

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	09.09.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1394/2014</p> <p style="text-align: center;">(Sahibzada Mohammad Qaiser-vs- Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Counsel for the appellant and Mr. Najam Hussain Abbasi, Asstt: Supdt Jail alongwith Mr. Usman Ghani, Sr.GP for respondents present.</p> <p>2. The instant appeal has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the amendments made, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial No. 4(A) & (B) vide order/notification No. 1/33-SO(PRISONS0 HD/2010 dated 15.03.2010. It has been prayed that on acceptance of the instant appeal, the amendments made in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980 dated 15.03.2010, allocating 33% induction for the post of Deputy Superintendent jail (BPS-17) by direct/initial recruitment and further putting a five year condition on the promotion of Senior Assistant Superintendent Jail (BPS-16) may please be declared as illegal, unreasonable, arbitrary, discriminatory without lawful authority and of no legal effect as the same are being violative of the provisions of the constitution and fundamental rights and on such declaration an appropriate</p>

order may kindly be issued to the respondents/authorities to annual/amend the amendments.

3. Brief facts giving rise to the instant appeal are that the appellant joined the service as an Assistant Superintendent Jail (BPS-14) during the period of 1986-1995. After serving the department for the period of 17-26 years as an Assistant Superintendent Jail it was only in the year 2009 when in the up-gradation committee meeting 18 posts of Deputy Superintendents Jail were upgraded from BPS16 to BPS-17 and 50% posts of Assistant Superintendent Jail had been upgraded from BPS-14 to BPS-16 with change of its nomenclature as "Senior Assistant Superintendents Jail" vide notification dated 03.11.2009 and order dated 07.07.2010. That vide Notification dated 15.03.2010 some amendments were made, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules 1980 at serial No: 4(a) & (b). Under these rules new methods of recruitment for the upgraded post of Deputy Superintendent Jail (BPS-17) previously BPS-16 and a promotion rule for the up-graded post of Senior Assistant Superintendent Jail BPS-16 previously BPS-14 had been introduced. That as per new rule the post of Deputy Superintendent Jail BPS-17 was to be filled at the ratio of 33% by direct/initial recruitment and 67% by promotion from amongst the Senior Assistant Superintendent Jail attaching a mandatory condition of five years service experience as such officer. That prior to the introduction of this rules the post of Deputy Superintendent Jail used to be filled by way of promotion from amongst the Assistant Superintendent jail and there was no direct recruitment to the said post. That the appellant had requested the respondent No.1 regarding amendment in the rules and submitted through departmental appeal in the 2011. The decision on the application has yet to be conveyed to the petitioner which was arrived at in this month. The appellant also made an

DFI

application to the Section Officer in this regard to convey the decision arrived at however no response from the respondent No.1 as yet. That the appellant approached Peshawar High Court through Writ Petition which was returned to the appellant on jurisdictional matter vide order dated 19.11.13 with the direction to approach the Service Tribunal which was competent to decide the matter, hence the present appeal.

4. Learned counsel for the appellant argued that amendments in Khyber Pakhtunkhwa Prisons Department (Recruitment and appointment) Rules, 1980 vide notification dated 15.3.2010 allocating 33% induction for the post of Deputy Superintendent Jail BPS-17 by initial recruitment and further putting five years condition for promotion of senior Assistant Superintendent Jail BPS-16 to the post of Deputy Superintendent Jail BPS-17, was illegal, arbitrary, unreasonable, discriminatory, without lawful authority and of no legal effect as same were in violation of provisions of the constitution of 1973 and Fundamental Rights. He further stated that direct recruitment to the post of Deputy Superintendent Jail was detrimental to the Fundamental Rights of the appellant and that there was no such direct recruitment in police department as their subordinate officers were promoted to the post of DSP. He further contended that in the Province of Balochistan too the post of Deputy Superintendent Jail was filled by promotion from the Assistant Superintendent Jail BPS-16. He further argued that after introduction of the amendment the chances of promotion of the appellant who had 17-16 years service as Assistant Superintendent Jail to the post of Deputy Superintendent Jail had become rare and the same may be amended to allow promotion of the appellant by declaring the condition of five year length of service as null and void. He further argued that there was no legal impediment to declare the act of amendment by respondents as illegal, unlawful and of no legal effect and

Q.F.1

prayed that the Service Tribunal may issue directions declaring the amendment in Khyber Pakhtunkhwa Prisons Department (Recruitment and appointment) Rules, 1980 vide notification dated 15.3.2010 as illegal, unreasonable, arbitrary, discriminatory and of no legal effect as the same are violative of the Provision of the 1973 constitution and fundamental rights as enshrined therein. He relied on PLD 2011 Supreme Court 205.

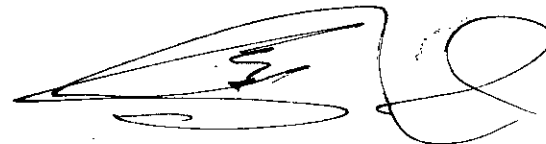
5. The learned Senior Government Pleader argued that amendment in recruitment and appointment rules of the department was a policy matter and it fell in the executive domain of the government. He further argued that promotion or reserving a certain quota for promotion could not be claimed as a vested right and added that the Service Tribunal had no jurisdiction to issue any direction as the rules were amended by the government and not any departmental authority and relied on section-4 read with section-7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. He further contended that domain of the government to prescribe the qualification for a particular post and prescribe mode of appointment through amendment in the relevant rules was not challengeable. He prayed that the appeal being devoid of any merit may be dismissed. He relied on 2015 SCMR 269.

6. Arguments of the learned counsels for the parties heard at length and record perused with their assistance.

7. From perusal of the record it transpired that the government of Khyber Pakhtunkhwa Home and Tribal Affairs Department up-graded the pay scales of different post in prison department and in consultation with the Establishment Department, Finance and Law Departments amended the prison (Recruitment and appointment) Rules, 1980 vide notification dated 15.3.2010. Through the said amendment 33% of the posts of Deputy

AT I.

Superintendent Jail (now in BPS-17) were to be filled through induction of fresh blood through the Public Service Commission with prescribed qualification and 67% of the said post were to be filled on the basis of promotion from the Senior Assistant Superintendent Jail (now in BPS-16) with five year service in the said post. A close perusal of the said rules would reveal that amendments made therein were not person specific, rather they appeared to focus on improvement of the criteria both in terms of qualification/experience and transparency in the process of selection/appointment, hence could not be termed to be arbitrary, unreasonable, illegal or discriminatory. The concerns of the appellant in this regard is therefore, misplaced and untenable, as the actions of amendments in the rules being policy matter fell within the executive domain of the government and have nothing to do with the terms and conditions of the appellant. In the circumstances, the Tribunal does not find it justifiable to indulge in the case and confirm the order/ notification of government dated 15.3.2010. The appeal being devoid of merits is dismissed accordingly. Parties are left to bear their own costs. File be consigned to the record.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

ANNOUNCED

09.09.2015

29.05.2015

Counsel for the appellant and Mr. Sheharyar Khan, ASJ alongwith Addl: A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 13.7.2015. Status-quo be maintained.


Chairman

13.07.2015

Appellant with counsel and Maroof Gul, Supdt alongwith Muhammad Jan, GP for the respondents present. Since the Court time is over, therefore the case is adjourned. To come up for arguments on 09-09-2015. Status-quo be maintained.


Member


Member

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5. 31.03.2015

Counsel for the appellant present. Submitted application for fixation of appeal for an early date. Allowed. To come up for written reply on 6.4.2015 instead of 29.6.2015 before S.B. Respondents be informed accordingly.


Chairman

06.4.2015


Counsel for the appellant and Mr. Muhammad Jan, GP with Sheryar, ASJ and Maroof Gul, Supdt. for the respondents present and requested for further time. To come up for written reply on 17.4.2015.


MEMBER

17.04.2015

Appellant with counsel and Mr. Sheharyar Khan, ASJ alongwith Additional Advocate General for respondents present. Requested for further time for written reply. To come up for written reply on 29.5.2015.

Learned counsel for the appellant requested for maintenance of status-quo order as due to delay of the disposal of the case due to non-submission of written statement, the appeal may become infructuous as the respondents intend to fill in the posts by initial appointments. In view of the contentions raised in the appeal and due to non-submission of written statement it is directed that status-quo be maintained and final appointments against the vacant posts shall not be made. *Till the date fixed*


Chairman

3. 4.2.2015

Appellant with counsel present. Counsel for the appellant submitted that vide notification dated 15.3.2010 some amendments were made in the Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980 whereby criteria for the post of Deputy Superintendent Jail was allocated as 33% quota for direct/initial recruitment and 67% for Senior Assistant Superintendent Jail with condition of five years experience but the condition of five years experience has not been allocated for direct recruits. Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 24.3.2015. Counsel for the appellant also submitted an application for temporary injunction. Notice of application should also be issued to the respondents for reply/arguments on the date fixed.


MEMBER

4. 24.03.2015

Counsel for the appellant present. Security fee has not been deposited. The same be deposited by the appellant within 3 days whereafter notices be issued to the respondents for written reply for 29.6.2015 before S.B.

Appellant Deposited
Security & Process Fee

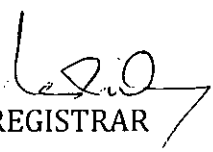




Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1394/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10.12.2014	<p>The appeal of Sahibzada Muhammad Qaiser resubmitted today by Mr. Mazhar Ali Shah Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p style="text-align: center;">Case is entrusted to bench for preliminary hearing to be put up for order</p> <p>2</p> <p>21.1.2015</p> <p>Since 20th January, 2015 has been declared as public holiday by the provincial government, therefore, case to come up for the same on 4.2.2015</p> <p style="text-align: right;"> READER</p>


The joint appeal of Sahibzada Muhammad Qaiser Senior Superintendent Jail Central Jail Pesh. received today i.e. on 19.11.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of departmental appeal having no date, be dated.
- 3- Copy of rejection order of departmental appeal is not attached with the appeal which may be placed on it.

No. 1646 /S.T,

Dt. 19/11 /2014.

Mr. Mazhar Ali Shah Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

1. The memorandum of appeal is signed by the appellant now.
2. The departmental appeal is dated.
3. Copy of the order is attached herewith.



1

BEFORE THE SERVICES TRIBUNAL KPK, PESHAWAR

Services Appeal No 1394/2014


Sahibzada Mohammad Qaiser (Petitioner)

Versus

Chief Secretary & others..... (Respondents)


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3	NotificationNo:1/33so(prisons)hd/2010 Dated: 15-03-2010 & Manual of recruitment rules	'C' & 'D'	12-25
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7	Copy of the final Seniority list of Senior Assistant Superintendent Jail BPS-16 etc	'I'	44-46
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Petitioner
Through 
Mazhar Ali Shah,
Advocate High Court.

CERTIFICATE

As per instruction of my client it is hereby certified that no such appeal has earlier been filed by appellant in regard the matter in dispute before this august tribunal.

Appellant
Through 
Counsel

BEFORE THE KPK SERVICES TRIBUNAL, PESHAWAR

Service Appeal No 1394/2014

1381
19-11-2014

1. Sahibzada Mohammad Qaiser, Senior Assistant Superintendent Jail, Central Jail Peshawar.

..... (Petitioner)

VERSUS

1. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
5. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.

Chairman

6. Public Service Commission, Khyber Pakhtunkhwa, Peshawar.

..... (Respondents)

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE AMENDMENTS MADE, IN KHYBER PAKHTUNKHWA PRISONS DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES, 1980, AT SERIAL NO: 4(A) & (B) VIDE/ORDER NOTIFICATION NO: 1/33-SO(PRISONS) HD/2010 DATED: 15-03-2010.

PRAYER

THAT ON ACCEPTANCE OF THE INSTANT APPEAL, THE AMENDMENTS MADE, IN KHYBER PAKHTUNKHWA PRISONS DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES, 1980, AT SERIAL NO: 4(A) & (B) VIDE NOTIFICATION NO: 1/33-SO(PRISONS) HD/2010 DATED: 15-03-2010, ALLOCATING 33% INDUCTION FOR THE POST OF DEPUTY SUPERINTENDENT JAIL BPS-17 BY DIRECT/INITIAL RECRUITMENT & FURTHER PUTTING A FIVE YEAR CONDITION ON THE PROMOTION OF SENIOR ASSISTANT SUPERINTENDENT JAIL BPS-16, MAY PLEASE BE DECLARED AS ILLEGAL, UN-REASONABLE, ARBITRARY, DISCRIMINATORY

mitted to...

19/11/14

3

WITHOUT LAWFUL AUTHORITY AND OF NO LEGAL EFFECT AS THE SAME ARE BEING VOIATIVE OF THE PROVISIONS OF THE COSTITUTION & FUNDAMENTAL RIGHTS & ON SUCH DECLARATION AN APPROPRIATE ORDER MAY KINDLY BE ISSUED TO THE RESPONDENTS/AUTHORITIES TO ANNUL/AMEND THE SAID AMENDMENTS.

