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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Muhammad Zubeir VS Govt of KPK

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Muharrir Compilation

Incharge Judicial Branch

24/5/24

00524242 SHAHID  
 CHIC: 1350308009819  
 (00000002) Grade: 09 NTN  
 Buckle No. :  
 Gazetted/Non-Gazetted: N  
 38,938.00

|                           |                  |                            |                 |
|---------------------------|------------------|----------------------------|-----------------|
| 0001 Basic Pay            | 4,740.00         | 3109 CPF Subscription - Rs | 524.00--        |
| 1000 House Rent Allowance | 1,146.00         | 3501 Benevolent Fund       | 120.00--        |
| 1300 Medical Allowance    | 1,000.00         | 3511 Addl Group Insurance  | 7.00--          |
| 1908 Adhoc Relief-2009 (0 | 948.00           | 3604 Group Insurance       | 57.50--         |
| 1923 UAA-OTHER 2011(1-15) | 1,000.00         | 3640 Emp.Edu. Fund         | 15.00--         |
| 1948 Adhoc Allowance 2010 | 2,370.00         |                            |                 |
| <b>PAYMENTS:</b>          | <b>11,204.00</b> | <b>DEDUCTIONS</b>          | <b>755.00--</b> |

Branch Code:221387

BAFTA

HABIB BANK LIMITED

BAFTA

NET PAY  
KONSEHRA

10,411.00 01.06.2011 30.06.2011  
 Acct.No: 7100045603

*[Signature]*  
 District Accounts Officer  
 Battagram

*[Handwritten marks]*

00524242 SHAHID  
 CHIC: 1350308009819  
 (00000002) Grade: 09 NTN  
 Buckle No. :  
 Gazetted/Non-Gazetted: N

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 163/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER(E)

Mr. Muhammad Zubair, Electrician, Administration Department, Civil Secretariat Khyber Pakhtunkhwa, Peshawar.

..... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through its Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary Administration Civil Secretariat, Peshawar Khyber Pakhtunkhwa.
3. Secretary Establishment Civil Secretariat, Peshawar Khyber Pakhtunkhwa.....(Respondents)

Mr. Asad Ullah,  
Advocate

... For appellant

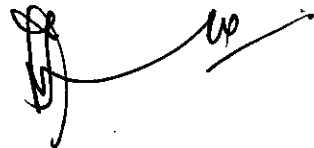
Mr. Muhammad Jan,  
District Attorney

... For respondents

Date of Institution..... 20.06.2023  
Date of Hearing..... 28.02.2024  
Date of Decision..... 28.02.2024

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the prayer that on acceptance of the appeal, the respondents might be directed to place the name of appellant in the seniority list with that of employees taking benefit of notification dated 06.12.2012 and 17.04.2004 enabling him to be considered for promotion. It has also been prayed that the respondents might be directed to formulate service structure of the appellant's cadre aimed at extension of equal treatment.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Electrician (BPS-03) in the Establishment and Administration Department on 03.04.2008. He preferred departmental appeal on 24.08.2022, seeking insertion of his name in the seniority list entitling him to be considered for promotion by taking into account notification dated 17.04.2004, but of no avail. He was entitled to have a service structure like that of other employees serving in the Civil Secretariat but no such structure existed for the post of Electrician. He was, thus, left with no other option but to approach the Tribunal with the aim to place his name in the seniority list, like that of other employees, taking benefit of notification dated 06.12.2012 and 17.04.2004.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that the appellant was entitled to have his service structure enabling him for promotion. He argued that omission on the part of respondents spoke volumes of injustice, hence required interference of the Tribunal. He further argued that in the P&D Department, a class IV employee who was appointed on contract basis as Electrician (BPS-5) was later on promoted on regular basis to the post of Junior Clerk (BPS-11). He contended that the appellant had the same right in the light of rule of parity to be considered for promotion having



14 years service at his credit. He requested that the appeal might be accepted as prayed for.

5. Learned District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the appellant was serving against the technical post of Electrician G-II and he had to be promoted to the post of Electrician G-I on occurrence of vacancy as per service rules. He further argued that request of the appellant was not tenable as there was a separate criteria for Class-IV employees, which were non-technical posts, therefore, his application was regretted by the competent authority being devoid of merit. He requested that the appeal might be dismissed.

6. Arguments and record presented before us show that the appellant was appointed as Electrician (BS-3) in the Administration Department of the provincial government in 2008. After serving for more than fourteen years, he preferred an appeal before the departmental authority for including his name in the seniority list of Class-IV employees. His application was regretted on the ground that he was serving against a technical post and would be promoted to the post of electrician G-I on occurrence of vacancy in the light of service rules. The service rules attached with the reply of the respondents pertain to various posts in the Houses under the administrative control of the Administration Department but the appellant is an employee of the Administration Department at the level of the Secretariat, and not any House, as is clear from his appointment order, and confirmed by the learned District Attorney also. We are unable to understand that how the service rules pertaining to the employees of Houses are applicable on the appellant? Service



rules notified by Administration Department vide its notification dated 17.04.2004 have been annexed by the appellant in his appeal. Through that notification the rules pertaining to the post of Daftari have been amended as follows:-

*“By promotion on the basis of seniority-cum-fitness from amongst the holders of posts of matriculate Qasids, Naib Qasids, Farashs, Chowkidars, Malis, Sweeper, Bahishtis and equivalent posts.*

7. In the above mentioned rules, posts of Qasids, Naib Qasids, Farashs, Chowkidars, Malis, Sweeper and Bashishtis have been specifically mentioned, but the same rule states “equivalent posts” also, and it is construed that whoever Class-IV employee is left, he/she is covered in the term “equivalent posts.”

8. No specific rules for the post of electrician at the level of Administration Department were produced before us and the learned District Attorney confirmed that no such rules exist. In such a case, the rules for the post of Daftari are clear when they mention “equivalent posts”, which means that any other post, equivalent to the posts specifically mentioned in that rule, is also covered for promotion to the post of Daftari. It does not discriminate between technical and non-technical posts. For the purpose of promotion, a joint seniority list is required to be maintained by the department. In case of the appellant, there is no second opinion that he is a Class-IV employee and under the said rule, the respondent department is bound to include his name in the joint seniority list of Class-IV employees maintained at departmental level.




