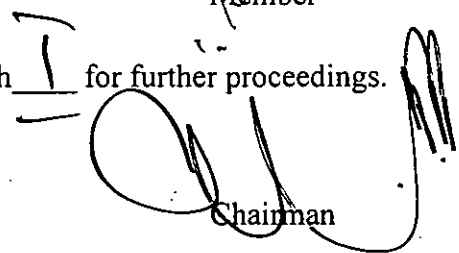

7/4/14


Member

5.

17.03.2014

This case be put before the Final Bench I for further proceedings.


Chairman

3.6.14



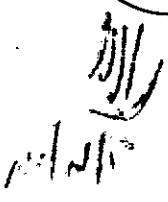
The Hon'ble bench is on Paus
Res etc, as is signed B 11-9-14


Reader

Form - A
FORM OF ORDER SHEET

Court of _____

Case No. 1522/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/11/2013	<p>The appeal of Mr. Samiullah Khan resubmitted today by Mr. Khaled Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-1-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;"></p>

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11 8

The appeal of Mr. Samiullah Khan Superintendent Distt. Jail Timergara received today i.e. on 18.11.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:

1- Page Nos. 8 & 9 of the appeal are illegible which may be replaced by legible/better one.

No. 1647 /S.T.

Dt. 19/11 /2013.

lego
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Khaled Rehman Adv. Pesh.

In
Resubmitted after
Completion

[Signature]
20/11/13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1522/2013

Samiullah Khan

.....Appellant

Versus

**The Govt. Of KPK and
others.**

.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-4
2.	Advertisement and Recommendation of Public Service Commission	4/10/2008 20/3/2010	A	5-6
3.	Tentative Seniority List	5/5/2011	B	7-9
4.	Objections on the Seniority List	24/5/2011	C	0-10
5.	Final Seniority List	5/7/2011	D	11-14
6.	Service Appeal		E	15-17
7.	Impugned Notification	17/6/2013	F	0-18
8.	Departmental Appeal	16/7/2013	G	19-20
9.	Wakalat Nama			21

Through

Appellant

**Khaled Rahman
Advocate, Peshawar**

9-B, Haroon Mansion,
Khyber Bazar, Peshawar.
Cell # 0345-9337312

Dated: 16 / 11 / 2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1522/2013

A.W.P. Peshawar
1564
18/11/13


Samiullah Khan,
Superintendent,
District Jail, Timergara.Appellant.

Versus

1. The Govt. of Khyber Pakhtunkhwa,
through Chief Secretary, Civil Secretariat,
Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Civil Secretariat Peshawar.
3. The Inspector General Prisons,
Khyber Pakhtunkhwa, Peshawar.
4. Sahibzada Shah Jehan,
Superintendent,
District Jail, Bannu. Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED
NOTIFICATION DATED 17/6/2013 WHEREBY
RESPONDENT NO. 4 BEING JUNIOR WAS
PROMOTED TO THE POST OF SUPERINTENDENT
DISTRICT JAIL (BPS-18) AGAINST WHICH
APPELLANT FILED DEPARTMENTAL
REPRESENTATION ON 16/7/2013, BUT THE SAME
WAS NOT RESPONDED WITHIN THE STATUTORY
PERIOD OF 90 DAYS.**

re-submitted to ~~the~~
and filed.


20/11/13

PRAYER:

On acceptance of the instant appeal, the impugned Notification dated 17/6/2013 may please be set-aside and Appellant being senior be considered for promotion to the post of Superintendent, District Jail (BPS-18) with effect from 17/6/2013 with all consequential back benefits.

Respectfully Sheweth,

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

1. That the Appellant was appointed as Superintendent Jail (BPS-17) on the recommendations of Public Service Commission and later on vide Notification dated 18/6/2010, Appellant was declared as Deputy Superintendent in pursuance of the Orders, the Appellant reported his arrival at Prisons Inspectorate on 23/6/2010. It is worthy to mention here that the post of Deputy Superintendent was upgraded from (BPS-16 to BPS-17) vide Notification dated 16/7/2010.
2. That a tentative Seniority List of the Superintendent was issued on 5/5/2011 against which Appellant filed objection petition on 24/5/2011 but the objections were not considered and then final Seniority List was issued on 5/7/2011 which was challenged by the Appellant before this Honourable Tribunal after availing the departmental remedy.
3. That while the Service Appeal was still pending when the impugned Notification dated 17/6/2013

was issued whereby the Respondent No. 4 being junior was promoted to the post of Superintendent, District Jail (BPS-18) on acting charge basis in violation of the law and rules.