Respectfully Sheweth:-

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

1. That the Petitioner has joined the service as an Assistant Superintendent Jail BPS-14 during the period of 1986-1995. After serving the department for the period of 17-26 years as an Assistant Superintendent Jail it was only in the year 2009 when in the up-gradation committee meeting 18 posts of Deputy Superintendents Jail were being upgraded from BPS-16 to BPS-17 & **50% posts of Assistant Superintendent Jail** had been upgraded from **BPS-14 to BPS-16** with change of its nomenclature as "**Senior Assistant Superintendents Jail**" vide **Notification No: 4/22-A SO/(PRISONS) HD/09 Dated: 03-11-2009 & Order No. 13446 dated: 07-07-2010**. (Copy of the Notification & Order is attached herewith as **Annexure 'A' & 'B'** respectively)
2. That vide **Notification No: 1/33-so(prisons) hd/2010 Dated: 15-03-2010** some amendments were made, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial no: 4(a) & (b). Under these rules new methods of recruitment for the upgraded post of Deputy Superintendent Jail BPS-17 previously BPS-16 and a promotion rule for the up-graded post of Senior Assistant Superintendent Jail BPS-16 previously BPS-14 had been introduced. (Copy of the Notification & Manual for Service Recruitment Rules, 1980 is attached herewith as **Annexure 'C' & 'D'**)
3. That as per new rule the post of Deputy Superintendent Jail BPS-17 is to be filled at the ratio of 33% by direct/initial recruitment and 67% by promotion from amongst the Senior Assistant Superintendent Jail attaching a mandatory condition of five years service experience as such officer.
4. That prior to the introduction of this rule the post of Deputy Superintendent Jail used to be filled by way of promotion from amongst the Assistant Superintendent Jail and there was no direct recruitment to the said post.
5. That the petitioner had requested the respondent No.1 regarding Amendment in the rules and submitted through departmental appeal in 2011. The decision on the application has yet to be conveyed to the petitioner which was arrived at in this month. The petitioners also made an

application to the section officer in this regard to convey the decision arrived at however no response from the respondent No.1 as yet. (Copy of the applications is attached herewith as **Annexure 'E'**)

- 6. That the Respondent No. 6 had announced 1 vacant post of Deputy Superintendent Jail of BPS-17 through direct recruitment vide advertisement No. 04/2011 dated: 16-11-2011 wherein the interviews for the said post had been conducted by them however the posts are still vacant and according to the petitioners' information nobody has been inducted against the said post yet. (Copy of the advertisement is attached herewith as **Annexure 'F'**)
- 7. That in this regard the petitioner approached high court through writ petition which was returned to the petitioner on jurisdictional matter by the Chief Justice Mr. Dost Mohammad Khan on 19-11-13, and the petitioners were directed to approach the services tribunal which was competent to decide the matter. (Copy of the writ petition & decision of High court is attached herewith as **Annexure 'G'**)
- 8. That the Petitioner finding no other adequate remedy is constrained to file this appeal on the following amongst other grounds:

GROUNDS

- A. That the act of the respondents making the amendments, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial no: 4(a) & (b) vide notification no: 1/33-so(prisons) hd/2010 dated: 15-03-2010, allocating 33% induction for the post of Deputy Superintendent Jail BPS-17 by direct/initial recruitment & further putting a five year condition on the promotion of Senior Assistant Superintendent jail BPS-16 are illegal, un-reasonable, arbitrary discriminatory without lawful authority and of no legal effect as the same are being violative of the provisions of the constitution & fundamental rights.
- B. That allocating 33% of the seats of Deputy Superintendent Jail BPS-17 to be filled by initial/direct recruitment and 67% by promotion from amongst the Senior Assistant Superintendent Jail attaching a mandatory condition of five years service experience as such officer is an arbitrary, discriminatory and illegal as no such condition is imposed upon a person who is directly recruited to such post. Moreover the direct recruitment to such post is detrimental to the fundamental rights of the Petitioners as there is no direct recruitment in Police Department. A.S.I.s are inducted through Public Service Commission and sub-ordinate officers are promoted to the ranks of Deputy Superintendent of police. In the province of Balochistan too, the posts of Deputy Superintendent Jail is filled by way of promotion from

amongst the members of the service holding the posts of Assistant Superintendent Jail BPS-16. All the seats of Deputy Superintendent Jail BPS-17 are filled by way of promotion. (Copy of the Police Order,2002 alongwith Notification No. SO(Prs)2-89/2012/Service rules/24 Government of Balochistan are annexed herewith as **Annexure 'H' & 'I'** respectively)

C. That after the introduction of these discriminatory and unlawful amendments the chances of promotion of the petitioners to the post of Deputy Superintendent Jail BPS-17 are very rare hence the same be amended to the effect that the petitioners be considered for the posts of Deputy Superintendent Jail BPS-17 through promotion as is the case in other departments and Province and the condition imposed upon the promotion may also be declared void.

D. That the Petitioners have served the department as an Assistant Superintendent Jail for the last 17-26 years. Having such a vast experience on their back they are in a far better position to be considered for the post

of Deputy Superintendent Jail BPS-17. As most of them are post graduates too and since 1995, the Assistant Superintendent Jail had been recruited through competitive examination by Khyber Pakhtunkhwa Public Service Commission. The imposition of condition on their promotion vide the discriminatory rule is not reasonable and sounds illogical as the mere change in nomenclature from Assistant Superintendent Jail to Senior Assistant Superintendent Jail does not make any difference in the duties and responsibilities of the petitioners. Hence, putting the condition of five years mandatory provision of service as Senior Assistant Superintendent Jail is not reasonable and against the norms of justice and fair play.(Copy of the final Seniority list of Senior Assistant Superintendent Jail BPS-16 etc is annexed herewith as **Annexure 'I'**)

E. That if compared with other departments a commissioned officer gets three to four stages promotion in 26 years of service however, in Prisons Department, there is no promotion for the Petitioners.

F. That the act of the respondents is perverse which if not corrected will result in injustice and is also contrary to the fundamental right of equal treatment as envisaged by the constitution of Pakistan & principles of Natural justice.

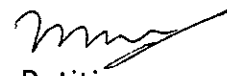

G. That there is no legal impediment to declare the act of amendment by respondents as illegal, unlawful and of no legal effect, and & on such declaration an appropriate order may kindly be issued to the respondents/authorities, rather law & justice demands the same.

It is , therefore, most humbly prayed that this Hon' able Court may kindly be pleased to issue/directions declaring the amendments made, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial no: 4(a) & (b) vide notification no: 1/33-so(prisons)

hd/2010 dated: 15-03-2010, allocating 33% induction for the post of deputy superintendent jail bps-17 by direct/initial recruitment & further putting a five year condition on the promotion of Senior Assistant Superintendent jail BPS-16, as illegal, un-reasonable, arbitrary, discriminatory without lawful authority and of no legal effect as the same are being violative of the provisions of the constitution & fundamental rights & on such declaration an appropriate order may kindly be issued to the respondents/authorities to annul/amend the said amendments.

Any other relief which this Hon' able Court may deem appropriate in the circumstances and which has not been specifically asked for may kindly be passed in favour of the Petitioners.

Through


Petitioner

Mazhar Ali Shah,
Advocate High Court.

AFFIDAVIT

I, Sahibzada Mohammad Qaiser Assistant Superintendant Jail , do hereby declare on oath that the contents of the abovetitled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.




DEPONENT

4

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Sahibzada Mohammad Qaiser

V/s

The Chief Secretary & others

APPLICATION FOR THE CONDONATION OF DELAY



Respectfully Sheweth:-

1. That the petitioner/appellant has instituted an appeal before this Hon' able Tribunal which is pending adjudication and fixed for hearing today.
2. That the appellant had filed departmental appeal in 2011 the decision on which has been arrived at this month but has no been conveyed to the petitioners. In this respect an application was also made to the section officer(prison section) but still no response from them. During the pendency of the departmental appeal the appellants went to high court in writ jurisdiction however the high court directed the appellants to approach the services tribunal and returned the writ to the appellants on jurisdictional matter on 19-11-13. Thereafter the appellants were waiting for the departmental appeal's fate but the respondent No.1 was not deciding the matter until this month it came to the knowledge of the appellants that the same has been decided but the decision is yet to be conveyed to the appellants. It resulted in a delay of some time in approaching the right forum of this Hon' able Tribunal.
3. That in the light of the judgments of the superior courts the limitation does not run against an illegal order and vires of rules/notifications however if the Hon' able court considers some delay in approaching the right forum that may kindly be condoned.
4. That in the light of the Judgments of the superior courts the decision of the cases on merits is always encouraged instead of non-suiting the litigants for technical reasons including limitation.
5. That prima facie the appellant has got a very strong case in his favor on merits. The non-suiting of the appellant on technical reasons would amount to defeating the ends of justice.

- 8
6. That there is no legal impediment to condone the delay rather law and justice demands the same.

It is therefore most humbly prayed that on acceptance of the instant application if this Hon' able tribunal considers that there might be some delay in filing of the appeal the delay may kindly be condoned and the appeal may graciously be decided on merits in the best interest of justice.

Through


Petitioner/Appellant

Mazhar Ali Shah,
Advocate High Court.

AFFIDAVIT

I, Sahibzada Mohammad Qaiser, Assistant Superintendant Jail, do hereby declare on oath that the contents of the abovetitled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.




DEPONENT

9

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR

Sahibzada Mohammad Qaiser

V/s

The Chief Secretary & others


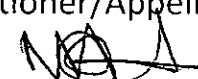
APPLICATION FOR THE TEMPORARY INJUNCTION

Respectfully Sheweth:-

This is most humbly submitted:

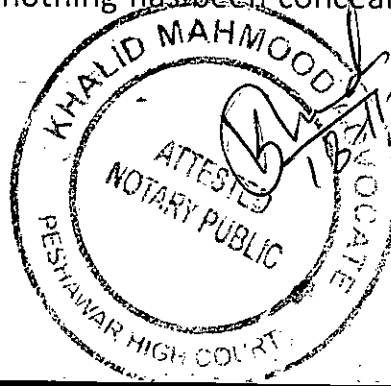
1. That the contents of the Appeal may please be considered as an integral part of the instant application.
2. That the Respondent No. 6 had announced 1 vacant post of Deputy Superintendent Jail of BPS-17 through direct recruitment vide advertisement No. 04/2011 dated: 16-11-2011 wherein the interviews for the said post had been conducted by them however the posts are still vacant and according to the petitioners' information nobody has been inducted against the said post yet.
3. That the Appellants/petitioners has a good prima facie case against the respondents about the success of which the plaintiff is quite optimistic.
4. That the balance of convenience lies also in favour of the applicant.
5. That if the respondent No.6 is not restrained to induct someone against the said post the appellants/petitioners will suffer an irreparable loss.

It is, therefore most humbly prayed that on acceptance of this application, an order for maintenance of status quo, may kindly be issued till the final decision of the main appeal of the appellant/petitioners.


Petitioner/Appellant
Through 
Mazhar Ali Shah,
Advocate High Court.

AFFIDAVIT

I, Sahibzada Mohammad Qaiser, Assistant Superintendant Jail, do hereby declare on oath that the contents of the abovetitled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.




DEPONENT

ANNEXURE - A

GOVERNMENT OF NWFP
HOME & TRIBAL AFFAIRS DEPARTMENT

DATED PESHAWAR, THE 3/11/2009.

13

NOTIFICATION.

NO.4/22-A SO (PRISONS) IID/09. In pursuance of the decision taken in up-gradation committee meeting held on 23-07-2009 under the Chairmanship of Additional Secretary (Regulation), Finance Department, duly approved by the Competent Authority (Chief Secretary NWFP), the Government of NWFP is pleased to up-grade 18 posts of Deputy Superintendents Jail from BPS-16 to BPS-17 and 50% posts of Assistant Superintendents Jail from BPS-14 to BPS-16 with change of its nomenclature as Senior Assistant Superintendents Jail in the NWFP Prisons Department, with immediate effect.

2- The Government of NWFP is further pleased to re-designate the 04 posts of Superintendents Sub Jail BPS-17 as Deputy Superintendents Jail BPS-17, with immediate.

SECRETARY TO GOVT. OF NWFP
HOME & TA& DEPARTMENT.

Enrst: No. 4/22-A-So (PRISONS) IID/09 Dated. 3/11/09

Copy of the above is forwarded to Accountant General of NWFP, Peshawar.

(SHAUKAT ULLAH)
SECTION OFFICER (FR)
GOVERNMENT OF NWFP
FINANCE DEPARTMENT.

Enrst: of even No/date.