9. Another set of rules notified on 06.12.2012 is attached with the service appeal. Service rules of Junior Clerk are reproduced as follows:-

|   |               |   |                |   |
|---|---------------|---|----------------|---|
| 4 | Junior Clerk. | <p>(i) Matriculation with second division or equivalent qualification from a recognized Board; and</p> <p>(ii) A speed of 30 words per minute in typing</p> | 18 to 30 years | <p>a) Thirty-three per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed S.S.C Examination; and</p> <p>b) Sixty-seven per cent by initial recruitment.</p> <p>Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaris, Gestetner Operators, Qasids, Naib Qasids etc. with reference to the dates of their acquiring the Secondary School Certificate.</p> |
|---|---------------|---|----------------|---|


In these rules also, all the Class-IV employees are covered for promotion to the post of Junior Clerk with a note that there shall be a common seniority list.


10. In the light of the above discussion, we come to a conclusion that the appellant is a Class- IV employee of Administration Department and his name has to be included in a joint seniority list of all the Class-IV employees maintained by the department and that he is eligible for further promotion in the light of rules notified on 17.04.2004 and 06.12.2012. We, therefore, allow this appeal as prayed for, with the direction to the administrative department to include the name of the appellant in the seniority list of class-IV employees at



the appropriate place, in the light of rules dated 17.04.2004 and 06.12.2012, and consider him for promotion under the said rules. Cost shall follow the event. Consign.

11. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 28<sup>th</sup> day of February, 2024.

  
(FARHEHA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member(J)

\*FazleSubhan P.S\*

SCANNED  
Peshawar




SA 163/2023

28<sup>th</sup> Feb. 2024. 01. Mr. Asad Ullah, Advocate for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Azhar Khan, S.O for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 06 pages, we allow the appeal as prayed for, with the direction to the administrative department to include the name of the appellant in the seniority list of class-IV employees at the appropriate place, in the light of rules dated 17.04.2004 and 06.12.2012, and consider him for promotion under the said rules. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 28<sup>th</sup> day of February, 2024.*

SCANNED  
KPS  
Peshawar

  
(FARYEHA PAUL)  
Member (I)

  
(RASHIDA BANO)  
Member(J)

11<sup>th</sup> Oct. 2023

1. Learned counsel for the appellant and [redacted] Khan, Assistant Advocate General alongwith Mr. Azhar Khan, Section Officer for the respondents present.

2. Reply on behalf of the respondents submitted. Copy of the same was handed over to the learned counsel for the appellant, who wants to go through the reply. Granted. To come up for preliminary hearing on 21.11.2023 before S.B. P.P given to the parties.

(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

21.11.2023

Learned counsel for the appellant present and argued that the appellant was appointed as Electrician (BPS-3) vide order dated 03.04.2008, in accordance with notification dated 17.04.2004 appellant is entitled for promotion to the post of Junior Clerk on the basis of seniority-cum-fitness and in view of the equivalent post mentioned in the rules but name of the appellant was not placed in the seniority list by the respondents on the lame excuse that post of the appellant does not fall within the definition of equivalent post against which appellant filed departmental appeal which was not responded within statutory period, hence the instant service appeal. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Written reply/comments on behalf of respondents have already been submitted. To come up for argument on 28.02.2024 before D.B. P.P given to the parties.

(Rashida Bano)  
Member (J)

\*Kaleem Ullah\*

SCANNED  
KPBT  
Peshawar

security fee  
not submitted

SCANNED  
KPBT  
Peshawar

13.07.2023

Learned counsel for the appellant present.

Arguments on amended application heard and record perused.

Let pre-admission notice be issued to the respondents for submission of reply/comments. To come up for reply/comments as well as preliminary hearing on 28.08.2023 before S.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)  
Member (E)

\*Kamranullah\*

SCANNED  
KPST  
Peshawari

28.08.2023

Learned counsel for the appellant present.

Mr. Sardar Dawood, Assistant alongwith Mr. Muhammad Jan, District Attorney for the respondents present and requested that an opportunity may be granted for submission of reply/comments. Adjourned. Last opportunity granted. To come up for reply/comments as well as preliminary hearing on 11.10.2023 before the S.B. Parcha Peshi given to the parties.

(Salah-Ud-Din)  
Member (J)

\*Naeem Amin\*

SCANNED  
KPST  
Peshawari

13.03.2023

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned.

To come up for preliminary hearing on 03.05.2023 before S.B. P.P given to the appellant.

SCANNED  
KPST  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

03.05.2023

Learned counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 13.06.2023 before S.B. Parcha Peshi given to learned counsel for the appellant. }

SCANNED  
KPST  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

\*Kamranullah\*

13<sup>th</sup> June, 2023

1. Learned counsel for the appellant present.
2. Learned counsel for the appellant stated that he filed application for amendment in this appeal. The appeal is at preliminary state, therefore, the appellant may file amended appeal within 7 days. To come up for preliminary hearing on 13.07.2023 before S.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar


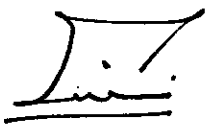
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

FORM OF ORDER SHEET

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

Case No.- 163/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 19/1/2023                 | <p>The appeal of Mr. Muhammad Zubair resubmitted today by Mr. Asad Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <del>25-1-23</del> archa Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> <p>Nemo for the appellant.</p> <p>Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing on 13.03.2023 before the S.B.</p> <p><br/>(Salah-Ud-Din)<br/>Member (J)</p> |

SCANNED  
KPST  
Peshawar

25.01.2023


SCANNED  
KPST  
Peshawar

The appeal of Mr. Muhammad Zubair, Electrician, Administration Department Civil Secretariat Peshawar received today i.e. on 23.12.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Copy of notification dated 06/12/2022 mentioned in para-7 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3699 /S.T,

DL 26/12 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Asad Ullah Adv. Pesh.

Respected Sir,

- ① Check list is attached with the appeal.
- ② Appeal has been flagged with annexures.
- ③ Annexures of the appeal are attested.
- ④ Copy of Notification dated 06/12/2022 was clerical mistake mentioned in para 7 of the memo of appeal is attached with appeal which may please.
- ⑤ Five more copies of the appeal along with annexures are attached.