4. That being aggrieved of the impugned Notification *ibid*, Appellant preferred departmental representation on 16/7/2013, but the same was not disposed off within the statutory period, hence this service appeal *inter-alia* on the following grounds:-

Grounds:

- A. That the impugned Notification is against the law and rules on the subject and hence, is not sustainable under the law.
- B. That when the very seniority of Respondent No. 4 was disputed and *moreso* when the matter was sub-judice before a competent forum then the issuance of the impugned Notification was without lawful justification and hence, not maintainable.
- C. That under the Promotion Policy issued by the Provincial Govt. no promotion case shall be processed in respect of Civil Servants whose Seniority is disputed or PERs are incomplete or is under any inquiry but despite the same, the Respondent No. 4 was considered for promotion and was also promoted in violation of the policy.
- D. That Appellant is an established Senior to Respondent No. 4 because the Appellant was

appointed as Superintendent (BPS-17) on 23/6/2010 while Respondent No. 4 was upgraded to (BPS-17) on 26/3/2011 and 16/7/2010 i.e. after the appointment of the appellant but then by means of the incorrect Seniority List Appellant was shown junior to Respondent No. 4 illegally which has resulted in serious miscarriage of justice.

- E. That the disputed Seniority List as well as the impugned Notification are in violation of Section-8 of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointments, Promotions & Transfer) Rules, 1989.
- F. That the Appellant also begs to submit additional grounds at the time of arguments.

It is, therefore, humbly prayed that the instant appeal may kindly be accepted as prayed for above.

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

Through


Appellant
Khaleeq Rahman,
Advocate, Peshawar.

Dated: 16 / 11/2013

REGISTERED

6

Telephone: 2213750



N.W.F.P. Public Service Commission
2-Fort Road Peshawar Cantt.
(Telegraphic address "Publicservis" Peshawar)

No. NWFP/PSC/SR-VI 1448

Dated: 20/3 /2010.

To

✓
Sami Ullah Khan S/O Saidal Khan
C/O Lal Khan Ghee Dealer Lakkar Mandi
Bazar Kohat

Subject;

RECRUITMENT OF SUPERINTENDENT SUB JAIL / DEPUTY
SUPERINTENDENT JAIL (B-17) IN PRISONS DEPARTMENT
(ADVERTISEMENT No.66/2008).

The Commission has recommended you to the Government for appointment, but please do not treat this as a letter of appointment for which Government is the final authority.

The Commission cannot entertain any correspondence from you in this regard.


Deputy Secretary-I

19.3.2010



OFFICE OF THE INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 9050-53

Dated 05-05-2011

IMMEDIATE/BY TCS

To

- The Superintendents
1. Central Prison D.I.Khan.
 2. District Jail Timergera.
 3. Sub Jail Karak.
 4. Sub Jail Daggar Buner.

Subject: TENTATIVE SENIORITY LIST OF DEPUTY
SUPERINTENDENTS JAIL AS STOOD ON 01.04.2011

Memo:

I am directed to this office letter No.6880-891 dated 2.4.2011, on the subject and to ask you to submit the requisite certificate through fax by tomorrow positively.

Assistant Director (Admn.)
Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

ATC

RECEIVED

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SANCTIONED STRENGTH-22

S.No.	Name of Officer with Academic Qualification	Date of Birth with Domicile	Date of Birth entry into service	Regular Appointment/Promotion			Present Appointment	Remarks
				Date	BPS	Method of Appointment		
1.	Mr. Usman Ali (B.A)	7.3.53(Bannu)	22.01.1978	28.5.1992 24.6.2004	16 17	By Promotion	Deputy Superintendent Jail	From 25.11.2008 to 21.1.2011 he remained as Supdt. District Jail (BPS-18). He was awarded the punishment of reduction to lower scale /grade in a departmental disciplinary proceedings.
2.	Sahibzada Shah Jahan (M.A)	24.4.1959 (Swabi)	3.11.1975	17.10.1993 26.3.2011	16 17	By promotion Up-graded	Deputy Superintendent Jail	From 1.10.2008 to 27.10.2010 he remained as Supdt. Sub Jail (BPS-1).
3.	Mr. Javed Ali (B.A)	23.5.1954 (Bannu)	11.8.1977	6.11.1994 26.3.2011	16 17	By Promotion UP-graded		- Do -
4.	Mr. Muhammad Anwar (B.A)	5.3.1956 (Malakand Agency)	5.9.1981	1.11.1993 25.3.2011	16 17	By promotion Up-graded		- Do -
5.	Mr. Akbar Jan (B.A)	24.12.1953 (Mohmand Agency)	5.9.1981	12.5.1995	16	By Promotion Up-graded	Deputy Superintendent Jail	Deferred for up-gradation (BPS-17) due to pending the departmental inquiries against the said offer.
6.	Mst. Tilit Yasmin (B.A)	2.2.1953 (Haripur)	23.11.1982	23.10.1993 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail	
7.	Mr. Sardar Hussain (B.A)	23.8.1957 (Mohmand Agency)	9.1.1983	1.6.1999 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail	
8.	Mr. Iftikhar Ahmad (B.A)	5.5.1960 (Peshawar)	3.11.1985	1.6.1999 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail	
9.	Mr. Binyamin (B.A)	21.7.1962 (D.I.Khan)	12.11.1985	1.6.1999 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail	
10.	Mr. Muhammad Shah (B.A)	7.8.1951 (Swabi)	18.1.1986	22.11.2001 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail	