Copy forwarded to:-

- 1- Secretary to Govt. of NWFP, Finance Department.
- 2- Secretary to Govt. of NWFP, Establishment Department.
- 3- Inspector General of Prisons, NWFP, Peshawar.
- 4- PS to Chief Secretary NWFP Peshawar.
- 5- Section Officer (FR), Govt. of NWFP, Finance Department.
- 6- Budget Officer-III, Govt. of NWFP, Finance Department.
- 7- PS to ACS Home, NWFP, Peshawar.
- 8- PS to Minister for Prisons, NWFP, Peshawar.

SECTION OFFICER (PRISONS).

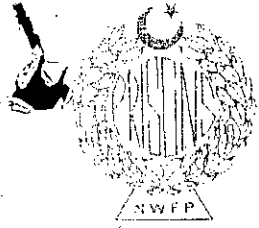
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12/11/09

To Secty of Home & Tribal Affairs
Peshawar



ANNEXURE 'B'
OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUN KHWA PESHAWAR

No. 13446 /-

Dated 07-07-2010 /-

ORDER

In pursuance to the recommendation of Departmental Promotion Committee meeting held on 09-6-2010, the following Assistant Superintendent Jail (BPS-14) are hereby promoted to the rank of Senior Assistant Superintendent Jail (BPS-16) on regular basis with immediate effect:-

- ✓1. Mr. Fayyaz Ahmad.
- ✓2. Mr. Mukhtiar Haider.
- ✓3. Mr. Khalid Wahab.
- ✓4. Mr. Junaid Muhammad ✓
- ✓5. Sahibzada Muhammad Qasir.
- ✓6. Mr. Saood Ahmad.
- ✓7. Mr. Alam Zeb.
- ✓8. Mr. Falak Sher.
- ✓9. Mr. Abdul Bari.
- ✓10. Mr. Muhammad Arif Khan.
- ✓11. Mr. Aseem Khan.
- ✓12. Mr. Hashmatullah.
- ✓13. Mr. Muhammad Naeem S/O Nasrullah Jan.
- ✓14. Mr. Sayyar Ahmad.
- ✓15. Mr. Jalat Khan.
- ✓16. Mr. Dilawar Khan.
- ✓17. Mr. Amin-ul-Haq.
- ✓18. Mr. Muhammad Naeem S/O Abdur Rehman.
- ✓19. Mst. Faizia Taj.
- ✓20. Mr. Zahoor Elahi.
- ✓21. Mr. Baitullah.
- ✓22. Mr. Bakht Rawan ✓
- ✓23. Syed Akhtar Hussain Shah.
- ✓24. Mr. Zafarullah Jan.
- ✓25. Mr. Noor-ul-Basar.
- ✓26. Mr. Muhammad Jamil.
- ✓27. Mr. Muhammad Israr.
- ✓28. Mr. Jangrez Khan.
- ✓29. Mr. Gul Alam.

ATTESTED

The above named officers will be on probation for a period of one year in term of Section 6 (2) of Khyber Pakhtun Khwa Civil Servant Act 1973. Their posting order will be issued separately.

INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUN KHWA PESHAWAR.

FNDSTENO. 13447-13491

Copy of the above is forwarded to :-

1. The Secretary to Government of Khyber Pakhtun Khwa Home and T.As Department Peshawar, for information with reference to Home Department letter No.1/2-SO(Prs)HD/1 dated 2-7-2010.
2. All Superintendents of Jail/Lockups in the Khyber Pakhtun Khwa for information please.
3. The Accountant General Khyber Pakhtun Khwa Peshawar.
4. All District Accounts Officers in Khyber Pakhtun Khwa.
For information.

(SAHIBZADA FAZLI-RAHIM)
ADMINISTRATIVE OFFICER,
FOR INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUN KHWA PESHAWAR

Q 20 3/10

ANNEXURE
10

12

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE
HOME & TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Dated Peshawar, the 15th March, 2010.

NO. 1/33-SO(PRISONS)HD/2010. In pursuance of the provisions contained in sub-rules (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Home & Tribal Affairs Department, in consultation with the Establishment Department and the Finance Department, hereby directs **that in the North-West Frontier Province Prisons Department (Recruitment and Appointment) Rules, 1980, the following further amendments shall be made, namely:**

AMENDMENTS

In the Appendix:-

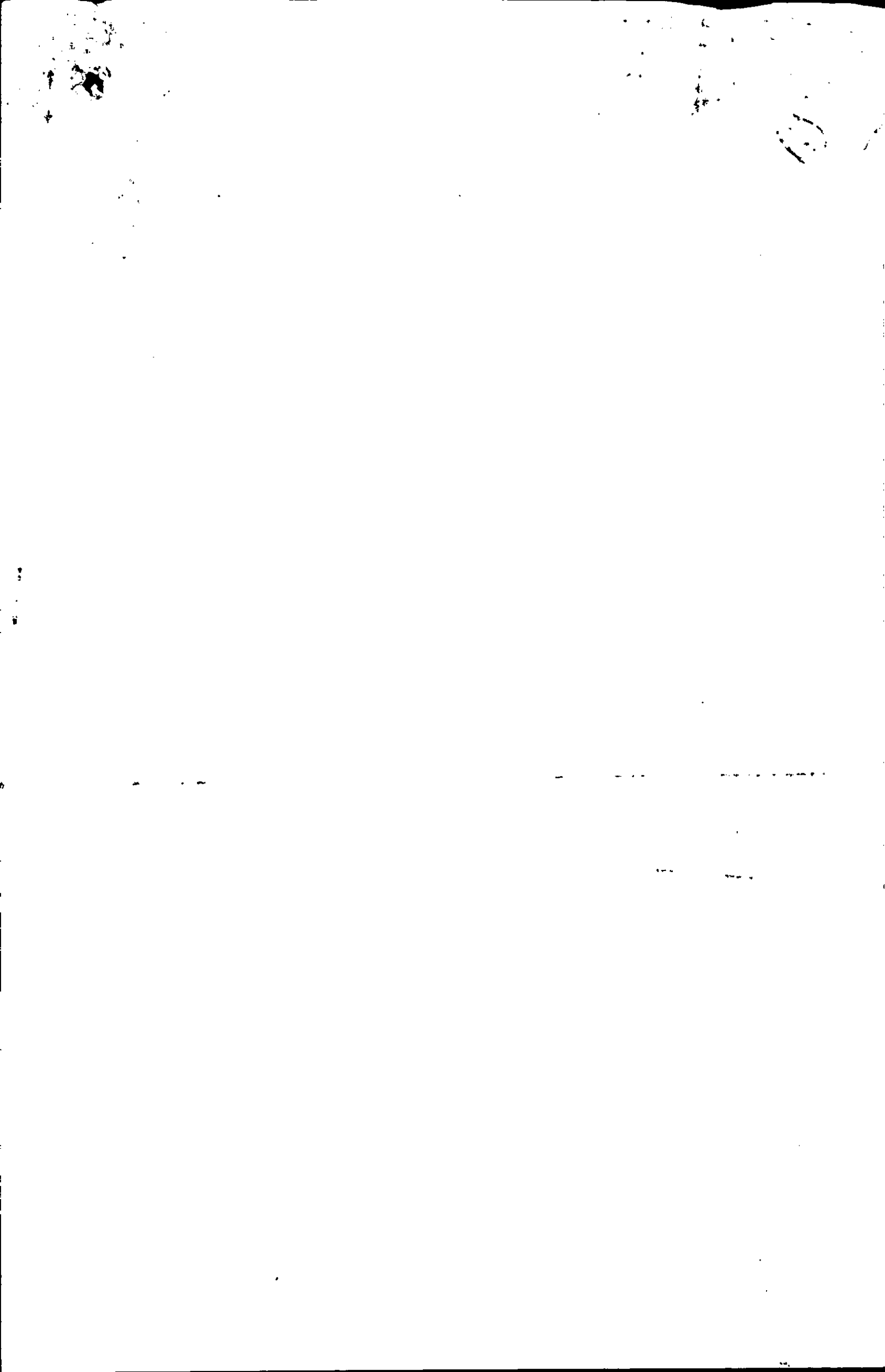
- (i) in column No. 6, against serial No. 3, for the existing entry, the following shall be substituted namely:-
"By promotion, on the basis of seniority-cum-fitness, from amongst Deputy Superintendents Jail, who have successfully qualified Departmental Training and Examination, if any prescribed and with at least five years service as such
- (ii) the existing entries against serial No. 3A shall be deleted.
- (iii) for the existing entries, against serial No. 4, the following new entries shall be inserted in the respective columns, namely:

1	2	3	4	5	6
4.	Deputy Superintendent Jail (BPS-17)	(i) Second class Bachelor's Degree from a recognized University; and (ii) LL.B. from a recognized University	-	21 to 30 years	(a) Thirty-three percent by initial recruitment; and (b) sixty-seven percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Assistant Superintendents Jail (BPS-16), who have successfully qualified Departmental Training and Examination, if any prescribed and with at least five years service as such; and

Note: Knowledge of computer will be compulsory

ATTESTED
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5259
19/3/10
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after serial No. 4, as so amended, the following new entries shall be inserted in the respective columns, namely:

	2	3	4	5	6
A	Senior Assistant Superintendent Jail (BPS-16)				By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Superintendents Jail (BPS-14), with at least five years service as such.

SECRETARY TO GOVT. OF NWFP
HOME & TRIBAL AFFAIRS DEPARTMENT

Copy forwarded to:-

- 1- Secretary to Govt. of NWFP, Establishment Department.
- 2- Secretary to Govt. of NWFP, Finance Department.
- 3- Secretary to Govt. of NWFP, Law, Parliamentary Affairs & Human Rights Department.
- 4- Inspector General of Prisons, NWFP, Peshawar.
- 5- Manager, Govt. Printing Press, Peshawar for publication in the next issue of Govt. Gazette.

MM, 19-03-2010
SECTION OFFICER (PRISONS).

ATTESTED
MM

ANNEXURE
(D)

14

KHYBER PAKHTUNKHWA PRISONS DEPARTMENT MANUAL FOR SERVICE/ RECRUITMENT RULES 1980
(Up- dated 31-03-2011)

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
1.	Inspector General of Prisons (BPS-20)		-	-	a) By promotion, on the basis of selection on merit from amongst Assistant Inspector General, Prisons and Superintendent Central Prisons with at least 17 years service in BPS-17 and above, or b) If no suitable candidate is available, then by transfer
2.	Assistant Inspector General of Prisons/ Superintendent Central Prisons (BPS-19)		-	-	a) By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, District Jails, who have passed Departmental examination, if any prescribed and have rendered at least 12 Years service in BPS-17, and above as such; Ors b) If no suitable candidates then by transfer.
3.	Superintendent District Jails (BPS-18)		-	-	By promotion, on the basis of seniority-cum-fitness from among the Deputy Superintendent Jail, who have successfully qualified Departmental Training & Examination, if any prescribed and at least five years service as such.
3-A	Superintendent Sub Jail (BPS-17)	Deleted vide Notification No. 1/33-SO(Prs)HD/2010 dated 15-03-2010.			
3-B	Psychologist (BPS-17)	MA Psychology from a recognized University.		21 to 35	By Initial recruitment.

Khyber Pakhtunkhwa Prisons Department

Page 1 of 12


ATTESTED

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
4.	Deputy Superintendent Jails (BPS-17)	(i) Second Class Bachelor's Degree from a recognized University; and (ii) LL.B from a recognized University. Note; Knowledge of Computer will be compulsory.	-	21 to 30 years	(a) Thirty three percent by initial recruitment; and (b) Sixty seven percent by promotion, on the basis of seniority-cum-fitness, from the amongst the Senior Assistant Superintendent Jail (BPS-16) who have successfully qualified Departmental Training and Examination, if any prescribed with at least five years service as such; and
4.A	Senior Assistant Superintendent Jail (BPS-16)	-	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Superintendent Jail (BPS-14), with at least five years service as such.
5.	Assistant Director(Admn) (BPS-17)	-	-	-	By promotion on the basis of seniority-cum-fitness from amongst Office Superintendents and Budget & Accounts Officers with at least five years service as such. Note:- Joint seniority shall be maintained.
6.	Office Superintendents (BPS-16)	---	---	---	By promotion on the basis of seniority-cum-fitness, from among holders of the posts of Assistants with at least 5 years service as such
6.A	Budget & Accounts Officer (BPS-16)	-	-	-	"By promotion on the basis of seniority-cum-fitness from amongst the Assistant with at least five years service as such; provided that if no suitable person is available for promotion, then by transfer."