⇒ I have received the file on 04-01-2023 and today is the last date of objection re submission. Through Counsel

19/01/2023



KHYBER PAKHTUNKHWA **MTI** TRIBUNAL, PESHAWAR  
CHECK LIST

Case Title: \_\_\_\_\_

| S# | CONTENTS   | YES | NO |
|----|--|-----|----|
| 1  | This Appeal has been presented by:   |     |    |
| 2  | Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?   | ✓   |    |
| 3  | Whether appeal is within time?   | ✓   |    |
| 4  | Whether the enactment under which the appeal is filed mentioned?   | ✓   |    |
| 5  | Whether the enactment under which the appeal is filed is correct?..  | ✓   |    |
| 6  | Whether affidavit is appended?   | ✓   |    |
| 7  | Whether affidavit is duly attested by competent Oath Commissioner?   | ✓   |    |
| 8  | Whether appeal/annexures are properly paged?   | ✓   |    |
| 9  | Whether certificate regarding filing any earlier appeal on the subject, furnished?   | ✓   |    |
| 10 | Whether annexures are legible?   | ✓   |    |
| 11 | Whether annexures are attested?  | ✓   |    |
| 12 | Whether copies of annexures are readable/clear?  | ✓   |    |
| 13 | Whether copy of appeal is delivered to AG/DAG?   | ✓   |    |
| 14 | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondent?  | ✓   |    |
| 15 | Whether numbers of referred cases given are correct?   | ✓   |    |
| 16 | Whether appeal contains cutting/overwriting?   | ✓   |    |
| 17 | Whether list of books has been provided at the end of the appeal?  | ✓   |    |
| 18 | Whether case relate to this court?   | ✓   |    |
| 19 | Whether requisite number of spare copies attached?   | ✓   |    |
| 20 | Whether complete spare copy is filed in separate file cover?   | ✓   |    |
| 21 | Whether addresses of parties given are complete?   | ✓   |    |
| 22 | Whether index filed?   | ✓   |    |
| 23 | Whether index is correct?  | ✓   |    |
| 24 | Whether Security and Process Fee deposited? On   | ✓   |    |
| 25 | Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On | ✓   |    |
| 26 | Whether copies of comments/reply/rejoinder-submitted? On   |     |    |
| 27 | Whether copies of comments/reply/rejoinder provided to opposite party? On  |     |    |

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: \_\_\_\_\_

Asad Ullah

Signature: \_\_\_\_\_



Dated: \_\_\_\_\_

12-06-2023

14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

AMENDED APPEAL.163/2023

Muhammad Zubair.....APPELLANT

Versus

Govt. of KP through its chief Secretary etc.....RESPONDENT(S)

SCANNED  
KPST  
Peshawar

I N D E X

| S.No | Documents   | Annexure | Pages |
|------|---|----------|-------|
| 1.   | Service Appeal With Affidavit   | .....    | 1-5   |
| 2.   | Memo Of Address Of Parties  | .....    | 6     |
| 3.   | Copy Of Order dated 03-04-2008  | A        | 7     |
| 4.   | Copy of departmental appeal alongwith notification dated 17-04-2004       | B and C  | 8-11  |
| 5.   | Copy of the notification dated 06-12-2023                                 | D        | 12-15 |
| 6.   | Copy of the appointment and promotion order dated 15-12-2016 & 22-03-2022 | E        | 16-18 |
| 7.   | Vakaltnama  | .....    | 19    |

  
APPELLANT

THROUGH

  
ASAD ULLAH

ADVOCATE PESHAWAR



① 15

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**Amended Appeal No.163/2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6128

Dated 20/6/2023

Mr. Muhammad Zubair, Electrician, Administration Department,  
Civil Secretariat Peshawar, Khyber  
Pakhtunkhwa.....**Appellant.**

**Versus**

1. Government of Khyber Pakhtunkhwa through its chief Secretary,  
Civil Secretariat, Peshawar
2. The Secretary Administration Civil Secretariat, Peshawar Khyber  
Pakhtunkhwa
3. Secretary Establishment Civil Secretariat, Peshawar Khyber  
Pakhtunkhwa.....**Respondent (S)**

**APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNAL ACT, 1974**

**Respectfully Sheweth,**

1. That the constitution of Islamic Republic of Pakistan aims at  
protecting civil servants in order to ensure smooth running of  
affairs of the government and institutions so as to benefit the  
public citizenry.
2. That the Constitution of Islamic Republic of Pakistan equally  
be-shields civil servants from being treated otherwise than in  
accordance with law.

**In Sheikh Riaz-ul-Haq's Case, it was held that, "Admittedly,  
civil servants being citizens of Pakistan have fundamental  
rights including the right to access to justice as envisaged  
under Article 9 of the Constitution".**

**ON FACTS**

3. That the appellant was appointed as electrician (BPS-03), in  
the establishment and administration department on 03-04-  
2008, (Copy of the order dated 03-04-2008 is annexed as  
**Annexure "A")**
4. That the appellant performed his duty to the best of ability,  
determination and to the entire satisfaction of the competent

authority right from day first and holding no stigma on his part till date.

5. That in the mean while the appellant preferred departmental appeal on 24-08-2022 seeking insertion of his name in the seniority list entitling him to be considered for promotion by taking into account notification dated 17-04-2004 but of no avail. **(Copy of the departmental appeal along with notification dated 17-04-2004 as annexed as annexure "B" and "C")**

**In Suo Moto Case No. 19 of 2016, it was held that, "Good governance was not a favor to be bestowed on the people; it was their right".**

6. Even otherwise the appellant is entitled to have a service structure like that of other employees serving in the civil secretariat.
7. That having left with no other option but to approach the Hon'ble tribunal aimed at placing the name of the appellant in the seniority list like that of employees taking benefit of notification dated 06-12-2012 and 17-04-2004 and in either case formation of service structure; as such the instant appeal inter alia on the following grounds. **(Copy of the notification dated 06-12-2012 is annexed as annexure "D")**

#### **GROUND**

- A. That non-insertion of Mr. Muhammad Zubair in seniority in seniority list as that of other employee serving in civil secretariat as against law.
- B. That even otherwise the appellant is entitled to have his service structure enabling him to raise high in so far ladder of promotion.
- C. That the purported omission on the part of respondents to the determination of appellant itself speaks volumes engraving danger to the notion of good governance hence requires interference of the Hon'ble Court.

**In Qaiser Iqbal's Case, it was held that, "Rule of law meant supremacy of law as opposed to arbitrary authority of the Government; said supremacy guaranteed three concepts; first, the absence of arbitrary power; second, equality before law and third the rights of a citizen"**

- D. That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.
- E. That in the P&DD department same class IV employee who was appointed on contract basis as Electrician (BPS-5) and later on promoted on regular basis to the post of Junior Clerk (BPS-11). Copy of Appointment and Promotion order dated 15-12-2016 & 22-03-2022 is attached as annexure.....E
- F. That the appellant have the same right in light of rule of parity to be considered for promotion having 14 years service in accordance with the article 4 and 25 of the constitution of Islamic republic of Pakistan 1973.
- G. That public functionary has to reinforce good governance, observe rules strictly and adhere to rule of law in public service.
- H. That "Expressi o Unis Est Exclusio Alterius" , commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- I. That " Ignorantia juris non excusat", commanding that ignorance of the law of arguments.