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11	Mr. Akhtar Munir (B.A)	8.3.1957 (Swabi)	18.1.1985	10.10.2001 16.07.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
12	Mr. Attaullah Khan (B.Sc)	24.3.1956 (Mal:Agency)	18.1.1985	26.9.2005 16.07.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
13	Mr. Ahmad Zaman Babar (B.A LL.B)	20.2.1959 (Abbottabad)	18.1.1985	7.9.2005 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
14	Mr. Ajmal Khan (B.A)	06.01.1960 (Peshawar)	18.1.1985	2.9.2005 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
15	Mr. Shahid Hussain (B.A)	28.3.1960 (Charsadda)	18.1.1985	2.9.2005 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
16	Mr. Muhammad Zada (B.A)	12.5.1960 (Mardan)	18.1.1985	9.9.2005 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
17	Mr. Jaffar Iqbal (B.A)	25.11.1960 (Mardan)	18.1.1985	2.8.2005 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
18	Mr. Maqsood-ur-Rehman (B.A)	10.3.1994 (Kohat)	18.1.1985	27.9.2008 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
19	Mr. Sharif-ud-Din (B.A)	29.1.1958 (Mal:Agency)	18.01.1985	27.9.2008 16.4.2011	16 17	By Promotion Up-graded	Deputy Superintendent Jail
20	Mr. Ghulam Rabhani (B.A/M.BA)	1.3.1960 (D.I.K)	19.2.1985	29.9.2008 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
21	Mr. Fazle Ahmad (B.A/LL.B)	12.12.1961 (Mardan)	29.4.1985	26.3.2009 16.7.2010	16 17	By Promotion Up-graded	Deputy Superintendent Jail
22	Mr. Samiullah Khan (B.A/LL.B)	18.5.1982 (Kohat)	23.6.2010	23.6.2010	17	Director	Deputy Superintendent Jail (BPS-17)

ATC

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Handwritten signature and date: 10/10/2010

TENTATIVE SENIORITY LIST OF DEPUTY SUPERINTENDENTS JAIL OF THE KHAYBER PAKHTUNKHWA PRISONS DEPARTMENT AS STOOD ON 01-4-2011

SANCTIONED STRENGTH-22

Sl. No.	Name	Qualification	Date of birth with domicile	Date of first entry into service	Regular appointment/promotion			Present appointment	Remarks
					Date	BPS	Method of appointment		
1	Ali	(B.A)	1-5-1956 (Banana)	22-1-1978	22-5-1992 24-6-2004	16 17	By promotion	Deputy Superintendent Jail.	From 25-11-2008 to 21-1-2011 he remained as Supdt, Dist. Jail (BPS 17) He was awarded the punishment of reduction to lower scale grade on a departmental disciplinary proceedings. From 1-10-2008 to 27-1-2010 he remained as Supdt, Sub Jail (BPS-17)
2	Mubashir	(B.A)	25-4-1957 (Swabi)	1-8-1978	17-10-1992 26-1-2011	16 17	By promotion Up-graded.	Deputy Superintendent Jail	
3	Farid	(B.A)	11-5-1954 (Banana)	11-8-1977	6-11-1997 25-1-2011	16 17	By promotion Up-graded	Deputy Superintendent Jail	do
4	Muhammad Anwar	(B.A)	5-6-1956 (Malakand Agency)	7-9-1981	1-11-1993 26-1-2011	16 17	By promotion Up-graded	Deputy Superintendent Jail	do
5	Abdullah	(B.A)	24-12-1953 (Molamand Agency)	5-9-1981	12-5-1995	16	By promotion	Deputy Superintendent Jail.	Deferred for up gradation (BPS-17) due to pending departmental inquiries against the said officer
6	Arif	(B.A)	2-2-1954 (Haripur)	23-11-1982	21-10-1998 15-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.	
7	Muhammad Hussain	(B.A)	28-8-1957 (Molamand Agency)	9-1-1983	1-6-1999 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.	
8	Abdullah	(B.A)	8-5-1960 (Peshawar)	3-11-1985	1-5-1999 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.	
9	Muhammad	(B.A)	21-7-1962 (D.I.Khan)	12-11-1985	1-6-1999 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.	
10	Muhammad Shesh	(B.A)	7-3-1951 (Swabi)	18-1-1986	22-11-2001 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.	