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
6-B	Senior English Teacher (BPS-16)	BA/BSc with B.Ed from a recognized University or equivalent.	-	21 to 35 years.	By initial recruitment.
6-C	Librarian (BPS-16)	Diploma in Library Science from a recognize University.	-	21 to 35 years.	By initial recruitment.
7	Assistant (BPS-14)	Degree from a recognized University	-	18 to 30 Years	a) Twenty five percent (25%) of the posts shall be filled by initial recruitment; and b) Seventy five percent (75%) of the posts shall be filled by promotion, on the basis of seniority-cum-fitness, from among holders of the posts of Senior Clerk/ Store Keeper/ Account Clerks with at least 3 years service as such.
7-B	Instructor (Electrician) (BPS-14)	(a) Diploma in relevant filed from a Government Polytechnic Institute / College of Technology with two years experience on the relevant filed; or; (b) Secondary School Certificate with trade proficiency certificate in the relevant trade from a Government Technical Training Centre / Apprenticeship	-	21 to 30 years	By initial recruitment.

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
		Training Centre or recognized institute with five years practical experience with relevant trade.			
8.	Senior Scale Stenographer (B-15)	i) Bachelor's Degree or equivalent qualification from a recognized board and ii) A speed of 100 words per minute in shorthand in English & 40 words per minute in type	-	18 to 30 Years	By initial recruitment
8-A	Junior Scale Stenographer (BPS-12)	i) Intermediate certificate from a recognized Board; and: ii) A speed of 60 words per minute in shorthand in English and 35 words per minute in typing iii) Knowledge of Computer in using MS-Word, and MS-Excel.	-	18 to 30 Years	By initial recruitment



ATTESTED

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
8-A(i)	Computer Operator (BPS-12)	Second Class Bachelor Degree in Computer Science from a recognized University / Institution.	-	18 to 28 years	By initial recruitment.
8-B	Key-Punch Operator (BPS-10) Now upgraded as Computer Operator (BPS-12) vide FD Notification No.KC/FD/SO(FR) 7-3/2001 dated 12-7-2010	(a) F.A/F.Sc with Statistics/Economics/ Mathematics/ Physics as one of the subject. (b) A minimum speed of 10000 Key depression per hour for punching data entry verification; (c) Diploma in Computer Science and Information Technology from a recognized Institution affiliated with the NWFP Board of Technical Education.	-	18 to 30 years.	By initial recruitment.
9.	Assistant Superintendent Jail (BPS-14)	Degree from a recognized University.	Matriculation or equivalent qualification from a recognized Board	18 to 30 Years	(a) Fifteen percent by promotion on the basis of seniority-cum-fitness amongst the Chief Warders, who have successfully completed training courses at Central Jail Staff Training Institute Lahore and who passed



ATTESTED

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
					<p>Departmental Examination with one year service as such or, if no suitable Chief Warden is available, then by promotion from among the Head Warders with at least 3 years services as such; provided they have successfully completed training course at Central Jail Staff Training Institute Lahore and passed Departmental Examination.</p> <p>(b) Fifteen percent by promotion from amongst the FA/FSC, Senior Clerks (BPS-7) of the NWFP Prisons Department with 15 years service, subject to clearance of Departmental Examination; and</p> <p>(c) Seventy percent by initial recruitment;</p>
10.	Senior Clerk/Store Keeper/Accounts Clerks (BPS-9)	-	-	-	By promotion on the basis of seniority-cum-fitness from among the holders of the posts of Junior Clerks/ Assistant store Keeper and Assistant Jailors with at least two years service as such.
10.A	Dental Technician (B-9)	-	-	-	By Transfer.
10.B	Lady Health Visitor(B-9)	-	-	-	By Transfer.
11.	Teachers-				
	(a) Senior Vernacular (BPS-8)	FA/FSC from a recognized Board, with S.V or equivalent certificate from a recognized Institution	-	18 to 30 Years	By initial recruitment.
	(b) Junior Vernacular (BPS-6)	Secondary School certificate from a recognized Board with PTC certificate from a recognized Institution	-	18 to 30 Years	By initial recruitment

ATTESTED

Khyber Pakhtunkhwa Prisons Department

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
	(c) Denyat Teacher (BPS-6)	Sanad from a recognized Religious Institution	-	18 to 30 Years	By initial recruitment.
	(d) C.T Teacher (BPS-12)	F.A/F.Sc and C.T or equivalent qualification from a recognized University / Board.	-	18 to 30 Years	By initial recruitment.
	(e) PST (BPS-9)	Secondary school certificate from a recognized Board with PTC certificate from a recognized Institution.	-	18 to 30 Years	By initial recruitment.
	(f) Physical Training Instructor (BPS-9)	Secondary school certificate from a recognized Board with Diploma in Physical Education.	-	18 to 30 Years	By initial recruitment.
12	Junior Clerks / Assistant Store Keeper/ Assistant Jailor. (BPS-7)	Matriculation or equivalent qualification from a recognized Board.	Matriculation or equivalent qualification from a recognized Board.	18 to 30 Years	i) Eighty percent of the post shall be filled by initial recruitment; and ii) Twenty percent of the posts shall be filled by promotion from among holder of the posts of Naib Qasid / Warder with at least 2 years service as such.
13.	Junior Technician Pharmacy (BPS-9)	(a) Secondary School Certificate with Science from a recognized Board; and (b) A certificate from a recognized	-	18 to 30 Years	By initial recruitment.

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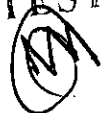
Khyber Pakhtunkhwa Prisons Department

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
		Institution in the relevant field.			
14.	Junior Technician Pathology (BPS-9)	(a) Secondary School Certificate with Science from a recognized Board; and (b) a certificate from a recognized Institution in the relevant filed	-	18 to 30 Years	By initial recruitment .
15	Chief Warder (BPS-9)	-	-	-	By promotion on the basis of seniority-cum-fitness from amongst the holders of posts of Head Warders with at least three years experience as such, subject to the clearance of Departmental Professional Examination prescribed in their own cadre/ executive side.
16.	Head Warder (BPS-7)	-	-	-	a) By promotion on the basis of seniority-cum-fitness from amongst the holders of post of Warder, with at least three years service as such and b) Warders appointed prior to the amendments made in the existing rules on 4-11-2002 may be exempted from the condition of passing of Departmental Examination, prescribed in their own cadre / executive side".

ATTESTED

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
17	Tailor Master (BPS-5)	Skill in cutting and Tailoring	-	18 to 45 Years	By initial recruitment
18.	Carpenter(BPS-5)	Skilled in carpentry	-	18 to 45 Years	By initial recruitment
19.	Weaving Master (BPS-5)	Certificate of skill in line	-	18 to 45 Years	By initial recruitment
20.	Motor Mechanic (BPS-5)	A Certificate of skill in line	-	18 to 45 Years	By initial recruitment
20-A	Electrician (BPS-05)	Matriculation or equivalent qualification from a recognized Board with electrician Certificate level course from a recognized Technical / vocational centre /concerned board.	-	18 to 30 Years	By initial recruitment
21.	Lady Embroider (BPS-5)	Qualified in Embroidery and Weaving work from a recognized Institution	---	18 to 45 Years	By initial recruitment
22.	Armourer (BPS-3)	Middle pass and qualified in Aromoury	---	18 to 45 Years	By initial recruitment
23.	Band Master (BPS-3)	Middle pass and qualified Band Master	---	18 to 45 Years	By initial recruitment
24.	Drill Instructors (BPS-3)	a). Middle pass b). Qualified Drill	---	18 to 45 years	By initial recruitment or by promotion from amongst holders of the post of warders.

ATTESTED



Khyber Pakhtunkhwa Prisons Department

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
		Instructor.			
25.	Engine Man(BPS-3)	Qualified Boiler	---	18 to 45 Years	By initial recruitment.
26.	Gate Keeper(BPS-3)	Middle pass and Ex-Junior Commissioned Officer	---	25 to 45 Years	By initial recruitment; or if no qualified person is available by promotion from among the holders of the posts of warders who are literate.
26-A	Cook (BPS-4)	Literate with three years practical experience in any Hotel or Guest House as Cook.	-	18 to 32 Years	By initial recruitment.
26-B	Waiter / Bearer (BPS-4)	Literate with three years practical experience in any Hotel or Guest House as Waiter Bearer.	-	18 to 32 Years	By initial recruitment.
27.	Pipe Fitter (BPS-1).	Qualified in Pipe Fitting	---	18 to 45 Years	By initial recruitment after practical test.
28	Mason (BPS-5)	Knowledge in masonry	---	18 to 45 Years	By initial recruitment after practical tests
29.	Driver. (BPS-4)	Qualified in driving.	---	18 to 45 Years	By initial recruitment.
30.	Restorer(BPS-2)	Middle Pass	---	18 to 45 Years	By initial recruitment
31	Warder (BPS-5)	SSC or equivalent examination from recognized board	---	18 to 30 years	By initial recruitment
32.	Mali (BPS-1)	Expert in Gardening	---	18 to 45 Years	By initial recruitment
33.	Naib Qasid (BPS-1)	Primary Pass	---	18 to 45 Years	By initial recruitment

ATTESTED



Khyber Pakhtunkhwa Prisons Department

S.NO	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT OR BY TRANSFER	MINIMUM QUALIFICATION PRESCRIBED FOR PROMOTION	AGE LIMIT	METHOD OF RECRUITMENT
1	2	3	4	5	6
34.	Chowkidar (BPS-1)		---	18 to 45 Years	By initial recruitment
35.	Bahishti (BPS-1)		---	18 to 45 Years	By initial recruitment
36.	Sweeper (BPS-1)		---	18 to 45 Years	By initial recruitment
37.	Black-smith (BPS-1)	Skil in line.	---	18 to 45 Years	By initial recruitment

Note: substituted / added.

- i) See Finance Department letter NO.FD(PRC)5-4/84 dated 01-04-1992 regarding up-gradation of the post at S.No.9,15,16 and 31 (Annex "A").
- ii) See Notification No.1/33-SO(Prs)HD/97 dated 14-6-1997 regarding amendment in method of recruitment of the post at S.No.5. (Annex "B") (File No.1/89-J-97 at Page-97/Cr).
- iii) For the existing maximum age limit of 25 years and 28 years where over occurring, the words and figures 30 years and 32 years shall be substituted. Please see Notification No.SOR-I(S&GAD)4-1/80(Vol:III) dated 12-6-1999 (Annex "C") (File 1/89-J-99 at page-119/Cr).
- iv) See Notification No.1/33-SO(Prs)/HD/2002 dated 4-11-2002 regarding amendments against the column-6 of the post at S.No.2,3,4,9,15 and 16. (Annex "D")(File No.1/89-J-1996 at page-493/Cr)
- v) See Notification No.SOR-IV(S&GAD)3-16/94(A) dated 10-4-1996 regarding amendment of education qualification of S.No.8 and 8A (Senior Scale Stenographer) (Junior Scale Stenographer) (Annex "E") (File 1/89-J-1994 at P-235/Cr).
- vi) See Notification No.SOR-IV(E&AD)3-16/2003 dated 22-5-2003 regarding insertion in Column-3 of S.No.8-A (Annex "F") (File No.1/89-J-2001 at Page-487/Cr).
- vii) See Notification No.1/33-SO(Prs)HD/05 dated 01-08-2005 regarding amendment in column-6 clause (b) against S.No.9.
- viii) See Notification No.1/33-SO(Prisons)HD/2005 dated 01-09-2005 regarding amendments in column-6 against serial No.7 (Annex "G") (File No.1/89-J-2004 at Page-249/Cr).

ATTESTED


Khyber Pakhtunkhwa Prisons Department

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- ix) See Notification No.1/33-SO(Prisons)HD/05 dated 20-3-2006 regarding insertion of method of recruitment of S.No.6-A (Budget and Accounts Officer BPS-16) (Annex "H") (File No.1/89-J-2004 at Page-297/Cr).
- x) See Home Department letter No.1/33-SO(Prs)HD/07 dated 15-2-2008 regarding insertion of method of recruitment against S.No.8A(i).
- xi) See Notification No.1/33-SO(Prs)HD/07 dated 3rd April 2008 regarding amendments / insertion in column-6 against S.No.1,2,3,3A,4,7, and 16 (Annex "J") (File No.1/89-J-2004 at Page-809)
- xii) See Notification No.1/33-SO(Prs)HD/09 dated 16th May 2009 regarding insertion of methods of recruitments for the posts at S.No.3B,6B,6C,7A,7B,8B,11D,11E,11F, 26A and 26B (Annex "K") (File No.2/89-J-2008 at Page-355)
- xiii) See Notification No. 4/44-SO(Prs)HD/2004 dated 4-9-2004 regarding amendment in Rule 1113 of NWFP Prisons Rules 1985 for education qualification for the post of warder at S.No.31.
- xiv) See Notification No.1/33-SO(PRISONS)HD/2010 dated 09-02-2010 for amendments /insertion of rules against S.No.13,14 & 20 -A.
- xv) Notification No.1/33-SO(PRISONS)HD/2010 dated 15-03-2010 regarding amendments / insertion of rules against S.No.3, 3-A, 4 & 4-A.
- xvi) See Notification No.1/33-SO(Prs)HD/10 dated 19-4-2010 regarding insertion of method of recruitment against S.No.10-A and 10-B.
- xvii) See Notification No.KC.FD/SO(FR) 7-3/2001 dated 12-7-2010 regarding up-gradation of the pay scale of Computer Operator at S.No.8-A
- xviii) Seen Notification No.1/33-SO(Prs)HD/10 dated 25-2-2011 regarding amendment in nomenclature of the post as well as up-gradation of Pay Scale from BPS-16 to 17 of S.No.5 above .