**PRAYER**

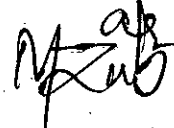
It is therefore humbly prayed that on acceptance of this Service Appeal: -

1. The respondents shall be directed to place the name of appellant in seniority list with that of employees taking benefit of notification dated 06-12-2012 and 17-04-2004 enabling him to be considered for promotion,

4/18

2. The respondents shall be directed to formulate service structure of the appellant cadre aimed at extension of equal treatment and in accordance with law, who falls in the same category but the appellant is continuously deprived to be considered for promotion to the post of Junior Clerk on the basis of Principle of Parity.
3. Any such order is passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.

Dated:



**APPELLANT**

**Muhammad Zubair**

**THROUGH:**



**Asad Ullah Advocate**

**Peshawar**

**Cell No. 0336-1559559**

5/19

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**AMENDED APPEAL.163/2023**

**Muhammad Zubair.....APPELLANT**

**Versus**

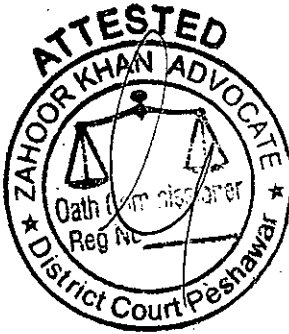
**Govt. of KP through its chief Secretary etc.....RESPONDENT(S)**

**AFFIDAVIT**

I, Mr. Muhammad Zubair, Electrician, Administration Department, Civil Secretariat Peshawar, Khyber Pakhtunkhwa, appellant do hereby solemnly affirm and declare on oath that contents of this plaint are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*M. Zubair*

**Deponent**



12/6/23

6 20

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**AMENDED APPEAL.163/2023**

**Muhammad Zubair.....APPELLANT**

**Versus**

**Govt. of KP through its chief Secretary etc.....RESPONDENT(S)**

**MEMO OF ADDRESSES OF PARTIES**

**Appellant**

Mr. Muhammad Zubair, Electrician, Administration Department, Civil Secretariat Peshawar, Khyber Pakhtunkhwa.

**Respondent (S)**

1. Government of Khyber Pakhtunkhwa through its chief Secretary, Civil Secretariat, Peshawar
2. The Secretary Administration Civil Secretariat, Peshawar Khyber Pakhtunkhwa
3. Secretary Establishment Civil Secretariat, Peshawar Khyber Pakhtunkhwa.



**APPELLANT**

**THROUGH**

  
**ASAD ULLAH**

**ADVOCATE PESHAWAR**

Anneer A

7

ADMINISTRATION DEPARTMENT

Dated Peshawar the 03.04.2008

**ORDER**

NO.E&A/DI4(1)/2007. Under rule 10 with rule-2 of the N-WFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No.SOR.VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Muhammad Zubair S/O Rast Baz Khan, resident of District Bannu is hereby appointed as Electrician (BS-03) (2615-100-5615) against an existing vacancy in Establishment and Administration Department with immediate effect on the following terms and conditions:-

- i. He shall get pay at the minimum of BS-02 including usual to annual increment in per centage pay.
- ii. He shall be governed by the N-WFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- iii. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- iv. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
- v. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining the post as required under the rules.
- vi. He has to join duties at his own expenses.

2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.

DEPUTY SECRETARY (ADMIN),  
ADMINISTRATION DEPARTMENT.

ENDST. NO. & DATE EVEN.

Copy forwarded to:-

- 1. Accountant General, NWFP, Peshawar.
- 2. P.A to Dy. Secy (Admin), Admin Deptt.
- 3. Bill Assistant, Administration Department.
- 4. Mr. Muhammad Zubair S/O Rastbaz Khan, resident of District Bannu
- 5. Personal file
- 6. Office Order file.

**ATTESTED**

(SHAH JEHAN,  
SECTION OFFICER (ADMIN))

Ate

B

**ATTESTED**

ADMINISTRATION DEPARTMENT

Service Rules Rule

Annexure B<sup>22</sup>

DATED PESHAWAR THE 17.04.2004

8

NOTIFICATION.

NO.E&A(A.D)4(17)/2003. In pursuance of the provisions contained in sub-rule(2) of rule 3 of the N-WFP civil Servant (Appointment, Promotion and Transfers) Rules, 1989, the competent authority on the recommendations of Standing Services Rules Committee, hereby directs that in the service rules pertaining to the post of Daftari notified vide Administration Department Notification of even number dated 11.07.2003, the following amendments shall be made namely:-

AMENDMENTS

In the appendix for the entries under column No.5 against serial No.2, the following shall be substituted namely:-

| S.NO. | METHOD OF RECRUITMENT  |
|-------|--|
| 2     | By promotion on the basis of seniority-cum-fitness from amongst the holders of posts of matriculate Qasids, Naib Qasids, Farashs, Chowkidars, Malis, Sweepers, Bahishtis and equivalent posts. |

Ad

NOTE: For the purpose of promotion, Administration Department shall maintain the joint seniority list of class-IV matriculate employees with regard to the date of regular appointment and the eligibility i.e acquiring SSC, shall be examined and taken into account at the time of promotion under consideration by the Departmental Promotion Committee.

SECRETARY TO GOVT: OF N-WFP  
ADMINISTRATION DEPARTMENT.

ENDST: NO. & DATE EVEN.

- 1) All Administrative Secretaries to Govt: of N-WFP.
- 2) All Additional Secretaries in E&A Department.
- 3) All Deputy Secretaries in E&A Department.
- 4) The Section Officer(Admn), Chief Minister's Secretariat, N-WFP, Peshawar.
- 5) The Section Officer(Secret), E&A Department.
- 6) The Librarian, E&A Department.

100  
17/4/04

**ATTESTED**

Shah Jehan  
(SHAH JEHAN)  
SECTION OFFICER(AMDN)

Atc

**ATTESTED**



یشن ڈی پارٹمنٹ خیبر پختونخوا

خدمت جناب سیکریٹری

Psto Secy Admin

No. 22 Date: 22/11/2008

ور جو نیئر کلرک سکیل 11

اپیل بر

عنوان:

PS DS (Administration Deptt.)

Dairy No. 22 Date: 22/11/2008

جناب عالی!

نہایت مورد باندہ گزارش کی جاتی ہے کہ سن سائل محکمہ ایڈمنسٹریشن میں بطور الیکٹریشن سکیل 04 میں اپنی ڈیوٹی سرانجام دے رہا ہوں۔  
سن سائل تاریخ 03-04-2008 سے تاحال ترقی سے محروم ہوں ایک ہی آسامی پر کام کرنے پر مجبور ہوں۔  
سیکشن آفیسر ایڈمن اور ڈپٹی سیکریٹری ایڈمن کو بار بار درخواست کر چکا ہوں مگر تاحال میرا نام سنیاریٹی لسٹ میں شامل نہ کرنا سمجھ سے بالاتر ہوتی۔

جناب عالی!