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11	Mr. Akhtar Murar	(B.A)	8-3-1957	(Swabi)	18-1-1986	10-10-2001	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
12	Mr. Altafuddin Khan	(B.Sc)	21-3-1956	(Malakand Agency)	18-1-1986	26-9-2005	16	By promotion	Deputy Superintendent Jail
						13-7-2010	17	Up-graded	
13	Sardar Zaman Hajar	(B.A.L.B)	26-2-1959	(Abbottabad)	18-1-1986	7-9-2005	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
14	Mr. Ajmal Khan	(B.A)	05-01-1960	(Peshawar)	18-1-1986	7-9-2005	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
15	Mr. Shahid Hussain	(B.A)	28-3-1960	(Charsadda)	18-1-1986	29-9-2005	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
16	Mr. Muhammad Zahid	(B.A)	12-2-1960	(Swabi)	18-1-1986	9-9-2005	16	By promotion	Deputy Superintendent Jail
				<i>Mardan</i>		16-7-2010	17	Up-graded	
17	Mr. Zafar Iqbal	(B.A)	25-11-1960	(Mardan)	18-1-1986	4-3-2006	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
18	Mr. Masoodur Rehman	(B.A)	7-1-1961	(Kohat)	18-1-1986	27-9-2005	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
19	Mr. Abdul Qayum	(B.A)	7-7-1958	(Malakand Agency)	8-2-1986	27-9-2008	16	By promotion	Deputy Superintendent Jail
						13-1-2011	17	Up-graded	
20	Mr. Ghulam Rasool	(S.V MHA)	1-1-1960	(D.I.Khan)	19-2-1986	29-9-2008	16	By promotion	Deputy Superintendent Jail
						16-7-2010	17	Up-graded	
21	Mr. Farze Hamid	(B.A.L.B)	12-12-1961	(Mardan)	20-2-1986	26-3-2009	16	By promotion	Deputy Superintendent Jail
						15-7-2010	17	Up-graded	
22	Mr. Samiullah Khan	(B.A.L.B)	18-3-1982	Kohat	23-6-2010	23-6-2010	17	Up-graded Direct	Deputy Superintendent Jail (IPS-17)

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ANNEXURE-B Page-8

OFFICE OF THE
SUPERINTENDENT SUB JAIL KARAK

NO.770; DATED 24.5.2011

To:

The Inspector General of Prisons,
Khyber Pakhtunkhwa, Peshawar.

Subject:

TENTATIVE SENIORITY LIST OF DEPUTY
SUPERINTENDENTS JAILAS STOOD ON 01.04.2011

Memo:

Reference your Memo No.2/24-1.2005/6880-895-WE; dated 8.4.2011.

It is submitted for your kind information that after receiving the "Tentative Seniority List of the Deputy Superintendents Jails" the undersigned wants to bring following points in your kind notice:

1. That I reported my arrival on 23rd June F.A. 2010 in BPS-17 as a Deputy Superintendent Jail.
2. That all of the concerned officers were upgraded from BPS-16 to BPS-17 after 17th July 2010, except officers from Serial No.1 to 4 as mentioned in the said Seniority List.

Therefore, it is, requested that the said seniority list may kindly be re-examined thoroughly and I may kindly be placed at Serial No.5 in the same seniority list, with intimation to this office please.

Signature

SUPERINTENDENT
SUB JAIL KARAK.

Signature

Recd.

Amx O

11

To

All Superintendents of Jail/Lockups,
In the Khyber Pakhtunkhwa

Subject:-

SENIORITY LIST OF DEPUTY SUPERINTENDENTS JAIL (BPS-16) AS
STOOD ON 01-4-2011

Memo:

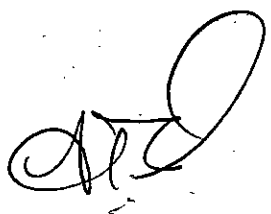
I am directed to forward herewith a copy of Home Department Notification
No. 1/57-SO(Prs)HD2006 dated 5-7-2011 on the subject for information of the officers concerned.
Please acknowledge its receipt.

ASSISTANT DIRECTOR(ADMN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR

ENDST: NO. _____

Copy of the above is forwarded to the Secretary to Government of Khyber
Pakhtunkhwa Home and T.As Department Peshawar, for information with reference to his
Notification referred to above.

ASSISTANT DIRECTOR(ADMN)
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.

12

Dated Peshawar, the 5th July, 2011

NOTIFICATION.

NO.1/57-SO(PRISONS)HD/2006. In exercise of the powers conferred under sub section (1) of Section 8 of the NWFP Civil Servants Act, 1973 (NWFP Act NO.XVIII of 1973), the Competent Authority is pleased to notify the final seniority list of Deputy Superintendents Jail (BPS-17) of the Inspectorate of Prisons Khyber Pakhtunkhwa as it stood on 10/04/2011 and appended herewith for the information of all concerned.

Encl: of even No/date.

HOME SECRETARY
KHYBER PAKHTUNKHWA

Copy forwarded to the following:-

- 1- Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
- 2- Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
- 3- All Deputy Superintendents Jails
- 4- Manager Government Printing Press Peshawar for publication in the next issue of Govt. Gazette.