ATTESTED

To

ANNEXURE 'E'

26

The secretary to Government of Khyber Pakhtunkhwa
Chairman Standing Service Rules Committee
Peshawar.

Through: **PROPER CHANNEL**

Subject: - **REQUEST OF JAIL STAFF REGARDING AMENDMENT IN RULES.**

Honourable Sir,

We the undersigned have the honour to bring it into your kind notice that we are serving in the Prisons Department as Senior Assistant Superintendent / Assistants Superintendents.

- | | |
|-----------------------------------|------------|
| 1. Mr. Fayaz Khan | Since 1986 |
| 2. Mr. Mukhtiar Haider Khan | Since 1986 |
| 3. Mr. Khalid Wahab | Since 1987 |
| 4. Haji Mujeeb-ur-Rahman | Since 1987 |
| 5. Mr. Muhammad Ayub | Since 1992 |
| 6. Sahibzada Muhammad Qaisar Khan | Since 1992 |
| 7. Mr. Baitullah Khan | Since 2004 |
| 8. Mr. Shamroz Khan | Since 2004 |

In the year 2010, amendment in service rules have been made vide Notification No.1/33-SO(Prisons)/HD-2010 dated 15-03-2010, (Copy which is enclosed for your kind perusal). According to this Notification 33% quota has been allotted to initial recruitment of the Deputy Superintendent in grade 17, while Assistant Superintendent is also recruited in grade-14 by the Public Service Commission.

So, the direct recruitment of Deputy Superintendent in service brings no benefit to the Department except to badly suffer the promotion of Assistant Superintendent Jail as is evident from the above mentioned list which clearly indicates the delay in promotion of some of the Assistant Superintendents waiting their promotion for the last 25 years and at almost takes 20 to 25 years period to be promoted to the next stage.

Moreover, in the year 2010, 50% Assistant Superintendents were up-graded but for unknown reason up-gradation was declared as promotion by the parent department in spite of the clear notification of the Home Department (Photocopy attached). So 5 years experience is required to be promoted to the post of Deputy Superintendent which further complicate the process of promotion to the post of Deputy Superintendent which further complicate the process of promotion regarding officers (Senior Assistant Superintendents, / Assistant Superintendents) badly as to wait for further 5 years, having 20-25 years experience on their shoulders.

It is also added that an Assistant Superintendent Jail; while reaching in promotion zone already completes almost 20-25 years service; who does not need further experience of (5) years.

in, light of the abet circumstances, request is very humbly made before your honour to very kindly consider our following request sympathetically and in the best interest of Department.

- 1) Amendment made in rules regarding direct induction of Deputy Superintendent in BPS-17 may be abolished as in Punjab
- 2) 5 Years experience for promotion of Senior Assistant Jail to Deputy Superintendent may also be deleted and the up-gradation may not be considered as promotion.

Thanking you in anticipation.

ATTESTED

Obediently Yours

Senior Assistant / Assistant Superintendents Jail

- | | |
|-----------------------|-----------------------------------|
| 1- Mr. Fayaz Khan | 2- Mr. Mukhtiar Haider Khan |
| 3- Mr. Khalid Wahab | 4- Haji Mujeeb-ur-Rahman |
| 5- Mr. Muhammad Ayub | 6- Sahibzada Muhammad Qaisar Khan |
| 7- Mr. Baitullah Khan | 8- Mr. Shamroz Khan |

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To

The Secretary to Government of Khyber Pakhtunkhwa,
Chairman Standing Service Rules Committee,
Peshawar

Through:- PROPER CHANNEL

Subject:- REQUEST OF JAIL STAFF REGARDING AMENDMENT IN RULES

Honourable Sir,

We the undersigned have the honour to bring it into your kind notice that we are serving in the Prisons Department as Senior Assistant/ Assistant Superintendents.

- | | | |
|----|--------------------------------|------------|
| 1- | Mr. Fayaz Khan | since 1986 |
| 2- | Mr. Mukhtia Haider Khan | since 1986 |
| 3- | Mr. Khalid Wahab | since 1987 |
| 4- | Haji Mujeeb-ur-Rahman | since 1987 |
| 5- | Mr. Muhammad Ayub | since 1992 |
| 6- | Sahibzada Muhammad Qaisar Khan | since 1992 |
| 7- | Mr. Baitullah Khan | since 2004 |
| 8- | Mr. Shamroz Khan | since 2004 |

In the year of 2010, amendment in service rules have been made vide notification No. 1/33-SO(Prisons)/HD-2010 dated 15-03-2010, (copy which is enclosed for your kind perusal). According to this notification; 33% quota has been allotted to initial recruitment of the Deputy Superintendent in grade 17, while Assistant Superintendent is also recruited in grade (14) by the Public Service Commission.

So, the direct recruitment of Deputy Superintendent in service brings no benefit to the Department except to badly suffer the promotion of Assistant Superintendent Jail as is evident from the above mentioned list which clearly indicates the delay in promotion of some of the Assistant Superintendents waiting their promotion for the last 25 years and at almost takes 20 to 25 years period to be promoted to the next stage.

Moreover, in the year 2010, 50 % Assistant Superintendents were up-gradated but for unknown reason up-gradation was declared as promotion by the parent department in spite of the clear notification of the Home Department (photocopy attached). So, 5 years experience is required to be promoted to the post of Deputy Superintendent which further complicate the process of promotion regarding officers (Senior Assistant Superintendents/ Assistant Superintendents) badly as to wait for further 5 years, having 20-25 years experience on their shoulders.

It is also added that an Assistant Superintendent Jail; while reaching in promotion zone already completes almost 20-25 years service; who does not need further experience of (5) years.

In light of the above circumstances, request is very humbly made before your honour to very kindly consider our following request sympathetically and in the best interest of Department.

- 1- Amendment made in rules regarding direct induction of Deputy Superintendent in BPS-17 may be abolished as in Punjab.
- 2- 5 years experience for promotion of Senior Assistant Superintendent Jail to Deputy Superintendent may also be deleted and the up-gradation may not be considered as promotion.

Thanking you in anticipation.

ATTESTED

(Signature)

Obediently yours

Senior Assistant/ Assistant Superintendents Jail

- | | | | | | |
|----|--------------------------------|--|----|-------------------------|--|
| 1- | Mr. Fayaz Khan | | 2- | Mr. Mukhtia Haider Khan | |
| 3- | Sahibzada Muhammad Qaisar Khan | | 4- | Mr. Baitullah Khan | |
| 5- | Haji Mujeeb-ur-Rahman | | 6- | Mr. Muhammad Ayub | |
| 7- | Mr. Shamroz Khan | | | | |

Dated: No. So (Prisons) h.d/4/44/bc113876/2012/pc.v.Dt.2010-14

To,

The Section officer (Prison section)

Khyber Pakhtunkhawa, Peshawar.

Subject: Amendment in rules


Respected sir,

Please refer to Inspector General Office letter No. 16832 dated 22/08/2011 Khyber Pakhtunkhawa Peshawar.

It is submitted to kindly convey the decision arrived at, regarding amendment in rules in the above cited case please.

You're faithfully,

01-Mr.Hashmat Khan (SAS) 

02-Mr.Baithullah Khan (SAS) 

03-Mr.Fayaz Khan (SAS) etc. 

ANNEAURE
(F)

29

KHYBER PUKHTOONKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.nwfppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 16.11.2011

ADVERTISEMENT No. 04 / 2011.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by 17.12.2011 (candidates applying from abroad by 31.12.2011). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

AGRICULTURE, LIVESTOCK & CO-OPERATIVE DEPTT:	
1.	THIRTEEN (13) POSTS OF RESEARCH OFFICERS CEREAL CROPS QUALIFICATION: M.Sc (Agriculture) or B.Sc (Hons) Agriculture (Obtained after 4 years instructions after F.Sc) from a recognized university under Re-Programme in subject relating to subject Groups as special field in schedule-II to which vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Four to Merit, Two each to Zone-1, 2, 3, 4 and One to Zone-5.
2.	NINE (09) POSTS OF RESEARCH OFFICERS AGRICULTURE CHEMISTRY IN AGRICULTURE RESEARCH SYSTEM QUALIFICATION: M.Sc (Agriculture) or B.Sc (Hons) Agriculture (Obtained after 4 years instructions after F.Sc) from a recognized university under Re-Programme in subject relating to subject Groups as special field in schedule-II to which vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: Two each to Merit, Zone-1 & Zone-5 and One each to Zone-2, 3 & 4.
3.	ONE (01) POST OF FEMALE RESEARCH OFFICER (BPS-17) AGRICULTURE CHEMISTRY IN AGRICULTURE RESEARCH SYSTEM QUALIFICATION: M.Sc (Agriculture) or B.Sc (Hons) Agriculture (Obtained after 4 years instructions after F.Sc) from a recognized university under Re-Programme in subject relating to subject Groups as special field in schedule-II to which vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Female. ALLOCATION: Merit.
4.	THREE (03) POSTS OF RESEARCH OFFICERS HORTICULTURE IN AGRICULTURE RESEARCH SYSTEM QUALIFICATION: M.Sc (Agriculture) or B.Sc (Hons) Agriculture (Obtained after 4 years instructions after F.Sc) from a recognized university under Re-Programme in subject relating to subject Groups as special field in schedule-II to which vacancy occurs. AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes. ALLOCATION: One each to Zone-3, 4 & Zone-5.

ATTESTED


AGE LIMIT: 30 to 45 years. PAY SCALE: BPS-19 ELIGIBILITY: Female.
ALLOCATION: Merit

43. ONE (01) POST OF MALE ASSISTANT PROFESSOR IN ECONOMICS (LEFT OVER) IN HIGHER EDUCATION DEPARTMENT.

QUALIFICATION: (a) Ph.D in the relevant subject from a recognized University with two years teaching/ research experience in a recognized College/University. Or (b) M.Phil in the relevant subject from a recognized University with five years teachings teaching/ research experience in a College/ University OR (c) Second Class Master Degree in the relevant subject from a recognized University with seven (07) years experience in a College/ University or in Education Administration Management.

AGE LIMIT: 25 to 40 years. PAY SCALE: BPS-18 ELIGIBILITY: Male.
ALLOCATION: Merit

44. FOUR (04) POSTS OF FEMALE LECTURER IN PHYSICS (LEFT OVER) IN HIGHER EDUCATION DEPARTMENT.

QUALIFICATION: 2nd Class Master Degree in relevant subject or equivalent qualification from a recognized university.

AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-17 ELIGIBILITY: Female.
ALLOCATION: Zone-1.

45. EIGHT (08) POSTS OF MALE LIBRARIAN IN HIGHER EDUCATION DEPARTMENT (LEFT OVER).

QUALIFICATION: Master's Degree in Library Science from a recognized University.

AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.
ALLOCATION: Two each to Zone-1, 4 and Four to Zone-5.

46. TWO (02) POSTS OF COMPUTER OPERATOR IN DIRECTORATE OF ARCHIVES & LIBRARIES.

QUALIFICATION: (1) Intermediate Second Class or equivalent from a recognized Board. (2) One year Diploma in Computer Science or Information Technology from a recognized Board.

AGE LIMIT: 18 to 32 years. PAY SCALE: BPS-12 ELIGIBILITY: Both Sexes.
ALLOCATION: One each to Zone-3 & 4.

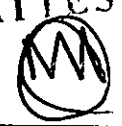
(HOME AND TRIBAL AFFAIRS DEPARTMENT)

47. ONE (01) POST OF DEPUTY SUPERINTENDENT JAIL IN PRISONS DEPARTMENT.

QUALIFICATION: (1) Second Class Bachelor Degree from a recognized University. (2) L.L.B from a recognized University.
Note: - Knowledge of Computer will be compulsory.

AGE LIMIT: 21 to 30 years. PAY SCALE: BPS-17 ELIGIBILITY: Male.
ALLOCATION: Zone-1.