محکمہ P & D خیبر پختونخوا کے جاری کردہ قانون برائے ترقی بطور جو نیئر کلرک الیکٹریشن کو 07 فیصد کوٹہ مختص کیا گیا ہے  
نقل لف ہذا برائے ملاحظہ جبکہ محکمہ ایڈمنسٹریشن کے جاری کردہ قانون کے مطابق دفتری، قاصد، نائب قاصد، بشمول دیگر مساوی سکیل  
کے سرکاری ملازمین جنہیں کم از کم 02 سال نوکری ہوتی کے مستحق ہیں۔

قانون بتاریخ 06-12-2012 نوٹیفیکیشن نمبر SOE-IV (E&AD)/1-35/2012 نمبر 4 (a) (نقل لف ہذا)

4 (a). "Thirty-Three percent by promotion on basis of Senior aty -cum-fitness. From amongst  
Daftaris, Gestetner Operator, Qasid and Naib Qasid including Ho lders of other equelent post  
in Secretariat with 2 years Service as such, who have passed SSC Examination"

جناب عالی!

درجہ بالا حقائق و معروضات کو مد نظر رکھتے ہوئے آپ جناب کی خدمت میں گزارش ہے کہ سن سائل کو ترقی کیلئے سنیاریٹی لسٹ میں شامل کیا جائے  
جیسا کہ سن سائل بنیادی سکیل 04 میں ڈیوٹی سرانجام دے رہا ہوں جبکہ قاصد اور دفتری بھی سکیل 04 کے ملازمین ہوتے ہیں اس لحاظ سے سن سائل  
بنیادی سکیل 04 ہونے کی وجہ سے مستحق ہوں۔ لہذا استدعا کی جاتی ہے کہ متعلقہ حکام کو سن سائل کا نام متعلقہ سنیاریٹی لسٹ میں نام شامل کرنے کے احکامات  
صادر فرما کر مشکور فرمائیں تاکہ سن سائل کی ترقی ممکن ہو اس احسان کیلئے تاحیات دعا گورہوں گا۔

جائے  
بنیادی  
صادر فرما

مورد:

نقل برائے اطلاع  
نزد سیکریٹری  
نزد سیکریٹری  
نزد جسٹس اپنا  
نزد خیبر پختونخوا

مورد:

نقل برائے اطلاع

معزز چیف سیکریٹری صاحب  
حکومت خیبر پختونخوا اپنا

AK

AK

24/11/2008  
PSآپکا وفادار محمد زبیر الیکٹریشن محکمہ ایڈمنسٹریشن (SOA)  
سول سیکریٹریٹ خیبر پختونخوا اپنا

supelta

ATTESTED

PS to SECY: (ADMIN)

The case has been processed and ready to be filed.

Ashraf Khan  
Superintendent  
Admin. Department.

ATTESTED

پارٹمنٹ، پشاور

بخدمت جناب سیکرٹری ایڈمنسٹریشن صاحب،

10

کلیے شمولیت کی استدعا

کلاس فور میٹرکولیٹ ملازمین کی سناریٹی لسٹ میں بطور

عنوان:

Ps to Secy Admin

Diary No: 1155

Date: 19/04/22

S.O (Admn) Administration Deptt:

PA.DS (Admin)

جناب عالی!

Diary No: 1002

Date: 20-4-22

Diary No: 1166 20/04/22

گزارش کی جاتی ہے کہ من سائل تاریخ 03-04-2008 تک انتظامیہ بطور الیکٹریشن بنیادی سکیل 2 میں بھرتی ہوا جبکہ تاحال اسی اسامی پر کام کر رہا ہوں۔ حکومت وقت نے 2 مرتبہ سکیل اپ گریڈ کیا۔ جس کی وجہ سے اب سکیل 4 میں اپنی ڈیوٹی بطریقہ احسن سرانجام دے رہا ہوں۔ سرکاری نوکری میں تمام ملازمین ترقی کے خواہشمند ہوتے ہیں۔ اسی طرح مجھے بھی ترقی کی خواہش ہے جس کی بار بار درخواستیں دے چکا ہوں مگر تاحال میرا نام میٹرکولیٹ لسٹ میں شامل نہیں کیا گیا جبکہ میری تعلیم BA ہے جو قانون کی صریحاً خلاف درزی ہے۔

کلاس فور ملازمین کو ترقی کے لئے مشورہ سناریٹی لسٹ مرتب کی جاتی ہے جس میں سکیل 1 تا 2 گریڈ ملازمین کو بطور دفتری سکیل 4 میں ترقی پاتے ہیں۔ جبکہ محکمہ پی ایچ ڈی کے رولز میں باقاعدہ Electrician بھی نائب قاصد کی طرح درج ہے جس کے رولز کی کاپی لف ہے، مروجہ قانون برائے ترقی دفتری میں واضح طور پر تحریر ہے کہ

**Annex-I**

"By Promotion on the basis of seniority-cum-fitness from amongst the holders of posts of matriculate Qasid, Naib Qasids, Farashs, Chokidars, Malis, Sweepers, Bahishtis and equivalent posts"

جیسا کہ آپ کے علم میں ہے کہ دفتری سکیل 4 کا ملازم ہوتا ہے جس کے equivalent الیکٹریشن بھی سکیل 4 کا ملازم ہے۔ اس قانون کی رو سے میرا حق بنتا ہے کہ میرے نام کا اندراج بھی مذکورہ فہرست میں کرتے ہوئے دفتری سکیل 4 کی اسامی پر ترقی دی جائے۔ مزید یہ کہ جو نیئر کلرک سکیل 11 کے سرورس رولز میں بھی واضح طور پر تحریر ہے کہ

**Annex-II**

"Thirty-three percent by Promotion, on the basis of seniority-cum-fitness from amongst Daftris, Gestetner Operators, Qasids and Naib Qasid including holders of other equivalent posts in the Secretariat with two years service as such, who have passed SSC Examination."

جہاں تک سکیل 4 سے سکیل 4 مساوی سکیل کے ترقی کا معاملہ ہے اس ضمن میں عرض کی جاتی ہے کہ سپرنٹنڈنٹ سکیل 17 سے PMS سکیل 17 کی مساوی اسامی پر اور اسی طرح PA اور پرائیویٹ سیکرٹری بھی مساوی سکیل پر ترقی پاتے ہیں۔

جناب عالی!