Handwritten signature/initials

11275
8-7-11
SAS
9/7/11

(MUHAMMAD GHULAM)
SECTION OFFICER (PRISONS)

13

FINAL SENIORITY LIST OF DEPUTY SUPERINTENDENTS JAIL OF THE INSPECTORATE OF PRISONS
KHYBER PAKHTUNKHWA AS STOOD ON 01-04-2011

SANCTIONED STRENGTH=22

S.No	Name of Officer with academic qualification	Date of Birth with domicile	Date of first entry into service	Regular appointment/promotion			Present appointment	Remarks
				Date	BPS	Method of appointment		
1.	Mr. Usman Ali (B.A)	7-5-1956 Bannu	22-1-1978	28-5-1992 24-6-2004	16 17	By promotion.	Deputy Superintendent Jail.	From 25-11-2008 to 21-1-2011 he remained as Supdn. Distr. Jail (BPS-16). He was awarded the punishment of reduction to lower scale grade in a departmental disciplinary proceedings.
2.	Sahibzada Shah Jehan (M.A)	25-4-1957 Swabi	8-11-1978	17-10-1992 26-3-2011	16 17	By promotion. Up-graded.	Deputy Superintendent Jail.	From 2-10-2008 to 27-10-10 he remained as Superintendent Sub Jail (BS-17)
3.	Mr. Javed Ali (B.A)	13-5-1954 Bannu	11-8-1977	6-11-1992 26-3-2011	16 17	By promotion. Up-graded	Deputy Superintendent Jail.	-do-
4.	Mr. Muhammad Anwar (B.A)	5-6-1956 Malakand Agency	7-9-1981	1-11-1993 26-3-2011	16 17	By promotion. Up-graded	Deputy Superintendent Jail.	-do-
5.	Mr. Akbar Jan. (B.A)	24-12-1953 Mohmand Agency	5-9-1981	12-5-1995	16	By promotion.	Deputy Superintendent Jail.	Deferred for up-gradation (BPS-17) due to pending departmental inquiries against the said officer.
6.	Mst. Tillat Yasmin (B.A)	2-2-1953 Haripur	23-11-1982	23-10-1998 16-7-2010	16 17	By promotion. Up-graded	Deputy Superintendent Jail.	
7.	Mr. Sardar Hussain (B.A)	28-8-1957 Mohmand Agency	9-1-1983	1-6-1999 16-7-2010	16 17	By promotion. Up-graded	Deputy Superintendent Jail.	

(Handwritten signature)

8.	Mr. Iftikhar Ahmad	(B.A)	8-5-1960	Peshawar	3-11-1985	1-6-1999	16	By promotion	Deputy Superintendent Jail.
9.	Mr. Binyamin	(B.A)	21-7-1962	D.I.Khan	12-11-1985	16-7-2010	17	Up-graded	
10.	Mr. Muhammad Shesh	(B.A)	7-8-1951	Swabi	18-1-1986	1-6-1999 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
11.	Mr. Akhtar Munir	(B.A)	8-3-1957	Swabi	18-1-1986	10-10-2001	16	By promotion	Deputy Superintendent Jail.
12.	Mr. Attaullah Khan	(B.Sc)	21-3-1956	Malakand Agency	18-1-1986	16-7-2010	17	Up-graded	
13.	Sardar Zaman Babar	(B.A.L LB)	20-2-1959	Abbottabad	18-1-1986	26-9-2005 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
14.	Mr. Ajmal Khan	(B.A)	06-01-1960	Peshawar	18-1-1986	7-9-2005 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
15.	Mr. Shahid Hussain	(B.A)	28-3-1960	Charsadda	18-1-1986	7-9-2005 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
16.	Mr. Muhammad Zahid	(B.A)	12-5-1960	Swabi	18-1-1986	29-9-2005 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
17.	Mr. Zafar Iqbal	(B.A)	25-11-1960	Mardan	18-1-1986	9-9-2005 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
18.	Mr. Maqsoodur Rehman	(B.A)	10-3-1964	Kohat	18-1-1986	4-8-2006 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
19.	Mr. Abdul Qavum	(B.A)	7-9-1958	Malakand Agency	8-2-1986	27-9-2008 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
20.	Mr. Ghulam Rabbani	(B.A/ MBA)	1-3-1960	D.I.Khan	19-2-1986	27-9-2008 13-1-2011	16 17	By promotion Up-graded	Deputy Superintendent Jail.
21.	Mr. Fazle Hamid	(B.A.L LB)	12-12-1961	Mardan	20-2-1986	29-9-2008 16-7-2010	16 17	By promotion Up-graded	Deputy Superintendent Jail.
22.	Mr. Samiullah Khan	(BA/L LB)	18-3-1982	Kohat	23-6-2010	26-3-2009 16-7-2010 23-6-2010	16 17 17	By promotion Up-graded Direct	Deputy Superintendent Jail. (BPS-17).

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BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2011

Amir E (15)

Mr. Samiullah Khan,
Deputy Superintendent Jail, Karak.