ATTESTED



GENERAL CONDITIONS

- (i) Age shall be reckoned on **17/ 12/ 2011**. Maximum age limit as prescribed in the recruitment rules shall be relaxed upto 10 years for Govt Servants who have completed 2 years continuous service and upto 3 years for candidates belonging to backward areas specified in the appendix attached to the NWFP. Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them.
- (ii) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates are accepted. However, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective Institution but candidates shall produce original degrees / certificates before their selection. Detail Marks Certificates for all the examinations shall necessarily be required and these should be attached with the application forms.
- (iii) Ex-armed Forces Personnel must send copy of Discharge Certificate with their applications. Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates should reach within 30 days of the closing date.
- (iv) Applications should be on the prescribed application form obtainable from the listed below branches of the **NATIONAL BANK OF PAKISTAN**. Application Fee is Rs.285/- (Rupees Two Hundred Eighty Five only) for all the candidates. In addition to the application fee, the candidates will have to pay Rs.15/- (rupees fifteen only) on account of Bank Charges. Separate application form will be required for each advertised category of posts. Application forms obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. The applications on plain paper or Photostat shall not be accepted. Incomplete and late applications shall not be accepted which shall be rejected. Candidates can also apply online through the Commission's website (www.nwfppsc.gov.pk). However the application fee needs to be deposited in State Banks of Pakistan or a National Bank of Pakistan Branch under head of account No. C02101- Organs of State-Examination Fee of NWFP PSC through Challan. The same alongwith attested copies of all the documents need to be submitted to the Commission within 10 days.
- (v) Applications must be submitted within time as no extra time is allowed for postal transit. The applications if submitted on the last date for receipt of applications must reach the Commission's office by the closing hours.
- (vi) Applicants married to Foreigners are considered only on production of the Govt: Relaxation Orders.
- (vii) No applicant shall be considered in absentia on paper qualifications unless, he/she possesses exceptionally higher qualifications than the minimum prescribed qualification for a particular post(s).
- (viii) Govt. reserves the right not to fill any or fill more or less than the advertised post(s).
- (ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications and scale of pay shall be ineligible.
- (x) Experience wherever prescribed shall be counted after the minimum qualifications for the post(s), if not specifically provided otherwise against the advertised post(s).
- (xi) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in anyone of the following manner: -
- (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and/c: Professional record as the Commission may decide.


ATTESTED


SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

- (1) Main Branches of:
Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, a Mansehra
- (2) Saddar Road Branch, Tehkal Payan Branch, and G.T Road (Nishtar Abad) Branch and University Campus Branch Peshawar.

- (3) Tehsil Bazar Branch, Charsadda, Nowshera Cantt. Branch, Bank Square Branch
Mingora and City Branch Tank

Note: -The candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all essential tests.


(ATTA-UR-REHMAN KHALIL)
Secretary
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

ATTESTED

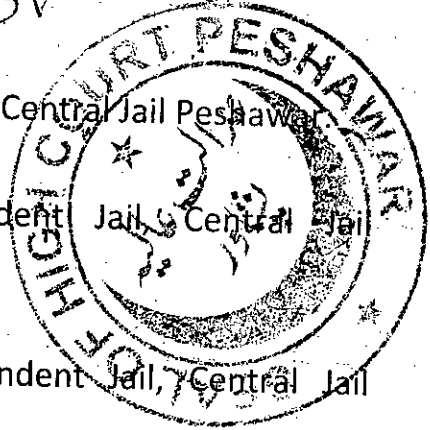


33

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No 911-P/2013

ANNEXURE
16



1. Fayaz Ahamd, Senior Assistant Superintendent Jail, Central Jail Peshawar.
2. Mukhtiar Haider, Senior Assistant Superintendent Jail, Central Jail Peshawar.
3. Mujeeb ur Rehman, Senior Assistant Superintendent Jail, Central Jail Peshawar.
4. Junaid Muhammad, Senior Assistant Superintendent Jail, Sub-jail Charsadda.
5. Sahibzada Muhammad Qaiser, Senior Assistant Superintendent Jail, District Jail, Kohat.
6. Saood Ahmad, Senior Assistant Superintendent Jail, Sub-Jail Daggar.
7. Muhammad Ayub, Senior Assistant Superintendent Jail Central Jail Peshawar.
8. Alam Zeb Khan, Senior Assistant Superintendent Jail, District Jail Mardan.
9. Abdul Bari, Senior Assistant Superintendent Jail, District Jail Mansehra.
10. Muhammad Arif, Senior Assistant Superintendent Jail, District Jail Mardan.
11. Hashmatullah, Senior Assistant Superintendent Jail, District Jail Mardan.
12. Amin ul Haq, Senior Assistant Superintendent Jail, Sub-Jail Karak.
13. Muhammad Naeem, Senior Assistant Superintendent Jail, Judicial lockup Tank.
14. Baitullah, Senior Assistant Superintendent Jail, Central Jail Haripur.
15. Syed Akhtar Hussain Shah, Senior Assistant Superintendent Jail, District Jail Mansehra.
16. Zafarullah Jan, Senior Assistant Superintendent Jail, Central Jail Dera Ismail Khan.
17. Muhammad Jamil, Senior Assistant Superintendent Jail, Central Jail Dera Ismail Khan.
18. Gul Alam, Senior Assistant Superintendent Jail, Central Jail Dera Ismail Khan.
19. Mohammad Hamid Khan, Senior Assistant Superintendent Jail, Judicial Lockup Swabi.

TODAY
Registrar
APK 20

ATTESTED


EXAMINER
Peshawar High Court

28/11/13

20. Ajmal Khan, Senior Assistant Superintendent Jail, Central Jail Peshawar.

..... (Petitioners)

VERSUS

1. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. Secretary, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
5. Inspector General of Prisons, Khyber Pakhtunkhwa, Peshawar.
6.  Secretary,
Public Service Commission, Khyber Pakhtunkhwa, Peshawar.

.....(Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC
REPUBLIC OF PAKISTAN, 1973**

PRAYER

THAT ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THE AMENDMENTS MADE, IN KHYBER PAKHTUNKHWA PRISONS DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES, 1980, AT SERIAL NO: 4(A) & (B) VIDE NOTIFICATION NO: 1/33-SO(PRISONS) HD/2010 DATED: 15-03-2010, ALLOCATING 33% INDUCTION FOR THE POST OF DEPUTY SUPERINTENDENT JAIL BPS-17 BY DIRECT/INITIAL RECRUITMENT & FURTHER PUTTING A FIVE YEAR CONDITION ON THE PROMOTION OF SENIOR ASSISTANT SUPERINTENDENT JAIL BPS-16, MAY PLEASE BE DECLARED AS ILLEGAL, UN-REASONABLE, ARBITRARY, DISCRIMINATORY WITHOUT LAWFUL AUTHORITY AND OF NO LEGAL EFFECT AS THE SAME ARE BEING VOIATIVE OF THE PROVISIONS OF THE COSTITUTION & FUNDAMENTAL RIGHTS & ON SUCH DECLARATION AN APPROPRIATE ORDER MAY KINDLY BE ISSUED TO THE RESPONDENTS/AUTHORITIES TO ANNUL/AMEND THE SAID AMENDMENTS.

ED TODAY
uty Registrar
2 APR 2013

ATTESTED

EXAMINED
Peshawar High Court

Respectfully Sheweth:-

Facts giving rise to the instant writ petition are as under:-

1. That the Petitioners had joined the service as an Assistant Superintendent Jail BPS-14 during the period of 1986-1995. After serving the department for the period of 17-26 years as an Assistant Superintendent Jail it was only in the year 2009 when in the upgradation committee meeting 18 posts of Deputy Superintendents Jail were being upgraded from BPS-16 to BPS-17 & **50% posts of Assistant Superintendent Jail had been upgraded from BPS-14 to BPS-16** with change of its nomenclature as **"Senior Assistant Superintendents Jail"** vide **Notification No: 4/22-A SO/(PRISONS) HD/09 Dated: 03-11-2009 & Order No. 13446 dated: 07-07-2010.** (Copy of the Notification & Order is attached herewith as **Annexure 'A' & 'B'** respectively)
2. That vide **Notification No: 1/33-so(prisons) hd/2010 Dated: 15-03-2010** some amendments were made, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial no: 4(a) & (b). Under these rules new methods of recruitment for the upgraded post of Deputy Superintendent Jail BPS-17 previously BPS-16 and a promotion rule for the upgraded post of Senior Assistant Superintendent Jail BPS-16 previously BPS-14 had been introduced. (Copy of the Notification & Manual for Service Recruitment Rules, 1980 is attached herewith as **Annexure 'C' & 'D'**)
3. That as per new rule the post of Deputy Superintendent Jail BPS-17 is to be filled at the ratio of 33% by direct/initial recruitment and 67% by promotion from amongst the Senior Assistant Superintendent Jail attaching a mandatory condition of five years service experience as such officer.
4. That prior to the introduction of this rule the post of Deputy Superintendent Jail used to be filled by way of promotion from amongst the Assistant Superintendent Jail and there was no direct recruitment to the said post.
5. That the petitioners had requested the respondent No.1 regarding Amendment in the rules however no action has yet been taken by the respondents. (Copy of the application is attached herewith as **Annexure 'E'**)
6. That the Respondent No. 6 has announced 1 vacant post of Deputy Superintendent Jail of BPS-17 through direct recruitment vide

FILED TO...
Duty Register
02 APR 2011

ATTESTED
EXAMINER
Recruitment Board

advertisement No. 04/2011 dated: 16-11-2011 wherein the interviews for the said post has started to be conducted by them. (Copy of the advertisement is attached herewith as **Annexure 'F'**)

7. That the Petitioner finding no other adequate remedy is constrained to file this writ petition on the following amongst other grounds:

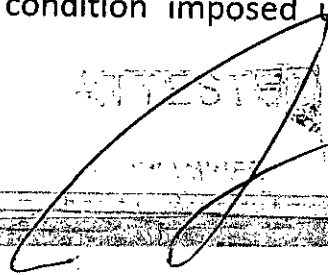
GROUND

A. That the act of the respondents making the amendments, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial no: 4(a) & (b) vide notification no: 1/33-so(prisons) hd/2010 dated: 15-03-2010, allocating 33% induction for the post of Deputy Superintendent Jail BPS-17 by direct/initial recruitment & further putting a five year condition on the promotion of Senior Assistant Superintendent jail BPS-16 are illegal, un-reasonable, arbitrary discriminatory without lawful authority and of no legal effect as the same are being violative of the provisions of the constitution & fundamental rights.

B. That allocating 33% of the seats of Deputy Superintendent Jail BPS-17 to be filled by initial/direct recruitment and 67% by promotion from amongst the Senior Assistant Superintendent Jail attaching a mandatory condition of five years service experience as such officer is an arbitrary, discriminatory and illegal as no such condition is imposed upon a person who is directly recruited to such post. Moreover the direct recruitment to such post is detrimental to the fundamental rights of the Petitioners as there is no direct recruitment in Police Department. A.S.I.s are inducted through Public Service Commission and sub-ordinate officers are promoted to the ranks of Deputy Superintendent of police. In the province of Balochistan too, the posts of Deputy Superintendent Jail is filled by way of promotion from amongst the members of the service holding the posts of Assistant Superintendent Jail BPS-16. All the seats of Deputy Superintendent Jail BPS-17 are filled by way of promotion. (Copy of the Police Order, 2002 alongwith Notification No. SO(Prs)2-89/2012/Service rules/24 Government of Balochistan are annexed herewith as **Annexure 'G' & 'H'** respectively)

C. That after the introduction of these discriminatory and unlawful amendments the chances of promotion of the petitioners to the post of Deputy Superintendent Jail BPS-17 are very rare hence the same be amended to the effect that the petitioners be considered for the posts of Deputy Superintendent Jail BPS-17 through promotion as is the case in other departments and Province and the condition imposed upon the promotion may also be declared void.

ED TO
ty Regis
2 APR 2012

ATTESTED


D. That the Petitioners have served the department as an Assistant Superintendent Jail for the last 17-26 years. Having such a vast experience on their back they are in a far better position to be considered for the post

of Deputy Superintendent Jail BPS-17. As most of them are post graduates too and since 1995, the Assistant Superintendent Jail had been recruited through competitive examination by Khyber Pakhtunkhwa Public Service Commission. The imposition of condition on their promotion vide the discriminatory rule is not reasonable and sounds illogical as the mere change in nomenclature from Assistant Superintendent Jail to Senior Assistant Superintendent Jail does not make any difference in the duties and responsibilities of the petitioners. Hence, putting the condition of five years mandatory provision of service as Senior Assistant Superintendent Jail is not reasonable and against the norms of justice and fair play. (Copy of the final Seniority list of Senior Assistant Superintendent Jail BPS-16 etc is annexed herewith as Annexure '1')

E. That if compared with other departments a commissioned officer gets three to four stages promotion in 26 years of service however, in Prisons Department, there is no promotion for the Petitioners.

F. That the act of the respondents is perverse which if not corrected will result in injustice and is also contrary to the fundamental right of equal treatment as envisaged by the constitution of Pakistan & principles of Natural justice.

G. That there is no legal impediment to declare the act of amendment by respondents as illegal, unlawful and of no legal effect, and & on such declaration an appropriate order may kindly be issued to the respondents/authorities, rather law & justice demands the same.