تمام حقائق صاف صاف اور درست انداز میں آپ جناب کی خدمت میں پیش کئے گئے ہیں۔ کہیں بھی کوئی غلط بیانی نہیں کی گئی اور نہ ہی کچھ پوشیدہ رکھا گیا۔ جس کی رو سے ترقی پانا میرا بھی حق بنتا ہے۔

لہذا درج بالا حقائق اور معروضات کو مد نظر رکھتے ہوئے آپ جناب کی خدمت میں اپیل کی جاتی ہے کہ من سائل محمد زبیر الیکٹریشن سکیل 4 کو میٹرکولیٹ کلاس 4 ملازمین کی فہرست میں شامل کرنے کے احکامات صادر فرمائیں تاکہ ترقی پا کر مزید محنت اور لگن سے اپنی ڈیوٹی جاری رکھ سکوں۔ اس احسان کے لئے تاحیات آپ کی اور آپ کے بچوں کی عمر درازی کے لئے دعا گو رہوں گا۔

NOTES

M. Zaid  
محمد زبیر الیکٹریشن، محکمہ انتظامیہ

Supt (Admin)  
PS  
S.O (AS)

العارض

Supt (Admin)  
R. 4/04  
(AS)

SECY: (ADMIN)

A. AS-I

R

19/04/22

DSL(A)

ATTESTED

بخدمت جناب چیف سیکریٹری خیبر پختونخوا

PS/C.S Khyber Pakhtunkhwa  
Diary No. 2605 (w/e)

Date: 24-08-2022

عنوان: درخواست برائے ترقی بطور جونیئر کلرک سکیل 11

11

S.O (Admin) Deptt:

Ps to Secy Admin

PS DS (Administration Deptt.)

Diary No. 1989

Diary No. 3369 Date: 25-8-2022

جناب عالی!

Diary No. 2418 Date: 25/08/2022

نہایت مودبانہ گزارش کجاتی ہے کہ من سائل محکمہ ایڈمنسٹریشن میں بطور الیکٹریشن سکیل 04 میں اپنی ڈیوٹی سرانجام دے رہا ہوں۔

من سائل بتاریخ 03-04-2008 سے تاحال ترقی سے محروم ہوں ایک ہی آسامی پر کام کرنے پر مجبور ہوں۔

سیکشن آفیسر ایڈمن اور ڈپٹی سیکریٹری ایڈمن کو بار بار درخواست کر چکا ہوں مگر تاحال میرا نام سنیاریٹی لسٹ میں شامل نہ کرنا سمجھ سے بالاتر ہوں۔

جناب عالی!

محکمہ P & D خیبر پختونخوا کے جاری کردہ قانون برائے ترقی بطور جونیئر کلرک الیکٹریشن کو 07 فیصد کوٹہ مختص کیا گیا ہے

نقل لف ہذا برائے ملاحظہ جبکہ محکمہ اسٹیبلشمنٹ اینڈ ایڈمنسٹریشن کے جاری کردہ قانون کے مطابق دفتری، قاصد، نائب قاصد، بشمول دیگر مساوی سکیل کے سرکاری ملازمین جنہیں کم از کم 02 سال نوکری ہو ترقی کے مستحق ہیں۔

قانون بتاریخ 06-12-2012 نوٹیفیکیشن نمبر SOE-IV (E&AD)/1-35/2012 نمبر 4 (a) (نقل لف ہذا)

4 (a). "Thirty-Three percent by promotion on basis of Seniority -cum-fitness. From amongst Staffs, Gestetner Operator, Qasid and Naib Qasid including Holders of other equivalent post in Secretariat with 2 years Service as such, who have passed SSC Examination"

جناب عالی!

درجہ بالا حقائق و معروضات کو مد نظر رکھتے ہوئے آپ جناب کی خدمت میں گزارش ہے کہ من سائل کو ترقی کیلئے سنیاریٹی لسٹ میں شامل کیا جائے جیسا کہ من سائل بنیادی سکیل 04 میں ڈیوٹی سرانجام دے رہا ہوں جبکہ قاصد اور دفتری بھی سکیل 04 کے ملازمین ہوتے ہیں اس لحاظ سے من سائل بنیادی سکیل 04 ہونے کی وجہ سے مستحق ہوں۔ لہذا استدعا کی جاتی ہے کہ متعلقہ حکام کو من سائل کا نام متعلقہ سنیاریٹی لسٹ میں نام شامل کرنے کے احکامات صادر فرما کر مشکور فرمائیں تاکہ من سائل کی ترقی ممکن ہو اس احسان کیلئے تاحیات دعا گو ہوں گا۔

Levy: Admn

عین نوازش ہوگی

24/8

M. 24/8/2022

آپکا وفادار محمد زبیر الیکٹریشن محکمہ ایڈمنسٹریشن  
سول سیکریٹریٹ خیبر پختونخوا ایشادور

SECY: (ADMIN)

0333-9136899  
25/8  
DS(A)

Supdt (A) AS-1  
29/08  
(PA/IA)

ATTESTED

مورخہ:

نقل برائے اطلاع

معزز سیکریٹری ایڈمنسٹریشن صاحب

معزز سیکریٹری اسٹیبلشمنٹ صاحب

معزز رجسٹرار ایشادور ہائی کورٹ صاحب

حکومت خیبر پختونخوا ایشادور

ATTESTED



GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT  
(ESTABLISHMENT WING)

\*\*\*\*\*

NOTIFICATION

Peshawar, dated the 6<sup>th</sup> December 2012.

No SOE.IV(E&AD)/1-35/2012:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Establishment and Administration Department, in consultation with the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Khyber Pakhtunkhwa Civil Secretariat, specified in column 2 of the said Appendix.

APPENDIX

| S.No. | Nomenclature of posts. | Minimum qualification for appointment by initial recruitment. | Age limit. | Method of recruitment.  |
|-------|------------------------|---|------------|---|
| 1.    | 2.                     | 3.  | 4.         | 5.  |
| 1.    | Superintendent.        | -   | -          | By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant with atleast five years service as such. |

(10) (13)

| S.No. | Nomenclature of posts. | Minimum qualification for appointment by initial recruitment.   | Age limit.      | Method of recruitment.   |
|-------|------------------------|---|-----------------|--|
| 1.    | 2.                     | 3.  | 4.              | 5.   |
| 2.    | Assistant.             | Second Class Bachelor's Degree from a recognized University.  | 20 to 32 years. | (a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with atleast five years service as Junior and Senior Clerk.<br>(b) twenty-five per cent by initial recruitment.  |
| 3.    | Senior Clerk.          |   | -               | By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerk with atleast two years service as such.   |
| 4.    | Junior Clerk.          | (i) Matriculation with second division or equivalent qualification from a recognized Board; and<br>(ii) a speed of 30 words per minute in typing. | 18 to 30 years  | (a) <u>Thirty-three per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed S.S.C Examination; and</u><br>(b) sixty-seven per cent by initial recruitment.<br><br><u>Note:</u> For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc., with reference to the dates of their acquiring the Secondary School Certificate: |

32/ S.C.D.  
 W.K. Jais  
 S.S.C.