APPELLANT

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary, Homes & TA, Khyber Pakhtunkhwa, Peshawar.
3. The I.G. (Prisons), Khyber Pakhtunkhwa, Peshawar.
4. Mr. Sahib Zada, Shah Jenan, Deputy Superintendent Jail, Central Jail, Peshawar.
5. Mr. Javed Ali, Deputy Superintendent Jail, Central Jail, Lakki.
6. Muhammad Anwar, Dy: Superintendent Jail, Central Jail, Mardan.
7. Mst. Talat Yasmin, Dy: Superintendent Jail, Central Jail, Peshawar.
8. Mr. Iftikhar Ahmad, Dy: Superintendent Jail, Central Jail, Swabi.
9. Mr. Binyamin, Dy: Superintendent Jail, C/Jail, DI Khan.
10. Mr. Akhtar Munir, Dy: Superintendent Jail, C/Jail, Swat.
11. Mr. Attaullah Khan, Dy: Superintendent Jail, C/Jail, Malakand.
12. Mr. Sardar Zaman Babar, Dy: Superintendent Jail, C/Jail, Haripur.
13. Mr. Ajmal Khan, Dy: Superintendent Jail, C/Jail, (Suspended).
14. Mr. Shahid Hussain, Dy: Superintendent Jail, C/Jail, Charsadda.
15. Muhammad Zahid, Dy: Superintendent Jail, C/Jail, Bannu.
16. Mr. Zafar Iqbal, Deputy Superintendent Jail, Central Jail, Peshawar.
17. Mr. Maqsoodur Rehman, Dy: Superintendent Jail, C/Jail, Peshawar.
18. Mr. Abdul Qayum, Dy: Superintendent Jail, C/Jail, Abbottabad.
19. Mr. Ghulam Rabbari, Dy: Superintendent Jail, C/Jail, DI Khan.
20. Mr. Fazli Hamid, Dy: Superintendent Jail, C/Jail, Mardan.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL ACT,
1974, AGAINST THE FINAL SENIORITY LIST
DATED 5.7.2011 RECEIVED TO APPELLANT AT
SUB JAIL KARAK ON 27.7.2011 WHEREBY
JUNIOR MOST DEPUTY SUPERINTENDENT
HAVE BEEN SHOWN SENIOR TO APPELLANT
AND AGAINST NOT TAKING ACTION ON THE

[Signature]

DEPARTMENTAL APPEAL OF THE APPELLANT
WITHIN 90 DAYS.

PRAYER:

That on acceptance of this appeal the impugned seniority list may be set-aside and the respondent Deptt. may be directed to place the appellant over and above the names of private respondents being senior to them. Any other remedy which this august tribunal deems fit that may also be awarded in favour of appellant.

R.SHEWETH.

16

- 1- That the appellant was appointed as Dy: Superintendent Jail in BPS-17 directly on the recommendations of the KPK Public Service Commission on 23.6.2010 while the private respondents have been promoted to BPS -17 (up-graded posts) by the DPC on 26.3.2011 and 16.7.2010 i.e after the date of appointment of appellant. All the dates are mentioned in the seniority list the copy of which is already attached S Annexure -
- 2- That the respondent Deptt. issued tentative seniority list on 5.5.2011 and against that list the appellant in time filed objection petition on 24.5.2011. Copies of list and objection petition are attached as Annexure - A & B.
- 3- That then the respondent Deptt. has issued final seniority list on 5.7.2011 which was received by the appellant at Karak Sub jail on 27.7.2011. As the appellant's name was not placed at proper place in that seniority list, therefore, he filed departmental appeal on 25.8.2011 and waited for ninety days but no reply has been received by the appellant so far. Hence the present appeal on the following grounds amongst the others. Copies of list and appeal are attached as Annexure- C&D.

GROUND:

- A- That the impugned seniority list and not taking action on the appeal of the appellant is against the law, rules and norms of justice.
- B- That the appellant has not been dealt according to law and rules and kept deprived from his right of seniority in an arbitrary manner.

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(SAMI ULLAH KHAN)
SUPERINTENDENT JAIL

- C- That the appellant was in BPS 17 on 23.6.2010 and at that time none of private respondent was in BPS -17, then how they could be treated senior to appellant.
- D- That even none of the private respondent was promoted to BPS-17 when on 23.6.2010 the appellant was in BPS-17. All this shows malafide on the part of the respondent Deptt:
- E- That the principles of seniority were totally ignored while drawing the impugned seniority list:
- F- That the carelessness of the respondent Deptt; can be proved from the inclusion of person at S.No.5 who is not yet promoted to BPS-17 but shown senior to appellant in the seniority list of BPS-17 employees.
- G- That the respondents have not acted in accordance with the seniority rules and law.
- H- That the appellant is senior to the private respondents in dates of appointment in BPS-17 therefore he is to be treated senior to the private respondents.
- I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT

SAMIULLAH KHAN.

THROUGH:

M.ASIF YOUSAFZAI
ADVOCATE.



Amx "F"

18

Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

<><><><><><><><><><><><><><><><>

NOTIFICATION

Dated Peshawar the 17th June, 2013

No SO (Prisons)/HD/1-3/2013: - The Provincial Government in consultation with the Provincial Selection Board Khyber Pakhtunkhwa is pleased to Promote Sahibzada Shah Jahan from Deputy Superintendent Jail BS-17 to the Post of Superintendent District Jail BS-18, on acting charge basis, in the Prison Department with immediate effect.

SECRETARY HOME

Endst: of even No & Date.