It is , therefore, most humbly prayed that this Hon' able Court may kindly be pleased to issue writ declaring the amendments made, in Khyber Pakhtunkhwa Prisons Department (Recruitment & Appointment) Rules, 1980, at serial no: 4(a) & (b) vide notification no: 1/33-so(prisons) hd/2010 dated: 15-03-2010, allocating 33% induction for the post of deputy superintendent jail bps-17 by direct/initial recruitment & further putting a five year condition on the promotion of Senior Assistant Superintendent jail BPS-16, as illegal, un-reasonable, arbitrary, discriminatory without lawful authority and of no legal effect as the same are being violative of the provisions of the constitution & fundamental rights & on such declaration an appropriate order may kindly be issued to the respondents/authorities to annul/amend the said amendments.

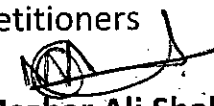
Any other relief which this Hon' able Court may deem appropriate in the circumstances and which has not been specifically asked for may kindly be passed in favour of the Petitioner.

Regis
APR 2013

ATTESTED
EXAMINER
Peshawar High Court

INTERIM RELIEF

The Respondent No.6 may kindly be directed to stop the direct/initial recruitment process for the post of Deputy Superintendent Jail BPS-17 till the decision of the instant writ petition.

Through **Petitioners**

Mazhar Ali Shah,
Advocate High Court.

CERTIFICATE

Certified that no such like writ petition has previously been moved in this Hon' able Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the present matter.

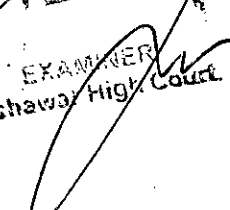

Petitioner


List of Books

- Constitution of Pakistan, 1973.
- Service Laws.
- Any other law book/as per need.

Note

Three spare copies of the writ Petition are enclosed in a separate file cover. Memo of addresses is also attached.

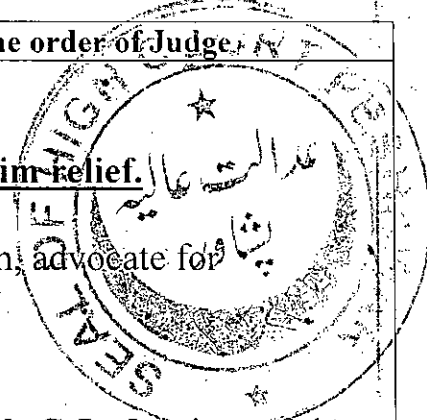
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EXAMINER
Peshawar High Court

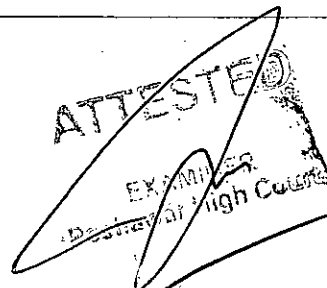
FILED TODAY

Deputy Registrar
02 APR 2013

39

PESHAWAR HIGH COURT, PESHAWAR.

**FORM 'A'
FORM OF ORDER SHEET**

Date of order.	Order or other proceedings with the order of Judge.
19.11.2013.	<p style="text-align: center;"></p> <p><u>W.P. 911-P of 2013 with interim relief.</u></p> <p>Present: Mr. Mazhar Ali Shah, advocate for petitioners.</p> <p style="text-align: center;">-----</p> <p><u>DOST MUHAMMAD KHAN, C.J.-</u> In view of the principle laid down in the case of <u>I.A. Sherwani Vs. Government of Pakistan etc. (1991 SCMR 1041)</u> and because in the subsequent three successive judgments of the Hon'ble apex Court, it has been squarely and conclusively determined that civil servant having a pending grievance before the Service Tribunal can competently challenge the vires of Rules, Notification, Regulation or any instrument of law, which is prejudicial to his terms and conditions of service and the Tribunal is competent to see the vires of Rules in that case, thus, instant petition relates to the terms and conditions of civil servant and because vires of certain Rules have been challenged, therefore, the Tribunal has the jurisdiction and the petitioner may approach the Tribunal for that purpose on similar grounds.</p> <p style="text-align: center;">Petition be returned to the petitioners in</p>

ATTESTED

Deputy Registrar
Peshawar High Court

original while photocopy set be retained for record.

~~CHIEF JUSTICE~~
CHIEF JUSTICE

JUDGE

EDV Dost Muhammad Ullah - ej
EDV Musabbat Hicli - j

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984

[Signature]
28/11/13

7300



Date of Presentation of Application 20-11-13
No of Pages 3P
Filing Fee 16.00
Urgent Fee 1
Cost 16.00
Date of Preparation of Copy 28-11-13
Date Given For Bill 28-11-13
Date of Delivery of Copy 28-11-13
Received By *[Signature]*

[Signature]
20/11

(Sadiq Shah)

FROM :

FAX NO. :

Mar. 12 2013 10:37PM P1

Attention
Hashmat Khan

ANNEXURE

H

44



قومی تعمیر نو بیورو

پولیس آرڈر

2002ء

چیف ایگزیکٹو آرڈر نمبر 22 مجریہ 2002ء

۷ اکتوبر ۲۰۰۲ء

حکومت و اشاعت

: محکمہ مقامی حکومت و دیہی ترقی حکومت صوبہ سرحد

Essential Institutional Reforms
Operationalisation Programme
(NWFP - EIROP)

: ایروپ

ATTESTED

(M)

1

کرنے کی
(3) یہ پولیس افسر کا فرض ہوگا کہ کسی مجاز عدالت کے سامنے معلومات پیش کرے اور ضمن، وارنٹ، حلاش کے وارنٹ یا ایسے دیگر قانونی حکم نامہ کے لئے درخواست کرے جو قانون کی رو سے، کسی ایسے شخص کے خلاف جاری کیا جاسکتا ہو جس کے بارے میں کسی جرم کا ارتکاب کرنے کا شبہ ہو۔

5 لازمی ملازمتوں کے سلسلے میں پولیس کے بیچ میں فراغت - (1) حکومت کسی بیچ کی حالت میں سرکاری جریدے میں اعلان کے ذریعے کسی سرحد ملازمت کو کھینچی کے لئے لازمی ملازمت قرار دے سکے گی۔

(2) شیق (1) کے تحت اعلان کے جانے پر اور جب تک کہ یہ نافذ العمل رہے، ہر ایک پولیس افسر کا فرض ہوگا کہ اس اعلان سے متعلق کسی سینئر پولیس افسر کے ذریعے جسے کسی جانور حکم کی تعمیل کرنے۔

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باب 3

پولیس کی تشکیل اور تنظیم

6 ہر ایک عام پولیس علاقہ کے لئے علیحدہ پولیس کا عملہ اور حکومت ہر ایک عام پولیس علاقہ کے لئے علیحدہ پولیس کا عملہ بڑھاتا رہے گی۔

7 پولیس کی تشکیل (1) ہر ایک عام پولیس علاقہ کے لئے پولیس کا عملہ سینئر اور جو نیئر رتہ کے افسر کی ضرورت کی ایسی تعداد پر مشتمل ہوگا اور ایسی تنظیم کا حامل ہوگا جس طرح کہ حکومت وقتاً فوقتاً متعین کرے۔

(2) پولیس کی بھرتی کے معیار، تنخواہ اور الاؤنس اور تمام دیگر شرائط ملازمت ایسی ہوں گی جس طرح کہ حکومت وقتاً فوقتاً متعین کرے۔

محرمی اور ماہرین کے کار کے علاوہ پولیس میں بھرتی پولیس کے کانسٹیبل، اسٹنٹ سب انسپکٹر اور اسٹنٹ پرنسپل کے عہدہ پر ہوں گی (3) Const: to ASPs

مگر شرط یہ ہے کہ اسٹنٹ سب انسپکٹر کے عہدہ پر براہ راست بھرتی کے لئے انتخاب معتمد پبلک سروس کمیشن کے ذریعے ہوگا اور مذکورہ درجہ میں کل اسامیوں کے پچیس فی صد سے تجاوز نہیں کرے گی۔

مزید شرط یہ ہے کہ اسٹنٹ سب انسپکٹر کے عہدہ کے لئے حکیمانہ ترقی کے عہدہ کا پچیس فی صد، قواعد کے تابع، بے داغ ریکارڈ کے گریجویٹ کانسٹیبلوں یا بیڑی کانسٹیبلوں میں سے معتمد پبلک سروس کمیشن کی طرف سے انتخاب کے ذریعے پر کیا جائے گا۔

اسٹنٹ پرنسپل پولیس کے عہدہ کے لئے بھرتی کسی پاکستان کی بنیاد پر وفاقی پبلک سروس کمیشن کے ذریعے ہوگی۔ (4) → ASPs

کانسٹیبل اور اسٹنٹ سب انسپکٹر کے عہدہ کیلئے بھرتی ذریعہ مسائل کے ضلع کی بنیاد پر ہوگی اور وفاقی پبلک سروس کمیشن کے عہدہ کے تمام ملازمتی امور کے لئے ان کا انتظامی بونڈ ہوگا اور صرف ایسے افسران کو بھرتی ذمہ داروں کے لئے اور کرودہ

→ ASPs

(5)

(9)

فرائض کے لئے تعینات کرنے پر ایسا امر مانع نہیں ہوگا۔ قواعدت تابع، پولیس کے انسپکٹر اور اپنی پرنسپل کو صوبائی
تقدم کی بنیاد پر ترقی دی جائے گی۔

(6) ہر پولیس افسر کو جبکہ وہ پولیس کا فرض انجام دے رہا ہو پاکستان میں ہر جگہ افسر کے اختیارات اور مراعات حاصل ہوں گی اور
کسی بھی وقت کسی بھی برانچ، ڈویژن، بیورو اور سیکشن میں خدمت انجام دینے کا مستوجب ہوگا۔

پولیس کو اداے فرائض کی بنیاد پر منظم کیا جائے گا۔ (1) آرٹیکل 7 کے تحت تشکیل کردہ پولیس کے عمل کو، جہاں تک ممکن

عمل ہو، اداے فرائض کی بنیاد پر برانچوں، ڈویژنوں، بیوروں اور سیکشنوں کی صورت میں منظم کیا جائے گا۔

(2) شق (1) میں بحولہ برانچوں، ڈویژنوں، بیوروں اور سیکشنوں میں حسب ذیل شامل ہو سکیں گے۔
(الف) تفتیش

(ب) خفیہ خبر رسائی

(ج) گھمرائی اور محافظت

(د) ریور پولیس

(و) پولیس کا حساب

(و) انتظامیہ عملہ

(ز) تعلیم بہتریت

(ح) مالیات اور اندرونی بحالی

(ط) انسداد جرائم

(ی) خواتین، سرخاؤ، جرائم

(ک) ترقی کی منصوبہ بندی اور انتظام

(ل) شناختی نشانات بحریں

(م) انفارمیشن ٹیکنالوجی

(ن) ٹرانسپورٹ

(س) تحقیق و ترقیات

(ع) قانونی امور (میں سے کسی ایک کو چھوڑ کر)

(ف) بہبود

(ص) انتظام الماک

ماہر تفتیش کنندگان عملی طور پر تفتیش برانچ کے انچارج افسر کو جواب دہ ہوں گے۔ (3)

ہر ایک پولیس افسر کی برانچ، ڈویژن، بیورو اور سیکشن میں یا پولیس میں یا اس سے باہر کسی جگہ تعیناتی کا مستوجب ہوگا۔ (4)

کسی اختصاصی برانچ، ڈویژن، بیورو یا سیکشن میں تعیناتی قواعد کے مطابق ضروری تربیت اور تجربہ کے تابع ہوگی۔ (5)

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ANNEXURE
1/14

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No. SO(Prs)2-39/2012/Service Rules/96
GOVERNMENT OF BALOCHISTAN
Home & Tribal Affairs Department
(Prisons Section)

Dated Quetta 12th September, 2012.

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Peshawar.



Attention:- Mr. Khalid Khan, Section Officer (Prisons).

Subject: AMENDMENT IN THE KHYBER PAKHTUNKHWA PRISON DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES 1930.

The undersigned directed to refer to your letter No. 4/44-SO(Prison HD/2011/Vol-V, dated 28th June, 2012, on the subject noted above, and as desired following method of recruitment for the post of Deputy Superintendent Jail (B-17) adopted in Balochistan Prison Department.

"By Promotion from amongst the members of the Service holding the post of Assistant Superintendent Jail (B-16) having at least three (03) years service, and have successfully passed Departmental Examination conducted by the Balochistan Public Service Commission, on seniority and fitness basis".