**ATTESTED**

**ATTESTED**

72

6 24

| S.No. | Nomenclature of posts. | Minimum qualification for appointment by initial recruitment. | Age limit. | Method of recruitment.  |
|-------|------------------------|---|------------|---|
| 1.    | 2.                     | 3.  | 4.         | 5.  |
|       |                        |   |            | Provided that:<br>(a) if two or more officials have acquired the Secondary School Certificate in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;<br>(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials. |

28

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA.

ATTESTED

ATTESTED

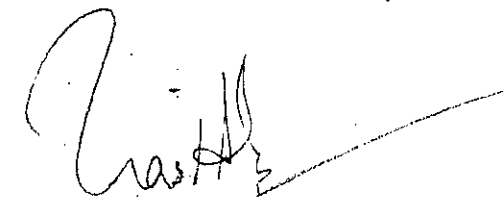
15

Endst: No. SOE-IV(E&AD)/1-35/2012, dated 6<sup>th</sup> December, 2012

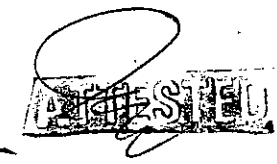
Copy forwarded for information and necessary action to: -

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
2. The Addl: Chief Secretary (FATA), Khyber Pakhtunkhwa.
3. The Chairman, Khyber Pakhtunkhwa Public Service Commission.
4. The Senior Member of Board of Revenue.
5. Secretary to Governor, Governor's Secretariat, Khyber Pakhtunkhwa
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Secretary Provincial Assembly, Khyber Pakhtunkhwa.
8. The Chairman to Khyber Pakhtunkhwa Service Tribunal Peshawar.
9. The Private Secretary to Chief Secretary Khyber Pakhtunkhwa.
10. The Private Secretary to Secretary Establishment Department,
11. The P.A to Special Secretary (Estt), Establishment Department.
12. The P.A to Addl: Secretary (Estt/ Reg), Establishment Department.
13. The PA to Addl: Secretary (HRD Wing) Establishment Department.
14. All the Deputy Secretaries in Establishment Department.
15. All Section Officers. Establishment Department. Khyber Pakhtunkhwa Peshawar.
16. The Manager Government Printing Press for publication in the Extra Ordinary Gazette.

29



(NASIR AMAN)  
SECTION OFFICER (L.IV)





(16) 30 Annexure E

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**PLANNING & DEVELOPMENT DEPARTMENT**  
**(CIVIL SECRETARIAT PESHAWAR)**

Dated Peshawar the 15<sup>th</sup> December, 2016.

**ORDER**

**No.AO(CBP)/P&D/2016-2017.** The Competent Authority is pleased to appoint Mr. Waqas Ahmad s/o Jahan Zeb, Mohallah Gulshan Abad TMA Office Feroz sons Amangarh District Nowshera for the post of Electrician (BPS-05) in the Project Directorate, Capacity Building Project Planning and Development Department, Government of Khyber Pakhtunkhwa.

**Terms & Conditions:**

25. His appointment is purely on contract basis for a period of one year to be extended on satisfactory performance till the expiry of Project.
26. He will be entitled for fixed pay as per approved PC-1 of the Project.
27. His Services are liable to be terminated on fifteen (15) days' notice if not required or found unsatisfactory.
28. He has to produce Medical Fitness Certificate from the Medical Superintendent, Services Hospital Peshawar before joining duty.
29. In case he wish to resign at any time, one month notice will be necessary or in lieu thereof one month pay will be forfeited.
30. He will be governed by Rules & Regulation applicable to the Project employees of the Government of Khyber Pakhtunkhwa.
31. He will have to execute Contract Agreement with the Project authorities.
32. He will have to join duty with in fifteen (15) days from the issuance of this order failing which the offer will be treated as withdrawn.

-----sd-----  
Project Director CBP  
P&D Department

No. AO (CBP)/P&D/1-2/2016-17

22. The Accountant General Khyber Pakhtunkhwa, Peshawar.
23. PS to Additional Chief Secretary
24. PS to Secretary P&D.
25. PS to Secretary Finance.
26. PS to Secretary Establishment.
27. Project Director CBP, P&D Department.
28. PF of the Officer Concerned.

Account Officer CBP

**ATTACHED**



17 31



GOVERNMENT OF KHYBER PAKHTUNKHWA  
PLANNING & DEVELOPMENT DEPARTMENT

Dated Peshawar, March 22, 2022.

**ORDER:**

NO.SO(ESTT)P&D/1-4/DPC/Ministerial Pool/2021: In pursuance of the recommendations of the Departmental Promotion Committee meeting held on 23.02. 2022, the following Electrician/Telephone Operator/Generator Operator/Naib Qasids, employees of pool of ministerial staff of P&D Department as well as Planning Cells of Administrative Departments are hereby promoted to the posts of Junior Clerks (BPS-11), on regular basis, with immediate effect:

- i. Mr. Waqas Ahmad, Electrician.
- ii. Mr. Akhter Ali, Telephone Operator,
- iii. Mr. Shahzad Khan, Generator Operator.
- iv. Mr. Imtiaz Khan, Naib Qasid.
- v. Mr. Tariq Hussain, Naib Qasid.
- vi. Mr. Noor Ul Amin, Naib Qasid.
- vii. Mr. Himayat Ullah, Naib Qasid.

2. The officials on their promotion shall remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, extendable upto another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of rules ibid.

3. Consequent upon the above, following transfer/posting of the officials concerned are hereby ordered, with immediate effect, in the best public interest, till further orders:

| S# | Name of officers                           | From                                    | To   |
|----|--|---|--|
| 1. | Mr. Waqas Ahmad<br>Junior Clerk (BPS-11)   | General Section,<br>P&D Department      | Retained in General Section,<br>P&D Department. The official is<br>authorize to draw his salary<br>against the vacant post of Junior<br>Clerk in PP&I Cell, P&D<br>Department. |
| 2. | Mr. Akhter Ali,<br>Junior Clerk (BPS-11)   | Coordination Section,<br>P&D Department | Planning Cell, Irrigation<br>Department against the vacant<br>post.  |
| 3. | Mr. Shahzad Khan,<br>Junior Clerk (BPS-11) | General Section,<br>P&D Department.     | Retained in General Section.<br>The official is authorize to draw<br>his salary against the vacant<br>post of Junior Clerk from<br>Merged Areas, P&D<br>Department.            |