Copy forwarded to: -

1. Inspector General Prisons Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Khyber Pakhtunkhwa, Swat.
4. Officer Concerned.
5. P.S to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
6. P.S to Secretary Establishment, Khyber Pakhtunkhwa Peshawar w/r to Minutes of the PSB meeting held on 21-05-2013.(under Item No. 4)
7. P.S to Secretary Home, Khyber Pakhtunkhwa Peshawar.
8. The Manager, Govt Printing Press, Khyber Pakhtunkhwa for publication in the Govt Gazette.
9. Section Officer Media Home Department, Khyber Pakhtunkhwa Peshawar.
10. Office Order File.

(KHALID KHAN) 17.06.
SECTION OFFICER (PRISONS)



To,


The Inspector General of Prisons,
Khyber Pakhtunkhwa,
Peshawar.

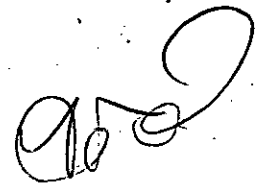
Subject:- APPEAL AGAINST ORDER DATED 17-6-2013.

Memo:

Enclosed please find herewith the subject appeal of the undersigned for
onward submission to the quarter concerned please.

AMX G' (18)
OFFICE OF THE,
SUPERINTENDENT,
DISTRICT JAIL TIMERGARA
NO 1429/WB, Dt 16/7 /2013


SUPERINTENDENT
DISTRICT JAIL TIMERGARA



20

The Chief Secretary,
Khyber Pukhtunkhwa,
Peshawar.

Through: Inspector General of Prisons Khyber Pukhtunkhwa Peshawar

Subject:- APPEAL AGAINST ORDER DATED 17-6-2013.

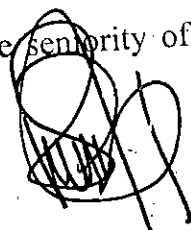

Respected Sir,

Submissions of the undersigned are as under:-

- 1- That the undersigned was appointed as Superintendent Jail (BPS-17) by the Khyber Pukhtunkhwa Public Service Commission, but later on vide Home Department Notification 1/61-SO(Prs)HD/2010 dated 18-6-2010 the undersigned was declared as Deputy Superintendent. Since following the orders the undersigned reported arrival at Prisons Inspectorate on 23-6-2010 and the post of Deputy Superintendent were upgraded at 16/7/2010 from (BPS-16) to (BPS-17).
- 2- That a Seniority List was issued by the Prisons Inspectorate on 5-5-2011 and thereafter issued Final Seniority List on 5-6-2011, in which the undersigned was not shown at the top position according to his seniority in BPS-17 i.e. 23-6-2010. As a result the undersigned challenged the list and so-called seniority of the remaining Deputy Superintendents in the Service Tribunal, which is still sub-judice and in progress. In this regard copy of petition is **annexed-A**. In which the Sahibzada Shahjehan was made respondent at serial No. 4.
- 3- That due to the above petition the seniority list is still disputed before Services Tribunal under appeal No. 105 / 2012. It means none of the members of the list can be treated as senior.
- 4- That under the standing rules, the PSB has to defer the promotion if:-
 - a). PER of the candidate are incomplete
 - b). Enquiry is pending against the candidate
 - c). Seniority is disputed.

But unfortunately the PSB totally overlooked the above facts and recommended Mr. Shah Jehan for promotion to BPS-18 as Superintendent Distt Jail vide Home Department Notification No. SO(Prisons)/HD/1-3/2013 dated 17-6-2013, without considering pending appeal before Services Tribunal, copy of the order is **annexed-B**.

It is, therefore, humbly prayed before your honour that the promotion of Sahibzada Shah Jehan may kindly be reviewed, so that the seniority of the undersigned may not be affected please.



(SAMIULLAH KHAN)
SUPERINTENDENT
DISTRICT JAIL TIMERGARA

WAKALAT NAMA

IN THE COURT OF

Genie Tribunal W.P.A

Samiullah Khan Appellant(s)/Petitioner(s)

VERSUS

Govt etc Respondent(s)

I/We _____ do hereby appoint
Mr. Khaled Rehman, Advocate 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

Khaled Rehman,
Advocate, Peshawar.

9-B, Haroon Mansion
Khyber Bazar, Peshawar

Signature of Executants

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In the matter of

Service Appeal No.1522/2013

Sami Ullah Khan

Deputy Superintendent Jail (BPS-17) District Jail Timergara.....**Appellant.**

VERSUS

1. Chief Secretary
Khyber Pakhtunkhwa Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa,
Home and T.A Department.
3. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.....**Respondents.**

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO. 1,2 AND 3.

Preliminary Objections

- i. That the applicant/appellant has got no cause of action.
- ii. That the appeal is incompetent and is not maintainable in its present form.
- iii. That the applicant is estopped by his own conduct to bring the present appeal.
- iv. That the applicant has no locus standi.
- v. That the appeal is bad for mis joinder and non-joinder of necessary parties.
- vi. That the appeal is barred by law.

ON FACTS

- 1- Pertains to record, hence no comments.
- 2- Pertains to record, hence no comments. As the matter is already under consideration at Khyber Pakhtunkhwa Service Tribunal vide Service appeal No. 105/2012.
- 3- Incorrect, the said Service Appeal which is yet to be decided by the Learned Service Tribunal having least concern to directly with the Notification issued by the Provincial Government (Home Department) on the basis of recommendation made by P.S.B.