(Anees Faris Gorgaij)
Section Officer (Prisons)
Ph: # 081-9202377

Copy to: -

1. P.S. to the Home Secretary, Balochistan, Quetta.
2. Master File.

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FINAL SENIORITY LIST OF SENIOR ASSISTANT SUPERINTENDENTS JAIL (BPS-16) & ASSISTANT SUPERINTENDENTS JAIL (BPS-14) OF THE KHYBER PAKHTUNKHWA PRISONS DEPARTMENT AS STOOD ON 01-2-2013

~~2013-2014~~

ANNEXURE 3 45

Sanctioned strength of Senior Assistant Superintendents Jail (BPS-16).....	34
Sanctioned strength of Assistant Superintendents Jail (BPS-14).....	37
Total:-	71

S.No	Name of official with academic qualification	D/O of Birth with domicile.	Date of first entry into service.	Regular appointment/promotion			Present appointment.	Remarks.
				Date	BPS	Method of recruitment.		
1.	Mr.Fayaz Ahmad (B.A)	8-11-1961 (Charsadda)	25-2-1986	6-8-2010	16	By promotion.	Senior Assistant Superintendent Jail.	Note: Officers shown at S.No.4,8 & 16 were promoted to BPS-16 later than others but in earlier DPC meeting they were differed for promotion due to long leave/pending inquiry against them, thus their seniority remain intact as in lower cadre as per rules.
2.	Mr.Mukhtiar Haider (B.A/LLB)	1-5-1959 (Peshawar)	15-10-1986	1-8-2010	16	-do-	-do-	
3.	Mr.Khalid Wahab (B.A)	20-4-1960 (Peshawar)	23-9-1987	1-8-2010	16	-do-	-do-	
4.	Mr.Mujeebur Rehman (B.A/LLB)	28-5-1961 (Peshawar)	28-9-1987	3-1-2012	16	-do-	-do-	
5.	Mr.Junaid Muhammad (B.A)	1-1-1965 (Charsadda)	16-10-1990	1-8-2010	16	-do-	-do-	
6.	Sahibzada Muhammad Qaiser (B.A/LLB)	15-1-1970 (Swabi)	16-2-1992	11-8-2010	16	-do-	-do-	
7.	Mr.Saood Ahmad (M.A)	1-4-1962 (Swabi)	20-2-1992	1-8-2010	16	-do-	-do-	
8.	Mr.Muhammad Ayub (B.A)	16-5-1965 (Swabi)	18-2-1992	3-1-2012	16	-do-	-do-	
9.	Mr.Alam Zeb (M.A)	20-4-1960 (Swabi)	23-2-1992	1-8-2010	16	-do-	-do-	
10.	Mr.Falak Sher (B.A)	12-12-1960 (Charsadda)	19-2-1992	1-8-2010	16	-do-	-do-	
11.	Mr.Abdul Bari (B.Com/MA)	8-4-1967 (Mardan)	17-2-1992	1-8-2010	16	-do-	-do-	
12.	Mr.Muhammad Arif, (B.A/LLB)	6-7-1969 (Swabi)	22-3-1993	1-8-2010	16	-do-	-do-	
13.	Mr.Hashmatullah (M.A/LLB)	2-5-1969 (Dir)	2-2-1995	1-8-2010	16	-do-	-do-	
14.	Mr.Sayyar Ahmad (B.Com)	6-1-1963 (Mardan)	18-6-1990	1-8-2010	16	-do-	-do-	
15.	Mr.Aminul Haq (Matric)	15-2-1960 (Swabi)	12-1-1977	1-8-2010	16	-do-	-do-	
16.	Mr.Muhammad Hamid (M.Sc)	15-4-1972 (Swabi)	4-5-2001	12-4-2012	16	-do-	-do-	
17.	Mr.Muhammad Naeem (M.A)	10-1-1971 (D.I.Khan)	19-3-2002	1-9-2010	16	-do-	-do-	

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18.	Mst.Fauzia Taj	(B.A/LLB)	20-3-1973	(Mansehra)	10-1-2003	1-8-2010	16	-do-	Senior Lady Asstt; Supdt; Jail.	
19.	Mr.Baitullah	(M.A)	18-2-1979	(Mohmand Agency)	12-1-2004	6-8-2010	16	-do-	Senior Asstt; Supdt; Jail.	
20.	Mr.Bakht Rawan	(M.A)	1-4-1975	(Dir)	13-1-2004	1-8-2010	16	-do-	-do-	
21.	Syed Akhtar Hussain Shah	(M.A)	15-11-1978	(Abbottabad)	12-1-2004	1-8-2010	16	-do-	-do-	
22.	Mr.Zafarullah Jan	(M.A)	21-3-1976	(Lakki Marwat)	12-1-2004	30-8-2010	16	-do-	-do-	
23.	Mr.Noorul Basar	(B.A)	11-11-1957	(Malakand Agency)	17-02-1977	20-8-2010	16	-do-	-do	
24.	Mr.Muhammad Jamil	(B.A)	02-04-1960	(Bannu)	11-04-1978	1-8-2010	16	-do-	-do-	
25.	Mr.Jangrez Khan	(F.A)	01-05-1960	(Mardan)	12-10-1978	1-8-2010	16	-do-	-do-	
26.	Mr.Gul Alam,	(Matric)	16-1-1960	(Bannu)	1-1-1978	6-9-2010	16	-do-	-do-	
27.	Mr.Ajmal Khan	(Matric)	1-10-1956	(Swabi)	17-1-1978	3-1-2012	16	-do-	-do-	
28.	Mr.Murad Khan	(B.A)	09-06-1965	(Charsadda)	01-04-1985	3-1-2012	16	-do-	-do-	
ASSISTANT SUPERINTENDENTS JAIL (BPS-14)										
1.	Mr.Abdul Hakim	(B.A)	10-4-1958	(Bannu)	17-11-1985	17-11-1985	14	Direct.	Assistant Superintendent Jail	
2.	Mr.Asif Ali Shah	(B.A)	1-12-1960	(Charsadda)	25-2-1992	25-2-1992	14	-do-	-do-	
3.	Mr.Muhammad Naeem	(B.Sc)	28-2-1968	(Abbottabad)	19-3-1995	6-8-2010	16	-do-	-do-	
4.	Miss.Nagina Masood	(B.A)	20-6-1982	(S.W.Agency)	18-12-2005	18-12-2005	14	Direct.	Lady Asstt; Supdt; Jail.	
5.	Mr.Sikandar Khan	(F.A)	20-02-1964	(Peshawar)	07-09-1983	15-7-2006	14	By promotion.	Assistant Superintendent Jail.	Promoted from ministerial cadre .
6.	Mr.Sabz Ali	(B.A)	23-03-1963	(Bannu)	06-10-1983	15-7-2006	14	-do-	-do-	-do-
7.	Mr.Ayub Bacha	(M.A)	17-01-1975	(Dir)	8-2-2008	8-2-2008	14	Direct	-do-	
8.	Syed Mohy-ud-Din Shah	(B.A)	15-3-1978	(Mansehra)	11-2-2008	11-2-2008	14	-do-	-do-	
9.	Mr.Zahir Shah.	(M.A)	2-4-1976	(Mohmand Agency)	15-2-2008	15-2-2008	14	-do-	-do-	
10.	Mr.Amjad Ali Khan.	(M.B.A)	13-3-1979	(Dir)	20-2-2008	20-2-2008	14	-do-	-do-	
11.	Mr.Riaz Muhammad Khan.	(M.A)	16-3-1978	(Karak)	20-2-2008	20-2-2008	14	-do-	-do-	
12.	Mr.Abdul Nasir Khan.	(M.A)	25-11-1978	(Karak)	14-2-2008	14-2-2008	14	-do-	-do-	

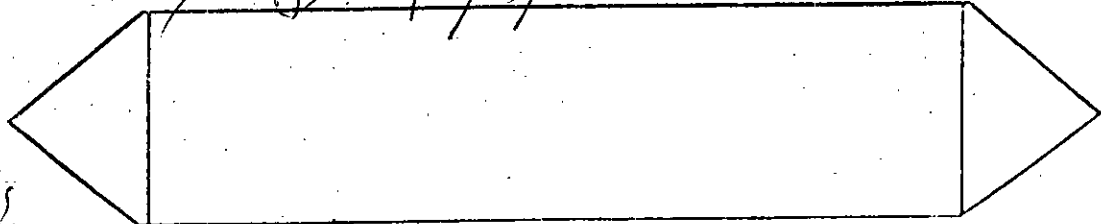
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13.	Mr. Shamroze Khan.	(Matric)	4-10-1963	(Charsadda)	14-6-1979	26-3-2008	14	By promotion.	-do-	Promoted from W & W Staff.
14.	Mr. Muhammad Ali.	(Matric)	6-3-1953	Mardan.	9-12-1981	22-4-2008	14	-do-	-do-	-do-
15.	Mr. Shehr Yar.	(MSc)	22-5-1984	Battagram.	22-10-2009	22-10-2009	14	Direct.	-do-	
16.	Syed Zain-ul-Arifeen Shah.	(M.A)	5-4-1984	Mansehra.	22-10-2009	22-10-2009	14	-do-	-do-	
17.	Mr. Yousaf Gul.	(Matric).	5-4-1966	Charsadda.	30-7-1983	15-4-2010	14	-do-	-do-	Promoted from W&W Staff.
18.	Syed Rizwan Shah.	(Matric)	12-3-1965	Charsadda.	13-11-1983	15-4-2010	14	-do-	-do-	-do-
19.	Mr. Tahir Ahmad.	(MSc)	1-2-1983	Mohmand Agency.	1-10-2010	1-10-2010	14	Direct.	-do-	
20.	Mr. Ihsan-ud-Din.	(MA)	1-5-1986	Dir.	1-10-2010	1-10-2010	14	-do-	-do-	
21.	Mr. Anwar Shamim Khan.	(BA)	1-3-1987	Swat.	1-10-2010	1-10-2010	14	-do-	-do-	
22.	Syed Muhammad Salman.	(BSc)	16-4-1987	Bajour Agency.	7-10-2010	7-10-2010	14	-do-	-do-	
23.	Mr. Aftab Ahmad.	(MSc)	20-4-1984	Mardan.	4-10-2010	4-10-2010	14	-do-	-do-	
24.	Mr. Musharaf Shah.	(MA)	20-3-1983	Mardan.	11-10-2010	11-10-2010	14	-do-	-do-	
25.	Mr. Riaz Ahmad .	(MA)	3-3-1978	Chitral.	30-9-2010	30-9-2010	14	-do-	-do-	
26.	Mr. Rashid Ahmad.	(MA)	10-3-1984	Mansehra.	1-10-2010	1-10-2010	14	-do-	-do-	
27.	Mr. Muammad Ibrahim	(F.A).	01-04-1955	(Peshawar)	01-07-1981	30-4-2012	14	By promotion	-do-	Promoted from ministerial staff.
28.	Mr. Abdur Raziq	(M.A)	22-06-1968	(Mardan)	06-03-1988	3-5-2012	14	-do-	-do-	-do-
29.	Mr. Fazle Rahim	(F.A)	01-09-1967	(Mardan)	26-03-1986	1-5-2012	14	-do-	-do-	-do-
30.	Mr. Najam Hussain Abbasi.	BA/L.L.B	20-5-1986	(Haripur).	01-8-2012	01-8-2012	14	Direct.	-do-	
31.	Mr. Sher Badshah.	(B.A)	29-3-189	(Charsadda)	01-8-2012	01-8-2012	14	-do-	-do-	

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بعدالت جا۔ سرو سز کمپنیل شہادہ



۱۸ نومبر ۲۰۱۴ء پنجاب ہائی کورٹ لاہور
صاحبزادہ محمد شہین نام جسٹس سکریٹری

مورخہ - 18.11.14
مقدمہ - Services Appeal
دعویٰ -
جرم -

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کیلئے مطرحہ عمل سے ہوا میں
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دینے جو جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار است حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی۔ تمام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم ۱۸ ماہ ۱۱ 2014

بمقام
B. Qureshi Khan
Senior Asstt
Suptd Jail.
کے لئے منظور ہے۔

Account
Maghe Akshah
Advocate



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

No. SO(Prisons)-HD/4/44/BC-113876/2012/Vol-V
Dated Peshawar the 20th October, 2014.

To

The Inspector General of Prisons,
Khyber Pakhtunkhwa,
Peshawar



113860

Subject:- AMENDMENTS IN THE KHYBER PAKHTUNKHWA PRISONS
DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES, 1980

Dear Sir,

I am directed to refer to your letter No. 25007-WE, dated 03/10/2014 on the subject noted above and to state that the subject case has been thoroughly examined by this department and the Competent Authority has directed to file the case.

Yours faithfully

SECTION OFFICER (PRISONS)

Endst: No./Date Even

Copy forwarded for information to the:

1. PS to Special Secretary Home, Khyber Pakhtunkhwa.
2. Master file.

SECTION OFFICER (PRISONS)

ATC
MA

[Handwritten signature and date]
14/10/2014