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|    |   |   |   |
|----|---|---|---|
| 4. | Mr. Imtiaz Khan,<br>Junior Clerk (BPS-11)   | Office of Deputy<br>Secretary-II,<br>P&D<br>Department. | Retained in the Office of Deputy<br>Secretary-II, P&D Department.<br>The official is authorize to draw<br>his salary against the vacant<br>post of Junior Clerk, Merged<br>Areas, P&D Department. |
| 5  | Mr. Tariq Hussain,<br>Junior Clerk (BPS-11) | Diary & Dispatch<br>Section,<br>P&D<br>Department.      | Planning Cell, Agriculture<br>Department against the vacant<br>post against the vacant post.  |
| 6  | Mr. Noor Ul Amin<br>Junior Clerk (BPS-11)   | PP&IC,<br>P&D<br>Department.                            | Retained in PP&I Cell, P&D<br>Department.   |
| 7  | Mr. Himayat Ullah,<br>Junior Clerk (BPS-11) | PPP Cell, P&D<br>Department                             | Planning Cell, Irrigation<br>Department against the vacant<br>post.   |

**SECRETARY  
P&D DEPARTMENT**

Endst: No. & Date even.

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Secretaries to Govt: of Khyber Pakhtunkhwa, Establishment, Finance, Agriculture and Irrigation Department.
3. Chief Planning Officer Agriculture, Livestock & Cooperative Department.
4. Director Technical, Planning Cell, Irrigation Department.
5. Chief, PP&I Cell, P&D Department.
6. Assistant Chief (B&A), P&D Department.
7. Accounts Officer, PP&I Cell P&D Department.
8. PS to Additional Chief Secretary, P&D Department.
9. PS to Secretary, P&D Department.
10. PS to Special Secretary, P&D Department.
11. PAs to Additional Secretaries-I&II, P&D Department.
12. PA to Deputy Secretaries-I&II, P&D Department.
13. Officials concerned.

**ATTESTED**

*[Signature]*  
(SONA KHAN) 22/13/2022  
Section Officer (Estt:)

**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Service Appeal No. 163/2022

Khyber Pakhtunkhwa  
Service Tribunal

Entry No. 2478

Date: 23/12/2022

Mr. Muhammad Zubair, Electrician, Administration  
department, Civil Secretariat Peshawar, Khyber  
Pakhtunkhwa

**Appellant****Versus**

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary Administration Civil Secretariat, Peshawar Khyber Pakhtunkhwa.
3. Secretary Establishment Civil Secretariat, Peshawar Khyber Pakhtunkhwa.

**Respondent(s)**

**APPEAL UNDER SECTION 4 OF THE KP  
SERVICE TRIBUNAL ACT, 1974**

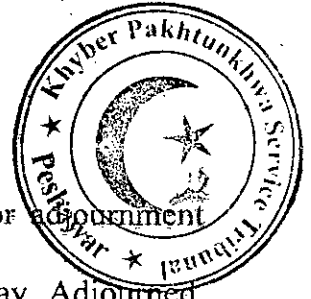
day  
Registrar  
23/12/2022

**Respectfully Sheweth,**

1. That the Constitution of Islamic Republic of Pakistan aims at protecting civil servants in order to ensure smooth running of affairs of the Government, and Institutions so as to benefit the public citizenry.
2. That the Constitution of Islamic Republic of Pakistan equally be-shields civil servants from being treated otherwise than in accordance with law.

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

A.No- 163/2023  
M. Zubair



13.03.2023

Appellant in person present and requested for adjournment

on the ground that his counsel is not available today. Adjourned.

To come up for preliminary hearing on 03.05/2023 before S.B.

P.P given to the appellant.

SCANNED  
KPST  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

03.05.2023

Learned counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 13.06.2023 before S.B. Parcha Peshi given to learned counsel for the appellant.

(Muhammad Akbar Khan)  
Member (E)

Certified to be true copy

\*Kouramullah\*

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 12/6/23  
Number of ~~Pages~~ Page 2  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyist Shahzad  
Date of Completion of 12/6/23  
Date of Delivery of Copy 12/6/23

35  
Appeal No. 163/2023  
M. Zubair vs Govt



16.03.2023

Appellant in person present and requested for adjournment

on the ground that his counsel is not available today. Adjourned.

To come up for preliminary hearing on 03.05.2023 before S.B.

P.P given to the appellant.

SCANNED  
KFST  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

03.05.2023

Learned counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 13.06.2023 before S.B. Parcha Peshi given to learned counsel for the appellant. [

SCANNED  
KFST  
Peshawar

(Muhammad Akbar Khan)  
Member (E)

\*Kamranullah\*

13<sup>th</sup> June, 2023

1. Learned counsel for the appellant present.
2. Learned counsel for the appellant stated that he filed application for amendment in this appeal. The appeal is at preliminary state, therefore, the appellant may file amended appeal within 7 days. To come up for preliminary hearing on 13.07.2023 before S.B. P.P given to the parties.

Certified to be true copy

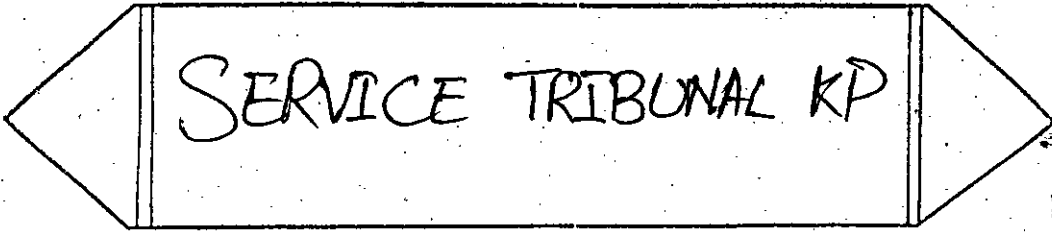
\*Mutazem Shah\*

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(Kalim Arshad Khan)  
Chairman

Adv Asad Ullah  
BC-22-4780  
advasadpk@gmail.com  
0336-1559559

بعدالت



SCANNED  
KPST  
Peshawar

محمد زبیر  
بنام چیف سیکرٹری KP

|            |       |
|------------|-------|
| 12-06-2023 | موزخہ |
| ---        | مقدمہ |
| ---        | دعویٰ |
| ---        | جرم   |

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی مکمل کارروائی متعلقہ درجہ  
 آن مقام ہشاد کیلئے اسد اللہ ادرار مصغان ادر وکم  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کارروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے دہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا ادکالت نامہ لکھد یا کہ سندر ہے۔

*[Handwritten signature]*

المرقوم 12 ماہ 06 2023

واہ العی

بمقام سینا در کے لئے منظور ہے۔

Accepted by  
*[Signature]*

ATTEST