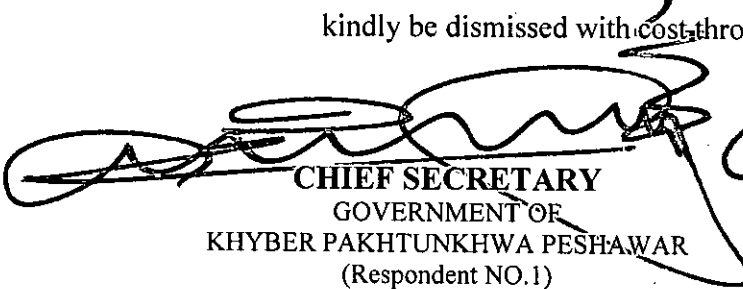
As there were no bar / restriction with regard to fulfilling available vacant position through adopting proper channel i.e. P.S.B proceedings that is why that is the best public interest and keeping in view the peculiar scenario in term of Law & Order with special reference to ongoing insurgency war where the importance of Administration Post like Superintendent District Jail (BPS-18) post enhanced many fold in order to overcome the sure shut complications in that respect, the P.S.B proceedings were made and the incumbent who fulfills the criteria accordingly has been promoted to the rank of Superintendent District Jail (BPS-18) on Acting charge basis. It may be added here that in present circumstances neither the Petitioner is in the line of promotion nor he is eligible for the promotion to the post of Superintendent District Jail (BPS-18).

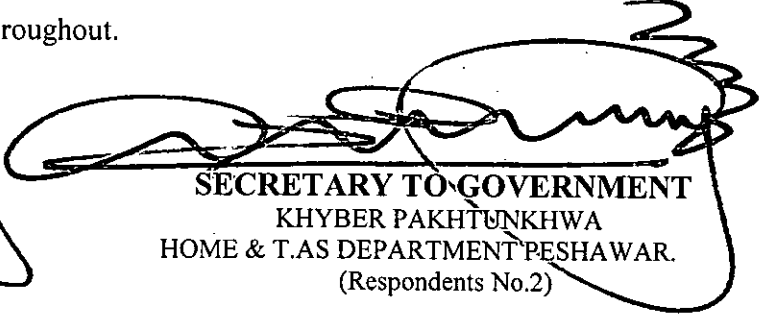
- 4- The departmental appeal of the appellant is under consideration in the Home Department.

GROUNDS

- A. Incorrect, the Notification is the outcome of the P.S.B Proceedings which is the competent forum in case of promotion.
- B. As elaborated in Para-3 above.
- C. Incorrect, having no bar / restriction from any Court of Law with regard to fulfilling available vacant position, hence it was necessitated that it should be filled in as per laid down procedure which was done away accordingly.
- D. Incorrect, this is the plea of the Petitioner which is neither established nor admitted by any competent forum including Learned Service Tribunal so for.
- E. Incorrect, the seniority list as well as the Notification is in accordance with Law.
- F. Not pertains to the respondents, however, no comments.

It is therefore, humbly-prayed that on acceptance of this reply, instant appeal may kindly be dismissed with cost throughout.


CHIEF SECRETARY
 GOVERNMENT OF
 KHYBER PAKHTUNKHWA PESHAWAR
 (Respondent NO.1)


SECRETARY TO GOVERNMENT
 KHYBER PAKHTUNKHWA
 HOME & T.A.S DEPARTMENT PESHAWAR.
 (Respondents No.2)

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INSPECTOR GENERAL OF PRISONS
 KHYBER PAKHTUNKHWA PESHAWAR
 (Respondent No.3)
11/7/14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

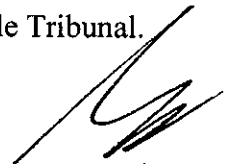
In the matter of
Service Appeal No.1522/2013
Sami Ullah Khan
Deputy Superintendent Jail (BPS-17) District Jail Timergara.....**Appellant.**


VERSUS


- 1. Chief Secretary
Khyber Pakhtunkhwa Peshawar
- 2. Secretary to Government of Khyber Pakhtunkhwa,
Home and T.A Department.
- 3. Inspector General of Prisons,
Khyber Pakhtunkhwa Peshawar.....**Respondents.**

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO. 1 TO 3.

We the undersigned respondents do hereby solemnly affirm and declare that the contents of the Parawise Comments / Reply on the above cited appeal are true and correct to the best of our knowledge and belief and that no material facts has been kept secret from this Honorable Tribunal.


CHIEF SECRETARY
 GOVERNMENT OF
 KHYBER PAKHTUNKHWA PESHAWAR
 (Respondent NO.1)


SECRETARY TO GOVERNMENT
 KHYBER PAKHTUNKHWA
 HOME & T.AS DEPARTMENT PESHAWAR.
 (Respondents No.2)


INSPECTOR GENERAL OF PRISONS
 KHYBER PAKHTUNKHWA PESHAWAR
 (Respondent No.3)
